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THE PROCEEDINGS AND DEBATES

OF THE

FIRST SESSION

OF THE

SIXTY-FOURTH CONGRESS

OF

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Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-FOURTH CONGRESS, FIRST SESSION.

SENATE.

FRIDAY, *February 25, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, our heavenly Father, Thou hast made known unto us the way of life. Thou dost not rule from Thy far-off throne but by the spirit of grace and truth in the hearts of men. Thy law is the law of life. Thou dost not command but inspire. Thou dost not limit but lead. Thy rule is the rule of onward progress and success and glory for human life. The letter killeth; the spirit maketh alive. We come to Thee at the beginning of this day to ask for the spirit of truth and life in the hearts of Thy servants. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Monday, February 21, 1916, when, on request of Mr. STONE, and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9416) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior years, and for other purposes.

The message also returned to the Senate, in compliance with its request, the bill (S. 788) permitting the Wolf Point Bridge & Development Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana.

The message further announced that the House had passed a bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2497. An act to authorize the construction of a bridge across the Mississippi River between Anoka and Hennepin Counties, in the State of Minnesota;

S. 4308. An act to purchase a site and erect thereon a suitable building for post office and other governmental offices at Sandusky, Ohio, and for other purposes; and

H. R. 6854. An act permitting the Wolf Point Bridge & Development Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition from Mrs. Inez Rice Keller, of New York City, N. Y., praying for the maintenance of the rights of American citizens on the high seas, which was referred to the Committee on Foreign Relations.

He also presented a telegram in the nature of a memorial from Patrick Henry Winston, president of the American Independence Union, of Los Angeles, Cal., remonstrating against the creation of a diplomatic situation which may result in war with Germany, which was referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a memorial of the Woman's Peace Party of Andover, N. H., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 29, International Brotherhood of Paper Makers, of Berlin, N. H., praying for an eight-hour working day for all manufacturers of paper for the Government, which was referred to the Committee on Printing.

He also presented a petition of Local Council No. 92, Knights of Columbus, of Manchester, N. H., praying for the enactment of legislation to make October 12 a legal holiday, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of Local Union, Granite Cutters' International Association of America, of Redstone, N. H.; of the Federation of Labor, of Cleveland, Ohio; of the International Brotherhood of Maintenance-of-Way Employees, of Detroit, Mich.; and of Iron City Central Trades Council, of Pittsburgh, Pa., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of New Hampshire, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Somerworth, N. H., remonstrating against the enactment of legislation to abridge the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Camp No. 4, National Indian War Veterans, of San Francisco, Cal., praying for the enactment of legislation to grant pensions to veterans of the Indian wars, which was referred to the Committee on Pensions.

He also presented a petition of the chamber of commerce of Washington, D. C., praying for the enactment of legislation to regulate street improvements in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of Captain Alfred E. Hunt Camp, No. 1, Department of Pennsylvania, United Spanish War Veterans, of Philadelphia, Pa., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. KERN (for Mr. SHIVELY) presented petitions of sundry citizens of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also (for Mr. SHIVELY) presented a petition of the Michigan City Tanning Co., of Michigan City, Ind., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

Mr. FLETCHER presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying that better military protection be given the Pacific coast, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Branch, International Longshoremen's Association, of Buffalo, N. Y., praying that liberal appropriations be made for the improvement of the Great Lakes, which was referred to the Committee on Commerce.

Mr. MYERS. I present a petition of the teacher and pupils of the Big Arm School, Mont., in favor of an adequate appropriation for the Flathead reclamation project, in that State. I ask that the petition be printed in the RECORD with the name of the first signer.

There being no objection, the petition was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

To the PRESIDENT AND CONGRESS OF THE UNITED STATES:

We, the undersigned members of the Big Arm School (district No. 65, Flathead County, Mont.), do respectfully petition the President and Congress of the United States that an appropriation of $1,000,000 be granted by this session of Congress for work on the Flathead irrigation project for the ensuing year, and thus commence the redemption of the implied contract with the original settlers.

Respectfully submitted.

M. P. ELDER, *Teacher*
(And many others).

Mr. MYERS. I also present a letter in the nature of a petition from James Harbert, chairman of the irrigation committee of the Polson Chamber of Commerce, asking for an appropriation of $1,000,000 for the Flathead reclamation project in that State. I ask that the letter be printed in the RECORD with the signature of the signer.

There being no objection, the letter was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

POLSON, MONT., *February 19, 1916.*

To the PRESIDENT AND CONGRESS OF THE UNITED STATES,
Washington, D. C.:

I beg to submit for your consideration the following facts advertent to the million-dollar appropriation that we are asking from the present session of Congress for the Flathead irrigation project.

The Joseph Dixon bill passed in March, 1909, providing for the formal opening of this reservation, carried an appropriation of $250,000 to irrigate the allotted lands of the Indians and the unallotted irrigable areas to be disposed of under acts of Congress. At the special invitation of the Government, men and women from almost every State and Territory in the Union came here and entered upon these lands in good faith, expecting the Government to carry out its expressed and implied promises made to them at the time they entered upon these lands. After six years of watchful and prayerful waiting, many of them broken in health and fortune, this project is now about 25 per cent completed, and at the present rate that appropriations are being made it will require 25 years to complete this project.

The treatment accorded to the settlers upon this project has been manifestly unfair and not in accordance with the promises and pledges made them at the time they entered upon these irrigable lands. There is no more meritorious project in the whole Reclamation Service than the Flathead, and it is clearly the duty of the Government to come to the assistance of both the white man and the Indian and irrigate their lands and make it possible for them to provide a living for their families and meet the payments under their contracts. There is absolutely no justification for the dilatory methods that the Government has prosecuted in reference to this project, and the lands will amply stand for all expenditures, providing the work is carried on in a businesslike, expeditious, and economical manner. The irrigable lands of the Indian are just as valueless to him without water as to the white man, and as a result of the Government's failure to carry out its promises to these people at least half of the unit holders have been forced to abandon their lands and their homes stand out upon the prairie to-day as monuments dedicated to the memory of the inefficiency and the inability of a great Government to carry out its pledges to its people.

I maintain that it is criminal that these people should be permitted year after year to watch their crops dry up in the burning sun, while there is water in abundance almost in front of their very doors, flowing unused every hour of the day to the great Pacific Ocean. I am sure that Congress does not realize the great hardships and privations that these people have undergone to maintain their homes. The methods of the Government are resulting in the confiscation of the settlers' rights and their property, and it appears to me that the treatment accorded these people has not been in compliance with the doctrine and principles of our Constitution granting equal rights and justice for all.

I feel that our people have a grievance that is well warranted, and that their contentions are based on some considerable degree of equity and justice. There are no more patriotic people in the world to-day than the men and women who came here to cast their fortunes upon this reservation, and there are no people that would more gladly respond to the call to arms, and more cheerfully shoulder the musket and go to the front and fight in defense of their country than would the people under this project, and we feel that in view of the promises of the Government and the patriotism that invades our people that it is only fair that the Government should make some attempt to ameliorate the intolerable conditions which exist upon this reservation.

Our country is semiarid in character, and while thousands and thousands of acres in the foothills are annually yielding bountiful crops unaided by irrigation, as the rainfall in the mountains is far greater than on the prairie lands, and is aided by subirrigation which is constantly seeping from the mountain sides, however, in order to successfully grow crops on the irrigable portion of the reservation it is necessary to have water, as the rainfall is insufficient to justify the growing of good crops. It appears that some of our Congressmen, while not opposing this reclamation scheme, have bitterly fought our appropriation on the ground that they did not favor the manner of financing this reclamation scheme, claiming that it was not fair to use the Indian's money to irrigate the white man's land, while in some instances they themselves did not have clothes and the proper necessaries of life. As far as the unit holders are concerned it is immaterial to them how this project is financed and from whence the money comes so long as the Government carries out its promises made them and irrigates the land, and while the powers at Washington are discussing the best and most correct method of financing this proposition, our settlers are looking on and starving to death during the interval. It is a good deal like two men standing on the river bank watching some fellow struggling in the water and while they are devising the best means of saving him he drowns, and to-day while the Government is trying to devise the best means of financing this project our people are being starved out and forced to abandon their homes.

Now, Mr. President and Congress, we believe it is your duty to come to the assistance of these people and grant them this large appropriation that they are asking, and make the money available at the earliest possible moment. This project has been properly authorized by law, and the sooner it is finished the sooner the Government and the Indian will be reimbursed for the moneys expended. It appears to me that the reasons for asking for this appropriation are quite obvious, and in view of the foregoing facts I would most respectfully urge and recommend of the President and Congress that an appropriation of not less than $1,000,000 be granted for this project at the present session of Congress, that the work may be expedited and carried forth in a businesslike manner.

Respectfully sumbitted.

JAMES HARBERT,
Chairman Irrigation Committee, Polson Chamber of Commerce.

Mr. ROBINSON presented petitions of sundry citizens of Arkansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of White County and Drew County, in the State of Arkansas, praying for the enactment of legislation to grant pensions to Confederate veterans and widows of Confederate soldiers, which were referred to the Committee on Pensions.

Mr. SHEPPARD presented petitions of sundry citizens of Texas, praying for the adoption of certain changes in the so-called cotton futures act, which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Texas, remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Austin, Tex., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Smithville, Tex., praying for the printing of the report of the Commission on Industrial Relations, which was referred to the Committee on Printing.

He also presented petitions of sundry citizens of Washington, D. C., praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. ASHURST. I present a short resolution of the Arizona Farm Improvement Association, regarding congressional free-seed distribution. I ask that it may be printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Resolution of Arizona Farm Improvement Association.

CONGRESSIONAL FREE-SEED DISTRIBUTION.

Be it resolved, That the Arizona Farm Improvement Association does not favor the congressional free distribution of seeds as now carried on, inasmuch as the seeds are usually of poor quality and distributed in a wasteful and unscientific manner; and be it further

Resolved, That the Senators and Representatives of Arizona in the Congress of the United States be asked to use their influence to have the appropriation hitherto made for this purpose designated for other and more useful purposes, as follows: That the sum of $250,000 be divided among the various State agricultural extension divisions to be used for the employment of marketing specialists and otherwise for the solving of the farmers' marketing problems.

Resolved, That copies of this resolution be published in the Arizona Farm Improvement News and elsewhere, and that copies be sent to our Senators and Representatives in Congress and the Secretary of Agriculture.

J. C. NORTON, *President,*
Arizona Farm Improvement Association.
STANLEY F. MORSE, *Secretary,*
Arizona Farm Improvement Association.

JANUARY 11, 1916.

Mr. WARREN presented petitions of sundry citizens of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Wyoming, remonstrating against prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Wyoming, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. HARDING presented petitions of sundry citizens of Ohio, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Ohio, remonstrating against prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Lorain, Ohio, remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Arcanum, Ohio, praying for the nonmotorization of rural routes, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Ohio, praying for the placing of an embargo on munitions of war, which were referred to the Committee on Foreign Relations.

Mr. STERLING presented a petition of sundry citizens of Mitchell, S. Dak., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of South Dakota, praying for the enactment of legislation to fix a standard price for patented and trade-marked articles, which were referred to the Committee on Education and Labor.

Mr. CATRON presented petitions of sundry citizens of New Mexico, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. NORRIS. I present memorials signed by nearly 1,000 citizens of Nebraska, remonstrating against an increase in armaments. I ask that the memorials be received and referred to the Committee on Military Affairs.

The VICE PRESIDENT. The memorials will be referred to the Committee on Military Affairs.

Mr. SMITH of Georgia. I desire to present a letter from Col. Barnett, of Indianapolis, Ind., commending the suggestion that vocational education be introduced among the troops in the Regular Army, together with resolutions passed upon the same subject by the Indianapolis Chamber of Commerce. I do not

ask that they be read, but I do ask that they be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the letter and resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

INDIANAPOLIS, IND., *February 22, 1916.*

Hon. HOKE SMITH, United States Senator,
Washington, D. C.

DEAR SIR: As chairman of the military committee of our chamber of commerce and a retired officer of the United States Army, I take this opportunity to write to you in regard to your military educational Regular Army bill which you introduced. The principal is just what I have advocated for some time in connection with the Regular Army. The part that I favor more strongly than any other part is the vocational educational feature. That feature will eventually be connected with our Regular Army, for it is right, and the Army has plenty of time for it and to perform all the military duties that it does perform at this time or ever has since I have known the Army. It will get a better grade of recruits and build up reserves.

On the 14th of last October we passed a resolution embracing the vocational idea through our chamber of commerce, a copy of which I inclose herewith. Our people would not object to a Regular Army of 250,000 men or more if this educational feature was connected with it, as it would be a school proposition and would stop deserting and give the men an incentive to do something and be somebody.

Very respectfully, your obedient servant,

JOHN T. BARNETT,
50 North Delaware Street.

The following recommendations are made by the military affairs committee, with the approval of the board of directors of the Indianapolis Chamber of Commerce:

Your military committee respectfully makes the following suggestions as worthy to be considered in connection with plans for national defense:

We believe that while there should be a reasonable increase in the Regular Army, provision should also be made for the acquisition, as rapidly as possible, for an adequate reserve force of trained and disciplined men, who can be called to the colors in time of war. As a means for the acquisition of such a reserve force we suggest the following:

1. Furnish each of the principal Army posts of the country with a complete equipment of shops and machinery such as are used in the various manual training, vocational, and technical schools of the country, together with a corps of competent instructors.

2. Provide that while a soldier shall receive all necessary training and instruction in the duties and discipline of a soldier to receiving instruction in some trade or vocation, by means of which he may earn a livelihood when he shall have left active service.

3. Extend the term of enlistment to at least six years, but provide that each soldier may, at any time after one year from the date of his enlistment, be released from active service and transferred to the reserve force, on his own application, on showing that he has not only become proficient in the duties of a soldier and that his record as such is good, but that he has also acquired sufficient knowledge of some particular trade or vocation to enable him to support himself by its pursuits, he being liable, however, to be called to the colors at any time during his term of enlistment in case of war.

4. We also renew our recommendations heretofore made for an increase in the capacity of West Point and the establishment of additional military schools, and again call attention to the need of a very large increase in the number of commissioned officers, and recommend that steps should be immediately taken to secure a sufficient number of trained and educated men for such positions, so that each department of the service and each unit of the Army shall at all times have its full complement of officers, with a sufficient excess to permit the detail of all officers necessary for the instruction of a National Guard and for military instruction at the several educational institutions of the country.

Supplementing the foregoing, your committee urges that immediate steps be taken to secure the active support of all Indiana Congressmen for the pending War Department measures, as amended by the Association of Military Schools and Colleges, entitled "An act to establish United States reserve corps officers' training schools."

5. Your committee also recommends, through the same channel, that steps be taken to require all land-grant colleges now receiving annual appropriations from the Government, to organize departments for instruction in military science and discipline where no such departments have heretofore been organized, and that all such colleges shall be required to conform to such uniform instruction and such standards as may be prescribed by the Secretary of War

We respectfully recommend that a copy of the foregoing be furnished to each of our Senators and to each of our Representatives in Congress, and that they be urged to use their utmost endeavors to secure the substantial incorporation of said ideas into any law that may be enacted to provide for national defense.

Mr. PHELAN presented a petition of the Manasseblock Tanning Co., of West Berkeley, Cal., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Richmond, Cal., praying for the enactment of legislation to provide a fixed price for patented and trade-marked articles, which was referred to the Committee on Education and Labor.

He also presented a petition of Panama Pacific Lodge, No. 5, American Association of Iron, Steel, and Tin Workers, of South San Francisco, Cal., praying for the printing of the report of the Committee on Industrial Relations, which was referred to the Committee on Printing.

He also presented a petition of the Shasta County Promotion and Development Association, of Redding, Cal., praying for an appropriation for the completion of the proposed Lower Pit River project, California, which was referred to the Committee on Public Lands.

Mr. BRANDEGEE presented petitions of sundry citizens of East Norwalk, Conn., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Stamford, Conn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. SHERMAN presented petitions of sundry citizens of Illinois, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Minonk, Ill., remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Harvel and Canton, in the State of Illinois, praying for an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented a petition of Local Branch, Knights of Columbus, of Murphysboro, Ill., praying for the enactment of legislation to make October 12 a legal holiday, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of St. Paul's Episcopal Church, of Alton, Ill., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

Mr. GRONNA presented petitions of sundry citizens of North Dakota; Boston, Mass.; Shreveport, La.; Pittsburgh, Pa.; Detroit, Mich.; and New York City, N. Y., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Devils Lake, N. Dak., praying that the Government offer mediation to the belligerents in Europe, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Bismarck, N. Dak., remonstrating against the enactment of the so-called proposed cold-storage legislation, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Devils Lake, N. Dak., praying for the adoption of certain changes in the postal laws, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions from 226 citizens of Porto Rico, representing churches, colleges, etc., praying for prohibition in the island of Porto Rico, which were referred to the Committee on Pacific Islands and Porto Rico.

Mr. SIMMONS presented petitions of sundry citizens of North Carolina, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. CUMMINS presented memorials of sundry citizens of Iowa, remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

Mr. WORKS presented a memorial of sundry citizens of Reedley, Cal., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Long Beach, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

Mr. KENYON presented memorials of sundry citizens of Iowa, remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented a memorial of the Saengerbund of Dubuque, Iowa, remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Commercial Club of East Des Moines, Iowa, praying for Federal compensation for the militia, which was referred to the Committee on Military Affairs.

He also presented a petition of the Commercial Association of Shenandoah, Iowa, praying for an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. OVERMAN presented a petition of sundry citizens of Buncombe County, N. C., praying for the enactment of legislation to found the Government of the United States on Christianity, which was referred to the Committee on the Judiciary.

Mr. DU PONT presented petitions of sundry citizens of Delaware, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Wilmington, Dover, Milford, Clayton, Felton, and Cheswold, all in the State of Delaware, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. CHAMBERLAIN presented petitions of sundry citizens of Oregon, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. DILLINGHAM presented a petition of sundry citizens of Springfield, Vt., praying for the enactment of legislation to lower the price of gasoline, which was referred to the Committee on Agriculture and Forestry.

Mr. CLAPP presented memorials of sundry citizens of Minnesota, remonstrating against a tax on gasoline, which were referred to the Committee on Finance.

He also presented a petition of the Association of Collegiate Alumnæ, of Duluth, Minn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Minnesota, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce of Brainerd, Minn., praying for the enactment of legislation to relieve the congested condition of ocean freight, which was referred to the Committee on Commerce.

Mr. LODGE presented a petition of sundry citizens of Boston and Lynn, in the State of Massachusetts, praying for the enactment of legislation to found the Government of the United States on Christianity, which was referred to the Committee on the Judiciary.

Mr. LEE of Maryland presented a petition of sundry citizens of Howard County, Md., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented petitions of sundry citizens of Michigan, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Calumet, Mich., remonstrating against the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Ann Arbor and Grand Rapids, in the State of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Detroit, Mich., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Business Men's Association of Mount Clemens, Mich., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Farmers' Institute Association of Newton Township, Mich., remonstrating against a further extension of rural routes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Board of Commerce of Pontiac, Mich., praying that appropriations be made for the improvement of the inland waterways for the use of naval vessels, which was referred to the Committee on Commerce.

He also presented a petition of the Board of Commerce of Pontiac, Mich., praying for the adoption of certain amendments to the so-called seamen's act, which was referred to the Committee on Commerce.

He also presented a petition of the West Chemical & Paint Co., of Springport, Mich., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Detroit and Port Huron, in the State of Michigan, praying for the enactment of legislation to provide an indefinite leave of absence to superannuated employees in the Postal Service, which were referred to the Committee on Post Offices and Post Roads.

Mr. WEEKS presented petitions of sundry citizens of Taunton and Rockland, in the State of Massachusetts, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Rockport, Mass., praying for the restoration of the duty on paving blocks to 50 per cent, which was referred to the Committee on Finance.

He also presented a petition of the General Society of the Sons of the Revolution, praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of Joseph P. Sanger Camp, No. 15, United Spanish War Veterans, of Lynn, Mass., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Holyoke, Mass., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Newton Center, Mass., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the New England Dry Goods Association, of Boston, Mass., praying for the creation of a tariff commission, which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Worcester, Mass., praying for a readjustment of the compensation allowed railroads for transporting the mail, which was referred to the Committee on Post Offices and Post Roads.

Mr. POINDEXTER presented a petition of sundry citizens of Colville, Wash., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of Lake Grange, No. 3, Patrons of Husbandry, of Seattle, Wash., remonstrating against the creation of a system of rural credits, which was ordered to lie on the table.

He also presented a petition of the Evangelical Lutheran ministers of the Washington State Conference, praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

DAMS ACROSS SAVANNAH RIVER.

Mr. CLARKE of Arkansas. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 157) to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908, as amended by act approved June 3, 1912. I call the attention of the junior Senator from Georgia [Mr. HARDWICK] to the bill.

Mr. HARDWICK. This is a local bill, and it will take but a moment. I ask unanimous consent for its present consideration.

Mr. STONE. The understanding and order—for it was the order of the Senate—adopted yesterday, I will read:

That when the Senate closes to-day's session it adjourn until noon to-morrow, and that no business whatever shall be transacted except ordinary routine morning business, and that at the close of that business the Senate will resume the consideration of the unfinished business.

Mr. SMITH of Georgia. Ordinary routine business, by unanimous consent, when a report of a committee is made on a local measure of this sort, we can dispose of. This is a measure that can not be passed later than the 29th of this month.

Mr. HARDWICK. I hope the Senator from Missouri will not insist on an objection.

Mr. STONE. If it will not lead to any discussion——

Mr. SMITH of Georgia. Not a word.

Mr. HARDWICK. Not a word, I assure the Senator.

Mr. STONE. I have no objection.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to give the consent of Congress for the extension of the time allowed to the Twin City Power Co. to construct dams across the Savannah River, authorized by an act of February 29, 1908, as amended by act approved June 3, 1912, until three years from the date fixed in the amending act for its completion, to wit, February 28, 1919.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE TUDOR CO.

Mr. ROBINSON. From the Committee on Claims, I report back adversely the bill (S. 4290) for the relief of the Tudor Co., and I submit an adverse report (No. 180) thereon. I ask unanimous consent for its present consideration, and also that the report and accompanying letter from the Auditor for the State and Other Departments be printed in the RECORD.

There being no objection, the report and accompanying letter were ordered to be printed in the RECORD, as follows:

Mr. ROBINSON, from the Committee on Claims, submitted the following adverse report, to accompany S. 4290:

The Committee on Claims, to whom was referred the bill (S. 4290) for the relief of the Tudor Co., having had the same under consideration, report said bill adversely and recommend that the same be indefinitely postponed.

The attention of the committee has been called to the fact that, although this claim was payable upon presentation to the Treasury Department, its presentation to Congress and its reference thereby to the Court of Claims, under the Tucker Act, findings therein having been certified to Congress, render it necessary to move that an adverse report on the claim be made by the committee to the Senate before the department will feel justified in certifying the claim for payment. Because of the above reasons, your committee recommends that the bill be adversely reported and indefinitely postponed.

TREASURY DEPARTMENT,
Washington, February 2, 1916.

JOHN RAUM, Esq.,
Stewart Building Sixth and D Streets, Washington, D. C.

SIR: Replying to yours of the 21st ultimo, addressed to the Secretary of the Treasury, presenting claim of the Tudor Ice Co. for payment of the 1.529334 + per cent installment upon a judgment of the second class rendered in their favor by the Court of Commissioners of Alabama Claims against the Geneva award, and due under the provisions of the decision of the Supreme Court in One hundred and twenty-seventh United States, page 51, I have to say that although this claim was payable upon presentation to the Treasury Department, its presentation to Congress and its reference thereby to the Court of Claims, under the Tucker Act, and findings therein having been certified to Congress, render it necessary to move for an adverse report on the claim by the Committee on Claims of the Senate and the dismissal of the claim by the Senate before the department will feel justified in certifying the claim for payment.

The adverse report may state that it is based upon the fact that as soon as the claim is withdrawn from Congress the Treasury will at once certify it for payment in the sum of $1,553.13 out of a fund on hand for that purpose, this office having reported to the Court of Claims that the Tudor Ice Co is entitled to be paid that sum.

Respectfully,

E. D. HEARNE, *Auditor.*

The VICE PRESIDENT. The question is on the indefinite postponement of the bill.

The bill was postponed indefinitely.

IMPORTED MEXICAN PEAS.

Mr. SIMMONS. From the Committee on Finance I report favorably with an amendment the bill (S. 3536) to provide for the storing and cleansing of imported Mexican peas, commonly called "garbanzos," and I submit a report (No. 173) thereon. I call the attention of the Senator from Arizona [Mr. ASHURST] to the report.

Mr. ASHURST. The bill just reported by the Senator from North Carolina [Mr. SIMMONS], the chairman of the Committee on Finance, is a very short bill, and I ask for its present consideration. First I ask that the bill be read.

The VICE PRESIDENT. Is there any objection?

Mr. SUTHERLAND. Let the bill be read first.

The SECRETARY. The committee reports in favor of striking out all after the enacting clause and inserting:

That under such regulations and conditions as may be prescribed by the Secretary of the Treasury, bonded warehouses may be established in which imported garbanzos, wheat, barley, and other grains and seeds may be stored, cleaned, repacked or otherwise changed in condition, but not manufactured, and withdrawn for exportation without the payment of duty thereon: *Provided*, That the whole or any part of such imported garbanzos, wheat barley, or other grains and seeds, and the waste material and by-products incident to cleaning or otherwise treating said imported grains and seeds, may be withdrawn for domestic consumption upon the payment of the quantity so withdrawn of the duty imposed by law on such garbanzos, wheat, barley, and other grains and seeds in their condition as imported: *And provided further*, That the compensation of customs officers and storekeepers for all services in the supervision of such warehouses shall be paid from moneys advanced by the warehouse proprietor to the collector of customs and be carried in a special account and disbursed for such purposes, and all expenses incurred shall be paid by the warehouse proprietor.

Mr. BORAH. Mr. President, is the bill up for consideration?

The VICE PRESIDENT. The Chair was about to inquire whether there is any objection to the present consideration of it.

Mr. BORAH. I, perhaps, would not have any objection to its consideration if I could have a word of explanation from the Senator, but it is a long bill and seems to be of some importance.

Mr. STONE. Mr. President——

Mr. ASHURST. If it is to lead to any discussion I am perfectly willing to withdraw the request.

Mr. BORAH. I do not say that it will. I can not tell from the reading of the bill.

Mr. ASHURST. I can explain it in about a sentence or two. The bill I originally introduced provided that garbanzos, which are very edible peas grown on the western coast of Mexico, may be shipped into Arizona for cleansing for reshipment——

Mr. LODGE. Mr. President, I rise to a question of order. I see printed on the calendar the unanimous-consent agreement of yesterday:

Ordered, That on Friday, February 25, 1916, during the morning hour, no business whatever shall be transacted, except the ordinary routine morning business, and that at the close of that business the Senate will resume the consideration of Senate bill 3331, the unfinished business.

Mr. ASHURST. The Senator from Massachusetts is correct, and I withdraw the request for the immediate consideration of the bill.

The VICE PRESIDENT. The bill goes to the calendar.

REPORTS OF COMMITTEES.

Mr. ROBINSON, from the Committee on Claims, to which was referred the bill (S. 4268) to satisfy certain claims against the Government arising under the Navy Department, reported it without amendment and submitted a report (No. 181) thereon.

Mr. MYERS, from the Committee on Public Lands, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 1068. A bill relating to desert-land entries (Rept. No. 178); and

S. 1086. A bill authorizing Ponca City, Okla., and the board of education of said city to convey certain lands (Rept. No. 179).

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 1064. A bill to provide for the nonmineral entry of lands withdrawn, classified, or reported as containing coal, phosphate, nitrate, potash, oil, gas, or asphaltic minerals in Alaska (Rept. No. 175);

S. 1067. A bill to authorize the Secretary of the Treasury to convey to the city of Bozeman, Mont., certain land for alley purposes (Rept. No. 174);

S. 3685. A bill granting certain lands to the State of Alabama for use of the insane hospital for the colored (Rept. No. 177); and

S. 3764. A bill to consolidate certain forest lands in the Florida National Forest (Rept. No. 176).

Mr. BECKHAM, from the Committee on Claims, to which was referred the bill (H. R. 4530) for the relief of Michael F. O'Hare, reported it without amendment and submitted a report (No. 182) thereon.

Mr. GALLINGER, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 63) authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial to Alfred Noble, reported it with amendments and submitted a report (No. 184) thereon.

Mr. NELSON, from the Committee on Commerce, to which was referred the bill (S. 3283) to give a legal status to a dam constructed in the Red River of the North at Fargo, N. Dak., reported it without amendment and submitted a report (No. 185) thereon.

Mr. JONES, from the Committee on Commerce, to which was referred the joint resolution (S. J. Res. 52) to convey the thanks of Congress to Capt. Thomas Moore, master of the Alaska Steamship Co.'s steamer *Cordova*, and to the officers and crew, and also to the officers and crew of the United States Coast and Geodetic Survey steamer *Patterson*, for the prompt and heroic services rendered by them in rescuing the survivors of the United States revenue cutter *Tahoma*, reported it with an amendment and submitted a report (No. 186) thereon.

Mr. GRONNA, from the Committee on Claims, to which was referred the bill (S. 3934) to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber, reported it with an amendment and submitted a report (No. 187) thereon.

Mr. WALSH, from the Committee on Indian Affairs, to which was referred the bill (S. 797) for the relief of John E. Woods, reported it without amendment and submitted a report (No. 190) thereon.

Mr. SMITH of Maryland, from the Committee on the District of Columbia, to which was referred the bill (H. R. 9803) to emancipate from certain disabilities children who have judgments of conviction for crime of record against them in the juvenile court of the District of Columbia, reported it without amendment and submitted a report (No. 188) thereon.

Mr. SMITH of Maryland. I ask that Order of Business No. 118, being the bill (S. 3023) to emancipate from certain disabilities children who have judgments of conviction for crime of record against them in the juvenile court of the District of Columbia, be taken from the calendar and postponed indefinitely.

The VICE PRESIDENT. The bill will be postponed indefinitely.

Mr. LANE, from the Committee on Indian Affairs, to which was referred the bill (S. 4451) to prohibit the sale of intoxicating liquor to Indians; to provide penalties therefor; to amend chapter 109 of volume 29, United States Statutes at Large, the same being an act of Congress approved January 30, 1897, asked to be discharged from its further consideration and that it be referred to the Committee on the Judiciary, which was agreed to.

Mr. STERLING, from the Committee on Public Lands, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 3203. A bill granting to the city of Lemmon, S. Dak., certain lands for reservoir purposes (Rept. No. 167); and

S. 3263. A bill to amend an act entitled "An act to provide for an enlarged homestead (Rept. No. 168).

Mr. LEE of Maryland, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 540. A bill for the relief of Fred B. Balano (Rept. No. 169);

S. 1372. A bill for the relief of the heir or heirs of John Howard Payne (Rept. No. 170);

S. 1425. A bill for the relief of D. M. Carman, representing the estate of Luis R. Yangco, deceased (Rept. No. 171); and

S. 3388. A bill for the relief of the estate of John Stewart, deceased (Report No. 172).

Mr. JOHNSON of Maine (for Mr. SHIVELY), from the Committee on Pensions, submitted a report (No. 189), accompanied by a bill (S. 4654) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following pension bills heretofore referred to that committee:

S. 83. Joseph Wessler.
S. 89. Charles A. Myers.
S. 90. William Peters.
S. 91. Floyd E. Driskel.
S. 97. George Beals.
S. 99. Omar E. Brown.
S. 114. Anson Meyers.
S. 115. Joseph D. Sovern.
S. 573. Virginia Watson.
S. 629. James Conway.
S. 653. Henry Dussault.
S. 862. James C. Larimer.
S. 959. Lizzie Breen.
S. 1122. George Milholland.
S. 1124. Cyreneus Rodgers.
S. 1346. James M. Freeman.
S. 1506. John A. Smith.
S. 1510. Caleb St. Clair.
S. 1651. Carrier Thompson.
S. 1703. James G. Royse.
S. 1775. Dennie Dixon.
S. 1804. Julia P. Denny.
S. 1827. Louisa M. Fletcher.
S. 1895. William Bradley.
S. 2074. Samuel A. Greenlee.
S. 2238. Caroline Heywood.
S. 2265. John A. Avirett.
S. 2284. Andrew Houlihan.
S. 2399. Edward J. Gainan.
S. 2476. John P. Todd.
S. 2534. Sarah Warnack.
S. 2546. Frank McCabe.
S. 2596. Grant E. Getchell.
S. 2601. Clifford T. Cheek.
S. 2660. Edward J. Cuzzort.
S. 2721. Louise M. Swift.
S. 2726. Joseph C. Chilton.
S. 2728. Elizabeth J. Burt.
S. 2780. Edward Lenfesty.
S. 2834. Edward D. Smith.
S. 2951. Williamson S. Wright.
S. 2960. Paul F. Busch.
S. 3112. Emer A. Robbins.
S. 3150. Michael H. Spaulding.
S. 3176. Benjamin Kelsey.
S. 3229. Joseph A. Nolan.
S. 3237. Fred Lamke.
S. 3288. Robert F. Seawell.
S. 3317. Curt Seay.
S. 3323. John T. Krenek.
S. 3324. Sophronia Neel.
S. 3623. Samuel C. Cochran.
S. 3624. James A. Saurbaugh.
S. 3638. Frank L. Simpson.
S. 3643. Viola C. McConville.
S. 3655. Bertha Z. Smith.
S. 3671. Elizabeth W. C. Allen.
S. 3903. Elie Jones Quinby.
S. 4238. Joseph H. Cote.
S. 4469. Maria L. Dougherty.
S. 4546. Eliza J. Salmon.

Mr. FLETCHER, from the Committee on Printing, to which was referred the bill (S. 1107) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications, reported it with amendments and submitted a report (No. 183) thereon.

CLAYTON ANTITRUST LAW.

Mr. FLETCHER. From the Committee on Printing I report back favorably a resolution to print the Index Digest of the Clayton antitrust law. This request was for the printing of 1,000 extra copies of the digest, which the committee did not favor. I ask that the resolution be read.

The resolution (S. Res. 109) was read, as follows:

Resolved, That the manuscript submitted by the Senator from Oklahoma [Mr. OWEN] on February 12, 1916, entitled "Index Digest of the Clayton Antitrust Act," be printed as a Senate document.

The VICE PRESIDENT. The resolution will go to the calendar.

THE NATIONAL BANK ACT.

Mr. FLETCHER. From the Committee on Printing I report the following resolution, which I ask to have read:

The resolution (S. Res. 110) was read, as follows:

Resolved, That the pamphlet submitted by the Senator from Oklahoma [Mr. OWEN] on December 13, 1915, entitled "The National Bank Act as Amended, The Federal Reserve Act, and Other Laws Relating to National Banks," be printed as a Senate document, and that 1,000 additional copies be printed for the use of the Senate document room.

The VICE PRESIDENT. The resolution will go to the calendar.

MISSISSIPPI RIVER BRIDGES.

Mr. SHEPPARD. From the Committee on Commerce I report back two bridge bills and ask that they be put on their passage. First, I report back favorably without amendment the bill (H. R. 10238) granting the consent of Congress to Interstate Bridge Co. to construct a bridge across the Mississippi River, and I submit a report (No. 191) thereon.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. GALLINGER. I object.

The VICE PRESIDENT. The bill will go on the calendar.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 3722) to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La., and I submit a report (No. 192) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ASHURST:

A bill (S. 4655) authorizing and directing the Secretary of the Interior to determine the most suitable method of preventing further erosion and overflow on Gila River, Ariz.; to the Committee on Indian Affairs.

By Mr. HUSTING:

A bill (S. 4656) relating to the sale or grant of public lands by the United States and reserving certain rights therein; to the Committee on Public Lands.

By Mr. SHIELDS:

A bill (S. 4657) to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild and reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee; to the Committee on Commerce.

A bill (S. 4658) granting a pension to G. F. Hudson (with accompanying papers); and

A bill (S. 4659) granting an increase of pension to Thomas Pemberton; to the Committee on Pensions.

By Mr. HOLLIS:

A bill (S. 4660) to increase the efficiency of the medical service at the Washington Asylum and Jail in the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

By Mr. SMITH of Maryland:

A bill (S. 4661) to amend the act entitled "An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia," approved February 4, 1913; to the Committee on the District of Columbia.

By Mr. FLETCHER:

A bill (S. 4662) to amend an act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; to the Committee on the Judiciary.

By Mr. MYERS:
A bill (S. 4663) for the survey and allotment of lands now embraced within the limits of the Fort Belknap Indian Reservation, in the State of Montana, and the sale and disposal of all the surplus lands after allotment; to the Committee on Indian Affairs.
A bill (S. 4664) providing for additional homestead entries in certain cases; and
A bill (S. 4665) providing for enlarged homesteads in forest reserves and for additional homesteads; to the Committee on Public Lands.
A bill (S. 4666) providing for the enlargement of the Federal building at Missoula, Mont.; to the Committee on Public Buildings and Grounds.
A bill (S. 4667) for the relief of James Duffy; to the Committee on Military Affairs.
By Mr. SHEPPARD:
A bill (S. 4668) for the relief of the estate of Ransom Cunningham, deceased (with accompanying papers); to the Committee on Claims.
By Mr. HARDWICK:
A bill (S. 4669) for the relief of the estate of Anton Borchert, deceased; to the Committee on Claims.
By Mr. TOWNSEND (by request):
A bill (S. 4670) for the relief of C. L. de Muralt; to the Committee on Claims.
By Mr. WORKS:
A bill (S. 4671) to exempt from cancellation certain desert-land entries in Riverside County, Cal.; to the Committee on Public Lands.
A bill (S. 4672) granting a pension to Susan C. Tate (with accompanying papers); to the Committee on Pensions.
By Mr. SUTHERLAND:
A bill (S. 4673) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes; to the Committee on the Judiciary.
A bill (S. 4674) authorizing issuance of patent for certain lands to Lewis F. Koch; to the Committee on Public Lands.
By Mr. CATRON:
A bill (S. 4675) granting a pension to Antonio Armenta (with accompanying papers); to the Committee on Pensions.
By Mr. BRANDEGEE:
A bill (S. 4676) for the relief of Annie A. Preston; to the Committee on Claims.
By Mr. KENYON:
A bill (S. 4677) to provide for the exchange of the present Federal building site in Maquoketa, Iowa; to the Committee on Public Buildings and Grounds.
By Mr. POINDEXTER:
A bill (S. 4678) granting an increase of pension to John E. Madison (with accompanying papers); to the Committee on Pensions.
By Mr. KENYON:
A bill (S. 4679) granting an increase of pension to John A. Wise (with accompanying papers); to the Committee on Pensions.
By Mr. OVERMAN:
A bill (S. 4680) granting an increase of pension to Lida M. Gosnell; and
A bill (S. 4681) granting a pension to Benjamin Hill Meadows; to the Committee on Pensions.
By Mr. LODGE:
A bill (S. 4682) to purchase an oil painting entitled "Our Glory—the Battleship Oregon"; to the Committee on the Library.
By Mr. CLAPP:
A bill (S. 4683) giving jurisdiction to the Court of Claims in the matter of the Chippewa Indians in the State of Minnesota with reference to Fond du Lac lands; to the Committee on Indian Affairs.
A bill (S. 4684) granting an increase of pension to John J. Buckley; to the Committee on Pensions.
By Mr. JONES:
A bill (S. 4685) granting an increase of pension to John Elliott (with accompanying papers);
A bill (S. 4686) granting an increase of pension to Horatio N. Merritt (with accompanying papers);
A bill (S. 4687) granting an increase of pension to Delano Myers (with accompanying papers); and
A bill (S. 4688) granting an increase of pension to Jonas H. Evans (with accompanying papers); to the Committee on Pensions.
By Mr. DU PONT:
A bill (S. 4689) granting an increase of pension to James Welsh; to the Committee on Pensions.
By Mr. BORAH:
A bill (S. 4690) granting an increase of pension to David Ham (with accompanying papers); to the Committee on Pensions.
By Mr. DILLINGHAM:
A bill (S. 4691) granting an increase of pension to Charles H. Dorman (with accompanying papers); to the Committee on Pensions.
By Mr. O'GORMAN:
A bill (S. 4692) granting an increase of pension to Catherine E. Stamp; to the Committee on Pensions.
By Mr. PHELAN:
A bill (S. 4693) granting an increase of pension to Nathan W. Fitz-Gerald (with accompanying papers); and
A bill (S. 4694) granting a pension to Arthur Kavanagh (with accompanying papers); to the Committee on Pensions.
By Mr. TOWNSEND:
A bill (S. 4695) authorizing the Secretary of War to make certain donations of cannon and cannon balls; to the Committee on Military Affairs.
A bill (S. 4696) granting an increase of pension to William C. Pope (with accompanying papers); and
A bill (S. 4697) granting an increase of pension to Catharine M. Dunham (with accompanying papers); to the Committee on Pensions.
By Mr. POINDEXTER:
A bill (S. 4698) authorizing the Secretary of War to make donation of condemned cannon and cannon balls to the Grand Army of the Republic, Pomeroy, Wash., to be placed on the courthouse lawn; to the Committee on Military Affairs.
By Mr. LANE:
A bill (S. 4699) granting a pension to Bridget E. Williams; to the Committee on Pensions.
By Mr. KERN (for Mr. SHIVELY):
A bill (S. 4700) for the relief of William H. Richhart; to the Committee on Military Affairs.
A bill (S. 4701) granting a pension to David Simpkins;
A bill (S. 4702) granting an increase of pension to William A. Rusie;
A bill (S. 4703) granting a pension to Sarah C. Kinsley;
A bill (S. 4704) granting an increase of pension to Luther D. Whitten;
A bill (S. 4705) granting a pension to Florence Vanscoyk;
A bill (S. 4706) granting a pension to William Smith;
A bill (S. 4707) granting an increase of pension to Wilson McConnell;
A bill (S. 4708) granting an increase of pension to Jardin Brison;
A bill (S. 4709) granting an increase of pension to David Small; and
A bill (S. 4710) granting an increase of pension to Ephraim J. Smith; to the Committee on Pensions.
By Mr. POMERENE:
A bill (S. 4711) to increase the efficiency of the United States Military and the United States Naval Academies and to increase the number of graduates therefrom by the immediate establishment of a one-year united service school in the Middle West.
Mr. POMERENE. The bill relates to the Military Academy and to the Naval Academy. I judge it would be appropriate that it be referred to the Committee on Military Affairs.
The VICE PRESIDENT. The bill will be referred to the Committee on Military Affairs.
By Mr. JAMES:
A bill (S. 4712) for the relief of W. G. Anderson (with accompanying papers); to the Committee on Claims.
A bill (S. 4713) granting an increase of pension to Harriette H. Kelly (with accompanying papers); and
A bill (S. 4714) granting an increase of pension to Leona B. Haucke (with accompanying papers); to the Committee on Pensions.
By Mr. OVERMAN:
A bill (S. 4715) granting an increase of pension to Stephen Rice; to the Committee on Pensions.
By Mr. SHEPPARD:
A joint resolution (S. J. Res. 105) for control and distribution of the flood waters of the Rio Grande; to the Committee on Irrigation and Reclamation of Arid Lands.
A joint resolution (S. J. Res. 106) to authorize and direct the Secretary of War to cause to be made examinations and surveys of the navigable rivers of Texas and streams tributary thereto and report plans to prevent floods from and conserve and promote navigation on the same; to the Committee on Commerce.

A joint resolution (S. J. Res. 107) authorizing and directing the Director of the Census to collect and publish statistics of marriage and divorce; to the Committee on the Census.

By Mr. MARTIN of Virginia:

A joint resolution (S. J. Res. 108) directing the Commissioners of the District of Columbia to withdraw their petition in the Supreme Court of the District of Columbia concerning the widening of Cathedral Avenue and Woodley Road (with accompanying papers); to the Committee on the District of Columbia.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WARREN submitted an amendment proposing to appropriate $20,000 for the purchase of a site at Cheyenne, Wyo., and the erection thereon of a building for use as a weather observatory, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. CATRON submitted an amendment proposing to appropriate $68,950 for the support and education of 400 Indian pupils at the Indian school at Santa Fe, N. Mex., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. MYERS submitted an amendment proposing to appropriate $590 to erect at Fort Benton, Mont., a monument to the memory of John Mullan, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $2,500 to improve the last 8 miles of the road between Billings, Mont., and East Rosebud Lake, Garden County, Mont., and lying within the Beartooth Forest Reserve, intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment proposing to appropriate $75,000 to improve the road between Gardiner, Mont., and Livingston, Mont., being the main-traveled road to the Yellowstone National Park, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $26,000 for the purchase of a tract of land known as the Macauley Ranch, adjoining the United States Army post at Fort Missoula, Mont., for the use and benefit of that post as a target range, etc., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

TRAVEL ON ARMED MERCHANT SHIPS.

Mr. GORE. Mr. President, I offer the concurrent resolution which I send to the desk, and ask that it be read and go over one day under the rule.

The VICE PRESIDENT. The concurrent resolution will be read.

The concurrent resolution (S. Con. Res. 14) was read, as follows:

Whereas a number of leading powers of the world are now engaged in a war of unexampled proportions; and
Whereas the United States is happily at peace with all of the belligerent nations; and
Whereas it is equally the desire and the interest of the American people to remain at peace with all nations; and
Whereas the President has recently afforded fresh and signal proofs of the superiority of diplomacy to butchery as a method of settling international disputes; and
Whereas the right of American citizens to travel on unarmed belligerent vessels has recently received renewed guaranties of respect and inviolability; and
Whereas the right of American citizens to travel on armed belligerent vessels rather than upon unarmed vessels is essential neither to their life, liberty, or safety, nor to the independence, dignity, or security of the United States; and
Whereas Congress alone has been vested with the power to declare war, which involves the obligations to prevent war by all proper means consistent with the honor and vital interest of the Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress, vested as it is with the sole power to declare war, that all persons owing allegiance to the United States should, in behalf of their own safety and the vital interest of the United States, forbear to exercise the right to travel as passengers upon any armed vessel of any belligerent power, whether such vessel be armed for offensive or defensive purposes; and it is the further sense of the Congress that no passport should be issued or renewed by the Secretary of State or by anyone acting under him to be used by any person owing allegiance to the United States for purpose of travel upon any such armed vessel of a belligerent power.

The VICE PRESIDENT. Under the rule, the resolution goes over one day.

Mr. STONE. I ask the Senator from Oklahoma, in reference to his resolution, is his request that it be referred to the Committee on Foreign Relations?

Mr. GORE. No; my request was that the resolution go over for the day under the rule.

Mr. STONE. The Senator's request is that the resolution lie on the table?

Mr. GORE. Yes, sir. I wanted the resolution to take the regular course, under the rule, that all resolutions other than joint resolutions go over for one day. My purpose is to come within that rule under the regular order.

Mr. STONE. Let the resolution lie on the table then.

THE RIGHTS OF CONGRESS.

Mr. JONES. I submit a Senate resolution, which I ask may be read and lie on the table.

The VICE PRESIDENT. The resolution submitted by the Senator from Washington will be read.

The resolution (S. Res. 108) was read, as follows:

Whereas this is a government of the people, by the people, for the people, and not of any individual, by any individual, or for any individual; and
Whereas it is contrary to the fundamental principles of our Government that the people should be involved in war through the decision or by the act of any one man; and
Whereas the Constitution of the United States of America expressly provides that "The Congress shall have power to declare war, to raise and support armies, and to provide and maintain a navy"; and
Whereas the act of declaring war should not be merely the ratification and confirmation by Congress of the judgment and decision of a single man but should be the sober judgment and mature decision of the people through their representatives in Congress upon the causes and justification for such declaration; and
Whereas an assault upon the national honor would be a justification for a declaration of war; and
Whereas no one man is the sole custodian of the Nation's honor; and
Whereas the issue of war is too momentous and fraught with too grave consequences to the people to be decided by any one man; and
Whereas the people of this country are not seeking war and do not desire to be led into it, but, if involved, would be united as one man in support of the Government; and
Whereas by the arbitrary act or demand of its Chief Executive the people may be placed in a situation from which they can not withdraw without humiliation and be involved in war for causes the justice of which they have not been permitted to pass upon: Therefore be it

Resolved, That it is the sense of the Senate of the United States of America that any issue claimed to affect the national honor should be referred for its decision to the Congress of the United States, and no ultimatum should be sent to any belligerent power and no severance of diplomatic relations be brought about by Executive action until after the advice and consent of Congress.

Mr. STONE. Mr. President, I ask that the whereases and the resolution may lie on the table.

The VICE PRESIDENT. That was the request of the Senator from Washington.

Mr. STONE. I beg pardon.

The VICE PRESIDENT. The resolution will lie on the table and be printed.

HEIRS OF RICHARD SHAW.

Mr. MYERS submitted the following resolution (S. Res. 111), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and hereby is, authorized and directed to pay to the heirs of Richard Shaw, late head waiter in the Senate restaurant, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

COMMISSION ON CHILD POVERTY.

Mr. KENYON submitted the following resolution (S. Res. 112), which was referred to the Committee on Education and Labor:

Whereas proper preparation of our country for national defense demands the creation of conditions favorable to the birth and growth of healthy and sane men and women; and
Whereas recruiting officers of the military and naval service of the United States have reported that more than 50 per cent of the young men applying for enlistment are defective physically or mentally, or both; and
Whereas officers connected with other departments of the Federal Government have reported that widespread child poverty prevails in our country; and
Whereas child poverty, which may be defined as insufficient food and clothing and habitations detrimental to human life, is certain to produce weak, defective, and delinquent adults; and
Whereas this is the richest country in the world, blessed with abundant natural resources and a power of production unequaled in the history of the human race; and
Whereas child poverty and the consequent increase of unfit adults in the United States are due to conditions within the scope of legislation, and present a problem which should engage the attention of the Congress of the United States: Therefore be it

Resolved by the Senate, That the President of the United States appoint a commission of seven to inquire into child poverty, its extent, and its effect on the manhood of the Nation, its effect on the military and naval power of the Nation, and to make recommendations for legislation to abolish the conditions which produce child poverty and delinquent and defective adults.

Resolved further, That the commission include three surgeons, one from the military service, one from the naval service, and one from civil life, to serve without compensation.

UNIFORM STATE LAWS.

Mr. FLETCHER. Mr. President, I present a communication addressed to the Senator from New Hampshire [Mr. HOLLIS], chairman of the subcommittee on land-mortgage loans of the Joint Committee on Rural Credits, by S. R. Child, chairman of the legislative committee of National Conference of Commissioners on Uniform State Laws, which I ask to have printed as a public document.

Mr. SMOOT. Mr. President, I did not hear the request of the Senator from Florida.

Mr. FLETCHER. I present a communication from the chairman of the legislative committee of National Conference of Commissioners on Uniform State Laws, addressed to the chairman of the subcommittee on land-mortgage loans of the Joint Committee on Rural Credits, the Senator from New Hampshire [Mr. HOLLIS], which I desire to have printed as a public document. I ask that the matter go to the Committee on Printing. I am not asking that it be acted upon at this time.

Mr. SMOOT. Very well.

The VICE PRESIDENT. The communication will be referred to the Committee on Printing for action.

RURAL CREDITS IN NORTHERN FRANCE.

Mr. FLETCHER. Mr. President, I also present a report from the Hon. John Ball Osborne, American consul at Havre, France, on credit organizations for the farmer and tradesman in northern France, made in July, 1913, which I desire to have printed as a public document. I ask that the report be referred to the Committee on Printing for action.

The VICE PRESIDENT. The report will be referred to the Committee on Printing.

M'CLINTIC-MARSHALL CONSTRUCTION CO. (S. DOC. NO. 344).

Mr. OLIVER. Mr. President, on the 24th of June, 1914, Congress passed an act directing Gov. Goethals of the Panama Canal Zone to investigate the claims of the McClintic-Marshall Construction Co. against the Isthmian Canal Commission for extra compensation for constructing the lock gates for the Panama Canal. I have received a copy of the report upon the investigation of this claim, sent to me by Gov. Goethals, which I ask may be received, printed, and referred to the Committee on Appropriations.

Mr. SMOOT. I should like to ask the Senator if there are any illustrations in the report.

Mr. OLIVER. There are no illustrations. There is a great deal of matter in the report, but no illustrations.

The VICE PRESIDENT. The report will be printed, and referred to the Committee on Appropriations.

HOUSE BILL REFERRED.

H. R. 6918. An act to relieve Congress from the adjudication of private claims against the Government was read twice by its title and referred to the Committee on the Judiciary.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. MARTIN of Virginia submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9416) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 5.

That the House recede from its disagreement to the amendments of the Senate numbered 11 and 14, and agree to the same.

THOMAS S. MARTIN,
F. E. WARREN,
Managers on the part of the Senate.

JOHN J. FITZGERALD,
JOHN J. EAGAN,
J. G. CANNON,
Managers on the part of the House.

The report was agreed to.

EXECUTIVE SESSION.

The VICE PRESIDENT. Morning business is closed; and, under the order of the Senate, the Chair lays before the Senate Senate bill 3331.

Mr. POMERENE. I move that the Senate proceed to the consideration of executive business.

The VICE PRESIDENT. The question is on the motion of the Senator from Ohio.

Mr. BANKHEAD. I ask what is the motion?

The VICE PRESIDENT. That the Senate proceed to the consideration of executive business. The question is on that motion. [Putting the question.] The Chair is unable to decide. All in favor of the motion will rise. [A pause.] Those opposed will rise. [A pause.] The motion is carried, and the Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to the consideration of executive business. After 1 hour and 12 minutes spent in executive session the doors were reopened.

DEVELOPMENT OF WATER POWER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

Mr. JONES. Mr. President, on yesterday I had reached the point of the consideration of the amendment proposed by the Senator from Montana [Mr. WALSH], which really was the main purpose of my rising to discuss the bill on yesterday.

The provision in the bill, as it is now, reads as follows:

> And for any land of the United States so used and occupied the grantee shall pay to the United States such reasonable charges based upon its value as land as may be fixed by the Secretary of War.

And then it provides for taking into consideration the benefits to the Government and the grantee.

The amendment of the Senator from Montana proposes to strike out the words "based upon its value as land," and empowers the Secretary of War to make such charges as he may consider reasonable. He may determine these charges by the value of the land that is taken, base them upon the land, or he may determine these charges by the amount of power developed, regardless of the character of the land or the value of it or the amount of it that is taken. He may base the charges upon the power developed, no matter how little or how great that development may be. He can fix any charge that he sees fit to make; and this is the proposition that I wish to discuss for just a little while.

This, I may say, is really the crux of the whole controversy with reference to water-power legislation. The question of giving to some Secretary or some administrative officer the power to fix such charges as he may deem proper has been, in my judgment, the real source of trouble and the real cause of the delay of legislation. If we can reach a proper conclusion with reference to this matter, I do not think there will be so much difficulty in adjusting the other questions. But there are those who insist upon vesting in some Secretary this almost unlimited power and who do not seem to be willing to make any concessions or have any legislation unless their ideas in that respect can be embodied in the legislation. In my judgment, to insist upon legislation of that kind is to defeat any legislation we may pass. If we put in a provision of that character, it will prevent the development of any of the water-power resources of the country.

The Senator from Tennessee [Mr. SHIELDS] pointed out very clearly and very fully the great importance of legislation on this subject, the great resources that are lying undeveloped, and the great things that we hope may be done if this legislation is enacted. I can not add anything to what he said in that respect, but I do want to take a concrete example in our State that will show exactly what can be done, and will also show what varied developments can take place in connection with one of these dams.

Priest Rapids form a complete bar to navigation in the Columbia River in the State of Washington about 500 miles from Portland. By the construction of a dam 90 feet high, 400,000 horsepower can be developed at the low-water stage, which occurs in the wintertime, and 1,200,000 horsepower at high-water stage, which is in the summer, when water is needed and can be used for many different purposes. This power would furnish the electrification for half a dozen transcontinental railway lines crossing the mountains to the coast. Great nitrate plants would be established, manufacturing thousands of tons of fertilizer for our famishing lands and producing an abundant supply of nitrates so much needed as a means of national defense. Immediately tributary to this power development are 300,000 acres of land more fertile and productive when irrigated than the far-famed Nile, and these lands can be watered from the river by pumping, and cheap power could be furnished by pumping water from underground sources upon three or four hundred thousand acres more.

Mr. President, this is a very conservative estimate that I have given with reference to the lands that may be irrigated from

this one point. There are many who figure that at least a million acres of this land, and possibly more than that, can be irrigated from this one source.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). Does the Senator from Washington yield to the Senator from California?

Mr. JONES. Certainly.

Mr. WORKS. I should like to ask the Senator whether or not that is a navigable stream?

Mr. JONES. Oh, yes. The Columbia River is navigable.

Mr. WORKS. It has been assumed by a good many people here that we could not divert water for irrigation from a navigable stream. We know very well out West that that is frequently done, especially in the case of high water.

Mr. JONES. Yes.

Mr. WORKS. How would the water be utilized or reserved in this case? Would it be carried into storage reservoirs?

Mr. JONES. No; it would be pumped out of the river by power generated here. By pumping water about 400 feet one body of land 150,000 acres in extent can be reclaimed. Then there are other tracts that can be reclaimed in the same way. I will say to the Senator from California that there is practically no limit to the development that can take place because of the amount of water in the river. With all the possible prospective needs of navigation, there is still an abundance of water at the low-water flow to permit it to be taken out upon these lands without in any way interfering with navigation.

The backwater from the dam would secure continuous navigation for 300 miles farther to the north and almost to the Canadian line. With the building of the dam and the construction of the necessary locks, the Columbia River will be navigable for a distance of almost 1,000 miles from the sea. The electrification of the railways will save thousands of tons of coal annually and greatly increase transportation facilities.

The reclamation of these desert lands means the establishment of towns and cities, the building of electric lines, the production of millions of dollars' worth of farm produce, and, above all, the building of homes for thousands and even hundreds of thousands of happy people. From 10 to 20 acres of these lands when carefully cultivated will support a family in luxury. These lands are now practically worthless. When settled upon, reclaimed, and cultivated, they will be worth a quarter of a billion dollars. The waters of the Columbia River have been going unvexed and unused to the sea for untold centuries, disturbed only by the murmur of the rocks over which they roll. These lands are almost as barren as the sands of Sahara and have been storing up the wealth of the sun for countless ages and producing nothing but sagebrush and supporting nothing but coyotes, jack rabbits, and sage hens.

To construct the dam, put in the locks, build the structures, and install the machinery necessary to develop the maximum amount of power will cost about $30,000,000.

It is a gigantic enterprise, with great risk and stupendous possibilities. There is no prospect of the Government undertaking it, even if it were desirable for it to do so. Private capital is said to be ready to undertake it if reasonable opportunity is given. If I controlled this great project, with all its attendant possibilities, if you controlled it, we would be eagerly seeking some one to develop it.

We would welcome capital to undertake it. We would offer all sorts of inducements to anyone who would begin it. Instead of imposing burdens we should be offering bonuses. Why can not we act in the same way as the agents of those who do control it, but will not develop it? What stands in the way? No one can put in this great dam without a permit from the Government. This power rests in the National Government in the interests of navigation and interstate commerce. Conserve these and its interests and power really end. The building of a dam sufficient for navigation purposes alone would leave the greater and more important possibilities untouched. In the exercising of the power over navigation or interstate commerce it is wise that every possible development be promoted and encouraged. If the Government can secure ample navigation without cost to itself, is it not most unwise not to do it? To use a common expression, "It should jump at the chance." The construction of this dam will overflow about 10,000 acres of land, which must be acquired by whoever constructs it. About 130 acres of this is public lands. They are practically worthless as they are now. Much of it might not even be needed for a reasonable and practicable development. The Government, in the interests of the public, wants the highest development, and these lands are needed. What would be the reasonable and the wise thing for the Government to do? What would you and I do? We would say to capital, "Come; put in your dam, furnish us the locks for navigation, and you can use the measly 130 acres for nothing," and we would blush at the niggardliness of the offer. That is what the Government ought to do, and that is the course which we, as its agents, ought to take. Instead, we are haggling over what we should charge for the use of this land. We assume that we are granting a most valuable right when giving capital a chance to invest in this enterprise.

The Senator from Nebraska [Mr. NORRIS] the other day suggested that the Government in disposing of these valuable rights ought to get something out of it. Mr. President, it has not been the policy of the Government to endeavor to get revenue out of its public land. We have granted free millions and millions of acres of our land to homestead settlers. Why? Not because the lands were not valuable but because we wanted them improved, because we wanted them developed, because we wanted them converted into homes, and we felt that we could well afford for the prosperity of the country and for the development of its wealth and resources to donate these lands free to men who would go upon them and build up homes and cultivate them. Now, Mr. President, why should we not give a similar encouragement to the man who is willing to take his money and risk it in some of these great enterprises that mean so much to the country? As I pointed out, here are thousands of acres of public lands around this great possibility that are a waste, unsettled upon, unproductive, absolutely valueless. By the putting in of those dams the man who uses his money to do it makes it possible to develop these great resources. If we were willing, as we have been willing, to encourage the homesteader to go out on barren lands and develop them and build homes, why should we not also be willing to encourage capital to go into these great enterprises and develop them and make it possible for more homesteaders to secure homes and add greater wealth to the country? And especially, Mr. President, when we have provided the agencies all over this country in every State insuring to the consumers of this power reasonable prices, efficient treatment, and also providing that these men shall not get an exorbitant profit upon the money invested.

As a matter of fact, the favor is all the Government's and the risk all capital's. We get our navigation, and capital can get no more than a reasonable profit or return, and it may get less. If capital could do as it pleases after it gets this project, there might be some excuse for our imposing special burdens and restrictions upon it. It can not, however, exact exorbitant charges for its power. It has no one at its mercy. It can not amass an inordinate profit. Our public-service commission has full control over the rates and service, and it is charged with the duty of seeing that the rates are reasonable and just and the service efficient. The commission may not be perfect, but its members are just as competent and just as honest as any Federal officer or bureau chief, and it is directly under the eyes of the people interested, responsible to them, and can be depended upon to guard their interests as effectively as anyone else, if not more so. But it is said capital does not object to a charge for the use of the land, and the Senator from Montana said the other day that capital is ready to invest in these enterprises and is willing to pay a reasonable charge for the lands used. That is true. Why is capital willing to submit to this charge? Because it does not have to pay it. Who will pay it? The consumers of the power. When you insist on a charge for the use of the land, you insist upon placing a tax or burden upon every consumer for giving capital permission to make this great improvement.

I can not see the justice of saying that we will insist upon capital paying for the valuable privilege which we give at the risk of its money in these great enterprises when as a matter of fact whatever we charge must come out of the people who consume the power that is developed. I protest against it not in the interests of capital but in the interests of the consumers. The men who will pull the sagebrush, level the ground, build the ditches, and make homes on these sandy, hot, sagebrush plains will have enough burden to bear and enough charges to pay without having to pay for those worthless 130 acres of public lands overflowed by the building of the dam.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. Certainly.

Mr. WORKS. Is it not a fact that the amount which would be charged against the corporation would be charged up as a part of the operating expenses each year, so that the consumer would be called upon to pay back the total amount each year?

Mr. JONES. That is true.

Mr. WORKS. And not to pay interest as in the case of capital invested?

Mr. JONES. That is true. I am glad the Senator called my attention to that point. I fear the interests of those to whom I just referred are overlooked by many who would shape this legislation. A prominent business man of my State who thinks a charge should be exacted wrote me the other day as follows:

I do not agree with you that tax imposed by the Federal Government on water-power development is paid by the consumer, for the good reason that the State public service commission fix these rates or are able to fix them.

He overlooks the plain and obvious fact that in fixing rates the public service commission must allow for all reasonable and necessary expenses. This charge is a certain and fixed expense and must be allowed in fixing rates just the same as the expense of labor. If no charge is made, then the expense to be allowed is that much less and the cost to the consumer is that much less. I may be very dull, but for the life of me I can see no justification from the people's standpoint for making any charge for the use of public lands necessary in the development of these great works.

Mr. President, Secretary Garrison, the late Secretary of War, made a statement before a committee a short time ago investigating this matter, and he has stated this proposition very clearly. I shall not take the time to read it to the Senate, but I ask permission to insert it as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

SHALL A FEDERAL CHARGE BE LAID UPON THE PRIVILEGE?

Aside from any question of Federal authority that may be thought by some to be involved, in my judgment, and as a matter of policy, this question should be answered in the negative. Many who have the cause of conservation at heart have heretofore urged, and doubtless will urge again, that any legislation for the development of water power on the navigable streams should provide for the Federal levy of a charge for horsepower for the privilege. The reasons thus far advanced for the proposition do not appear to me to be sound. In the first place, it must be remembered that merely because the Federal Government makes, or ought to make, such a charge for the development of water power in streams running through the public domain, it does not follow at all that such a charge should be levied upon the development of water power in the navigable streams. The situations are basically different. In the case of navigable streams the Federal Government owns neither the water nor the bed of the stream; its power comes from a right to say what obstructions may or may not be placed in the stream. Upon a navigable stream the Government owns nothing, has nothing to sell, whereas the Government owns the power site itself upon the public domain.

Those who advocate the levying of such a charge first assigned as their purpose the accumulation of a fund to be devoted to the further improvement of navigation. This, it seems, has been abandoned, and the contention now made is that by means of this charge the Federal Government can more effectually exercise its control over the development. I have heretofore said that in my judgment the State should be left free to impose such taxes, charges, and excises as it might see fit to impose upon the property and the business authorized by the grant. I can see no sufficient reason, as a matter of policy, to justify the levying of an additional charge by the Government of the United States. The Federal Government does not qualify the grantee nor give him the primary authority to engage in the business. The property of the grantee is private property, situated within a State. The title is a title under local law, and the protection of the property comes from the local law, and not from the Federal Government. If such a Federal charge were levied, its only effect, so far as I can see, would be to increase the rates and charges to the ultimate consumer, for it can not be doubted that such fixed charges have to be shifted to the consumer, and directly so where there is public regulation and control.

I fail to appreciate how the levying of a Federal charge could render more effectual a proper Federal control in this connection. I know it has been argued that such a charge is necessary to take up the "slack," meaning thereby the difference in production cost between steam electric and hydroelectric energy. This assumes that there is a substantial difference which, at least at the present stage of development, may be doubtful, but excepting that there will generally be a difference in favor of hydroelectric energy, it does not follow that a regulatory commission, out of respect for the rights of property or otherwise, is bound to fix a rate that would enable the more expensive producer to continue his production. I see nothing in the cases, or in principle, requiring the State in the fixing of rates of service of electric energy to shut its eyes to the cheaper cost of production, but, on the contrary, if such a regulatory commission were not permitted to fix a rate, in view of the reasonable elements of valuation of a cheaper cost of production of a hydroelectric plant, or was limited in its regulatory power by the more expensive elements of production cost by steam, then regulation would be a delusion and the people could enjoy no advantage from the great natural resource of water power. I find no case where a State commission has accepted any such idea. On the other hand, a reference to the latest textbooks and cases on the valuation of the property of public-service corporations for rate-making purposes indicates that where the question in one form or another has come before the public-service commissions any theory that would permit the cheaper hydro company to take advantage of a steam company's cost of production has been denied.

Of course, if the two methods were upon a competitive basis in the same community and there was a substantial difference in the cost of production, cheaper production would prevail and finally exclude its competitors. This must be the result of natural and unassisted competition. The practical result would be, and it seems ordinarily must be, a monopolization of power, but subject to public control. Also, the hydroelectric producer will be compelled to purchase or erect a steam auxiliary of his own. There are very few streams whose flow is so constant and dependable as to permit of the development of hydroelectric energy without the assistance of steam plant. Fixing a rate for hydroelectric energy has to take into consideration this means of auxiliary production. In any event, it seems to me, to contend for a Federal charge to consume such difference of cost production is only to proceed upon the principle that no advantage can flow to the ultimate consumer from the cheaper production due to a natural resource.

IN THE CREATION AND IMPROVEMENT OF NAVIGABLE CAPACITY AND NOT IN A MONEY CHARGE LIES THE GREAT FEDERAL BENEFIT.

To assume that the Federal Government will get no direct benefit, or will get less than it ought to get of such benefit, if it does not impose a charge upon the development of water power, is to ignore one great reason for and one great useful result of the development of power on the navigable rivers, namely, the creation and improvement of navigable capacity without expense to the Federal Government. That such development must give such a result is not a matter of speculation; it is a certainty. Such must necessarily be the result, and the larger and more general the development of power the greater will be the creation and improvement of navigation.

Power dams which create the head must necessarily result in the formation of pools available for slack-water navigation. Locks at the dam, which should be constructed by the grantee where it is equitable to impose such a condition, will connect up the pools with navigable reaches below, and thus the power development will result in creating not only isolated stretches of navigability above the dam, but may be made to create an extended and continuous navigable capacity, and without expense to the Federal Government.

The desirability and wisdom of river improvement by such means can not be open to question. A necessary national achievement can thus in a great measure be accomplished without resort to the Federal Treasury. It seems to me that those who look for returns for the Federal privilege can not fail to find it in this direct benefit to the Nation.

Mr. JONES. I concede, Mr. President, that we have not only the power but the right to impose a charge for the use of this land based upon the land and its value. Whether we should do it or not is a matter of policy about which we may differ. This land belongs to the National Government. Congress has the power and right to provide for its disposal. We can sell it outright or make a fixed charge for its use. The determination of this charge ought to be a simple matter, but the real controversy is over the method of determining it. The Senator from Montana and those who agree with him insist that the charge for the land should be determined by the power developed and imposed upon the power. We insist that it should be placed upon the value of the land itself and charged against the land. The power developed is within the jurisdiction of the State, and when we tax this power we invade that jurisdiction. By basing the charge upon the land we exercise the national sovereignty without invading the State's sovereignty. We have the power to tax the electric energy, but we have not the right to do it. By saying we have the power to do it I simply mean that we can say we will not grant any permit to build any dam unless a condition of this kind is put in.

If the Nation disregards the rights of the State because it has the power to do it, how can it expect the citizen to respect the law or the strong to regard the weak? Such a course is, in my judgment, most unwise as well as unwarranted by law or legal right.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. Certainly.

Mr. WORKS. The Senator proposes to confine the charge to the value of the land, but there is a good deal of controversy as to what is to be taken into account in determining the actual value of the land. I have one concrete case in mind, where that question arose in my State, where a tract of land covering several hundred acres was peculiarly fitted for a reservoir site, with an excellent place for a dam below it. A suit was brought to condemn it. The land was practically worthless for any ordinary purposes, but the supreme court held in that case, and I think the Supreme Court of the United States has held, that the uses to which the property might be devoted should be taken into account. In that case the owner of the land got several hundred thousand dollars for land that was practically worthless.

Does the Senator think it would be wise to make any such charge upon that basis? Take the case he has already cited, where the land for reservoir purposes would be of immense value with the things that could be done, as stated by the Senator, by putting in a dam or other necessary diverting works. That might impose an immense charge upon the consumer.

Mr. JONES. I do not think it would be wise, but I admit we have the right to do even that. I do not think it would be wise. My position I have stated two or three times. I do not think we ought to put any charge upon it at all.

I further most seriously object to the plan of the Senator from Montana and those who agree with him, in that they would leave to the determination of an administrative officer the policy to be followed in levying this charge, not only to the amount but as to the manner of its levy. They would say to the Secretary, "Make a charge if you think it wise, and you fix the amount and you say how it should be determined." This is wrong. It is the

duty of Congress to say whether or not the charge should be levied. It is our duty to determine how it should be arrived at, and it is our duty to fix the amount as nearly as possible. We are the legislative body. The policy to be followed by administrative officers should be settled by us. We know what we want to do, or we should know, and we should do it. The responsibility is ours, and we should discharge it. If we want the charge based upon the power developed, let us say so. If we want it based on the land, as it should be, let us say so. If we want it based on the power, we should fix the amount, or, at least, the maximum amount that the administrative officers may impose. If we want these enterprises undertaken, let us not place it within the power of an administrative officer to stifle them.

Mr. President, I said awhile ago that I agree with the Senator from Montana that capital is not objecting to this charge. It is willing to pay it, because it takes it out of the consumer. What capital does object to, however, is the uncertainty that rests in giving to an administrative officer unlimited power with reference to fixing the charges and determining the policy of levying them, and all that sort of thing. If we pass this law with a provision in it, as there will be, with the amendment of the Senator from Montana adopted, there will not be any investments under this act.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield again to the Senator from California?

Mr. JONES. Certainly.

Mr. WORKS. The Senator has stated, as I understood him, more than once that the corporation will not object to this charge; but might there not be a case where the charge would be such that it would be impossible to operate the plant?

Mr. JONES. Certainly.

Mr. WORKS. Thereby making the prices to the consumer prohibitory.

Mr. JONES. Certainly; that is true.

Mr. WORKS. So there may be a good reason why the corporation itself should object.

Mr. JONES. That is true. Of course they say, "We will not object to a reasonable charge."

Now, I want to give you an example of administrative rate making or charge fixing. I want those who think that the administrative officers will put low charges and make it easy for the consumer to notice this example that I will submit to you.

In 1906 we passed an act granting a permit to the Pend Oreille Development Co. to build a dam across the Pend Oreille River, in the State of Washington, and set out the conditions under which it should be built. They were not able to get the work started within the time limit fixed. Then in 1907 we passed an act extending the time for beginning the work, and still they were not able to get to work. In 1912 we passed another act extending the time further. They had all their plans and specifications prepared, and these were satisfactory to the Secretary of War. It was found, however, that they would have to overflow some public lands unreserved and some in a forest reserve. So they had to go to the Secretary of the Interior and the Secretary of Agriculture to get permits to use these lands. This illustrates what would happen if we had a provision in this bill such as has been tried to be inserted in it, giving the Secretary of the Interior jurisdiction along with the Secretary of War.

The Secretary of Agriculture and the Secretary of the Interior absolutely refused to grant any permit to use this land under the laws that we had passed, except upon certain conditions. They worked over the matter all winter, and finally got an agreement that the people representing the capital to build the dam thought was reasonably satisfactory. They thought they could get the money and do the work under it, and they made this agreement. It was signed and we had it printed as a public document. I suggest that it might be interesting to those who are interested in this matter to look at that document. It is Senate Document No. 147, Sixty-third Congress, first session. They fixed a sliding scale, similar to that suggested by the Senator from Nebraska [Mr. NORRIS] yesterday, to determine the payments that these men should make to the Government. The possible power development at that point was 110,000 or 112,000 horsepower. About 200 acres of public land were necessary to be taken. Now, here are the charges that had to be paid to the Government upon a full development of that water power by these people if they carried it out. If they sold their power at less than 2 mills a kilowatt hour the charge for horsepower would be 5 cents, or $27.50 per acre for the use of this public land. If they sold their power for 2 cents and over per kilowatt hour the charge per acre would be $2,750 a year.

They tell me that the charge here in Washington City per kilowatt hour for power is 10 cents. I am told that by those who claim to know. I do not know anything about it. The highest charge that they contemplate here is 6 cents per kilowatt hour. If this were the charge made for the use of this power, what is the rental that they have to pay to the Government per year for this land? It would be $24,750 an acre per year. That is a sample of administrative departmental fixing of rates to be charged for the use of power.

Let me call attention to the fact that in this permit they provide "that in determining said total annual receipts there shall be included for any electric energy used by the permittee at a price which shall not be less than 2 cents per kilowatt-hour." This would indicate that they thought that possibly that was about the minimum rate at which this power could be furnished. What would be the charge per acre based on that? It would be $2,750 an acre, not a nominal sum to say the least of it, and I think the consumers would have to bear the burden of that.

Then they provide here that "unless otherwise authorized by the Secretaries, the maximum price at which electric energy developed by or transmitted from the power project may be disposed of to customers or consumers shall not exceed 6 cents per kilowatt-hour." In other words, they thought possibly they would sell their power at 6 cents. I called your attention to what the tax would be—over $24,000 an acre per year at that charge.

I should like to place in my remarks the table in this permit fixing the compensation to be paid to the Government and the computation that has been made as to the price that would be paid per acre on these various charges.

The PRESIDING OFFICER. That will be done, without objection.

The matter referred to is as follows:

SEC. 8. No compensation for the permission given will be required prior to the year 1923; but on or before the 1st day of February in each year, beginning with 1924, the permittee shall pay, by certified check to the order of the Secretary of the Interior, or in such other manner as the Secretaries may direct, an amount calculated from the total capacity of the power site at rates per horsepower per year varying directly as the square of the average price for electric energy charged to customers and consumers of the permittee as determined in subsection (c) hereof and varying inversely as the square of the proportional development of the power site, as shown by the following table:

When the average price in cents per kilowatt-hour charged by the permittee is as shown by this column.	If the percentage of development of power site is—						
	Over 90.	90 and over 80.	80 and over 70.	70 and over 60.	60 and over 50.	50 and over 40.	40 or less.
	Then the rates of compensation to the United States per horsepower per year will be as shown below.						
0.2 and less	$0.05	$0.06	$0.08	$0.10	$0.14	$0.20	$0.31
0.3 and over 0.2	.11	.14	.18	.23	.31	.45	.70
0.4 and over 0.3	.20	.25	.31	.41	.56	.80	1.25
0.5 and over 0.4	.31	.39	.49	.64	.87	1.25	1.95
0.6 and over 0.5	.45	.56	.70	.92	1.25	1.80	2.81
0.7 and over 0.6	.61	.76	.96	1.25	1.70	2.45	3.82
0.8 and over 0.7	.80	.99	1.25	1.63	2.22	3.20	5.00
0.9 and over 0.8	1.01	1.25	1.58	2.06	2.81	4.05	6.33
1.0 and over 0.9	1.25	1.54	1.95	2.55	3.47	5.00	7.81
1.2 and over 1	1.80	2.22	2.81	3.67	5.00	7.20	11.25
1.5 and over 1.2	2.81	3.47	4.40	5.74	7.82	11.25	17.60
2 and over 1.5	5.00	6.17	7.82	10.00	13.80	20.00	31.25
3 and over 2	11.25	13.87	17.58	22.95	31.25	45.00	70.40
4 and over 3	20.00	24.70	31.25	40.80	55.60	80.00	125.00
5 and over 4	31.25	38.60	48.80	63.80	86.80	125.00	250.00
6 and over 5	45.00	55.60	70.40	91.80	125.00	180.00	281.25

Price paid per acre on these various charges.

If the average price received for the power per kilowatt-hour is—	The Federal charge per horsepower would be—	The annual rental per acre of Government land would be—
2 mills or less	$0.05	$27.50
2 to 3 mills	.11	60.50
3 to 4 mills	.20	110.00
4 to 5 mills	.31	170.00
5 to 6 mills	.45	247.00
6 to 7 mills	.61	335.00
7 to 8 mills	.80	440.00
8 to 9 mills	1.01	555.00
9 to 10 mills	1.25	687.50
10 to 12 mills	1.80	990.00
12 to 15 mills	2.81	1,545.50
15 to 20 mills	5.00	2,750.00
2 to 3 cents	11.25	6,187.50
3 to 4 cents	20.00	11,000.00
4 to 5 cents	31.25	17,187.50
5 to 6 cents	45.00	24,750.00

Mr. JONES. Mr. President, there is no reason why the charge, whatever it may be, should not be the same in connection with any project. Capital gets no advantage from it, be-

cause under the laws of the State its profits can only be reasonable and just, no matter what the charge may be. I will say frankly—and in this some of my friends may not agree with me—but I will say frankly that I would join with the Senator from Montana rather than see legislation fail upon a provision fixing a maximum charge for the use of the land, possibly 25 cents a year per horsepower, which I understood him to say the other day had been reported and agreed to by the Public Lands Committee in connection with the bill relating to power development on nonnavigable streams.

I would simply agree to that as a basis for determining what should be paid rather than to have no legislation. If we could fix the amount at a reasonably low rate and make it definite and certain, then I can not see any more objection to it in principle than there is to charge for the value based upon the land.

The Senator from California called attention a while ago to some circumstances where it was based upon the land where the charge might be high because of the peculiar circumstances and the peculiar value of the land for certain purposes. That is true. So, when I am willing to make a concession of even this kind I do not think I am conceding really the principle for which I contend, that we should not make any charge except for the use of the land, and it ought really to be based upon the land.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Montana?

Mr. JONES. I do.

Mr. WALSH. I am very glad to say that rather than that the legislation should fail I would see the thing go through with the Senator's view.

Mr. JONES. I was satisfied that would be the view of the Senator from Montana based on that.

In any event, however, we should determine the policy to be followed and fix the rates to be charged as nearly as may be. We know what is wanted and what is needed. Let us do it. It is our duty to protect and promote the people's interests. It is for the administrative officers to execute the laws we pass and those laws should be so framed as to leave nothing to be done but their execution. Administrative officers can not be blamed for seeking power. We should be blamed for abdicating. Administrative officers can not be blamed for seeking to determine policies. We are to be blamed for encouraging them to do so. They are not to be blamed for making or asserting policies. We are to be blamed for not doing so ourselves. This has gone a long way. This administrative branch of the Government has almost as much, if not more, influence over legislation and policies than the legislative branch itself. We are told by departmental officers that we can do this or we can not do that. A departmental officer said a few days ago that we could not pass a certain bill if we put a certain provision in it or unless we put a certain provision in it. They come here not to give us information but to tell us what to do and what not to do. I do not criticize them for it. They have a right to congratulate themselves upon their power and influence. We ought to be ashamed of ourselves. We are to blame for this state of affairs, and the only way to correct it is for us in the laws we pass to declare our will, to fix the policies we want followed, and specify what we want done. When a question is up for legislative solution, instead of saying, "This should be done in accordance with rules and regulations to be fixed by the Secretary," if we will determine ourselves how it should be done, even if it takes time and study, we will soon gain the respect of the people that we should have and administrative departments of the Government will discharge their true functions.

The effect of the adoption of the amendment proposed by the Senator from Montana would be to give the Secretary unrestricted power in the fixing of charges. The real purpose was advanced by Mr. Pinchot and others a few years ago, but not much has been said of it lately. The Senator from Nebraska frankly stated it yesterday for the first time in this debate. What is the purpose? Not revenue. That is unimportant. Its purpose is regulation. That sounds good. We have regulated capital and big corporations, and wisely, and so anything that is called regulation is looked upon with favor, but what does it really mean in this instance? The Secretary is to be given authority to regulate the development and disposal of water power and electrical energies by imposing a tax upon its production. Miraculous! Who ever heard before of regulation by taxation? For whose benefit? Of course it is claimed that it will ultimately benefit the consumer. If any consumer can figure out how it will benefit him to put a tax on the power he must buy, he will certainly have cause for rejoicing.

What is really proposed is equalization and not regulation. They propose to raise to the consumer the price of cheap power to the level of costly power. That does not sound so well as regulation, but that is what they propose to do. This was frankly stated yesterday by the Senator from Nebraska. He cited an example, saying that if there is a plant that cost $10 and there could be put in under this bill a plant that would cost $5, we ought to put on a tax to raise it up to the level of the $10 production.

If a field is occupied now by a plant that must expend $50 per horsepower in production and a plant could be put in under this bill to cover that field that could produce power at $30 per horsepower, they propose to put a tax of $20 per horsepower on that produced by the new plant, so that it can not undersell the established plant. This power is in the interests of property rights instead of consumption and means one of two things: Either no new plant will be put in and the existing plant will continue to monopolize the field and the consumer get no relief or the new plant will charge the same as the old and the consumer will still "pay the piper."

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Montana?

Mr. JONES. Certainly.

Mr. WALSH. While the Senator is discussing that feature of the question let me put to him this concrete situation: As he is aware, the Milwaukee Railroad are now operating 115 miles on their main line by electricity, and by the 1st of June they will be operating 450 miles by electricity. The other competing lines, the Northern Pacific and the Great Northern, will, of course, want to operate electrically, if they can, in order to meet the competition that they must encounter from the Milwaukee road. There is a power site, we will say, that is available for the use of both of the other roads, the Great Northern and the Northern Pacific; both of them are asking for that site, and it is awarded to the Great Northern. The Northern Pacific must continue operating at the present high cost, while the Great Northern will be operating at 33⅓ per cent less than that cost. How can you regulate freight rates in that condition of affairs?

Mr. JONES. How can you regulate them by putting a tax on it?

Mr. WALSH. You would require the Great Northern to pay such an amount as would in a way equalize and take up the difference or you would drive the other institution out of business absolutely.

Mr. JONES. I do not think you would drive the other out of business. They are not going out of business now when there is no tax put on, and I think we could regulate rates so that those roads that do not have electrical power could charge, of course, reasonable rates over their lines. They may lose some business, but that is one of the inevitable results of competition and of cheaper production, cheaper power, and cheaper ways of handling commerce. We ought not to raise the Milwaukee's rates and charges to its shippers simply to keep them on the same level with the shippers who have to use the Great Northern and the Northern Pacific, for in such case the consumers would not get any benefit from the development of our national resources; it would not amount to anything to them whether they were developed or not. We might probably get a little bit for the Treasury, and yet nothing at all commensurate with the difference that the people of the country would have to pay in increased rates. This is the ideally perfect working of this proposed system. Its actual working would more likely be as follows: Instead of putting on a tax of $20 a tax of $5 will more likely to imposed, and the company will put in its pocket the other $15 and the consumer will still whistle to keep up his spirits. This is regulation by taxation under the name of conservation.

In the example supposed by the Senator from Nebraska yesterday he said that if there is a power plant that must charge $10 for its power, and if another one was put in under this bill that would furnish power for $5, the Government ought to exact a dollar, and he said that the company producing at a low rate would probably raise their rate to about $9.50, so as just to undersell the other company, and that then the Government ought to exact a dollar. Well, suppose it exacted a dollar. Would we permit this other company to take the other $3 or $4 above the cost of production? Yet that would be about the actual practical workings of the system proposed for a regulative purpose, and that is the only basis on which I am discussing this now.

But what of the power of the State commission over rates? Would it be prevented from putting the rates of the new plant upon a just and reasonable basis regardless of the cost to the old plant? Surely not. Would the Senator from Nebraska contend that, under the example suggested by him, a public service commission of a State ought to permit the company that pro-

duces power at $5 a horsepower to charge up to $10 because it cost another plant $10 to produce it?

It would reduce the rates to a reasonable and just compensation and the old plant would be put out of business and the purpose of the so-called tax regulation would be defeated as a regulator. It would be a failure and the net result would be an unnecessary burden upon the consumer.

I hope the full significance of this proposal to the consumers will be grasped by them. It proposes to compel them to pay the same price for cheaply produced power that they must pay now for costly power. It means no benefit to them. This may be conservation, but deliver me from it. It is not the conservation that the people desire.

In connection with that, Mr. President, I want to insert—I shall not take time to read it unless some Senator should desire it read—a statement from Commissioner Halford Erickson, of the Wisconsin railroad commission, discussing this very point, and also a statement from Mr. A. H. Foote, former president of the National Tax Commission, discussing the same subject.

The PRESIDING OFFICER. Without objection, that may be done.

The matter referred to is as follows:

Commissioner Halford Erickson, of the Wisconsin Railroad Commission, on this point says:

"This brings us to that feature in local regulation which often finds expression in a rental charge or a toll upon the earnings of the utility over and above the regular tax assessment. Such rental or toll is sometimes spoken of as a sort of profit-sharing plan * * * and is often pointed to as an example of wise local regulation and as something to take the place of other regulation. Closer analysis of the facts from an economical and social point of view indicates quite clearly that this toll is in effect a tax levied upon other than sound principles of taxation and that it is an unwise burden upon the service of the utility.

"The primary reason why franchises are granted to public utilities is to promote the welfare and comfort of the public as users of the utility service rather than the subservance of the interest of the public as taxpayers or because these utilities become a source of revenue. These propositions appear to be sound. If this is the case * * * then it follows that the operation of the utilities and the regulation of the same should also be in the interest of the taxpayers * * *. If the taxpayers and the users of the service were the same persons, and if there also was a close relation between the amount thus paid as taxes and the use made of the service, then it would make but little difference whether the toll was levied or not; but this is not often the case * * *. Tolls become as much a part of the cost of service as the taxes levied in the ordinary way. Taxes are based on the ability to pay, and this ability is measured either by the value of the property or by the income.

"The toll in question is levied without reference to these principles. It is placed in a lump sum upon a service where it must be borne by those who use this service in proportion to the use they make of it, whereas in the street railway field the users are largely made up of workers. This toll also falls on those who are least able to bear it."

Mr. A. H. Foote, former president of the National Tax Commission, says:

"If the purpose of those who advocate a franchise tax is to secure the best possible results for the people from the operation of the franchise granted, their proposition is unsound, because a franchise can not be taxed without adding the amount of the tax to the cost of service rendered. In exercising its reserved right to regulate rates the State must take into consideration this tax addition to cost, as the rates it fixes or approves must cover all costs of ownership and operation and yield a reasonable profit. For this reason a tax on a franchise is not a tax on the corporation, but is a tax on the users of the service it renders. * * * It is the method of plucking feathers from a goose without exciting a perceptible squawk. In fact, by reason of being inadequately informed or by being misunderstood, a franchise tax is a tax demand made by users, or rather by political vote seekers. It is a form of indirect taxation that has no proper place in the economical policy of intelligent, honest-minded, and self-governed people."

Mr. JONES. But, Mr. President, this is not all. Under the plea of regulation would be enthroned an administrative despot. You place in the hands of the Secretary the power to make and unmake business, the power to favor this company as against that company, the power to advance this community and retard that community, and you open the door to all sorts of graft and corruption. This was frankly stated by the Senator from Nebraska, although not exactly in these words, but the examples which he pointed out fully warrant these conclusions.

We will not have a corrupt or ignorant Secretary, but very little of this work would be done by the Secretary if he were given the power. No Secretary could look after the details. He would depend upon subordinate and special agents. They would generally be honest, but their experience would be slight. They would not be able to get at the real cost of production, and sharp managers would deceive them, and the result would be unjust and unwise action by the Secretary. A dishonest agent could very easily connive at fraud and deception. He could very easily submit a high estimate of the cost for a small share of the profit and no one be any the wiser. No, Mr. President; the people do not want such a law as that. They do not want such power, having such possibilities and purposes, placed in the hands of any administrative officer, and no administrative officer should desire such power, especially when he must depend so much for his action upon others. Those who propose this plan do not intend such consequences, but I can see no escape from them.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Montana?

Mr. JONES. I do.

Mr. WALSH. Before the Senator passes from that point, Mr. President, I should like to address a question to him. Does not the bill as it stands repose in the Secretary of War this extraordinary power?

Mr. JONES. Well, it does to a certain extent; I admit that; but I desire the Senator to remember that I said that personally I should like to see that provision entirely cut out. We have put a limitation on, and if we can make the limitation any more definite or any more certain, I want to do it; but we do say in the bill that the Secretary of War, in determining these charges, must base them upon the value of the land. If the Senator from Montana can suggest anything more definite to meet my views, I shall be glad if he will do so, and I will offer it. Personally, however, I should like to see that cut out entirely, but I am willing to accept this much as a compromise in order to get some legislation.

Mr. WALSH. Mr. President, I recognize the unfortunate necessity of reposing in some officer of the Government the power to say, as between two contesting applicants, which one of them shall have the privilege; but that inheres in the nature of the thing, does it not? The Senator has not proposed any plan by which that may be avoided.

Mr. JONES. I think, Mr. President, that we have a much more restricted plan in the bill than it would be if the Senator's amendment should be adopted. That is what I am contending, and my argument now is going more to the proposition of putting a tax on for the purpose of regulating than to anything else.

Mr. WALSH. The question I arose to present to the Senator was whether the argument he is now making is not equally applicable to the whole theory upon which the bill is built?

Mr. JONES. No; I think not, because we have tried to fix it. We have laid down certain limitations which, construed in a reasonable way and in any but an arbitrary way by the Secretary, I think fix a pretty definite rule by which to determine the charges.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Minnesota?

Mr. JONES. Yes.

Mr. CLAPP. As I understand the Senator, of course the weak point in government is that ofttimes-necessary twilight zone of discretion which can not be entirely eliminated, but the more thoroughly it can be eliminated, the more automatic law can be made, the better; and what the Senator is contending for in this bill is reducing the zone of discretion to the minimum just as far as that can be done.

Mr. JONES. That is it exactly, stated much better than I could state it.

There is, to my mind, another serious objection to such a provision. The policy being followed in fixing rates, both as to the basis and the manner, is left entirely to an administrative officer, who changes with every administration and many times oftener. The administration of a law should be stable and uniform; but with this power reposing in the Secretary, the policies put into effect by one Secretary may be along one line and along an entirely different line under another Secretary, according to the views held by the different individuals. Take the provision in the bill as it is now. No Secretary can follow the law and change the basis of fixing the rates from the land to something else. If he goes from the land as the basis of fixing the rates under the bill as it is now drawn, he violates the law; and we do not have any right to assume that any Secretary will do that; but, under the provision as it would be if the amendment of the Senator from Montana were adopted, one Secretary may base the charge on the land taken, while another may base it on the power developed. One may think he ought not to use it as a regulator; another may think he ought to do so. One policy will be applied to-day, another to-morrow. One at this plant, and another at that plant. The Secretary will be charged with favoritism here and with corruption there, and the whole system be brought into discredit. Surely this is not desirable. I can not believe that Congress will be so careless of its rights and duties as to legislate in this way.

Mr. President, I now come to the very point which the Senator has suggested. The provision of the bill is not as definite as I would like, but it declares the legislative purpose to be to fix the charge for the use of the land upon the value of the land itself, and directs the Secretary of War to take into account the

benefits to the Government as well as to capital. This practically indicates that no charge should be made, because it is hard to conceive of public lands being taken of the value of the locks that may be required for navigation. It also seems to be the policy under the policy of fixing the tax for the use of the land on the power developed to fix the tax at what it is thought capital can bear, regardless of the amount of land taken. Under the Columbia River project 10,000 acres will be overflowed, of which only 130 is public land. How would they arrive at the charge to be fixed? They will charge just the same as if the whole 10,000 acres were public land. That is what they did in the agreement to which I have referred with reference to the Pend d'Orielle. There was not any discussion or consideration given to that agreement with reference to the amount of land taken or with reference to the value of the land taken, but it was all upon the power that might be developed. That is unfair, unjust, and unreasonable. It is a stand-and-deliver proposition pure and simple.

Mr. President, this legislation is proposed in the hope of getting something done under which capital will invest in these great enterprises. It is proposed in the hope that we can secure actual conservation by the use of great natural resources that are now unproductive and not used. The members of the committee have made concessions here and concessions there, not only to each other but to the sentiment which they know to exist throughout the country with reference to the provisions that should be placed in laws of this character.

This bill is not a perfect measure, and I want to say for myself—and I am satisfied that it is the sentiment of the whole committee—that any amendments which may be proposed which will help to accomplish the objects and the purposes with reference to these great enterprises which everybody desires undertaken, will be welcomed to this bill. We have been animated in the preparation of this measure with the same spirit as that stated by Secretary Garrison before the committee, and I wish to close by simply reading what he said:

> In my judgment, however, the most potent influence against the enactment of beneficial legislation has been the honest apprehension that in the encouragement of development we might concede too much, might yield that which the future would show to have been a harmful and improvident gift; might, by the improvident creation of a definite and settled relation between Government and grantee, tie the hands of Government and prevent it from making hereafter the most of a magnificent resource in the interest of all the people. But mere apprehension will no longer justify nonaction. The facts should be known to us to-day. The country calls for action. Nonaction can not be excused by the plea that we, whose duty it is to act, are afraid to trust ourselves to act. There is a demand for legislation. We must honestly examine such apprehension as we may have in the light of facts and of reason. If they are without substance we must abandon them. * * * The subject, viewed from whatever angle, is one of such vast importance to the country as a whole, that we can not evade it, but must approach it free from illusions and preconceptions and without the timidity which is born of undue apprehension. We must approach it and study it with the hope and desire of accomplishment. Theories concerning it must be tested in the light of experience and sound common sense. * * * We can not, as fair-minded and reasonable men, desirous of accomplishing a great good, fail to agree upon the means to be employed when we are all agreed as to the great result that ought to be achieved—namely, the beneficial development of water power.

Mr. President, that is the spirit which has animated the committee in framing this bill and reporting it to the Senate in the form we have done.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Minnesota?

Mr. JONES. I do.

Mr. CLAPP. In the press of other matters I have not had the time to examine this bill as carefully as I should like to do. So I ask what provision, if any, is made in the bill for the termination of the right or license or permit or whatever you may be pleased to call it?

Mr. JONES. I will answer that by reading the provision of the bill.

Mr. WALSH. Mr. President, I desire to say, for the information of the Senator from Minnesota, that there will be some discussion of an amendment addressed to that feature of the bill, and doubtless it will engage the Senator's attention at that time.

Mr. JONES. I read from the bill:

> SEC. 5. That unless revoked for cause as provided in section 8 of this act the rights under any such permit shall continue for a period of 50 years from and after the date of the completing and putting into commercial operation of the initial installation required by the Secretary of War, as provided in section 9 of this act, and after the expiration of said 50 years such rights shall continue until revoked for cause as provided in section 8 of this act or until terminated and compensation has been made to such grantee for its property as provided in section 6 of this act.

Then section 6 follows. I could read that right here, if the Senator would like to have me do so.

Mr. CLAPP. I should like to have it in the Senator's speech. I have a purpose in wanting it there.

Mr. JONES. Very well; I shall read section 6. It is as follows:

> SEC. 6. That at any time after the expiration of said 50 years the United States may terminate the rights hereunder granted upon the giving to the grantee of one year's notice in writing of such termination, and upon the taking over by the United States of all the property of the grantee dependent in whole or in part for its usefulness upon the rights hereunder granted, which are necessary and appurtenant, or acquired and valuable or serviceabue in the distribution of water, or in the generation, transmission, and distribution of power, and upon paying to the grantee the fair value of said property, together with the cost to the grantee of the lock or locks, or other aids to navigation, and all other capital expenditures required by the United States, and assuming all contracts entered into by the grantee which have the approval of the duly constituted public authority having jurisdiction thereof, or which were entered into in good faith and at a reasonable rate, in view of all the circumstances existing at the time such contracts were made.

And then it goes on with the definition of "fair value," and so forth.

Mr. BANKHEAD. Mr. President, before the Senator takes his seat, I should like to ask him a question or two. My recollection is that he made a statement with reference to the Columbia River and the power that might be developed there under the provisions of this bill. I understood him to say that a dam erected there, perhaps 100 feet high——

Mr. JONES. Ninety feet high.

Mr. BANKHEAD. Ninety feet high would produce—what amount of power?

Mr. JONES. Four hundred thousand horsepower at low-water stage and 1,200,000 horsepower at high-water stage, or during the summer time.

Mr. BANKHEAD. I understood the Senator to make a statement as to the distance the river would be improved for navigation by the construction of this dam, which was about a thousand miles, I think he said.

Mr. JONES. I said that by the construction of this dam there would then be navigation in the Columbia River for a distance of about a thousand miles. Perhaps it might be well to explain that; otherwise it might be misunderstood. We have navigation now in the Columbia River up to Priest Rapids. Then for, I think, 75 miles or more there is not any navigation, because there are some rapids. By the building of this dam, those rapids would all be overcome, and then we would have navigation nearly on to the Canadian line.

Mr. BANKHEAD. That is what I understood. Now, the question I want to ask the Senator is this: There is obstruction to navigation; there is a great navigable river cut in two in the middle, if I may so express it, by shoals. The construction of this dam 90 feet high would give complete navigation.

Mr. JONES. Without expense to the Government.

Mr. BANKHEAD. Without expense to the Government. Now, the point I am coming to is this: How long will it be, in the judgment of the Senator, before the Government of the United States will undertake the improvement of the river at its own expense?

Mr. JONES. Why, Mr. President, I see no prospect at anything like an early day of the Government undertaking it. It will be years and years and years before it is done, if it ever is done.

Mr. BANKHEAD. Another question. If the Government should undertake this development for navigation purposes they would, of course, construct, instead of one dam 90 feet high, three or four dams 20 or 25 feet high for navigation only. That is the rule. The Government never constructs high dams when they are only providing for navigation; but the rule of practice and of common sense is that such dams shall be only 20 or 25 feet high. I do not know of any dam in the United States for navigation that is over 22 feet high. Now, to construct these dams for navigation would absolutely for all time destroy the possibility of a power development at that shoal, would it not?

Mr. JONES. I think it would.

Mr. BANKHEAD. In the Senator's judgment, would not power development and the results that would follow it be much more beneficial to the people of that section and the whole country than the navigation of the river itself? Would it not bring more beneficial results?

Mr. JONES. Oh, yes; because there is not very much need for navigation, at least along a hundred miles or more, unless we can get water out on these lands for irrigation purposes; and this is about the only way in which it can be done.

Mr. BANKHEAD. Then the improvement of that rapid, the construction of a power dam, the erection of manufactories of different sorts, the irrigation of lands, and the production of crops would create an immense amount of commerce that would

go over the river made navigable by the construction of this dam; would it not?

Mr. JONES. Yes, sir.

Mr. BANKHEAD. That is what I wanted to get clearly in my mind. I did not know, but I had that impression.

Now, another question: Is it the Senator's opinion that under the provisions of this law, practically as we have drawn it, capital can be induced to make that power development and make that navigation improvement in connection with each other?

Mr. JONES. I am assured, by men who claim to know, that they know capital that will go into this enterprise if this bill is passed; and not only this one enterprise in my State, but this other enterprise in the case of which I read from the permit awhile ago, where they can develop 110,000 or 112,000 horsepower. I am assured that they have capital ready to go into that enterprise also. What these capitalists expect to do more than anything else is to build great nitrate plants to take nitrogen from the air and make fertilizer out of it, and also develop those things that are necessary in the manufacture of ammunition, and which, if we need to prepare, as so many are talking about now, will be one of the best elements of preparation that we can make.

Mr. BANKHEAD. Would not the Senator from Washington regard it as a legislative crime for the Government of the United States to destroy that power and its possibilities simply by an attempt on the part of the Government to improve the river for navigation?

Mr. JONES. I think we would be justified in using that language.

Mr. KENYON. Mr. President, before the Senator takes his seat I wish to state that I have been unable to be here during all of the Senator's speech; but, referring to the question asked by the Senator from Minnesota [Mr. CLAPP], I do not know whether the Senator from Washington has discussed section 6 or not.

Mr. JONES. No; I did not discuss it. The Senator's colleague [Mr. CUMMINS] asked me yesterday afternoon with reference to the fair-value proposition. I suggested to him that I had not given that subject a great deal of consideration, but that the Senator from Tennessee [Mr. SHIELDS], who has charge of the bill, is especially qualified to speak with reference to that.

Mr. KENYON. I should like to ask the Senator—because he has better knowledge, I am sure, on these questions than I have——

Mr. JONES. Not with reference to that; I doubt it.

Mr. KENYON. But the Senator has with reference to the general subject, because he comes from a State where, perhaps, it has required more study, though the question is one which is important to my State also. But does not section 6 practically amount to a perpetual franchise?

Mr. JONES. I think it does. I stated that yesterday. I discussed that proposition just a little. I think it does.

Mr. KENYON. The contracts that would be made might extend over such a period of time that the Government never would recapture the property, as provided in section 6.

Mr. JONES. Oh, I think that even if the Government should recapture, the Government would have to carry out those contracts.

Mr. KENYON. That might embrace trolley lines, the electric lighting of towns, and so on.

Mr. JONES. Yes; that is true.

Mr. KENYON. And the Senator does not believe that the Government ever would do it, does he?

Mr. JONES. Well, I doubt it.

Mr. KENYON. Take the Keokuk Dam. The amount of money that it would cost to recapture that property would be up in the millions—perhaps $20,000,000.

Mr. JONES. Yes.

Mr. BANKHEAD. The Keokuk Dam has a perpetual charter.

Mr. KENYON. I know the Keokuk Dam has a perpetual charter; but assuming that the Keokuk Dam, or some similar dam, might be constructed under this bill, it might just as well be a perpetual charter, might it not?

Mr. JONES. I stated yesterday, and I will state now, to indicate my position, that I think it ought to be. I do not think we ought to put any limit in here at all, for this reason: We have in practically every State of the Union a public-service commission that will see to it that the charges are reasonable and just, as nearly as any administrative officer can see to it, and that the service is efficient. If that be true, I do not see any object to be gained by changing the ownership or limiting the time. If the rates are just and reasonable for 50 years, if they are just and reasonable for 100 years, if they are just and reasonable for 1,000 years, why should any change be made or what advantage can be gained by it? Then, too, I think, as the Senator from California suggested the other day, that it is very important, especially in irrigation matters, that the right shall be perpetual. A man who gets a water right for his land does not get a water right for 10 years or for 25 years. He does not want a water right for any limited time. He wants it forever, because whenever the water stops all the value goes out of his farm, and his improvements are wasted, and all that sort of thing.

So, in the interest of permanency and stability and prosperity, I should prefer to see no limit at all where we have these public-service commissions. I would not be in favor of this unlimited grant if they were permitted to charge whatever they saw fit to charge, as they used to be permitted to do; but now that we have our regulative commissions, I can see nothing to be gained by having a limited period.

Mr. KENYON. I am glad the Senator is so frank about that, as he is about everything else, and admits that this bill practically gives a perpetual franchise.

Mr. JONES. I think it does.

Mr. SHIELDS and Mr. CLAPP addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield, and to whom?

Mr. JONES. I yield to the Senator from Tennessee.

Mr. SHIELDS. I do not agree that this bill gives any perpetual franchise.

Mr. JONES. The Senator understood me to say "practically."

Mr. SHIELDS. I understand that the Government at any time after 50 years can give notice and by proper proceedings take over the plant. I shall discuss that question and the proper construction of the section in regard to it when we reach the amendment offered in regard to it. I do not wish to do so now, while we have under consideration the amendment of the Senator from Montana in regard to entirely a different matter.

Mr. JONES. I do not think there is any difference between the Senator and myself. The terms of the bill, of course, make it a fixed term; but practically, as the Senator says, I think it is a perpetual grant.

Mr. KENYON. The bill prescribes a fixed way of recapture which can not practically be carried out.

Mr. JONES. I would not say that it can not be carried out, but it probably will not be carried out.

Mr. CLAPP. It makes the grantee subject to the laws of the State.

Mr. JONES. Absolutely.

Mr. CLAPP. And that is one of the conditions of the grant. Under section 8, the grantee forfeits the rights if it violates the conditions; so that it can only be said to be practically permanent so long as the grantee complies with those provisions that relate to Federal regulation and also relate to State regulation.

Mr. JONES. Oh, yes; that is true.

Mr. WALSH. Mr. President, in closing the debate on my amendment—for I take it that all has been said that Senators desire to say with reference to it—I think I may, with entire propriety, recall to the minds of the Senators the exact purport of this amendment. It is to strike from line 22, on page 6, the words "based upon its value as land."

Mr. President, this amendment presents no question of the propriety of adopting a leasing system, with respect to any rights that are acquired under the act, rather than a system under which grants in perpetuity, alienations in fee, are made. The bill itself propounds the leasing system, both with respect to the right to place dams in navigable streams and with respect to occupying any portion of the public lands. The bill provides, not that the permittee shall have the right perpetually to occupy the stream, but that he shall have the right to occupy it for a limited period of 50 years. It provides that if public lands are to be occupied they shall not be occupied perpetually by the permittee, but only for the period of his permit. So that the amendment, as I suggest, does not present the question of the wisdom of that system as a whole at all. Furthermore, it does not at all present the question as to whether, with respect to the public lands that are to be occupied, if any shall be occupied, any charge is to be made or is not to be made; for the bill contemplates that a charge is to be made for this right. The amendment simply presents the question of the principle upon which the charge is to be made in the case of public lands occupied for the limited period of the franchise.

My esteemed friend the Senator from Colorado [Mr. SHAFROTH], who introduced the discussion of the matter on the part of those opposed to the amendment, found opportunity to hang upon this discussion the presentation of his views concerning the wisdom of the leasing system, and we listened to his

well-known views with respect to that. It is in a way a digression, Mr. President. The Senator from Colorado insists that if any permission is to be given to occupy the public lands at all, that permission should not be given for a limited period, but that the lands should be conveyed away. The Senator's view is that we ought to get rid of the public lands without very much regard to how we get rid of them, or to whom we get rid of them, or upon what terms we get rid of them, so that they will pass into private ownership and become subject to taxation by the States. He urges that view very often.

In that connection the Senator from Colorado stated that the hopes which some of us entertain that development would take place under this bill, or something like it, might be judged by the fact that a year and a half ago we passed a bill which contemplated the leasing of the coal lands in Alaska; and he advised the Senate, as he did on a previous occasion, that that hope was doomed to disappointment, because after the lapse of a year and a half no one had ever come forward to take a lease upon the coal lands of Alaska.

Mr. President, the question is so important in many phases that I called up the Commissioner of the General Land Office to get accurate information upon that subject. The Senator from Colorado has stated the facts exactly. No one has ever come forward; no leases have been made. But no leases have been made, Mr. President, because no leases have ever been offered. The necessary surveys have not yet been made so as to afford an opportunity to invite people who might lease.

I send to the desk the letter of the commissioner, and ask that it may be read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, February 23, 1916.

Hon. T. J. WALSH,
United States Senate.

MY DEAR SENATOR: In response to your recent inquiry by telephone with respect to the matter of leases on the Alaska coal lands, under the Alaska coal-leasing act of October 20, 1914, I beg to advise that, as you recall, the act in question requires that the Secretary of the Interior shall cause said lands to be surveyed and laid out in leasing blocks; said act also authorizes the President to set aside certain areas as a reserve for Government use. Under the circumstances, therefore, the first thing to do under this act was to get the land surveyed. Consequently, necessary surveying parties went into each of the three principal coal fields, namely, Bering River, Matanuska, and Nenana, as early as weather conditions would permit last spring. The land surveyors were accompanied by topographic surveyors; and in two fields, the Matanuska and Bering River, they were accompanied by coal-mining engineers. The field work was all completed during the last summer season. The preparation of the necessary plats and field notes is now going on at Juneau as rapidly as possible, and we expect to have all of them in hand here within a few weeks.

In the meantime the two coal-mining engineers were given advance photographic copies of topographic sheets and survey plats, so that they could go ahead with the work of making up their reports and laying out the blocks of land for leasing purposes. These two men are here at present, and have their reports practically ready to present to the Secretary of the Interior.

In the meantime, also during the past summer, much attention was given by the different bureaus of this department to the matter of formulating satisfactory coal leases and regulations, all of which has been done, so that immediately the field notes are received here from Juneau the department will be in a position promptly to issue coal regulations and information for the leasing of coal lands in Alaska.

You will recall that section 10 of the coal-leasing act provides for free-use permits on small tracts for local consumption. Regulations and forms under this section were issued shortly after the act was passed, and I inclose herewith a copy. Advices have reached this office of operations being conducted under such permits in 10 cases.

From the above you will note that, so far as the larger leasing operations are concerned, the department has not up to date been in a position to grant a lease on any Alaska coal lands or to consider any application, though there have been numerous requests for information in this connection.

Yours, very truly,
CLAY TALLMAN.

Mr. WALSH. Mr. President, to get back to the amendment before us for consideration, the bill provides that the amount of the charges which the Secretary of War shall exact on account of the use or occupancy of any public lands that may be required in connection with any of these projects shall be determined by him upon the basis of the value of the land to be occupied. In other words, he is to ascertain what the value of the raw land is. That is to be the capital, and on that capital the Government is to receive, as I assume, a reasonable interest return. I suppose probably 5 per cent will be regarded as reasonable. The Senator from Washington [Mr. JONES], who seems to have originated this part of the bill, or at least it conforms to his idea, introduced at the last session a bill which contemplated determining in that way the price to be paid.

The amendment contemplates striking that out and leaving it entirely in the discretion of the Secretary of War to require the payment of such annual charges or other amount as to him may seem wise. Thus, Mr. President, he will have an opportunity to provide in the permit, if he sees fit to do so, that an annual payment shall be made of so much per horsepower developed or developed and used; in other words, to base the charges upon the amount of power which is produced in connection with the lands that are to be used.

It is between these two plans that the Senate is required to make choice in the amendment which has been proposed by me.

It is perfectly clear that those who are opposing the amendment offered by me are opposing it because they fear that by it an undue burden will be put upon the power companies seeking these privileges; that is to say, that they will be too heavily burdened, and that the imposition of that burden upon them will arrest the development of these water-power projects, the speedy utilization of which is the earnest desire of all those, including myself, who hope to see this legislation enacted.

The Senator from Washington [Mr. JONES] is quite frank about the matter. He does not want any charge at all to be exacted for the use of these lands. He would give the power company seeking this permit the use and occupancy of all the public lands it needs without any charge at all; and if a charge is going to be made, he is perfectly frank to say—and I admire and respect him for it—that he wants to tie down the Secretary of War as far as he can, so that the charge shall not be anything of any considerable consequence.

Mr. President, the Senator from Connecticut [Mr. BRANDEGEE] presents this matter in an exceedingly persuasive way, and the argument made by him is entitled to most respectful consideration. He says:

> If these lands were owned by a private individual and the power company desired to make use of those lands, it could go into court, condemn those lands, pay the actual value of the lands, and occupy them.

He further says:

> The Government owns these lands in exactly the same way as a private proprietor owns the lands, and it should, therefore, be subject to exactly the same rules—

And that the public lands should be taken by the exercise of the right of eminent domain in exactly the same way and upon exactly the same terms as the lands of private owners.

Mr. President, that is a theory of the law which is now presented for the consideration of the Supreme Court of the United States. It is advanced by certain gentlemen whose views are entitled to very great respect in the State of Colorado that the State has the inherent power to exercise the right of eminent domain over all lands within its borders, even the lands belonging to the United States—the public lands—and that it can invest any corporation which it creates with that sovereign power to go out and take these public lands; in other words, that the State may say to any power company: "Go out on the public domain and occupy whatever power site you can find, and we will grant you the right to that site, paying to the United States only the actual value of it."

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Tennessee?

Mr. WALSH. Gladly.

Mr. SHIELDS. Do I understand that there is now pending a case involving that very question?

Mr. WALSH. I had a copy of the brief. It was presented to the United States District Court for the District of Colorado. My understanding is that it was denied, and that an appeal has been taken, and the case is now pending in the Supreme Court of the United States.

Mr. SHIELDS. Does the Senator know whether or not it has been heard?

Mr. WALSH. No; I am sure it has not.

Mr. SHIELDS. Then there is not any probability of its being decided very soon?

Mr. WALSH. No.

Mr. SHIELDS. Instead of putting in the bill a provision of the kind contained in it—that the Secretary of War may fix the charge upon the land, based upon its value as land, taking into consideration the benefits to the permittee as well as the benefits conferred upon navigation—if a provision were substituted authorizing the corporations of the States and the individuals making application under the provisions of this bill to condemn these public lands in a proceeding in eminent domain, would that relieve the objection of the Senator?

Mr. WALSH. Why, certainly not. I should say not. In the first place, I will say to the Senator from Tennessee that the Congress of the United States has never yet given permission to sue the United States in a condemnation proceeding.

Mr. SHIELDS. I am aware of that fact.

Mr. WALSH. I am sure the Senator is.

Mr. SHIELDS. But what I ask is, Would the Senator offer any objection to the substitution, now in this bill, of permission of Congress for these companies to condemn the land under the right of eminent domain?

Mr. WALSH. I should; yes, sir.

Mr. SHIELDS. The reason why I asked the question was that I thought the Senator concurred in the view expressed by the Senator from Connecticut [Mr. BRANDEGEE].

Mr. WALSH. Oh, no; by no means. I was going to say that it is a very persuasive kind of an argument to make, but it is lacking in soundness. It is lacking in soundness, for this reason: Although the Government of the United States holds the title to these lands in a proprietary and not in a governmental sense, yet it does not handle the lands as a private owner handles his lands. I will say to the Senator that never in the history of our country has the Government of the United States awarded to the States the right to bring it into any court for the purpose of condemning to public uses any lands belonging to the United States. When we consider that that policy has been pursued since 1789 down to the present time—now 127 years—we may well believe that there is some good, sound reason why that should not have been done, or it would have been done a long time ago. The reason for it is that when the corporation invested with the sovereign right of eminent domain seeks to take the property of a single individual we have the case of the sovereign people on the one side—all the people of the State—demanding that the property be put to public uses, and a single individual selfishly demanding that he hold it for his own individual, private purposes.

But in the case of the Government of the United States we have quite a different situation. The Government of the United States does not hold its land as a private proprietor for the purpose of making money out of it. The Government of the United States represents the people of this great Nation with reference to its public lands, and you have the people of a State on the one side and the great constituency of the people of the United States on the other side, the people of the State demanding that it be put to a certain public use and the Government of the United States saying, "We do not think it wise to put it to the public use upon the terms that you propose."

Therefore, Mr. President, it is not correct at all to say that because the private individual must give up his lands for a cash value the Government of the United States is obliged to give up its lands for a cash price or to exact an annual return that is equivalent to the interest upon the cash price, because it will say, "We have a great public purpose to subserve; we do not think it wise in the interests of all the people of this Nation that we should let this land go at this particular time for the amount of cash that it will bring in the market. If you desire to do it, however, upon the terms which we prescribe, you are quite welcome to it."

So, Mr. President, we insist that the public policy as addressed to this particular measure is that the charge should not be made on the question of the actual cash value of the property at that time, but upon other and broader considerations of public policy.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Alabama?

Mr. WALSH. I do.

Mr. BANKHEAD. The section of the bill under discussion, which provides that this land shall be valued or paid for according to its value as land, does not stop there at all. It goes further and says that—

> In fixing such charges consideration shall be taken of the benefits accruing from the use and occupation of such lands to the interests of navigation, as well as to the business of said grantee.

Now, I ask the Senator if, under the provision I have read requiring the Secretary of War to place the price upon all the lands according to their value as land and then authorizing him to place another price or another value according to the benefits conferred upon the grantee, he thinks it would be likely that a fair price or an exorbitant price, if you please, may be required under the provisions of this section?

Mr. WALSH. Mr. President, the question the Senator addresses to me is a very pertinent one. The Senator from Iowa [Mr. CUMMINS] asked the Senator from Washington [Mr. JONES] yesterday substantially the same question.

Mr. BANKHEAD. I want the Senator to answer mine.

Mr. WALSH. I shall be glad to do so. In other words, he asks whether the idea expressed in the language which I seek to strike out is not irreconcilable and inconsistent with the subsequent language. It will say to the Senator that it is my opinion that it is, and therefore I want to make it harmonious by taking out the other language.

Mr. BANKHEAD. In other words, I fear the Senator from Montana would like to amend the bill so that it would be utterly worthless after it is passed from the viewpoint of those who are in favor of it.

Mr. WALSH. Oh, no; not at all, Mr. President, because I am in favor of this bill, and I am as earnestly desirous of seeing it passed as is the Senator from Alabama or any other Senator upon this floor. Mr. President, I desire to have it understood now that I do not intend to be charged as being an opponent of this bill if I am not willing to have it go through without dotting an "i" or crossing a "t," and that is the thing that is put up to us.

The Senator from Alabama awhile ago interrogated the Senator from Washington concerning the great power site at Priest Rapids. Mr. President, that is a wonderful resource. It is a magnificent power site. I presume, possibly with the exception of Niagara, there is not one like it in the United States. That is a great river. It comes clear up into my State; its headwaters traverse it for many, many miles. I want to see it opened to navigation. I want to see that great power developed. But that does not demonstrate that this is a good bill, either in its general aspects or in its details, and I shall continue my humble efforts, in my humble way, to get the bill to conform, if I can, to my ideas as to what a water-power bill should be.

We are constantly told, Mr. President, that this bill is necessary because water-power development has been arrested and this will start it on the way. I have no doubt it will; I am quite sure it will. But, Mr. President, it was said that the old bill was unworkable, and, therefore, we must take this bill. I do not concede that we are confronted with any such alternative at all.

It is suggested that no development will take place unless this bill goes through just exactly as it came from the Committee on Commerce, or that in some way or other development will be arrested if the amendment now proposed by me shall be adopted.

Mr. President, upon what basis is any such claim as that asserted, and how can it be maintained? Why were not plants constructed under the act of 1910? It is perfectly obvious why they were not constructed. It was not because the act of 1910 provided that the privilege should be granted for 50 years only. This bill adopts that view. It was not because the act of 1910 provided that a charge should be made for the privilege which it extended. This amendment here provides for the imposition of a charge. It was simply and plainly, Mr. President, because the Secretary of War was not authorized to grant a permit at all under the act of 1910 until first a special act was put through Congress, and it has been found impossible since that time to put an act through Congress because of the contending views of the extremists, the one claiming everything for the power sites and the other side imposing and insisting upon imposing impossible terms. I hope that we shall get into a frame of mind where we can get away from both of them and pursue some medium course which will at once protect the rights of the people and offer reasonable inducements to the investment of capital.

Mr. President, what obstacle will this amendment be in the way of the development of these powers?

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Iowa?

Mr. WALSH. I do.

Mr. CUMMINS. I should like to put to the Senator from Montana the question that I asked a day or two ago of the Senator from Alabama [Mr. BANKHEAD], for I confess that there are in this part of the bill provisions which seem to me to be contradictory. Quoting from the bill I read:

> And for any land of the United States so used and occupied the grantee shall pay to the United States such reasonable charges based upon its value as land as may be fixed by the Secretary of War—

That seems to me to be a direct command to the Secretary of War that the charges shall be based upon the value of the site as land. But I find immediately afterwards this language:

> and in fixing such charges consideration shall be taken of the benefits accruing from the use and occupation of such lands to the interests of navigation, as well as to the business of said grantee.

Is it not true that the clause I have just read is entirely inconsistent with fixing the charge upon the basis of the value of the property as land? That is to say, it directs the Secretary of War to ascertain the value of the improvement to the public for the purposes of navigation, and I assume that in that way the charge might be not only reduced below the point of the value of the property as land but it might create a credit to the person to whom the permit is granted.

Then the Secretary of War must also take into account in fixing the charge the business of the grantee. I assume that

means that if it is likely the business will be very profitable the charge shall be great; if it is likely that the business will be unprofitable or little profitable, then the charge shall be low. That idea is emphasized by the next provision:

In fixing such conditions, or any of them, the Secretary of War shall also take into consideration the probable cost to such grantee of construction and maintenance and operation, and the probable consumers' rate required to produce a reasonable return upon the investment required of such grantee.

If that means anything, it means that the charge shall be graduated according to the probable outcome of the enterprise.

I am unable to see why the Senator from Tennessee and the Senator from Alabama resist so strenuously the amendment offered by the Senator from Montana, when the bill itself provides that all these broader considerations must enter into the final judgment of the Secretary of War with regard to the charge to be made by the occupation of the land.

I suggest that to the Senator from Montana, for I have been unable to see the operation of these latter clauses if the sponsors of the bill intend that the charge shall be based entirely on the value of the property as land.

Mr. WALSH. Mr. President, I see no——

Mr. SHIELDS. May I ask a question?

Mr. WALSH. The question was addressed to me. I will be glad to yield to the Senator from Tennessee in a moment.

Mr. President, I can see no possible escape from the conclusion which is obvious from the remarks of the Senator from Iowa. The two present two directly divergent and antagonistic theories upon which to estimate the annual charge. I yield to the Senator from Tennessee.

Mr. SHIELDS. I should like to ask the Senator from Iowa, if I understand him correctly, what his objection is to the words "based upon land" when he thinks the subsequent provision means the same thing?

Mr. CUMMINS. I must answer the Senator from Tennessee in this way: I think, myself, the interpretation of the statute would be precisely the same whether the amendment offered by the Senator from Montana is adopted or not. I think the bill itself——

Mr. SHIELDS. Then the Senator can see no reason for the Senator from Montana insisting on his amendment, or no further reason?

Mr. CUMMINS. I am unable to see its great materiality, because I believe that the bill does provide for other bases of fixing charges, just as the Senator from Montana would have it. But I shall nevertheless vote for the amendment offered by the Senator from Montana, because I do not believe in having inconsistencies or repugnancies in a bill.

Now, I ask the Senator from Tennessee: Suppose that a given site were before the Secretary of War and he should find that the value of the site as land was $500, but he should also find that the benefits accruing to the people of the country from the improvement in navigation was $1,000, what would the Senator from Tennessee do under those circumstances if he were Secretary of War?

Mr. SHIELDS. The Senator from Tennessee would charge the company for the value of the land for all the purposes for which it is valuable, and such are the provisions of this bill. It is subject to no other construction in my opinion. I am wholly unable to comprehend how it can be construed in any other way.

This provision that the charges shall be based on the value of the land as land prevents a broader construction which would enable the Secretary of War to charge for the water flowing in the stream and the power created by the improvement, in which the United States has no interest and can not justly or constitutionally charge for.

Mr. CUMMINS. But——

Mr. SHIELDS. I am not through. I should like to present an authority on this question to the Senate right at this time, if I may have the indulgence of the Senator from Montana.

Mr. WALSH. Certainly.

Mr. SHIELDS. It is the case of the United States against Chandler-Dunbar Co., which is so often cited to sustain the power of the United States to charge for water power. I may say here that it only applies to the facts of that case. The United States had built a dam and had purchased the banks and bed of the stream under a condemnation proceeding, and was therefore the riparian proprietor, and for those reasons had the right to charge for the excess power produced. In that case the Chandler-Dunbar Co. claimed various items as incidental damages to the remainder of this land. In the court below they were allowed them to the extent of some $650,000. The Supreme Court disallowed nearly all of them. I wish the Senators in listening to this opinion to keep in mind that the position of the United States in that case was directly the reverse of what it will be in a case under this bill. In that case here the Chandler-Dunbar Co. owned the land and the United States was seeking to condemn it. Under the provisions of this bill the land to be acquired belongs to the United States and the power company will seek, in substance, to acquire it. The rule that applies in favor of the United States when it condemns land ought to apply to it when a public-utility corporation proposes to acquire it for a public use.

Mr. CUMMINS. Might I make a suggestion there so that the Senator may consider it as he goes on with the case?

Mr. SHIELDS. After I read the case I will yield to the Senator.

Coming now to the award for the upland taken: The court below awarded to the Chandler-Dunbar Co. on this account—

(a) For the narrow strip of upland bordering on the river, having an area of something more than 8 acres, excluding the small parcels described in the pleadings and judgment as claims 95 and 96, $65,000, less 7 per cent of that sum on account of Portage Street, which the court later found belonged to the United States and not to that company, $60,450.

(b) For the small parcels covered by claims 95 and 96, $25,000.

(c) For a half interest in lot on bridge property, $338.

These awards include certain sums for special values. The value of the upland strip, fixed at $60,450, was arrived at in this manner:

(a) For its value, including railroad side tracks, buildings, and cable terminal, including also its use, "wholly disconnected with power development or public improvement, that is to say, for all general purposes, like residences or hotels, factory sites, disconnected with water power, etc., $20,000."

(b) For use as factory site in connection with the development of 6,500 horsepower, either as a single site or for several factories to use the surplus of 6,500 horsepower not now used in the city, an additional value of $20,000.

(c) For use for canal and lock purposes, an additional value of $25,000.

The small parcels constituting claims 95 and 96 were valued at $25,000.

These two parcels seem to have been connected by a costly fill. They fronted upon deep water above the head of the rapids. They had therefore a special value for wharves, docks, etc., and had been so used. The gross sum awarded included the following elements:

(a) For general wharfage, dock, and warehouse purposes, disconnected with development of power in the rapids, $10,000.

(b) For its special value for canal and lock purposes an additional sum of $10,000.

(c) In connection with the canal along the rapids, if used as a part of the development of 4,500 (6,500) horsepower, an additional value of $5,000.

The United States excepted to the additional value allowed in consequence of the availability of these parcels in connection with the water power supposed to be the property of the Chandler-Dunbar Co. and supposed to have been taken by the Government in this case. It also excepted to so much of the awards as constituted an additional value by reason of availability for lock and canal purposes.

These exceptions, so far as they complain of the additional value to be attached to these parcels for use as factory sites in connection with the development of horsepower by the Chandler-Dunbar Co., must be sustained. These "additional" values were based upon the erroneous hypothesis that that company had a private-property interest in the water power of the river, not possibly needed now or in the future for purposes of navigation, and that that excess or surplus water was capable, by some extension of their works already in the river, of producing 6,500 horsepower.

Having decided that the Chandler-Dunbar Co. as riparian owners had no such vested property right in the water power inherent in the falls and rapids of the river and no right to place in the river the works essential to any practical use of the flow of the river, the Government can not be justly required to pay for an element of value which did not inhere in these parcels as upland. The Government had dominion over the water power of the rapids and falls and can not be required to pay any hypothetical additional value to a riparian owner who had no right to appropriate the current to his own commercial use. These additional values represent, therefore, no actual loss and there would be no justice in paying for a loss suffered by no one in fact. "The requirement of the fifth amendment is satisfied when the owner is paid for what is taken from him. The question is what has the owner lost, and not what has the taker gained." (Boston Chamber of Commerce *v.* Boston, 217 U. S., 189, 194, 195.)

Neither can consideration be given to probable advancement in the value of such riparian property by reason of the works to be constructed in the river by the Government or the use to which the flow of the stream might be directed by the Government. The value should be fixed as of the date of the proceedings and with reference to the loss the owner sustains, considering the property in its condition and situation at the time it is taken and not as enhanced by the purpose for which it was taken. (Kerr *v.* Park Commissioners, 117 U. S., 379, 387; Shoemaker *v.* United States, 147 U. S., 282, 304, 305.)

The exception taken to the inclusion as an element of value of the availability of these parcels of land for lock and canal purposes must be overruled. That this land had a prospective value for the purpose of constructing a canal and lock parallel with those in use had passed beyond the region of the purely conjectural or speculative. That one or more additional parallel canals and locks would be needed to meet the increasing demands of lake traffic was an immediate probability. This land was the only land available for the purpose. It included all the land between the canals in use and the bank of the river. Although it is not proper to estimate land condemned for public purposes by the public necessities or its worth to the public for such purpose, it is proper to consider the fact that the property is so situated that it will probably be desired and available for such a purpose. (Lewis on Eminent Domain, 707. Boom Co. *v.* Patterson, 98 U. S., 403, 408; Shoemaker *v.* United States, 147 U. S., 282; Young *v.* Harrison, 17 Ga., 30; Alloway *v.* Nashville, 88 Tenn., 510; Sargent *v.* Merrimac, 196, Mass., 171.) Boom Co. *v.* Patterson was this: A boom company sought to condemn three small islands in the Mississippi River so situated with reference to each other and the river bank as to be peculiarly adapted to form a boom a mile in length. The question in the case was whether their

adaptability for that purpose gave the property a special value which might be considered. This court held that the adaptability of the land for the purposes of a boom was an element which should be considered in estimating the value of the lands condemned. The court said, touching the rule for estimating damages in such cases:

"So many and varied are the circumstances to be taken into account in determining the value of property condemned for public purposes that it is perhaps impossible to formulate a rule to govern its appraisement in all cases. Exceptional circumstances will modify the most carefully guarded rule, but, as a general thing, we should say that the compensation to the owner is to be estimated by reference to the uses for which the property is suitable, having regard to the existing business or wants of the community or such as may be reasonably expected in the immediate future."

In Shoemaker against United States, supra, lands were condemned for park purposes. In the court below the commissioners were instructed to estimate each piece of land at its market value, and that "the market value of the land includes its value for any use to which it may be put, and all the uses to which it is adapted, and not merely the condition in which it is at the present time, and the use to which it is now applied by the owner; * * * that if, by reason of its location, its surroundings, its natural advantages, its artificial improvement, or its intrinsic character, it is peculiarly adapted to some particular use—e. g., to the use of a public park—all the circumstances which make up this adaptability may be shown, and the fact of such adaptation may be taken into consideration in estimating the compensation." The court approved this instruction.

Now, those claims were disallowed as being incident to the land of the riparian proprietor. The position that is taken by the committee and by a good many others in the Senate is that the United States as a proprietor of lands lying along these navigable rivers can not claim anything for their land on account of such values as I have read and that were disallowed in that case, but there are certain values which can be considered in condemning lands of this character, and this provision provides for the allowance of them. In other words, whatever value the property has by its situation on the rivers should be considered by the Secretary of War and charged for, or, to state it in other words, the charge should be on the same basis as the value is fixed in an ordinary condemnation proceeding. That, it seems to me, would be just between the United States and the company proposing to make the development, and certainly the United States ought not to want to invoke a harsher rule. The object of taking the land is one for the public benefit, for a public-utility purpose. In fact, it ought to be donated when it is for a public use.

Now, I wish to read further from this case. I am not going to read it all, though it would be very instructive if I did. On page 80, in referring to another position insisted upon by the Chandler-Dunbar Co., that it was entitled to recover for the "strategic value," the court said:

The "strategic value" for which $15,000 has been allowed is altogether speculative. It is based not upon the actual market value for all reasonable uses and demands but the possible worth of the property to the Government.

A "strategic value" might be realized by a price fixed by the necessities of one person buying from another, free to sell or refuse, as the price suited. But in a condemnation proceeding the value of the property to the Government for its particular use is not a criterion. The owner must be compensated for what is taken from him, but that is done when he is paid its fair market value for all available uses and purposes. (Lewis Eminent Domain, 3d ed., 706; Maulton *v.* Newburyport Water Co., 137 Mass., 163, 167; United States *v.* Seufert Bros. Co., 78 Fed. Rep., 520; Alloway *v.* Nashville, 88 Tenn., 510, 514; United States *v.* Honolulu Co., 122 Fed. Rep., 581.)

The exception must be sustained.

Mr. President, the provision of the bill in question is somewhat in the nature of a condemnation proceeding. The power company is authorized to occupy it for a public use. The object of the provision proposed to be stricken out is to lay down the rule by which the Secretary of War shall be governed in fixing the charges which the power company shall pay. The United States owns the land, but has no interest in the water. It can charge for the former but not the latter. The Government should not charge a public-utility company for a thing it does not own. The object in placing the words in question in the bill is to make it emphatic that there shall be no charge for the water of the stream or the power produced by it. It is to exclude the inclusion of any value except that of the land. The charge can include every element of value which inheres in the land, but for nothing more.

Mr. CUMMINS. Mr. President, the position that is now taken by the Senator from Tennessee is perfectly understandable.

Mr. SHIELDS. I hope so.

Mr. CUMMINS. And the decision of the Supreme Court in the case from which he read is not difficult to understand; but there is a vast difference between the rule of law applied in the Dunbar case and the rule which is prescribed for the Secretary of War in the bill before us.

The Dunbar case was decided upon the general rules of law relating to the ascertainment of value, rules that are fairly well known; but the Secretary of War is required in the measure that we are now considering to be guided by certain other rules, not rules of the general law at all. It so happens, in my view of it, that the things the bill requires the Secretary of War to consider are the very things that were excluded in the Dunbar case. The rules which the Secretary of War is required to follow are a complete reversal of the general rules of the law respecting the ascertainment of value. I shall at a later time express my opinion with regard to the question of charging a grantee in order to secure a revenue for the General Government, but I am now interested only in the consistency of this part of the bill. It is provided in the bill that the Secretary of War must take into account the public benefits accruing from the use and occupation of the land to navigation. Would such benefits be taken into account in an ordinary condemnation suit? The Senator from Tennessee [Mr. SHIELDS] very well knows that they would not be.

Mr. SHIELDS. Mr. President——

Mr. CUMMINS. If we were to authorize simply a condemnation suit, in which the lands were to be valued in the way provided in the law, does the Senator from Tennessee think that, in order to reduce the value of the land that was to be taken from the Government, the individual could introduce evidence showing that the improvement would be of vast use to the country at large? I am sure he would not so contend. That is one of the things not precisely parallel, but generally parallel, with the items that were excluded by the Supreme Court in the ascertainment of value in the Dunbar case.

Again, the Secretary of War must take into account the business of the grantee. That means what the property is worth to the grantee for the especial purpose for which he desires to use it. He must take into account the probable profits of the grantee, the extent of the business, and from those sources of information ascertain what the grantee can fairly afford to pay to the Government for the land which is sought to be taken.

Mr. SHIELDS. Will the Senator yield to me for a correction?

Mr. CUMMINS. Wait until I close this sentence. That inquiry is prohibited under the Dunbar case and under the general law. A railroad in condemning the land of a private citizen would not be subject to testimony offered by the citizen that the railroad itself was very likely to be extremely profitable, and that it could therefore afford to pay a large amount for the land.

Again, in the last clause of the bill the court—which is the Secretary of War—is required to take into account how much money the entire improvement is to cost and how much it will probably cost to maintain it and, I assume, under the laws of competition, what the probable rate to be paid by consumers will be, all for the purpose of ascertaining how much this land is worth to the particular person or corporation which is to be permitted to occupy it.

If the Senator from Tennessee desires to limit the payment for public land to a value that would be ascertained in an ordinary condemnation proceeding, it will be necessary for him to very materially change the form of his bill. I am conscious, however, that I am trespassing on the time of the Senator from Montana [Mr. WALSH]. I only wanted to make it clear, so far as I can read the bill, that the Senator from Tennessee must grant the amendment of the Senator from Montana in order that the whole provision shall be consistent.

Mr. WALSH. Mr. President, I understood the question addressed to the Senator from Tennessee by the Senator from Iowa to be as to whether there is not an irreconcilable inconsistency between the language to which my amendment is addressed and the remainder of the provisions of the bill on that subject. No question was raised, as I understand, by the inquiry of the Senator from Iowa as to what should be the proper elements entering into the compensation to be rendered, but it was as to whether there is not an inconsistency in the language of the bill.

Mr. President, my idea about the matter is that if the language to which my amendment is addressed is excised from the bill it will present exactly the principle which I desire to see incorporated in that feature of the bill. If the idea represented by the Senator from Washington [Mr. JONES] is to find expression in the bill, then all of the subsequent language pointed out by the Senator from Iowa [Mr. CUMMINS] ought to be taken out. The two can not stand together.

Mr. SHIELDS. Will the Senator yield to me a moment?

Mr. WALSH. Of course, I will yield for a question, though I had hoped that I should have concluded before this time.

Mr. SHIELDS. I desire the Senator to yield merely for a statement. I understood the interrogatory of the Senator from

Iowa to be, whether or not the provision in question was inconsistent; and I answered distinctly that it was not, but that it was entirely consistent, and that the words which the Senator from Montana moves to strike out were inserted in order to make the subsequent words clearer and more explicit and to repel the idea of charging for the water power, which I understand to be the desire of the Senator from Montana. The United States has no power to tax the business and property of the power companies. The States have such power, and they should and will tax them. All charges of this kind should go into the treasuries of the States where they and their property are domiciled and situated.

Mr. WALSH. Of course, we need not proceed further on that line, only I understood the Senator from Tennessee to read from the opinion in the Dunbar case, to invite our attention to the rules there laid down for the purpose of determining the value of property in condemnation proceedings.

Mr. SHIELDS. I did that in order to show the necessity for the retention of the words which the Senator from Montana moves to strike out.

Mr. WALSH. Yes; but nothing will be found therein which will justify taking into consideration, in determining the amount that is to be paid, the benefit which will accrue to the Government by virtue of it nor any of the features referred to in the provisions of the bill subsequent to the language which I move to strike out, which is found on pages 6 and 7. That language presents an entirely different basis for the estimation of the charge, and, as I think, the proper basis. For instance, in determining the charge, the Secretary of War is directed to take into consideration "the benefits accruing from the use and occupation of such lands to the interests of navigation, as well as to the business of said grantee."

The Senator from Alabama [Mr. BANKHEAD] the other day told us about a great work down in his State. In order to carry on that work, in order to get the permit at all, the permittee was obliged to make a very large expenditure of money—running into the millions of dollars almost, as I now recollect—not for his own good at all, not to assist him in the development of power, but in aid of navigation. So, Mr. President, when the permittee is required to make such heavy expenditures as that for the interest of the general public, very likely the charges that would be exacted of him by the Secretary of War would be very meager, if the Secretary of War made any charge at all; but we may very readily conceive that a permit of this character would be granted for the privilege of putting in a dam at some place where it would not be necessary to make improvements of that character at all, nor would a dollar have to be expended by the permittee that would not have direct reference to his own business and the generation of power. Under the language of the bill the Secretary of War, in fixing the charges, would take into consideration that the permittee was not obliged to expend a dollar for the public benefit, and that the whole thing was going to make the business of the permittee exceedingly profitable. In such a case the Secretary of War would put his charges up high. I think that would be the proper thing to do.

Again, Mr. President, on the next page it is provided that "in fixing such conditions, or any of them, the Secretary of War shall also take into consideration the probable cost to such grantee of construction and maintenance." If the permittee is obliged to put an enormous amount of money into the work with the chances of a small return, the charges which he is required to pay will be small. If, on the contrary, the work requires an inconsiderable investment, comparatively speaking, and yet the returns promise to be very great indeed, the Secretary of War will take that into consideration.

But moreover, Mr. President, the Secretary of War is required to take into consideration "the probable consumers'" rate required to produce a reasonable return upon the investment required of such grantee. The Secretary of War will ask the permittee, "How much do you intend to charge for power?" Let us take, for instance, one of the great transcontinental railroads piercing the Sierra Nevadas—take the Union Pacific. Some one may want to get an opportunity to put in a dam in the Sacramento River for the purpose of developing power for the Union Pacific Railroad. The Secretary of War will ask, "How much are you going to charge the Union Pacific for this power?" The permittee will say, "I am going to charge $30 a horsepower; they have agreed to pay that for it." The Secretary of War will say, "Oh, well, you will be making a nice profit on that and you can afford to contribute something to the general revenues; you can afford to pay a dollar a horsepower, then, for that. You will not have to spend a dollar on your work for the improvement of navigation, as they had to do down in Alabama. We caused those people down there to expend a million dollars for the public benefit in order that they might enjoy their privilege. We will have to exact of you some kind of return for this privilege which you get."

Furthermore, Mr. President, the Secretary of War might easily provide a scale and say, "If your charge is going to be so much per horsepower, the royalty you will have to pay will be 25 cents a horsepower. If you charge $5 per horsepower, the royalty will be 50 cents per horsepower." Thus the Secretary of War can graduate the charges that he makes by the charges that the company is going to make to the consumer. Those are proper matters to be taken into consideration by the Secretary in fixing the charges, and so the bill provides.

The Senator from Washington [Mr. JONES], however, says he will not stand for that at all, and that the bill is intended to deny to the Secretary of War any discretion of that kind whatever. The Senator says it denies to him that discretion by virtue of the language to which this amendment is addressed. The Senator from Washington—and I had hoped that he might at least do me the honor to listen to this part of my rambling address—asks, with perfect frankness, "what is the use of making a charge?" He says, "Whatever charge is made must go upon the cost of the thing; that the consumer must pay it"; and he asks what is the difference, even though the privilege is obtained for nothing, because in all the States the rates will be regulated by public-service commissions, and nothing more can be exacted than a reasonable return upon the money invested.

Why, Mr. President, even if that were true, even if the thing worked out exactly, even though it were done accurately, there is no sort of obligation that the power company that gets this permit shall go into the public-utility business nor itself become a public utility. A dam may be constructed by a private individual for private purposes. His charges will not be subject to public regulation in any way whatever. The Senator from Alabama [Mr. BANKHEAD], who wants this bill passed without a single amendment——

Mr. BANKHEAD. Mr. President, I have not said that, and the Senator from Montana has no right to assume that that is my position.

Mr. WALSH. Of course, if that is not the attitude of the Senator, I gladly withdraw the remark. He spoke, I thought, with some evidence——

Mr. BANKHEAD. The committee in charge of the bill have said all the time that they are willing to accept any amendment that will improve the bill.

Mr. WALSH. The Senator from Alabama seemed to feel that I was guilty of obstructive tactics, or something of that kind, in offering the amendments which I have prepared. The Senator from Alabama is exceedingly hopeful—and I sincerely trust that his hope may be realized—that under this bill some great corporation will go into his State and invest perhaps as much as $10,000,000 in the development of a great power plant and nitrate works. I hope they will. We entertain that kind of a hope out in Montana as well. We trust that when the power companies and nitrate companies come to look over the field they will think our opportunities are a little better than they are down in Alabama; but, whether they locate in Alabama or in Montana, they will not be subject to public regulation in any way. A corporation takes out a permit and puts up nitrate works. How is that institution subject to regulation any more than a cotton factory, any more than the cotton mills in the State of my friend, the Senator from Connecticut [Mr. MCLEAN]? It is not subject to regulation at all; so that argument will not do. The great corporation engaged in that work will, of course, come before the Secretary of War and lay before him all its plans, and he will carefully examine into what prospects it has, what outlook there is for a market, what probable profits there will be in the business; and he ought to graduate his charges accordingly.

Mr. President, it is by no means true that no development has occurred under the act of 1910 because that act provided for a charge for the privilege which it accorded. As I said a while ago that act did not operate, because a permit could not be granted except in each individual case a special act of Congress were passed authorizing the construction of the dam. That the imposition of the charge was not what made the act inoperative is demonstrated beyond question or controversy by the fact that charges have been made under the administration of the forest-reserve law since 1900 without any trouble in development at all under that law. Since 1909, when the wholesale cancellation of permits for the construction of power sites within forest reserves was made, only about 15,000 horsepower has been developed. A permit was taken out the other day, even under the existing conditions, for a power plant in the State of Montana, the capacity of which was 1,000 horsepower. Small enterprises here and small enterprises there have been developed under permits

granted since 1909; but probably those general cancellations put an end to such development under existing law upon the forest reserves. Up to that time, Mr. President, it was generally believed that those permits would not be canceled; that they would go on indefinitely, or, at least, that they would not be canceled except upon the most earnest and sincere consideration and upon a perfectly good cause, and while they were operative charges were made just exactly the same, but development was not interrupted in the least degree. Up to 1909 there was 325,150 horsepower developed upon the public domain, although a charge was made in every single instance. The charge, it is true, was trifling. Even the Secretary of the Interior, who is the man so much to be dreaded in this matter, never imposed a charge during that time that seemed to afford any obstacle whatever to the development.

Mr. SHIELDS. Mr. President, I have no doubt the Senator's statement is correct about the quantity of power that has been developed.

Mr. WALSH. I have the figures right here.

Mr. SHIELDS. I have relied on the correctness of the statement of the Secretary of War that only 140,000 horsepower had been developed in all that time and upon the statement of the Secretary of the Interior in the circular letter which was read by the Senator from Nebraska [Mr. NORRIS], in which he said that under the act of 1910 there had been no development; that the matter was at a standstill; and unless more liberal legislation were enacted it would continue to be at a standstill and all these great resources would run to waste and the people be deprived of the benefit of cheap power for manufacturing purposes and the cheap products that follow cheap power.

Mr. WALSH. Mr. President, the Senator is proceeding upon an entirely erroneous assumption. I was not talking about the development under the act of 1910; I was talking about development on forest reserves under the authority given to the Secretary of Agriculture to grant leases upon the forest reserves.

Mr. SHIELDS. Then I misunderstood the Senator. I thought he was talking about navigable streams that come within the provisions of this bill. This bill only applies to navigable streams. The act of 1910 only applied to them. I am not informed as to the water power on the forest reserves.

Mr. WALSH. So that the Senator may understand the argument I make, I insist that the imposition of a charge, either for the lands themselves or for the privilege, will be no obstacle whatever to development, because for nine years that charge was made in all the permits granted for the institution and installation of power plants upon forest reserves; and, notwithstanding that charge was made, during that time——

Mr. SHIELDS. What amount of development took place during all these 15 years?

Mr. WALSH. No; the development commenced about 1900 and it ceased in 1909 because of the wholesale cancellations at that time.

Mr. SHIELDS. By Secretary Garfield?

Mr. WALSH. Yes, sir.

Mr. SHIELDS. Forty in one day?

Mr. WALSH. Yes, sir.

Mr. SHIELDS. Projects upon which millions of dollars had been expended?

Mr. WALSH. Of course, I shall not now enter into a debate as to the wisdom or the unwisdom, the justice or the injustice, of that act.

Mr. SHIELDS. I am simply speaking of the facts.

Mr. WALSH. I am speaking of the fact that water-power development on the forest reserves was arrested.

Mr. SHIELDS. For how long?

Mr. WALSH. Until the present day.

Mr. SHIELDS. Up to 1909 there was how much developed?

Mr. WALSH. There was 325,130 horsepower developed.

Mr. SHIELDS. Only 325,000 horsepower?

Mr. WALSH. Yes, sir.

Mr. SHIELDS. Out of 60,000,000 horsepower. Does the Senator think that was much of a development?

Mr. WALSH. The Senator ought not to get confused about this matter. There is not 60,000,000 horsepower on the forest reserves.

Mr. SHIELDS. There is, according to the estimates, 60,000,000 horsepower in the United States.

Mr. WALSH. Oh yes; but only a very small amount, comparatively speaking, in forest reserves.

Mr. SHIELDS. How much is there in the forest reserves?

Mr. WALSH. I can not say, but whatever there is, 325,000 horsepower on the forest reserves is a great big development.

Mr. SHIELDS. There are several million horsepower in the forest reserves.

Mr. WALSH. Undoubtedly.

Mr. SMOOT. Mr. President, I think there is about 42,000,000 horsepower in the Western States, and I will ask the Senator from Montana if the greater part of that is not in the forest reserves?

Mr. WALSH. I should say not, because there is 400,000 horsepower at Priest Pass, with possibly 1,200,000 more along the same river. I know there is 400,000 horsepower more at The Dalles, and I could easily refer to many other places. Take the Pend Oreille, about which I spoke here the other day, where the development amounts to 250,000 horsepower. That is not within a forest reserve.

Mr. SHIELDS. I have seen a statement of it, but I do not remember the precise amount. I know the horsepower on the forest reserves would run into the millions and that the development stated by the Senator was comparatively small and insignificant.

Mr. WALSH. Another great power site is the Big Horn, which is not in a forest reserve. But what is the difference? In that period there was 325,000 horsepower developed, with a charge attached to every one of them. What is the use of talking about a trifling charge of 10 cents a horsepower, or 25 cents a horsepower, or 50 cents a horsepower, or a dollar a horsepower, for that matter, being an obstacle of any consequence in the development of water power? We who live in the West know that it is not.

Mr. SMOOT. Mr. President, to get the exact figures as to the amount of horsepower in the Western States, I refer the Senator to page 200 of the hearings before the Committee on Public Lands of the United States Senate, in which it is stated that in the Western States there is 44,049,000 horsepower, and if I had the time to refer to the testimony of a number of witnesses, who, as I remember, testified before the committee, I think I could verify the statement that the greater part of that is on forest reserves.

Mr. WALSH. I might say, Mr. President, that if the development upon forest reserves had not been arrested in 1909 by wholesale cancellations, but had been allowed to go on as it was going on up to that time, it would have been demonstrated by this time, so that it would not now be open to discussion at all, that the mere matter of a charge was no substantial obstacle to the development.

Mr. SMOOT. Mr. President, in that connnection I desire to say to the Senator that there has already been developed in the West, particularly in the Mountain States, more power than there is a market for. I take it for granted that the Senator will agree to that.

Mr. WALSH. I will not agree to it; on the contrary, I know that the opposite is true.

Mr. SMOOT. All I can say, Mr. President, is that the testimony before the Public Lands Committee shows that in California, I think, the amount of power produced to-day exceeds that which is used or called for by nearly 35 per cent. There is more developed in the State of Utah than is being used; there is more developed in the State of Nevada than is being used; there is more developed in the State of Washington than is being used; and I might go further and say there is more developed in some of the other States than is being used. It may be, so far as Montana is concerned, that there is a greater demand for power than the amount of power developed to-day can supply; but that is not the rule in the Western States generally.

Mr. WALSH. Mr. President, the idea the Senator has now advanced was presented by Mr. Merrill of the Forest Service in his testimony before the Public Lands Committee, and he elaborated the same idea before the Water Power Congress at Portland some time ago.

Mr. SMOOT. That is correct.

Mr. WALSH. But I am entirely unable to agree with Mr. Merrill's facts or with the conclusions he draws from them. On the contrary, Mr. President, I beg to say that the last great development in the State of Montana was at the Great Falls of the Missouri, where there was developed 90,000 horsepower. The president of the Montana Power Co. paid me a visit only two weeks ago, and told me that every pound of the power was now disposed of, and that they were proceeding to develop another new site in my State.

Why, Mr. President, the State of Washington is here asking the passage of this bill, or something like it, in order that it may develop the great power site at Priest Rapids, capable of producing 400,000 horsepower. Now, what is the use of talking about there being enough? Why, Mr. President, the gentleman who has contributed the best exposition of the necessity of

water-power development, of the enormous significance it has for the future of our country, is Mr. Henry J. Pierce, of Seattle; and he is haunting the corridors of this Chamber to-day begging for the passage of a sensible bill upon this subject that will enable him to develop the Priest Rapids power site.

Mr. FLETCHER. Mr. President, in reference to water powers on reservations, while I do not know that this has any direct bearing on the Senator's argument, as I recall, about 1908 quite a number of water-power sites were reserved or taken over by the Interior Department under the head of ranger stations and that sort of thing. I do not know whether they have ever been leased or not.

Mr. WALSH. I think the Senator is in error about that. A large amount of the area within the forest reserves was reserved for ranger stations, often, as many of us felt, without any justification whatever for such reservations. I regret to say that ordinarily these tracts thus reserved offered the highest kind of an invitation to people who would like to go there and homestead; and when they went they found that they were reserved for ranger stations. I think the reservation for ranger stations has been rather run into the ground; but I do not think it can be charged—at least, it never has been brought to my attention—that any power sites were thus reserved. Indeed, the law gave the right to reserve power sites for power-site purposes, and there would be no occasion to accomplish the end of their reservation under the claim that they were to be reserved for ranger stations.

Mr. FLETCHER. I did not remember that the law gave that power prior to 1908. My impression was that the reservations were being made under that name, on the ground of being ranger stations, but in reality because they were suspected to possess certain importance as power sites.

Mr. WALSH. That may be true.

Mr. FLETCHER. But I do not think the law at that time gave the right. I am not sure what has happened since.

Mr. WALSH. The Senator will understand that the Supreme Court has since decided that the President has the power to reserve for almost any cause he sees fit to reserve without the necessity of direct authorization by Congress.

Mr. NORRIS. Mr. President——

Mr. WALSH. I yield to the Senator from Nebraska.

Mr. NORRIS. If the Senator cares to be interrupted for the purpose, I have here in the letter of the Secretary of Agriculture that we have recently had printed, I think the latest authority, in which he gives the amount of minimum and maximum horsepower in the national forests. He says:

> The totals thus found—

This is from the investigation of the Geological Survey, he says—

> The totals thus found for the United States—

That is, in the national forests—

> exclusive of Alaska and of the purchased areas in the Appalachian, are 8,497,600 horsepower minimum and 16,784,500 horsepower maximum.

Mr. WALSH. I am very much obliged to the Senator for the information. I call the attention of the Senator from Tennessee to it.

Mr. President, not only is the fact that the imposition of a charge will not retard development demonstrated by the experience of the forest reserves, but there is additional proof of it; and I think that proof is found in the permit that was granted the Great Falls Water Power Co. to occupy, with its transmission lines and other works, certain portions of the public domain. This permit is set out in Senate Document No. 1008 of the Sixty-second Congress, third session, made a public document upon the suggestion of the Senator from Utah [Mr. SMOOT].

It will be understood that the Great Falls Water Power Co. was about to construct the great development at the Great Falls of the Missouri, of which I spoke a short time ago. The principal consumer of the power produced there was to be the Chicago, Milwaukee & St. Paul road. In order to effect the electrification of that road it became necessary to construct transmission lines across the public domain in many places, both within and without the forest reserves; and in order to acquire the right thus to construct the transmission lines it became necessary to acquire a permit from the Secretary of the Interior.

The permit is an exceedingly elaborate affair. It required the power company, as a condition of the permit, to pay into the Treasury of the United States an annual charge for the permission and the privilege which was accorded by it, and that charge was graduated upon the amount of power it produced. The terms are expressed in article 4 of the permit, which is as follows:

> The power company will pay annually, on or before February 1 in each year, by certified check to the order of the Secretary of the Interior, a rental charge at the rate of 5 mills ($0.005) per thousand kilowatt-hours for all energy delivered by it over the lines for which right of way is hereby sought during the preceding calendar year of the decade beginning on January 1, 1913, whether said delivery is made to the railway company under the said contract or otherwise or to other takers; and during each decade thereafter a rental charge at such reasonable rate per thousand kilowatt-hours so delivered to said railway company and to said other takers as the Secretary of the Interior may fix before the beginning of each decade for such deliveries, respectively.

That is to say, not only was a charge exacted for the privilege that was granted, but it was provided that the charge should be readjusted every 10 years, and it did not arrest development. The Great Falls Water Power Co. was glad enough to get the permit upon these terms, and the work of development has gone on.

So I repeat that nobody need have any very great dread that water-power development is going to be arrested if we put in the hands of the Secretary of War the right to make a charge such as the conditions seem reasonably to demand, taking into consideration all of the facts to which the bill relates as it will stand if the amendment which I offer shall be adopted.

Mr. SMOOT. Mr. President, I desire to read from the testimony given by Mr. Merrill in the hearings before the Committee on Public Lands of the United States Senate on the water-power bill to show the estimated amount of horsepower in the forest reserves. I think I was well within the truth when I said that he had made the statement that the greater part of the western power to be developed was in the national forest reserves.

Mr. Merrill states as follows:

> In States containing national forests (which includes all the Western States, together with Arkansas, Minnesota, and South Dakota) there is a total of 20,800,000 horsepower, or a total of 74 per cent of all within the United States.
>
> The estimated total within the national forests is 11,700,000 horsepower, or 56 per cent of that within the above group and 42 per cent of the total within the United States.

Mr. NORRIS. Mr. President, will the Senator yield there?

Mr. SMOOT. Certainly.

Mr. NORRIS. I think those figures correspond very well with the ones that I gave here.

Mr. SMOOT. I did not hear the Senator give the figures.

Mr. NORRIS. What is the date of that testimony? I gave the minimum and the maximum, and the figures which the Senator has given are just about half-way between the two.

Mr. SMOOT. This testimony was given on Tuesday, December 22, 1914.

Mr. NORRIS. The statement I have, of course, is a little later, although from the same source.

Mr. SMOOT. It is from the same source?

Mr. NORRIS. Yes.

Mr. SMOOT. I simply read this, Mr. President, to show that the statement I made, without looking up the testimony of Mr. Merrill, was substantially correct.

Mr. NORRIS. The Senator, as I understand, had it a little bit larger than that. The Senator from Tennessee had it considerably higher than that.

Mr. FLETCHER. If the Senator from Utah will refer to the late document, No. 316, submitted in the letter of the Secretary of Agriculture January 17, 1916, he will find the precise statement as given by the Senator from Nebraska on page 18.

Mr. SMOOT. The Senator from Utah has not denied that. The Senator from Utah simply read this to support the statement he had made in answer to the Senator from Montana.

Mr. FLETCHER. I understood that the Senator was referring to testimony taken two years ago. This report is made at a later date.

Mr. SMOOT. I do not think there is any real discrepancy between the testimony of Mr. Merrill given in 1914 and the prepared statement of Mr. Merrill as published in the document from which the Senator is now reading.

Mr. Pierce, the gentleman referred to by the Senator from Montana, a leading citizen of the State of Washington, in the same hearing gives these figures:

	Horsepower.
North Atlantic States	4,910,000
South Atlantic States	5,107,000
North Central States	4,270,000
South Central States	3,342,000
Western States	44,049,000

Those were the figures from which I quoted when I made the statement of the maximum amount of power that could be developed in the Western States was 44,049,000 horsepower.

Mr. President, I desire to address the Senate briefly in relation to the amendment offered by the Senator from Montana,

to strike out the words "based upon its value as land" on page 6 of the bill, line 22.

The other day the question arose as to whether the Secretary of War had approved of this bill or of a similar bill, and at that time I made the statement that I thought he had. I find that in the hearings before the Committee on Interstate and Foreign Commerce of the House of Representatives, Sixty-fourth Congress, first session, on the question of amendment of the general-dam act, the Secretary of War makes this statement under the head, "Shall a Federal charge be laid upon the privileges?"

Aside from any question of Federal authority that may be thought by some to be involved, in my judgment, and as a matter of policy, this question should be answered in the negative. Many who have the cause of conservation at heart have heretofore urged, and doubtless will urge again, that any legislation for the development of water power on the navigable streams should provide for the Federal levy of a charge for horsepower for the privilege. The reasons thus far advanced for the proposition do not appear to me to be sound. In the case of navigable streams the Federal Government owns neither the water nor the bed of the stream; its power comes from a right to say what obstructions may or may not be placed in the stream. Upon a navigable stream the Government owns nothing, has nothing to sell.

Those who advocate the levying of such a charge first assigned as their purpose the accumulation of a fund to be devoted to the further improvement of navigation. This, it seems, has been abandoned, and the contention now made is that by means of this charge the Federal Government can more effectually exercise its control over the development. I have heretofore said that in my judgment the State should be left free to impose such taxes, charges, and excises as it might see fit to impose upon the property and the business authorized by the grant. I can see no sufficient reason, as a matter of policy, to justify the levying of an additional charge by the Government of the United States. The Federal Government does not qualify the grantee nor give him the primary authority to engage in the business. The property of the grantee is private property, situate within a State. The title is a title under local law, and the protection of the property comes from the local law and not from the Federal Government. If such a Federal charge were levied, its only effect, so far as I can see, would be to increase the rates and charges to the ultimate consumer, for it can not be doubted that such fixed charges have to be shifted to the consumer, and directly so where there is public regulation and control.

And I might proceed, Mr. President, to read further the testimony under this heading, but I do not think it is necessary, because what I have already read states specifically the opinion of the Secretary of War.

Under the heading "In the creation and improvement of navigable capacity, and not in a money charge, lies the great Federal benefit," the Secretary says this:

To assume that the Federal Government will get no direct benefit, or will get less than it ought to get of such benefit, if it does not impose a charge upon the development of water power, is to ignore one great reason for and one great useful result of the development of power on the navigable rivers, namely, the creation and improvement of navigable capacity without expense to the Federal Government. That such development must give such a result is not a matter of speculation; it is a certainty. Such must necessarily be the result, and the larger and more general the development of power the greater will be the creation and improvement of navigation.

Mr. President, let us not deceive ourselves in this matter. Let us go right to the root of the amendment offered by the Senator from Montana and discuss the object of it and why it is offered. Before I state what I think the object of the amendment is I want to read an amendment that the Senator intends to offer if this amendment of his is adopted, for I have in my hand the bill, with all of the proposed amendments of the Senator interlined, and under a heading of subdivision (g) the Senator proposes to offer this amendment:

In cases in which no lands of the United States are to be occupied, that the grantee shall pay to the United States, for the rights acquired hereunder, such reasonable annual charges as may be fixed by the Secretary of War.

Mr. WALSH. Mr. President, I desire to say to the Senator that that amendment has already been offered, and the Senate has rejected it. That is to say, I offered a page in lieu of the entire page of which that forms a part, that being the feature that was really discussed. So the matter has already been passed upon. The Senator may not have been here at the time.

Mr. SMOOT. If it was discussed, Mr. President, I will say that I happened to be out of the Chamber at the time. But the object of the present amendment is that whatever charge is imposed for the occupation of the land shall be based upon the amount of horsepower developed, and the Senator from Montana would impose a charge for power developed on a navigable stream whether the Government of the United States is the owner of one foot of the land used or not.

Mr. SHAFROTH. Mr. President, I should like to interrupt the Senator for a minute. Is it not practically the same thing when he proposes to make an annual charge in excess of the value of the land? Is it not making an element of charge for the water, in which the Government of the United States has no more right than you have or I have? And is it not practically the same provision as is made with relation to the charge where there is some Government land lying contiguous to the stream?

Mr. SMOOT. It is exactly the same in principle. There is no difference whatever.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. SMOOT. I yield.

Mr. NORRIS. I should like to call attention to the fact that no matter whether the Senator from Utah and the Senator from Colorado agree with the Senator from Montana and others like him or not, they will at least have to admit that that amendment is perfectly consistent with the amendment that is now pending and that has been offered by the Senator from Montana. The amendment now pending, if it should prevail, would give the Secretary of War authority to charge on the horsepower developed where public land was used, and the other amendment would give him like authority where public land was not used. I want to ask the Senator if he does not believe that is a fair statement?

Mr. SMOOT. Why, all of the amendments that have been offered by the Senator from Montana are to carry out the plan as stated by me. There is no question about that.

Mr. NORRIS. Nobody has disputed it, so far as I know.

Mr. SMOOT. I am not disputing it.

Mr. NORRIS. I thought the Senator from Utah, and likewise the Senator from Colorado, were trying to convey the idea that there was something inconsistent in these two amendments—the one that has been offered and the one that the Senator proposes to offer later on.

Mr. SMOOT. Oh, no. All the amendments offered by the Senator from Montana down to and including the bottom of page 6 of the bill lead to one and the same thing.

Mr. NORRIS. Yes.

Mr. SMOOT. They all have but one object. It is for the Senate to decide the question whether or not they want to authorize the Secretary of War to impose upon the power company an annual charge of so much per horsepower developed by the company.

Mr. NORRIS. That is the fundamental principle that is really involved, I think, in this amendment, and upon which there is a disagreement among us. I fully agree with the Senator from Montana that we ought to clothe the Secretary with such authority whether he uses public land or whether he does not. The Senator from Utah takes the opposite view, and, of course, those who drew this bill have taken the opposite view, and the entire theory of the bill is the opposite theory.

Mr. SHAFROTH. Mr. President, if the power is to be given by the Congress of the United States to the National Government to impose a charge for something that it does not own, does not the Senator think we ought to amend the Constitution so as to vest that power in the National Government?

Mr. NORRIS. If the Senator from Utah will permit me, in his time, to answer the Senator from Colorado——

Mr. SMOOT. Certainly.

Mr. NORRIS. I argued the question at some length yesterday. I do not know whether the Senator from Colorado was here or not. I do not care to go into the question again. I convinced myself, at least, that the amendment of the Senator from Montana ought to prevail. I think the Senator will get an answer to his question, however, if he will take this course.

If those who favor the bill as it is drawn agree with the Senator from Colorado that it is unconstitutional, then you can save a whole lot of valuable time by permitting the amendment to go in. If you think it does not have any legal effect, then do not oppose it so bitterly. If, as you think, we are going to sell something that we have not got, we can not hurt anybody, nor give any good title to it. If that be the theory, all you have to do is to concede, for the purposes of the argument, that these amendments may go in, and you will not hurt anybody. If we have not the right to make the charge, the charge will not be legal if we make it.

I can hardly believe that the Senators think that this kind of a charge would not be sustained by the Supreme Court, or they would not spend so much time and take such a deep interest, as all others do who believe in that theory, in preventing Congress from enacting a law to that effect.

Mr. SHAFROTH. Mr. President, the statement which the Senator has made as to whether the charge would be sustained by the Supreme Court is not in this case of effect, because the Government of the United States by simply saying, "We will not permit development; we will not enter into this contract; we will not give you the permission," of course can stop all development, and consequently it can, in effect, notwithstanding it is unconstitutional, notwithstanding it is illegal, in an extreme case perhaps force some person who would make something by reason of the investment to go on with it. But it will not produce a general development. That is the difficulty. We

are trying to get legislation here that will produce development and will not conserve these waters for future generations when every day they are going to waste.

Mr. SMOOT. Mr. President, I am opposed to the Government of the United States assuming powers within a State that rightfully belong to the State, and in so doing tie up many of the resources of the State. It seems to me that if this bill becomes a law in the shape in which the Senator from Montana desires it to pass, and if the so-called Ferris power bill, which affects all the Western States, becomes a law, there will be a conflict of authority between the Government and every State in which the provisions of the bills are operative.

The Senator from California the other day called particular attention to the powers vested in the public-utility commission of the State of California; and if the Ferris bill becomes a law as reported to the Senate and now upon the calendar, there is no question but what dual authority will exist and long-drawn-out suits in the courts will be the result.

Mr. President, I was going into a discussion of the Ferris bill to-day in connection with the discussion of the pending measure, as other Senators have done so, but I think I will wait until the Ferris bill comes before the Senate for consideration. As far as my State is concerned this bill would have no effect upon it whatever, because we have no navigable streams in the State; but it seems to me there is the same objectionable principle in this bill, if amended as the Senator from Montana desires it amended, as is in the Ferris power bill.

This is no new question, Mr. President. I was told some years ago that the development of water powers of the West would be held up until there was legislation by Congress in conformity with the views of the then Forester, and up to this time the prediction has been virtually carried out. I believe, Mr. President, if the country knew the true conditions as they exist, if it really knew the hardships which the Western States have had to bear under this policy there would be very few votes in either House of Congress to continue it or to place a further burden upon the people as the bill will place upon them if passed.

Mr. WALSH. Mr. President——

Mr. SMOOT. I yield to the Senator from Montana.

Mr. WALSH. Does the Senator feel that he has been derelict in the past 10 years in not calling the attention of the country to that condition?

Mr. SMOOT. It has been called to the attention of the Senate spasmodically at times when we had just about as many Senators in the Chamber as we have at this time. I really think, Mr. President, that the people of the Western States have been derelict in not calling the conditions existing to the attention of the country. They have had no publicity bureau, as have the proponents of this class of legislation. I think if the Western States had started eight years ago and called the attention of the American people to conditions as they have done in the last year, if conferences had been held as was held at Portland last year there would have been a different sentiment throughout the country from what there is to-day.

Mr. WALSH. I wish to ask the Senator how long he thinks it would take the western people to come to his idea about it?

Mr. SMOOT. I did not quite hear the Senator's question.

Mr. WALSH. How long does the Senator think it would take the people of the country to come into an acceptance of his idea about it?

Mr. SMOOT. I think just as soon as they were informed of the conditions they would come to it.

Mr. WALSH. Would the Senator like to continue that deadlock?

Mr. SMOOT. Mr. President, whenever a man comes up to me and says, "You have got to yield to what I desire, or if you do not, I will see that your every effort for advancement is blocked; you have got to conform to my idea or no development shall be had." I want to say to the Senator from Montana that if I feel that I am right I will never say, "Well, if I can not have a whole loaf, give me a half of one." I am willing to wait until there is a change of sentiment, and I would stand it as long as the other party could.

Mr. NORRIS. I will ask the Senator if that is not about what he said when he was at the convention in Portland, that he was going to stand on his feet until everything faded out of existence but that he would prevent the passage of what is known as the Ferris bill?

Mr. SMOOT. No, I did not say that. I said that I would do all in my power to secure its defeat. I said, however, that I thought more than likely the bill would pass, but I did not know exactly in what state, nor did anyone else know outside of the Secretary of the Interior, because I expected the bill to be made in conference and not on the floor of the Senate.

Mr. NORRIS. I would not misquote the Senator, of course, and I do not pretend to quote him, but the report of the convention that was held out there, as I remember, reported the Senator as saying that he would not permit that bill to pass under any circumstances as long as he could stand on his feet, or something to that effect. Now, is not that showing the same spirit the Senator says is shown on the other side by those who are opposed to the bill as he wants it?

Mr. SMOOT. I do not think it is the same spirit, Mr. President, because they are the ones assuming a power, and in doing so tying up the development of waters that absolutely belong to the State. The Government of the United States has no right whatever to the waters of the State.

Mr. NORRIS. I understand that is the Senator's idea, but the Senator does not mean to say that no one else can hold a different view and not be equally honest, does he?

Mr. SMOOT. Oh, not at all.

Mr. NORRIS. That is, those who favored the passage of the bill in the last Congress.

Mr. SMOOT. The Senator has not intimated such a thing.

Mr. NORRIS. Yes; but the Senator assumes that everyone who does not agree with him and favors something like the Ferris bill in the last Congress is trying to tie up the development of water power in this country.

Mr. SMOOT. They are not trying to do it. It has been done.

Mr. NORRIS. They have not passed the bill. There has not been any opportunity for development to take place under that bill, because it has never been passed.

Mr. SMOOT. If the Senator takes that position, he no doubt feels about the same as the Senator from Montana; I think the Senator from Nebraska feels that he is right, and that anyone who opposes his views is wrong.

Mr. NORRIS. No, Mr. President; I want to say to the Senator that while I feel I am right, and while I believe development would take place under the Ferris bill and would take place under this bill if the proposed amendment and other similar ones which will be offered along the line of the Senator from Montana were adopted, I have never taken the position that I wanted to stand as an obstructionist against the passage of any law unless I could get just what I wanted.

Now, the Senator must not classify those who are opposed to a bill as he wants it as being obstructionists. He may think we are. He is honest in his belief that if we do not have the bill as he wants it development will not take place. I have no objection to his holding that opinion, but it does not follow that we are any less sincere in desiring to bring about development or that we are any less honest in our convictions as to what would bring about development.

Mr. SMOOT. Mr. President, the Senator from Utah never said that under the bill if it is passed there would be no development. The Senator from Utah takes the position that the Government of the United States has no control whatever over the waters of a State, and it can not do indirectly what it can not do directly, and Government control over the waters of a State is what the Ferris bill undertakes to confer——

Mr. NORRIS. If the Senator's position is logical, then, no matter what we pass in Congress, it will not have any effect because we have not anything to do with it. So we had better not pass any bill, and water development will take place. Why has there not been development without a law?

Mr. SMOOT. Of course, we know why water power has not been developed. The Senator from Nebraska knows why it has not been developed. As soon as an application for a power site reached Washington the land applied was immediately withdrawn from entry.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Certainly.

Mr. CUMMINS. I want to get the viewpoint of the Senator from Utah a little more clearly. Is he in favor of the provisions of the bill as they are reported so far as this immediate point is concerned?

Mr. SMOOT. The bill is not satisfactory to me, but I would very much prefer the bill as it is drawn than as it would be if the amendment of the Senator from Montana were adopted.

Mr. CUMMINS. Let us see. May I ask another question along that line?

Mr. SMOOT. Certainly.

Mr. CUMMINS. Does the Senator believe that in ascertaining the value of the property that is to be used in the improvement there should be taken into account the benefit or advantage of the people generally in navigation?

Mr. SMOOT. Mr. President, the Senator believes that the value of the public land that may be used for a power site

should be appraised in the same way as if the land belonged to a private individual, and the courts should decide its value in case of a dispute under the rules of law that have been so well established in the past.

Mr. CUMMINS. That is just the position taken by the Senator from Tennessee and it has a great deal of force in it, but I am trying to find out whether the Senator from Utah is opposing this particular amendment because he thinks that if it is defeated the value of the land will be determined in the way he has suggested.

Mr. SMOOT. No, Mr. President; that is not the object of the amendment, and that will not be the result. If the amendment of the Senator from Montana is adopted the result will be that the Secretary of War will have absolute power to charge whatever he sees fit upon the amount of horsepower that is developed.

Mr. CUMMINS. Suppose the amendment of the Senator from Montana is defeated and the bill is passed in its present form, does not the Senator from Utah think that in fixing the value of the land the Secretary of War can take into account the benefits of the people generally in navigation?

Mr. SMOOT. Yes; under the bill.

Mr. CUMMINS. And that the Secretary of War can also take into account the benefits to the grantee?

Mr. SMOOT. Under the bill he can.

Mr. CUMMINS. Does the Senator from Utah intend to support those provisions?

Mr. SMOOT. I would very much rather see those provisions out, but I very much prefer them to the bill if the amendment offered by the Senator from Montana is adopted.

Mr. CUMMINS. If those two provisions shall remain in the bill, what possible element of value can be considered if the amendment of the Senator from Montana prevails that can not be considered if it fails?

Mr. SMOOT. If the amendment of the Senator from Montana prevails, then it will not be a question of the value of the land at all. There will be no restriction whatever upon the power of the Secretary of War. He can lay an annual charge upon the water power developed annually; or, in other words, the real object of the amendment is that the Secretary of War shall have absolute control over the business or the corporation and fix an annual charge based upon the power generated.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SMOOT. Yes; I yield.

Mr. WORKS. As I understand the difference between these two propositions it is that one of them goes to the value of the land and the other goes to the value of the use of the water. One proposes to charge the people for the value of the land and the other proposes to fix a tax upon the water that is developed and supplied.

Mr. SMOOT. The Secretary of War says that the Government of the United States does not own the water and we all understand that to be true. He says there is nothing for the Government to sell.

Mr. CUMMINS. I understand perfectly that the Government does not own the water, but I hardly think the observation of the Senator from California is accurate. The bill provides for a way in which the Secretary of War shall fix the annual charge for the use of the land.

Mr. SMOOT. No; the bill does not provide for the annual charge.

Mr. CUMMINS. I beg pardon, whether an annual charge or a gross charge for the whole period, it does not make any difference.

Mr. SMOOT. In my opinion there is quite a difference.

Mr. CUMMINS. Not in principle.

Mr. SMOOT. It is in practice, however.

Mr. WORKS. The mistake the Senator makes is that one is value of the land and the other is value of the water. One belongs to the Government and the other does not. That is the effect of the amendment.

Mr. CUMMINS. There is no suggestion in regard to the value of water or the use of water.

Mr. SMOOT. I wish to say to the Senator that if the charge is upon the amount of power developed, then, of course, they will have to charge upon the water because of the fact that the water determines the amount of power created.

Mr. CUMMINS. Mr. President, there is not a word in the bill with regard to charging upon the basis of the water power developed or any other kind of power developed. The bill says that the grantee shall pay the United States such reasonable charges, based upon the value of the land, as may be fixed by the Secretary of War. In fixing those charges for the use of the land, the bill so declares, "consideration shall be taken of the benefits accruing from the use and occupation of such lands to the interests of navigation." That is to say, as I have already remarked this afternoon, it will be the duty of the Secretary of War to diminish the charges for the use of the land by the benefits which accrue to the general public in the improvement of the river for navigation. On the other hand, the Secretary of War must take into account in determining the charges for the use of the land the benefit or advantage of the grant to the business of the grantee. In that way the whole subject as to what the Secretary of War shall charge for the use of the land is open for the Secretary of War to consider. It is my opinion—I give it for what it is worth—that the very thing against which the Senator from Utah complains would be accomplished if the amendment of the Senator from Montana is defeated and the words to which I have referred remain in the statute.

Mr. SMOOT. The Senator takes exactly the opposite view of that language that I do. If the words are stricken out, the bill would read in this way:

> And for any land of the United States so used and occupied the grantee shall pay to the United States such reasonable charges as may be fixed by the Secretary of War; and in fixing such charges consideration shall be taken of the benefits accruing from the use and occupation of such lands to the interests of navigation, as well as to the business of said grantee.

That is the way it would read if the amendment of the Senator from Montana were adopted. But that is not the intention of the framers of the bill, and I do not believe the construction can be placed upon the words as used in the bill the Senator gives it, for this reason. It says:

> And for any land of the United States so used and occupied the grantee shall pay to the United States such reasonable charges based upon its value as land.

Now, in fixing the charges of the land——

Mr. CUMMINS. Charges for the occupation of the land.

Mr. SMOOT. For the occupation of the land, the Secretary of War shall take into consideration "the benefits accruing from the use and occupation of such lands to the interests of navigation."

That does not mean if the benefit to navigation was worth to the United States $500,000 that amount would be deducted from the value of the occupation of the land, as intimated by the Senator in his remarks a short time ago; but the Secretary of War is to consider this advantage to the Government, if it is an advantage, in determining the reasonable charges based upon the value of the land, and not only that, in fixing those reasonable charges based upon the value of the land the Secretary of War is also to take into consideration the advantages to the business of the grantee. That is only, in my opinion, affecting the value of the land, so that reasonable charges can be based upon the land, and not upon the water.

Mr. CUMMINS. Mr. President, I am utterly unable to follow the Senator from Utah in his analysis. The Secretary of War is endeavoring to ascertain the charge that shall be made for the use of the land which the grantee desires to occupy. The bill that is before us says, first, that the charge shall be based upon the value of the property as land, on the land as land; that is the first thing it says. Then it says that the charge shall also be based upon other considerations, namely, the value of the improvement to the public in the way of navigation and the value of the grant to the person who is to carry on the business. As it looks to me, it is utterly impossible to escape from the conclusion that the bill as reported gives to the Secretary of War the authority to make any charge for the use of the land that in his judgment is fair and reasonable, taking into account the value of the improvement to the public and the value of the enterprise to the grantee. I can not conceive of any consideration affecting the charge which will not be embraced within one or the other of these classes.

Mr. SMOOT. Well, Mr. President, I can not see but that the wording of the bill, without an amendment, is perfectly plain. It does seem to me that that is so, where the bill says:

> And for any land of the United States so used and occupied the grantee shall pay to the United States such reasonable charges, based upon its value as land.

Or, in other words, the Secretary of War is not to charge the grantee a rate based upon the amount of water that is flowing over the dam; he is not allowed to do that under the bill. If he were allowed to do that, then, of course, we might just as well accept the provisions of the Western States power bill, which it is expected to pass, imposing a tax of so much per horsepower development; but this bill does not say that it shall be based upon the amount of water flowing over the dam.

Mr. CUMMINS. Certainly not, and it ought not to say that; but does not the bill require the Secretary of War to take into

consideration, in fixing the charge, the value of the use of the land to the business of the grantee?

Mr. SMOOT. It does; and, Mr. President, I admit that. I stated before that, in my opinion, all that should be taken into consideration is the value of the land, fixed by the regular rules of law, just the same as if the land were owned by an individual.

Mr. CUMMINS. If the Senator from Utah would propose to strike out everything after the words "Secretary of War," in line 23, then he would accomplish his purpose——

Mr. SMOOT. Yes, Mr. President; but——

Mr. CUMMINS. But to simply oppose the amendment of the Senator from Montana without insisting that these other qualifications shall be stricken out is, it seems to me, fighting a windmill.

Mr. SMOOT. Mr. President, I will agree with the Senator from Iowa that, according to my theory of legislation, that should be done; but I have no hope whatever that such a provision would ever pass the House of Representatives. I think this is the best compromise that the framers of the bill could make.

Mr. WORKS. Mr. President, I desire to say that I hope the Senator from Utah is not satisfied with that means of arriving at the value of the land.

Mr. SMOOT. No; I have said I was not.

Mr. WORKS. There is a false element included in it, namely, the value of the land to the corporation that constructs the improvement. That has nothing to do with the value of the land. In the hands of the Government the same elements enter into the value of land as when it is in the hands of an individual. If some private individual were selling the land to another party for the purpose of developing power, we certainly could not insist that the owner should be paid on the basis of what it would be valuable for in the hands of the purchaser after the improvement was made. I am a little bit surprised that the Senator from Utah is content to support the bill, even with that provision in it.

Mr. SMOOT. Mr. President, I have already stated that the bill is not what I should like it to be. I agree with the Senator from California [Mr. WORKS] as to this provision, and I believe I agree with the Senator from Iowa [Mr. CUMMINS]—that is, if I understand his position—that whatever the Government is paid for the value of the land it should be on the same basis as if the payment were to an individual. Is that the position taken by the Senator from Iowa?

Mr. CUMMINS. Mr. President, I have not taken any position with regard to the proper charge to be made to the grantee. I will discuss that at a later time. I only say that the friends of this bill have been arguing it upon the assumption that the bill practically authorized the Secretary of War to fix the same value upon the land that would be fixed by the rules of law in condemnation proceedings; and I have been trying to say that that is not a proper or accurate analysis or interpretation of the bill. I have been trying to make it clear, if I could, that even if the amendment offered by the Senator from Montana [Mr. WALSH] is defeated, still the grantee will be compelled to pay, for the occupation of the land, charges that are based upon the value of the land to his business or the business that is about to be carried on through the improvement, whatever it may be, and that the Secretary of War may also take into account—I suppose it would operate as a depreciation of the charge—the fact that the public is to be benefited through the improvement of the river for navigation; and that neither of those considerations would be competent in a trial at law for the ascertainment of the value of property.

Mr. SMOOT. Mr. President, my theory of the bill is entirely different from the theory of the Senator from Montana [Mr. WALSH]. I think these questions ought to be left entirely to the States. I think the States ought to have absolute control. I have offered a Senate bill, No. 3522, providing for the acquisition by the States, under certain conditions, of any lands therein which are or may become chiefly valuable for the development of water power. Under that bill it would be absolutely impossible to create a monopoly of water power; under the bill it would be absolutely impossible for the power companies to charge unreasonable rates for power developed; under the bill there are restrictions made that the transfer of the property can not be accomplished without the consent, not only of the public-utilities commission of the State, but of the Government of the United States as well. It provides that the States shall make application for water-power sites. It provides that the title—not a complete title, but a restricted one—shall go to the States; and the public-utility commissions of the States shall regulate the prices to be charged for power. If that bill, Mr. President, were passed all of the interests of the people of this country would be conserved; no monopoly could be created, and there would never be a conflict of authority between the Government of the United States and the States.

I am fearful, Mr. President, if the power contemplated by this bill is given to the Government of the United States that the Western States will have the same experience with water-power development and control as they have had in connection with the withdrawal of coal lands and the withdrawal of forest lands within the States, although I wish to pause here to say that the forest lands within the States have been far better administered for the interests of the people of the States than have withdrawals of other lands. It is next to impossible, Mr. President, to secure capital to develop coal lands in the West at present. I want to say to Senators of the United States that coal lands have been classified and valued, and a price per acre put upon them as high as $400. How can an individual or a corporation paying that price for coal lands yet undeveloped, when nobody knows how thick the veins may be or how much coal may be under the ground, compete with companies in existence which own their coal lands outright, have their market, and have railroad accommodations? It is next to impossible.

Mr. President, I received a letter the other day, calling my attention to a condition of affairs in the State of Utah which I did not conceive could exist; and I fully believe now that when the matter is brought to the attention of the Chief Forester he will see that the wrong is righted, although he has already had one examination made of the case. A few people down in the southeastern part of Utah, over 100 miles from a railroad, following the business of raising stock, with ranches miles apart, living adjacent to the Powell National Forest Reserve, decided that they would build a schoolhouse in order that their children might attend school during the summer months. An entry upon land outside of the forest reserve for town-site purposes was made. The people built a schoolhouse and agreed that on the land entered for town-site purposes each head of a family should be allowed 1 acre for a summer home for the family, and allow the children to attend school during the summer months.

Mr. President, no sooner was their schoolhouse erected than there was an Executive order issued placing the land entered within the forest reserve. What happened then? A supervisor came and told the men who had built the schoolhouse and who had begun to build their little summer homes that they could not get title to the land; that it had been withdrawn and placed in a forest reserve. They were told, "If you want to live here, if you want to erect your buildings, if you want your children to go to school in the schoolhouse which you have constructed, you have got to pay the Government of the United States an annual rental of $10 an acre." Nobody claims that the land is worth $10 an acre. I rather glory in the spunk of the people when they decided, rather than to submit to such treatment, they would leave and see if they could not provide some other way for the education of their children.

Mr. President, I do not know what is going to come of the power development in the West, or what will be the result if the power proposed to be given is lodged in the hands of a bureau here in Washington.

I am not worried about the 50-year term provided by this bill. I have no doubt in my mind that before the end of 50 years electricity will not be carried for power purposes over copper wires. I have no doubt, Mr. President, that before a generation passes there will be discovered a successful system for the storage of electricity—generating and storing it at the water-power sites and carrying it so stored to any part of the United States—so that one will be able to buy it for lighting, for heating, and for all the purposes for which power is required in the home, as well as for the propelling of all kinds of machinery.

I think, Mr. President, that whatever charge is imposed upon the development of power within a State ought to go to the State. The State is entitled to it, in order to maintain the State institutions and to help keep law and order.

I sincerely hope that the amendment offered by the Senator from Montana will not be adopted. I shall have more to say upon this question when another bill which affects the West so vitally is before the Senate.

The VICE PRESIDENT. The question is on the amendment of the Senator from Montana [Mr. WALSH].

Mr. NORRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a pair with the Senator from New Mexico [Mr. FALL], who is absent. I therefore withhold my vote.

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. I do not see him in the Chamber. Not knowing how he would vote if present, I withhold my vote.

Mr. HOLLIS (when his name was called). I transfer my general pair with the junior Senator from New York [Mr. WADSWORTH] to the senior Senator from Kansas [Mr. THOMPSON], and will vote. I vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. I am informed by his colleague that if present he would vote in the same way that I would vote on this question. I therefore vote "nay."

Mr. McLEAN (when his name was called). I have a pair with the senior Senator from Montana [Mr. MYERS]. In his absence I withhold my vote.

Mr. HOLLIS (when Mr. MYERS's name was called). I have been requested to announce that the senior Senator from Montana [Mr. MYERS] is absent on official business. He is paired with the junior Senator from Connecticut [Mr. McLEAN]. If the Senator from Montana were present, he would vote "yea."

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. As he is not present, I withhold my vote. I wish to announce that the junior Senator from Delaware [Mr. SAULSBURY], who is paired with the junior Senator from Rhode Island [Mr. COLT], is absent on account of sickness. I will let this announcement stand for the day.

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Tennessee [Mr. LEA], and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE], but understanding from his colleague that if he were present he would vote as I am about to vote, I vote "nay."

The roll call was concluded.

Mr. HARDING. I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD]; but I am informed that if he were present he would vote as I would, so I vote "nay."

Mr. DU PONT. May I inquire whether the junior Senator from Kentucky [Mr. BECKHAM] has voted?

The VICE PRESIDENT. He has not.

Mr. DU PONT. I have a general pair with that Senator; but, as I am informed that if he were present he would vote in the same way that I propose to vote, I will vote. I vote "nay."

Mr. CURTIS. I desire to inquire whether the junior Senator from Georgia [Mr. HARDWICK] has voted?

The VICE PRESIDENT. He has not.

Mr. CURTIS. Then I withhold my vote, as I am paired with him.

Mr. McLEAN. I transfer my pair heretofore announced to the senior Senator from South Dakota [Mr. STERLING], and will vote. I vote "nay."

Mr. CATRON (after having voted in the negative). I am paired with the senior Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the senior Senator from Pennsylvania [Mr. PENROSE], and will allow my vote to stand.

Mr. SHERMAN. I am paired with the junior Senator from South Dakota [Mr. JOHNSON], and therefore withhold my vote.

Mr. WARREN. I desire to announce that my colleague [Mr. CLARK] is unavoidably absent. He is paired with the senior Senator from Missouri [Mr. STONE].

Mr. CURTIS. I am informed that the junior Senator from Georgia [Mr. HARDWICK], if present, would vote "nay"; and I therefore cast my vote "nay."

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired with the junior Senator from Maine [Mr. BURLEIGH].

Mr. SHAFROTH. I wish to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of sickness. I will state that if he were present he would note "nay."

Mr. KENYON. I wish to announce the unavoidable absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE], and to announce that if he were present he would vote "yea."

Mr. CHILTON. My colleague [Mr. GOFF] is absent on account of illness. His pair has been announced.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Texas [Mr. CULBERSON];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN].

The result was announced—yeas 18, nays 34, as follows:

YEAS—18.

Ashurst	Hollis	Kern	Poindexter
Chamberlain	Hughes	Lane	Sheppard
Cummins	Husting	Lee, Md.	Walsh
Gore	James	Martine, N. J.	
Hitchcock	Kenyon	Norris	

NAYS—34.

Bankhead	Jones	Page	Swanson
Brandegee	Lippitt	Shafroth	Tillman
Catron	McCumber	Shields	Vardaman
Clapp	McLean	Simmons	Warren
Curtis	Martin, Va.	Smith, Ariz.	Weeks
du Pont	Nelson	Smith, Ga.	Williams
Fletcher	O'Gorman	Smith, Mich.	Works
Gallinger	Oliver	Smith, S. C.	
Harding	Overman	Smoot	

NOT VOTING—44.

Beckham	Dillingham	Myers	Sherman
Borah	Fall	Newlands	Shively
Brady	Goff	Owen	Smith, Md.
Broussard	Gronna	Penrose	Sterling
Bryan	Hardwick	Phelan	Stone
Burleigh	Johnson, Me.	Pittman	Sutherland
Chilton	Johnson, S. Dak.	Pomerene	Thomas
Clark, Wyo.	La Follette	Ransdell	Thompson
Clarke, Ark.	Lea, Tenn.	Reed	Townsend
Colt	Lewis	Robinson	Underwood
Culberson	Lodge	Saulsbury	Wadsworth

So Mr. WALSH's amendment was rejected.

RECESS.

Mr. KERN. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m., Friday, February 25, 1916) the Senate took a recess until to-morrow, Saturday, February 26, 1916, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 25, 1916.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

Henry P. Fletcher to be ambassador extraordinary and plenipotentiary to Mexico.

COMMISSIONERS OF IMMIGRATION.

Edward White to be commissioner of immigration at the port of San Francisco, Cal.

Bertram N. Stump to be commissioner of immigration at the port of Baltimore, Md.

ASSISTANT APPRAISERS OF MERCHANDISE.

Redmond S. Fitzgerald to be assistant appraiser of merchandise in customs collection district No. 4.

Frederick J. Sullivan to be assistant appraiser of merchandise in customs collection district No. 4.

SPECIAL EXAMINER OF DRUGS, MEDICINES, AND CHEMICALS.

Dennis Flynn to be special examiner of drugs, medicines, and chemicals and assistant appraiser of merchandise in customs collection district No. 4.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Archibald D. Turnbull to be a lieutenant.

Ensign Willard E. Cheadle to be a lieutenant (junior grade).

Paymaster's Clerk John J. Lynch to be a chief pay clerk.

POSTMASTERS.

ILLINOIS.

Jacob R. Alleman, Libertyville.
Lyle H. Boyd, Carmi.
Thomas Comerford, Minooka.
H. V. Conover, Orion.
Edward P. Devine, Somonauk.
Robert L. Downing, Joy.
Grove Harrison, Viola.
James E. Heflin, Versailles.
Herman J. Hemann, New Baden.
W. M. Humphreys, Alexis.
Charles F. McHenry, Hillsboro.
Richard J. Marlaire, St. Anne.
George Reinemann, Madison.
Charles L. Scott, Grayville.
Lucy E. Ware, Barry.
A. L. White, Fairmount.

KENTUCKY.

Joe Ely, Benton.

MARYLAND.

Frank J. Shriner, Union Bridge.

MICHIGAN.

John Blair, Plainwell.
Charles M. Brown, Ithaca.
Howard W. Brown, Plymouth.
Patrick F. Heenan, North Branch.
Gustav H. Knaak, St. Joseph.
Thomas Maveety, Olivet.

MINNESOTA.

F. L. Frye, Elk River.
W. R. Hodges, Sleepy Eye.
T. A. Holtey, Hendricks.
James Lynch, Lanesboro.
Otto P. Miller, Welcome.
E. W. Rebstock, Buffalo Lake.
John E. Sweeney, Norwood.

OKLAHOMA.

Carl E. Williams, Tonkawa.

PENNSYLVANIA.

Louis W. Kopp, Tremont.
J. T. Shipley, Meyersdale.
Alfred N. Yaugher, New Salem.

WEST VIRGINIA.

T. M. Conner, Harpers Ferry.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 25, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, we thank Thee that peace obtains throughout our borders, and we most earnestly and fervently pray that we may not be drawn into the vortex of the war now raging among our sister nations across the seas. Give, we beseech Thee, wisdom to our President and his advisers, that all international questions may be amicably adjusted with honor and justice to all, that we may be able to maintain strict neutrality "with malice toward none and charity for all." And we will ascribe all praise to Thee, through Him who taught us love and good will to all mankind. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER. Without objection, the Journal as read will stand approved.

Mr. MANN. Mr. Speaker, I understood in hearing the reading of the Journal that the Journal stated I reserved points of order on the rivers and harbors bill. It should be the gentleman from Washington [Mr. HUMPHREY] reserved points of order on the rivers and harbors bill.

The SPEAKER. The Journal will be corrected in that regard. The gentleman from Washington [Mr. HUMPHREY] reserved points of order against the rivers and harbors bill. Without objection, the Journal as read and amended will be approved.

There was no objection.

PASSENGERS ON MERCHANT VESSELS.

Mr. HULBERT. Mr. Speaker, I ask unanimous consent that the House authorize the printing of 5,000 additional copies of House resolution No. 147, introduced by the gentleman from Texas [Mr. MCLEMORE] on the 22d of February, 1916.

The SPEAKER. The gentleman from New York [Mr. HULBERT] asks unanimous consent that the House order printed 5,000 additional copies of the resolution introduced by Mr. McLemore on the subject of keeping Americans off foreign ships. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, as I understand it, the Committee on Printing has the authority to order all the copies that may be called for. Is not that correct, I will ask the gentleman from Indiana [Mr. BARNHART]?

Mr. BARNHART. I do not know what the resolution is. I was not paying strict attention.

Mr. MANN. It is a resolution offered in the House.

Mr. BARNHART. Yes. Additional copies can be ordered without this resolution, Mr. Speaker; and even if they could not, the proper way to proceed would be to introduce a bill or resolution and have it referred to the Committee on Printing. We have no estimate now of what it would cost.

Mr. MANN. My understanding is that when a bill or resolution is introduced into the House the usual number of copies are printed, and when more calls are received additional copies can be printed.

Mr. BARNHART. I understand that is the case.

Mr. HULBERT. The supply in the document room is exhausted. I know that various Members have requests for copies of this resolution. I will ask the Chair——

The SPEAKER. The Chair will suggest that the gentleman from New York consult with the members of the Committee on Printing, and no doubt the matter can be worked out satisfactorily.

URGENT DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I call up the conference report on the bill (H. R. 9416) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior years, and for other purposes.

The SPEAKER. The Clerk will report the conference report.

The conference report was read as follows:

CONFERENCE REPORT (NO. 257).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 9416) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 5.

That the House recede from its disagreement to the amendments of the Senate numbered 11 and 14, and agree to the same.

JOHN J. FITZGERALD,
JOHN J. EAGAN,
J. G. CANNON,
Managers on the part of the House.
THOMAS S. MARTIN,
F. E. WARREN,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on amendments of the Senate, Nos. 2, 5, 11, and 14, to the bill (H. R. 9416) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior years, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

No. 2: Strikes out the appropriation of $25,000, inserted by the Senate, for the preparation of a suitable design for the Arlington Memorial Bridge.

No. 5: Strikes out the appropriation of $7,500, inserted by the Senate, for clerical services in the Division of Mexican Affairs of the State Department.

No. 11: Inserts the provision, proposed by the Senate, transferring the sum of $120,000 from appropriations for wages to the appropriation for material in the Bureau of Engraving and Printing and increases the number of delivered sheets of currency from 82,000,000 to 90,000,000.

No. 14: Appropriates $9,500, as proposed by the Senate, for the addition to the Powell School.

JOHN J. FITZGERALD,
JOHN J. EAGAN,
J. G. CANNON,
Managers on the part of the House.

Mr. MANN. Mr. Speaker, will the gentleman from New York yield?

Mr. FITZGERALD. Yes.

Mr. MANN. There was some discussion heretofore in the House in reference to the power plant and the Fine Arts Commission. I have a letter from Col. Harts, the secretary of the Fine Arts Commission, which I would like to have inserted in the RECORD for the information of the House. I ask leave, Mr. Speaker, to extend my remarks for that purpose.

Mr. FITZGERALD. Does he explain that the Fine Arts Commission has nothing to do with the agitation?

Mr. MANN. He explains how the Fine Arts Commission had nothing to do with the Grant Memorial or the Agricultural Building, which we all knew, but what we call the predecessor of the Fine Arts Commission did have some information of the

movement. However, he does give some information of what was done by the Fine Arts Commission, which is valuable information.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent to extend his remarks by printing a letter from Col. Harts on the Fine Arts Commission. Is there objection?

There was no objection.

Following is the letter referred to:

THE COMMISSION OF FINE ARTS,
Washington, D. C., February 21, 1916.

MY DEAR MR. MANN: My attention has several times lately been called to what appears to be a misapprehension of certain facts concerning the Commission of Fine Arts by Members of Congress, undoubtedly due to information volunteered by others which is misleading and inaccurate. I have felt that you would welcome a statement regarding the facts in the case, as shown by our records, and I therefore venture to address you in connection with such matters as have been drawn to my attention.

It has been asserted that the Commission of Fine Arts is responsible for the location of the Grant Memorial on its present site. The facts are these: The Grant Memorial Commission selected the unoccupied portion of the Botanic Garden grounds, where the Grant Memorial is now located, as the site for that memorial, and their selection was approved by Congress in the sundry civil act approved June 30, 1906, in the following words:

"*Provided* That the memorial may be located in the unoccupied portion of the Botanic Garden grounds, between First and Second Streets, as recommended by the Grant Memorial Commission."

As the National Commission of Fine Arts was created by Congress on May 17, 1910, this action was taken four years before the commission came into existence.

Similarly the commission has been criticized and condemned for its alleged action in locating the present buildings of the Department of Agriculture on their site on the south side of the Mall. Work on the erection of the two wings, I am informed, was started December 14, 1904, discontinued temporarily February 25, 1905, and again started toward final completion April 7, 1905. They were completed March 16, 1908, more than two years before the Commission of Fine Arts came into existence. The commission has never had the opportunity to pass on any matter connected with the Department of Agriculture buildings.

The commission has also been criticized by Members of Congress at various times with reference to the placing of the three large flag poles on the Union Station Plaza, the interior arrangement of rooms in the Bureau of Engraving and Printing, and other matters with which they have had absolutely no connection and regarding which they have never had the opportunity to express an official opinion.

Furthermore, the National Commission of Fine Arts, for which appropriation is being made from year to year by Congress, should be distinguished from the so-called council of fine arts, which ceased to exist in 1909, and which did not have congressional sanction. The council was created by Executive order of President Roosevelt on January 19, 1909, but was dissolved by Executive order of President Taft on May 21, 1909, after an existence of only four months. It consisted of 30 members—architects, painters, sculptors, landscape architects, and several laymen—appointed by the President. The National Commission of Fine Arts, however, is the creation of Congress. Its seven members constitute the official body of expert advisers of the Government in the various branches of the fine arts; they represent the highest talent in the artistic professions in America to-day, and serve without compensation for their services. They are reimbursed for their actual expenses incurred, but even here their expenditures for subsistence—room at hotel and meals—are limited to $5 per day, so that it happens that at every meeting members of the commission are obliged to spend more for subsistence than they can be reimbursed for. I know of no organization anywhere where men of such eminent standing, reputation, skill, and professional ability are willing to give what amounts to important professional services without pay, purely from patriotic motives.

The President, various committees of Congress, departmental heads, and others are regularly availing themselves of the opportunity afforded by this commission. In fact, submissions to the commission during the past fiscal year numbered 128, more than twice as many as were submitted in any preceding year; an evidence that the commission's work is constantly growing and that their services are of conspicuous benefit to the United States. In some cases where Federal appropriation has paid for the erection of a monument, such as the Tyler Monument at Richmond, Va., and the Nathanael Greene monument at Guilford Courthouse, N. C., the commission has been consulted five to six times in one year to insure the best artistic results for the United States. The scope of its duties and the demands made upon the time of the members have so enlarged that it will be necessary for the commission to double the meetings and extend the duration of each in the future.

The commission is now almost 6 years old. Since its creation it has saved many thousands of dollars to the Government by giving expert advice, where formerly fees have been paid experts for such services; and it has insured in the nearly 400 submissions that have come before it during that period that the United States has been protected from inferior art. Among such matters, for instance, it has advised the Senate Committee on the Library against the purchase of various paintings which were inferior works of art, and which, if purchased, would have cost the United States thousands of dollars—in fact, within a few thousands of the total amounts appropriated for the commission's maintenance during its six years of existence. By direction of Congress, a committee of the commission spent nine strenuous days in the Canal Zone, and later made a report to Congress upon the artistic character of the structures of the canal; among other things, this included recommendations regarding the plan and layout for the proposed new city of Balboa at the Pacific end of the canal, which were followed in the erection of that city.

Its advice is invariably in the direction of simplicity and against ornateness. The commission has always discouraged ornament when used either for its own sake or at the expense of harmony. Sometimes it has been charged that the recommendations of the commission could not be followed because of expense involved, but in no case has this been true excepting where a designer has slighted some parts of his work in order to make a display in other parts. The commission feels strongly that Government work should set a standard of excellence and thoroughness, and its recommendations have already resulted in marked improvements in the beauty and artistic character of monuments and public buildings planned for and erected in Washington, as well as of monuments erected elsewhere under Federal appropriation.

The commission's invariable recommendations in the direction of simplicity of design, as is witnessed especially in its advice given upon the designs for the Bureau of Engraving and Printing and the District of Columbia Armory, its elimination of designs for statues and other structures that have little or no artistic merit, and the assurance that whatever of an artistic character is being placed in Washington by the Government has had the scrutiny of the foremost men of the artistic professions in America to-day, are of such value to Congress and the future of the Nation's Capital that a knowledge of the facts seems all that is necessary to insure a high appreciation of its services.

Please pardon me for going into this matter at such length, but I felt that the Commission of Fine Arts has had so few opportunities to reply to unjust criticism that I am especially desirous that these facts should be made plain to you. It appears that often when the advice of the commission is contrary to the judgment of architects or others who have prepared and submitted their designs there seems to be a readiness to blame the commission for what was actually their own shortcomings; but there seems to be no one to explain how many beneficial results have followed and how the very existence of the Commission of Fine Arts is now an incentive to artists to do their utmost when they know that their designs or creations, proposed for acquisition by the Government, must be scrutinized by these experts.

If not inconsistent with the proprieties of the case, I would appreciate it if this letter could be inserted in the CONGRESSIONAL RECORD, in order that the facts may be laid before such Members of Congress who have been misinformed.

Sincerely, yours,

WM. W. HARTS,
Colonel, United States Army,
Secretary and Executive Officer.

Hon. JAMES R. MANN,
House of Representatives, United States.

P. S.—I have sent a similar letter to Representative SLAYDEN, chairman of the Committee on the Library of the House of Representatives.

Mr. FITZGERALD. Mr. Speaker, I ask for a vote. I ask for the adoption of the conference report.

The SPEAKER. The question is on the adoption of the conference report.

The conference report was agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

USE OF BATTLE CRUISERS IN WAR.

Mr. MILLER of Delaware. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article which appeared in the New York Times yesterday with respect to battle cruisers and their use in the present European conflict, and certain other remarks thereon.

The SPEAKER. The gentleman from Delaware asks unanimous consent to extend his remarks in the RECORD by printing an article in yesterday's New York Times as to the use of battle cruisers. Is there objection?

Mr. BARNHART. Mr. Speaker, reserving the right to object, this is a reproduction of an editorial, is it?

Mr. MILLER of Delaware. I will say to the gentleman from Indiana that it is a news item, an article written by a staff correspondent of that paper, respecting battle cruisers used in the European war. I desire to extend my remarks on the general subject and insert this article.

Mr. BARNHART. I have no objection to the gentleman's extending remarks, but I object to the insertion of a newspaper article.

Mr. MILLER of Delaware. It is not an editorial article. It is very short.

The SPEAKER. The gentleman from Indiana [Mr. BARNHART] objects to the insertion of the article. Is there objection to the gentleman extending his own remarks?

There was no objection.

BILLS ON THE PRIVATE CALENDAR.

The SPEAKER. This is pension day.

Mr. ASHBROOK. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for consideration of bills on the Private Calendar.

The SPEAKER. The gentleman from Ohio [Mr. ASHBROOK] moves that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar.

The motion was agreed to.

The SPEAKER. The gentleman from North Carolina [Mr. PAGE] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House for the consideration of bills on the Private Calendar, with Mr. PAGE of North Carolina in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House for the consideration of bills on the Private Calendar.

PENSIONS.

Mr. ASHBROOK. Mr. Chairman, I call up the bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The CHAIRMAN. The Clerk will report it.

The Clerk read the title of the bill, as follows:

A bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. ASHBROOK. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Ohio [Mr. ASHBROOK] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The foregoing bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 797. John Baker.
H. R. 929. James Whyde.
H. R. 1286. Ellen McEnenney.
H. R. 1298. Lucetta Brown.
H. R. 1299. Henry Waumpler.
H. R. 1316. Mary Barnes.
H. R. 1384. John A. Weaver.
H. R. 1400. Harriet Overlin.
H. R. 1438. Margaret Hill.
H. R. 1485. John A. Kilpatrick.
H. R. 1599. Bertha Claussen.
H. R. 1774. David J. Ryan.
H. R. 1784. William Gotshall.
H. R. 1836. James H. Taylor.
H. R. 1861. Orrin Edwards.
H. R. 1902. Mary E. Dowling.
H. R. 1920. Thomas P. Steadman.
H. R. 2009. Joseph W. Nichols.
H. R. 2065. Hannah Giffin.
H. R. 2085. Agnes N. Maxwell.
H. R. 2104. Henry L. Cushing.
H. R. 2200. Elizabeth Smith.
H. R. 2242. Frances Gaskins.
H. R. 2243. Margaret Weber.
H. R. 2435. Franklin White.
H. R. 2526. Solomon Lawler.
H. R. 2567. James Paul.
H. R. 2628. John A. Greenlaw.
H. R. 2663. Nellie Ham.
H. R. 2729. William R. Coe.
H. R. 2772. Phebe Beaumont.
H. R. 2889. John W. B. Huntsman.
H. R. 2956. Mary G. Paulmier.
H. R. 3164. Elizabeth Smith.
H. R. 3243. Florence Cobb.
H. R. 3278. Anna A. Thom.
H. R. 3429. Cinderella Leversee.
H. R. 3743. John Coulthard.
H. R. 3823. Nicholas Rottier.
H. R. 3883. Emeline R. Caldwell.
H. R. 3992. Rufus W. Harvey.
H. R. 4059. Leonhart Miller.
H. R. 4068. James Dougherty.
H. R. 4242. Nancy J. Waddle.
H. R. 4413. Oliver C. Stringer.
H. R. 4510. Thomas S. Applegate.
H. R. 4538. Nancy Hanes.
H. R. 4542. Christian H. Buckwalter.
H. R. 4548. Mahala Clifton.
H. R. 4564. John Wilson.
H. R. 4588. Edwin R. Smith.
H. R. 4599. Thomas J. Turner.
H. R. 4608. Julia A. Sourwine.
H. R. 4662. Stephen Johnson.
H. R. 4914. Alexander G. Armstrong.
H. R. 5032. Lucy F. Brown.
H. R. 5037. Franklin Gorham.
H. R. 5239. Thomas W. Moorhead.
H. R. 5546. Christian Christianson.
H. R. 5586. William Rose.
H. R. 5599. Ellen G. Roder.
H. R. 5916. Elizabeth J. Alguire.
H. R. 5966. George F. Baxter.
H. R. 6007. Edwin L. Hartley.
H. R. 6017. Christianna F. Childs.
H. R. 6164. Eliza R. Scott.
H. R. 6166. George H. Wheeler.
H. R. 6183. Eliza Johnson.
H. R. 6262. Charles Bauschard.
H. R. 6285. Joseph W. Camp.
H. R. 6289. William Hall.
H. R. 6520. Daniel Grebe.
H. R. 6558. Caroline Reichold.
H. R. 6589. Hattie A. Beach.
H. R. 6626. William Bieber.
H. R. 6630. Enoch Cox.
H. R. 6655. Margaret C. Darling.
H. R. 6661. Cornelia E. Pence.
H. R. 6681. Addison Thompson.
H. R. 6973. Joseph Sherman.
H. R. 7001. Charles C. Eckert.
H. R. 7054. August M. Collignon.
H. R. 7087. Barbara E. Nettleton.
H. R. 7104. William W. Morton.
H. R. 7122. Henry Chairsell.
H. R. 7154. Charles Fairchild.
H. R. 7173. Ellen E. Orchard.
H. R. 7227. Elizabeth Sheckells.
H. R. 7235. Elizabeth C. Slack.
H. R. 7311. George M. Smith.
H. R. 7433. Elizabeth F. Spinney.
H. R. 7503. Horace J. Poland.
H. R. 7518. Jonas Trotter.
H. R. 7734. Surelda Ruge.
H. R. 7762. Martha J. Davis.
H. R. 7850. John H. Hazleton.
H. R. 7854. James K. P. McClary.
H. R. 7921. Miron Fellows.
H. R. 7941. Elizabeth G. Maban.
H. R. 7950. Washington P. Altman.
H. R. 7955. James Feagles.
H. R. 7956. Arabella Irwin.
H. R. 7975. Jonathan D. Butler.
H. R. 7980. Robert H. Gaines.
H. R. 7996. Edwin Underhill.
H. R. 8069. Nancy Ross.
H. R. 8128. Mary M. Julian.
H. R. 8136. Philena O. Norton.
H. R. 8161. William B. Stahl.
H. R. 8180. James C. Hakes.
H. R. 8252. Eli Haskett.
H. R. 8302. Julia Ann Ross.
H. R. 8470. Fordis O. Bushnell.
H. R. 8509. Solomon C. Miller.
H. R. 8520. Enos W. Erick.
H. R. 8546. Moses Reeves, jr.
H. R. 8566. Nancy Humphreys.
H. R. 8692. Elihu G. Grinstead.
H. R. 8750. Esther A. Karschner.
H. R. 8771. Eva M. Van Pelt.
H. R. 8773. Catherine Floden.
H. R. 8801. John R. Gartrell.
H. R. 8857. Mary E. Cavell.
H. R. 8884. Frances A. Bright.
H. R. 8895. Mariah Mentch.
H. R. 8903. Freda Dunn.
H. R. 8971. John Day.
H. R. 9018. Leando N. Muck.
H. R. 9143. Mary F. Anderson.
H. R. 9248. Morgan Brown.
H. R. 9262. Harland R. Strong.
H. R. 9346. Maria T. Fleming.
H. R. 9391. William R. Kelley.
H. R. 9452. Hugh J. Clevenger.
H. R. 9474. Rebecca J. Calhoun.
H. R. 9616. Josephine A. Stewart.
H. R. 9848. Mary A. Clark.
H. R. 9935. Sarah J. Stout.
H. R. 9976. Charles A. Clark.
H. R. 9999. John M. Langsdale.
H. R. 10008. S. Maria Little.
H. R. 10176. Sarah Fields.
H. R. 10200. Philip L. Melius.
H. R. 10274. Norman Messenger.
H. R. 10321. John R. Tallentire.
H. R. 10476. Martha E. Williams.
H. R. 10542. Christian Warner.
H. R. 10619. Edward Craft.
H. R. 10621. Sitha J. Sholley.
H. R. 10747. Daniel Baughman.
H. R. 11000. Kate Ridgway.
H. R. 11023. Alice E. Pangborn.
H. R. 11353. Jonathan Tolliver.
H. R. 11354. William H. Jenkins.
H. R. 11428. Helen D. Harrison.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject of the provisions and limitations of the pension laws—

Mr. ASHBROOK. Mr. Chairman, I offer an amendment to strike out the word "of," in line 5, and insert the word "to."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 1, line 5, by striking out the word "of" and inserting the word "to."

The amendment was agreed to.

The Clerk read as follows:

The name of Oliver C. Stringer, late of Company A, First Regiment West Virginia Infantry, and Company G, Second Regiment West Virginia Veteran Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. ASHBROOK. Mr. Chairman, I move to strike out lines 5 to 9, inclusive, on page 10, the soldier who was the beneficiary having died.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 10, by striking out the paragraph beginning with line 5 and ending with line 9.

The amendment was agreed to.

The Clerk resumed and completed the reading of the bill.

Mr. ASHBROOK. Mr. Chairman, I move that this bill be laid aside, to be reported to the House with a favorable recommendation.

The motion was agreed to.

Mr. KEY of Ohio. Mr. Chairman, I call up the bill (H. R. 12194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The CHAIRMAN. The gentleman from Ohio calls up H. R. 12194, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 12194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Mr. KEY of Ohio. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The foregoing bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 1179. Oden Lake.
H. R. 1288. Edward H. Burrington.
H. R. 1332. Adolf Hartmann.
H. R. 1335. Joseph Weinstein.
H. R. 1395. Henry S. Corp.
H. R. 1493. Martin W. Ryan.
H. R. 1496. Elizabeth Walter.
H. R. 1499. Frank B. Broadie.
H. R. 1502. Charles W. Smith.
H. R. 1643. Walter E. Doyle.
H. R. 1717. Samuel P. Kahler.
H. R. 1768. Herman Grasse.
H. R. 1870. William A. Gruslin.
H. R. 1878. Ella M. Goddard.
H. R. 1879. Cornelius Conley, alias Cornelius Connelly.
H. R. 1979. William T. Bogart.
H. R. 2059. Granderson Welling.
H. R. 2074. Ezekiel H. Ballah.
H. R. 2075. Victor Fousse.
H. R. 2078. James W. Poole.
H. R. 2177. John J. Fitzsimmons.
H. R. 2257. John F. Scott.
H. R. 2463. David F. Leach.
H. R. 2560. Harry Bidwell.
H. R. 2753. George Sylvester.
H. R. 2994. John P. Bloodworth.
H. R. 3260. Joseph Smuczynski.
H. R. 3275. Charles McP. Eggleston.
H. R. 3419. Leon E. Andrews.
H. R. 3741. Frank Keller.
H. R. 3859. James T. Gallagher.
H. R. 3948. Oliver E. Penewit.
H. R. 4305. Charles J. Mobley.
H. R. 4340. Martha J. Hovey.
H. R. 4518. Aurora Griffith.
H. R. 4868. Ernest B. Brown.
H. R. 5018. Bert D. Kilburn.
H. R. 5383. Julia M. Connolly.
H. R. 6638. Frank H. Henderson.
H. R. 6683. William O. Trammell.
H. R. 6730. Charles Vermillion.
H. R. 7025. Raymond E. Daniels.
H. R. 7043. John Campbell.
H. R. 7184. Nathan E. Morgan.
H. R. 7312. Edward Stoyle.
H. R. 8083. Benjamin F. Barden.
H. R. 8153. Otto H. Staron.
H. R. 8177. Stephen House.
H. R. 8285. Cash Kelley.
H. R. 8367. Henry B. Owsley.
H. R. 8369. John W. Edington.
H. R. 8391. Robert H. Beckham.
H. R. 8441. Orville Fox.
H. R. 8567. Edward H. Brown.
H. R. 8594. John Steagall.
H. R. 8754. Grace P. McCarty.
H. R. 8777. Martha E. Brabson.
H. R. 8786. Adelaide I. Feeter.
H. R. 8856. Henry Boesen.
H. R. 9026. Norman W. Jones.
H. R. 9059. David A. Nelligan.
H. R. 9155. Henry Langley.
H. R. 9270. William H. Cooke.
H. R. 9280. Frank E. Putnam.
H. R. 9281. Narcissa R. Cooper.
H. R. 9450. Martha F. Allen.
H. R. 9720. Maria J. G. Hammack.
H. R. 9964. Abraham H. Martin.
H. R. 9984. James V. Chenoweth.
H. R. 11033. Ettie L. Markham.

The CHAIRMAN. The Clerk will report the bill for amendment.

The Clerk read as follows:

The name of Frank B. Broadie, late of Troop F, Ninth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

Mr. KEY of Ohio. Mr. Chairman, a committee amendment. I move that lines 22, 23, and 24 on page 2 be stricken out.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, strike out lines 22, 23, and 24.

The amendment was agreed to.

The Clerk resumed and completed the reading of the bill.

Mr. KEY of Ohio. Mr. Chairman, I move that the bill be laid aside, to be reported to the House with a favorable recommendation.

The motion was agreed to.

Mr. KEY of Ohio. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MANN. Does that include both bills?

Mr. KEY of Ohio. Both bills.

The CHAIRMAN. The gentleman from Ohio moves that the committee do now rise and report the two bills H. R. 12027 and H. R. 12194 to the House with a favorable recommendation, that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PAGE of North Carolina, Chairman of the Committee of the Whole House, reported that that committee had had under consideration the bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war and the bill (H. R. 12194) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment to House bill 12027? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. ASHBROOK, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The question is on agreeing to the amendments to House bill 12194. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. KEY of Ohio, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 6854. An act permitting the Wolf Point Bridge & Development Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4308. An act to purchase a site and erect thereon a suitable building for post office and other governmental offices at Sandusky, Ohio, and for other purposes; and

S. 2497. An act to authorize the construction of a bridge across the Mississippi River between Anoka and Hennepin Counties, in the State of Minnesota.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 6854. An act permitting the Wolf Point Bridge & Development Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4026. An act authorizing and directing the Secretary of War to abrogate a contract lease of land and water power on the Muskingum River, Ohio.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. TREADWAY, for 10 days, on account of a death in his family.

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the Post Office appropriation bill (H. R. 10484).

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes, with Mr. RAINEY in the chair.

The CHAIRMAN. The gentleman from New York [Mr. BENNET] reserved a point of order to section 8.

Mr. BENNET. Mr. Chairman, my colleague, Mr. HULBERT, is interested in this section, and I reserved the point of order more particularly on his account.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BENNET. My point of order is that the section is clearly a change of existing law.

Mr. MOON. The point of order is well taken, Mr. Chairman.

Mr. BENNET. As I have stated, Mr. Chairman, I made the point of order on behalf of my colleague, Mr. HULBERT.

Mr. HULBERT. I make the point of order, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Tennessee want to be heard on the point of order?

Mr. MOON. No; I have conceded the point, Mr. Chairman, and I want to say that a point of order lies properly to each and every other section in this bill. The legislation is new, and a point of order can well be made to each and every one of the remaining sections.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

SEC. 9. That section 2 of the act of April 28, 1904 (ch. 1759, 33 Stat. L., p. 440), be, and the same is hereby, amended to read as follows:

"That under such regulations as the Postmaster General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails it shall be lawful to accept for transmission in the mails without postage stamps affixed quantities of not less than 500 identical pieces of third-class matter and of second-class matter mailed at the special rates of 1 cent and 2 cents a copy, and 250 identical pieces of fourth-class matter, and packages of money and securities mailed under postage at the first or fourth class rate by the Treasury Department: *Provided*, That postage shall be fully prepaid thereon at the rate required by law for a single piece of such matter."

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry. The chairman of the Committee on the Post Office and Post Roads has conceded that every remaining paragraph in the bill is subject to a point of order. My inquiry is whether a point of order would lie against all the remaining paragraphs at this time?

The CHAIRMAN. The Chair understands not.

Mr. MOORE of Pennsylvania. They will have to be read and the points of order made seriatim?

The CHAIRMAN. The Chair so understands.

Mr. MOORE of Pennsylvania. Then I make the point of order.

Mr. MOON. Mr. Chairman, I want to say to the gentleman that as to all of these sections except one or two there is no contest. They have all passed the House heretofore. They are purely administrative propositions, and unless there is a real desire to defeat them, it might as well go through.

Mr. MOORE of Pennsylvania. My thought was to facilitate the business of the House.

Mr. MOON. It would if there is to be no contest, but I suppose there is no objection.

Mr. MOORE of Pennsylvania. If the gentleman cares to have them read, I have no objection, and the points of order can be made as we go along.

Mr. MOON. The Chair holds that they will have to be read.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FOSTER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 157. An act to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908, as amended by act approved June 3, 1912.

POST OFFICE APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

SEC. 10. That postage stamps affixed to all mail matter or to stamped envelopes in which the same is inclosed shall when deposited for mailing

or delivery be defaced by the postmaster at the mailing office: *Provided*, That when practicable postage stamps may be furnished to postmasters precanceled by printing on them the name of the post office at which they are to be used, under such regulations as the Postmaster General may prescribe.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the point of order.

Mr. MOON. Mr. Chairman, I would ask the gentleman from Pennsylvania whether he really objects to that or if he is willing to have that section passed?

Mr. MOORE of Pennsylvania. Mr. Chairman, I will reserve the point of order.

Mr. SMITH of Minnesota. Mr. Chairman, I desire to offer an amendment to that section, which I send to the desk and ask to have read.

The CHAIRMAN. The Clerk will read the amendment.

Mr. MOON. Mr. Chairman, I will ask the gentleman if he intends to make the point of order?

Mr. MOORE of Pennsylvania. Mr. Chairman, I will reserve the point of order for the present, in view of the interest of my friend from Minnesota.

The Clerk read as follows:

Amendment by Mr. SMITH of Minnesota: Amend, by inserting as a new paragraph after the word "prescribe," in line 8, on page 33, the following:

"That section 3928 of the Revised Statutes is hereby amended so as to read as follows:

"'SEC. 3928. Whenever the sender shall so request a receipt shall be taken on the delivery of any registered mail matter, showing to whom and when and the place where the same was delivered, which receipt shall be returned to the sender and be received in the courts as prima facie evidence of such delivery: *Provided*, That any official of the Post Office Department or any postmaster, under such regulations as the Postmaster General may prescribe, upon being satisfied that the addressee is not concealing himself for the purpose of avoiding a debt, may waive the requirement that said receipt shall show the place where said registered mail matter was delivered.'"

Mr. MOON. Mr. Chairman, I reserve the point of order on that proposition.

Mr. SMITH of Minnesota. Mr. Chairman, the amendment that I have just offered makes only one change in existing law, and that is, it requires the registered receipt to show the place where the mail matter was delivered in addition to what the law now requires, which is to show to whom and when it was delivered. The object of this legislation is to make it possible for a merchant to locate, through the assistance of the post office, customers who change their address and who neglect to notify him of that change.

In December, 1914, Senator LODGE introduced in the Senate the following bill:

That section 3928 of the Revised Statutes is hereby amended so as to read as follows:

"SEC. 3928. Whenever the sender shall so request, a receipt shall be taken on the receipt of any registered mail matter, showing to whom, and when, and the place where the same was delivered, which receipt shall be returned to the sender and be received in the courts as prima facie evidence of such delivery."

A short time thereafter my distinguished colleague, Senator NELSON, introduced a bill of the same tenor as the Lodge bill. About the time of the introduction of the Lodge and Nelson bills Mr. W. L. Harris, one of the leading retail merchants of Minneapolis, wrote me that he considered this legislation wise and necessary and asked me to give it my support. On the first day of this session, in response to this request, I introduced H. R. 138, which, to all intents and purposes, is a duplicate of the Lodge and Nelson bills. I presented my bill to the Post Office Department for its approval. The department was of the opinion that under H. R. 138 it might be possible for a designing person to impose upon innocent parties, and for that reason withheld its approval. However, the department suggested that a bill in the language of H. R. 10399, which I introduced after my talk with the department, would overcome this objection and be acceptable to the department.

I sent Mr. Harris a copy of H. R. 10399, together with a statement of the department's attitude with reference to this subject, and received from him in reply the following:

FEBRUARY 8, 1916.

Your favor of the 5th instant received. Sorry the department can not indorse your original bill. Its suggestion, as embodied in H. R. 10399, is little better than nothing. Anyhow, we appreciate your interest.

Yours, very truly, W. L. HARRIS.

The amendment I offer is a substitute for both H. R. 138 and H. R. 10399 and I believe meets the objection and the suggestion of the department and at the same time preserves the registered-receipt plan, which is the one desired by the merchants. That there is an extensive and urgent demand for this legislation is evident by the great number of communications which I have received from retail merchants' associations and business firms. Mr. Harris, who has taken an active interest in the matter, has this to say:

We know of no one item connected with our Postal Service which would be of greater benefit to the business institutions of the country than the return of receipt to addressor containing complete data, and we see no reason why anyone's rights would be prejudiced thereby, for registered mail is always, of course, under cover and we can conceive of no circumstances which would create the slightest injustice or inconvenience to any honest addressee by filling out his receipt with both name and address.

The Postal Service should be, and is, the messenger of the public, and when the addressor pays the fee for registering a letter he is equitably entitled to knowledge, not merely that the addressee receives the letter, but the place at which he received the same. Is he not?

As the Postal Department found a way through its parcel-post system to serve the people of the United States, and incidentally insure the delivery of packages intrusted to its care, so can it logically, to our mind, do the same thing in effect with its registered letters, the specific postage required for same being in effect an insurance fee paid to the department by the addressor that the transaction shall be complete, and all information due the addressor furnished him before the transaction shall be considered closed.

Every credit man in the United States will rise up and call you blessed if you are successful in getting this bill through. After all, what is the Postal Department but the agent of individual or concern which pays a price for its missive or merchandise; and, while it is possible that, under a strained conception of logic, there might be in rare instances a disclosure of location under the bill proposed repugnant to the addressee, the great preponderance of the benefit is so strongly in favor of the business houses served as to cut no figure worth considering, it seems to us, and not the smallest factor of benefit would be that the passing of the bill in question gives the addressor the right to secure information from the department as to the delivery address of registered mail now distinctly denied under the present postal laws.

Our conclusions are, therefore, that the bill is distinctly a progressive step in the development of the Postal Service of the country and in fulfillment of the relations which should exist between the department and the business houses of the country.

If a man shall be required to sign his name to a receipt before he is given a registered letter, it is certainly logical that the address at which delivery was made should also be indicated, thus perfecting and carrying to its logical conclusion the spirit of registered mail service.

Under the present incomplete system a dishonest debtor can "skip" with a distinct purpose of evading the just claim of his creditor, and when, after diligent search, we ascertain that he is probably located in a certain city at a certain place we write him a registered letter, the receipt for which, under the present law, in many cases lacks complete verification, owing to absence of location data, and we do not know whether the letter was actually delivered at the address in question or forwarded to some other location.

Whatever opposition there may be to the bill must come from a desire to protect those not entitled to protection. The business community of the country undoubtedly spends hundreds of thousands of dollars annually in detective work, which could all be avoided by simply indicating on the receipt for registered letters the definite, specific address at which the same was delivered, a hardship to no one and an inestimable value to the whole community.

The Duluth Retail Credit Club, of Minnesota, wrote me as follows:

The Duluth retail merchants seem to be deeply interested in the bill which is known as H. R. 138 and was introduced by yourself. I feel justified in saying that this is heartily indorsed by Duluth, and we are in hopes that it will become effective in the near future; and I, as representing practically all of the retailers of Duluth since September, 1908, am authorized to express this as the wishes of the retailers of Duluth.

GEORGE C. FARLEY,
Secretary Duluth Retail Credit Club.

Messrs. Howard, Farwell & Co., piano dealers, of Minneapolis, wrote me that they felt that the information provided for in House bill 138 would be of great assistance to a great number of people, and that they would appreciate my efforts to promote the passage of this bill.

I also received communications from many other retail merchants from my section of the country recommending this measure and hoping that Congress would take favorable action on the same. Among the many prominent Minneapolis firms that urge such action are the following:

Hartman Furniture & Carpet Co.; Boutell Bros., complete house furnishers; Minneapolis Dry Goods Co.; Wm. A. French & Co., interior woodwork, decorations, furniture; Metropolitan Music Co.; Kronick Cleaning & Dyeing Co.; Palace Clothing House; John F. McDonald Lumber Corporation; R. M. Chapman Co., grocers, bakers, and confectioners; Gross Bros., cleaners, launderers, and dyers; Pike & Cook Co., builders; Barnum Trunk Co.; City Fuel Co.; H. P. McBride Co., grocers; Pure Oil Co.; Warner's Hardware; Brown Bros. Mercantile Co., tailors and furriers; L. S. Donaldson Co., department store; Woodward-Page Co., home furnishings; J. N. Smith & Co., plumbing; Laurence H. Lucker, phonographs.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Minnesota. Yes.

Mr. COX. What is the difference in the gentleman's proposed amendment and the section of the statute which he proposes to amend?

Mr. SMITH of Minnesota. It simply adds the words "where delivered"—just those two words.

Mr. COX. Do I understand that the gentleman inserts those words "where delivered," or that he takes them out of the old statute?

Mr. SMITH of Minnesota. I insert them. In the old law those words do not appear. If a man moves from one part of

a large city to another without telling his grocery man or his butcher or his merchant of his new address, it necessitates locating him at a loss of considerable time and money. If the Post Office could be called in to assist in this matter, it would save this money and this loss of time and enable the merchant to extend further credit than he is now extending.

We have been busily engaged these many years in enacting laws that will make it possible for the bankers of the country to extend a greater amount of credit.

The Banking and Currency Committee of the House, of which I have the honor to be a member, is about to bring in a rural-credits bill that will enable the farmers of the country to use their credit to greater advantage. However, it is with deep regret that I must admit that there is not and never has been any serious effort made in the Congress of the United States or in any State legislature to enact a law that will make it easier for the laborer, the artisan, or the professional man of small means to secure credit. This class of our citizens is denied relief that is freely extended to other classes. They must look for assistance in time of distress to the grocer, the butcher, the dry-goods man, the furniture dealer, the druggist, the doctor, and the lawyer. These men, and these alone, are often the only barrier between the man in need of personal credit and starvation.

The amount of personal credit extended by the retail merchants of this country far exceeds the total amount of loans of our banks, notwithstanding that in the case of the bank the credit extended is always amply secured by good and sufficient collateral, whereas the credit extended by our merchants is not based upon security or collateral, but upon their faith in the honesty of mankind.

The Mr. Harris that I referred to is a splendid example of America's merchant princes. About 30 years ago he came to Minneapolis from the East and established a very modest store in my city for house furnishings and office supplies on a personal-credit plan. From that day to this no one has been denied credit at his store, the New England, unless he was generally known to be a deadbeat. This store maintains one price for all; the man of no means receives the same treatment as the millionaire. It is needless to say that the New England has prospered and grown to magnificent proportions; that its founder has won the love, confidence, and esteem of our citizens. Neither is it strange that a man of Mr. Harris's clear perception, business ability, and generous impulses should become so active in pointing out to Congress the necessity for a law similar to that embodied in my amendment.

If this amendment were enacted into law, it would enable the retail merchant to extend additional credit to a class of people that can not get it from any other source, and the consuming public would be relieved from the annual payment of hundreds of thousands of dollars now being spent by merchants in an effort to locate careless customers.

This great saving can be accomplished without any additional expense to the Government. For these reasons I hope the committee will adopt the amendment that I have offered.

The amendment is hedged about with such language as to make it apply only to a man who tries to conceal himself for the purpose of escaping his honest debts, and it does not seem wise that the Post Office Department should be a party in the way to assisting a man to conceal himself for that purpose; and the amendment is drawn in such a way that it is impossible to use it for any other purpose.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MOON. Mr. Chairman, I withdraw my objection to the amendment.

Mr. MANN. Mr. Chairman, I reserve the point of order. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection the amendment will be again reported.

There was no objection, and the Clerk again reported the amendment.

Mr. MANN. Mr. Chairman, I understand the gentleman still has time——

Mr. SMITH of Minnesota. No; my time is exhausted.

Mr. MANN. I will ask the gentleman in my own time. This, as I understand it, would require the registry clerk at post offices to be satisfied the addressee is not concealing himself for the purpose of avoiding a debt in case a person desired to waive the requirements of the receipt showing the place where such registered mail matter was delivered. Is not that imposing a duty upon the registry clerk that is almost sure to make trouble, to make the receipt prima facie evidence in court?

Mr. SMITH of Minnesota. That is the present law.

Mr. MANN. I understand. I have no objection to that, but the receipt as given now does show where the person receives the mail.

Mr. SMITH of Minnesota. Not where he receives it, but when he received it.

Mr. MANN. Now the gentleman proposes to waive that if the registry clerk is satisfied that the person is not concealing himself for the purpose of avoiding a debt. It seems to me very doubtful about putting that responsibility upon the postmaster or the registry clerk. The postmaster might be qualified to exercise such discretion, but the ordinary registry clerk in the ordinary post office of reasonable size ought not to have such a discretion imposed upon him.

Mr. SMITH of Minnesota. But it is not the registry clerk.

Mr. MANN. Who is it?

Mr. SMITH of Minnesota. The authority is conferred upon the postmaster or any official of the Post Office Department under such rules and regulations as the department shall promulgate.

Mr. MANN. The language is, "That any official of the Post Office Department," and so forth, "upon being satisfied that the addressee is not concealing himself for the purpose of avoiding a debt, may waive," and so forth. Practically, of course, that means a registry clerk, where they have a registry clerk, because it is not possible in the case of registered matter before the matter is delivered to take it up with the postmaster and determine whether this receipt shall not have the place of delivery.

Mr. SMITH of Minnesota. I am afraid that my colleague misunderstands just how this will work out. Nothing will be done except what is now being done only to add to the receipt the place where the registered matter is delivered, and if the party wants to conceal himself for some purpose—we do not know what it may be—but if he wants to conceal himself, it will be necessary for him to go to the postmaster or some official of the Post Office Department and obtain an exemption, as it were, under this bill from the operation of the law.

Mr. MANN. Well, of course, in the meanwhile he would not get the registered package. Now, if it is the intention to hold up the delivery of the registered package, very well. I do not believe we ought to impose upon postmasters or registry clerks in the ordinary course of business the requirement that they shall determine whether a man is desirous of concealing himself in order to avoid the payment of a debt.

Mr. SMITH of Minnesota. It is for them to determine or satisfy themselves that this man is not concealing himself for the purpose of avoiding a debt, and in all other cases the receipt has not only to show when, but where.

Mr. MANN. The gentleman from Minnesota would indicate what is undoubtedly the case in most cases, that there would not be such a requirement, but the purpose of inserting the language is to cover such cases as may arise. Now, I do not think when those cases arise we ought to leave to the clerk to determine whether a man is concealing himself for the purpose of avoiding the payment of his debts. How would he determine it?

Mr. SMITH of Minnesota. They would simply have to determine it; he has simply to satisfy himself. There is no legal determination.

Mr. MANN. He has to determine it in his own mind?

Mr. SMITH of Minnesota. Yes; well——

Mr. MANN. And he would have to make a statement to that effect.

Mr. SMITH of Minnesota. He has to make such a statement as the department will require, whatever that may be. That is for the executive department to work out.

Mr. MANN. I am quite in sympathy with the original purpose of the bill. I do not think a requirement of that sort ought to be imposed upon postmasters or clerks. They are executive and administrative officials, and it is not their business to determine whether a man is trying to avoid the payment of his debts.

Mr. SMITH of Minnesota. Is it the idea of the gentleman that the proviso should be stricken out? If we do, that is my original idea; but the Post Office Department feels that there are times when certain men ought to be protected, and probably this is one of the times, when there is war abroad and there are certain people in our community who ought to be protected. Now, the proviso is intended to make it possible for the department to exercise that discretion when they think it is necessary.

Mr. MANN. If the gentleman would offer an amendment leaving out this language—

upon being satisfied that the addressee is not concealing himself for the purpose of avoiding a debt—

So that it would read—

Provided, That any official of the Post Office Department, or any postmaster, under regulations as the Postmaster General may prescribe, may

waive the requirement that said receipt shall show the place where said registered mail matter was delivered.

I would not object to it.

Mr. SMITH of Minnesota. The only trouble with that is that it may be too broad. There may be a class of people whose addresses we want to know, and we feel we have a right to know, and I do not want to make it broad enough to cover anything else.

Mr. MANN. I understand. I assume one of the purposes is this, that merchants may have sold goods to some one and the man has moved and left his address for the forwarding of mail at the post office. The man has not paid his bills; the merchant wants to be able to send him a registered letter to ascertain where he is living so as to bring action against him. That probably is a laudable purpose; still that is not part of the duty of the Post Office Department. I do not think that the responsibility ought to be placed upon the post-office officials to determine whether a man is trying to avoid the payment of his debts. We can not determine in ordinary life without trouble. I am perfectly willing to leave the Post Office Department the authority to waive the requirement if they desire to do so, under regulations which they may make.

I am not willing to impose upon the post-office clerks a requirement that they shall determine it. Perhaps that determination will be the cause of a libel suit.

Mr. SMITH of Minnesota. I am willing to accept the amendment, but I am a little afraid it will be too broad. I think it is of importance. I have been informed that hundreds of thousands of dollars are spent annually by business men in securing the addresses of their customers who have changed from one place to another without notifying the merchant of such change. I do not claim that these men are dishonest, that they have secreted themselves for the purpose of avoiding a debt, but I do claim that they are careless and negligent, and the consequence is that the business house has to suffer, and ultimately the consumer has to pay the bill.

Mr. MANN. The theory of this amendment is this: The gentleman stated there is a war going on. Some man may not desire to give his residence to everybody who wishes to write him. They send him a registered package. Under this provision before the registered package can be delivered—and the man does not know from whom it comes—if he wants to have waived the requirement as to the place of receipt of the package, he has got to bring proof to the registry clerk and not try to avoid the payment of his debts. It might apply to the gentleman and myself, and I am sure we are not trying to avoid the payment of our debts, but it might be embarrassing to us to have to get evidence from our neighbors or our banks or other people that we are not trying to avoid the payment of our debts.

Mr. SMITH of Minnesota. I do not think it would go to a strict legal proof. I think it will be sufficient to just satisfy the postmaster. These matters have to be handled as business propositions.

Mr. MANN. Meanwhile, while that person was being satisfied the registered package would be held up, and it might take a week or a month to find out.

Mr. SMITH of Minnesota. That is where I beg to differ with my colleague. The intention of this amendment and its practical operation would be that, if a man came into a community and wished his address concealed, it would be his duty to go and see the postmaster and make such an arrangement; and in trying to make that arrangement, if the postmaster was satisfied the reason he wanted to have his address concealed was that he wanted to avoid a debt, he would not grant that permission. Otherwise his mail would be delivered just as it is now, with the exception that the registry receipt would show where it was delivered.

Mr. MANN. I understand the gentleman now to say that he thinks under this amendment if a man came into a community new, he must at once go to the postmaster and make his arrangements. That would be very difficult to do in a large city.

Mr. SMITH of Minnesota. Until he went to the post office and gave his address the post office would not know where to find him; and, if he wanted to conceal his address, then he can also, at the same time that he is asking to have his mail delivered at a certain point, see his postmaster and inform him of the reason why he wants to have his address concealed, and the postmaster, being satisfied that that is not for the purpose of avoiding a debt, can have his address concealed, leaving the whole matter in the hands of the Post Office Department, just where it is now.

Mr. MANN. I think the gentleman, of course, looks at it from the point of view possibly, just at present, of a smaller town, although he does not represent a small town. But a man in the city does not go to the post office and leave his address. A man moves very frequently in large cities from one address to another. He leaves with the carrier an address to which to forward his mail from one place to another place. He does not go and make any arrangement about that; but under this provision a registered package could not be delivered to him at the place to which he had moved unless, according to the gentleman, he had gone and made an arrangement with the Post Office Department. I do not think that ought to go into the law, especially as to the payment of debts.

Mr. SMITH of Minnesota. As I suggested to my colleague, if he wishes to have it amended in the way suggested, I will accept the amendment.

Mr. STAFFORD. Mr. Chairman, I wish to continue the reservation of the point of order. I believe this is too important a provision to be incorporated in an appropriation bill without any prior consideration by a committee or without recommendation by the department, and, therefore, I will be constrained to make the point of order.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] makes the point of order, and the point of order is sustained. The Clerk will read.

Mr. MOORE of Pennsylvania. Mr. Chairman, I now renew the point of order on the paragraph.

The CHAIRMAN. Did the gentleman from Wisconsin make the point of order only to the amendment?

Mr. STAFFORD. It simply went to the amendment. I had no idea of making the point of order on section 10.

The CHAIRMAN. The point of order is sustained as to the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the point of order on the paragraph.

Mr. STAFFORD. I hope the gentleman will reserve it for a minute.

Mr. MOON. Do you withdraw your point of order on the main section?

Mr. MOORE of Pennsylvania. I was about to renew it in order to facilitate business.

Mr. STAFFORD. I hope the gentleman will not do that.

Mr. MOORE of Pennsylvania. If the gentleman desires to discuss the amendment, I reserve the point of order.

Mr. COX. I make the point of order that that is too late. He can not reserve it. Business has intervened since.

Mr. MOORE of Pennsylvania. I think the question recurs now to the original paragraph.

Mr. STAFFORD. If the Chair will permit——

The CHAIRMAN. The gentleman from Wisconsin is recognized.

Mr. STAFFORD. The gentleman from Pennsylvania originally reserved the point of order. It was not proper to consider the amendment offered by the gentleman from Minnesota [Mr. SMITH] while the point of order was reserved and pending. Therefore the gentleman from Minnesota was virtually proceeding under unanimous consent, and his proposition was never formally before the House. The gentleman from Pennsylvania [Mr. MOORE] has not waived his right of the reservation of a point of order to section 10, because he has never withdrawn it.

Mr. COX. Mr. Chairman, the gentleman from Pennsylvania withdrew his point of order, and the RECORD will show that.

Mr. MOORE of Pennsylvania. I have renewed it.

Mr. STAFFORD. If the gentleman withdrew it, then the point of order comes too late.

Mr. COX. I make the point of order that it can not be renewed after it has been withdrawn.

Mr. MOORE of Pennsylvania. If the RECORD shows that I withdrew it, Mr. Chairman, of course I am bound by it. I leave it to other gentlemen to make the point, if anyone desires to do so. Perhaps others may not have understood the situation, owing to the confusion.

Mr. STAFFORD. I think the paragraph is a very worthy provision.

Mr. COX. Does the gentleman from Pennsylvania withdraw his motion or point of order?

Mr. MOORE of Pennsylvania. Yes. Mr. Chairman, I withdraw it—whatever motion I have made.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. I would like to have a brief explanation of what is proposed to be accomplished by this paragraph, section 10, about the precancellation of stamps with the name of the post office printed thereon.

Mr. MOON. Mr. Chairman, under the existing law the precancellation of postage stamps, that is, the printing on them between two horizontal lines of the name of the post office at

which they are used, must be done under the supervision of the post office at which they are mailed.

Mr. MANN. Do I understand that under the existing law, where these precanceled stamps are used, they have to be canceled under the supervision of the postmaster at the city?

Mr. MOON. Yes.

Mr. MANN. And under this paragraph it is proposed that when they print the stamps at the Bureau of Engraving and Printing the bureau shall cancel them by printing on them the name of the city?

Mr. MOON. I will read the department's statement on that point. I read:

Reason for such legislation: Under existing law the precancellation of postage stamps—that is, the printing on them between two horizontal lines of the name of the post office at which they are to be used—must be done under the supervision of the postmaster at such office. The larger offices precancel the stamps by means of electroplates on printing presses installed as part of their office equipment, while at other offices the stamps are precanceled under contract by private persons or concerns under the supervision of the postmaster or a postal employee. At smaller offices where the precancellation of the stamps in either of the ways mentioned is not warranted, hand stamps are used. The cost of precanceling the stamps under the present system varies considerably, and in some instances it is believed that it would be more economical to print the name of the post office on the stamps before furnishing them to the postmaster. House bill 4790 provides for this procedure.

The gentleman is right about his position.

Mr. MANN. This is to expedite it?

Mr. MOON. Yes; this is to expedite it.

Mr. MANN. This subject is rather curious as to its history. Some years ago we provided for the use of precanceled postage stamps in the delivery of mail. After it had been running a year or two, at the recommendation of the Post Office Department, the Committee on the Post Office and Post Roads reported a provision on the Post Office bill repealing that provision of the law. It would have gone out except that I made a point of order on it, because it was a change of existing law. I am glad now that the Post Office is endeavoring to expedite and cheapen the use of these precanceled stamps.

Mr. MOON. I think it is of advantage. Mr. Chairman, I ask that the Clerk read.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 11. That the Postmaster General, in cases of emergency, between October 1 and April 1 of any year, may hereafter return to the mails empty mail bags theretofore withdrawn therefrom as required by law, and for such times may pay for their railroad transportation out of the appropriation for inland transportation by railroad routes at not exceeding the rate per pound per mile as shown by the last adjustment for mail service on the route over which they may be carried, and pay for necessary cartage out of the appropriation for freight or expressage.

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve a point of order on that. If there is no discussion, I will make the point of order.

Mr. MOON. I hope the gentleman will let this matter pass, unless he objects to it.

Mr. STAFFORD. I wish to explain the purpose of it.

Mr. MOORE of Pennsylvania. Then I reserve the point, Mr. Chairman.

Mr. STAFFORD. Mr. Chairman, this provision has been carried frequently in the Post Office appropriation bill coming before the House. It is of benefit not only to the Postal Service but is fair to the railroads of the country, even if the present system of pay by weight is continued. It provides for the withdrawal of the mail bags during the heavy season, when they are most in use, from October 1 to April 1, from freight trains, and permits them to be carried in the mails, and compensates the railroads for that additional weight during that period.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I shall be glad to.

Mr. MOORE of Pennsylvania. The gentleman regards this as a meritorious paragraph that ought properly to go into the Post Office appropriation bill?

Mr. STAFFORD. There is no doubt about that. It is absolutely needed by the department.

Mr. MOORE of Pennsylvania. This is one of the meritorious provisions that ought to be considered by the Congress in the consideration of the Post Office appropriation bill?

Mr. STAFFORD. Yes. It has been considered by the House many times before.

Mr. MOORE of Pennsylvania. Is it subject to a point of order?

Mr. STAFFORD. Yes; it is subject to a point of order.

Mr. MOORE of Pennsylvania. Does the gentleman think that these meritorious paragraphs ought to be sandwiched in an appropriation bill along with other paragraphs that are not meritorious, like those creating a surety department in the Post Office Department and that reducing the rate of railway mail pay?

Mr. STAFFORD. In reply to the gentleman I will say that I am not in favor at all of having riders placed on appropriation bills, as has been the practice of the Committee on the Post Office and Post Roads for several years past. There is perhaps no other committee of the House that has so repeatedly violated the rule as to riders as has the Committee on Post Offices; and instead of doing as other committees have done when legislation is needed in the Postal Service, instead of introducing separate bills which could have been reached in the regular order on the calendar, they forego doing everything of that kind, and include all their legislative recommendations on the Post Office bill as riders, and when the bill is reported the committee adjourns sine die. [Applause on the Republican side.]

Mr. MOORE of Pennsylvania. But the result of this very offensive practice of attempting to enact legislation on an appropriation bill is that Members of this House are forced either to vote up or down meritorious propositions if they wish at the same time to defeat provisions that are not meritorious.

Mr. STAFFORD. The gentleman will concede that riders on appropriation bills can not receive the due consideration that should be given, and which would be given, to them if they were embodied in separate measures. The rules have for many years forbidden the incorporation of riders on appropriation bills, and yet this Committee on the Post Office and Post Roads offends, and continues to offend, with 57 varieties, each year by incorporating in the appropriation bill miscellaneous items which are subject to points of order instead of bringing the measures in separately as legislation, as they should be brought in.

Mr. MOORE of Pennsylvania. The gentleman concedes that riders are vicious?

Mr. STAFFORD. Yes. Congress for years has forbidden that. It is a vicious practice. That is why it is provided in the rules that it shall not be done.

Mr. MOORE of Pennsylvania. Why should a Member be compelled to rise in his place and object to a meritorious provision that is subject to a point of order in order to defeat other provisions that ought to be defeated?

Mr. STAFFORD. There are provisions in this bill that are vicious, that are sought to be crammed through this House under a gag rule, without any consideration whatever. For instance, last year what opportunity was given to the House for a full consideration of the railway mail pay provision carried in the appropriation bill? The general debate was limited, and there was only 10 minutes' discussion under the five-minute rule, whereas if that provision had been brought in as a separate bill and ample time given for discussion and amendment, the Members of the House would have been only too willing to have given it serious consideration.

But here is a proposition to have this railway mail provision covering a great number of subjects, considered as one section. And the same is true with reference to the bond guaranty fund, an entirely new proposition, never before considered by the House, and to many other proposed changes of law in the bill. That is the condition that I protest against, because it is opposite to proper, deliberative, legislative consideration.

Mr. MOORE of Pennsylvania. When legislation is brought into the House in this way under a rule, what is the remedy for an individual Member of this House? Is it to vote it up or vote it down?

Mr. STAFFORD. Why, there is only one way to do, and that is to resent the autocracy of the Democratic majority of the Committee on Rules in jamming down our throats legislation that can not be considered under the orderly procedure of this House, when forced upon us in the form of riders on appropriation bills. [Applause on the Republican side.]

Mr. MOON. Mr. Chairman, I think my friend from Wisconsin is unduly disturbed. This committee does not propose, nor has it ever proposed, to ram down the throats of this House any legislation on any subject. Nor does it propose to bring a rule here that will cut off the proper discussion of any question or prevent you from voting separately and amending as you may see fit any proposition in this bill. We hope that the House will vote for a rule that will make these sections in order, to be considered separately, but in such form that if approved by the House they may be made a part of the law of the land. We believe that these sections which we are offering here, which are technically out of order on this bill, ought to be made in order under a special rule, so that they may be passed for the benefit of the department and of the people of the United States. There is to be no pressure in any way, shape, or form.

We ask simply such a change of the rule as will make them in order on this bill. If you do not like them, vote them down. You will have ample opportunity to consider them and do with them just as you choose. I think I have never objected to one of these special rules, because I think the changing of a general rule is at times the proper way to get legislation. You know that you can not get the consideration of these administrative propositions by twenty-odd separate bills. You know that there would be no chance. There never has been a time in the history of this House when any postal legislation of any value, except perhaps the postal savings bank and one other proposition or two in the last 40 years, ever became the law except as a rider on an appropriation bill. You know you can not get these matters considered otherwise. Gentlemen might as well be candid. If they are against the proposition, of course, they will be against the rule to consider it. That is all right, but there can be no consideration of this legislation, there can be no possible chance to pass it, unless it is incorporated upon this bill.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MOON. Yes.

Mr. MOORE of Pennsylvania. Is it not possible to have a bill dropped into the basket and then referred in the regular way to the Committee on the Post Office and Post Roads, and have consideration there, and then bring it into the House and pass it?

Mr. MOON. Yes; it is possible to do that if you can ever reach it in the House for consideration; but whenever you do that, the experience of this body has been that that bill has died in a pigeonhole in the Senate, and in order to get the Senate to consider these questions—not you gentlemen, but the Senate—in order to get the Senate to give consideration to the judgment of this House it has been for 40 years the custom and the necessity, I may say, to incorporate these legislative provisions as riders on appropriation bills.

We have not asked for any gag rule, nothing of that kind. We just simply ask the temporary abrogation of a general rule that prohibits the consideration of legislation on an appropriation bill. That will leave the whole question open for the judgment and decision of the House.

Mr. MADDEN. Is it possible to have the special rule passed without a vote of the House to do it?

Mr. MOON. Positively not.

Mr. MOORE of Pennsylvania. If the trouble is in the Senate, would it not still be in the Senate, whether we pass this legislation in this way or not?

Mr. MOON. No; whenever you put this appropriation bill before the Senate with these riders on it, they are a part of the bill. They go there as a part of the bill, as the judgment of this House as to what the law should be, and the Senate is obliged to take cognizance of them.

Mr. MOORE of Pennsylvania. And vote it up or vote it down.

Mr. MOON. Of course; and that is proper.

Mr. MOORE of Pennsylvania. As to the general merits of the discussion, will the gentleman consider this proposition: One paragraph here provides for the institution of a system of surety bonds to be controlled by the Government, involving a question of paternalism, which is in dispute throughout the country? Does not the gentleman think that a very important question like that, involving all that it does, should come before the House in a separate bill, in order that it may be fairly and generally discussed?

Mr. MOON. In reply to the gentleman I want to say that the same men, of the same minds, the same courage, and the same judgment, will pass upon the bill whether in separate form or whether in connection with this appropriation bill, and it is utterly immaterial, so far as the judgment of this House is concerned, which way it comes, because there is to be no attempt made to force you to do anything except that which you could do if it were a separate bill.

Mr. MOORE of Pennsylvania. The gentleman knows that debate must be limited under the rule, and it would not be so limited if the bill came up in the regular way.

Mr. MOON. I do not propose to ask for any unreasonable length of time for the consideration of any of these questions. The House can take such time as it wishes. I am not going into the merits of that bond question now, but I want to say to the gentleman that when he sees how this Government has been defrauded, and how it has been unable to protect itself under the present law, I believe that as an honest man he will support that proposition if we conclude to put it in the bill either now or in the next bill.

Mr. MOORE of Pennsylvania. These are just the questions that it seems to me ought to be discussed in the House in the regular way.

Mr. MOON. We can do it in a regular way, if the discussion is made in order on this bill, just as well as on any other.

Mr. MOORE of Pennsylvania. Of course the question of railway mail pay is a question of national importance.

Mr. MOON. That has been discussed for 30 years, in every way, shape, and form, and if this House is not ready to act on that question now, it never will be.

Mr. MOORE of Pennsylvania. The gentleman must remember that this House is made up of many new Members, who have not heard the previous discussions. All of the previous discussions died with the Congresses in which they took place, and everything is taken up here ab initio.

Mr. MOON. Let me say to the gentleman that there has been a full and complete hearing before the committee for the full length of time desired by the railroads. There have been 16 hours general debate in this House, most of that time devoted to this very question; and if you want more time I will not object. Do not hide behind an objection to a rule. People who are for the railroad companies in the United States, for the maintenance of the present law, may just as well say so, and those who are for the protection of this Government against the wrongs it is suffering at the hands of these corporations would as well say so.

Mr. MOORE of Pennsylvania. There is just one thing that I wish to say——

Mr. MOON. I mean no reflection upon the gentleman, of course.

Mr. MOORE of Pennsylvania. Of course not, and I am in no way questioning the integrity of the chairman of the committee. He will understand that, but any individual Member of this House must drop his bill into the basket and take his chances with the committee. If he has no great influence because of previous service in the House, his chances of consideration by the committee are not any too strong. It is a matter of time and experience and a matter of observation, a matter of acquaintanceship very largely, if the bill is to get proper consideration by the committee. But where a committee is powerful, as is this Committee on the Post Office and Post Roads, and great questions come before it involving the employment of men and the expenditure of vast sums of money, it does seem as if the House, particularly when there is a great body of new Members in the House, should have these questions brought before it for discussion, rather than to rely upon a general debate for 16 hours, or any other time, on any question the Member may see fit to discuss. There should be a specific discussion of a specific problem, which should be treated in a specific way.

Mr. MOON. The gentleman will have that opportunity.

Mr. MADDEN. Mr. Chairman, if I may be permitted to interrupt at this point, I desire to say that there were 16 hours of debate and there was specific discussion of specific questions, and if the gentleman was not upon the floor or sufficiently interested to hear what was said upon the subject it is his fault and not the fault of anyone else.

Mr. MOORE of Pennsylvania. The gentleman was as much on the floor as any other Member during the general debate, which, it is generally understood, does not always apply to the bill under consideration. Members must sometimes escape during general debate to catch up with office work.

Mr. COX. Mr. Chairman, a parliamentary inquiry. What is before the committee?

The CHAIRMAN. A point of order is reserved by the gentleman from Pennsylvania [Mr. MOORE].

Mr. COX. Mr. Chairman, I demand the regular order.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. MOORE of Pennsylvania. I do make the point of order.

Mr. STEENERSON. Mr. Chairman, I hope the gentleman will give me some time.

Mr. MOON. The gentleman says that he is going to make the point of order.

Mr. STEENERSON. I think he will not, after I appeal to the gentleman.

Mr. MOORE of Pennsylvania. Mr. Chairman, this paragraph may be meritorious. I have no doubt it is; but it comes along with other paragraphs that will be subject to the rule, which in due course will come up to be voted upon by the House, and I shall feel it my duty to make the point of order; but, debate having ensued upon it at this time, if I may be permitted, I will yield to the gentleman from Minnesota.

Mr. COX. Mr. Chairman, I demand the regular order.

Mr. LINTHICUM. Mr. Chairman, I will ask the gentleman to yield to me.

Mr. MOORE of Pennsylvania. If I may be permitted to yield, I will do so; but if it is necessary to make the point of order I will make it.

Mr. COX. Mr. Chairman, I demand the regular order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained and the Clerk will read.

The Clerk read as follows:

SEC. 12. That the act of March 4, 1909 (ch. 321, sec. 198, 35 Stats., p. 1126), to be amended to read as follows:

"Whoever shall willfully or maliciously injure, tear down, or destroy any letter box or other receptacle intended or used for the receipt or delivery of mail on any mail route, or shall break open the same, or shall willfully or maliciously injure, deface, or destroy any mail deposited therein, or shall willfully take or steal such mail from or out of such letter box or other receptacle, or shall willfully aid or assist in any of the aforementioned offenses shall for every such offense be punished by a fine of not more than $1,000 or by imprisonment for not more than three years."

Mr. STAFFORD. Mr. Chairman, on that I reserve the point of order.

Mr. STEENERSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. A point of order is pending, as the Chair understands.

Mr. STEENERSON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Wisconsin care to be heard on the point of order?

Mr. STAFFORD. Mr. Chairman, I wish to obtain some information. I would like to inquire of the chairman of the committee his reason for omitting certain language from the present statute which provides punishment for all persons who attack letter carriers?

Mr. MOON. It is not necessary to put that in. We do not repeal that at all.

Mr. STAFFORD. I wish to direct the attention of the chairman to the fact that by this section the gentleman is amending the existing section, chapter 321, section 138, Thirty-fifth Statutes at Large, "to read as follows:" If we adopt this language we repeal everything in the existing section that is left out. In the present section, as the gentleman well knows, there is a provision which penalizes all assailants of letter carriers, and I am inquiring of the committee whether there is anything in the hearings or anything in the report of the various assistants or the Postmaster General justifying the leaving out of that language?

Mr. MOON. I do not think it is left out. I think it is in the law of the land now. It is not in this proposed amendment. The gentleman will understand that this amendment, by operation of law, will incorporate itself with the general statute. It does not operate to repeal that statute, it is a mere amendment to it.

Mr. STAFFORD. Of course, the gentleman knows that if there is no other provision of law, referring to the provision penalizing those who assault letter carriers, and we exclude it in this amendment, that therefore that provision fails.

Mr. MOON. I think the gentleman and I do not quite agree as to the construction of statutes. This is an amendment to a statute. It does not undertake to repeal that statute at all, but it incorporates itself into the body of the existing law, which retains the provision which the gentleman referred to. If this provided that it should be a repeal of that statute, the gentleman would be right, but it is not a repeal by direct act, nor is it a repeal by operation of law by implication, because this section is in no way inconsistent with the provision to which the gentleman refers.

Mr. STAFFORD. But here, by subsequent enactment, we embody more than half of the present phraseology of the existing statute, and leave out the latter part, providing for the punishment of those who attack letter carriers.

Mr. MOON. Well, that will be the law of the land when this is passed.

Mr. STAFFORD. I have to take issue with the gentleman's position. When we subsequently enact a section and provide that it shall read as follows, that the language supplants existing law and is a reincorporation of that section as provided in the amended bill.

Mr. MOON. Oh, no; if there is anything left in the old law that is not inconsistent with the new law, then it stands, and the amendment embodies itself in the old or existing law in its construction.

Mr. STEENERSON. I think the chairman is mistaken about that, when you amend a section to read as follows——

Mr. MOON. I may be mistaken in a great many things, but that is my opinion, and I give it for what it is worth.

Mr. STEENERSON. Then the gentleman does not consider if you omit any of the old words those words are repealed?

Mr. MOON. Oh, no.

Mr. STEENERSON. That is the doctrine of Sutherland on Statutory Construction, which I had occasion to examine the other day on the same question.

Mr. MOON. Doctors disagree and lawyers, too. I think where a statute only repeals a part of an existing statute and where the existing statutes are in no way inconsistent, both stand as the law of the land.

Mr. STAFFORD. So the gentleman is assuming to say that when you provide that the section shall read as follows and you insert new language that does not take the place of the old language?

Mr. MOON. To be amended as follows.

Mr. BRITT. The gentleman from Wisconsin is mistaken in his interpretation of the amendment. It does not propose to supersede the existing law. It adds a separate and distinct amendment, and does not, either by specification or by implication, repeal the language which relates entirely to a different matter, and therefore the law remains.

Mr. STAFFORD. But this phraseology incorporated in this amendment pertains to the same matter as incorporated in the original section, other than the one matter, that is, as to assaults on letter carriers.

Mr. MOON. May I ask the gentleman from Wisconsin a question? Does the gentleman want to incorporate into the new law part of the old law?

Mr. STAFFORD. I think we should, unless there is some other law to cover that, because I am quite certain——

Mr. MOON. I think there is no necessity for it as a matter of law, but if the gentleman thinks otherwise, in order to be doubly sure I am not going to object to an amendment of that sort, although we think we might as well legislate on it in the proper manner.

Mr. STAFFORD. I would like to inquire whether the intention is to leave that provision out?

Mr. MOON. No.

Mr. STAFFORD. Will the gentleman explain what is the real purpose accomplished by this amendment?

Mr. MADDEN. The purpose of the amendment is to punish anybody who maliciously destroys or despoils a letter box, or mail deposited in a letter box, or any receptacle which has to do with the holding of mail. It is clear upon its face what it means.

Mr. STAFFORD. Existing law provides that.

Mr. MADDEN. This adds to the penalty——

Mr. STAFFORD. In what respect?

Mr. MADDEN. Provided in the former law.

Mr. STAFFORD. Oh, I beg the gentleman's pardon; the penalty is just the same as in the present law.

Mr. MADDEN. Read the law.

Mr. STAFFORD. Does the gentleman mean the original law? I would be glad to read the present law for the gentleman's information.

Mr. MADDEN. Read it for the information of the gentleman from Wisconsin.

Mr. STAFFORD. I have read it myself. The gentleman apparently seems not to have read the law; perhaps he has.

Mr. MOON. Mr. Chairman, I will state the point in the whole matter. When a man breaks a letter box or defaces it, whether it is in an unusual place on a route or not when he is brought to trial he will have to prove that the letter box was established there by authority of the Postmaster General. This section will obviate that necessity.

Mr. STAFFORD. Will the gentleman kindly explain that point again? My attention was for the moment diverted.

Mr. MOON. I will read the gentleman, if he will listen carefully, what the department says on this subject:

Owing to the isolated position of the mail boxes used in the rural delivery and in the star service and to the fact that the official character of these receptacles is not generally recognized, depredations thereon are not unusual, and section 198 of the Criminal Code does not adequately meet the situation. If in the trial of persons charged with injuring or destroying mail boxes on mail routes the necessity for establishing the fact that the Postmaster General has approved such boxes were removed, the law would be much more efficacious. The security of the mails demands that these conditions be remedied, and, as a means of providing the required remedy—

This is contained in a letter from the Postmaster General.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not want to again advert to the question of the rule except to obtain information; but a copy of the proposed rule has come into my possession, and in connection with having it here I should like to ask the gentleman whether under the rule there will be opportunity to amend any of these paragraphs?

Mr. MOON. There will be an opportunity to amend every single word in the whole act, as far as that is concerned.

Mr. MOORE of Pennsylvania. Then such a question might arise under the rule; that is, if a paragraph be found faulty it may be amended?

Mr. MOON. Of course. Does the gentleman think the Committee on the Post Office and Post Roads wants legislation faulty or legislation unfair to anyone?

Mr. MOORE of Pennsylvania. I asked the question because I have the resolution from the Committee on Rules, which reads:

Resolved, That after the adoption of this rule it shall be in order in the further consideration of H. R. 10484, a bill making appropriation for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes, to consider all the new legislation in each and all of the sections of said bill which have been stricken out on points of order, notwithstanding the rules of the House.

Now, that rule is to be understood as including the right of amendment as the discussion proceeds under the rule?

Mr. MOON. I say to the gentleman that I never have and never would vote for a rule that would preclude the right of amendment on this floor.

Mr. LINTHICUM. I would like to ask a question. Suppose you are in favor of one provision contained in the rule and are against another provision. Is there any way in which you can vote in favor of the one you want and against the other? Is there any way of dividing the rule?

Mr. MOON. There is no way of dividing the rule, but there is a way of dividing the question when you come to consider it in the House. You consider them all separately. The House has the power to do anything it wants to. The House can take a rule and amend it in any way it sees fit, can strike anything from it it wants to strike from it, or add to it anything it wants to add to it; and when you come to consider the bill each section will be considered separately, and you can vote as you choose as to them; and if you are not satisfied, a person in position under the rules to do so can, under the rules, move to recommit with instructions.

Mr. LINTHICUM. You would not be compelled to vote against the entire rule in order to eliminate certain things you were against?

Mr. MOON. I do not know what the committee will do, but I presume they will present a rule to cover all questions. Now, it will be with the Committee on Rules as to how they will present that question. I would take it that you would have the right to move to strike any provision from the rule that you wanted to strike from it. In other words, the House has the power to control this matter and do just as it chooses. Of course, I can not say what it will do.

Mr. MADDEN. You can vote yea or nay under the rule on these mooted paragraphs. Of course, you will have to vote yea or nay on the rule—on everything—but, if the rule passes, then you will be able, according to the explanation of the gentleman from Tennessee [Mr. MOON], to discuss that paragraph.

Mr. LINTHICUM. I might not want the rule to pass to consider one proposition, but might want it to pass to consider another one.

Mr. MADDEN. Then, that proposition would be considered in the House on its merits.

Mr. LINTHICUM. I do not want to be put in a position of voting for a rule on the very thing I am against.

Mr. MADDEN. Then vote against it.

Mr. MOON. There are a great many things in every bill that every Member of the House would not like to vote for, but after they have all been agreed upon and presented for a vote, it is very hard to get them separated.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order and offer the following amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 34, line 5, after the word "receptacle," insert the following:
"Or shall willfully and maliciously assault any letter or mail carrier, knowing him to be such, while engaged on his route in the discharge of his duty, and such carrier"——

Mr. STAFFORD. Mr. Chairman, I wish to say to the committee and the chairman——

Mr. MOON. I do not think it is necessary to do it. I do not object to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The question was taken, and the amendment was agreed to.

Mr. STEENERSON. Mr. Chairman, I move to strike out the last word.

Some strictures have been made upon the action of the Post Office Committee for reporting so many legislative provisions upon an appropriation bill. Now, I have always opposed riders upon appropriation bills, as a rule, and I would say for the members of the committee that a minority of them, at least, were opposed to making some of these riders, like the railroad pay and insurance provisions; but as to the provisions like the one under consideration and the one preceding, which was struck out on the point of order made by the gentleman from Pennsylvania [Mr. MOORE], the committee was unanimous that that provision was to expedite the mail. During the holiday period there is great congestion in the mail, and if the mail sacks are to be sent back by freight instead of going into the regular mail trains it will delay the shipment of the holiday goods. And there can be no possible objection to it. The committee carefully considered both that and the provision now under consideration, and reported it now and at a former session, if not at two former sessions.

As to the point made by the gentleman from Pennsylvania [Mr. MOORE] that by mixing up meritorious and uncontentious matters with these contentious matters, like insurance and railway questions, they are forced to vote on the whole thing en bloc. I wish to say if the gentleman would exercise a little discrimination and consider the acts of the Post Office Committee as amounting to something he would not object to these provisions, as they are simply in the interest of more efficient postal service. Then the position he would be in would be stronger, because by leaving these provisions in the bill, the provisions to which he does object and which he has mentioned, would remain there and stand on their own merits. They would not be bolstered up by meritorious matters. So that the argument he made in that direction is against himself, because the more meritorious matters go out on the point of order the stronger will be the provision covered by the rule making them in order. Therefore no gentleman should object to these innocuous provisions, if I may so call them, which the committee has reported and upon which it is unanimous. These are administrative matters that the committee has considered carefully and heard department officers upon, and they are unanimous in recommending their adoption. For that reason I think that the course pursued by the gentleman is a mistake and against his own interest.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last two words.

Mr. MOORE of Pennsylvania. Mr. Chairman, of course I appreciate very much the agreeable lecture I have received from my colleague from Minnesota [Mr. STEENERSON], who is naturally proud of the good portion of the work done by the Committee on the Post Office and Post Roads. But I think I am within my rights in suggesting to him, as I did to the gentleman from Tennessee [Mr. MOON], that there is a fair way of bringing in this serious legislation. If it is as meritorious as the gentleman from Minnesota indicates it is, why does not the gentleman from Mnnesota or any other one of the minority of that committee introduce a bill in the regular way and have it referred to the committee and brought in on the floor of the House in the regular way, so that it can be discussed regularly by the Members here? If these ends were all meritorious, there would be no difficulty in advancing them in the House. Why must they always sandwich these meritorious provisions in with the nefarious projects if gentlemen really object to provisions that are not proper? [Applause.]

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. STEENERSON. The gentleman was here a year ago when these same provisions were in the bill, and he made no points of order against them. Why did we not have the right to believe that they were then satisfactory to him?

Mr. MOORE of Pennsylvania. I am sorry that the gentleman from Minnesota has to hark back to the consideration of a bill a year ago for a citation as against me. I was just as much opposed to the Government going into the surety-bond business then as I am now. I was just as much opposed to ill-considered railway mail pay legislation then as I am now. I think that all proposed legislation involving the railroads, big and little—particularly little ones, that may be driven out of business by this provision—ought to be brought deliberately before the House and considered by the Members of the House from all sections of the country, without regard to the feelings of members of the minority or of the majority, who sit in chambers and perfect their work and then suddenly dump new provisions on the House and tell us to vote them up or vote them down.

The gentleman ought not to come here with a police force behind him, labeled "rule," and enforce this gag upon us. Up to this time I have not criticized the minority of the Committee on the Post Office and Post Roads. They have done a great deal of admirable work, but they know just as well as I know, or every other Member ought to know, that there is a legitimate

way of bringing things in here. They ought not to be forced through by a gag rule, but should be put in in a regular way, as every one of us has to do who has a little bill which he desires to have passed. [Applause.]

Mr. MADDEN. Mr. Chairman, I desire to be heard.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] will be heard in opposition to the amendment.

Mr. MADDEN. Mr. Chairman, I think it is very unbecoming in the gentleman from Pennsylvania [Mr. MOORE] to set himself up as a critic on everybody in the House, and for one, as a member of the Committee on the Post Office and Post Roads, I do not propose to submit to any such criticism as he imposes. [Applause.]

I think the Members of the Committee on the Post Office and Post Roads are just as honest, just as conscientious, and just as interested in the public welfare as is the gentleman from Pennsylvania. [Applause.] When he comes before this body and says there is no opportunity for the consideration of measures reported in this bill he says that which is not true. How would he get a measure before the House for consideration? Would he bring it in himself and dump it on the floor and say, "Here it is; consider it"? Or would he give it consideration by a committee? Would he investigate a question of great importance through a committee of the House?

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield there?

Mr. MADDEN. No; I decline to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. MADDEN. I want to say to the gentleman from Pennsylvania that the measures he opposes have been given consideration before the House in a regular way, and when a rule is adopted, if it shall be adopted, these measures will be before the House for proper consideration; and if the gentleman had been in the House, as he ought to have been, when this question was being discussed he would know something about it. He knows nothing whatever about the thing now. [Applause.] I am in very much doubt whether he will know very much about it when we get through with the discussion that is to follow. [Laughter.] But I am opposed now and always to any one man arrogating to himself the right to become the critic of everyone else.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. MADDEN. No; I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. MADDEN. I want the gentleman from Pennsylvania to know that he has taken more time on the floor of this House to talk about nothing than any other man in the House. [Laughter.] And if he thinks that he is popularizing himself by filling the pages of the CONGRESSIONAL RECORD with a lot of stuff that has nothing whatever to do with the questions pending before the House, he is greatly mistaken. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Pennsylvania reserves a point of order.

Mr. MOORE of Pennsylvania. And, Mr. Chairman, in reserving the point of order——

The CHAIRMAN. All pro forma amendments are withdrawn.

Mr. MOORE of Pennsylvania. Mr. Chairman, in reserving the point or order, I acknowledge with deep appreciation the strictures that have been imposed upon me by a second member of the minority of the Committee on the Post Office and Post Roads.

Mr. MADDEN. You brought it on yourself.

Mr. MOORE of Pennsylvania. I am delighted with it. [Laughter.] The gentleman has complimented me by the assertions he has made. When it comes to consuming the time of the House and lecturing fellow Members, the gentleman from Illinois is a past master, and I regard it as a bit of advice from "Sir Hubert" when the gentleman from Illinois refers to me. I do not expect much applause for the compliment I am now paying to the gentleman from Illinois because of the situation that has suddenly arisen. The gentleman was agitated, possibly angered, in the statement he made; but he caused me no ill feeling, for I knew that down in the depths of his heart he had the warmest personal affection for me, as I have for him. [Applause.]

But in the time I have I will now ask the gentleman from Illinois, who has made these personal observations with respect to his colleague from Pennsylvania, whether any Member of this House or any member of the Committee on the Post Office and Post Roads in particular, has ever taken the time to drop a bill into that basket pertaining to railway mail pay? If he does not answer that question—and I give him the time to do it—then I make the deliberate statement——

Mr. MADDEN. Just a moment; I will answer the question. I wish to say to the gentleman from Pennsylvania, in reply to his question, that it was not necessary to drop a bill into the basket in regard to the railway mail pay, because a more comprehensive plan had been adopted and approved.

Mr. MOORE of Pennsylvania. Where and when, I will ask?

Mr. MADDEN. I will tell the gentleman. This House, by an almost unanimous vote, authorized and directed the appointment of a joint railway mail pay commission. That commission sat for two years. They heard every railroad man in the United States. They heard anybody who had any question to raise about how the railroads should be paid for moving the mails. They made a report, and that report was referred to the committee. That committee reported to this House, and the House adopted what they did. The bill containing that proposition went to the Senate.

The bill came back from the Senate with that proposition not approved. Then it went to conference. The conferees reported a compromise. That compromise was reported back to the House. This House approved the compromise, and the last hours of the session having come to hand, the Senate had not time to approve it. Then we took up the question at the beginning of this Congress again, and we invited every railroad company in the United States to come before the committee for hearing. Two hundred and twenty-seven thousand out of two hundred and fifty thousand miles of railroad in the United States were represented there by counsel and by their presidents. They had every opportunity to present every phase of their side of the case. They presented it. We have given three years of considerate deliberation to this question, and we pretend to say that we have given intelligent consideration to it, and we do not think it is necessary to go through the perfunctory performance of dropping a bill into the box, after such consideration as this. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, the gentleman has made a plea of confession and avoidance.

Mr. MADDEN. No, he has not.

Mr. MOORE of Pennsylvania. He has admitted that the committee originated this legislation, and that it has not been before the Members of this House at all.

Mr. MOON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. MOON. I want to say that when the matter was heard before the committee, when the railroads of the United States had a full hearing by their officers and counsel, there was before them in printed form the bill as it now appears before you, and that is the bill to which their attention was invited, and that is the matter that was discussed before the committee.

Mr. MOORE of Pennsylvania. I am glad the gentleman has made that statement. I wish to repeat what I have said several times during this discussion, that every Member of this House, exercising his prerogative as a Member, desiring to originate business here and have it properly considered, prepares a bill and puts it in that basket for reference to a committee. That is the equality of membership in this House which we are all supposed to observe; but in this instance, as it now develops—and I did not bring on this phase of the discussion—a commission is ruling this House; we are told it was not necessary for it to drop its work in that basket. The commission submitted its report to a committee, the committee originated the business, and then the committee comes in with an appropriation bill introducing this new and important matter of legislation and prepares to support its action by a gag rule, by which it expects to force down the throats of the Members of this House the legislation that it did not dare to bring in in the regular way. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOON. Mr. Chairman, the gentleman is very unfortunate. This is an appropriation bill, and nearly all of the items are considered exactly as this one was. He is unfortunate further in this: The railroad companies had a copy of this bill, and they have been protesting against it for 12 months, the identical bill that is reported here. They have not made any complaint of lack of notice. They knew all about it. Every Member of this House knew it, and we made up the bill in the ordinary way in which we make up all appropriation bills, not by putting it in the basket——

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MOON. Yes.

Mr. MOORE of Pennsylvania. Is it not true that every morning in the mail of every Member of this House there comes so much literature pertaining to legislation in the House that it is

not possible for any Member—with the single exception, of course, of the gentleman from Illinois [Mr. MANN]—to read it all? [Applause and laughter.]

Mr. MOON. My business has not been so big that I could not attend to it every day by using all the time each day.

Mr. MOORE of Pennsylvania. Is it not a fact that Members of this House, old and new, are so engrossed with their business every day, from the waking hour until Congress closes, that they have not time to attend upon every committee meeting, where the hearings are prolonged and going on from week to week? And is it not true that they do not have the physical make-up to read all the testimony adduced at these hearings, and is it not true that they must rely to a large extent upon the reports of committees in matters of this kind?

Mr. MOON. It is unquestionably true that you have got to rely largely upon the reports of committees, and when a committee gives you a report and produces the printed reports of the hearings that have been going on for years, you ought to be willing to proceed with the consideration of the matter that the committee presents, and not complain that you have not been able to look into it.

Mr. MADDEN. I will give the gentleman some information on the question of railway-mail pay, and I hand it to the gentleman now.

Mr. MOORE of Pennsylvania. I am glad to have this information which has been handed to me, and to say that it consists of about 1,000 printed pages of testimony, taken during the course of weeks of hearings, and that we receive this kind of evidence every day from various committees of this House, making it physically impossible for one Member to read it all.

Mr. MOON. That means that you would not do anything in this House unless Mr. MOORE had personally considered the matter before. [Laughter.]

Mr. MOORE of Pennsylvania. Of course, I am obliged for these various personal equations, Mr. Chairman.

Mr. MADDEN. Does the gentleman from Pennsylvania read all the bills that go into the basket?

Mr. MOORE of Pennsylvania. I undertake to keep track of the bills as they are reported, in the CONGRESSIONAL RECORD.

Mr. MADDEN. There are 33,000 bills introduced at every session of Congress. I think the gentleman must be kept pretty busy.

Mr. MOORE of Pennsylvania. Does the gentleman still insist that business ought to originate in committees and not in the regular way through the basket, which is the only avenue open to the average Member of the House?

Mr. STEENERSON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. STEENERSON. Is the gentleman aware of the fact that the question of railway mail pay was discussed in the annual report of the Post Office Department and that substantially these recommendations were made in that report?

Mr. MOORE of Pennsylvania. I know it has been discussed in very many ways, but it is not fairly discussed when it is brought in here under a gag rule.

Mr. MOON. There is no gag rule.

Mr. MOORE of Pennsylvania. Mr. Chairman, what is the parliamentary status?

The CHAIRMAN. The gentleman is speaking in the time of the gentleman from South Carolina [Mr. FINLEY], who is entitled to the floor.

Mr. MOORE of Pennsylvania. The reservation of the point of order is still pending?

Mr. MOON. I will ask the gentleman if he is going to make the point of order.

Mr. MOORE of Pennsylvania. The gentleman from Minnesota [Mr. STEENERSON] having stated that this is a meritorious paragraph, I will not make the point of order against it.

The CHAIRMAN. The gentleman from Pennsylvania withdraws the point of order. The gentleman from South Carolina [Mr. FINLEY] is entitled to the floor.

Mr. FINLEY. Mr. Chairman, I have the warmest regard for the gentleman from Pennsylvania [Mr. MOORE]. I esteem him highly. In fact, I am very fond of him. I have known him for quite a while, and I always listen to his speeches here on the floor with a great deal of interest. But I assume there is one thing with which he is not very familiar, and that is postal legislation. The gentleman from Pennsylvania evidently does not know that 99 per cent of all postal legislation for many years past has been brought in as riders on Post Office appropriation bills.

The gentleman forgets that, and while, as I stated, I have always listened to his speeches with a great deal of interest, and have in this instance and during this session to his numerous arguments, yet I am forced to one conclusion, and that is that while he may be up on every other subject that comes before the House, on postal matters he is absolutely wanting in information. Evidently he knows nothing about them. Awhile ago he struck out the provision, on a point of order, that was intended to help great offices like that at New York and Philadelphia to expedite the business in those offices. Of course he did not know that, but that provision with reference to precancellation of stamps would not apply to small offices, it could not be applied to them, but it would be a workable and economic proposition in a great office like that at Philadelphia. I can only say this, that judging by the gentleman's——

Mr. MOORE of Pennsylvania. Mr. Chairman, I will say that I did that, as I explained at the time, knowing that they were meritorious paragraphs, with a view to facilitating the business. I was simply hastening the time when the rule would come in, and all these things would be forced back upon the House under the gag system. That is all.

Mr. FINLEY. But the gentleman has taken up even more time since he made that point of order than he did before, so I do not believe that he has expedited anything in the way of passing this bill. In fact, after listening to the gentleman's speeches and colloquies with reference to the Post Office bill I am reminded of a story which my good friend Hon. JOSEPH W. FORDNEY told me. He said that on one occasion a friend of his was making a speech, a great speech, as he thought. He came down into the audience and asked a gentleman in the audience what he thought of the speech. The gentleman replied that it was a great speech, an eloquent speech, and a fine speech, but that there were two objections to it; that in the first place, "You talked too loud, and in the second place you didn't know what you were talking about." [Laughter.]

The Clerk read as follows:

SEC. 13. That the following be added as a proviso to the item "Inland transportation by railroad routes":

"*Provided*, That on account of the increased weight of mails resulting from Postmaster General's order No. 7720, of December 18, 1913, respecting rates upon and limit of weight of parcel-post packages, effective from January 1, 1914, the Postmaster General is authorized to add to the compensation paid for transportation on railroad routes on and after January 1, 1914, for the remainder of the contract terms, not exceeding 1 per cent thereof per annum."

Mr. MANN. Mr. Chairman, I suggest to the gentleman from Tennessee [Mr. MOON] that he offer an amendment to section 13 to so amend it as to strike out the language:

That the following be added as a proviso to the item "Inland transportation by railroad routes":

"*Provided.*"

And also strike out the quotation marks at the end of the section.

Mr. MOON. Mr. Chairman, the language which the gentleman desires stricken out was inadvertently placed in the bill. The amendment is a proper one, and I move that amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 34, by striking out after "SEC. 13," line 9, the remainder of line 9, and the language in line 10 and the word "*Provided*" in line 11, and strike out the quotation marks at the end of line 20.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Tennessee.

The amendment was agreed to.

Mr. NORTON. Mr. Chairman, I move to strike out the last word. Section 13 reads:

That the following be added as a proviso to the item: "Inland transportation by railroad routes."

To what does that refer?

Mr. MOON. There is an item back in the bill which provides for pay to railroads for inland transportation of mail, and the language here was a recommendation that this section be placed under that provision, though put in the form of a separate section.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 15. That the following provision of law be inserted in the bill making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes, as part of the item "For inland transportation by railroad routes":

"*Provided*, That when, during a weighing period, on account of floods or other causes, interruptions in service occur on railroad routes and weights of mail are decreased below the normal, or where there is an omission to take weights, the Postmaster General, for the purpose of readjusting compensation on such railroad routes as are affected thereby, is hereafter authorized, in his discretion, to add to the weights of mails ascertained on such routes during that part of the weighing period when conditions are shown to have been normal the estimated weights for that part of the weighing period when conditions are shown to have been not normal or where there has been an omission to take weights, based upon the average of weights taken during that part of the weighing period during which conditions are shown to have

been normal, the actual weights and the estimated weights to form the basis for the average weight per day upon which to readjust the compensation according to law on such railroad routes for the transportation of the mails, notwithstanding the provision of the act of Congress approved March 3, 1905, requiring that the average weight shall be ascertained by the actual weighing of the mails for such a number of successive working days, not less than 90, as the Postmaster General may direct: *Provided further*, That readjustments from July 1, 1913, may be made under this provision on routes in the first section affected by the floods in the Ohio Valley and tributary territories, commencing about March 25, 1913."

Mr. MOON. Mr. Chairman, I move to amend by striking out, after the words "SEC. 15," on line 4, page 35, the balance of line 4 and all of lines 5, 6, 7, 8, 9, and the word "*Provided*," on line 10, and the quotation marks at the end of the section.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Amend, on page 35, by striking out, after "SEC. 15," the remainder of line 4, and all of lines 5, 6, 7, 8, 9, and the word "*Provided*," in line 10, and the quotation marks at the end of the section.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

The Clerk read as follows:

SEC. 16. That the following proviso be added to the item "Inland transportation by railroad routes" in the Post Office appropriation bill for the fiscal year 1917:

"*Provided further*, That on account of the increased weight of mails resulting from Postmaster General's order No. 7349, of July 25, 1913, respecting rates upon the limit of weight of parcel-post packages in the local, first, and second zones, and effective from August 15, 1913, the Postmaster General is authorized to add to the compensation paid for transportation on railroad routes on and after August 15, 1913, for the remainder of the contract terms, not exceeding one-half of 1 per cent thereof per annum."

Mr. BENNET. Mr. Chairman, on that I reserve the point of order.

Mr. MOON. Mr. Chairman, I move to amend by striking out——

Mr. BENNET. Mr. Chairman, I reserve the point of order.

Mr. MOON. Is the gentleman going to make the point of order?

Mr. BENNET. Mr. Chairman, I reserve the point of order for the purpose of asking the gentleman from Tennessee a question. This seems to be a very unusual construction:

That the following proviso be added to the item "Inland transportation by railroad routes" in the Post Office appropriation bill for the fiscal year 1917.

Mr. MOON. Mr. Chairman, that is the part that I was going to move to strike out.

Mr. BENNET. The part that I have just read?

Mr. MOON. Yes.

Mr. BENNET. I withdraw the point of order.

Mr. MOON. Mr. Chairman, I move to amend by striking out after "SEC. 16," in line 13, page 36, the remainder of line 13, and all of lines 14, 15, 16, and the words "*Provided further*," in line 17, and the quotation marks at the end of the section.

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, on page 36, by striking out after "SEC. 16," on page 36, the remainder of line 13, and lines 14, 15, and 16, and the words "*Provided further*," in line 17, and the quotation marks at the end of the section.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I wish the chairman of the committee would kindly inform the committee as to the respective amounts the railroads will receive under this item and under the item which was agreed to in section 13, resulting from increasing the weight of parcel-post packages by the respective orders referred to.

Mr. MOON. The department says about this item:

Should this suggested provision become a law the additional expenditure which would be incurred thereby for the fiscal year 1914 would be $221,935.45; for the fiscal year 1915, $168,021.68; for the fiscal year 1916, $84,249.52; and for the fiscal year 1917 it would be necessary to add $55,468.85 to the amount of the estimates submitted by the department on the present basis for the item "Inland transportation by railroad routes."

Mr. STAFFORD. Can the gentleman inform the committee what is the additional compensation the railroads will receive by reason of the increase of weight of parcel-post packages as provided under section 13?

Mr. MOON. I will not be able to advise the gentleman as to the amount there, because it does not appear here in the record.

Mr. STAFFORD. I withdraw the pro forma amendment.

Mr. STEENERSON. Mr. Chairman, I move to strike out the last two words. I would like to ask the chairman a question. This is limited to one-half of 1 per cent, that is the extra allowance for the increased weight of mails by reason of the Executive order increasing the weight limit of parcel post, and in the other section, section 13, it is limited to 1 per cent, I think. Now, it appeared in the testimony on the question of railway mail pay that some of the short-line railroads had had not only an increase of 100 per cent but some two or three hundred per cent, and I think I asked some questions whether this would not enable the department to pay them, and it appears they are not able to pay them an adequate sum because it is limited to a very small fraction of the pay they already receive. Now, I understood Gen. Steuart to say when interrogated about this matter that he was of the opinion that this would be sufficient as a general allowance for all the railroads in the country. It would increase the pay for carrying mails one-half of 1 per cent by reason of the increase of the weight limit of the parcel post referred to in that section, but the increase has been so different in different sections of the country; for instance, there is one railroad in California, running, I believe, from San Francisco to Shasta, where the amount of parcels had increased the volume of the mail more than 100 per cent, so that they had to put on freight cars and extra engines. This small increase over what they did receive would not compensate them, and my inquiry of the chairman is whether or not the limit should not be stricken off in order to do justice to all these carriers.

Mr. MOON. Well, I doubt that, and think we had better fix a limit, and this illustrates the inadequacy of the present law on the subject of compensation to roads for the services rendered. Here is a general law, under which it is impossible to give these roads any compensation for this service. Now, we have tried to remedy that in the seventeenth section by making provision by which there can be a special contract and adequate pay given for the carriage of mail over any road. The Postmaster General under existing law can not do that except in a general way, when unusual conditions exist.

Mr. STEENERSON. This is retroactive, and the provision the gentleman refers to covers the future, and it is very good.

Mr. MOON. If we had had such a law heretofore, we would not have been put to the trouble of guessing at the amount that would be due.

Mr. STEENERSON. But could not the department have had a weighing made, so as to have determined what the increase should be by reason of the increase in the weight limit of parcel post here referred to?

Mr. MOON. Well, I suppose that might have been done, but probably with the result that it would cost as much as the parcels themselves, or a great part of them——

Mr. STEENERSON. No; it would have resulted in paying exactly what it was, instead of claims being made all over the country that they are being defrauded.

Mr. MOON. That would be true of the aggregate mail routes and not of individual cases.

The CHAIRMAN. Without objection, the pro forma amendment will be considered withdrawn.

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 17. That the Postmaster General is authorized and directed to readjust the compensation to be paid to railroad companies from and after the 1st day of July, 1916, or as soon thereafter as may be practicable, for the transportation and handling of the mails and furnishing facilities and services in connection therewith upon the conditions and at the rates hereinafter provided.

The Postmaster General may state railroad mail routes and authorize mail service thereon of the following four classes, namely: Full railway post-office car service, apartment railway post-office car service, storage-car service, and closed-pouch service.

Mr. MOORE of Pennsylvania. Mr. Chairman, I think sufficient of this item has been read in order to make the point of order on the section, and I therefore make the point of order.

Mr. MOON. Mr. Chairman, I concede the point of order as well taken.

Mr. MOORE of Pennsylvania. I make the point of order against the entire section.

Mr. MOON. I concede it is well taken.

The CHAIRMAN. The point of order is sustained.

Mr. MOON. Mr. Chairman, I move that the committee do now rise——

Mr. MOORE of Pennsylvania. Mr. Chairman, one moment, if the gentleman pleases. I desire to ask if the last paragraph on page 49 is intended to be a part of this section 17?

Mr. MOON. That goes with the section.

Mr. MOORE of Pennsylvania. A part of section 17?

Mr. MOON. Yes. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. FOSTER having assumed the chair as Speaker pro tempore, Mr. RAINEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10484, the Post Office appropriation bill, and had come to no resolution thereon.

RECESS.

Mr. MANN. Let us adjourn, as we have nothing else to do, apparently.

Mr. STAFFORD. Let us consider the legislative, executive, and judicial appropriation bill.

Mr. MANN. Are we going to the Private Calendar; is that what the gentleman is waiting for?

Mr. MOON. To be frank with the gentleman, we are waiting to get the rule in order to bring it in.

Mr. MANN. I thought it was ready for the last two weeks.

Mr. NORTON. Mr. Speaker, would it be in order to make a motion to take a recess until the gentleman from Tennessee has prepared the rule?

The SPEAKER pro tempore. It would not be in order.

Mr. MANN. Why not? A motion to take a recess is in order at any time.

Mr. BORLAND. Mr. Speaker, I move that the House take a recess for 10 minutes.

Mr. NORTON. Mr. Speaker, I second the motion.

The SPEAKER. The motion to take a recess is not a privileged motion.

Mr. MANN. No one claimed it was. It was made; it is before the House, and it is in order.

Mr. BORLAND. The legislative, executive, and judicial appropriation bill will be here in a few minutes, as soon as the Clerk can prepare it, and I move a recess for 10 minutes.

The SPEAKER. The Chair did not understand.

Mr. BORLAND. I say that the gentleman in charge of the bill, the gentleman from Tennessee [Mr. BYRNS], is not here, and I move a recess for 10 minutes. I think he is ready to take up his bill.

Mr. MANN. No one is ever here when he is needed. No gentleman made a motion. [Laughter.]

Mr. BORLAND. Mr. Speaker, I ask unanimous consent that the House take a recess for 10 minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the House take a recess for 10 minutes. Is there objection?

Mr. MANN. The gentleman made a motion to take a recess. That is in order unless some one raises a question about it. No one has done so.

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] moves that the House take a recess for 10 minutes.

The question was taken, and the Speaker announced that the noes seemed to have it.

A division being demanded by several Members, the House divided.

The question was again taken; and there were—ayes 45, noes 5.

Mr. MANN. It shows how competent they are to do business. There is plenty of business on the calendar, and they do not know enough to get at it.

So the motion to take a recess was agreed to.

Accordingly the House (at 2 o'clock and 27 minutes p. m.) stood in recess for 10 minutes.

AFTER RECESS.

The recess having expired, the House was called to order by the Speaker.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I desire to call up the bill H. R. 12207, the legislative, executive, and judicial appropriation bill, and move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering it.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

The SPEAKER. The gentleman from Tennessee [Mr. BYRNS] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the bill.

Mr. BYRNS of Tennessee. Mr. Speaker, I would like to see if we can not arrange for some time for general debate.

Mr. GOOD. Mr. Speaker, there have been quite a number of requests for time on this side of the House. I think it was hardly anticipated that the bill would come up to-day. But there have been a good many requests for time, and some for considerable time.

Mr. BYRNS of Tennessee. How much time does the gentleman think he ought to have on that side?

Mr. GOOD. I think perhaps four hours.

Mr. BYRNS of Tennessee. Do you mean four hours to a side or four hours in all?

Mr. GOOD. Four hours to this side.

Mr. BYRNS of Tennessee. I will say to the gentleman that I have no requests for time on this side of the House.

Mr. MANN. I should not think you would want to talk over there.

Mr. BYRNS of Tennessee. Can not the gentleman get along with two hours, so as to allow four hours for general debate on both sides?

Mr. GOOD. I will say to the gentleman from Tennessee that I have three requests for an hour each.

Mr. BYRNS of Tennessee. Let us make it three hours on a side.

Mr. GOOD. Well, I think perhaps I can cut down the requests on this side so that the speeches can be made in that time.

Mr. BYRNS of Tennessee. Mr. Speaker, pending the motion, I wish to ask unanimous consent that debate upon the pending bill be limited to six hours, three hours to be controlled by the gentleman from Iowa [Mr. GOOD] and three hours by myself.

The SPEAKER. The gentleman from Tennessee, pending his motion to go into the Committee of the Whole House on the state of the Union, asks unanimous consent that general debate on this bill be limited to six hours, three hours to be controlled by himself and three hours by the gentleman from Iowa [Mr. GOOD]. Is there objection? [After a pause.] The Chair hears none.

The question is on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill, with Mr. CRISP in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. MANN. Mr. Chairman, the bill was not reported until the closing hours of last night. I understand it has some very startling propositions in it, and the House has not had an opportunity to read it or see it, and I think it ought to be heard now. So I object.

The CHAIRMAN. The gentleman from Illinois objects, and the Clerk will read the bill.

The Clerk proceeded to read the bill.

Mr. MOORE of Pennsylvania (interrupting the reading). Mr. Chairman, I have been undertaking to follow the Clerk, but I think he has overlooked two lines on page 16, under the head of the "Office of the Doorkeeper." It seems to me that I did not hear one or two lines in this paragraph read. I request that the Clerk begin on line 21, page 16.

The CHAIRMAN. The Clerk will read.

The Clerk resumed the reading of the bill.

Mr. MANN (interrupting the reading). Mr. Chairman, I ask for order. I ask that the bill be read in full. The Clerk seems to be reading it to himself. He can not be heard. I insist on the full reading of the bill.

The CHAIRMAN. The committee will be in order. The gentleman is right. The gentleman can assume that the bill is being read in full. The Chair will instruct the Clerk to read the bill in full.

Mr. MANN. That is what the Clerk should do, without being specially instructed.

The CHAIRMAN. The gentleman is out of order.

Mr. MANN. I am not out of order, Mr. Chairman. I have the right to advise the Chair that the Clerk is not reading the bill in full.

The CHAIRMAN. The Chair said that the gentleman from Illinois was right, and instructed the Clerk to read the bill. The Clerk will read.

The Clerk resumed the reading of the bill.

Mr. FITZGERALD (interrupting the reading). Mr. Chairman, I ask unanimous consent at this point that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. MOORE of Pennsylvania. This is a very important bill, Mr. Chairman, and I object.

The CHAIRMAN. Objection is heard.

Mr. FITZGERALD. I hope the gentleman will not delay the public business.

Mr. MANN. I am not delaying the public business. The bill has only been in print a short time, and it was not available for the examination of Members until a few minutes ago. To insist that there should be no chance to hear the bill read is a ridiculous proposition.

Mr. FITZGERALD. All the bills that are so considered are considered in a ridiculous way, if that is true.

Mr. MANN. Most of the bills that are considered by that side of the House are ridiculous.

Mr. FITZGERALD. The gentleman will be responsible for the delay if we are here all summer.

The CHAIRMAN. The Clerk will read.

The Clerk resumed the reading of the bill.

Mr. BYRNS of Tennessee (interrupting the reading). Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the further reading of the bill be dispensed with. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, that portion of the bill which I particularly desired to hear having been read for my edification, I shall not resist the request of the gentleman to dispense with the reading of the balance of it.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The CHAIRMAN. Under the order of the House general debate of a pending measure is limited to six hours, three hours to be under the control of the gentleman from Tennessee [Mr. BYRNS] and three hours under the control of the gentleman from Illinois [Mr. CANNON].

Mr. BYRNS of Tennessee. I yield 10 minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, I wish to have read in my time the following editorials.

The CHAIRMAN. The Clerk will read.

The Clerk reads as follows:

[From the New York Times, Feb. 25, 1916.]

"THE PRESIDENT SPEAKS FOR THE NATION.

"No nobler deliverance by tongue or pen has come from the President, none more faithfully expressing the thought and will of the people of the United States, than his letter to Senator STONE. It is an utterance of encouragement and reassurance. It makes us certain that the honor of the country is to be resolutely upheld; it gives reason for confidence that peace will be maintained. We shall remain at peace, our relations of friendship with all foreign countries will continue, if President Wilson can compass this end. But honor is uppermost in heart and thought of every true American. We do not covet peace at the cost of honor, of right, and of our place in the respect of nations.

"It is a deep note and a grave one the President sounds, but it rings true. It will be of priceless service as a uniting adjuration to the people, and it will put faith and confidence into the hearts of those who have doubted or feared. Let us hope that the Missouri Senator and chairman of the Foreign Affairs Committee of the Senate will be inspired with a new fervor of patriotism, with a sure conviction that the honor and dignity of the Nation and the rights of Americans stand first of all and above all in the category of things that we must defend and preserve.

"Congress should respond to the President in the manly and patriotic spirit of his letter. The danger of attempting to embarrass the President in his conduct of the foreign relations of the United States has already been forcibly impressed upon the minds of its readers. They should resolve to repress and restrain such efforts, plots, and conspiracies, and give the President absolute assurances to that effect.

"Party politics cease at the frontier we have always been told. It is as a Nation that we have relations with foreign countries. The sound and venerable maxim is repudiated by some Democrats at Washington, by other Democrats not at Washington but having influence there. Personal politics, mean and malignant in origin, politics born of ignorance and zealotry, and politics alien to American interests have thrust themselves forward of late at the Capital; they have been the moving force of the conspiracy against the President. It is an unspeakably base thing, it is despicable beyond the power of denunciation that would be at once fitting and parliamentary to begin and carry on against the President a warfare based on such motives. Woodrow Wilson should have the help and support, not the hostility, of his countrymen, of all true Americans. He is in a position of extraordinary difficulty and responsibility. Criticism is free to all, but at a time when he is seeking to maintain the dignity and honor of the Nation and the rights of its citizens it should be helpful and sympathetic, not factional, partisan, and obstructive.

"The Republicans in Congress are better disposed toward him than the Democrats. They, at least, seem to put the feeling and the consciousness of nationality above the petty concerns of party. It is the Democrats who are divided; some of them are hostile to the President altogether. They expose themselves to the suspicion of seeking to compass his downfall, even though the accomplishment of their ends would involve peril and discredit for the Nation. President Wilson, with loyal support, will guide the country through the difficulties that beset him. He will carry his party through the campaign to triumph in the November election if his party will let him do it. In the Democratic Congress lies the peril to the Democratic Party."

[From the New York World, Feb. 25, 1916.]

"GERMANY IN CONGRESS.

"Does the Congress of the United States purpose to cancel the solemn pledge that Germany has made to the Government of the United States and relieve Germany of all obligation to keep faith with this country?

"That is the only question involved in the so-called 'revolt' of certain Members of Congress against the President's foreign policy.

"After the sinking of the *Arabic* the German Ambassador, acting under instructions from the German foreign office, gave the following pledge to the State Department:

"Liners will not be sunk by our submarines without warning and without safety of the lives of the passengers, provided the liners do not try to escape or offer resistance.

"This pledge was not restricted to unarmed liners. It applied to all liners that did not try to escape or offer resistance.

"In its new submarine order the German Government has attempted to tear up this promise. It threatens to treat all armed merchantmen as warships, whether they offer resistance or not, meaning that they will be sunk without warning and without provision for the safety of passengers. Naturally enough, the President has refused to acquiesce in Germany's action. As he says in his letter to Senator STONE, he can not believe the central powers mean what they appear to say, that whether so or not 'our duty is clear,' and the President makes it clear he will not be budged from that course of duty.

"This controversy has nothing to do with Secretary Lansing's effort to bring the belligerents into agreement in regard to a submarine code. That is a matter for negotiation. Whatever the opinion of the United States Government may be as to the desirability as a permanent maritime policy of disarming all merchant ships, we can not recognize Germany's right to tear up her guaranties to the United States before a uniform rule is agreed to by all the principal belligerents.

"That is the whole case in a nutshell. It is impossible to escape the conviction that the new German submarine order is a deliberate attempt to trick the United States and to repudiate a solemn promise which Germany made in September in order to avert war with this country.

"Should Congress overrule the President in this matter, Americans would have no rights that any belligerent was bound to respect. If one pledge could be torn up at the will of Germany, all pledges that hamper belligerents could be torn up by any country that believed it would profit thereby."

[Applause.]

Mr. SIMS. I yield back the remainder of my time.

The CHAIRMAN. The gentleman used eight minutes and yields back two minutes.

Mr. BYRNS of Tennessee. I yield to the gentleman from Pennsylvania [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the subject of military training in the public schools and on the general subject of the national defense.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD as indicated by him. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. I yield 10 minutes to the gentleman from New Jersey [Mr. HAMILL].

Mr. HAMILL. Mr. Chairman, I did not think this bill would be brought into the House so unexpectedly. The consideration of it was to have been deferred until after the Post Office bill had been disposed of. There is, however, a provision in it which should be carefully considered and discussed in the general debate in order that the Members of the House may understand it thoroughly before the whole measure is taken up section by section. I refer to the clause which extends the hours of labor for clerks in the departments in Washington. I think a little consideration of the matter will bring us irresistibly to the conclusion that the provision making the working day eight hours instead of seven, as fixed by present law, is unwise and should not have been included in the bill. Since it has been included, the next best thing to do is to eliminate it by adverse vote when the bill is being considered section by section.

It is true that the clerks of the departments in Washington work seven hours and that other classes of Government employees work eight hours a day. We must, however, remember that these men who work seven hours are engaged in performing duties which are confining and which require intense application. Consider that these men are continually under the eyes of Congress. They are alert and industrious and are constantly at the call of the Members of the House and Senate. They put in seven hours of solid, faithful, and conscientious labor.

Moreover, the clerks have a certain amount of work to do and they continue at it until it is finished. Sometimes they work more than seven hours a day. I have heard that during the Mexican trouble the clerks in the War and Navy Departments were engaged day and night in discharging each day's duties, and they worked cheerfully and effectively. This provision is not a progressive step. It is a step of retrogression. In private business the tendency has been to shorten hours of labor and to increase wages. The Government now proposes to lengthen the hours of labor and, except in some instances, to leave wages stationary. The compensation the clerks now receive was fixed in 1857, and although private employers have increased their pay schedules to enable the employees to cope with the high cost of living, the Government has in this respect done practically nothing. The Government should set the example of ameliorating the condition of the workmen rather than that of making it more burdensome. There is another idea I would like to inject into this discussion. It is the question of pensions. The departments to-day are filled with faithful men, many of whom have reached the period of superannuation. These men ought to be pensioned, and this civil-service retirement pension should have been enacted years ago. You will find, as a matter of fact, that this provision, if it were to go into operation, would make the administration of the Government more difficult.

Mr. BORLAND. Will the gentleman yield?

Mr. HAMILL. With pleasure.

Mr. BORLAND. The gentleman is very much interested in a civil-service retirement bill, because he has introduced one. Now, does he think he is aiding the accomplishment of that purpose by insisting upon a larger number of men doing a smaller day's work; or would not he be aiding his retirement proposition for his civil-service employees throughout the country by insisting upon a smaller number of men doing a full day's work and having a smaller number of employees to deal with?

Mr. HAMILL. In other words, the gentleman's proposition is simply this: He thinks that by making the plight of the clerks positively unbearable, Congress might be moved to grant them a pension. I believe they should receive a pension, but this benefit ought to be accelerated by fairer means than this.

Gentlemen, this proposition will work injury to the business men of the Capital. We ought to take the business community into consideration, because the people of Washington are in a special way committed to the care of Congress. They have no representatives on this floor. They have merely the right to petition Congress. We ought not therefore, without good reason, contemplate passing an act which will work havoc among the merchants. And there is no good reason for this legislation. No department heads have called for it or recommended it. It is contrary to the spirit of the times, which tends to make the working day shorter. It is unjust and unnecessary. It is our plain duty to decisively defeat it.

Mr. BYRNS of Tennessee. I yield 30 minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, numerous criticisms have been leveled recently at the Democratic administration from partisan sources on the ground that its platform pledges of economy and efficiency in the public service have not been observed. As a proof of these charges the partisan critics have pointed to the fact that the gross amounts of appropriations for public purposes made by Congresses under Democratic control have been larger than the aggregate of appropriations of previous Congresses under Republican control. From this simple comparison of totals it has been argued that not only has the Democratic Party been extravagant in the conduct of affairs, but also it has acted in bad faith in violating its pledges to the American people. While this method of comparison between the total appropriations of different Congresses appears on its face to substantiate the charges of the partisan critics, it is in fact the most unreliable, false, and superficial method that can possibly be imagined.

I have served on the Appropriations Committee of the House of Representatives during the Sixty-second and Sixty-third Congresses and now during the present Sixty-fourth Congress. The Sixty-second Congress had a Democratic majority in the House of Representatives and a Republican Senate and President. The Sixty-third Congress was wholly under Democratic control, and so is the present Congress. Our critics therefore always begin with the Sixty-second Congress, or the one with the first Democratic majority in the House of Representatives. As showing the utter unreliability of the comparison of the total appropriations of different Congresses, it need only be said that this great country of ours is continually growing; its population is steadily increasing; its wealth is multiplying; and its interests, both foreign and domestic, are broadening. It should occur to our critics therefore at the very outset to ascertain whether the growth of appropriations is larger than the normal growth of the business and population of the country. If it be no larger, then there certainly is no extravagance as compared with Republican rule although there may be no retrenchment.

An examination of the laws enacted in the Sixty-second and Sixty-third Congresses will disclose that the normal activities of the Federal Government grew steadily, bringing with them the corresponding growth in the fixed charges upon the Federal Treasury. Additional terms of the United States courts were created at various places to accommodate the public business. Public buildings were erected, completed, and occupied in various portions of the United States requiring expenditures for heat, light, janitor service, and maintenance. Various ports and subports of entry were created in the interest of commerce. Additional boats were purchased for the Customs Service and for the Lighthouse, Life-Saving, and Steamboat-Inspection Services. A large number of new lighthouses and other aids to navigation were established along the coasts and harbors. More and better life-saving stations were erected and equipped. New revenue cutters were built and put into service. These may be classed as the normal and regular growth of the expenses of the Government, which must be met by any party in power, unless it is desired to deny to the people of the United States the legitimate use of the functions of Government which they have created. The question with regard to these activities and all others of their class is simply one of whether there has been economy and efficiency in requiring an honest return for the expenditure of the taxpayer's money. On this point the Democratic Party can point with pride to the fact that the cost of administering the established activities of the Government is materially reduced in most if not all of the branches of the public service, and that a larger amount of work is done for the same, and in many instances, for a less expenditure. There are a number of instances in this legislative, executive, and judicial bill now before the House which completely establish this fact.

Our partisan critics have overlooked another important element in their calculations. Not only has there been a normal growth of governmental business according to the laws as they existed under Republican rule, but there have been passed since the advent of the Sixty-second Congress a large number of acts defining new offenses, imposing punishments for crimes and misdemeanors, and preventing various wrongs and frauds in interstate commerce. These criminal and semicriminal statutes require for their enforcement certain additions to the salary roll of the Government. No law is self-enforcing, but special agents, inspectors, and other officials must be provided or the administration would be open to the charge of failing to carry out the constitutional duty of seeing that the laws of the Union are faithfully executed. Among this class of legislation may be mentioned the act of July 31, 1912, to prohibit the importation and transportation in interstate commerce of films of prize fights, etc.; the act of August 20, 1912, to regulate the importa-

tion of nursery stock; the act of August 24, 1912, to prohibit the admission of adulterated seeds and grains; the act of March 3, 1913, to regulate the officering and manning of vessels subject to inspection; the act restricting the sale of habit-forming drugs; and various other acts. These and other measures of their class are necessary for the protection of the life and property of American citizens, and the expense of administering each new law appears in some form in the appropriations of Congress. It is scarcely to be assumed that our partisan critics would refuse to appropriate for the enforcement of such laws. To do so would be to trick and deceive the American public by passing laws supposed to be for the prevention of a public evil, with no intention of providing for their enforcement. Our critics, therefore, if they were in power, would be compelled to provide the expense of enforcement or else repeal the laws. Which course would they pursue, and, if any of the laws are to be repealed, which laws? Let them be fair with the American public in their criticism and point out the specific instances of extravagance or unnecessary expenditure of the public money.

These do not embrace all of the additional burdens upon the Federal Treasury which are represented by annual appropriations. There is another class of special appropriations for specific objects or for emergencies of various kinds. Among these may be mentioned the act of October 3, 1912, appropriating $350,000 for maintaining and protecting levees on the Mississippi River against a threatened flood; the act of April 8, 1912, appropriating $30,000 to repair and restore the historic battle flags of the United States; an additional appropriation of April 16, 1912, of $300,000 for the Mississippi levees; the act of April 30, 1912, requiring the Director of the Census to publish additional statistics on the subject of tobacco; the act of May 9, 1912, appropriating $50,000 to check the encroachment of the Missouri River in Dakota County, Nebr.; the act of May 9, 1912, appropriating a total of $1,239,179.65 for the relief of flood sufferers in the Mississippi and Ohio Valleys; various acts providing large amounts for the relief of American citizens fleeing from Mexico; the act of July 22, 1912, requiring the Director of the Census to collect and publish certain statistics on cotton; an act of August 24, 1912, to give effect to the convention between Great Britain, the United States, and Russia for the protection of fur seals in Alaska; the act of April 30, 1912, appropriating $1,500,000 to rebuild the levees on the Mississippi River; the act of March 2, 1913, appropriating $32,000 to collect and publish records of the Revolutionary War; the additional expense caused by the two extra sessions of Congress; the act of June 23, 1913, appropriating $50,000 for participation in the Panama-Pacific Exposition; additional appropriations amounting to $785,000 for the relief of sufferers from floods in the Ohio Valley; the cost of the memorial to the loyal women of the Civil War, which was $400,000; the act of February 23, 1914, providing for a special appropriation of $600,000 to stamp out an epidemic of hog cholera, and a similar appropriation of $2,000,000 to stamp out an epidemic of the foot-and-mouth disease; an appropriation of July 29, 1914, providing for a monument to Francis Scott Key at Baltimore, Md., costing $75,000; the appropriations of August 3 and August 5, 1914, for the relief of American citizens in Europe, amounting to $2,750,000; an appropriation on September 11, 1914, of $1,000,000 for the additional expense for representing the diplomatic interests of various foreign governments in the belligerent countries; the act of March 4, 1915, providing for the payment of an accumulation of more than 15 years of the findings of the Court of Claims on claims of certain loyal citizens whose property was destroyed by the Federal troops during the Civil War, amounting in all to $1,866,555.04.

These new expenditures and those which were of an extraordinary character and not part of the expenses of any of the regular departments of the Government will be found to account for the amount which our partisan critics claim the Democratic appropriations exceed the Republican appropriations. In other words, if we deduct from the aggregate appropriations of the two Democratic Congresses the amount of these new and extraordinary expenses it will be found that the Democratic administration has carried on the work of the Government more economically and more efficiently than the preceding one. So, when our critics point to a percentage of increase in the total appropriations they are not quite fair with the American public in not showing the items of appropriation and the purposes for which they were devoted. In this connection it would be well to ask these same critics to specify and enumerate for the benefit of the American people which of these extraordinary expenses they opposed and which they would have voted against if they had been in power.

However fully these superficial criticisms of Democratic extravagance may already have been answered, in the words of the old song, still "There is more to follow." It might be assumed that we were only trying to prove that we have done as well as the Republican administration, which would be faint praise indeed, or even that we had done better than they in carrying on the work of the Government for less money than they, but we are not content with such a negative victory. The Democratic pledges to the American people reach further than this. We pledged them not only that the Democratic administration would be economical but also that it would be efficient. Economy does not consist in niggardliness, nor does it always consist in doing without the necessary activities of government. True economy consists in adapting the means to the end and in spending money where that expenditure is represented by increased wealth, added safety, and enlarged social opportunities to the people. Only a state of national destitution would justify a Government like the United States in refusing to add to its activities those things which are clearly demanded for the betterment of the people. Money thus used, whether it be invested in permanent improvements or in enlarged social service, is not an extravagance.

When the people demand that the Government carry on certain activities they have common sense enough to know that the successful conduct of such activities will involve expense to be paid out of the Federal Treasury. One of the greatest evils of Republican rule was the pretense always made that the Government of the United States was carried on without expense to its citizens and that in some way it secured its revenues from the blue sky or the fresh air. Some false economists even went so far as to argue that we had a way of taxing foreigners. The truth, of course, is that the system of indirect taxation, such as the tariff, falls more heavily upon the poorer classes and less heavily upon those having accumulated or inherited wealth, while direct taxation, such as the income tax, falls more heavily upon inherited wealth and not upon the consuming power of honest toil. This is the vital difference between the two systems. It results, however, from the direct system of taxation that the American people know how much taxes they are paying and what they are paying it for, while by the indirect method of taxation, like the tariff, the whole object is to pluck the goose and get the maximum amount of feathers with the minimum amount of squawking. The whole object of indirect taxation is to create an unfair distribution of the public burden and conceal the sources of public income and thus distract the public attention from a critical examination of public expenditures.

Mr. FESS. I wondered whether you would be willing to entirely supersede the indirect methods of taxation by the direct method?

Mr. BORLAND. Yes, sir; theoretically. I am in favor of the direct methods, and I will tell you why. A man can see in his tax bill how much he pays. One great objection to the long course of Republican rule has been that it in some way or other inculcated the idea pretty generally in the country that Uncle Sam's money grew on bushes and that if an expense would be shouldered on the Federal Government no one had to pay it. Only a people capable of the highest form of self-government can face a direct tax and pay their money deliberately out of their own pockets.

Mr. FESS. Mr. Chairman, will the gentleman yield again?

The CHAIRMAN. Does the gentleman yield?

Mr. BORLAND. Yes, sir.

Mr. FESS. If that be true, why do you not introduce the direct method of taxation altogether? Why do you not abandon the indirect method?

Mr. BORLAND. The gentleman knows as well as I do that his party has been most inconsistent until at last, when they found themselves facing a deficit under the administration of President Taft, they promptly fell back upon a tax on corporations. They have been so utterly inconsistent and have played so much upon opportunities in their Federal taxation that with them an indirect tax was not a question of principle but of expedience. Every change of taxation is a comparatively sweeping change and can not be made without some gradual preparation.

Mr. FESS. Is the gentleman condemning the Republican Party for resorting to a direct tax?

Mr. BORLAND. No. I am complimenting the Republican Party, even in its inconsistency, for having had the courage at last to tax the corporations.

Mr. FESS. Why do you not entirely use the direct tax? You say the indirect tax is bad.

Mr. BORLAND. I thought I had answered the gentleman before.

Mr. FESS. Does the gentleman mean the Republicans will not let you do it?

Mr. BORLAND. No. No system of taxation existing for a hundred years for a hundred million people can be changed overnight.

Mr. FESS. Does the gentleman mean, or is it the theory of the Democratic Party, to go to the direct system of taxation entirely?

Mr. BORLAND. I call myself a Democrat, and as such I think I am expressing the Democratic theories; but, as to what is the policy of the Democratic Party, I am not their authorized spokesman.

Mr. FESS. What is the interpretation of the Secretary of the Treasury's statement when he spoke about the horsepower tax on automobiles and said that that was not to come off the purchaser but off the manufacturer? What do you mean by that?

Mr. BORLAND. I have no idea. That is not my statement, and I never examined the statement closely. I do know that the Republicans, minus all these activities in the interest of the American people, were confronted by a deficit in this House and were wrestling and struggling with that growing deficit and did not know how to dispose of it, but finally concluded to resort to a direct tax on corporations.

The Democratic administration is proud of the fact that it enacted into law and put into successful operation more constructive legislation in four years than has been done in any previous 40 years in our country's history. The prosaic tale told by the appropriation bills begins to sparkle with the light and life of human interest when we read between the lines as to what these great activities represent. They show the rising tide of public opinion in this country, which demands that the highest efficiency of the Federal Government shall be at the service of humanity and shall be used for the enlargement of opportunities, the betterment of social conditions, and the protection of the life and health of the average citizen. They are based upon the great principle, "the man is the greatest asset of the nation." Every one of the wonderful reforms were fought secretly and openly by champions of special privilege on the ground that they were unconstitutional and beyond the powers of the Federal Government. No proposal was ever made that the Government should use its power for the benefit of all rather than for the benefit of the privileged few that an attack was not made upon it on the ground that it was a violation of the sacred Constitution. But behind the mask of constitutional objection was always to be found the leering face of greed. I now challenge our partisan critics to say which of the great measures of constructive reform passed by the Democratic Congresses they are willing to denounce as unwise and which they are willing to obligate themselves to repeal if they are again intrusted with power. Be it remembered that each of these activities represents a permanent and, in many cases, a growing charge upon the Federal Treasury, which amounts have gone to swell the amount of the appropriations of the American Congress and which have been denounced by partisan critics. Are we right in assuming that by decreasing the aggregate of expenditures they would have to cut some of the items, and if so, which items? Let me give you a few of the great constructive acts which, it is true, have laid burdens upon the Federal Treasury, but which palpitate with the warm red blood of human interest. Let us take the act of February 3, 1912, the first enrolled bill of the Democratic House of Representatives. It was an act extending the act giving compensation to injured employees so as to include artisans, laborers, and other employees of the Bureau of Mines and the Forestry Service. This has added to Uncle Sam's yearly expenditure, but our critics are welcome to attack the Democratic Party for its passage and to pledge themselves to its repeal.

Again, on April 9, 1912, an act was passed establishing the Children's Bureau. The original law provided for the expenditure of $15,000 for the organization and conduct of the bureau. It was placed in charge of the Department of Labor and at the head of it was placed that wonderful woman, Miss Julia Lathrop, of Chicago. She began the study of the health and care of children in the crowded industrial sections of the great cities. She sought to find the causes of diseases by which more than 25 per cent of the little souls perish during the first 12 months of their lives. She went further back into the prenatal care of children and the relation between the workshop and motherhood. She took up the subject of juvenile crime to see how much was due to neglect and how much to the fact that the child was defective mentally or physically. In this she was seeking the cause of the great and growing burden of criminality, the expense of which ultimately falls upon the American taxpayer. She was seeking to stop the manufacture of criminals by controlling the evil at its source. When she came before Congress after one year of work she asked for greatly enlarged appropriations, which Congress authorized in response to a public demand. The appropriation of 1912 for the Children's Bureau was $15,000; the appropriation for 1917, $164,640. Perhaps our partisan critics would repeal this law and stop this wasteful expenditure of the people's money, for the Democratic Party stands convicted of having created and enlarged the Children's Bureau.

On May 11, 1912, there was passed the celebrated dollar-a-day pension act for the veterans of the Civil War. This caused an addition of many millions of dollars to the annual expenditure of the Government, but it is scarcely to be expected that our partisan critics will raise any question of its repeal.

Similarly, on February 19, 1913, a bill was passed to increase the pensions of surviving soldiers of the Indian wars.

On June 19, 1912, an act was passed limiting to eight hours the work of laborers and mechanics employed upon work done for the United States. This has added somewhat to the bids for public work, and our critics, if they choose, can denounce this act as a wanton piece of Democratic extravagance.

On August 14, 1912, an act was passed to reorganize the Public Health Service—enlarge it and increase the pay of its officers. The stamping out of pellagra, bubonic plague, yellow fever, smallpox, and typhoid fever has proceeded with signal success. Even cases of infantile paralysis are promptly discovered and the epidemic materially checked. Is this the extravagance with which we are charged? If so, we shall have to plead guilty, for I find that in 1914 the appropriations for the Public Health Service were $597,640; in 1915, $679,858; in 1916, $695,000; and the estimates for the year 1917 are $788,550. This only increases that portion of the work relating to the spread of contagious diseases, but the total cost of the Public Health Service and all its branches increased from $2,414,746 in 1914 to $2,991,656 in the estimates for 1917.

On August 23, 1912, Congress created the Commission on Industrial Relations to study the cause of unemployment and the reasons for industrial unrest. The total appropriations for that commission, which has just closed its labors, have been $450,000, all made in the years of 1914, 1915, and 1916. There is now a widespread demand by economists and labor leaders for an additional expense of at least $50,000 for the printing and distribution of the report of this commission.

In the last two Congresses we have established a legislative assembly for Hawaii and for Alaska, giving local self-government and home rule to those Territories at an added expense to the Federal Government of approximately $50,000 annually in each case.

On August 24, 1912, a bill was passed for the permanent government and operation of the Panama Canal. Our critics have always deducted from the total of their own expenditures the amount paid out by them for the construction work on the Panama Canal on the ground that this was not a continuing expense but a special investment. Now, however, we are confronted with a continuing annual charge upon the Government of some $4,000,000, which must be added to the fixed expense represented by the appropriation bills. In a similar manner the time has come under the terms of the treaty with Panama when we must begin our annual payment to that Republic which was promised as a part of the consideration for the acquisition of the Canal Zone. These payments were to begin nine years after the date of the treaty. The annual payment is $250,000. The first three annual payments have been made under the present administration.

On February 25, 1913, was passed the act to enlarge and extend the operations of the Bureau of Mines. As told in the prosy tale of figures, the result has been that the expense of the Bureau of Mines in 1912 under Republican rule, was $475,500; in 1913 it was increased to $583,100; in 1914, $662,000; in 1915, $725,000; in 1916, $757,300; and the estimates for 1917 are $992,810. These dry figures represent literally the saving of human lives. No other estimate can be made of the wonderful work accomplished by the Bureau of Mines. Formerly it was common to pick up the morning paper and read of some horrible mining disaster in some portion of the country where scores or hundreds of humble workmen were suddenly overwhelmed by causes and dangers against which they could not protect themselves and from which they had no more chance of escape than rats in a trap. The newspaper always told of the hysterical crowd of women and children who surrounded the mouth of the mine, and pictured the heartrending scenes as they waited hour after hour for news while the men were working frantically to discover whether any of the entombed miners were left alive. Many of these accidents were due to the callousness of greed. Many were due to ignorance, inexperience, and lack of scientific regulation. Most of these horrors were preventable. How long has it been since we have read of one of these great and fright-

ful mining disasters? It seems strange that such a familiar object on the newspaper page should in such a few years have slipped out of sight. The answer is, "read between the lines of the record of Democratic expenditures for the growth of the work of the Bureau of Mines." To-day the whole subterranean strata of the United States is mapped and charted by scientific rules, every condition has been studied which bears upon the safety and efficiency of removing the wealth from below the ground. The question of ventilation and additional exits has been crystallized into uniformity of regulations. The power of explosives used in blasting below ground has been scientifically tested and explained to every mine owner. The conditions which bring about the combination of poisonous gases are thoroughly known, and the means to counteract and avoid them are at hand. In addition to this, mine rescue stations have been established in a great many sections of the country. To-day, if a sudden disaster occurs in a mine a rescue car is sent from the nearest station to the mouth of the mine, fully equipped with life-saving devices, first aid and restoratives. There are oxygen helmets and scientific appliances of all kinds for the purpose of rescue. Uncle Sam stands guard at the mouth of the mine, and as long as there is an American citizen entombed within its depths, no matter how humble his condition or how low his pay, no effort is spared until he is gotten out. Perhaps our partisan critics are opposed to this reckless expenditure of Government money. If so, they are free to plead their cause at the bar of American public opinion.

On March 1, 1913, an act was passed to provide for the physical valuation of railroads. Of course the railroads did not like it. It was well understood that the great work undertaken would cost money. That work has proceeded as rapidly as a work of such magnitude can be carried on, and it is expected that it will form a solid basis for a just regulation of carriers in fixing their rates charged to farmers and business men throughout the country. The amount added to the Federal expense from this cause alone was, in 1913, $100,000; 1914, $400,000; 1915, $2,300,000; 1916, $3,000,000; and the estimate for 1917 of $3,000,000. Here is a chance for our critics to show their objection to Democratic expenditures by pledging to the American people to repeal this law and leave the carriers free to offer evidence in courts based upon their own estimate of the cost of their property.

In other respects the work of the Interstate Commerce Commission has grown. It has heard and decided an increasing number of cases of discriminations against shippers and localities in different parts of the country. In 1914 the commission cost the Government $1,805,000; in 1915, $4,050,000; in 1916, $4,765,000; and the estimate for 1917 is $5,090,000. An increase has been apparent in the work of the commission in enforcing the laws providing for safety devices upon trains, and in 1916 an expense began to be incurred, amounting to $220,000 a year, for the inspection of boilers of locomotives. The enforcement of safety regulations is costing the Government $500,000 a year. The Democratic Party will have to plead guilty to this expense, and on the great ledger of public opinion it will take credit for the saving of lives of 75 per cent of railroad employees formerly killed or injured by accidents. Before the safety-appliance laws were enforced the mortality among railroad men was greater than among condemned and convicted criminals. To-day 75 per cent of those injuries and deaths have been eliminated. Out of every four men who annually went down to death in the tremendous industrial warfare of the railroads, leaving four families without their breadwinner, four widows to care for a group of future citizens, four sets of orphans to become the victims of child labor or juvenile crime, to-day by operation of the humane safety-device laws of Congress three of those families have their breadwinner with them. Whether it will be possible to eliminate wholly the dangers of railroading can not now be determined, but the Democratic Party is willing to take credit for the lives, the safety, and continued usefulness of the thousands upon thousands of railroad employees as an offset to the expenditure of the Federal money.

On March 3, 1913, Congress passed an eight-hour day for laborers and mechanics on public works in the District of Columbia. By the act of March 4, 1913, there was created the Department of Labor by a division of the Department of Commerce and Labor. The Secretary of Labor was made a member of the President's Cabinet, a separate set of offices and a separate organization of his work was provided at a considerable increase in the annual expenses of the Government. Possibly in the eyes of our critics this was an instance of Democratic extravagance.

On July 15, 1913, there was passed an act to provide for mediation, conciliation, and arbitration between employers and employees. This was designed to prevent strikes and to save the distressing loss to wage earners, to capital, and to the public growing out of labor disputes. Its work has been singularly successful and many strikes and lockouts have been avoided. It may be noted that this act was passed during the Sixty-third Congress, soon after the inauguration of the Wilson administration.

On December 23, 1913, was passed the act to create the Federal reserve banks, a great reform in our monetary system by which commerce and industry were forever divorced from speculation and the chains which the Money Trust of Wall Street had forged and riveted upon the limbs of American commerce were broken. Three times since the Civil War our country has been prostrated by panics caused wholly by stock gamblers of Wall Street who had obtained control of the money and credits of the Nation and who dragged legitimate business down in the maelstrom of disaster which the ordinary business man neither caused nor could control. To-day we know from the tremendous and unparalleled disturbance which we have passed through during the last 18 months that our financial system is practically panic proof. There is no nation in the world whose finances are so safe or whose national credit is so high as that of the United States. If there were nothing else to the credit of the Democratic administration, this one act would stamp it for all time as the most successful administration in the history of our Republic. So many have been the great acts crowding upon the present administration that we have almost lost sight of even so recent and great an accomplishment.

To return once more to our dry tale, on March 12, 1914, conservation became an affirmative instead of a negative force. The development of Alaska was taken out of the grip of the Morgan-Guggenheim syndicate and the construction of the Alaska Railroad was authorized. The sums expended for this purpose are reimbursable to the Federal Treasury out of the sales of public lands of Alaska, but for the time being they are added to the aggregate of expenditure represented by the appropriation bills, and therefore come within the criticism of Democratic extravagance. In 1915 the amount expended for this purpose was $1,000,000; in 1916, $2,000,000; and an urgent deficiency bill has just passed Congress carrying $2,000,000 for this purpose, and the estimate for 1917 is $8,247,620.

One of the leading items of additional expense incurred under the Democratic administration, and one which must be reckoned with in the future as a fixed and continuing expense, is caused by the law passed May 8, 1914, establishing cooperative agricultural extension work by the joint action of the Federal Government and the States. This is what is called a permanent appropriation and is so arranged that it is increased each year. Its justification lies in the tremendous value to the American farmers of the extension of practical farm-demonstration work into the great rural producing sections of the country. Much has been done in a scientific way for the business men of the cities, giving them the aid of the most approved scientific methods in conducting their business. The Lever law attempts to do the same thing for the farmer, who constitutes the great majority of our producing population. This law was the result of a widespread demand that the farming industry be recognized and encouraged for the benefit not only of the farmers themselves but of the consuming public as well. We challenge our critics to say whether they would repeal this law and stop the expense entailed thereby. The appropriation for the first year was $480,000, for the second year $600,000, and thereafter it will increase at the rate of $500,000 per year.

On September 2, 1914, Congress took a bold step to meet the extraordinary conditions growing out of the outbreak of the war in Europe by creating a War Risk Bureau, for which it appropriated $5,100,000. This money will not all be spent. In fact, it will probably remain intact, as the bureau has been conducted with remarkable economy and success, but it is added by our Republican critics to the gross amount of expenditure by the Democratic administration.

Congress found American commerce paralyzed at the outbreak of the war—cotton, wheat, and all other American products piled up awaiting shipment, prices demoralized, and even loans on warehouse receipts refused by the banks. Widespread suffering and business disaster was threatened from this cause in the midst of a season of splendid crop production. We were starving in the midst of plenty. The reason was that we could not move our products abroad on account of the danger to neutral commerce caused by the belligerents. If the cargoes could be insured against the war risk, the crops would begin to move and business revive. The narrow and provincial policy of the Republican Party, which surrounded us with a tariff wall, drove American shipping off the seas, made us a debtor nation to Europe, and prevented the building up of great marine insur-

ance companies in this country, so that there was no private agency equipped to handle this emergency. In this crisis Congress established the War Risk Bureau to insure cargoes of American goods going abroad. Not a dollar has been lost by this bureau. It has steadily paid its own way, and the effect upon American commerce and upon the price of cotton and wheat has been magical. Let our critics challenge this act while they are objecting to the Democratic expenditures.

During the Republican rule the trusts flourished as the green bay tree. Nothing but blank cartridges were ever fired at them. From the election of McKinley to the defeat of Taft the capitalization of trusts and combinations in this country increased 4,000 per cent. The Democratic administration came into power pledged to abandon the Don Quixote method of attack and to create a strong and efficient agency to search out and correct unfair methods of competition and trade. On September 26, 1914, in redemption of this pledge, Congress passed the Federal Trade Commission bill. The expense of this commission was as follows: In 1915, $269,633; 1916, $355,000; estimates for 1917, $544,666.61. As the result of the policy that an ounce of prevention is worth a pound of cure and that it is better to keep competition alive than to fine its murderers after its death, this commission has already gained the confidence of the business public, and to-day business is freer from the brutality of organized greed than at any time since the Civil War.

Of course, there has been an increase of printing for all of the great departments of the Government. There have been increases in the following items which are presented for the analysis of our Republican critics. The cost of the quarantine service has increased from $15,000 to $70,000; the Coast and Geodetic Survey, from $1,024,000 to $1,076,000; the Bureau of Fisheries, from $1,137,000 to $1,454,000; the survey of public lands, from $450,000 to $700,000; the expenses of armories and arsenals to enable the Government to manufacture its own powder and munitions of war and break the bonds of the War Munition Trust has increased from $365,850 under Republican rule to $1,842,350 under Democratic rule. To-day we are able to fix the price of our ammunition more than 20 per cent below what was paid to the private manufacturers during the Republican régime, and the Government is free, at last, from the exactions of the great Du Pont Co.

The Bureau of Standards, which applies modern science to the development of American industry, and which helps to keep the American business man abreast of his foreign competitor for a share of the world's trade, has grown greatly under Democratic rule. The cost of lighthouses and aids to navigation was only $526,500 under Republican rule. To-day the annual appropriation in the estimates for 1917 is $2,402,500. The cost of protecting the withdrawn oil lands from being grabbed up by the Oil Trust has now amounted to a little over $200,000. For the Lincoln Memorial there has been appropriated $2,000,000 since 1914, and the limit of cost has been increased another $500,000. The amphitheater at Arlington to commemorate the heroic dead of both sides of the great civil struggle has been entirely built in the Democratic administration, at a cost of $750,000.

One effect of the war in Europe has been to turn back the tide of American tourists who formerly took abroad about $200,000,000 annually. This money is being largely spent within the United States, and as a wise encouragement to keep our own money at home Congress is developing the great playgrounds of the people, the national parks.

The natural beauty of our country is beyond all description. In variety, in grandeur, in artistic beauty, in wonderful effects of lights and distances, and in the variations of climate from the softness of the Italian sky to the rugged strength of Norway, America can offer attractions which shall not only keep her own tourists at home, but attract those of other lands. Few Americans, especially those of the wealthier classes, know America. The estimates of the expenditures on our national parks requested by the present Department of the Interior have increased from 50 to 300 per cent above the amount spent under Republican rule, but it is confidently assumed that every dollar of this expenditure will be repaid a thousandfold in retaining American money in America.

One of the most striking instances of the growth of expenditures is in the Agriculture Department. The fiscal year of 1913 saw a total appropriation for agriculture by the Federal Government of $21,265,193.75. In the fiscal year of 1914, as the joint act of a Democratic House and a Republican Senate, the appropriation was $22,946,623.28. In the fiscal year 1915, which was the first year entirely under Democratic rule, the appropriation for the Agriculture Department increased to $28,508,967.47. In 1916 the amount was $28,512,278.48, and the estimate for 1917 is $29,763,089. It will be noticed that there is a sudden jump in the appropriations for agriculture as soon as the administration passed wholly into the hands of the Democrats. We invite criticism of our Republican friends to this item either as a total or to any one of the multitude of items which compose it, and we invite them to say to their farmer friends what they disapprove of—any or all—of these expenditures for agriculture.

To be sure, there is nothing to boast of in the mere expenditure of public money. During the seven years I have been in this House I have established a record as a strict economist. I have voted against every raid on the Federal Treasury, every salary grab, every gratuity, every special privilege, even when they affected the pockets of Congressmen themselves. The money in the Treasury represents taxes imposed on the American people. It is a trust fund to be paid out only for the public benefit. Therefore, in all cases of doubt, I have resolved the doubt in favor of the taxpayers and voted "No." Before I am willing to vote for an appropriation a clear case in its favor must be made. This is the only proper attitude for a member of the great Appropriation Committee, which is charged with the duty of disbursing the people's money. No one not a member of that committee knows how many demands we are compelled to refuse. As the poet says:

> What's done, we partly can compute,
> But never what's resisted.

Therefore I say that it is not the amount of public money that is spent, but the purposes for which it is spent, that is the real test of efficiency. A strict economist myself, I feel that I have a right to resent criticisms of the Democratic administration based solely on general figures.

This is a great and growing country. Its interests are becoming larger and its activities more numerous. No party worthy of the confidence of the American people would refuse to extend the aid and encouragement of the Government to all proper projects for the development of the country. If the people want the work done by the Government, they are ready and willing to pay the bills. The most striking thing about the Democratic expenditures is the fact that they are all in the direction of enlarging the opportunities of the average citizen and giving a better chance to the producers and toilers who support the Nation. There is a school of political thought which is exemplified by our partisan critics, which holds that all attempts on the part of the Government to aid the individual citizen to better his condition in life are unconstitutional and beyond the powers of the National Government. We Democrats hold to a different theory. We hold that the Government should extend to farmers, railroad men, miners, seafaring men, independent merchants and manufacturers, and the great mass of the wage-earning class every encouragement to advance their social and material condition in life, and that in so doing we are increasing the power and wealth of our Nation by raising the standard of the average citizen. We have long had a government "of the people"; now, under the Democratic rule we are achieving a government "by the people," and the results are shown in the fact that we are beginning to have a government "for the people" for the first time in human history.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WILSON of Florida having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9416) making appropriations to supply further urgent deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior years, and for other purposes.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman from Illinois use some of his time?

Mr. MANN. I yield 20 minutes, Mr. Chairman, to the gentleman from New York [Mr. BENNET].

The CHAIRMAN. The gentleman from New York [Mr. BENNET] is recognized for 20 minutes.

Mr. BENNET. Mr. Chairman, in the course of a few days I have no doubt that the bill H. R. 10384 will come before this House for its action. That is the bill which has been before this House many years, attempting the regulation of immigration; and inasmuch as the time for general debate is but three hours and a half upon a side, I have asked that I may have the

privilege of taking 20 minutes this afternoon to lay some observations before the committee.

The older Members of the House are familiar with the fact that the gentleman from Alabama [Mr. BURNETT] and myself were members of the Immigration Commission appointed by Congress in 1907, which remained in existence until December, 1910, and that as a part of our duties we traveled through those parts of Europe from which these immigrants come. I had the pleasure and performed the duty of going twice in the year 1907 to different parts of Europe, and that particular experience has given us a knowledge which, it seems to me, the gentleman from Alabama and myself both ought to bring to the attention of the House.

Now this bill is very similar to other bills, two of which have been vetoed by successive Presidents of the United States, except that in certain portions this bill is more strict, and in certain portions it is more lenient. But we have got to a point in the discussion of this matter when we ought to tell some facts about it on the floor which have not very much been told.

In the hearings before the committee appeared Miss Grace Abbott, of Chicago, than whom no woman is doing greater service in behalf of the United States. Miss Abbott gives her entire time, her entire devoted time, to the welfare of the immigrants. She is herself of Puritan stock, of old American lineage, and a Protestant in religion; and this is what she said on page 6 of the hearings of January 20:

> I think many people oppose the recent immigration because it is Catholic and Jewish instead of Protestant, as the earlier was. I am neither Catholic nor Jewish.

This bill is drawn, or attempted to be drawn, so as to affect almost alone the Catholic people; and I, being a Protestant, and of old American lineage, so far as old American lineage goes, can afford to say that, for the same reason that prompts Miss Abbott to say it, because both she and I believe in the old American principle of religious freedom and the right of a man to worship or to refrain from worshiping, according to the dictates of his own conscience.

I can demonstrate in two ways that this bill is aimed—whether intentionally or not I am not saying at the moment; but when a bill has been reported in five or six Congresses in succession, you have almost a right to assume that those who report it know what they are doing—that this bill is aimed at immigrants who are Catholics.

When the gentleman from Massachusetts [Mr. GARDNER] was on the committee there never were any "ifs" or "ands" about him. He called a spade a spade; and in his report which accompanied the bill in the Fifty-ninth Congress he furnished the percentages of people who would be affected by the literacy test, the main thing in the bill, and here they are. Incidentally, for the first time I think in the history of this legislation, although I may be in error about that, this particular information is not in the report connected with this year's bill.

The gentleman from Massachusetts [Mr. GARDNER], on page 21 of the report (No. 3021), presented the following figures on the percentages of illiteracy:

	Per cent.
South Italian	56
Polish	40
Slovak	25
Hebrew	23
North Italian	14
Magyar	12

Those are the major percentages. The minor percentages are as follows:

	Per cent.
German	4
Irish	3
English	1
Scandinavian	1

In other words, the gentleman from Massachusetts [Mr. GARDNER] brought prominently to the attention of the House the fact that the northern and Protestant races—with the exception of the Hebrews, of whom I will speak in a moment—were not affected by the literacy test, while the southern and Catholic nations were the ones that would be excluded. Now, if it was desired to bar out immigrants for the reason that we were getting too many, there has been a bill pending in Congress ever since I first came here that would do it. That is a bill which would prevent any more immigrants coming from any one country than the average that have come from that country in the last five years. In other words, it would apply it to all countries equally, but that is not desired. Their desire is to keep out the immigrants from Catholic countries, and it is time that we who are Protestants should have the courage to call attention to that fact. Now, that is accentuated in this bill by the very evident attempt that is made to let in the Hebrews.

Mr. FESS. Will the gentleman yield before he goes on with that?

Mr. BENNET. Yes.

Mr. FESS. In view of the fact that the immigration from the northern countries is largely Protestant and the immigration from the southern countries of Europe is largely Catholic, does not the gentleman think that if it were vice versa—if the industrious northern immigrants were Catholics and the less industrious immigrants from the southern countries were Protestants—does not the gentleman think the same objection would be made to the immigration from southern countries? Does the gentleman think it is really the religion that is the objection?

Mr. BENNET. I will answer the gentleman with the statement——

Mr. FESS. I am in favor of this bill, but I should very much dislike to be said to be in favor of it because it is religious.

Mr. BENNET. All right. I will answer the gentleman with a statement of what happened to me in my recent election. On the occasion of the first speech that I made in The Bronx a representative of the Junior Order of American Mechanics, who were organized about the same year as the Know-Nothing Party, according to their own literature, which states that they have been fighting all immigration for 60 years, a representative of that organization met me as I came out of the hall and said, "Congressman, there are nine councils of our order in The Bronx, and we have got our eye on you." And if the gentleman will look up the hearings in the Sixtieth Congress, after I was defeated for that Congress, he will find that the legislative agent of that order in New York State came before the committee in that Congress and rejoiced that I was defeated because of my opposition to the literacy test. And I will say to the gentleman, from my experience, dating back now 12 years on this matter, I have no doubt whatever that a very large part of the pressure behind this activity for the literacy test is because of the fact that the literacy test, as shown by the figures of the gentleman from Massachusetts [Mr. GARDNER] will keep out Catholics.

Mr. GALLIVAN. Will the gentleman yield?

Mr. BENNET. I will yield further to the gentleman from Ohio [Mr. FESS] first.

Mr. FESS. The defeat the gentleman speaks of may have been the result of this, but it certainly was not the gentleman's opposition to any religious sect, was it, which induced him to vote this way or that way?

Mr. BENNET. I do not quite understand the gentleman's question.

Mr. FESS. I mean that if the gentleman was punished by these people because of his activity on this legislation, it was not a justifiable punishment, was it? Was it not the gentleman's purpose to make a better class of immigrants, rather than to exclude people of any religious denomination?

Mr. BENNET. Mr. Chairman, the gentleman seems to be laboring under the impression that I voted for this literacy test. I voted against it.

Mr. FESS. I thought the gentleman said he was defeated because he voted for it?

Mr. BENNET. God forbid that I should ever vote for that. I voted against the literacy test, and because I voted against it the Junior Order of the United American Mechanics went out openly in 1910 to defeat me.

Mr. FESS. Oh, I beg the gentleman's pardon. I did not get that impression.

Mr. GALLIVAN. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. GALLIVAN. In other words, the gentleman from New York was defeated because he is a great big, broad American who has nothing against any religious sect.

Mr. BENNET. I would not want to admit that from any standpoint.

Mr. GALLIVAN. And did the gentleman know that every anti-Catholic newspaper in this country last year was in favor of this bill, and that when it was vetoed at the other end of Pennsylvania Avenue, Woodrow Wilson was crucified for his veto and was accused of being tied up with the Roman Catholic Church?

Mr. BENNET. I never read any religious paper except the Christian Intelligencer, the organ of the Dutch Reformed Church, and one or two Presbyterian papers.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. COLEMAN. Does the gentleman think the labor organizations of this country are for this bill because of any religious issue?

Mr. BENNET. I will say to the gentleman that I would imagine the bulk of the members of the American Federation of Labor are Catholic, but the head of it, Mr. Gompers, is not, and I do not think that Mr. Morrison is.

Mr. GALLIVAN. He is not.

Mr. BENNET. And the treasurer——

Mr. GALLIVAN. He is not.

Mr. BENNET. The treasurer is a Presbyterian, so that those in control are not Catholics and in that they are absolutely misrepresenting——

Mr. GALLIVAN. And may I suggest that those in control are endeavoring to deliver the American Federation of Labor, when the great body of that association is opposed to this bill.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield further?

Mr. BENNET. Just one more question and then I will have to decline to yield further.

Mr. COLEMAN. Is is not true that a number of the local federations of labor have sent petitions in favor of this bill, and that they acted on their own initiative, a majority of the membership being Catholics.

Mr. BENNET. Mr. Chairman, the first part of the gentleman's question I will answer in the affirmative, as I can do so from the contents of my own mail. Local bodies have sent petitions. Whether they have acted on their own initiative I do not know, and, very frankly, I will say that I do not—well, I do not know.

Mr. FESS. Mr. Chairman, will the gentleman yield for one further question?

Mr. BENNET. Yes; one more.

Mr. FESS. One more, and that is all. Twice this body passed this bill. Does the gentleman think that the body was actuated by any religious motive in voting for it?

Mr. BENNET. I will answer the gentleman frankly. We are all human. We like to vote to please our constituents, and the constituents of a good many Members here ask them to vote particular ways. What actuated those people back in the districts is one thing. I think every Member here votes according to the dictates of his own conscience, and I think that the A. P. A. or the Know-Nothing spirit is very small in this body.

Mr. McCRACKEN. Mr. Chairman, will the gentleman yield for just one more question?

Mr. BENNET. Well, I have said I would not yield, but I will yield once more.

Mr. McCRACKEN. What is the nature of this literacy test?

Mr. BENNET. That is a good question, and I am glad that I yielded. The literacy test is this:

All aliens over 16 years of age, physically capable of reading, who can not read the English language or some other language or dialect, including Hebrew or Yiddish.

As I said to the House, that keeps out 56 per cent of the South Italians, and so on. Now, for the first time, the committee has put in a new provision, that takes in all of page 8 and more, which upon its face apparently admits every Hebrew who wants to come except those living in Galicia; but, whether by accident or design, the committee, by a provision on page 19, has excluded everyone whom they purport to admit. Page 19 absolutely nullifies page 8. I do not know whether the committee knows that or not. When I was abroad one of the things I studied was the way that immigrant tickets are sold. After I came back I studied it, and while I was out of the House amongst my clients were some steamship companies, and I studied it some more. This is the way the tickets are bought: A little agent in a small town back in Greece, Italy, Palestine, or Russia has tickets to sell. They are not sold in Hamburg or Vienna or any big place, but they are sold in the little places—that is, 60 per cent of them are—and 40 per cent are sold in the United States, what are known as "prepaid" tickets.

Now, this bill provides, on pages 18 and 19, that the steamship company that brings to this port a person who can not read, saying nothing about the exceptions, but supposing they would construe a person was excludable because unable to read, is fined $200. Now just imagine what will happen back in Russia. It is a very violent assumption to suppose that the steamship agent living in Russia will ever admit to a person living in Russia that he or she will be admitted to the United States because he or she is being persecuted in Russia. Just imagine the situation of an agent in his own country admitting that the person had to leave it because of religious persecution. That would be pretty difficult to imagine. But here is the next step. Here is a woman who comes along and says, "I want to buy a ticket to America," and the ticket agent says, "Can you read?" She says, "No." Then the ticket agent says, "I can not sell a ticket to you." "Oh, but," she says, "my husband is in the United States, and therefore, under the provisions of the immigration law, being the wife of an alien in or a citizen of the United States, I am entitled to come in." But he says, "How do I know these things? How do I know your husband will receive you? How do I know your husband may be living?" And he will not sell her that ticket, because if the steamship company had to pay that $200 fine, it would come out of the pocket of the little agent back in Russia. So with these words in we simply bar out every Hebrew abroad who can not read. Well, suppose you should say that you buy the ticket here. Now imagine a man going to an office on lower Broadway in New York City and saying, "I want to buy a ticket for my wife in Russia to come in here." The question is asked, "Can she read?" He replies, "Why, certainly." "Well," the agent says, "you will have to show us," because there would be nothing in the world to keep that ticket from being transferred, and the steamship company would not take the chance of the $200 fine, and, therefore, the only persons who can come in after this bill passes, if it does, which I hope it will not—if it passes and should become the law and be put in operation—would be the persons who could demonstrate at the time they bought the ticket and under some regulation which would be made that they could not transfer the ticket, that they could read, and, therefore, every single Hebrew who can not read is just as much barred out, if this bill goes through, as he would be barred out if these alleged exceptions were not put in.

Mr. WILSON of Florida. Will the gentleman yield?

Mr. BENNET. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has one minute remaining.

Mr. BENNET. How can I? I am sorry. If I can have five minutes more——

Mr. GALLIVAN. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended.

The CHAIRMAN. By order of the House, the gentleman from Tennessee and the gentleman from Illinois control the time.

Mr. MANN. The gentleman from Iowa is in control of the time of the committee on this side, and he told me to yield 20 minutes to the gentleman from New York. I will take the chance of giving the gentleman 5 minutes more, which otherwise would be yielded to me. [Applause.]

Mr. WILSON of Florida. Will the gentleman yield?

Mr. BENNET. For a question.

Mr. WILSON of Florida. I recognize the gentleman's ability in this particular legislation, but he has not explained yet, as far as I know, why he thinks this legislation is aimed against Catholics.

Mr. BENNET. I did that before the gentleman came in, and I have not time to do it again, I am sorry to say.

Mr. WILSON of Florida. Is it because they are Catholics or because they are ignorant?

Mr. BENNET. It is aimed at them because they are Catholics.

Mr. WILSON of Florida. Why?

Mr. BENNET. Because there are a whole lot of people in this country who are ingrained Protestants—I am a Protestant myself—who——

Mr. BUTLER. The gentleman does not mean to suggest that all of us are moved by such an influence, does he?

Mr. BENNET. I do not.

Mr. BUTLER. Because I want to disclaim that right here. I am in favor of this bill, but I do not propose for the gentleman to put that on me.

Mr. BENNET. I am making my own speech.

Mr. BUTLER. I understand.

Mr. BENNET. Until I accuse the gentleman of something he need not defend himself.

Mr. BUTLER. I am not looking around for a scrap, but I am disclaiming what the gentleman said as far as I am concerned.

Mr. BENNET. Let us see further who in addition are to be excepted. Curiously enough those who are excluded under this bill are people who live in those portions of Europe which to-day are being most horribly ravaged by war.

The Armenians, amongst whom there has been a massacre in the last eight months unparalleled in civilization, because they live under Turkish rule, the one exception to that which I stated a moment ago, are to a large extent illiterate, and the survivor of a butchered Armenian family attempting to come to this country, where he or she will be cared for, would be barred out of it, because under Turkish misrule education had been denied. That is one.

Second, as to the inhabitants of Poland. I read in a paper the other day about a doctor in Duluth who had just received word through our State Department that his wife, who had gone to Duluth on a visit, had starved to death in Poland. And she is only one of thousands.

It bars out those people because they are illiterate. And then there is what is known as the "Jewish pale" in Russia,

which has been swept, as my colleague [Mr. LONDON] could testify, back and forth in this devastating war five times. And if this bill passes without amendment a Jewish man or woman who could not read and who desires to come from that country, from that pale, will be barred out. And I desire to say, as a member of one of the Protestant denominations, it is my belief that whatever sentiment in this country is aimed at the immigrant because he is a Catholic or Jew is absolutely foreign to the real belief of the great bulk of the Protestants in this country, but the sooner we face the fact that a good deal of the pressure behind the bill comes from that source the better it will be. Every time this bill goes up to the President, who is there that goes there opposed to it? The people who could not believe until it got up to the President that a bill like this could pass both Houses and get there, because they are Catholics and Hebrews, and know that their people are being discriminated against.

It was a bad time in this country in the old Know-Nothing days, bad for the whole country, and this bill, if it passes and becomes a law, will start up the same sort of a feeling that there was in 1854, 1855, and 1856, when the State of Massachusetts for three years in succession elected a governor on the Know-Nothing platform, when the State of Maryland in 1856 selected presidential electors on a Know-Nothing platform. I am a Presbyterian and a member of the Presbyterian Church, but I believe that my Catholic brother has just as much right to worship God according to the dictates of his own conscience as I or my Hebrew brother have. And before I vote to keep a Hebrew or a Catholic out of this country because of his religion I would resign my seat in this House, much as I value it, and if my constituency wanted to send somebody here to vote to keep them out because of their religious conviction, they would have to send some one else.

Mr. FESS. Do you not think that this House would vote out a Protestant who did not meet the conditions of the bill just as quickly as a Catholic?

Mr. BENNET. The answer to that is that this House has had this bill for 10 years. If they want to reduce immigration they can pass the quantity bill, and reduce immigration that applies equally to Protestants and Catholics. When they pass a bill against Catholics and Jews, it is assumed that they know what they are doing.

Mr. PADGETT. Mr. Chairman, I want to ask unanimous consent to insert in the RECORD a letter from the Secretary of the Navy in response to a resolution of inquiry introduced by the gentleman from Massachusetts [Mr. GARDNER]. Instead of formally reporting the resolution to the House, I requested the Secretary just to furnish the information.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD as indicated by him. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. Mr. Chairman, I move that the committee do now rise.

Mr. SMITH of Minnesota. Mr. Chairman, I ask unanimous consent to extend my remarks on the Post Office bill that I made to-day when that bill was under consideration.

Mr. MANN. You do not want to ask to extend your remarks on the Post Office bill now. You want to get consent in the House to extend your remarks on the Post Office bill.

Mr. SMITH of Minnesota. I was simply following the plan of my friend across the aisle.

The CHAIRMAN. The gentleman makes no request, then. The question is on the motion of the gentleman from Tennessee that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 12207, the legislative, executive, and judicial appropriation bill, and had directed him to report that they had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. SMITH of Minnesota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the motion I made to-day when the Post Office apppropriation bill was under discussion.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD on the motion which he made while the Post Office bill was under consideration. Is there objection?

There was no objection.

Mr. LAFEAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter from the Postmaster General in correspondence relative to the guaranty fund.

The SPEAKER. The gentleman from Pennsylvania [Mr. LAFEAN] asks unanimous consent to extend his remarks in the RECORD by inserting correspondence with the Postmaster General on the guaranty fund. Is there objection?

There was no objection.

Mr. GRIEST rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. GRIEST. To ask unanimous consent to extend my remarks in the RECORD by incorporating therein an address delivered on Tuesday last by Hon. J. Hay Brown, chief justice of the State of Pennsylvania, on the subject of Washington and national preparedness.

The SPEAKER. The gentleman from Pennsylvania [Mr. GRIEST] asks unanimous consent to extend his remarks in the RECORD by printing a speech made by Hon. J. Hay Brown, chief justice of the Supreme Court of Pennsylvania, on Washington and preparedness. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Tennessee moves that the House do now adjourn. The question is on agreeing to that motion.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Saturday, February 26, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Crum River, Pa. (H. Doc. No. 787); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Point Judith Pond, R. I., from Point Judith Harbor of Refuge to Wakefield (H. Doc. No. 788); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of St. Andrews Bay, Fla., with a view to removing shoals in the north arm (H. Doc. No. 789); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

4. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Willamette River, Oreg., with a view to providing a channel 6 feet deep between Oregon City and Corvallis and Eugene, by means of locks and dams, including consideration of any proposition for cooperation on the part of local interests (H. Doc. No. 790); to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Nanjemoy Creek, Md. (H. Doc. No. 791); to the Committee on Rivers and Harbors and ordered to be printed.

6. A letter from the Acting Secretary of War, transmitting with a letter from the Chief of Engineers, report on preliminary examination of Ventura Harbor, Ventura County, Cal. (H. Doc. No. 792); to the Committee on Rivers and Harbors and ordered to be printed.

7. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting an amended estimate of appropriation under the title "Salaries of secretaries in the diplomatic service," for the fiscal year ending June 30, 1917 (H. Doc. No. 793); to the Committee on Foreign Affairs and ordered to be printed.

8. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting an estimate of appropriation for "Arbitration of outstanding pecuniary claims between the United States and Great Britain" (H. Doc. No. 794); to the Committee on Foreign Affairs and ordered to be printed.

9. A letter from the Acting Secretary of War, transmitting a report of the Commissioner for Marking Confederate Graves, together with recommendation for further continuance of said act, and reasons therefor (H. Doc. No. 795); to the Committee on Military Affairs and ordered to be printed.

10. A letter from the Acting Secretary of War, submitting an amendment to the estimates of appropriations, 1917, as found on page 335 of the Book of Estimates (H. Doc. No. 796); to the Committee on Appropriations and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting a proposed draft of legislation which will allow for the demolishing of the present post-office, customhouse, and courthouse building at Utica, N. Y., and the erection on the site and other land under authorization of a new building at the present limit of cost (H. Doc. No. 797); to the Committee on Public Buildings and Grounds and ordered to be printed.

12. A letter from the Secretary of the Treasury, submitting estimates of appropriations for public buildings for inclusion in the sundry civil appropriation bill for the fiscal year ending June 30, 1917 (H. Doc. No. 798); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAYDEN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 10115) authorizing the adjustment of rights of settlers on the Moqui and Navajo Indian Reservations, in the State of Arizona, reported the same with amendment, accompanied by a report (No. 258), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD, from the Committee on the Judiciary, to which was referred the bill (S. 4480) providing for the establishment of two additional terms of the District Court for the Eastern District of North Carolina at Raleigh, N. C., reported the same without amendment, accompanied by a report (No. 259), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 9235) to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La., reported the same without amendment, accompanied by a report (No. 260), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7868) granting an increase of pension to Louisa Smith; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8597) granting a pension to David R. Miles; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9868) granting an increase of pension to William W. Sparks; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8738) granting a pension to Minnie F. Zimmerman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FOSTER: A bill (H. R. 12275) to revise, amend, and codify the sections of the Revised Statutes of the United States relating to the location of mining claims on the public domain, and for other purposes; to the Committee on Mines and Mining.

By Mr. HILLIARD: A bill (H. R. 12276) to establish the Denver National Park in the State of Colorado, and for other purposes; to the Committee on the Public Lands.

By Mr. WEBB: A bill (H. R. 12277) prescribing penalties for misappropriation of funds by officers of United States courts; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: A bill (H. R. 12278) relating to the recovery and repayment by the United States of taxes illegally exacted; to the Committee on the Judiciary.

By Mr. ROUSE: A bill (H. R. 12279) to provide for the erection of a public building in the city of Falmouth, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. LINDBERGH: A bill (H. R. 12280) providing for the removal of existing limitations upon postal savings banks, increasing the rate of interest paid to postal savings depositors, changing the existing method of investing postal bank deposits, for raising revenue, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. AUSTIN: A bill (H. R. 12281) authorizing the Tennessee Hydro Electric Co., its successors and assigns, to build, maintain, and operate dams across Clinch and Powell Rivers, in the State of Tennessee; to the Committee on Interstate and Foreign Commerce.

By Mr. DUPRÉ: A bill (H. R. 12282) to establish a Coast Guard station on the coast of Louisiana in the vicinity of Barataria Bay; to the Committee on Interstate and Foreign Commerce.

By Mr. CLINE: A bill (H. R. 12283) to further increase the efficiency of the Organized National Guard of the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. GLASS: A bill (H. R. 12284) to prevent usury, provide penalties for its violation, and for other purposes; to the Committee on Banking and Currency.

By Mr. CARAWAY: A bill (H. R. 12285) authorizing the establishment of rural routes in the United States, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. NEELY: A bill (H. R. 12286) granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War; to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 12287) to secure to the United States a monopoly of electrical means for the transmission of intelligence for hire, to provide for the acquisition by the Post Office Department of the telephone networks, and to license certain telephone lines, radio and telegraph agencies; to the Committee on the Post Office and Post Roads.

By Mr. CARTER of Oklahoma: A bill (H. R. 12288) to provide for building levees on Red River; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12289) to refund the cotton tax collected; to the Committee on Appropriations.

By Mr. RANDALL: Joint resolution (H. J. Res. 166) favoring the manufacture of gasoline by the Government and its sale at cost; to the Committee on Interstate and Foreign Commerce.

By Mr. MOON: Resolution (H. Res. 149) authorizing the consideration of certain new legislation in H. R. 10484, a bill making appropriations for the support of the Post Office Department for the fiscal year 1917; to the Committee on Rules.

By Mr. BRUCKNER: Memorial of Legislature of New York, requesting Congress to vote against the proposed Federal inheritance tax and to devise some other suitable means for the needs of the National Treasury; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island: Memorial of the Rhode Island General Assembly, urging upon the Congress of the United States of America the duty of adequately increasing the military and naval forces of this Government; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 12290) for the relief of Leroy P. Walker, sole heir at law of Eliza D. Walker and L. P. Walker, her husband; to the Committee on Claims.

By Mr. ANTHONY: A bill (H. R. 12291) granting a pension to McCullough Talley; to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 12292) granting a pension to Nannie A. Hill; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 12293) granting a pension to Byron A. Wood; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 12294) granting a pension to Amos C. Emahiser; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 12295) granting an increase of pension to Mary E. Calhoon; to the Committee on Invalid Pensions.

By Mr. CRISP: A bill (H. R. 12296) granting a pension to Orilla F. Porter; to the Committee on Invalid Pensions.

By Mr. CROSSER: A bill (H. R. 12297) granting an increase of pension to Andrew Kinkade; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 12298) granting a pension to James A. Padgett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12299) granting an increase of pension to Reuben Hunt; to the Committee on Invalid Pensions.

By Mr. DECKER: A bill (H. R. 12300) granting a pension to Mary N. McCollough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12301) granting a pension to Winny F. Collier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12302) granting a pension to William Higombottom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12303) granting a pension to John E. Tingley; to the Committee on Pensions.

Also, a bill (H. R. 12304) granting an increase of pension to Sarah A. Lofton; to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 12305) granting a pension to Sophia Weiderman; to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 12306) granting an increase of pension to Henry C. Golden; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 12307) granting an increase of pension to Andrew Manuel; to the Committee on Pensions.

Also, a bill (H. R. 12308) for the relief of Frank S. Ingalls; to the Committee on Claims.

By Mr. HAWLEY: A bill (H. R. 12309) granting an increase of pension to Virginia Applegate; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 12310) granting a pension to George Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12311) granting a pension to Mary E. Kures; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12312) granting a pension to Charles P. Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12313) granting a pension to Marietta Z. Simonson; to the Committee on Pensions.

Also, a bill (H. R. 12314) granting an increase of pension to Leonard T. Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12315) for the relief of Coles Abrams, alias Charles H. Smith; to the Committee on Military Affairs.

Also, a bill (H. R. 12316) for the relief of Gilbert H. Conklin; to the Committee on Military Affairs.

Also, a bill (H. R. 12317) for the relief of Stephen J. Haff; to the Committee on Military Affairs.

Also, a bill (H. R. 12318) for the relief of David Andrew Hopkins; to the Committee on Military Affairs.

By Mr. HUMPHREY of Washington: A bill (H. R. 12319) granting an increase of pension to James Baker; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 12320) granting a pension to E. L. Caie; to the Committee on Pensions.

Also, a bill (H. R. 12321) granting an increase of pension to David R. Totten; to the Committee on Invalid Pensions.

By Mr. KELLEY: A bill (H. R. 12322) granting an increase of pension to Margaret O'Leary; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 12323) granting a pension to Ingoald Rugg; to the Committee on Pensions.

Also, a bill (H. R. 12324) granting a pension to Mary L. Hall; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 12325) granting an increase of pension to Jacob E. Keister; to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 12326) for the relief of the legal representatives of Burgess Hammond, deceased; to the Committee on War Claims.

By Mr. LINDBERGH: A bill (H. R. 12327) granting an increase of pension to Maggie S. Wade; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 12328) granting an increase of pension to George W. Arbogast; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12329) granting an increase of pension to William F. Harrold; to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 12330) granting a pension to Anna J. Mellstrup; to the Committee on Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 12331) granting an increase of pension to Milton W. Burnham; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 12332) for the relief of Francis M. Watrous; to the Committee on Military Affairs.

By Mr. OAKEY: A bill (H. R. 12333) granting an increase of pension to Jane E. Steed; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 12334) granting a pension to Thomas E. Tanner; to the Committee on Pensions.

By Mr. ROUSE: A bill (H. R. 12335) granting a pension to Mary Agnes Ryan; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 12336) granting a pension to Barbara Morrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12337) granting an increase of pension to Calvin Hedgpeth; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 12338) granting a pension to Sophronia J. Dyer; to the Committee on Pensions.

Also, a bill (H. R. 12339) granting an increase of pension to Robertson S. Allen; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 12340) for the relief of the estate of H. Seidensticker; to the Committee on Claims.

By Mr. SLOAN: A bill (H. R. 12341) granting an increase of pension to Edmond V. Moore; to the Committee on Invalid Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 12342) granting an increase of pension to Elizabeth J. Frush; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Nebraska: A bill (H. R. 12343) granting an increase of pension to Charles Kinne; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 12344) granting an increase of pension to Thomas F. Nolan; to the Committee on Pensions.

Also, a bill (H. R. 12345) granting an increase of pension to Manora Rayner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12346) granting an increase of pension to Elbridge Jacobs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12347) granting an increase of pension to Julia Dumas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12348) granting an increase of pension to Marion E. Laird; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12349) granting an increase of pension to Verona Thurber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12350) granting an increase of pension to Louise H. Crombie; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Arkansas: A bill (H. R. 12351) for the relief of the estate of William A. Crawford; to the Committee on Claims.

By Mr. TILLMAN: A bill (H. R. 12352) granting a pension to Hardin Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12353) granting a pension to Garfield Lay; to the Committee on Pensions.

Also, a bill (H. R. 12354) granting an increase of pension to Mrs. L. T. Rude; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12355) granting an increase of pension to Charles P. Marr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12356) granting an increase of pension to George W. Harrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12357) granting an increase of pension to Luther Beal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12358) granting an increase of pension to John Bingman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12359) granting an increase of pension to Robert A. Houston; to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 12360) granting a pension to Charlie Forbes; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 12361) granting an increase of pension to Jefferson O'Hara; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial urging adoption of constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. AYRES: Petition of citizens of Wichita, Kans., protesting against proposed law requiring stamps to be placed on bank checks; to the Committee on Ways and Means.

By Mr. AUSTIN: Petition of citizens of Greenback, Tenn., in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of First Methodist Episcopal Church of Inskip, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BARNHART: Petitions for passage of prohibition amendment by citizens of South Bend, Rochester, Middlebury, Elkhart, Bourbon, Winona Lake, Warsaw, Plymouth, Syracuse, and Princeton, Ind.; to the Committee on the Judiciary.

By Mr. CARY: Petition of Jewish Immigration Aid Society of Milwaukee, Wis., and Jewish Congress Association of Milwaukee, Wis., protesting against the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. CHARLES: Petition of various residents of Schenectady, N. Y., favoring a report on the measures to place an embargo on arms; to the Committee on Foreign Affairs.

Also, memorial of Rural Free Delivery Carriers' Association of Montgomery and Fulton Counties, N. Y., favoring enactment of legislation to better their condition; to the Committee on the Post Office and Post Roads.

Also, memorial of Albany (N. Y.) Society of Engineers, favoring national preparedness; to the Committee on Military Affairs.

By Mr. CULLOP (by request): Petition of First Methodist Episcopal Church of Linton, citizens of Plainville, citizens of Mooresville, and 44 voters of Bogards Township, all in the State of Indiana, praying for national prohibition constitutional amendment; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of the Merchants' Association of New York, in regard to railway mail pay; to the Committee on the Post Office and Post Roads.

Also, petition of legislative committee of the Alliance-Sebring Central Labor Union, of Alliance, and Cleveland Federation of Labor, of Cleveland, Ohio, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Illinois State Federation of Labor, of Chicago, Ill., favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. DALLINGER: Petition of the Presbytery of Boston, Mass., praying for national prohibition; to the Committee on the Judiciary.

Also, petition of Cambridge Branch of the Massachusetts Antisuffrage Association, against woman suffrage; to the Committee on the Judiciary.

By Mr. DARROW: Petition of Woman's Section of the Navy League of the United States, Philadelphia branch, and assembled patriotic societies of America, citizens of Philadelphia, Pa., favoring adequate national defense; to the Committee on Naval Affairs.

Also, petition of Men's Bible Class of the Second Baptist Church of Philadelphia; Chestnut Hill Baptist Church, of Chestnut Hill; and 15 citizens of Chestnut Hill, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DILL: Memorial of Legislative Federation of King County, Wash.; Seattle Union Card and Label League; Seattle Federation of Women's Clubs; Seattle Good Government League; Seattle Federation of Woman's Christian Temperance Union; North End Progressive Club, of Seattle; and 50 other citizens, to repeal section 3 of the expatriation act of 1907 and to amend the Constitution of the United States, forbidding expatriation or naturalization of any citizen on account of marriage; to the Committee on the Judiciary.

By Mr. DOOLITTLE: Petition of sundry citizens of Wabaunsee County, Kans., urging a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DUNN: Petition of A. W. Watkins and others, of East Rochester, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Petition of Louis F. Frome and 17 other residents of Colby, Wis., protesting against the passage of Senate bill 901 and House bills 26, 677, 6823, and 6871, regarding prison-made goods; to the Committee on Labor.

By Mr. FESS: Petition of citizens of Lafayette; Lagonda Avenue Congregational Church, of Springfield; Methodist Episcopal Church of Springfield; 27 citizens of Bellefontaine; Methodist Episcopal Church of South Charleston; and 25 citizens of Springfield, all in the State of Ohio, praying for national prohibition constitutional amendment; to the Committee on the Judiciary.

By Mr. FLYNN: Petition of Central Labor Union of Alliance, Ohio, and Cleveland Federation of Labor, in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of the Merchants' Association of New York, in re national defense; to the Committee on Military Affairs.

By Mr. GALLIVAN: Petition of Henry L. F. Naber, of Boston, Mass., favoring an embargo on arms and ammunition; to the Committee on Foreign Affairs.

By Mr. GARRETT: Petition of Lumberman's Club of Memphis, Tenn., favoring legislation for development of a merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of Methodist Episcopal Church South of Union City, Methodist Sunday School of Kenton, men's class of Methodist Church of Dyerburg, and Sunday School of the Methodist Episcopal Church South of Union City, all in the State of Tennessee, praying for national prohibition; to the Committee on the Judiciary.

By Mr. GARNER: Memorial of National Legislative and Information Bureau of Railway Conductors, in re clearance bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of State executive committee, Farmers' Union of Texas; Girvin Local, Farmers' Union of Texas; Postoak Local, No. 199, Farmers' Union of Texas; and Blossom Local, Farmers' Union of Texas, in re United States cotton-futures act; to the Committee on Agriculture.

Also, petition of Central Labor body of Kingsville, Tex., and Alliance-Sebring Central Labor Union, of Alliance, Ohio, in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorials of Chicago Federation of Labor, of Chicago, Ill.; Iron City Central Trades Council, of Pittsburgh; Building Trades Council of Dallas and vicinity; Order of Railway Conductors of Kingsville, Tex., in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. GORDON: Petition signed by 1,032 citizens of Cleveland, praying for enactment of House bill 558; to the Committee on Immigration and Naturalization.

By Mr. HAMLIN: Papers to accompany House bill 4210, for relief of Savilla Milligan; to the Committee on Invalid Pensions.

By Mr. HAMILTON of New York: Papers to accompany House bill 12075, granting a pension to Olivia Pattison; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 12076, for relief of Catherine Lawrence; to the Committee on Invalid Pensions.

By Mr. HAWLEY: Petition of citizens of Independence, Oreg., praying for a national prohibition constitutional amendment; to the Committee on the Judiciary.

By Mr. HAYES: Petition of Young People's Society of Santa Clara Baptist Church, of Santa Clara, Cal., and the Free Methodist Church of California, praying for national prohibition constitutional amendment; to the Committee on the Judiciary.

By Mr. JACOWAY: Petition of various citizens of Russellville, Ark., protesting against compulsory Military training in the United States; to the Committee on Military Affairs.

By Mr. KIESS of Pennsylvania: Petition of citizens of Muncy, Pa., and Methodist Episcopal Church of Muncy, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KEISTER: Memorial of Westmoreland County Ministerial Association, Greensburg, Pa., and Presbyterian congregation of Avonmore, Pa., for an amendment to the Federal Constitution prohibiting polygamy and polygamous cohabitation; to the Committee on the Judiciary.

Also, petition of a singing society of New Kensington, Pa., against national prohibition; to the Committee on the Judiciary.

Also, petition of German Beneficial Union of New Kensington, Pa., praying for an amendment to the naturalization laws; to the Committee on Immigration and Naturalization.

Also, petition of United Brethren Church of New Florence, Presbyterian Sunday School of New Florence, Methodist Episcopal Church of New Florence, citizens of Mount Pleasant and Barnesboro, all in the State of Pennsylvania, praying for national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, memorial of Ministerial Association of New Kensington, Pa., and citizens of Vandergrift, Pa., urging the passage of a resolution amending the Federal Constitution to prohibit polygamy and polygamous cohabitation; to the Committee on the Judiciary.

Also, petition of 8 citizens of New Kensington, Pa., in re foreign relations; to the Committee on Foreign Affairs.

Also, petition of citizens of Leechburg and vicinity, Pa., for a Christian amendment to the Constitution; to the Committee on the Judiciary.

By Mr. KENNEDY: Petition of 27 voters of Providence, R. I., favoring national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of 29 voters of Smithfield, R. I., for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. LAFEAN: Memorial of membership council Chamber of Commerce, Montgomery, Ala., favoring repeal of Federal and State oleomargarine laws; to the Committee on Agriculture.

Also, memorial of Adams County Memorial Association, of Illinois, in re pensions; to the Committee on Pensions.

Also, memorial of Men's Club of Wayne, Delaware County, Pa., favoring preparedness; to the Committee on Military Affairs.

Also, petition of Illinois State Federation of Labor, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. LIEB: Petition of Central Labor Union of Evansville, Ind. (Mr. W. E. Teeman, president; Mr. W. Francis Jans, secretary), protesting against the passage of the Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

Also, petition of R. M. Munford, S. H. Fettinger, J. A. Sprawl, Rev. Morris Watson, Clarence Duncan, and 125 other citizens

of Princeton, Md., favoring the speedy passage of the Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

By Mr. LONDON: Petitions indorsing House joint resolution No. 38, calling upon the President to convene a congress of neutral nations to offer mediation to the nations at war, from Workmen's Circle, Branch 459, Chicago, Ill.; United Brotherhood of Carpenters and Joiners, Local 504, Chicago, Ill.; Local Portland, Socialist Party, Portland, Me.; Socialist Party of Sioux City, Iowa; United Cloth Hat and Cap Makers' Union, Local 8, Baltimore, Md.; Owruczer Unterstoetzungs Verein, Chicago, Ill.; and Ezra Society, Chicago, Ill.; to the Committee on Foreign Affairs.

By Mr. LOUD: Papers to accompany House bill for relief of Anna Meilstrup; to the Committee on Pensions.

By Mr. McCLINTIC: Petition of sundry citizens of the State of Oklahoma, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MAPES: Petition of Veteran Lodge, No. 999, International Order Good Templars, of Soldiers' Home, Michigan, in favor of prohibition; to the Committee on the Judiciary.

By Mr. MILLER of Delaware. Papers to accompany House bill 11214, for relief of John E. Louer; to the Committee on Pensions.

Also memorial of Isenberg Bedding Co., of Wilmington, Del., indorsing House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

By Mr. MORIN (by request): Petition of Cortland Whitehead, bishop of Pittsburgh, Pa., in reference to foreign relations; to the Committee on Foreign Affairs.

Also (by request), memorial of Iron City Central Trades Council, of Pittsburgh, Pa., indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also (by request), petition of W. M. Reid, of Pittsburgh, Pa., in re bonding of postal employees; to the Committee on the Post Office and Post Roads.

Also (by request), memorial of B. Nicoll & Co., of Philadelphia, Pa., favoring an increased appropriation for use of the American Manufacturers Export Association; to the Committee on Appropriations.

Also (by request), memorial of Allegheny Section 1, Germania Lodge No. 568, D. O. H. Society; Germania Lodge No. 568, D. O. H., of McKees Rocks; International Union of the United Brewery Workmen of America, Local Union No. 67, of Pittsburgh, all in the State of Pennsylvania, protesting against any prohibition legislation; to the Committee on the Judiciary.

By Mr. NEELY: Petitions of resident citizens of Rivesville; Methodist Protestant Church of Clarksburg; citizens of Cameron; Salem Baptist Church, of Salem; 35 citizens of Salem; 17 voters of Wheeling; North Street Methodist Episcopal Church, of Wheeling; voters of Wheeling; and Zane Street Methodist Episcopal Church, of Wheeling, all in the State of West Virginia, in favor of national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. NORTH: Memorial of citizens of Leechburg, urging legislation to prevent the practice of polygamy within the United States, Rev. Thomas Charlesworth, president of the mass meeting; to the Committee on the Judiciary.

Also, petition of Arthur C. De Mott and 26 citizens of Brookville; 72 citizens of Clarion; 24 citizens of Knox; 28 voting citizens of Saltsburg and Nowrytown; 24 voting citizens of Apollo; First United Presbyterian Church; 26 citizens of Leechburg; Presbyterian Church of Freeport; Presbyterian voters of Ford City; Rev. D. E. Magill and 18 citizens of Homer City; 65 citizens of Arcola, all in the State of Pennsylvania, praying for national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, petition of Rev. B. W. Hutchinson and 300 citizens of Indiana; citizens of Cherry Tree; citizens of Saltsburg; First United Presbyterian Church of Leechbury; First Presbyterian Church of Ford City; the Sabbath School of the United Presbyterian Church of Homer City; Rev. R. E. McClure; and United Presbyterian congregation of Blairsville, all in the State of Pennsylvania, praying for prohibition constitutional amendment; to the Committee on the Judiciary.

By Mr. OAKEY (by request): Petition of First Congregational Church, of Vernon, Conn., for national prohibition; to the Committee on the Judiciary.

By Mr. OVERMYER: Petition of Louis Fiesinger, of Norwalk, Ohio, favoring pensions for the Eighth Regiment O. V. V. I. and evidence; to the Committee on Invalid Pensions.

By Mr. PRATT: Petition of Mr. A. E. Williams, of Elmira, N. Y., protesting against any sort of preparedness; to the Committee on Military Affairs.

Also, petition of Mr. F. J. Whiton, 148 West Seventy-sixth Street, New York City, protesting against the adoption of the McLemore resolution or any similar resolution; to the Committee on Foreign Affairs.

Also, petition of the Business Men's Association, of Elmira, N. Y., favoring the passage of a bill providing for a 1-cent drop-letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens, of Rexville, N. Y., opposing the passage of the Moon bill regulating railway-mail pay; to the Committee on the Post Office and Post Roads.

Also, petition of Friendly Boot & Shoe Co., of Elmira, N. Y., protesting against the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of sundry citizens of Greenwood, N. Y., opposing the passage of the Moon bill for the regulation of railway-mail pay; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Canisteo, N. Y., opposing the passage of the Moon bill for the regulation of railway-mail pay; to the Committee on the Post Office and Post Roads.

By Mr. ROWE: Petitions of National Federation of Post Office Clerks and Paving Cutters' Union of Albion, N. Y., indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of James Olwell & Co., of New York, Central Federated Union of New York, and the United Liquor Dealers' Association of New York, protesting against prohibition legislation; to the Committee on the Judiciary.

Also, petition of Bard & Calkins, of New York, in re proposed lighting plant in Washington; to the Committee on the District of Columbia.

Also, petition of Gustav Kehr, of New York, and E. A. Tredwell, of New York, in re armed-ship matter; to the Committee on Foreign Affairs.

By Mr. RUSSELL of Ohio: Petitions of Ministerial Association of Piqua, Methodist Episcopal Sunday School of Troy, and 21 citizens of Troy, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petition of sundry citizens of Long Branch, in favor of reporting embargo resolution from Foreign Affairs Committee; to the Committee on Foreign Affairs.

Also, memorial of Local 460, I. L. A., of Chicago, Ill., favoring appropriation for United States harbor work on the Great Lakes; to the Committee on Rivers and Harbors.

Also, memorial of Second Ward Republican Club of Montclair, N. J., favoring preparedness; to the Committee on Military Affairs.

Also, petition of sundry citizens in favor of House bill 702, the dyestuff bill; to the Committee on Ways and Means.

By Mr. SHOUSE: Petition of 215 citizens of Ashland, Clark County, Kans., in favor of national constitutional amendment; to the Committee on the Judiciary.

By Mr. SMITH of Minnesota: Petition of the members of Aldrich Avenue Presbyterian Church, First Methodist Episcopal Church, and Lake Harriet Methodist Church, all of Minneapolis, Minn., for the passage of the Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

Also, petition of the members of the Windom Park Church, Temple Baptist Church, and the Augsburg Seminary, all of Minneapolis, Minn.; to the Committee on the Judiciary.

By Mr. SNYDER: Memorial of Herkimer (N. Y.) Business Men's Association, favoring the purchase of the battle field of Oriskany for a national park; to the Committee on Ways and Means.

Also, petition of various residents of Utica, N. Y., for the removal of the revenue tax on tooth paste; to the Committee on Ways and Means.

Also, memorial of Rome (N. Y.) Chamber of Commerce, favoring the budget system of appropriations; to the Committee on Appropriations.

By Mr. STINESS: Petition of Providence, Pawtucket, and Central Falls Carpenters' District Council, of Rhode Island, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, papers to accompany House bill 11607 for relief of Thankful Pendleton; to the Committee on Invalid Pensions.

By Mr. TEMPLE: Petition of Beaver County Branch of the National German-American Alliance, in support of House joint resolutions 14 and 81, Senate bills 3033 and 3034, and Senate joint resolutions 73 and 74, and House bill 6828; to the Committee on Foreign Affairs.

By Mr. WEBB: Petition of merchants in ninth North Carolina congressional district, in behalf of House bill 270, to provide for a tax on firms or corporations doing a mail-order business; to the Committee on Ways and Means.

SENATE.

SATURDAY, *February 26, 1916.*

(Legislative day of Friday, February 25, 1916.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Myers	Shields
Bankhead	Hollis	Nelson	Simmons
Beckham	Husting	Norris	Smith, Mich.
Brandegee	James	O'Gorman	Smith, S. C.
Catron	Johnson, Me.	Oliver	Smoot
Chamberlain	Jones	Overman	Sterling
Clapp	Kenyon	Owen	Stone
Clarke, Ark.	Lane	Page	Swanson
Colt	Lewis	Pittman	Tillman
Curtis	Lodge	Poindexter	Vardaman
Dillingham	McCumber	Robinson	Wadsworth
du Pont	McLean	Shafroth	Walsh
Gallinger	Martin, Va.	Sheppard	Warren
Gronna	Martine, N. J.	Sherman	Williams

Mr. STONE. I wish to state that the Senator from Delaware [Mr. SAULSBURY] is absent from the Senate on account of illness. I should like to have this announcement stand for the day.

Mr. WALSH. I wish to state that the Senator from Florida [Mr. FLETCHER], the Senator from West Virginia [Mr. CHILTON], and the Senator from California [Mr. WORKS] are absent in attendance upon a meeting of a committee of the Senate.

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present.

DEVELOPMENT OF WATER POWER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

Mr. NORRIS. I move to amend page 6 of the bill, beginning with the word "and," in line 23, striking out down to and including the word "grantee," in line 26. The language that I seek to strike out reads as follows:

> And in fixing such charges consideration shall be taken of the benefits accruing from the use and occupation of such lands to the interests of navigation, as well as to the business of said grantee.

Mr. President, since the amendment of the Senator from Montana [Mr. WALSH] was defeated yesterday it seems to me that this amendment, if the Senate desires to have any compensation whatever in any case paid to the Government, ought to prevail.

I wish to read that part of the bill down to and including the words I move to strike out, commencing with subdivision "(f)."

> (f) That such grantee in the construction, maintenance and operation of such dam or diversion structure and accessory works may, with the authority of the Secretary of War, occupy and use, to the extent necessary for the project, any lands of the United States, including the public lands; and any part of the public lands may, on certification by the Secretary of War that the same is required for navigation purposes, be withdrawn by the President for said purpose as provided in the act entitled "An act to authorize the President of the United States to make withdrawal of public lands in certain cases, approved June 25, 1910;" and for any land of the United States so used and occupied the grantee shall pay to the United States such reasonable charges based upon its value as land as may be fixed by the Secretary of War; and in fixing such charges consideration shall be taken of the benefits accruing from the use and occupation of such lands to the interests of navigation, as well as to the business of said grantee.

Had the amendment of the Senator from Montana prevailed, I would not have offered this amendment, but since the amendment of the Senator from Montana has not prevailed, the bill fixing a limitation of the charge that can be made fixes that limitation upon the land taken based upon its value as land, and then instructs the Secretary in the language I want to strike out that even with the value thus ascertained he shall also take into consideration the benefits that would accrue to the United States by reason of the improvement, if any, of navigation; in other words, that after he has ascertained what he will charge according to the rule laid down in the bill, the value of the land, it is a practical instruction to him to then deduct from that value whatever benefit may accrue to the United States in the way of improvement of navigation.

It seems to me, Mr. President, that unless the amendment I have offered prevails the result will be that in no case will there ever be a charge of anything under the bill. The Secretary of War is absolutely prohibited, in the first place, from making any charge that exceeds the value of the land which is taken as land and is then required to offset from that value any benefits that may accrue to the United States by an incidental improvement of the river for navigation purposes.

There is not any doubt, Mr. President, but what the land taken will always be comparatively small in value. There is not any doubt but what in practically, if not all the cases, there will be considerable improvement of navigation when the dam is built. Hence we might just as well say in this law that wherever they build a dam which will improve navigation—and that is the theory and the constitutional peg upon which the law is based—wherever any development is made that improves navigation there shall be no charge for the taking of any of the property of the United States. It does not make any difference whether this land is what is known as the public land or whether it is land that the Government of the United States has purchased, it can only be considered in so far as it is of value as land, and then from that value must be deducted the benefits, if any, and there will always be some, that will accrue to the United States in the way of the improvement of the navigability of the stream.

Mr. President, does the Senate of the United States want to do that? There is not much left, it is true; there would not be very much to pay at any time, since the amendment of the Senator from Montana has been defeated, because the value would always be small, the amount of land taken small, and while it might be in a city and very valuable, the Secretary can charge no more than what it is worth to raise corn and barley. That is the limitation. He can not go any higher.

Now, why not stop at that, if you are going to leave it that way? I am, of course, opposed to leaving it that way, but we have been fighting it over for three or four days, and those of us who think the value ought to be based upon the real value for any purpose to which it may be put were defeated, and there is no provision in the bill that he can ever go in the damages or charges higher than the value of the land as land. Why not stop there? Why should we go further, as this bill provides, and deduct from that small amount the accruing benefit in value that may arise from navigation?

Suppose, Mr. President, in any State of the Union some man wanted to build a gristmill. To do that under the laws of the State he has a right—I presume in every State—to dam up a stream to get power to run the wheels of the mill, and in damming up the stream, while the dam and the buildings might be located on his own land, it would overflow some of the neighbors' land. If the rule of damage that we have laid down in this bill were to prevail, this is what would happen: The court would instruct the jury of condemnation something like this. He would say, "Gentlemen of the jury, ascertain the value of this land that has been overflowed, find how much that land is worth as land, and then, after you have ascertained that amount, find out how much the building of this mill in his vicinity would improve and make more valuable the balance of the land that he owns." If he owned 150 acres of land, and the man who built the dam just below him overflowed by the construction of the dam 10 acres of his land, and the jury found that that land was worth $10 an acre, they would find so far that he was entitled to $100 damages. But under the instructions of the judge, if they had a law like we are trying to pass here, it would be their duty to ascertain how much the building of the mill in that vicinity had improved or increased the value of the balance of his land. He would have 150 acres more of land, and nobody will deny but that the building of the mill near him would improve the value of the balance of his land somewhat; and suppose the jury would say, "We think that the building of this mill has improved the balance of the land $1 an acre." Then they would say, "He is benefited $150; he has lost 10 acres, for which he is entitled to damages of $40; hence we can give him no damages, because in the aggregate the building of that mill has made money for him." Therefore the man who builds the dam and gets the power shall pay him nothing, although it is conceded that the improvement has taken 10 acres of his land. It would only be one step further for this bill to go to say that when the value of the increase in navigation exceeds the value of the land for land purposes, then the man who builds the dam shall be paid that excess; and then, in the case of the illustration I give, the jury would bring in a verdict of $110 against the man who lost his land. For the same reason, if he had to contribute to the building of the mill, every other man in the community would have to contribute. The result would be that those in the vicinity would pay for the building of the mill. The men who are going to contribute in tolls for the mill and make it profitable would pay the expense of its construction and its building. When they did that the other fellow would still own the mill. That is just one step further than we are going here, and it is the next logical step.

If the man who built this dam could have a right to set off against the value of the property that he takes the value of

the increase of navigation, then, if the value of the increase in navigation exceeds the value of the land that he takes as land, the Government ought to pay him the difference.

Why, Mr. President, if you were building a railroad through the country and you went through a section where there was not any railroad, let us say, for 40 miles, and you run that railroad along the edge of a man's farm and, let us say, you take 4 acres of his land, and when the railroad is built that man's farm will be worth more than it would have been if the railroad had not been built, under the theory of this bill in that kind of a case the State law ought to provide that when you find out how much land has been taken and then compute its value as land you should offset against that the increased value of the balance of his farm that has been increased by the construction of the railroad. If that were the theory of the law, there could be a railroad built anywhere in the United States without the cost of a cent for the right of way, and yet that is just what we are seeking to do by this bill.

Mr. CUMMINS. Mr. President——

Mr. NORRIS. I yield to the Senator from Iowa.

Mr. CUMMINS. Is it not true that substantially every State in the Union, in its laws for the taking of property for a public purpose, specifically provides that the benefits that the community, or any member of the community, shall derive from the building of the public utility, whatever it may be, shall not be taken into consideration to reduce the compensation?

Mr. NORRIS. I do not know of an exception, and I can not conceive of there being an exception, to that rule, I will say to the Senator. That rule of law is as old as are the law books. So far as I know this attempt here in this bill is the first attempt in civilization to change that rule.

Mr. HUSTING. Mr. President——

Mr. NORRIS. I yield to the Senator from Wisconsin.

Mr. HUSTING. I wish to ask the Senator from Nebraska whether it would not be entirely consistent, upon that theory, to enter a judgment in favor of the water-power owners for the amount of benefit received in excess of the value of the land taken?

Mr. NORRIS. I have said that that would logically be the next step. This bill does not provide for that; I am not claiming that it does; but it would be just as logical if it did. In other words, if the owner of the land, whether it be the Government or an individual, ought to pay for the general benefits that come from an improvement in the community, if he ought to pay a part of it, he ought to pay all of it. You can not get away from that; it will be perfectly logical.

Mr. President, I want to call your attention to another proposition. This bill does not provide alone for the public lands of the United States that may be taken. Ordinarily when we speak of the public lands we refer to the lands in the West or in localities where land is subject to be taken under homestead and various other laws providing for the taking of such land. This bill applies to any land that the Government may use. If there were a navigable stream close enough to the Capitol of the United States, where they could use the Capitol Grounds for the construction of a dam, they would be able under this bill, if the Secretary of War consented, to take the Capitol Grounds of the Nation. There could not be any doubt about it; and that is not so far off. We may see the time when we shall have such a navigable stream——

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield to the Senator.

Mr. POINDEXTER. The suggestion which the Senator from Nebraska has just made is borne out by the peculiar language of the bill, which allows them to take the land of the United States, including public lands.

Mr. NORRIS. Yes.

Mr. POINDEXTER. It makes a distinction between land in a general sense and public lands, evidently with the express purpose of allowing them to take lands held and used by the Government for some Government function.

Mr. NORRIS. The bill distinctly provides:

And for any land of the United States so used.

It does not have to be wild, open public land; it may be land within the limits of New York City or of Washington or of Philadelphia.

Mr. POINDEXTER. In line 13, on page 6, the Senator from Nebraska will notice this language:

Any lands of the United States, including the public lands.

It is a rather peculiar expression.

Mr. NORRIS. Of course there is a part of that language which applies only to the public lands, the part that I have read, but which I am not seeking to strike out, where it says: "On certification by the Secretary of War that the same is required for navigation purposes" any public lands may be withdrawn from entry, and so forth. Of course the only land that can be withdrawn from entry is the public land. The land, however, that can be taken is public land and any other land that the United States may own.

As I said a moment ago, while the Capitol Grounds, under present conditions at least, are not located close enough to a navigable stream so that they could be given away for this purpose, yet there are Senators here, I presume, who remember that not so many years ago there was a small stream of water that flowed through the Capitol Grounds across the street, near where the Peace Monument now stands, and then ran through what is now the Botanic Garden. When we were constructing Grant's Monument down there the workmen, in excavating the foundation, came into that old stream, and they had a great deal of trouble to get a good foundation. That is only about a mile away from the Potomac River; and as it has been filled in, it would not be half as far from reason to put into a river and harbor bill a provision to excavate that old stream from the Potomac River to the Capitol Grounds, as are a great many other items that always go into that famous bill to improve dry creeks and blowing sands. When that should be done that little stream would be navigable right to the foot of the Capitol; and if this bill becomes a law and is enforced and they have the right kind of a Secretary of War, he could give a water-power trust the right to dam that stream and use the Capitol Grounds. Probably one end of the dam would be just about where the Senator from Tennessee now sits. [Laughter.] And, Mr. President, when he did——

Mr. SHIELDS. Mr. President, I should like to ask the Senator a question.

Mr. NORRIS. In a moment I will yield to the Senator—when he did, the only thing that the United States would get, even if my amendment prevails, would be the value of the land where the Capitol stands as land—that is, what it is worth to raise potatoes on; and we know it is on the side of a hill and would not be very good soil. The result would be that the damages would be very small; but under this bill as it is, I know we would not even get that, because it would be said, "We will set off against that the benefits of navigation." I presume the value of the land where the Capitol stands for the purpose of raising barley or corn would not exceed forty or fifty dollars, and the Capitol would be in the way. The trees which have been planted here by our forefathers would have to be destroyed. We could not get anything for them, because they do not add to the value of this tract as land. The Capitol being located on it, does not make the soil any better than it would be if the Capitol were somewhere else, unless it be that being on a hillside, it has so far prevented the dashing rains from washing the soil away; but, under the provisions of this bill as it stands now, the Secretary could say to the water-power man, "The value of the Capitol Grounds, where the Capitol stands, is about $50. However, you have improved navigation to the amount of $500, so that I give it to you; take it, and God speed you on your way."

Mr. SHIELDS. Mr. President, I should like to ask the Senator if he is seriously apprehensive that we will have a Secretary of War who will grant the Capitol Grounds for a dam site?

Mr. NORRIS. I will say to the Senator that I do not believe that will ever happen; but, under this bill, if the tactics are followed which have often been followed in the past in regard to the improvement of navigable streams, that may happen. I am only telling the Senator the possibilities.

Mr. SHIELDS. I desired to ask the question because when the Senator first offered his amendment I thought he was serious, but from his argument I see he was merely humorous in the matter.

Mr. NORRIS. No; I am serious, I will say to the Senator; but the illustration I have used may have been a humorous one. I am, however, going to use additional illustrations. Nobody, of course, believes that that would happen; but it could happen. It would be possible, unless we change this bill, for that very thing to occur.

Mr. President, we have a beautiful Potomac Park right along the banks of the Potomac River—this is a suggestion that is not humorous—and if we had a Secretary of War who was willing to do it, he could grant to anybody under this bill, when it shall be enacted into law, the right to build a dam and overflow every foot of that land; and when it came to the assessment of damages they would be assessed under this law on that land as land.

The question would be asked, "How many potatoes will this land raise?" As the Senator from Iowa [Mr. CUMMINS] suggests, that would take in the Lincoln Memorial upon which we

are spending two or three million dollars. How much is the land worth as land where the Lincoln Memorial stands? Well, comparing the soil here with the kind of soil with which I am familiar at home, it is worth about 25 cents, and that is all under this bill that the Secretary of War would have a right to charge, and, then, if navigation were improved to any extent he would not even charge that.

Why, Mr. President, we have a bridge across the Potomac River, located in an elegant place for a dam, between the Virginia shore and Georgetown. Suppose this bill should pass and the Secretary of War should be willing, and some corporation comes along and says, "We are going to build a dam here right where that bridge stands." The Government owns a little piece of land, I presume, on each side of the river where the abutments of the bridge rest. It is on a sliding slope that would not raise white beans. As land it is not worth 2 cents, and I presume the Secretary of War would violate his duty if he charged a nickel for it as land; but that is all he could charge, and, then, against the 5 cents which he did charge, he would have to deduct for whatever benefits accrued to the river in the way of navigation.

Mr. President, the Senator from Utah [Mr. SMOOT] yesterday made some observations which, I presume, if I had made would have been commented upon as the ideas of a dreamer; perhaps it would have been said they were the notions of a reformer, or, perhaps, some would have said of an insurgent, or an anarchist, but, since the Senator from Utah gave utterance to them, they will command respect; and therefore I am perfectly safe in saying that I agree with what he said, and I want to carry out his illustration just a little further. He said that he believed it would not be many years until we would see such wonderful improvement in the development of hydroelectric energy that there would not be any transfer lines and copper wires to carry it from one place to another. Why, Mr. President, do you know we are on the verge of that kind of an era to-day? It may not come very soon, but it may possibly be here to-morrow morning. All that it requires is for some ingenious Yankee to invent a practical storage battery; and storage batteries have been constantly improved in the recollection of all of us every year until they have been so developed that for a great many purposes they constitute to-day the best form of power. It will not require many improvements in the storage battery until every stream that trickles down over the mountain side will be made worth millions, and that value ought to belong to all of the people. We ought to be careful now that we do not give away to corporations for a song the heritage that ought to belong to all.

Mr. President, when that time comes—and let me remind you that the Senator from Utah said it might come to-morrow—you will be able to take a little storage battery no larger than your suit case, and put enough power into it to run an automobile across a State. It will be possible to make electricity wherever a dam is located and put power into freight cars, to be transferred to other places, where it will be utilized to operate factories and do all kinds of manufacturing business. You will be able—and I remind you again this is the proposition of the Senator from Utah—to take a little satchel and go down to headquarters and have it filled with electricity, or perhaps to take a bottle the size of a beer bottle—and when we have enacted the bill which the Senator from Texas [Mr. SHEPPARD] has introduced, we will have lots of empty beer bottles, and they will be cheap—you can go down along the banks of the Potomac River, where some corporation under this bill has developed power, at the cost of the destruction of a bridge perhaps, or at the cost of the ruination of the Lincoln Memorial, and fill that bottle full of electricity, take it home, put it in your basement, and light your house for six months.

There is no end to the possibilities that may come. It is because of the wonderful possibilities that are just ahead that this is an important proposition; and that is the reason why I feel that it is a duty here to plead with Senators not to take away, by the provisions of this bill as it is now drafted, all possibility of the enjoyment of those benefits that should come to those who shall follow us, and give them away to corporations and water-power trusts, without any compensation and without any recompense.

Why, we have had a great many reports here from various departments showing how the water-power business is interlocked, the same as all other business; how it is connected up with financial interests in Wall Street; and at these hearings we have had men from all over the country, interested in great financial institutions, begging Congress to pass a bill similar to the one that has been introduced here. I am not finding fault with these gentlemen, but they are not here for philanthropic purposes. They are here for an honorable purpose, I concede. They are fine gentlemen, as a rule, as far as I know. I know of no exceptions. But, Mr. President, they are asking us to give to them and to their clients rights and privileges that we ought jealously to preserve for all of the people of the United States. Even though the improvement suggested by the Senator from Utah does not come, even though we go no further than we have gone now, why should we not conserve these rights while we have the power to do so by giving to the officials of the Government a power of regulation?

The Senator said: "Oh, any charge that is made for horsepower developed is going to be taken out of the consumer." I gave the other day, I think, a good many illustrations showing why that would not be true. In any case where it would be true, then the tax ought to be nominal only. But suppose we take one of the illustrations I have given, that of a man building a gristmill. Suppose he makes fertilizer out of the air. Is there any State body that has the power to regulate it? Suppose he makes flour. Suppose he grinds up wheat and puts flour on the market. Will the public-utility commission of the State where it is located fix the price of his flour? Will it not go out into competition with all other flour? And if he can get his power so cheaply that he can make a huge profit above those with whom he comes in competition who have to depend on other kinds of power, why should not we, on behalf of the people of the United States, compel him to pay a charge for that privilege—not high enough to keep him out of the business, not high enough to prevent him from cutting under the other fellow, even, but enough so that of the huge profit that would be made in that kind of a case those who own the site, the people of the country, shall get a part?

Mr. President, it may be said that in this amendment I am striking out language that gives the Secretary the right to consider the business of the grantee. The language I want to strike out is this:

> And in fixing such charges consideration shall be taken of the benefits accruing from the use and occupation of such lands to the interests of navigation as well as to the business of said grantee.

That language, "as well as to the business of said grantee," is of no more effect in here than the flowers than bloom in the springtime, because just ahead of that we have absolutely fixed the maximum amount that can be charged to the grantee. That maximum amount is a charge of the value of the land as land, and you can not go any higher. That is the extreme limit. So that language means nothing, amounts to nothing; but the other language that I seek to strike out does mean something. It is an absolute direction to the Secretary of War that he shall offset against the damages that he has found as the value of the land, as land, any benefits that may accrue to the public.

Mr. President, it is said—and the question was asked me by the Senator from Tennessee [Mr. SHIELDS]—"Will we ever have a Secretary of War who would do things of that kind?" For the sake of argument, let us admit, first, that we will not; and I hope we will not.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. I do.

Mr. CUMMINS. Before the Senator passes to that subject I should like to say that I was a little bit surprised to hear the Senator from Nebraska apparently admit that in granting permission to construct a dam in a navigable stream the Government could not make it a condition of the grant that the Government could regulate or fix the price of the power generated or the commodity created, whatever it might be. I know that it is a somewhat disputed proposition, but I have not been willing to admit that the United States could not make it a part of its contract with the permittee that the Congress of the United States could, by proper regulation, control the price.

Mr. NORRIS. The Senator from Iowa has evidently misunderstood me, or else I have not been very apt in the use of the language. I have said that under this bill that could not be done.

Mr. CUMMINS. I agree to that, Mr. President. There is nothing in this bill to enable him to do it.

Mr. NORRIS. That is what I say. I am discussing it as though this bill were the law. I believe Congress has the authority, and I believe we ought to exercise it, to give to the Secretary of War or any other public official that we empower to make these leases authority to demand a charge. I do not doubt at all that we can put any authority of that kind in the bill that we see fit; and I do not believe even those who deny its constitutionality believe it when they get down to the bottom

of it, because if they did they would not object to any provision of that kind, because it would not amount to anything if it was unconstitutional.

Mr. CUMMINS. I think the Senator still misunderstands me. I do not mean the charge that shall be made for the use of the property. I mean that the Government can be clothed with authority to regulate the price of the service rendered by the corporation to which the permission is given.

Mr. NORRIS. So do I. I agree to that fully. I have never intentionally said anything to the contrary; but this bill does not give him that authority. If this bill is passed, there will be no charge excepting the charge contained in this very provision that I am discussing, and I think I have demonstrated that that will always be nothing. If this provision is not changed, I want to assert now that in my judgment there never will be a single dam built on a navigable stream where the Government of the United States will get one cent for any land that may be taken, whether it is Potomac Park, whether it is the Capitol Grounds, whether it is the abutment of the Potomac River bridge, or whether it is part of the public property of the United States in any city in the United States; because, in the first place, the maximum amount that could be assessed would be the value of the land taken as land, and then they would offset against that whatever improvement might have been made in the navigation of the stream.

When the Senator from Iowa interrupted me I was about to discuss the suggestion that came to me when the Senator from Tennessee asked me the question whether I thought the Secretary of War would do this. Suppose we admit, for argument's sake, that we never will have a Secretary of War that will do such a thing. Is that any reason why we should give him the power to do it if he wants to? Why should we give him a power that nobody ever wants him to exercise? Why should we say to the Secretary of War in this bill, "You can practically confiscate any property of the United States that is within reach of a navigable stream, but we hope you will not do it"? What kind of a position is the Congress of the United States in when it passes a law that every honest man hopes never will be put into force? If we do not want the Secretary of War to do that, then why give him the power to do it?

But let us see, Mr. President. Perhaps we never would have a Secretary of War that would go so far as I have indicated, but we will have many and many a Secretary of War who will go a great deal further than any honest citizen will want him to go, and he may do so honestly; and I would not impute any dishonesty to the President who appointed him, either. He might be entirely innocent. But suppose the development spoken of by the Senator from Utah should come about. Everybody believes there will be improvement in electricity; but even if there is not, if it stands as it is to-day, and we pass this bill as it is now without amendment, and the great water-power interests, connected up with the financial interests through interlocking directories, start in to build dams and make electricity, there will be millions and millions of profit in it, and if this bill is not changed and any man or any corporation gets a right under this bill it will, in my judgment, for all practical purposes, be in perpetuity. That will invite men with millions, men with influences in every nook and corner of the United States, to enter into a grand rush to get possession of the navigable streams.

Mr. KENYON. Mr. President——

Mr. NORRIS. I yield to the Senator from Iowa.

Mr. KENYON. Was the Senator in the Chamber yesterday when the Senator from Washington [Mr. JONES], who favors this bill, admitted that this meant practically perpetual franchises?

Mr. NORRIS. I was not in the Chamber, but I understand he made that admission.

Mr. KENYON. He did make that admission, and I think the Senator will agree that that is true under this bill.

Mr. NORRIS. I think so.

Mr. KENYON. It would be just as well to say so as to surround it with this kind of language, which means the same thing.

Mr. NORRIS. Yes; I think so. Now, I understand some other Senators do not agree with that. They may be perfectly honest in it. When the time comes we will discuss that. That will come in section 6. I have an amendment to strike it out and put in a different section, and I am going into it at that time. It is sufficient now for me to say that, in my judgment, that is what the bill means—a right in perpetuity; and that is a long time, Senators. It will be a good while. We are giving away rights that will exist a good while after we are gone and forgotten. That might be true if we did not give them for longer than 50 years, for all I know, and probably would, for most of us.

But when I was interrupted by the Senator from Iowa I was speaking about the great power of those that would be interested in the development of navigable streams if they had to pay nothing and got rights in perpetuity, and their influence over the United States. How long will it be before they will be nominating Presidents? How long will it be before they will be financing presidential campaigns? To get the right kind of a Secretary of War would be the only thing they would want, and that is not much to ask of an incoming administration. It would not be done by saying to the President, "Here, we want this man appointed as Secretary because we own him." Everybody knows they would not take that course; but from every congressional district, from every State, would come influences through the Representatives, through the Senators, through chairmen of political committees, recommending this or that man to be appointed by the incoming President as Secretary of War; and the President would, perhaps, innocently make the appointment.

It is said that the President could remove him, which is true; but all these things would not be done at once. They would not start out in the open and let the people know what they were doing. They would do it at a time like the present, when the entire country is thinking about war, or at some other time when the public mind was completely taken up with the consideration of some all-absorbing subject.

The people of the United States are not thinking about water power now. We can take away every right they possess and they will not find it out for a long time. All the people in the eastern half of the United States are praying every night, before they go to bed, that God will protect them from capture before morning by the Germans; and over in California they are scaring the little children to sleep with the idea that the Japs will get them "if they don't watch out." We are talking about militarism. The entire country is worked up about military preparedness, and, like the Senate of the United States, they are not paying much attention to water-power development—because I am talking now to practically empty seats. Senators have no interest in it; the people have not any interest in it; and that is the kind of a time when the unseen Government gets in its work. While we scare the people of one section of the country with some hullabaloo, and the people of some other section with some other imaginary thing, and while they have ceased to watch, the special interests will steal the platter clean. This bill gives them an opportunity to do it; and if we pass this bill without amendment, in my humble judgment, we will find that these valuable rights belonging to posterity will have been frittered away for a song, and the song not sung.

Mr. President, it seems to me it comes down to this proposition: We have gone so far in this bill as to decide that any man who gets a water-power right here will have to pay nothing unless he takes some Government land, and if he takes any Government land he will only have to pay what it is worth as land; and then offset against that, that if he improves navigation he will get credit for the value of such improvement. The result is that in no case will anybody pay anything. The power of regulation, the power of control, is absolutely gone, turned over to private corporations, without any string tied to it, for them to enjoy now and forever.

Mr. SHAFROTH. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. SHAFROTH. Does not the Senator recognize that the cost of these improvements to the private corporation, amounting to perhaps millions of dollars, directly for the benefit of the Government in improving navigation, is some compensation that the Government gets?

Mr. NORRIS. Yes.

Mr. SHAFROTH. Does not the Senator further recognize that notwithstanding what control the Government might be entitled to, and I think it is entitled to none so far as regulation is concerned because the Government does not own the water—it has no right to control it in that respect—does not the Senator recognize that we have public-utility commissions in every State in the Union, and that consequently wherever these plants are located they are subject to be controlled as to rates and service, and that the people of the communities have a more direct interest in having cheap rates than has the Government of the United States?

Mr. NORRIS. In the first place, I have gone over the rate question fully before when I think the Senator was not here. Of course I do not agree with him at all. I do not want to levy a charge where that charge would be added to what the consumer has to pay, and I have given many illustrations—I do not think the Senator would expect me to go over them again now—

where, in my judgment, it would not apply at all. A day or two ago I read from the Secretary of the Interior showing where I think he illustrates and demonstrates that in some cases there ought to be practically no charge whatever and in other cases there ought to be a stiff charge.

The Senator has used the old argument that there are utility commissions to regulate charges. Mr. President, there are a good many reasons why we should not submit to the regulation of utility corporations if we can retain in the Federal Government the power to regulate also. In the first place, the public utility commissions often do not regulate. They have one in Washington which has been in force and in office for several years, and they have not regulated anything yet. It may be that they will some time. I have faith in them. I think they are earnest, honest men; but the report, for instance, of the gas company, as it was shown here on the floor of the Senate, made a per cent running as high as 50 and 60 per cent upon the actual cash capital paid in in dividends, and a mathematical demonstration was made here on the floor of the Sente that from their own report, taking their own figures a year or so ago, if a reduction had been made of gas to 70 cents they would still have made, as I remember it, somewhere between 12 and 15 per cent upon a capitalization one-half of which was water. There is no regulation about it. We can not get it through the Senate, because it is subject to a point of order. Any bill introduced on that subject goes to the Committee on the District of Columbia, and they do not meet——

Mr. SHAFROTH. Is there a commission in the District of Columbia that has the power to reduce rates?

Mr. NORRIS. I think so. That is always offered as an excuse when any bill is presented to reduce rates.

Mr. SHAFROTH. I am not certain, but I think it lies in Congress to do that.

Mr. NORRIS. It lies in Congress; there is not any doubt about that.

Mr. SHAFROTH. If it lies in Congress——

Mr. NORRIS. Congress provided for a commission and gave it authority to regulate rates.

Mr. SHAFROTH. That may be; and if Congress will not reduce these rates, you had better say that it is harder to get Congress to move in the line of the people than would be commissions that are appointed, at least in my State.

Mr. NORRIS. I do not know. I am not criticizing any commission, as far as I am concerned. I do say that often they do not regulate, and I have given an illustration of what I believe to be a good commission that has not so far regulated. But the Senator says they will always regulate. Suppose the Senator from Colorado and myself organized a corporation, after this bill is passed, and we went over here on a river that is navigable and built a dam there under this law to make flour. We have a right to do that. The Secretary of War has the right to give us that privilege. We put up a gristmill. We make flour. Does the Senator know of any public-utility commission that will fix the price of that flour for us? Does he know of any utility commission in any State of the Union that would tell us how much we had to charge for the flour when we made it? Would not that flour come in competition and sell as best it could, according to its merits and the supply and the demand of the market? If we could make 100 per cent, would we not do it?

Suppose we entered another navigable stream and organized another corporation. We wanted to make nitrate. That is something that is talked about a good deal now. We invested a whole lot of money and made nitrate. Where is there a public utility commission that would regulate it? Is there any? I wish some Senator would point it out if there is. Who would tell us what we would have to ask for our nitrate? Would we not sell it for every dollar we could get? We come in competition with other nitrate producers and dealers, and the price would be fixed according to that, and if we were able to make 100 per cent we would be justified in doing it.

Now, would it not be better to give to the Secretary of War the right to say, if you are going to produce this product or that product and will sell it for a certain price the charge will be practically nothing; if you are going to keep the price away up, then the charge is going to be greater? Of course, under this bill that could not be done, because, as I said awhile ago, the limitation is fixed on the value of the land that is taken. He has no authority to charge us anything if we do not take any of Uncle Sam's property, and when we take Uncle Sam's property he gives that to us, only you have to go through a roundabout way to have it accomplished.

Mr. SHAFROTH. The Senator says that a man manufactures flour and the public-utility commission can not regulate the price of flour. That is true. We have a system in this country of letting private competition control in regard to that. If you make the means of getting these water-power sites too costly you will find that it will be reflected in the price of flour.

Mr. NORRIS. Now, that is true. I admit that. I agree with the Senator fully.

Mr. SHAFROTH. Let me call the attention of the Senator to our theory of government. It is that when a man manufactures something for private consumption not the subject of a public utility the Government must rely upon the individuals to make competition, and the more water-power plants there are to turn gristmills the cheaper flour will be.

Mr. NORRIS. Exactly.

Mr. SHAFROTH. They will compete with each other and thereby produce the low price of flour. If that will not do it and monopoly still exists, coal can be used in the turning of the wheels by steam, and thereby it will produce. Consequently the imagination which the Senator has is met by the fact that the people compete with each other and thereby the price of flour will be reasonable.

Mr. NORRIS. If the Senator's argument is logical, then it is an argument against any public-utility corporation or any regulation by law of anything in any place by anybody.

Mr. SHAFROTH. Oh, no.

Mr. NORRIS. Yes. What is your public-utility corporation for? Why not say, in the Senator's own words, we are going to come into competition with others; it will regulate itself. We know that combinations of men and of corporations increase prices unreasonably, and that they place burdens which are unreasonable upon the backs of the consumers in all products, if they get a chance.

Mr. SHAFROTH. Yes; those combinations ought to be prohibited, and they are prohibited. They should be prosecuted if combinations are formed in restraint of trade, and they will be. So far as the control of public utilities is concerned, the public-utility commissions of the United States are doing most wholesome work in every respect, much more so than the Federal Government is attempting to do. Take the railroad question that was up. The Senator knows that the State of Kansas passed a 2-cent law. I think the State of Nebraska did that. They are attempting to urge it; but we have not found any action on the part of the United States Government that has a tendency in that direction. The truth of the matter is that the State legislatures and the State officers are nearer to the people who are to pay for these things than is Congress, and consequently they will guard the interests of the people better than could be done by acts of Congress.

Mr. NORRIS. As I said before, I have not anything to say against State utility corporations and commissions. They have done a great deal of good. I would not abolish them by any means. But that is not any reason why when we have the power, because we own the land upon which the dam is to be built, we should not hold the hand of regulation over them and prevent monopoly and extortion.

I think I have fully answered the Senator's suggestion from the fact that the powers granted under this bill will be utilized lots of times to make things over which the public-utility corporations will have nothing whatever to do, and in cases where they do they will circumvent them in various ways. If we were going to organize a corporation to sell electricity, we would probably organize a corporation to build a dam. We would organize another corporation to build transmission lines, and then perhaps we would lease that transmission line to another corporation, and that corporation would buy electricity at the dam, and they would take it to some other place, to some city or in the vicinity of some city, and sell it to some other corporation which would distribute it. In the meantime they may have to cross a State line. The corporation that was to be regulated in the Senator's State would have to buy electricity, perhaps, over in another State, and this utility corporation could not regulate the one over in the other State. They would not fix the price at which they might sell it. Perhaps that corporation would by its electricity of another corporation in still another State, and so you would go.

Mr. SHAFROTH. But that can be regulated by the Interstate Commerce Commission.

Mr. NORRIS. I know it can. All those things can be done, but they are hardly practicable. We have the power here at the very inception, right where the power is made, to say to the man, "We are going to see that no useless middlemen have their corporations organized here, and that you are dealing right with the consumers of this electricity that you develop on our land," and I think we ought to do it.

Mr. SHAFROTH. Mr. President, does not the Senator recognize that the charge which the Government might make of anything especially above the value of that which the enterprise

receives is going to be reflected in the rates that are to be charged upon the consumer?

Mr. NORRIS. I have conceded all the time——

Mr. SHAFROTH. If you concede that——

Mr. NORRIS. Allow me; wait until I answer the Senator. I say I have conceded all the time that you could make a charge that would be so great that that would be the case, and in any case like that you ought not to make the charge.

Mr. SHAFROTH. Now, does not the Senator concede this also, that wherever there is a charge against the initial undertaking, in the nature of a rental or anything of that kind, it is not only reflected in the charge to the consumer but it multiplies three or four times before it reaches the consumer?

Mr. NORRIS. Yes; that is often the case.

Mr. SHAFROTH. If that is the case, is it not better not to have that charge, and let the utility commission take and control that matter so as to save to the consumer three-fourths of the amount which he has to pay otherwise?

Mr. NORRIS. The Senator has assumed something that I have admitted, and then he begins an argument on it. If you take the assumption then his argument is good. I do not want to apply it in that kind of a case. If I had my way in this bill the Secretary of War would not apply it in that kind of a case. I have conceded, and I think every man who has studied the subject will concede, that you could make a charge that would necessarily have to be reflected upon the consumer, and whenever that time comes you must not make the charge. Suppose we have a corporation under this bill after it becomes a law developing electricity, and the bill has been changed so that the Secretary of War has a right to levy the charge for the power development. He finds out what it costs. He knows just as they do exactly to the cent how much it costs them per horsepower, how much they have actually expended. Let us say it has cost them $50 per horsepower. They are selling it to another corporation at $75 per horsepower. That is the cost to the second corporation. That is an enormous profit. It is an outrageous profit. But they can sell it for $75 per horsepower, and I do not blame them for doing it. We would all sell it for all we could get. The Secretary of War says, "I have the authority," and if the bill has been changed, he says, "Gentlemen, you are making a profit of $25 per horsepower. I am going to charge you to be paid into the Treasury of the United States $5 per horsepower." Would they charge any more to the other fellow? They will get $75 just the same, but instead of making a profit of $25 per horsepower they would be making a profit of $20. Then the Secretary of War would say to them, "If you will sell that to this community," or whatever it might be, "for $55 per horsepower, I will not charge you anything." He could raise the price on them as long as they kept up the price and lower the price if they would lower their selling price. That is the power I want the Secretary of War to have.

Mr. SHAFROTH. If the Senator please, would it not be much better instead of the $5 being paid into the Treasury of the United States that the consumer himself under a rule of the utility commission should say you shall not charge more than so much for your electricity?

Mr. NORRIS. All right, let us take that case. Suppose the utility commission says that; but suppose the power that is developed in this case is in the State of Wyoming, let us say, and the corporation that is buying it of me is in Colorado. The public-utility commission of Wyoming does not care a cent when I sell my power in Colorado how much I get for it, and the Public Utility Commission of Colorado has not any jurisdiction over me, and the consumers are entirely helpless.

Mr. STERLING. Mr. President——

Mr. NORRIS. I will yield to the Senator in a moment.

Mr. SHAFROTH. Then they can go to the Interstate Commerce Commission.

Mr. NORRIS. That is another roundabout way. There is always a possibility of doing it in a different way.

Mr. SHAFROTH. That is the direct way.

Mr. NORRIS. The Secretary of War here, representing the strong hand of the Federal Government, starting right at the beginning, over whose decision there can be no litigation, over whose management there can not be troubles and trials that will go into court and travel from year to year their tedious way, is able at the very beginning, through the lease he has made, to say to these people, "Thus far shalt thou go and no farther."

Mr. SHAFROTH. That is just the reason——

Mr. NORRIS. Let me yield to the Senator from South Dakota. He rose some time ago.

Mr. STERLING. Is not this a consideration which may, in part, answer the Senator from Colorado, namely, that it is upon the public domain that these improvements and developments are to be made, and the public domain belongs to the people of the United States and they have a right to share in any proceeds therefrom. Is it anything more than fair that the people of a particular community having the benefit should pay some additional charge on that account, because the whole people have an interest in the public domain? Is there anything wrong about that? Suppose that the charge is an added charge to the consumer, have not the people as a whole a right to some little share in the proceeds?

Mr. NORRIS. Yes; they have a right to do that, I will say, and legally and morally there would be nothing wrong about doing it; but, if I were managing it and the power were developed, if I had my way in framing the law, and the privilege was given directly to a municipality or to a State or to a county where there were no intermediate corporations to get a rake-off, I would be perfectly willing to donate the site, the land, and everything that the Government has in it if the people of the community were to get the full benefit of it, but we ought all the while to reserve the power, as we have the right, to enact in the law that we shall demand and receive a rental, if we want to do it.

Mr. President, just a moment in regard to the particular amendment. The discussion has taken somewhat of a general scope, and before I close I want to get back to the amendment itself. At the risk of repeating, I want very briefly to appeal to the Senator from Tennessee [Mr. SHIELDS] that now, since we have decided that the only place in this proposed law where any fee shall be paid to the Government is limited and cut down to the actual value of the land as land that is taken for the construction of the dam or other accessory works, why not at least stop there, without going further, and saying that as against this small sum you will have to offset the benefits to navigation and thus wipe it out.

Mr. KENYON. Mr. President——

Mr. NORRIS. I yield to the Senator from Iowa.

Mr. KENYON. I want to get at just the point the Senator from Nebraska is making, though I think I understand it. Suppose this permit was granted, that certain land had to be taken, and that the water actually passed over the land taken, the land belonging to the Government. As I understand, not only would the land be taken, but a sufficient amount of benefits could be taken into consideration to wipe out the value of the land, so that the Government land would be gone with absolutely nothing paid for it.

Mr. NORRIS. That is the practical operation of it; yes.

Mr. KENYON. It is the question that the Senator is presenting in this bill at this time. I suppose the Senator expects to have a yea-and-nay vote on that subject.

Mr. NORRIS. Yes; I want to have such a vote.

Mr. KENYON. I want to say to the Senator from Nebraska that I am very much in favor of his amendment. I wish there could be more Senators present to hear what the Senator has to say, and then we could perhaps have more votes for his amendment.

Mr. STERLING. Mr. President, just one word before the Senator concludes. I desire to ask a question in regard to the construction of that part of the bill which he proposes to strike out. Do I understand the Senator to think that the clause "and in fixing such charges consideration shall be taken of the benefits accruing from the use and occupation of such lands to the interests of navigation" is not to be taken as in any way affecting the value of the land so far as fixing the charges are concerned, or is that an element now to be considered in fixing the value of the land?

Mr. NORRIS. No; I take that language to mean—and I can not conceive of any other construction that can be put upon it—that it has nothing to do with fixing the value of the land; but that, after the value of the land is fixed according to the rule laid down, which is as land, then there can be offset against that——

Mr. STERLING. That can be deducted from the value of the land in fixing the charges?

Mr. NORRIS. Exactly; and everybody knows that it will be a larger sum in every case, I presume, than will ever arise than will be the value of the land, according to the rule laid down. So there will be nothing to pay.

Mr. STERLING. Exactly; and applying the same principle of construction, would the Senator not apply it to the last clause of the paragraph, which reads as follows:

> As well as to the business of said grantee.

That, then, would not be considered as an element in increasing the value of the land for the purpose of the charge?

Mr. NORRIS. No. In other words, if we can conceive of a case where they would build a dam without improving navigation at all, that would be the case where the maximum would have to be paid; that would be the value of the land as land.

Mr. STERLING. And, as I understand, it has not been contended by the proponents of this bill otherwise, has it?

Mr. NORRIS. So far that particular clause, I think, has not been argued by the Senator from Tennessee or by any other member of the committee.

Mr. SHIELDS. I will say to the Senator from South Dakota that the friends of this bill do not agree with the Senator from Nebraska at all. The Senator has consumed all the time since he offered his amendment, and the friends of the bill have had no opportunity to express their opinion of it.

Mr. STERLING. Just one further question.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Nebraska further yield to the Senator from South Dakota?

Mr. NORRIS. Yes.

Mr. STERLING. The Senator from Nebraska is familiar with the provision in regard to charges in the general water-power bill, which has been reported to the Senate; that is, the power bill relating to nonnavigable waters?

Mr. NORRIS. I am somewhat familiar with it; yes.

Mr. STERLING. I call the Senator's attention to this provision in that bill:

> The Secretary of the Interior is authorized to specify in the lease and to collect charges or rentals for all land leased, which charges or rentals may, in the discretion of the Secretary, be measured by the power developed and sold or used by the lessee for any purpose other than the operation of the plant.

I should like to ask the Senator from Nebraska if striking out the words "based upon its value as land" and inserting some such provision in the pending bill as I have just read from the general water-power bill would be satisfactory?

Mr. NORRIS. It would. Of course the particular language the Senator say: he would strike out was the language——

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. In just a moment—was the language included in the amendment of the Senator from Montana? He sought to strike that out, and that was voted down. I like the provision to which the Senator refers in the bill that comes from the Committee on Public Lands, referring to nonnavigable streams on public lands. I myself agree to that proposition, and think it is a fair statement of what ought to be the law.

Mr. STERLING. The Senator will recall that in the discussion before the Committee on Public Lands of the Senate much time was spent upon that particular provision.

Mr. NORRIS. Yes; a great deal of time.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I yield.

Mr. SHIELDS. I merely wish to say, as the Senator from Nebraska has already said, that the proposition now made has been voted down twice in the consideration of this bill.

Mr. NORRIS. Does the Senator mean the proposition contained in my amendment now pending?

Mr. SHIELDS. Oh, no.

Mr. NORRIS. The Senator refers to the one referred to by the Senator from South Dakota?

Mr. SHIELDS. Yes.

Mr. STERLING. I will say to the Senator from Tennessee that the provision standing alone has been voted down; that is, my proposed amendment to strike out that provision has been voted down.

Mr. SHIELDS. Amendments proposing to impose a Federal charge upon the water power have been twice rejected.

Mr. STERLING. The amendment I suggested, however, was coupled with the other provision fixing the charges.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska [Mr. NORRIS].

Mr. NORRIS. I ask for the yeas and nays, unless the Senator from Tennessee desires to address the Senate.

Mr. SHIELDS. I wish to say a few words.

Mr. NORRIS. If the Senator from Tennessee will excuse me, I will ask for the yeas and nays, and then the Senator can proceed. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. SHIELDS. Mr. President, I decline to go into a general discussion of the bill in answer to the remarks of the Senator from Nebraska [Mr. NORRIS]. Quite a number of the points he has dwelt upon have already been very elaborately discussed, and the others will be discussed in connection with other amendments. What I have to say will be confined to the amendment now being considered by the Senate.

The provision which he proposes to strike out follows that requiring the charges made by the Secretary for land occupied to and for its value as land. It is in these words:

> And in fixing such charges consideration shall be taken of the benefits accruing from the use and occupation of such land to the interests of navigation as well as to the business of said grantee.

This expresses practically the rule that applies to a condemnation proceeding. Where, under the power of eminent domain, private property is taken for a public purpose the land is to be valued as land and all incidental damages are to be given to the landowner, and all incidental benefits are to be charged to him. That is the rule in all the States. No court, so far as I can remember, has ever allowed such benefits as accrue to property in general in the neighborhood from the improvement, but benefit must be to the particular land taken. That rule would be followed by the Secretary under the direction that is given him in fixing these charges.

Mr. President, I do not think anyone would say that a company which constructs at its own expense a dam according to the plans and specifications required and approved by the Secretary of War, with locks and other facilities that may be required, and maintains them at its own expense, for the purpose of improving the navigation of the river, a duty incumbent upon the Government of the United States, that the United States should charge for some public land that may be taken and used for flowage or other purposes, that being the only expense required of it in an improvement that may cost many million dollars.

I again refer to the case in my own State of the Hales Bar Dam, where Mr. Brady constructed a dam at an expense of $9,000,000, with all locks and navigation facilities, which furnished slack-water navigation for 35 miles. Would it have been just, if there happened to be any public land overflowed by that dam, for the United States to have charged Mr. Brady for it? Certainly not. That is the question presented by the amendment proposed, and I hope it will be rejected.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska [Mr. NORRIS], upon which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. NORRIS (when Mr. LA FOLLETTE'S name was called). I have been requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness in his family, and that if he were present he would vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. He being necessarily absent, I will withhold my vote.

Mr. OLIVER (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]. That Senator has requested me to announce that he is unavoidably absent, and I therefore withhold my vote. If at liberty to vote, I would vote "nay."

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. I understand that he would vote "nay" if present. I therefore vote "nay."

Mr. SHERMAN (when his name was called). I am paired with the junior Senator from South Dakota [Mr. JOHNSON], and therefore withhold my vote.

Mr. KERN (when Mr. SHIVELY'S name was called). I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY], who is paired with the Senator from Maine [Mr. BURLEIGH]. This announcement may stand for the day.

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the junior Senator from Arkansas [Mr. ROBINSON] and will vote. I vote "nay."

Mr. STERLING (when his name was called). I am paired with the junior Senator from Mississippi [Mr. VARDAMAN], and therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). I inquire whether the senior Senator from Arkansas [Mr. CLARKE] has voted?

The PRESIDING OFFICER. He has not.

Mr. SUTHERLAND. I have a pair with that Senator; but I am informed that he would vote as I intend to vote upon this question, and I therefore feel at liberty to vote. I vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Tennessee [Mr. LEA] and will vote. I vote "nay."

Mr. KERN (when Mr. WILLIAMS'S name was called). I have been requested to announce the unavoidable absence of the

Senator from Mississippi [Mr. WILLIAMS] on account of illness in his family.

The roll call was completed.

Mr. DU PONT. I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM]. I should like to know if he has voted?

The PRESIDING OFFICER. He has not.

Mr. DU PONT. I understand he would vote "nay" if present. I therefore vote "nay."

Mr. COLT. I have a general pair with the junior Senator from Delaware [Mr. SAULSBURY], but I am at liberty to vote on this amendment. I vote "nay."

Mr. CHILTON. I desire to announce the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

Mr. SHERMAN. I transfer my pair with the junior Senator from South Dakota [Mr. JOHNSON] to the senior Senator from Iowa [Mr. CUMMINS] and will vote. I vote "yea."

Mr. McCUMBER. I transfer my pair with the senior Senator from Colorado [Mr. THOMAS] to the senior Senator from California [Mr. WORKS] and will vote. I vote "nay."

Mr. SHAFROTH. I desire to announce the absence of my colleague [Mr. THOMAS] on account of sickness.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Idaho [Mr. BRADY] with the Senator from Texas [Mr. CULBERSON];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Indiana [Mr. SHIVELY];

The Senator from Wyoming [Mr. CLARK] with the Senator from Missouri [Mr. STONE];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN].

The result was announced—yeas 20, nays 38, not voting 38, as follows:

YEAS—20.

Ashurst	Husting	Martine, N. J.	Poindexter
Gore	James	Myers	Pomerene
Gronna	Kenyon	Norris	Sheppard
Hollis	Kern	Owen	Sherman
Hughes	Lane	Phelan	Walsh

NAYS—38.

Bankhead	Gallinger	Martin, Va.	Smith, Ga.
Borah	Harding	Nelson	Smith, S. C.
Brandegee	Hardwick	O'Gorman	Sutherland
Catron	Johnson, Me.	Overman	Swanson
Chilton	Jones	Page	Tillman
Colt	Lee, Md.	Ransdell	Underwood
Curtis	Lippitt	Shafroth	Wadsworth
du Pont	Lodge	Shields	Weeks
Fall	McCumber	Simmons	
Fletcher	McLean	Smith, Ariz.	

NOT VOTING—38.

Beckham	Cummins	Penrose	Stone
Brady	Dillingham	Pittman	Thomas
Broussard	Goff	Reed	Thompson
Bryan	Hitchcock	Robinson	Townsend
Burleigh	Johnson, S. Dak.	Saulsbury	Vardaman
Chamberlain	La Follette	Shively	Warren
Clapp	Lea, Tenn.	Smith, Md.	Williams
Clark, Wyo.	Lewis	Smith, Mich.	Works
Clarke, Ark.	Newlands	Smoot	
Culberson	Oliver	Sterling	

So Mr. NORRIS's amendment was rejected.

Mr. WALSH. Mr. President, I now desire to offer an amendment which contemplates the excision from this bill of a feature of it which, in my judgment, is utterly indefensible.

I invite your special attention to the sentence on page 7, commencing at line 6. I read from that line down to line 12, as follows:

> As between contesting applicants for a permit hereunder having the legal qualifications required by this act, and being equally well qualified to improve or develop waterways for the uses of interstate or foreign commerce, preference shall be given to that applicant which is best qualified to expedite and realize the maximum useful development of all the water resources of the region.

The word "region," Mr. President, is a term signifying an area of country of indefinite extent. Its bounds may be large or small. Thus we speak of New England as a region; we speak of the South as a region; we speak of the Mississippi Valley as a region; we frequently speak of the Rocky Mountain region; we speak of the Pacific coast region.

I am not going to spend any time in the discussion of this amendment. I hope to expedite the disposition of the amendments offered by me and speed the final consideration of this measure. I am confident that one who will not be convinced by the bare reading of this amendment will not be convinced by any argument, however persuasive it may be.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WALSH. I do.

Mr. NORRIS. I did not get the scope of the Senator's amendment.

Mr. WALSH. I have not yet indicated it.

Mr. NORRIS. Very well.

Mr. WALSH. Let us assume that New England is a region. An opportunity is presented to construct a dam across the Connecticut River. A gentleman associates with himself a number of other gentlemen, and they have command of all of the capital necessary for the construction of that dam and to conduct the development which is contemplated. We will say that it will take $5,000,000. They have the $5,000,000 ready to put into that development, and they want the permit, but they are met with another applicant for the permit who can command $100,000,000 and who is capable of developing all the water resources of the entire New England region. There is a contest between these two applicants. The bill forces the Secretary of War to turn down the application of the man who is able to develop only the one power site and compels him to give the permit to the great, big, monstrous corporation that desires to develop and has the capacity to develop all the water resources of the region.

The Southern Appalachian country is sometimes spoken of as a region. The Southern Water Power Co. has conducted many water-power developments in that country. I presume, in all reasonable probability, if that company were competing with any other company for a privilege in that region, it could justly say, "We are able to utilize speedily, and to bring to their highest development, all the water-power resources of the Southern Appalachian region."

I had occasion, in the course of some remarks I made the other day, to extol the administration of the business of the Montana Water Power Co. in my State. I desire now to add my testimonial to what was then said as to the great work that it has done in my State in the development of water powers and the utilization of our water-power resources. But, Mr. President, if some other concern wants a permit to conduct a water-power development in my State, and has command of only enough resources to enable it to conduct that one water-power development, I do not want to have the Secretary of War forced to give the permit to the Montana Water Power Co. I want to have it get an even show.

So I move, Mr. President, that the bill be amended by striking out the following language, commencing with the word "that," in line 10, the remainder of that line, and all of lines 11, 12, 13, and 14, reading as follows:

> That applicant which is best qualified to expedite and realize the maximum useful development of all the water resources of the region; and as between such contesting applicants which appear equally well qualified in such respect, then preference shall be given to——

Mr. CHILTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from West Virginia?

Mr. WALSH. I do.

Mr. CHILTON. I desire to call the attention of the Senator from Montana to the lines from 13 to 17, inclusive:

> And as between such contesting applicants which appear equally well qualified in that respect, then preference shall be given to that applicant which has first complied with the laws of the State or States in which the dam or diversion structure is to be constructed.

That language is even more objectionable to me than that which is pointed out by the Senator from Montana.

Mr. WALSH. I will state to the Senator from West Virginia that I have an amendment addressed to the later language which presents another question; but the amendment which I now propose will make an immediate connection between what goes before and the feature to which the Senator from West Virginia is now adverting.

Mr. CHILTON. Would not the whole question be brought before the Senate by a motion to strike out all from lines 1 to 17, inclusive?

Mr. WALSH. No; I think not. I think that would present three or four different questions.

Mr. JAMES. It is best to vote on them separately, so that we can get at each one.

Mr. CHILTON. All right; just as the Senator sees fit.

Mr. SHIELDS. Mr. President, I think the Senator from Montana has failed to give this bill the proper consideration, or he would not propose this amendment, nor would he put upon the language which he moves to strike out the construction stated.

The words he proposes to strike out are:

Preference shall be given to that applicant which is best qualified to expedite and realize the maximum useful development of all the water resources of the region.

Evidently, from his remarks, the Senator is under the apprehension that there lurks in those words a provision for a giant monopoly. The Senator is unduly alarmed. Evidently he thinks the word "region" is intended to cover a group of States, or perhaps the whole United States. The word "region" is defined in Webster's Unabridged Dictionary as follows:

1. A direction; a boundary-line; one of the grand districts or quarters into which any space or surface, as of the earth or the heavens, is conceived of as divided; hence, in general, a portion of space or territory of indefinite extent; country; province; district; tract.
2. Tract, part, or space, lying about and including anything; neighborhood; vicinity; sphere.

Any of these definitions may be conveyed by the word region, as shown by the subject matter and by the context. The meaning of the word in this bill is the particular district where the river or the proposed improvement is situated.

The framers of this bill and the members of the committee are as much astonished as anyone could be that the Senator should think this word "region" was intended to apply to the whole Appalachian country. The Senator fails to consider the context and remember that the bill merely provides for the construction of a certain dam or dams in a river, and that the word "region" is thereby limited.

This provision is to secure the best and most comprehensive development of the water power of any particular territory or district. If the Senator is so fearful of the word "region," I have no objection if it be limited by placing before it the word "particular" or "immediate," or even substituting for it the word "district."

The fact that a company has a large capital and makes an extensive development does not make it a trust or a monopoly. The development of water power requires the investment of large sums of money. The developments which have been made have cost from one million to thirty million dollars, and there are many projects the construction of which will require similar sums of money.

It is now generally agreed that in order to get the best possible results in water-power development it is necessary to consolidate or couple up the power afforded by different dams and different streams located in the same region or district. This is the opinion of nearly all public officials and engineers who have had occasion to study the water-power problem.

George Otis Smith, the Director of the Geological Survey, in a recent article written by him upon this subject, said:

It is this logical desire for the best use, in which the largest possible number may share, that makes the utilization of water power a live issue. Unwarranted fear of impending monopoly may have led some to urge a halt in all development, while blind disregard of a changing order of things has caused others to denounce any restriction. The practical observer of the times, however, recognizes a greater danger of monopoly because of nondevelopment and a larger security through regulation.

The engineering fact that stands out in the utilization of water power is the comparatively high efficiency of large systems. Lower costs of operation and better service are results that appear to follow naturally the creation of these combinations of power plants.

The combination of several water powers, differing in character in order to serve many markets having diversified service requirements, makes possible an economic adjustment of supply to demand, and thus the result is a natural tendency to State wide and even interstate units of operation. Nature's irregularities are thus equalized and man's varied requirements are similarly balanced. The Western States, in which these large hydroelectric systems have been mainly developed, show the largest per capita consumption of power and the lowest average rates. The centralization of power development is accompanied by a large market and diversified use; and the resulting high-load factor has made possible low rates, which in turn have encouraged the more general use of power, until in a State like Montana, which leads in per capita consumption, the people put electric energy to every use on the ranch and in the home, while in the mines and smelters and on the railroads electricity is displacing steam. The influence of this cheaper power on the mining industry, for instance, can be realized in part by considering the fact that one mining company, by substituting hydroelectric power for steam, effected an annual saving of nearly $2,000,000. Translated into terms of copper ore, this means a saving of about 50 cents on a ton of ore, thus permitting the mining, with an equal profit, of ore that much lower in grade than could be mined when steam-generated power was used.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Washington?

Mr. SHIELDS. Not now. I will finish reading and then I will be glad to yield.

The Director of the Geological Survey continues:

This illustrates the wide public interest that may be served through the efficient operation of large units. Conservation of this sort means much to the whole Nation.

I will read from the hearings of the committee on the development and control of water power before the National Waterway Commission. I am going to read from the evidence given by the then Secretary of the Interior, Walter L. Fisher. Secretary Fisher then said:

I do not think there should be any provisions in these grants against so-called combinations or monopolies, but do believe there should be no assignment of the grant without the permission of the Government. I think hydroelectric development is essentially monopolistic and should be essentially monopolistic in its character. That is why I think it should be effectively regulated. I think they should have the advantages of the control of the market and freedom from harassing and vexatious competition if we are going to put them under the disadvantages of effective public regulation.

This bill, I may say, does not conform to the views of Secretary Fisher in that respect, because it contains a provision against monopolies and conspiracies against trade.

Mr. Fisher again said:

I would allow the executive officer to consent to or to reject the assignment. All I ask is that the grantee come in and present his case, and that we know there is a proper assignment made. Public interest may be conserved by an assignment if it is a good thing and we can consent. One great advantage would be to prevent public misinformation on the whole question. A large part of the public thinks the way to redress the evils is by preventing monopoly, but the more intelligent portion of the public seem to think the proper way is to recognize that water powers are essentially monopolistic in character and to provide effective regulation. I do not think it is fair to put on the grantee the burden of effective regulation without giving them the advantages that go with that theory.

Mr. NORRIS. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Nebraska?

Mr. SHIELDS. I prefer to finish my quotations, and will then gladly yield to the Senator.

The PRESIDING OFFICER. The Senator from Tennessee declines to yield.

Mr. SHIELDS. Mr. Herbert Knox Smith, Commissioner of Corporations, in the report on water-power development in the United States made by him in 1912, has this to say upon the concentration of water-power development:

In addition to this fluctuation in the demand there is also a variation in the supply of water power available. This is due to the fluctuating flow of streams. The flow varies according to the location and character of the drainage basin and according to seasons, and the seasons themselves, of course, vary in different years. A water-power installation therefore must also take these factors into account. If the installation provides only for utilizing the minimum flow, there must be a tremendous waste of energy during the period of larger flow. On the other hand, as already stated, it is impracticable to install power up to the maximum potentially available.

Remedy for variations in supply and demand for power. The problem of a power producer is to meet these varying conditions of demand and supply in the most economical way. There are several means contributing to this end.

The physical effect of irregularity in the flow of streams can be partly overcome by storage. In no case, however, can storage give a stream anything like the power represented by its maximum flow. The amount of storage practicable depends upon the topography of the country and upon the value of the lands overflowed. Up to this time very little progress has been made in storage development.

Aside from storage it is possible to accomplish something by "pondage"—that is, the accumulation of water from day to day in power-dam ponds during that portion of the day when the demand is smallest.

A more effective remedy is in "coupling up" into one unit two or more sites accessible to the same markets. In practically all cases some of the developments can cease operations when the highest demand is over and accumulate pondage, to be brought into use at the period of highest demand the next day. In the meantime the other sites can meet the diminished demand.

The variableness of power supply and power demand, however, can not be entirely cured, even by storage, pondage, and "coupling."

The effective remedy is the use of auxiliary steam plants. In nearly all cases hydraulic concerns must provide sufficient steam auxiliaries to meet variations not otherwise met.

And, on page 95 of the same report, Mr. Smith said:

In addition to the general tendency toward concentration in the ownership of public utilities and industrial enterprises that are, in the case of water power, special forces contributing to this end. It was pointed out in a previous chapter that the highest efficiency and economy in the utilization of water power often requires the unifying of development. Such unification or "coupling up" of power developments results in concentration of ownership or, at least, harmony in control.

The development of large water powers usually costs more than the requirements of the average manufacturer will justify as an investment for power. Consequently only the smaller sites can generally be utilized by individual manufacturing concerns. The advance of electrical science has made it possible to use power at a distance from the point of generation, and so has greatly extended the area that may be served from a given power site. These conditions have given rise to the "commercial" development and distribution of water power in the form of electricity and have made it probable that developments at most of the larger power sites must become commercial projects. The advantages of coupling up sites and the consequent enlargement of power units greatly increase the costs of a system of developments, and in most cases an aggregation of capital is necessary.

Again, on page 205 of the same report, he said:

The advantages of "coupling up" have already been described in detail, both in uniting adjacent water powers and in tying together adjacent power markets, so as to obtain the nearest possible approach both to a steady level of supply and to a steady level of demand. Obviously, a power system that can use a number of different power

sites to supplement and aid each other, and that also can, by control of the market, more or less adjust demand to the variations in supply, will most efficiently utilize this resource, from a technical or engineering standpoint. In other words, the power can be produced and delivered for use at a lower average cost per unit in this manner, and with less waste.

Mr. President, I am going to read from a statement made by Mr. Gano Dunn, president of the American Institute of Electrical Engineers, before the National Waterways Commission. While speaking on this subject Mr. Dunn said:

It has been suggested that with the growth in extent of large hydro-electric-distributing systems ultimate interconnections and combinations between them might establish a monopoly and permit the raising of prices for power. Such interconnection between contiguous hydro-electric systems offers decided and important engineering advantages. It improves constancy of electrical pressure and enables the system to draw power from two or more independent power plants.

The rainfall occurring at different times on two or more separate watersheds is thus made to benefit all of the consumers on the combined systems. Such interconnection also permits reduction in operating expenses and assures better service by reducing to a minimum the probability of total interruptions at any time from line troubles or otherwise. The investment and, consequently, the cost of power can be reduced by combinations, because less capacity in generating machinery to serve as spare plant for emergencies need be installed, and operating expenses can be reduced by rendering repairs easier, owing to greater facilities for shutting down for work or for inspection. Any tendency toward raising the price of power as an accompaniment of such combination is restrained automatically by competition with steam power and can be regulated by Government commission.

Another gentleman appeared before that committee after Mr. Dunn and testified. He was Mr. Gifford Pinchot, and I want to read briefly from his testimony in regard to this question. Mr. Pinchot said:

I am very strongly in favor of the consolidation of water-power plants, coupling them up over large areas. The argument made for that consolidation in the brief submitted by Mr. Dunn on behalf of the American Institute of Electrical Engineers is absolutely unanswerable, and I have long held the same opinion. Better service to the community would be forthcoming if water-power companies operated over large areas. But there must be public control of their operations to prevent the benefits which come by reason of such consolidation from being translated into a general overcharge on the consumer.

Mr. President, regulation of rates is provided for in this bill in the strictest manner.

I will now read from the recent report of the Secretary of Agriculture upon the subject:

Monopolization of the supply in any given territory makes possible, through interconnection of stations and through diversification of load, economies of operation that would not be possible for isolated independent stations. Interruptions to service might be lessened, the needs of the customer may be better served, and rates may be lower with a single power system than with several. No better service is given and no lower rates charged than in California, where, notwithstanding the considerable municipal developments, 90 per cent of the total primary power is used by public-service corporations, or in Montana, where 89 per cent is owned by two affiliated corporations. Having the ability to give the better service and the lower rate, it only remains for the proper public agency to require it.

It has been repeatedly stated during this discussion, Mr. President, that Montana has the greatest development of electricity of any State or perhaps any nation in the world. I understand that the character of development proposed in this provision of the bill is in operation in that State. Practically the total water power of that State not upon the public domain has been developed, and the companies controlling it, with the power controlled by each company, are as follows:

	Horsepower.
Montana Power Co	227,000
Northern Idaho & Montana Power Co. (Kalispell)	2,000
Missoula Light & Power Co	1,500
Total horsepower	230,500

I am informed that the great Montana Co. has a paid-up capital of $85,000,000, and not only owns practically all the water-power development of Montana, but controls a very large amount of water power yet undeveloped.

Notwithstanding the great capital of this company and the great development it has made, and the large amount of undeveloped property it owns, the inhabitants of Montana are supplied with cheaper electricity than those of any other country, which contributes greatly to their prosperity and happiness.

I think it is also a fact that these great companies do not pay any charges to the Federal Government for the use of the water power they have developed, and that is the reason why they are enabled to furnish to their customers cheaper power, heat, and light than any other people in the world are enjoying.

Mr. President, this provision of the bill was inserted after studying the reports and utterances of the gentlemen from whose testimony I have read and of others. It was the intention to secure to the country the best development of the water resources of the district where the improvement was to be made, and for no other purpose.

If the word "region" is objectionable to anyone I will agree to strike it out. I will readily agree to place before it the word "immediate," so as to read "immediate region," or strike out the word "region" and make it "district," or let it read "the immediate district," because the committee had no other object in placing this provision in the bill than such as I have referred to and such as has been referred to in the quotations I have read from eminent men learned upon this subject.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield, and to whom?

Mr. SHIELDS. I first yield to the Senator from Nebraska [Mr. NORRIS].

Mr. NORRIS. I wanted to ask the Senator when I interrupted him before and he declined at that time to yield, in regard to several of the articles that he has read. He has read from several men who are very good authority on this subject and men who do not agree at all with the theory of the Senator's bill. I can not remember now which particular persons they were, but I ask him if what he was reading was not made by the authors as an argument in favor of a charge to be made by the Government on the development of water power?

Mr. SHIELDS. I do not so understand it. My understanding is that they were arguing in favor of a large development and union of different water powers. I want to say that the Senator is right in his statement that most of these gentlemen, from whose writings or evidence I have read, are extremists, agreeing with his views upon such matters, and I think they all advocate charges where the development is upon public lands—I can not say that they all do—where the development is upon navigable rivers.

Mr. NORRIS. I thought from what I could hear from some of the articles the Senator was reading there was an argument made with that particular object in view.

Mr. SHIELDS. The Senator, I think, is entirely mistaken.

Mr. NORRIS. Of course, I could not have a very good idea, because——

Mr. SHIELDS. I think the revenue subject had no bearing on the views expressed by them.

Mr. NORRIS. I did not have access and could not interrupt the Senator at the time, because he had declined the interruption, but it occurred to me, I think it was in Secretary Fisher's arugment, though it might have been some one else the Senator read, that he referred to the fact that because the Government was regulating rates it ought to be permitted to branch out, and it would not be so hard for them to branch out if they were regulated by the Government. It occurred to me that they were making an argument there in favor of a charge, and that when they had that kind of a charge they would then be in favor of quite extensive ownership.

The PRESIDING OFFICER. Does the Senator from Tennessee now yield to the Senator from Ohio [Mr. POMERENE]?

Mr. SHIELDS. In a moment. The Federal Government, of course, could not regulate the price or the charge for water-power development within the States by a State manufacturing company. I wish to say now that I do not concur in Secretary Fisher's views about monopolies. He was willing to allow any sort of a monopoly. I do not agree to that. There is a provision in this bill prohibiting any development that is made under it from becoming a part of any monopoly or any conspiracy in restraint of trade. While I thought the Sherman antitrust law would have been sufficiently prohibitive, yet in order to make the matter absolutely clear this special provision was inserted. Now I yield to the Senator from Ohio.

Mr. POMERENE. I am glad to hear that the Senator is willing to make some concession with respect to the word "region" as it occurs here. It seems to me that if this provision of the bill is to be retained at all it ought to be further limited—for instance, if I may make the suggestion, to give to the War Department the power to limit or prescribe it. But that is not the special feature to which I wish to call the Senator's attention.

Mr. SHIELDS. This provision does give him that discretion.

Mr. POMERENE. It is pretty doubtful, I think. It seems to me, as we recognize there is a doubt, it ought to be eliminated, if possible, by giving the language more clearness of expression.

I wish particularly to call attention to another objection which was raised by the Senator from Montana [Mr. WALSH]. The bill provides that "preference shall be given to that applicant which is best qualified to expedite and realize the maximum useful development," and so forth.

Now, what is meant by the words "best qualified"? The Senator from Montana has referred to one particular instance. If $5,000,000 capital was necessary and another man had $100,000,000, financially at least, he would be the better qualified of the two. But let me call attention to another feature. Suppose there is some large company in the vicinity that already has several dams and is giving power and consequent light and

heat to a large and substantial community, his prices may be somewhat excessive, but he is fully equipped to continue in this business and to extend it; he may be a bidder by reason of his superior financial condition, by reason of the fact that he has a completed organization and a full complement of men; he may be better qualified to take up this work immediately and to prosecute it than I would be able to do who, it may be, was contemplating going into this business as a new venture for me. I may not have my organization complete; I may not have quite as much money, but I may be able to procure it; and if I get possession of this power site from the Government I may be able to organize my company and be able to complete the improvements and enter into competition with the other company that is already located in that particular vicinity, and by reason of that competition keep down the prices; but under the phraseology of this bill the Government must give this power site to the man who is already established in business, and thereby he will be able to cut out a possible competitor. It seems to me that the language as contained in this provision is unfortunate and that it would tend toward a monopoly of all the water power in that section of the country. I do not believe that that was the purpose of the framers of the bill, but I think it is possible it would have that effect. For that reason, it seems to me, the whole provision should be eliminated.

Mr. SHIELDS. Mr. President, the Senator from Ohio asks what the word "qualified" means. That must be taken in connection with all the remainder of the section. I think clearly that the Secretary of War would consider the solvency of any company that applied, and that it would be his duty to do so even without this provision. He should not grant a permit to an insolvent company, to one with insufficient capital that would have to hawk the project around for the purpose of securing the necessary capital, when a company that had ample capital to make the development was willing to undertake it, and do it then.

This bill was not framed in the interest of the investor or of the construction companies, but in that of the consumer, of the people where these great natural resources are situated. The object is to so frame the measure as to make it attractive to men who have money and to get them to invest it in water-power plants so as to develop these resources and give the people the benefit of them. The resources are there; they are locked up; they are absolutely worthless to the inhabitants of the country. Necessarily it is only in their development and in their use that the people can be benefited. It takes large sums of money to make developments of the kind that this bill contemplates. Its provisions are confined to navigable streams. There is no intention in the bill to regulate small streams or to regulate water power directly applied. I might say that the chief object of this bill is to provide for large developments, whereby hydroelectricity may be generated for the various useful purposes in manufacturing fertilizers and explosives, of which we have had so much discussion, which I will not repeat. It is only the large developments that can do that, and it takes immense sums of money to do it. In order to procure that power in most places in the United States you have got to utilize all the power of the region. Unless you have a very large development these objects can not be accomplished.

I want to give the Senator from Ohio an illustration of a case to which this would apply. I do not know whether or not he was in the Senate Chamber yesterday when the colloquy took place between the Senator from Alabama [Mr. BANKHEAD] and the Senator from Washington [Mr. JONES] in regard to Priest Rapids on the Columbia River.

Mr. POMERENE. No; I was not.

Mr. SHIELDS. Those rapids are some miles long. I have forgotten how many. I will ask the Senator from Washington.

Mr. JONES. I do not know just what is the length of the rapids, but it requires a dam about 90 feet high to develop the full maximum of power there.

Mr. SHIELDS. It was stated by the Senator from Washington that a dam 90 feet high would develop an enormous power there. The Senator also stated the great benefits to that section of the country whereby many acres of most fertile lands could be irrigated and made to produce great crops. He further said, however, in answer to interrogatories by the Senator from Alabama, that if an improvement were constructed in the middle of the rapids, it would practically destroy the great development that could be made.

The case stated is that if a man comes with $1,000,000 and offers to make a development, and another man comes with five million, which would be preferred? If $1,000,000 would only develop one part of the water power in that region, why, then, a permit ought not to be granted to him by the Secretary of War; he ought to grant it to a company that has the capital to develop the entire resources; one that would conserve the public interests. That is the object of this provision. To grant a permit to a small power would absolutely destroy the use of the water power for hydroelectric purposes, the great use to which it can be put.

Mr. POMERENE rose.

Mr. SHIELDS. Does the Senator desire to ask me a further question?

Mr. POMERENE. Mr. President, I do not for one minute intend to suggest that the committee was not actuated by a proper purpose in drawing this bill, but it was with a view of aiding in the improvement of the bill that I made the suggestion which I did.

Mr. SHIELDS. And the committee will be glad to have such suggestions.

Mr. POMERENE. Well, it seems to me that the Senator from Tennessee has not yet fully answered the objection which I raised. Let me make it a little clearer, if I can.

Mr. SHIELDS. I shall be glad to hear the Senator.

Mr. POMERENE. If a fully organized company has in a given locality three different dams, they are engaged in the business of generating power, they are fully equipped to go ahead and construct another dam and thereby add to the plant which they already have, clearly that company is in a better condition, is perhaps better qualified to go ahead and construct Dam No. 4 and to secure a consequent increase in power therefrom than I would be if I thought I saw an opportunity to construct Dam No. 4 and was about to organize a company for that purpose, but did not have my organization complete, was not prepared on the instant to go into the work, but it would take me a little time to perfect my preliminary arrangements; yet it seems to me that under the phraseology of this bill the Government would be compelled to give the right to construct Dam No. 4 to the old established company, and thereby would aid in continuing its privilege of keeping up the prices of power to any point that it might desire, and would keep me out of the field, when, if I were permitted to enter it, I would be there as a competitor of the company to which I have just referred and would be able thereby to aid in controlling the prices and keep them down to a reasonable limit. It seems to me that, under the conditions that I have suggested, the old established company would be the best qualified concern at that particular time when the obligation is made. I do not believe that it was the intention of the framers of this bill to foster what might become a monopoly in that particular locality. It is for that reason, it seems to me, that this entire provision should be eliminated.

Mr. SHIELDS. Mr. President, I do not think such a case could arise as the Senator has suggested. Of course, if the new company was not qualified, if it did not have the capital to make the improvement, and the other company wanted to make the improvement, it seems to me it ought to be allowed to do so.

The question is not what is best for the company that desires to make the improvement, but who will best and quickest develop the resources of the region or district for the benefit of the people.

As to the monopoly and high rates, that is amply provided for by regulations, so as to fully protect the consumer. I shall have no objection, but will readily consent to striking out the word "region," and inserting that of "district," or the words "immediate district."

I have no faith in the language used in the bill, and I do not want to continue to consume time and delay action on this bill because of differences about words which mean the same thing, and similar things which seem to me, in some instances, to be wholly immaterial.

Mr. JONES. Mr. President, I merely wish to say a word as to what I myself had in mind in connection with this matter. I appreciate the force of what the Senator from Montana has said. I think the committee, as well as myself, had this in mind when we put this provision in the bill: This is a permit for the building of a dam in a navigable stream. We have said in the first part of the bill that we want the development to be such as will not only permit navigation but will also utilize all the other possibilities tributary—that is really what it means—tributary to that dam. For instance, in the case that I cited we want not only a dam that will take care of the navigation at Priest Rapids but that will also furnish power for the irrigation of hundreds of thousands of acres of land lying right around that place.

What I had in mind in reference to this provision was something like this: Suppose that two applicants come to the Secretary of War, each of them having ample plans, showing a contemplated development that will cover all the needs of the district, or the region, or whatever you may call it. The term "region" there, I think, as the Senator from Tennessee sug-

gested, would be modified by the context, by the purpose simply to cover that which is tributary to the project or the dam. Suppose these two applicants come, and each one of them has his plans all right so far as the contemplated development is concerned, and one of them shows that he has the money, or controls the money, so that there is no doubt about his being able to carry out the construction of the dam if he is authorized to do so, but it appears that the other man has not the money, or has not sufficient money in his own right, and does not make a sufficient showing that he has connections that will furnish the money, although he is a man of standing, possibly, and assures the Secretary of War that he can go out and get the money. My idea was that the man who shows that he is able to complete the project should have the permit in preference to the man who does not show that he is able to complete it. I did not contemplate the situation suggested by the Senator from Montana, where, although one man had enough money and showed that he was able to put the improvement in, another man with stronger capital might come in and be granted the permit; and if any language can be suggested to cover the situation better, I will be glad indeed to have it, because I would not myself want to compel the Secretary of War to give the permit to the man who simply showed he had the most money. I would not want to do that.

Mr. WALSH. Mr. President, does not the Senator recognize that the preceding language contemplates that both of them are equally well qualified? Each of them may have command of resources necessary for the development contemplated, and one of them may have so much that he can control the water resources of the region.

Mr. JONES. Well——

Mr. WALSH. If the Senator will pardon me, I refer to this language:

As between contesting applicants for a permit hereunder having the legal qualifications required by this act, and being equally well qualified to improve or develop waterways for the uses of interstate or foreign commerce.

Mr. JONES. I want to call the Senator's attention to this situation: Two men may make application and each of them may show that he is well qualified and has sufficient money to construct the dam and locks necessary to take care of navigation and interstate commerce, but we may want other things done, and one of the applicants does not show that he is as well qualified as the other to build a dam 90 feet high instead of 45 feet high. So that the language in line 12 is broader than the qualification mentioned in lines 8 and 9. There might be two men equally qualified to put in whatever improvement was necessary for navigation, but with reference to putting in a plant sufficient to provide power for the irrigation of arid lands, and so forth, one might not be so well qualified as the other. I can see a little difference; but I did not have that in mind.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Georgia?

Mr. JONES. In just a moment. I did have in mind just what I said a while ago, that two men might present applications, one of whom would have the ready control of sufficient money, while the other could not show that he had sufficient capital; and I wanted to grant the permit to the man who showed that he could carry out the project. If better language can be used here, I will be glad to have it put in.

Mr. SMITH of Georgia. Is it not possible that the words "of the region" might be construed to apply to a very large expanse of territory?

Mr. JONES. They might. I am perfectly willing to have that amended.

Mr. SMITH of Georgia. Would it not be well to have the words "of the region" stricken out, so that the language would really refer to the particular enterprise, the particular development, leaving opportunity for a division of grants to different companies?

Mr. WALSH. That suggestion conforms to my idea. It is already provided for by the preceding language.

Mr. SMITH of Georgia. If the words "of the region" were stricken out——

Mr. JONES. Mr. President, I want to suggest to the Senator from Georgia that there could not be any division of grants or permits. There is only one grant for putting in one dam; that is all. This provision relates to the application for a permit to put a dam in a stream, and there could not be any division of grants with reference to that.

Mr. SMITH of Georgia. Yes; but there may be two applications for the same grant, and one of the companies may present evidence of the fact that it is able to take care of the water powers of the region. I would like to have the words "of the region" stricken out, and, if I may be allowed, I will move to strike them out.

Mr. JONES. The Senator from Montana has moved to strike out all of those lines there.

Mr. SMITH of Georgia. I think if the words "of the region" were stricken out it would free it from criticism.

Mr. WALSH. Mr. President, I will say to the Senator that there is not any need of doing that, because his idea is well taken care of by other language that precedes that.

Mr. JONES. I want to ask the Senator from Montana a question.

Mr. SHIELDS. Will the Senator from Washington yield to me a moment?

Mr. JONES. Yes.

Mr. SHIELDS. I will accept the amendment offered by the Senator from Georgia if that will obviate the objection to this provision.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Georgia.

Mr. CUMMINS. Just a moment, Mr. President.

The PRESIDING OFFICER. The Senator from Washington has the floor. Does he yield to the Senator from Iowa?

Mr. JONES. Certainly.

Mr. CUMMINS. I was about to suggest that the amendment proposed by the Senator from Georgia would enlarge the error rather than limit it, if there is error in it.

Mr. SMITH of Georgia. Then I do not want the amendment made.

Mr. CUMMINS. It would make the rule applicable, then, not to a region alone but to the entire United States. The words "of the region," as found in the bill, are really words of limitation.

Mr. JONES. That is true.

Mr. CUMMINS. I do not think they ought to be there at all.

Mr. SHIELDS. I really think so, too, since the Senator has suggested it; and I think it would be better to make it read "of that immediate district." That would limit it to a particular locality.

Mr. SMITH of Georgia. How would it do to say "the development of the water resources under consideration," or something of that kind, so that it would certainly not extend to any other except the particular grant.

Mr. NORRIS. If the Senator means that, all he has to do is to vote for the amendment of the Senator from Montana. There can not be any question about that, I think.

Mr. CUMMINS. I assume that what is intended is that preference shall be given to the company that is best fitted to develop the maximum capacity of the particular project.

Mr. JONES. That is it.

Mr. NORRIS. That is not the language of the bill.

Mr. JONES. That is the purpose.

Mr. NORRIS. Then it ought to be made plain.

Mr. JONES. The committee will welcome any suggestions that will better carry out the purpose.

Mr. SMITH of Georgia. How would it do to strike out, after the word "of," the words "all the water resources of the region," and make it read "the project under consideration," or language of that kind?

Mr. CUMMINS. I think it would be better to have it read:

Preference shall be given to that applicant which is best qualified to expedite and realize the maximum useful development of the particular dam.

Mr. SMITH of Georgia. "Of the particular dam under consideration," or "of the dam or dams under immediate consideration," or "of the project under consideration."

Mr. CUMMINS. As stated by the Senator from Washington, there can not be but one dam under consideration.

Mr. SMITH of Georgia. Could it not be possible that a particular development would require more than one dam? How would it be to say "of the project under consideration" or "of the development under consideration"?

Mr. CUMMINS. This section of the bill relates to an application to construct a dam in a navigable river at a particular place, and the regulation here is to govern the Secretary of War in granting or refusing to grant the permit which is requested. I am sure that the preference ought not to extend beyond the ability of the applicant to do the best for the particular project.

Mr. SMITH of Georgia. Then, if we would strike out the word "all," before the words "water resources," and let it read "development of the water resources under consideration or water resources involved," in place of the words "of the region," leaving out the word "all" and the words "of the region," something of that kind would limit it to the particular enterprise.

Mr. JONES. Mr. President, as I understand, the Senator from Tennessee has suggested this language:

Preference shall be given to that applicant which is best qualified to promote the public welfare.

Mr. SHIELDS. I am willing to have that amendment made.

Mr. JONES. I understood that is what the Senator suggested; and I want to call that to the attention of Senators, as probably some of them did not get it. It seems to me that would take care of the situation.

Mr. WALSH. Mr. President, I could not possibly object to that; but it does not mean anything, because the Secretary of War, in deciding between two applicants, both equally well qualified, will be required under his oath to give it to that applicant which, in his judgment, is best adapted to promote the public welfare.

Mr. SHIELDS. I agree to that, if that will remove the Senator's objection.

Mr. WALSH. Of course the acceptance of an amendment of that character will be in effect the adoption of my amendment; and, of course, I gladly accept that in view of the other language.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Tennessee. The amendment has been suggested in several different forms. Will the Senator restate it?

Mr. SHIELDS. The amendment proposed by the Senator from Tennessee, in lieu of that of the Senator from Montana, is to strike out the words "of the region," in line 12, page 7, and insert "for the public welfare."

Mr. WALSH. I should certainly object to that. That is not the proposition which was made to me at all. It was proposed to me that, instead of the present language, it should read:

That applicant which is best qualified to promote the public interests.

I agree to that.

Mr. SHIELDS. To what lines does the Senator refer? That is an entirely different matter from that we have been discussing.

Mr. WALSH. I refer to line 10. So that the language shall read:

To that applicant which is best qualified—

So far that is the language of the present bill. Now insert:

To promote the public interests.

Mr. SHIELDS. "To promote the public interests and" are the words the Senator wants to insert.

Mr. WALSH. Striking out the remainder down to the semicolon, in line 12.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. SHIELDS. I do.

Mr. CUMMINS. I desire to make an inquiry of the Senator from Montana. Does the Senator from Montana accept the suggestion made by the Senator from Tennessee, that the qualification shall be that the Secretary of War may award the permission to the applicant best qualified to promote the public interest?

Mr. WALSH. I do. I desire to say to the Senator from Iowa that the Secretary of War is confronted with this condition: He has two applicants, each equally well qualified to do the work. He would be obliged to make a choice between the two, each equally well qualified. How would he determine that choice?

Mr. NORRIS. Mr. President, let me suggest——

Mr. WALSH. If I may be pardoned, he would be obliged to determine that choice in accordance with his judgment as to which of these applicants would best subserve the public interests. So that the language, in my judgment, means nothing. It means that my amendment is adopted, and other language is put in imposing a duty upon the Secretary of War, which duty would be imposed upon him if there were no language to that effect in the bill at all.

Mr. NORRIS. I agree with the Senator; but suppose one applicant is ahead of the other in time. They are both equally qualified now. Ought not the man who makes the first application be given preference over some one else who follows him?

Mr. WALSH. I rather think that is taken care of by the next provision in the bill.

Mr. NORRIS. Yes; it was intended so; but if the Senator accepts the language suggested by the Senator from Tennessee in place of that which he has attempted to strike out by his amendment, he will find that it will not read so as to make sense.

Mr. WALSH. The Senator has not in mind the provision to which I am referring. I am referring to the provision which follows.

Mr. NORRIS. So am I.

Mr. WALSH. There is a further preference. As between those who are thus best qualified, preference must be given "to that applicant which has first complied with the laws of the State or States in which the dam or diversion structure is to be constructed."

Mr. NORRIS. Yes; that is the language to which I have reference.

Mr. WALSH. I should think the Senator's suggestion would be proper in connection with that, rather than with this.

Mr. NORRIS. I have no objection, of course, to the language suggested by the Senator from Tennessee taking the place of the language that is sought to be stricken out by the amendment of the Senator from Montana; but we shall have to put in some other language, or it will not make sense. I say that because, if you strike out the language included in the Senator's amendment and put in the language of the Senator from Tennessee, it will read like this:

As between contesting applicants for a permit hereunder having the legal qualifications required by this act, and being equally well qualified to improve or develop waterways for the uses of interstate or foreign commerce, preference shall be given to that applicant which is best qualified to promote the public interests, that applicant which has first complied with the laws of the State or States in which the dam or diversion structure is to be constructed.

Mr. WALSH. Pardon me, but that is not the idea. The portion to be stricken out, if this language is adopted, ends with the semicolon and then continues:

And as between such contesting applicants—

And so forth.

Mr. NORRIS. Oh, yes. That would be all right. Then the Senator from Montana must not withdraw his motion, because it would be necessary to strike out only part of the language included in his motion and leave the other part in.

Mr. WALSH. Exactly.

Mr. NORRIS. If you strike out down to the semicolon, it will work in all right.

Mr. WALSH. If the language of the Senator be substituted for everything that appears down to the word "region," I will then withdraw my proposed amendment.

Mr. NORRIS. Yes; that will make it all right.

Mr. CUMMINS. Mr. President, I can not agree to the conclusion reached by the Senator from Montana. I take it that he must have in his mind improvements that may be used to irrigate arid lands, or that contemplate the use of the water in some way under the law of a State. That, however, will prevail over a very limited region. Generally the navigable streams of the United States are not in arid lands, and, generally speaking, the right to construct a dam in what I call the theoretically or abstractly navigable streams does not require the observance of the law of any State. It requires simply the consent of the riparian proprietor.

Take my own State, for instance. In either of the three streams which may be classed as navigable streams, though there is no navigation upon them, but which would undoubtedly be covered by the provisions of the act as they now exist, one who desires to erect a dam is not compelled to observe any law adopted by the State. His only obstacle is the legislation of the Federal Government, and the moment he acquires the consent of the Federal Government he may erect the dam.

Mr. WALSH rose.

Mr. CUMMINS. Just a moment. Now, suppose 10 applications to erect a dam in one of those streams at a given place were filed before the Secretary of War in the period of a year, but none of them had been acted upon by the Secretary of War. If the amendment that is now apparently agreed upon between the Senator from Tennessee and the Senator from Montana shall prevail——

Mr. SHIELDS. Mr. President, there is no agreement between the Senator from Montana and the Senator from Tennessee. I entirely misunderstood the proposition. I did not know that anything was to be stricken out except the last three words. There is no understanding between us.

Mr. CUMMINS. Then I was mistaken. At any rate, the amendment suggested by the Senator from Montana as having been agreed upon between him and the Senator from Tennessee would authorize the Secretary of War to balance up the claims of these several applicants, and although one might have been filed a year before the other and although they might be equally qualified to develop the particular project and to utilize all the power that could be generated at that place in the river, still the Secretary of War could bring into the adjustment the ques-

tion of the public interest and say, "I will give this permission to Mr. A, because it seems to me that he will be able to use the right for the public interest in a larger or better way than could Mr. B." That simply means that the Secretary of War is given the authority to exercise his personal preference as between those applicants.

Mr. WALSH. Mr. President, I appreciate what the Senator says, but it occurs to me that his remarks are more appropriately addressed to the language which next follows. The language next following deals with the subject of preferences in point of time.

Mr. CUMMINS. Precisely; but the clause that follows does not control or govern the case that I have put at all. The clause that follows refers only to those instances in which the applicant must in some way secure the permission of the State in which the improvement is to be located, either for the use of the water or for the use of the bed of the stream or something of that kind. Now, in my State it is not so.

Mr. WALSH. That was just what I intended to suggest to the Senator—that it seems to me he might very properly propose an amendment addressed to that portion of the bill which would give a preference to the party first in point of time in his application to the Secretary of War whenever no preliminary steps are required by the laws of the States. The preference in the matter of time, it seems to me, comes next for consideration.

Mr. CUMMINS. While I am on my feet, I may as well state my position with regard to this particular matter. In my judgment the law should provide that the permit should be granted in the order of application. I mean, now, as between individuals or private corporations. It might be that an exception should be made in favor of a municipality or a public-utility corporation. The permit should be granted in the order of application, provided the applicant shows that he is qualified to develop the resources of power in that particular project. There ought to be no discretion on the part of the Secretary of War which can be exercised without the possibility of ever calling him to account. The very moment he is vested with a discretion which he may rest upon the public welfare or the public interest, there is no possibility of ever criticizing or condemning his judgment in the matter; for no one can successfully question the views of another man which take into account the public welfare or the public interest. You can no more do it than you could question the judgment of a Senator as he casts his vote upon some measure that affects the public welfare or the public interest.

I am sure the Senator from Tennessee must see the justice of the suggestion I have made.

Mr. SHAFROTH. Mr. President, I have heard the discussion with relation to this matter, and the more I hear of it the more I think the language which is used by the committee in framing this bill is the best.

What is the object and purpose of this provision? It is that where there is an area of land or an area of country that is capable of producing a large quantity of power development, the person ought to be favored who is capable of utilizing the most of that water. These enterprises, when they are once constructed, are the only ones that will be constructed. Consequently, as the object is to get into one enterprise a utilization of all the water, you can readily see that if you do it in piecemeal you will never be able to get the development.

I want to illustrate what I mean with relation to that. You may have a water-power development in the nature of a dam. The flow of the water at that point in winter runs down to a very small amount, so that it is capable of generating, perhaps, not more than 1,000 horsepower, but in the summer time it is capable of generating 100,000 horsepower. To permit a dam to be constructed across that river without any auxiliary works is really to destroy the great flow of water that comes every year in the river.

If a person presents a proposition and says, "I have here a scheme by which, by the construction of reservoirs, I will hold back this great surplus of water that comes in the summer time and which goes to waste, and which will forever go to waste unless reservoirs are constructed, and I will make it so that during the wintertime, when the flow is slight, it can be augmented so that a hundred thousand horsepower can be generated there," is it not to the interest of the Government that the application shall be granted which will give that uniform flow of water all the time?

Consequently, it seems to me, when we consider this language, that that was the very purpose and the very object of it, namely, to utilize the water. That is the primary purpose and the primary interest of the Government.

How can we utilize every drop of water that falls? That is the question. Can we do it by authorizing the erection of a dam that does not take into consideration the construction of reservoirs? If we do that, nobody else will ever construct a reservoir for that purpose. This company might do it or might not do it. But if the company is able and willing to do it right then, and such a proposition is made to the Secretary of War, it seems to me he ought to accept it right then, and the bigger the enterprise the more benefit the general public receives.

It is infinitely better for the Government that we should have 100,000 horsepower generated at one of these plants than that we should have 1,000 horsepower generated. Consequently, any scheme presented by any person making application that will develop that 100,000 horsepower and thereby utilize all the waters that flow in the stream or in the region, it seems to me, would be the proper thing and to the best interests of the Government.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Tennessee?

Mr. SHAFROTH. I do.

Mr. SHIELDS. I desire to call the attention of the Senator to the situation in the Tennessee River at the Muscle Shoals. They are several miles long; the river is over a mile and a half wide, and there are several channels. The topography of the country is such that half a million dollars could be spent right in the middle of those rapids and thus practically destroy the possibility of all other improvement. One dam right in the middle of the rapids might possibly develop 50,000 horsepower; but if the project is developed fully with two dams, which can be constructed according to surveys that the Government has made showing the whole thing, fully 600,000 horsepower will be developed, which will make the plant the third largest in the United States. As I have said, a small dam right in the middle of the rapids will destroy that great development, and then there could be none there that would be sufficient to generate hydroelectricity.

Mr. SHAFROTH. The illustration of the Senator from Tennessee is directly in point.

Mr. WALSH. Mr. President, will the Senator from Colorado pardon me a moment while I call attention to a feature of the bill?

Mr. SHAFROTH. Yes, sir.

Mr. WALSH. In connection with the statement made by the Senator from Tennessee just now, let me say that that condition is taken care of in another provision of the bill. At page 4 you will find the following:

> The project adopted, including the plans, specifications, and location for any dam and accessory work, shall be such as in the judgment of the Secretary of War shall be best adapted to a comprehensive plan for the improvement of the waterway in question for the uses of navigation and for the full development of its water power and for other beneficial public purposes.

So that a man can not come along and get a permit from the Secretary to erect such a dam as that which would destroy the usefulness of the rest of the locality; but the Secretary of War can make a comprehensive plan for the development of all the water-power resources of that region, and then a man makes his application.

Mr. SHIELDS. That question applies to an entirely different matter. This applies where there are two applicants equally well qualified, and the object of it is to reinforce the provision to which the Senator has referred. Both are necessary.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. SHAFROTH. I do.

Mr. SMITH of Georgia. Suppose, instead of using the language "which is best qualified," in speaking of the applicant, language should be used which would make it read in this way:

> Preference shall be given to that applicant whose plans will best expedite and realize the maximum useful development of the water resources of the region.

Mr. SHAFROTH. There ought to be ability also back of the plans, because a man with very little responsibility could come in with plans.

Mr. SMITH of Georgia. Yes; but they are equally well qualified, according to the provision above, and the distinction between the two is to be the granting of a permit to that one of the two "whose plans will best expedite and realize the maximum useful development of the water resources of the region." Substitute "whose plans will best" for "which is best qualified."

If the Senator will pardon me, I should like to ask the Senator from Montana if he does not think that language improves it?

The PRESIDING OFFICER. Does the Senator from Colorado yield further?

Mr. SHAFROTH. I do.

Mr. WALSH. I should not think so. The trouble about it is that the preference is given to the one whose plans will best promote the development of the water resources of the whole region. Of course, I agree with the Senator that the preference should be given to the one whose plans are best adapted to the development of that particular project.

Mr. SMITH of Georgia. Then, suppose we put before the word "region" the word "immediate." What I had in view was to limit the expense, and yet to take the one whose plans would really best develop that immediate locality.

Mr. WALSH. I shall probably have something to say later about the use of the word "immediate."

Mr. SHAFROTH. I do not think the suggestion last made by the Senator from Georgia would do, because you would not get the maximum amount of water utilized. This thing of saying that it shall be in the immediate region, or in immediate proximity to the plant, will not do at all. The purpose of this provision is to utilize every drop of water that falls on a particular watershed. That is the object of it. Inasmuch as the water falls at irregular times, and inasmuch as it falls in the springtime and in the summer time more than it does in the wintertime, it makes an irregular flow. The object is to utilize those flows so as to equalize them, and thereby get a constant flow.

You have got to have a constant flow. You can not erect a water-power plant that generates electricity and let it utilize the 100,000 horsepower that is generated during the big flow and then let it go down to 1,000 horsepower. You would not get a plant that would ever pay if you should do that, because there is a period from October to March when you would not be able to run your plant, and that is the very time when you would need it most for lighting. Consequently, the object of this provision is to provide in one plan for the utilization of all of the waters of a particular locality so that there can be storage to supply the deficiency in the water of the stream when the season is such that the river is low.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. SHAFROTH. Yes; I yield to the Senator from Iowa.

Mr. CUMMINS. The Senator from Colorado, as it seems to me, has made a perfectly valid argument, and I do not dissent from it; but the difficulty is that his argument is not based on the bill. The provision which he is discussing does not do the thing which he believes ought to be done.

Now let me state a case. Four applicants, we will say, appear before the Secretary of War in the course of a few months for permission to build a dam in a river at a particular point. The Secretary of War looks over the whole situation and he prescribes the plan of the dam, with storage reservoirs if necessary, if he thinks such reservoirs are required in order to conserve the water of the region. The plans are there which govern the erection of that dam, or the structures incidental to the dam, and if any dam is built at that point by anybody it must conform to the plans and specifications that have been prescribed by the Secretary of War. That, Mr. President, is provided for in another part of this bill.

Then the Secretary of War comes to the duty of determining which one of these applicants shall be permitted to build that dam. Assuming that they build according to plans and specifications, it matters not which one builds, because in any event the dam must be of that character. The Secretary of War must decide between these four applicants. How should he decide? It is perfectly evident that he ought to cast aside the application of anyone who is not qualified or competent to carry out the plan. But assuming that they are all qualified to carry out the plan, what standard or what rule does this bill provide for selection between these applicants?

That is the difficulty with the bill. It is not because the argument of the Senator from Colorado is not sound. I think it is sound; for we want to utilize to its maximum the water power at a given point, and the manner in which it shall be utilized is entirely within the power of the Secretary of War. But I do not believe in giving the Secretary of War the right to choose between applicants, all of whom are qualified to produce the very last ounce of power that can be produced at that point by merely saying, "Here is one who is more competent than another to develop the general water resources of the region."

Mr. SHAFROTH. Mr. President, let me read the second paragraph of section 2 to which the Senator has referred. While I have read it a number of times, I do not exactly bear it in mind:

Second. The project adopted, including the plans, specifications, and location for any dam and accessory work, shall be such, as in the judgment of the Secretary of War, shall be best adapted to a comprehensive plan for the improvement of the waterway in question for the uses of navigation and for the full development of its water power and for other beneficial public purposes, and best adapted to conserve and utilize the water resources of the region in the interests of navigation, the needs of the Government, and the public welfare.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Washington?

Mr. SHAFROTH. Certainly.

Mr. JONES. I just want to suggest to the Senator that that prescribes the plan that the Secretary of War must provide for in any permit that he grants. It seems to me that that covers all of the modifications that we have tried to make here.

I want to make a suggestion, and see how it strikes the Senator from Colorado and the Senator from Iowa and also the Senator from Montana. I suggest modifying the language, beginning in line 6, page 7, so that it shall read in this way:

As between contesting applicants for a permit hereunder—

Then cut out the rest from line 7 down to the middle of line 14 and begin with the word "preference"—

preference shall be given to that applicant which has first complied with the laws of the State or States in which the dam or diversion structure is to be constructed.

It seems to me with that the Secretary of War would put in the permit what the Senator has just read in paragraph 2, and then the applicant who applied for the permit would do what the Secretary of War prescribed. Then the one who first complied with the laws of the State, it seems to me, should be granted a permit. That would take care of the whole situation.

Mr. CUMMINS. Suppose there is no law of the State to be complied with, as I just a moment ago remarked?

Mr. JONES. Then, I would say the first applicant.

Mr. CUMMINS. That is all I insist on.

Mr. JONES. I would say the first applicant who applies where there is no law of the State, and where there are laws, the first one who complies with the laws of the State.

Mr. SHAFROTH. Mr. President, I am not a member of the committee which framed this bill. If the provision which the Senator from Iowa and the Senator from Washington have referred to fully covers the situation as to the plan it seems to me the suggestion would be a good one, but inasmuch as these provisions are separate and they may or may not refer to the same thing, unless it is clear I do not see that it would do any harm to keep in this provision as it is, because it is the maximum amount of water that flows that we want to conserve, and if by one plan or by one applicant you can get a flow of only a certain quantity of water there is no likelihood that anybody else will ever improve that stream for the purpose of utilizing the rest. That being the case, the great mass of water to be conserved, under the plan and under a bid of one person, would be lost, and it would go on forever as a loss to the Government and the people of the United States.

Mr. CUMMINS. Suppose that one applicant appeared before the Secretary of War the 1st of January and another one comes on the 1st of July, both equally qualified to carry out the plan that had been adopted by the Secretary of War, how would the Senator feel if the Secretary of War under this very vague direction would give the permit to the company that came in on the 1st of July and reject the one that came in on the 1st of January?

Mr. SHAFROTH. It would be wrong if they are equal.

Mr. CUMMINS. Suppose, after the first application was in, for some reason some friend of the Secretary should advise a rival company that an application had been filed but had not yet been acted upon, whereupon the favorite company would enter the field and, being as competent as the first one to develop the resources of the stream, should receive the permit. The Senator would agree that that is wrong?

Mr. SHAFROTH. Yes.

Mr. CUMMINS. Then why give to the Secretary of War the opportunity to display favoritism of that kind? Happily, we have not had Secretaries of War that could be accused of doing a thing of that sort, but we do not know what will happen, and I do not believe in giving a discretion when it is not necessary in order to carry out the purpose of Congress.

Mr. SHAFORTH. Mr. President, I think there is a great deal of strength and force in what the Senator says. If I could be convinced that this would be covered in every instance by the plan as specified in the preceding section, I would have no hesitancy in saying it is correct and should be adopted. Unquestionably, as between persons who are equally qualified, the plans being made and the bids being made, it does seem to me it is covered by the second clause of this very matter that the Senator from Montana asks be stricken out:

And as between such contesting applicants which appear equally well qualified in such respect, then preference shall be given to that applicant which has first complied with the laws of the State—

And so forth.

That other provision was put there for some purpose, unquestionably, and I do not know exactly what contingencies it covers. It might be that the plans did not specify of what material it might be made. It might be that one person would say it is necessary to construct it of granite and another would say, "I want simply a dirt dam." There might be a change of that kind that would be giving a discretion to the Secretary of War.

Evidently if the plans are identical and if the plans are specific so that there can not be any change, the man who makes the filing first is entitled to and should be given the grant. But it seems to me it is there for some purpose, and it is there in the nature of some kind of a suggestion made by one of them that a greater quantity of water can be conserved by letting him produce power either in the form of an addition to the contract or in some other particular, of which I do not know, because I did not frame the language. But it is, as the Senator says, clearly covered by the first section, and unquestionably he is right.

Mr. CUMMINS. I will bring to the attention of the Senator the case of my own State, and I think it is the case of a good many States. Suppose that two applicants from my State would appear with an application for permission to build a dam. Neither of them has any certificate from the State; neither of them has complied with the law of the State respecting such things, because there are no such laws. What would the Senator do with regard to such an instance as that?

Mr. SHAFROTH. The first who makes an application to the Secretary of War would be the one who ought to get it.

Mr. CUMMINS. That is all I desire.

Mr. SHAFROTH. That is covered, it seems to me, by this provision:

> And as between such contesting applicants which appear equally well qualified in such respect, then preference shall be given to that applicant which has first complied with the laws of the State—

And so forth.

If they are not equal according to this, if some one has something additional to suggest even to the plan to the Secretary of War—it might be a suggestion to utilize more water—it ought to be done.

Mr. CUMMINS. But the Senator forgets in the case I assume neither of the applicants has complied with the law of the State, because there are no laws to comply with.

Mr. SHAFROTH. No; I do not mean complying with the laws; I mean the first applicant who presents himself to the Secretary of War will be the one who ought to receive it as between equal applicants, and that is the provision of the bill.

Mr. CUMMINS. But that is not in the bill at all.

Mr. SHAFROTH. Yes; it is right here. It says:

> And as between such contesting applicants.

Mr. CUMMINS. Precisely.

Mr. SHAFROTH. They are applicants for a water-development plant—

> Which appear equally well qualified in such respect.

Mr. CUMMINS. Precisely.

Mr. SHAFROTH. Then "preference shall be given to that applicant which has first complied with the laws of the State or States in which the dam or diversion structure is to be constructed." Let me put in there, "if there be no such laws, then to the first applicant to the Secretary of War."

Mr. CUMMINS. That would cover the point I suggested, but it is not in the bill.

Mr. SHAFROTH. No; I guess that is true. We in our State have specific laws relating to water-power plants and the filing necessary to be made in the State engineer's office. It is a very complete system. But that can be remedied by simply inserting "if there be no law of the State where the plant is to be constructed, then it shall be the first applicant to the Secretary of War."

Mr. JONES. In suggesting the change I did a moment ago I made a mistake. A part of it only, I think, should go in. I wish to make this suggestion now to the Senator from Tennessee and all those who are interested in this matter, that beginning in line 6 it should read this way:

> As between contesting applicants for a permit hereunder having the legal qualifications required by this act, and being equally well qualified—

Then strike out the rest and put in—

> To comply with the conditions imposed herein.

That would be in paragraph 2. Then go down to line 14, beginning with the word "preference":

> Preference shall be given to that applicant which has first complied with the laws of the State or States in which the dam or diversion structure is to be constructed.

To meet the objection of the Senator from Iowa I would add:

> Or if there are no State laws to be complied with, preference shall be given to the first applicant.

Mr. WALSH. Mr. President, that amendment will be altogether satisfactory to me, so far as the subject to which we have been referring is concerned. That is my idea exactly. But I want to submit to the Senator from Washington that the language which is used here touching State laws is of a most ambiguous character. Of course, we desire to give the preference to the one that has made the appropriation—that is to say, if a man has already made an appropriation and enjoys the right to the use of the water and is an applicant for the privilege of putting in a dam and another is equally well qualified—we want to give the preference, of course, to the man who has already acquired the water rights.

I do not think the language "who has first complied with the laws of the State" meets the situation. I have no doubt in the world that the committee intended to meet that situation. They intended to preserve to us our system in the West.

Mr. JONES. Yes; that is true.

Mr. WALSH. But you will remember the act contemplates that corporations for public-utility purposes will be created. I submit to the Senator's consideration as well as to the Senator from Iowa that two applicants from the State might come down here, both corporations. One started first. I was asking the attention of the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa will kindly give his attention to the Senator from Montana.

Mr. WALSH. I was considering the case of two corporations in the State of Iowa organized for the purpose of conducting a certain development. One got out its articles of incorporation and recited in its articles of incorporation the purpose to carry on this development. The other did likewise, but was later in complying with the State laws, with respect to incorporating, and so on. I do not know whether it is the Senator's purpose to give the preference to the one who first started in the State to take out articles of incorporation or whether it is desired to give the preference to the one who first filed the application here.

But that is not the point I am particularly speaking of now. Whichever takes out its articles of incorporation first or complies with other laws of the State, my idea is that preference should be given to that applicant which has first acquired the right to divert the waters of the stream. So I suggested to the Senator from Tennessee the other day, to meet our situation the language ought to be "the applicant who has first acquired the right to divert the waters of the stream by means of a dam to erect which the permit is sought and who has otherwise complied with the laws of the State or States." I think the suggestion made by the Senator from Washington ought to incorporate some such language as that.

Mr. JONES. I think that is right. Of course I was making my suggestion simply to meet the proposition advanced by the Senator.

Mr. CUMMINS. Mr. President, I had not supposed that the laws relating to incorporation and the like were the laws that are referred to in this provision. I assume that the laws referred to here are laws which give a certain person or corporation some right in the stream proposed to be dammed.

Mr. WALSH. I understood that that is the position of the Senator, but the language does not seem to be very appropriate to meet that position.

Mr. CUMMINS. I agree that it might be made more specific.

Mr. SHIELDS obtained the floor.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Nebraska?

Mr. SHIELDS. I yield to the Senator.

Mr. NORRIS. I do not want to impose on the Senator, but I wish to say a word in response to the Senator from Montana about an agreement between us.

Mr. SHIELDS. It was about that agreement I wanted to make an inquiry. I wished to inform the Senate of that agreement so that there might not be any further discussion.

Mr. NORRIS. The Senator from Tennessee had an agreement, I understood, some time ago about the pending amendment.

Mr. SHIELDS. That was a mistake.

Mr. NORRIS. The Senator, as I remember it, said he had misunderstood what the statement was.

Mr. SHIELDS. Yes; I misunderstood what it was.

Mr. NORRIS. So the pending question is the amendment of the Senator from Montana to strike out the words included in his first motion.

Mr. SHIELDS. I misunderstood the Senator from Montana. I did not know he had moved to strike out. The Senator from Montana and I did discuss this amendment. I did not concede that the words are ambiguous. I think they fully cover the case. The words "the laws of the State where the project is located" were placed there because different States have different laws in regard to navigable streams. Then there is the doctrine of prior appropriation existing in several of the Western States which is not in force in the States bordering on the Mississippi River and east of it. I am perfectly willing to be more explicit, as suggested by the Senator from Montana, if he thinks that it would be best for the Western States and for his State, where the doctrine of prior appropriation applies.

Mr. NORRIS. Mr. President, I wish to say just a word on the amendment. I realize that there are two lines of thought, each one of which is based upon arguments appealing to reasonable and honest people with different degrees of force. The one line is that it is best to have all these power plants generating electricity controlled and owned by one large concern, and that regulated; in other words, to eliminate competition and provide for the consumer by regulation. As I understand those who have drafted this provision, they have drafted it on the theory that that is the proper way to develop the resources and that it will redound in the end more beneficially to the consumer.

So they have provided in the bill the language that the Senator from Montana by his motion seeks to strike out, that that applicant which is best qualified to expedite and realize the maximum useful development of all the resources of the region shall be given preference wherever there is a contest. Of course, that language means—it can not mean anything else, and I presume it was not intended to—that the man or corporation able to reach out all over the country and take charge of the water-power development, who has the money and the backing by which he can improve them all, shall be given preference in a contest over the right to dam a navigable stream.

There might be cases, it seems to me, where the Secretary of War might deem it best to give such an applicant the preference. I would not want to confine him and to say arbitrarily that he should never give the right where there is a contest to the applicant who is going to develop the most power. At the same time I should dislike to put into the law a cold provision which forces him to do that very thing. He would have no discretion; it would be his duty in all cases to turn down the little fellow and give the right to the big one. The man or the combination of men who could get together the most money would always win.

There would be a good deal of dispute, a great deal of contention, arising over the meaning of the word "region." It is an indefinite word. The Senator from Tennessee in charge of the bill realizes that it is an indefinite word, and he suggests that he would be willing to modify it by some other word which would confine it within some limit. He suggests the word "district." He has given us Webster's definition of "region." I have Webster's Dictionary here on my desk, and I find "district" means about the same as "region." In fact, Webster gives one as synonymous with the other. It is a very indefinite term. It might be applied to the Senate Chamber or to even a portion of this room. It might in another case apply to such a large extent of territory that it would include all the United States; it might include all of a State or it might include two States; but it would certainly in all cases go beyond the dam for the right to construct which application is made. It would always be beyond that.

These applications must come, as I understand it, one at a time. The man applying to the Secretary of War to construct a dam at a certain point in a river would have a preference given him by the Secretary of War if he could show that he had enough money to construct dams at a dozen other places on that river and 25 other places on other rivers that might be in the same vicinity.

As I said, there might be times when upon an examination of the applicants and what they propose to do and what they could do the Secretary of War ought to give it to the man who has the most developed power, but that ought not to be a binding rule. If it were, then you would often cut out municipalities. Here is a stream running through a city, and in the vicinity of that city there is a good power site for a dam. It is a navigable stream, and there can be a wonderful lot of power developed there. That municipality, let us say, for the purpose of supplying the people of that city with light for domestic purposes and supplying the city with light and power for municipal purposes wants to build that dam. But here comes along another, a different corporation, and another fellow says to the Secretary of War, "Our corporation here will build that dam; we already own another dam on the other side of the town; we already own another site over here on some other stream; we are already operating this plant and that plant, and the business we are going to do is ten times greater than that this city wants to do. In fact, we want to develop this power and sell light and heat to this very municipality." That might be one of the objects, and of course the object is to make a profit out of doing it.

It seems to me the Secretary ought to have the right in a case like that to say, "It makes no difference how much you will develop, it does not make any difference how much power and how much money you will have, I will give to the municipality in this case the right to dam the stream and develop power for its purposes."

Mr. SHIELDS. I will say to the Senator the first section of the bill provides that that shall be done.

Mr. NORRIS. Yes; there are other arguments in regard to the combination of power, and so forth. Monopoly is prohibited in another place in the bill, but the provisions are contradictory to this one. Here is a specific command in definite language to the Secretary that he shall give the preference right to that applicant who is able to do the most. Suppose it is stricken out as the Senator from Montana has moved, and what is left? Here is the way it would read after the language is stricken out, and I can not see why it is not vastly improved:

As between contesting applicants for a permit hereunder having the legal qualifications required by this act, and being equally well qualified to improve or develop waterways for the uses of interstate or foreign commerce, preference shall be given to that applicant which has first complied with the laws of the State or States in which the dam or diversion structure is to be constructed.

And so forth.

It seems to me that if we compel the Secretary to take the course that the bill outlines we are liable to do often an injury, whereas if we will give him, as I believe we ought, some discretion in the matter, he could grant the permit to the individual or the corporation that under all circumstances ought to have it for the best interests of all the people in the community.

Mr. WALSH. Mr. President, I inquire what is the status of the amendment at this time? I understood that the Senator from Washington was going to propose something in lieu of the amendment.

Mr. JONES. I did not offer the amendment awhile ago; I merely suggested it. I thought the Senator from Tennessee, having charge of the bill, would probably present it if it would be satisfactory to him.

Mr. WALSH. Of course I do not want to speak on the matter if the amendment proposed is going to be offered.

The VICE PRESIDENT. Is the amendment of the Senator from Tennessee pending or not?

Mr. SHIELDS. No; I have not offered any amendment. I have just had an understanding with the Senator from Montana that the amendment suggested by the Senator from Washington is satisfactory to him, and if that is agreed to he will withdraw the pending amendment.

Mr. WALSH. Yes, sir.

Mr. SHIELDS. Am I correct?

Mr. WALSH. That is satisfactory to me entirely.

Mr. SHIELDS. The amendment of the Senator from Washington is satisfactory to me.

Mr. SHAFROTH. I should like to have the amendment offered by the Senator from Washington reported.

The VICE PRESIDENT. Does the Senator from Montana withdraw his amendment?

Mr. WALSH. I do not. This is offered as a substitute for mine, and I signified my acceptance of it if it is adopted.

Mr. JONES. I will offer this amendment in the place of the amendment suggested by the Senator from Montana.

After the word "qualified," in line 8, insert the words:

To comply with the conditions imposed herein.

Strike out beginning with the words "to improve," in line 8, down to and including the word "then," in line 14, and after the word "first," in line 15, insert:

Acquire the right to divert the water of the stream by means of a dam, to erect which the permit is sought and otherwise.

Then after the word "constructed," in line 17, insert:

Or if there are no State laws to be complied with preference shall be given to the first applicant.

Mr. WALSH. That is entirely satisfactory to me.

Mr. SHIELDS. I did not understand that. Is the Senator from Iowa in earnest in his suggestion? Does he insist on it?

The VICE PRESIDENT. It is not possible for the Secretary to get the amendment in this way.

Mr. JONES. I think the Secretary can get it if I send him the memorandum I have here.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington [Mr. JONES] will be stated.

The SECRETARY. On page 7, line 8, after the word "qualified," it is proposed to strike out from the words "to improve" down to and including the word "then," in line 14, and to insert "to comply with the conditions imposed herein."

Mr. JONES. That is not all of the amendment.

Mr. CUMMINS. That is only a part of it.

Mr. JONES. The Secretary may now read the amendment from the memorandum which I have sent to the desk.

The SECRETARY. On page 7, line 8, after the word "qualified," it is proposed to insert "to comply with the conditions imposed herein"; then to strike out, beginning with the words "to improve," down to and including the word "then," on line 14.

Mr. JONES. That is not all.

The VICE PRESIDENT. That must be one amendment, because the other amendment comes in at another place.

Mr. JONES. The words come in in another place, but it is all one amendment; it all comes together.

The VICE PRESIDENT. The Secretary will proceed with stating the amendment.

The SECRETARY. After the word "first," in line 15, page 7, it is proposed to insert the words "acquire the right to divert the water of the stream by means of the dam, to erect which the permit is sought, and otherwise"; then, after the word "consructed," in line 17, it is proposed to insert the words "or if there are no State laws to be complied with, the preference shall be given to the first applicant."

The VICE PRESIDENT. Is that all one amendment?

Mr. JONES. That is all one amendment.

Mr. CUMMINS. The Senator from Tennessee [Mr. SHIELDS] asked me if I was in earnest about the suggestion I made. I will say that I am.

Mr. SHIELDS. Then I agree to it, because it does not change the sense.

Mr. CUMMINS. I desire to say, however, to the Senator from Tennessee, that I am not satisfied with the language proposed by the Senator from Washington; but I assume it has been hastily prepared. What I desire is that, if there are two applicants or three or four applicants from a State like mine, all equally qualified to fulfill the public purpose, that the first applicant shall receive the permit. That is my whole purpose, so far as this amendment is concerned.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Washington [Mr. JONES].

Mr. POINDEXTER. What is the amendment?

The VICE PRESIDENT. The amendment which has just been stated by the Secretary.

Mr. POINDEXTER. I should like to have it again stated.

The VICE PRESIDENT. The Secretary will again state the amendment.

The Secretary again stated the amendment proposed by the Senator from Washington [Mr. JONES].

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Washington.

The amendment was agreed to.

The VICE PRESIDENT. The question recurs on the amendment proposed by the Senator from Montana [Mr. WALSH].

Mr. WALSH. I withdraw the amendment which I offered.

The VICE PRESIDENT. The amendment is withdrawn.

Mr. WALSH. Mr. President, I invite attention to section 5 of the bill, which reads:

SEC. 5. That unless revoked for cause as provided in section 8 of this act the rights under any such permit shall continue for a period of 50 years from and after the date of the completing and putting into commercial operation of the initial installation required by the Secretary of War, as provided in section 9 of this act, and after the expiration of said 50 years such rights shall continue until revoked for cause as provided in section 8 of this act or until terminated and compensation has been made to such grantee for its property as provided in section 6 of this act.

I will say for the information of the Senate, in exposition of this particular section, that subsequent sections provide for forfeiture for failure to comply with these conditions, and they likewise provide for the recapture by the Government, at the expiration of the period of 50 years, of the property which has been accumulated, constituting the entire plant. Mr. President, I want a definite termination to this period. I want the water-power company to have the permit for 50 years, and to have it then come to an end. Of course I do not feel that the company ought to be dispossessed of its property until the value of such property has been determined and the amount to which the company is entitled has been paid to it; but this section contemplates that the 50-year period shall commence to run at the time of the completion of the first installation. That may be some indefinite time in the future.

Mr. SHIELDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Tennessee?

Mr. WALSH. I do.

Mr. SHIELDS. The objection of the Senator only relates to maybe a year or two; it depends on the size of the dam to be constructed. It might shorten the permit a year or two. That language was put in the bill in order to give the company making the improvement 50 years in which to operate, but it is not a very material matter. It is like some others, I think, with all respect, that the Senator has offered to the bill, or proposes to offer, in copies of amendments presented to me—27 in number—which largely change the language and rewrite the bill. I am glad to have any suggestion that contributes to bettering the bill, and especially in the interest of the consumer; but I hardly thought the Senator ought to want to rewrite the bill after it has been considered by two committees, after it has had so much attention devoted to it, and been so carefully prepared; but, in order to save some time and to obviate all of these small amendments, I am going to accept this amendment. I do not want to have a day's discussion upon it, and am therefore going to accept it.

Mr. WALSH. That obviates the necessity of any further comment from me. Then, Mr. President, I move to strike out, commencing with the word "and," in line 11, on page 9, down to and including the word "act," in line 14, and to insert, after the word "from," in line 11, the words "the date of the permit," so that the section, if so amended, will read:

That unless revoked for cause, as provided in section 8 of this act, the rights under such permit shall continue for a period of 50 years from the date of the permit, and after the expiration of said 50 years such rights shall continue until revoked—

And so forth.

The purpose of this amendment, Mr. President, is to make the 50 years run from the date of the permit, instead of from the date of the completion of the installation.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Montana.

The amendment was agreed to.

Mr. CLAPP. Mr. President, I desire to call the attention of the Senator from Tennessee to a matter—it may be that it can be explained—on page 6. The effort is there made to limit the charges which the Government shall impose where land is taken to the value of the land. It is provided on page 6, line 22:

Such reasonable charges based upon its value as land as may be fixed by the Secretary of War—

Then the bill goes on to say—

and in fixing such charges consideration shall be taken of the benefits accruing from the use and occupation of such lands to the interests of navigation—

That is very plain. Then the provision continues—

as well as to the business of said grantee.

The bill starts with the proposition that the charge shall be limited to the value of the public land taken. If the words "as well as to the business of said grantee" mean anything, they mean that the benefits to accrue to the grantee from the right that is conferred upon it shall enter into the matter of ascertaining the charge which is to be imposed upon it. Is that the correct interpretation of the language?

Mr. SHIELDS. Yes; it was intended that whatever benefits be conferred upon the grantee, he ought to pay for.

Mr. CLAPP. Then that clearly introduces a rule of charge outside of and independent of the value of the land taken. If that is the intention, with the first declaration which seems to limit it to the value of the land taken, the right to make this additional charge regardless of the limitation of the land, it seems to me the authority ought to be more clearly stated. It may be that it is sufficiently plain; but I am calling the attention of the Senator to it.

Mr. SHIELDS. That is the very subject-matter of the amendment offered by the Senator from Nebraska [Mr. NORRIS] this morning, which was rejected. The words which follow—"reasonable charges based upon its value as land as may be fixed by the Secretary of War"—were intended to control him in fixing that value.

Mr. CLAPP. That is true; but that is not the point I am making. The bill proceeds to make the value of the land the basis of the charge, allowing the Secretary to take into account as an offset to that the benefits that will accrue to navigation. Thus far it is very plain. If the subsequent words "as well as to the business of said grantee" mean at that point that the Secretary of War, going beyond the question of the value of the land, may charge to the applicant something accruing on account of the benefit it will be to the grantee to obtain the

permit, that authority ought to be, it seems to me, more clearly stated.

Mr. SHIELDS. That is not the object.

Mr. CLAPP. Then, what is the object?

Mr. SHIELDS. The object there is to charge the grantee with any peculiar value the land may have on account of its situation and location.

Mr. CLAPP. Still I do not make myself plain. That is one phase of the case. The provision reads:

Based upon its value as land as may be fixed by the Secretary of War; and in fixing such charges consideration shall be taken of the benefits accruing from the use and occupation of such lands to the interests of navigation—

That is perfectly plain. If it stopped there, then there could be no question; but then follows the language:

As well as to the business of said grantee.

That can only relate to the beneficial effect on the business of the grantee, and that can only be taken into account as an offset against the benefit to navigation, or it does not mean anything, and yet the authority is not plainly stated, as it ought to be.

Mr. SHIELDS. Does the Senator think these words ought to be stricken out?

Mr. CLAPP. No; I think they ought to remain there; but I think they ought to be made plain, so that no two men, such as the Senator from Tennessee and myself, could differ as to what they mean. They mean something.

Mr. SHIELDS. I suggest that the Senator prepare an amendment and let me look over it at some time, and doubtless we can agree, so far as he and I are concerned. I think I know what those words mean, but if the Senator wants to make the intention clearer, I am perfectly willing that he shall do so.

Mr. CLAPP. I want to know from the Senator if they do not mean that in the equation of charge between the value of the land and the benefit to navigation there shall be taken into account the benefit to the grantee?

Mr. SHIELDS. Only so far as the value of the land is concerned. Those words relate entirely to the action of the Secretary of War in valuing the land.

Mr. CLAPP. We will suppose that the value of the land is found to be $10,000 and the benefit to navigation $15,000. In that case, would the benefit to the business of the grantee be taken into account?

Mr. SHIELDS. No; I can not conceive a case of that kind. The value of the land is comparatively small in a business which will represent in most cases millions of dollars.

Mr. CLAPP. Suppose the value of the land was ascertained to be $10,000 and the benefit to navigation was ascertained to be $5,000—$5,000 less than the value of the land—then, do the words "as well as the business of the said grantee" mean anything?

Mr. SHIELDS. I think they impose a certain charge upon the grantee in valuing the land.

Mr. CLAPP. But only up to the value of the land?

Mr. SHIELDS. Oh, yes; only up to the value of the land. It was not intended in any way to allow the Secretary of War to charge for water rights.

Mr. SHAFROTH. Mr. President, would this be satisfactory as an amendment to the Senator?

Mr. CLAPP. It is not a question of being satisfactory to me; it is a question of making it plain.

Mr. SHAFROTH. I have taken the language which the Senator from Tennessee has used and then add certain words, so as to make it read:

As well as to the business of said grantee only so far as the value of the land is concerned.

Mr. CLAPP. That would make it plain; but that would be a limitation.

Mr. SHAFROTH. I think that would make it plainer. I move that amendment, Mr. President, if the Senator from Tennessee does not object.

Mr. SMOOT. Let us see what is the effect of the amendment.

Mr. SHAFROTH. The amendment simply adds, after the words "as well as to the business of said grantee," the words "only so far as the value of the land is concerned."

Mr. SHIELDS. I have no objection to that.

Mr. SHAFROTH. Then, I move, Mr. President, after the word "grantee," in line 26, on page 6, to insert "only so far as the value of the land is concerned." That conforms to the interpretation which the Senator from Nebraska [Mr. NORRIS] put on the provision, as I understand, this morning, and makes it clearer.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 6, line 26, after the word "grantee," it is proposed to insert "only so far as the value of the land is concerned."

Mr. NORRIS. Mr. President, may I ask the Senator from Colorado to what particular part of the language now in the bill the clause which he seeks to add applies?

Mr. SHAFROTH. After the word "grantee," in line 26, on page 6.

Mr. NORRIS. I know where it comes in; but if one were going to analyze it as would a student in school, to what part of the preceding sentence would it be attached? What does it modify?

Mr. SHAFROTH. It modifies the last clause, "as well as to the business of said grantee," and adds to that the words "only so far as the value of the land is concerned."

Mr. NORRIS. Now, I wish the Senator would tell us what it means.

Mr. SHAFROTH. It means just what the Senator from Nebraska interpreted the provision to mean this morning in his speech. He said that this language meant that the Secretary of War could deduct from the land whatever benefit might be conferred, but that he could not go beyond that. That was the line of the Senator's argument this morning.

Mr. NORRIS. Yes.

Mr. SHAFROTH. I am merely seeking to express that in the language which the Senator from Tennessee has used, and which I thought was very succinct and clear.

Mr. NORRIS. If there was not any doubt as to what the provision meant when I was discussing it this morning, how does it happen to occur to the Senator now?

Mr. SHAFROTH. The Senator from Minnesota [Mr. CLAPP] said he did not understand it, and wanted it made clear.

Mr. CLAPP. It happened in this way: After you have established, first, the rule of value of the land, then you deduct the benefit to navigation, and then you can charge against that the benefit to the grantee. I do not believe that it is a limitation on the value of the land, but the authority to make the additional charge is not plain.

Mr. NORRIS. Does the Senator claim that I ever advocated that you could add to the ascertained value the benefit to the grantee?

Mr. CLAPP. I do not claim anything about what the Senator from Nebraska has urged.

Mr. NORRIS. Is it the object of this amendment to make it possible to do that?

Mr. CLAPP. The object of the amendment is to make clear what was meant by the language. It must be remembered that the provision under discussion follows the first limitation. If it means that after you have found the value of the land and then have found the value to navigation you can then, on the other side of the column, find the benefit accruing to the grantee, it should be so stated; there should be no question of the authority.

Mr. NORRIS. Nobody has claimed that was true, has he?

Mr. CLAPP. I doubt if there is any court that would limit the benefit to the grantee, under the language as it now reads, to the mere value of the land, and yet it is not plain.

Mr. NORRIS. Now, let me put a concrete example to the Senator from Minnesota.

Mr. CLAPP. If there is no force in the suggestion, there is no necessity for any amendment; that is all.

Mr. NORRIS. I have been trying to get light on it. Suppose we have a case where the value of the land as land, according to the bill, has been fixed at $100, and the benefit to navigation has been fixed at $200. Would the applicant have to pay anything to the Government?

Mr. CLAPP. Not unless the Secretary of War finds that the charge which should be made for the value of the business exceeds $100. Just start in with the proposition of fixing the charge. Congress could impose a charge based upon the value of the right that the corporation acquires. Now, we first ignore that basis of charge and go to the value of the land. Then we allow as an offset to the value of the land the value to navigation. Then we immediately institute another basis by providing that the Secretary of War shall take into account the benefit to the business of the grantee. My contention is that, instead of being plain as it should be, it is confusing, and I think the discussion has shown that it is.

Mr. SHAFROTH. Does not the Senator think this amendment clears it up?

Mr. CLAPP. That would clear it up in one way; yes.

Mr. NORRIS. Mr. President——

Mr. POINDEXTER. Will the Senator yield just for a moment? It not only does clear it up, that is true, but it changes the effect of it.

Mr. CLAPP. Ah, if it changes the effect of it, then my contention that, without it, a charge could be made for the benefit without any regard to the value of the land is correct, is it not?

Mr. POINDEXTER. I myself think it ought to be that way.

Mr. NORRIS. Now, I want to give an illustration to the Senator from Minnesota. Suppose that we have an actual case arising under the bill where the value of the land is $100. That would be more than it would usually be found to be. The increased value to navigation is $10,000, and the benefit to the business of the grantee is a million dollars. How much would the grantee have to pay in that case?

Mr. CLAPP. If this bill primarily provided that the Secretary of War should charge on the basis of the value of the business——

Mr. NORRIS. But it does not, does it?

Mr. CLAPP. It does not.

Mr. NORRIS. Then, let us take it just as it is.

Mr. CLAPP. I am answering the Senator's question, and the statement of the Senator from Washington [Mr. POINDEXTER] confirms my position, so that it has that much of a basis of doubt at least. If the Secretary of War found that the value of that grant was $1,000,000, while it would be a most extraordinary finding, yet if he was authorized to make the charge when he found that to be the value of it he would charge that for it. We eliminate that, however, and go to the value of the land. Then we allow an offset for the benefit to navigation, and then, without any restriction or limitation or authorization, on the other hand, we say that he shall take into account the benefit accruing to the business of said grantee. That means something or it means nothing.

Mr. NELSON. Mr. President, I think this misapprehension arises——

Mr. NORRIS. Mr. President, if the Senator will permit me, I am asking my question in good faith, and I wish the Senator would answer it.

Mr. CLAPP. I have tried to answer it.

Mr. NORRIS. If the Senator thinks I have used too large an amount, let me change it. Suppose that the value of the land is $100, and suppose that the benefits to navigation are $200, and suppose that business of the grantee is valued at $500. How much in dollars and cents, if anything, in that case would the grantee pay to the Government for the land?

Mr. CLAPP. He would under the construction contended for by some pay at least $400. There is no getting away from that, in my judgment.

Mr. NORRIS. How does the Senator arrive at that?

Mr. CLAPP. Because the land is worth $100 and the benefit is assessed at $200, which would leave a balance on the Government's side of $100. The benefit to the business is $500, which would leave a balance against the grantee of $400.

Mr. NORRIS. The Senator has subtracted in that case the value of the improvement to navigation from the value of the applicant's business?

Mr. CLAPP. I subtract, under the contention of some, the improvement to navigation from the two items charged against the grantee, which are, in the first place, the value of the land, and, next, the benefit to his business.

Mr. NORRIS. The Senator believes, then, that under this bill it would be the duty of the Secretary of War to charge the grantee in all cases the value of the business that is going to be brought about by reason of the improvement?

Mr. CLAPP. I believe that whenever in framing a law there is doubt about its language, we should make it plain, so that it could not be contended that it meant one of two things.

Mr. NELSON. Mr. President, will the Senator yield to me for a moment?

Mr. NORRIS. I will.

Mr. NELSON. I think this whole confusion arises from the fact that the only thing to be found here is the amount the grantee shall pay to the United States for the land; that is all. In connection with that fact the Secretary takes into account two other facts, but it does not authorize him to do anything more than to take it into account in assessing the lands. It does not authorize him to make a finding as to whether the value of the land for navigation is so much, or the value to the business of the grantee, but only to the extent that it bears upon the value of the land. Now, let me read it, and you will see how plain the language is:

> And for any land of the United States so used and occupied the grantee shall pay to the United States such reasonable charges based upon its value as land as may be fixed by the Secretary of War; and in fixing such charges consideration shall be taken of the benefits accruing from the use and occupation of such lands to the interests of navigation, as well as to the business of said grantee.

The only thing that the Secretary of War is authorized to pass upon and to determine is the value of the land, and the language that the Senators are disputing about only goes to that question. The Secretary has no right to find any specific value beyond the value of the land. If the Secretary of War finds, taking into account the value of the land for navigation and the benefits to the business of the grantee combined, that they exceed the value of the land, it means that the grantee shall pay nothing for the land.

Mr. CLAPP. Yes; but the Senator from Tennessee construes this to mean that if the land is found to be worth a certain amount, say, a thousand dollars, and the benefit to navigation is $500, then the Secretary can charge, as the benefit to business only, $500 more. In other words, the Senator from Tennessee contends that only within the value found of the land the Secretary may offset against the improvement to navigation the benefit to the grantee's business.

Mr. NELSON. Certainly; but he has not the right to go to the extreme that the Senator from Nebraska did.

Mr. CLAPP. Oh, no; I did not mean that.

Mr. NORRIS. No; I would not have the Senator go to the extreme that I would go, but I am quite anxious to find out what the Senator means just the same.

Mr. CLAPP rose.

Mr. NORRIS. As a matter of fact, I believe——

Mr. CLAPP. Well, Mr. President——

Mr. NORRIS. I have the floor, I think. I will yield to the Senator in a minute. As a matter of fact, as I understood the senior Senator from Minnesota [Mr. NELSON], he stated the rule correctly, and I stated it several times. It was unreasonable when I stated it, but it has now received the approval of reason. It is that where the value of the land is ascertained the Secretary has no authority to charge anything in excess of the value of the land; but he can offset against that, and it is his duty to do so under the bill as it is drawn, the benefits that may accrue to navigation; and, as the Senator from Minnesota said, if he finds the value of the land as $100 and the benefits that accrue to navigation as $200, he does not pay anything nor get anything nor charge anything. That wipes it off. In other words, the value of the land as land is absolutely the maximum amount that can be charged under this language.

I understood the Senator from Minnesota to advocate that, and that is what I advocated, as unreasonable as I am.

Mr. CLAPP. That is not what the senior Senator from Minnesota advocated.

Mr. NORRIS. I so understood him.

Mr. CLAPP. No; he advocated something entirely different.

Mr. NORRIS. Then I misunderstood him. The facts are that because it has this language in it, "as well as to the business of said grantee," it does not mean that if the business of the grantee is worth a million dollars—and I presume in a great many of these cases it will be worth several million dollars—the Secretary of War should or could charge him the value of that.

Why, if the Senator from Tennessee believes that, then he has made an admission here that means that under his bill, if it is passed without the crossing of a "t" or the dotting of an "i" in the way of a change, nobody will ever take out a permit under it, because under that construction it would mean that if the business was worth a million dollars you would have to pay a million dollars to the Government; if it was worth $20,000,000, you would have to pay $20,000,000 to the Government. That is wilder than any of these so-called conservationists and unreasonable men have ever advocated, either here or elsewhere.

Mr. CLAPP. The Senator from Tennessee did not make that contention.

Mr. NORRIS. I did not understand that he did, but I understood the Senator from Minnesota to say that he did.

Mr. CLAPP. No; he made the contention that the Senator said that the senior Senator from Minnesota did, namely, that you could keep, and only keep, within the limits of the value of the land.

Mr. NORRIS. That is what I advocated, and that is what I have said over and over again, a number of times.

Mr. CLAPP. I was suggesting that it ought to be made plain. If it is intended that the business of the grantee shall be taken into account in considering the value of the land, it ought to relate to that rather than the counterrelation of taking into account the value of the improvement to navigation as well as the value to the business of the grantee. If it is the intention to take in account the value to the business of the grantee, that should be made plain. I have called the attention of the committee to it.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado.

Mr. POINDEXTER. Mr. President, does the Senator from Colorado intend to insist upon that amendment?

Mr. SHAFROTH. Oh, yes.

Mr. POINDEXTER. It seems to me it changes the effect of the bill entirely.

Mr. SHAFROTH. The Senator says there is doubt about it, and it seems to me it clears it up just exactly in line with what the Senator from Minnesota and the Senator from Tennessee have said; so I think it ought to be there.

Mr. POINDEXTER. I think if we are going to vote upon an amendment of that importance, which presents one of the most vital questions in the bill——

Mr. SHAFROTH. Oh, no; it has been discussed, and was discussed this morning, and a yea-and-nay vote was taken on the proposition of the Senator from Nebraska [Mr. NORRIS]. He made that claim, and said that that was the construction that was to be placed upon it, and the Senate adopted it upon that construction. It is exactly in line with what the Senator from Tennessee said and the Senator from Minnesota said.

Mr. POINDEXTER. The Senator from Nebraska was discussing another clause of the bill altogether. He did not refer to this clause.

Mr. SHAFROTH. Oh, no; he proposed an amendment to strike out all of that. That is what he proposed to do. This is exactly clearing up the matter. It arose only from the fact that the Senator from Minnesota wanted to know its meaning, and the Senator from Tennessee said it meant only so far as the value of the land is concerned. I happened to write it down just in that language, and so I proposed this amendment to clear it up.

Mr. GALLINGER. Mr. President, if I remember correctly, in the first Constitutional Convention they had a committee on form. It is to be regretted that we have not one in this body, so that these disputed questions could be submitted to it and cleared up without this interminable debate.

Mr. CUMMINS. Mr. President, I should like to have the amendment stated. I happened to be out of the Chamber when it was offered.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 6, line 26, after the word "grantee," it is proposed to insert "only so far as the value of the land is concerned."

Mr. POINDEXTER. Mr. President, after all the contention there has been on this question and the care that apparently has been taken by the committee—I suppose in consultation with the representatives of prospective grantees under this bill—as to what would be satisfactory to those who wish to develop these water powers, the Senator from Colorado proposes to reopen the question here and make the bill more stringent than it has been heretofore against the public interest.

Mr. SHAFROTH. Mr. President, I will state that so far as I am concerned, I do not know any person that is applying for any of these water rights, and have no idea who is doing so.

Mr. POINDEXTER. Mr. President, the entire time of men of talent and learning and ability and expertness in this matter has been devoted for two years, to my personal knowledge, to promoting the passage of this legislation. I did not say that the Senator from Colorado knew anything about it. I know about it.

Mr. SHAFROTH. I am not even on the committee.

Mr. SHIELDS. Mr. President, did I understand the Senator from Washington to say that the experts in regard to water power and the proposed development met in consultation with the Committee on Commerce?

Mr. POINDEXTER. No; I said that I supposed the committee, which devoted so much time to the framing of this bill, or the members of the committee, had consulted with them.

Mr. SHIELDS. The Senator is wrong in his supposition. There were no hearings. There were no experts and no promoters called before the committee or consulted. There are abundant hearings and reports upon this subject that have been accumulating during the last 10 years. The committee consulted and studied all of those and the general subject and framed the bill as they thought best to promote the development of these water powers and protect the interest of the consumers.

Mr. POINDEXTER. What I said did not necessarily refer to hearings before a committee. I did not say anything about hearings before a committee or any formal appearance before a committee.

Mr. SHIELDS. The Senator said that the committee——

Mr. POINDEXTER. The Senator declined to yield to me a moment ago. I decline to yield to the Senator any further at this time.

It seems to me it would be a very curious thing if gentlemen seeking these franchises and coming here should speak to me in regard to what they wanted and state their views as to the forms of bills, and not speak to members of the committee. Furthermore, I know, Mr. President, since reflecting upon it after the Senator's remark, that they have appeared before some of the committees of Congress. I know that they appeared before the Committee on Public Lands and testified in regard to this general subject more than a year ago. They have had motion-picture shows here in the city and in other cities agitating public opinion and promoting legislation satisfactory to them.

I have not any objection to legislation being enacted that is satisfactory to them, if it is reasonable legislation. What started this remark was the fact that the committee had agreed upon this bill, presumably satisfactory to the gentlemen who want to promote the development of water powers, and certainly stringent enough, so far as curtailing the public interest is concerned. Now, why should it be made more so by the amendment of the Senator from Colorado?

Mr. SHAFROTH. I will state to the Senator just exactly the circumstances under which it occurred. The Senator from Minnesota came in and asked the Senator from Tennessee what this meant. The Senator from Tennessee said that it meant "so far as the land was concerned." That had been the position taken by the Senator from Nebraska this morning in moving to strike out entirely the part of the bill that related to this. He said that it meant that, and a yea-and-nay vote was taken upon it. The Senator from Minnesota said that it was not clear to him, and ought to be made clear. I then suggested the pending amendment and asked whether that made it clear, and the Senator from Minnesota said "yes."

Those are the circumstances under which it occurred.

Mr. POINDEXTER. The effect of it is simply this: That the bill, as it is framed now and reported by the committee, and thrashed over here in debate for more than two weeks, and apparently accepted by the prospective grantees of these franchises, provides that in fixing the charges the Secretary of War can take into consideration the benefits accruing from the possession of this land to the business of the grantee. I think that is a reasonable provision. The amendment of the Senator restricts the basis upon which charges can be fixed, restricts the values which can be taken into account, and confines the Secretary to a consideration of the value of the land only.

Mr. SHAFROTH. Mr. President, the very argument that we have had here in connection with the motion of the Senator from Montana, by the amendment which he offered to strike out the words "value of the land," evidently went all over this matter; and the Senate determined by a yea-and-nay vote that you could not and should not charge for the water value that is in these streams, because it does not belong to the United States, and the United States has no more right to charge for it than I have. Upon that question a yea-and-nay vote was taken, and it was decided by a vote of 35 to 18. Then, again, the Senator from Nebraska moved to strike out this language, and the result of that was a vote of 38 to 20, I think. The matter has been settled twice so far as that is concerned; and when the interpretation of the Senator from Minnesota with relation to the matter was called to the attention of the chairman of the committee, the chairman of the committee explained it. Thereupon he said, "If that is the construction, it ought to be in there"; so I moved to put it in.

Mr. POINDEXTER. Mr. President, it seems to be assumed on the part of the advocates of the proposition that has just been stated by the Senator from Colorado that the promoters of water-power development are conferring a great favor upon the public and upon the United States by accepting these franchises; that they are of no great value; that they improve navigation. The assumption seems to be particularly from the argument of the Senator from Alabama [Mr. BANKHEAD] the other day that the Government was really indebted to them because of certain navigation that was developed. Mr. President, if the Government put in these dams for the purpose of improving navigation, the Government would not only have the improved navigation but it would have the water power to be disposed of. It is not a one-sided question by any means.

One of the men prominent in the development of water power who has been here a number of times is Mr. H. L. Cooper. I do not object to his having been here. The Senator from Tennessee resented the reference that I made to that as if there was something surreptitious or reprehensible about it. I do not think there was. I stated it for the purpose of showing, among other things, the value which these gentlemen attach to these franchises, evidenced by the fact that they are willing to give their time and labor for years to promoting legislation under which they are willing to accept them.

One of these gentlemen, as I say, is Mr. Cooper, a very honorable gentleman, so far as I know. He may be in the gallery now. He has been in the gallery at different times while this matter was before Congress. He is the engineer who constructed the dam at Keokuk, in the State of Iowa. He is regarded by a great many people as probably the foremost hydro-

electric engineer in the country. He is interested in this legislation. I will say that in talking with him I formed the opinion that probably he was more reasonable in his attitude toward the interests of the public and the rights of the public in these matters than most of those who are seeking these franchises. He published an article in the Outlook Magazine a short time ago, and for the purpose of indicating, to some extent at least, the value which the franchises have to those who receive them I desire to read a short extract from his article. He says:

Water-power development in the United States is at a very low ebb, and many are asking why. The ever-rising standards of living make the demand for power greater each year. In 1850 we used three-tenths of a ton of coal per capita per annum; to-day we use twenty times as much, and most of this is for industrial power purposes. Seven hundred and fifty thousand miners produced the coal we consumed in 1913, at the rate of 760 tons per miner per annum. By the year 1940—

And by that time these franchises will be just about halfway through the period of their limitation under this act.

By the year 1940 we will probably be using 1,200,000,000 tons of coal per annum and require 1,600,000 miners. A practical economic question may well here arise. Have we the coal and what will be the probable cost of it? Statistics show that we have the coal for many years to come, but also show that the economical deposits are being worked first, and, as the coal becomes deeper, the costs increase rapidly.

Also it is realized by observing persons that the labor supply of the world is being rapidly destroyed, to what final extent no one can estimate. The best statisticians in Europe agree that when the war now raging is over at least 14,000,000 men will have been withdrawn from the world's field of labor. No one can deny that such a reduction in the supply of labor, together with the new political power the labor then remaining will possess, will create a corresponding increase in the demand for and cost of labor. This must result in a world-wide increase in the cost of coal and all other commodities.

It is unreasonable to suppose that Europe will permit itself to be further impoverished by emigration after the war has done its work, and the men left will be so badly needed at home. The tide Europeward will be stemmed only by an increase of wages in this country sufficient to keep our present foreign labor. If the foregoing is good reasoning, then are we not now in a zone of shortage of labor that will affect the coal supply and price and affect materially every other walk of life, especially agriculture and manufacturing?

The above question may well be asked. An analysis of Government statistics shows that where we are now paying $14.20 per capita per annum for coal for our population by 1940 we will be paying $22.60 per capita. This means a constantly increasing tax on all our people, from which they have the right to relief if relief is possible. Reliable data show that the efficiency of steam-power development has practically reached its maximum. If this is true, and the cost of coal is to go up and the needs of the people for power are constantly increasing, how can the situation be relieved? The answer is by the development of our water power as rapidly and as fully as it can be accomplished without any sacrifice of the public interest.

I agree with that statement, Mr. President—every particle of it. At least it can not be said to be overdrawn from the standpoint of a promoter of water-power development. Being true, it indicates that the franchises which will be granted under this bill are of incalculable value, yet the Senator from Colorado is higgling about the petty return which the Government will be enabled to charge for franchises without which it will be impossible for these people to develop these plants.

A very curious circumstance in this debate is the revolution of sentiment on the question of States' rights. It is quite interesting here to see New England leading the fight for States' rights, to see practically every Senator from that section of the country protesting against any power in the Federal Government, except what would necessarily arise under the strictest kind of a construction of the Federal Constitution, over plants which are developed in the navigable streams of the country, in which it must be admitted by everybody that where there are conflicting rights between the States and the Federal Government, in such cases the power of the Federal Government is supreme. Where the two jurisdictions cover the same subject matter the Federal power prevails.

This obsession of States' rights used to be confined to the South. Why was it? It was because at that time the only great and powerful private or special interest that existed in the country was established in the South—the special interest of slavery. If the Southern States had been opposed to the institution of slavery and the Nation as a whole had been in favor of it, the chief advocates of Federal power would have been found in the South, just as New England now is the section of strict construction when the great special and private interest of modern times—the General Electric Co., and similar institutions of that kind—are involved. It is not that I criticize them for changing their attitude. It is an evolution of industry and economics and the social and political conditions of the country. We have got to deal with and recognize the motives and causes of it.

This bill provides against the use of this power by a monopoly. I have just had sent to me from the Library of Congress a bound volume of the Literary Digest, a well-known magazine. I will send it to the desk and ask to have read by the Secretary the paragraph at the bottom of a page which I have marked with a pencil. I should like the Secretary to state the page and the date of the magazine, so as to identify it.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Is there objection? The Chair hears none.

The SECRETARY. Reading from the last advertising page, before page 797, of the Literary Digest of November 1, 1913:

GENERAL ELECTRIC CO., LARGEST ELECTRICAL MANUFACTURER IN THE WORLD.

Atlanta, Ga.; Baltimore, Md.; Birmingham, Ala.; Boise, Idaho; Boston, Mass.; Buffalo, N. Y.; Butte, Mont.; Charleston, W. Va.; Charlotte, N. C.; Chattanooga, Tenn.; Chicago, Ill.; Cincinnati, Ohio; Cleveland, Ohio; Columbus, Ohio; Davenport, Iowa; Dayton, Ohio; Denver, Colo.; Detroit, Mich. (office of agent); Elmira, N. Y.; Erie, Pa.; Fort Wayne, Ind.; Hartford, Conn.; Indianapolis, Ind.; Jacksonville, Fla.; Joplin, Mo.; Kansas City, Mo.; Keokuk, Iowa; Knoxville, Tenn.; Los Angeles, Cal.; Louisville, Ky.; Madison, Wis.; Mattoon, Ill.; Memphis, Tenn.; Milwaukee, Wis.; Minneapolis, Minn.; Nashville, Tenn.; New Haven, Conn.; New Orleans, La.; New York, N. Y.; Niagara Falls, N. Y.; Omaha, Nebr.; Philadelphia, Pa.; Pittsburgh, Pa.; Portland, Oreg.; Providence, R. I.; Richmond, Va.; Rochester, N. Y.; Salt Lake City, Utah; San Francisco, Cal.; St. Louis, Mo.; Schenectady, N. Y.; Seattle, Wash.; Spokane, Wash.; Springfield, Mass.; Syracuse, N. Y.; Toledo, Ohio; Washington, D. C.; and Youngstown, Ohio.

For Texas, Oklahoma, and Arizona business refer to Southwest General Electric Co. (formerly Hobson Electric Co.), Dallas, El Paso, Houston, and Oklahoma City. For Canadian business refer to Canadian General Electric Co. (Ltd.), Toronto, Ont.

Mr. POINDEXTER. In further reference to the uses and value of water-power plants for which permits will be given under this act—and the only reason why I refer to the value is that it is properly to be considered in connection with the particular clauses of this bill which we are now discussing as to charges, and as to the regulation of rates, and things of that kind—I read an editorial from the Spokesman-Review of Spokane, Wash.:

Great part of the undeveloped water power in the Western States is on the public lands of the United States. That is to say, the people own it. It is a tremendously valuable asset, and will grow in value with the passing of the years.

The railroads and other private interests have their eye upon this power. The railroads want much of it for the electrification of their lines. For that use alone it will have a value running into hundreds of millions of dollars. This is not mere conjecture. It is fact proclaimed by the railroads themselves. John D. Ryan, a director of the Chicago, Milwaukee & St. Paul road, testified before the Senate Public Lands Committee in 1914 that:

"The railroad (the Milwaukee) will pay under contract for power delivered over 450 miles of its road something like $550,000 a year. It is paying now for coal to operate its steam trains over the same line approximately $1,750,000, and they furnish their own coal from mines on their own road, and one-third of their equipment is used in hauling coal to themselves, whereas with electric power there is not any such waste."

Henry J. Pierce—

I will interpolate here the remark that he is a very estimable gentleman, one who has been devoting his time to the promotion of this legislation, and so is a good witness, one whose motives from the standpoint of those interested in the free gift of this power can not be questioned—

an exceptionally well-informed student of water-power development and uses in Europe and America, told the Portland conference last September that 48,700 miles of railroad are now operated in Washington, Oregon, California, Idaho, Montana, Wyoming, North Dakota, South Dakota, Utah, Arizona, Colorado, and Nevada.

On the basis of price paid by the Milwaukee for power in Montana—$550,000 yearly for 450 miles of road—these 48,700 miles of western railroad would use power annually to the value of $59,400,000. And in using electric power at that rate they would save annually, on the basis of Mr. Ryan's figures, $129,600,000 as against the use of coal.

That would give some indication, and from the most authoritative sources, of the value of these power sites which the Senator from Colorado wants to estimate merely upon the value as land. There is nothing in the bill which allows the State to tax this power. We refused the other day to strike out the language, upon the motion of the Senator from Montana [Mr. WALSH], which would enable the Secretary of War to make a reasonable charge without qualification or limitation. There is a provision in the bill which allows the State to tax the property, real, personal, and mixed, but it is extremely questionable whether that would apply to the intangible and unseen and unknown, not at all defined, agency of electricity.

So there is a great danger in striking out here all power of the Federal Government to tax and not putting into it any power for the State government to tax. The entire matter will fall into that twilight zone, that governmental vacuum, between the Federal power and the State power where these giant corporations—I have not any objection to them on account of their being giants, but I am referring to it as a fact—such as the General Electric Co., assume grotesque forms to play their sweet will with the interests of the public, escaping regulation upon either hand.

Every lawyer knows what he will be up against if he gets into a United States court and before a Federal judge in a case in which the State attempts to lay its hands in the way

of levying a tax upon the agencies growing out of a permit granted by the Congress of the United States and out of water in a navigable stream, notwithstanding it is true that its use belongs to the States.

But, Mr. President, water flowing in a navigable stream as it is now is of no producing value in those places where dams will be erected under permits acquired by this act. It is the franchise of the Federal Government, enabling its beneficiaries to store the water, enabling them to create a water fall, acquiring power out of which will be produced electrical energy, which gives it value. If we deprive the Federal Government of the power of making charges upon it and restrict it in express terms to the value of the land granted as land, and provide it can not take into consideration the benefits to the grantee's business accruing from the possession of the land, it is very doubtful whether it will ever be taxed at all. It is very doubtful whether the State would ever succeed in enforcing a tax against the power which is developed under a plan which owes its existence to an act of Congress.

So I say the amendment of the Senator from Colorado goes to the very vitals of this bill. It is one of the most important questions in it. It changes the effect of the language which the bill now contains, and it ought to be defeated.

Mr. CLAPP. Mr. President, I have listened with a great deal of interest, and I think the discussion has clarified this situation. I felt from the outset that there ought to be a charge not limited to the land. There was a question of construction of this provision, and feeling as I do, of course, I would not vote for the amendment limiting it. My object was to get a definite expression of the meaning of this language.

Mr. SHAFROTH. Mr. President, the speech which has been made by the Senator from Washington [Mr. POINDEXTER] refers to the fact that some people interested in this bill have been seeing others. I want to state to the Senator from Washington that I have not seen a single one of them; I never had a letter from a single one of them; I do not know a single one of them. There is not a navigable stream in my State, and consequently if there were any here they would not naturally have come to me.

But the Senator knows my views full well on these matters, and he knows full well that I have always opposed any charge upon the part of the Federal Government for that which does not belong to the United States, namely, the waters in these streams.

The Senator has referred to an article showing the limited amount of coal there is in existence and claiming high prices must follow. I do not know what knowledge the gentleman may have, but I do know that we have in the State of Colorado, according to the Geological Survey here in Washington, 371,000,000,000 tons of coal, which is enough to supply the world at the present rate of consumption for 300 years; and that in the State of Wyoming, according to the Geological Survey of the United States Government, there are 449,000,000,000 tons of coal, which is enough at the present rate of consumption to supply the world for over 400 years. If the Senator thinks, with enough in those two little States to supply the world for 700 years, that there will be a shortage in coal, he is very much mistaken.

Mr. GALLINGER. Will the Senator permit me?

Mr. SHAFROTH. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I am much interested in the Senator's statement as to the amount of coal in Colorado. I recall, however, the fact that the great conservationist, Mr. Pinchot, said not many years ago that the supply of coal in this country would be exhausted in 29 years. The Senator does not agree to that?

Mr. SHAFROTH. No, sir; I do not agree to it. The difficulty with the position of the Senator from Washington is that under his theory of restrictions and royalties we never will get any of this water power developed. We have had these restrictions made by the conservationists, and what has been the result as shown by the Senator from Montana? There has been no development practically since the withdrawals of water-power sites in 1909, and you will not get any development under such a policy. He says that there ought to be a charge. There should not be a charge for water by the Government when it does not own any. It has no more right to demand a charge for water than have I. The State owns and controls the waters. The Federal jurisdiction is limited to the prevention of obstruction to navigation.

We have laws in the United States which will prohibit monopoly. There are utility commissions in the States to regulate these companies, and they will regulate them unless you tie them so close to the Federal Government that State authority can not control. They will be regulated in the States where the people are interested and desire reasonable prices for electrical power.

That can be left to the States. Why should the Government attempt to interpose and make a charge when such demands ever since 1909 have prevented development, whereas when such demands were not made enormous development in water power took place?

Mr. President, the Senator says there is no tax by the State provided in this bill. I should like the Senator to frame a provision making a State tax on these companies and see whether I will vote for it. I am in favor of the State taxing these corporations, and I must say that I think the bill does cover, as far as possible, the right of the State to tax these companies.

Mr. President, the very thing that the Senator has been trying to put into this bill may interfere with the State taxing these companies. Whenever you connect with a corporation something of a governmental agency it is not subject to taxation unless you expressly provide therefor in the bill. For that reason there is covered by the bill at least one strong, clear provision that such a company shall be the subject of taxation.

I think these companies ought to be made to pay the tax upon the property belonging to them, and as the State owns the water the tax ought to go there instead of to the United States Government.

Suppose a power plant is constructed at an expense of $1,000,000 or $2,000,000, ought that to escape taxation? Oh, no; it should not. But that tax ought not to be represented in the amount that the Government of the United States exacts as a charge, because it is the water that is of value, not the land. The United States Government may own the land, but it does not own the water. Whenever you get a tax out of the people you take it from the State and give it to the National Government, and the National Government is not entitled to it.

The State governments have their burdens, so much so that they are hampered in every way. I never realized, Mr. President, how seriously a State is hampered until I was governor of my State and tried to find where the revenue could be raised. I found that millions of acres of land had been withdrawn as Government reserves in my State and hence were not subject to taxation and never could become subject to taxation as long as the Federal Government holds them.

If we enact a provision here—and it is here—with relation to the taxing of these properties by the State, then you will find there is a remedy in the State by which it can get some revenue.

Mr. President, this very question has been settled on two votes of the Senate. It was settled first by the vote on the amendment of the Senator from Montana [Mr. WALSH] when he moved to strike out the language that the charges should be based upon the value as land. That was the provision which elicited the strong debate on this bill. He moved to strike out the words "based upon the value as land." He said if that remained in the bill the Government of the United States would not have the power to charge for water. That is true, and that vote was decided against the proposition to strike out that clause.

Again, the Senator from Nebraska [Mr. NORRIS] this morning offered an amendment to strike out all of the balance of the paragraph, on the ground that it limited the charges to the value of the land, and his amendment was defeated.

Mr. President, it seems to me as there is a difference of opinion as to the interpretation that is to be placed upon the clause and it can be made clear by that language, it ought to be inserted. We do not want this subject confused, because if it is not clear you will not get the development desired, and you will have stagnation in the development of water power just as we have had in the last 10 years.

For these reasons, Mr. President, it seems to me the amendment ought to be adopted.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 12027. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 12194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 157. An act to extend the time for the completion of dams across the Savannah River by authority granted to Twin

City Power Co. by an act approved February 29, 1908, as amended by act approved June 3, 1912; and

H. R. 9416. An act making appropriations to supply further urgent deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior years, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. WADSWORTH presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented the petition of S. M. Evans, of New York City, N. Y., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Kenka Park and West Clarksville, in the State of New York, praying for the enactment of legislation to found the Government of the United States on Christianity, which was referred to the Committee on the Judiciary.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of St. Paul, Minn., praying that the Government of the United States offer mediation to the belligerents in Europe, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Commercial Club of St. Paul, Minn., remonstrating against the repeal of the so-called mixed-flour law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Milaca, Minn., remonstrating against the enactment of legislation to permit the Post Office Department to furnish information relative to addresses, etc., which was referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented petitions of sundry citizens of Stamford and Darien, in the State of Connecticut, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of Bridgeport and Vernon, in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Hartford, Conn., remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Dental Association of New Haven, Conn., praying for the enactment of legislation to increase the efficiency of the Dental Corps of the Army, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Brookfield and New Britain, in the State of Connecticut, praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of the Chamber of Commerce of East Hartford, Conn., praying for the passage of the so-called water-power development bill, which was ordered to lie on the table.

Mr. OLIVER presented a petition of the Pennsylvania Commandery, Military Order of the Loyal Legion of the United States, praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of the Chamber of Commerce of Philadelphia, Pa., praying for the enactment of legislation to exempt compulsory pilotage on barges in tow of steam vessels navigated by Government pilots, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry labor organizations of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented petitions of sundry citizens of the bay counties of California and employees in the classified civil service at San Francisco, Cal., praying for the enactment of legislation providing for the retirement of superannuated civil-service employees of the Government, which were referred to the Committee on Civil Service and Retrenchment.

He also presented the memorial of H. P. Osborne and sundry other citizens of Fresno, Cal., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of the Chamber of Commerce of Salinas, Cal., praying for the enactment of legislation providing for a national park service, and also that an appropriation of $300,000 be made for the Yosemite National Park, which was referred to the Committee on Public Lands.

He also presented a petition of Local Union No. 441, United Association of Plumbers and Steam Fitters of the United States and Canada, of San Francisco, Cal., praying for the printing of the report of the Commission on Industrial Relations, which was referred to the Committee on Printing.

He also presented a petition of the Federated Trades Council of Sacramento, Cal., praying for the enactment of legislation to provide Federal aid for persons suffering with tuberculosis, which was referred to the Committee on Public Health and National Quarantine.

Mr. HUGHES presented petitions of sundry citizens of New Jersey, praying for the enactment of legislation to make October 12 a legal holiday, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New Jersey, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of Local Union No. 15, Brotherhood of Elks, of Washington, D. C., remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented petitions of sundry citizens of New Jersey, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MARTIN of Virginia:

A bill (S. 4716) granting pensions to certain members of the former Life-Saving Service; to the Committee on Commerce.

By Mr. PHELAN:

A bill (S. 4717) granting a pension to John McMunn, alias Frank Shields (with accompanying papers); to the Committee on Pensions.

DEVELOPMENT OF WATER POWER.

Mr. STERLING submitted an amendment intended to be proposed by him to the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, which was ordered to lie on the table and be printed.

THE JUDICIAL CODE.

Mr. MARTIN of Virginia submitted an amendment intended to be proposed by him to the bill (S. 1412) further to codify, revise, and amend the laws relating to the judiciary, which was referred to the Committee on the Judiciary and ordered to be printed.

PROMOTION OF OFFICERS OF THE ARMY.

Mr. MARTIN of Virginia submitted an amendment intended to be proposed by him to the bill (S. 4310) providing for recognizing the services of certain officers of the Army for their services in connection with the Philippine government, which was referred to the Committee on Military Affairs and ordered to be printed.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. CATRON submitted an amendment proposing to appropriate $68,950 for support and education of 400 Indian pupils at the Indian school at Santa Fe, N. Mex., and for payment of superintendent, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 10385), which was referred to the Committee on Indian Affairs and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 12027. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 12194. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

RECESS.

Mr. SHIELDS. I move that the Senate take a recess until 12 o'clock Monday.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m., Saturday, February 26, 1916) the Senate took a recess until Monday, February 28, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 26, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Father Soul, above all, through all, and in us all, we thank Thee that we are so involved in Thy love that nothing can separate us from Thee but sin. Deliver us, we beseech Thee, from that, and impart unto us strength, courage, and fortitude, that we may dwell with Thee and work with Thee for the upbuilding of Thy kingdom among men, after the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEGISLATION ON THE POST OFFICE APPROPRIATION BILL.

Mr. HARRISON. Mr. Speaker, I desire to submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman will send it up to the Clerk.

The Clerk read as follows:

The Committee on Rules, to whom was referred House resolution 149, making in order certain provisions of H. R. 10484, a bill making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, notwithstanding the general rules of the House of Representatives, having had the same under consideration, beg to report it back to the House with the recommendation that it do pass.

House resolution 149 (H. Rept. 261).

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 10484, a bill making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes, and in such further consideration it shall be in order (the general rules of the House notwithstanding) to consider the following items in said bill:

Page 4, all of line 24, and the word "Service," line 25, as follows: "or any other classified civil-service employee in the Postal Service."

Page 12, line 23, after the word "Service," as follows:

"*Provided*, That for the purpose of this act holidays shall be all National, State, and local holidays that are observed by other branches of the Federal Government."

Page 14, beginning with the word "*Provided*," line 7, to and including line 14, as follows:

"*Provided*, That hereafter there shall be no distinction in salary made between letter carriers assigned to collection duty and letter carriers assigned to delivery duty: *And provided further*, That letter carriers whose salaries have been reduced as the result of any order of the Post Office Department, making the maximum salary $1,000 to be paid letter carriers assigned to collection duty, shall be restored to their former grades."

All of sections 7, 8, 9, 11, and 17, as follows:

"SEC. 7. That the limit of weight of mail matter of the first class shall be the same as is applicable to mail of the fourth class: *Provided*, That no article or package exceeding 4 pounds in weight shall be admitted to the mails under the penalty privilege unless it comes within the exceptions named in the acts of June 8, 1896 (ch. 370, 29 Stat. L., 262), and June 26, 1906 (ch. 3546, 34 Stat. L.,477).

SEC. 8. That so much of section 1 of the "Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, which provides that the Post Office Department shall not extend or enlarge its present policy of sending second-class matter by freight trains, is hereby repealed.

SEC. 9. That section 2 of the act of April 28, 1904 (ch. 1759, 33 Stat. L., p. 440), be, and the same is hereby, amended to read as follows:

"That under such regulations as the Postmaster General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails it shall be lawful to accept for transmission in the mails without postage stamps affixed quantities of not less than 500 identical pieces of third-class matter and of second-class matter mailed at the special rates of 1 cent and 2 cents a copy, and 250 identical pieces of fourth-class matter, and packages of money and securities mailed under postage at the first or fourth class rate by the Treasury Department: *Provided*, That postage shall be fully prepaid thereon at the rate required by law for a single piece of such matter."

SEC. 11. That the Postmaster General, in cases of emergency, between October 1 and April 1 of any year, may hereafter return to the mails empty mail bags theretofore withdrawn therefrom as required by law, and for such times may pay for their railroad transportation out of the appropriation for inland transportation by railroad routes at not exceeding the rate per pound per mile as shown by the last adjustment for mail service on the route over which they may be carried, and pay for necessary cartage out of the appropriation for freight or expressage.

SEC. 17. That the Postmaster General is authorized and directed to readjust the compensation to be paid to railroad companies from and after the 1st day of July, 1916, or as soon thereafter as may be practicable, for the transportation and handling of the mails and furnishing facilities and services in connection therewith upon the conditions and at the rates hereinafter provided.

The Postmaster General may state railroad mail routes and authorize mail service thereon of the following four classes, namely: Full railway post-office car service, apartment railway post-office car service, storage-car service, and closed-pouch service.

Full railway post-office car mail service shall be service by cars 40 feet or more in length, constructed, fitted up, and maintained for the distribution of mails on trains. The authorizations of full railway post-office cars shall be for standard-sized cars 60 feet in length, inside measurement, except as hereinafter provided.

Apartment railway post-office car mail service shall be service by apartments less than 40 feet in length in cars constructed, fitted up, and maintained for the distribution of mails on trains. Two standard sizes of apartment railway post-office cars may be authorized and paid for, namely, apartments 15 feet and 30 feet in length, inside measurement, except as hereinafter provided.

Storage-car mail service shall be service by cars used for the storage and carriage of mails in transit other than by full and apartment railway post-office cars. The authorizations for storage cars shall be for cars 60 feet in length, inside measurement, except as hereinafter provided: *Provided*, That less than 60 feet of storage space may be authorized in baggage cars.

Service by full and apartment railway post-office cars and storage cars shall include the carriage therein of all mail matter, equipment, and supplies for the mail service and the employees of the Postal Service or Post Office Department, as shall be directed by the Postmaster General to be so carried.

Closed-pouch mail service shall be the transportation and handling by railroad employees of mails on trains on which full or apartment railway post-office cars are not authorized, except as hereinbefore provided.

The rates of payment for the services authorized in accordance with this act shall be as follows, namely:

For full railway post-office car mail service at not exceeding 21 cents for each mile of service by a 60-foot car.

In addition thereto he may allow not exceeding $2 as an initial rate and the same as a terminal rate for each one-way trip of a 60-foot car.

For apartment railway post-office car mail service at not exceeding 11 cents for each mile of service by a 30-foot apartment car and 6 cents for each mile of service by a 15-foot apartment car.

In addition thereto he may allow not exceeding $1 as an initial rate and the same as a terminal rate for each one-way trip of a 30-foot apartment car and 50 cents as an initial rate and the same as a terminal rate for each one-way trip of a 15-foot apartment car.

For storage-car mail service at not exceeding 21 cents for each mile of service by a 60-foot car.

In addition thereto he may allow not exceeding $2 as an initial rate and the same as a terminal rate for each one-way trip of a 60-foot car.

Where authorizations are made for cars of the standard lengths of 60, 30, and 15 feet, as provided by this act, and the railroad company is unable to furnish such cars of the length authorized, but furnishes cars of lesser length than those authorized, but which are determined by the department to be sufficient for the service, the Postmaster General may accept the same and pay only for the actual space furnished and used, the compensation to be not exceeding pro rata of that provided by this act for the standard length so authorized: *Provided*, That the Postmaster General may accept cars and apartments of greater length than those of the standard requested, but no compensation shall be allowed for such excess lengths.

For closed-pouch service, at not exceeding the following rates, when a 3-foot unit is authorized, a terminal charge of 50 cents for a round trip, or 25 cents for a single trip, irrespective of the distance run, and in addition thereto a line charge at the rate of 1½ cents per mile for the authorized number of miles. When a 7-foot unit is authorized, a terminal charge of $1 for a round trip, or 50 cents for a single trip, irrespective of the distance run, and in addition thereto a line charge at the rate of 3 cents per mile for the authorized number of miles.

The Postmaster General may require railroad companies carrying the mails to deliver them into and take them from the terminal and intermediate post offices and transfer them between railroad stations on their routes without additional compensation, under such regulations as he may deem proper, in cases where he does not provide for such service otherwise: *Provided*, That the Postmaster General in his discretion may relieve any of the roads of such service.

Railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress on the condition that the mails should be transported over their roads at such price as Congress should by law direct shall receive only 80 per cent of the compensation otherwise authorized by this act.

The initial and terminal rates provided for herein shall cover expenses of loading and unloading mails, switching, lighting, heating, cleaning mail cars, and all other expenses incidental to station service and required by the Postmaster General in connection with the mails that are not included in the car-mile rate. The allowance for full railway post-office cars, apartment railway post-office cars, and storage cars may be varied in accordance with the approximate difference in their respective cost of construction and maintenance.

In computing the car-miles of the full railway post-office cars and apartment railway post-office cars, the maximum space authorized in either direction of a round-trip car run shall be regarded as the space to be computed in both directions unless otherwise mutually agreed upon.

In computing the car-miles of storage cars, the maximum space authorized in either direction of a round-trip car run shall be regarded as the space to be computed in both directions, unless the car be used by the company in the return movement, or otherwise mutually agreed upon.

New service and additional service may be authorized at not exceeding the rates herein provided, and service may be reduced or discontinued with pro rata reductions in pay, as the needs of the Postal Service may require: *Provided*, That no additional pay shall be allowed for additional service unless specifically authorized by the Postmaster General.

The Postmaster General is authorized to make special contracts with the railroad companies for the transportation of the mails where, in his judgment, the conditions warrant the application of higher rates than those herein specified.

All cars or parts of cars used for the Railway Mail Service shall be of such construction, style, length, and character and furnished in such manner as shall be required by the Postmaster General and shall be constructed, fitted up, maintained, heated, lighted, and cleaned by and at the expense of the railroad companies. No pay shall be allowed for service by any railway post-office car which is not sound in material and con-

struction and which is not equipped with sanitary drinking-water containers and toilet facilities, nor unless such car is regularly and thoroughly cleaned. No pay shall be allowed for service by any wooden full railway post-office car unless constructed substantially in accordance with the most approved plans and specifications of the Post Office Department for such type of cars, nor for service by any wooden full railway post-office car run in any train between adjoining steel cars, or between the engine and a steel car adjoining. After the 1st of July, 1917, the Postmaster General shall not approve or allow to be used, or pay for service by, any full railway post-office car not constructed of steel or steel underframe or equally indestructible material, and not less than 25 per cent of the full railway post-office cars of a railway company not conforming to these provisions on August 24, 1912, shall be replaced with cars constructed of steel annually after June, 1913; and all full railway post-office cars accepted for this service and contracted for by the railroad companies hereafter shall be constructed of steel. Until July 1, 1917, in cases of emergency and in cases where the necessities of the service require it, the Postmaster General may provide for service by full railway post-office cars of other than steel or steel underframe construction, and fix therefor such rate of compensation within the maximum herein provided as shall give consideration to the inferior character of construction, and the railroad companies shall furnish service by such cars at such rates so fixed.

Service over property owned or controlled by another company or a terminal company shall be considered service of the railroad company using such property and not that of the other or terminal company: *Provided*, That service over land-grant road shall be paid for as herein provided.

Railroad companies carrying mails shall furnish all necessary facilities for caring for and handling them while in their custody. They shall furnish all cars or parts of cars used in the transportation and distribution of the mails, except as is herein otherwise provided, and place them in stations before the departure of trains at such times and when required to do so. They shall provide station space and rooms for handling, distribution, and transfer of mails in transit, and for offices and rooms for the employees of the Postal Service engaged in such transportation when required by the Postmaster General.

Every railroad company carrying the mails shall carry on any train it operates, and without extra charge therefor, the persons in charge of the mails when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and the Postal Service while traveling on official business, upon the exhibition of their credentials.

If any railroad company carrying the mails shall fail or refuse to provide cars or apartments in cars for distribution purposes when required by the Postmaster General, or shall fail or refuse to construct, fit up, maintain, heat, light, and clean such cars and provide such appliances for use in case of accident as may be required by the Postmaster General, it shall be fined such reasonable sum as may, in the discretion of the Postmaster General, be deemed proper.

The Postmaster General shall in all cases decide upon what trains and in what manner the mails shall be conveyed. Every railroad company carrying the mails shall carry on any train it operates, and with due speed, all mailable matter, equipment, and supplies directed to be carried thereon. If any such railroad company shall fail or refuse to transport the mails, equipment, and supplies when required by the Postmaster General on any train or trains it operates, such company shall be fined such reasonable amount as may, in the discretion of the Postmaster General, be deemed proper.

The Postmaster General may make deductions from the pay of railroad companies carrying the mails under the provisions of this act for reduction in service or infrequency of service where, in his judgment, the importance of the facilities withdrawn or reduced requires it, and impose fines upon them for delinquencies. He may deduct the price of the value of the service in cases where it is not performed, and not exceeding three times its value if the failure be occasioned by the fault of the railroad company.

The provisions of this act shall apply to service operated by railroad companies partly by railroad and partly by steamboats.

The provisions of this act respecting the rates of compensation shall not apply to mails conveyed under special arrangement in freight trains, for which rates not exceeding the usual and just freight rates may be paid, in accordance with the classifications and tariffs approved by the Interstate Commerce Commission.

Railroad companies carrying the mails shall submit under oath, when and in such form as may be required by the Postmaster General, evidence as to the performance of service.

The Postmaster General is authorized to employ such clerical and other assistance as shall be necessary to carry out the provisions of this act, and to rent quarters in Washington, D. C., if necessary, for the clerical force engaged thereon, and to pay for the same out of the appropriation for inland transportation by railroad routes, and hereafter detailed estimates shall be submitted for such services in the annual Book of Estimates.

The Postmaster General shall, from time to time, request information from the Interstate Commerce Commission as to the revenue received by railroad companies from express companies for services rendered in the transportation of express matter, and may, in his discretion, arrange for the transportation of mail matter other than of the first class at rates not exceeding those so ascertained and reported to him, and it shall be the duty of the railroad companies to carry such mail matter at such rates fixed by the Postmaster General.

The Postmaster General is authorized, in his discretion, to petition the Interstate Commerce Commission for the determination of a postal carload or less-than-carload rate for transportation of mail matter of the fourth class and periodicals, and may provide for and authorize such transportation, when practicable, at such rates, and it shall be the duty of the railroad companies to provide and perform such service at such rates and on the conditions prescribed by the Postmaster General.

The Postmaster General may, in his discretion, distinguish between the several classes of mail matter and provide for less frequent dispatches of mail matter of the third and fourth classes and periodicals when lower rates for transportation or other economies may be secured thereby without material detriment to the service.

The Postmaster General is authorized to return to the mails, when practicable for the utilization of car space paid for and not needed for the mails, postal cards, stamped envelopes, newspaper wrappers, empty mail bags, furniture, equipment, and other supplies for the Postal Service.

The Postmaster General, in cases of emergency between October 1 and April 1 of any year, may hereafter return to the mails empty mail bags and other equipment theretofore withdrawn therefrom as required by law, and, where such return requires additional authorization of car space under the provisions of this act, to pay for the transportation thereof as provided for herein out of the appropriation for inland transportation by railroad routes.

The Postmaster General may have the weights of mail taken on railroad mail routes, and computations of the average loads of the several classes of cars and other computations for statistical and administrative purposes made at such times as he may elect, and pay the expense thereof out of the appropriation for inland transportation by railroad routes.

It shall be unlawful for any railroad company to refuse to perform mail service at the rates of compensation provided by law when and for the period required by the Postmaster General so to do, and for every such offense it shall be fined not exceeding $5,000.

After the rates specified in this act shall have been adopted, the Interstate Commerce Commission shall, whenever requested by the Postmaster General or by the representatives of railroads with an aggregate mileage of at least 51 per cent of the mileage of railroads carrying mail, make an investigation of the justice and reasonableness of rates then in effect, grant hearings to parties in interest, and report to Congress at the earliest practicable date thereafter the results of such investigation, making specific findings as to whether the rates fixed herein should be increased or decreased, and if either, how much. Such report shall show for each steam railroad operating company, if practicable, the amount of mail service rendered, the cost of performing same, and a comparison of the earnings of such railroad company from the mail traffic with those from express traffic and other passenger-train traffic. For the purpose of such investigations the Interstate Commerce Commission shall have all powers which it is now authorized to exercise in the investigation of the reasonableness of rates, and the Postmaster General shall supply such information regarding the mail service as may be requested by the Interstate Commerce Commission.

That the appropriations for inland transportation by railroad routes and for railway post-office car service for the fiscal year ending June 30, 1917, are hereby made available for the purposes of this act.

Mr. HARRISON. Mr. Speaker, I should like to inquire of the gentleman on the other side if we can agree on a limit for debate of the rule.

Mr. CAMPBELL. What time does the gentleman from Mississippi suggest?

Mr. HARRISON. I suggest about 30 minutes on a side.

Mr. GARNER. This matter has all been thrashed out already.

Mr. CAMPBELL. We have demands for much more time than that on this side.

Mr. HARRISON. We had 16 hours of general debate on this bill, during which all of these questions were thoroughly discussed.

Mr. CAMPBELL. I have demands for more time for discussion of the rule. That has not been discussed. We can get on here with an hour on this side.

Mr. HARRISON. Would the gentleman, under an agreement for an hour on a side, consent to the previous question being considered as ordered at the expiration of that time?

Mr. CAMPBELL. I could not personally bind the Members on this side to such an agreement. There would be objection to it.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that debate on this resolution be limited to two hours, one hour to be controlled by the gentleman from Kansas [Mr. CAMPBELL] and one hour to be controlled by myself, and that at the expiration of that time the previous question be considered as ordered on the resolution.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. HARRISON. For a question.

Mr. TOWNER. Reserving the right to object, that, of course, would prevent any amendments being offered to the rule.

Mr. HARRISON. It would.

Mr. TOWNER. I will say to the gentleman frankly that a great many of us would like to have an opportunity to have considered as an amendment to the rule a clause regarding the rural service. Is the gentleman willing to make that exception?

Mr. HARRISON. No; we could not consent to that, because it would open up the matter, and this bill has now occupied nearly two weeks of the time of the House. It would take too long.

Mr. TOWNER. I understand the situation; but it occurs to Members not only on this side but on your side as well that they ought to have an opportunity of considering such an amendment to the rule. For that reason——

Mr. HARRISON. We can not consent to open up the resolution to amendment, because there would be no end to the controversy, probably.

Mr. TOWNER. I was not going to ask to open it up generally to amendment, but for a particular amendment.

Mr. HARRISON. I understand; but if we opened it up at all it would lead to requests to open it up for other amendments.

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] asks unanimous consent that debate on this rule be limited to two hours, one hour to be controlled by himself and one hour by the gentleman from Kansas [Mr. CAMPBELL], and that at the end of that debate the previous question shall be considered as ordered. Is there objection?

Mr. TOWNER. Mr. Speaker, I object.

The SPEAKER. The gentleman from Iowa [Mr. TOWNER] objects.

Mr. HARRISON. I move the previous question on the resolution.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. CAMPBELL. Division, Mr. Speaker.

The House divided; and there were—ayes 115, noes 92.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present, and evidently there is not. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 197, nays 157, answered "present" 4, not voting 76, as follows:

YEAS—197.

Abercrombie	Dill	Keating	Reilly
Adamson	Dixon	Key, Ohio	Riordan
Aiken	Dooling	Kincheloe	Rouse
Alexander	Doolittle	Kitchin	Rubey
Allen	Doremus	Konop	Rucker
Ashbrook	Doughton	Lafean	Russell, Mo.
Ayres	Eagan	Lazaro	Saunders
Bailey	Eagle	Lee	Sears
Barkley	Edwards	Lesher	Shackleford
Barnhart	Estopinal	Lever	Shallenberger
Beakes	Evans	Lewis	Sherley
Bell	Farley	Lieb	Sherwood
Black	Ferris	Linthicum	Shouse
Blackmon	Finley	Littlepage	Sims
Booher	Fitzgerald	Lloyd	Slayden
Borland	Flood	Lobeck	Small
Brown, W. Va.	Foster	London	Smith, Tex.
Bruckner	Gallagher	McAndrews	Sparkman
Brumbaugh	Gard	McClintic	Stedman
Buchanan, Ill.	Garner	McDermott	Steele, Iowa
Buchanan, Tex.	Garrett	McGillicuddy	Stephens, Miss.
Burgess	Glass	McKellar	Stephens, Nebr.
Burke	Godwin, N. C.	McLemore	Stephens, Tex.
Burnett	Goodwin, Ark.	Madden	Stone
Byrnes, S. C.	Gordon	Mays	Stout
Byrns, Tenn.	Gray, Ala.	Montague	Sumners
Caldwell	Gray, Ind.	Moon	Taggart
Callaway	Griest	Morgan, La.	Tague
Candler, Miss.	Griffin	Morrison	Tavenner
Cantrill	Hamill	Moss, Ind.	Taylor, Ark.
Caraway	Hamilton, N. Y.	Murray	Taylor, Colo.
Carew	Hardy	Neely	Thomas
Carlin	Harrison	Nicholls, S. C.	Thompson
Carter, Okla.	Hastings	Nolan	Tillman
Casey	Hay	Oldfield	Tribble
Church	Heflin	Oliver	Van Dyke
Clark, Fla.	Helm	Olney	Venable
Cline	Helvering	O'Shaunessy	Vinson
Coady	Hensley	Overmyer	Walker
Collier	Hilliard	Padgett	Watkins
Connelly	Holland	Page, N. C.	Webb
Conry	Hood	Park	Whaley
Copley	Houston	Patten	Wilson, Fla.
Cox	Huddleston	Phelan	Wilson, La.
Crisp	Hulbert	Price	Wingo
Davenport	Hull, Tenn.	Quin	Wise
Davis, Tex.	Igoe	Rainey	Young, Tex.
Decker	Jacoway	Randall	
Dent	James	Rauch	
Dickinson	Johnson, Ky.	Rayburn	

NAYS—157.

Anderson	Foss	Longworth	Russell, Ohio
Anthony	Frear	Loud	Sanford
Austin	Freeman	McArthur	Schall
Bennet	Fuller	McCracken	Scott, Mich.
Britt	Gardner	McCulloch	Siegel
Britten	Garland	McKenzie	Sinnott
Browne, Wis.	Glynn	McKinley	Sisson
Butler	Good	McLaughlin	Slemp
Campbell	Gould	Magee	Sloan
Cannon	Green, Iowa	Mann	Smith, Idaho
Capstick	Greene, Mass.	Mapes	Smith, Mich.
Carter, Mass.	Greene, Vt.	Martin	Smith, Minn.
Cary	Guernsey	Matthews	Snyder
Chandler, N. Y.	Hadley	Meeker	Stafford
Charles	Haskell	Miller, Del.	Steenerson
Chiperfield	Haugen	Miller, Minn.	Stephens, Cal.
Coleman	Hawley	Miller, Pa.	Sterling
Cooper, W. Va.	Hayes	Mondell	Stiness
Cooper, Wis.	Heaton	Moore, Pa.	Sulloway
Crago	Helgesen	Moores, Ind.	Sutherland
Cramton	Hernandez	Morgan, Okla.	Sweet
Curry	Hill	Nichols, Mich.	Switzer
Dale, Vt.	Hinds	North	Temple
Dallinger	Howell	Norton	Tilson
Danforth	Hull, Iowa	Oakey	Timberlake
Davis, Minn.	Humphrey, Wash.	Paige, Mass.	Towner
Dempsey	Hutchinson	Parker, N. J.	Volstead
Denison	Johnson, Wash.	Peters	Walsh
Dillon	Kahn	Porter	Ward
Dowell	Kearns	Powers	Wason
Dunn	Keister	Pratt	Wheeler
Dupré	Kelley	Raker	Williams, T. S.
Edmonds	Kennedy, Iowa	Ramseyer	Williams, Ohio
Ellsworth	Kiess, Pa.	Reavis	Wilson, Ill.
Elston	King	Ricketts	Wood, Ind.
Esch	Kinkaid	Roberts, Nev.	Woods, Iowa
Fairchild	La Follette	Rodenberg	Young, N. Dak.
Farr	Lehlbach	Rogers	
Fess	Lenroot	Rowe	
Focht	Lindbergh	Rowland	

ANSWERED "PRESENT"—4.

Dewalt	Johnson, S. Dak.	Kettner	Steele, Pa.

NOT VOTING—76.

Adair	Flynn	Husted	Pou
Almon	Fordney	Jones	Ragsdale
Aswell	Gallivan	Kennedy, R. I.	Roberts, Mass.
Bacharach	Gandy	Kent	Sabath
Barchfeld	Gillett	Kreider	Scott, Pa.
Beales	Graham	Langley	Scully
Browning	Gray, N. J.	Liebel	Sells
Cooper, Ohio	Gregg	Loft	Smith, N. Y.
Costello	Hamilton, Mich.	McFadden	Snell
Crosser	Hamlin	Maher	Steagall
Cullop	Hart	Mooney	Swift
Dale, N. Y.	Hayden	Morin	Talbott
Darrow	Henry	Moss, W. Va.	Tinkham
Dies	Hicks	Mott	Treadway
Driscoll	Hollingsworth	Mudd	Vare
Drukker	Hopwood	Nelson	Watson, Pa.
Dyer	Howard	Oglesby	Watson, Va.
Emerson	Hughes	Parker, N. Y.	Williams, W. E.
Fields	Humphreys, Miss.	Platt	Winslow

So the previous question was ordered.

The Clerk announced the following pairs:

For the session:

Mr. SCULLY with Mr. BROWNING.

Mr. FIELDS with Mr. LANGLEY.

Mr. DEWALT with Mr. MCFADDEN.

Until further notice:

Mr. LIEBEL with Mr. HOPWOOD.

Mr. TALBOTT with Mr. PARKER of New York.

Mr. HENRY with Mr. GRAHAM.

Mr. ASWELL with Mr. BARCHFELD.

Mr. CROSSER with Mr. DYER.

Mr. DIES with Mr. FORDNEY.

Mr. GREGG with Mr. GILLETT.

Mr. HAMLIN with Mr. EMERSON.

Mr. HART with Mr. WINSLOW.

Mr. HAYDEN with Mr. GRAY of New Jersey.

Mr. JONES with Mr. HAMILTON of Michigan.

Mr. OGLESBY with Mr. HICKS.

Mr. MAHER with Mr. HOLLINGSWORTH.

Mr. POU with Mr. MOONEY.

Mr. RAGSDALE with Mr. MORIN.

Mr. SABATH with Mr. MOTT.

Mr. SMITH of New York with Mr. MUDD.

Mr. WATSON of Virginia with Mr. ROBERTS of Massachusetts.

Mr. WM. ELZA WILLIAMS with Mr. HUSTED.

Mr. GANDY with Mr. JOHNSON of South Dakota (on all political questions).

On the vote:

Mr. DRISCOLL (for previous question) with Mr. KENNEDY of Rhode Island (against).

Mr. STEAGALL (for previous question) with Mr. PLATT (against).

Mr. HUGHES (for previous question) with Mr. DARROW (against).

Mr. FLYNN (for previous question) with Mr. DRUKKER (against).

Mr. LOFT (for previous question) with Mr. BACHARACH (against).

Mr. ALMON (for previous question) with Mr. COOPER of Ohio (against).

Mr. DALE of New York (for previous question) with Mr. WATSON of Pennsylvania (against).

Mr. TINKHAM (for previous question) with Mr. SWIFT (against).

Mr. HOWARD (for previous question) with Mr. KREIDER (against).

Mr. KETTNER (for previous question) with Mr. TREADWAY (against).

Mr. HUMPHREYS of Mississippi (for previous question) with Mr. SNELL (against).

Mr. GALLIVAN (for previous question) with Mr. SCOTT of Pennsylvania (against).

Mr. STEELE of Pennsylvania (for previous question) with Mr. COSTELLO (against).

Mr. JOHNSON of South Dakota. Mr. Speaker, I desire to withdraw my vote of "nay" and answer "present," as I am paired with the gentleman from South Dakota [Mr. GANDY].

The name of Mr. JOHNSON of South Dakota was called, and he answered "Present."

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] is recognized for 20 minutes.

Mr. HARRISON. Mr. Speaker, the resolution now before the House (H. Res. 149) is practically the same resolution that was numbered H. Res. 114, which was introduced in the House on January 31, nearly a month ago. The only difference is that

those provisions that were embodied in resolution 114 that made in order certain provisions of the Post Office appropriation bill which were not stricken out on points of order in the consideration of that measure but which were adopted are omitted in House resolution 149. There is but one exception to that proposition, and that is that the provision in the original resolution (H. Res. 114) relative to surety companies writing bonds for postal employees is omitted in this new resolution now being considered by the House.

There is nothing drastic in this rule. It can not be styled a gag rule. It will allow freedom of debate and freedom of amendment when the bill gets back to the Committee of the Whole, and we think the rule ought to be adopted. I reserve the remainder of my time.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] is recognized for 20 minutes.

Mr. CAMPBELL. Mr. Speaker, this rule makes in order important legislation on an appropriation bill. The Post Office appropriation bill failed last year because of important legislation incorporated upon it. Another appropriation bill failed last year because of important legislation upon it. These two failures last year emphasized the bad policy of violating the rules of the House by incorporating important legislation on appropriation bills. The policy of attaching legislation to appropriation bills became so bad in 1836 that in 1837 the rule was adopted making it out of order to attach such legislation to appropriation bills.

Appropriation bills failed in 1836 because of important riders attached that were in no way a proper part of an appropriation bill. Every man who wants to get a joker into legislation waits and attaches it as a rider to an appropriation bill, if he can, because he knows that the appropriation bill must go through and that, therefore, his measure, called a rider, will go through if the Government shall be maintained by the appropriation. It is a vicious policy to follow. It is said that this legislation made in order to-day by this rule is very important. So it is. Being important, it ought to stand upon its merits and go through the committee as an independent bill, be considered in the Committee of the Whole as an independent bill, be considered in the House as an independent bill, be considered in the other end of the Capitol as an independent bill, and go to the President of the United States as an independent measure, so that he might exercise his constitutional right to veto the bill if he did not approve of it. The rider, made in order by this rule, will go through with this appropriation bill, carrying $320,000,000, not upon its merit, but upon the necessity of maintaining the Post Office Department.

And if another body should disagree with the House and the matter should remain in conference for a long period of time until the close of the session it may bring about again the same condition that we had last year in the failure of the Post Office appropriation bill. There is no defense that our Democratic brethern can make for this method of legislation except to say that they can not engineer an important piece of legislation out of a committee and into the House and through the Congress except they attach it as a rider upon an appropriation bill. The Post Office Committee will have nothing else to do for the remainder of this session. There is no reason why they can not take up important legislation and bring it into the House. Other committees of the House are required to do that. Every committee of the House could do as the Post Office Committee has done and is doing, ask for special rules and bring important legislation out of every committee of the House as riders upon appropriation bills. It would bring us into a chaotic condition in our legislation.

Thirty-nine States in the Union have adopted constitutional amendments prohibiting riders upon appropriation bills and enable the governor to veto special items in appropriation bills. The constitutions of those States require that every act shall be clearly indicated in its title, as it should be.

Within recent months one of the greatest commercial organizations in this country has taken up the question of riders on appropriation bills, the Chamber of Commerce of the United States, and has voted almost unanimously against the policy of attaching important legislation as riders upon appropriation bills, as shown by a recently made report by that organization.

Mr. FITZGERALD. Will the gentleman yield?

Mr. CAMPBELL. I will.

Mr. FITZGERALD. What do members of the so-called International Chamber of Commerce know about how business should be done or is done in the House of Representatives?

Mr. CAMPBELL. They know what a joker is, and the country knows, and they know that these jokers get in as riders on appropriation bills.

Mr. FITZGERALD. What is a joker? I have seen none of those since the Sixty-first Congress.

Mr. CAMPBELL. The gentleman should have his eyes treated so that he can see them——

Mr. FITZGERALD. Not in this Congress.

Mr. CAMPBELL (continuing). If this bill goes through.

Mr. Speaker, I reserve the remainder of my time.

Mr. HARRISON. Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. MOON].

Mr. MOON. Mr. Speaker, if there is a man in this House whom it illy becomes to speak of riders and rules it is the gentleman from Kansas. For years he sat and voted for every sort of rule in reference to matters which were not only proper but matters entirely foreign to the subject matter of bills before the House. His statement that the Post Office appropriation bill failed because of legislation upon it is not correct. The legislation upon the Post Office appropriation bill was agreed to by the conference committee of the House and the Senate and carried the very provisions that are in this bill, and the only reason it failed was it was in the last days of the Senate and House meeting and there was no opportunity to present the conference report to the Senate on account of the pendency of the Indian appropriation bill, which took up the time. That is all there is to that. The House has passed upon all of this legislation and approved it. The bill it approved gave to the railroad companies $565,000 more than they have under the present law on the old basis of pay for railroads carrying the mail. This bill is more liberal. It carries more than $3,000,000 of additional compensation for the railroad companies on the changed basis of pay. Now, in the printing of this bill there was, by a misunderstanding or inadvertence, left out initial and terminal charges intended by the committee to be put in the bill, and a committee amendment will be offered to correct the mistake. These items alone will give $1,800,000 more for the railroads. There never was a fairer proposition than this bill. It permits something that was never done before. Wherever a railroad company is not getting as much as it ought to get under this bill it gives it the right to go to the Postmaster General and make a special contract for more. Where 51 per cent of the railroads think they are not getting enough they have the right to go to the Interstate Commerce Commission as guaranteed in this bill. Now, that is what the railroad companies have been contending for, the right to go there, but we have not been willing to yield the ultimate control over this question and allow the Interstate Commerce Commission to settle it without bringing the question back to the Congress.

Mr. CAMPBELL. Will the gentleman yield?

Mr. MOON. I will.

Mr. CAMPBELL. Being such a meritorious measure, would it not be possible for the Committee on the Post Office and Post Roads to report it and get it through the House as an independent measure?

Mr. MOON. It went through in this bill, and the gentleman knows, if he knows anything, that with the exception of three important bills within 40 years not a single material amendment to the Post Office law has been made except upon appropriation bills. Now, if the gentleman could have suggested that there is a single item in this bill that was foreign to the postal laws, foreign to the administration of the Post Office Department, he might have then been able to name a rider which he calls a joker, but every single item here is proposed as an amendment to the postal laws, and the gentleman knows that there are twenty-odd riders, as he calls them, on this bill, 17 independent sections——

The SPEAKER. The time of the gentleman has expired.

Mr. HARRISON. I yield the gentleman two minutes more.

Mr. MOON. There are 17 independent sections in this bill and 5 or 6 amendments subject to the point of order, every one absolutely material for the administration of that office. Now, it is unwise to undertake to do a thing in a foolish way. The gentleman knows very well we could not introduce 25 separate bills for the benefit of this department and pass them separately in this House, not half of them. The only way to get consideration of these measures that meet the judgment and approval of this House connected with this department is upon a bill which provides for the support and maintenance of the department and under which laws upon appropriation bills, in my judgment, become necessary for the conduct of that department.

I want to say that the bonding feature of this bill is a very material proposition and is one that has not been fully discussed before the Congress, and from the petitions which have been presented to this body on that question, and out of deference to the judgment of the gentlemen over there and over here who think there ought to be some further discussion upon that question, the Committee on the Post Office and Post Roads

suggested a change in the rule, and that proposition does not come before the House now. It is left out of the amended rule.

Mr. STEENERSON. Will the gentleman yield?

Mr. MOON. Yes.

Mr. STEENERSON. The last I knew anything about the Committee on the Post Office and Post Roads they voted to make the insurance proposition a part of the bill as a rider.

Mr. MOON. The committee did that in the first instance; but I will say to the gentleman that yesterday evening a quorum of the Post Office Committee directed the very action that is now being taken.

Mr. STEENERSON. Why did not the chairman notify the members of the committee? I was on the floor all day yesterday.

Mr. MOON. We notified everybody we could. I thought you were present.

Mr. STEENERSON. I was in the restaurant only 15 minutes to get luncheon, and that was the only time I was absent from the floor of the House yesterday.

Mr. MOON. No formal notice was issued to anybody. After the committee rose the Committee on the Post Office and Post Roads informally met and determined it was best to leave that section out of the bill.

Mr. STEENERSON. It seems to me it was due me from the gentleman to notify me to that effect.

Mr. MOON. I notified everybody who could be found. I would have notified you if I could. Really, I thought the gentleman was present.

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. CHIPERFIELD].

Mr. CHIPERFIELD. Mr. Speaker, under the gag tactics that have been applied by the majority side to this important measure it is well to waste no time in preliminaries, but to call a spade a spade and use plain langage.

There is contained in the bill different provisions, consisting of some 20 different "riders" that seek to enact legislation of the utmost importance in connection with the passage of this appropriation bill.

The general consensus of opinion of the country is to the effect that a "rider" is an unfair, improper, and unjust method of legislation.

Speaking in a legislative sense, a rider is always a coward and usually a bully. It is a coward, because it does not come into the House on its own feet, but hiding behind this bill. [Applause on the Republican side.]

In this instance this important legislation comes into this House fastened as a rider upon a bill, providing for nearly one-third of the expenditures of the Government.

It comes like a sheep tick upon a ram.

This course prevents any discussion or consideration at this time of the provisions of such riders whatsoever, and when a minority of the committee now unanimously desire to discuss the provisions of this measure the gag rule is applied by the majority side and the right is denied.

Now, it makes no difference what we as Members of Congress may think upon this subject at this time, but it is true that the unanimous sentiment of the country is and has been, and will be again in November, against the passage of such legislation in such a manner.

Gentlemen may sit here very snugly and very complacently and say that the matter will not then be remembered or considered by those who are the patrons of the post offices, particularly with reference to the rural free-delivery system, that is unfairly and improperly treated by this bill. But if they do so they are mistaken.

I want to say to you, Mr. Speaker and gentlemen of this House, that the patrons of the rural free delivery are aroused to the last degree against the manifest injustices that have been perpetrated by this administration and that are approved in this bill and which are here denied correction. [Applause on the Republican side.] There will be no patience on the part of the voters at the polls on this subject, and the people will hold to account those who are responsible therefor.

There is no question but that the matter of "riders" in legislative bills has been frequently before the country. There is no question that the sentiment against it has been increasing and growing; and to say on the majority side of this House that the important provisions of this bill shall be thrust down the throats of the membership and the minority and of the people of this country without proper chance for consideration makes of the rider, as I have said, a bully, for, like a bully, it says, "Accept the general provisions of this bill, accept the different 'riders,' accept the general legislation that is contained in such 'riders' or the Post Office Department will be starved."

Now, the gentlemen upon the other side of this House at the beginning of this session, over the protest of the gentleman from Illinois [Mr. MANN] and other Members upon this floor, enacted the rules of this House, and among others was Rule XXI, section 2, which says that an appropriation bill shall not contain matters of general legislation. Their attention was called to this situation and it was suggested that the rules be revised, and still they insisted upon adopting the rule; and now, as upon many other occasions, they seek to violate it because, as was stated by the gentleman from South Carolina [Mr. FINLEY] yesterday, 99 per cent of the legislation of the Post Office Department has been enacted in the past in the form of riders.

If so, it was known to them at the time they framed the rule, and the rule could have been framed accordingly.

Mr. Speaker, there is a protest on the part of the membership on this side of the House, and we do protest, against the methods of the majority, who say that they will not allow free discussion of this rule upon this floor and fair consideration of the merits of this bill; that it must be taken in its entirety because, forsooth, they have the legislative power to thrust it down the throats of the minority side of this House.

The practice and legislative history with reference to "riders" is stated by Hinds as follows:

A rule forbids in a general appropriation bill any appropriation not previously authorized by law, unless for continuation of works or objects in progress.

A rule forbids any legislative provision in a general appropriation bill.

The old form of rule which admitted on appropriation bills legislation intended to retrench expenditures.

Section 2 of Rule XXI makes provision against legislation in general appropriation bills, as follows:

"No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto."

The origin of this rule is found about the year 1835. On December 10 of that year the delays of the appropriation bills were discussed, from which it appears that an important cause of that delay was the practice of including in the bills matters of legislation. Mr. John Quincy Adams, of Massachusetts, suggested at this time the desirability of a plan that the bills should "be stripped of everything but the appropriations." The fortifications appropriation bill failed at the preceding session to become a law because the Senate would not agree to a provision for $3,000,000 to be disbursed by the President for certain extraordinary military and naval purposes. On January 5, 1836, the Committee on Rules recommended a rule in this language:

"No appropriation shall be reported in such general appropriation bills, or be in order as an amendment, for any expenditure not previously authorized by law."

The House, however, did not adopt the rule at that time, and on February 25, 1837, Mr. John Bell, of Tennessee, secured the addition to the fortifications bill of a "rider" to provide for the distribution of the surplus in the National Treasury. This caused the loss of the bill, the Senate adhering to its opposition. Apparently aroused by this result, in the next Congress, on September 14, 1837, the House agreed to the rule which the Committee on Rules had proposed in 1836.

In the year following the adoption of the rule, while the civil and diplomatic appropriation bill was under consideration, certain legislation was attempted by an amendment in relation to the salaries of custom officials, and which also included a provision for refurnishing the President's house.

The rule being invoked, the Chairman of the Committee of the Whole ruled the amendment out of order. On the succeeding day, March 8, 1838, Mr. George N. Briggs, of Massachusetts, after referring to the difficulty which arose on the preceding day, proposed the following addition to the rule, which was agreed to a few days later, March 13, 1838:

"Unless in continuation of appropriations for such public works and objects as are already in progress and for the contingencies for carrying on the several departments of the Government."

With this amendment the rule remained in operation for 38 years, until 1876, when, at the suggestion of Mr. William S. Holman, of Indiana, the House adopted the following rule:

"No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject matter of the bill, shall retrench expenditures."

The debate on the adoption of this form of rule shows that the old rule had been construed to permit increase of salaries, but not decrease. Although jealousy of increased power which might come to the Committee on Appropriations as a result was manifested, it was agreed to by the House, Messrs. Samuel J. Randall, of Pennsylvania, and James A. Garfield, of Ohio, asking for it, with the especial object of enabling the Appropriations Committee to report in their bills reductions of salaries.

When the rules were revised in 1880 the Committee on Rules, not being agreed as to the proper changes, reported the form of 1876. But when the subject came before the House, after long and learned debate, the following form, suggested by Mr. William R. Morrison, of Illinois, was agreed to:

"No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the

number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures."

The rule adopted in 1880 remained in use five years, until the adoption of the rules in the first session of the Forty-ninth Congress. The admission of a certain class of riders had caused some opposition to the old rule, and the Committee on Rules recommended the following:

"No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several departments of the Government."

This form the House, on motion of Mr. George E. Adams, of Illinois, modified by striking out the words "and for the contingencies for carrying on the several departments of the Government" and inserting:

"Nor shall any provision changing existing law be in order in any general appropriation or in any amendment thereto."

Thus the rule was adopted in its present form, which it has retained since, with the exception for the four years of the Fifty-second and Fifty-third Congresses, when there was a return to the form adopted in 1880, with a slight modification relating to reports of commissions in the proviso. (Hinds' Precedents, vol. 4, pp. 382–385.)

The practice of attaching "riders" to appropriation bills has been often condemned.

In 1879 President Hayes sent a message to the Congress dealing with this question, where, among other things, he said:

The practice of tacking to appropriation bills measures not pertinent to such bills did not prevail till more than 40 years after the adoption of the Constitution. It has become a common practice. All parties when in power have adopted it. Many abuses and great waste of public money have in this way crept into appropriation bills. The public opinion of the country is against it. The States which have recently adopted constitutions have generally provided a remedy for the evil by enacting that no law shall contain more than one subject, which shall be plainly expressed in its title. The constitutions of more than half the States contain substantially this provision. The public welfare will be promoted in many ways by a return to the early practice of the Government and to the true principle of legislation, which requires that every measure shall stand or fall according to its merits.

If it were understood that to attach to an appropriation bill a measure irrelevant to the general object of the bill would imperil and probably prevent its final passage and approval, a valuable reform in parliamentary practice of Congress would be accomplished. (Message of Apr. 29, 1879.)

In his Introduction to Political Parties and Practical Politics, page 419, Mr. Orman says:

Amendments called "riders," embodying legislation disapproved by the President, are sometimes attached to appropriation bills. The President is then forced to accept this obnoxious amendment or to veto the entire bill. The practice of attaching "riders" is somewhat discredited and is usually tried only as a last resource.

Prof. Fairlie, in his work, The National Administration of the United States of American, pages 51 and 52, says:

The attempt has, however, been made to use the money power of Congress to coerce the President in another way—by attaching as "riders" to the appropriation bills items of general legislation which the President would veto if presented as separate bills. But in 1879 President Hayes vetoed appropriation bills to which riders were attached and threw the responsibility back on Congress, so that they were compelled to repass the appropriations without the riders.

Hon. Samuel W. McCall, formerly of this House, in his book, The Business of Congress, pages 114 to 117, makes the following statement:

Revenue and appropriation bills are read in Committee of the Whole by paragraphs, and at the conclusion of the reading of each paragraph amendments are in order, but no amendment can be offered to a general appropriation bill, whether ordinarily it might be germane to the bill or not, unless it is for an expenditure authorized by law, except in cases where it is a continuation of former appropriations and of objects such as are already in progress; nor is any amendment changing existing law in order upon any general appropriation bill. These prohibitions likewise govern the committee in preparing the bill. The object of the prohibition is to prevent the practice once existing of putting "riders" upon the money bills. These bills provide for the support of the Government for a given fiscal year or for deficiencies in expenditures for previous years, and it is their essential purpose to provide money for keeping the governmental machinery in motion. Amendments germane to these bills, dealing, as they do, with all details of Government, might propose changes in the greater portion of the laws of the United States. If it were only necessary for an amendment to be germane, in the consideration of the Army and Navy appropriation bills, conditions might be imposed upon the use of those two arms of the service which might affect the whole foreign policy of the Government. The departments of the civil service generally would be liable to a complete reconstruction every year, and even private claims might be pressed for payment upon general money bills.

The rules contemplate that changes in general laws shall be made by bills introduced for that purpose, referred to the appropriate committees, and considered on their merits in the House. Legislation of a general character, either by way of changing existing laws or by adding new laws to them, would be likely to be crude and unscientific if added to supply bills, and it would have the effect also of impeding the passage of those necessary measures. There is no analogy between conditions with us and under those systems where, in former times, parliaments voted money to the king only on condition that he should grant something to the people. In such a case the conditional grant was used to wring from the sovereign some of the privileges of a free constitution and an extension of popular rights. But with us the President himself holds office for a limited term, and under the same sanctions as do Members of Congress, and he may be retired at the next election and a successor chosen. The Army and Navy and the civil service do not belong to him, but to the Nation. And for Congress to attempt to coerce a coordinate branch of the Government by threatening to starve the departments and to stop the governmental machine by refusing to vote necessary supplies savors very much of revolution.

An editorial in the World's Work, August, 1913, pages 379–380, says:

The much-discussed "rider" to the sundry civil bill was such a flagrant example of a vicious method of legislation that it has at last turned public attention and public condemnation toward this old evil.

This particular "rider" specified that none of the money appropriated in the sundry civil bill to enforce the Sherman Act should be used to prosecute farmers' societies or labor unions. Giving Congress the benefit of every doubt and considering this a bona fide attempt to modify the Sherman Act, if the authors of this "rider" did not know that the principles underlying it were probably unconstitutional and that the "rider" itself was ineffective they certainly should have known that amendments to the Sherman Act should be passed as such and not inserted in an appropriation bill.

If, on the other hand, it was an attempt to curry favor with the farmers and the labor unions by seeming to grant them immunity from the law, though it really gave them nothing, it was a dishonest trick.

Wise leadership in the farmers' societies and labor organizations would have made them take this occasion to say that they wanted no special favors before the law, for this seemingly attempted discrimination on their behalf, inferentially at least, puts them in the class of "special interests." And in getting into the "special-interest" class they have provoked the President into a special statement that wherever they break the law they will be prosecuted. This will be a new condition, for labor unions have violated the Sherman Act with impunity, so far as suits instituted by the Department of Justice are concerned. The President has specifically promised that this shall happen no more.

Except for the President's statement there is nothing to recommend this "rider" to the public.

From the partisan standpoint it is likewise incomprehensible—a Democratic Congress putting a Democratic President in an embarrassing position. Congress must have known that the President would do just what he did; that since the objectionable clause was ineffective to accomplish discrimination—there being other money available to prosecute possible violations of the law—he would sign the bill and at the same time issue a statement which would do more than all previous discussion to call down on it the public condemnation that it deserves.

A study of the consequences of vetoing a sundry civil appropriation bill within a few days of the end of the Government's fiscal year, with a tariff bill still in the throes of passage and a currency bill just being introduced would convince any unprejudiced person that it would have been an unwise thing to do.

The net result of the whole performance is a crystallization of opinion against "riders" in legislation and a new pronouncement that the Government will enforce the Sherman Act against labor unions. To attempt, even for a year, to limit the scope of the Sherman Act by a subterfuge like a "rider" is an utterly unjustifiable action.

It should be noted that the Attorney General's scheme to add to the strength of the Government's control over the tobacco industry by putting a special taxing clause in the tariff bill was based on the same fundamentally unsound idea. Such a clause had no proper place in the tariff bill, and happily it was omitted. An appropriation bill should be only an appropriation bill. A tariff act should be only a tariff act, and an act to regulate business should do that and nothing more. If a bill can pass on its own merits it ought to pass that way. If it can not, it ought not to be allowed to "hitch on" to some other popular measure and to ride through on its back.

The machinery of legislation is complicated and difficult to tinker with, but in the last few years we have improved various other parts of our political machinery so much that we should be sanguine of the ability of Congress to improve its methods. Of the need of doing so, no more "horrible example" is needed than the rider on the appropriation bill. Its particular significance is that, though it is not worse than others that have gone before, it is more notorious. The public's mind has been focused on it.

The enforcement of the Sherman Act against combinations of labor has not been accomplished by the Department of Justice. There have been many suits against labor unions and their officials, but it is hard to find one started by the Government. The violations of the Sherman Act by labor unions is probably no worse now than it has been. The difference is that the President has promised that the unions shall not longer have immunity.

In the World's Work of March, 1914, pages 491 and 492, the following is found:

About 10 years ago Mr. GEORGE E. CHAMBERLAIN, at present United States Senator from Oregon, was made governor of that State. Mr. CHAMBERLAIN entered office with one fixed idea—to end an abuse which had disgraced Oregon for a generation, and which still disgraces many other Commonwealth. Every year, for a generation, the general appropriation bill had reached the governor overburdened with a large quantity of extraneous details. Every legislator who had an ax to grind usually attached it to this indispensable measure. The bill was then passed in the last hours of the session, and the governor had to sign it or allow the State to go without appropriations for two years. He had no right to veto particular items; he must approve or disapprove as a whole.

Mr. CHAMBERLAIN announced early in his term that he would not hesitate to veto any appropriation bill that came to him loaded with these "riders."

"Will you kill the appropriation bill," the lawmakers asked, "and deprive all the State employees of their salaries, put an end to the work of all the State departments, stop paying interest on the State bonds—make the State, as a financial organization, go out of business?"

"That's exactly what I will do," retorted the governor. "If you people in the legislature wish to take the responsibility of closing up the State of Oregon you can do so. I will not sign that bill."

The warfare lasted almost to the midnight of the day the legislature was scheduled to adjourn; at the last moment the frightened lawmakers, seeing that Gov. CHAMBERLAIN was in earnest and that the people were supporting him, changed their tactics, cut out all the objectionable items, and sent him the first clean appropriation bill that Oregon had ever passed. The governor's act had two interesting consequences. It made Mr. CHAMBERLAIN so popular that the people sent him to the United States Senate. It resulted in an amendment to the State con-

stitution giving the governor power to veto any item in an appropriation bill. The abuse of "riders" in Oregon is at an end.

This episode has a national significance. All Congresses have sinned this way, and the present Democratic majority has done so on several occasions. Several months ago by an appropriation rider, they virtually sought to repeal the Sherman Act in its application to labor unions. In order that the Nation might continue in business, Mr. Wilson signed this bill, but under protest. More recently, Congress has attempted, through the devious process of an appropriation bill, to exempt second-class postmasters from the operations of the civil-service law. Mr. Wilson has apparently succeeded, for the time at least, in checking this particular onslaught. But the rider is too useful a legislative device to rest permanently unused upon the shelf. Probably we shall not be rid of its pernicious influence until a President, by some such spectacular device as Mr. CHAMBERLAIN'S, shall focus the attention of the country upon its evil effects.

[Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. CHIPERFIELD. Mr. Speaker, I desire to ask unanimouse consent to extend my remarks in the RECORD by inserting therein the comments of various authors and magazines in this country upon the subject of riders in connection with legislative matters.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HARRISON. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, there is nothing whatever in this rule that has any relation to the rural free delivery of the mails, notwithstanding the statement of my colleague [Mr. CHIPERFIELD] on that subject. [Applause on the Democratic side.]

Mr. CHIPERFIELD. Will the gentleman yield for a minute?

Mr. MADDEN. I have not the time.

Mr. CHIPERFIELD. That is the objection I make to it; that it has nothing. [Applause on the Republican side.]

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] declines to yield.

Mr. MADDEN. Mr. Speaker, the rural delivery proposition has been taken care of in the bill as it never has been taken care of before. No such treatment of the rural delivery question has ever been given to that question in this House as was given to it the other day when the amendment was adopted providing that no rural delivery route should be changed in any way except upon the application or petition of a majority of the residents along the route.

Mr. NORTON. Mr. Speaker, will the gentleman yield there?

Mr. MADDEN. No; I do not yield.

The SPEAKER. The gentleman declines to yield.

Mr. MADDEN. This rule proposes important and necessary legislation, and the most important legislation in connection with that rule is that provision effecting the restoration of the carriers to their former status by reason of their reduction in compensation.

The next important thing before the American people, and one of the most vital that has ever come before the country, is the compensation to be paid to the steam railroads of the country for carrying the mails. They have heretofore been paid for carrying the mail by the ton. They are getting to-day 10.17 cents per ton-mile for every ton of mail they carry, and in this bill it is proposed to pay them 12.17 cents per ton-mile.

Are they getting enough pay under this rule? I think they are.

Then it is proposed, in order that there may be no injustice done to the railroads, later on and during the consideration of this measure, to offer an amendment which will limit the weight of the parcel post to 50 pounds. That will nullify the argument of the railroad companies to the effect that their freight will be diverted to the mail trains. There can be absolutely no reason why every man in this House ought not to vote for this rule. Why? Because we are making in order the consideration of a measure by means of which the Government can carry its mail on a scientific basis. We are making in order a measure that will give full consideration, every line of which will be open for amendment and debate. There will be no gag rule applied to the consideration of this question. [Applause.]

It will be before the House for consideration. No gag will be applied. No man can say that this will be considered under any gag rule. This rule now before the House simply makes the measure in order to the end that it may be considered in an orderly way, with proper consideration and with every opportunity afforded for amendment that any man on this floor sees fit to apply. [Applause.]

Mr. CAMPBELL. Mr. Chairman, I yield three minutes to the gentleman from Iowa [Mr. TOWNER].

The SPEAKER. The gentleman from Iowa [Mr. TOWNER] is recognized for three minutes.

Mr. TOWNER. Mr. Speaker, I desire to ask unanimous consent to print in extension of my remarks the amendment that I desire to offer to this rule.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD by printing the amendment he intended to offer if he got a chance. [Laughter.] Is there objection?

There was no objection.

Following is the amendment referred to:

Mr. TOWNER moves to amend, page 2, line 14, by adding the following as a new paragraph:

"That hereafter in the Rural Service a standard of length for horse-drawn vehicle routes on dirt roads shall be established which shall be 24 miles, and that all rural mail routes now established on dirt roads which exceed such standard length by 20 per cent or more shall be reorganized to conform approximately to such standard, and that all rural routes of this class which shall hereafter be established shall conform approximately to such standard and not exceed by 20 per cent or more such standard length of 24 miles; that a standard of length for motor-vehicle rural mail routes shall be established which shall be 50 miles, and such routes shall be established only on hard-surfaced roads; that all motor-vehicle routes now established on dirt roads shall be discontinued and reorganized to conform to the standard for horse-drawn vehicle routes on dirt roads, and that hereafter no motor-vehicle mail routes shall be established except on hard-surfaced roads; that no rural mail routes of either class shall hereafter be reorganized or established which shall exceed in length by 20 per cent or more the standards herein fixed. No order shall be made and nothing herein contained shall be interpreted to prevent the use by the carrier of motor vehicles on horse-drawn vehicle routes on dirt roads."

Mr. TOWNER. Mr. Speaker, I think the majority will hardly be justified in going to the country on the proposition that it will not allow any consideration even of the very important question of restoring the Rural Route Service to what it was before the reorganization of the department. That is what you are doing to-day by refusing consideration of this amendment to the rule.

It may be said that riders on appropriation bills ought not to be passed. But, gentlemen, if riders on appropriation bills under a rule are to be submitted, I think you will hardly be able to justify your bringing in a rule for the consideration of such matters as giving the privilege to the Postmaster General of returning empty mail bags and not allowing consideration of a rule that vitally affects the interests of millions of the farmers of this country.

That is the position, gentlemen, in which you will place yourselves if you adopt this rule in this form, and I suggest that every man that is interested in the restoration of the Rural Route Service to what it was before the reorganization scheme was adopted by the present department will have difficulty in explaining to his constituents why he votes for a rule that will prevent even the consideration of a proposition of this kind. A vote for the rule now means a vote to refuse to even consider legislation that will prevent the serious injury, if not the utter destruction of the Rural Route Service. At least the House ought to have a chance to consider the question, and, if possible, secure legislation that will remedy the evil.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. HARRISON. Mr. Speaker, may I ask how much time I have?

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] has 10 minutes and the gentleman from Kansas [Mr. CAMPBELL] has 5 minutes.

Mr. CAMPBELL. We have but one more speech on this side.

Mr. HARRISON. We shall probably have but one more on this side. I yield to the gentleman from Maryland [Mr. LINTHICUM].

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] is recognized.

Mr. LINTHICUM. Mr. Speaker, I am glad that under this rule we shall have a chance to restore to the mail collectors their salaries which have been reduced. I can not see the reason nor justice for such reduction and will certainly vote for its restoration. I am glad the committee has seen fit to eliminate the bond features from this rule, to launch the Government into the bonding business, an enterprise which it has never engaged in before, because I believe the private companies can better do this work than the Government can perform it. And, Mr. Speaker, having but little time, I ask leave to revise and extend my remarks in the RECORD.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, as long as the gentlemen have put the gag on us and refused to let us discuss the rule on this side, I am not willing.

Mr. FITZGERALD. The gentleman permitted a gentleman on that side to have the privilege of extending his remarks. That is inconsistent.

Mr. MANN. That is not inconsistent at all. I am not like the gentleman from New York. I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. BENNET].

The SPEAKER. The gentleman from New York [Mr. BENNET] is recognized for five minutes.

Mr. BENNET. Mr. Speaker, I want to say to gentlemen who feel like my friend from Maryland [Mr. LINTHICUM] that they have gained a victory in relation to the bonding privilege, that they should read the remarks of that gentleman who lived some thousands of years ago, who said, "Another such victory and we are undone." [Laughter.]

What is going to happen to them is this: The committee will try this year to pass the railway-mail provision, because they think they can not pass both the railway-mail provision and the bonding provision in the same rule. Next year, having gotten the railway-mail pay provision out of the way, they will come in with the bonding provision all alone, and the last state of the gentleman from Maryland and his friends will be worse than the first. [Laughter.]

Mr. FITZGERALD. Will the gentleman yield?

Mr. BENNET. For a question.

Mr. FITZGERALD. Does not the gentleman know that in the Sixty-first Congress a Republican House passed a bonding provision which applied to all of the departments, and it was passed by an overwhelming majority?

Mr. BENNET. We did; and I am glad my colleague reminds me of that. I voted for it.

Mr. FITZGERALD. Why should the gentleman complain about this, then?

Mr. BENNET. I am going to give the gentleman a little history.

Mr. COADY. Will the gentleman yield?

Mr. BENNET. No; not until I answer this question. My colleague [Mr. FITZGERALD] reminds me that I voted for that rule. I did. I had been elected in 1908 by 8,000 majority. That side in the Sixtieth and Sixty-first Congress called the attention of the country to the evil of legislation on appropriation bills under special rule. What was the result of that? My great independent district in 1910 did what other great independent districts represented here by Democrats are going to do in 1916. They beat me by 2,000. [Laughter.] Yes; I voted for the rule. You are going to vote for this rule. Good-bye! God bless you! [Laughter.]

Mr. COADY. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. COADY. I was going to ask the gentleman if he is complaining about section 2 being stricken out of the bill?

Mr. BENNET. I do not know what section 2 is.

Mr. COADY. I fell sorry for the gentleman. He discussed it the other day.

Mr. BENNET. No; I made a point of order on it, because I did not know what it was. It is like section 7 in this rule. We on this side tried for an hour to find out what it was, and there was not a man on that side who knew what it was.

Mr. CALDWELL. Will the gentleman yield for a question?

Mr. BENNET. Certainly.

Mr. CALDWELL. Was there no other cause that contributed to the gentleman's defeat except the fact that he voted for that rule?

Mr. BENNET. That was enough. [Laughter.] That was enough, I will say to my friend, and he can remember it the morning after the election of 1916 also, although I am frank to say that I hope not in his personal case. [Laughter.]

Now, the gentleman from Tennessee said that the only way you can get legislation through this House in relation to the Post Office is on an appropriation bill under a special rule. I represent the largest Democratic congressional district in the United States, and I resent the inference that the Democrats are stupid. They are not. They are intelligent. I concede that they are in my district.

Mr. GORDON. Except in 1910. [Laughter.]

Mr. BENNET. But in the Sixty-third Congress the Post Office Committee reported out four bills carrying legislation. All four passed. Three became laws and one was vetoed by the President of the United States. They tried to pass legislation on an appropriation bill, and that failed.

Now, I will tell you some more things that you will be doing if you vote for this rule. I assume from the vote on the previous question that you are going to vote for the rule. You are going to prevent the gentleman from Iowa [Mr. TOWNER] from offering his amendment in relation to the Rural Free Delivery, which I do not at all understand, but which seems to be important to rural communities.

Mr. GORDON. Are you in favor of it?

Mr. BENNET. I will discuss it if you will vote to put it in; but I will tell you what you are going to bar from consideration which I do know something about——

The SPEAKER. The time of the gentleman has expired.

Mr. HARRISON. Is there any time remaining on the other side?

The SPEAKER. No.

Mr. HARRISON. Mr. Speaker, gentlemen on that side contend that the rule now before the House is a gag rule. It seems to some of us that it comes in very poor taste for Republicans to talk about gag rules. There is no gag about this rule. It allows this House to go into the Committee of the Whole House on the state of the Union and discuss these features of the bill, with freedom of amendment and freedom of debate. The chairman of the Committee on the Post Office and Post Roads has said that he is going to allow great liberality of debate and freedom of amendment. It can not be said therefore that there is any gag rule here. Let me cite the gentleman to the fact that in the Fifty-ninth Congress, when the Republicans were in control of this House, when the Post Office appropriation bill was before the House, there had been many points of order made to many of the provisions of the bill which struck many provisions from the bill. A Republican Committee on Rules brought in a rule which provided that all the provisions—10 or 12 of them—might be considered and not be subject to a point of order; but instead of allowing liberality of debate and freedom of amendment, as we propose here, that rule proposed by your Rules Committee prevented any amendment being offered to any part of those provisions or any discussion of them. [Applause on the Democratic side.] Not only that. That was bad enough, and was truly a gag rule; but in the Sixty-first Congress the gentleman from New York, who now tirades against this rule, and styles it a gag rule, did vote for a rule that was most obnoxious. Ah, he says he was defeated because of it. There are many other gentlemen on that side who were not defeated in that election, and who voted for it. What was it? It was a rule that was brought into this House by your Rules Committee in the tariff debate in the Sixty-first Congress that prevented any amendment except on five articles in the tariff bill being considered; and again when that bill came back from the Senate with 864 amendments, and most obnoxious amendments, too, a Republican Committee on Rules brought in a rule here, and you Republicans voted for it, that prevented any discussion of any of those amendments in the House, but immediately sent them to conference. That is your record in this House. Gentlemen talk about no good legislation being passed on general appropriation bills, and they say that there is no opportunity for freedom of discussion. Let me cite you to the fact that the first provision for the Rural Free Delivery Service was brought in on a general Post Office appropriation bill.

Mr. BENNET. Will the gentleman yield?

Mr. HARRISON. I can not yield to the gentleman right now.

Mr. BENNET. The gentleman will certainly be as courteous as I was.

Mr. HARRISON. I will yield to the gentleman.

Mr. BENNET. I will ask the gentleman if it is not a fact that under the rules of the House it is within the power of any Member to move to close debate in Committee of the Whole upon this whole railway mail proposition, covering 12 pages, after the expiration of one speech of five minutes.

Mr. HARRISON. Why, yes; they can do that under the rules of the House, but the chairman of the committee in charge of the bill has stated that there will be great liberality of debate given to Members in the discussion of that proposition, and this is no new matter before the House. It was up in the Sixty-third Congress. It passed this House, it passed the Senate, and I understand the conferees had gotten together on this provision and it would have been reported to the House and adopted had it not been for the closing hours of that session.

Mr. MOON. It was reported to the House, and the conference report was agreed to in the House.

Mr. GARRETT. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. GARRETT. It is within the power of the chairman of the committee to move to close debate, but it is within the power of the House to refuse to close debate.

Mr. BENNET. But it is absolutely in the power of the chairman to make that motion in five minutes on a 12-page amendment.

Mr. GARRETT. And absolutely within the power of the House to refuse to agree to it.

Mr. BENNET. Certainly.

Mr. GARRETT. Will the gentleman permit a further suggestion?

Mr. HARRISON. Yes.

Mr. GARRETT. That very rule to which the gentleman refers was brought into the House to make in order upon the Post Office appropriation bill in the Fifty-ninth Congress various matters which had gone out on points of order made by the gentleman from Arkansas [Mr. MACON]. Mr. Overstreet, of Indiana, was the chairman of the committee, and the rule that was brought in provided that they should be in order. Not only that, but it provided that there should not be any amendment offered. The gentleman voted for that rule. [Applause on the Democratic side.]

Mr. BENNET. Mr. Speaker, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. BENNET. I will ask unanimous consent to print in the RECORD the speech of Mr. JOHN SHARP WILLIAMS, of Mississippi, in connection with that rule.

Mr. HARRISON. Mr. Speaker, I shall object to that. I will read what the gentleman from Mississippi said in the discussion of that rule.

Mr. BENNET. Mr. Speaker, I ask unanimous consent that the whole speech be printed in the RECORD.

Mr. RUCKER. It is already in the RECORD.

The SPEAKER. The gentleman has not the floor for that purpose.

Mr. BENNET. I thought the gentleman yielded for that purpose.

The SPEAKER. The gentleman was recognized to ask a question.

Mr. HARRISON. Here is what the gentleman from Mississippi [Mr. WILLIAMS], who was at that time minority leader, said: "But at the same time the Democrats find themselves unable to support the rule, because the rule cuts off all amendment."

And, again, Mr. Speaker, not only was there brought into this House under a general appropriation bill the first provision for the establishment of the rural delivery route, but the Parcel Post System would never have been enacted into law, probably, if it had not been brought in on a general appropriation bill. And so it is, all through the history of legislation in this House it will be found that some of the best legislation that has been written upon the statute books has come about through being enacted on a general appropriation bill. The trouble about the Republicans was that they used the rules of the House to pass bad legislation and strangle and prevent freedom of amendment and debate, while we are trying to pass, through the rules of this House, good and wholesome legislation, under most liberal debate and freedom of amendment. [Loud applause.]

The SPEAKER. The question is on the adoption of the resolution.

The question was taken; and on a division (demanded by Mr. CAMPBELL) there were—ayes 119, noes 104.

So the resolution was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HUMPHREYS of Mississippi, indefinitely, on account of illness.

To Mr. MORIN, indefinitely, on account of illness.

CORRECTIONS IN A VOTE.

Mr. KETTNER. Mr. Speaker, I overlooked the fact that I was paired with the gentleman from Massachusetts [Mr. TREADWAY] when I voted on the previous question. I desire to withdraw my vote of "yea" and be recorded "present."

The SPEAKER. The gentleman from California [Mr. KETTNER] states that he overlooked the fact that he was paired with the gentleman from Massachusetts [Mr. TREADWAY], and voted on ordering the previous question, and has asked to withdraw his vote and be recorded "present." Is there objection?

There was no objection, and it was so ordered.

Mr. STEELE of Pennsylvania. Mr. Speaker, I also overlooked the fact upon that vote that I was paired with the gentleman from Pennsylvania [Mr. COSTELLO], and I ask unanimous consent to withdraw my vote and be recorded "present."

The SPEAKER. The gentleman from Pennsylvania [Mr. STEELE] also overlooked the fact that he was paired with the gentleman from Pennsylvania [Mr. COSTELLO], and asks unanimous consent to withdraw his vote and be recorded "present." Is there objection?

There was no objection, and it was so ordered.

ENROLLED BILLS SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9416. An act making appropriations to supply further urgent deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior years, and for other purposes; and

H. R. 157. An act to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908, as amended by act approved June 3, 1912.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 157. An act to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908, as amended by act approved June 3, 1912; and

H. R. 9416. An act making appropriations to supply further urgent deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior years, and for other purposes.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. RUBEY was granted leave to withdraw from the files of the House, without leaving copies, papers in the case of Robert Jolly (H. R. 7693, 63d Cong.), no adverse report having been made thereon.

POST OFFICE APPROPRIATION BILL.

The SPEAKER. Under the rule which has been adopted the House will resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill, with Mr. RAINEY in the chair.

The CHAIRMAN. The Clerk will read the first item affected by the rule.

The Clerk read as follows:

Page 4, all of line 24, and the word "Service," line 25, as follows: or any other classified civil-service employee in the Postal Service.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word of the amendment offered under the rule. I would like to have the attention of the chairman of the committee. When this item was under consideration originally in Committee of the Whole, it was admitted by the members of the Post Office Committee that the phraseology in the amendment now under consideration did not include the class of post-office laborers. They constitute a body of some twelve hundred or more employees, and they are as worthy a class of postal employees as any, and certainly deserve the protection covered by this item. Next to the railway mail clerks, they are engaged in more hazardous employment than any other class of employees. These post-office laborers are not civil-service employees. Under this item we are covering in all of the postal employees in the civil service, and some who are not. For instance, the special-delivery messengers are not in the civil service, and yet it is proposed to grant to the widows and dependent relatives of those messengers a $2,000 indemnity in case of death, or, in case of disability lasting a year, a year's salary, and if the disability lasts longer than that time, one-half a year's salary. I wish to inquire of the chairman of the committee whether he does not think that these very worthy laborers should be included under the protecting arm of this provision? These men are employed in handling mail bags weighing from 150 to 200 pounds, carrying them on trucks to elevators, and are constantly exposed to danger.

Mr. MOON. The gentleman has made a speech. I thought he was going to ask a question. What is the question?

Mr. STAFFORD. If the gentleman had been paying any attention he would know what the purport of my inquiry is, but I will try to inform him again at the sacrifice of the time of the committee.

Mr. MOON. The gentleman sacrificed enough time before he got to his question to ask forty.

Mr. STAFFORD. It is sometimes necessary when I am trying to obtain information about this bill from gentlemen on this committee.

Mr. MOON. Perhaps the gentleman would better get it somewhere else.

Mr. STAFFORD. I may have to.

Mr. MOON. Now, I will answer the question of the gentleman. If I understand him he wants to know from me if I do not think laborers ought to be included in this.

Mr. STAFFORD. That is my query.

Mr. MOON. I have no objection in the world to it myself, but that is not the proposition before the House. The language of the bill is those under the classified service.

Mr. STAFFORD. And post-office laborers are not included in the civil service. Mr. Chairman, I offer the following amendment and withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 4, line 24, after the word "employee," insert "and post-office laborer."

Mr. STAFFORD. Mr. Chairman, I think I have already sufficiently explained——

Mr. MANN. If you say a post-office laborer in the Postal Service, that is superfluous, is it not? I simply invite the gentleman's attention to it.

Mr. STAFFORD. I should think "and laborer in the Postal Service" would be sufficient, without further description.

Mr. MANN. If that would be, all right; but I do not think we ought to use superfluous language.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to strike out of the amendment offered the words "post office."

Mr. FARR. Mr. Chairman——

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to modify his amendment by striking out the words "post office." Is there objection?

Mr. MOON. Mr. Chairman, I reserve the point of order on it. I do not know if it is subject to a point of order; but I would like to hear from the gentleman.

Mr. STAFFORD. Mr. Chairman, I make the point of order that the point of order of the gentleman from Tennessee is too late.

Mr. MOON. No; the gentleman has just withdrawn it and offered an amendment.

Mr. STAFFORD. If there are going to be any points of order reserved, I must object——

Mr. MOON. I do not know the point of order is well taken. I understood the gentleman to say he wants to strike out all reference to post offices——

Mr. STAFFORD. If the gentleman please, my original amendment designated those laborers as post-office laborers.

Mr. MOON. They were designated as post-office laborers?

Mr. STAFFORD. The gentleman from Illinois points out the fact that it would not be necessary to insert the word "post-office," for the language following it says "in the Postal Service."

Mr. MOON. I do not think it would be necessary.

Mr. STAFFORD. That is the reason for my asking unanimous consent to withdraw the word "post-office."

Mr. MOON. I withdraw my point of order.

The CHAIRMAN. Is there objection to the gentleman modifying the amendment by striking out the word "post-office"?

Mr. FARR. Mr. Chairman, reserving the right to object, I want to ask if that includes elevator men, watchmen, and others?

Mr. STAFFORD. If they are in the Postal Service; it would include all classes of post-office employees in the Postal Service.

Mr. FARR. As they should be.

The CHAIRMAN. Is there objection?

Mr. NORTON. Mr. Chairman, reserving the right to object, this is a provision in the nature of a further increase of compensation to those employed in the Postal Service. The second provision on page 2 of the rule, where it is proposed to take care of carriers assigned to collection duty, is another illustration of the correctness of the observations that I made a few days ago, to the effect that throughout this Post Office appropriation bill there has been a general tendency to increase the compensation of favored employees in the Postal Service without any proper regard to the interest of the taxpayers, who, in the final analysis, are the ones who must pay the bills this legislation contracts. This amendment is a sweeping provision authorizing the Postmaster General to pay $2,000 to the legal representatives of anyone employed in the Postal Service who shall be killed while on duty, or who, being injured while on duty, shall die within one year thereafter as a result of such injury. Under existing law the payment of this sum of $2,000 in case of death or injury resulting in death within one year from the time of the injury is limited to the following employees in the Postal Service: Railway postal clerks, substitute railway postal clerks, supervisory officials of the Railway Mail Service, rural letter carriers, postal clerks, and special-delivery messengers. This, in effect, gives a $2,000 policy of insurance against death by injury while on duty to every employee in the Postal Service. This, in my judgment, is going altogether too far in favoring postal employees unless it is to be the clearly defined policy of this Government to give this insurance to every employee in every other department of the Government service.

Mr. STAFFORD. Will the gentleman yield?

Mr. NORTON. I will.

Mr. STAFFORD. I assume the gentleman has no objection to giving this provision to the poorly paid laborers, who are more generally engaged in hazardous employment than any other of the enumerated class here except the railway mail clerks? We are now seeking to cover everyone connected with the Postal Service within the purview of the law, and now I wish to ask whether he does not believe this much-deserving class of laborers should be included in that law?

Mr. NORTON. I will say to the gentleman in reply to that that I am opposed to this principle of providing indemnity of this character for those in the Postal Service unless it is provided for those in all departments and bureaus of the Government.

Mr. STAFFORD. I quite agree we ought to have it for all employees in the Government service, but we have got a proposition before the House now as to whether we want to keep out this one class of employees in the Postal Service who are the most deserving of being included.

Mr. NORTON. Well, I will say to the gentleman, as far as that is concerned, I am greatly more in favor of providing increases of salaries here and special provisions for indemnity in case of death from injury to laborers, who to-day receive in the Government service the lowest salaries, than I am in providing for higher salaries and more special privileges for those in the Postal Service, whom I believe under existing law are being well paid for their services.

As a general proposition I am opposed to legislation for the Postal Service which gives to those in that service a greater salary and more favorable conditions by far than are received by the average man employed in like occupations outside the Government service. I realize, I will say to the gentleman, that we can not equalize social and labor conditions in this country at once or soon. But I do believe that we should keep in mind in enacting legislation of this kind and enacting provisions in this bill, such as are provided for on the next page of this rule, where there is an increase of salaries provided for certain city carriers assigned to collection duty, that there are millions of laborers on the farms, in the fields and factories of this country, who are contributing in large part to pay the taxes that must be had to meet these increased salaries, and that these laborers are receiving a great deal less compensation for their hours of labor than those in the Postal Service are receiving to-day under existing law. I do not believe that the increase in compensation we are providing for certain employees in the Postal Service can be successfully defended, if there is taken into consideration at all the compensation being paid to other employees in the service and being paid to laborers in like occupations outside the Postal Service.

Mr. FARR. Do not most of those people come under the State compensation laws? Why should the gentleman want to discriminate against laborers employed in the service of the Government?

Mr. NORTON. No; I do not believe they do, I will say to the gentleman.

We have a provision in this bill that the maximum to be paid to those who as carriers distribute or collect the mail in cities shall be $1,200 a year, the minimum salary being $800 a year. Under existing law the man who labors for the Post Office Department out in the country as a rural carrier is limited to a salary of $1,200 a year for the standard route. Now, the rural carrier for his $1,200 a year is required to furnish equipment to the value of four to six or eight hundred dollars, in addition to his personal service. For the care and upkeep of wagons and horses or an automobile, if he uses one, out of his salary of $1,200 he must pay three or four hundred dollars each year. Here in the Postal Service is an inequality in compensation that I desire to protest against and that should be borne in mind and carefully considered by every Member of this House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I wish to withdraw my request for unanimous consent to change the amendment, and ask unanimous consent that instead of it being inserted after the word "employee" that it be inserted before the word "or," so that the paragraph will read:

Special-delivery messenger, post-office laborer, or any other classified civil-service employee.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] withdraws his former request to modify his amendment by striking out the word "post-office."

Mr. STAFFORD. No; I wish to have "post-office" remain in.

The CHAIRMAN. The gentleman withdraws that request to modify the amendment and asks permission to insert before the word "or," in line 24 of the bill, the words "post-office laborer." Is there objection to the modification of the amendment?

Mr. CALDWELL. Reserving the right to object, I would like to ask the gentleman a question. The next two or three words after that are "or any other classified civil-service employee." As I understand it, a post-office laborer is not called a classified civil-service employee?

Mr. STAFFORD. Neither is a special-delivery messenger.

Mr. CALDWELL. Then should not the word "other" come out, too?

Mr. STAFFORD. That may require amendment, but certainly it does not require that change so far as this proposition is concerned.

The CHAIRMAN. Is there objection to the modification of the amendment at the place indicated in the bill? [After a pause.] The Chair hears none.

Mr. CHIPERFIELD. Mr. Chairman, I move to strike out the last two words.

The gentleman from Illinois [Mr. MADDEN] a few moments ago, with reference to my objection that the rural free delivery was not sufficiently protected in this bill, stated my position—entirely without intention, I know—but wholly incorrectly.

I simply desired at that time to say, and because not permitted because of lack of time to make a reply at that time, I now state that my objection to this Post Office appropriation bill, so far as the rural free delivery is concerned, and which I desire to express at that time, is, that at the time of the consideration of this legislation we find, as the patrons of the rural routes know, whether we understand it or not, the fact that the rural free delivery in the United States is absolutely demoralized.

Mr. MADDEN. I do not deny that.

Mr. CHIPERFIELD. I am not taking any captious exception to anything you said. I merely want to make my position clear.

Mr. MADDEN. I want my colleague to distinctly understand that I agree with him on that.

Mr. CHIPERFIELD. I take no exception at all. The gentleman has been manifestly fair, and I have nothing but the highest regard and admiration for him, and so what I say is not in an unfriendly spirit.

The Rural Free Delivery System in this country has been absolutely demoralized.

Mr. MOON. Mr. Chairman, I object to the discussion of this Rural Free Delivery matter.

Mr. CHIPERFIELD. You think it would be better to have a quorum?

Mr. MOON. The statement that it is absolutely demoralized is thoroughly incorrect.

Mr. CHIPERFIELD. Does the gentleman suggest it is not absolutely demoralized?

Mr. MOON. It is not demoralized in general. Some particular route may be.

Mr. CHIPERFIELD. Upon that we take a sharp issue, and those questions can not be settled in this House, no matter how great gentlemen may think they are, but we will go to the people upon that proposition in November and there can be no doubt as to the verdict.

Mr. MOON. We can not settle those matters on this pending amendment, and the gentleman ought to know that.

Mr. CHIPERFIELD. I understand that.

Mr. MOON. Then let us go along with this amendment.

Mr. CHIPERFIELD. I might possibly call for a quorum.

Mr. MOON. You might do that. You could do anything you chose. I suggest it is better to get along.

Mr. CHIPERFIELD. Continuing further, my information is, when they seek to legislate generally upon post-office matters they do not include legislation that will meet the condition of which we complain and be of benefit to the patrons of the rural free delivery. And the rule which has been arbitrarily adopted will absolutely preclude doing that. That is the basis of my opposition with reference to the unfair treatment of the rural routes.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Wisconsin [Mr. STAFFORD].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. CLARK of Florida. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 76, noes 8.

So the amendment was agreed to.

Mr. CALDWELL. Mr. Chairman——

The CHAIRMAN. The question is on the item proposed by the rule as amended by the——

Mr. CALDWELL. Mr. Chairman, I want to offer an amendment in the same line, if I am in order.

The CHAIRMAN. The Chair thinks so.

Mr. CALDWELL. I move to strike out, in line 24, after the word "any," the word "other." I understand it is agreed to by the chairman of the committee and gentlemen on the other side of the House.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 4, line 24, strike out the word "any."

Mr. CALDWELL. Oh, no; strike out the word "other," after the word "any."

Mr. MOON. Mr. Chairman, we have no objection to that amendment. I think it will read better.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

On page 4, line 24, strike out the word "other," after the word "any."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. CALDWELL].

The amendment was agreed to.

The CHAIRMAN. The question is on the item as amended by the gentleman from Wisconsin.

The question was taken, and the item as amended was agreed to.

Mr. BENNET. Mr. Chairman, I offer the following amendment, to come in on page 4, line 16, after the word "additional."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 16, after the word "additional," insert "That the Postmaster General shall have full authority to grant to any employee not to exceed two weeks' sick leave in any one year with pay, and not approve or continue any rule or regulation automatically terminating the employment of any such laborer by reason of absence when ill for a fixed number of days."

Mr. MOON. Mr. Chairman, I make a point of order on that amendment.

The CHAIRMAN. The gentleman from Tennessee makes a point of order on the amendment.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. How does that amendment come before the committee? This paragraph was read more than a week ago and passed upon by the committee.

Mr. BENNET. Mr. Chairman, the gentleman from Illinois is quite correct, of course; but my contention in connection with this amendment, which is an amendment which I desired to offer if the previous question had not been adopted and the rule had not been rejected, as it was—my contention is that the paragraph having now been changed by the adoption of the amendment, and being a legislative paragraph, differing from existing law, the entire paragraph is open for amendment.

This paragraph differs from existing law, and I will point out why and where. It does not differ accidentally at all. The existing law reads, on lines 9 to 22, as it is in the bill. Then, if read properly and grammatically, it would be "letter carrier, post-office clerk, or special-delivery messenger." When this committee made up its amendment to the bill, whoever drafted the amendment properly and grammatically dropped out the "or" before "special-delivery messenger" and inserted it where it appears at the beginning of line 24. That constitutes a change. I will call the attention of the Chair to the Manual, where, following the ruling of Speaker James J. Blaine and a long line of distinguished Chairmen, it is held that the change of a single word makes a different proposition.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. BENNET. Certainly.

Mr. MANN. Does the gentleman from New York claim that we can return to this paragraph now for any purpose other than the one prescribed in the rule?

Mr. BENNET. Mr. Chairman, "the gentleman from New York" claims, having returned to the paragraph, having adopted it and changed it, it is open to amendment, being a proposition on an appropriation bill in violation of Rule XXI.

Mr. MANN. We first want to ascertain if we can get back to it or not.

Mr. BENNET. We are here.

Mr. MANN. Not yet.

Mr. BENNET. We are back to the paragraph, and an amendment has been offered and adopted in relation to the paragraph, changing the paragraph.

Mr. MANN. Yes; but it is just like going back by unanimous consent for the purpose of offering an amendment to a paragraph. We passed the paragraph more than a week ago.

It was not in order to return to it. It is not in order now to return to it. The committee would not be authorized to return to it, and the House by a special rule provides that we shall return to it for a specific purpose. That is all we can do.

Mr. MOON. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from Tennessee makes a point of order on the amendment. The Chair understands that we returned to this paragraph for the express purpose stated in the rule and for no other purpose. The point of order is sustained. The Clerk will read the next item affected by the rule.

The Clerk read as follows:

Page 12, line 23, after the word "Service," insert:
"*Provided*, That for the purpose of this act holidays shall be all National, State, and local holidays that are observed by other branches of the Federal Government."

Mr. MANN. Mr. Chairman, it seems to me that this provision goes a good ways when it provides that we shall observe, so far as pay is concerned, all local holidays. If the mayor of a city wants to proclaim a holiday, as has been frequently done in Chicago, not for the purpose of stopping business—because the banks do not close; the business houses do not close—but it is called a "holiday" for some special purpose, under this provision you would either close the post office or pay extra time for it.

Now, I do not think the post-office employees are demanding that sort of thing. If they are, they are entirely unjust in their demands. If we provide for National and State holidays, we are doing considerable there; but to say that the mayor of a town can close the post office or require the Government of the United States to pay extra for the keeping open of the post office, when all the banks and all the business houses remain open as usual, seems to me utterly absurd.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman permit a suggestion?

Mr. MANN. Yes.

Mr. SMITH of Michigan. Saturday afternoon is declared a holiday.

Mr. MOON. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. TAGUE] to answer that question. I may not perhaps be in full accord with the gentleman on this question myself, but I would prefer that he make answer.

Mr. TAGUE. Mr. Chairman, this provision merely conforms to the regulation that is allowed to all other Federal employees of the Government. It is not asking to give letter carriers and clerks anything other than is now being allowed to other departments of the Federal Government. If it is a local holiday and the other members in the employ of the Federal Government are not allowed that day, these post-office employees are not allowed that day, either.

Mr. MANN. There is no one else who can determine what particular branch of the Federal Government have been granted a holiday on that day until the day has all gone by. Supposing that all did but one. That language is not conclusive. It does not mean anything. No one could observe that language. Under the first provision you could grant a holiday on a National and State holiday, whereas as to local holidays no one knows what it means, and no one can tell what holidays are observed by other branches of the Federal Government. Does that mean all the other branches of the Federal Government? No one will ever know what it means. We ought to define it so they will know. If you want to say "National and State holidays," that would seem to be sufficient.

Mr. TAGUE. I will ask the gentleman what he would suggest?

Mr. MANN. I would say—

For the purpose of this act holidays shall be all National and State holidays—

And stop there.

Mr. TAGUE. Does not the gentleman think that where a city has set aside one special day in the year when all business closes down that should also be included? For instance, in my city of Boston June 17 is celebrated as a holiday. All the departments of the government close down and business in general closes down. Every branch of the service has a holiday that day except the Postal Service. Does not the gentleman think it should apply in instances of that kind?

Mr. WHEELER. I will ask the gentleman a question. Under the rules of the Post Office Department, where business houses are closed by order of the mayor, they have one city delivery that day, and the office remains open until 10 o'clock. In other words, the clerks work two or three hours and the carriers possibly about four hours, but they receive a full day's pay.

Mr. MANN. The Post Office Department has the power now to do that where there is reason for it, and it is not an infrequent thing.

Mr. TAGUE. I have no objection to striking out the word "local."

Mr. MANN. I move to amend the paragraph so that it will read:

Provided, That for the purpose of this act holidays shall be all National and State holidays.

Mr. TAGUE. I will accept that amendment, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, lines 2, 3, and 4, so that the paragraph will read:
"*Provided*, That for the purpose of this act holidays shall be all National and State holidays."

Mr. MOON. Mr. Chairman, this amendment went in at the suggestion of my friend from Massachusetts [Mr. TAGUE]. I believe the amendment offered by the gentleman from Illinois and agreed to by my friend from Massachusetts is probably better than the language of the bill, and I hope it may be agreed to.

Mr. COX. Let us have the amendment reported.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

The CHAIRMAN. The question is on the amendment proposed by the rule as amended by the amendment of the gentleman from Illinois.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word. I wish to ask the chairman of the committee a question. I have not been able to go through this bill carefully enough to know just what the application of this particular provision would be. It says—

For the purpose of this act, holidays shall be, etc.

In what places in this act is reference made to holidays, to which this amendment will apply?

Mr. MOON. Page 12, line 23.

Mr. COX. And on page 12, line 18, also.

Mr. FINLEY. Has the gentleman a copy of the rule?

Mr. GREEN of Iowa. I have a copy of the rule.

Mr. COX. You will not find it in the rule. You will find it in the bill.

Mr. GREEN of Iowa. Does this provision have any application whatever to rural carriers?

Mr. MOON. That is a question for construction by the gentleman himself. I presume that the rural carriers might come under it.

Mr. GREEN of Iowa. I wanted to know what construction the gentleman from Tennessee put upon it.

Mr. COX. It applies to clerks in first and second class post offices.

Mr. MOON. It says:

That for the purpose of this act holidays shall be all National and State holidays.

I take it that refers to all postal employees.

Mr. GREEN of Iowa. I did not have any idea it applied to rural carriers. That was what I wanted to find out from the gentleman from Tennessee.

Mr. MANN. Does the gentleman want to lose 1 day in 30 for deliveries in the country? There is nobody else to take the place of these carriers. If the gentleman wants that, I am sure we in the cities will not object to it.

Mr. GREEN of Iowa. If the gentleman from Illinois will have a little patience he will find out what I want.

Mr. MANN. I have a great deal of patience, but I never have to exercise it with the gentleman from Iowa. His actions do not depend on my patience at all.

Mr. GREEN of Iowa. Mr. Chairman, I offer an amendment to the provision as amended by the amendment which has been agreed to, as follows:

And that no rural carrier shall be compelled to render service upon Christmas Day.

I offer that after the word "holidays" in the amendment which has been agreed to.

Mr. MOON. I make the point of order on that proposition. I will say I have no objection to that being made the law, that they shall not perform service on Christmas Day, but I do not think it ought to be put in here.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "holidays" insert "and that no rural carrier shall be compelled to perform service on Christmas Day."

Mr. MOON. I make a point of order on that amendment.

Mr. GREEN of Iowa. I will ask the gentleman kindly to reserve his point of order.

Mr. MOON. For how long?

Mr. GREEN of Iowa. I have only got about two minutes more, I suppose.

Mr. MOON. Go ahead. I will reserve it.

Mr. GREEN of Iowa. Mr. Chairman, it appears to me quite clear that such should be the law, and I have heretofore introduced a bill, which has been presented to the Post Office Committee, providing that rural carriers should not be compelled to serve on Christmas Day. I do not believe the country people, as a rule, particularly care about service on Christmas Day; and as that is the only holiday that the rural carriers would get, the only time when they would not be compelled to perform service, it seems to me there is every reason why they should be excused from performing service on that day. But under the regulations of the Post Office Department they are compelled to render the same service upon Christmas Day as on any other day, and they practically get no Christmas. It seems to me the amendment is but just.

Mr. MANN. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. MANN. It has been a long time since I have had the pleasure of living in the country, but in the city the Christmas morning delivery of mail is about the most important mail delivery in the whole year.

Mr. GREEN of Iowa. It is quite different in the country from in the city. I am sorry the gentleman has not lived in the country for so long.

Mr. MANN. Oh, bushels, and tons and tons of mail matter come on Christmas Day all over the United States.

The CHAIRMAN. Does the gentleman from Tennessee make the point of order?

Mr. MOON. I make the point of order.

The CHAIRMAN. Does the gentleman from Iowa care to be heard on the point of order?

Mr. GREEN of Iowa. I realize that this is not in order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained. The question is on the item as proposed by the rule as amended by the gentleman from Illinois.

The question was taken, and the amendment as proposed by the rule was agreed to.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk read as follows:

Page 14, beginning with the word "*Provided,*" line 7, to and including line 14, as follows:

"*Provided,* That hereafter there shall be no distinction in salary made between letter carriers assigned to collection duty and letter carriers assigned to delivery duty: *And provided further,* That letter carriers whose salaries have been reduced as the result of any order of the Post Office Department, making the maximum salary $1,000 to be paid letter carriers assigned to collection duty, shall be restored to their former grades."

The CHAIRMAN. The question is on the proviso proposed by the rule.

The question was taken, and the proviso was agreed to.

The CHAIRMAN. The Clerk will read the next item proposed by the rule.

The Clerk read as follows:

SEC. 7. That the limit of weight of mail matter of the first class shall be the same as is applicable to mail of the fourth class: *Provided,* That no article or package exceeding 4 pounds in weight shall be admitted to the mails under the penalty privilege unless it comes within the exceptions named in the acts of June 8, 1896 (ch. 370, 29 Stat. L., p. 262), and June 26, 1906 (ch. 3546, 34 Stat. L., p. 477).

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. We have passed by that paragraph which pertained to surety companies, and, with the indulgence of the committee, I should like to say a word about section 2, as it was proposed. I am not surprised that the Committee on the Post Office and Post Roads took that paragraph out of consideration at this time. I am very glad that it did. I think it was proper that this matter, if it is to be considered at all, should come before the House in the regular way. It is a great big, broad question, involving Government ownership and control, and the possible dissolution of existing companies organized for the purpose of doing business in a legitimate way. There is a wide difference of opinion as to the service individual surety companies are doing for the Government, but there is also a very good reason to believe that the Government itself could not do any better, and, reading section 2, which I think the committee wisely left out—and if the agitation of the last two days contributed in anyway to having it left out, I am very glad that I had a share in that agitation—I say it was wise to leave it out because the amendment is in very bad form, and would unquestionably have led to a great deal of confusion, showing the danger of attempting an important permanent piece of legislation like this on an appropriation bill. For instance, the Postmaster General was given authority by this section, which happily has been stricken out at least for this session of Congress, to deduct from the salaries of the letter carriers and post-office clerks an amount not in excess of 75 per cent of what they now pay for their surety bonds, which I am informed, so far as the private companies are concerned, are had at the rate of 50 cents per thousand per year, which is a very small sum.

Mr. STEENERSON. It is $1 a thousand.

Mr. MOORE of Pennsylvania. If it is a dollar a thousand, it still would be a small sum, but I have been informed that it is 50 cents. But I desire to call attention to the phraseology of the paragraph, and if I overstep the five minutes I shall ask unanimous consent that my time be extended for five minutes to further explain it. The Postmaster General is authorized to make this deduction for the purpose of creating a fund—going into a private business, as it were——

Mr. MOON. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. MOON. I want to ask the gentleman from Pennsylvania why the discussion of that paragraph that is not in the bill?

Mr. MOORE of Pennsylvania. I said in the beginning that we had passed the place where this proposed section would have been considered, and I wanted to explain why I thought the committee was wise in leaving the section out.

Mr. MOON. It does not make any difference what the reason is; it is out, and we need not bother with it any more.

Mr. MOORE of Pennsylvania. It rather proves that the opposition to the section was correct.

Mr. MOON. It does not. It does not prove anything of the kind. If the gentleman wants to know why it was left out, I do not mind saying frankly what my reason for it was and, I think, what the reason of the committee was. We have no objection to this section. We think it is a splendid section, and ought to be the law, but in the management of a bill you have got to take into consideration all of the conditions. I did not want too close a vote in this House on all of these amendments. [Laughter.]

Mr. MOORE of Pennsylvania. I suspected that, and as I look into the smiling faces of the Maryland delegation, I am sure it is true.

Mr. MOON. I could save 25 or 30 votes by leaving that proposition out, and I want to assure the gentleman that if we are all living next winter we will give him the full benefit of that proposition.

Mr. MOORE of Pennsylvania. I suspected that also, and I am glad the gentleman from Tennessee has given ample notice that this question is to come up again. For that reason, I ask his indulgence and that of the committee for a few moments while I explain why this section 2 should not have gone in the bill in its present form, and why, if it had gone in as a rider and not as original legislation in the regular way, it would have led to great confusion.

Mr. MOON. Mr. Chairman, I do not want to make a suggestion for the regular order, but the gentleman surely ought to know that it is not proper to discuss something that is not before the House and can not be before the House. If a little later on——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOON. If a little later on opportunity should afford, I should not object to the gentleman having 10 minutes.

Mr. MOORE of Pennsylvania. If the gentleman will agree that I may have five minutes now, I shall not ask for any more on this subject. I make that request.

The CHAIRMAN. Is there objection?

Mr. FOSTER. Mr. Chairman, the only difficulty is that if we open up a discussion of that there are some of us who believe that the proposition should become a law who will want a chance to reply to what the gentleman has to say.

Mr. MOORE of Pennsylvania. Suppose I read to the gentleman a sample provision like this:

From each contractor with the United States of America through the Post Office Department who are now or hereafter may be—

And so forth.

That involves a grammatical construction for which I am sure the committee would not stand.

Mr. FOSTER. I agree that in a great many bills some grammatical mistakes may be made, but——

Mr. MOORE of Pennsylvania. Suppose I call the attention of the gentleman to the fact that the guarantee fund provided is to be made up from deductions from the salaries of employees of the Postal Service and also from contractors, and that the funds are to be mingled under this provision.

Mr. FOSTER. Unless we are going into it, I do not care to discuss the question further.

Mr. MOON. The gentleman from Pennsylvania ought to know that he ought not to take up the discussion of this question now. If there is any mistake in that section, it is well cured by being thrown out, and what is the use of talking about it?

Mr. MOORE of Pennsylvania. I congratulate the gentleman and the committee on the fact that the section has been thrown out, and I thank the gentleman for the information that it will come back again next year.

Mr. MOON. Of course it will come back, because it is right.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Michigan. Mr. Chairman, I ask the same privilege of extending my remarks on the bonding question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. COADY. Mr. Chairman, I move to strike out the last two words. My views are entirely in accord with those expressed by the gentleman from Pennsylvania [Mr. MOORE]. I, too, was opposed to the resolution in its original shape, but after it had been changed and amended by the committee I cheerfully voted for it.

Mr. Chairman, I am opposed to the provision in this bill for a Government bonding fund, first, because I do not believe that the Government should embark in the bonding business. This should be left to private capital and private enterprises. The tendency in some quarters for the Government to undertake things that ought to be left to the States and to the individuals is as wrong and dangerous as it seems to be strong.

This measure will, if it becomes a law, put the Government in the bonding business, will make it a vendor of bonds; and if bonds, why not something else? Why not everything else? Why not sell the postal employees their uniforms? One of these propositions is about as logical as the other. It will unquestionably take a large force of clerks and inspectors to look after this branch of the Post Office Department if it is established by law. There is no provision in the bill for additional employees to do this. I understand the contention is that the present clerks and inspectors can do all this in addition to their present duties. I fear this will not prove true in practice. It is evident, as has already been pointed out by others, that the Government security will never be greater than the amount of the fund, and that the department will have no security until all assessments are paid in, and the whole fund is likely to be wiped out by a single large defalcation. This proposed venture is fraught with much risk.

The Fidelity & Deposit Co. of Maryland paid in net losses on screen-wagon service alone from 1902 to 1907 nearly $300,000. The net loss to this company on the contract of a certain William M. Wiegel for screen-wagon service in New York City was over $200,000. The premium paid by Wiegel was about $2,500.

Where would the Government have gotten the money to meet a loss like this? Not from premiums on star-route or screen-wagon contracts.

In recent years this same company has paid nearly $80,000 on account of losses on bonds of postmasters, letter carriers, and post-office clerks.

Is it not proper, is it not safe business for these companies to investigate cost of service before executing a bond. I would not care to deal with a company that did not do this.

It is proper for them to ascertain as far as they can that the bids for service are adequate and the contractors can perform work given to them without loss.

Companies engaged in the bonding business had their inception in Baltimore, which is the leading surety center. We have there three of the largest and best-managed companies of the kind in the United States. Their business is conducted on a high plane. They give employment to over 1,600 people in their main offices alone, and pay out in salaries over $1,250,000. These companies are not owned by a few men; they have over 2,300 stockholders. Their agents and attorneys throughout the United States number about 24,000. They are managed by men of the highest character—men whose business ability, standing, and integrity are unquestioned.

And it is a privilege for me to have this opportunity to pay this tribute to such men as former Gov. Warfield, Mr. John R. Bland, and Mr. John T. Stone.

Gov. Warfield is president of the Fidelity & Deposit Co. He was governor of Maryland from 1903 to 1907, and he gave our State an able, clean, effective, and progressive administration.

Mr. Bland, who is president of the United States Fidelity & Guaranty Co., is a leading financier and business man, and so is Mr. John T. Stone, president of the Maryland Casualty Co.

These gentlemen are classed, and properly so, among the leading citizens of Maryland. This is the fourth time in four years that a bonding proposition has been presented to Congress. In the former bills it was limited to cover employees only, but now it proposes to include contractors who carry the mails and furnish supplies to the department.

The probabilities of losses in this newly proposed feature are beyond calculation. I have already pointed out to you a loss of over $200,000 to one company on one contract of this kind.

I take no stock in the provision that any employee may give bond with surety or sureties approved by the Postmaster General in lieu of and in place of any assessment for or contributed to the guaranty fund. This would prove optional in name only and not in fact.

Every Government employee would feel bound to patronize the Government bureau for selling bonds. He would not feel free to go to a bonding company. He would feel afraid of incurring the enmity of those favoring this proposition, even though he had not the slightest reason for so fearing.

I am also opposed to this bonding provision because I do not believe in passing new legislation this way. An entirely new proposition like this ought to be treated separately and should stand or fall on its own merits. Let the bonding companies take care of this work as they have been doing. Keep the Government out of the insurance business. The present system is the best for the employee; it is best for the Government. Let it alone.

Mr. LINTHICUM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LINTHICUM. Was the gentleman's amendment to strike out the last word withdrawn? I think not.

The CHAIRMAN. Does the gentleman from Pennsylvania withdraw his pro forma amendment?

Mr. MOORE of Pennsylvania. Mr. Chairman, in order to facilitate business, I withdraw my pro forma amendment.

Mr. LINTHICUM. Mr. Chairman——

The CHAIRMAN. The gentleman from Maryland moves to strike out the last two words.

Mr. FOSTER. Mr. Chairman, if the gentleman is going to discuss the proposition, I shall object to it. If he is going to enter into a discussion of it, I might desire to say something in favor of it. If the gentleman desires to extend his remarks, I have no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I think a discussion of this question will clear up the atmosphere and relieve the situation next year.

Mr. MOON. Mr. Chairman, if we have this discussion here without anything before us, I want to say I do not want to fill up the RECORD with a lot of matter about this proposition until there is an opportunity for somebody to answer it, and I shall object.

The CHAIRMAN. The gentleman from Maryland moves to strike out the last three words.

Mr. MADDEN. Mr. Chairman, I suggest that the gentleman get leave to print.

Mr. LINTHICUM. Mr. Chairman, I wish to get leave to print, if I can get an opportunity, but it seems like the chairman of this committee is opposed to any discussion of this question.

Mr. MOON. I am not at all opposed to the discussion of the question, but it is not before the House. That is the point.

Mr. LINTHICUM. The chairman makes the threat that the committee merely struck out this in order to pass this rule, and at the next session he proposes to bring it in again. Now, the question I want to ask the gentleman from Pennsylvania is whether this was not a sufficiently great question that we ought to have a separate bill upon this proposition?

Mr. MOORE of Pennsylvania. Of course it is; we would all agree on that.

Mr. LINTHICUM. And I want to know whether——

Mr. MOON. I will say the gentleman may get a separate bill before the next session, but I do not think so.

Mr. LINTHICUM. We have no objection to a separate bill and a careful discussion of the question upon the floor, so that there will be an opportunity to refute the insinuations that these companies are in a conspiracy to defraud this Government, which have been made on this floor several times and absolutely without the slightest foundation.

Mr. MOON. Mr. Chairman——

Mr. LINTHICUM. If it comes to a free and fair discussion, we have no objection to a separate bill; but we do object to these insinuations.

Mr. MOON. I think we ought to discuss the matters that are now in the bill——

Mr. LINTHICUM. In order that I may refute the insinuations and remarks made upon the floor in reference to this question I ask leave that I may extend my remarks in the RECORD.

Mr. MOON. The gentleman understands this——

The CHAIRMAN. Is there objection?

Mr. MOON. Wait a minute. I want to reserve the right to object, and I want to see if I am correct. I understand the gentleman wishes now to put in the RECORD a printed speech reflecting upon somebody in reference to remarks made upon this question upon the floor and elsewhere? Is that the purpose?

Mr. LINTHICUM. I have no desire to reflect upon anybody, but I have a strong desire to insert the facts and a substantiation of the fact that there has been no conspiracy to defraud the Government and no wrong done to this Government, but that these companies are among the strongest and best institutions in this country.

Mr. MOON. I did not ask the gentleman to make a speech about it. I do not object, providing the gentleman does not undertake in his speech to reflect upon anyone. He has no right to print a speech which will reflect upon the Members of this House. With that understanding——

Mr. LINTHICUM. I wish to say to the chairman of the committee that he knows from my record in this House that I have never attempted to reflect upon any Member, no matter how much he ought to have been reflected upon.

Mr. MOON. But if the gentleman will undertake to advert to things which the gentleman said were false——

Mr. LINTHICUM. No; I do not think I used the word "false." I said things for which there was no foundation.

Mr. MOON. Mr. Chairman, I am not going to object. I will trust to the integrity of the gentleman to keep within the rules.

The CHAIRMAN. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Chairman, I would like to say to the gentleman from Tennessee [Mr. MOON] that he will recollect, I am sure, that in the discussion yesterday he did say in reply to a question of mine in regard to surety companies that if I knew how the Government had been "defrauded" I would have a different idea of the subject.

Mr. MOON. I said that some days ago, and I say it now. I have that proof here now.

Mr. LINTHICUM. What I want to say is——

Mr. MOON. I shall not object to your printing anything you want to say about it, so that you keep within the rule. I ask for the regular order.

The CHAIRMAN. The regular order is the request of the gentleman from Maryland [Mr. LINTHICUM] to extend his remarks in the RECORD on the bonding proposition. Is there objection? [After a pause.] The Chair hears none.

Mr. LINTHICUM. For four years, Mr. Chairman, this proposition for the Government to enter the bonding business has been attempted in this House, and this time it is not only intended to bond the employees of the department but likewise intended to include the contractors who carry the mail and furnish supplies.

The bonding companies of my city of Baltimore and of the whole country are among the finest and most substantial institutions of the land. For years they have been bonding employees and contractors of the Government and those of private business and private corporations. They have built up splendid institutions with large surpluses, employing thousands of men and controlled by officials of the highest character and standing in their various communities.

There has never been the slightest foundation for any such unwarranted legislation. These companies have proceeded to carry on their work with fairness to all and in the interest of the Government and of the individuals and corporations whom they serve. They have not been earning vast profits, as one would assume from the remarks of certain gentlemen on this floor, but have been trying to do a large and increased business at all times. They look upon this proposed legislation as an entering wedge by which the Government, through overzealous legislators, would gradually assume the bonding business of all the departments and thereby injure these corporations and their various stockholders, who are but citizens and individuals of the land, and take from them a business which they have established at vast expense and with untiring energy. I have always looked upon the function of the Government as undertaking to foster private enterprise and not to destroy nor injure it; that the Government is intended to assist matters in the interest of the people and not to injure their business, unless it was so intimately connected with its functions that it became practically a part of them. Its duty is to protect its citizens, their property, and their rights, not injure and destroy them.

I am therefore opposed to the Government entering those lines of enterprise which are and can be conducted by individuals and private corporations, separate and distinct from the National Government. I know that it is necessary in certain instances where the business is closely connected with the Government administration for the Government to establish a bureau and conduct the same in connection with its general business, but in the case of the bonding of postal employees there is no necessity for such legislation, and it would simply launch the Government through the Post Office in the bonding business.

Employees have been bonded for small premiums, the letter carriers of my city paying only 50 cents for a $1,000 bond; the rural letter carriers a small sum. The Government itself could not conduct this business more efficiently nor cheaper for the employees than the individual corporations are conducting it.

The only foundation I can find for this movement is that the First Assistant Postmaster General has said that certain developments in New York indicate that possibly there was either "intentionally or unintentionally" an effective combination on the part of bonding concerns which resulted in the elimination of bidders—page 145, hearing December, 1915. Here he introduced part of a report made by two Post Office inspectors regarding the matter in which a certain agent of a certain New York company was charged with some irregularity, but which has not yet been proven, and upon these statements and because of the alleged irregularity on the part of one agent all the bonding companies of the country are stamped as being in a conspiracy to increase the bids of those desiring contracts.

The fact that some bidder wanted to take a contract for $44,000 which a bonding company did not believe he could perform for less than $64,000 is made the basis for the assertion that the bonding companies were compelling the increase of prices, whereas the real fact is that the bonding company was simply passing upon the question as to whether they would bond a man to perform a contract for a sum which was too little for the work and which he could not possibly have done for the sum mentioned.

There is no evidence of any combination between surety companies for any purpose whatever, except perhaps an agreement for uniformity of rates. There never has been any combination nor anything approaching the same. The surety companies have by law been placed under the supervision of the Secretary of the Treasury and that official exerts a most rigid inquiry into their affairs by regular examination of the books of the companies, which are always open to examination under the law. I make a proposition to the chairman of the Post Office and Post Roads Committee that he or any other member having a desire to examine into the affairs of the companies of my city will receive from them every facility for a scrutinizing examination. We have built up three large bonding companies in the city of Baltimore, which is practically the birthplace of the bonding business. The investments of the companies are of the best, and every attention is given to the conduct of the business, which is above reproach and is a monument to our people.

We brand it as unfair, unjust, and ungenerous for anybody to insinuate that there is any combination or anything else by which the Government can be defrauded or lose one cent. There is not the slightest substantial testimony for the charge which has been made, and the whole question has become active by reason of reckless statements on the floor of this House, which were heralded throughout the country and believed in by so many, thereby blinding legislators to fair and just consideration.

If the House desires to consider this question upon its merits, if it desires to examine into the affairs of these companies to ascertain whether or not legislation of this kind would be beneficial to the Government, why not introduce a separate bill and go into the whole question, giving fair and full discussion to every matter, judging those charged with irregularities with the same fairness and justice which he would receive in court, and after all facts are ascertained, then let this House determine whether there is any necessity for a bureau of bonding in the Post Office Department. But until our people are treated fairly, until all insinuating remarks are removed, and until the matter is fully discussed in committee and in this House, I shall raise my voice in protest against any such legislation or any such statements which reflect upon the bonding business of my city.

Mr. BENNET. Mr. Chairman, I make a request to print on the same subject.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the same subject. Is there objection?

Mr. COADY. Reserving the right to object, Mr. Chairman, I would like to ask the gentleman from New York on which side he intends to print remarks?

Mr. BENNET. On the same side as the gentleman from Maryland [Mr. LINTHICUM].

Mr. COADY. The reason I ask that is that the gentleman was complaining about the action of the Committee on Rules in striking out section 2.

Mr. MOON. I want to say to the gentlemen from New York and Maryland that I want their remarks to show that they are not made in this House.

Mr. BENNET. If the gentleman were as familiar with the rules as I thought he was, he will recall it says "extension of remarks."

Mr. MOON. Yes; and it is a fraud on the public, always.

Mr. BENNET. I will say to the gentleman that I will comply with his wishes in the fullest regard. I will say that "this is an extension of remarks." How is that?

Mr. MANN. Is there any great substantial difference between inserting remarks in the RECORD which are not made in the House and talking to the House with nobody present, as was the case with the gentleman from Tennessee when he addressed the House? [Laughter.]

Mr. BENNET. Answering the gentleman from Illinois, I want to say that I am sorry he was absent during the speech. I was here. I was one of the six gentlemen who were here. [Laughter.]

Mr. MOON. The gentleman was here when? Reserving the right to object, I want to say this, that whether there are many or few on occasions when I speak in the House is not a question that concerns me. I am discharging my duty from my place in the House, and if the gentlemen whose duty it is to be here are not here, they can account for that to their constituents. But I defy you to find anywhere that I have attempted to put into this RECORD anything that was not said by me in this House, except when the leave was asked and the RECORD showed the facts, and that only two or three times in 19 years.

Mr. BENNET. The same with the gentleman from Maryland [Mr. LINTHICUM].

Mr. MOORE of Pennsylvania. How is it possible, without extending in the RECORD, to publish to the country any remarks about this surety business when we have been forbidden to do it in the debate?

Mr. MOON. The bill may never come or it may come. You better wait until it comes.

Mr. MOORE of Pennsylvania. I will take the gentleman's word for it that it will come next year.

Mr. MOON. Mr. Chairman, I withdraw my point of order, so that we can get along with this matter.

The CHAIRMAN. The question is on the request of the gentleman from New York [Mr. BENNET] to extend his remarks in the RECORD on the bonding proposition. Is there objection?

Mr. LINTHICUM. Reserving the right to object——

Mr. FOSTER. Regular order, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears no objection.

Mr. MONDELL. Mr. Chairman, I move to strike out the paragraph.

I had intended to discuss the question of star routes when that item was reached in the consideration of the bill, but I concluded that the committee had troubles enough and, therefore, much as I desired to discuss that very important matter, I did not inject myself into the debate and have not up to this time taken any part in it.

I notice that the chairman of the committee printed in the RECORD of February 24 a letter from the Postmaster General, in which that official quoted from a letter which he had written me, or, to be entirely accurate, which the Fourth Assistant Postmaster General had written me, quoting certain language I had used in debate relative to star routes, and taking exceptions thereto. His letter was as follows, in part:

In the CONGRESSIONAL RECORD of February 12, 1916, page 2779, you are quoted as follows:

"Why, there have been routes discontinued in my State in the last two or three years that have been running for 10, 20, and 30 years, and no service has been put in operation to fully take the place of the service thus discontinued."

Then said the Fourth Assistant Postmaster General:

In view of the importance of the matter referred to in your statement, it is requested that you advise this office at your earliest convenience as to any routes discontinued in the State of Wyoming that have not been superseded by equally good service and the name of any post office in the State not now receiving adequate mail facilities.

Before I go on further with this letter to the chairman of the committee, I want to say that I have answered the inquiry of the Fourth Assistant Postmaster General. I was very glad of the opportunity he gave me to bring to his attention in a way that I hope will have some effect the condition in regard to the star-route service in my State. I did in that letter, in answer to the inquiry of the Fourth Assistant Postmaster General, call his attention to a number of routes in my State that were discontinued at the last general letting, some of which had been running upward of 20 years, and where no service whatever had been supplied for a considerable portion of the territory that had for years been supplied by those routes. I also took advantage of the opportunity which the Fourth Assistant Postmaster General gave me to call his attention to a very considerable number of post offices in my State which have no postal facilities whatever, or, having some postal facilities, have not adequate or reasonable facilities.

I called his attention to some six or eight post offices, as I recall, in the State, and I did not name all such offices which have no service whatever, although they are in a country of considerable agricultural population. I called his attention to a very considerable number of offices that have only a weekly service, and to some others where there is a large population to be served that have service only twice a week.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

Mr. MOON. Mr. Chairman, unless the gentleman is going to speak on this latter feature——

Mr. MONDELL. I will suggest to the chairman of the committee that I might have discussed this matter heretofore, but did not care to take up the time of the committee.

Mr. MOON. How much time does the gentleman desire?

Mr. MONDELL. I wanted to speak 10 minutes if I could get the time.

Mr. MOON. I hope the gentleman will not attempt to speak so repeatedly on this same subject.

Mr. MONDELL. The gentleman inserted in the RECORD a letter concerning remarks made by me on the floor. I thought it was not exactly proper for the Fourth Assistant Postmaster General to call me to account for what I said on the floor, but I have no disposition to be captious about that.

Mr. MOON. I ask unanimous consent, Mr. Chairman, that the gentleman from Wyoming be permitted to proceed for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MONDELL. Now, continuing his letter to the chairman of the committee, the Postmaster General says that the inference to be drawn from the statement referred to—that is, my statement—is grossly misleading, and he adds:

In order to correct what is undoubtedly a false impression, I inclose a list of star routes in the State of Wyoming having a less frequency of service than six times a week, with the annual cost of each route and the cancellations of the post offices supplied thereon.

Then the Postmaster General proceeds to give a list of postal routes in my State, costing something like $103,000 per annum.

Of course the Postmaster General was not warranted in referring to my statement as being "grossly misleading." My statement was accurate; it was moderate. I might have said very much more and still have been well within the facts. As I stated to the Fourth Assistant in my reply to him, I called his attention to only a few of the routes discontinued where no service or no satisfactory service had been provided. I also called his attention to a number of offices that have no service whatever.

The trouble with the Fourth Assistant Postmaster General, as indicated by this letter, seems to be that he thinks that because we have some service in that mountain State therefore we have all the service that we need, require, or are entitled to. Because of the fact that star routes do not pay he insists that we are not entitled to as good service as our people have been receiving in years past.

That is what I complain of—this attitude of mind, this viewpoint of the Post Office Department, that a service must appear to pay on the figures presented to the department, or, forsooth, the service is not to be granted.

We have from the foundation of the Government assumed that American citizens going forth into a new country are entitled to reasonable postal facilities, and up to the time of the present administration of the Post Office Department we have had comparatively little reason for complaint, and there was comparatively little complaint about the service we received whether under Democratic or Republican administrations. Under the

present administration of the department they attempt to lay down the rule that unless we can show a large amount of cancellations at a post office which is not receiving mail, unless we can show conclusively by cancellations that the people are contributing largely to the revenues of the Government we are not entitled to service.

I think the gentlemen are conscientious; I am not disposed to be as severe in my criticism as I sometimes feel inclined to be when I am confronted with the conditions under which we are living. I indulge the hope that now that this matter has been thrashed out the point of view of the department may be modified. I think we are getting as good service in Wyoming as the States around us. There has been no disposition on the part of the department to single us out and to discriminate against us or treat us otherwise than as others are treated; but it is a condition that exists wherever star-route service exists in that western country. I do hope that the administration of the Post Office Department will not attempt in the future, as it seems to have done in the past, to endeavor to recoup for losses to the service elsewhere by denying us the service on the frontier to which we are justly entitled under the fixed policy of our Government heretofore to give the pioneer reasonably good mail service.

My letter to the Fourth Assistant Postmaster General, to which I referred, is as follows:

FEBRUARY 24, 1916.

Hon. J. K. PICKETT,
Acting Fourth Assistant Postmaster General,
Washington, D. C.

MY DEAR SIR: I have the honor to acknowledge receipt of your letter of February 16, as follows:

"In the CONGRESSIONAL RECORD of February 12, 1916, page 2779, you are quoted as follows: 'Why, there have been routes discontinued in my State in the last two or three years that have been running for 10, 20, or 30 years, and no service has been put in operation to fully take the place of the service thus discontinued.'

"In view of the importance of the matter referred to in your statement, it is requested that you advise this office at your earliest convenience as to any routes discontinued in the State of Wyoming that have not been superseded by equally good service, and the name of any post office in the State not now receiving adequate mail facilities."

I am very glad indeed to have had you call my attention to this matter, as it gives me an opportunity of presenting to you briefly some of the needs of Wyoming in the way of mail facilities. I shall not burden you with a statement of all of the routes that have been discontinued without good service to fully take the place of the service thus discontinued, or of all of the improved facilities needed. That would make too long a letter, but I am glad to avail myself of the opportunity of calling your attention to a few of our needs.

One of the lines discontinued, to which I referred, was the line from Gillette, Wyo., to Graham, Mont. This line, 85 miles in length, was, as I recall it, a twice-a-week service, and it was in operation for many years. At one time it served a Wyoming post office north of Gillette, but later its value, so far as Wyoming was concerned, which was very great, was that of supplying mail to people en route along the valley of Powder River and its tributaries. Quite recently I was informed a weekly service was established through part of the territory formerly served by this line between Gillette and the new office of Weston, 45 miles north, but that service does not appear on the new postal map just received.

Assuming this route has been established and is now running, it is the only service that we have had for a number of years in that great expanse of territory. In the past two years a number of petitions have been sent in asking for service covering one part or another of the region north of Gillette, but so far no favorable action has been taken. This line was maintained at a time when the settlement was sparse, whereas in the past three years the territory has been very largely settled and occupied, so much so that there are now in the region north of Gillette, in Campbell County, besides the office of Weston, which has once a week a service, if it has, the offices of Shorty, Morse, Vere, Recluse, and Soukup, none of which have any service except special service, which is not service at all under conditions existing, except as people supply the offices with mail practically gratuitously.

For many years a daily mail line extended from Lost Cabin to No Wood, in Wyoming, as part of an important through route. At the time of the last reletting no provision was made for service between Lost Cabin and No Wood, a region which was supplied with daily mail for many years, and a region which now has more people to be supplied en route than formerly.

We formerly had daily mail service from Casper, Wyo., by way of Alcova, Split Rock, Hailey, and Dallas, to Lander. This line goes back almost to the days of the old overland trail. There are now two very long gaps in that former route with no service whatever, to wit, between Alcova and Split Rock and between Split Rock and Hailey. There is a continuous line of ranches over considerable portion of the areas which have thus been deprived of all mail facilities. I would not expect a daily service, but no service at all creates a very trying situation. In fact, the only service between Alcova and Dallas, a distance of something like 70 miles, is a twice-a-week service from Rawlins to Split Rock, and a twice-a-week service from Dallas to Hailey. The ranchmen along the Sweetwater, on the old overland trail, who had daily mail for many years, now go from 20 to 40 miles to a post office where they get mail twice a week.

There are a number of similar situations in various parts of the State, but it is hardly worth while to refer to them. What we seek now is better service for the conditions as they exist to-day. We need a service at least twice a week from Gillette north to Shorty or Rockypoint. We need another service northwest to Soukup and Recluse to Vere of twice a week.

The once-a-week line from Gillette to Wright runs through a country which a good part of the way is thickly settled for our country. There we need twice-a-week service.

The service from Casper to Salt Creek should be at least three times a week, in view of the importance of the operations around Salt Creek.

The line from Arminto to Barnum should be increased to three times a week.

The line from Newcastle to Hampshire should be increased to three times a week.

The frequency of the line between Rock Springs, Eden, and Farson should be increased.

Riverton and Lander should both have a daily mail service to Dubois, with a junction in the vicinity of Lenore or Jay Kay.

The line between Horton and Sundance, by way of Inyankara, should be made a three-times-a-week line, as it runs through a thickly settled country.

A line should be established from Alcova to Split Rock to supply the people along the Sweetwater River of at least twice a week.

The people on the line from Rock River to McGill, Garrett, Eagle, and Toltec are entitled to increased service.

These are but a few of the numerous localities in our State where I believe the people are entitled to better service than they are receiving. Had I the time I could call your attention to many other localities where service should be supplied or increased.

It may be said in regard to some of the proposed new lines that the post offices which they are expected to supply have shown but a small amount of business and not enough to warrant a considerable expense for service. I am sure the people in your office who are familiar with conditions understand that no office receives any considerable amount of business, except under very extraordinary conditions, until it has regular service. Furthermore, people have gotten so accustomed to using boxes for the receipt and delivery of mail along star routes that they do but very little of their postal business through the post office. The importance of our star routes depends much more on the service en route than on the service to post offices in many instances.

It may be argued against some of the requests for new service that the terminal offices are now supplied from other directions and do not have sufficient business to warrant the increased supply. Such objection to new service between existing offices again ignores the fact that star routes in our country of great distances have their value largely in the supply of patrons en route.

It no doubt will be further argued that the cost of the new routes and the increased service which I have suggested is high compared with the direct return in cancellation to the department. That is true. It always has been true in regard to star-route service and always will be. In the first place, the outgoing mail delivered en route and to small offices by star route is very much heavier than the mail originating at such offices and on such routes, but the credit for such business goes to the large office where it originates, rather than to the office of destination.

Furthermore, it has been the unvarying policy of the Government to furnish reasonable mail facilities to American citizens wherever located. There is a pretty wide gap between nine-times-a-day delivery, furnished in some cities, and once-a-week service. Our people do not expect extraordinary facilities, but they do expect and are entitled to, under the policy of our Government from the beginning, mail at reasonably frequent intervals.

I never have and I never shall ask the department to establish or to increase service except where, with full knowledge of the situation, I would feel justified in doing it, had I the responsibility which rests upon the officials of the Post Office Department. I have no doubt, as I stated on the floor of the House in the discussion to which you have referred, but what the officials of the department are acting conscientiously, but in the meantime the people whom I have the honor to represent are, many of them, denied adequate mail facilities, and I feel it my duty to continue to urge that these facilities be afforded them. I trust that the cases to which I have referred and other pending before you may be given favorable consideration.

Yours, very truly,

F. W. MONDELL.

The CHAIRMAN. The time of the gentleman has expired. The Chair regards the gentleman's amendment as pro forma. Does the gentleman withdraw it?

Mr. MONDELL. Yes; I withdraw it.

The CHAIRMAN. The gentleman from Wyoming withdraws his pro forma amendment.

Mr. MONDELL. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD by printing the letter to the Fourth Assistant Postmaster General, to which I have referred.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD by printing the letter to which he refers. Is there objection?

Mr. MOON. Reserving the right to object, Mr. Chairman, I will say that in that same connection I desire to have placed in the RECORD some communications from the department in reference to similar questions.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee to print the letters to which he refers?

There was no objection.

Following are the letters submitted by Mr. MOON:

POST OFFICE DEPARTMENT,
THIRD ASSISTANT POSTMASTER GENERAL,
Washington, February 26, 1916.

Hon. JOHN A. MOON,
Chairman Committee on the Post Office and Post Roads,
House of Representatives.

MY DEAR JUDGE MOON: I have observed in the CONGRESSIONAL RECORD for February 25 that Representative SMITH of Minnesota on that date introduced an amendment to the Post Office appropriation bill which had for its purpose the amending of section 3928 of the Revised Statutes so as to provide that when a return receipt is furnished upon the request of

the sender to show the delivery of any registered mail the place where the same was delivered shall be given.

You will recall that this proposed amendment of the Revised Statutes was under discussion in the House of Representatives during the consideration of the Post Office appropriation bill for the fiscal year 1916. I am therefore transmitting herewith a copy of a letter addressed to you by the Postmaster General, under date of December 14, 1914, embodying the objections of the department to any legislation which will require the place of delivery to be shown on return receipts for registered mail. These objections prevail in their entirety at this time.

Yours, very truly,

A. M. DOCKERY,
Third Assistant Postmaster General.

DECEMBER 17, 1914.

Hon. JOHN A. MOON,
Chairman Committee on the Post Office and Post Roads,
House of Representatives.

MY DEAR JUDGE MOON: It is observed that section 26 of the bill (H. R. 19906) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1916, and for other purposes, which was introduced into the House of Representatives on December 14, 1914, contemplates an amendment to the act approved May 23, 1910 (ch. 255, 36 Rev. Stats., p. 416), now carried in Postal Laws and Regulations as section 931, so as to provide that when a return receipt is furnished upon the request of the sender to show the delivery of any registered mail, the place where the same was delivered shall be also given.

In this connection I beg to invite your attention to my letter of December 14 last, setting forth reasons why I am opposed to the enactment of any law which would make it mandatory to have shown on return receipts the place of delivery of registered mail other than the post office of delivery. I trust that the provision referred to in the bill will be eliminated, as the benefit which would accrue from the enactment of such a law would be considerably more than offset by the burden inflicted upon all addressees of registered mail for which return receipts are requested, and result in unnecessary additional time and expense by the Post Office Department.

Yours, very truly,

A. S. BURLESON,
Postmaster General.

DECEMBER 14, 1914.

Hon. JOHN A. MOON,
Chairman Committee on the Post Office and Post Roads,
House of Representatives.

MY DEAR JUDGE MOON: Numerous communications have been received by the department from Members of Congress with reference to the request made by the C. F. Adams Co., of Erie, Pa., that the place of delivery of a registered letter be shown on the return receipt furnished the sender thereof. This firm, some time ago, took up the matter with the Third Assistant Postmaster General, and upon being informed that it was inadvisable for the department to comply with its request, had its branch offices, located in various States, communicate with the Senators and Representatives from such States. In the belief that this matter will be brought to the attention of your committee, I am furnishing you with the following informtion which forms the basis of my opposition to the passage by Congress of any provision making it obligatory on the department to have shown on return receipts the point of delivery of registered matter represented thereby.

It has been a long-standing policy of the department, and I believe that the best interests of the public are subserved thereby, not to furnish the senders of any class of mail information as to the street addresses of the recipients of such matter. This policy is reflected in the Postal Laws and Regulations (sec. 523) which provide that "complete or partial lists of names of patrons shall not be furnished by postmasters, post-office employees, or members of their families." On the ground that it would be unfair to furnish information to senders of registered mail not given to senders of ordinary mail, this policy has always been applied with equal force to registered mail.

Cases have arisen where persons or firms engaged in particular lines of business have secured the registration of letters containing articles of little or no value sent solely for the purpose of locating an alleged debtor or obtaining his signature. It has been held by the department that this practice is plainly a misuse of the registry system, which was established for the "greater security of valuable mail matter" (R. S., 3926), and that the use of false pretenses in obtaining from debtors or alleged debtors information as to their present location amounts to fraud, and in several instances where such practices were persisted in fraud orders have been issued.

If street addresses were obtainable in the manner contemplated in this bill, it would doubtless encourage the improper use of the registered mails, and in this way in many instances the registry service would be instrumental in working a deception upon the public and made to serve an improper purpose and not one contemplated by the law providing for its establishment.

The present law with reference to the furnishing of return receipts provides that—

"Whenever the sender shall so request, a return receipt shall be taken on the delivery of any registered mail matter, showing to whom and when the same was delivered, which receipt shall be returned to the sender, and be received in the courts as prima facie evidence of such delivery." (Act of May 23, 1910, R. S., 3928, 36 Stat., 416.)

It will be observed that the law only provides that return receipts shall show to whom and when registered matter is delivered. In addition, however, such receipts are postmarked to show the post office from which delivery is made and the date of delivery. Considerable difficulty is experienced in having the recipient of the registered matter even fill in the date of delivery and when he neglects or refuses to do this, it must be done by the delivering postal employee, requiring the expenditure of additional time. If it is required that the street and number at which the addressee is located be added, it is believed that further complications would arise, as many addressees would object to this information being placed on return receipts; and more time, both on the part of the public and the delivering postal employee, would be consumed, either on account of the failure of the recipient to add the street and number, making it necessary for the delivering postal employee to do so, or because of the latter being required to wait while the person receiving the registered matter added the street and number. This would retard materially the delivery of ordinary as well as registered mail, especially by letter carriers, whose time is limited because of the amount of work to be performed within a given period and would undoubtedly necessitate additional carriers in many of the larger cities. In the majority of instances the sender is probably in possession of information as to the street and number of his correspondent, and the advantages which would accrue from the enactment of the proposed law to the few senders of registered mail who desire this information would be considerably more than offset by the burden inflicted upon all addressees of registered mail for which return receipts are requested, without even considering the additional time and expense unnecessarily expended by the Post Office Department.

It is believed that no change should be made in the existing law, especially in view of the fact that there appears to be but little demand for this added service; in fact, the only request of this character which has reached the department in recent years is from the concern mentioned in the first paragraph of this communication. If such information is furnished with reference to the thirty-odd million of pieces of registered mail delivered, we would undoubtedly be called upon to furnish it on the return receipts showing the delivery of insured parcel-post or fourth-class mail. It is estimated that the service is handling from twenty to twenty-five million insured pieces at the present time, and the number is steadily on the increase.

For the above reasons I deprecate the enactment of any law which would make it mandatory upon the department to have shown on return receipts the place of delivery of registered mail other than the post office of delivery.

Yours, very truly,

A. S. BURLESON,
Postmaster General.

FEBRUARY 24, 1916.

Hon. FINLY H. GRAY,
House of Representatives.

MY DEAR MR. GRAY: I note in your remarks on page 3136 of the CONGRESSIONAL RECORD, as of February 17, you state your position relative to the readjustment of the Rural Delivery Service in Wayne County, Ind., and the introduction of motor vehicles therein. I fail to notice, however, that you have included the declaration "that you know that 140 additional families who were denied all mail facilities are now supplied through this revision of service, and that you advocated a return to the former service, regardless of the inconvenience that these 140 additional families might be subjected to."

Will you kindly make this correction in the RECORD so that there may be no misunderstanding of your position and in order that the people of Wayne County, Ind., may be fully informed of the value of the revision to them.

Yours, very truly,

JAS. I. BLAKSLEE,
Fourth Assistant Postmaster General.

FEBRUARY 24, 1916.

Hon. CHAS. F. REAVIS,
House of Representatives.

MY DEAR MR. REAVIS: I note in your remarks in the CONGRESSIONAL RECORD, dated February 17, page 3138, you say:

"When you go to the office of the Fourth Assistant Postmaster General and tell him of the value that Rural Mail Service is to the Government * * * the only reply you get from him is, 'I am not interested in the inconveniences of John Jones or John Smith out in Nebraska; I am trying to effect economy.'"

As I believe you are willing to correct any misstatements or any declarations that may be misleading, please make such correction in the RECORD at this time, since you received no such statement from me or from anyone connected with this bureau. Neither has any Representative in Congress, postmaster, or postal patron been told that the recent revision of the rural service was undertaken solely for reasons of economy.

Yours, very truly,

JAS. I. BLAKSLEE,
Fourth Assistant Postmaster General.

FEBRUARY 24, 1916.

Hon. S. D. FESS,
House of Representatives.

MY DEAR MR. FESS: I note in your remarks as set forth in the CONGRESSIONAL RECORD for February 22, page 3416, with reference to increasing the Rural Delivery Service, you say:

"Here is a step—the first of its kind—to lessen it, and it is put on the basis of economy."

As I believe that you will quickly correct any declarations attributed to you that are either misstatements of facts or misleading in intent, I trust you will do so in this instance.

If you remember, you stated to the Committee on the Post Office and Post Roads that you had appeared at this bureau and attempted to interview the superintendent of rural mails and that you had been denied an audience, whereupon you were told that it would be advisable to call upon the head of the bureau, which you did. I believe you were shown every possible courtesy and consideration.

In the presence of Mr. G. L. Wood, superintendent of the division of rural mails, and within the hearing of other employees every proposed plan of the bureau for the extension of rural delivery in your district was exhibited to you. Every hope and desire of the department was explained to you and you were assured that nothing would be done in your district, or in any other locality in Ohio, that would be prejudicial to the postal patrons. Also that before any service was introduced a representative of this bureau would visit the territory where the readjustment was proposed, interview any interested individuals, illustrate to them the desirable features of the proposed readjustment, and accept from them any statements derogatory to the same, such representative to be authorized to make any adjustments, corrections, or alterations that would be agreeable.

This was the first and only instance when you called at this office, and at no time during your visit was the question of economy discussed in any manner. I earnestly endeavored to indicate to you how the department had provided mail facilities for thousands of additional families through this revision and the introduction of a modern motor vehicle in this field of postal activity and how difficult it had been to introduce this device in the face of opposition based largely upon the possibility that some individual might thereby lose a public place.

To all of this you apparently agreed, stating that if this was the course the department intended to pursue you cared nothing for the interests of individuals involved, but desired the best possible service for the postal patrons, and left this office seemingly well pleased.

Under those conditions I would respectfully request that you make a correction in the RECORD, as herein indicated.

Yours, very truly,

JAS. I. BLAKSLEE,
Fourth Assistant Postmaster General.

POST OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER GENERAL,
Washington, February 25, 1916.

HON. JOHN A. MOON,
House of Representatives.

MY DEAR CONGRESSMAN: During recent discussions of the Postal Service on the floor of the House certain misleading and incorrect statements in regard to the revision of the Rural Delivery Service were made. For your information, I am therefore sending you copies of letters which I have this day addressed to Representatives FESS, REAVIS, and GRAY on this particular subject.

Yours, very truly,

JAS. I. BLAKSLEE,
Fourth Assistant Postmaster General.

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POST OFFICE DEPARTMENT,
FOURTH ASSISTANT POSTMASTER GENERAL,
Washington, February 25, 1916.

HON. JOHN A. MOON,
Chairman Committee on Post Office and Post Roads,
House of Representatives.

MY DEAR MR. MOON: The letter of the 21st instant to Hon. THOMAS D. SCHALL, House of Representatives, which was made in reply to unwarranted statements of the Congressman in regard to the revision of the Rural Delivery Service in his district, especially in Hennepin County, Minn., has brought forth a further extension of his remarks in the CONGRESSIONAL RECORD of the 23d instant. While making no attempt to controvert the facts set out in the letter, he inserts various criticisms of the department concerning the revision from newspapers and patrons of the service residing in his district.

The evidence presented to the department that this revision on the whole is in the interest of the entire patronage of the service is so overwhelming and so conclusive that no attempt need be made to evade any responsibility in the matter. The department is in receipt of very many letters commending its action from every standpoint in this revision, and these come from patrons who are grateful for an extension of the service whereby they are furnished with mail facilities not heretofore given them, and these patrons vastly outnumber the very few who are slightly incommoded

The Post Office Department is not only charged with the administration of the postal business, but is honestly endeavoring to give the people every convenience and facility warranted from a postal standpoint, and tactics that give color to any other motive must be considered as an attempt to misrepresent the facts. It has been the practice of the department always to cooperate with Members of Congress in this purpose, but the Congressman in this case has seen fit to withhold these protests and have them inserted in the CONGRESSIONAL RECORD in support of his attack on the department, instead of forwarding them to the department, where action would have been taken promptly to effect such readjustment as might be necessary to grant any reasonable request for a change. While such cases are isolated ones, they serve to accentuate the trifles that produce criticism of a systematic and comprehensive revision that has benefited and improved the entire service. No attempt is herein made to explain the motive underlying this proceeding, but if the Post Office Department is to further the interests of the rural delivery, after being condemned on such meager and ex parte evidence through the CONGRESSIONAL RECORD, it is inconceivable how satisfactory results can be obtained in the operation of the service, especially if no relief can be had from what the Congressman insinuates is an intolerable condition and a "disastrous muddle" except by public reprimand and censure in a coordinate branch of the public service. Moreover, it is not understood how anyone cognizant of the facts could encourage any action that would indicate even in the remotest degree that the department is attempting to injure the service or that it be made the subject of ridicule because of a few trifling irregularities which are being corrected as rapidly as the small force of inspectors at hand can accomplish it. The department is endeavoring to present this matter strictly on its merits, but it should not be subjected to censure by any action which has for its object the presentation of infinitesimal parts of the subject without mentioning the larger and more comprehensive benefits obtained, and which means the extension of the maximum of good service at the least expense to practically every patron affected by the revision.

It is desired that this letter be given such prominence as you may deem advisable in the matter.

Sincerely, yours,

JAS. I. BLAKSLEE,
Fourth Assistant Postmaster General.

The CHAIRMAN. The question is on the adoption of section 7 as proposed by the rule.

The section was agreed to.

The CHAIRMAN. The Clerk will read the next item proposed by the rule.

The Clerk read as follows:

SEC. 8. That so much of section 1 of the "act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, which provides that the Post Office Department shall not extend or enlarge its present policy of sending second-class matter by freight trains, is hereby repealed.

The CHAIRMAN. The question is on the adoption of section 8.

Mr. MANN. Mr. Chairman, I believe that this section ought to be agreed to. It illustrates, however, very graphically the result of these legislative provisions in appropriation bills. Only three years ago the same committee, largely composed of the same Members, put into a Post Office appropriation law a provision which they said was of great importance at that time. Now they repeal it.

Mr. STEENERSON. My recollection is that that was put on in the Senate; it originated in the Senate.

Mr. MANN. Well, it originated, then, in the Post Office Committee of the Senate, and was agreed to by the Post Office Committee of the House. It could not get into the law unless the conferees had agreed to it.

Mr. FINLEY. Mr. Chairman, I will say to the gentleman that that is a Senate provision that was inserted.

Mr. MANN. What difference does it make whether it is a Senate provision or a House provision? It could not have gotten into the law if it had not been agreed to by the House or the House conferees. I am not saying they did wrong in agreeing to it. There are several more of these propositions that are now before us by the rule, or which were in the bill, which are to change laws passed only a few years ago, that came out of the Post Office Committee. It is because of the carelessness in reference to legislation ordinarily accompanying riders on appropriation bills and is not chargeable to special carelessness on the part of the Post Office Committee. It is true that these provisions in connection with the appropriation bills do not receive the same careful scrutiny of Congress, the House or the Senate, or even the committees, that individual bills do. Therefore we enact one year a legislative provision on an appropriation bill, and then the next year or the year thereafter we enact another provision repealing it or amending it; possibly doing right the second time, it may be striving for the right the first time, but not doing it very well.

Mr. FINLEY. I will say to the gentleman that the House conferees found themselves in such a position that they could not very well do otherwise than agree to it, or kill the Post Office appropriation bill.

Mr. MANN. Oh, pshaw, Mr. Speaker, that is all buncombe! I know how conferees conduct their conferences and deal with a bill, and when the House conferees say that they had to yield on a legislative provision inserted by the Senate or kill the bill, everyone who knows anything about parliamentary procedure knows that that is not correct; because the universal rule is that the body which proposes a legislative provision to which the other House will not agree must in the end recede, and they always do recede.

Mr. FINLEY. Will the gentleman permit an interruption?

Mr. MANN. Certainly.

Mr. FINLEY. Last year the House conferees did stand for the bill, and the bill died.

Mr. MANN. Oh, the bill died because the chairman of the committee lost it, did not have it in the House. The House conferees agreed last year, the Senate conferees agreed; the conference committee came to an agreement; but when it came to act upon it, nobody could find the bill.

The CHAIRMAN. The question is on the adoption of section 8 proposed by the rule.

The amendment was agreed to.

The Clerk read as follows:

SEC. 9. That section 2 of the act of April 28, 1904 (ch. 1759, 33 Stat. L., p. 440), be, and the same is hereby, amended to read as follows:

"That under such regulations as the Postmaster General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails it shall be lawful to accept for transmission in the mails without postage stamps affixed quantities of not less than 500 identical pieces of third-class matter and of second-class matter mailed at the special rates of 1 cent and 2 cents a copy, and 250 identical pieces of fourth-class matter, and packages of money and securities mailed under postage at the first or fourth class rate by the Treasury Department: *Provided*, That postage shall be fully prepaid thereon at the rate required by law for a single piece of such matter."

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I wish to inquire of the chairman of the committee the character of third and second class mail that pays the special rate of 1 and 2 cents a copy, as referred to in the amendment.

Mr. FINLEY. I will say to the gentleman that circulars are included, and as a rule that constitutes the bulk of the mail that goes through under this provision. At present the number mailed at the same time must be not less than 2,000, and it is proposed to reduce that amount below 2,000 because the department state that they find it will be advantageous to the service and will make for greater efficiency.

Mr. STAFFORD. Can the gentleman inform the committee what special class of second-class mail pays at the rate of 2 cents a copy?

Mr. FINLEY. The gentleman will find it in volume 29 of the Statutes at Large, page 262. That section provides—

That mailable matter of the fourth class shall embrace all matter not embraced in the first, second, or third class which is not in its form or nature liable to destroy, deface, or otherwise damage the contents of the mail bag or harm the person of anyone engaged in the Postal Service, and is not above the weight provided by law, which is hereby declared to be not exceeding 4 pounds for each package thereof, except in case of single books weighing in excess of that amount, and except for books and documents published or circulated by order of Congress, or printed or written official matter emanating from any of the departments of the Government or from the Smithsonian Institution, or which is not declared nonmailable under the provisions of section 3893 of the Revised Statutes as amended by the act of July 12, 1876, or matter pertaining to lotteries, gift concerns, or fraudulent schemes or devices.

It is generally, as I stated, circulars sent out by advertising houses or for the most part by department stores.

Mr. STAFFORD. I understood the explanation of the gentlemen so far as third-class matter was concerned, which pays the rate of 1 cent, as to circulars. I am inquiring what is the special character of second-class mail that is charged at the rate of 2 cents a copy?

Mr. FINLEY. I have not the statute before me.

Mr. STAFFORD. If the gentleman has not the information, I will not detain the committee. I thought the gentleman had the information.

Mr. FINLEY. It is for the most part confined to circulars and the documents I have mentioned.

Mr. STAFFORD. The amendment proposes to extend it to second-class mail, and apparently no one knows exactly what character of mail it extends to.

Mr. FINLEY. It is extended to all second-class mail.

Mr. STAFFORD. But second-class mail pays 1 cent a pound, and not 2 cents a copy.

Mr. STEENERSON. If anyone wishes to mail a single copy of a newspaper, he can not send it at pound rates. It is only the publishers who have that privilege.

Mr. STAFFORD. If it has been admitted as second-class matter, enjoying the 1-cent-a-pound rate, it goes at the rate of 1 cent for 4 ounces when single copies are mailed, by anyone other than the publisher. This says 2 cents a copy—but I will not press the inquiry further.

Mr. SMITH of Minnesota. Mr. Chairman, is it not true that the amendment makes no change in the classification?

Mr. FINLEY. No change of classification is contemplated that I can see.

Mr. SMITH of Minnesota. So that it will be the classification that now exists.

Mr. FINLEY. The present classification under existing law.

Mr. FESS. I move to strike out the last two words.

On February 22 I made this observation upon the rural service:

If there is any change it should be to extend the service, not to retard it. *Every step* that has been taken up to this time has been to increase the service. Here is a step—the first of its kind—to lessen it, and it is put on the basis of economy.

The Fourth Assistant Postmaster General has read this statement that he had placed the change on that basis, and I have a letter from him which says:

As I believe that you will quickly correct any declarations attributed to you that are either misstatements of facts or misleading in intent, I trust that you will do so in this instance.

I read the statement that the proposed change was put upon the basis of economy. The Fourth Assistant says that the change is not upon that basis. I do not make the statement that he said so, but I do make the statement that it has been generally considered throughout the country that that is one of the reasons why the proposed change has been made. I am very glad to put into the RECORD this statement that the Fourth Assistant denies that the change is put upon that basis at all, and I make it because I do not want it to appear that in stating what I did I implied that he had put it upon that basis. However, Mr. Chairman, I still think that economy is one of the arguments that is being adduced for this change, and I think that economy should not begin at this point. I believe that it is not only inefficient but that it is bad economy.

The CHAIRMAN. Without objection, the pro forma amendments are withdrawn, and the question is on the adoption of section 9 as proposed by the rule.

The question was taken, and section 9 as proposed by the rule was agreed to.

The CHAIRMAN. The Clerk will read the next item proposed by the rule.

The Clerk read as follows:

SEC. 11. That the Postmaster General, in cases of emergency, between October 1 and April 1 of any year, may hereafter return to the mails empty mail bags theretofore withdrawn therefrom as required by law, and for such times may pay for their railroad transportation out of the appropriation for inland transportation by railroad routes at not exceeding the rate per pound per mile as shown by the last adjustment for mail service on the route over which they may be carried, and pay for necessary cartage out of the appropriation for freight or expressage.

The CHAIRMAN. The question is on the adoption of section 11, as proposed by the rule.

The question was taken, and section 11 was agreed to.

The CHAIRMAN. The Clerk will read the next item proposed by the rule.

The Clerk read as follows:

SEC. 17. That the Postmaster General is authorized and directed to readjust the compensation to be paid to railroad companies from and after the 1st day of July, 1916, or as soon thereafter as may be practicable, for the transportation and handling of the mails and furnishing facilities and services in connection therewith upon the conditions and at the rates hereinafter provided.

The Postmaster General may state railroad mail routes and authorize mail service thereon of the following four classes, namely: Full railway post-office car service, apartment railway post-office car service, storage-car service, and closed-pouch service.

Full railway post-office car mail service shall be service by cars 40 feet or more in length, constructed, fitted up, and maintained for the distribution of mails on trains. The authorizations of full railway post-office cars shall be for standard-sized cars 60 feet in length, inside measurement, except as hereinafter provided.

Apartment railway post-office car mail service shall be service by apartments less than 40 feet in length in cars constructed, fitted up, and maintained for the distribution of mails on trains. Two standard sizes of apartment railway post-office cars may be authorized and paid for, namely, apartments 15 feet and 30 feet in length, inside measurement, except as hereinafter provided.

Storage-car mail service shall be service by cars used for the storage and carriage of mails in transit other than by full and apartment railway post-office cars. The authorizations for storage cars shall be for cars 60 feet in length, inside measurement, except as hereinafter provided: *Provided*, That less than 60 feet of storage space may be authorized in baggage cars.

Service by full and apartment railway post-office cars and storage cars shall include the carriage therein of all mail matter, equipment, and supplies for the mail service and the employees of the Postal Service or Post Office Department, as shall be directed by the Postmaster General to be so carried.

Mr. MADDEN. Mr. Chairman, I would like to offer an amendment at this point.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Is this section now being considered by paragraphs or as one section?

The CHAIRMAN. The Chair understands that all these other sections have been considered by sections, and the Chair thinks this ought to be considered in the same way.

Mr. MADDEN. Then I will withhold my amendment until the section is completed.

Mr. MANN. I suppose it will not make any difference either way, but I hope the gentleman from Tennessee will ask unanimous consent to consider it by paragraphs, as this is an important section.

Mr. MOON. Mr. Chairman, I think this is a very important section and ought to be considered by paragraphs. I ask unanimous consent that it be considered by paragraphs.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that section 17 shall be considered by paragraphs. Is there objection?

Mr. RAKER. Mr. Chairman, reserving the right to object, the first three or more paragraphs have already been read.

The CHAIRMAN. No one objected to them.

Mr. RAKER. I understood that the whole section was to be read.

Mr. MADDEN. There will be no objection to going back.

Mr. RAKER. I want to offer an amendment in the nature of a substitute to the entire section.

Mr. MOON. That can be done at the end.

Mr. MANN. We can have an understanding that the gentleman can offer his substitute at the end of the reading of the section.

Mr. RAKER. After the entire section is read paragraph by paragraph?

Mr. MOON. Yes.

Mr. RAKER. With that understanding, I have no objection.

The CHAIRMAN. The Chair so understands. The gentleman from Tennessee asks unanimous consent that this proposed section 17 be considered by paragraphs. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, I now offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of line 15, page 38, strike out the period and insert a colon and add the following:

"*Provided*, That no parcel-post package shall exceed 50 pounds in weight."

Mr. MOON. Mr. Chairman, I reserve the point of order on the amendment.

Mr. MADDEN. Mr. Chairman, I do not think it is subject to a point of order. It is entirely in order at this point in the bill, which deals altogether with the use of cars for carrying mail. A limitation on the weight of any package of mail that goes into a car surely ought to be in order in that connection.

Mr. Chairman, the one serious contention that has been made in connection with the consideration of the railway-mail pay is that there might be danger of diverting a large part of the high-class fast freight to the storage car, if the weight of the parcel post should be increased to 100 pounds, and I suggested in my remarks upon the railway-mail pay feature of the bill on the 11th of this month, in which I went very carefully into the problem of carrying the mail by space instead of by weight, that the only possibility of serious danger of diversion might follow an increase in the weight of the parcel from 50 to 100

pounds. There is no disposition on the part of anyone, as I understand it, to do an injustice to the railways. On the contrary, it should be and undoubtedly is, and I believe it is, the intention of every man on the floor to treat the railroad companies of the United States with the utmost fairness. I have no disposition myself to do anything else than to see they are fairly treated, at the same time protecting the rights of all the other people of the United States. I believe that the plan of railway-mail pay based upon space is the most scientific way of moving the mail. I believe the railway companies will be fully compensated for any work they do for the Government under the space plan. I believe they will get $6,000,000 more under the space plan than they are getting now under the weight plan, if we assume that the same number of car-miles of movement will be covered during the coming year that has been covered during the past, and that is, of course, the only basis upon which we can make any calculations. But the time has come when there ought to be a limit placed upon the size of the package that is carried in the parcel post.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. FESS. Without the gentleman's amendment is there any limit at all as to the weight?

Mr. MADDEN. There will be no limit on the power of the Postmaster General to fix the weight without some such amendment as this.

I submit for the consideration of the committee that there ought not to be placed in anybody's power the right to place an unlimited weight on the parcels that we are to carry by mail. I hope the gentleman will withdraw his point of order.

Mr. MOON. I did not make the point of order; I simply reserved the point of order.

Mr. MADDEN. Then I do not desire to consume any further time——

Mr. MANN. Does the gentleman intend to make the point of order?

Mr. MOON. No.

Mr. MANN. Let us dispose of that, then.

The CHAIRMAN. Does the gentleman from Tennessee withdraw the point of order?

Mr. MOON. Yes.

The CHAIRMAN. The question is on the amendment——

Mr. MADDEN. Mr. Chairman, I simply want to explain this fully, that the time has come when we ought not to have any doubt about what the weight of the parcel is to be. The parcel-post law was enacted to facilitate the exchange of the commodities of the people of the country and the people of the cities at the least possible expense, and I do not know of any case where it has been found necessary to send parcels of more than 50 pounds in weight. There have been cases of great injustice done, however, in the Western States, where whole carloads of coal have been shipped in 48-pound packages; whole carloads of ore, carloads of potatoes, carloads of cement, carloads of brick, sand, and all kinds of things put in the 48-pound packages. Now, that never was the intention. It was never intended when the parcel-post law was enacted that any such condition as that would arise.

Mr. STEENERSON. Did not the original parcel-post law provide it should be applicable to the products of the farm and factory?

Mr. MADDEN. Yes; and it ought to be confined to them. It ought not to be used for the purpose of taking away the freight business from the railroads, and I believe that if we allow an increase in the weight as a matter of fact it will do a great injustice to the railroads, and we want to do them ample justice and no injustice.

With the weight fixed at 50 pounds I stake my reputation, after a careful study of this legislation to which I have given three years of arduous work, that no harm will be done to the railroads; that none of their freight will be diverted to the storage car; that the arguments made by the Merchants' Association of New York and like associations of the United States, and statements made by the railroad officials to the effect that their great fear was that the adoption of the space basis plan would divert freight from their fast freight and from their express to the storage mail car, and the fact that the Government could load a larger amount of matter in a storage car than is now carried would not apply are not justified if we limit the weight to 50 pounds. But I am free to confess that if the weight shall go up to 100 pounds we will have done an injustice to the railroads and we will have done an injustice to the Postal Service, because it will not be possible to continue the Postal Service with its present facilities if we fix a package so large that we have to employ machinery to load and unload it. When the package gets to be so large that a man can no longer handle that package the cost of moving it will become much greater than it is to-day, but if we can maintain the size of the parcels so that a man can lift them and handle them and deliver them there is no reason why the expense in conducting the department should be increased. I submit to the membership of the House and to the country that the Post Office Department was never intended to engage in the freight business. It was intended when we adopted this law to accommodate the people of America, and particularly the people in the rural districts, so that they might be able to exchange the commodities of the farm for the money of the people living in the cities, and that they might be able, to the extent of a reasonable weight, to obtain the commodities of the factory at the lowest possible transportation cost. I believe that if the future should prove the necessity for a greater weight than 50 pounds that it will then be time enough to enact a law authorizing somebody to make the greater weight. Until that necessity arises and until we have developed the parcel post as one of the scientific branches of the Postal Service, until we have proven beyond any question that the interests of the people are best served by a larger weight, I submit that we ought not to increase the weight. Until we have proven that there is need for more weight and until we have been able to show whether we are making money or breaking even under the present method, that method ought not to be changed by increasing the weight above what it is to-day.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. Mr. Chairman, the gentleman in his remarks alluded to the fact that the Merchants' Association of the city which I represent in part arrived at a different conclusion than that which he had himself arrived at as to the justice of this bill. I admit, in the beginning, the very high degree of intelligence the gentleman has and—I say it without any desire to be almost blasphemous—his consecrated devotion to his work in this body, and I compliment him; but it seems to me that the facts that the gentleman so frankly states—that, so far as I can find out, substantially all the railroads in the United States think that they will be injured, as well as associations like the Merchants' Association, with four, five, or six thousand members, and other associations of an independent character—put this House in a position where we ought not to be asked in this summary way, without a report from the committee detailing the reasons for the adoption of this particular amendment, to vote for it.

Mr. MADDEN. We have got reports; we have got everything complete; we have got information beyond limit.

Mr. BENNET. Where is it? I have read the report of the Committee on the Post Office and Post Roads in connection with House bill 10484, and there is not anything in it. There may be a report somewhere. If the gentleman says there are reports somewhere, there are reports somewhere. I admit that. But that has not been brought to the attention of the House in an orderly way, and the House is absolutely uninformed. It was only day before yesterday that an official of the Pennsylvania Railroad came to me with a list, which he said was correct, showing me that in some instances, if this bill went into effect, it will reduce the rate of pay for carrying the parcel-post mail, under some of the provisions of this long amendment, below what they got for carrying freight—80 per cent.

Mr. MADDEN. I admit they contended that before the committee, but I do not admit that they stated the facts.

Mr. BENNET. Now, there we have it, the gentleman, a man of reliability and conviction, on the one side, and the gentlemen, officials of our most prominent railroads, on the other.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BENNET. Certainly.

Mr. MOORE of Pennsylvania. Does the gentleman from New York object to my putting that statement in the RECORD in his time?

Mr. BENNET. What statement?

Mr. MOORE of Pennsylvania. The statement of the difference in rates.

Mr. BENNET. I am perfectly willing that it should go into my remarks at this place, and I shall ask unanimous consent that it may.

Mr. MADDEN. If the gentleman will read my statement in the RECORD, which I made several days ago, he will find I recited every contention that the railroad companies made as to the rates and the difference in rates, and as to what would happen under certain conditions. This amendment here, however, is intended to help.

Mr. BENNET. I will say to the gentleman it will not be necessary for me to read his speech, because I sat here and listened to it every minute, and it was a very excellent and admirable speech, but nowhere in that speech did the gentleman make the statement, I think, which is made, that the railroads

contended if this provision were adopted rates for carrying mail would be reduced below the rates for carrying freight as much as 80 per cent.

Mr. MADDEN. Here is what I said, if the gentleman will allow me: I said that the railroad companies contended that it would be possible to carry 20 tons of mail matter on a storage car, whereas we carry only 7½ tons now; that to carry the 20 tons of mail matter on a storage car would reduce the rate to 1¼ cents. The rates now are as high as from 3 to 4 cents per ton-mile. If the gentleman will read the speech, he will learn exactly what I said on the floor.

Mr. BENNET. I heard the gentleman's speech, and I recognize what he says now, apparently, as what he said then. And that illustrates a point. Now, here we are from all vocations in life. I undertake to say that if it were put up to at least 40 per cent of the membership of this House to define a storage car or be executed they would be executed.

Mr. MADDEN. Will the gentleman contend that we would not be able to define it?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. I ask for five minutes more, Mr. Chairman.

The CHAIRMAN. Is there objection?

Mr. BENNET. Mr. Chairman, I withdraw the request, and will speak on another paragraph.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. MADDEN].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. LONDON. Mr. Chairman, I call for a division.

The committee divided; and there were—ayes 70, noes 15.

So the amendment was agreed to.

Mr. MANN. Mr. Chairman, I am not sure whether under the unanimous-consent agreement it is too late to offer an amendment to the first paragraph of this section, but I would like to suggest to the gentleman from Tennessee that last year when it was up, it reading "from and after the 1st day of July," we changed it so that it would read "from and after the 30th day of June."

Mr. MOON. From what section are you reading?

Mr. MANN. Page 37, line 6. Last year, I say, we changed it so that it would end with the quarter. By changing it so that it would read "from and after the 30th day of June"——

Mr. MOON. I think that is right.

Mr. MANN. Will not the gentleman offer it?

Mr. MOON. I offer an amendment to strike out "the 1st day of July" and insert "30th day of June."

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out the word "first" and inserting the word "thirtieth" and strike out the word "July" and insert the word "June."

The CHAIRMAN. The question is on the amendments proposed by the gentleman from Tennessee.

The question was taken, and the amendments were agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Closed-pouch mail service shall be the transportation and handling by railroad employees of mails on trains on which full or apartment railway post-office cars are not authorized, except as hereinbefore provided.

The rates of payment for the services authorized in accordance with this act shall be as follows, namely.

Mr. BENNET. Mr. Chairman, I offer the following amendment, in the nature of a limitation.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 38, after line 21, insert:

"*Provided, however,* That no pay shall be made for any car carrying any letter, postal card, circular, newspaper, pamphlet, or publication of any kind containing any advertisement of spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind or containing a solicitation of an order or orders for said liquors, or any of them, in the mails of the United States when addressed or directed to any person, firm, corporation, or association, or other addressee, at any place or point in any State or Territory of the United States at which it is by the law in force in the State or Territory at that time unlawful to sell, barter, exchange, keep for sale, or otherwise dispose of such liquors, or any of them, or at which point or place it is unlawful by the law then in force in the State or Territory to advertise or solicit orders for such liquors, or any of them, respectively."

Mr. MOON. Mr. Chairman, I make a point of order on that.

Mr. BENNET. That is a clear limitation. The Chair ruled yesterday, I think it was, or the day before, in connection with the amendment of the gentleman from Florida [CLARK] that a limitation was in order.

Mr. MOON. There is no appropriation right here. There is no limitation.

Mr. BENNET. Oh, yes; there is. It provides that no payment shall be made for any car, because this is the language relating to rates, and—

The rates of payment for the services authorized in accordance with this act shall be as follows, namely—

And—

Provided, however, No payment shall be made for any car that carries any letters—

And so forth.

This amendment is requested by an act of the Legislature of the State of Alabama, a dry State, which sent a delegation from their legislature to this Congress, and which appeared before the Post Office Committee of this Congress, appealing for this law. But the Post Office Committee has not yet reported. Now, here we are with legislation——

Mr. MOON. I will say to the gentleman that that bill has had a partial hearing before the committee, but the hearing has not yet been completed.

Mr. BENNET. I have not accused the Committee on the Post Office and Post Roads of doing anything except not reporting it.

Mr. MOON. How can you report a thing until it has been heard, until full hearing is had upon it?

Mr. BENNET. Well, things are done sometimes very suddenly in this House, as, for instance, that rule which was brought in this morning.

Mr. STAFFORD. Mr. Chairman, the question before the chair, as I understand it, is one of germaneness—not one of limitation at all. This is not a limitation on an appropriation such as is embodied in Rule XXI, because there is no appropriation whatsoever under consideration. If it were a limitation, I would still contend that it is legislation and not limitation upon an appropriation, because you are affecting the existing law.

Even as a limitation on an appropriation bill, it would not be proper, because at present, under existing law, the Postmaster General has authority to carry publications of this character.

The question before the Chair is merely one of germaneness, and, of course, legislating upon a provision as to the character of postal matter that may be carried is not germane to the proposal under consideration, relating to railway-mail pay.

Mr. BENNET. Mr. Chairman, I desire to call the attention of the Chair to several rulings.

In the first place, this entire section 17 is legislation. The gentleman from Illinois [Mr. MADDEN] just offered an amendment to a substantive provision, and the only question before the Chair, even if it should be held that it is not a limitation, is whether it is germane to the section.

There is a ruling of Mr. Burton, a most recent ruling, delivered, I think, in the Fifty-eighth Congress, on this exact point, and there are rulings of Mr. Speaker CLARK in the Sixty-second and Sixty-third Congresses, and of Mr. Speaker CANNON, and a long row back, to this effect: That wherever a legislative provision which under ordinary circumstances would be subject to a point of order is left in a bill, that legislative provision can be amended by any germane amendment. And, acting upon that, the gentleman from Illinois [Mr. MADDEN] just offered an amendment, which was acted upon by the committee.

This is certainly germane, because it keeps out of the pay to the railroads all pay for carrying any letter, paper, and so forth, containing a liquor "ad" in a dry State. It is certainly germane and in order, and the House ought to have the privilege—which I have no doubt it desires—of voting on it now and immediately.

The CHAIRMAN. The Chair is ready to rule. There is no appropriation proposed in the paragraph we are considering now, and for that reason this could not be a limitation and it is not germane to this particular section either. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

In addition thereto he may allow not exceeding $2 as an initial rate and the same as a terminal rate for each one-way trip of a 60-foot car.

Mr. MOON. Mr. Chairman, this is one of the sections which was printed by the committee under a misunderstanding. I offer the following committee amendment: On line 24, page 38, strike out "$2" and insert "$4.25."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

On page 38, line 24, strike out "$2" and insert "$4.25."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MOON. Yes.

Mr. STAFFORD. Will the gentleman inform the committee whether this is in consonance with the recommendation of the Joint Committee on Railway Mail Pay?

Mr. MOON. I will say to the gentleman that the items as put into the bill now, as they appear now, are the same as were in the bill two years ago, but the committee determined to adopt the rate of the last commission. By a misunderstanding this print was made instead of the commission rate, and these are the commission rates that I am proposing now.

Mr. STAFFORD. Can the gentleman inform the committee how much additional revenue will result to the railroads, estimated on the present Postal Service arising out of this amendment?

Mr. MOON. As a result of the change in the initial charges and the terminal charges in this and two or three subsequent paragraphs, the statisticians of the Post Office Department and of the Interstate Commerce Commission advise us that the increased pay to the railroads would be $1,800,000 or $1,900,000.

Mr. STAFFORD. That is merely for increased pay for terminal charges?

Mr. MOON. Yes.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition thereto he may allow not exceeding $1 as an initial rate and the same as a terminal rate for each one-way trip of a 30-foot apartment car and 50 cents as an initial rate and the same as a terminal rate for each one-way trip of a 15-foot apartment car.

Mr. MOON. Mr. Chairman, I move to strike out "$1," on page 39, line 5, and insert "$2.75."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

On page 39, line 5, strike out "$1" and insert "$2.75."

The CHAIRMAN. The question is on agreeing to the committee amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, in two instances the committee itself has now brought in amendments to this bill raising the rates of pay to the railways, which would indicate that perhaps the committee had not given this rider such careful consideration as they claim to have given it.

Mr. MOON. If the gentleman had listened, he would have known.

Mr. MOORE of Pennsylvania. I observe that there is a raise of rates in two instances.

Mr. MOON. We propose these rates, to begin with.

Mr. MOORE of Pennsylvania. If the gentleman please, I still have a little time. It indicates that the committee was not so thoroughly well prepared to have this matter considered as it has indicated in the last few days.

These experts in the business bring in their amendments now under the rule and have them considered upon the floor in the way they would have had to consider them if the bill had come in the regular way.

Mr. MOON. I want to say to the gentleman that he is mistaken about that. Nothing of that sort has been done.

Mr. MOORE of Pennsylvania. I do not think I was deceived in hearing the amendment read which proposed an increase in the rate.

Mr. MOON. No; but the gentleman misunderstood the reason why it was proposed. The amendment I am now proposing is one agreed upon by the committee in the first place, but in reprinting the bill the old rate was put in instead of this.

Mr. MOORE of Pennsylvania. Is not this true, that this is the first time the Members of the House have known anything about it? Is not this the first announcement that has been made to the House?

Mr. MOON. We announced it in the debate.

Mr. MOORE of Pennsylvania. I venture to say that the new Members of the House, who have no official knowledge that this matter has been discussed for 30 years, as indicated by the committee, have heard of these changes for the first time to-day.

Mr. MOON. I think the new Members are pretty well posted. The trouble appears to be with the old Members. [Laughter.]

Mr. MOORE of Pennsylvania. Some of us have been chided for asking questions. We have asked them in good faith, because we wanted the right of consideration. Now, we find that the committee itself, which was infallible yesterday and the day before, is sufficiently fallible to make a few changes in its own report, just as it did in the matter of the surety-bond proposition, which it has eliminated from this rule altogether. Evidently day before yesterday we convinced the committee that something was wrong with the surety-bond proposition, which this Sixty-fourth Congress never heard of before. Evidently we did some public service yesterday when we called attention to it again, because to-day the committee comes forth with a rule which eliminates the surety-bond proposition. They now propose to take it up next year, when after a year's consideration they may perfect the proposition. Now, I again call attention to the fact that twice the railroad rates, which the Postmaster General is to allow under this perfect bill of yesterday or the day before, have been altered so that the rates have gone up in each instance, and evidently the railroads are going to get a little more justice to-day than they were to get yesterday and the day before. That is all.

Mr. MOON. Now, Mr. Chairman, I want to say that the gentleman from Pennsylvania is the most persistent man—persistent in error and misinformation and refusal to receive the truth—that I ever knew. [Laughter.] I told him awhile ago that these propositions which we are now offering—and I will say for his information that there are four of them—were the original figures fixed by the committee in making up the bill in the first place, but there was a misprint; that was all; and the House was advised of that at the beginning of this debate. Now, the gentleman thinks that because the committee want to correct the bill in accordance with its judgment and its action there has been no consideration of it. Why, as a matter of fact, if the committee had been in error—and they have not been in error about this—common decency would require us to correct the error.

Mr. MOORE of Pennsylvania. I am very glad the committee has seen its error and has corrected it, because it has let the House have a little light on a subject concerning which the House was not informed yesterday and the day before. The Members of the House have been let into the secret for the first time that the committee were in error, even to the extent that there was an error in the committee print. I commend the gentleman again for having taken the House into his confidence to this extent, that he has admitted an error of the committee in this instance, in which the committee are raising the rates that were to have gone through on yesterday.

Mr. MOON. I just want to say in reply to that that the gentleman still persists in misunderstanding or misstating the facts. The committee has done nothing here but what it did originally. It is just proposing the figures agreed upon in the first place, and simply correcting the committee print. I have tried, and I am not going to try any more, to make the gentleman from Pennsylvania understand anything. It is plain to other people.

The CHAIRMAN. The question is on the committee amendment.

Mr. GARLAND. Mr. Chairman, I want to offer another correction at this particular time so that it may go into the RECORD. I hold in my hand a letter from the Pittsburgh Chamber of Commerce, which reads as follows:

CHAMBER OF COMMERCE,
Pittsburgh, February 24, 1916.

Hon. M. M. GARLAND,
House of Representatives, Washington, D. C.

DEAR SIR: Chairman JOHN A. MOON, of the Committee on the Post Office and Post Roads of the House, in connection with the hearing of the railway mail pay bill, is reported to have expressed himself to the effect that the resolutions sent in on this subject by commercial organizations were of a stereotyped nature and adopted through railroad influence.

This is certainly not true in regard to the expression of the action of the Chamber of Commerce of Pittsburgh. Our resolutions were presented by the committee on postal affairs, composed of 15 members, but 1 of whom is connected with a railroad.

At the meeting of the chamber at which they were adopted—December 23, 1915—our record of attendance of 125 members present shows not more than a half dozen men present connected with the railroads.

This chamber is a deliberative body. All the subjects upon which action is proposed are bulletined to the membership in advance, so that there is full opportunity for study and the exercise of the best judgment.

Yours, very truly,

LOGAN MCKEE, *Secretary.*

Mr. MOON. Will the gentleman put that letter into the RECORD?

Mr. GARLAND. I wish to put it into the RECORD.

Mr. MOON. Mr. Chairman, the statements contained in that letter are true in part and partly not true. I have said, and say now, that the resolutions offered by the various chambers of commerce upon this subject are in a large degree stereotyped. They are varied by three different forms, I believe, but every one contains the expression "unjust and unfair" without stating any facts which show any injustice or unfairness. I should like to inquire how that chamber of commerce up there, that has never heard anything of the proof and knows nothing about this matter, except what the railroads tell its members, can rightfully assume to tell this committee what it ought to do? While of course we have regard for the judgment of those people,

because the members of chambers of commerce are among the very best of our people in this country——

Mr. GARLAND. Mr. Chairman, if the gentleman wants a reply——

Mr. MOON. I know that the Chamber of Commerce of Pittsburgh are a very elegant body of gentlemen, and very capable, but they have never investigated this question for a moment.

Mr. GARLAND. Will the gentleman yield?

Mr. MOON. Wait a minute, if you please. I assume that that chamber of commerce is in the same position that the chamber of commerce of another place was in. It passed one of these stereotyped resolutions, and covered it with a gilt binding, and on the back of it indorsed this bill in the very strongest terms possible, and on the inside denounced the bill, which just shows the want of care of these gentlemen in such matters.

Mr. GARLAND. Mr. Chairman, in reply I would simply say that the Chamber of Commerce of Pittsburgh does take up all subjects that pertain to the welfare of the city of Pittsburgh and carefully consider them.

Mr. MOON. Yes. Who is the statistician of that department upon this bill?

Mr. GARLAND. This is one of the things that they thought might militate against that city, and therefore they thought they had a right to act upon it, and the letter itself explains exactly why and how they did act upon it.

Mr. MOON. Yes; explains that they acted without any sort of information at all, and just said the thing was unjust and unfair, when they knew nothing about it. That is the way they acted upon it. [Laughter.]

Mr. BENNET. Mr. Chairman, the gentleman's criticism can not be made with reference to the Merchants' Association of New York.

Mr. MOON. How is that? [Laughter.]

Mr. BENNET. It can not refer to the Merchants' Association of New York.

Mr. MOON. I do not refer to the Merchants' Association of New York, but I have a few observations to make about them, if the gentleman desires. [Laughter.]

Mr. BENNET. All right. Would the gentleman prefer to make them now?

Mr. MOON. I will wait until I hear from the gentleman from New York and see if he understands it.

Mr. BENNET. The Merchants' Association of New York took this matter up in an entirely independent way, and its statistician is Mr. F. B. De Berard. After they had concluded their deliberations they went even further and came down before the committee of which the gentleman from Tennessee is the chairman. That association has had—as I presume it now has and usually has—pending before the Interstate Commerce Commission complaints against some of the railroads as to rates, and therefore there can not lie any accusation that the Merchants' Association of New York is under railroad influence. If the gentleman would permit, I would be very glad, indeed, to get unanimous consent to print their report in the RECORD.

Mr. MOON. Oh, that is in the hearings. I heard all about that and everybody connected with it.

Mr. BENNET. But the House has not heard it.

Mr. MOON. The gentleman can read the hearings. That is the reason the gentleman does not know anything about this bill—he has not read the hearings.

Mr. BENNET. I read them because I am on the Committee on Rules, and had to.

Mr. MOON. Does the gentleman recollect about what Mr. De Berard said respecting the disinterestedness of that investigation.

Mr. BENNET. I recall that he spoke page after page; but I will ask unanimous consent in order to show that I am willing that what he said should go into the RECORD, that his testimony before the Committee on Rules be inserted as a part of my remarks.

The CHAIRMAN. Is there objection?

Mr. MOON. Oh, yes; I object, of course, as I would object to the gentleman's putting in the dictionary.

Mr. BENNET. But that is not a dictionary. That is what the gentleman asked me if I knew about.

Mr. MOON. If the gentleman knew about it, then he ought to assume that everybody else knows it. [Laughter.]

Mr. BENNET. That is a fair shot and well put; but, knowing all of us as I do, and as the gentleman does, and admitting that I do not know everything that is in the RECORD, although, of course, the gentleman from Tennessee does, the whole 700 pages——

Mr. MOON. Oh, yes; I know them. [Laughter.]

Mr. BENNET. I still take the liberty of doubting whether the remaining 433 Members of the House do; and, of course, if they do, we will assume that our constituents do not know it, and therefore the gentleman is depriving them of a great pleasure in denying me the privilege of putting the hearings into the RECORD.

The CHAIRMAN. The time of the gentleman from New York has expired. [Cries of "Vote!" "Vote!"] The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

Mr. MOON. Mr. Chairman, I have another amendment that I desire to propose, to strike out "50 cents" and insert "$2" in line 7.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 39, line 7, strike out "50 cents" and insert "$2."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

The Clerk read as follows:

In addition thereto he may allow not exceeding $2 as an initial rate and the same as a terminal rate for each one-way trip of a 60-foot car.

Mr. MOON. Mr. Chairman, I offer to amend by striking out "$2" and inserting "$4.25."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 39, line 12, strike out "$2" and insert "$4.25."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

The Clerk read as follows:

The Postmaster General may require railroad companies carrying the mails to deliver them into and take them from the terminal and intermediate post offices and transfer them between railroad stations on their routes without additional compensation, under such regulations as he may deem proper, in cases where he does not provide for such service othersies: *Provided*, That the Postmaster General in his discretion may relieve any of the roads of such service.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the Clerk be permitted to correct the spelling of the word "otherwise," in line 18.

The CHAIRMAN. Without objection, the Clerk will properly spell the word.

There was no objection.

The Clerk read as follows:

Railroad companies whose railroads were constructed in whole or in part by a land grant made by Congress, on the condition that the mails should be transported over their roads at such price as Congress should by law direct, shall receive only 80 per cent of the compensation otherwise authorized by this act.

Mr. FESS. Mr. Chairman, I would like to know whether the Post Office Department or the Government has any control over the location of the post office in the town in reference to the railroad station and whether that authority is exercised?

Mr. MADDEN. Oh, yes.

Mr. STEENERSON. Do they have any control over it?

Mr. FESS. Yes. For example, does the Government fix the place where this mail is to be delivered by the railroads without regard to the convenience of the railroad at all?

Mr. MADDEN. The law fixes that.

Mr. STEENERSON. That is not correct. The department fixes it, and where the Government has no public building, then generally the Post Office Department, through an inspector, locates the premises and rents, and that is the way the location of the post office is established.

Mr. FESS. The question I desire to ask is whether the Government in the location of a post office either by an inspector or by law takes into consideration the distance the railroad company has to carry the mail from the depot?

Mr. STEENERSON. Well, I hardly think they would take that into consideration. They might, because the law authorizes them to locate a post office.

Mr. FESS. Is it altogether fair to the railroads for the Government without consulting the railroads to fix the distance and require them to carry the mail that distance to and from the depot?

Mr. STEENERSON. I would say that under existing law the railroad company is required to deliver the mail from the train to any post office within 80 rods.

Mr. FINLEY. This paragraph, beginning line 1, page 41, only relates to station service. It has no connection whatever with the transporting of mails to and from post offices.

Mr. FESS. Well, in many towns where we have no Federal buildings the railroad delivers the mail to and from a distant point. I note they offer this as an objection.

Mr. FINLEY. Where the distance is within 80 rods.

Mr. FESS. Yes.

Mr. FINLEY. Then, under the law the railroads deliver it when it is within 80 rods.

Mr. FESS. In my home town the new location is nearer to the railroad station, and the change was made largely with that point in view, although it is not so convenient to the patrons.

Mr. FINLEY. When the post office is within 80 rods of the railroad station is the present law. This paragraph has no connection with that.

Mr. FESS. To-day I understand the railroad has to deliver the mail to the depot.

Mr. FINLEY. That has been the law all these years, that where the distance does not exceed 80 rods in length the railroad delivers the mail at the post office and carries the mail from the post office to the railroad station. Where it exceeds 80 rods in length, there is a messenger, and the Government pays that messenger for the service of transporting the mails to and from the post office.

Mr. FESS. That is the information I want.

Mr. STEENERSON. The gentleman must understand that in measuring the mileage rates they count the distance from the railway to the post office as a part of the line.

Mr. FINLEY. It is only at terminal points where the railroad has a terminus. In no other case does the distance count from the station to the post office.

Mr. STEENERSON. That is right.

The CHAIRMAN. Without objection the pro forma amendmend is withdrawn.

There was no objection.

The Clerk read as follows:

In computing the car miles of full railway post-office cars and apartment railway post-office cars, the maximum space authorized in either direction of a round-trip car run shall be regarded as the space to be computed in both directions, unless otherwise mutually agreed upon.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I am not thoroughly convinced yet but that the small lines of railways will be seriously injured by this bill—that is to say, the railroads that are not able to make and do not make a long run and whose property is limited. I am not sure that the postal department under this bill will not have an undue advantage of such short-line railroads, and that is one of the reasons why I have asked on several occasions for a fuller consideration than we have had here or could have under a rule.

Mr. MADDEN. Will the gentleman allow me to make a statement right there?

Mr. MOORE of Pennsylvania. Yes.

Mr. MADDEN. Look at page 48, beginning line 12, and read:

After the rate specified in this act——

Mr. MOORE of Pennsylvania. I have read that, if the gentleman pleases, and while I would like to see that a little fuller than it is, I understand it. I have no real objection to the Interstate Commerce Commission having original jurisdiction of this matter rather than to have these reports back and forth and having the additional bookkeeping that is necessary, and all incidental charges that will fall on the poor railroads, and there are some poor railroads in this country to-day. Now, I make that statement even though I am a waterways man. What I desire to say now is this: Since several gentlemen have indicated that some of us were lacking in knowledge upon this general proposition, and one or two gentlemen in particular have insinuated that the gentleman from Pennsylvania has not given careful study to the bill, I am going to ask one or two questions now in view of getting facts.

It has been reported to me that express rates are much higher than the freight rates and the postal rates, as they would be under this bill; that the express rates run from 100 to 200 per cent higher than freight rates. Now, if that statement is not correct, I wish to have it denied.

Mr. MADDEN. I can say to the gentleman from Pennsylvania this: The express companies are owned either by the railroad companies or by the men who are managing the railroad companies, I do not know which, but whatever happens to be the fact in the case this is a fact, that the railroad companies themselves receive 50 per cent of the express companies' receipts for the work that the railroad companies themselves do. That is all they do receive.

Mr. MOORE of Pennsylvania. Then apparently the law is being very grossly violated in some respects, and some officers of the law are not paying very close attention to their duties if these express companies are owned by the railroad companies. I hope the gentleman from Illinois——

Mr. STEENERSON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I question whether that statement is accurate. Yes; I yield to the gentleman from Minnesota.

Mr. STEENERSON. I think the gentleman is rather on the wrong track——

Mr. MOORE of Pennsylvania. Oh, I have been told that several times. If that is all the gentleman from Minnesota has to tell me to put me on the right track——

Mr. STEENERSON. I will say to the gentleman——

Mr. MOORE of Pennsylvania. I will ask the gentleman from Minnesota a question now, because I only have two minutes left.

Mr. STEENERSON. I will endeavor to get more time for the gentleman to answer the question.

Mr. MOORE of Pennsylvania. I will answer the question, then.

Mr. STEENERSON. The point I want to make is this, that where the railroads complain of the competition of the Post Office Department in the freight business and express business it is based upon the postage rate.

We are now talking about the rate the United States pays to the railroads. Now, if we pay a high rate to the railroads, that does not relieve them from competition. We might pay a dollar a pound to the railroads. If we accept the carriage of that parcel-post matter, for instance, at 2 cents a pound and the express rate is 5 cents a pound, that would be in competition with the express business of the railroad.

Mr. MOORE of Pennsylvania. Are you not in competition anyhow?

Mr. STEENERSON. My point is——

Mr. MOORE of Pennsylvania. Will not the gentleman answer? Is there not direct competition?

Mr. STEENERSON. Certainly. I am not arguing that.

Mr. MOORE of Pennsylvania. Now, then, will the gentleman answer categorically whether it is true or not true that express rates are now 100 to 200 per cent higher than freight rates?

Mr. STEENERSON. In some places.

Mr. MOORE of Pennsylvania. Now, we are getting right. We are beginning to see why a great proposition like this ought to be discussed on the floor of the House.

Mr. STEENERSON. There are places in the country where the transportation of freight is very expensive on these short-line roads and where the freight rate is higher than the postage rate, but that question has little to do with the question of railway-mail pay, because the United States does not determine the amount they pay to the railroad by the amount of postage they charge.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

Mr. STEENERSON. I hope the gentleman will have five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. I shall have to be satisfied with the gentleman's acknowledgment that there is competition for the present, so far as that question is concerned. There is no denial that express rates are higher than freight rates. That is the first proposition.

Now, I am told that express rates are from 100 to 200 per cent higher, for instance, as between Philadelphia and New York, than freight rates or mail rates, and, if that is so, let me ask whether there is any denial of this statement, that 10 tons of freight, first class, proceeding 92 miles, from New York to Philadelphia, would cost $46.20, whereas on the space-basis system as proposed in this rider the same 10 tons, going by United States mail, would cost only $27.82, or substantially one-half that freight rate?

Mr. STEENERSON. But the railroad——

Mr. MOORE of Pennsylvania. Oh, answer, yes or no. I am trying to get some facts now.

Mr. STEENERSON. I have no doubt your statement is true.

Mr. MOORE of Pennsylvania. Why do not we have this light thrown on the subject when we are discussing a great proposition that affects all sections of the country?

Mr. STEENERSON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes; I yield.

Mr. STEENERSON. The point I am making is that it is not the question of how much we pay the railroad for transportation that affects their competition, but the rate of postage that we charge, because if we pay a railroad company too little or too much it does not determine the postage rates. And if the United States sends it at a loss they still compete with the freight and express.

Mr. MOORE of Pennsylvania. I am asking whether it is not a fact that under this rider brought in here in the manner it is it does not give the Government of the United States the right

to send 10 tons of mail matter from New York to Philadelphia, 92 miles, for $27.82, whereas the ordinary freight rate between those two cities is $46.20?

Mr. STEENERSON. But the gentleman is now talking only to the question of whether the United States is doing a profitable business.

Mr. MOORE of Pennsylvania. I am trying to show whether you are giving the railroads a fair deal or not; that is all.

Mr. STEENERSON. That has nothing to do with the question you are trying to discuss.

Mr. MOORE of Pennsylvania. It has everything to do with it, because it has been stated by one member of the committee, at least, which brought in this rider, that whereas it would cost $90 to send 10 tons of express matter from New York to Philadelphia, 92 miles, it would cost $46.20 to send 10 tons by freight over the same route, and by this postal system that you are thrusting upon the railroads, and from which they can not extricate themselves, you force them to carry it first class for $27.82.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. STEENERSON. Would it make any difference whether we paid the railroad companies the same amount that we pay the express companies?

Mr. MOORE of Pennsylvania. It would make a great difference to the railroads.

Mr. STEENERSON. The gentleman means it would take their business away and turn it into the postal business?

Mr. MOORE of Pennsylvania. I think so. But the railroads have the right to live, otherwise we would have no chance to reach the country from which the gentleman from Minnesota comes. The railroad brought him to town, and I do not want to tear up the tracks of the railroads by imposing burdens on it that it can not bear.

Now, the gentleman from South Carolina [Mr. FINLEY] charged me with not knowing much about this subject yesterday. I want to ask him whether it is not true that it costs $70 to take 10 tons of freight from New York to Boston, while under your system you are compelling the railroads to carry it for the Government for——

Mr. FINLEY. I am making no charge against the gentleman at all. I simply admit it. [Laughter.]

Mr. MOORE of Pennsylvania. Then where does the railroad come in on that proposition? Why have we not heard of this before?

Mr. FINLEY. The gentleman from Pennsylvania speaks of it costing the Government $27 to transport 10 tons from New York to Boston. Now he says the charge for express would bring a revenue to the express company of $46. Now, the railroad company gets one-half of that, or $23.

Mr. MOORE of Pennsylvania. The gentleman from South Carolina is mistaken. He and I never differ except in a matter of ignorance [laughter], and yesterday he charged me with ignorance. I asked him the question whether the transportation of 10 tons of freight, traveling first class from Philadelphia to New York, did not cost $46.20, as against $27.82 that you propose to force the railroads to carry it for over the same distance?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FINLEY. Mr. Chairman, the gentleman brings up an illustration that the railroads receive for carrying 10 tons of freight from Philadelphia to New York $27.82.

Mr. MOORE of Pennsylvania. I am much obliged to the gentleman for the light he has thrown on the subject already, and I have a few more questions that I will ask in connection with the next paragraphs. [Laughter.]

Mr. FINLEY. The gentleman speaks of the railroads receiving $27 for transporting 10 tons of freight and of the express company receiving $46. Well, the railroads receive 50 per cent of that $46, and therefore the railroads ought to receive $23. Now, the Government furnishes the railway mail clerks in the cars, and they have charge of the mail, and the railroad companies will get $27 instead of $23. They will receive more money than they did before.

Mr. FESS. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] moves to strike out the last two words.

Mr. FESS. Mr. Chairman, I have read all of the hearings on this question of the change of railway mail pay. I have done more than that. I have studied the speech of the gentleman from Illinois [Mr. MADDEN]. I do him *the compliment of saying* that his speech is worthly not only of a careful reading but of a careful study.

But I am in confusion on this question, and it is not clear in my mind, after reading all of these hearings. It has been stated that the Government will pay more and the railroads will get more under the new proposition than under the old. If that be true, I wonder why the opposition comes so strongly from the railroads. I have to question whether that be true or not. Also, if it be true, I am wondering why there is such a contention on the part of the Government to make a change which involves a higher rate of pay. Why should we do that?

Mr. STEENERSON. The gentleman is aware of the fact that we are not paying for the full weight yet. It is not until the weighing of 1917 that we will find out how much we are to pay under this new system.

Mr. FESS. Do I understand that under the arrangement later on we will not be paying as much as we do now?

Mr. STEENERSON. I think that is the theory of this legislation in 1918. For instance, the railway-mail pay will be less under the space plan than it is under the weight plan, because, as it is now, we are not paying for the full weight. We are not paying until we have the weighing of 1917 and 1918.

Mr. FESS. In other words, until that change is made, the Government will be paying more. After that change is made, the Government will be paying less.

Mr. STEENERSON. I think that is true.

Mr. FESS. That being the case, I should like to know why we should make the change from weight, which seems to me absolutely fair, to space, which, in my mind, is still in doubt? Why should we demand the carrying of the mails on a different basis from any other transportation?

Mr. MADDEN. Will the gentleman allow me to answer his question? I will not take up much time. The space basis was originally suggested by the railroad companies. The New Haven Railroad Co. was one of the companies that suggested the space basis. Afterwards they changed their minds, but they have not been able to change the minds of other men who have studied it, and that is the reason why this controversy is on.

Mr. FESS. Why is the weight basis a less equitable or fair plan than the space basis?

Mr. MADDEN. In the first place, to-day we are paying for a combination of space and weight. We are paying $5,000,000 a year for the space in railroad post-office cars, and paying so much a ton per mile for hauling the mail matter besides. Now, some of us do not think we ought to pay for both space and weight, and we think that the way to obviate that is to pay for space, and to pay for the movement of the space so much a car mile. What is there simpler in the world than to calculate the number of car miles that a car is run at so much a mile?

Mr. FESS. Now, may I ask another question?

Mr. MADDEN. Certainly.

Mr. FESS. I wish to ask about the statement that a ton and a half would be paid for to-day in weight, but that if it was paid for by space you might have 20 tons in the car and pay no more than the payment for but 1½ tons.

Mr. MADDEN. That is absurd. Everybody knows that where a car has a capacity of 20 tons, and it is carrying 7½ tons to-day—not a ton and a half, but seven and a half—you can not load 20 tons into the car unless you can load compact stuff, like bricks or books, or something of that sort. The gentleman must know that if they loaded straw hats into the car they would not have 2 tons in the car when it was loaded to its full space capacity, and there would not be one car in every hundred that could be loaded to its full capacity.

Mr. FESS. In paying by weight would not the Government be the gainer rather than the railroads, if you filled the car with less weight, like straw hats? And in case of heavy material the gain would still be greater?

Mr. MADDEN. The Government would, because the Government proposes to pay the railroad companies for the space in the car, whether there is anything in the car or not; but experience, which has been verified by the investigation, leads to the conclusion that the method of payment by space is not only the most equitable but the most scientific, the most just, and the most reasonable way that can be devised for paying for the movement of the mail.

Mr. FESS. I want to confess that the gentleman from Illinois has shaken me considerably by his address the other day, but I still am unconvinced that we ought to change from a weight basis to a space basis, because it would seem to me that the weight basis is fair to everybody, while the space basis is in doubt in my mind.

Mr. MADDEN. Of course, everybody will have to form his own opinion about that.

Mr. FESS. The limitation of weight of parcel secured by the amendment of the Member from Illinois [Mr. MADDEN] cures

one defect and goes far to remove one serious objection to the bill.

The CHAIRMAN. If there be no objection, the pro forma amendment of the gentleman from Ohio will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

In computing the car-miles of storage cars, the maximum space authorized in either direction of a round-trip car run shall be regarded as the space to be computed in both directions, unless the car be used by the company in the return movement, or otherwise mutually agreed upon.

Mr. MOORE of Pennsylvania. Mr. Chairman, I wish to take a few moments now to read a few more statistics that may be of interest to the new Members of the House in particular. It is conceded by leading members of the committee that the express rates are from 100 to 200 per cent higher——

The CHAIRMAN. Does the gentleman from Pennsylvania make any motion?

Mr. MOORE of Pennsylvania. I move to strike out the last word. Having done that, I call attention to the fact that leading members of the committee have admitted that express rates are from 100 to 200 per cent higher than freight rates, and that freight rates are considerably higher than the rates that would be payable under this postal plan that has been brought in under the rule without the ordinary method of consideration in the House.

Mr. MADDEN. What is the gentleman's authority for saying that anybody has admitted such a state of facts?

Mr. MOORE of Pennsylvania. The gentleman from Minnesota admitted it.

Mr. MADDEN. Nobody admits it.

Mr. MOORE of Pennsylvania. It was admitted by the gentleman from Minnesota and also by the gentleman from South Carolina [Mr. FINLEY].

Mr. FINLEY. I made no such admission.

Mr. MOORE of Pennsylvania. I think the RECORD will show that for purposes of convenience, at least, the gentleman made the admission.

Mr. FINLEY. The gentleman is mistaken. I made no such admission.

Mr. MOORE of Pennsylvania. Then I make the statement now that I have been informed that, so far as the earnings of the railroads for this United States mail service, as proposed, are concerned, as compared with first-class freight in 10-ton lots, it would result about as follows on a run from Richmond, Va., to Wilmington, N. C., a distance of 244 miles. The express rate being 100 or more per cent higher than the freight rate, as fixed by the Interstate Commerce Commission——

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I can not yield.

Mr. MADDEN. I would like to ask the gentleman what railroad made the statement from which he is reading?

Mr. MOORE of Pennsylvania. One of the very best of them; possibly it is a combination of railroads; but the facts have not been disputed by any member of the committee. We must get our information from some source if we can not get it from the committee in the ordinary way. So I say that on this run of 244 miles, whereas the express rates would be 100 per cent higher than those I am about to quote, 10 tons of freight would pay $100 as against $59.74 that would be paid on the space basis for the United States mail.

The railroad would get about half for carrying the mail that it gets for carrying first-class freight. Therefore there is a pretty sure loss to the railroad company on that run from Richmond, Va., to Wilmington, N. C., if these facts be true, and they do not appear to have been disputed thus far. On a run of 107 miles from Charlotte, N. C., to Greenville, S. C., the home of one of the distinguished members of this committee, whereas the express rate would be high and there would be some profit in it for the railroad company—and it may get some profit out of the freight also—using the 10 tons as an illustration, the cost of 10 tons of freight would be $112, as against $29.97 that the United States would pay for carrying the mail. Why, if this be true, they get almost four times as much in North and South Carolina for carrying freight as they would get for carrying the United States mail under this proposed system.

Mr. HILL. And may I not inquire if the express rates the gentleman has quoted have not been fixed by the Interstate Commerce Commission?

Mr. MOORE of Pennsylvania. Yes; and the mail rates are fixed by this rider.

Mr. SMITH of Michigan. The freight rates have also been fixed by the Interstate Commerce Commission?

Mr. MOORE of Pennsylvania. Yes; that is true. Now, I want to have the House informed as to the figures on the run of 153 miles from Chattanooga, Tenn., to Morristown, Tenn.

The freight rate for 10 tons would be $120, and the United States mail rate, under the legisaltion forced by this rider, would be $40.63 on the space basis. Apparently the Government would pay about one-third in this southern country for carrying mail as against its earnings for ordinary freight, and the express rate would be 100 per cent higher, as I am informed. When it comes to a run like that from New York to San Francisco, a distance of 3,185 miles, the cost of 10 tons of freight would be $740, and the Government, for its mail on the space basis, would pay $679.38.

Mr. GARRETT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Tennessee?

Mr. MOORE of Pennsylvania. So it appears from this illustration—which in some respects the members of the committee have admitted, and which they do not appear to have refuted—the railroad is likely to lose money on the space basis.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The pro forma amendment is withdrawn and the Clerk will read.

The Clerk read as follows:

The Postmaster General is authorized to make special contracts with the railroad companies for the transportation of the mails where in his judgment the conditions warrant the application of higher rates than those herein specified.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee whether or not it is the purpose and intention of this provision that the Postmaster General may, in the first instance, enter into a contract with the short-line railroads to give them fair compensation for services actually performed, without waiting until the Postmaster General has fixed the rate, and then have them take the provisions of the bill where it requires 50 per cent of the trackage of the railroads to consent before relief can be had.

Mr. MOON. I explained that to the gentleman from California. This bill provides a maximum rate to be fixed by Congress. Now, it will happen—because we are legislating for the average, we can not legislate for isolated railroads, but for average roads throughout the country—it will happen clearly that additional compensation will come to every one of the railroads under this bill over that provided in the present law. It also will happen that as to some of the short-line railroads, particularly where they make very frequent trips—as the proof shows in this case, a little road in Tennessee and North Carolina will be getting three times as much as it ought to have, the Postmaster General might correct that by an order directing the mail be carried twice instead of three or four times a day—it will also happen, beyond question, in the striking of these averages that some of the short-line railroads—and most of the roads beyond the Rocky Mountains are short-line roads—will not get full and adequate compensation under this bill. They will get, however, more than they are getting now, while it will not be full in some instances. Therefore a provision is put in this bill that they may go to the Postmaster General and contract—they can do that separately and individually—for a full and adequate compensation. They do not have to go to the Interstate Commerce Commission for that purpose.

Mr. RAKER. Will the gentleman explain right there? Now, before an order is effected as to the short lines, before entering into the contract, does this provision authorize the Postmaster General to take all the data that is within his department and the data that he has gathered which shows that the railroads are receiving less now than any other service for the transportation of the mail and allow them a fair compensation for the service to be performed in the future?

Mr. MOON. It does, after the passage of the bill, and that is what it says, in effect.

Mr. RAKER. Then, so far as the short-line railroads are concerned, the general provisions of the bill are put in the discretion of the Postmaster General? Is that it?

Mr. MOON. No; the general provision of the bill is to fix a maximum rate which, as I said, the statisticians of the Interstate Commerce Commission and the department say will give a better rate to all roads—long lines and short roads—than under the present law; but inasmuch as some of the railroads are short-line railroads and will fall below the average of the rate by reason of their condition—the length of the line, the infrequency of their trips—they will in some instances get less under this bill than they ought to have, still it is more than they get under the present law. Then, whenever that fact is presented to the Postmaster General any separate road may go to him and present whatever facts they may have, and he may take all the facts that are in the department and make a separate contract to give to them a rate to which they are entitled.

Mr. RAKER. But the Postmaster General can not go beyond this maximum average provided in the bill, can he?

Mr. MOON. Yes; he can go beyond it; that is the purpose of it. Now, we fix a maximum price and we have a special provision permitting him to go beyond that and pay more, as justice requires to be done. The very purpose of this section is to give him power which he would not otherwise have, and which he has not now under the law, to contract for a higher rate with these roads.

Mr. RAKER. Then, in a few words, if there are, say, six hundred and some odd independent short-line railroads that claim and are able to show, and the department records show, they are receiving less for the transportation of the mail than they actually should, after this bill becomes operative, in future contracts for the service to be performed the Postmaster General can fix a contract which would adequately provide for their just compensation?

Mr. MOON. Assuredly; even if it should amount to twice the maximum fixed.

Mr. TAYLOR of Colorado. That is the question I wanted to ask, whether or not the maximum would interfere with the Postmaster General treating fairly these little short-line railroads, for instance, in the mountains that have to dig through 20 or 30 feet of snow pretty nearly every day for a month and only make one trip a day, and sometimes but one a week—whether or not they can be taken care of under this provision of this law?

Mr. MOON. Every one of them can be cared for under this proposition, and that is the purpose of it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that I may have three minutes further. I just want to get a little further information on this line. I will ask for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California. [After a pause.] The Chair hears none.

Mr. RAKER. What remedy has the short-line railroads—that is what I am talking about—for any arbitrary action on the part of the Postmaster General as to fixing rates that they think are not sufficient?

Mr. MOON. If a short-line road thinks it is not getting enough—and I want the gentleman to bear in mind they are getting more under this provision than they have heretofore gotten—if they think they are not getting enough—and that may be true as to a few cases, because you can legislate, as I said, only for the average—they have a right to present the facts to the Postmaster General and make a contract for an additional sum.

Mr. RAKER. Is there any method by which they can have any relief if the Postmaster General holds against them?

Mr. MOON. Of course, you have to leave this to somebody. Every question has to be decided by some authority. You can not provide for appeal after appeal. Now, this special-contract provision is limited to the action of the Postmaster General. That would be the end of it so far as that is concerned, but if 51 per cent of the roads, both big and little, are not satisfied with the action of the department, then the right to go to the Interstate Commerce Commission is preserved. The gentleman will readily see that we can not provide two appeals or two exceptions to the general law from the Postmaster General for an individual road. We provide a reference to the Interstate Commerce Commission for 51 per cent of the roads.

Mr. RAKER. In addition to what the gentleman has stated about making a special contract with these short-line railroads, if the Postmaster General is arbitrary and fixes the contract, or will not enter into a contract that will remunerate them for their services, they can then file a complaint, if they can get 51 per cent of the railroads. That is as to mileage, is it?

Mr. MOON. Yes.

Mr. RAKER. To enforce them, they can then take their short-line railroads to the Interstate Commerce Commission and have them fix the rate?

Mr. MOON. Surely.

Mr. RAKER. Now, if they fix the rate—that is, the Interstate Commerce Commission fixes the rate—is the Postmaster General bound to fix that amount as the amount he allows?

Mr. MOON. Whatever the Interstate Commerce Commission fixes will be reported to the House for a general law on the subject, because it is not considered desirable for the House to yield its jurisdiction entirely to this question in every phase. But I want to say to the gentleman that the present Postmaster General, like every one we have ever had, will do the utmost that he can under the law to protect all of these roads. Under the present law he is powerless to make any special contract, and he can not give them any relief, and we are seeking to give relief to those who may need it. This measure is as fair as it can possibly be, in my judgment.

Mr. TAYLOR of Colorado. Is there any way that the short-line roads could appeal other than by securing 51 per cent of all the roads?

Mr. MOON. Fifty-one per cent of the roads would have to go into an appeal to the Interstate Commerce Commission, but all the roads, as far as that is concerned, not only the short-line roads, will have the right to have a contract separate and apart from all others, with the Postmaster General, by which they can get a figure higher than the maximum fixed in this bill, if the facts justify it.

Mr. TAYLOR of Colorado. But the short-line roads themselves can not get a separate appeal.

Mr. MOON. We can not deal with short lines or long lines, because we would not be able to tell which is a short line or a long line. There is no standard by which we can tell.

Mr. TAYLOR of Colorado. Does the gentleman mean to say they will get more under this provision than they are now getting? Will they get an increase of pay for the same amount of service?

Mr. MOON. The same amount of service. They will get more under this bill than they are getting under the law now.

Mr. RAKER. The condition now, by the testimony before the committee as well as by personal investigation, particularly with regard to the short-line railroads in northern California, of which I have knowledge, shows that those roads are running behind.

Mr. MOON. I think that is true of all those lines.

The CHAIRMAN. The Clerk will read.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I suggest to the gentleman from Tennessee [Mr. MOON] that it is Saturday and 5 o'clock. There is no possibility of finishing the bill tonight. There is an amendment to be offered to this paragraph.

Mr. FINLEY. I will wait until Monday.

Mr. MOON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAINEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10484, the Post Office appropriation bill, and had come to no resolution thereon.

LEAVE TO PRINT MINORITY VIEWS.

Mr. GALLIVAN. Mr. Speaker, I ask unanimous consent, as a member of the Committee on Appropriations, to have three legislative days in which to file minority views on the legislative, executive, and judicial appropriation bill. I am opposed to certain recommendations in the bill.

The SPEAKER. The gentleman from Massachusetts [Mr. GALLIVAN] asks unanimous consent that he shall have three legislative days in which to file his views on the legislative, executive, and judicial appropriation bill. Is there objection?

Mr. STAFFORD. Reserving the right to object, I presume it will not in any wise delay the consideration of the legislative bill.

Mr. GALLIVAN. Oh, no; I was called home and was not able to do this before.

Mr. STAFFORD. I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. GALLIVAN]? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of efficiency in the Government service.

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] asks unanimous consent to extend his remarks in the RECORD on the subject of efficiency in the Government service. Is there objection?

There was no objection.

Mr. MCKELLAR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by introducing a telegram that I have received from sundry citizens of Tennessee on our foreign policy, and a letter on the same subject.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by printing a telegram signed by sundry citizens of Tennessee on the subject of our foreign relations, and also certain letters.

Mr. MANN. Mr. Speaker, reserving the right to object—I believe I will not object, although it is an exceedingly bad prac-

tice, followed only by gentlemen after they are elected to the Senate and not merely after they are nominated. They read anything of that sort, to fill up the RECORD interminably. If we did that here, the House proceedings would be 400 pages long every day.

Mr. McKELLAR. I am obliged to the gentleman for not objecting.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned until Monday, February 28, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War ad interim, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Baltimore Harbor, Md., and approaches thereto (H. Doc. No. 799); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. A letter from the Secretary of War ad interim, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Lake Washington Ship Canal, Wash. (H. Doc. No. 800); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of War ad interim, transmitting memorandum of Chief of Staff relative to modification of the proposed appropriation contained in the Army bill, as found on page 377, Book of Estimates, fiscal year 1917 (H. Doc. No. 801); to the Committee on Military Affairs and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting list of documents received and distributed by the Treasury Department during the calendar year ended December 31, 1915, and the number on hand January 1, 1916 (H. Doc. No. 802); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STEELE of Pennsylvania, from the Committee on the Judiciary, to which was referred the bill (S. 1809) to create an additional judge in the district of New Jersey, reported the same without amendment, accompanied by a report (No. 262), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WALKER, from the Committee on the Judiciary, to which was referred the bill (H. R. 6914) to amend section 82, chapter 231, of the act to codify, revise, and amend the laws relating to the judiciary, reported the same with amendment, accompanied by a report (No. 263), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GARD, from the Committee on the Judiciary, to which was referred the bill (H. R. 9428) relating to procedure in United States courts, reported the same with amendment, accompanied by a report (No. 264), which said bill and report were referred to the House Calendar.

Mr. MORRISON, from the Committee on Patents, to which was referred the bill (H. R. 8356) to amend sections 28 and 30 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, reported the same with amendment, accompanied by a report (No. 265), which said bill and report were referred to the House Calendar.

MOTION TO DISCHARGE COMMITTEE.

Under clause 4 of Rule XXVII, motion to discharge committee was filed as follows:

By Mr. DOOLITTLE: To discharge the Committee on Banking and Currency from the further consideration of the bill (H. R. 4697) to establish a Government bureau to loan money on agricultural lands as security.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11595) granting an increase of pension to Daniel Rawlings; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11596) granting a pension to William H. Culler; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9626) granting a pension to Mary A. O'Donnell; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 12290) for the relief of Leroy P. Walker, sole heir at law of Eliza D. Walker, and L. P. Walker, her husband; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 6078) for the reimbursement of the legal representatives of James Harvey Dennis for moneys expended by the said James Harvey Dennis for the improvement of the Tennessee River; Committee on Appropriations discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CALLAWAY: A bill (H. R. 12362) granting the consent of Congress to the Dallas & Southwestern Motorway Co. to construct a bridge across the Brazos River, in the State of Texas; to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER: A bill (H. R. 12363) to protect and conserve the halibut fisheries of the Pacific Ocean, to establish closed seasons in halibut fishing in certain waters thereof, and to restrict the landing of halibut in the United States of America and the Territory of Alaska during the closed seasons established; to the Committee on the Merchant Marine and Fisheries.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 12364) granting pensions to soldiers and sailors of the Civil War; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 12365) to promote the reclamation of arid lands; to the Committee on Irrigation of Arid Lands.

By Mr. SMALL: A bill (H. R. 12366) granting pensions to certain members of the former Life-Saving Service; to the Committee on Pensions.

By Mr. WISE: A bill (H. R. 12367) to construct a public building for a post office at the city of Barnesville, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12368) to establish and maintain a plant for the purpose of manufacturing and producing nitrogen for the manufacture of powder and other explosives for the benefit of the Army and Navy, and for other purposes; to the Committee on Military Affairs.

By Mr. LOBECK: A bill (H. R. 12369) to establish the pay of certain employees of the street-cleaning division of the engineer department, District of Columbia; to the Committee on the District of Columbia.

By Mr. CARY (by request): Joint resolution (H. J. Res. 167) directing the Commissioners of the District of Columbia to withdraw their petition in the Supreme Court of the District of Columbia concerning the condemnation of land for the extension of Central Avenue; to the Committee on the District of Columbia.

By Mr. HUDDLESTON: Joint resolution (H. J. Res. 168) to provide for the holding of a conference by representatives of the neutral nations for the purpose of restoring peace among the nations at war; to the Committee on Foreign Affairs.

By Mr. ALEXANDER: Resolution (H. Res. 150) authorizing the Committee on Printing to have printed 10,000 copies of Comparative Study of Principal Features of the Laws of the United States, Great Britain, Germany, Norway, France, and Japan; to the Committee on Printing.

By Mr. STINESS: Memorial of the Senate of the Rhode Island General Assembly, urging upon the Congress of the United States of America the duty of adequately increasing the military and naval forces of this Government; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 12370) granting an increase of pension to Richard Barcus; to the Committee on Invalid Pensions.

By Mr. ALEXANDER: A bill (H. R. 12371) granting an increase of pension to Aletha J. Honeycutt; to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 12372) for the relief of Joseph Back and Edward Greiwe; to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 12373) granting a pension to William Welsh; to the Committee on Invalid Pensions.

By Mr. CALDWELL: A bill (H. R. 12374) granting an increase of pension to Wilhelmina S. Smith; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 12375) granting a pension to Frank West; to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 12376) to confer jurisdiction on the Court of Claims to try and adjudicate the claims of Joe Ellis and other individual Shawnee and Delaware Indians on account of depredations committed by soldiers and white citizens of the United States; to the Committee on Indian Affairs.

By Mr. ESTOPINAL: A bill (H. R. 12377) granting a pension to Richard D. Powers; to the Committee on Pensions.

By Mr. FOSS: A bill (H. R. 12378) granting a pension to William A. Rotter; to the Committee on Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 12379) granting a pension to Mrs. E. J. Lesne; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 12380) granting a pension to Mrs. Helen A. Lamont; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12381) granting a pension to Charles V. Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12382) granting an increase of pension to Ludlow B. Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12383) granting an increase of pension to James P. Fulton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12384) granting an increase of pension to William M. Vanderhoof; to the Committee on Invalid Pensions.

By Mr. HASTINGS: A bill (H. R. 12385) granting an increase of pension to Rebecca Thatcher; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 12386) for the relief of the estate of Mark M. Hukill; to the Committee on Claims.

By Mr. KINKAID: A bill (H. R. 12387) granting an increase of pension to John S. Salsbury; to the Committee on Invalid Pensions.

By Mr. LENROOT: A bill (H. R. 12388) granting an increase of pension to Samuel Daniels; to the Committee on Invalid Pensions.

By Mr. McCRACKEN: A bill (H. R. 12389) granting an increase of pension to Floyd L. Campbell; to the Committee on Pensions.

By Mr. MATTHEWS: A bill (H. R. 12390) granting a pension to Israel Westfall; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 12391) to reimburse Douglas H. Johnston; to the Committee on Indian Affairs.

By Mr. NORTH: A bill (H. R. 12392) granting an increase of pension to Simon P. Stokes; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 12393) granting a pension to William A. Kush; to the Committee on Pensions.

By Mr. OLNEY: A bill (H. R. 12394) granting a pension to Treffle Bosse; to the Committee on Pensions.

Also, a bill (H. R. 12395) granting a pension to Ann Grady; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 12396) granting an increase of pension to Ambrose D. Alberston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12397) for the relief of Peter Myer; to the Committee on Military Affairs.

By Mr. PRATT: A bill (H. R. 12398) granting a pension to Sarah F. Perrigo; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 12399) granting an increase of pension to Frank N. Hunt; to the Committee on Pensions.

By Mr. RUBEY: A bill (H. R. 12400) granting an increase of pension to Silas Rippee; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 12401) for the relief of the legal representatives of James H. Curry; to the Committee on Claims.

By Mr. SMITH of Michigan: A bill (H. R. 12402) for the relief of Jacob Betzer; to the Committee on Military Affairs.

By Mr. SNELL: A bill (H. R. 12403) granting an increase of pension to Charles Ormsby; to the Committee on Invalid Pensions.

By Mr. WALKER: A bill (H. R. 12404) granting an increase of pension to William H. Mercer; to the Committee on Pensions.

By Mr. WICKERSHAM: A bill (H. R. 12405) to validate the homestead entry of John Kehoe, of Tanana, Alaska, and to authorize patent therefor to issue upon proof of residence and cultivation; to the Committee on the Public Lands.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 12406) granting a pension to John C. Robinson; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): A letter; to the Committee on Foreign Affairs.

Also (by request), memorial against national prohibition; to the Committee on the Judiciary.

By Mr. ALLEN: Memorial of Jewish National Committee of Cincinnati, Ohio, advocating peace and the consideration of the rights of the Jewish people; to the Committee on Foreign Affairs.

By Mr. ALEXANDER: Petition of 30 citizens of Cainsville, Mo., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Osborn and Cameron, Mo., in favor of extending provision of act of May 11, 1912, to all widows of soldiers and sailors who served longer than 90 days in service of the United States during the Civil War; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Resolutions of the foreign-born American citizens of Mansfield, Ohio, in favor of universal peace; to the Committee on Foreign Affairs.

Also, papers to accompany House bill 10320, for relief of John W. Pence; to the Committee on Invalid Pensions.

By Mr. AUSTIN: Petition of Trinity Church, of Knoxville, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BARCHFELD: Memorial of Captain Alfred E. Hunt Camp, No. 1, United Spanish War Veterans, of Pittsburgh, Pa., favoring adequate national defense; to the Committee on Military Affairs.

Also, memorial of Captain Alfred E. Hunt Camp, No. 1, United Spanish War Veterans, favoring increase in the Navy and coast defense; to the Committee on Military Affairs.

Also, memorial of Chamber of Commerce of Pittsburgh, Pa., in re resolution previously presented; to the Committee on the Post Office and Post Roads.

By Mr. BRITT: Petition of sundry citizens of Buncombe County, N. C., praying for the adoption of a constitutional amendment founding the Government of the United States on Christianity; to the Committee on the Judiciary.

By Mr. BRUMBAUGH: Papers to accompany House bill 12216, for relief of David Krouse; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 12215, for relief of Charlotte Parker; to the Committee on Invalid Pensions.

By Mr. BROWNE of Wisconsin: Petition of residents of Grand Rapids, Wood County, Wis., in favor of the Bristow-Mondell amendment; to the Committee on the Judiciary.

Also, petition of 36 citizens of Wausau, Wis.; citizens of Cambria, Wis.; and the Methodist Episcopal Church of Wausau, Wis., in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of residents of Waupaca County, Wis., in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. BURKE (by request): Petition signed by 24 members of Boot and Shoe Workers' Union of Cedarburg, Wis., asking for the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of 25 citizens of Waupun, Wis., asking for the passage of an amendment to the United States Constitution providing for Nation-wide prohibition; to the Committee on the Judiciary.

By Mr. CAMPBELL: Petition of citizens of Kansas, protesting against proposed law requiring revenue stamps to be placed on checks; to the Committee on Ways and Means.

By Mr. CARY: Memorial of National Association of Builders' Exchange of the United States, in re proposed power plant at Washington, D. C.; to the Committee on the District of Columbia.

By Mr. COOPER of West Virginia: Petitions of citizens of Ceredo, W. Va.; citizens of Milton, W. Va.; Woman's Christian Temperance Union of Bluefield, W. Va.; and Baptist Congregation of Anthem, W. Va., in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of Woman's Christian Temperance Union of Barboursville, W. Va., urging prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. COOPER of Wisconsin: Petitions of 76 people of Janesville; 185 people of Janesville; 100 people of Janesville; People's

Lodge, Independent Order of Good Templars, of Janesville; 30 people of Janesville; 110 people of Janesville; 200 people of Edgerton; 21 people of Milton; 25 people of Fulton; 300 people of Janesville; and 70 people of Janesville, all in the State of Wisconsin, for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of the Patriotic League of Washington, D. C., in re Memorial Bridge across Potomac River; to the Committee on the District of Columbia.

Also, memorial of Glass Bottle Blowers' Association of Philadelphia, Pa., indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of National Legislative and Information Bureau, Order of Railway Conductors in re Senate bill 3194 and House bill 9047; to the Committee on Interstate and Foreign Commerce.

By Mr. DANFORTH: Petitions of Herman Swanson and 48 others of Lincoln Park, N. Y., favoring the passage of House joint resolution 137, proposing an amendment to the Constitution forbidding appropriations of money for sectarian purposes; to the Committee on the Judiciary.

By Mr. ESCH: Memorial of Glass Bottle Blowers' Association of Philadelphia, Pa., in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Owen, Wis., indorsing the Stevens-Ayres bill, H. R. 4715; to the Committee on Interstate and Foreign Commerce.

By Mr. FLYNN: Petition of the Patriotic League of Washington, D. C., in favor of memorial bridge crossing the Potomac at Washington; to the Committee on the District of Columbia.

Also, memorial of Illinois State Federation of Labor, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Glass Bottle Blowers' Association of Philadelphia, Pa., indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. GARNER: Petition of Texas Cotton Manufacturers' Association, in favor of passage of House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

Also, petitions of Glass Bottle Blowers' Association of Philadelphia, Pa., and the Austin Trades Council, of Austin, Tex., indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. GRIEST: Memorial of Conestoga Council, No. 22, O. of I. A., favoring national defense and restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. HAMLIN: Papers to accompany House bill 4133; to the Committee on Invalid Pensions.

By Mr. HASTINGS: Petitions of Methodist Sunday School of Porter, Okla.; First Baptist Sunday School of Porter, Okla.; and Baptist Sunday School of Wagoner, Okla., favoring national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, petition of 61 citizens of Muskogee, Okla., and First Baptist Church of Muskogee, Okla., praying for enactment of prohibition legislation; to the Committee on the Judiciary.

By Mr. HEATON: Memorial of Military Order of the Loyal Legion of the State of Pennsylvania, favoring preparedness; to the Committee on Military Affairs.

By Mr. HILLIARD: Memorials of Denver Branch, No. 47, National Association of Letter Carriers; Centennial Council, No. 1100, Knights and Ladies of Security, urging the passage of House bill 6915, relative to the pensioning of employees of the Post Office Department; to the Committee on the Post Office and Post Roads.

By Mr. HILL: Petition of Danbury Chamber of Commerce, of Danbury, Conn., and Local Branch, No. 16, of N. A. of C. S. Employees, of Danbury, Conn., favoring a civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also, petition of Woman's Christian Temperance Union of Darien, Conn., favoring Federal censorship of motion-picture films; to the Committee on Education.

Also, petition of F. H. Wettlesey Co., of Windsor Locks, Conn., in favor of House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

Also, petition of 71 citizens of Greenwich, Conn., protesting against the destruction of the "Washington beautiful" by the erection of a power plant on the banks of the Potomac; to the Committee on the District of Columbia.

Also, protest of the Stratford Library Association, of Stratford, Conn., against the passage of House bill 4715; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL: Petition of Hebert H. Snyder, president Railway Mail Association, of Ogden, Utah, in favor of House bill 6915; to the Committee on the Post Office and Post Roads.

Also, petition of Utah and Idaho Millers and Grain Dealers' Association against the passage of the Rainey bill relating to mixed flour; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island: Petition of Walter E. Ranger, commissioner of public lands, Rhode Island, in re House bills 4715 and 599; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Branch 15, N. A. of L. C., of Providence, R. I., favoring passage of House bills 5757, 6915, and 7686; to the Committee on the Post Office and Post Roads.

Also, petition of Central Labor Union of Artie, R. I., favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of 90 people of 18 Congregational Churches of Chepachet; Trinity Baptist Bible School, of 200 people, of Providence; mass meeting of Woman's Christian Temperance Union, representing 26 churches, of Providence; Church Aid, Trinity St. Paul's Methodist Episcopal Church, of Providence; Central Falls Woman's Christian Temperance Union, of Central Falls; Ladies' Industrial Society of Providence; Helping Hand Society of United Baptist Church, of Providence; voters of Pawtucket and Central Falls; Free Baptist Sunday School of Georgiaville, all in the State of Rhode Island, favoring national prohibition constitutional amendment; to the Committee on the Judiciary.

By Mr. KEISTER: Petitions of County Ministerial Association of Greensburg, Pa., and Lutheran Church of New Florence, Pa., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. KING: Petition of Quincy Association of Credit Men, by Mr. Frank Rothgeb, secretary, against a stamp tax on bank checks; to the Committee on Ways and Means.

By Mr. LAFEAN: Memorial of Military Order of Loyal Legion of United States, of Pennsylvania, favoring preparedness; to the Committee on Military Affairs.

By Mr. MAPES: Resolution of the members of the Second Congregational Church of Grand Rapids, Mich., petitioning the House of Representatives to take favorable action on House joint resolutions No. 84 (by Mr. WEBB of North Carolina) and No. 85 (by Mr. SMITH of Idaho), proposing an amendment to the Constitution of the United States for nation-wide prohibition; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Petitions of Port Richmond Methodist Episcopal Church, of Philadelphia; and Port Richmond Methodist Church and Sunday School, of Philadelphia, all in the State of Pennsylvania, favoring national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, petition of Military Order of the Loyal Legion, United States, Commandery of State of Pennsylvania, of Philadelphia, favoring preparedness; to the Committee on Military Affairs.

Also, protests of C. Hilleshuin and others, of Philadelphia, against increased military or naval appropriation; to the Committee on Appropriations.

By Mr. PRATT: Petition of Rev. and Mrs. O. H. P. Armstrong, of the Methodist Episcopal Church of R. D. No. 3, Owego, N. Y., favoring a national prohibition amendment to the Constitution of the United States of America; to the Committee on the Judiciary.

Also, petition of Elmira District Council, United Brotherhood of Carpenters and Joiners of America, of Elmira, N. Y., Mr. R. T. Moss, secretary, favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. RIVERA: Petition of citizens of Porto Rico for prohibition; to the Committee on the Judiciary.

By Mr. ROGERS: Petitions of Lowell Christian Endeavor Union, of Lowell, Mass., and M. B. Thompson, of Lowell, praying for prohibition; to the Committee on the Judiciary.

By Mr. ROBERTS of Massachusetts: Papers to accompany House bill for relief of Frederick N. Hunt; to the Committee on Pensions.

By Mr. ROWE: Memorial of members of the Holy Name Society of the Church of Our Lady of Good Counsel, indorsing House bill 6468, to amend postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of M. K. Morrissey, of Brooklyn, N. Y., opposing prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of John B. Sullivan, of Brooklyn, N. Y., indorsing House bill 7625; to the Committee on Reform in the Civil Service.

Also, memorial of mining department of the American Federation of Labor; Upholsterers & Trimmers International Union, of New York; and building trades department, American Federation of Labor, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of Annie L. McDowell, of Brooklyn, N. Y., and meeting of 30 people of sixth congressional district of New York, by Mrs. E. C. Ched, chairman, opposing any unusual war preparations; to the Committee on Military Affairs.

Also, petition of Teresa L. Le Menkrauss, of Brooklyn, N. Y., favoring Senator Gore's resolution in re travel on armed foreign vessels; to the Committee on Foreign Affairs.

Also, petition of N. V. Ketchum, of New York, indorsing the President's stand on travel on foreign vessels; to the Committee on Foreign Affairs.

By Mr. ROUSE: Petition of citizens of Covington, Ky., for national defense; to the Committee on Military Affairs.

By Mr. SIMS: Petition of citizens of Big Sandy, Tenn., in favor of national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. SNELL: Resolution of Joel Lodge, No. 118, I. O. B. B., of Plattsburg, N. Y., protesting against the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. STINESS: Petitions of 30 people of Washington; 40 people of Washington; 50 people of Providence; 850 people of Providence; 145 people of Providence; 40 people of Providence; 32 people of Providence; 200 people of Kingston; 50 people of Rockville; Second Seventh-Day Baptist, of Hopkinton; First Presbyterian Church, of Providence; 193 people of Apponany; Phoenix Baptist Church, of Phoenix, all in the State of Rhode Island, in favor of national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, petition of Charles E. Irving and Mrs. Margaret J. Irving, S. V. C., of Providence, R. I., indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Methodist Episcopal Church of Centerville, R. I., and Paucatucket Seventh Day Baptist Church, of Westerly, R. I., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SWITZER: Petition of electors and citizens of Proctorville, Ohio, and vicinity, and 49 citizens of Gallipolis, Ohio, favoring national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, petitions of citizens of Ironton; Pine Street Methodist Episcopal Sunday School, of Lawrence; and Methodist Episcopal Church of Nelsonville, all in the State of Ohio, for national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, petitions of voters of Oakhill, Ohio, and citizens of Bidwell, Ohio, favoring national prohibition amendment; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Memorial of Grange No. 244, Hereford, Colo., opposing increase of expenditures for the Army and Navy; to the Committee on Military Affairs.

Also, petition of sundry citizens of Colorado Springs, Colo., for national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, memorial of H. D. Eddy Council, Junior Order United American Mechanics, of Denver, Colo., favoring the upbuilding of a merchant marine privately owned and Government subsidized; to the Committee on the Merchant Marine and Fisheries.

By Mr. VARE: Petitions of Ontario P. C. of 350 people, of Philadelphia; Bethany Church of 250 people, of Philadelphia; Baptist Ministers' Conference, of Philadelphia and vicinity; and Lutheran Ministerial Association, of Philadelphia, all of the State of Pennsylvania, praying for national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, memorial of Philadelphia Bourse, favoring the unconditional repeal of the seaman's bill, No. 302, Sixty-third Congress; to the Committee on the Merchant Marine and Fisheries.

By Mr. WASON: Petition of Edward M. Fisher, of Henniker, N. H., favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Blanche M. Fisher, of Henniker, N. H., favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Paving Cutters' Union, Branch 3, of Milford, N. H., favoring an increase of the duty upon granite as contained in House bill 10583; to the Committee on Ways and Means.

Also, memorial of Lake Grange, No. 221, Patrons of Husbandry, of Sunapee, N. H., in favor of national prohibition; to the Committee on the Judiciary.

Also, memorial of Bear Hill Grange, No. 39, Patrons of Husbandry, of Henniker, N. H., in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of F. A. Sargent and eight other voters of Henniker, N. H., in favor of Nation-wide prohibition; to the Committee on the Judiciary.

Also, petition of Agnes G. Sargent and 7 others, of Henniker, N. H., in favor of Nation-wide prohibition; to the Committee on the Judiciary.

Also, memorial of Journeymen Barbers' International Union of America, Local No. 82, of Concord, N. H., favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

SENATE.

MONDAY, *February 28, 1916.*

(Legislative day of Friday, February 25, 1916.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hitchcock	Norris	Smith, Ga.
Beckham	Hollis	O'Gorman	Smith, S. C.
Borah	Husting	Overman	Smoot
Brandegee	James	Page	Sterling
Catron	Johnson, Me.	Phelan	Stone
Chamberlain	Johnson, S. Dak.	Pittman	Sutherland
Chilton	Jones	Poindexter	Swanson
Clark, Wyo.	Kern	Pomerene	Thomas
Clarke, Ark.	Lane	Ransdell	Tillman
Colt	Lee, Md.	Reed	Townsend
Culberson	Lippitt	Robinson	Underwood
Cummins	Lodge	Shafroth	Vardaman
Dillingham	McCumber	Sheppard	Wadsworth
du Pont	Martin, Va.	Sherman	Walsh
Fletcher	Martine, N. J.	Shields	Warren
Gallinger	Myers	Simmons	Williams
Hardwick	Nelson	Smith, Ariz.	Works

Mr. PITTMAN. I have been requested to announce that the Senator from Arizona [Mr. ASHURST], the Senator from North Dakota [Mr. GRONNA], the Senator from Minnesota [Mr. CLAPP], the Senator from Kansas [Mr. CURTIS], and the Senator from Oklahoma [Mr. OWEN] are engaged in very important matters pending in the Committee on Indian Affairs, but that if their presence is necessary for a quorum they will come here.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired with the Senator from Maine [Mr. BURLEIGH]. This announcement will stand for the day.

Mr. CHILTON. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

The VICE PRESIDENT. Sixty-eight Senators have answered to the roll call. There is a quorum present. The Senate resumes the consideration of the unfinished business.

EXPORT OF STEEL FOR WAR PURPOSES.

Mr. TILLMAN. Mr. President, I have nothing to say upon the water-power bill; all I want to do is to get it out of the way, but I have been waiting two or three days now to get into the RECORD a letter I received recently. I think it is of sufficient importance to ask that it be read for the information of the Senate. I make that request.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will read.

The Secretary read as follows:

103 PARK AVENUE,
New York City, February 25, 1916.

DEAR SIR: I call your attention to the fact that there should immediately be appointed a commission to sit in New York and at other points to hear the views of small manufacturers.

One of them was in my office to-day. Have been negotiating with him about a boiler for some time. But he can't get the material, and he has the only type of boiler that suits my purposes. He says the material has advanced in price from 200 to 300 per cent; that he can not get deliveries made for nine months—and people get tired of waiting; that he might as well shut up shop till the war is over; that things are getting worse; that all the steel is going to Europe for war purposes; and that nobody can get any here, except what little is left over. He says that things are in a very rotten condition.

Somebody ought to take action on this and investigate it. It is a most important thing. The prosperity of the country depends on the great mass of little business houses and they are simply being stifled.

Our local trade in the iron industry will be scotched and foreign trade will be worse than ever by the close of the war if this situation continues, and home demands should come first. This is much more important than the question of saving the lives of fools on belligerent ships. In 9 cases in 10 they ought to be killed for being fools; I have no regard for a fool, whether on land or on the sea. I think any sensible man ought to be allowed to shoot a fool on sight—as

the world is too full of them anyway. Osler has never expressed his opinion on this, but I am giving you mine.

I hope you will act on the suggestion.

Yours, truly, D. F. PENINGTON, M. D.

DEVELOPMENT OF WATER POWER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from Colorado [Mr. SHAFROTH].

Mr. NELSON. I understand the Senator from Tennessee [Mr. SHIELDS] has a substitute for that amendment.

Mr. SHIELDS. After considering the matter I wish to submit an amendment.

The VICE PRESIDENT. It is proposed as a substitute for the pending amendment?

Mr. SHIELDS. It is.

Mr. POINDEXTER. It is a substitute for the amendment of the Senator from Colorado?

Mr. SHIELDS. It is.

The VICE PRESIDENT. It will be read.

The SECRETARY. Strike out all in line 23 after the word "war," including the semicolon, and all of lines 24, 25, and 26, on page 6, and insert in lieu of the same the following:

And in valuing the land for this purpose he shall be governed by the laws of the State wherein the land is situated applicable to condemnation proceedings in the exercise of the power of eminent domain to appropriate property privately owned to a public purpose.

The VICE PRESIDENT. The Chair is compelled to state that the amendment of the Senator from Colorado, unless withdrawn, is first in order, for the reason that it proposes to perfect the part which the amendment now seeks to strike out.

Mr. SHAFROTH. I should like to look at the amendment of the Senator from Tennessee, and then I can see whether I shall withdraw my amendment, if the Senate will indulge me for a minute. [After a pause.] It seems to me that this amendment covers the situation I have been claiming, that the right of the Government in valuing the lands should prevail, and therefore I am willing to withdraw the amendment which I have offered.

The VICE PRESIDENT. Then the question is on the amendment of the Senator from Tennessee [Mr. SHIELDS].

Mr. CUMMINS. I offer the following as a substitute for the amendment offered by the Senator from Tennessee.

The VICE PRESIDENT. It will be read.

The SECRETARY. Strike out all after the word "value," in line 22 on page 26, to and including the word "grantee," in line 26, page 6, and in lieu thereof insert, following the word "value":

As may be fixed by the Secretary of War; in ascertaining the value of the land the Secretary of War shall be governed by the rules of the law in force in the State or Territory in which it is situated, applicable to proceedings wherein private property is sought to be taken for a public use.

Mr. CUMMINS. Mr. President, I will state wherein the essential difference between the amendment I have offered and the amendment of the Senator from Tennessee lies. First, my amendment strikes out the words "as land" and gets rid of the inference many people have drawn from the use of that term or those words; and it refers the Secretary of War to the laws of the State or Territory in which the land is situated. I may be wrong, but it seems to me that the Secretary of War, in ascertaining the rule that he is to apply, must go to the laws of some State. The United States has no law upon that subject, and the amendment of the Senator from Tennessee would leave the Secretary of War without guidance in that respect.

Then a word with regard to the words "as land"——

Mr. SHIELDS. Mr. President, I think I can obviate some discussion if the Senator will allow me to make a statement.

Mr. CUMMINS. I yield, of course, if it would obviate any argument upon it.

Mr. SHIELDS. I have read the Senator's amendment, and I can see that there is no difference between the Senator's amendment and the one the committee has offered. His amendment requires the Secretary of War to fix charges according to the value of the property, and the bill as it now stands taken as amended by the committee amendment means the same thing. The Senator merely strikes out the word "land" and says the charges shall be fixed according to its value. For the committee I am willing to strike out the word "land" and thus accept the Senator's amendment. I will not be captious about a word when the two amendments mean the same thing. I am very anxious to make some progress with the bill.

Mr. CUMMINS. Very well, if the Senator from Tennessee accepts the amendment.

The VICE PRESIDENT. The Chair understands the Senator from Tennessee withdraws his amendment.

Mr. SHIELDS. And accepts that of the Senator from Iowa.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa.

Mr. SHAFROTH. Mr. President, I wish to look at the amendment first. We have spent a good deal of time on it. I should like to have the Senator from Iowa explain the difference between his amendment and the amendment offered by the Senator from Tennessee.

Mr. CUMMINS. There are just two differences. The amendment of the Senator from Tennessee preserves the words "as land," so that the law would read, if this amendment were adopted and the bill passed:

The grantee shall pay to the United States such reasonable charges, based upon its value as land, as may be fixed by the Secretary of War.

The amendment I have offered would read:

The grantee shall pay to the United States such reasonable charges based upon its value—

That is, the land that is proposed to be taken—

as may be fixed by the Secretary of War.

It then proceeds to lay down the rule by which the Secretary of War is to be controlled in fixing the value of the land, namely the rule of law applicable to the taking of private property for public use in the State or Territory in which the land is situated.

Mr. SHAFROTH. Now, I should like the Senator from Iowa to state wherein his amendment differs from the amendment offered by the Senator from Tennessee [Mr. SHIELDS].

Mr. CUMMINS. I have just stated the difference.

Mr. SHAFROTH. I have been trying to read the language, and have not been able to catch all that the Senator has stated.

Mr. CUMMINS. The amendment which I have offered omits the words "as land" and inserts the provision that in ascertaining the value of the land the rule of law applicable shall be the rule in the State or Territory in which the land is situated. I have omitted the words "as land" because they can serve no useful purpose and would confuse the Secretary of War in the performance of his duty. He will have certain land before him which the grantee desires to take; it will be his duty to ascertain the value of that land; and in my amendment I have laid down the rule by which he is to do it.

Mr. NELSON. Mr. President, I wish to say to the Senator from Colorado that the legal effect of the two amendments is identical. If the Senator from Colorado is in favor of the Shields amendment, he has no reason to have any scruples about adopting the amendment proposed by the Senator from Iowa, their legal effect being, as I have stated, identical.

Mr. SHAFROTH. I will say to the Senator from Tennessee that the only difficulty in my mind was whether or not the effect was identical; and, inasmuch as I had never seen the amendment which has been offered, I thought it would be well to look at it carefully. If the Senator from Tennessee is thoroughly convinced that the rights under this amendment proposed by the Senator from Iowa are identical with the rights under his amendment, I shall have no objection to it.

Mr. SHIELDS. I do think they are the same. I think the amendment proposed by me is more precise and clear and conforms better with the general frame of the bill; but, as I said awhile ago, I am not going to be captious about whose words are used in the bill when the same object is accomplished.

Mr. McCUMBER. Mr. President, if the legal effect of the two amendments be exactly the same, I confess I can scarcely see the object of the substitute for the amendment of the Senator from Tennessee. I want to ask the Senator from Iowa if there would not be in reality a little difference in the effect? Under the proposition that the value of the land must be fixed merely as its value as land, would not that practically mean land used for agricultural purposes only? On the other hand, if we are to simply seek the value of the land, may not the Secretary of War determine that the value is such as that land would have if it were sold for the specific purpose of building a dam, and might it not, therefore, if it happened to be the only spot in the vicinity in which a dam could be constructed, be far more valuable—that is, if put up to the highest bidder, where there would be a contest for it, would it not bring a price perhaps a hundred times as high as it would for mere agricultural purposes—and would not that be the real effect of the amendment?

Mr. CUMMINS. Mr. President, no one can be absolutely certain with regard to the interpretation which a judge will put

upon any given language. I think it is more than probable that the Senator from Minnesota [Mr. NELSON] is right in saying that a judge would construe these two amendments as having the same legal effect; but there is in the amendment offered by the Senator from Tennessee [Mr. SHIELDS] an opportunity for a judge to do precisely what the Senator from North Dakota [Mr. MCCUMBER] has suggested. I do not want the value of the land to be fixed with reference to its agricultural purpose only. I think that if one owns land which is suitable for an improvement of this sort its value must be determined, not only with reference to its agricultural worth but its suitability for any purpose to which it can be put. If my amendment be adopted—and I am glad that the Senator from Tennessee has accepted it—there would be no doubt whatsoever with regard to that result.

Mr. MCCUMBER. Mr. President, I want to say to the Senator from Iowa that I entirely agree with him on that point, and that I also agree with him upon the proposition that the agricultural value of the land ought not to be the basis of its valuation, but I think that his amendment is in legal effect broader than the amendment heretofore offered.

Mr. JONES. Mr. President, I want to suggest to the Senator from North Dakota that when the Senator from Minnesota said that the two amendments had the same legal effect he did not refer to the language in the bill as it is now, but meant that the amendment offered by the Senator from Iowa had the same legal effect as the amendment proposed by the Senator from Tennessee.

Mr. CUMMINS. Mr. President, I do not want to be misunderstood. I was directing my remarks to a comparison between the amendment offered by the Senator from Tennessee and the amendment which I have offered. The amendment offered by the Senator from Tennessee preserves the language of the bill in so far as to include the words "as land," but my amendment does not include these words.

Mr. SHIELDS. I think both amendments mean the same thing, and I accepted the amendment proposed by the Senator from Iowa on that ground; but if the discussion is to go on I might as well not have accepted it.

Mr. NORRIS. Mr. President, we have made more real progress this morning than we have made at any time during the discussion of this bill. I want to congratulate the Senator from Tennessee and those who opposed and voted against the amendment of the Senator from Montana [Mr. WALSH] to strike out the words "as land," and those who opposed the amendment which I offered the next day, wherein I undertook to strike out the proposition that the benefits to navigation should be considered, because, in my judgment, the Senator from Tennessee has now come to just where we would have been if we had adopted the amendment proposed by the Senator from Montana and my amendment. The Senator from Tennessee has offered an amendment to strike out the same language which I undertook to strike out, and which, to my mind, is exceedingly objectionable; and even though those of us who favored that amendment failed to convince the Senate, I am glad that the Senator from Tennessee has finally been won over, and through him, of course, we shall get the Senate.

The same thing might be said about the amendment proposed by the Senator from Montana. The amendment of the Senator from Iowa proposes to strike out the language which the Senator from Montana undertook to have stricken out, and also the language which I undertook to have stricken out, and leaves the rule of damages where it would be if there were no provision whatever made in regard to it. So, while the Senator from Tennessee thinks that there is no difference, in my judgment the amendment proposed by the Senator from Iowa accomplishes what a few of us have been laboring for a week to accomplish, and which the Senator so bitterly opposed.

Mr. SHIELDS. Mr. President, am I to understand that the Senator from Nebraska is satisfied with this amendment?

Mr. NORRIS. The Senator from Nebraska is going to vote for the amendment. He thinks it accomplishes the same thing, in one stroke and in a few minutes, that the Senator from Montana and himself spent a week trying to accomplish but had failed.

Mr. SHIELDS. Then, I hope that we may have a vote on it, if there is no opposition.

Mr. NORRIS. I think so. If I am not interrupted I shall not take much of the time of the Senate.

The Senator from Montana undertook to strike out of the bill the rule that would require the Secretary of War in putting a value upon land of the United States which might be taken to value that land as land. After we had failed in that I undertook to strike out the proposition that compelled the Secretary to offset against what little value he might put on the land according to its worth for the purpose of raising corn or beans the benefit that might accrue to navigation. Now we have agreed to strike all that out and insert a rule that would be the law if a proceeding to condemn this property went into court anywhere. In other words, the amendment of the Senator from Tennessee as he offered it this morning would, in my judgment, have the effect, so far as it goes, of striking out the objectionable words which I tried to strike out on Saturday; but the amendment submitted by the Senator from Iowa and accepted by the Senator from Tennessee strikes out, in addition to those words, the words which the Senator from Montana undertook to strike out.

If the amendment of the Senator from Tennessee were adopted, it would eliminate the requirement which compels the Secretary to offset against the value of the land the benefits to navigation; but if there were taken any land of the United States which had any improvements on it, such as trees used for park purposes or public buildings used for post offices or United States courts, or anything of that kind, there would be no allowance made for the value of the buildings. As modified by the amendment of the Senator from Iowa, we will get the value of the property taken, including buildings and all other improvements, whatever it may be. That, in my judgment, is right and what we have been trying to get, lo, these many days, and I am delighted to know that we have finally converted our opponents to an agreement on such a fair basis.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Iowa [Mr. CUMMINS].

The amendment was agreed to.

Mr. WALSH. Mr. President, the next amendment which I have to offer is complementary to the one last offered by me and adopted. That amendment made the permit begin to run from the date of the permit, instead of from the time of the completion of the work. After the word "grantee," in line 21, on page 9, I move to insert the words "either before or after the lapse of the period of the permit."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 9, line 21, after the word "grantee," it is proposed to insert the words "either before or after the lapse of the period of the permit."

Mr. WALSH. Mr. President, I imagine there will be no objection to that amendment. The language as it reads would seem to imply that the notice would not be proper until after the lapse of the full period of 50 years.

The VICE PRESIDENT. The question is on the amendment of the Senator from Montana.

Mr. SMOOT. Just a moment, Mr. President.

Mr. SHIELDS. Mr. President, I desire time to examine the amendment. It has not been printed.

Mr. WALSH. I should like to suggest to the Senator from Tennessee that, in my judgment, one year is really not quite fair to the permittee. I would make that two years. It seems to me that he ought to have more than a year's notice of the purpose to take over the plant. I merely offer that as a suggestion.

Mr. SMITH of Arizona. Does the Senator mean that the Government can take the plant over at any time during the 50-year period?

Mr. WALSH. No; but after the lapse of 49 years the Government could then give notice that it would take the plant over at the end of the period.

Mr. SHAFROTH. Mr. President, do I understand that the amendment of the Senator will make the section read as follows:

SEC. 6. That at any time after the expiration of said 50 years the United States may terminate the rights hereunder granted upon the giving to the grantee either before or after the lapse of the period of the permit of one year's notice in writing of such termination, and upon the taking over by the United States of all the property of the grantee dependent in whole or in part for its usefulness upon the rights hereunder granted.

Mr. WALSH. Yes, sir; that is to say, at the end of 49 years the Government may give notice that it will take over the plant.

Mr. SHAFROTH. Do I understand that the Government of the United States, under this amendment of the Senator, can not touch the leasehold estate during the period of 50 years?

Mr. WALSH. It can not cut it short.

Mr. SHAFROTH. It can not touch that at all, but can give notice that it will take it over?

Mr. WALSH. Exactly.

Mr. SHAFROTH. Before the expiration of that time, if it so desires?

Mr. WALSH. It can give notice before its expiration that it will take it over promptly on the expiration of the 50-year period.

Mr. SHIELDS. Mr. President, the bill reported by the Committee on Public Lands provides:

That upon not less than three years' notice the United States shall have the right, upon the expiration of any lease, to take over the properties of the lessee.

This bill provides that upon one year's notice the Government might take such action. The amendment of the Senator from Montana is to the effect that that one year's notice may be given before the expiration of the 50-year lease, which, taking it without any further modification, would merely have the effect of shortening the term one year. That is all the effect it would have. If the notice is extended to two years, as suggested by the Senator from Montana, it would have no effect whatever upon the matter; and for that reason it does seem to me that the Senator is a little captious in his amendment; but I am willing to accept his amendment, if the three-year limit can be put in, just as in the bill reported by the Committee on Public Lands, which the Senator favors.

Mr. WALSH. I quite agree to that.

Mr. SHIELDS. Then, I suggest that the Senator so modify his amendment, and I will accept it.

Mr. WALSH. I do not quite think that the comment of the Senator upon my amendment is what it deserves. I do not think it is captious.

Mr. SHIELDS. I did not mean to give the Senator any offense.

Mr. WALSH. Moreover, Mr. President, I have not attempted to change the one-year provision. That is the committee's proposition and not mine. I took the precaution to say that I did not think that was enough, but that the permittee ought to have at least two years, and I am quite willing that he should have three years.

Mr. SHIELDS. Certainly I meant no reflection upon the Senator, but I was calling attention to the fact that the amendment suggested by him would absolutely make no change in the length of the permit. Now, I understand the Senator to agree to modify his amendment so as to make it three years.

Mr. WALSH. No; that is not my amendment at all. I am willing to agree to three years. If the Senator from Tennessee suggests three years, I should say "yes."

Mr. SHIELDS. I suggest three years.

Mr. WALSH. Very well; I agree to that.

Mr. SMOOT. Mr. President, I want to call the attention of the Senator from Tennessee to the fact that if this were made three years instead of one year, then it would really shorten the period of the lease three years.

Mr. WALSH. Not at all. At the end of 47 years the Government will give three years' notice to the effect that at the end of 50 years it will take the plant over.

Mr. SMOOT. I had not concluded what I was going to say.

Mr. WALSH. Excuse me.

Mr. SMOOT. If I had, I think the Senator would have understood my point better. I say, without the amendment of the Senator from Montana, of course; and if it were changed to one year, then, of course, it would shorten the period three years, because of the fact that if the amendment of the Senator were adopted it would take three years after the full period of 50 years had elapsed before the Government could take over the property. But with the Senator's amendment, and also the one suggested by the Senator from Tennessee, it would make no difference, in my opinion, whether it were one or three years.

The VICE PRESIDENT. The question is on the amendment of the Senator from Montana.

Mr. SHAFROTH. I should like to have it stated, because I do not clearly understand the amendment as it is now before the Senate.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 9, line 21, after the word "grantee," it is proposed to insert a comma and the following words:

Either before or after the lapse of the period of the permit.

Also, in line 21, it is proposed to strike out "one year's" and in lieu thereof to insert "three years'."

Mr. NORRIS. Mr. President, I suppose we are entitled to have the amendment divided, and I should like very much to have that done. There are really two amendments in one there. I should like to vote on them separately.

The VICE PRESIDENT. That is a right which the Senator has.

Mr. SMITH of Arizona. That is very important.

Mr. NORRIS. Yes; it is very important.

Mr. SMITH of Arizona. I mean it.

Mr. NORRIS. I should like to inquire of the Senator from Tennessee whether he has any objection to the amendment offered by the Senator from Montana.

Mr. SHIELDS. I have already stated that.

Mr. NORRIS. I will say to the Senator that the talk over there was really a conversation, and there was so much confusion that we could not hear it over here.

Mr. SHIELDS. With the modification that three years' notice shall be given, I have accepted it.

The VICE PRESIDENT. The question, then, is on the first part of the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The question now is on the second part of the amendment, to strike out "one" and insert "three."

Mr. POINDEXTER. Mr. President, I move to insert "two" instead of "three."

Mr. SHIELDS. The amendment is accepted.

The VICE PRESIDENT. The question is on the amendment of the Senator from Washington, to strike out "one" and insert "two."

The amendment was agreed to.

Mr. HUSTING. Mr. President, I move to strike out all after the enacting clause and insert as a substitute for the pending bill the matter which I send to the desk. I ask to have it printed and lie over.

The VICE PRESIDENT. The Senator from Wisconsin offers a substitute for the entire bill, which will be printed and lie over.

Mr. WALSH. Mr. President, we have now arrived at section 6, which is beyond doubt the most important section in the bill. It presents one of two debated and debatable fundamental questions involved in this bill. Section 6 deals with the recapture of the property by the Government at the expiration of the period of the franchise. I send to the desk an amendment to that section, the language offered to be incorporated at the end of the section.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add, at the end of section 6, to come on page 10, line 23, after the word "granted," the following words: ", nor for the diversion or generating works or appurtenances or the land on which the same may be situated, beyond the cost of the same, with all proper deductions for depreciation; nor shall more than the cost be claimed or allowed for any water rights or rights of way used in connection with the property to be acquired."

Mr. WALSH. Mr. President, in the course of a colloquy some days ago between the Senator from Iowa [Mr. KENYON] and the Senator from Washington [Mr. JONES], a member of the committee which reported the bill under consideration, the latter declared that the permit or franchise, for the granting of which it makes provision, is practically perpetual; that though it nominally extends over a period of 50 years only, when, under the bill, the Government may take over the plant through which the privilege is exercised, with its appurtenances, the conditions attending the recapture, if that term may be used, are so burdensome as to make it unlikely that the right will ever be availed of. First among the conditions imposed is that the fair value of the plant at the time it is taken over, which will not be less than 50 years hence, shall be paid. The Senator finds no reason to object to the burdensome terms, for he frankly admits that in his own view the permit ought to be perpetual. It is a fair statement, accordingly, that in the opinion of one of the Senators who stands as sponsors for this bill, in the feature to which reference is made, "it holds the word of promise to the ear to break it to the hope."

Mr. President, I know the exalted character of the purpose actuating Senators who champion this measure, and particularly of the Senator from Washington, to whose views I have ventured to refer, and the Senator from Tennessee, who speaks for the committee. To what extent the latter shares the views of the former that these grants ought to be perpetual I do not know.

The Senator from Washington argues that as the rates and service of the permittees are subject to regulation by either State or National authority, it is of no consequence how long the permit may run; in no case, he urges, can unreasonable or exorbitant charges be made without correction. But no answer has been made to the contention that permittees who use the power they develop, who do not become venders and distributors of power, who are not municipal bodies or subdivisions or public-utility corporations are not subject to regulation. Unquestionably permits will be taken out by manufacturers who will utilize the energy developed in adjacent works owned by them for the fixation of nitrogen, for the production of calcium carbide,

for electrical smelting, for the operation of flour mills, pulp and paper, for the thousand and one purposes to which hydroelectric power is put in industry or will be put in the next half century. It is not contemplated by the bill that the price of the products so brought into being shall be subject to regulation of any kind. Indeed the bill expressly provides that when the power is to be employed for public-utility purposes, the permit can issue only to a municipality or a municipal subdivision or a corporation, subject to regulation in respect to the prices it shall charge. It is necessarily implied that permits shall issue when the power is to be put to private use to persons or corporations who will be subject in the conduct of their business, so far as prices are concerned, to no governmental control whatever. It is quite obvious from comment frequently made by the Senator from Tennessee that he, too, has been oblivious of this condition. In connection with a feature lately under consideration he argued that a monopoly—at least within a limited area, a "region"—was not to be dreaded since it was to be a regulated monopoly.

But even in the case of such of the power as is to be devoted to public-utility purposes the permits under which it is developed ought to be limited and not perpetual. The regulatory machinery of the States can not be said to be working with accuracy approaching perfection. It will be a difficult if not an impossible task to regulate prices so as to do equal and exact justice as between hydroelectric power and steam power competing in the same territory, and between rival water-power plants serving the same communities.

Notwithstanding public utilities serving cities are subject to regulation, municipalities are showing an increasing disposition to acquire and operate their own plants. Who will dare say that 50 years hence it will not be the common conviction of our people that municipal ownership is the true solution of the problem of furnishing water, light, heat, and power to the denizens of our cities and of transportation within them? Mr. President, I can not believe that the committee could have given to this subject the serious consideration to which its vast importance entitles it if its members quit the consideration of this bill with the conviction that the rights in the public to take over eventually the business that should be developed upon the franchise acquired from the public as its basis is of minor or trivial value.

Who is there with vision broad enough, with a prescience sufficiently penetrating, to measure the value that these resources will have 50 years hence?

Dismiss for the moment all thought of the use of the power except for industrial purposes and direct your minds to such as will then be utilized for private purposes, subject to no regulation in respect to the price at which the commodities produced through its agency may be sold. Look backward a half century to the year after the Civil War. Survey the progress of the world industrially since that time. Give rise to your imagination in an effort to comprehend the stage at which industrial development will have arrived 50 years hence, and then try to form some feeble notion of the value of the heritage you may leave to your children and your children's children in these exhaustless sources of power.

The States of Washington and Montana are exceptionally favored by nature in respect to opportunities for the development of hydroelectric power. Sites on which may be produced one-third of all the water power that can be generated by the falling water within continental United States are found within the two States named and the two neighboring States of Oregon and Idaho. Development has proceeded in that region with a rapidity unequaled in any part of the Union, barring California. Montana enjoys the distinction of having more developed water power per capita than any other State in this country and perhaps more than any nation, and there are sites yet available in that State over which the Federal Government may exercise control, in connection with which power may be generated to the amount of ten times the capacity of the plants in operation. Why should we pass those sites in perpetuity to private corporate interests or burden the recall of the permit to occupy them with conditions so onerous as to make it impossible to exercise the privilege?

Many there are who would prefer to see these sites developed and utilized as Government projects. It is idle to canvass at this time the wisdom of such a policy. The public mind is not open to such a purpose, the public purse is not equal to it, the business capacity of governmental agencies is not yet sufficiently developed to warrant entering upon it. But who shall say that 50 years hence States, counties, cities, irrigation districts may not be eager to secure many of the sites we propose now to pass into private ownership upon terms which, to say the least, offer very little inducement to the public to take them over? We tender them now by the bill under consideration to political subdivisions, imagining that some of them may care to avail themselves of the privilege extended. It is advanced as a special merit in the bill that it gives a preference to such applicants. Let us so write this bill that 50 years hence they may have another chance. As a contribution toward perfecting the bill in that respect, I tender the amendment read.

What does it mean, Mr. President? The bill provides that 50 years hence the Government, the State, the county, the city, or any other local authority so authorized by the Government of the United States may take over the property, paying the fair value of the same, but no value being allowed for the rights hereunder granted. What are the rights hereunder granted? The right hereunder granted is to occupy the navigable stream, and, if necessary, to occupy public lands in connection with this property. Nothing shall be allowed for them. But project yourselves 50 years forward, and the question arises as to what the State will have to pay if it desires to take over one of these properties; as to what a city will be obliged to pay if it wants to take over one of these properties. It must pay what is then the fair value.

Take the very land upon which the dam is erected upon both sides of the stream. That land will be valued according to its then value as a site for the erection of a power plant. In the meantime enormous cities will be built up about these plants. The property has no value whatever except as a dam site, and it has that value simply in connection with the use of the privilege that is to be exercised there.

Mr. President, I say you can not, as a practical proposition, sever from the value of that site the right which is granted by this bill to put the dam across the stream and to divert the waters for the purpose of developing power. Therefore you must not give to the power company the right to have the then value of that property as it shall be determined in the midst of conditions as they shall be 50 years hence. If you give these people the money that they put into it, give them back every dollar that they put in, what more can they ask, so far as the particular property is concerned that is acquired and developed in connection with the permit that you give them?

Of course, if the power company should go into a distant city and acquire a piece of property there, upon which they erected a public building six, seven, or eight stories in height, and occupied a portion of it, I should not say that they were not entitled to the benefit of their foresight and sagacity, and that they ought not to have the fair value of that property as it shall be 50 years hence. But you are going to permit the company to recover the value of the right that you grant them, if you give them the right to have the value as it then exists of the dam and the land upon both sides of the stream upon which the dam rests.

I submit that they get all they are entitled to if they get back the money that they actually put into it. Therefore my amendment provides that they shall get back every dollar that they put into the dam, every dollar they put into the land upon which the dam rests, every dollar that they put into their diversion works, every dollar they put into their distribution plant, but nothing more. The balance of it acquired its additional value by virtue of the right that we granted to them, and they ought not to have it back.

So, Mr. President, when they condemn public land for a right of way—take a transmission line, for instance; think of it, Mr. President—they come to the office of the Secretary of the Interior here, for instance, and get a right to occupy a portion of the public domain with their transmission line. Should they not have anything back for that? They go into the courts and exercise the right of eminent domain, and they are obliged to pay $10,000 for a right of way for their transmission line. When they take it over they ought to get that $10,000 back, but should they get the value of that right of way as it shall have accumulated in value after the lapse of 50 years and by the development of the country all around by the genius and enterprise of the men who built it up?

I insist that that is wrong. Whenever they seize hold of the governmental power in order to enable them to occupy any land they ought to be glad at the end of the 50 years' period to turn over that land, getting back every dollar that they put into it.

I do not believe, Mr. President, that we ought to encumber the privileges provided in the bill, and as a contribution at least toward making it a workable proposition I offer this amendment.

Mr. SHIELDS. Mr. President, I have not had an opportunity to examine the amendment since the Senator from Montana offered it. I have a distinct recollection that when the Senator from Washington [Mr. JONES] said that the bill practically gave a perpetual franchise I differed with him. I think it is a permit for 50 years which I favor and intended

to so provide. I do it not from my personal knowledge of power development, but because that seems to be agreed upon by the companies who desire to make such developments, hydraulic and electric engineers, and investors who have testified upon the subject, and by the public officials who have made reports and also testified before committees concerning the matter. They all seem to be of the opinion that a 50-year period is fair to the company making the development and to the consumers, and I adopt their views. The bill is written with the intent of ending the permit at the end of 50 years, or such time as the Government may take it over, because the United States may not be prepared or desire to take it over at the expiration of the term. It may do so for 10 years after the permit expires, and, of course, the plant ought to be kept in operation until it does so. It would be deplorable if the plant should be shut down at the end of the permit, and all the manufacturing establishments built up around it and supplied with power by it would also have to shut down, which would be the case if there were not some provision for continuing it until it is taken over by the Government. I shall discuss those provisions at another time.

I understood the amendment offered by the Senator from Montana to relate to the value of the property or the compensation which should be paid to the company constructing the improvement at the time it is taken over. I do not altogether understand that the amendment goes as far as the position assumed by the Senator in his argument. There was some confusion in the Chamber and I could not gather his position as accurately as I would desire. The amendment has not been printed, having been just offered. The Senator says it is the most vital amendment that has been presented to the bill. I therefore ask that it go over and be printed, to be considered after we have had an opportunity to examine it.

Mr. JONES. Mr. President, just in this connection I wish to say a word. It is clear to my mind, as I said the other day, that this is practically a perpetual franchise. I said it is so for all practical purposes. I did not base that upon the burdens placed upon it, but upon what the United States would have to do in order to take it over, because it must be noted that this section simply provides for taking over by the United States or a State. The section says if "at any time after the expiration," and so forth, and the giving "of one year's notice * * * upon the taking over by the United States of all the property of the grantee dependent in whole or in part," there shall be paid a certain amount and certain contracts, and so forth, assumed. I do not believe that if a great dam is constructed and power works developed and transmission lines put in and manufacturing of all sorts established the United States will want to take it over, because if it does it has to assume the contracts, it has to carry them out, it has to go into the business, and until the United States is ready to do that it is not going to terminate the permits and take over the works.

This was the reason why I said that for practical purposes I thought this was a perpetual franchise. Of course, by the terms of the bill it can be terminated in 50 years by the United States, but I can hardly conceive of a case where the United States will want to take these things over and assume these contracts and carry them out.

It was simply on that basis I made the statement that I thought it was practically a perpetual franchise, not because of the burden imposed in the payment of costs for the work but because of the burden that would come from the character of business developed and the difficulty of the United States in carrying on that business. That was all I meant by that statement.

I have no objection to the amendment being passed over.

Mr. MARTINE of New Jersey. Mr. President, my State is not directly affected in any way by this proposition, but the husbanding of these great resources of our country has been a very serious proposition in our land and it has been a particularly interesting proposition to me. I have given it very much attention during many years of my life. I have taken no part in this discussion, for I felt that it was most admirably taken care of and I could add little or nothing to it.

Personally I am in favor of settling all these controversies that, it seems to me, must forever arise as to the difference in prices that may occur in the development of water power or horsepower between one place and another, the differences that exist because of one having greater advantage than the other, and the efforts of utility commissions to harmonize them. My solution of this trouble is Government ownership, the Government construction of all the plants to aggregate and concentrate this power. I believe that not only with reference to water power, but I have believed it with reference to some of the other great utilities of our country. However, I realize that to urge it is almost to urge a heresy. It may be that the sentiments suggested by the Senator from Montana are utterly true under the conditions to-day. Mayhap the people of this country are not ready to go into this enterprise.

The argument, on the other hand, insisted upon by the proponents of this bill is that, if this action is not taken, water power will be going on as it has for a million years past, and it will be an absolute waste. We are not a Nation of people for to-day or for a hundred years. Better let it go to waste for a hundred years than to have it come in the grasp of a few cormorants, and thus shut out the future rights and privileges of the people.

I am earnestly in favor of Government construction and Government control of these great utilities as well as many others, but I shall not press that thought now. I am earnestly in favor of guarding and safeguarding and curtailing this great power in the hands of private corporations, and hence with all the earnestness of my nature I am advocating and standing by the propositions that have been made by the Senator from Montana, believing that that will, as near as we can just now, accomplish the results which we desired.

I hold in my hand a copy of the New York American dated Saturday last, which contains an article to which I desire to call attention. I imagine some will question it when I state the author. The author is Gifford Pinchot. It is on this very subject, setting forth, I think, in strong terms a sensible argument why it is wise that this bill should be defeated and the whole project end rather than have this great power so tied up in the grasp of private companies as to make it impossible for us in future years to utilize it.

I ask in connection with my remarks that this article of Gifford Pinchot, February 15, 1916, be published in the RECORD.

The PRESIDING OFFICER (Mr. JOHNSON of Maine in the chair). Without objection it is so ordered.

The matter referred to is as follows:

A PROTEST AGAINST THE SHIELDS AND FERRIS BILLS.

[By Gifford Pinchot.]

MILFORD, PIKE COUNTY, PA.,
February 15, 1916.

To the EDITOR OF THE AMERICAN:

SIR: I write to ask your help to defeat a most serious attack on our public resources. Since the fight over the Alaska resources was won there has not been so pressing a threat against the conservation policy as the present effort in Congress to give our public water powers for nothing into monopolistic control.

The Shields bill, now before the Senate, gives to the power interests without compensation the use of water power on navigable streams. The amount of water power these streams will supply is larger by far than all the power of every kind now in use in the United States.

It pretends to, but does not, enable the people to take back their own property at the end of 50 years, for in order to do so under the bill the Government would have to pay the unearned increment and to take over whole lighting systems of cities and whole manufacturing plants. Private corporations are authorized to seize upon any land, private or public, they choose to condemn.

Bills which give away public-water powers without due compensation were vetoed by President Roosevelt and President Taft. The Shields bill would do precisely the same thing to-day.

Another water-power bill, the Ferris bill, relating to the public lands and national forests, was in the main a good bill as it passed the House. As reported to the Senate it encourages monopoly by permitting a corporation to take as many public water-power sites as it may please.

Under it the corporations could not even be kept from fastening upon the Grand Canyon, the greatest natural wonder on this continent. This bill takes the care of water powers on national forests from the experienced and competent Forest Service and gives it to the Interior Department, thus entailing duplication and needless expense.

In my opinion there is undue carelessness as to the disposal of public resources at present in Washington. The water-power legislation now before the Senate is too favorable to the men who, as Secretary Houston's admirable recent report shows, control through 18 corporations more than one-half of the total water power used in public service throughout the United States.

The water-power men charge that conservation hampers development. The Houston report shows, on the contrary, that the most rapid development is in the national forests, where conservation is best enforced. On the other hand, 120 public-service corporations own and are holding undeveloped and out of use an amount of water power equal to four-fifths of all there is developed and in use by all the public-service corporations in the whole United States.

As I said in an open letter of January 29 to the President:

"Natural resources lie at the foundation of all preparedness, whether for peace or for war. No plan for national defense can be effective unless it provides for adequate public control of all the raw materials out of which the defensive strength of a nation is made. Of these raw materials water power is the most essential, because without electricity generated from water power we can not manufacture nitrates, and nitrates are the basis of gunpowder. There are no great natural deposits of nitrates in the United States as there are in Chile. It would be folly to allow the public water powers, which can supply this indispensable basis of national defense to pass out of effective public control."

A concerted movement is on foot to break down the conservation policy. Feeble resistance or none at all is being made by official Washington. Unless the press and the people come to the rescue the power interests are likely to win.

This is a public matter wholly removed from political partisanship. Your help is needed, and that of your paper. For nearly 10 years this fight for the public water powers has gone on. We ought not to lose it now.

Mr. JONES. Mr. President, just in this connection I shall ask to have a letter read in the RECORD. I noticed some time ago that Mr. Pinchot had written a letter to the President protesting against not only this bill but the bill reported from the Public Land Committee. The letter purported to be written by him on behalf of the National Conservation Association. I have a great deal of admiration for Mr. Pinchot. I remember that when he was in the Forestry Service my relations with him were very pleasant and I found him very reasonable in connection with matters coming before him. I have great respect for his judgment in reference to conservation matters, although I do not agree with him in many particulars.

I will say that I did not know that there are two or three different conservation organizations. I had noticed at various times the proceedings of what I thought was the National Conservation Congress, and I supposed it was the organization Mr. Pinchot represented, and that the National Conservation Congress and the National Conservation Association are the same. I learned a short time ago that there was an executive committee of what is known as the National Conservation Congress meeting here, and I inquired of some of them whether this was the same organization as that Mr. Pinchot was purporting to speak for. I was informed that it was not. It may be I ought to have known that, but I did not; and I am satisfied a great many people of the country do not understand that the National Conservation Congress and the National Conservation Association are different organizations. A few days after that I received a letter from Mr. G. E. Condra, chairman of the executive committee of the National Conservation Congress, which I ask may be read by the Secretary.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

WASHINGTON, D. C., *February 11, 1916.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

DEAR SIR: Replying to your request for information concerning a letter which Mr. Gifford Pinchot is reported to have forwarded to his excellency, the President of the United States, and in which he is said to represent the conservation movement, including the National Conservation Congress, I will say that as chairman of the executive committee of the National Conservation Congress, I do not know of a time when we have authorized any member of our committee to write the President of our country, or to write anyone else, concerning the attitude which we assume, or should assume, in legislative matters. We are actively engaged in the practical affairs of conservation, having in view the fullest development of resources, with the minimum of wastage.

Of course you know that there are many departments of conservation and that the individual who develops his own interests to the fullest extent is practicing personal conservation. In national conservation we develop the resources for the largest public good.

There are a number of conservation organizations, both State and National. The National Association of Conservation Commissioners is an organization of men connected with State departments, engaged in work relating to State development.

The Conservation Association, of which Mr. Pinchot is president, seems to exist for the purpose of watching legislation. Just how far Mr. Pinchot has succeeded in this, and just who are members of his association, I am not in a position to state.

The National Conservation Congress is the largest organization of the kind in the country. Its membership includes many men of Federal, State, and educational departments, and representatives of the leading industries of our country. It is an open forum for the discussion of conservation problems. Its purpose is to gather accurate information concerning resources and industries, and to make such recommendations for their development as will conserve national strength and efficiency. There are a number of committees in this congress, each composed of men, or of men and women, having technical and practical knowledge. The committees prepare and present reports to the congress for open discussion. The resolutions following the reports are either passed or rejected. The results of these deliberations are printed.

The congress, as such, does not in any way assume to either further or dictate in legislative matters. This more properly belongs to the legislative departments.

We have held a meeting of the executive committee of the National Conservation Congress in Washington this week. Without opposition, the subject "Conservation of national strength and efficiency" was decided upon for the next session of the congress which is to be held here May 2, 3, and 4. It is our purpose to enlist the service of technical thought in reports which will be brought before the session. Each principal material resource is being investigated by a competent committee. More than 300 persons are working on the various committees.

The program of the congress will be forwarded your office as soon as it is received from the printers.

Assuring you that the National Conservation Congress, as now constituted, is not engaged in politics and that no one has been authorized to influence legislation, I am

Very truly, yours,

G. E. CONDRA,
Chairman Executive Committee National Conservation Congress.

Mr. JONES. Mr. President, just a word with reference to the amendment of the Senator from Montana. I have read it over hurriedly, and, while I do not say now that I am in favor of it, I will say that it seems to me it is pretty fair. I do not see anything especially wrong about it. I am sure that I do not want to impose any greater burdens on the taking over of this property than will treat those who invest their money fairly and justly.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. JONES. Certainly.

Mr. NORRIS. I wish to ask the Senator a question in regard to this letter.

Mr. JONES. All right.

Mr. WALSH. Will the Senator from Nebraska defer a moment? I should like to say to the Senator from Washington, because I know he will appreciate the point, that I do not want water rights, the right arising from the appropriation of water, to be valued upon the basis of conditions 50 years hence, but want to insure to the investor the return of whatever money he was obliged to expend to acquire such rights.

Mr. JONES. I am inclined to think so. I yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President——

Mr. SHIELDS. If the Senator from Nebraska will yield, I wish to understand the amendment before it goes over under my request.

Mr. NORRIS. I have no objection to that. I was trying to ask a question about something that was directly before the Senate and which the Senator from Washington [Mr. JONES] had read, namely, the letter.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. NORRIS. I have no objection to the amendment going over.

Mr. SHIELDS. I wish to have the order made disposing of my request.

Mr. SHAFROTH. Mr. President, the Senator from Montana [Mr. WALSH] can withdraw his amendment and say that he will offer it to-morrow. I have not looked at the amendment, and I should like to see it in print.

Mr. WALSH. I am entirely agreeable to the suggestion of the Senator from Tennessee [Mr. SHIELDS], to have the matter continued and to let the amendment lie over.

Mr. SHAFROTH. Very well.

Mr. SHIELDS. Let the amendment be printed. It is not necessary to withdraw it.

Mr. NORRIS. Mr. President, I do this because I want to get the matter fairly before the Senate, and I know the Senator from Washington [Mr. JONES] has no other desire. Of course, I never saw the letter which the Senator has read, but in listening to it I take it that the writer rather assumes that Mr. Pinchot had represented himself in his letter to the President as writing on behalf of the Conservation Congress.

Mr. JONES. No; Mr. Pinchot does not assume that.

Mr. NORRIS. I gathered that from the reading of the letter. I thought the Senator from Washington had ascribed that motive to Mr. Pinchot.

Mr. JONES. No. I will say to the Senator, as I thought I said at the start, that I simply understood there were some of the gentlemen of the National Conservation Congress here, and I myself supposed that Mr. Pinchot's letter was on behalf of the National Conservation Congress. I did not know that there were two organizations. I spoke to the writer of this letter with reference to the matter, and he told me of the two different organizations, and said he would write me a letter with reference to that matter. So that if there was any idea conveyed that Mr. Pinchot ever sought to represent the Conservation Congress, it came from me rather than from this gentleman here, because of my lack of understanding with reference to the two organizations. I simply want to make it clear, that is all.

Mr. NORRIS. The point I want to make is that Mr. Pinchot in his letter does not pretend, of course, to represent the Conservation Congress, and the letter itself shows on its face that he wrote it in behalf of the National Conservation Association.

Mr. JONES. That is true.

Mr. NORRIS. And I did not want anyone to get the idea that there was any other intention, so far as the letter itself is concerned. It shows on its face what it does and whom Mr. Pinchot represents.

Now, I want to ask the Senator from Washington whether this Conservation Congress has either expressed any opinion or whether it expects to express any opinion, or does this letter express any opinion as to the merits of this bill?

Mr. JONES. Of course, the letter speaks for itself.

Mr. NORRIS. Well, I thought the letter intimated that there was some understanding that Mr. Pinchot had undertaken to represent that congress; but it seems I was mistaken in that.

Mr. JONES. Yes.

Mr. NORRIS. I never read the letter; I never have seen it; but I have now heard it read. If I was mistaken on that point, I might be mistaken as to another. I should like to ask the Senator from Washington, Does the letter give us any advice?

Mr. JONES. It does not.

Mr. NORRIS. It does not take any sides on this question?

Mr. JONES. It does not. It does not express any views with reference to pending legislation at all.

Mr. NORRIS. Then, as I understand, the only object in reading the letter was to show that Mr. Pinchot did not represent that congress, and Mr. Pinchot's letter already showed that.

Mr. JONES. The sole purpose was to make clear that the National Conservation Association and the National Conservation Congress are different organizations; that was all.

Mr. SHIELDS. Mr. President, I think, in this connection, it would be well to read a statement which I find on page 23 of the report made by a committee of the Fifth National Conservation Congress upon the subject of water-power development. This report was made by George F. Swain, Lewis B. Stillwell, M. O. Leighton, Edwin S. Webster, and B. M. Hall, all gentlemen prominent in conservation matters. The portion I shall read is in these words:

> Finally, we repeat that for the conservation of our water powers it is essential that capital shall be attracted to these enterprises, and while we must, of course, fully protect the interest of the public, both present and future, we are not conservationists if we advocate the imposition of terms which restrict rather than encourage development. We must also remember that under present conditions water-power investments are not especially attractive, and that steam power is a more desirable form of power, since it can be located wherever needed and the supply regulated according to demand. Water power is more variable, and, furthermore, it requires in general a very much larger investment per horsepower than steam, though its running expenses are less. Because of the large first cost of water-power developments the risk of loss in case of failure of the enterprise is correspondingly large. Capital therefore does not need water-power enterprises, and it will not take them up to any considerable degree unless fully protected.
>
> It is from a point of view of pure conservation that the development of water power is most important.
>
> It has been estimated that we use annually over 480,000,000 tons of coal, worth nearly a billion dollars, in addition to many millions dollars' worth of other fuels; and that some $200,000,000 worth of this fuel annually might perhaps be saved by the utilization of water powers. When we consider also that the development of water power not only conserves fuel but directly serves to promote the navigability of rivers, we should be very careful how we discourage this triple conservation in order to secure other results which we may consider desirable. If we do discourage it we may be antimonopolists, or something else, but we are certainly not conservationists.

I read that in connection with the letter presented by the Senator from Washington [Mr. JONES] to show what are the views of the Conservation Congress upon the subject.

In regard to the communication of Mr. Gifford Pinchot to the New York American, presented by the Senator from New Jersey [Mr. MARTINE], I wish to say I have had no opportunity to read it. I had not seen it before it was presented, and I do not know what the editorial contains. I see it refers to an open letter that Mr. Pinchot wrote the President, and I suppose the communication read is substantially the general circular letter that this gentleman has sent out to all the newspapers, dailies and weeklies, as I understand, in the United States. I have understood that this letter, prepared by him and sent to the President, was offered to the press associations and declined by them, and therefore he had to resort to this circular for publicity in the press of the country, and doubtless this is the same letter.

I got my information of this circular letter from the editors of numerous newspapers in Tennessee, who sent the circular to me so that I might be apprized of what was being done. The press of Tennessee, of course, is deeply interested in the development of the natural resources of that State, and does not approve of any policy such as that advocated by Mr. Pinchot—to lock them up and prevent the people of this generation from having the benefit of them because he sees the ghost of a probable monopoly.

That is all I have to say about Mr. Pinchot at this time. I know that he held a subordinate position in the Agricultural Department at the time of the Ballinger investigation, and by fortuitous circumstances acquired some publicity in connection with the natural resources of the country; and I understand, from such publications as this, that he has been attempting to keep in the limelight and by assailing both this bill and that known as the Ferris bill, which passed the House and has been reported, with some amendments, for passage by the Senate, for the development of water power on the public lands.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Tennessee yield to the Senator from Nebraska?

Mr. NORRIS. I thought the Senator from Tennessee had concluded.

Mr. SHIELDS. I have.

Mr. NORRIS. I wish to take the floor in my own right, Mr. President. I have no interest in Mr. Pinchot or in the Conservation Association or in the Conservation Congress; I have no brief to speak for any of them, and I speak now only because it seems to me that, in justice, somebody ought to put into the RECORD the letter to the President which has been so often referred to. Before I do that I want to pause for a moment to say that just the other day—Friday or Saturday last—the Senator from Tennessee [Mr. SHIELDS] in charge of this bill, in arguing a proposition which he favored and considering that the opinion of Mr. Pinchot might be of value in its support, read at length from one of the hearings of a committee before which Mr. Pinchot testified. There was nothing said at that time about his being a man who had held "a subordinate position in the Agricultural Department," and who ever since he had been discharged "has been trying to keep himself in the limelight." It was considered a good argument then to quote from him, and it was thought that there was good reason for so doing, because it happened to subserve the purpose of the moment and because the views of Mr. Pinchot agreed with those of the Senator in the particular proposition he was advocating. At the same time the Senator read from the testimony of ex-Secretary Fisher, who occupied a position that was not subordinate in the Interior Department, but who is no longer in an official position.

I have often heard—I have heard them several times during the discussion of this bill—references made to Mr. Pinchot which were not intended to be in his praise, which in various ways were rather belittling to him and to his efforts and to his work. What the Senator from Tennessee has said has been perfectly parliamentary and, of course, perfectly gentlemanly, and I am not complaining of it; but there have been other references made concerning Mr. Pinchot of a rather disparaging nature. It is hardly fair, it seems to me, in the discussion of a great bill like this, where the policy of a great Government is at stake, to bolster up your cause one day by citing Gifford Pinchot and the next day, when he does not agree with you, to speak of him as a man who is probably hardly known anywhere, but who used to hold "a subordinate position in the Agricultural Department" and was finally discharged.

Everybody knows, whether or not he agrees with Mr. Pinchot—and I do not always agree with him—that Gifford Pinchot is one of the leading authorities in the United States, and, indeed, in the world, upon all questions of conservation. He is amply able to take care of himself, and take care of the ideas in which he believes.

The Senator from Washington [Mr. JONES] thought it of sufficient importance this morning to have read at the Secretary's desk a letter from the chairman of the executive committee of the National Conservation Congress, which, although it was composed of several pages, had no other idea on earth in it except to show that Gifford Pinchot did not represent the National Conservation Congress. The letter expressed no opinion about this legislation, but devoted its entire attention to the effort—and there was no other object in it—to show that Gifford Pinchot did not represent the Conservation Congress. That communication made reference to a letter which Gifford Pinchot wrote to the President. That letter on its face shows that Gifford Pinchot did not even pretend to represent the Conservation Congress, and did not even mention it. Inasmuch as it has been thought wise to take up the time of this body to have read a letter several pages in length to show that this man, who occupied an inferior position in the Agricultural Department and has since been discharged but who is trying to keep in the limelight, did not represent the Conservation Congress, it seems to me but fair that his letter, to which reference has been made, should be read from the Secretary's desk; and in a few moments I am going to ask that the Secretary read that letter, so that it may be printed in the RECORD and show for itself what it is and what it pretends to be.

Why, Mr. President, when Mr. Pinchot occupied that position, that subordinate position, in the Agricultural Department the country knew at the time of his discharge upon what grounds he was discharged. The whole country was aroused, and it was considered of such importance that the Secretary of the Interior, who had been instrumental in bringing about his discharge, had secured the introduction in the Senate and in the other House of a joint resolution providing for an investigation. When that joint resolution came up in the House it was modified by an amendment offered and advocated by the so-called "insurgents" of the House. By a simple amendment they provided that the House members of the investigating committee, in-

stead of being appointed by the Speaker, should be elected by the House. That simple amendment created great excitement, because, as a matter of fact, although it was made up of but few words, it revolutionized the entire investigation. The white wash which had been prepared and the white-wash brushes which had already been put into the hands of the proper persons immediately became of no value, and instead of having a white-washing committee we had a real, genuine investigation, the committee sitting in the city of Washington for months taking testimony. That investigation attracted the attention of everyone all over the United States—all on account of this man "occupying an inferior position in the Agricultural Department, from which he has been discharged."

I am not complaining of the man who does not agree with his policies. I have just as much respect for him as I have for those who do agree with Mr. Pinchot. They have a right to their judgment and a right to their opinions; but if we want to be fair, Mr. President, then it seems to me we ought to concede at least honesty of purpose to this great man, because I think in candor we ought to call him such, for he is a leader in public thought in the entire civilized world on the question of conservation. He may sometimes be wrong, but he has shown, and given ample evidence of the fact, that his zeal is not brought about because of any selfish purpose. Without drawing any salary, without occupying any official position, he has still been able to convince a very large percentage of the people of the country that his ideas of conservation are right. So I think we ought to recognize that this great question has two sides to it.

I want to cast no reflection upon the man who thinks that we ought to have our streams developed by corporations without their paying anything and without any regulatory string tied to the undertaking, simply because by their development we will have navigable streams made more navigable. Men believe that, and believe it honestly, and think that is sufficient compensation, but they have not a mortgage on all the patriotism, on all the honesty, or even upon all the wisdom of the country. There are men, like Gifford Pinchot, who honestly believe this bill is wrong; and, without casting any reflection upon those who think it is perfect, the others have a right to be heard. If it was necessary to take up the time of the Senate to read a letter which has for its foundation and its only purpose to show that Gifford Pinchot, in his letter to the President of the United States, did not represent the Conservation Congress, it seems to me that the very fact that that letter was read, unless it is contradicted here and now, will have a tendency—and there can be no other result, and I clearly will relieve my friend the Senator from Washington from any ulterior motive; I know he would not think of such a thing for a moment—to cause it to be said, "Here is a letter referred to, not produced, written to the President, and here comes another letter from a great national organization saying that the man who wrote that other letter did not represent this congress."

I therefore ask the Secretary to read, in my time, the letter written by Gifford Pinchot to the President to which reference has been made.

The PRESIDING OFFICER. Without objection, that may be done.

The Secretary read as follows:

OPEN LETTER TO THE PRESIDENT OF THE UNITED STATES BY GIFFORD PINCHOT, CONCERNING THE WATER-POWER SITUATION IN CONGRESS, ON BEHALF OF THE NATIONAL CONSERVATION ASSOCIATION.

JANUARY 29, 1916.

The PRESIDENT,
White House, Washington, D. C.

MY DEAR MR. PRESIDENT: I am writing on behalf of the National Conservation Association to call your attention to the threat against the public welfare presented by the water-power situation in Congress. This threat is so pressing and the certain consequence of failure to meet it so disastrous that it deserves your consideration and that of the whole people of the United States. In defense of the general interest, therefore, I shall take the liberty of making this letter public.

There is a bill on the Calendar of the Senate whose passage would be a public misfortune. It is the Shields bill for the disposal of water power on navigable streams. The great water-power interests are behind it and an effort to pass it is to be made next week.

This is the second time the Shields bill has been reported in the Senate. Last year the friends of conservation were able to prevent its passage. This year, thanks to a skillful and elaborate campaign conducted by the water-power interests, there is grave danger that it will pass.

The Shields bill gives the use of enormously valuable public property to the water-power interests without compensation. Ostensibly it provides for a method of restoring its own property to the public at the end of 50 years. As a matter of fact, it has been so drawn as to make it practically impossible for the people to take their own water powers back into their hands. This it does by opening the way for indefinite litigation, and by the use of language under which the United States might be required to take over and pay for the whole electric-lighting systems of cities or the whole equipment of manufacturing plants in order to get possession again of water powers owned by the people.

The bill interposes every possible legal delay between the violator of a Government permit and the chance of effective enforcement. It fails to require the necessary publicity and uniformity of accounts, and so makes the effective supervision of water-power corporations impossible.

The Shields bill gives to the water-power interests the right to condemn or take any land they choose, public or private—rights which they should never have, but which should be exercised when required for water-power development either by the States or the National Government. It forces the people, when they take back the public property whose use they have granted, to pay the unearned increment on land condemned or otherwise acquired by the grantee. In not a few of its provisions the actual form of words prepared by the representatives of the water-power interests have been incorporated.

These are by no means all of its defects, but they will suffice to make it plain that the Shields bill has been astutely drawn for the benefit of the water-power interests, and ought not to pass.

This is a public matter wholly removed from partisanship. You yourself have taken strong ground against the grabbing of our natural resources, of which none is more valuable in peace or war than water power. President Roosevelt vetoed the James River bill in 1909 and President Taft vetoed the Coosa River bill in 1911 because they gave away the public property for nothing. That is precisely what the Shields bill would do to-day.

Natural resources lie at the foundation of all preparedness, whether for peace or for war. No plan for national defense can be effective unless it provides for adequate public control of the raw materials out of which the defensive strength of a nation is made. Of these raw materials water power is the most essential, because without electricity generated from water power we can not manufacture nitrates, and nitrates are the basis of gunpowder. There are no great natural deposits of nitrates in the United States, as there are in Chile. If we are to depend upon ourselves for our supplies, as we should, we must be prepared to produce our nitrates electrically from the air.

It would be folly to allow the public water powers, which can supply the indispensable basis of national defense, to pass out of effective public control. In the light of recent events, it would be especially shortsighted not to provide for the manufacture of nitrates and other munitions by means of the public water powers, if necessary in the event of war. The terms and conditions under which this could be done should be so fixed in advance as to forbid private greed to profit unduly from the public necessity. Under the law in France a man was recently charged with that specific offense, found guilty, and sent to prison.

There is another bill before the Senate to which I desire to call your attention. This is the Ferris bill for the control of water power on the public lands and national forests. The Ferris bill, in the form in which it passed the House, is in accord with the principles of conservation. As it has been reported to the Senate, it contains indefensible changes. It actually encourages monopoly by compelling the Secretary of the Interior to grant forthwith to any corporation all the power sites it may choose to ask for. Under it power corporations could seize upon any part they choose of the Grand Canyon of the Colorado, a natural wonder far greater than Niagara, and no one could stop them. These are but two of its faults.

The Senate form of the Ferris bill should be killed, and the House form should pass, after it has been amended into conformity with the public interest, and so that it will no longer take the care of water powers on the national forests away from the experienced and competent Forest Service, where it now lies. The Ferris bill has already twice passed the House. It already has your indorsement, but without the active support of the administration it will fail.

For every reason of national prosperity and national defense the development of our water powers is desirable. But the claim of the water-power interests that free gifts of public property to themselves are needed to promote development is false. It is disproved, officially and finally, by Secretary Houston's recent report on water power, the most searching and exhaustive ever made. The Houston report shows that where the public interest has been most carefully protected, on the national forests, their development has been most rapid, and the largest ratio of increase in capital invested has taken place.

More than half of the water power developed in the West is on the public lands and the national forests. In the 11 Western States water-power development from 1902 to 1912 was nearly five times as rapid as in the rest of the country, and since 1912 the annual increase is greater than ever. In California, which has the largest area of national forests, and in Oregon and Washington, development has gone on until it is now actually in excess of market requirements. It is clearly evident that fair Government regulation does not hamper development and use. No farmer, for example, will be deprived of nitrate fertilizer at a fair price, because of reasonable Government control of public water powers.

I have ventured by this letter to call your special attention to the fact that the public interest in the public water powers is in danger. To set that danger aside, your opposition to the Shields bill, and your support of the Ferris bill, properly amended in the Senate, are vitally needed. I need hardly add they will be vigorously seconded by the National Conservation Association, which, under every administration since it was founded, has supported the officers of our Government in every effort they have made to promote the public welfare through the conservation of natural resources.

Yours, respectfully, GIFFORD PINCHOT.

Mr. SMOOT. Mr. President, in connection with the subject matter that was just presented and touching the publicity bureau that has been established in Washington for the purpose of spreading broadcast throughout the country the theories stated in the letter just read, I have been handed an extract from a paper by Mr. George L. Walker, in which he refers to the personal letters to editors by Mr. Pinchot, and then comments upon the advantages and disadvantages of the development of water power in this country.

I do not desire in any way to stand sponsor for a few personal references in the article to Gifford Pinchot, but I simply desire to have the article published in the RECORD at this time for the purpose of giving the views of Mr. George L. Walker as to the position that the people of the West find themselves in at present in relation to the further development of water power. I shall not take the time of the Senate to have it read, but I will ask that it may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, that may be done.

The matter referred to is as follows:

[From the Boston Commercial of Feb. 19, 1916.]

DEVELOPMENT REAL CONSERVATION—THE FOLLY OF WITHHOLDING WATER POWER FROM PUBLIC USE—AMPLE COMPENSATION IN SERVICE AND TAXES.

Gifford Pinchot, who came prominently into the public eye several years ago as one of the foremost advocates of conservation, apparently has not awakened to the fact that the American people have debated that question in their minds until they are satisfied that it is simply the crazy idea of an illogical dreamer. He is now writing personal letters to editors, asking the press to help him "defeat a most serious attack upon our public resources." He says the Shields bill, now before the Senate, gives to the "power interests" without compensation the use of water power on navigable streams; that the amount of power these streams will supply is larger by far than all the power of every kind now in use in the United States; and then he rambles on about provisions which should "enable the people to take back their own property at the end of 50 years."

Mr. Pinchot is a Socialist, though he probably does not know it, and it is altogether improbable that the Socialists would accept him as such. His idea, reduced to its final analysis, is that the whole people should own everything and that the lazy and improvident, through the mere mistake of birth, should inherit a share of the accumulations of the creative, the industrious, and the thrifty. It seems to be his opinion that one method to bring about his desired distribution of wealth would be to hold up those who finance and develop industries and make them pay the Government for the privilege of doing business. John Ruskin objected to steam railroad building in England because, in his opinion, it would deface the scenery. Gifford Pinchot is afraid some one might develop water power in "the Grand Canyon, the greatest natural wonder on this continent." Therefore Pinchot is in no sense original.

If the savings of thrifty people had not been put into corporations to build up the railroads, probably no one would now take as a gift either the water powers or the great agricultural areas of the interior of this country there would not be taxable property enough in the United States to pay the salaries of the little group of muckrakers who still hold public office, and the relatively small area from which food products could be moved to seaboard would not support one-half of the present population. Everybody knows, possibly excepting Pinchot, that the development of the country's water powers will result in the creation of property values and that the taxes the holders of such properties will pay will compensate the Government handsomely. They also know that by the use of this power the productive capacity of the country will be immensely increased, giving remunerative employment to labor and exerting an influence to reduce the cost of living. It is common knowledge also that the entire material progress of humanity has been due to the development and use of natural resources by the people who save, invest, and work, and who do not permit themselves to be restrained from doing so by impracticable theories.

If this country is to go ahead industrially, an immense amount of mechanical power must be developed. Is it better that the coal deposits or the waterfalls should be conserved? One or the other must furnish the power.

Mr. Pinchot thought the coal measures of Alaska should be conserved, also the forests, and now the water powers. The rest of us in the United States do not agree with him fully, and therefore it would seem to be up to him to remove his place of residence to the interior of South America or Africa, where everything is being conserved.

If there is anyone left who has the courage to invest his capital in the development and equipment of a water power in the United States, after the way the Government has treated investors during the past eight or nine years he should be given the privilege of doing so, and he should also be awarded a medal for bravery.

That water powers or anything else should be operated at cost for the alleged "benefit of the people" is a figment of the imagination. Profits are just as essential to industrial and material progress as food is to a growing child.

If the full product of industry were divided equally among those who take part in its production there would be no fund with which to build for the future. Until there is a sufficient accumulation to pay for clearing the land, providing the seed and cultivating the plants, there can be no harvest, and a part of each crop must be saved for seed and to feed the workers until harvest time the following year.

Undoubtedly a few editors will fall for Mr. Pinchot's argument; but it is believed that a vast majority of them know better. The population of the United States is increasing and the only way to provide the growing numbers of people with food, raiment, and shelter is by the development of the country's natural resources, the extension of its industries, and the continuing increase of its production.

A relatively small portion of the profits of industry is wasted by the rich on luxuries and extravagances; but more than three-quarters of all net earnings are reinvested and the profits thereon reinvested in such a way that the public gets the full benefit to the last dollar.

Fortunately, approximately all of the profits so far made in this country have been invested at home. After they begin to be invested abroad, the people of other countries will get the benefit of them. If Gifford Pinchot's dreams are permitted to come true, American capital will go abroad in shiploads.

The old song says, "The mill will never grind again with the waters that are past." The only way to conserve water power is by developing and using it. By this method the millions of horsepower now running to waste every day should be conserved, Mr. Pinchot to the contrary notwithstanding.

GEORGE L. WALKER.

Mr. WALSH. Mr. President, I offer an amendment to be inserted after the word "and," in line 9, page 11, as follows:

Whenever the States directly concerned are unable to agree, through the properly constituted authorities thereof, on either rates, charges, or services.

I am disposed to believe that the Senator from Tennessee would be very glad to accede to this amendment.

Mr. SMOOT. Mr. President, will the Senator restate his amendment? I did not have the bill in my hand at the time.

Mr. WALSH. After the first word "and," in line 9, page 11, I move to insert——

Mr. SHAFROTH. What page and line, please?

Mr. WALSH. Page 11, line 9, after the word "and" where it first occurs in the line, I move to insert the following words:

Whenever the States directly concerned are unable to agree, through the properly constituted authorities thereof, on either rates, charges, or services.

The purport of the amendment is this: The act provides that the rates, charges, and services shall be regulated in each State by the authorities thereof, so far as the intrastate business is concerned. If the business is interstate, it shall be regulated by the Interstate Commerce Commission. My idea of the matter is—and I invite the attention of the Senator from Colorado [Mr. SHAFROTH] to this particular matter—that the Federal authorities ought not to be burdened with the duty or the obligation of fixing rates in regard to interstate business unless in the event that the authorities of the States concerned are unable to agree.

To illustrate, power is now being developed at Thompson, in my State, and carried from there to the Coeur d'Alenes, in the State of Idaho. Of course, there must be some regulatory authority. The company would find it difficult to do business if it had to submit to regulation by these two States, their regulations being possibly conflicting, or at least divergent. The act contemplates that in a case of that kind the regulation must be by the Interstate Commerce Commission; but I would not do that if the authorities of the two States could agree upon it. In all reasonable probability they could. That is to say, if the regulatory authority of the State of Montana and the regulatory authority of the State of Idaho got together, they could agree upon the rates.

Mr. SHAFROTH. Mr. President, I should like to suggest to the Senator this thought: I can easily see where there is a good deal of merit in the suggestion of the Senator from Montana, if it is provided that where the utility commissions of the two States can not agree this shall be done.

Mr. WALSH. That was my idea.

Mr. SHAFROTH. Let me read the entire section, because I have never seen this amendment before:

That whenever all or any part of the power produced at any dam or diversion structure authorized hereunder is offered or disposed of by the grantee to the public, or for a public-utility purpose, all charges, rates, and service by any grantee hereunder shall be subject to regulation in accordance with the laws of the State within which the service is rendered: *Provided*, That where the said power or any part of it shall enter into interstate or foreign commerce the rates, charges, and services made and rendered shall be reasonable, nondiscriminatory, and adequate to the public; and—

Now, here comes in the Senator's amendment, as I understand:

Whenever the States directly concerned are unable to agree, through the properly constituted authorities thereof, on either rates, charges, or services, jurisdiction is hereby conferred upon and vested in the Interstate Commerce Commission to enforce this provision, upon the complaint of any person aggrieved, or upon its own initiative, in the manner——

Mr. WALSH. We have not reached that yet.

Mr. SHAFROTH. No; we have not yet reached the second amendment.

I do not see any objection to that amendment, Mr. President; but I should prefer that the Senator withhold it until the Senator from Tennessee [Mr. SHIELDS] returns. It seems to me that limits the jurisdiction of the Interstate Commerce Commission in cases where probably it ought to be limited, by reason of the fact that if they agree it seems to me it should be a matter of State control. If they do not agree it seems to me it ought to go to the Interstate Commerce Commission.

Mr. THOMAS. Mr. President, I should like to ask a question of the Senator from Montana. I should like to know why this provision is necessary at all? The telephone service is a transmission of intelligence by the electric current. The electric current transported from one State to another is used at the point of transportation, just as any other element of manufacture would be. We have never had any trouble whatever in regard to telephone rates, although companies exist which cover several States.

For instance, the Mountain States Telephone Co. is a subsidiary of the Bell Telephone or American Telephone Co., and covers, among others, the States of Montana, Colorado, and Utah. It never has been suggested, so far as I know, that because the headquarters of that company are in the city of Denver, and I think it does its principal business there—I mean, its ordinary detail business; its office business—it is necessary for the Interstate Commerce Commission or the Utilities Commission of Utah to fix the price of messages received and delivered in the State of Utah or in the State of Montana; and I see no difference between that situation and the ones presented by this bill. It makes no difference, to my mind, where the power is generated and the price fixed either at the place where it is to

be used or the place where it is generated. It would be just as pertinent to provide that in the event coal is mined in the State of Colorado and used in the State of Montana, and the price is not satisfactory, some commission should be established, because of the fact that the coal is transported from one place to another, as a sort of arbiter or final determiner of the controversy that might arise concerning it. It is not a matter which requires, in my judgment, any provision at all. It will take care of itself, and I think it can safely be left out of the bill in whatever form it is passed.

Mr. WALSH. The Senator from Colorado is addressing his remarks to the bill, not to my amendment. The bill provides for the regulation of this charge.

Mr. THOMAS. I am aware of that. I made the suggestion while on the floor some time ago that the amendment offered by the Senator from Montana gave me the opportunity to call attention to the subject.

Mr. WALSH. If the authority is objectionable, my amendment will make it less so because it will diminish the jurisdiction of the Interstate Commerce Commission. But, Mr. President, I do not think the bill will be complete without a provision similar in character to that found in the bill. It is true, as the Senator suggests, that a telephone company does business in half a dozen different States and it has not been found necessary so far to repose in any Federal authority power to regulate rates. But that is because the States have not attempted to make regulatory rates which are contradictory. Indeed I imagine that but few of them have undertaken to regulate telephone rates at all. However, when it comes to the furnishing of power I apprehend that in a very few years at least rather an effective regulation will be undertaken by quite a good many of the States, and the Senator can very readily see that if one regulation obtains in one State and another in another it would be difficult, if possible at all, to conduct the business.

Mr. JONES. I merely wish to say, Mr. President, that personally I do not see any special objection to the amendment proposed by the Senator from Montana. I know the Senator who has charge of the bill has known of the amendment and has given it some thought. I have not heard him express himself upon it, and as he has been called out of the Chamber for a moment for some reason and there are very few Senators here, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hardwick	Martine, N. J.	Smith, Ga.
Beckham	Hitchcock	Myers	Smith, S. C.
Borah	Hollis	Nelson	Smoot
Broussard	Hughes	Norris	Sterling
Catron	Husting	Oliver	Sutherland
Chamberlain	James	Overman	Thomas
Chilton	Johnson, Me.	Page	Thompson
Clapp	Johnson, S. Dak.	Pittman	Tillman
Clark, Wyo.	Jones	Poindexter	Townsend
Clarke, Ark.	Lane	Pomerene	Underwood
Cummins	Lewis	Ransdell	Wadsworth
Dillingham	Lippitt	Shafroth	Walsh
du Pont	Lodge	Sheppard	Warren
Gallinger	McCumber	Shields	Williams
Gronna	McLean	Smith, Ariz.	Works

Mr. OVERMAN. I wish to announce that the Senator from Delaware [Mr. SAULSBURY] is absent on official business. He is paired with the Senator from Wyoming [Mr. CLARK].

The PRESIDING OFFICER. Sixty Senators have answered to their names. There is a quorum present. The pending question is on the amendment offered by the Senator from Montana [Mr. WALSH].

Mr. SHIELDS. Mr. President, the amendment offered by the Senator from Montana is unobjectionable to me, only I would suggest that he insert after the word "the" the words "public service commission of the State and."

Mr. WALSH. I think that is reached by the latter language in the amendment. I intended it should be so, because it reads:

Whenever the States directly concerned are unable to agree through the properly constituted authorities thereof.

Some States have commissions, other States have boards, and other States have reposed this authority in specific officers. My idea was that whatever State officer or State authority is vested with power should negotiate on behalf of the State.

Mr. SHIELDS. The idea of the Senator is correct, but I think it would be more definite to directly repose the authority to regulate rates in the public service commissions of the several States.

Mr. WALSH. If the Senator will consent to the amendment, I will be very glad to confer with him about redrafting it. Our ideas about it are apparently the same.

Mr. CLARK of Wyoming. Let the amendment be read.

The PRESIDING OFFICER (Mr. BROUSSARD in the chair). The amendment will be read by the Secretary.

The SECRETARY. On page 11, line 9, after the word "and" where it first appears insert:

Whenever the States directly concerned are unable to agree through the properly constituted authorities thereof on either rates, charges, or services.

Mr. SHIELDS. With the understanding suggested by the Senator from Montana, I will offer no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana [Mr. WALSH].

The amendment was agreed to.

Mr. SHIELDS. There being now a quorum, as shown by the call just made, I ask unanimous consent that all amendments and the bill be voted on by 5 o'clock to-morrow, Tuesday, February 28.

Mr. GALLINGER. I suggest that under the rule it will be necessary to call for a quorum again. The quorum has disappeared.

The PRESIDING OFFICER. The point of no quorum is made. The Secretary will call the roll.

Mr. SHIELDS. I will ask first whether there is any objection to fixing a time to vote.

Mr. WORKS. I object to fixing a time at that hour.

The PRESIDING OFFICER. Objection is made.

Mr. SHIELDS. Then it will be unnecessary to consume the time of the Senate in calling the roll.

Mr. GALLINGER. Certainly.

Mr. SHIELDS. I simply wished to express the desire of the committee having charge of the bill to dispose of it, and their readiness to dispose of all amendments offered within the time I have indicated.

Mr. McLEAN. Mr. President, I did not intend to take part in this discussion, but some of the arguments that were injected into the debate last Saturday and this morning in opposition to the pending bill persuade me to put into the RECORD a few of the many reasons that induce me to favor it.

We are all opposed to monopoly. We are opposed to monopoly because it is right that we should be. It is also popular to oppose monopoly, but, of course, no Senator will let this fact control his action. But opposition to monopoly is so very righteous and so very popular that we are invited to look with suspicion upon any legislation which will permit an American citizen to make 10 blades or 10,000 blades of grass grow where nothing is growing now. I think we should be careful not to go to extremes. In our effort to punish monopolies we should be very careful not to punish everybody. It is one of the weaknesses of a democracy that it is very apt to act in emergencies only.

First, conservatives, in their loyalty to the dogma that that government is best which governs least, permit abuses to arise. An evil becomes unbearable and the people rally around those who promise relief. The dogma that that government is best which governs most is hailed as the only true political religion. Folly in one extreme succeeds folly in another extreme. The innocent are punished with the guilty and legitimate opportunity is denied honest men, and, unlike the pendulum in a clock, the political pendulum does not complete its oscillation in one and the same length of time. The political pendulum swings to its extreme limit and sticks. Progress stops, time does not. It seems to me that we are facing precisely that condition at present in this country. President Wilson tells us in one of his messages that Congress has locked up the undeveloped water powers of the country. We have locked up the inexhaustible sources of power because we are afraid that when developed they will be monopolized, and because we can not agree as to which sovereignty—State or Federal—shall restrain, control, and tax water-power companies. To my mind this means great and irreparable loss to the people of this country if it is continued.

The prices of the exhaustible sources of power are rapidly increasing and the supply is diminishing. I do not need to bring statistics to prove the truth of this statement. We destroyed the oil monopoly, and the price of oil has been going up ever since. We broke up the combinations in control of coal, and the price of coal has been advancing ever since. I do not undertake to say why this is so. I merely state a well-known fact, and I think it is a very important fact. I am sure that the gentlemen who oppose this bill are ardent and earnest conservationists and antimonopolists, and it is precisely because I agree with their motives that I am opposed to their amendments. I believe that the people of this country are more deeply interested in the price of coal and oil than they are in the respective merits of Federal and State control over dams that do not exist

and will not exist until some legislation is enacted that will permit American citizens to develop the undeveloped sources of hydroelectric power at a fair profit.

For instance, six years ago a Connecticut company came to Congress to get permission to build a dam across the Connecticut River within a stone's throw of Hartford. It was a 30,000-horsepower proposition, and it would have been of very great benefit to people living within the area of its operation. First the Secretary of War insisted that the company should construct a lock to cost a half million dollars or more. This the company agreed to do. The Secretary of War then insisted that the company should pay a percentage of its profits into the Federal Treasury. Then the Senate intervened; that is, several very influential Senators urged that the Federal Government had no constitutional right to impose such conditions, and, whether constitutional or not, it was establishing a very bad precedent which could not be permitted, and so that charter like many others was smothered. Like the donkey in the fable that stood midway between two stacks of hay and starved to death because he could not make up his mind which stack was the best, Congress has stood between the two schools of thought upon this subject—State control or Federal control—and nothing has been done.

I do not think that this is the way to administer the inexhaustible sources of power in the interests of the people. Water power will always be unable to meet the needs of our industrial activities, such as ocean transportation, long-distance continental transportation, and the automobile service. But there are large sections of the country and very large industrial and domestic needs for which hydroelectric power can be substituted for power produced by the consumption of petroleum and coal. The nation that is without petroleum will be absolutely at the mercy of the nation that has conserved its petroleum. Our geological experts in the Interior Department tell us that there are less than 7,000,000,000 barrels of petroleum left in the wells located in the United States. We sold in this country last year nearly 270,000,000 barrels. If the present increase in consumption continues, there will not be a gallon of petroleum left in the United States in 20 years. I think we will be criminally negligent if we do not insist upon the substitution of water power for that produced by gasoline wherever it can be economically and effectively done. Our supply of subbituminous and lignite and cheap coal is practically inexhaustible, but our supply of high-grade anthracite coal is limited. If the present increase in consumption continues the pinch will begin to be felt in 50 years.

The per diem value of 1 water horsepower is the equivalent of 10 tons of coal. The failure to permit the development of the 30,000 horsepower water plant at Hartford, Conn., means the unnecessary consumption and, I think, essential waste of millions of barrels of petroleum and millions of tons of coal. We are told that there are 30,000,000 undeveloped horsepower in the watercourses of the country to-day, and that there is the possible development of more than 60,000,000 of horsepower. If 20 per cent of the undeveloped water power could be utilized within the next 10 years, the saving in coal and petroleum would be enormous.

It is claimed—and justly claimed—that private companies may develop these water powers for the production of nitrogen and that nitrogen is of prime necessity in the manufacture of powder. It is also true that nitrogen is one of the most valuable of our fertilizers. The agricultural interests of the country will be greatly benefited by any increase in the production of nitrogen. Potash is unobtainable. Should we persist in a policy that will prevent the fixation of nitrogen from the atmosphere because we are afraid that its production can not be properly taxed and regulated?

For 20 years Congress has prevented this development by restrictive legislation. The pending bill is a compromise. It gives the Federal Government full power to regulate, improve, and extend navigation and it leaves to the States full power to impose any condition it sees fit upon the licensee who develops water power for the purpose of producing nitrogen. This is in accordance with the policy of this Government since its formation. If the electrical energy is used for power and goes into interstate commerce, the bill provides that the "rates, charges, and services made and rendered shall be reasonable, nondiscriminatory, and adequate to the public," and confers jurisdiction upon the Interstate Commerce Commission "to enforce this provision upon the complaint of any person aggrieved." I can not believe that those who are opposed to the pending measure have read the last two sections of the bill. Section 12 provides—

That the works constructed and maintained under authority of this act shall not be owned, leased, trusteed, possessed, controlled, or operated by any device or in any manner so that they form part of or in any way effect any combination in the form of an unlawful trust or monopoly, or form the subject of any unlawful contract or conspiracy to limit the output of electric energy or in restraint of trade with foreign nations or between two or more States or Territories, or within any one State or Territory, in the generation, sale, or distribution of electric energy.

Moreover, one very important point seems to be entirely forgotten by those who oppose this bill. The leases can in no case extend beyond a period of 50 years, and section 13 of the bill declares—

That the right to alter, amend, or repeal this act is hereby expressly reserved: *Provided*, That in case any grantee hereunder shall, at the time of such alteration, amendment, or repeal, have exercised rights in accordance with this act, such rights and the property used thereunder shall be deemed property rights of such grantee, of which such grantee shall not be deprived by such alteration, amendment, or repeal, except upon the conditions provided in case of termination by section 6 of this act.

Here is a plain provision giving the Government full power to repeal this law, cancel any license granted under its provision, and take over the plant by paying to the licensee "the fair value of the property and all capital expenditures required by the United States. If the Secretary of War and the grantee can not agree upon the sum to be paid by the United States, proceedings in equity may be instituted in the United States district courts, and it is especially provided in section 6 that "in the determination of the value of said property for any purpose as between such grantee and the United States or any State no value shall be claimed by or allowed to the grantee for the rights hereunder granted"; that is, nothing is to be allowed for the good will or the franchise. Is it not better to have the water powers developed and the nitrogen in the process of manufacture, always subject to confiscation by the United States upon the payment of a fair value of the plant, than to keep the sources of power and nitrogen locked up until war is declared? It takes time and money, and lots of it, to build dams and equip water-power plants. If the Government should find itself in immediate need of nitrogen to defend itself against sudden attack, would not it be better to have the nitrogen factories running than to have them nonexisting.

I am in favor of the pending measure, because I believe in conserving the exhaustible sources of power by substituting the inexhaustible sources of power wherever it can be economically done. Future generations will never forgive us if we recklessly and extravagantly deprive them of any natural resource, upon which the very life of the Nation may depend. When I contemplate the utter helplessness of an air fleet without gasoline, the utter helplessness of a submarine fleet without gasoline or high-grade coal, I look upon this bill as far more vital to the preparation of the Nation against foreign attack and aggression than is the law that appropriates the money of the people to build air fleets and battleships.

The heat and light and nitrogen produced by water powers must be sold, if sold at all, for less than such commodities produced by coal and oil. The benefits that will result from the development of the water powers must far exceed any benefits that can possibly result from further delays. We have permitted private control, if not monopoly, of the oil fields and coal mines, the exhaustible sources of power. Now we are asked to prevent the development of the inexhaustible sources of power in order that they may compete with and be substituted for coal and oil wherever it is possible. I do not believe that the oil monopolists or the coal monopolists are lobbying against this bill. But is it not just as fair to insinuate and assume that the oil and coal combinations are fighting this bill as it is that the water-power companies are fighting for it. I know and care nothing about that. I am for the bill because I believe that the only way to conserve oil and coal is to save them, and the only way to conserve water power is to use it.

Mr. JOHNSON of Maine. Mr. President, I now offer the amendment of which I gave notice.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). The Secretary will read the amendment submitted by the Senator from Maine.

The SECRETARY. On page 2, line 13, after the word "*Provided*" and before the colon, insert the following words:

The words "navigable waters" shall be construed to mean such streams and parts of streams which are in fact navigable and used for the transportation of merchandise in interstate and foreign commerce and also such streams and parts of streams as may be designated by the Secretary of War as capable of improvement for the purposes of navigation and transportation of merchandise in interstate and foreign commerce.

Mr. JOHNSON of Maine. Mr. President, while I fully appreciate the importance of the bill which is now under consideration and have been instructed by the discussion which has been had, I also realize that the development of the water power, which it is sought in this bill to provide, extends to the newer

sections of the country, and that perhaps in the wide sweep which the bill makes some of the older sections may not be reached.

We have had very little trouble in the old State of Maine about water rights and their development. Such development has been the source of wealth in that State, and we have been glad to invite capital to improve those water powers and to build up our manufacturing cities. There would be no reason why there should not be a cotton mill in the State of Maine, if it were not for the fact that we had splendid water powers, so that cotton and coal may be brought from a distance and the manufactured product may be transported back again. For that reason we have made our laws liberal for the development of our water powers. We have proceeded under the old common-law doctrine of riparian rights, and under that we have found the development to be satisfactory and to lend to the upbuilding of the prosperity of our State, situated, as we are, at a disadvantage because of our very location.

In our State most of our rivers are intrastate; they have their rise and they have their mouth in the State. They are navigable in part, and we have always proceeded under the old English rule that navigable waters were those where the tide ebbs and flows. I live upon the Kennebec River, a very important manufacturing river in the State, and it is, in fact, navigable for 50 or 60 miles from its mouth—navigable by steamers and other vessels of considerable size. That part of the river is in fact navigable. The same could be said of the Penobscot River, a large river with large manufacturing interests upon it, and it has also maritime interests. Upon it is the city of Bangor, at one time a city second in the lumbering interest in the whole United States. Vessels came up the river to Bangor, loaded with lumber, and went out to sea and even to other parts of our own country.

Above Augusta, on the Kennebec River, we began water-power development early. Augusta, the capital of Maine, has a splendid water power, and quite early a fine cotton mill was built there. Later other industries were built. Up the river 20 miles is my own city, Waterville, where we have a splendid cotton mill, a large pulp and paper mill, and several other industries dependent upon water power. Only 3 miles above there is still another development, with a very large mill. At Fairfield, still a little above that, there are other water powers, and so on up that River to Moosehead Lake, a large lake 47 miles in length.

We have never considered the Kennebec River navigable above Augusta. We have applied the doctrine of riparian ownership to it, and it has worked out satisfactorily there. We have thought of the owner of both banks of the stream as having the right, under the very liberal dam act which we have, to proceed to build his dam and develop his power, to flow out the land of owners above him and pay damages, or, if damages could not be agreed upon, to have them determined by the court. Under that act, as I said in opening, we have had our development in Maine. We have built our dams and the factories have located there. We use the waters of those rivers for the driving of logs; and to facilitate the driving of logs on many of the streams in the upper stretches tributary to these rivers dams must be built to raise a sufficient head of water to drive the logs.

I have no opposition to the bill as a whole; I recognize that in this grand development which the distinguished Senator from Montana [Mr. WALSH] depicted as he looked forward 50 years into the future, we ought to preserve for the people of this Nation the use of these great resources, and that they should not be monopolized; but, on the other hand, I want to call the attention of the Senate for a moment to the hardships which this bill will work.

Here in this bill is a penalty of $1,000 if a man builds, to facilitate the driving of logs, a dam across a small stream in the upper stretches of the Kennebec, the Penobscot, and the Androscoggin Rivers. That has been done for 100 years, and with no knowledge that it was in violation of any law, and with the right to do it under the laws of the State.

The distinguished Senator from Washington [Mr. POINDEXTER] said the other day that it seemed to him as if New England had become more conservative and more assertive of the rights of the States than were other sections of the country. I hope she has. I believe the splendid dual system of government which our fathers devised should be preserved, and that the things which the State can best do should be left to the State, which can treat best the local interests of her people.

We will proceed as we have been doing under our mill act and under our laws. Our people understand, and will continue to understand, that they still have this right. In our little communities in the beginning we first had to have the grist mills, and they were all collected about some water power. A dam was built, and then the grist mill was built to furnish something to eat. Then came the little woolen mill, and then the little tannery. To-day those exist on small streams with no monopolization of the water power of my State. Their owners run into thousands, and cover not only water powers on the large rivers but they reach out into the rural and mountainous sections of the State. While there is the little sawmill, which does a little sawing for the farmers and manufactures a few shingles, there is still the old woolen mill. It would be a great hardship if we were compelled to come under the construction which is here given to the term "navigable waters." As I understand it, we well agree that now the term "navigable waters" extends to the upper stretches of a river whether it is navigable or not, and the Federal Government, under the pretense that it is promoting navigation where there is no navigation—and that is the only authority that it has—overturns the practices, the customs, and the laws of more than a century in an old State in the Union, which has built up its prosperity upon these water powers, and then it is proposed to inflict a penalty of $1,000, and then I think $1,000 additional for each month that the structure may be continued. By such action, it seems to me, a hardship will be worked which it is not necessary to work.

I fully sympathize with what Senators have in mind who have discussed this bill. I hope with them that I shall see in the next 50 years the realization of the visions so eloquently depicted by the distinguished Senator from Montana, and I expect to see it in that great empire of the West, where you have such splendid resources; but at the same time do not forget the old pioneer, the settler in the older States, who has done the best he could, not under such favorable conditions, but who has helped to build a State worthy of its place in the Union.

I have provided in this amendment that the words "navigable waters"—and they ought to be defined—shall be defined. In the first place, I have asked that they be construed to mean such waters as are navigable in fact for the transportation of merchandise in interstate or foreign commerce. That will take the part of the streams in my State or in any other State which are to-day used for the transportation of merchandise which are in fact navigable, as they are with us. Then my amendment further provides that the words "navigable waters" shall also include—

> Such streams and parts of streams as may be designated by the Secretary of War as capable of improvement for the purposes of navigation and transportation of merchandise in interstate and foreign commerce.

If it is thought by the Secretary of War, representing the Federal Government, that there is an opportunity to establish a waterway in my State above tidal waters and that that power should be exercised, the people should be apprised of that decision and not allowed to go on, as we have been going on for a century under the rule in our State, under the authority granted by the law of our State.

My own opinion is that the authority should still be left with the States, where I think it belongs and which can best look after it. I think we have not frittered away our water rights. The manufacturers upon our rivers have joined together and established great water-power companies to conserve the waters. They have built their dams for conservation at the head lakes which feed those rivers. They know when they get a season of low water just what the height is in their conservation ponds, and every manufacturer upon the river is ready to unite with the others and throw off a part of his load, throw off a part of his machinery. The water is utilized, and no board of engineers from Washington need come down into Maine to tell those men of experience, whose moneys have been invested in their enterprises, how they may best conserve the waters of those rivers.

But if there is to be Federal control, it should be where there is to be navigation and where there is constitutional authority for Federal control. Let the words "navigable waters," then, be defined; and let it be said to the people in States situated as they are in Maine what rivers are capable of improvement. If you think our Kennebec River can be made a great waterway from Augusta for 200 miles to Moosehead Lake and you want to have it improved, let us know that fact, and let us conform with the requirements which may be established; but there are a great many tributaries, some of them quite large, to that river, and a good many small streams which flow into these smaller tributaries. On them all you will find little sawmills; you will find little grist mills; you will find a company building a dam to float its logs. So I think we ought to define the term, and make it plain, so that if that river, for instance, is to be improved for navigation, the people shall be apprised

of that fact, and not be made amenable to a law which provides a penalty which would result in extreme hardship to them.

It seems to me that the amendment which I have offered will in no way impair the purposes of this bill, and I do not wish to be understood at all as opposing control by the Federal Government of water powers which can be lawfully controlled by the Federal Government under its constitutional authority.

Mr. THOMAS. Mr. President——

Mr. JOHNSON of Maine. I yield to the Senator from Colorado.

Mr. THOMAS. Mr. President, I am very much interested in the Senator's explanation of his amendment. He always speaks clearly and with the result of instructing those who listen to him. I want to ask him, therefore, whether the amendment which he proposes, which seems to confer upon the Secretary of War the authority and power of determining what is or what is not a navigable stream, does not go so far as to invest that official with the arbitrary power of determining that fact, although the streams to which his determination applies may in fact not be navigable?

In my section, where the great rivers, or some of them, of the country have their origin there are no navigable streams, yet the tendency of recent years has been, partly on account of the desire to secure appropriations under river and harbor bills and partly for the purpose of extending the so-called system of conservation, and perhaps for other reasons, to embrace in the term "navigable streams," and through the agency of the War Department, tributaries to streams which may become navigable by improvement. Now, if the proposed amendment does not confer upon one official, or some official or a body of officials, for that matter, such a power, the amendment is perhaps free from criticism from my standpoint; but if it does involve an authority which is as extensive as that I have supposed, and which could very readily be utilized in the hands of a man not entirely familiar, I will say, with a particular stream or a particular section of the country, it might result in very great hardship; and it is that which, so far as I am concerned, I would like to be informed about.

Mr. JOHNSON of Maine. Mr. President, in reply to the Senator from Colorado, I will say that I understand, since the decision in the Rio Grande case, that lawyers are pretty much united in the idea that where a river is navigable in part, it is navigable to its source and through all its little tributaries. I heard that announced upon the floor of the Senate by the distinguished ex-Senator from New York, Mr. Root, and with a good deal of wonderment I heard it supported here. I have read the report of the Waterways Commission, on which served eight distinguished Senators of this body, and they reported that the navigability of rivers extends to the upper stretches of those rivers and are therefore subject to Federal control. So that practically all the waters which are tributary to any river that is navigable—and most all the small streams finally find their way to such a river—are themselves navigable. It is for that reason that I felt that I should like to have some power lodged somewhere to determine the fact whether or not a river was to be improved for navigation, and not leave the people in a State like my own in the position in which they would be if that fact could not be determined.

Now, I have no suspicion that any Secretary of War will ever think that the Kennebec River above Augusta is going to be made a great waterway for transportation, nor the Penobscot, nor the Androscoggin; but, under the definition which has been given and to which all here seem to accede, both those who are supporting this bill and those who are opposing it, those rivers are navigable to their very utmost reaches in the mountains, and every little mountain stream that comes down over the rocks and helps the lumberman in the spring to bring his logs down is a navigable stream. We say in my State they are "floatable." We stop navigation where it really stops, and we do not talk about such streams having any navigable capacity.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Tennessee?

Mr. JOHNSON of Maine. I yield to the Senator from Tennessee.

Mr. SHIELDS. Mr. President, I am not one of those Senators who believe that the upper stretches of navigable streams are also navigable in a legal sense and under the control of Congress or of the Secretary of War. I do not accept that definition of navigable streams, and this bill does not apply to such waters as the Senator has described. I merely wanted the Senator to understand that I did not go as far as he stated that others do.

Mr. JOHNSON of Maine. Yes; but I wish to ask the Senator from Tennessee a question. Take a river like the Kennebec River, which is a river of depth. One of the great iron works, which now has contracts to build destroyers for this Government and which has built battleships, is located on that river. It builds very large vessels, six-masters, which draw 28 feet of water, and float out from the wharves of that company, which are some distance up the Kennebec River. Even up to Augusta vessels may proceed. A steamer connects the little city of Gardiner, 8 or 9 miles below Augusta, with the city of Boston, and plies back and forth two or three times a week transporting passengers and freight. When we come to Augusta there is a dam and a big cotton mill and a pulp and paper mill, and from there to my city of Waterville, 20 miles, there could be water enough, and would be water enough, to float a vessel of considerable size; in fact, in the old days vessels were built on that river at my city and floated down to tidewater, but to-day there is no lock in the dam, and there is a big manufacturing plant there. The Kennebec could be made navigable not only to Waterville, but when you got to Waterville, by a good system of locks, and so forth, you could get around there; and I suppose the river could be made navigable for 200 miles if you wanted to expend the money and there was any necessity for so improving it. Now, where would the Senator stop on that river with navigation and say that it had ceased to be navigable? The tide ebbs and flows up to the city of Augusta, and then come dams. On its course up to Moosehead Lake, for a couple of hundred miles, it receives a good many tributaries. Where does the term "navigable" cease to apply to that river?

Mr. SHIELDS. Mr. President, in my opinion the correct definition of a navigable stream, according to the weight of authority as shown by the adjudged cases in both State and Federal courts, is one that is capable of navigation by commercial vessels, ascending and descending, for the purpose of carrying commerce. There are a class of streams called "floatable streams," in which the public have a qualified right or easement of highway for floating logs; but they are not navigable streams, in my opinion, in the sense of the commerce clause of the Constitution, under which Congress has the power to regulate transportation upon them.

I do not know the facts with regard to the river to which the Senator has referred, and, of course, I can not give an opinion concerning its navigability; but if that river is susceptible of improvement by a reasonable expenditure of money so as to make it fit for commerce, ascending and descending, it seems to me it would be navigable and within the jurisdiction of Congress. I can give the best illustration of my views by a river in my State.

Mr. JOHNSON of Maine. Before the Senator leaves my river let me ask him about that a little further. I understand the Senator's definition. Now, let me ask him if it be true and it is determined that the river to which I have referred is capable of improvement for navigation—and there is water enough in it to make navigation possible—then is it not true that every little stream that feeds it and every little tributary of it is under the control of the Federal Government, because they affect and promote navigation in the river, and therefore obstructions could not be built on them without the consent of the Federal Government?

Mr. THOMAS. Not only the tributaries, but the sources of supply—the rain from heaven and the clouds from which the rain descends.

Mr. SHIELDS. There is a claim to the extent which the Senator from Maine has stated; but the absurdity of it, in my opinion, is demonstrated by the comment of the Senator from Colorado [Mr. THOMAS], for, if you can go up into the creeks, you can go to the spring branches, then to the springs, and then to the clouds, from which the rains descend. The definition of "navigable waters" must have some reasonable meaning, and there must be a reasonable limit.

Now, I will give an illustration from my own State. The Tennessee is one of the greatest rivers in the United States, and is susceptible of improvement for many hundred miles from its mouth, where it flows into the Ohio, and it has very valuable water powers on it, amounting to a million or more horsepower. Its headwaters extend into Virginia and North Carolina, and it flows through Alabama, and again into Tennessee and into Kentucky. Therefore it is an interstate stream. Near the city where I live, Knoxville, a tributary called the Little Tennessee flows into it, from its source up in the Great Smoky Mountains. This tributary is not navigable for vessels ascending or descending; and counsel who have investigated the matter under our statutes advised the American Aluminum Co. that it was not a navigable stream in the legal sense, and therefore that it was necessary for that company to come to Congress to get con-

sent to build dams in it; and that company is now expending some $2,000,000 in constructing a series of dams for water whereby they expect to develop 120,000 horsepower. That, in my opinion, is not a navigable stream, and is not subject to control by Congress. The company is proceeding under a permit granted it by the General Assembly of Tennessee. This concrete case illustrates my views upon this question.

Mr. JOHNSON of Maine. Let me ask the Senator a further question. Suppose, however, the Federal Government should find that the dam which has been built on the Little Tennessee obstructs navigation, and therefore that it lessens the flow of water, or diverts water, and therefore decreases the navigability of the Tennessee River. Would not the Government, if it found that to be the case, remove the obstructions in the Little Tennessee?

Mr. SHIELDS. I do not think it could. I do not think Congress has control over that river.

Mr. JOHNSON of Maine. It is for that reason, and recognizing that condition, that I offered the amendment.

Mr. SHIELDS. But I will never give my consent to the proposition that Congress has the right to assume jurisdiction over the spring branches of the country and interfere with the building of gristmills or any other development where the power is directly applied on small streams. It never was intended that this bill should apply to any but the great water powers which can be used for the development of hydroelectricity; and that can not be done by the power that is afforded by small streams. We must go to the great rivers for that purpose. Those are the only ones that are valuable for that purpose, and the only ones intended to be affected by this bill.

Mr. JOHNSON of Maine. But the power which is to be developed under the bill presented here is not to be limited to the development of hydroelectric power; it applies to any power, the most common uses to which I have referred. It was because I saw this doubt that I thought we were entitled to have some definition of the words and to what they would apply.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Nebraska?

Mr. JOHNSON of Maine. I yield to the Senator from Nebraska.

Mr. NORRIS. I desire to call the Senator's attention to the proposed amendment. I may say that I am in sympathy with the Senator's proposition. I suggested to the Senator from Tennessee [Mr. SHIELDS], when he opened the debate on this bill, that I thought it would be well to define the term "navigable waters," as used in the act. But the Senator has said here that—

> The words "navigable waters" shall be construed to mean such streams and parts of streams which are in fact navigable and used for the transportation of merchandise in interstate and foreign commerce.

I do not believe the Senator intends to confine that to a stream that might in fact be navigable but upon which there was no interstate or foreign commerce. I would suggest to the Senator, if that is his idea—and I can not conceive how he would have any other in that respect—that the words "in interstate and foreign commerce" ought to be stricken out.

Let me say to the Senator that, as I view his amendment, there are two qualifications in this definition so far. One qualification is that the stream, or part of stream, must be in fact navigable. Now, that is not enough. It could not apply to that. It could stop right there, although we might admit that it was in fact navigable and used for the transportation of merchandise in interstate and foreign commerce. For instance, I believe the Detroit River, connecting two of the Great Lakes, is all within one State.

Mr. JOHNSON of Maine. Pardon me for the interruption, but, if I catch the Senator's meaning, it is that there is other commerce besides interstate and foreign commerce, domestic commerce in the State itself, which it might be used for.

Mr. NORRIS. Yes; there may be. In other words, I want to call the Senator's attention to the fact that there may be a stream that is in fact navigable, about which there can be no doubt, but it may be all within the boundaries of a State, and there may be no interstate or foreign commerce on the stream.

I will say to the Senator that I see that the illustration I gave would not apply, because there would be interstate commerce there. I gave it offhand.

Mr. JOHNSON of Maine. I, myself, think all the purpose I had in mind would be served if I should strike out the words "interstate and foreign," and simply let it read, "used for the transportation of merchandise" of any kind.

Mr. NORRIS. Yes; that would be better than the suggestion I have made, I think.

The PRESIDING OFFICER. The Senator from Maine accepts the amendment of the Senator from Nebraska to strike out the words "interstate and foreign."

Mr. NORRIS. Yes; those three words.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. JOHNSON of Maine. And I will make the same correction in the ninth and tenth lines.

The PRESIDING OFFICER. In the ninth and tenth lines, the Senator moves to amend his amendment by striking out the words "Interstate and foreign."

The amendment to the amendment was agreed to.

Mr. NORRIS. I desire, further, to call the Senator's attention to the fact that the word "provided"—although in the amendment it is printed "provide," I suppose that is a typographical error; I think the Senator means "provided"—appears twice in the line to which he refers. On page 2, line 13, of the bill the word "provided" appears twice. The Senator means to insert this amendment after the word "provided" where it first appears, I understand.

The PRESIDING OFFICER. The Chair understands that the further description, "and before the colon," designates which word "provided" is referred to.

Mr. NORRIS. That is true. The other "provided" does not have any colon.

There is still another suggestion that I wish to make to the Senator. Ought he not to add after the word "waters" in the third line of his amendment the words "as used in this act"? I would not want to have a definition made that might by any possible construction be applied to some other law.

Mr. JOHNSON of Maine. I supposed that really was understood and provided for.

Mr. NORRIS. It probably might be construed to mean that.

Mr. JOHNSON of Maine. Yes. Of course, I intended that, and I had supposed that would be understood—"the words 'navigable waters' as used in this act."

Mr. NORRIS. "For the purposes of this act."

Mr. JOHNSON of Maine. I shall be very glad to accept the amendment.

Mr. SHAFROTH rose.

The PRESIDING OFFICER. The Senator from Maine accepts the suggested amendment of the Senator from Nebraska.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from California?

Mr. JOHNSON of Maine. The Senator from Colorado [Mr. SHAFROTH] had risen. I yield to him first, and then I shall be glad to yield to the Senator from California.

Mr. SHAFROTH. I should like to suggest that to my mind this amendment is indefinite. I quite agree with what the Senator has said with relation to making a division between the upper waters and the lower waters. I think it is wise, and I think it ought to be done. I do not think it ought to be left to the Secretary of War, however. I think that ought to be determined by Congress itself.

I wish to make this suggestion, to see how it strikes the Senator, because he has probably given more thought to it than I have. Suppose we insert, after the word "navigable," the words "by vessels of draft of —— feet or more." It is indefinite to say "navigable." Navigable for what? A draft of 1 foot, 2 feet, 3 feet, or what? Is it possible that we may have some Senators who think that the upper waters of a stream are navigable when they are really in the mountains? If you are going to define it, it seems to me you ought to make it something definite, so that Congress may determine the matter.

I would suggest that some number of feet might be inserted. I care not how much it may be, whether it is 2 feet, 3 feet, 4 feet, or 5 feet. I suggest that that be inserted, so that it will read:

> The words "navigable waters" shall be construed to mean such streams and parts of streams which are, in fact, navigable by vessels of draft of 3 feet—
>
> Or "2 feet" or "4 feet"—
>
> or more.

Why would not that clearly define the matter by an act of Congress, instead of leaving it to the opinion of an executive officer?

Mr. JOHNSON of Maine. I thank the Senator for the suggestion. In answer to his inquiry, however, I will say that

the difficulties which I have in mind would not be reached at all by that.

In my opinion nobody would think of making the great Kennebec River, in my State, a navigable river. We have not thought of it. We do not need it. We have all our means of transportation by rail and by our trolley lines. There is no water navigation; but there would be more than 3 feet of water or 4 feet or 5 feet above the city of Augusta, which I mentioned, and for a long distance up that river.

I do not think that ought to determine the navigability of the river. It seemed to me that the Secretary of War, who is the officer here having charge of all these matters, was the proper authority to whom that question should be referred. If there is a public demand which reaches him that that river should be made a navigable river, and that the owners of those power developments should put in locks and canals and make the stream navigable, he should determine it, and they will have to comply.

What I had in mind and desired to reach was, as I said, the people who for a century have gone along under a State law and, with the authority of a State, have made their developments upon the smaller streams. Many of those streams tributary to the Kennebec River would have the depth referred to by the Senator from Colorado, where I know that even the Secretary of War would not for a moment think of going for the purpose of developing a waterway. I do not think you could reach the matter by going at it in that way.

Mr. SHAFROTH. I can easily see why the people who have put dams in that river should be protected; but I must say that when you leave it to the Secretary of War, if the Secretary of War were of the opinion of some of the Senators who formed the commission to which reference has been made, he might declare this to be a navigable river far up above the point where the Senator thinks a resonable man would consider it navigable.

Mr. JOHNSON of Maine. Yes.

Mr. SHAFROTH. Why would it not be better, therefore, for Congress to define this thing, instead of leaving it absolutely to the opinion of any man?

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Montana?

Mr. JOHNSON of Maine. I yield.

Mr. WALSH. The principle advanced by the Senator from Colorado is absolutely right, but it is absolutely impossible to work it in practice. Congress has not the information, and can not possibly get the information, by which it will be able to pass an act defining the exact point at which the navigation of the Columbia River ends, the exact point at which the navigation of the Snake River ends, the exact point at which the navigation of the Kootenai River ends, the exact point at which the navigation of the Des Moines River ends, the exact point at which the navigation of every river in Maine ends, every river in Alabama ends, and every river in Wisconsin ends. The Senator from Colorado can see that that is not practical.

Mr. SHAFROTH. I can readily see that they can not determine the fact in any one river except by the rule. When you have a rule saying that it must be capable of carrying vessels of a draft of 3 feet, that is a designation by means of which anybody can find out, whereas if you are going to leave it without any qualification whatever to the Secretary of War, why can not he take the same view that the commission took that was appointed by this body, and say to the Senator from Maine, "We regard that all as navigable"? It is a matter of determination; and whether it is navigable by a vessel of 1 foot draft or 2 feet draft or 3 feet draft or 4 feet draft, he could say, "Well, I do not believe in any 3-foot theory; I believe in a 6-inch theory," and thereby he could absolutely control this matter contrary to the very wishes of the Senator from Maine.

I want to say that I expect to vote for the Senator's amendment whether it contains this language or not, and I am not certain that I will offer it as an amendment to his; but I want to study it and see whether making it more definite will not improve the character of the amendment.

Mr. WORKS, Mr. JONES, and Mr. HUSTING addressed the Chair.

Mr. JOHNSON of Maine. If the Senators will pardon me for a moment, I will say, in reply to the Senator from Colorado, that I certainly should like to have it made more definite; but it seems to me that the sentiment in the country, the sentiment in this body, and the sentiment among the good lawyers of the country has proceeded so far to-day that all of the waters of my State are navigable waters. That seems to be the sentiment which has been crystallized; and I have heard it asserted here that a river navigable in part is navigable through its tributaries and to its very sources. If that is the definition of "navigable waters," I think we ought to have it defined. That is what I have been trying to reach, and not leave it indefinite. If we apply this test of draft, I am afraid it would apply to many rivers which never will be considered navigable, are not to-day, and never will be used for navigation.

I have in mind the Dead River, through which Benedict Arnold went on that famous trip to Canada, when he came up the Kennebec River and then carried across into the waters of the Dead River. That river would have a great deal more depth than the Senator speaks of. It was sufficient for Arnold to take his expedition up it to the foot of Bigelow Mountain. They have water power on that river. If you should put the draft at 3 or 4 or 5 or 6 feet, you would then put that all under the control of the Federal Government. I do not think that would help us any.

I now yield to the Senator from California.

Mr. WORKS. Mr. President, I am very much in favor of some amendment to this bill that will define what constitutes a navigable stream. I think the first portion of the amendment offered by the Senator from Maine is sufficient for that purpose, but I am not at all in sympathy with the following clause in the amendment:

> And also such streams and parts of streams as may be designated by the Secretary of War as capable of improvement for the purposes of navigation and transportation of merchandise—

And so forth. I think it is time enough to apply this act to a stream when it has actually become a navigable stream, not upon the theory that it may be capable of being made a navigable stream at some future time which is exceedingly indefinite.

There are a good many streams in this country that are capable of being made navigable that probably never will be made navigable. There are doubtless some of them in the Senator's own State. I am quite sure there are some in my State. It seems to me that that would be a very unfortunate provision to insert in the bill.

There may be some question as to whether or not it is necessary that there should be any definition of a navigable stream at all in view of what has been said about it by the Supreme Court of the United States. That court has endeavored to define what shall constitute a navigable stream, and probably has done so quite as well as we can do it by any legislation that may be enacted here. I call the Senator's attention to the case of *The Montello*, which is reported in Eighty-seventh United States Reports, commencing at page 430. At page 439 the court says:

> This court held in the case of the *Daniel Ball* that those rivers must be regarded as public navigable rivers in law which are navigable in fact. And they are navigable in fact when they are used, or are susceptible of being used, in their ordinary condition as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water.

Mr. JOHNSON of Maine. If the Senator will pardon me just a minute, the very language of the court makes it seem necessary that some provision should be made. They say "susceptible of navigation"—not only those that are now used, but those that are susceptible of improvement, as I understand.

Mr. WORKS. Oh, no; not susceptible of improvement; susceptible in their present condition of being used for commercial purposes. I doubt very much whether we can define "navigable streams" any better by any provision that we may insert in this bill than the term has already been defined by the Supreme Court.

Mr. SHIELDS. Mr. President, from what case does the Senator read?

Mr. WORKS. I am reading from Eighty-seventh United States, the case of the *Montello*. The definition is evidently quoted from the *Daniel Ball*, which was reported in Tenth Wallace, page 557. I assume that that is about as correct a definition as could be given of a navigable stream.

Mr. SHIELDS. I think so.

Mr. WORKS. And it seems to me that where we use the words "navigable stream" in a statute, that definition will be applied to it. I have felt all along that there should be some definition in this bill that should limit the effect of it to actually navigable streams; but if the use of that term, as applied to the definition of the Supreme Court, is sufficient for that purpose, then it would be unnecessary to amend the bill in that particular.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Minnesota?

Mr. JOHNSON of Maine. I do.

Mr. NELSON. Let me ask the Senator from California a question in this connection. Suppose we repeal section 10 of the act of 1900, and sections 9 and 10 of the act of 1899, prohib-

iting the construction of dams over navigable waters without the consent of Congress. If we should repeal those laws, prohibiting the construction of dams without the consent of Congress, would not this definition of the Supreme Court then cover the case, and give us the proper relief?

Mr. WORKS. Yes; I think it would. But I rose not so much for the purpose of aiding the Senator in that respect as to call his attention to what I think is the objectionable part of his amendment. I am very much in favor of the other portion of it, but I hardly think it would be wise to provide in this bill for the protection under it of streams that the Secretary of War may think are capable of being made navigable.

Mr. JOHNSON of Maine. In reply to what the Senator from California says, I would say that so far as my State is concerned the first part of the amendment would reach conditions there; but I had thought of conditions elsewhere in the country where rivers are being improved all the time for navigation, particularly in the West, and where at the present time there is in fact no navigation, and they are not navigable and are not used for transportation of merchandise, but are capable of being made so by improvements which are being made. It was for that reason that I thought it necessary to add that the Secretary of War might designate the rivers which, in his opinion, were capable for improvement for navigation.

Mr. WORKS. The Senator from Colorado suggests that pretty much every stream is capable of being made navigable, if you spend enough money for that purpose.

Mr. JOHNSON of Maine. Yes.

Mr. WORKS. In fact we have made navigable streams by constructing canals where there was no stream at all.

Mr. JOHNSON of Maine. Yes.

Mr. WORKS. Therefore that definition might cover almost anything.

Mr. JOHNSON of Maine. Of course, the Senator from California does not expect, and neither do I, that any Secretary of War who might be holding that high office would think of spending the people's money foolishly upon a project where there seemed to be no reasonable promise that the stream could be made capable of navigation, except at a tremendous and extravagant expense.

Mr. WORKS. No; I should not expect the Secretary of War to do anything of that kind; but what necessity is there for any provision of this kind at all? When the stream is made navigable it is time enough then to apply the law to it.

Mr. HUSTING and Mr. CUMMINS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Maine yield, and to whom?

Mr. JOHNSON of Maine. I yield to the Senator from Wisconsin, who rose first. Later I will yield to the Senator from Iowa.

Mr. HUSTING. I should like to ask the Senator from Maine whether, in his State, they have any lakes that constitute the reservoirs or headwaters of the rivers?

Mr. JOHNSON of Maine. We have, and they are used by the manufacturing interests and the log-driving interests. On my own river we had formed 20 years ago a corporation in which all the manufacturing interests on the river, from the first portion at Augusta to Moosehead Lake, became interested, and they have spent a great deal of money in improving that river. They joined with a log-driving company to blast out ledges and rocks upon which the logs had been accustomed to jam, making it necessary to use a great deal of water from the reservoir lakes, and built sheer booms, and expended a great deal of money in conserving the waters; and they, through this company, watch the waters in the lake.

Moosehead Lake, as I have said, is 47 miles long. It is a large reservoir. This company, through its officers, controls, in the interest of all—the interest of the log-driving company and the interest of all manufacturers—the water on that river; and it is valuable to them, particularly when winter comes on. Our dry season is likely to be January and February, when every little stream is frozen up and there are no melting snows and no rains to reach the waters, and the surface of the lakes is congealed into ice, and we have to look after that water. Nobody will do it so well as the men who are going to use it and who unite in harmony for that purpose.

We have had very little trouble in our State over water rights. We have applied the touchstone of reasonable use, and have said to the riparian owner, "You own your water power as much as the farmer owns his farm or the merchant owns his block, and you have a right to the reasonable use of the water that flows by you, as you have a right to the reasonable use of the air which envelops the farm or envelops the block." We have gotten along very well in our State with very little litigation between the owners of water rights, and they have recognized the importance of uniting.

I say that in answer to the Senator's question. I did not mean to be so long.

Mr. HUSTING. Let me ask the Senator whether Moosehead Lake is navigable?

Mr. JOHNSON of Maine. Oh, yes; it is navigable. There are steamers of some size upon it.

Mr. HUSTING. What river rises in it?

Mr. JOHNSON of Maine. The Kennebec River is the river that flows from it.

Mr. HUSTING. In its lower reaches is the Kennebec River navigable?

Mr. JOHNSON of Maine. Yes; for 50 or 60 miles.

Mr. HUSTING. There is just one more question I should like to ask the Senator in regard to the effect of the change proposed by him—whether, in using the words "navigable waters," he is merely attempting to restrict the operation of this proposed law or whether the effect of those words would be to abandon, as a right of the United States, jurisdiction over rivers over which it now has jurisdiction?

Mr. JOHNSON of Maine. In reply to the Senator's question I will state that I hope it will be an abandonment of some of the rights which are claimed as far as nonnavigable rivers are concerned, because I think the State can best control those in the interest of its people. As I said in opening, I believe there is no better example and illustration of the wisdom of the dual system of government which the fathers devised than in this case, where the local waters and the local interests will be controlled by the States.

Mr. HUSTING. If the Senator please, the jurisdiction of the United States under the commerce clause of the Constitution has been construed by the Supreme Court of the United States. What I should like to know is whether the Senator would like to change the construction of the Supreme Court and, by statute, restrict the jurisdiction of the United States in contravention of what the Supreme Court has found that the constitutional jurisdiction of the United States is?

Mr. JOHNSON of Maine. I will say that I do not know that I am trying to restrict at all any interpretation of the Supreme Court of the United States; but I am trying to restrict the interpretation which many good lawyers put upon the decision of the Supreme Court of the United States and have it made definite, and to save my people, as I said awhile ago, from violating a statute here in following out the State law on which they think they have authority to act.

Mr. HUSTING. I was trying to get the Senator's idea as to whether it was the intention of the amendment which is proposed merely to restrict the operation of this law, retaining whatever jurisdiction the United States always has had, or whether, in effect, it means to give a new definition or new limitation to the meaning of "navigable waters," not only in connection with this bill, but for all purposes?

Mr. JOHNSON of Maine. I will say to the Senator that it is only in connection with this bill, and, of course, the purpose is not to restrict, except to confine the operation of the act to waters that are really in fact navigable or which, as I stated, it is provided further are capable of being made navigable, in the opinion of the Secretary of War.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Iowa?

Mr. JOHNSON of Maine. I yield to the Senator from Iowa.

Mr. CUMMINS. I agree with the Senator from Maine in all that he has said with respect to eliminating from the operation of the bill streams that are not used in commerce. I have offered two amendments to the bill, which are now printed and which are intended to reach in a general way the same result.

The difficulty with the amendment offered by the Senator from Maine, while it might cover the situation in Maine, is that it would not reach the difficulty in some other States. He suggested, in answer to the Senator from California, that he thought there was no danger that a Secretary of War would include the smaller streams that simply have the potentiality of navigation in them. I am afraid that his confidence in that respect is not well founded—and I am not criticizing a Secretary of War—for no longer than two or three years ago a Secretary of War did classify a stream in my State that has not borne a single pound of commerce in 60 years and is utterly incapable of bearing the burdens of commerce until it is improved, as a navigable water.

I am afraid that the outcome of this amendment, if it were adopted just in the form in which it is, would be that the Secretary of War, looking forward into the future and fearing that he might classify streams erroneously, would at once classify

all the streams of the country which have water enough in them to be navigable under improvement as navigable streams, and we would lose the entire benefit of the attempt to construe or to define the words "navigable waters."

Just a word in answer to the suggestion by the Senator from Wisconsin [Mr. HUSTING]. It is obvious, of course, that we can not by any act of Congress diminish our powers under the Constitution. Our power is to regulate commerce among the States, and we can regulate it in almost any way that we desire. I have no doubt that we could enter any stream in the United States, however insignificant, for the purpose of making it navigable and in that way subjecting it to commerce. I have no doubt we could build a canal across the country where there is no stream at all for the purpose of carrying on commerce. But that does not reach the point, I think, that has been so well sustained by the Senator from Maine. We can limit the application of this bill to any streams which we may classify or define. We could limit the operation of the bill to the Mississippi River if we wanted to do so, or to the Columbia River, or any other stream. So we are in nowise interfering with or trying to abdicate our constitutional rights or power when we confine the bill to a particular kind of a stream.

I am perfectly willing myself to take the definition of the Supreme Court of the United States, but I want it in this bill, so that it may not be shaded upon or qualified in the future by those who are to interpret it. I would far rather take the definition of a navigable stream as given by the distinguished author of the bill in a case which he decided when chief justice of the Supreme Court of Tennessee. I have examined a great many cases relating to this subject, and I have found in none of them so complete and so understandable a definition of the words "navigable waters" or "navigable streams" as is found in the opinion to which I refer. I would be delighted if we would lift the definition out of that opinion and embody it in this bill, so far as the streams are concerned, which are to be covered by the conditions of the measure.

But there is another suggestion which I desire to make to the Senator from Maine. I fear that the amendment is incomplete in this, that when the streams which are segregated from all other streams by the definition given in the amendment are set apart there will yet remain streams, and many of them, which are within the jurisdiction of Congress, and which a Secretary of War acting with perfect honesty would classify as navigable waters. Then the acts of 1900 and 1899 would operate upon them, and there would be no authority whatever for the building of dams in such streams, and no authority for anyone who wanted to build such a dam to apply to the Secretary of War for the necessary permission. There would be nothing for those who wanted to build dams in such streams to do but to apply to Congress for an act conferring the authority.

I have stated so much because I wanted the Senator from Maine to understand the basis of the request I am about to make of him. I think all of us who are interested in this particular phase of the bill have had more or less discussion with the author of the bill with respect to it. I have reason to believe that, so far as the Senator who is managing the bill on the floor of the Senate is concerned, we can reach a satisfactory expression or definition of navigable waters, and also some provision relating to the streams that might come within the jurisdiction of Congress but would not be included in the bill. In view of these considerations, will not the Senator be willing that the amendment shall be passed over; that is to say, that a vote shall not be taken on it at this time?

Mr. JOHNSON of Maine. I am very willing to yield to the request of the Senator from Iowa and have the amendment passed over for the present. So it may go over.

Mr. NELSON. Will the Senator from Maine yield to me?

Mr. JOHNSON of Maine. Yes; I yield the floor. I have finished.

Mr. NELSON. Mr. President, what I desire to say in this connection is that most of the amendment of the Senator from Maine conforms to the language of the decision of the Supreme Court. The Supreme Court has laid down in the case of Ball as clear a definition as we could possibly put. But even if you had that definition in the bill you would still be at the mercy of the War Department that we have been during all these years because of provisions in the river and harbor acts of 1890 and 1899. There are sections in each of those acts which positively prohibit the construction of any dams that affect the navigable capacity of a river without the express consent of Congress. So, unless you repeal those sections, even with the definition you have in the bill, you will be no nearer reaching a case such as the Senator from Iowa pointed out the other day.

Therefore, I regard it as far more important to repeal those prohibitive sections in the river and harbor acts I have referred to than to put this amendment into the bill, because the amendment is practically the law now as interpreted by the Supreme Court, and you do not get anything more reliable by reiterating it in this bill. The vital part to accomplish what the Senator from Iowa and the Senator from Maine want is to repeal those provisions of the river and harbor acts I have called attention to. I will quote from those acts. I read from the act of 1890, section 10:

That the creation of any obstruction, not affirmatively authorized by law, to the navigable capacity of any waters, in respect of which the United States has jurisdiction, is hereby prohibited.

There is another section, section 7 of the same act, the river and harbor act, that relates to the same subject.

Section 10 of the river and harbor act of 1899 reads as follows:

That the creation of any obstruction, not affirmatively authorized by Congress, to the navigable capacity of any of the waters of the United States is hereby prohibited.

It is under these acts that the War Department has refused to give its consent to such cases as the Senator from Iowa referred to. If you examine the decision of the Supreme Court in the Rio Grande case, and I have it here before me but will not take the time to read it, you will find that it is put exactly upon this language of the act of 1890.

Now, my notion is that until we repeal these prohibitive provisions we can never succeed in getting the relief that the Senator from Maine and the Senator from Iowa desire. I quite agree with those Senators. I do not want the Government to have the veto power on the construction of dams.

I can remember when I was a young man in the State of Wisconsin we had any number of such dams and water powers in that State as the Senator from Maine described as being in his State. They were constructed, and the rule of riparian ownership, as the Senator from Maine has described it, existed in that State. We had a State law under which persons could construct dams, and we had little sawmills and gristmills scattered over those streams. In later years some of those water powers have given place to power for electric light and woolen and cotton mills and other factories, but it was all done under State authority. We want that power left in the States. In respect to all streams that are not navigable as defined by the decision of the Supreme Court, we want the power left in the State and not in the Federal Government, to the end that the States through their laws and their administration may carry on the necessary improvements in the shape of dam construction, for I believe no power is more effective or can do it better than the State power in respect to the concerns over which it has jurisdiction and control. I am utterly unwilling to agree to any doctrine that would detract and diminish the power of the States in these respects.

Therefore I shall ask the Senator from Tennessee, who has charge of the bill, to agree to an amendment substantially as I have written it. I will read it in this connection. Those provisions refer not only to dams but also to other obstructions—wharves, piers, and so forth. So I have framed the amendment in this way:

That sections 7 and 10 of an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved September 19, 1890, and sections 9 and 10 of an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899, so far as they relate to the construction and maintenance of dams over and across streams, rivers, and watercourses, are hereby repealed.

I do not use the term "navigable stream"; I use the term "streams, rivers, and watercourses." So far as relates to them in general, we repeal it and leave the statute blank in that respect.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. NELSON. Certainly.

Mr. CUMMINS. I recognize the truth of every word the Senator from Minnesota has uttered, and I hope he will note that I have endeavored to reach the same result and possibly go a little further than he through my amendment, for after defining "navigable waters" in practically the way in which it is defined by the Supreme Court of the United States, I further say:

Provided further, That with respect to all other streams—

That is, the real navigable streams, those navigable in fact—

over which Congress has jurisdiction, under its authority to regulate commerce with foreign nations and among the several States, permis-

sion is hereby given to construct dams therein, subject, however, to removal or reconstruction, without expense to the United States whenever the United States enters upon the improvement thereof for the purpose of making the same usable for interstate or foreign transportation.

In that way, of course, in so far as the river and harbor acts to which the Senator from Minnesota has referred are concerned, and in so far as they forbid the erection of dams, I repeal them all by granting express authority to build dams in these streams. But I do not at all say that the way the Senator from Minnesota has suggested is not the best way to reach the desired end.

Mr. NELSON. The Senator understands me. My view is that if you absolutely repeal those sections I have quoted prohibiting the construction of dams there is no need to make any other definition of what are navigable waters than what is found in the decision of the Supreme Court in the Ball case. There is the law laid down as near as we can lay it down in the bill before us. While I have no objection to anything being inserted in the bill in the language of the decision of the Supreme Court, it seems to me it is wholly unnecessary if we repeal those prohibitive sections. That is my view of it.

Mr. HUSTING. Mr. President, before we leave this particular subject I should like to say a few words on it.

The Senator from Maine [Mr. JOHNSON], who offered the amendment, stated that the purpose of it was not in any way to abandon or curtail the jurisdiction or authority of the United States in certain waters, but merely to restrict the application of this bill to certain waters. In other words, it is the purpose of the amendment to make this law as narrow in its application as possible.

The effect of this amendment if it were adopted would, as far as a water-power bill is concerned, be of little practical application except to very few rivers, and as to those rivers for a very short distance.

We have heard a great deal in the last few years about the necessity of conserving the water powers of our rivers, and this measure, I believe, was introduced as a water-power measure. I presume the authors of the bill think it is a good one, and it seems to me that if they think the bill is a good one they ought to make its beneficent effects as widespread as possible. If this is a good bill, it ought not to be narrowed in its application. It ought to be widened in its application so that the whole country instead of only a limited part of it may have the full benefit of the act.

As I said, there has been a great deal of talk about water powers and water-power legislation, and if it is going to amount to anything, in my humble judgment it ought to be done in a way that will give the greatest effect, the greatest good, the greatest amount of conservation of water power that we can get all over the United States.

I do not think it is going to do much good to have a bill apply only in part to a river, a part under the jurisdiction of the United States, a part under the jurisdiction of the State, and a part under the jurisdiction and control of neither, but of private owners. If it is going to amount to anything, it ought to be a system covering all the navigable streams of the United States.

There has been a bill introduced by the Senator from Nevada [Mr. NEWLANDS], a waterways scheme. If that is going to amount to anything, it will require the broadest control and require the broadest jurisdiction that the United States can exercise.

The Senator from Maine [Mr. JOHNSON] stated certain conditions in his State which are very similar to conditions in Wisconsin. In northern Wisconsin we have a great many lakes—hundreds, if not thousands, of them. These are natural reservoirs that are navigable by steamboats and launches. Mails are carried over those lakes. In some instances there are large boats plying between the lakes, carrying freight. Those lakes are the headwaters of all the great rivers of Wisconsin, and eventually empty into the Mississippi River or into Green Bay and Lake Michigan. In other words, they are tributary to the Mississippi or to the St. Lawrence. Those lakes are deep. They are surrounded by high banks and hills and have very narrow outlets. The outlets are so narrow at their immediate source that they would scarcely carry a log down, to say nothing about a rowboat. The streams develop as they go down. For instance, we have the Manitowish waters; we have the Turtle waters; we have the Eagle waters, all of which have their rise in those lakes in the lake region or reservoir part of Wisconsin.

I am only mentioning Wisconsin, but, I presume, Minnesota and Maine and a great many other States have the same sort of situation; and I am only mentioning these to illustrate what I am about to contend in regard to this matter.

These lakes empty, at least at the beginning of their outlets, by small streams that you can almost jump across, but as they go down farther in a southerly direction other streams pour into those streams, finally forming confluence by larger streams. For instance, the Manitowish waters and the Turtle waters form the Flambeau River. The Flambeau River finally forms a confluence with the North Fork of the Chippewa River, and eventually is a mighty stream at the point where it empties into the Mississippi River.

Under the amendment the Senator suggests, while the United States might retain jurisdiction over those lakes and it might retain jurisdiction over the few miles above the mouth of rivers like the Chippewa River and the Wisconsin River that may be commercially navigable, and yet the control of the reaches between the lakes, which are the source and the place where it empties into the river—almost the entire river—would be practically under private control.

It is apparent to me, it would seem to be apparent to all, that the control of those intervening stretches of the river between the lakes and the mouth of that stream are just as essential to navigation in that part of the Chippewa River as far and to the extent that that particular part is navigable.

Mr. SMITH of Arizona. Will the Senator from Wisconsin permit me to ask him a question?

Mr. HUSTING. Certainly.

Mr. SMITH of Arizona. I am interested in this part of the question, because it affects a part of my State. If it be granted that the Federal Government can go beyond the actual navigable stream under that clause of the Constitution giving the Federal power jurisdiction over navigable streams, it will go to the first branch of it, which confessedly is not navigable. How far will you go up that stream until you hit another, and how far will the Federal jurisdiction extend at last? Can it stop short of any individual spring which empties into the river?

Mr. HUSTING. Yes; I think it will.

Mr. SMITH of Arizona. Where will it stop?

Mr. HUSTING. At the point where navigability stops. The Senator from Colorado suggested it might extend to the rainfall, but that is stretching it some. I think that may properly be left to the jurisdiction of the Almighty. I think He will probably take care of that. I say as far as putting the reaches between the upper waters of a stream and the mouth of that stream in the hands of private owners, to manipulate the waters as they see fit, not in a manner that is good for all the people of the United States or for navigation, but in a manner that is good for their particular business—paper business or anything of that sort—is turning over and surrendering the entire sovereignty of the United States to private individuals, to be used by them as they see fit.

Mr. SMITH of Arizona. Then, if the United States has no sovereignty over any water in the United States except the mere right to use it for commercial purposes—in other words, for navigation—if you extend it beyond that it would take the first tributary, and if it would take the first tributary confessedly the riparian right is still retained on either side absolutely. Then it would proceed necessarily to any point in the stream that led to navigation, as they have already done in the Rio Grande case, extending the navigability of the Rio Grande River a thousand miles below the springs and small streams that are to be impounded there.

Mr. HUSTING. I know nothing of the conditions there, but I say what the United States can properly concern itself about is as far as the streams are navigable within the law, and to that extent it exercises sovereignty. I will agree with the Senator that the Government exercises sovereignty over it primarily because of navigation, but it need be blinded to all the other things that are necessarily incident to the development of navigation, but its sovereignty extends as far as the welfare of the public demands that it shall extend in connection with or incident to its development. This bill applies beyond the mere development of navigation. The bill of the Senator from Tennessee goes further than navigation. It goes to the question of regulating rates. It goes to the question of developing water power. It goes to the question of other things besides navigation. So it is generally recognized, as it is recognized here, that the sovereignty of the United States does not extend merely to the question of navigation, although that gives it its controlling power, no doubt.

I say that if the United States wants to go into the business of having its rivers and the navigation of its rivers developed, if it wants to have its water powers developed, if it wants to prevent floods—and we have a bill here proposing to appropriate a large sum of money to prevent floods—it is absolutely necessary that the United States shall not surrender any jurisdic-

tion to any part of the waters that it extends over now under the interpretation of the Supreme Court of the United States.

For instance, as to flood prevention, going back to the reservoirs in the States where these great rivers have their rise, if dams were built across these little thoroughfares, as they call them, or little creeks, through which immense lakes are emptying out their waters, and small dams constructed, as they are already being constructed in the State that I in part represent, billions of cubic feet of water can be stored and conserved, with the result that the flood problem will be treated at its source, as it should primarily be treated, instead of at its mouth. The building of dikes and the building of dams at the mouth of the Mississippi River, or any distance above, will be absolutely insufficient to prevent a flood from sweeping them away. The only way, in my judgment, that a flood can properly be prevented is by controlling the headwaters of the stream, by establishing reservoir systems, by putting them in charge of men, under instructions to store up the water in flood time and let them out in the dry time, thus not only preventing floods, but increasing the efficiency of the water powers down below. If the headwaters of every river emptying into the Mississippi were controlled by this Government by dams and reservoirs—and it can be done at a minimum cost—and, moreover, if every dam between the source and the mouth of the Mississippi were subject to the same control and the waters of the whole watershed thus checked and stored under the direction and supervision of the Government, I think the flood problem on the Mississippi would in large part be solved.

Two reservoir systems have been established in Wisconsin under public-utility management. Conditions are better than without any control whatever, but it would be far better, in my judgment, if the State or the United States had control of them; better, I think, not only for the people but also for the water power below. But there is another thing. Even if we can not abandon the jurisdiction of the United States, vested in it by the Constitution and as construed by the Supreme Court, yet an act of this kind might be construed to be this, namely, a mere definition of a doubtful jurisdiction or perhaps the settlement of the meaning of the words that are now said to be in dispute; we then may not only restrict the scope of this bill, but we may be in danger perhaps of abandoning some of the rights that we have in these streams. What would be the result of that? It may be that some of the streams or parts of streams in Maine, Wisconsin, and Minnesota may not be used just now for navigation, but the law is now plain. If dams are built in Wisconsin or in Minnesota or in Maine, or for that matter in any other State, and the time comes when the United States may desire to make these rivers navigable, under the present jurisdiction, as defined by the Supreme Court, under the present law of the United States, the United States can remove those dams and take possession and control thereof.

Mr. JOHNSON of Maine. Will the Senator from Wisconsin yield to me?

Mr. HUSTING. Yes; certainly.

Mr. JOHNSON of Maine. I should like to call the Senator's attention to the pending provision in the bill. There is a penalty, to which I referred, that if such a dam is built, the penalty of a thousand dollars is fixed in section 8, and for every month the structure is continued there is imposed a penalty of an additional thousand dollars. I think I tried to make it plain that the innocent holder or riparian owner who, following the State law enacted under State authority, tried to improve his property and to create water power for his gristmill or for his sawmill, and thought he had a right to do so upon a stream, should not be subjected to the penalty. It would be true, however, as the Senator says, that the Government might later find that to be an obstruction that ought to be removed; but such riparian owner will have incurred that penalty and be liable.

Mr. HUSTING. That illustrates the danger of the United States even permitting these things to be done by the State. The rule in Maine evidently is not the rule, as I understand it, in Wisconsin. For instance, in Wisconsin the riparian owner, while he has rights, has no right, as I understand, to build a dam across a navigable stream—a stream navigable within the meaning of the law and within the meaning of the opinion of the court without permission of the legislature or of the United States.

Mr. JOHNSON of Maine. Mr. President, will the Senator from Wisconsin again yield to me?

Mr. HUSTING. Certainly.

Mr. JOHNSON of Maine. There will be no dispute between the Senator and me upon that; and the law is no different in Maine. The trouble is that the Senator is using the word "navigable" as if it had a strict, definite meaning; and I should like to ask the Senator to define the word "navigable." What does he mean by the word "navigable"?

Mr. HUSTING. I will say that I understand the word "navigable" to mean what the Supreme Court of the United States has said it means.

Mr. JOHNSON of Maine. I should like the Senator to express the meaning of the word as it is in his mind. What is a "navigable stream"?

Mr. HUSTING. I will say to the Senator from Maine that I should have to refer him to the decisions of the Supreme Court of the United States and of the courts of the several States, although, as I understand, in short it is this: A stream is navigable that is navigable in fact, for any purpose, for the purpose of floating logs or a skiff or a rowboat; at least, that is within the meaning of the State definition of "navigable waters." I think a little different rule applies in regard to what streams are considered navigable within the commerce clause of the Constitution, although, when the two definitions are compared and analyzed, I can not see a great deal of difference in their ultimate meaning.

I say, under the present law, under the present jurisdiction of the United States, or under its present application if we do not abandon it or waive it—perhaps we can not abandon or waive it if we try; I have some doubts whether we can abandon it or waive it at all. But conceding, for the sake of the argument, that under the amendment offered by the Senator from Maine we would be deciding a doubtful question that we could abandon it, it would simply change the rule to this extent: Men could go in there and put up dams; and, if the time should ever come when it would be necessary or expedient for the United States to use the river for the purposes of navigation, the United States would have no right to remove the dams, at least not without compensation, and would have lost its right of way and would have to buy it back. We would practically have abandoned rights which we have always enjoyed and which never have been disputed. For one I do not think we should do that. That is a right, the value of which no living man can determine. I do not think we should take a chance that may be so far-reaching in its consequences or that we should abandon a jurisdiction and a right of control over the great waterways, the lakes, and the great waters of this country upon a mere "think-so" or "believe-so." It seems to me that the Government should be very jealous of its jurisdiction and of its control, and that it should keep in its hands and within its control all the power that the Constitution gives it, yielding, or rather delegating for a time only to the States such portion of such sovereignty as we think may be properly left to them. Even then, though there may be a divided responsibility and a divided jurisdiction for a time, laws should be passed in such a way that the State and the United States can cooperate in making these waters of the greatest advantage to the people of the State and the country at large.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator from Wisconsin where there is any authority for the United States to regulate the water flow or the water in any of the streams? Where does he find it?

Mr. HUSTING. I find it in the Constitution and in the decisions of the Supreme Court of the United States.

Mr. SHAFROTH. I hold in my hand a decision of the Supreme Court of the United States in Kansas *v.* Colorado (206 U. S., p. 46), a Supreme Court decision rendered by Justice Brewer, in which he said:

> That the Government of the United States is one of enumerated powers; that it has no inherent powers of sovereignty; that the enumeration of the powers granted is to be found in the Constitution of the United States, and in that alone; that all powers not granted are reserved to the people. While Congress has general legislative jurisdiction over the Territories, and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State, except to preserve or improve the navigability of the stream——

Mr. HUSTING. Certainly.

Mr. SHAFROTH. The decision continues:

> that the full control over those waters is vested in the State.

In view of that decision I can not see where the authority is to go into a State, especially where there is no navigable stream, and attempt to regulate or to control it.

Mr. HUSTING. Just in so far as it is necessary to control it in the interest of navigation.

Mr. SHAFROTH. No. The power of the United States Government is of a restricted nature. The States have always exercised control even over obstructions to navigation until in comparatively recent years. Then there have been acts of Congress passed that prohibit the construction upon a river dams and things of that kind that would obstruct navigation.

Mr. HUSTING. I will say to the Senator from Colorado, as I said before, that there appears to be a different rule applied to the term "navigable waters within a State and navigable waters

under the control of the United States"; but in the last analysis you finally get down to the proposition that the United States can do anything with the waters within the borders of a State, if it is necessary to use them in the interest of navigation, either in or out of the State, provided the waters to be controlled by the United States empty into interstate waters.

Mr. SHAFROTH. You can pass laws and you can enforce them if nobody objects; but the power does not exist there; it never was granted. The Senator can not show a constitutional provision that authorizes it. This decision says it is within the jurisdiction of the State, and for over a hundred years it has been administered by the State without any law of Congress with relation to the matter.

Mr. HUSTING. So far as my knowledge of the subject goes, I believe that the United States has always asserted such power whenever it felt like doing so. It has never been questioned; the Supreme Court has recognized it; and I take it for granted that a practice that has obtained for so many years, a rule that has been asserted by the United States for so many years, is founded on some good, substantial basis. The decision read by the Senator from Colorado is qualified by the words "except to preserve or improve the navigability of the streams." Those qualifying words show to my mind that in the last analysis the State's right is subordinate to such jurisdiction as the United States is to assert at some time or times as it cares to assert it.

The United States some time ago withdrew from public entry 70,000 acres of land for the very purpose of establishing a reservoir in northern Wisconsin. It was heavily timbered. Subsequently it was put back upon the market; the timber was cut off, and the United States has to-day a reservation of 70,000 acres of land for the purpose of establishing a reservoir controlling the waters of the Chippewa and Wisconsin Rivers. In order to preserve or promote navigation or to prevent floods the United States has the undoubted right to create reservoirs at the sources of the streams, and if it has that right it can control the stream flow and that carries with it necessarily the control and regulation of the whole stream.

This is a very important proposition. Of course, if it is the purpose of this bill merely to improve the navigable rivers of the United States, without care or regard for the water powers incidentally created by the improvements and the intent is to turn these powers over to individuals and corporations for their own use, then, of course, the bill in part accomplishes this, but only in part if it restricts its application to little stretches in rivers and abandons a control which will make a broad and comprehensive development of our water powers unproductive if not impossible.

But if it is the purpose of the United States to turn to account the great resources of the country as regards waterways, navigation, and water powers for the advantage and benefit of the whole people, then the law should be as broad in its application and scope as it is possible to make it.

As I said a little while ago, this bill, it is claimed by its sponsors, is a good thing. I do not think so, and if I thought that this bill would pass in its present form or without vital and radical changes, I would think now its application and scope far too broad, even with the amendment of the Senator from Maine; in fact, in that event, I would like to see it defeated entirely. But if the Senators who support it think it is a good bill it would seem that they at least would insist that it carry the widest scope and application possible.

There is no question, however, that this amendment would restrict it to a very small percentage of the navigable waters of the country, if "navigable waters" are defined as they are now sought to be defined by this amendment. Not only that but you will restrict it to the very part of the waters where there is the least potential water-power development.

The engineers, as I understand, divide rivers such as I have described in Wisconsin in three parts. The upper third or reservoir part, the middle third, as they call it, which is the water-power part, and the lower third, or the navigable part for commercial purpose. It is that little lower portion of the river which is navigable only for commercial purposes. The reservoirs are where the water is stored. The waters empty out and gradually with the fall of the ground gain in volume and momentum until they constitute good water-power rivers, tumbling down the rapids and down the falls to the southern part of the State. That is where your water-power development has got to be done, if at all. The upper reaches of the river—fully one-third of it—are not navigable, although tremendous volumes of water pour through them, because that part is fast water and consists mostly of rapids and falls. That is, however, where the water-power portion of it is. You can not run a boat down such rivers, in such parts, which draws 2 feet or, for that matter, even 1 foot of water. When you get down to the lower third the fall of the river is very slight, but deep, and there it is navigable. The country is flat. The energy of the water is gone, because it has reached again a level part of the State. So I presume that in the Mississippi the less the fall and the less the energy the less it is adapted to water-power development; you can not get the head there that you can up where the water is swift and where the falls and rapids are frequent.

Now, I believe that if we are to pass a bill for the comprehensive development of our streams we must control the headwaters and the mouths of such streams, and in order to do that with any degree of success we must control the reaches of fast water in between. This we manifestly can not do, either for the purpose of improvement of navigation or for the proper development of water power to its utmost capacity, unless we exercise jurisdiction and control over some parts of streams and give private control of the other parts. The surrender of any part of the sovereignty of the United States over any part of its navigable waters is of such serious and far-reaching importance and may lead to such grave results that I feel the amendment should be defeated.

PETITIONS AND MEMORIALS.

Mr. LIPPITT. I present a resolution of the Senate of the Rhode Island General Assembly, which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

STATE OF RHODE ISLAND, ETC.,
IN GENERAL ASSEMBLY,
January Session, A. D. 1916.

Resolution of the Senate of the Rhode Island General Assembly urging upon the Congress of the United States of America the duty of adequately increasing the military and naval forces of this Government.

Whereas in view of the terrible loss of human lives and of the ruthless methods that have frequently characterized the present European war, we may realize in some measure the distress and destruction that would be wrought upon our own land should this Nation become involved in war with any of the great powers; and

Whereas on several occasions the Secretary of State of the United States has made demands that certain fundamental principles of decency and humanity be observed by the participants in this war, demands that this Government is notoriously unable to enforce; and

Whereas it is our sacred duty to preserve inviolate this Republic with its Constitution and traditions of justice, humanity, and liberty: Now, therefore, be it

Resolved, That the honorable senate urges upon the President and Congress of the United States the immediate adoption of a definite and continuing policy which shall largely augment our trained and equipped military and naval forces, so that this Republic may be adequately prepared to resist invasion, to protect the lives and possessions of its citizens, and to enforce its reasonable and humane demands; and also be it further

Resolved, That copies of this resolution be forwarded by the secretary of state to the Members of the Congress of the United States from this State, with instructions to present them in their respecive houses.

—

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
PROVIDENCE.

I hereby certify the foregoing to be a true copy of the original resolution passed by the Senate of the State of Rhode Island on the 23d day of February, in the year 1916.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid this 23d day of February, in the year 1916.

[SEAL.] J. FRED PARKER,
Secretary of State.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a petition of sundry citizens of Seattle, Wash., praying for the enactment of legislation to prohibit the expatriation or naturalization of any citizen on account of marriage, which was referred to the Committee on the Judiciary.

He also presented a memorial of Mount Corbin Grange, Patrons of Husbandry, of Rice, Wash., and a memorial of Local Grange No. 248, Patrons of Husbandry, of Sauk, Wash., remonstrating against the creation of a system of rural credits, which were ordered to lie on the table.

Mr. PHELAN presented a petition of the Labor Council of Marin County, Cal., praying for the enactment of legislation to prohibit interstate commerce in convict-made goods, which was ordered to lie on the table.

He also presented a petition of the Pile Drivers and Bridge Workers' Local Union of San Francisco, Cal., and a petition of Local Union No. 115, Butchers' Union, of San Francisco, Cal., praying for the printing of the Report of the Commission on Industrial Relations, which were referred to the Committee on Printing.

He also presented a petition of Mrs. Maud M. Fay and sundry other citizens of San Diego, Cal., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of San Pedro County, Cal., praying for the enactment of legislation to compel the Southern Pacific Railway Co. to sell certain lands to settlers in accordance with the terms of a Government grant, which was referred to the Committee on Public Lands.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POINDEXTER:

A bill (S. 4718) granting an increase of pension to Anthony W. Presley (with accompanying papers); and

A bill (S. 4719) granting an increase of pension to Henry Bohall (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 4720) granting an increase of pension to John Cummings; and

A bill (S. 4721) granting an increase of pension to Alden E. Sherman; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 4722) for the relief of the occupants of the Tuttle town site; to the Committee on Indian Affairs.

By Mr. SHERMAN:

A bill (S. 4723) granting an increase of pension to Frank B. Stearns; to the Committee on Pensions.

By Mr. CHILTON:

A bill (S. 4724) granting a pension to Foster Rine (with accompanying paper); and

A bill (S. 4725) granting a pension to Jennie Singer Duncan (with accompanying paper); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 4726) to permit issue by the supply departments of the Army to certain military schools and colleges; to the Committee on Military Affairs.

DEVELOPMENT OF WATER POWER.

Mr. CUMMINS submitted two amendments intended to be proposed by him to the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, which were ordered to lie on the table and be printed.

EXECUTIVE SESSION.

Mr. O'GORMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After one hour and five minutes spent in executive session the doors were reopened.

TREATY WITH HAITI.

February 28, 1916.

The injunction of secrecy was removed from a treaty between the United States and the Republic of Haiti, signed at Port au Prince September 6, 1915, having for its objects the strengthening of the amity existing between the two countries, the remedying of the present condition of the revenues and finances of Haiti, the maintenance of the tranquillity of that Republic, and the carrying out of plans for its economic development and prosperity.

RECESS.

Mr. O'GORMAN. I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m. Monday, February 28, 1916) the Senate took a recess until to-morrow, Tuesday, February 29, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 28 (legislative day of February 25), 1916.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

First Lieut. Harold L. Gardiner, Coast Artillery Corps, to be first lieutenant of Cavalry, with rank from December 18, 1915.

First Lieut. Albert C. Wimberly, Seventh Cavalry, to be first lieutenant in the Coast Artillery Corps with rank from May 12, 1911.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

First Lieut. Henry G. Stahl, Fourteenth Infantry, to be captain from February 13, 1916, vice Capt. Gad Morgan, Twenty-fourth Infantry, resigned February 12, 1916.

First Lieut. Roy C. Kirtland, Twenty-second Infantry, to be captain from February 16, 1916, vice Capt. Peyton G. Clark, Sixth Infantry, who died February 15, 1916.

First Lieut. Alfred C. Arnold, Twenty-sixth Infantry, to be captain from February 21, 1916, vice Capt. Lincoln F. Kilbourne, Twenty-sixth Infantry, promoted.

Second Lieut. Henry J. Damm, Twenty-sixth Infantry, to be first lieutenant from February 13, 1916, vice First Lieut. Henry G. Stahl, Fourteenth Infantry, promoted.

Second Lieut. Max R. Wainer, Twenty-eighth Infantry, to be first lieutenant from February 16, 1916, vice First Lieut. Roy C. Kirtland, Twenty-second Infantry, promoted.

Second Lieut. Charles T. Griffith, Fourth Infantry, to be first lieutenant from February 21, 1916, vice First Lieut. Alfred C. Arnold, Twenty-sixth Infantry, promoted.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Harry J. Abbett to be a lieutenant in the Navy from the 4th day of December, 1915.

Ensign Charles F. Greene to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1915.

Surg. Lewis Morris to be a medical inspector in the Navy from the 18th day of April, 1915.

Asst. Surg. Norman R. Sullivan to be a passed assistant surgeon in the Navy from the 1st day of November, 1915.

Passed Asst. Paymaster William N. Hughes to be a paymaster in the Navy from the 13th day of June, 1915.

Passed Asst. Paymaster John N. Jordan to be a paymaster in the Navy from the 1st day of September, 1915.

Passed Asst. Paymaster Harold W. Browning to be a paymaster in the Navy from the 23d day of September, 1915.

Asst. Paymaster Thomas Cochran to be a passed assistant paymaster in the Navy from the 3d day of November, 1914.

Boatswain Ernest R. Peircey to be a chief boatswain in the Navy from the 21st day of December, 1915.

Machinist Frank R. King to be a chief machinist in the Navy from the 30th day of December, 1915.

Machinist William H. Hubbard to be a chief machinist in the Navy from the 30th day of December, 1915.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 28 (legislative day of February 25), 1916.

POSTMASTERS.

MARYLAND.

Eugene A. Lankford, Marion Station.
Southey King White, Salisbury.
W. J. Woodford, Centerville.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 28, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Increase, O God our heavenly Father, our faith and confidence in Thee as the source of all that is pure, inspiring, and holy, that our intellectual, moral, and spiritual life may increase. Time is evanescent; character alone survives its wreck, and enables us to meet the duties and responsibilities of the now and the then. It is not what we are but what we long to be that moves the world to larger life and nobler service to Thee and our fellow men under the spiritual influence of the world's great Exemplar, our Lord and Master. Amen.

The Journal of the proceedings of Saturday, February 26, was read and approved.

LEAVE OF ABSENCE.

The SPEAKER laid before the House the following letter:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., February 27, 1916.

Hon. CHAMP CLARK, Speaker,
House of Representatives.

MY DEAR MR. SPEAKER: I beg leave to advise you as a member of the subcommittee from the Committee on the Judiciary investigating charges of impeachment against H. Snowden Marshall, district attorney for the southern district of New York, I have been called to the city of New York to hear evidence there, and I therefore most respectfully ask leave of absence during the necessary continuance of that investigation in New York.

Very truly, WARREN GARD.

The SPEAKER. If there be no objection, the leave requested in this letter will be granted.

There was no objection.

DISTRICT OF COLUMBIA BUSINESS.

The SPEAKER. This is District day.

Mr. JOHNSON of Kentucky. Mr. Speaker, two weeks ago to-day, which was the last District day, the juvenile court bill went over as the unfinished business. The gentleman from Massachusetts [Mr. TINKHAM] has it in charge, and he is unavoidably absent to-day. He has some necessary amendments to the bill. Therefore I do not wish to call it up, but wish to have it go over as the unfinished business for the next District day.

CORRECTION OF THE RECORD.

Mr. MOON. Mr. Speaker, two paragraphs of the bill read by the Clerk, one on page 3219 of the RECORD, near the bottom of the second column, and on page 3216, in the second column, have been transposed. I ask that the Clerk be authorized to change them to their proper position, as they appear in the bill.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. As the Clerk has them in the bill, are the paragraphs in the proper place?

Mr. MOON. Yes. What I desire is a transposition of the paragraphs as they are printed in the RECORD. As they appear now, each printed paragraph is out of its place, and what is said in relation to it does not apply to it, and therefore in their present form the paragraphs do not make sense.

The SPEAKER. The gentleman from Tennessee does not wish to have the bill corrected. He wishes to have the RECORD corrected, does he not?

Mr. MOON. That is all.

Mr. BENNET. Mr. Speaker, is the gentleman seeking to change what the committee did?

Mr. MOON. No; not at all.

Mr. BENNET. The committee offered an amendment as I caught it, changing these rates in three different paragraphs, and as the committee changed them, as I read them, they raised the rate paid to the railroads $6,070,000 more than what the gentleman from Tennessee stated.

Mr. MOON. No; I think the gentleman is mistaken about that. The gentleman does not understand what we are talking about. I am not talking about the amount of the raise. The gentleman may be $5,000,000 off on that, but what we are talking about is that a paragraph in the bill which was read first appears last, and a paragraph which was read last appears first, and is simply transposed in the printing.

Mr. BENNET. Simply a transposition of the paragraphs?

Mr. MOON. That is all. Unless the paragraphs are put in their proper places, the context does not make sense.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from Tennessee a question.

The SPEAKER. Does the gentleman from Tennessee yield?

Mr. MOON. Yes.

Mr. MOORE of Pennsylvania. I was not here when the gentleman made his original statement, but I wish to say that immediately after the adjournment of the session on Saturday I was informed that there had been an error in the amendments offered by the gentleman from Tennessee as to certain rates of pay, and that it would involve probably $4,000,000 in addition to what had already been granted to the railroads. This morning I have been advised——

Mr. MOON. I will say to the gentleman from Pennsylvania, as I have already said to the gentleman from New York, that I am not seeking to change any amendment. The gentleman's statement as to the amount of the increase, however, is probably not correct. What I am seeking to do is to have two sections of the bill transposed in the RECORD—one put in the place of the other—in the order in which they were actually read.

Mr. MOORE of Pennsylvania. It is only a question of doing that which is legislatively right and keeping the RECORD straight. I did not finish the statement I was making to the gentleman, which was that, having been informed on Saturday that there was a mistake of over $4,000,000, I have been advised this morning that the difference in favor of the railroads is over $6,000,000.

Mr. MOON. In what?

Mr. MOORE of Pennsylvania. In the amount they will receive.

Mr. MOON. The gentleman is mistaken about that. We will see to that later.

Mr. BENNET. The gentleman from Tennessee is entirely correct in his request. He wishes to have two paragraphs of the bill transposed in the RECORD. All he wishes is a transposition of the paragraphs.

The SPEAKER. Is there objection?

There was no objection.

DUTY ON SUGAR.

Mr. KITCHIN. Mr. Speaker, I desire to present a report (No. 266) from the Ways and Means Committee to accompany the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to produce revenue for the Government, and for other purposes," approved October 3, 1913. I ask that it be printed.

The SPEAKER. The gentleman from North Carolina presents a report to accompany House bill 11471, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. Certainly.

Mr. MANN. Would the gentleman from North Carolina state when the bill will be likely to be taken up, if the gentleman knows?

Mr. KITCHIN. I hope to take it up on Thursday next. The legislative bill may probably be in the way, but if we can make some arrangement I would like to take it up on that day.

Mr. FITZGERALD. How long will it take, if the gentleman knows?

Mr. KITCHIN. About a day.

Mr. BURNETT. Mr. Speaker, I think we have been promised recognition for the purpose of calling up the immigration bill right after the conclusion of the legislative bill.

Mr. KITCHIN. I understood that the rule for the immigration bill was that it should not interfere with revenue bills.

Mr. BURNETT. There is nothing of that kind in the rule.

Mr. KITCHIN. It will not interfere with the gentleman's bill because we will have it up while the legislative bill is pending, and it will only make a day's delay, so that the gentleman will get his bill through just as soon.

Mr. FITZGERALD. Mr. Speaker, I do not think we should take up anything that will interfere with the regular appropriation bills.

Mr. BURNETT. Mr. Speaker, they have been three or four months getting the appropriation bills ready, and I do not think there is anything more important than the immigration bill.

The SPEAKER. The report presented by the gentleman from North Carolina is ordered printed and referred to the Committee of the Whole House on the state of the Union.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. RAINEY. Mr. Speaker, I present from the Committee on Ways and Means a report (No. 267) to accompany the bill (S. 4506) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880.

The SPEAKER. It is ordered printed and referred to the Committee of the Whole House on the state of the Union.

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill (H. R. 10484).

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. RAINEY in the chair.

The CHAIRMAN. Without objection, all pro forma amendments will be withdrawn.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 42, at the end of line 6, insert:

"And make report to Congress of all cases where such special contracts are made, and the terms and reasons therefor."

Mr. FINLEY. Mr. Chairman, I see no objection to that.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

Mr. NORTON. Mr. Chairman, I move to strike out the last word. This provision is for the purpose of taking care of the short-line railroads, is it?

Mr. MOON. That is the purpose of it.

Mr. NORTON. Where the cost of carrying the mail is altogether out of proportion to what is allowed the companies ordinarily under the provisions of this bill?

Mr. MOON. It applies not only to the short lines, but to all railroads.

Mr. NORTON. Where unusual conditions in relation to carrying the mails prevail?

Mr. MOON. Yes. I will say this to the gentleman about the short lines. There is a difference in the earnings, in fact, under the present law on the short lines and the long lines. The short lines usually have apartment cars. The Government puts apartment cars on the short lines, while on the long lines they have full railway post-office cars and storage cars. Where they have those, the Government pays for the weight, and also pays for the space, because it pays for the full railway post-office car and for the storage car by space, and for carrying mail by weight, but the little roads suffer this disadvantage: They have to furnish a quarter of a car or half a car and do not get any pay at all for space, simply for weight. That, of course, makes a very great injustice to the short lines under the present law, but they seem to be dominated and controlled entirely by the long lines, and they are making a fight here against their own interests, in my judgment.

Mr. NORTON. Mr. Chairman, I will say to the gentleman that in my State there is a line about 100 miles long, owned largely by farmers in that tributary territory, and the president of the company writes me that while they are now carrying the mails for a great deal less than actual cost, that this proposed legislation will mean a much greater loss to his company. I take it that this provision in the bill will permit the Postmaster General to make a special contract with this and other such short-line railroads.

Mr. MOON. Yes.

Mr. NORTON. I observe here that there is no appeal from the decision of the Postmaster General provided for in this paragraph.

Mr. MOON. Roads with 51 per cent of the mileage could appeal to the Interstate Commerce Commission.

Mr. NORTON. Would they have a right to appeal from the decision of the Postmaster General to the Interstate Commerce Commission?

Mr. MOON. I will tell the gentleman where I think his friend makes a mistake in saying he is not paid enough. He is not getting any pay now for the space he furnishes the Government. The Government actually takes his space for nothing, and pays him for the dead weight. If the gentleman will look into this measure closely, he will find this, that in proportion the rate given for the movement of cars, apartment cars, is greater than that for full railroad post-office cars.

Mr. NORTON. I understand that.

Mr. MOON. Then there is an initial and a terminal charge, and they make frequent trips and they get that charge on every trip, and also get the space pay on every trip whether it is occupied or not. Where they make frequent trips they may earn two or three times as much as they ought to, and it may be that the power of the department will have to be exercised in order to limit the number of trips, in order to prevent too much pay, and then, where the space is small, the gentleman will see that very heavy pay is granted them on the pouch pay. I think, taking the additional rate, mileage, pouch pay, initial and trip terminal charges, and all, most of the little roads will get more than they are getting now, but still some of them will not get as much as they ought to, perhaps, and therefore this section.

Mr. NORTON. Did I understand the gentleman to say that if the Postmaster General should in his judgment find a special contract should not be made to one of these short-line railroads, that railroad would have the right to take the matter to the Interstate Commerce Commission?

Mr. MOON. No. I intended to convey this idea, that under the law, as proposed, they will get a little more than they do under the present law.

Mr. NORTON. That I realize is the gentleman's conclusion on his own construction of this legislation.

Mr. MOON. But still they might not get as much as they are entitled to, and, therefore, there is a provision here under which they may go to the Postmaster General to secure more pay. The gentleman desires to know whether, if the Postmaster General and the road can not agree, the road has the right to appeal from the decision of the Postmaster General to the Interstate Commerce Commission?

Mr. NORTON. Yes.

Mr. MOON. They have that right only where 51 per cent of the road mileage agrees upon it and asks for the change.

Mr. FINLEY. Fifty-one per cent of the total mileage.

Mr. MOON. Fifty-one per cent of the road mileage in the United States.

Mr. NORTON. That would not give a short-line railroad or the short-line railroads of the country the right to appeal at all.

Mr. MOON. Somebody has to settle this matter. The Postmaster General has the right of contract. These gentlemen are getting the benefit of the general law, and it is not thought necessary to have two or three persons from whom to appeal, one to the other.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. NORTON. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection?

Mr. NORTON. Would the gentleman accept an amendment providing that a railroad having a mileage of not to exceed 250 miles might have the right to appeal from the decision of the Postmaster General to the Interstate Commerce Commission?

Mr. MOON. That is unjust to the Government and to the Postmaster General and everybody else. There are thousands of railroads in the country; every one of them would have appeals pending. You have to have some confidence in your executive officer, the Postmaster General. You can not assume the Postmaster General is going to do wrong.

Mr. HARRISON. Will the gentleman from Tennessee yield for a question?

Mr. MOON. I will.

Mr. HARRISON. The gentleman speaks of short-line railroads. About what mileage does the gentleman mean by a short line?

Mr. MOON. I do not know what the gentleman means. There is no such thing, legally speaking, as a short line or a long line, but we speak of them as such.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. HARRISON. I ask unanimous consent that the gentleman have two minutes more just to answer a question or two.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that the gentleman from North Dakota may have two minutes additional. Is there objection?

Mr. HARRISON. Let the gentleman from Tennessee [Mr. MOON] have the two minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HARRISON. Would the gentleman say that a road that has 200 miles would be termed a short-line railroad?

Mr. MOON. I do not know; it might be and it might not be. When we speak of short lines we generally speak of little independent roads and not a road that is part of a big system, a transcontinental road or one like the Southern line—a trunk line—but a little independent line not connected with or owned by another system is what we call a short line.

Mr. HARRISON. The gentleman stated that in most instances these short-line roads would get more under this bill than under the old bill?

Mr. MOON. Yes.

Mr. HARRISON. The gentleman evidently has some figures on that. Could the gentleman state definitely as to about how much more, on an average?

Mr. MOON. No; it depends upon conditions. Now, for instance, there is one short-line road running from the State of Tennessee into North Carolina. It makes five or six trips a day. By reason of the frequency of these trips, its initial and terminal charges, rates, and pouch charges on that road it is conceded that for its service it will get three times as much as it ought to have; but the Postmaster General will have to correct that by order, permitting the mail to be carried only on one or two of its trips instead of three, four, or six times, as the case may be. Again, there are a number of little roads beyond the Rocky Mountains where it takes all day to make a tedious trip and an expensive trip. They do not carry a great deal of mail and they are really operating at a loss. The space is taken from them, the Government pays nothing for it, and the weight does not amount to a great deal. Under these rates they get pay for space, whether used or not, and that will be a great advantage to them, and in many instances they will be benefited and in many instances they may not be; and this bill provides for a contract in order to see that justice is done.

Mr. HARRISON. The bill that was passed——

The CHAIRMAN. The time of the gentleman from North Dakota has again expired.

Mr. HARRISON. Mr. Chairman, I ask unanimous consent that the gentleman from Tennessee may proceed for two minutes, just to answer some questions.

The CHAIRMAN. The gentleman from Tennessee has never been recognized. The gentleman from Mississippi asks unanimous consent that the gentleman from Tennessee may proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HARRISON. The bill that passed in the Sixty-third Congress for railway-mail pay did not have that provision in it about the right of a railroad to appeal to the Postmaster General.

Mr. MOON. No; it did not. That bill that passed this House at that time was not finally passed for the reason stated frequently here, but it was practically the same bill excepting these rates.

Mr. HARRISON. What is the difference in the rates?

Mr. MOON. I will answer the gentleman in a moment.

Mr. HARRISON. Are the rates higher in this bill than the one we passed in the Sixty-third Congress?

Mr. MOON. The higher rates are in this bill.

Mr. HARRISON. There is an additional right to the railroads to appeal to the Postmaster General to have the rates fixed, and if they are dissatisfied with that, then there is another provision in this bill, that was not in the bill that passed the Sixty-third Congress, giving the right to the railroads, if 51 per cent of them so desire, to appeal to the Interstate Commerce Commission. Is that true?

Mr. MOON. I will say to the gentleman from Mississippi that there have been two or three commissions on the subject, two or three investigations made by the Post Office Department, and the commission that fixed the rates that are now in this bill was the last commission to pass upon the question, known as the Bourne Commission. We have placed in this bill the figures of that commission, and for the benefit of those gentlemen who want the intervention of the Interstate Commerce Commission I will say that the statistician of that commission, the man who will make the figures on this matter if it should go to them, was the man who helped to make the figures in the Bourne report.

Mr. HARRISON. I see.

Mr. MOON. Now, the first bill, the original bill a year ago, carried in the aggregate for the whole roads of something over a half million dollars more money than was carried under the general law. This bill, with the Bourne Commission rates and amendments which have been made here, I am advised by those who are competent to determine the question, experts in the department, will carry from three to four million dollars more than the previous bill carried for the railroads.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD in reference to the bill.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BORLAND. Mr. Chairman, I make the same request—to extend my remarks in the RECORD on this bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

Mr. FINLEY. Mr. Chairman, I move to strike out the last word. The reason for placing this provision, beginning line 3, page 42, of the bill, extending down to the end of line 6, permitting the Postmaster General to make special contracts with railroad companies, can be illustrated by a short-line railroad in the far West. Under existing law the highest pay that the department can give to that railroad is very small, indeed, and the road refuses to carry the mail at those rates because it could not afford to give the service for the compensation that it would receive under existing law. The department was compelled to let out that contract to the star route service. They did so, and pay, as I remember, something like three times as much for the star route service right along the line of the railroad as the railroads can receive under existing law for performing the same service, a much more expeditious service and, of course, of much more efficient service.

Therefore it was thought wise and proper that this provision, providing that the Postmaster General may make special contracts in cases like that where the conditions are extraordinary, should be made. And while I have the floor I will say that I have repeatedly stated that the short-line railroads have been taken care of in this bill. I have a letter here from the Second Assistant Postmaster General in which it is stated that in South Carolina the Carolina & Northwestern, from Edgemont, N. C., to Chester, S. C., an independent road, under the present law received as compensation and pay for its services in carrying the mail $8,833.19. I state frankly that that is insufficient pay for the service performed. Under this bill, as estimated by the experts at the department, the road will receive $11,162.88, or something like 40 per cent more than it receives now. So this is an illustration of what the short-line railroads will receive in the way of increased compensation and some of the benefits that will accrue to them. Another short-line railroad in South Carolina has been carrying the mail for only a year or two. While we all know that when a road is newly opened for the transportation of the mail, the short-line roads in particular, they go in under existing law at a compensation of $42.75 per annum per mile. Under this law that road now receives $1,101.24.

Now, on a 3-foot space basis they would receive less, namely, $793.76; but it is estimated by the president of the road, and I believe there is no question about it, that 7-foot space will be required on the Alcolu Railroad, and on a basis of 7-foot space the compensation will be $1,587.76. So that these three instances that I have recited, one of the short-line railroads in the far West and these two in South Carolina with which I am familiar, go to prove the contention of the committee and the Members who have made speeches here in reference to the compensation that the short-line railroads will receive. They are getting pay under existing law, but they did not receive sufficient compensation for the services performed. We have endeavored to take care of them and to provide a way by which they can receive proper compensation, and I believe we have done so.

The letter I referred to is as follows:

POST OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER GENERAL,
Washington, February 26, 1916.

Hon. D. E. FINLEY,
House of Representatives.

MY DEAR CONGRESSMAN: In response to the request contained in your letter of the 24th instant, left with me by your secretary, I have to inform you that the department estimates that the compensation which would be received by the Alcolu Railroad Co. and the Carolina & Northwestern Railroad Co. under the provisions of the railway mail pay section of the bill H. R. 10484 would be as follows:

Alcolu Railroad Co. (service stated at present as route 120056, from Olanta to Alcolu, S. C.):

Present pay	$1,101.24
Estimated pay under H. R. 10484	793.76

This provides 3 feet of space in each of the four trains operated by that company. If conditions warranted 7 feet of space, the compensation would be double the above amount, or $1,587.52.

Carolina & Northwestern Railroad Co. (service stated at present as route 118203, Edgemont, N. C., to Chester, S. C.):

Present pay	$8,833.19
Estimated pay under H. R. 10484	11,162.88

This provides for one round trip of 30-foot car between Edgemont and Chester; one round trip closed-pouch service, 3-foot unit, between Hickory and Lenoir, N. C., daily, except Sunday; one single trip, 3-foot unit, daily, except Sunday, Lincolnton to Hickory; one round trip, 3-foot unit, Sundays only, between Hickory and Lenoir; and one single trip, 3-foot unit, Sundays only, Chester to Clover, S. C., and Gastonia to Maiden, N. C.

It will be seen from these figures that the proposed bill will slightly decrease the compensation received by the Alcolu Railroad Co., but materially increases that received by the Carolina & Northwestern Railroad. With respect to the former, your attention is invited to that provision of the proposed law which provides that the Postmaster General may make special contracts with railroad companies for the transportation of mails where, in his judgment, the conditions warrant the application of higher rates than those therein specified. While the department is not prepared to say at this time whether the compensation which will be warranted under the new bill will be adequate, the provision referred to offers an opportunity of making further readjustments in such compensation if it should be warranted by the facts.

Yours, very truly,

A. A. FISHER,
Acting Second Assistant Postmaster General.

The CHAIRMAN. The time of the gentleman has expired. The Chair recognizes the gentleman from Maryland [Mr. LEWIS].

Mr. LEWIS. Mr. Chairman and gentlemen of the committee, on Saturday, in connection with this bill, an amendment was adopted limiting the weight of the parcel to 50 pounds. We are all, of course, advised that under the law as it exists the Postmaster General on filing a petition with the Interstate Commerce Commission, just like a railroad, just like an express company, is given the right to have the conditions of the Parcel Post Service determined from time to time. Congress put the parcel-post transportation agency exactly where it put the express and railroad transportation agency with reference to transportation.

Gentlemen of the committee, in every country that has a parcel post the weight limit runs from 100 pounds and up. In Germany it is 110 pounds; Belgium, 132 pounds; Switzerland, 110 pounds; Hungary, 110 pounds; Russia, 120 pounds; Roumania, 110 pounds; Luxemburg, 110 pounds; Sweden, 110 pounds; and Norway, 110 pounds. Because in this country the introduction of that service has been delayed for some reason or other for 40 years and its development intrusted to what I may fairly call the most expert transportation tribunal in the world, the Inter-

state Commerce Commission, is no reason why on insufficient, superficial reasoning Congress should now step in and repeal a fundamental provision of the parcel-post law passed some three or four years ago.

The reasoning presented by the gentleman who took responsibility for the amendment was that the parcel-post traffic was diverting some of the railroads' freight traffic from their line through the parcel-post agency, and that they were losing by such diversion. Of course a statement like that can only have a value measured by the amount of study given the detailed facts. I can say this in answer to it: The parcel-post rate for 150 miles is a cent a pound. That is $20 a ton. I will ask the gentleman to keep these facts in mind. The average rate received by the railroads of this country for the carriage of freight is $1.90 a ton. The parcel-post rate is something over ten times the average freight rate.

Now, it seems, Mr. Chairman, if there happens to be a railroad in this country that can not move freight at ten times the average rate received by the railroad, that is their misfortune and should not be made the misfortune of the people of this country by striking down the parcel-post law. For that is what it means, and it means nothing less. The express companies are under certain limitations, limitations which it is economically impossible for them to remove. They can not reach the farms of this country. I will ask you for a moment to consider what that statement means. Some 25,000,000 people live on the farms, away from the reach of the express service. We are actually maintaining a million miles of rural routes over which the Postal Service can conduct this transportation and no other human agency could do it within the limits of economic policy. To fix a weight limit of this kind or any limit upon the rational, gradual, careful development of this Parcel Post Service up to the limit that other countries enjoy is to say to the farmer, to say to the country merchant, "You are never to have a parcel post like that enjoyed in other countries and, moreover, you are never to have an express service either." I want to ask the gentlemen of this committee whether they really feel that they are better qualified to deal with this question than the Interstate Commerce Commission. I know that no man, of course, is so vain or reckless of his opinion. And yet it is with the Interstate Commerce Commission that this power of development, this power of construction, is placed in the last analysis.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OAKEY. Mr. Chairman, I offer an amendment.

Mr. ROUSE. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Maryland [Mr. LEWIS] be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LEWIS. Now, that is the plain, the economic, and the institutional reasoning on this subject. Perhaps gentlemen will remember that when this law was passed Congress inserted rates, but it put in the administrative clause which this amendment in part destroys, and let us see how much has been done for the public service through that administrative clause. A 10-pound parcel from Baltimore to New York, under the statutory rates fixed by this body, would have cost 6 cents for the first pound and 4 cents for each additional pound. That would be a rate of 42 cents on a 10-pound parcel, actually and literally four times the whole cost of service.

I make that statement deliberately, and can submit to this House the particular facts upon which it is based. But under this administrative clause that is stricken down in this respect by the amendment. The Postmaster General, with the approval of the Interstate Commerce Commission, reduced that rate from 4 to 1 cent a pound, and the rate for a 10-pound parcel from Baltimore to New York, the second zone, is 14 cents, as against 42 cents under the statutory rate.

What did the statutory rate mean? It meant that this body, of course without any conscious purpose so to do, had put over on the people a paper parcel post, a fake rate. Nobody would ever pay 42 cents to send a package by parcel post when they could send it for 32 cents by the express company. They might as well have said, when they adopted those rates at 4 cents a pound for 150 miles, that the weight limit should be 4 pounds or 5 pounds, because beyond 4 or 5 pounds nobody could afford to ship by parcel post. That is another incident going to show that this is a transportation subject that requires treatment by those institutions of the Government competent and designed to handle transportation subjects, and not only competent to handle them but to handle them from year to year under plastic conditions, to enable them not only to make improvements from time to time but, if a mistake is made, to correct that mistake before serious damage is done.

A clause was put in that bill requiring the use of what is called a distinctive stamp. You could not put an ordinary postage stamp on the parcel. You had to walk down town a mile or two, no matter how trivial the parcel, and get a specially designed stamp for that purpose. It was an awful nuisance, and in two or three months' experience it was found to be so. On appeal to the Interstate Commerce Commission and full investigation the commission struck out the use of the distinctive stamp. It was valueless, anyhow. Some man in the other body thought that by this distinctive stamp you could ascertain how much revenue you were getting from the parcel post, utterly oblivious of the fact that the stamp was used on all fourth-class matter, new and old, and that several hundred millions of old fourth-class parcels were moving in addition to the new fourth-class parcels, and the distinctive stamp was no indication at all of what revenue was received from the new service, because of its confusion with the old service. Of course, it gave no indication at all of the expense of the handling of the parcel, and I am going to come to that point in this appeal to you gentlemen, if my time limit permits.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. ROUSE. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended until he concludes his remarks.

Mr. MOON. Mr. Chairman, I ask unanimous consent to return to pages 38 and 39.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROUSE] asks unanimous consent that the time of the gentleman from Maryland be extended until he concludes his remarks. Is there objection?

Mr. MADDEN. I object, Mr. Chairman.

The CHAIRMAN. Is there objection?

Mr. CANNON. Mr. Chairman, what is pending before the House?

The CHAIRMAN. A request to give to the gentleman from Maryland [Mr. LEWIS] as much time as he needs to conclude his argument.

Mr. MADDEN. I object to that.

Mr. LONDON. Make it 15 minutes.

Mr. CANNON. What amendment is pending?

The CHAIRMAN. A pro forma amendment.

Mr. ROUSE. I will ask that the gentleman's time be extended 10 minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the time of the gentleman from Maryland be extended 10 minutes.

Mr. MANN. Will that end it?

Mr. LEWIS. No; that will not end it. This fight will not end until the parcel-post law is saved.

Mr. MANN. I wanted to know simply whether there will be any further requests for extension.

Mr. LEWIS. That will be all.

Mr. MOON. Mr. Chairman, I was going to make a request, but I had better wait until the gentleman from Maryland concludes his remarks.

The CHAIRMAN. Is there objection to the request that the gentleman from Maryland have 10 minutes?

There was no objection.

Mr. LEWIS. Mr. Chairman, it so happens—of course, without any realization, I take it, by those who propose this amendment—that the parcel post, while it pays even on the smallest weight, except, perhaps, the 1 ounce, which brings only 1 cent postage—that rate probably does not pay the cost of service—that from 2 cents up it does pay the cost of service, and a system of profit sets in and grows larger and larger with the weight of the parcel.

I am going to give you an illustration. Something was said in the remarks here on Saturday about the parcels post not paying. I can not quote the remarks, because I do not have them clear enough in my recollection, but that is an opinion rather sedulously cultivated in some quarters. It is, however, the worst kind of misinformation, indeed, if it represents anything of information at all and not a mere prejudice.

I am going to speak now of the most expensive parcels which the post office handles. I refer to the parcel that weighs on the average more than 3 pounds, and on that account has got to require a vehicle—a wagon or auto—delivery in the towns and cities. The average weight of that parcel was 5½ pounds. And let me say here in parenthesis, gentlemen, no express company has ever known as much about its parcel business as the Post Office Department knows about its parcel business. That results from the fact that six censuses of the parcels traffic have already been taken, for two weeks in April and two weeks in October of every year since its inauguration. That census dis-

closes not only how many parcels have been moved from an ounce and up but into what zones they have gone, and it also discloses at what point on the average the parcel requires vehicle delivery, that point being 3 pounds and up. It discloses, moreover, the cost of conducting the service.

First, you have the cost of vehicle delivery. That began in 1913 at 39 mills per parcel, about 4 cents for all forms of vehicle delivery. But last year the Postal Department had worked it down until it was only 28 mills, a reduction of 25 per cent in the cost of the delivery of the parcel. It discloses, too, how far that parcel moved. The average parcel of a pound and up moved 375 miles on the railroads of this country.

That, gentlemen, is information that the express companies have never had. They do not know, have never known, and nobody knows, how far on the average a package carried by express moves in this country. The census shows the cost of clerical hire, which they find to be about 3½ mills per parcel. They know about the cost of handling this parcel on railroads for railway post office attendance. That amounts to a half cent per parcel.

The fact is that, putting all the actual expenses together and then adding an arbitrary equal to the average cost of moving an average piece of mail, it cost the Post Office last year less than 5 cents to handle this weighty parcel, while the express companies have found that it costs them 24 cents to handle their average parcels. But, allowing for the extra weight and for some extra services granted by the express companies, it is obvious from this experience that the Post Office Department has attained such economy and such efficiency in the handling of these parcels that it could do the express business at half the cost to the companies now conducting it.

Mr. MADDEN. Will the gentleman yield?

Mr. LEWIS. I will.

Mr. MADDEN. Does the gentleman assert that the Government of the United States, paying twice the wages to its employees that are paid by the express companies, can do for 5 cents what it costs the express companies 24 cents to do?

Mr. LEWIS. I do, and I am glad the gentleman has asked the question. The Government does pay its men better. It gives them better hours and it gets better service. The fact is a matter of demonstration, and the gentleman ought to know it. It is a matter of demonstration that the Post Office Department is handling these shipments at this time at less than half the cost to the express companies.

Mr. MADDEN. This would be at about one-fifth of the cost.

Mr. LEWIS. But when you add the pick-up service, and when you add the collection of the rate from the consignee, and when you add something for their larger-sized parcel you would have about 12 cents for the post against 24 cents which it costs the express company. The gentleman has really put his finger on the spot in this matter, and I am going to ask the patience of this House on so serious a matter as this, and am going to give the explanations. You want to know why the Post Office Department can do this work better and cheaper than the express companies. What does the express company do with the parcels?

First. It ascertains the rate to be paid, a very complicated task, which is simple in the Post Office Department.

Second. It makes out a waybill.

Third. It copies the waybill into a record of shipments "forwarded."

Fourth. It copies the same into a record of shipments "received."

Fifth. It makes a statement of "shipment sent" to the auditor.

Sixth. It makes a statement of "shipment received" for the auditor.

Seventh. The auditor checks the waybills against the record of the sending agent.

Eighth. The auditor checks the same against the record of the receiving agent.

Ninth. In case of through waybills, the previous items are all repeated.

Tenth. The auditor makes a division of the percentages going to the express company and to the railway or railways.

Eleventh. In case of through waybills the auditor makes like divisions of percentages between the express companies and the railways.

Here are 11 processes which are completely replaced by simply putting the postage stamp on the parcel. [Applause.]

Mr. MADDEN. Now will the gentleman yield?

Mr. LEWIS. I will yield with pleasure.

Mr. MADDEN. The gentleman elaborated on all the items of expense as ascertained by expert clerks of the Post Office Department in connection with the movement of the parcels. Does the work done by these clerks in any sense compare with the records just read by the gentleman?

Mr. LEWIS. They do not have that work to do.

Mr. MADDEN. How do they get the records that the gentleman describes—about what it has cost for each part of the work done in the handling of the parcel in the Post Office Department?

Mr. LEWIS. The gentleman by his question discloses the fact that he has not read the frequent reports made in detail by the Post Office Department of these censuses that have been conducted.

Mr. MADDEN. That is not a fair answer to the question.

Mr. LEWIS. I will give the gentleman an answer.

Mr. MADDEN. The gentleman made a statement. I was asking him about his statement.

Mr. LEWIS. I will give the gentleman the answer. I have just explained it to the House, and you can get it from the Post Office Department. It was sent to your office. Of course you are too busy to read it, but the report of that census is in print. It covers some 50 pages of statistics and shows for every city what it has cost to handle a parcel by the vehicle delivery. It shows what it has cost in every city for clerical attention, and then, to make things whole, I add to these costs a miscellaneous item to equal the average cost of all mail pieces, and the cost is a fraction less than 5 cents.

Mr. MADDEN. What I asked the gentleman was, How did the cost of doing the things that he has described compare with the cost of doing the things which he said were eliminated in connection with the Postal Service?

Mr. LEWIS. I understand, and I answer the gentleman in the utmost relevancy and candor. It certainly costs the express company——

Mr. MADDEN. I want the gentleman to understand that I am only asking for information. I do not want to get outside, extraneous matter.

Mr. LEWIS. I will give the gentleman the information. A detailed catalogue of the expenses of the express company in handling its parcels shows that outside of railway pay it cost a little over 24 cents. Very well; of that 24 cents the details show that about 10 to 12 cents are consumed for accounting and clerical and other expenses that are all eliminated by the postage stamp. The Post Office Department has one instrumentality that is unique among economic agencies. It is the wonderful postage stamp. It is a system of accounting that is now taking care of $300,000,000 of revenue. Not only that; it is an accounting that tags every letter and piece of mail wherever it may go on this planet, and some 20,000,000,000 of them moved last year. If they were handled as the express company finds it necessary to handle its parcels, it would have cost the Post Office as much to run its business as it costs the railroads to run their business. These are extraordinary statements, but the Post Office is the most extraordinary business agency in the world.

Now, gentlemen of the House, I want you to pause before it is too late in this matter.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEWIS. I should like to conclude this matter, but I can take advantage of the rules later on.

Mr. OAKEY. Mr. Chairman, just a word for information. I am interested in this particular phase of the bill because of the latitude that I think has been given the Postmaster General in the short-haul mail service in my State. I want to ask the distinguished gentleman from Tennessee if this does give the Postmaster General sufficient extra power and latitude to arrange with the trolley service, for instance, for a little increase of technical advantages in the service?

The reason I ask the question is that in my district within a few miles of the great trunk lines of transportation is a little, lively manufacturing community, commercial and agricultural, Unionville, Conn., by name, that, on account of the fact that there is a difference between the Postmaster General's department and the railroad service, has been getting for a year or a year and a half very bad and incompetent postal service. This is a lively, up-to-date little community nestling among the New England hills which has a half hour and hour trolley service, splendid macadam roads, and a particularly inefficient steam service. There are no perpendicular landscapes to cross or dismal swamps to go through, and yet, because of a technical difference between the Postmaster General's department and the trolley service, it has been transferred to the steam service, and that service has gone back in this town until it might be called a relic of the Dark Ages. They are getting their mail at 10.30 in the morning, and letters have to be ready to be mailed at 4 o'clock in the afternoon.

I came to Washington to see the department, and while I was treated very courteously, I was referred to the post-office in-

spectors' service. After three months' delay they reported that it was impracticable. Now, the railroad-trolley people tell me that the difference between the Post Office Department and the officials of that company is just this—1 cent additional per mile and a maximum of six bags on a trolley car, and terminal service by the Post Office Department rather than by the railroad.

The Postmaster General informed me that he had not the power or authority under the law to increase this expense to this town. Therefore I want to say to the distinguished chairman that this little community has been receiving all this time almost an impossible service when by very little increase they could have a half hour or an hour's service. I want to ask the distinguished chairman if this bill will give the Postmaster General sufficient latitude and authority, which he ought to have, to improve the service in such a community as this?

Mr. MOON. I think it does fully. Mr. Chairman, for the purpose of correcting a mistake that was made, I ask unanimous consent to return to pages 38 and 39 of the bill.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to return to pages 38 and 39 of the bill.

Mr. MANN. Reserving the right to object, what is the purpose?

Mr. MOON. On pages 38 and 39, when we were making the corrections Saturday, I believe in order to put into the bill the rates provided by the commission rather than the rates that had been agreed upon in the last Congress by the Post Office Committee, the amounts were changed so as to meet, it was thought then, the rates of the Bourne Commission; but the mistake was made in using the language of the old bill in that connection rather than the Bourne bill. The result of it was that when we came to figure it out we placed in the bill as an initial and terminal rate not the amount that was desired by the Bourne Commission as a combined and initial terminal rate, but we have given double that amount.

Mr. MANN. That is the reason that the gentleman asks to return; but what is the amendment?

Mr. MOON. To go back to pages 38 and 39 and correct the amendment in accordance with the desire of the committee.

Mr. MANN. To correct it how?

Mr. MOON. The amendment will be this:

Strike out lines 24 to 26, inclusive, on page 38, and insert:

In addition thereto he may allow not exceeding $4.25 as a combined initial and terminal rate for each one-way trip of a 60-foot car.

Strike out lines 5 to 9, inclusive, on page 39, and insert:

In addition thereto he may allow not exceeding $2.75 as a combined initial and terminal rate for each one-way trip of a 30-foot apartment car and $2 as a combined initial and terminal rate for each one-way trip of a 15-foot apartment car.

Strike out lines 12 to 14, inclusive, on page 39, and insert:

In addition thereto he may allow not exceeding $4.25 as a combined initial and terminal rate for each one-way trip of a 60-foot car.

I will ask unanimous consent that the change be made in accordance with that statement.

Mr. BENNET. Mr. Chairman, I object, because the gentleman from Tennessee has not got his amendments correct now. Let the gentleman put the amendments in writing.

Mr. MOON. The amendments are in writing.

Mr. MOORE of Pennsylvania. In the first paragraph the gentleman from Tennessee refers to a combined rate, and in the last paragraph he refers to a single rate, and that would of itself make confusion.

Mr. STAFFORD. If the gentleman is going to correct the language to conform to the recommendation of the joint commission, why not use the identical language that the joint commission recommended?

Mr. MOON. So far as we have agreed upon it.

Mr. STAFFORD. I believe the gentleman's amendment is not the language contained in the report of the joint commission.

Mr. MOON. Read the language of the joint commission.

Mr. STAFFORD. I have it here. It is as follows:

SEC. 5. The rates of payment for the services authorized in accordance with this act shall be as follows, namely:

For full railway post-office car service, a terminal charge of $8.50 for each round trip, or $4.25 for each single trip, of a 60-foot car, irrespective of the distance run and in addition thereto a line charge at the rate of 21 cents per mile run.

For 30-foot railway post-office apartment-car service, a terminal charge of $5.50 for each round trip, or $2.75 for each single trip, of a 30-foot apartment car, irrespective of the distance run, and in addition thereto a line charge at the rate of 11 cents per mile run.

For 15-foot railway post-office apartment-car service, a terminal charge of $4 for each round trip, or $2 for each single trip, of a 15-foot apartment car irrespective of distance run, and in addition thereto a line charge at the rate of 6 cents per mile run.

For closed-pouch service, when a 3-foot unit is authorized, a terminal charge of 50 cents for a round trip, or 25 cents for a single trip, irrespective of the distance run, and in addition thereto a line charge at the rate of 1½ cents per mile for the authorized number of miles. When a 7-foot unit is authorized a terminal charge of $1 for a round trip, or 50 cents for a single trip, irrespective of the distance run, and in addition thereto a line charge at the rate of 3 cents per mile for the authorized number of miles.

Then follows the provision as to rates for storage cars. The difficulty with the amendment of the gentleman from Tennessee [Mr. MOON] is that he is trying to annex to the bill, framed on a different policy, phraseology that does not gibe with the recommendations of the joint commission. If you are going to follow the joint commission's recommendation, as you stated is the proposal of the committee, then I would suggest that you use the identical language, so as to avoid confusion in interpretation. As it is in the bill, it appears there is given to the railroads double the amount that was recommended by the so-called Bourne Commission.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I would suggest to the chairman that, as the committee is following the recommendations of the joint commission, they use the identical language.

Mr. MOON. It is as to these rates only that the committee is following the Bourne Commission report, and as to nothing else. Does the gentleman from New York [Mr. BENNET] withdraw his objection?

Mr. BENNET. I will if I can get a little time.

Mr. MOON. How much time does the gentleman desire?

Mr. BENNET. Not to exceed 15 minutes.

Mr. MOON. We will not object to that.

Mr. STEENERSON. Mr. Chairman, I move to strike out the last word. I want to say to the chairman of the Post Office Committee that it is true that the Committee on the Post Office and Post Roads agreed to report in the bill the Bourne Commission rates, and these variations from the Bourne Commission's rates must be due to error in drawing the bill. But there is one omission bearing on the rates that I can not understand to be an error. The Bourne Commission rate provided that they should be as specified, but the railroad companies under that plan were relieved from carrying the mails from the post office to the railroads, and it expressly provides that the pay shall be exclusive of carrying the mail to the post offices from the railroads. The bill as reported provides that the railroad companies shall carry the mails from the post offices to the railroad stations, except where the Postmaster General, in his discretion, shall relieve them of that duty. That provision will be found on page 40, in lines 13 to 20. That is a variation from the motion which I understood was agreed to in the committee.

Mr. MOON. But the gentleman will recollect that we did not agree in the committee to the Bourne proposition except as to these rates.

Mr. STEENERSON. Yes; but the Bourne Commission rates are exclusive of the cost of transporting the mail to the station.

Mr. MOON. I am not undertaking to question the gentleman's views. He has a right to express them. I am expressing the view the committee entertained.

Mr. STEENERSON. I am expressing the view that we adopted the rate as being exclusive of the compensation for carrying the mail to the station. That is what the Bourne Commission rates are; but the bill as reported leaves that discretionary with the Postmaster General, and that was not in our motion, as I understood it.

Mr. LLOYD. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. LLOYD. I think perhaps the difference between the gentleman and the gentleman from Tennessee [Mr. MOON] is largely due to the difference between the Bourne report of what should be and the committee's idea of what should be. As I understand, the Post Office Committee accepts the Bourne rate simply. The Post Office Committee, on the other hand, uses the words "not exceeding," which places in the discretion of the Postmaster General the power to reduce that rate. That is not in the report of the Bourne Commission.

Mr. STEENERSON. That may be an explanation; but we agreed to the motion to adopt the Bourne rates, and the Bourne rates say expressly that they are exclusive of carrying the mail to the station. It seems to me that we have varied the rates in adopting the clause that says that the company shall carry the mail to the station except where the Postmaster General in his discretion relieves them of that duty. That was my understanding, anyway.

Mr. MOON. Mr. Chairman, having returned to the section of the bill to which I referred a moment ago——

The CHAIRMAN. The Chair has not yet put the request of the gentleman. The gentleman from Tennessee asks unanimous consent to return to pages 38 and 39 of the bill.

Mr. MOON. And insert the amendments that I have read.

Mr. MANN. For the purpose of offering certain amendments.

Mr. MOON. Yes, for the purpose of offering the amendments which I have read.

The CHAIRMAN. To offer certain amendments.

Mr. MANN. Which he has read.

The CHAIRMAN. Which he has tendered but which have not yet been reported. Is there objection?

Mr. NORTON. Mr. Chairman, reserving the right to object, I have an amendment pending to the paragraph that we have just been discussing.

The CHAIRMAN. The gentleman from North Dakota has not yet been recognized for his pending amendment. The Chair will give the gentleman an opportunity of offering his amendment later. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

Mr. MOON. Mr. Chairman, in order that the amendments may be pending for discussion, I offer them at this time, and send them to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Tennessee.

The Clerk read as follows:

On page 38 strike out lines 24 to 26, inclusive, and insert: "In addition thereto he may allow not exceeding $4.25 as the combined initial and terminal rate for each one-way trip of a 60-foot car."

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for 15 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET. Mr. Chairman, this morning I called the attention of the gentleman from Tennessee to the fact that he had made an error of $6,000,000 in his bill, when he stated that I was mistaken. The amendment now offered by the gentleman from Tennessee——

Mr. MOON. I will say to the gentleman that the gentleman from Tennessee was incorrect and the gentleman from New York was correct about that.

Mr. BENNET. Mr. Chairman, I am very glad, indeed, to receive the courteous admission of the gentleman from Tennessee, which I rather expected, knowing his honorable and upright character. But inasmuch as we are coming to a series of amendments and as it was stated by the gentleman from Tennessee, his last amendment was not correct—I think the gentleman misstated it—I think the committee, before it votes on this amendment, ought to know the precise situation.

Mr. COOPER of Wisconsin. Will the gentleman please state wherein there is an error of $6,000,000?

Mr. BENNET. That is just what I am going to take 15 minutes to do.

Mr. COOPER of Wisconsin. I thought that was admitted and the gentleman was about to pass to something else.

Mr. BENNET. No; it is admitted, but I am going to show what it was in order to have it right now. The gentleman's amendment on Saturday made an error of $6,170,172, and was arrived at in this fashion. There was the Bourne Commission, which made a report, which is Document 1155, Sixty-third Congress, second session, and amongst other things that report provided:

That there should be paid for full railway post office car service a terminal charge of eight dollars and a half for each round trip or four dollars and a quarter for each single trip of a 60-foot car, irrespective of the distance run.

The gentleman from Tennessee in that same Congress introduced a bill, H. R. 17042, in which he inserted a rate which differed from the Bourne Commission rate in two particulars. The Bourne Commission rate is a certain fixed rate of eight dollars and a half a car. The Moon rate on page 11, lines 21 and 22, is a permissive rate, because this House ought to bear in mind that all these rates to the railroads are counterfeit money—they are stage money. The Postmaster General is simply prohibited from giving them any more than that, but he can give them any amount less that he pleases.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. BENNET. Certainly.

Mr. MADDEN. Will the gentleman from New York admit that all the rates now in effect are permissive rates?

Mr. BENNET. Permissive rates?

Mr. MADDEN. Yes.

Mr. BENNET. The gentleman from New York frankly admits a somewhat extensive ignorance of the postal laws in that regard.

Mr. MADDEN. Will the gentleman take my word that they are permissive rates now?

Mr. BENNET. Certainly.

Mr. MADDEN. Then, if these gentlemen will do that, and he will stop to consider that those rates have always been permissive and no Postmaster General, not even the present Postmaster General, in the history of the Post Office Department, has ever attempted to assume the responsibility of paying less than the maximum rate.

Mr. BENNET. I do not doubt that is so, but the gentleman will concede that what I said was correct, that the Postmaster General could pay any amount less that he pleased. Is not that right?

Mr. MADDEN. He could, but he never has.

Mr. BENNET. But he could.

Mr. MADDEN. He never has.

Mr. PLATT. Will the gentleman yield for a statement?

Mr. BENNET. I will.

Mr. PLATT. The present laws do not require the railroads to carry the mail; this bill does.

Mr. BENNET. And that provision is clearly unconstitutional, but that does not change this situation at all.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BENNET. For this once and this is the last time, for I desire to make a connected and coherent statement.

Mr. MOORE of Pennsylvania. The gentleman always does. Which provision is it the gentleman says is unconstitutional?

Mr. BENNET. The provision under which they can fine the railroads $5,000 a day for failure to carry the mails.

Mr. MOORE of Pennsylvania. If Congress confers too much power to the discretion of the Postmaster General——

Mr. BENNET. If the gentleman will allow me——

Mr. MOORE of Pennsylvania (continuing). Of the Postmaster General by this proposition, does the gentleman think that that could be remedied by referring the whole matter to the Interstate Commerce Commission?

Mr. BENNET. That is where it ought to go.

Mr. MADDEN. That is where it does go.

Mr. BENNET. After they have fixed the rate, then they say they can go to the Interstate Commerce Commission.

Mr. MOON. Suppose they went to the Interstate Commerce Commission now, you would have the rates fixed by the statistician of the Interstate Commerce Commission, would you not?

Mr. MOORE of Pennsylvania. Yes; but they would be fixed and not discretionary rates, made subject——

Mr. BENNET. Mr. Chairman, I must decline to yield for a while. I asked for 15 minutes in which to make a few remarks myself. Coming back now to the point where I started, to illustrate the difference between the two items—it is very important in connection with the third or fourth amendment the gentleman proposes to offer—his bill says:

In addition thereto he may allow not exceeding $2 as an initial rate and the same as a terminal rate for each one-way trip of a 60-foot car.

That is, if the car started, say, from New York to Buffalo, under the Moon bill it got $2 for the initial rate to start, $2 for its rate at Buffalo, $2 for starting back, and $2 for arriving in New York; $8, or 50 cents less than the Bourne Commission rate.

But under the Bourne Commission provision they got the $8.50. Under the Moon provision they got not to exceed $8. When the committee came to make up this bill, which is partly the Moon bill and partly the Bourne bill, an attempt was made to give the Bourne rate. That was the statement made, and I have no doubt that was the committee's intention. But they retained the Moon structure.

Mr. MADDEN. Will the gentleman yield right there?

Mr. BENNET. Yes, sir.

Mr. MADDEN. The reason for that is this, that these rates are "not-to-exceed" rates. In the Bourne Commission report they were mandatory rates, and the language of this bill must be necessarily different from the language in the Bourne bill, because one is permissive, as you say, and the other is mandatory.

Mr. BENNET. And when they come to offer their amendment now they have to change the language of the Moon bill, because the Moon bill does not go into it at all, and the amendment which is reported from the Clerk's desk shows that. On page 38, lines 24, 25, and 26, the language of the bill originally was:

In addition thereto he may allow not exceeding $2 as an initial rate and the same as a terminal rate for each one-way trip of a 60-foot car.

Now, when the committee amended it on Saturday they simply struck out the $2, retaining the old Moon structure, and stated to the House that they were putting in the Bourne Commission rate, and put in the $4.25 instead of $2, so that the

car got $4.25 when it started, $4.25 when it got to Buffalo, $4.25 when it started back from Buffalo, and $4.25 when it got to New York. This committee, which has been rather criticizing us because we were asking questions when they got to that point, and told the House they were giving an increase of $1,800,000, actually gave the railroads an increase of $6,070,172, the figures under the existing law being $4,359,646; the figures under the amendment would have been $12,140,344, an increase of $6,070,172 over what they said they were giving.

Mr. MADDEN. Will the gentleman yield?

Mr. BENNET. Certainly.

Mr. MADDEN. The gentleman does not want the House to be misled, I am sure.

Mr. BENNET. Certainly not.

Mr. MADDEN. And I am sure that he will admit facts when he sees them.

Mr. BENNET. Yes, sir.

Mr. MADDEN. This committee stated to the House on several occasions that the difference between the Bourne rates and the Moon rates for terminal service was $1,802,000, and that was exactly what the committee expected to substitute for the rates which the bill carried when it was reported to the House. And the mere fact that when the chairman of the committee in offering his amendment inadvertently suggested something contrary to that, is no crime and it ought not to be criticized.

Mr. BENNET. It ought to be criticized, and the statement the gentleman just made ought to be criticized, because it is incorrect.

Mr. MADDEN. No; it is not incorrect.

Mr. BENNET. The bill as reported to the House carried no increase at all.

Mr. MADDEN. I said that we intended to make it $1,800,000.

Mr. BENNET. Exactly. The amendment of the gentleman from Tennessee [Mr. MOON] was intended to make an increase of $1,800,000.

Mr. MADDEN. That is what I said.

Mr. BENNET. And, as a matter of fact, he doubled the Bourne rates by his amendment and increased it $6,000,000 more than he said.

Mr. MOON. The gentleman seems to forget that the rate in the bill was unintentionally put in and was not the rate the committee intended to put in at all.

Mr. BENNET. Nobody denies that.

Mr. MOON. And therefore the amendment offered yesterday was intended only to cover the rate as agreed upon by the committee.

Mr. BENNET. The Bourne rate.

Mr. MOON. And the mistake made in it was simply in not making the rate apply to terminal charges. Of course, it was an unintentional mistake and one about which I do not think there need be any trouble at all. If the gentleman desires it, the chairman of the committee will take all responsibility as to that.

Mr. BENNET. There are two or three more amendments on that same line, and we should understand exactly what the distinction is.

Mr. CAMPBELL. Will the gentleman yield?

Mr. BENNET. For a question.

Mr. CAMPBELL. Does the gentleman from New York think that he is discovering the woodchuck in this legislation that was referred to in the argument on the adoption of the rule making this in order?

Mr. BENNET. I would not say that anybody in this House had the letters "R. I." stamped on their foreheads or anywhere else. I make the assertion, and believe it, that this was an intentional error, and after the committee had this bill under consideration for about three weeks in this House, and had criticized a whole lot of us for asking questions and taking part in the debate, we find that when they came to offer an amendment they made an error of over $6,000,000.

Mr. CAMPBELL. And these woodchucks generally, intentionally or otherwise, creep into hastily considered legislation of this kind.

Mr. BENNET. And absolutely justifies the criticism of the gentleman from Kansas made on the adoption of the rule calling for legislation by rider, when a great committee of this House has to come back here and admit that they made an error of $6,000,000 in just one part of the bill. I do not know how many errors there are in the bill. There is one thing to which I will call the attention of the gentleman from Illinois, and he can take time, I am sure, to explain it. The gentleman from Illinois made an admirable speech on the 11th of February.

Mr. MADDEN. Did the gentleman say he would yield me time?

Mr. BENNET. The committee will.

Mr. MADDEN. I thought you said I could take time after you were through.

Mr. BENNET. You are a Member of the House and entitled to five minutes. The gentleman from Illinois [Mr. MADDEN] made an admirable speech on the 11th of February, and amongst other things, on page 2427, the second column, of the RECORD, he said——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MOON. Mr. Chairman, I ask unanimous consent that the gentleman from New York have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BENNET. During this five minutes I shall decline interruption except from the gentleman from Tennessee, who asked permission for an extension of my time.

The gentleman from Illinois said, on February 11:

> The aggregate pay under the plan that I have just described amounts to about $63,000,000 per annum, and it is at the rate of 9.17 cents per ton-mile without space payment.

Mr. MADDEN. Mr. Chairman, will the gentleman say what plan I was describing?

Mr. BENNET. Yes. It was under the present plan.

Mr. MADDEN. Yes.

Mr. BENNET. Then the gentleman proceeds:

> Add the $5,000,000, or the $3,543.59 per car, to the tonnage payment and you have 10.17 cents per ton-mile for every ton of mail hauled by the American railroads for the Government of the United States.

Now, I hold in my hand the report of the Second Assistant Postmaster General for the fiscal year ending June 30, 1915. On page 4 of that report he says that the amount paid to the railroads under the first item mentioned by the gentleman was $57,105,333.75; that there was paid to it for Railway Post-Office Service $4,211,984.03, or a total of $61,000,000——

Mr. MADDEN. Sixty-two million dollars.

Mr. BENNET. Instead of the $63,000,000 stated by the gentleman from Illinois.

Mr. MADDEN. The gentleman just stated it was $57,000,000 for the first item.

Mr. BENNET. Mr. Chairman, I decline to yield until I get the statistics through. The total for transportation was $57,105,333.75, the total for R. P. O. was $4,211,984.03, making a total of $61,317,317.78.

Now, in order to get at the cost you have got to add to that the two items, one known as the blue-tag item, which for that year was $625,000 in round numbers; but as the gentleman from Illinois was speaking in round numbers I will add to that $800,000 for the blue tag, making a total of $62,117,317.78. But the gentleman in his speech made a total not of $63,000,000 but of $68,000,000.

Mr. MADDEN. Oh, no. It was $63,000,000 altogether.

Mr. BENNET. I will read it. The gentleman says:

> The aggregate pay under the plan that I have just described amounts to about $63,000,000 per annum, and it is at the rate of 9.17 cents per ton-mile without space payment. Add the $5,000,000, or the $3,543.59 per car, to the tonnage payment and you have—

And you have to do it in order to reach this result—

> And you have 10.17 cents per ton-mile for every ton of mail hauled by the American railroads for the Government of the United States.

The difficulty is that when the gentleman came to make up his figures he added in the railway post-office item twice.

Mr. MADDEN. Oh, no.

Mr. BENNET. He must have done so, because he said the $63,000,000——

Mr. MADDEN. Exclusive of the space payment.

Mr. BENNET. Well, $63,000,000 without space payment, and then "add." Add to what?

Mr. MADDEN. The gentleman is talking about the rate per ton-mile now.

Mr. BENNET. Then "add." The rate per ton-mile was 9.17 cents, and the amount paid was $63,000,000. Then the gentleman says:

> Add the $5,000,000, or the $3,543.59 per car, to the tonnage payment and you have 10.17 cents per ton-mile for every ton of mail hauled by the American railroads for the Government of the United States.

If you take the $63,000,000, and have a ton rate of 9.17 cents without space payment——

Mr. MADDEN. The gentleman wants to be accurate.

Mr. BENNET. Certainly.

Mr. MADDEN. You have $63,000,000 as the aggregate. I said the aggregate payment was $63,000,000, and that the rate per ton-mile is 9.17 cents without the space-pay proposition, which amounts to practically $5,000,000; and that that, divided

up and added, would make another cent, and make the ton-mile payment 10.17 cents.

Mr. BENNET. Now, Mr. Chairman, in view of the fact that the committee concededly made a $6,000,000 mistake on Saturday, their statements ought to be looked into pretty carefully, and I say that without any discourtesy.

Mr. MADDEN. Oh, of course.

Mr. BENNET. And I use, in answer to the gentleman's statement, his own language on the 11th of February, where he says—

> The aggregate pay under the plan that I have just described amounts to about $63,000,000 per annum, and it is at the rate of 9.17 cents per ton-mile without space payment. Add the $5,000,000, or the $3,543.59 per car, to the tonnage payment, and you have 10.17 cents per ton-mile for every ton of mail hauled by the American railroads for the Government of the United States.

Now, Mr. Chairman, it seems to me that this committee, bearing in mind the fact that there are 41,000 miles of railroads in the hands of receivers to-day, more than at any other time in the history of the Government, ought to give this matter very careful consideration, and see to it that——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MADDEN. Mr. Chairman, I would like to have five minutes to answer this gentleman.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MADDEN. Now, Mr. Chairman, the gentleman from New York [Mr. BENNET] is endeavoring to misconstrue the meaning of the words which were used in my speech.

Perhaps I do not understand English as well as the gentleman from New York, but I am absolutely disinterested, and I am acting entirely as a Member of this House, without any interest whatever on either side of this case; and I say, without any fear of successful contradiction, that the gentleman from New York misconstrued the language that I used in my speech.

Mr. BENNET. The gentleman says I misconstrued his language.

Mr. MADDEN. The language can not be so construed if it is fairly construed. I did not say that we added $5,000,000 to $63,000,000. What I said was that we paid $63,000,000 in the aggregate for railroad post-office cars. I said that without the space plan the ton-mile rate would be 9.17 cents, and that is true; and that if we added the $5,000,000 it would add one more cent to the ton-mile payment; not adding the $5,000,000 to the $63,000,000, but adding the 1 cent to the ton-mileage charge. The gentleman knows that just as well as anybody does, and there is no reason why he should try to misconstrue what was said in my speech, and he can not make anybody misunderstand it anyway, no matter how he tries. I think it is as plain as it can be, that it means what it says and that it says what it means, and that it means that the railway companies are getting 10.17 cents per ton-mile under the present plan of payment. Further than that, what was said later on means that they will get 12.17 cents per ton-mile under the proposed plan of payment. There was no intention to deceive anybody in the statement of the case. It was a plain, unvarnished statement of facts.

I have no objection to any opposition that anybody may make to any section of this bill. The thing I would like to see somebody do who stands here in opposition to the bill is to present a state of facts in opposition to the facts that have already been presented. Nobody has done that. The opposition has been factious. It has been for the purpose of delaying the consideration of the bill. It has not given any information to the House. No argument has been made against the bill, in opposition to the argument made for the bill. If anyone has any figures to controvert the figures that have already been given, or any arguments to controvert the arguments already made, why do they not produce the arguments and the figures? They have not done it. They can not do it. They have not got them. If any railroad company in the United States has the figures, and anybody on this floor is willing to present those figures, why do they not give the figures to somebody on the floor who will present them? I have talked with many railroad men about this bill, and I have not found one who could give me any figures showing what the rates should be. I have had one letter in criticism of the speech I made. That letter came from one of the biggest railroad companies in the United States, and the only criticism they made of my statement was that I stated that passengers were carried by space, and they wanted to know how I reached that conclusion. Passengers are carried by space. Everybody knows that.

Mr. STEENERSON. Will the gentleman yield?

Mr. MADDEN. Excuse me for a moment. It costs just as much to carry a passenger who weighs 50 pounds as it does to carry a passenger who weighs 500 pounds. Is that space, or is it weight? Let the railroad companies answer the question themselves. I have tried to prove my disinterestedness in this matter. I have only one anxiety about it, and that is to reach a right conclusion; and if any of these gentlemen who are criticizing this bill will give me facts that will disprove anything that I have said, then I may be able to change my mind; but as long as they fail to state facts they can not convince me. Now I yield to the gentleman from Minnesota.

Mr. STEENERSON. Mr. Chairman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that my colleague may have an extension of one minute to answer the question of the gentleman from Minnesota.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his colleague have one minute in which to answer the question of the gentleman from Minnesota.

Mr. STEENERSON. The gentleman from New York stated that the blue-tag shipments are added to the railway post-office pay. Now, is it not a fact that he is mistaken about that and that the amount paid for blue-tag freight is taken out of the appropriation for railway mail pay?

Mr. MADDEN. Why, certainly, so that it should not be added in figuring the total.

Mr. STEENERSON. There is an item of transporting postal cards and empty mail bags that should be added.

Mr. MADDEN. It amounts to $63,000,000 in the aggregate, and the gentleman from New York in compiling his figures, wherever he obtained them, has reached a wrong conclusion, and the figures are approximately $63,000,000, notwithstanding the statement of the gentleman from New York.

Mr. LEWIS. Mr. Chairman, I move to strike out the last word. Resuming the subject that I could not complete a few moments ago, notwithstanding the very extended courtesy of the House, I want to ask, with the purpose of answering my own question, of course, why it is that on the Post Office appropriation bill Congress should undertake to legislate with reference to the parcel post? I think every Member of this House, even the author of the amendment, will admit that, like all other transportation subjects, it is a complex one, and that time and patience are necessary in order to secure information for good opinion. That was done with relation to the railway mail bill itself. A commission was appointed. One of the commissioners gave exhaustive consideration to the subject. But here was the parcel post, a subject equally complex, because it is a transportation subject, and the House, without notice, without any committee investigation, is asked to throw this rock into the system and destroy or cripple the development of a structure that is now operating with great profit to the Post Office Department, and with great profit to the people. I make the suggestion that however honest this amendment may have been in its inception, this was not the time and place to go legislating on the parcel post, even if the House thought it could handle these topics better than the Interstate Commerce Commission and the Postmaster General. The gentleman who offered the amendment was himself a member of the Post Office Committee. That amendment could have been offered in the Post Office Committee, when there would have been a chance for gentlemen Members of the House interested in this subject to have gone over the thing, to have investigated it, and you would have had the benefit of a report of the Post Office Committee on the subject. But as it is you have nothing. Unfortunately, I was absent on Saturday, not expecting, of course, that a generic subject like this would have been thrown in, as a mere incident, with another great subject.

The only argument made in its favor was that in the operation of the parcel post at some points some roads complained that it was diverting freight from the roads to the parcel post. Gentlemen of the House, the answer to that is that the express rates in these higher weights are cheaper than the parcel-post rates. The express companies are diverting traffic and doing any damage that may be done in the direction of diverting the freight of the railroad.

Now, would you repeal the parcel post in order to effect some incidental, problematical, doubtful, speculative benefit to some railroads on account of freight diversion? Would this House like to take the responsibility of doing a thing like that, withdrawing from the Interstate Commerce Commission the power that it exercises with so much wisdom and satisfaction in the transportation field generally?

Mr. STEENERSON. Will the gentleman yield?

Mr. LEWIS. I will.

Mr. STEENERSON. In a hearing before the Post Office Committee the railroads had a letter read from the Interstate Commerce Commission to the Postmaster General, in which they stated that the commission had no jurisdiction in the matter of the reasonableness of rates, that the parcel-post act conferred no jurisdiction upon the commission to do that.

Mr. LEWIS. That is an erroneous interpretation of the situation, because the statute makes all changes in parcel-post rates subject to the approval of the Interstate Commerce Commission.

Mr. STEENERSON. I thought so, too; but the commission took the position that they had no jurisdiction over it.

Mr. LEWIS. I know the commission wrote a letter some years ago, not of that character, but I can not go into that at this point. Let us examine and see what merit there is in the position taken by the gentleman from Illinois [Mr. MADDEN]. Some roads come down and complain that under the operation of this bill or of the existing law freight will be diverted and carried as parcel-post matter. Let me call your attention again to the transportation facts in this matter. The railroads get on an average only $1.90 for moving a ton of freight 250 miles. The postal rates on a ton of parcel post that distance would be something over $20. A cent a pound is the lowest rate by rail for parcel post, and that means $20 a ton. I doubt whether there is any railroad that finds it necessary to charge more than ten times as much for moving a ton of freight as the average freight charge, but if there is a special condition it ought to be dealt with by the Interstate Commerce Commission, and this child of popular favor, this servant that has come to the farmers and people of the country, lifting the parcel traffic from three hundred millions a year in 1912 to seven hundred millions a year in 1915, ought not to be stabbed to the heart by superficial and inconsequential treatment on this floor. [Applause.]

Mr. BENNET. Mr. Chairman, I rise in opposition to the gentleman's amendment for the purpose of calling the attention of the gentleman from Minnesota to the fact that in order to get the amount of pay to the railroads in any one year you do have to have to add the blue-tag item. On page 15 of the Postmaster General's report he will find the figures given of $57,105,333.75. Then, turning to page 11, he will find the railway post-office item, $4,211,984.03. Going back to page 4 he will find this statement, referring to the $57,000,000 item: "These amounts"—they use the plural because they give three different items—"do not include the estimated expenditure for transportation of periodical mail."

The transportation of periodical mail is the blue-tag item. So that in order to get the amounts that the railroads get you have to add $57,000,000 plus $4,000,000 plus $625,000 which the department says was paid for blue-tag mail. So the gentleman from Minnesota was in error.

Mr. STEENERSON. Will the gentleman yield?

Mr. BENNET. Yes.

Mr. STEENERSON. My statement was that the blue-tag item is paid out of the appropriation for the transportation of mail by railroad.

Mr. BENNET. Of course, and in order to get the amount paid, the amount the railroads receive, you have to add that item.

Mr. STEENERSON. I do not think it is good bookkeeping. It is one appropriation.

Mr. BENNET. The gentleman knows that there is an absolute difference between an appropriation and a payment.

Mr. STEENERSON. Is the gentleman from New York aware that this bill carries an item for the freight on post cards and mail bags, $510,000?

Mr. BENNET. Yes.

Mr. STEENERSON. That is not paid out of the railway transportation item, but it is carried in a separate item; but the blue-tag item is paid out of the transportation of mail by railroad.

Mr. BENNET. And therefore in order to get the amount that is being paid out you have to add the fifty-seven million and the four million, the item for the railway post-office cars and the blue-tag item, because the department says that these amounts do not include the expenditure for transportation of periodical mail.

Mr. STEENERSON. It is a question whether they reported it under the single appropriation, but it seems to be the proper way to report it under that appropriation.

Mr. BENNET. Yes; but I call the gentleman's attention to the fact that they did not report it that way.

Mr. STEENERSON. If the gentleman from New York is correct, he omitted the $510,000 for transportation on mail bags, post cards, and so forth. That should be added.

Mr. BENNET. According to the report of the Postmaster General that is included in the $57,000,000. I am not responsible for the way the report was made up, but when I make a statement of how a result is reached, I seek to be correct.

Mr. STEENERSON. If that item is included in the $57,000,000 for transportation by railroad routes, why should not the other item, taken out of the appropriation for railway post-office pay, be also included in that item? The report itself shows that the way I suggested is the right way.

Mr. BENNET. Yes; but they do not do it, as the report shows, and the gentleman ought to address his criticism to the Post Office Department and not accuse another gentleman who makes a correct statement of making an incorrect statement.

Mr. GILLETT. Mr. Chairman, I have received a letter from the Springfield (Mass.) Board of Trade relative to the pending bill, referring to some resolutions which had been adopted by the Board of Trade. I do not care to take the time of the committee to read it, as I have shown it to the chairman of the committee, and I ask unanimous consent to extend my remarks in the RECORD by inserting it.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD for the purpose of inserting the matter indicated. Is there objection?

Mr. MOON. Mr. Chairman, I just want to say in reference to the matter to which the gentleman has referred that I have seen the letter and that I intended no reflection upon any member of that Board of Trade.

The CHAIRMAN. Is there objection?

There was no objection.

The letter referred to is as follows:

SPRINGFIELD, MASS., *February 24, 1916.*

Hon. FREDERICK H. GILLETT,
House of Representatives, Washington, D. C.

MY DEAR MR. GILLETT: The insinuations of Chairman MOON of the Post Office Committee, in a recent speech, that the action taken by commercial organization in favor of increased railway mail pay was passed through railroad influence is absolutely untrue and misleading as far as the Springfield Board of Trade is concerned.

A resolution was passed on January 10, 1916, by the committee on national legislation of the Springfield Board of Trade, subscribing to the view that the railroads should be justly compensated by the Government for services performed.

On February 1, 1916, the resolution recommended by the committee on national legislation was adopted by the board of directors of the Springfield Board of Trade.

For your convenience I am inclosing copy of the resolution passed by this organization.

Yours, very truly, GEORGE E. FOSS,
Secretary Springfield Board of Trade.

The CHAIRMAN. Without objection, all pro forma amendments will be withdrawn, and the question now is on the amendment of the gentleman from Tennessee to the paragraph on page 38 of the bill.

Mr. CAMPBELL. Mr. Chairman, I ask unanimous consent that that amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Strike out lines 24 to 26, inclusive, on page 38, and insert:

"In addition thereto he may allow not exceeding $4.25 as a combined initial and terminal rate for each one-way trip of a 60-foot car."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Tennessee now offers the amendment on page 39, which the Clerk will report.

The Clerk read as follows:

Strike out lines 5 to 9, inclusive, on page 39, and insert:

"In addition thereto he may allow not exceeding $2.75 as a combined initial and terminal rate for each one-way trip of a 30-foot apartment car and $2 as a combined initial and terminal rate for each one-way trip of a 15-foot apartment car."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Does the gentleman from Tennessee follow the exact language of the original Moon bill in this amendment?

Mr. MOON. No.

Mr. MOORE of Pennsylvania. Reading and attempting to compare it with the bill we now have in hand, I find that the word "combined" is inserted.

Mr. MOON. That word is put there to fix definitely the fact that it was the two trips to be paid for. That is the language suggested by the department.

Mr. MOORE of Pennsylvania. Is the language now being used in the amendment the language in the bill that we had before us the other day, before the amendments were made to it?

Mr. MOON. No; the word "combined" was not used. It is now used in order to make definite the proposition.

Mr. LEWIS. Mr. Chairman, I move to strike out the last two words.

Mr. MOON. Mr. Chairman, is the gentleman proposing to speak upon this amendment?

Mr. LEWIS. No; I am going to speak upon a topic that I have not yet finished.

Mr. MOON. Mr. Chairman, will not the gentleman defer that until we can get through with these amendments and then move to strike out the last word?

Mr. LEWIS. Very well.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. BENNET. Mr. Chairman, as I read the Bourne Commission report for a 15-foot railway post-office apartment car, the round-trip charge was $4. That is correct, is it? That is on page 23 of the Bourne Commission report.

Mr. MOORE of Pennsylvania. It is $2 in the amendment, is it not?

Mr. BENNET. I am inclined to think that as now reported the amendment is in accordance with the Bourne report, $2 for each single trip, for a 15-foot apartment car.

Mr. MOON. That is correct. I have the same language before me.

Mr. BENNET. Mr. Chairman, I have not had a chance to look at the amendment. Has the gentleman any objection to having this amendment adopted now, and if it turns out not to be the Bourne rate, to return to it and correct it and make it the Bourne rate?

Mr. MOON. I do not know what could be the Bourne rate unless it is what we have before us. I have what the committee understood is the Bourne rate.

Mr. BENNET. I was reading the Bourne rate from page 23 of the report.

Mr. MOORE of Pennsylvania. That is $2.

Mr. MOON. It is stated differently from the Bourne report. That is all. It is stated differently, but it means exactly the same.

Mr. BENNET. I am inclined to think that is so.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Tennessee has a further amendment to page 39, which the Clerk will report.

The Clerk read as follows:

Strike out lines 12 to 14, inclusive, on page 39, and insert:
"In addition thereto, he may allow not exceeding $4.25 as a combined initial and terminal rate for each one-way trip of a 60-foot car."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

Mr. NORTON. Mr. Chairman, I now offer the amendment which I have sent to the desk, and will ask that the Clerk report it.

The CHAIRMAN. The gentleman from North Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 42, line 6, after the word "specified," insert the following:
"*Provided*, That any railroad company having a mileage not exceeding 250 miles shall have the right to appeal to the Interstate Commerce Commission from any order, decision, or judgment of the Postmaster General given under the provisions of this paragraph, and the Interstate Commerce Commission, on appeal, shall determine and fix the rates to be paid the company making the appeal."

Mr. NORTON. Mr. Chairman, the purpose of this amendment is to provide a reasonable rate, a fair rate of compensation to the short-line railroad companies. It is admitted that the general law now existing, and it is contended that the law proposed by this bill does not meet fairly the rates that should be paid to short-line companies.

Mr. MOON. Will the gentleman permit me to interrupt him for a moment?

Mr. NORTON. Certainly.

Mr. MOON. I think the gentleman does not quite understand there. We do not admit it does not meet the requirements in most cases, because it does; but there are some isolated cases, but I think those are few.

Mr. NORTON. I will say to the gentleman I understand it is not altogether admitted by the Post Office Committee of the House that the rates provided in this bill do not generally meet the fair and reasonable needs of the short-line companies, but it is contended otherwise by some of the short-line companies.

Mr. MOON. We think it does, with the exception of isolated cases, which this section protects.

Mr. NORTON. Mr. Chairman, my amendment simply effects this: That if the short-line companies are dissatisfied with the view that the Postmaster General takes of the matter, they may go to the Interstate Commerce Commission, and I think it is only fair and reasonable. I believe these short-line companies are doing a splendid work in the different communities of the country and should be encouraged. They are building and have built into new communities and are carrying freight, passenger traffic, and mails where the larger companies have refused to accommodate the public. In many cases the patrons of these lines have directly out of their own pockets contributed to the building of these railroads. I believe these short-line companies should be encouraged and that they should be dealt with fairly by the Government and should be paid a just and fair compensation at all times for carrying the United States mails. This amendment is to that end and provides for the right of appeal to the Interstate Commerce Commission, a right which I am firmly of the opinion these short-line railroads should have given them in this bill.

Mr. FINLEY. Mr. Chairman, I wish to state this will be a discrimination in the treatment of railroads to give to the short-line railroads a special right to appeal in individual cases if the same right was denied to the trunk lines, to the transcontinental railroads, and so on.

Mr. NORTON. Will the gentleman yield there?

Mr. FINLEY. I will.

Mr. NORTON. This bill does give to the railroads generally the right to appeal if 51 per cent of the railroad mileage petitions for appeal, but, as the gentleman must know, the short-line companies do not compose 51 per cent of the railroad mileage of the country.

Mr. FINLEY. That includes all the railroads—short line, long line, trunk lines, continental lines, and all railroads. I will say to the gentleman that I believe there are 700 short-line railroads in the United States, and there possibly—oh, I do not know how many railroads in the United States; maybe two or three thousand of them.

Mr. NORTON. But these 700 short-line companies do not compose 51 per cent of the mileage of the railroads of the country.

Mr. FINLEY. That is true.

Mr. NORTON. Thus they have no right to appeal under the bill if they are all dissatisfied with the judgment of the Postmaster General in dealing with them.

Mr. FINLEY. Under that general provision of 51 per cent that includes short lines as well as trunk lines, and so forth. I will say this, that that would be a discrimination such as I would not want to see go into this bill, nor do I believe anyone else who will study the subject carefully.

We must legislate here for the whole country, and we make special provision here for all the railroads where, on account of special conditions, on account of such conditions a fair compensation can not be paid under the law as fixed here in this bill, they may make a special contract. And I will say this to the gentleman, that to pass his amendment is impracticable from another standpoint. Does the gentleman know the condition of business before the Interstate Commerce Commission to-day? I had occasion some time ago to inquire, and I believe they are 1,800 cases behind, and the question is, What is to be done about it in order to expedite the business before that commission?

Mr. NORTON. Will the gentleman yield there?

Mr. FINLEY. Yes.

Mr. NORTON. Would the gentleman argue that because the Interstate Commerce Commission now is not so organized that it can take care of the business that should be taken care of by the commission a proper privilege should be withheld from these short-line railroad companies and a palpable injustice done them?

Mr. FINLEY. I do not think any injustice is being done them. That is my opinion and that is my view.

Mr. NORTON. But if there was any injustice done them they could not, under this bill as it is proposed by your committee, appeal to the Interstate Commerce Commission.

Mr. FINLEY. It would be a discrimination to give each of them the right to appeal if we deny to the other railroads that right to which they are entitled if the short-line railroads have it, and so I think the gentleman's amendment is an impractical one. I think it is wrong in principle and I think it is impracti-

cable from the standpoint of being carried into effect, and I hope it will be voted down.

Mr. NORTON. Will the gentleman yield?

Mr. FINLEY. Yes.

Mr. NORTON. Does not the gentleman recognize the fact that there is a fundamental difference between a main line, a trunk line, and a short line, and that there should be a provision made for these short-line companies?

Mr. FINLEY. The short lines are about 15 per cent, or something like that.

Mr. NORTON. They have no right to appeal under the 51 per cent provision of this bill. I trust the gentleman recognizes this very plain fact.

Mr. FINLEY. Any railroad, including the short lines, can go to the Postmaster General and make a special contract where conditions warrant and receive higher pay than provided is in this bill, so I submit the gentleman's amendment ought not to be adopted from any standpoint.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

The question was taken, and the amendment was rejected.

The CHAIRMAN. Without objection, all pro forma amendments to this section will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

All cars or parts of cars used for the Railway Mail Service shall be of such construction, style, length, and character, and furnished in such manner as shall be required by the Postmaster General, and shall be constructed, fitted up, maintained, heated, lighted, and cleaned by and at the expense of the railroad companies. No pay shall be allowed for service by any railway post-office car which is not sound in material and construction and which is not equipped with sanitary drinking-water containers and toilet facilities, nor unless such car is regularly and thoroughly cleaned. No pay shall be allowed for service by any wooden full railway post-office car unless constructed substantially in accordance with the most approved plans and specifications of the Post Office Department for such type of cars, nor for service by any wooden full railway post-office car run in any train between adjoining steel cars, or between the engine and a steel car adjoining. After the 1st of July, 1917, the Postmaster General shall not approve or allow to be used, or pay for service by, any full railway post-office car not constructed of steel or steel underframe or equally indestructible material, and not less than 25 per cent of the full railway post-office cars of a railway company not conforming to these provisions on August 24, 1912, shall be replaced with cars constructed of steel annually after June, 1913; and all full railway post-office cars accepted for this service and contracted for by the railroad companies hereafter shall be constructed of steel. Until July 1, 1917, in cases of emergency and in cases where the necessities of the service require it, the Postmaster General may provide for service by full railway post-office cars of other than steel or steel underframe construction, and fix therefor such rate of compensation within the maximum herein provided as shall give consideration to the inferior character of construction, and the railroad companies shall furnish service by such cars at such rates so fixed.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of asking a question about this paragraph, where it reads, top of page 43, in reference to the construction of steel cars.

And not less than 25 per cent of the full railway post-office cars of a railway company not conforming to these provisions of August 24, 1912, shall be replaced with cars constructed of steel annually after June, 1913.

It looks to me a little belated to insert that provision in this bill which becomes a law in 1916. It probably was appropriate when the bill was first introduced, but to legislate now in reference to the years 1913, 1914, and 1915 looks as though it were carelessness on our part to insert that, as you have already in the bill a provision that after July 1, 1917, all of these cars shall be constructed of steel, or steel underframing or equally indestructible material; also a provision that no cars shall be contracted for that are not constructed of steel. So I do not see what good it is now to insert in the bill a provision which will add 25 per cent in 1913, 1914, and 1915. I think that ought to be stricken out of the bill because I do not think it has any effect and it looks badly.

Mr. MOON. I do not think it will make any material difference if stricken out. The gentleman can make a motion if he so desires.

Mr. MANN. Mr. Chairman, I move to amend by striking out on page 43, after the word "material," in line 2, down to and including the word "thirteen" in line 7.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 43, line 2, after the word "material," strike out the following language:

"And not less than 25 per cent of the full railway post-office cars of a railway company not conforming with these provisions on August 24, 1912, shall be replaced with cars constructed of steel annually after June, 1913."

The CHAIRMAN. Does the gentleman desire to change the punctuation in that amendment?

Mr. MANN. No; I think not. There is a semicolon in there, and it will stay in there, I take it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. LEWIS. Mr. Chairman, I move to strike out the last word. If the committee will bear with this desultory method of discussion I think we will be able to get to a correct conclusion on a subject like this.

First, I want to call to the attention of Members on my side of the House their own platform and the utterance of their own great leader—really a very great leader—I refer to the President himself, who, in my judgment, is the greatest premier of his age. In the Democratic platform adopted in Baltimore "a parcel-post or postal-express system" was promised. I am using the very word. And the President himself in his letter of acceptance said:

We must add to our present post office a parcel post as complete as that of any other nation.

Mr. BLACK. Will the gentleman yield for a question?

Mr. LEWIS. I will.

Mr. BLACK. The gentleman, I believe, stated a number of foreign nations that had the parcel post at a limit of over 100 pounds.

Mr. LEWIS. Yes, sir.

Mr. BLACK. Some of those nations own their own transportation lines. Which ones of them do? I do not recall, and I would like to know.

Mr. LEWIS. Answering too quickly a question like that, I say most of them; but that does not affect the problem.

Mr. BLACK. Is it not a fact that all of those nations own their own transportation lines?

Mr. LEWIS. No; not all of their lines. For example, Russia has a parcel post weight limit, as I recall, of 120 pounds. She owns about two-thirds of the lines, and one-third of them are private. The fact of private ownership or Government ownership does not affect the problem; and if it did no tribunal in the world is as able to solve the question as the Interstate Commerce Commission.

Now, gentlemen of the committee, it has taken 40 years to get the American people into a legislative position in which they are able to work out a parcel-post system. It is not unfair; it is not inaccurate to say that, so far as we have gone, with unimportant exceptions, the parcel post in this country ranks almost first among the nations. We are moving now about four parcels per capita by parcel post.

Mr. AYRES. Will the gentleman yield?

Mr. LEWIS. I will.

Mr. AYRES. And will you state what is a fair limit in this country?

Mr. LEWIS. I will say, not momentarily but ultimately, 100 pounds. The railroad stops carrying freight at 100 pounds. It has a minimum weight limit of 100 pounds. The rate is the same whether you send 10 pounds by freight or 100 pounds by freight, and the Post Office should take it up where the railways stop——

Mr. MADDEN. Will the gentleman answer me a question, please?

Mr. LEWIS. Yes, sir.

Mr. MADDEN. Where the railroads are privately owned in England, what is the rate?

Mr. LEWIS. They collect the class traffic from the consignor and deliver the class traffic to the consignee, and the railroads of England graduate their weight limits down to 2 pounds, not 100 pounds as here, and have a rate as low as 8 cents. They never needed a parcel post in England as we do here. The country is unique in that respect, for the class freight in England is all receiving the same services rendered by the express company of our country.

Mr. MADDEN. What is the weight?

Mr. LEWIS. The postal weight is 11 pounds. As a matter of fact, it is 3 pounds. The rates are so high in England that nothing more than 3 pounds travels, and the average parcel in England weighs 2½ pounds. The real parcel traffic is done by the railways.

Mr. MADDEN. What is the average weight of the parcel carried in this country?

Mr. LEWIS. The average weight of the parcel carried in this country is a fraction less than 4 pounds, counting the parcels from a pound and up.

Mr. MADDEN. I thought it was less than 2 pounds. I thought it was a pound and 11 ounces, according to the reports.

Mr. LEWIS. In reaching that datum they count all of the fourth-class pieces, but if you treat the parcel post as beginning at a pound and up, then the average parcel is about 4 pounds.

Mr. MADDEN. Is there any justification for segregating anything that is parcel post?

Mr. LEWIS. Yes; because the larger parcel requires a special kind of attention and above 4 ounces takes a zone system, but in order to find out what the new traffic is—that is, traffic originating with the parcel post—gentlemen can find that by counting the parcels from 1 pound and up.

Now, I have no purpose here this afternoon to depreciate the importance of this railway pay bill. What I shall say on that subject I trust will not be misunderstood.

A commission gave much of its time and very assiduous labor to determining the results that are now before you. But I do say this to the House—and I say it advisedly; I say it with a knowledge of the difference between the present methods of railway mail pay and those proposed in this bill—that if the parcel post of this country has got to suffer an iota in getting this new railway pay bill over, then the price paid is too great, too great indeed.

I have no suggestion to offer that anybody is actuated by motives other than those that are of public service in their character, and I do not make this suggestion with any such idea in my mind; but I do say to this House this afternoon, that if this bill passes——

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the gentleman be given two minutes more.

Mr. GOODWIN of Arkansas. Make it five minutes more.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Maryland be given five minutes more. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Maryland is recognized for five minutes more.

Mr. LEWIS. If this bill finally passes, with this heart stab in for the parcel post, with the parcel post hog-tied in its competition with the express companies of the country, the stocks of the express companies will go up $25,000,000 in a week. All they will need is to have their competitor hog-tied, hog-tied especially on the rails. If they were discharging their function, if they were really meeting the requirements of transportation, I should not have a word to say. But our experience here in three years is that of the seven parcels moving now they could move only three. Their rates were so high, their limitations of service were so great that four out of seven of the people's parcels were killed at the very point of their origin. The proof of that is that 700,000,000 parcels are moving now, counting the service of the express companies and the Post Office combined, as against only 300,000,000 moving by the express companies in 1912.

Mr. MADDEN. Mr. Chairman, will the gentleman yield to me for a question?

Mr. LEWIS. I do.

Mr. MADDEN. I am very curious to know if the gentleman knows what the total percentage of the parcel post carried weighs 50 pounds.

Mr. LEWIS. I can not tell you that without investigation; but the gentleman can find it by looking at the reports. The reports, I want to say, are creditable not only to the Post Office Department, but to the subject matter itself. There is hardly any question that you might wish to ask about the parcel post in its operation that these reports do not answer in general and in detail.

Now, let us come to the question, Which are the people most interested in at this moment, this readjustment of railway mail pay or the blow at the parcel post that kills its hope for the future and "hog ties" it in its struggle with the express companies of the country? I want to say—and I call the attention of the gentleman from Illinois to this statement, made after close study—that this railway pay bill will not give the Post Office a cheaper service over the railroads unless they can get at least 4 tons of mail in each car. They are moving now 2½ tons of mail in each car. That in 1913 cost about 10 cents a ton-mile. This bill in effect will give the railroads in effect about 26 cents a car-mile.

Mr. MADDEN. I beg the gentleman's pardon; it gives 24.296 cents.

Mr. LEWIS. Well, it has been raised since two years ago.

Mr. MADDEN. That is on the basis of the figures given.

Mr. LEWIS. Then say 25 cents per car-mile for general reasoning. That means that if they only continue to carry 2½ tons in a mail car, as they do now, the Post Office will be paying 10 cents a ton-mile for the service. But I call now the gentleman's attention to a fact of recent development: It is not costing the Post Office Department of this country for traffic added in postal work during the last three years more than 6 cents a ton-mile for such new traffic. If you take all the parcel-post weight increases, take all the mail increases since April, 1913, and divide those increases into the increases of compensation paid to the roads under the existing railway pay law, you will find that it amounts to about 6 cents a ton-mile; and if we have got to trade the right of the parcel post to live and develop, to serve the farm, to serve the merchant, but more than all that, in a financial sense, to yield the greatest profit to the postal establishment that any of its service does, except the first-class mail, then I say that this whole railway pay law is trifling in comparison of value, and the people of the United States will feel that way about it, too. They know what the parcel post means to them. They know what the developing of it through the Interstate Commerce Commission has meant for them, and they are not going to be pleased with an exchange of this great promising facility for transportation for a dubious railway pay proposition of this kind.

But that argument actually is not necessary. This amendment is no more necessary to this bill than an amendment to the bankruptcy laws. It has no more business in this bill than an amendment to the bankruptcy laws. I can not comprehend why it should have been lugged in here on this bill. The bill has been before this House before. Members of former Congresses knew about its provisions. With some slight changes, relating wholly to railway pay, it was reported in that form here in the past few weeks. The gentleman who offered this amendment, and who probably is still contending for it, is a member of the Committee on the Post Office and Post Roads, and could have offered this amendment there, so that people who gave attention to this subject would then have had an opportunity for a hearing. Instead it was offered here in the House on Saturday afternoon, when many gentlemen, including myself, could not be present, and put over with a sparse five-minute discussion; put over on what theory? Put over on the theory that even with rates at $20 a ton the parcel post is going to divert some freight from certain kinds of railroads. I say to the gentlemen of the House that it is not too late to retrace our steps on this subject and leave this amendment out of the bill when it is finally passed. I believe it is admissible to demand a separate vote on any amendment when the bill comes to the final passage, and I ask gentlemen of the House, whatever their opinions, to give the benefit of the doubt to this young rival in the express company field, to give it a fair show for development. It has not proved any disappointment in the past. Give the Post Office at least one opportunity to make some money out of its postal activities. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, the gentleman from Maryland is a very sincere man, and I know that he is very much in earnest about the subject which he has just discussed. He has given the question a great deal of consideration, and I believe he thoroughly believes that his figures are correct. But he asserted a moment ago that the parcel-post rate gives to the railroad companies $20 per ton-mile, as I understood him.

Mr. LEWIS. I did not say that.

Mr. MADDEN. What did the gentleman say?

Mr. LEWIS. I said the parcel-post minimum rates are $20 a ton, that the railroads get only $1.90 on an average, and that freight which is diverted in that way is freight that ought to be diverted.

Mr. MADDEN. Twenty dollars a ton-mile?

Mr. LEWIS. No; $20 a ton.

Mr. MADDEN. For how far?

Mr. LEWIS. For the second zone.

Mr. MADDEN. How many miles is that?

Mr. LEWIS. One hundred and fifty miles.

Mr. MADDEN. How much would that be a ton-mile?

Mr. LEWIS. I do not make my computations as quickly as that.

Mr. MADDEN. Less than 7 cents a ton-mile. Now, the railroads on the other side of this case argue that if we load the storage cars to their full capacity the rates which they receive will be only a cent and a quarter a ton-mile paid by the Post Office Department. There is a good deal of difference between the figures claimed by the gentleman from Maryland and the figures claimed by the railroad people. I have never believed that this legislation was intended to reduce the compensation of the railroad companies, but, rather, that it was intended to facilitate the handling of the mail by the department and to put the movement of the mails under scientific management.

I think the consensus of opinion throughout the country to-day is that the railroad companies are not being paid too much for moving the mails. I believe, on the other hand, that a great many people believe they are not being paid enough, and it is my understanding that this bill does increase the compensation to the railroad companies and not decrease it. And it is because of my belief that it does increase the rates and does justice that I am enthusiastically for it, in addition to the fact that I am for the scientific method of handling the question. If by any chance we should legislate to take away the income of the railroad companies for the performance of this service for the Post Office Department, we would not be doing our duty.

Everybody knows that I am not here speaking for any railroad company. The gentleman from Maryland is in favor of making the parcel-post package 100 pounds. The average weight of the package now is 1 pound and 11 ounces.

Mr. LEWIS. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. LEWIS. The gentleman from Maryland is in favor of the Postmaster General and the Interstate Commerce Commission raising it to 100 pounds if on consideration it seems to them a wise thing to do.

Mr. MADDEN. The average weight now is 1 pound 11 ounces. Nobody knows how many packages are shipped which weigh even as high as 50 pounds apiece, but every person who has made a study of the question does know that whole carloads of 48-pound packages of brick, ore, sand and stone, and other heavy freight have been carried in the name of the parcel post, and I contend that that is not proper matter for carriage by mail in any such quantities. I believe that when we were organizing the parcel-post system of America we were intending to accommodate the people living in the rural districts by enabling them to exchange their products with the people living in the cities and the products of the people living in the cities with the people of the country at a reasonable transportation cost; and in the face of the fact that the average weight of the parcel to-day is only 1 pound and 11 ounces, I maintain that the limitation of 50 pounds in this bill is not unreasonable.

Mr. LEWIS. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. LEWIS. If the gentleman thinks he is right in his statement that the average is only two pounds, is there any necessity of putting a limit in here? What is the necessity?

Mr. MADDEN. I think there is a necessity for it. I think that if the weight be increased to 100 pounds it will be necessary to have machinery to handle the packages. To-day a man can handle a 50-pound package, but who can handle a package of 100 pounds? The Post Office Department would have to employ derricks everywhere.

Mr. LEWIS. For 100 pounds?

Mr. MADDEN. For 100 pounds. The gentleman from Maryland would not undertake to handle a 100-pound package for delivery.

Mr. LEWIS. Oh, yes; and I believe the gentleman from Illinois did it at one time in his life.

Mr. MADDEN. I did, but I would not want to start to do it over again.

Mr. LEWIS. No; and I would not want to see the gentleman start to do it either. [Laughter.] But I will say to the gentleman from Illinois that the express companies have no weight limit. Will the gentleman pardon me a moment further?

Mr. MADDEN. Yes; surely.

Mr. LEWIS. And the average weight of the express company parcel without any weight limit is only 40 pounds at this time.

Mr. MADDEN. If that be true, then there can be no harm in fixing a limit of 50 pounds on the parcel post, because if the average weight of the express parcel is only 40 pounds, the limit of 50 pounds for parcel post carried by the Post Office Department will not prevent the development of that service; and I contend that if the future proves the necessity for a greater weight and the country demands it, the Post Office Department will find a ready response on the part of the Congress of the United States whenever it can be shown that the country will be better served by having a limit of 100 pounds instead of 50 pounds; and I will say frankly to my friend from Maryland that I am as earnestly in favor of developing the parcel post as anybody in America, and that if I should happen by any chance to be a Member of the House when it is deemed necessary to increase the weight, I will be delighted to cast my vote and give my voice in favor of that proposition; but for the time being I believe that the best interests of the department will be served by a continuance of the limitation which is now in the bill.

Mr. FINLEY. Mr. Chairman, I think the position taken by the gentleman from Maryland [Mr. LEWIS] is hardly logical. He seems to think that the life of the parcel post depends upon the weight of the package. That is not true. We have started out with a new Government agency, the parcel post. It is something that is being tried out in this country. This is a great country in area. The gentleman from Maryland mentioned Germany, with its 214,000 square miles, while this country has an area of 3,000,000 square miles. He also mentions France, with its 207,000 square miles, Belgium, and so on.

Mr. LEWIS. How about Russia?

Mr. FINLEY. Yes; Russia, which has Government-owned railroads, largely. The gentleman seems to think that the weight of the package is the criterion, and that if you fix or limit it at all you necessarily stab the parcel post to the heart. I do not agree with the gentleman. I remember when the gentleman from Maryland came here and started out on a parcel-post propaganda. His proposition was that the Government should buy out the express companies, buy their equipment, good will, and so on. I believe he proposed to give them thirty or thirty-five million dollars—something utterly ridiculous. What use has the Government for the equipment of express companies? It would be worth nothing at all to it. Let me say to the gentleman from Maryland that he is not the father of the parcel-post idea in this country. The grangers of this country, long before the gentleman was born, passed resolutions at their national council or convention indorsing the parcel post and demanding it for the American people. From that day to this it has gone on. So far as I know, the gentleman from Maryland had about as much to do with the formation of the bill which passed Congress as any other Member of the House. It was largely framed by the distinguished gentleman from Tennessee [Mr. MOON] and Senator Bourne, chairman of the Senate Post Office Committee. Of course the members of the conference committee went over the bill and it was framed in that way. Further, I submit that the gentleman is illogical in this, that he does not strike at the root of the evil.

Mr. LEWIS. The gentleman from South Carolina is only personal; he has not yet said a word in relation to the subject.

Mr. FINLEY. I am going to come to that. The gentleman has not touched the meat in the coconut. To-day in the first and second zones the weight limit is 50 pounds, and as to all other zones it is 20 pounds. Now, the parcel post is in its infancy, and the thing to do is to provide transportation facilities. That is what we are trying to do here. The real gist of the whole business is the rates fixed in the Bourne and Moon proposition that was adopted in Congress three or four years ago. The rates fixed there is what throttle the parcel post. Now, when we provide transportation facilities for carrying the parcels through the mail, then it will be time to rearrange these rates. That will be done and that will be the time to rearrange the rates fixed by the Post Office Department and the Interstate Commerce Commission; they fix 50 pounds for the first two zones and 20 pounds for all others. The gentleman from Maryland wants the bridle taken off entirely, and let it go without limit, only to be fixed by the Postmaster General and the Interstate Commerce Commission. If the weight was fixed at 1,000 pounds I think it would suit the gentleman from Maryland. The gentleman comes here and complains that he could not be here on Saturday. I had a conversation with the gentleman from Maryland Thursday evening, when he told me he had an appointment and could not be here. I told him that very important propositions were coming up, that we had been on the bill for nearly three weeks, and we wished to conclude it and get through sometime. He said that he had an appointment.

Mr. LEWIS. Did the gentleman from South Carolina know at that time that this amendment was coming up?

Mr. FINLEY. That is not in the discussion at all. It is the gentleman's own fault that he was not here. He had more important business somewhere else, and now he comes back and takes up the time of the House in argument because the weight limit has been fixed at 50 pounds, the same that the Postmaster General and the Interstate Commerce Commission has fixed for the first and second zones. He complains because we have limited the weight to 50 pounds and he was not here. It is the gentleman's own fault, and I think we have had enough of this discussion.

Mr. STEENERSON. Mr. Chairman, contention has been made that under existing law the Interstate Commerce Commission can determine the reasonableness of rates paid to the railroads for the carrying of parcels. I suggested to one of the gentlemen who spoke that that was not the case.

Mr. LEWIS. I want to say to the gentleman that I made no such contention.

Mr. STEENERSON. I suggested that there was a letter from the Interstate Commerce Commission upon the application of the Postmaster General for leave to raise the rate limit to 50 pounds that covered the point. I have the letter before me, and I will insert it in the RECORD as a part of my remarks; but I want to call special attention to the language:

We can conceive of no opposition to the increased weights and reduced rates proposed except from the carriers that transport the mails. We have had some objections from them on the ground that the increased weight should not be permitted until provision for additional compensation to the carriers has been made. This commission has no jurisdiction of and no duty to perform in connection with the contracts between the Post Office Department and the transportation companies for carrying the mails.

The commission have no power under existing law over the matter. This does not agree with the contention advanced a moment ago.

DECEMBER 5, 1913.

Hon. A. S. BURLESON,
Postmaster General, Washington.

DEAR SIR: In your letter of November 24, 1913, you request the consent of the Interstate Commerce Commission to certain stated changes in the regulations governing the Parcel Post System affecting increases in the weight limits and reductions in the rates to certain zones.

The commission has carefully considered the detailed information furnished by you as to actual experiences at 50 of the most important post offices in handling the parcel-post mails. It seems obvious that the service to the public will be promoted by these changes, provided the revenue from the service is not less than the cost thereof. Your experiences and statistics seem to show clearly that the revenue will not be less than the cost of the service.

We can conceive of no opposition to the increased weights and reduced rates proposed except from the carriers that transport the mails. We have had some objections from them on the ground that the increased weight should not be permitted until provision for additional compensation to the carriers has been made. This commission has no jurisdiction of and not duty to perform in connection with the contracts between the Post Office Department and the transportation companies for carrying the mails. The commission therefore directs me to say that it consents to the following changes, for which you have requested its consent:

(a) To reduce the rates for the third zone from 7 cents for the first pound and 5 cents for each additional pound to 6 cents for the first pound and 2 cents for each additional pound;

(b) To reduce the rates for the fourth zone from 8 cents for the first pound and 6 cents for each additional pound to 7 cents for the first pound and 4 cents for each additional pound;

(c) To reduce the rates for the fifth zone from 9 cents for the first pound and 7 cents for each additional pound to 8 cents for the first pound and 6 cents for each additional pound;

(d) To reduce the rates for the sixth zone from 10 cents for the first pound and 9 cents for each additional pound to 9 cents for the first pound and 8 cents for each additional pound;

(e) To increase the weight limit for the first and second zones from 20 pounds to 50 pounds; and

(f) To increase the weight limit for the remaining zones from 11 pounds to 20 pounds.

Yours, very truly, E. E. CLARK, *Chairman.*

Therefore I say that it devolves upon the Congress to determine compensation, and we can not shift that over to the Interstate Commerce Commission unless we change the law. The law, as they hold it and as they construe it, does not give them jurisdiction to say how much would be a reasonable rate for the Government to pay the railroads for transporting the mails.

Mr. GOODWIN of Arkansas. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk, proceeding with the reading of the bill, read as follows:

Railroad companies carrying mails shall furnish all necessary facilities for caring for and handling them while in their custody. They shall furnish all cars or parts of cars used in the transportation and distribution of the mails, except as is herein otherwise provided, and place them in stations before the departure of trains at such times and when required to do so. They shall provide station space and rooms for handling, distribution, and transfer of mails in transit, and for offices and rooms for the employees of the Postal Service engaged in such transportation when required by the Postmaster General.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. In view of much that has been said in respect to the treatment of railroads, and particularly since the gentleman from Maryland has suggested an extension of the Parcel Post Service, I desire to have read as a part of my remarks an article or a letter from Ralph Peters, president of the Long Island Railroad, and chairman of the general committee on railway-mail pay.

The Clerk read as follows:

To the EDITOR OF THE PUBLIC LEDGER.

SIR: The railroads of the country are united in protest against the Moon railway-mail-pay bill because as a piece of legislation it would be a distinct step backward. It is a destructive, not a constructive, measure. Its enactment would be a blow to the system of public regulation of common carriers. It would repudiate important principles of rate making that are recognized by the Interstate Commerce Commission and by all other authorities.

Furthermore, it threatens to result in a mixing and confusion of the passenger and freight services that would be very likely to impair the speed and efficiency of the former, necessarily to the detriment of the traveling public. The separation of these two services, as everyone knows, marked the dividing line between primitive and modern railroading. If we have to run our passenger trains again with cars of freight attached, and hold them at every station while goods are being put on and off, the quality of the service is going to suffer. This will be none the less certain, even though the freight is carried in steel postal cars and is called "parcel post."

The Post Office Department has gone into the freight and express business. That, in plain language, is the significance of the heavy-weight parcel post and the transportation as "mail" of "farm and factory products" and general merchandise. The parcel-post weight limit has already been advanced to 50 pounds per package, and the department has repeatedly announced that it plans a further extension and development of the service. An advance in the weight limit to 100 pounds per package has been taken under consideration.

In this situation the department now demands of Congress the passage of a measure—the Moon bill—that will enable it to obtain transportation for the parcel post in bulk shipments for less than 1¼ cents per ton per mile. The railroads would be compelled to render this service in passenger trains—any trains that the department might designate, even the fastest and most costly to operate. The utter injustice of such a return must be evident from the fact that the Interstate Commerce Commission allows from 2 to 7 cents per ton per mile for carrying freight similar to the parcel post in freight trains.

SHIPPER TO SET RATES.

Moreover the Moon bill is drawn in such a way as to empower the Postmaster General to reduce further even the inadequate rates which it names. This would be virtually the delegation to him of the rate-making power. He stands toward the railroads in the relation of a shipper, and it hardly seems that any argument is needed to support the contention that the shipper should not, in justice, be allowed to make and enforce rates.

One of the fundamental troubles with the Moon bill is that it proposes to base the pay of the railroad on an entirely wrong principle, which has come to be called the "space plan." This means that the Post Office Department will "authorize" on the various trains whatever car space it thinks it needs—a full car, a half car, a quarter car, or 3 feet or 7 feet of space in baggage cars. It would pay for the space at mileage rates, either those named in the bill or such lower ones as the Postmaster General might decide upon, irrespective of the loads carried.

The scale of rates named in the bill would yield about 23 cents per mile for a 60-foot car. A full carload of 20 tons of parcel post would then give the railroad a rate of 1.15 cents per ton per mile. Even if the car was only half filled, the return to the railroad would be but 2.3 cents per ton per mile. This would be a low rate for merchandise freight carried in freight trains, and for such service performed in passenger trains it would be confiscatory. Moreover, as has been explained, the rates could be made still lower under the discretionary power which the Moon bill would confer on the Postmaster General.

WEIGHT, NOT SPACE, THE TRUE BASIS.

The defect of the "space plan," as may be readily seen, is that it does not base the pay of the railroads upon the actual service rendered. The service of carrying things—whether mail, freight, parcel post, or express—consists in the hauling of a given weight a given distance. It is measured by the ton-mile. The service is not the hauling of a car. The car is merely the instrument by which the service is performed.

Justice and fair business dealing demand that the railroads shall be paid for the service of carrying the mails on the weight-and-distance basis, the world standard for such service. This is provided for in the present law, but certain imperfections of the established law and practice need correction.

Congress should deal with the situation by remedying the known defects in the present system without destroying its correct basic principle. Chief among the needed reforms would be to have the mails weighed at least once a year instead of once every four years, which is the practice now followed by the Post Office Department.

Certainly it is inconsistent for the department to refuse to pay the railroads on the weight-and-distance basis when it uses that identical basis itself in fixing the postage which it charges the users of the parcel post.

There is no doubt that the passage of the Moon bill would permit a great expansion in the parcel post, because it would enable the Post Office Department to exact service from the railroads at less than cost. Give an express company a similar privilege and it could monopolize the carrying traffic.

EFFECT ON TRAVELING PUBLIC.

But would it be fair to those who have put their savings into the railroads to do this? Would it be beneficial to the public at large to have thousands of tons of what is nothing in the world but common freight transferred from the freight trains to the passenger trains, slowing down the service of the latter and inconveniencing passengers?

The House of Representatives Post Office Committee this year again made the Moon bill a "rider" on the Post Office appropriation bill, despite the protests of the railroads against the measure itself and against the use of the "rider" method, in the attempt to force its enactment.

The railroads want nothing but fair play in this matter. They are convinced that they will not get it under the Moon bill. The Post Office Department, on its side, is unwilling to recede from its insistence upon the enactment of that measure.

Does it not seem that the time has now arrived when this technical and complicated subject should be turned over to the Government body best fitted to decide questions of railroad rates—the Interstate Commerce Commission?

This is the suggestion that the railroads make, confident that it will win the approval of the American people as the wisest and fairest solution of the problem.

RALPH PETERS, *Chairman.*

NEW YORK, *February 21.*

Mr. MOON. Mr. Chairman, that is an improved, revised letter or statement made by the president of the railway association and their chief counsel in their case against the people of the United States. It is the same letter, it is the same sentiment, that has been placed in the mouth of every railroad lawyer and every railroad representative in the Unted States, pleading

against the cause of justice for the people. It is the same that from the time the bill passed a year ago has been uttered in part by the stereotyped resolutions from chambers of commerce all over the country; and yet read it, and there is nothing in it but conclusions—conclusions based not upon facts, but conclusions boldly and brazenly drawn by the representatives of the railroads in their own interest. Against that document, sir, I propose to present the judgment of two commissions appointed by the House and the Senate to dispose of this question, the judgment of the last commission upon the question vitally affecting these interests being placed in this bill; the judgment of the Post Office Department and statisticians; the judgment of a Republican and of a Democratic administration; the judgment of the Post Office Committee, not only of the House but of the Senate, upon a full and with a free hearing of all the facts. Of course they do not want this law. They want to go to the Interstate Commerce Commission, if they can, and there litigate for 20 years while they make exactions from the Treasury of the United States. That is all there is in it. You know, I know, every man who is not a common fool knows, that unless you go from the present basis, inadequate, inaccurate, and dishonest in its enforcement in every way, to a space basis that will be just, accurate, and true, the parcel-post law of the United States is a dead letter, and the rights of the people in this service are no longer to be respected.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MOON. Yes.

Mr. MOORE of Pennsylvania. The views expressed in the letter just read are the views of the chairman of a railway mail pay committee, expressed on behalf of the railroads of the country. The gentleman would not deny the right of these gentlemen, who have vast interests at stake, to have their views presented to the House, would he?

Mr. MOON. No one denies their right to present them here or anywhere else. Upon the contrary, they have been presented before the commissions month after month, and those commissions have decided against them. They have been presented before this committee. Of course they have the right to present them, but in presenting them I submit that something more than mere conclusions in the interest of corporations ought to be given against the right of the people of the United States to protect their mail and the people from exorbitant rates and charges. Why is it that they want to maintain a system under which they can not come within $15,000,000 per annum, as admitted by the department in administrations heretofore, of the proper pay? Why is it that they want to maintain a system that is unscientific and incorrect? Why is it they want a system by which mails may be weighed and diverted, both legally and illegally, from one section to the other? Why is it that they want to maintain a system under which in thirty-odd years there has been an abnormal growth in the mail pay of the United States from $7,000,000 to $60,000,000? Why do they want that, instead of the system proposed by this bill? Of course it is their selfish interest and nothing else.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words. I can realize the earnestness of the gentleman from Tennessee [Mr. MOON] and the earnestness displayed by all the members of the Committee on the Post Office and Post Roads to pass this bill. I can understand why it is popular now, as it has been during the last few years from the public rostrum everywhere, to denounce railroads and corporations. Any man in a representative body who undertakes to bespeak fair play for corporations or for railroads may expect immediately to be denounced with some show of applause from the galleries as being the friend of corporate interests and of railroads and all that is obnoxious in that regard.

Mr. MOON. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. MOON. I have not charged the gentleman with being the friend of corporate interests as against the people. If he wants to assume that attitude, it is for him and not for me. I do not charge him with it.

Mr. MOORE of Pennsylvania. I accept the gentleman's statement. The gentleman charged in the very opening of his remarks, however, that the argument made by Mr. PETERS was substantially that of every railroad lawyer. It seemed to me that it was fair that Mr. PETERS's argument should be presented, especially as the railroads have been denounced for attempting to loot the Government.

Mr. MOON. Oh, of course.

Mr. MOORE of Pennsylvania. And that it might be presented without the charge, which I think the gentleman did make in his statement, that it was the same argument made by all of the railroad attorneys.

Mr. MOON. Of course it is the same, but that does not imply that the gentleman standing here in his place has no right to present anything that he desires, either for the railroads or against them.

Mr. MOORE of Pennsylvania. I did not intend to take the gentleman's remarks as personal and I have absolved him from any such insinuation. I do not so accuse him. I repeat, however, that it is perfectly easy in these times for any Representative who seeks public applause or for one who seeks to put through a measure to which he is wedded, as a rider upon an appropriation bill——

Mr. FINLEY. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FINLEY. May I ask the gentleman what basis of railway mail pay he thinks is proper and right?

Mr. MOORE of Pennsylvania. I would say that if the Interstate Commerce Commission, rather than a Postmaster General, who may act from a political motive, fixed the rates they would probably be satisfactory all around.

Mr. FINLEY. On the basis of weight or space?

Mr. MOORE of Pennsylvania. On weight and actual service rendered, not on a fictitious service or that service which the gentleman from Maryland [Mr. LEWIS] seems to be pleading for, which makes the railroads pay for the purpose of proving to the public, the parcel-post sending public, that if you make the railroads do it for nothing, or thereabouts, that therefore you can do it more cheaply through the Government than you can through separate corporations.

Mr. LEWIS. Does the gentleman from Pennsylvania make any statement or inference that my remarks were of that character?

Mr. MOORE of Pennsylvania. I think the gentleman said that the railroad companies were paying their employees more and the express companies were paying their employees less, or something like that.

Mr. LEWIS. I said nothing of the kind.

Mr. MOORE of Pennsylvania. Then I misunderstood the gentleman.

Mr. LEWIS. I compared the postal employees with the express companies' employees.

Mr. MOORE of Pennsylvania. I may have misunderstood the gentleman, and probably did. I understood him to say, however, that the Parcel Post Service of the Government was a success; and my comment is that, of course, it can be a success and can be economically conducted if you force the railroad companies to do it for nothing.

Mr. LEWIS. Does the gentleman mean to imply that I have any such idea?

Mr. MOORE of Pennsylvania. The gentleman seems willing to force the railroad companies to render this service to the Government cheaper than they would render it to individuals.

Mr. LEWIS. The gentleman is guessing about me. He is in error, and he will have to guess again.

Mr. MOORE of Pennsylvania. Let us see about this: The fact is, and it is shown by this bill, that the Federal Government proposes to take from the railroad companies service for which they do not propose to pay more than one-half as a rule what individuals would pay for the same service, and in that kind of competition of course the Postal Department can make a good showing.

Now, I want to say this before I close: It is very popular to denounce corporations. It is easy to get applause from the galleries by saying that the railroad companies grind down the people and attempt to loot the Treasury. In the interest of fair play I sent to the Clerk's desk a little while ago, without any knowledge of the writer, a statement which was intended to present the railroad's side of the question. Why should it not be presented? Are we legislating only for one side?

Mr. DAVIS of Texas. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. DAVIS of Texas. We all know from reading the court reports and reading the investigations that the railroad bosses loot their own treasury; then, my God, why should not they loot the United States? [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, I would not attempt to divorce the gentleman from his cyclonic views for anything in the world [applause], because it would spoil his reputation as a friend of the downtrodden—of that 5,000,000 of the 8,000,000 farmers of the country who, according to the gentleman from Texas, have chattel mortgages upon their backs—a statement which I think can not be proven.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAGUE. Mr. Chairman, I move to strike out the last three words. Mr. Chairman, as one of the members of the Committee on the Post Office and Post Roads, I have been perhaps unfamiliar with the conditions which prevailed in years gone by, but with at least a fair knowledge of what has transpired before that committee this year. I have sat here in my place during all these hours of debate and listened to the tirades of certain gentlemen of this House in casting reflections upon the members of the Committee on the Post Office and Post Roads and upon their ability to serve this Nation as Representatives on that committee.

Now, Mr. Chairman, I want to say in the beginning that I believe your committee was appointed to serve the people of this Nation and not the railroads of the Nation. [Applause.] I have in mind your committee did serve the people of the Nation notwithstanding that some of the able arguments on the other side have been more to protect the railroads than they were to protect the people whom they have been sent here to represent. Mr. Chairman, I want to quote the RECORD to prove some assertions that have been made, calling attention to the documents that we have received in this House while members of that committee. I said before on the floor of this House that even before your committee was appointed, before Congress had convened, we were receiving documents and resolution after resolution from the different merchants' associations, boards of trade, and chambers of commerce throughout these United States complaining that the Post Office Committee was not going to be fair to the railroads, before one single statement had been made by any member of the Committee on the Post Office and Post Roads.

Mr. Chairman, your committee has been fair in this matter. They have sat and listened to all the arguments that have been delivered before that committee by the very able and paid attorneys of the railroad interests. They have tried to deal fairly with the railroads. We want the railroads to get what they are justly entitled to and we want the people of the United States to get that to which they are justly entitled. Now, I said that these reports and these resolutions had been sent in here by the chambers of commerce, with the whip of the railroads over their backs, and it can not be denied. Only Saturday, in my State, a gentleman representing the Interstate Commerce Commission in a hearing of the New Haven Railroad, one of the railroads whom the gentleman says is now in the hands of a receiver, one of the railroads where if the directors of that railroad got their just deserts they would be doing time down in Atlanta [applause], this railroad which took from the people of the State of Massachusetts $300,000,000 and wrecked two of the best paying railroads in the United States—the New Haven and the Boston & Maine—until the Legislature of Massachusetts and the United States Government had to come in and take away from the New Haven the Boston & Maine Railroad and put it in the hands of a board of trustees in order to protect the people of the State. These railroads have control of boards of trade and chambers of commerce, and I am going to ask you to give me a few moments of your time so that I may read what an attorney of the Interstate Commerce Commission, in a hearing in Massachusetts, said only last Saturday. Mr. Larue Brown, representing the Interstate Commerce Commission, said this, and I understand it to be a fact that the New Haven Road and the New Haven Railroad trustees are members of the Merchants' Association of New York, who have been criticizing the Committee on the Post Office and Post Roads. Mr. Brown said this——

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAGUE. Mr. Chairman, I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. TAGUE. He says:

I know it to be a fact that the New Haven road has had its very best men bringing influences to bear on influential members of this association—

Bringing their influences there as well as before the Congress of the United States—

(Rhode Island Business Men's Association) in this vicinity so that the answer to Congressman O'SHAUNESSY'S letter would be favorable to the retention of the Sound lines by the New Haven. I am in a position to know whereof I speak. Furthermore it is my opinion that the New Haven road really dictates the policies of several of these boards of trade and chambers of commerce in New England, so that when one of these organizations send their opinions it is in reality the opinion and desires of the New Haven road.

I wish you would also bear in mind that a large majority of business men in New England are in dread to antagonize the New Haven for fear of the many different methods the New Haven now and in the past used against them whenever they do anything that interferes with the New Haven policy.

And it is to the conduct of this great commission that these railroads now want this proposition to be presented.

During all the hearings, Mr. Chairman—and I went into every meeting that was held—the one and the only contention of the railroads was that "We want this matter placed before the Interstate Commerce Commission, and we do not want you to rule upon it at all." That was the intention of these railroads when they came there, and when in the committee I asked of Mr. Peters, the representative of the association of railroad men, whether or not the merchants' association, that seemed to be the leader of these commissions on resolutions, was controlled by the railroad interests, Mr. Peters said this—I said to him:

Is the Merchants' Association of New York made up of railroad men? Are there railroad men in the merchants' association?

He said:

I think there are some of them in the merchants' association. I am one of them.

Do you want us to take as the opinion of the people of the United States the opinion of an organization made up, as that organization is, of the very men who have wrecked the railroad situation in the United States of America and have laid bare the finest rolling stock that was ever known in the United States, in my own section of the country?

Mr. PLATT. Will the gentleman yield?

Mr. TAGUE. I will.

Mr. PLATT. What proportion of railroad men is there in the Merchants' Association of New York City?

Mr. TAGUE. The men who to-day control the railroads of the United States, the representatives of the Morgans and men allied with them.

Mr. PLATT. What proportion are they of the Merchants' Association of New York City?

Mr. TAGUE. I do not know.

Mr. PLATT. Of course. They are an infinitesimal part. You are talking to the galleries, and do not know what you are talking about.

Mr. TAGUE. I know more about it than you do.

Mr. PLATT. You do not know anything about the Merchants' Association of New York City.

Mr. STEENERSON. Mr. Chairman, I rise to a point of order. The gentlemen are not addressing themselves to the question under consideration.

Mr. TAGUE. I know this about the merchants' association: I do not intend to indict all the members of that association, but I do say that the dominant faction of the merchants' association is composed of the gentlemen who are now appealing to the Congress to protect them in their ill-gotten gains.

Mr. PLATT. I deny that statement.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. TAGUE. I yield.

Mr. MOORE of Pennsylvania. Admitting that there is a prejudice against the management of the New York, New Haven & Hartford Railroad, is that any reason why we should not give other railroads a square deal in the matter of this railway-mail pay?

Mr. TAGUE. I said in the beginning that your committee was not biased and listened attentively to all the contentions of the railroads, and we have brought in here what we consider a fair and honest bill from every angle.

Mr. MOORE of Pennsylvania. The gentleman would not prejudice all the railroads of the country because he does not like the New York, New Haven & Hartford management?

Mr. TAGUE. Oh, no.

Mr. MOORE of Pennsylvania. That is what I was trying to argue awhile ago. It is so easy to carry a bill with prejudice.

Mr. TAGUE. Oh, no. I am speaking now of the railroads of my own section of the country. I happen to know something about the New Haven and the Boston & Maine situation, because I served in my State legislature when that particular legislature was the cause of the dissolution of those two railroads, and I know who the people are that wrecked those roads, and it is on file here in Washington.

Mr. WALSH. The gentleman has alluded to the Merchants' Association of New York City. I would like to ask if he likewise makes the charge that the Boston Chamber of Commerce is controlled by the railroads?

Mr. TAGUE. Mr. Chairman, I do not know whether they are or not. But let me say this, that I do know that the Boston Chamber of Commerce is made up, too, of the men who make up the railroad interests of our State and the men who are appealing against this legislation. I claim that their appeal against this legislation is biased and that they are controlling the doctrine of that organization. [Applause on the Democratic side.]

Mr. WALSH. Does the gentleman contend that because a man happens to be a director or a stockholder in a railroad he therefore should be excluded from membership in bodies of that sort?

Mr. TAGUE. On the contrary; no. But I say he should be excluded from voting upon a resolution that is in his own selfish interests. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BENNET. Mr. Chairman, as to the statement that the gentleman from Massachusetts [Mr. TAGUE] has just made concerning the Merchants' Association of New York, if the gentleman intends to charge that it is controlled, either properly or improperly, by railroad influence as against the interests of the general public, the statement of the gentleman is absolutely wrong.

Mr. TAGUE. Will the gentleman yield?

Mr. BENNET. Certainly.

Mr. TAGUE. I have not said it was controlled. I do not believe the records will say that I have said that. I have said, and I repeat it to the gentleman, that when an association attempts to come to Congress and file a resolution—an association made up of men who are looking for legislation—then they are not doing fairly by the rest of the country.

Mr. BENNET. Mr. Chairman, I must confess I do not understand the English of the gentleman. I do not know yet what he charges. But I will state in one or two sentences about what the Merchants' Association is.

Mr. TAGUE. Will the gentleman yield?

Mr. BENNET. For what?

Mr. TAGUE. So that perhaps I may enlighten him. I will try hard enough. Perhaps my English is not perfect.

Mr. BENNET. I was not criticizing you for that.

Mr. TAGUE. I want to say to the gentleman this, that when the resolution of the Merchants' Association was before the committee I tried to ascertain whether the Merchants' Association was made up of railroad men petitioning for this legislation, and I asked them that.

Mr. BENNET. Who?

Mr. TAGUE. If the gentleman will permit me, I will say just what I did say. I asked, "Is the Merchants' Association of New York made up of railroad men?" He said, "I think there are some railroad men in its membership and I am one of them." Mr. Peters, the man appearing before the committee—Mr. Peters, the president of the Long Island Railroad, I believe, working for legislation—had his association petition Congress to hear him in his own cause.

Mr. BENNET. Mr. Chairman, it is just as fair to call the Merchants' Association of New York Mr. Peters's association because he happened to belong to it as it would be to call the Baptist Church the church of the gentleman from Mississippi [Mr. CANDLER] because he is an honored member of it. The Merchants' Association of New York—and I do not happen to be a member of it—is an association of firms and individuals numbering probably five or six thousand. The president of the association at the time, I believe, is Mr. Marble, president of the R. & G. Corset Co., and the association is made up largely of shippers.

Now, the gentleman from Massachusetts evidently does not know that for years one of the functions of this association was, and still is, that of fighting railroad rates in behalf of the city of New York and its shippers, and that there is not a day in the year when they have not a proceeding pending before the Interstate Commerce Commission to fight a railroad rate. In the years 1908 and 1909 the association, through Mr. Nathan Bijur, now one of the justices of the Supreme Court of the State of New York, appeared in New York and all over the United States in a hearing before the Interstate Commerce Commission in opposition to the railroads of the country; and yet the gentleman gets up here and says that the Merchants' Association of New York is a railroad association. I have no knowledge of who the members are. I do not know who the directors in the New York, New Haven & Hartford Railroad are. But the gentleman has made a sweeping charge there. He said that the directors of the New York, New Haven & Hartford Railroad are members of the Merchants' Association of New York. I will ask the gentleman who they are?

Mr. TAGUE. I have not the names offhand, but I will file the names for the gentleman.

Mr. BENNET. The gentleman says he will file them. I ask permission, by unanimous consent, Mr. Chairman, that those names be inserted either in the gentleman's remarks or in mine. Let them be inserted in the gentleman's remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent that this data when furnished shall be inserted—as a part of whose remarks?

Mr. BENNET. Those of the gentleman from Massachusetts.

The CHAIRMAN. Inserted in the remarks of the gentleman from Massachusetts. Is there objection?

There was no objection.

Mr. BENNET. Now, Mr. Chairman, I am getting a little bit weary, every time an association from a large city sends in a protest, of having it immediately denominated in some way which ascribes to it wrongful motives. I contend now, and shall contend, that the Merchants' Association of New York, that the Chamber of Commerce of New York, that The Bronx Board of Trade, that the Harlem Chamber of Commerce, or any other of a dozen reputable commercial organizations of the city which I, in part, represent, has an absolute right at any time to submit its views and its protests.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MOON. Mr. Chairman, I move that all debate close on this paragraph. I ask that the Clerk read. The gentleman can speak later.

The CHAIRMAN. The gentleman from Tennessee moves that all debate close on this paragraph.

The motion was agreed to.

Mr. MOON. Mr. Chairman, let the Clerk read a little.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Will it be in order to strike out the section at the conclusion of the reading of the section?

The CHAIRMAN. The Chair understands it will be. Without objection, all pro forma amendments to this paragraph are withdrawn. The Clerk will read.

The Clerk read as follows:

Every railroad company carrying the mails shall carry on any train it operates and without extra charge therefor the persons in charge of the mails when on duty and traveling to and from duty, and all duly accredited agents and officers of the Post Office Department and the Postal Service, while traveling on official business, upon the exhibition of their credentials.

Mr. LEWIS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Maryland moves to strike out the last word.

Mr. LEWIS. I ask the attention of the gentleman from Illinois [Mr. MADDEN]. The gentleman from Illinois made the very picturesque statement that if the weight limit should happen to be increased by the parcel-post authorities to 100 pounds, the post office would have to secure a lot of special instruments; in fact, he used the word "derrick." I ask him whether he knows that the postal regulations call for a weight limit of 150 pounds in the mail sack, and that the mail sack, which is the handling unit for the Postal Service, is allowed itself to reach 150 pounds?

Mr. MADDEN. I assume, if the gentleman says so, it is true.

Mr. LEWIS. The postal regulations themselves provide that.

Now, I want to ask the gentleman another question, and I want his attention to it. If the gentleman is unwilling to trust the Postmaster General and the Interstate Commerce Commission with the power to develop the parcel post and to determine its weight limit and other incidents, I ask him how can he trust the Postmaster General alone to determine the rates to be paid the railroads of this country? I ask an answer.

Mr. Chairman, if the gentleman declines to answer, I must suggest the significance of the question. This bill—and I am not criticizing the bill in that respect—does give the Postmaster General the power as an official and as a sworn official—who up to date has never committed any wrong that I know of—to determine whether the railroads shall receive the rates provided in this bill or some lower rates. He can be intrusted, according to the bill, with the power to say in a controversy between himself and the railroads how much or how little the railroads shall receive. That is the logic, and that is the philosophy, of the gentleman from Illinois not 20 minutes since defended by him upon this floor.

If that be true, if the Postmaster General alone, without the Interstate Commerce Commission, can be trusted with a power like that in a controversy where he himself is involved, then I want to know from the gentleman from Illinois [Mr. MADDEN] why the Postmaster General and the Interstate Commerce Commission, both, can not be trusted to do for the parcel post in the way of development what the Interstate Commerce Commission is intrusted to do with railroad rates and express rates.

I see the gentleman from Tennessee [Mr. MOON] rising. I am not criticising that provision in the bill. I know that Government officials can be trusted. I know that there is a line of division between legislative work and administrative work. I know that making parcel-post rates, weight limits, and other

incidents of that service is not a legislative function. It is an administrative function, and the Congress adopted that view some years ago when it reposed the function in the quarters where it is now placed. I want to know why it should be taken away. There must be some purpose. What is the purpose? The gentleman from Illinois [Mr. MADDEN] has abandoned the argument he made on Saturday about diverting freight from the railroads to the Parcel Post Service. The average rate a railroad gets for moving a pound of traffic is just 1 mill. The lowest parcel-post rate is 1 cent, or 10 mills. So there can not be anything in the argument about diversion of the freight traffic from the railroads to the Post Office. Anyhow, if that were involved, the express companies are doing the same thing, because their rates for the higher weights are lower than the parcel-post rate.

I should like to have the gentleman from Illinois [Mr. MADDEN] answer the two questions I have put to him: If a mail bag can weigh 150 pounds with no complaint, why can not a parcel weigh 100 pounds, as it can in all the other parcel-post establishments? And again, if the Postmaster General can be trusted to determine whether the railroads of this country shall get 25 cents a car-mile or 20 cents a car-mile, why can not the Postmaster General and the Interstate Commerce Commission, on a public subject, where private rights are not involved, be trusted with the mere incidents of the development of this transportation agency. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

If any railroad company carrying the mails shall fail or refuse to provide cars or apartments in cars for distribution purposes when required by the Postmaster General, or shall fail or refuse to construct, fit up, maintain, heat, light, and clean such cars and provide such appliances for use in case of accident as may be required by the Postmaster General, it shall be fined such reasonable sum as may, in the discretion of the Postmaster General, be deemed proper.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 44, line 22, after the word "proper," insert the following: "*Provided*, That no railroad with less than 100 miles of trackage shall be required to provide a steel car for carrying the mails."

Mr. MADDEN. Mr. Chairman, I make a point of order against that amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not think it is subject to a point of order. It simply provides a limitation.

The CHAIRMAN. The Chair will hear the gentleman from Illinois.

Mr. MADDEN. Mr. Chairman, I maintain that this is not germane to the paragraph to which it is offered. The law now provides that the Postmaster General may fix the compensation for railway postal cars not made of steel or other noncombustible material, and it requires that all the full railway postal cars in the service after the 1st of July, 1917, shall be of steel or other equally indestructible material, and that between now and that period 25 per cent of steel equipment shall continue to be put into the service annually. That is in the paragraph on page 43, which has been passed. The present section of the bill does not deal with the character of the equipment. It simply deals with the maintenance, the heating, lighting, and cleaning of the car. The amendment of the gentleman from Pennsylvania is not germane.

Mr. MOORE of Pennsylvania. I think the amendment is germane. The paragraph provides that if any railroad company carrying the mails shall fail or refuse to provide cars, and so forth, it shall be fined such reasonable sum as may, in the discretion of the Postmaster General, and so forth, be deemed proper. Now, the purpose——

The CHAIRMAN. The Chair is ready to rule. The Chair thinks the amendment is germane. The point of order is overruled.

Mr. MOORE of Pennsylvania. Mr. Chairman, this amendment is offered to cover one of the manifest defects of this bill. I think it is patent to those who have followed the discussion since this bill has been under consideration that there is a discrimination here in the exercise of power by the Postmaster General as against the short-line railroads. It is known to a great many Members that numerous small railroads now have great difficulty in complying with various Government regulations. It is a question whether some of them can continue to exist and keep on making the reports that are now required to the made to the Government in various ways.

Mr. STEENERSON. Is the gentleman aware of the fact that the railroad men who appeared before the committee have generally admitted that this bill increases the pay of the short-line railroads and that the distribution of pay in this bill will be more favorable to the short-line railroads than the existing law?

Mr. MOORE of Pennsylvania. I have heard other railroad men say to the contrary, and I happen to know of one or two small railroads that will have very great difficulty indeed in providing $9,000 or $10,000 to purchase a steel car, and it would not be warranted by the business they do in carrying the mails. The gentleman and his whole array of railroad experts appearing before the committee can not deny the facts as adduced in special instances. Take a small railroad running 14 or 15 miles along the coast, connecting up one city with another for the accommodation of people who want to get to market as well as to get their mail every morning. They can get it only through this little railroad. You make the owners buy steel cars that cost $9,000 or $10,000 apiece for the privilege of carrying the mails to accommodate the people.

Mr. MADDEN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. For a question only.

Mr. MADDEN. Would the gentleman be willing to assume responsibility for the deaths that may occur because of the continued use of wooden cars?

Mr. MOORE of Pennsylvania. They have been in use since the beginning of railroad service. In the case of these small roads there seems to be no other way to do it. I know of one little railroad near Washington that connects up certain small towns that would be deprived of communication with this Capital if steel cars were insisted upon. That railroad could not afford to spend $9,000 or $10,000 to comply with the requirements of this bill.

This Congress passed a bill providing for the government of the Panama Canal. It was not a bill to regulate railroads or steamship companies; but within the last two or three weeks, by reason of a rider in that bill divorcing railroad and steamship companies, six or seven small steamboat lines on Chesapeake Bay have been discontinued, and the people are unable to get to the centers of population where they were formerly accustomed to go. That is one of the effects of your rider legislation. You are imposing all sorts of efficiency regulations upon these small and unprofitable roads, making it difficult for them to operate. I am informed that only during the last few days the Interstate Commerce Commission has provided that the full reports, such as are made by the larger railroads, shall not be required of these smaller railroads that are endeavoring to serve rural communities, and are doing it without profit.

Mr. MANN. Mr. Chairman, there is nothing in this bill that requires a steel car on the railroad to which the gentleman from Pennsylvania has referred. If he had read the bill, if he had given as much attention to the consideration of the bill as some of the rest of us, he would have known it and his speech would have been unnecessary. The only steel car that is required is where there is a full railway post-office car. A full railway post-office car is not used on any of these little lines which the gentleman from Pennsylvania refers to.

Mr. MOORE of Pennsylvania. That answers the gentleman's colleague [Mr. MADDEN], who asked whether or not we could continue the use of wooden cars in this instance. Evidently the gentleman from Illinois has answered his colleague, and we are going back to the wooden cars. Why not say so in the amendment?

Mr. MANN. Because it might as well be said in the amendment that black is not white. Black is not white and so let us asseverate it; let us legislate that black is not white, but what is the use? We know that it is not, and we would not add anything to it by legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was lost.

The Clerk read as follows:

The provisions of this act shall apply to service operated by railroad companies partly by railroad and partly by steamboats.

Mr. MANN. Mr. Chairman, I move to amend, in line 17, by striking out the word "act" and inserting the word "section."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 45, line 17, by striking out the word "act" and inserting the word "section."

Mr. MANN. I will say that the word "act" appears a number of times in this section, and I think it should be changed each time to "section." That was done when the bill was before the House at the last session.

Mr. MOON. Yes; that was done before, and the change ought to be made.

Mr. MANN. In some cases to leave the word "act" in the bill would lead to trouble.

The CHAIRMAN. The question is on the amendment.

The amendment was considered and agreed to.

The Clerk read as follows:

The provisions of this act respecting the rates of compensation shall not apply to mails conveyed under special arrangement in freight trains, for which rates not exceeding the usual and just freight rates may be paid, in accordance with the classifications and tariffs approved by the Interstate Commerce Commission.

Mr. MANN. Mr. Chairman, I move to strike out, in line 20, the word "act" and insert the word "section."

The Clerk read as follows:

In line 20, page 45, strike out the word "act" and insert the word "section."

The amendment was agreed to.

The Clerk read as follows:

The Postmaster General is authorized to employ such clerical and other assistance as shall be necessary to carry out the provisions of this act, and to rent quarters in Washington, D. C., if necessary, for the clerical force engaged thereon, and to pay for the same out of the appropriation for inland transportation by railroad routes, and hereafter detailed estimates shall be submitted for such services in the annual Book of Estimates.

Mr. MANN. Mr. Chairman, I move to strike out, in line 7, the word "act" and insert the word "section."

The Clerk read as follows:

Page 46, line 7, strike out the word "act" and insert the word "section."

The amendment was agreed to.

The Clerk read as follows:

The Postmaster General, in cases of emergency between October 1 and April 1 of any year, may hereafter return to the mails empty mail bags and other equipment theretofore withdrawn therefrom as required by law, and, where such return requires additional authorization of car space under the provisions of this act, to pay for the transportation thereof as provided for herein out of the appropriation for inland transportation by railroad routes.

Mr. MANN. Mr. Chairman, in line 23, I move to strike out the word "act" and insert the word "section."

The Clerk read as follows:

Page 47, line 23, strike out the word "act" and insert the word "section."

The amendment was considered and agreed to.

The Clerk read as follows:

It shall be unlawful for any railroad company to refuse to perform mail service at the rates of compensation provided by law when and for the period required by the Postmaster General so to do, and for every such offense it shall be fined not exceeding $5,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word. Mr. Chairman, under the fifth amendment of the Constitution of the United States, of course, any rate that is promulgated by the Postmaster General that is confiscatory is unconsitutional. This particular section is a pretty good indication, in the attempt that it makes, of the fact that the rates granted the railroads are not fair rates, because otherwise there would be no statute necessary to make the railroads carry the mails. It is a little bit uncertain just how often the Postmaster General could attempt to collect the $5,000. Under the Bourne bill it was specifically provided that he could collect at the rate of $5,000 a day. I am not certain but that under this bill he would attempt to collect at the same rate for refusal to carry the mails at any rate he fixed until the railroads went into the court and proved that the rates were unlawful.

This simply says—and I guess the whole section 17 opens the door, because if the rates are confiscatory they are illegal, and under the fifth amendment rates would have to be proper rates. The provision is absolutely useless, because if the rates are proper the railroads will be glad to carry the mails, and if they are confiscatory you could not make them carry them. Therefore it is absolutely futile to put this language in.

Now, I would like to ask the chairman of the committee a question. He gave me a lecture on law the other day, and his lecture was all right, but I would like to ask him this question: I have in mind two railroads, one entirely in the State of New York and another entirely in the State of Virginia. One of these railroads to-day carries the mails and the other refuses to carry the mails, as it has a right to do. I would like to ask the chairman if he thinks that the Postmaster General has the right to go into the State of Tennessee in connection with a railroad operated entirely within the State of Tennessee and attempt to compel that railroad to carry the mails under any circumstances?

Mr. MOON. Does the gentleman desire me to answer the question and give my reasons or just answer the question?

Mr. BENNET. I think it would be illuminating if the gentleman would give the reasons.

Mr. MOON. Mr. Chairman, if I may be permitted to say it, in the first place, the objection made to this section by the gentleman and his statement that it ought not to go into the bill, because the railroad companies would not refuse to carry the mail, of course, is one that we could not seriously consider. The question here is one of the legitimate exercise of the Federal power. Under the law to-day a railroad company may refuse to enter into a contract to carry the mail for the amount specified in the statute, and as the law stands I am of opinion that they could lawfully refuse to do so. It is that condition that we want to remedy. We want to make it impossible for railroad companies to refuse to carry the mail unless they do so resting upon a constitutional right. There are many powers under the Federal Constitution that have not been developed. Many have been developed under serious and trying circumstances. There are many more to be developed. The gentleman will remember the Constitution says that Congress shall have the power to establish post offices and post roads. That power lies dormant in the Constitution until vitality is given to it by an act of Congress. That has not been done in all cases, but whenever Congress declares that any road shall be a post road then the jurisdiction by Congress is assumed for the exercise of its complete power and monopoly under the Constitution to carry the mail.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent that my time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOON. Mr. Chairman, the first part of this section provides that the Postmaster General may state the routes. That is the legislative authority in pursuance of that provision of the Constitution to which I have referred. It is the assumption of Federal authority and power over the roads for the carrying of the mail. Is it to be said, when a power is granted under the Federal Constitution to Congress and Congress gives vitality to that power by legislation and commands what, in pursuance to the Constitution, shall be done, that any railroad in the United States, any transportation company that can carry the mail, which is nothing but a public-service corporation, shall not be subject to the jurisdiction of Congress for that purpose? If that be true, then the power of the Federal Government under the Constitution would be worth nothing. It is not a power that conflicts with the State authority; it is an exclusive Federal power, and excludes all State authority; and where the Federal Government takes jurisdiction for one purpose, particularly under the section of the Constitution that gives it the monopoly, that power is exclusive, and obedience must be yielded to it, not only by roads passing from one State to another but by intrastate roads. It is not under the commerce clause of the Constitution that this power is sought; it is under that section of the Constitution yet dormant until vitalized by the action of this Congress that the right to name all post roads exists, carrying with that power the right to say how and when it shall be exercised, subject alone to another provision of the Constitution, and if that other provision of the Constitution did not exist the Federal power would be complete and plenary and no question could be made about it.

But there is another provision of the Constitution—and both sections of the Constitution must be construed together—and that other provision of the Constitution is that private property shall not be taken for public use or purposes without just compensation. That has been construed to mean not only the body of the property itself but the increment, the increase, that comes by its use. So there is but one exception to this right under the exercise of Federal power, and that is that it be exercised in accordance with this section that I have just mentioned. If the rates fixed under the bill were confiscatory, the act would be void for that reason, but so long as the rates are remunerative, so long as they are not confiscatory, obedience is yielded to that section of the Constitution, and the Federal Government is absolutely supreme upon this question. I think the quicker we settle and bring out all the dormant powers of the Federal Government—the quicker we determine where the line of demarcation is made—the better. For myself, I am a very firm believer in the doctrine that the Federal Government shall not encroach upon any sovereign rights of the States, that the Federal Government must live within the powers delegated by the Constitution, but where the Constitution does delegate a power I believe the Federal Government is supreme and can operate under this provision of the Constitution at will, regardless of State lines. It is a Federal and not a State right that we are exercising.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BENNET. Mr. Chairman, the able and scholarly argument of the gentleman from Tennessee, tending somewhat though, I think, toward the doctrines of Alexander Hamilton, has convinced me that the provision ought at least to receive consideration, and that no attempt ought to be made here to strike it from the bill. I therefore ask unanimous consent to withdraw the pro forma amendment.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

After the rates specified in this act shall have been adopted, the Interstate Commerce Commission shall, whenever requested by the Postmaster General or by the representatives of railroads with an aggregate mileage of at least 51 per cent of the mileage of railroads carrying mail, make an investigation of the justice and reasonableness of rates then in effect, grant hearings to parties in interest, and report to Congress at the earliest practicable date thereafter the results of such investigation, making specific findings as to whether the rates fixed herein should be increased or decreased, and if either, how much. Such report shall show for each steam railroad operating company, if practicable, the amount of mail service rendered, the cost of performing same, and a comparison of the earnings of such railroad company from the mail traffic with those from express traffic and other passenger-train traffic. For the purpose of such investigations the Interstate Commerce Commission shall have all powers which it is now authorized to exercise in the investigation of the reasonableness of rates, and the Postmaster General shall supply such information regarding the mail service as may be requested by the Interstate Commerce Commission.

Mr. CANNON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 48, strike out lines 19, 20, 21, and the first six words of line 22, and insert in lieu thereof the following words: "and fix the rates which the Postmaster General shall allow the railroads as compensation for transporting the mails."

Mr. FINLEY. Mr. Chairman, I reserve the point of order.

Mr. CANNON. I think it is not subject to the point of order. Let the gentleman make the point of order.

Mr. FINLEY. I make the point of order.

The CHAIRMAN. The point of order is overruled.

Mr. CANNON. Mr. Chairman, if gentlemen will turn to the bill, on page 48 they will see that I seek to strike from it this language:

And report to Congress at the earliest practicable date thereafter the results of such investigation, making specific findings as to whether the rates fixed herein shall be increased or decreased, and if either, how much.

This paragraph in the bill empowers the Interstate Commerce Commission, upon the request of the Postmaster General or 51 per cent of the railways of the United States on petition or request, to refer the subject of railway mail pay to the Interstate Commerce Commission and to report its findings to Congress. The amendment offered proposes to change it in no respect except after it is referred and full investigation has been given, that the findings of the Interstate Commerce Commission as to rates for carrying the mail, whether an increase or a decrease in pay, shall be the rate allowed by the Postmaster General for compensation therefor.

Mr. Chairman, there has been much said about the power of the Postmaster General. He has great power. It has at times been unwisely exercised. I will not make it stronger than that. There is a maximum, and when this bill is enacted into law, if it shall be enacted into law, the Postmaster General will have the power to cut the rates in two or make them whatever he may choose below the maximum rates fixed by law. That is a power, you will say, that will not be exercised and has not been exercised. I believe that is true, but there is the power given to one man. Now, gentlemen in discussing thi bill, especially my colleague [Mr. MADDEN], in his exceedingly able speech that he made in general debate—which I listened to and which I read with great care—said that Congress has the whip hand. Yes; Congress can enact and is enacting about the railway mail pay and could fix the railway mail pay by express enactment, but here they clothe the Postmaster General with power. Here is an effort to clothe with power the Interstate Commerce Commission also.

Mr. MADDEN. Will my colleague yield?

Mr. CANNON. Certainly.

Mr. MADDEN. Does my colleague contend that because of the fact that we give the Postmaster General discretionary power, as we always have done, that that is clothing him with power to fix the rates?

Mr. CANNON. Well, practically; yes.

Mr. MADDEN. I am sorry I can not agree with the gentleman in that.

Mr. CANNON. Well, what does the discretion amount to, I will ask my colleague? A maximum is fixed and discretion is granted to the Postmaster General to pay less than the maximum.

Mr. MADDEN. Will my colleague allow me to ask him one more question?

Mr. CANNON. Certainly.

Mr. MADDEN. Does he remember any Postmaster General in all the history within the gentleman's long experience, who has exercised the discretion?

Mr. CANNON. Oh, I do not; but these be strange times [applause], and I can prove it by my rural-delivery friends here, and I am one of them myself. [Laughter.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. I would like a few minutes more.

Mr. MADDEN. Mr. Chairman, I would ask unanimous consent that the gentleman from Illinois be granted five minutes additional.

Mr. MOON. Mr. Chairman, I ask unaimous consent that the gentleman's time be extended until he concludes his remarks.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent——

Mr. MADDEN. I ask that his time be extended for five minutes.

Mr. MANN. Would the gentleman desire more time?

Mr. CANNON. I wish I could have a little more; then I would not have to be thinking about the end of the five minutes. I will not weary the committee.

Mr. MANN. I think the time had better be fixed.

Mr. CANNON. Very well.

Mr. MOON. Mr. Chairman, my request, I believe, was the first one made—that the gentleman have such time as he desired in order to conclude.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Illinois may have time to conclude his remarks. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, if my colleague was not to be interrupted, I would not object to that; but knowing how other gentlemen will take up his time, I shall have to object to anything but a fixed time.

Mr. CANNON. All right.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. MADDEN. Mr. Chairman, I will ask unanimous consent that the gentleman from Illinois may have 10 minutes additional time.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, I have not taken up much time of the House during this session.

Now, then, the gentlemen composing this committee, able as they are—and especially my colleague Mr. MADDEN—say they are not experts as to railway mail pay. No; we are not experts, and yet I do not know of a man on the floor of the House who is more of an expert than the gentleman, yet I dare say he would not undertake perhaps to fix the schedules for railway mail pay. Here are 435 Members. What I do not know about this bill—and I have listened to the whole consideration, with all its complications and provisos, with my want of knowledge upon these technical questions—what I do not know about it would make a library. [Laughter.] I mean as to the proper mail pay in amount. Now, I do not seek to amend the bill; I do not try to say that it shall not go into effect until the Interstate Commerce Commission has fixed the rates—and you propose to fix the rates here with all of these qualifications and provisions—but the object of the proposition is if after trial it is found that these rates are too low or too high—and gentlemen of this committee say that they are to be increased; I believe there is no dispute about that——

Mr. MADDEN. About the rates?

Mr. CANNON. That they are to be increased; that the effect of this bill will be to increase the railway mail pay.

Mr. MADDEN. At least 2 cents per ton-mile.

Mr. CANNON. Precisely. Then, if they ought to be increased, let us increase them; but suppose that after actual test they ought to be increased. Suppose that the rates are not enough or are too much. Gentlemen say that the Interstate Commerce Commission shall report to Congress, and this bill provides that it shall report to Congress and then Congress can act. My amendment says that the action of the Interstate Commerce Commission shall fix the rates.

Mr. Chairman, the Interstate Commerce Commission fixes the rates for transportation of the products of 100,000,000 of our people. Well, who compose the United States? One hundred millions of people. The same people who compose the United States we are legislating for, and if the United States pays the bill, should not that same 100,000,000 people, who have all their business regulated by the Interstate Commerce Commission under existing law as to transportation, be content that the Interstate Commerce Commission, after an investigation provided for in this bill, should fix the rate for transportation of the mail?

Now, then, much has been said about railroads. I am not an enemy of railroads. They are capitalized at a little under $70,000 a mile, less than half the capitalization of the railways of the world. Our freight tariffs, our passenger tariffs, are less than half the freight and passenger tariffs of the world, and we have half of the railroad mileage of the world. We pay twice as much for the operation of our railways as is paid by the rest of the world. We are getting along fairly well. Once in a while a man, given to sharp practice, gets control of a railroad. Once in a while a man, given to sharp practice, wrecks a bank. Once in a while a preacher goes wrong, and once in two whiles a lawyer goes wrong. [Laughter.] Once in three whiles a Member of Congress goes wrong. [Laughter.] Therefore what is the use of abusing a whole system because somebody has gone wrong?

Oh, how we agonized to get these common carriers! We issued county, State, and city bonds to get them; donated rights of way, and all that kind of thing, and burned our corn because we had no way to get it to market. And we have this great system, owned by great numbers of people. Insurance companies, trust companies, and great blocks of people own these railroads. We want to deal justly by them, no more, no less, and it does not lie on my tongue to stand and declaim against them. If you would stop their service for 10 days you would starve. Therefore they should be dealt with justly. I do not know whether they are getting too much or too little from the hundred millions of people that we call "Uncle Sam" for their service. If I did know and had supreme power, I would say, "Let it be just that." We are devising machinery to give them what they ought to have.

And, in conclusion, let me say that the hundred millions of people who constitute the United States to-day and who have their rates fixed, certainly can trust the same administrative power, the Interstate Commerce Commission, when these matters are left, as the bill provides, by the Postmaster General, or by 51 per cent of the railways, to fully investigate. And when they have investigated and found what the rates should be, then let the orders of the commission be the rate. And if this amendment is adopted, those will be the rates. [Applause.]

Mr. MOON. Mr. Chairman, I very fully concur with the distinguished gentleman from Illinois [Mr. CANNON] that under all circumstances and conditions the railroad companies of the United States ought to be treated properly. They are great factors in our civilization, our commerce, and in the business world, and I am sure that none of us ought to want to do them any injustice.

We have now come to that section of the bill which the gentleman proposes to amend by striking out the language giving effect to the hearing before the Interstate Commerce Commission to be granted to 51 per cent of the roads and keeping it from being reported to Congress. The language that he would strike out and insert would leave this condition: Fifty-one per cent of the railroads would be before the Interstate Commerce Commission to have determined the rates at which they could carry the mails. Now, it is possible that the Postmaster General might not like the rates granted by the Interstate Commerce Commission. It is possible that the Interstate Commerce Commission would not fix rates that would be acceptable to these railroads. I do not believe it would be wise to leave the ultimate decision of a legislative proposition like this, and one of legislative discretion, to the Interstate Commerce Commission. It ought not arbitrarily to have the power to say that the rate the Postmaster General proposes to fix, and that the railroads are combating, or that the railroads propose and the Postmaster General is combating, shall be the law. The better course is that provided in this bill, it seems to me, to have specific findings to see whether the rates should be increased or decreased, and, if either, how much. It leaves to us that power that we ought never to delegate to any commission. Congress ought to retain the ultimate right to legislate in this matter. It ought not to confer it upon the Interstate Commerce Commission. It ought not to be done in the interest of the roads. It ought not to be done in the interest of the Postmaster General or the Government. We ought to hold our authority under the constitutional right that we have to determine this question and let these servants of the Congress report these facts, give their conclusion and the reasons they have, and let us then determine, as the body having supreme right and control, whether we will accept the findings of the Interstate Commerce Commission or the views of the Postmaster General, and legislate as we may deem best.

Mr. TILSON. May I ask the gentleman a question?

Mr. MOON. Yes.

Mr. TILSON. Is it not a fact that in any controversy between the railroads and the War Department, or between the railroads and the Navy Department, that they must go to the Interstate Commerce Commission and thrash it out and abide by the decision of that commission?

Mr. MOON. That is in reference to some question of freight rates between the department and the railroads. That does not control the mail of the United States, and it does not involve the question that is involved here.

Mr. TILSON. It is a department having important business with the railroads, and a large business.

Mr. MOON. It has been the habit of this Congress for a number of years, and it is our habit now, to cast off the obligations belonging to us as Representatives and imposing them upon commissions and committees and bodies of that sort. It is a very dangerous thing to do. On a great question like this, affecting the revenues to the extent of hundreds of millions of dollars, we ought not to surrender our jurisdiction to any commission.

Mr. PARKER of New Jersey. Mr. Chairman, will the gentleman permit a question?

Mr. MOON. Yes.

Mr. PARKER of New Jersey. You speak of "our." I suppose you mean Congress determining the amount that ought to be paid?

Mr. MOON. I think Congress ought to reserve the right to ultimately determine, and to use any committee it sees fit——

Mr. PARKER of New Jersey. How many committees have there been, and how long has it taken them to come even to the conclusion you have now reached? I think it is 15 years, is it not?

Mr. MOON. The railroads have fought it off for 20 years. As long as you are sending it to commissions and committees you are going to be dominated by the corporations of this country.

Mr. PARKER of New Jersey. May I ask the gentleman, if we send it to the Interstate Commerce Commission with the same power that the commission has now with reference to War Department business, or Treasury Department business, or any Government business, and let that decision be made in the ordinary way, subject to an appeal to the court, whether you will not get a better result?

Mr. MOON. No; I do not think so. I think that Congress is the immediate representative of the people, and when you have authorized as auxiliary to yourself a commission like the Interstate Commerce Commission, as we now provide, to sit and investigate a matter for us and report it to us, we are then in a position to determine the equities between the railroads and the departments, and we are reserving the supreme right of the sovereign which we have been giving away here from time to time heretofore.

Mr. PARKER of New Jersey. Are we not a rather unwieldy body for that purpose, with two Houses?

Mr. MOON. Yes. I know we are a rather big and unwieldy body, and if because we are an unwieldy body we will assign the duties we have under the Constitution, then the people ought to devise some other means of being represented.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. MOON. Yes.

Mr. CANNON. Suppose this amendment should be adopted and the Interstate Commerce Commission should fix the rate; could not Congress still unfix it?

Mr. MOON. Without doubt it could unfix it. Congress has the power over all commissions.

Mr. CANNON. Then it would be a matter of administration.

Mr. MOON. The point I am making is that the Interstate Commerce Commission ought not to be obliged in the first instance to fix a definite, affirmative rate which can not be appealed from to the courts; that Congress ought to reserve in the first instance its right, and not delegate its power to some other body, and then wait and see if that body has done what it wants done, and then act. The gentleman will readily see the difference between yielding a power carrying with it the right to consummate an act and yielding a power merely to report upon a condition.

Mr. CANNON. Mr. Chairman, will the gentleman yield further?

Mr. MOON. Yes.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. CANNON. I will ask to be recognized, Mr. Chairman, to ask a question only.

The CHAIRMAN. Unanimous consent is desired by the gentleman from Illinois for one minute. Is there objection?

There was no objection.

Mr. CANNON. When this bill is enacted into law, does it not fix the rate?

Mr. MOON. Of course; the maximum rate.

Mr. CANNON. Yes; the maximum rate. Now, then, after it has been tried out, on the request of the Government on the one hand and the railroads upon the other, have we not something to refer to the Interstate Commerce Commission, and does not this refer it? And when the Interstate Commerce Commission finds what the correct rate is, it becomes the rate, instead of waiting 15 years for Congress to consider it.

Mr. MOON. It becomes the rate when we say so, and that is only when it ought to become the rate.

Mr. MADDEN. Mr. Chairman, my colleague [Mr. CANNON] always makes a very interesting contribution to the literature of the House, and he certainly made a very interesting speech a few moments ago. He is usually very illuminating in what he says, and he is generally rather accurate in making his deductions. But here I believe that he is away off his balance. To begin with, his amendment would turn over to the Interstate Commerce Commission the right to fix the postal rates.

Now, we represent a hundred million people. It is true the people who own the railroads are a part of these hundred million people. It is also true that the railroads are a very important factor in the development and prosperity of the country. But it is also true that the Interstate Commerce Commission does not fix the rates on the freights carried over the railroads of the country without the right of appeal to the courts from the Interstate Commerce Commission. But if the amendment of my colleague should happen to be adopted by the House and that language became the law of the land, and the Interstate Commerce Commission were given complete jurisdiction to fix the rates on postal matter, there would be no court of appeal to which anybody could apply.

Mr. CANNON. Will my friend yield?

Mr. MADDEN. Surely.

Mr. CANNON. This bill fixes the rate when it is enacted. There is the same power, if this bill is confiscatory, to appeal to the courts that there would be to appeal to the action of the Interstate Commerce Commission.

Mr. MADDEN. It seems to me that this provision of the bill, without any amendment, is so fair that every Member of the House can vote for it without any qualms of conscience. We give the railroads of the country the right, immediately upon the adoption of these rates, upon the application of 51 per cent of the mileage of the roads, to appeal to the Interstate Commerce Commission for an investigation and an adjudication and a report to the Congress.

I am quite sure that there is no man upon the floor of the House now, and there will be no man in Congress whenever the report happens to be made, who will refuse to indorse the reasonable conclusion of the Interstate Commerce Commission; but why yield up to them the power of making the final determination? We are anxious to do justice to the railroads and anxious to know that justice is done them, but why leave this important matter of the regulation of the mails of America in the hands of the railroads and the Interstate Commerce Commission? Why should we yield up that power? We ought not to do it. The interests of the public demand that we retain the power and that we reserve to ourselves the final right to pass upon the justice of any rate that may be recommended, not only by the Interstate Commerce Commission but by any other commission which is a creature of the Congress. [Applause.]

Mr. LEHLBACH. Will the gentleman yield?

Mr. MADDEN. Yes, if I have time; but I thought my time had expired.

The CHAIRMAN. The gentleman's time has expired. The question is on the amendment of the gentleman from Illinois [Mr. CANNON].

Mr. MOON. May we hear the amendment again?

The CHAIRMAN. If there be no objection, the amendment will be again reported.

The amendment was again reported, as follows:

Amendment offered by Mr. CANNON: Page 48, strike out lines 19, 20, 21, and the first six words in line 22, and insert in lieu thereof the following words: "and fix the rates which the Postmaster General shall allow the railroads as compensation for transporting the mail."

Mr. LEWIS. Mr. Chairman I move to strike out the last word. I hold in my hand a telegram from the authorities of the National Grange, which I wish to read to the House:

PEACH BOTTOM, PA., *February 28, 1916.*

Hon. DAVID LEWIS,
House of Representatives, Washington, D. C.:

We are informed that a rider to the Post Office appropriation bill has been introduced limiting the parcel post to 50 pounds. Representing the repeated action of the National Grange and State granges in 33 States, we earnestly protest against any curtailment of the authority of the Post Office Department to develop this system.

JOHN A. MCSHEARRAN,
Secretary Legislative Committee National Grange.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. CANNON].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. CANNON. I would be glad to have a rising vote.

The committee divided; and there were—ayes 54, noes 79.

Accordingly the amendment was rejected.

Mr. WOOD of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WOOD of Indiana:

"After the word 'of,' first appearing in line 15, page 48, insert the word 'any.' Strike out the letter 's' from the word 'railroads' in said line. Also strike out the following words in lines 15 and 16 of said page: 'With an aggregate mileage of at least 51 per cent of the mileage of railroads.'"

Mr. WOOD of Indiana. Mr. Chairman, I offer this amendment for the purpose of showing the injustice of this bill. Under its provisions there is absolutely no chance for an appeal upon many of the questions that arise in this proposed legislation. Take some of the short railroads, for instance, concerning which it has been said that it is proposed that they shall be paid more than other roads for carrying the mail. Even among them, take two roads of the same length. It may be more expensive for one road to carry the mail than it is for another to carry the mail. All of the other roads might be satisfied with the rate fixed by the Postmaster General, and this road would be made to suffer, without any possibility for relief.

It has been said that they might refuse to carry the mail, because it is a confiscation of their property. That has been attempted once or twice in this country to my knowledge, and when it is done, what is the result? The people, with an unrighteous indignation, resent the action of the railroad, and in one instance in the United States have attempted to tear up the track. It does not matter to them whether it is confiscation or not, and they do not stop to consider that question. They want the mail carried. If this amendment obtains, it will give every railroad an opportunity to lay its particular grievances before the Interstate Commerce Commission, and every railroad should have that right, the same as every individual has his individual right to have his grievances and wrongs heard and determined by a court, irrespective of the wants or desires of any other person.

The same mistake is about to be committed here that has been committed with reference to fixing an arbitrary rate of 2 cents a mile for the carrying of passengers. The small railroads are made to suffer by that provision. There are many of the large trunk lines in several parts of this country that can well afford to carry passengers at a flat rate of 2 cents a mile, while upon the other hand there are many small roads that absolutely can not afford to do it. Yet in all the States of the Union that have adopted the 2-cent rate, no distinction is made. The same mistake is being made here.

A small railroad or a large railroad, because of the peculiar environment or the topography of the country is made to suffer. It has no relief unless it can have a majority of all the mileage of the country to join in the petition. Therefore the practical result of the bill will be that there will be no chance of appeal whatever, and it might as well not be in the bill.

Mr. MOON. Will the gentleman yield?

Mr. WOOD of Indiana. I will.

Mr. MOON. Is not there a provision in the bill that a road may make a separate contract with the Postmaster General?

Mr. WOOD of Indiana. There is.

Mr. MOON. How many rights of appeal do you want?

Mr. WOOD of Indiana. As many rights of appeal as there are cases of grievance. There is a chance for an independent contract with an individual railroad, and there ought to be a like chance for that railroad, if it is not satisfied with the contract made with the Postmaster General, to appeal from his decision,

and while you give the right to make an individual contract you deny the right of individual appeal.

Mr. MOON. You have no right to appeal from legislation, you have no right to appeal from the judgment of Congress on a question of legislation unless it is unconstitutional.

Mr. WOOD of Indiana. No; but you are attempting——

Mr. MOON. We are attempting to protect the Government here; that is all.

Mr. WOOD of Indiana. And you ought to be as much concerned in protecting the individual himself, in protecting the individual railroad.

Mr. MOON. Surely; they are a part of the citizens of the Government.

Mr. WOOD of Indiana. How are they protected under this bill?

Mr. MOON. Your little roads are now getting less than the big ones. The big companies are getting paid by weight and space, and you are not getting anything except for weight. Now, we are proposing to let them both be paid on the space basis, giving the large and the little roads—not the large roads alone, but the little roads as well—the right to go to the Postmaster General and make a separate contract to meet the conditions of that road. Now, that is enough and we ought not to go any further; but we thought that if the majority of all the roads felt that there was any error they might come to the Interstate Commerce Commission.

Mr. WOOD of Indiana. Yes; and by that very act you will cause great injustice to be done to the small road that can not get a majority, in mileage, of the other roads to join it in presenting its grievance.

Mr. RAKER. Mr. Chairman, I had a similar amendment to the one offered by the gentleman from Indiana, and therefore am in favor of his amendment. There are some 800 independent short-line railroads in the United States.

Mr. MOON. What does the gentleman call a short-line railroad?

Mr. RAKER. I am coming to that. The provision in the bill found on page 42 applies not only to the short lines but it applies to the long lines and to all railroads that the Postmaster General may be authorized to make special contracts if in his judgment he so desires, and the railroad company wants it that way; but under this provision here you say that the short-line railroads whose trackage will not be more than 10 per cent of all the trackage in the United States, running an independent business into a rural territory for the purpose of developing that territory, that when the Postmaster General has made the special contract, or as it is provided for under the maximum rate—you make a rule different from that in any other proceeding known to American or English jurisprudence; you say to the weak that are trying to succeed, that have a just case, that want to give independent service to the public at a fair compensation, that before they can have a hearing before the Interstate Commerce Commission they must go with a suppliant knee, crawling on the carpet, to the large railroad companies, sacrificing their independence, yielding some of their rights in the way of transportation, before they can have a hearing before the Interstate Commerce Commission.

Mr. MOON. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. MOON. I do not know what you call a short line. The bill does not provide anything in the way of a short line or a long line; it provides for all railroad lines. The bill provides for an agreement with the department if you are not satisfied with the present rates. Then it provides an appeal by 51 per cent of the roads. Does not the gentleman think it would be an unwise thing to turn loose a thousand or two thousand railroads to make a separate case for separate contentions with the Postmaster General on a general rate?

Mr. RAKER. If there is an independent road properly organized and existing that has a just cause for complaint that it is not properly treated, and in every other court of justice the weak and the poor, and in this instance the short-line railroad, should have the opportunity to go to the Interstate Commerce Commission to the end that it may present to that commission upon the facts and the record of that railroad their case, and not upon that of 51 per cent of all the railroads in the United States before it can get an opportunity to be heard.

Mr. MOON. Does the gentleman think that is right in fixing a general rate? How on earth could it happen that the Interstate Commerce Commission could fix a separate rate for all railroads. It is to fix a general rate. It is impossible to do the thing that the gentleman speaks of.

Mr. RAKER. The commission is not fixing the rate; it is making a report to Congress as to what ought to be the rate, and clearly, if it fixes a rate for the transcontinental railroad, but at the same time confiscatory to the short-line railroad, unquestionably the courts would not approve such a rate as would confiscate the property of a small road and give a large road full compensation.

Mr. MOON. But the gentleman is demanding a separate hearing.

Mr. RAKER. Yes.

Mr. MOON. For 2,000 railroads. They would come to the Interstate Commerce Commission, and there would be 2,000 decisions to be made before they could reach a general average and fix a rate, and then come to Congress. The gentleman sees the impracticability of the proposition. That whole question is covered in the first instance by giving the short-line railroad the right of contract with the Postmaster General, and then if there is any error at all that involves a general average of the whole roads, 51 per cent of them can have it corrected. Otherwise you would have the Interstate Commerce Commission contending with 2,000 rate cases, and you would never get an end to it.

Mr. RAKER. So far as the provision in regard to authorizing a special contract is concerned, the Postmaster General may make a contract as to one road. You give him that power, and it is fair. That being the case, the railroad that has had a special contract provided for under the bill is denied the right, under the Interstate Commerce Commission, for relief until it has exhausted its money and resources in going over the United States securing the consent of 51 per cent of the mileage of all the railroads of the United States before it can go before the tribunal with a chance of presenting its case.

Mr. FINLEY. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. FINLEY. The gentleman's contention and the contention of others here amounts to this: They are apprehensive that the railroads in peculiar and particular conditions will not receive fair treatment at the hands of the Post Office Department.

Mr. RAKER. Oh, no; I do not make that contention.

Mr. FINLEY. I want to call the gentleman's attention to this. Under existing law the Postmaster General may exempt any railroad he sees proper from carrying the mails to and from the post office when the post office is within the 80-rod limit. To my certain knowledge I know instances where the Postmaster General has relieved railroads of that duty, and that burden and expense. So I think the gentleman will have no trouble with his short-line railroads, and I know there are railroads in the far West—I mentioned one this morning——

Mr. RAKER. Yes; the McLeod River Railroad Co. for one.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. MOON. Mr. Chairman, I move that all debate be now closed upon this paragraph.

The CHAIRMAN. The gentleman from Tennessee moves that all debate be now closed upon the paragraph.

Mr. TAYLOR of Colorado. Mr. Chairman, I desire to address the House for three or four minutes upon this amendment.

Mr. MOON. Then, Mr. Chairman, I move that all debate upon this amendment close in three minutes, the gentleman from Colorado to have that time.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee that all debate on this amendment close in three minutes.

The motion was agreed to.

Mr. TAYLOR of Colorado. Mr. Chairman, it seems to me that under the provisions of this bill the large railroads are being given an undue advantage over the little short-line roads. I am not at all concerned about the large railroads; they can take care of themselves; but in the State that I have the honor in part to represent we have quite a number of short-line roads, from 10 to 50 miles long, running from the main lines up to mining camps or various other places. Those short-line railroads have to operate under very great expense. They ought not to be put upon the same footing with the transcontinental long lines, but they are tied together in this bill in such manner that it takes 51 per cent of all of the railroads before they can get an appeal. It does seem to me that the short-line railroads ought to be given a right to appeal by themselves. Otherwise I fear the long main lines can crush them out of existence. I am afraid this bill will give the long lines a power to practically confiscate the little railroads. I may be mistaken, but I think not. I believe the short lines ought not to be yoked up with the long ones, but that they should be given an opportunity so that in case their rights are injured they may have a separate appeal of their own without compelling them to beseech the big ones who may be interested in crushing and wiping them out.

Mr. MOON. They have all the advantage under this bill, in my judgment.

Mr. TAYLOR of Colorado. How?

Mr. MOON. First, the short lines are now paid only for weight. The long lines are paid for space and weight. We are now providing that the short lines shall be paid for space and weight, and then, if the lines are very short, they may make frequent trips.

Mr. TAYLOR of Colorado. But these roads that I refer to make only one trip a day. They can not make frequent trips in my State.

Mr. MOON. Then, with the terminal, initial, and pouch charges, and the general rate, which is better than the long lines, they will find themselves in better shape than ever before. Of course there may be a few cases where that will not be true.

Mr. TAYLOR of Colorado. I have no authority to speak for the short-line roads, and I am not well informed about this matter; but why should not the short-line railroads be given a separate right of appeal to the Interstate Commerce Commission?

Mr. MOON. What do you call short-line railroads?

Mr. TAYLOR of Colorado. You can definitely fix that in this bill. Any length—say 50 or 75 miles.

Mr. MOON. The gentleman will have 780 of these roads, small ones, appealing, as short-line railroads, for 780 different rates.

Mr. TAYLOR of Colorado. I do not mean each separate road to have an appeal, but a reasonable number of them similarly situated. Why should they be compelled to seek relief only by permission of the big roads?

Mr. MOON. Yes; different rates; they are bound to be by the gentleman's very contention.

Mr. TAYLOR of Colorado. Why not make it 51 or 20 per cent of the short lines may have an appeal?

Mr. MOON. You could not make it 51 per cent of the short lines, because there is no way of determining what a short line is.

Mr. TAYLOR of Colorado. Then make an arbitrary rule as to the length of a line that shall be considered a short line.

Mr. MOON. The gentleman talks about tying themselves up with big roads. You have done your own tying, and your little roads are trying to get away from them, and the gentleman seems to be actually standing against this bill, which is in their interest.

Mr. TAYLOR of Colorado. I have not done any tying, and if the short lines have it is because the big roads compelled them to. It looks to me that this bill may practically turn the little roads over to the big ones.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. RAKER) there were—ayes 45, noes 85.

So the amendment was rejected.

Mr. WALSH. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 48, line 22, after the word "much," strike out the period and insert a comma, and insert also the following words: "make specific findings as to whether the compensation should be computed upon the space or the weight basis."

Mr. MOON. I reserve a point of order on that.

The CHAIRMAN. The gentleman from Tennessee reserves the point of order.

Mr. WALSH. Mr. Chairman, the gentleman from Tennessee [Mr. MOON], in discussing the previous amendment, stated that if a majority of the railroads, or railroads representing 51 per cent of the mileage of railroads, carrying the mail were dissatisfied with the rates paid them that they ought to be given the privilege of appealing to the Interstate Commerce Commission. Now, the purpose of this amendment is to give railroads representing 51 per cent of the mileage of railroads carrying the mail, if they are dissatisfied with the method under which they are paid, a similar right of appeal and hearing. There is grave doubt, I submit, in spite of the representations of the Post Office Committee, as to whether this change in the method of compensation is going to work out satisfactorily to all concerned; and I submit that if that doubt exists it is only fair that an impartial and disinterested tribunal should be given authority, upon proper appeal from a sufficient number of roads, to investigate this question and make a specific finding as to whether this change from weight to space basis is warranted and as to whether paying them upon the space basis will be fair and work out justice to the railroads and promote the efficiency of service. That is the purpose I have in offering this amendment, and I trust that the chairman of the committee will not make the point of order against it.

Mr. MOON. Mr. Chairman, I do not know whether the amendment is subject to the point of order or not; the Chair can rule on that; but I will not object to a vote. This question has been discussed twenty times or more, and I believe I do not want to take up any more time on it.

The CHAIRMAN. Does the gentleman withdraw the point of order?

Mr. MOON. Yes.

The CHAIRMAN. The point of order is withdrawn, and the question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was rejected.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

Mr. MOON. Mr. Chairman, I move that debate upon this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Tennessee moves that debate on the paragraph and all amendments thereto close in five minutes.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Page 48, line 16, strike out the word "fifty-one" and insert the word "twenty-five."

Mr. RAKER. Mr. Chairman, this, I understand, is what the commission really recommended as a sufficient number of railroads to consent to take the matter to the Interstate Commerce Commission. I ask the chairman if that is not correct?

Mr. MOON. No; we did not recommend that; we recommended 51 per cent.

Mr. RAKER. I understood it was 25 per cent the commission recommended. I do not think you ought to require these short-line railroads in the West, who have been struggling to build up the country, and who have spent all their money and time, to go east to procure the consent of these other railroads that they might go into court or before the Interstate Commerce Commission and get a fair hearing.

Mr. MOON. Well, the gentleman assumes they are not going to be treated fairly.

Mr. RAKER. No; I do not.

Mr. MOON. The gentleman's proposition is bound to assume that.

Mr. RAKER. If you would assume that, you would assume that every man in the world would do right, and there would be no need of courts; but, unfortunately, men differ, and both may be right, having an honest difference; and the man who operates the service thinks he is not paid enough and the man who is getting the service thinks he is paying too much, and the only remedy is some tribunal for the purpose of settling it.

Mr. MOON. Here are a number of people engaged in the same business. A right is given to them to get away from a statutory contract upon an appeal of 51 per cent of them—a majority. Ought it to be less?

Mr. RAKER. I know, as a sample, from Bartlett to Sisson, Cal., that for two years and a half, or very nearly three years, that railroad has been carrying the mail for nothing. In other words, it has not had one cent of compensation. I went to the railroad people asking them if they would not continue it, after having had a petition from every individual in the community to the effect that if the railroad did not carry the mail or handle the service those people in that country would be deprived of the service and the star route would possibly have to be established, and cost the Government four times as much, because the railroad company was not being paid for services upon the short-line railroad. That is only one instance, but there are a number of instances, and I can not understand why Congress should not provide for the short-line railroads that have been trying to upbuild the country and give service, and then compel them to go to the long lines, the great railroad companies, and yield to them before they have an opportunity to appeal to a court of justice for a fair hearing.

Mr. TAYLOR of Colorado. Why did not the gentleman from California make his amendment apply to the short-line roads and let the long-line roads remain as they are?

Mr. RAKER. I do not know anything about the long-line roads. They will take care of themselves, but I do believe that as to these short-line roads that have been built into these mountain valleys for the purpose of building them up, that are independent and trying to give service, this Congress or any other Congress should not so legislate as to prevent them from having just compensation to the end that they get fair return for the

services rendered. I do not want to pay anybody anything who has not rendered service.

Mr. MOON. Will the gentleman yield?

Mr. RAKER. I yield.

Mr. MOON. Now, the law does not provide or determine in any way what a long-line road or a short-line road is, and your amendment does not reach that question. And let me submit this question: Suppose one of your roads is 12 miles long; in relation to that road every other road in the United States is a longer one.

Mr. RAKER. Comparatively speaking.

Mr. MOON. Of course. And that is what we are dealing with—comparative matters. There is no way of determining what a short line or a long line will be, and the only way the thing could be determined, by one decision, by one legislative enactment, instead of six or seven, is to let the majority of the roads determine the question by appealing to the Interstate Commerce Commission.

Mr. RAKER. That means you will have to go to every man in the community, the same as a man if he had a right to a suit would have to ask whether or not he should have an opportunity to be heard in court; just like in the railroad proposition, if a man has not been treated fairly and the compensation is not sufficient, he has to get the consent of 51 per cent of the railroads over the country for the purpose of securing relief.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment of the gentleman from California [Mr. RAKER].

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to amend, in line 12, page 48, by striking out the word "act" and inserting the word "section."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 48, line 12, strike out the word "act" and insert in lieu thereof the word "section."

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. FESS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FESS. This section went out of the bill on a point of order. It comes back into the bill——

Mr. MANN. We have not finished reading the section.

Mr. FESS (continuing). Through a rule. Is it in the bill without an amendment?

The CHAIRMAN. Section 17 is not in the bill now. The question at the conclusion of the next paragraph will be on the adoption of section 17 as proposed by the rule.

Mr. FESS. Is that in the form of an amendment?

The CHAIRMAN. We have been treating these various sections as amendments proposed by the rule.

Mr. MOORE of Pennsylvania. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Does not the ruling of the Chair modify the rule made a little while ago when I inquired whether a motion to strike out on another section——

The CHAIRMAN. The Chair erred as to the inquiry of the gentleman.

Mr. MOORE of Pennsylvania. That motion would not be entertained now?

The CHAIRMAN. That motion would not be entertained now.

The Clerk read as follows:

That the appropriations for inland transportation by railroad routes and for railway post-office car service for the fiscal year ending June 30, 1917, are hereby made available for the purposes of this act.

Mr. RAKER. Mr. Chairman, I offer the following amendment as a substitute for section 17.

Mr. MANN. Mr. Chairman, will the gentleman permit me to offer an amendment to the paragraph first?

Mr. RAKER. Yes. I will withhold for the gentleman.

Mr. MANN. I move to amend, Mr. Chairman, in line 12, by striking out the word "act" and inserting the word "section."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, page 49, line 12, by striking out the word "act" and inserting the word "section."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the substitute for section 17 proposed by the gentleman from California [Mr. RAKER].

The Clerk read as follows:

Substitute offered by Mr. RAKER: Strike out section 17 and insert in lieu thereof the following:

"The Postmaster General is hereby authorized and directed to readjust annually the compensation to be paid for the transportation of mails on railroad routes from and after the 1st day of January, 1917, upon the conditions and at the rates provided by law, the average daily weight to be ascertained in every case by the actual simultaneous weighing of the mails for 30 successive working days, commencing on such date as the Postmaster General may designate each year: *Provided further*, That the Postmaster General may request railroad companies to have their regular station employees, where practicable and desirable, to take and report the weights upon forms provided and under such regulations and supervision by postmasters as may be directed by him."

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Does the ruling of the Chair, that a motion to strike out the entire section is not in order, pertain as to this motion to strike out and offer a substitute?

The CHAIRMAN. The motion of the gentleman from California [Mr. RAKER] is not to strike out, as the Chair understands. The gentleman from California offers a substitute for the amendment proposed by the rule.

Mr. MOORE of Pennsylvania. May we have the Clerk read the introduction of the motion by the gentleman from California?

The CHAIRMAN. Without objection, the Clerk will again report the motion of the gentleman from California.

Mr. PARKER of New Jersey. Mr. Chairman, I rise to a point of order on that matter. I would like to call the attention of the Chair to the rule.

Mr. MOORE of Pennsylvania. I call the Chair's attention to the opening sentence of the motion made by the gentleman from California [Mr. RAKER].

The CHAIRMAN. The Clerk will again read the motion submitted by the gentleman from California.

The Clerk read as follows:

I move to strike out section 17 and insert in lieu thereof the following:

Mr. MOORE of Pennsylvania. That is it.

The CHAIRMAN. The effect of the motion of the gentleman from California is to offer a substitute for the section.

Mr. PARKER of New Jersey. Mr. Chairman, before the Chair rules, I would like to call the Chair's attention to the words of the resolution. It does not propose all this language as an amendment to the bill. The words of the rule as adopted by the House were these, that—

In such further consideration—

That is, of the bill H. R. 10484—

it shall be in order (the general rules of the House notwithstanding) to consider the following items in said bill.

It is not to consider them as an amendment, Mr. Chairman, but to consider them as being in the bill and before the House for consideration.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that my request be considered as a substitute instead of a motion to strike out.

The CHAIRMAN. The gentleman from California asks permission to modify his request. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the substitute offered by the gentleman from California to section 17, as proposed by the rule.

Mr. RAKER. Mr. Chairman, before taking the vote I desire——

Mr. MOON. Mr. Chairman, I make the point of order that all debate is closed on this section and all amendments thereto.

Mr. MANN. Mr. Chairman, I do not recall the form of the motion that the gentleman made on the preceding paragraph. The section had not been read at that time. It was the last paragraph.

The CHAIRMAN. As the gentleman from Illinois [Mr. MANN] suggests, the section had not been read, and the proposition to the committee, as submitted by the Chair, was that the debate on the paragraph close in five minutes. That was the proposition adopted by the committee. Now the gentleman from California is recognized.

Mr. MADDEN. Mr. Chairman, I move that all debate on this substitute close in five minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] moves that all debate on this substitute for section 17 be closed in five minutes.

Mr. MANN. Mr. Chairman, that motion can not be made until a speech has been made.

The CHAIRMAN. There has been no debate on it yet. The gentleman from California [Mr. RAKER] is recognized.

Mr. RAKER. Mr. Chairman, apropos of this proposed amendment, I wish to say that there are a great number of the railroads, short lines, doing business in northern California, to which this would apply—as, of course, this would apply generally—that is, to have an annual weighing of the mails. The road would then get paid for approximately the amount of mail that it hauls in a year, while under the terms of this bill you pay it, not according to the service it renders, but according to every other service rendered at every place and everywhere else. Practically all that these people want is an opportunity to get fair and full compensation for the service rendered. I yield back the remaining part of my time. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the substitute for section 17 proposed by the gentleman from California [Mr. RAKER].

The question being taken, the substitute was rejected.

Mr. LEWIS. Mr. Chairman, I have a substitute to offer.

Mr. MOON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOON. There is some uncertainty here as to whether the Clerk has read the last five lines or not.

The CHAIRMAN. The Clerk has read the last five lines.

Mr. LEWIS. Mr. Chairman, I desire to offer the following amendment as a substitute to section 17, namely, the adoption of section 17 as it now stands in the bill with this clause stricken out:

Provided, That no parcel-post package shall exceed 50 pounds in weight.

That is section 17 as it now stands, with the Madden amendment omitted. I would like to address the Chair for a reasonable length of time on this subject.

Mr. MADDEN. I make the point of order that that is not a substitute. The paragraph has been passed, and the gentleman is simply trying by another method to move to strike out something that has already been inserted as an amendment.

The CHAIRMAN. The Chair will hear the gentleman from Maryland.

Mr. LEWIS. This is a substitute for the section, and it is different from the section as it stands, because it omits the Madden amendment providing for a limit of 50 pounds.

The CHAIRMAN. The Chair thinks it is not in order to offer a substitute which simply strikes out an amendment that has already been agreed to by the committee. The Chair is compelled to sustain the point of order made by the gentleman from Illinois [Mr. MADDEN]. The question is on the adoption of section 17 as proposed by the rule and as amended in the committee.

The question being taken, on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 138, noes 27.

Accordingly section 17 as amended was agreed to.

Mr. MOON. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments which have been agreed to, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAINEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. MOON. Mr. Speaker, I move the previous question——

Mr. LEWIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEWIS. I wish to ask for a separate vote on the Madden amendment as passed last Saturday.

Mr. MANN. That is not a parliamentary inquiry.

The SPEAKER. That is not a parliamentary inquiry.

Mr. LEWIS. I want to know if there are any difficulties in the way of getting a separate vote before the motion for the previous question is put.

The SPEAKER. The Chair thinks there are.

Mr. MOON. I move the previous question on the bill and amendments to the final passage.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry after the Chair puts the question. The gentleman from Tennessee moves the previous question on the bill and amendments to the final passage.

Mr. CRISP. Mr. Speaker, if the previous question is voted down, will it not then be in order to make a motion to agree to the amendment providing for changing the system for paying the railroads with an amendment striking out the language that the gentleman from Maryland [Mr. LEWIS] desires to have stricken out.

The SPEAKER. If the previous question is voted down, amendments are in order to the amendments reported by the committee, provided they are within the degree provided by the rules as to germaneness.

Mr. ROUSE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ROUSE. Are the amendments reported under the special rule a part of the bill, or are they amendments to the bill?

The SPEAKER. Does any gentleman desire to be heard? If not, the Chair is ready to rule.

Mr. LEWIS. I should like to be heard.

The SPEAKER. The gentleman from Maryland is recognized.

Mr. LEWIS of Maryland. Mr. Speaker, I do not pretend to have any special technical knowledge on this question. I merely wish to make the Speaker of the House understand that unless the Madden amendment possesses the character of an amendment at this juncture of the proceedings of this body then a separate vote can not be demanded, and a blow at the parcel post, practically delivered without notice, without committee consideration, almost in the dark so far as the protection of its life is concerned, has been delivered.

Now, upon the technical merits of the question what situation do we have? The Post Office appropriation bill is reported. About half of the sections in that report were objected to because containing new legislation on an appropriation bill. The rule then is asked from the Rules Committee, and the Rules Committee makes that part of the structure of the bill in order by special rule. The sections of the bill relating to the railway pay were a part of the vertebræ of the original bill as reported. There were 17 sections, and the resolution reported from the Rules Committee provides that "the bill making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes, and in such further consideration it shall be in order (the general rules of the House notwithstanding) to consider the following items in said bill." Then it goes on and mentions sections 7, 8, 9, 11, and 17, being the sections as to which the point of order was raised.

These sections put before the House are a part of the structure of the original bill, and to call them amendments merely because it was necessary that the Rules Committee give authorization for their consideration here is a misuse of words. In their very conception, birth, and delivery they were a part of the original bill and so reported by the committee.

Now, here is an amendment to section 17, offered on Saturday, that I believe obviously did not receive consideration in this House, for there is hardly a column in the RECORD devoted to it, and only one man addressed the House on the subject.

Mr. Speaker, I think I am not exaggerating when I say that the House this evening would like to have a separate vote on the Madden amendment. It was an amendment which originated in this body. It came from one man; it had none of the characteristics of a structural bill. A bill coming from the committee represents collective action, and this represented nothing but an individual motion on this floor. It answers the description and the idea of an amendment. When you read the bill as reported by the committee, when you read the bill as considered by the Rules Committee, you find no difference. To read the sections from 7 to 17 as amendments can only have an effect of preventing the House from exercising its constitutional right of having a separate vote on real amendments.

Where do amendments arise? In this House. The sections of the bill arise in the Committee on the Post Office and Post Roads and not in the House. It seems to me only a perversion of words—of the functional purposes of words—to say that the Madden amendment is not an amendment, and that the vertebræ of the bill in its original state are amendments.

Now, the rule has an object, and in construing it we ought to bear that object in mind. It has reserved for this House, as a House of Representatives and as a whole, some control over the amendments which may happen without proper preliminary consideration in mere Committee of the Whole with, it may be 100, and it may be only 40 or 50, and even less present. An interpretation such as that suggested would kill the very purpose and right of a separate vote on amendments.

I do not know that I can add more, but I do know that this House wants to vote on the subject this afternoon, and the rules ought, it seems to me, to be construed in a way to effect the original purpose of giving the House the right to a separate vote on an amendment originating in the House.

The SPEAKER. While it is not exactly regular in the practice of the House to decide a great parliamentary question raised by a parliamentary inquiry, still the Chair will do it at this time. The Chair wants to preface it with a statement that personally he would vote for the position taken by the gentleman from Maryland [Mr. LEWIS] if he ever got a chance, but what the gentleman from Maryland thinks about it or what the Chair thinks about it is neither here nor there. The House has its own remedy; it can do anything it pleases with the bill if the previous question is voted down. But the Chair is in duty bound to decide according to the rules and practices of the House.

Here is the situation. On Friday of last week the Committee of the Whole House on the state of the Union had completed the discussion of the Post Office appropriation bill, and it would have been perfectly competent for the chairman of the committee, or any other gentleman, to have moved that the committee then rise and report its proceedings to the House and wind it up. It turned out, however, that certain propositions had gone out of the bill on points of order. Then, when the chairman of the Committee on the Post Office and Post Roads might have intervened with a motion that the committee rise and report the bill to the House, the Committee on Rules brought in a rule, and that is how the House has come to be discussing the bill further. The language in the rule that is pertinent to this inquiry is—

and in such further consideration it shall be in order (the general rules of the House notwithstanding) to consider the following items in said bill.

As a matter of fact, those items were not in that bill when the Committee on Rules reported the rule. They had gone out on points of order. More than that, the language of the rule might possibly have been shaped in such a way as to have restored these things to the bill, but it did not do so.

In addition to that, the Chairman of the Committee of the Whole House on the state of the Union, the gentleman from Illinois [Mr. RAINEY], has treated these various propositions that the rule has forced in as amendments. Further, the Committee of the Whole House itself has considered them in that way and there is a pretty large attendance here this evening. Taking all of these things together, the Chair holds that these propositions that were made germane to this bill by the rule are to be considered as amendments and not as part of the original bill. The Chair so considers them.

Mr. LEWIS. Mr. Speaker, I understand that the House, by the simple action of voting down the previous question, if the chairman of the Committee on the Post Office and Post Roads will not withdraw his motion for the previous question, can adopt an amendment striking out the so-called Madden amendment.

The SPEAKER. It would open up the whole bill for amendment if the previous question be voted down.

Mr. MADDEN. Mr. Speaker, I understand that this is not debatable.

The SPEAKER. The Chair understands that, but the Chair likes to give everyone a fair deal. [Applause.] The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. MOON) there were—ayes 141, noes 73.

Mr. LEWIS. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Maryland [Mr. LEWIS] makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and twenty-three Members are present, a quorum.

Mr. LEWIS. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Maryland demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Thirty-seven Members have risen, not a sufficient number, and the yeas and nays are refused.

Mr. LEWIS. Mr. Speaker, I demand the other side.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that the Speaker has just counted the House and determined how many are present. The rule demands that one-fifth of those present shall second the demand for the yeas and nays.

Mr. LEWIS. Mr. Speaker, I ask for tellers, if that point be held good.

The SPEAKER. The gentleman from Maryland demands tellers. Those in favor of ordering tellers will rise and stand until counted. [After counting.] Twenty-five Members have risen, not a sufficient number, and tellers are refused.

So the previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. LEWIS. Mr. Speaker, I demand a separate vote on the Madden amendment, so called.

Mr. MANN. There is no such amendment.

The SPEAKER. The gentleman will have to demand a vote on that whole amendment, if he desires a separate vote upon it. The House does not take cognizance of an amendment to an amendment in the Committee of the Whole. Is a separate vote demanded on any amendment?

Mr. WALSH. Mr. Speaker, I demand a separate vote on section 17.

The SPEAKER. The gentleman from Massachusetts demands a separate vote on section 17. Is a separate vote demanded on any other amendment?

Mr. LONDON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONDON. Does the Speaker hold that no part of section 17 can be considered as an amendment?

The SPEAKER. It will have to be considered as a whole.

Mr. LONDON. In other words, that the entire section is one amendment?

The SPEAKER. Yes; that is the way the Chairman of the Committee of the Whole ruled and the way the committee itself ruled by submitting to that ruling all the way through, and both are right. The Chair rules the same way.

Mr. LONDON. And there is no possible parliamentary way of dealing with the Madden amendment as a separate amendment?

The SPEAKER. Not since the previous question has been ordered. The gentleman might move to refer the whole bill back to the committee if he wants to do so.

Mr. MANN. That would depend upon whether he got recognition.

The SPEAKER. The Clerk will report section 17.

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent that the reading of the amendment be dispensed with.

The SPEAKER. The question first is upon agreeing to the other amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The gentleman from Kentucky [Mr. BARKLEY] asks unanimous consent that the reading of amendment 17 be dispensed with. Is there objection?

Mr. RAKER. I object.

The SPEAKER. The Clerk will read the amendment.

The Clerk began the reading of the amendment.

Mr. FINLEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FINLEY. I ask unanimous consent that the further reading of section 17 be dispensed with.

The SPEAKER. Is there objection?

Mr. LEWIS. Mr. Speaker, reserving the right to object, I will ask the gentlemen if they are willing to agree to a separate vote on this amendment, otherwise I object.

Mr. SHERLEY. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is "Is there objection?"

Mr. LEWIS. I object.

The Clerk again began the reading of the amendment.

Mr. LEWIS. Mr. Speaker, I withdraw my objection.

Mr. WALSH. Mr. Speaker, I ask unanimous consent that the further reading of the amendment be dispensed with.

The SPEAKER. The gentleman asks unanimous consent that the further reading of the amendment be dispensed with. Is there objection? [After a pause.] The question is on section 17, so called, as amended.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. LEWIS. Mr. Speaker——

Mr. WALSH. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Massachusetts demands a division.

The House divided; and there were—ayes 141, noes 37.

Mr. WALSH. Mr. Speaker, I doubt the presence of a quorum.

The SPEAKER. It does not make any difference about doubting it if the gentleman does not make the point. [Laughter.]

Mr. WALSH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and forty-eight gentlemen are present, a quorum. [Applause.]

So section 17 as amended was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time.

Mr. LEWIS. Mr. Speaker——

Mr. CANNON. Mr. Speaker, I move to recommit the bill to the Committee on the Post Office and Post Roads with instructions to report it back to the House forthwith, striking out lines 19, 20, 21, and the first six words of line 22, on page 48, section 17, and insert in lieu thereof the following words: "and fix the rate which the Postmaster General shall allow the railroads as compensation for transporting the mail," and upon that motion I move the previous question.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CANNON. I am, and I expect to vote against it.

Mr. MANN. Mr. Speaker, I make the point of order that the motion is not in order. The Speaker has ruled, I think, upon this matter a number of times. Section 17 was an amendment reported from the Committee of the Whole House on the state of the Union to the House. The House has just agreed to section 17. The Speaker, as I recall, commencing with the Philippine bill and repeated several times since, has ruled that where the House has agreed to an amendment it is not in order to move to recommit and to change that amendment where the House had acted upon it.

The SPEAKER. Before the Chair listens to the gentleman from Illinois the Chair wants to know what the gentleman from Maryland [Mr. LEWIS] wants.

Mr. LEWIS. Mr. Speaker, I mean to vote against the bill unless this motion I offered is adopted, and I want to inquire whether the gentleman from Illinois [Mr. CANNON] means to vote against the bill.

The SPEAKER. The gentleman from Illinois said he did.

Mr. CANNON. I understand the rule and the point of order that the gentleman, my colleague, Mr. MANN, makes; and as to the point of order that the gentleman, my colleague, makes, as I recollect the rule, after the previous question is ordered and the bill is read the third time, it is in order for some Member who is opposed to the bill to move to recommit it to the committee, in this case the Committee on the Post Office and Post Roads, with instructions.

The SPEAKER. There is no question about that, provided the instructions are in order.

Mr. CANNON. Provided they are in order. I do not recollect to have heard this point passed upon. I have no recollection, either from precedents, or my own experience as a Member of the House, or as Speaker, of such a question having arisen. And yet there is the letter of the rule, and the spirit of the rule, it seems to me, would give the House the privilege of entertaining and passing upon this motion.

Mr. LEWIS. Now, Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Maryland rise?

Mr. LEWIS. I rise to offer an amendment to the motion of the gentleman from Illinois.

The SPEAKER. Wait until we get through with this.

Mr. LEWIS. It involves the same parliamentary point, and I would like to discuss it.

The SPEAKER. Well, the Chair will rule that out when he comes to it. [Laughter.]

Mr. LEWIS. The Speaker did not understand. I mean to suggest that it involves the same parliamentary point raised by the gentleman from Illinois [Mr. CANNON], and before that point is disposed of I would like to be heard.

The SPEAKER. The trouble about that situation is, that the gentleman from Illinois offered a motion to recommit with instructions, and immediately moved the previous question. Now, if his motion to recommit turns out to be in order, and then the motion for the previous question is put, it cuts off everything else. If the gentleman from Maryland wants to be heard on the point of order, and it is the same one that has arisen in his case that arises in the case of the gentleman from Illinois, the Chair will hear him.

Mr. LEWIS. It relates, sir, to the propriety of a motion to recommit, striking out certain provisions of the bill.

The SPEAKER. That is identically the same point that arises in the motion made by the gentleman from Illinois.

Mr. SHERLEY. Mr. Speaker——

The SPEAKER. The gentleman from Kentucky is recognized.

Mr. SHERLEY. Mr. Speaker, without expressing an opinion upon the merits of what the gentlemen are trying to get considered, I have an opinion on the parliamentary question, and I think that question is so important that it transcends what lies back of the motion of the gentleman from Illinois.

The SPEAKER. The Chair will hear the gentleman.

Mr. SHERLEY. It does not seem to me that the motion of the gentleman from Illinois to recommit with instructions is undertaking to immediately undo what the House has already done, and therefore subject to the point of order made by the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] has stated the whole question.

Mr. SHERLEY. The proposition, it seems to me, is this, if I understand the motion of the gentleman from Illinois [Mr. CANNON]: It is not simply to strike out something which the House has just adopted. That manifestly would not be in order under the guise of a motion to recommit, but it is to strike out and substitute a new proposal, which presents a different question and is within the rule of a motion to recommit.

The SPEAKER. Does the gentleman from Kentucky insist that this motion is within the rule?

Mr. SHERLEY. I think it is, because it is not undertaking simply to undo something which the House has done. The House has agreed to an amendment, but the proposal which the gentleman from Illinois [Mr. CANNON] makes is more than simply striking it out. If he had stopped there, then the point of order would lie, because it might be well said that you are asking the House to simply undo what it has just done, and therefore that it was not in order. He does not do that. He asks that an alternative proposition be substituted upon which the House has not heretofore expressed an opinion.

Mr. MOON. My understanding is that the motion of the gentleman from Illinois is one to strike out the matter that the House refuses to strike out and insert the language the House refused to insert.

Mr. SHERLEY. That was in the committee and has nothing to do with the situation here. The proposition is this: In the House we voted simply upon an affirmative amendment. If the motion of the gentleman from Illinois was to recommit the bill and report it back striking out that amendment, manifestly his motion would be out of order, because he would be undertaking to undo what has just been acted upon by the House. But it does not stop there.

Mr. MANN. Is the gentleman speaking of his impression of what the parliamentary law ought to be or his recollection of the precedent?

Mr. SHERLEY. I have in mind the precedents as shown in the digest, but I have not seen the full text. But the digest does not contain anything, as I read it, that is contrary to the position I have now taken.

Mr. MANN. I am afraid the gentleman has not just read it.

Mr. SHERLEY. I have just read it, but I read it hurriedly, necessarily, in the confusion of the Chamber. It will not be the first time I have been wrong, if I am wrong now.

The SPEAKER. Has the gentleman from Kentucky finished?

Mr. SHERLEY. I am yielding to the gentleman from Illinois [Mr. MANN].

Mr. MANN. On the Philippine bill the question first came up. Here is a statement of the facts:

> After some discussion one way and another the gentleman from Illinois [Mr. MANN] suggested to the gentleman from Colorado that there was a way for him to accomplish what he was after, provided the Chair ruled his substitute out of order, and that was to strike out.

This was a motion to recommit, with an amendment. I read further:

> That was to strike out all after the enacting clause and insert the original bill, leaving out the Olmsted amendment, which had been adopted on the 8th of May.

In order to keep the RECORD correct, I will say that the motion was to strike out all after the word "that," so that it was a motion to strike out and substitute—exactly what this is.

Mr. SHERLEY. Oh, no. The gentleman fails to catch the point of his own reasoning. Here is what happened: The committee put in and the House had agreed to what was called the Olmsted amendment. Now, the gentleman desired to agree to everything in the bill except the Olmsted amendment, and it was held that the House having just expressed its opinion on the amendment, such a motion to recommit was not in order.

That is not the proposition of the gentleman from Illinois [Mr. CANNON]. He does not desire to report the bill back simply with this section stricken out, but he desires to report the bill with the section stricken out and something else put in.

Mr. MANN. That is what this was, to strike out the section and insert something else.

Mr. SHERLEY. Oh, no; the gentleman is specious. He is not getting at the fact.

Mr. MANN. What is the fact? I made the same argument then that the gentleman is making now and was overruled by the Chair.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. LENROOT. Was it not held that the only change in the bill was the elimination of this amendment, and there was no new matter?

Mr. SHERLEY. There was no new matter inserted.

Mr. MANN. The Chair does not determine those things. It is an easy matter always to change a word; and if this motion is in order, then it would be in order to change a word and strike out all after the first word and insert the balance of the section. That is putting something in and taking something out.

Mr. SHERLEY. That would not be an unusual thing. We have frequently had it held that an amendment was in order that was in substance like one which had just been voted on.

Mr. MANN. Certainly; and therefore the rule is that it is not in order to strike out what the House has just agreed to, no matter what you propose to insert. You can propose to insert something additional. That would be in order. But it is not in order under this rule to move to strike out. That is the crux of it.

Mr. SHERLEY. The proposition here is whether it is in order to strike out something and substitute something else instead.

Mr. LENROOT. Mr. Speaker, in every case where it has been ruled upon, in every case where the doctrine contended for by the gentleman from Illinois [Mr. MANN] obtains, the identical proposition in the motion to recommit had been voted upon by the House.

Now, I submit, Mr. Speaker, that the proposition contained in the motion of the gentleman from Illinois [Mr. CANNON] has never been voted upon by this House. If the previous question had been voted down, no one would contend that that amendment would not have been in order. In the Philippine case and in these other cases the Chair placed the ruling squarely upon the proposition that the House has voted directly upon that single proposition. That is not true, Mr. Speaker, in this case; and let me suggest this to the Speaker: Supposing a bill containing one section, and it is a substitute in the form of an amendment. The amendment takes the usual course, and, if the doctrine contended for by the gentleman from Illinois [Mr. MANN] is correct, of what value would be the motion to recommit upon that amendment in the form of a substitute? There would be no possibility of offering a motion to recommit or proposing to change in any degree that substitute. And I want the Speaker to bear in mind that this is not a motion to strike out what the House has just adopted, but it is a motion, in the case of the gentleman from Illinois [Mr. CANNON], to strike out and insert, and that proposition the House has never had an opportunity to vote upon. [Applause.]

Mr. LEWIS. Now, Mr. Speaker, if in order——

The SPEAKER. Not yet. Jefferson's Manual, section 466 of the Manual, reads as follows:

> But if it had been carried affirmatively to strike out the words and to insert A, it could not afterwards be permitted to strike out A and insert B. The mover of B should have notified, while the insertion of A was under debate, that he would move to insert B; in which case those who preferred it would join in rejecting A.

On the 22d day of May, 1912, in that Philippine case to which the gentleman from Illinois [Mr. MANN] refers, the circumstances were these: That just about this time in the evening on Calendar Wednesday the point of order was raised, and it went over until the next Wednesday, so that the Chair, who happened to be myself, had ample time to study it and render an opinion—and it is rather an elaborate opinion—in which the Chair held that this thing which the gentleman from Illinois [Mr. CANNON] is trying to do could not be done. To buttress my own opinion I quoted at length from an opinion rendered by Mr. Speaker Carlisle. I said:

> The most elaborate opinion that was ever rendered on the question whether the House can do indirectly on a motion to recommit what it can not do directly by amendment was rendered by Mr. Speaker Carlisle, which I will read in a minute in lieu of all the rest.

And there is a long string of decisions that might have been cited.

> But on one occasion Mr. Speaker Blaine refused to pass upon a question of the sort and submitted it to the House, and by a vote of about two-thirds the House took the same position that these other Speakers, beginning wih Mr. Speaker Taylor, had taken, and on at least two occasions an appeal was taken from the ruling of the Chair, and the House on both occasions sustained the decision of the Chair by a vote of about two to one.

The decisions run clear back to Mr. Speaker Taylor, of New York.

> On July 27, 1886—

This is in Fifth Hinds, section 5533—

> the previous question had been demanded on the passage of a bill restoring to the United States certain lands granted to railroads, when Mr. Robert R. Hitt, of Illinois, moved to recommit the bill with instructions to report the Senate bill, for which this substitute had been adopted that had just been voted out.
>
> Mr. William M. Springer, of Illinois, made a point of order that the Senate bill was the text that the House had stricken out, and that it was not in order to direct the committee to report that which the House had just rejected.

Of course, that was turning the question around.

> The Speaker sustained the point of order—

That is, Speaker Carlisle—

> and held that it was not in order to move the recommitment of a bill with instructions to report matters which would not be in order if offered as an amendment in the House.
>
> Nobody will contend, if some gentleman had arisen in his place and made a motion to strike out this Olmsted amendment which was inserted on the 8th day of May, that the Chair would have entertained the motion.

Then Mr. Speaker Carlisle continued:

> The House had just voted to strike out the text of Senate bill and insert a new proposition, and it was not therefore in order to do indirectly, by way of recommitment, that which could not be done directly by way of amendment.
>
> So, on that point, the Chair sustains the point of order made by the gentleman from Pennsylvania [Mr. Olmsted].

And the Chair now sustains the point of order made by the gentleman from Illinois [Mr. MANN].

Mr. LEWIS. Mr. Speaker, I have a motion to recommit, which I think avoids the objections urged.

The Clerk read as follows:

> Mr. LEWIS moves to recommit the bill to the Committee——

Mr. MANN. Mr. Speaker, a parliamentary inquiry. Is the gentleman from Maryland opposed to the bill?

The SPEAKER. He said he was.

Mr. LEWIS. Yes. I can say that very sincerely, as long as this provision is in the bill.

Mr. MANN. I noticed that the gentleman had voted very consistently for the bill at every stage.

Mr. LEWIS. The gentleman from Maryland will vote against it, and is opposed to the bill as it stands.

The SPEAKER. The Clerk will read the gentleman's motion.

The Clerk read as follows:

> Mr. LEWIS moves to recommit the bill to the Committee on the Post Office and Post Roads with instructions to report it back forthwith with an amendment adding the words "one hundred and" before the word "fifty," in line 15, as amended on page 38.

Mr. FINLEY. Mr. Speaker, I make a point of order on that amendment.

The SPEAKER. The Clerk will read it again.

The amendment was again reported.

The SPEAKER. The point of order raised by the gentleman from South Carolina [Mr. FINLEY] is overruled.

Mr. LEWIS. Mr. Speaker, I demand the previous question.

The SPEAKER. The gentleman from Maryland demands the previous question and the gentleman from South Carolina makes the point of order. The Chair will hear the gentleman from South Carolina.

Mr. FINLEY. I do not care to discuss it, Mr. Speaker.

The SPEAKER. Does any gentleman desire to discuss the point of order? [After a pause.] The Chair overrules the point of order. The gentleman from Maryland moves the previous question on the motion to recommit.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. LEWIS) there were—92 ayes and 166 noes.

Mr. LEWIS. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Maryland demands the yeas and nays. All those in favor of taking the question by yeas and nays will rise. [After counting.] Fifty-four Members have arisen, a sufficient number, and the yeas and nays are ordered.

Mr. BARKLEY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BARKLEY. Is this roll call on the previous question or on the recommitment of the bill?

The SPEAKER. The call is on the motion of the gentleman from Maryland to recommit the bill.

The question was taken; and there were—yeas 140, nays 178, answered "present" 3, not voting 113, as follows:

YEAS—140.

Adamson	Eagle	Lazaro	Sears
Alexander	Edwards	Lenroot	Shallenberger
Allen	Esch	Lever	Sherley
Almon	Evans	Lewis	Shouse
Ashbrook	Ferris	Lindbergh	Sims
Austin	Focht	Linthicum	Sinnott
Ayres	Foster	London	Sisson
Bailey	Garner	McClintic	Smith, Mich.
Barkley	Godwin, N. C.	McGillicuddy	Smith, Tex.
Browne, Wis.	Goodwin, Ark.	McKellar	Steele, Iowa
Buchanan, Tex.	Gordon	Mapes	Stephens, Nebr.
Burke	Gray, Ala.	Mays	Stephens, Tex.
Burnett	Gray, Ind.	Morgan, Okla.	Stout
Byrnes, S. C.	Hamlin	Moss, Ind.	Sumners
Byrns, Tenn.	Hardy	Murray	Taggart
Caldwell	Harrison	Neely	Tavenner
Candler, Miss.	Hastings	Nicholls, S. C.	Taylor, Ark.
Cantrill	Hayden	Nolan	Taylor, Colo.
Caraway	Helvering	Oldfield	Thomas
Carter, Okla.	Hensley	Park	Thompson
Casey	Hilliard	Phelan	Tillman
Church	Houston	Quin	Tribble
Coady	Howard	Ragsdale	Van Dyke
Collier	Huddleston	Raker	Venable
Connelly	Hughes	Ramseyer	Vinson
Cox	Hull, Tenn.	Randall	Walker
Cramton	Igoe	Rauch	Watkins
Crisp	Jacoway	Rayburn	Watson, Va.
Davenport	James	Reilly	Webb
Davis, Tex.	Johnson, Ky.	Rouse	Whaley
Decker	Keating	Rubey	Wilson, Fla.
Dickinson	Kettner	Rucker	Wilson, La.
Dill	Kincheloe	Russell, Mo.	Wingo
Doolittle	Kinkaid	Schall	Wise
Doremus	La Follette	Scott, Mich.	Young, N. Dak.

NAYS—178.

Aiken	Estopinal	Kelley	Ricketts
Anderson	Fairchild	Kennedy, Iowa	Roberts, Nev.
Barnhart	Farr	Kennedy, R. I.	Rodenberg
Beakes	Fess	King	Rogers
Bell	Finley	Kitchin	Rowe
Bennet	Fordney	Konop	Russell, Ohio
Black	Foss	Lee	Sanford
Blackmon	Frear	Lehlbach	Saunders
Booher	Freeman	Lesher	Sherwood
Borland	Fuller	Lieb	Siegel
Britt	Gallagher	Littlepage	Slayden
Britten	Gallivan	Lloyd	Slemp
Brown, W. Va.	Gardner	Longworth	Sloan
Brumbaugh	Garland	McAndrews	Smith, Idaho
Burgess	Garrett	McArthur	Smith, Minn.
Butler	Gillett	McCulloch	Snyder
Callaway	Glass	McDermott	Stafford
Campbell	Glynn	McKenzie	Stedman
Cannon	Good	McKinley	Steenerson
Carter, Mass.	Green, Iowa	McLaughlin	Stephens, Cal.
Cary	Greene, Vt.	Madden	Stephens, Miss.
Chandler, N. Y.	Griffin	Magee	Sterling
Clark, Fla.	Guernsey	Mann	Stiness
Cline	Hadley	Martin	Stone
Coleman	Hamilton, N. Y.	Mecker	Sulloway
Cooper, W. Va.	Hart	Miller, Del.	Sutherland
Cooper, Wis.	Haskell	Miller, Pa.	Sweet
Curry	Haugen	Mondell	Switzer
Dale, Vt.	Hawley	Moon	Tague
Dallinger	Hayes	Moore, Pa.	Temple
Danforth	Heaton	Moores, Ind.	Tilson
Davis, Minn.	Helm	Mudd	Timberlake
Dempsey	Hernandez	Oakey	Vare
Denison	Hicks	Oglesby	Volstead
Dent	Hill	Olney	Walsh
Dillon	Hinds	O'Shaunessy	Wason
Dixon	Hood	Padgett	Watson, Pa.
Doughton	Howell	Page, N. C.	Wheeler
Dowell	Hull, Iowa	Paige, Mass.	Williams, T. S.
Dunn	Husted	Parker, N. J.	Williams, Ohio.
Dupré	Hutchinson	Peters	Winslow
Dyer	Johnson, Wash.	Platt	Wood, Ind.
Eagan	Jones	Porter	Woods, Iowa
Edmonds	Kearns	Pratt	
Ellsworth	Keister	Rainey	

ANSWERED "PRESENT"—3.

Browning	Heflin	McFadden

NOT VOTING—113.

Abercrombie	Dewalt	Helgesen	Matthews
Adair	Dies	Henry	Miller, Minn.
Anthony	Dooling	Holland	Montague
Aswell	Driscoll	Hollingsworth	Mooney
Bacharach	Drukker	Hopwood	Morgan, La.
Barchfeld	Elston	Hulbert	Morin
Beales	Emerson	Humphrey, Wash.	Morrison
Bruckner	Farley	Humphreys, Miss.	Moss, W. Va.
Buchanan, Ill.	Fields	Johnson, S. Dak.	Mott
Capstick	Fitzgerald	Kahn	Nelson
Carew	Flood	Kent	Nichols, Mich.
Carlin	Flynn	Key, Ohio	North
Charles	Gandy	Kiess, Pa.	Norton
Chiperfield	Gard	Kreider	Oliver
Conry	Gould	Lafean	Overmyer
Cooper, Ohio	Graham	Langley	Parker, N. Y.
Copley	Gray, N. J.	Liebel	Patten
Costello	Greene, Mass.	Lobeck	Pou
Crago	Gregg	Loft	Powers
Crosser	Griest	Loud	Price
Culloo	Hamill	McCracken	Reavis
Dale, N. Y.	Hamilton, Mich.	McLemore	Riordan
Darrow	Hay	Maher	Roberts, Mass.
Rowland	Small	Swift	Williams, W. E.
Sabath	Smith, N. Y.	Talbott	Wilson, Ill.
Scott, Pa.	Snell	Tinkham	Young, Tex.
Scully	Sparkman	Towner	
Sells	Steagall	Treadway	
Shackleford	Steele, Pa.	Ward	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

For the session:

Mr. SCULLY with Mr. BROWNING.

Mr. FIELDS with Mr. LANGLEY.

Mr. DEWALT with Mr. MCFADDEN.

Mr. LIEBEL with Mr. ROWLAND.

Until further notice:

Mr. SHACKLEFORD with Mr. HUMPHREY of Washington.

Mr. MONTAGUE with Mr. BACHARACH.

Mr. MORRISON with Mr. MOONEY.

Mr. GARD with Mr. CHIPERFIELD.

Mr. CARLIN with Mr. NELSON.

Mr. HENRY with Mr. GRAHAM.

Mr. TALBOTT with Mr. PARKER of New York.

Mr. DRISCOLL with Mr. NORTH.

Mr. CULLOP with Mr. LAFEAN.

Mr. ADAIR with Mr. GRIEST.

Mr. STEELE of Pennsylvania with Mr. COSTELLO.

Mr. ABERCROMBIE with Mr. CAPSTICK.

Mr. ASWELL with Mr. CHARLES.

Mr. SPARKMAN with Mr. BARCHFELD.

Mr. BRUCKNER with Mr. COOPER of Ohio.

Mr. CAREW with Mr. DARROW.

Mr. CONRY with Mr. ANTHONY.

Mr. CROSSER with Mr. DRUKKER.

Mr. DALE of New York with Mr. COPLEY.

Mr. DIES with Mr. CRAGO.

Mr. DOOLING with Mr. ELSTON.

Mr. FARLEY with Mr. EMERSON.

Mr. FITZGERALD with Mr. HAMILTON of Michigan.

Mr. FLOOD with Mr. GREENE of Massachusetts.

Mr. GREGG with Mr. HELGESEN.

Mr. HAMILL with Mr. GRAY of New Jersey.

Mr. HAY with Mr. KAHN.

Mr. HOLLAND with Mr. KIESS of Pennsylvania.

Mr. HULBERT with Mr. HOLLINGSWORTH.

Mr. HUMPHREYS of Mississippi with Mr. LOUD.

Mr. KEY of Ohio with Mr. KREIDER.

Mr. LOBECK with Mr. MILLER of Minnesota.

Mr. LOFT with Mr. MORIN.

Mr. MCLEMORE with Mr. NORTON.

Mr. MAHER with Mr. MOTT.

Mr. MORGAN of Louisiana with Mr. ROBERTS of Massachusetts.

Mr. SMALL with Mr. TINKHAM.

Mr. SMITH of New York with Mr. SNELL.

Mr. STEAGALL with Mr. TOWNER.

Mr. WM. ELZA WILLIAMS with Mr. SELLS.

Mr. YOUNG of Texas with Mr. SWIFT.

Mr. SABATH with Mr. TREADWAY.

Mr. RIORDAN with Mr. WARD.

Mr. PATTEN with Mr. GOULD.

Mr. POU with Mr. WINSLOW.

Mr. PRICE with Mr. SCOTT of Pennsylvania.

Mr. OVERMYER with Mr. POWERS.

Mr. OLIVER with Mr. MCCRACKEN.

Mr. GANDY with Mr. JOHNSON of South Dakota (on all political questions).

On the vote:

Mr. BUCHANAN of Illinois (for motion) with Mr. FLYNN (against).

Mr. BROWNING. Mr. Speaker, I voted "no." I am paired with my colleague, Mr. SCULLY, who is absent. I desire to withdraw my vote and be recorded "present."

The name of Mr. BROWNING was called, and he answered "Present."

Mr. HEFLIN. Mr. Speaker, I desire to vote "present."

The SPEAKER. Was the gentleman in the Hall at the time his name was called?

Mr. HEFLIN. Mr. Speaker, I was not in the Hall at the time my name was called, but I desire to vote "present."

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. HEFLIN. Mr. Speaker, the Committee on Agriculture had a meeting, at which I was attending——

The SPEAKER. The matter is not debatable.

Mr. MCFADDEN. Mr. Speaker, I voted "no." I have a general pair with my colleague, Mr. DEWALT. I desire to withdraw my vote and answer "present."

The name of Mr. McFADDEN was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. MOON, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CASEY, indefinitely, on account of illness in his family.

To Mr. McCRACKEN, indefinitely, on account of illness in his family.

ADJOURNMENT.

Mr. MOON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 29, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Secretary of the Navy, submitting supplemental estimate of appropriations for salaries, Bureau of Steam Engineering, for the fiscal year ending June 30, 1917 (H. Doc. No. 804); to the Committee on Appropriations.

2. A letter from the Secretary of War ad interim, transmitting, with a letter from the Chief of Engineers, reports on re-examination of Wateree River, S. C. (H. Doc. No. 805); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War ad interim, submitting an amendment to the bill (H. R. 9919) for the maintenance of action for death on the high seas and other navigable waters so that its provisions will not extend to the navigable waters of the Panama Canal Zone (H. Doc. No. 806); to the Committee on the Judiciary and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. KITCHIN, from the Committee on Ways and Means, to which was referred the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, reported the same without amendment, accompanied by a report (No. 266), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAINEY, from the Committee on Ways and Means, to which was referred the bill (S. 4506) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, reported the same without amendment, accompanied by a report (No. 267), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. IGOE, from the Committee on the Judiciary, to which was referred the bill (H. R. 11792) transferring Chariton County from the northern division of the eastern district to the western division of the western judicial district of Missouri, reported the same without amendment, accompanied by a report (No. 274), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EDMONDS from the Committee on Claims, to which was referred the bill (H. R. 5453) for the relief of the State Board of Harbor Commissioners of the State of California, reported the same without amendment, accompanied by a report (No. 268), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 1373) for the relief of W. W. Wall, reported the same without amendment, accompanied by a report (No. 269), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 9898) for the relief of John E. Jones, reported the same without amendment, accompanied by a report (No. 270), which said bill and report were referred to the Private Calendar.

Mr. YOUNG of North Dakota, from the Committee on Claims, to which was referred the bill (H. R. 2555) for the relief of the Minnesota & Ontario Power Co., reported the same without amendment, accompanied by a report (No. 271), which said bill and report were referred to the Private Calendar.

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 9466) for the relief of the heirs or legal representatives of Charles Johnson and Kate Johnson, reported the same with amendment, accompanied by a report (No. 272), which said bill and report were referred to the Private Calendar.

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 5262) for the relief of John B. Hoover, reported the same with amendment, accompanied by a report (No. 273), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk and laid on the table, as follows:

Mr. CAPSTICK, from the Committee on Claims, to which was referred the bill (H. R. 9951) for the relief of William Redder, reported the same adversely, accompanied by a report (No. 275), which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill (H. R. 10948) for the relief of John P. Miller, reported the same adversely, accompanied by a report (No. 276), which said bill and report were laid on the table.

Mr. FOSTER, from the Committee on Claims, to which was referred the bill (H. R. 8703) for the relief of Pleasant Williams, reported the same adversely, accompanied by a report (No. 277), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 4421) granting an increase of pension to Harry B. Rumbaugh; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5067) granting a pension to Duval Johnson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8980) granting a pension to John Bleiweiss; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11994) granting a pension to Clyde C. Dickinson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TINKHAM: A bill (H. R. 12407) placing certain positions in the Postal Service in the competitive classified service; to the Committee on Reform in the Civil Service.

By Mr. GALLIVAN: A bill (H. R. 12408) to purchase an oil painting entitled "Our Glory—the Battleship Oregon"; to the Committee on the Library.

By Mr. COLEMAN: A bill (H. R. 12409) providing for the purchase of a site and building for post-office purposes at Elizabeth, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. CARY. A bill (H. R. 12410) providing for taxation of and fixing the rate of taxation on inheritances, devises, bequests, legacies, and gifts in the District of Columbia, and providing for the manner of payment as well as the manner of enforcing payment thereof; to the Committee on the District of Columbia.

By Mr. SMITH of Michigan: A bill (H. R. 12411) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911; to the Committee on Ways and Means.

By Mr. RUSSELL of Missouri: A bill (H. R. 12412) to provide for the erection of a public building in the city of Sikeston, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12413) to provide for the erection of a public building in the city of Caruthersville, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12414) to provide for the erection of a public building in the city of West Plains, Mo.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12415) for the acquisition of a site and the erection of a building thereon at Charleston, Mo.; to the Committee on Public Buildings and Grounds.

By Mr. TILSON: A bill (H. R. 12416) for erecting a suitable memorial to John Ericsson; to the Committee on the Library.

By Mr. HELM: A bill (H. R. 12417) authorizing and directing the Director of the Census to collect and publish the statistics of forest products and State finance; to the Committee on the Census.

Also, a bill (H. R. 12418) authorizing and directing the Director of the Census to collect and publish statistics of marriage and divorce; to the Committee on the Census.

By Mr. FERRIS: A bill (H. R. 12419) to limit the time within which soldiers' additional homestead rights may be located; to the Committee on the Public Lands.

By Mr. WATKINS: A bill (H. R. 12420) to codify, revise, and amend the laws relating to common carriers of interstate and foreign commerce and within the District of Columbia, and combinations in restraint of trade; to the Committee on Revision of the Laws.

By Mr. GRIFFIN: A bill (H. R. 12421) to permit the mailing of medicinal preparations which contain poisons in only sufficient quantity and form with other ingredients to be used exclusively as curative or remedial substances; to the Committee on the Post Office and Post Roads.

By Mr. KALANIANAOLE: A bill (H. R. 12422) to provide for the purchase of a site and for the establishment of a naval and aviation academy in the Territory of Hawaii, and making an appropriation therefor; to the Committee on Naval Affairs.

By Mr. COLLIER: A bill (H. R. 12423) which provides for an addition to the Federal courthouse and post-office building at Jackson, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. CARY: A bill (H. R. 12424) preventing the shipment of convict or prison-made goods, wares, merchandise, or other products in interstate or foreign commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12425) to promote the production of domestic industrial alcohol, increase the productive value of the land, and maintain its fertile qualities through the establishment of small and scattered distilleries; to the Committee on Ways and Means.

By Mr. HAYDEN: A bill (H. R. 12426) to authorize mining for metalliferous minerals on Indian reservations in the State of Arizona; to the Committee on Indian Affairs.

By Mr. CARY: A bill (H. R. 12427) to provide for the creation of a policemen and firemen's relief fund for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. AIKEN: A bill (H. R. 12480) to provide for refunding to lawful claimants the proceeds of the cotton tax unlawfully collected; to the Committee on War Claims.

By Mr. CLARK of Florida: Joint resolution (H. J. Res. 169) proposing an amendment to the Constitution relating to terms of Representatives in Congress; to the Committee on the Election of President, Vice President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 12428) granting an increase of pension to Valentine B. Farquar; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 12429) for the relief of Lawrence Bast; to the Committee on Claims.

Also, a bill (H. R. 12430) for the relief of the legal representatives of Nicholas Schwartz; to the Committee on Claims.

By Mr. BURKE: A bill (H. R. 12431) granting a pension to Ida Mussen; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 12432) granting an increase of pension to Lucy A. Butts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12433) for the relief of W. H. Cleere; to the Committee on Claims.

By Mr. CRAMTON: A bill (H. R. 12434) granting a pension to Bruce Frantz; to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 12435) granting an increase of pension to William H. Barton; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 12436) granting a pension to Sarah C. Tippling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12437) granting a pension to Margaret Lamb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12438) granting a pension to Sam Blanton; to the Committee on Pensions.

Also, a bill (H. R. 12439) for the relief of Rudolph L. Wise; to the Committee on Claims.

By Mr. FAIRCHILD: A bill (H. R. 12440) granting an increase of pension to Alodyine Higgins; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 12441) granting a pension to Mary Kivlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12442) granting a pension to Mary L. Kirlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12443) granting a pension to Ceorgia A. Colony; to the Committee on Pensions.

By Mr. GILLETT: A bill (H. R. 12444) granting an increase of pension to Mary Foster; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 12445) for the relief of Percival Perdue; to the Committee on Military Affairs.

Also, a bill (H. R. 12446) for the relief of John Weigart; to the Committee on Military Affairs.

By Mr. GREENE of Massachusetts: A bill (H. R. 12447) granting an increase of pension to Mortimer A. Guild; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12448) granting an increase of pension to Jacob G. Estee; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 12449) granting an increase of pension to John G. Monroe; to the Committee on Invalid Pensions.

By Mr. HASKELL: A bill (H. R. 12450) to grant an increase of pension to Annie C. Duncan, widow of Sebastian Duncan, formerly first lieutenant of the Thirteenth New Jersey Volunteer Infantry; to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 12451) granting an increase of pension to Angeline Murray; to the Committee on Invalid Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 12452) granting an increase of pension to George Mahaffey; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 12453) granting a pension to Alphozine Bastian; to the Committee on Pensions.

By Mr. KELLEY: A bill (H. R. 12454) granting an increase of pension to Jacob Winter; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 12455) authorizing and directing the Secretary of War to lease to Charleston-Dunbar Traction Co. a certain strip or piece of land owned by the United States Government on the Great Kanawha River in West Virginia; to the Committee on Military Affairs.

By Mr. LOUD: A bill (H. R. 12456) granting an increase of pension to John Halpin; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 12457) granting an increase of pension to Rosa T. Wallace; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 12458) granting a pension to Christina Knepper; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 12459) granting an increase of pension to Ethelbert Crouse; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 12460) granting a pension to Elizabeth Steffy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12461) granting an increase of pension to Eliza A. McKallip; to the Committee on Invalid Pensions.

By Mr. OAKEY: A bill (H. R. 12462) granting an increase of pension to Emma E. Sargent; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 12463) for the relief of Meredith G. Corlett, a citizen and resident of Williamson County, Tenn.; to the Committee on Claims.

By Mr. PRATT: A bill (H. R. 12464) granting a pension to Gertrude Fordham; to the Committee on Invalid Pensions.

By Mr. QUIN: A bill (H. R. 12465) for the relief of the Protestant Orphan Asylum at Natchez, Miss.; to the Committee on War Claims.

By Mr. RAMSEYER: A bill (H. R. 12466) granting an increase of pension to Lewis Bish; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12467) granting an increase of pension to Jackson Hughbanks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12468) granting an increase of pension to Thomas Kilduff; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 12469) granting an increase of pension to John H. Rushing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12470) granting an increase of pension to William A. Reames; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 12471) granting an increase of pension to Laura Kohlhase; to the Committee on Pensions.

Also, a bill (H. R. 12472) authorizing the submission to the Court of Claims of the claims of sundry citizens of Idaho for damages sustained by reason of the overflow of their lands in connection with the construction of the reservoir to irrigate lands belonging to the Indians on the Fort Hall Reservation in Idaho; to the Committee on Claims.

By Mr. SMITH of Michigan: A bill (H. R. 12473) for the relief of John K. Steedman; to the Committee on Claims.

By Mr. SNELL: A bill (H. R. 12474) for the relief of Rufus L. Cole; to the Committee on Military Affairs.

By Mr. SCOTT of Michigan: A bill (H. R. 12475) granting a pension to William A. Meden; to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 12476) granting a pension to Hattie G. Tucker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12477) granting an increase of pension to John C. Toombs; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 12478) granting a pension to Josephine Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12479) granting an increase of pension to George T. Poulson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of Mansfield (Ohio) Lisdertafel and Edward Hess and 17 other citizens of Mansfield, Ohio, favoring embargo on arms, etc.; to the Committee on Foreign Affairs.

Also, evidence to accompany House bill 11267, for relief of Sanford E. Clark; to the Committee on Invalid Pensions.

Also, evidence to accompany House bill 12373, for relief of William Welsh; to the Committee on Invalid Pensions.

Also, evidence to accompany House bill 9442, for relief of George E. Rowe; to the Committee on Pensions.

Also, petition of Mansfield (Ohio) German-American Alliance, in favor of House bills 81, 3614, 4741, and 6083; to the Committee on Immigration and Naturalization.

By Mr. BAILEY: Petition of W. Earl Gaines, of Altoona, Pa., against preparedness; to the Committee on Military Affairs.

Also, petition of voting citizens of Rosedale, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BURKE: Petition of Volunteer Retired Officers' Association of Ohio, favoring bills for a volunteer officers' retired list; to the Committee on Military Affairs.

Also, resolutions adopted by the congregation of the First Baptist Church, of Portage, Wis., favoring national prohibition; to the Committee on the Judiciary.

Also, resolutions adopted by the Moravian Senior Christian Endeavor Society, of Lake Mills, Wis., and the Moravian Sunday School teachers of Lake Mills, Wis., asking for the passage of an amendment to the United States Constitution favoring nation-wide prohibition; to the Committee on the Judiciary.

Also, petition from Columbus (Wis.) Local Union of United Brewery Workmen, protesting against the passage of an amendment to the United States Constitution providing for national prohibition; to the Committee on the Judiciary.

By Mr. CAMPBELL: Petition of depositors in banks of Kansas, against revenue stamps on bank checks; to the Committee on Ways and Means.

By Mr. COLEMAN: Petition of William W. Miller, of Pittsburgh, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. COOPER of West Virginia: Petition of citizens of Huntington, W. Va., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CRAMTON: Petition of Evangelical Lutheran Unterstuetzungs-Verein, for embargo on shipment of munitions; to the Committee on Foreign Affairs.

Also, memorial of Mount Clemens Business Mens' Association, for determination of proper rates of railway mail pay by Interstate Commerce Commission; to the Committee on the Post Office and Post Roads.

By Mr. CURRY (by request): Petitions in favor of national prohibition by Rev. R. C. Menker, for the Methodist Episcopal Church of Yolo; Rev. C. E. Butterfield, for the Methodist Episcopal Church of Pinole; Rev. G. A. White, for the Presbyterian Church of Walnut Creek; Rev. J. P. Davis, for the Presbyterian Church of Dixon; Rev. E. C. Philleo, for the Freemont Park Presbyterian Church, of Sacramento; Rev. H. K. Sanborne, for the Presbyterian Church of Richmond; Rev. F. M. Washburn, for the Congregational Church of Suisun; J. B. Winegar, for the Methodist Episcopal Sunday School of Oakley; and D. A. Mobley, for the First Presbyterian Church of Vallejo, all in the State of California; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of Port Chester (N. Y.) Central Labor Union and International Seamen's Union of America, favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Children's Cloak and Reefer Makers' Union, of New York, favoring passage of House resolution 137; to the Committee on Rules.

By Mr. DILL: Petition of 9 members of the Farmers' Union of Bright, Wash., favoring rural credits' legislation as presented by Congressman A. C. SHALLENBERGER, of Nebraska; to the Committee on Banking and Currency.

Also, resolution of the Pomona Grange, of Pend Oreille County, Wash., urging the adoption of some worthy rural credits' measure, a law made in the interests of borrower and not the lender; to the Committee on Banking and Currency.

Also, resolution of the Pend Oreille County Pomona Grange, Wash., favoring the enactment by Congress of laws establishing a Government owned and operated merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, a petition of 148 citizens of Chelan, Wash., to the Congress of the United States that it turn its attention from the proposed military program to one less expensive and tending more to a real defense of our shores, and that it seriously undertake to pass such laws as will make for a prosperous and happy working class; to the Committee on Military Affairs.

Also, resolution of the Pend Oreille County Ponoma Grange, Wash., protesting against the adoption of House bill 6867; to the Committee on Agriculture.

By Mr. DYER: Petitions of Mrs. John Pettibone, of New Milford, Conn., and Mrs. F. W. Garvin, of Norfolk, Conn., indorsing the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, petitions of Iola W. Wilcox, chairman first congressional district of Maryland; Jennie H. Lynch, of Clayton, Mo.; Anna M. Pennypacher, of Schwenksville, Pa.; Sue S. White, of Jackson, Tenn.; Ellen Winsor Lee, of Haverford, Pa.; M. E. Butler, of Jackson, Tenn.; Mrs. Charles E. Ellicott, State congressional chairman of Maryland; Emily H. Leakin, secretary Connecticut branch of the Congressional Union for Woman Suffrage; and resolution of Congressional Union for Woman Suffrage, indorsing the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, petitions of Journeymen Stone Cutters' Association of North America; International Brotherhood of Maintenance-of-Way Employees, American Federation of Labor; and Tobacco Workers' International Union, of Louisville, Ky., indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of Louisiana State Federation of Labor; National Federation of Post Office Clerks; Building Trades Department, American Federation of Labor; Iron City Central Trades Council, of Pittsburgh, Pa.; Amalgamated Association of Iron, Steel, and Tin Workers, of Pittsburgh; Missouri State Federation of Labor; Metal Trades Department, American Federation of Labor; Mining Department, American Federation of Labor; and Massachusetts State Branch, American Federation of Labor, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of John Gendelach, of St. Louis, Mo., and Charles Vergin, sr., of New York, favoring an embargo on arms and ammunition; to the Committee on Foreign Affairs.

Also, petition of secretary Missouri State Board of Agriculture, indorsing Borland resolution in regard to meat products; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Sherin-Williams Co., of Kansas City, Mo., indorsing House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

Also, petitions of Kansas Moline Plow Co., of Kansas City, Mo., and Southwestern Lumberman's Association, of Kansas City, Mo., indorsing the Stevens-Ayers-Sheppard river bill; to the Committee on Interstate and Foreign Commerce.

By Mr. EMERSON: Petition of Ladies' Aid Society of North Olmstead (Ohio) Congregational Church, favoring amending pure food and drugs act; to the Committee on Agriculture.

Also, petition of Ladies' Aid Society of North Olmstead (Ohio) Congregational Church, favoring censorship of motion pictures; to the Committee on Education.

Also, petition of Ladies' Aid Society of North Olmstead Congregational Church, voting citizens of Mayfield, Methodist Episcopal Church and citizens of Willoughby Township, Congregational Church of Chardon, and Methodist Episcopal Church of Painesville, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Petitions of Frank Kline and 29 others, of Loyal, Wis., and vicinity, and Illinois State Federation of Labor, favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Library Board of Spooner, Wis., against price-fixing legislation; to the Committee on Interstate and Foreign Commerce.

Also, petition of Ohio Association Volunteer Retired List, favoring passage of House resolution 386; to the Committee on Military Affairs.

By Mr. FESS: Petition of Monthly Meeting of Friends of Salem, Ohio, against preparedness; to the Committee on Military Affairs.

By Mr. FLYNN: Petitions of Port Chester (N. Y.) Central Labor Union and executive council of the Minnesota Federation of Labor, International Seamen's Union of America, favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Mascoutah (Ill.) Trades and Labor Assembly, favoring passage of House bill 8352, Kent bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of executive council of the Minnesota State Federation of Labor, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. GALLIVAN: Petition of Trades Union Liberty League of Massachusetts, against national prohibition; to the Committee on the Judiciary.

Also, petition of Massachusetts Society, Sons of the American Revolution, favoring national archives building; to the Committee on Public Buildings and Grounds.

By Mr. GARRETT: Petition of Methodist Episcopal Church South of Bradford, Tenn., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. HILL: Petition of Woman's Christian Temperance Union of Stamford and 30 citizens of Stamford, Conn., with regard to the censorship of motion pictures; to the Committee on Education.

Also, petition of voters of Bridgeport, Conn., indorsing national prohibition constitutional amendment; to the Committee on the Judiciary.

By Mr. HINDS: Petitions of business men of Saco, South Berwick, Kennebunk, South Windham, Standish, Cornish, Bridgton, Harrison, Sunford, Westbrook, and Brunswick, all in the State of Maine, for a tax upon persons, firms, or corporations engaged in interstate mail-order business; to the Committee on Ways and Means.

By Mr. KEISTER: Petitions of the Greenbury District Luther League, West Milton, Pa., and citizens of Mount Pleasant, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Greenbury and Latrobe, Pa., favoring an amendment to the Constitution prohibiting polygamy and polygamous cohabitation; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Knight C. Richmond and others, of Providence, R. I., favoring preparedness legislation; to the Committee on Military Affairs.

Also, petition of Rhode Island Christian Endeavor Union, favoring passing of Hughes-Smith bill, Federal censorship of motion-picture films; to the Committee on Education.

Also, petition of Rhode Island Christian Endeavor Union, favoring national prohibition, also prohibition for the District of Columbia without the referendum; to the Committee on the District of Columbia.

Also, protest of Woonsocket (R. I.) Local, American Federation of Musicians, against any amendments being made to the seamen's act; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Woonsocket (R. I.) Local, American Federation of Musicians, favoring increase of pay for school janitors of the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Friends' Bible School, of Woonsocket, and Slatersville Congregational Church, of Smithfield, both in the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KINKAID: Petition of residents of Boelus, Nebr., against preparedness; to the Committee on Military Affairs.

By Mr. KONOP: Petition of farmers of Oconto County, Wis., against Senate bill 90 and House bills 26, 677, 6823, and 6871; to the Committee on Labor.

By Mr. LEHLBACH: Petition of sundry citizens of the State of New Jersey, favoring House bill 702, the dyestuffs bill; to the Committee on Ways and Means.

By Mr. LEWIS: Petitions of 76 citizens of Montgomery County, and Damascus Lodge, 199, International Order of Good Templars, Maryland, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LIEB: Petition of the following citizens of Howell, in Evansville, Ind., favoring an embargo on arms; for prohibiting travel on armed merchant ships; for prohibiting flotation of loans for belligerent nations; opposing preparedness; and favoring guaranty of freedom of the seas for American commerce: Gottlieb F. Kleinknecht, jr., E. G. S. Burdette, George Steiner, Jacob Herschelman, Andrew Steiner, John C. Bockelmann, Henry S. Waterman, Charles Steiner, Fred Bockelman, Joseph Humpert, Christ J. Hettenbach, Adam Schnur, Peter J. Eickhoff, Welhelm Opperman, Harry Kloke, August Fisher, Charles Korsmeyer, Robert Mahrenholz, Fred C. Opperman, William McCutchan, Jacob Morneweg, Jacob C. Kissinger, Louis Matz, George Dickhaut, John Mike Miller, John H. Tekoppel, William Kleinknecht, Edward Mahrenholz, Willie Schnur, Francis Schlageter, L. P. Doerr, Dan Weis, Herman White, Joe Schuler, Fred Schroeder, jr., Fred Schlueter, William Hallenberger, Henry Kirelman, John Hallenberger, sr., John Hallenberger, jr., William R. Redden, Fred J. Koressel, Henry V. Muensterman, Anthony Muensterman, Donald Wills, Philip Yunker, Gottlieb Kleinknecht, sr., William Scherffius, sr., John Kloke, B. A. Foster, George Plump, William Lillienkamp, John Dury, George Supan, Jacob Kleinknecht, Arthur J. Schlueter, Theo. Gerke, William Bicking, John Huck, Ben Busch, Henry Detroy, Nick Schuler, Duoe Schille, Charles Tragesser, A. B. Hufnagel, J. L. Chamberlin, William Conaway, Charles T. Pelg, John W. Lorenz, William H. Brightmore, Robison Rommel, Henry C. Poggemeier, Louis Muller, sr., John C. Muller, Conrad Schlageter, Henry Nunning, Ernest C. Kleinknecht, Charles Huck, William Krueger, Henry E. Drier, Charles Kochler, Ben Gaiser, John Helfrich, Henry Wesselman, Frank C. Schuler, Nick Bassemier, George Helfrich, George C. Fisher, Julius A. Becker, N. Zenthaefer, Peter Klingler, W. E. Baldwin, F. W. Hermann, D. G. Tundall, Ben J. Schuetler, Edward J. Reinhart, Peter Schindler, William Scherffius, jr., William Bissmaier, S. O. Miller, Charles G. Kleinknecht, John L. Martin, David Ritter, Toney Gartenvelt, Conrad C. Burgdorf, Benhard W. Burgdorf, Louis Thompson, Henry Seeger, John Seeger, Ed. Martin, Andrew Schissler, Abraham Rutt, George Opperman, John Newman, Ignaz Kroemel, Louis A. Lengelson, Henry Hering, Louis Sirkle, Adam Burgdorf, Charles Zimmerman, Fred Zimmerman, J. J. Schwelter, Edw. Gumbel, Henry Knewler, N. S. McWilliams, George Dweham, Daniel Dorety, Robert Douglas, J. Dill, Robert Dill, George Kissinger, Albert Klamer, Jacob Kissinger, Henry Klee, Philip Kliman, Ralph Kliman, William Schuler, Jacob Knepp, Ernest Knodel, Albert Schultz, Henry Schiek, William Schnake, F. Schnake, William E. Lum, William Bauer, Walter Wildt, Henry Hahn, Henry L. Hahn, August Kunze, H. H. Rietman, Joseph J. Wintzel, William Bicking, Fred Folz, George Miller, Paul J. Tucker, Ernest Burdette, E. Becker, George F. Schenck, Theo. P. Schenck, Frank J. Schenck, Frank Mohr, Anton J. Schenck, Harry Marshall, Harry Marshall, jr., Fred Cruse, Marshall Dardy, John Klein, William Schulz, F. Schulz, William Ritter, Ernest Ringo, John Ritzel, Albert Rimroth, Wilbern Rich, Louis Rinhert, Frank Pritchett, Edward Powers, J. W. Powers, William Rahm, Fred Pfeiffer, William Peters, George Pittman, Henry Ploger, Albert Morton, Henry Mauer, Albert May, William Ludweg, William Kuhlenhoelter, Henry Rollet, Arthur Grissom, John A. Nurrenburn, Louis Nurrenbern, William H. Nurrenbern, Joseph Schutte, John B. Nurrenbern, Joseph T. Nurrenbern, Otto Kneer, Robert Nurrenbern, Thomas J. Rollet, M. J. McCue, Henry Schutte, Joseph B. Gochel, William Mahrenholz, Robert Culluaue, George Weber, Jacob Neu, George Kirchhoff, Conrad Kirchhoff, Henry Kirchhoff, Eberhard Schutte, Fred Schutte, Fred Kirchhoff, Emil Mahrenholz, Christ Mahrenholz, Daniel Mahrenholz, Theo. Kneer, Frank Eickhoff, Edward Ernst, Jacob Trapp, Charles C. Schnake, Albert C. Burgdorf, and Joe Weber; to the Committee on Foreign Affairs.

Also, petition of Homer A. Jones, Rev. E. A. Powers, Fred Kuhs, and 33 other citizens of Evansville, Ind., favoring the speedy passage of the Webb-Smith national prohibition resolution proposing an amendment to the Constitution of the United States for Nation-wide prohibition of the beverage traffic in intoxicating liquors; to the Committee on the Judiciary.

By Mr. LONDON: Petitions of United Brotherhood of Carpenters and Joiners of America; Workmen's Circle, Local 1742, New Haven, Conn.; Workmen's Circle, Branch 460, Baltimore, Md.; Workmen's Circle, Branch 420, Baltimore, Md.; Workmen's Circle, Branch 347, Baltimore, Md.; Workmen's Circle, Branch 452, Devils Lake, N. Dak.; Sick Benefit Society of Ahvat Chesed, New London, Conn.; Workmen's Circle, Branch 212, Norfolk, Va.; Workmen's Circle, Jean Jaures Branch 567, Chicago, Ill.; and Henry Street Settlement Suffrage Club, New York City, indorsing House joint resolution 38, calling upon the President to convene a congress of neutral nations to offer mediation to the nations at war; to the Committee on Foreign Affairs.

By Mr. LOUD: Papers to accompany House bill for relief of John Halpin; to the Committee on Invalid Pensions.

By Mr. MAGEE: Petition of German-American Alliance of Syracuse, N. Y., relative to prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also (by request), petition of Arion Singing Society, of Syracuse, N. Y., relative to amending naturalization laws; to the Committee on Immigration and Naturalization.

Also, petition of Otto H. Rothenberg and others and German-American Alliance of Syracuse, N. Y., favoring embargo on arms; to the Committee on Foreign Affairs.

By Mr. MANN: Petition of Oriental Hilled Lodge, No. 72, I. O. B. B., Chicago, Ill., opposing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. MATTHEWS: Petition of Sunday school of St. Paul's Methodist Church, of Napoleon, Ohio, favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MILLER of Delaware: Memorial of Methodist Episcopal Church of Middletown, Del., and St. John's Methodist Episcopal Church of Seaford, Del., favoring the passage of national prohibition resolution, Senate joint resolutions 55 and 64; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Petition of Philadelphia Board of Trade, against passage of the Moon railway mail pay bill; to the Committee on the Post Office and Post Roads.

Also, petition of Philadelphia (Pa.) Board of Trade, favoring House bill 435, relative to use of denominational names; to the Committee on the Judiciary.

By Mr. MORIN (by request): Memorial of Hurburt Lodge, No. 255, Knights of Pythias, indorsing House joint resolution 78; to the Committee on Military Affairs.

Also (by request), petition of Pittsburgh Provision & Packing Co., of Pittsburgh, Pa., in re House bill 5792; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of Emory Methodist Episcopal Church, of Pittsburgh, favoring national prohibition constitutional amendment; to the Committee on the Judiciary.

Also (by request), memorial of German Beneficial Union, of Pittsburgh, Pa., in re foreign relations; to the Committee on Foreign Affairs.

Also (by request), petition of Massachusetts Banking & Insurance Co., in re surety bonds item in Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also (by request), petitions of Louis Laterial and A. J. Sulzid, of Pittsburgh, protesting against any measures of preparedness; to the Committee on Military Affairs.

Also (by request), memorial of H. Bertram Lewis, of Flushing, N. Y., and Military Order of the Loyal Legion of the United States, favoring preparedness; to the Committee on Military Affairs.

Also, petition of George Vollman, of Pittsburgh, and R. J. Powers, of Pittsburgh, Pa., in favor of an embargo on arms and ammunition; to the Committee on Foreign Affairs.

Also (by request), petitions of Steel City Electric Co., of Pittsburgh, Pa., and G. B. Bennett, of Wilkinsburg, Pa., indorsing the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorials of San Antonio (Tex.) Trades Council; Illinois State Federation of Labor; Glass Bottle Blowers' Association of Philadelphia, Pa.; Central Labor Union of Alliance, Ohio; and Cleveland Federation of Labor, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. MURRAY: Petition of 650 people of Sapulpa and 2,000 of Oklahoma City, favoring national prohibition; to the Committee on the Judiciary.

By Mr. NOLAN: Petitions of M. J. Brandenstein & Co., San Francisco, Cal., favoring passage of the Alexander shipping bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of National Association of Builders' Exchanges of the United States, that the proposed power plant for District of Columbia should not be erected without approval of the Fine Arts Commission; to the Committee on the District of Columbia.

Also, petition of Central Federated Union of Greater New York and vicinity, against national prohibition; to the Committee on the Judiciary.

Also, petition of Louisiana State Federation of Labor, of Shreveport, La., favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Lookout Mountain Post, No. 88, Grand Army of the Republic, Berkeley, Cal., favoring bill granting $2 per diem to Civil War veterans who were confined in Confederate prisons for the period of their incarceration in such prisons; to the Committee on Military Affairs.

Also, petitions of boards of supervisors of Napa, Humboldt, Kern, and San Luis Obispo Counties, Cal., favoring legislation relative to oil industry of California; to the Committee on the Public Lands.

Also, memorial of San Jose (Cal.) Parlor, No. 81, Native Daughters of the Golden West, and sundry other organizations, favoring passage of House bill 5757, to provide for retirement of aged civil-service employees; to the Committee on Reform in the Civil Service.

Also, communication from M. J. Brandenstein & Co. and 28 prominent importers, exporters, and shippers of merchandise trans-Pacific, doing business in San Francisco, Cal., favoring action by the Congress of the United States to restore American ships to the trans-Pacific trade; to the Committee on the Merchant Marine and Fisheries.

Also, a communication from the San Francisco Labor Council, San Francisco, Cal., indorsing the proposal for a progressive Federal income tax, provided such tax is not applied to incomes of $3,000 a year or less, and that organizations now exempt from such tax are not made subject thereto; to the Committee on Ways and Means.

By Mr. OAKEY: Petition of the Methodist Episcopal Church of Warehouse Point, Conn., favoring Federal motion-picture commission; to the Committee on Education.

Also (by request), petition of the German-American Alliance of New Britain, Conn., favoring embargo on arms; to the Committee on Foreign Affairs.

By Mr. PADGETT: Papers to accompany House bill for the relief of M. G. Corbett; to the Committee on Claims.

By Mr. ROWE: Memorial of the metal trades department of the American Federation of Labor and Massachusetts State Branch, American Federation of Labor, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Miss N. E. Dawson, of New York City, indorsing House bill 9814; to the Committee on the Public Lands.

Also, petition of Dental Society of the State of New York, favoring change in the status of dentist in the United States Army; to the Committee on Military Affairs.

Also, petition of Dawson & Seaver Produce Exchange, of New York City, in regard to the Rainey mixed-flour bill; to the Committee on Ways and Means.

Also, petition of New York State Court, Guardians of Liberty, indorsing the Sisson resolution, No. 137; to the Committee on the Judiciary.

Also, petition of New York East Annual Conference of the Methodist Episcopal Church, praying for prohibition; to the Committee on the Judiciary.

By Mr. SIMS: Memorial of Soldiers' Home Committee United Daughters of the Confederacy, Tennessee Division, at Hermitage, Nashville, Tenn., indorsing a bill to provide home for Confederate veterans of the Civil War; to the Committee on Pensions.

Also, petitions of Woman's Christian Temperance Union of Whitlock, and citizens of Henderson, all of the State of Tennessee, praying for national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Papers to accompany House bill 11062, for relief of John R. Roe; to the Committee on Invalid Pensions.

By Mr. STINESS: Petition of Central Labor Union of Arctic, R. I., favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Branch No. 15, National Association of Letter Carriers, of Providence, R. I., favoring House bills 5757, 6915, and 7656 in the interest of postal employees; to the Committee on the Post Office and Post Roads.

Also, memorial of Knight C. Richmond and others, of Providence, R. I., favoring legislation for military and naval preparedness; to the Committee on Military Affairs.

By Mr. SWITZER: Petition of 19 citizens of Albany, Ohio, in favor of national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. TEMPLE: Petition of Henry S. Piersol in behalf of rural carriers of Beaver County, favoring the fixing of the length of routes in that county to 24 miles, and 250 as the maximum number of families for one route; to the Committee on the Post Office and Post Roads.

Also, petitions of Epworth Methodist Episcopal Church, of New Castle, Pa., praying for national prohibition; to the Committee on the Judiciary.

Also, petitions of E. J. Baker and others, of New Castle, Pa.; German-American Alliance of Pennsylvania, by H. C. Boenish; and Eintracht Singing Society, of New Castle, Pa., urging passage of House joint resolutions 14 and 81, Senate bills 3033 and 3034, and Senate joint resolutions 73 and 74, and House bill 6828; to the Committee on Foreign Affairs.

By Mr. WASON: Memorial of the Coos County Medical Society, of New Hampshire, favoring a larger medical corps in the Army and Navy; to the Committee on Military Affairs.

Also, memorial of Hallowe'en Grange No. 317, Patrons of Husbandry, of Penacook, N. H., favoring national prohibition; to the Committee on the Judiciary.

SENATE.

TUESDAY, *February 29, 1916.*

(Legislative day of Friday, February 25, 1916.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

DEVELOPMENT OF WATER POWER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Ashurst	Hollis	Norris	Smith, Mich.
Bankhead	Hughes	O'Gorman	Smith, S. C.
Beckham	Husting	Oliver	Smoot
Brandegee	James	Overman	Sterling
Catron	Johnson, S. Dak.	Owen	Stone
Clapp	Jones	Page	Sutherland
Clark, Wyo.	Kern	Phelan	Swanson
Colt	Lee, Md.	Pomerene	Tillman
Cummins	Lodge	Ransdell	Underwood
Curtis	McCumber	Robinson	Vardaman
Dillingham	McLean	Shafroth	Wadsworth
du Pont	Martin, Va.	Sheppard	Walsh
Fall	Martine, N. J.	Sherman	Warren
Gallinger	Myers	Shields	
Gronna	Nelson	Simmons	
Hitchcock	Newlands	Smith, Ariz.	

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired with the Senator from Maine [Mr. BURLEIGH]. This announcement will stand for the day.

Mr. SHEPPARD. I wish to state that the Senator from Oregon [Mr. CHAMBERLAIN] is unavoidably detained on official business.

Mr. STONE. I wish to announce the absence on account of illness of the Senator from Delaware [Mr. SAULSBURY]. This announcement may stand for to-day.

Mr. MARTINE of New Jersey. I am requested to announce that the Senator from West Virginia [Mr. CHILTON] and the Senator from Florida [Mr. FLETCHER] are detained from the Senate at a hearing before the Committee on the Judiciary.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call; there is a quorum present.

Mr. SHIELDS. Mr. President, I send to the desk a request for a unanimous-consent agreement, and I ask that it may be read.

The VICE PRESIDENT. The Senator from Tennessee presents the following unanimous-consent agreement.

The Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at not later than 5 o'clock on Wednesday, March 1, 1916, the Senate will proceed to the consideration of Senate bill 3331, the unfinished business now before the Senate, and during that legislative day shall vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill through the regular parliamentary stages to its final disposition; and that after the hour of 2 o'clock on the 2d day of March, 1916, no Senator shall speak more than once or longer than 10 minutes upon the bill, or more than once or longer than 5 minutes upon any amendment offered thereto.

Mr. SHIELDS. I ask for the adoption of that agreement by unanimous consent.

The VICE PRESIDENT. It will be necessary for the Chair to order a roll call of the Senate unless there shall be an objection, in which event there will be no necessity to call the roll.

Mr. CUMMINS. I was otherwise engaged, and I did not hear the request read. I should like to hear it read.

The VICE PRESIDENT. It will be again read.

The Secretary again read the proposed agreement.

Mr. CUMMINS. Mr. President, I object. I may say to the Senator from Tennessee that there are two vital amendments to the bill that are yet to be debated, and until they have been debated I will not give my consent to fixing an hour for a vote or for limiting discussion to the time mentioned in the request.

The VICE PRESIDENT. There seems to be an objection, and it is not needful to call the roll of the Senate.

Mr. SHIELDS. If there is objection, I do not desire to consume the time by having the roll called.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from Maine [Mr. JOHNSON].

Mr. SHIELDS. Mr. President, this bill has now been before the Senate for more than two weeks, and the committee having charge of it desire to expedite it in every way possible. We had hoped to get an hour fixed as stated in the proposed agreement to vote on it not later than 5 o'clock to-morrow, but there is objection. The committee will ask at the proper time for a recess and a night session and it will pursue every possible way to bring this debate to an end.

The VICE PRESIDENT. There is a pending amendment which might be disposed of. The Chair can not dispose of it. The question is on the amendment of the Senator from Maine [Mr. JOHNSON].

Mr. SHIELDS. That amendment was passed over.

The VICE PRESIDENT. There is not any way for the Chair to pass amendments over.

Mr. SHEPPARD. Let it be read, Mr. President.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 2, line 13, after the word "*Provided*" and before the colon, insert the following:

The words "navigable waters" for the purposes of this act shall be construed to mean such streams and parts of streams which are in fact navigable and used for the transportation of merchandise in commerce and also such streams and parts of streams as may be designated by the Secretary of War as capable of improvement for the purposes of navigation and transportation of merchandise in commerce.

The VICE PRESIDENT. The amendment must be either disposed of or withdrawn.

Mr. SHIELDS. I understood the Senator from Iowa [Mr. CUMMINS] to ask unanimous consent yesterday to have it passed over, and it was done. I have not examined the RECORD, but that was my understanding at the time.

The VICE PRESIDENT. This is the RECORD:

Mr. JOHNSON of Maine. I am very willing to yield to the request of the Senator from Iowa and have the amendment passed over for the present. So it may go over.

The amendment was not, by unanimous consent, postponed.

Mr. CUMMINS. With the Senator from Maine, I had hoped that this particular subject might be passed over or, at least, not voted upon until we had an opportunity to confer with the Senator from Tennessee, in the hope that there might be reached an agreement that would be satisfactory to everyone interested in the bill. That is all I can say about it.

The VICE PRESIDENT. In order that the clerks may keep the record straight, and in order that the Chair may know what is really before the Senate, there is no reason why the Senator from Maine should not temporarily withdraw his amendment and present it hereafter, when it is desirable to do so; but the Secretary can not keep two pending amendments before the Senate at the same time.

Mr. JOHNSON of Maine. Mr. President, the Senator from Iowa correctly stated the position. I am not willing that the amendment shall be temporarily laid aside unless I may be able to offer it later. I think it would make the record clear if I now ask that the amendment lie on the table, and I make that request.

The VICE PRESIDENT. If there is no objection, the amendment will lie on the table and be called up whenever the Senator from Maine desires to call it up. The bill is still as in Committee of the Whole and open to amendment.

Mr. WALSH. Mr. President, there was a similar situation with reference to the amendment offered by myself yesterday

morning. The disposition of it appears on page 3709 of the RECORD. The Senator from Tennessee said:

The amendment has not been printed, having been just offered. The Senator says it is the most vital amendment that has been presented to the bill. I therefore ask that it go over and be printed, to be considered after we have had an opportunity to examine it.

I will ask the Senator from Tennessee if it is his desire to take up that amendment now?

Mr. SHIELDS. I will ask the Senator from Montana to allow the amendment to take the same course the amendment of the Senator from Maine did. I have not had time to examine it.

Mr. WALSH. I should be very glad to pursue that course, Mr. President.

The VICE PRESIDENT. The amendment was offered for printing. It has not been formally offered as an amendment in the Senate.

Mr. WALSH. Mr. President——

Mr. SMOOT. Will the Senator from Montana yield for a question before going on to another matter?

Mr. WALSH. I yield.

Mr. SMOOT. I was going to ask the Senator from Montana if the amendment proposed by him yesterday, on page 10, following the word "granted," in line 23, was printed as an amendment or simply printed in the RECORD.

The VICE PRESIDENT. The Chair can answer that. It is on the desk printed.

Mr. SMOOT. Very well.

Mr. WALSH. I offer an amendment, as follows: After the word "aggrieved," in line 11, page 11, insert the words "or upon its own initiative."

Mr. SHIELDS. I offer no objection to that amendment.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 11, line 11, after the word "aggrieved," insert the words "or upon its own initiative."

The amendment was agreed to.

Mr. WALSH. I have an amendment to offer touching the clause found on page 13. After a conference with the Senator from Tennessee it was thought that there might be some language inserted which would be mutually agreeable.

Mr. SHIELDS. The Senator and I have agreed upon an amendment that will make it acceptable, which I desire to offer.

Mr. WALSH. Very well; I withhold my amendment.

Mr. SHIELDS. I move to amend, on page 13, line 15, by striking out after the word "after," in that line, "such conviction has been affirmed on appeal or the right of appeal has expired," and inserting in lieu the words "final judgment in either civil or criminal proceedings provided for."

Mr. NORRIS. I ask the Secretary to read the amendment. I could not hear the Senator from Tennessee state it.

The SECRETARY. On page 13, lines 15 and 16, it is proposed to strike out the words "such conviction has been affirmed on appeal or the right of appeal has expired" and to insert "final judgment in either civil or criminal proceedings provided for."

Mr. NORRIS. May I ask the attention of the Senator from Tennessee? I had prepared an amendment, which I expected to offer, which proposes to strike out the very language that the Senator has proposed to strike out. I have not heard all of the amendment which the Senator has offered, except as the Secretary has read it, and I wish the Senator would explain it. If it accomplishes what I sought to accomplish in my amendment, of course I shall have no objection to it.

Mr. SHIELDS. I will explain the amendment to the Senator. The bill in section 8 provides, first, for a criminal proceeding for the violation of the terms of the permit and the provisions of this proposed statute. Then it provides for a proceeding in equity to inhibit and enjoin such violations. The provision as proposed to be amended is in these words:

And if the unlawful maintenance and operation continues after such conviction has been affirmed on appeal or the right of appeal has expired and is deemed by the court to be such as shall require, in the public interest, a decree revoking all rights and privileges held under authority of the act, the court may decree such revocation—

And further proceedings in that line.

The infirmity of the bill as it stood was that it did not provide for the termination of the civil proceedings. The object of this amendment is to give the defendant the benefit of a hearing in a court before a forfeiture is declared or before he is required, except under an injunction, to desist from any course of conduct. It simply gives him the right to a final determination by a court of last resort before any change of his claim or right.

Mr. NORRIS. I should like to ask the Senator to read the language which he proposes to insert, and also the language as it would read if his amendment were adopted.

Mr. SHIELDS. Beginning after the semicolon in line 14, page 13, which follows the provision for the two remedies in a criminal proceeding and in an equity proceeding, as amended the bill would read:

And if the unlawful maintenance and operation continues after final judgment in either the civil or criminal proceedings provided—

Then go down to line 17, where it reads:

And is deemed by the court to be such as shall require—

And so forth.

Mr. WALSH. Mr. President, if the Senator from Tennessee will pardon me for a suggestion, I desire to say that I think the words "of this section" should be added to the language proposed by the Senator.

Mr. SHIELDS. I think that would clarify it somewhat, and I will add to the amendment the words "provided in this section."

The VICE PRESIDENT. As now modified, the amendment will be stated by the Secretary.

The SECRETARY. On page 13, in line 15, it is proposed to strike out the words "such conviction has been affirmed on appeal or the right of appeal has expired" and insert "final judgment in either civil or criminal proceedings provided for in this section," so that it will read:

And if the unlawful maintenance and operation continues after final judgment in either civil or criminal proceedings provided for in this section, and is deemed by the court to be such as shall require—

And so forth.

The VICE PRESIDENT. The question is on the amendment as modified.

Mr. NORRIS. Mr. President, I desire to say that I have made some notations in regard to this particular part of the bill, which I do not now have before me; neither have I the amendment which I have prepared on the subject. I am not sure but that the amendment was introduced and printed, perhaps at the request of the Senator from Wisconsin [Mr. HUSTING] or perhaps of the Senator from Iowa [Mr. KENYON]; but as I understand the amendment now proposed by the Senator from Tennessee [Mr. SHIELDS] it would not have a tendency to expedite the proceedings any more than the language now in the bill, would it?

Mr. SHIELDS. The object of the amendment is to include the final judgment in the civil proceeding as well as in a criminal proceeding. That is all there is to it.

Mr. NORRIS. Oh!

Mr. SHIELDS. The bill as written failed to take into consideration the civil proceeding, and this amendment includes it.

Mr. NORRIS. To my way of thinking, the language was objectionable, and as I now look at it, without having had time to read the entire section, the language proposed would be equally objectionable, although I have no objection to striking this language out and putting the other in. So I shall not oppose the amendment.

The amendment was agreed to.

Mr. WALSH. I offer an amendment, in line 24, page 13, after the word "act," to insert:

And all the property of the grantee dependent in whole or in part for its usefulness upon the rights hereunder granted, or such part thereof as the court may direct.

In explanation of this amendment, Mr. President, I desire to say that the bill provides that in case of a forfeiture or revocation of the permit, the court may decree the sale of the dam or diversion structure and all appurtenant property constructed or acquired under authority of this act.

Really, Mr. President, it can scarcely be said that any property is acquired by virtue of the act, and nothing more than the dam and the diversion structures would be constructed by virtue of the act. All other structures would be erected without regard to the act; but it would seem to be quite unfair to the permittee for the court to sell only the dam and diversion works and leave all the other property on his hands, the value of it being entirely dependent upon the property which has already been sold. It seems to me that when the court takes away from him the dam and the diversion works, it ought not to leave on his hands the balance of it, but that it ought to take also all other property the value of which is dependent upon the permit that is granted to him.

Furthermore, Mr. President, of course it will be necessary to turn the works over to some one else to operate, but they would have practically only half of a plant. So I submit that this provision here ought to be in substance exactly the same as the provision concerning the property which is to be taken over at the expiration of the franchise.

I think the Senator from Tennessee will agree with me about that; that is to say, the bill provides that at the expiration of the franchise, if the right to acquire the property is exercised

by the Government, not only the dam and diversion works are taken over, but all other property which is dependent on its value upon them is to be taken over.

Now, if the thing is put a period to before the expiration of the time, it seems to me the same character of property ought to be taken over; and, accordingly, I have endeavored to make the bill in this particular conform in its provision to the provisions of the bill for taking the property over at the expiration of the permit.

Mr. SHIELDS. Mr. President, I do not think this amendment affects the provisions of the bill. The difficulty presented in formulating a section to cover this particular matter is the line where the jurisdiction of the court to make the sale on the valuation of the property in taking it over shall be fixed. The court, in making a sale, shall not have jurisdiction to force a sale of property that is only indirectly connected with the plant. An illustration can be given of a street railway operated by the power furnished by the plant or by a factory operated by the power furnished. The amendment inserts the words:

And all of the property of the grantee dependent in whole or in part for its usefulness upon the rights hereunder granted, or such part thereof as the court may direct.

It is very difficult to draw the line of demarcation there; but the subsequent part of this section fully provides for it, I think, by giving the court the jurisdiction, "by the appointment of a receiver or otherwise," to exercise all jurisdiction necessary for the protection and administration or disposition of the property and for the equitable execution of this act." I think a court of equity would doubtless have jurisdiction to safeguard the matter, but I have no objection to the provision being made more explicit in this way. It is what the act now provides for and what it means; but I will offer no objection to the amendment.

Mr. WALSH. I will suggest to the Senator from Tennessee that, perhaps, it would be still more preferable to put in here exactly the language that is found in the other provision of the bill at the bottom of page 9 and the top of page 10, designating the property that is to be taken over at the expiration of the period.

Mr. SHIELDS. That is a matter of detail that might subsequently be worked out.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 13, line 24, after the word "act," it is proposed to insert "and all of the property of the grantee dependent in whole or in part for its usefulness upon the rights hereunder granted or such part thereof as the court may direct."

The VICE PRESIDENT. The question is on the amendment.

The amendment was agreed to.

Mr. POINDEXTER. Mr. President, I submit the amendment which I send to the desk.

Mr. SHIELDS. Mr. President, would it suit the convenience of the Senator from Washington to have the amendments taken up—as I have to speak to them all—in the order in which they have been presented rather than to take up another group? In other words, I would prefer to finish the amendments which the Senator from Montana [Mr. WALSH] has given notice that he intends to offer, as I have them in mind.

Mr. POINDEXTER. The Senator means to continue with the amendments offered by the Senator from Montana?

Mr. SHIELDS. Yes.

Mr. POINDEXTER. I have no objection to that, but I should like to have my amendment read and allow it to lie over.

Mr. SHIELDS. I make the suggestion for the reason I have stated.

Mr. POINDEXTER. It is a very simple amendment, and I very much hope the Senator from Tennessee will accept it. It simply makes the power developed in these plants subject to the taxation of the States. It inserts the word "power" where the property of the grantee is made subject to taxation. The amendment inserts the words "and the power generated therein." I ask that the Secretary read the amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 12, line 5, after the word "purposes," it is proposed to insert the words "and the power generated therein."

Mr. POINDEXTER. I offer that amendment, Mr. President, because the right of the Secretary of War to make any charges for these plants has been restricted very narrowly to the land, and I do not want to see the situation arise where these very valuable plants will escape taxation altogether, except for the actual tangible property that constitutes the plant. If it is intended that the power to be generated—and that is what gives the value to the property—shall be subject to taxation, I can not see any harm in so stating.

Mr. SHIELDS. Mr. President, the provision in question reads:

And provided further, That nothing in this act shall be construed to prevent any State in which such dam with its appurtenant property is located, or in which such business is to be conducted, from making and enforcing any lawful regulations, with respect to the property or business of such grantee; and the plant and its appurtenances of the grantee, including real, personal, and mixed property, constituting the same and used for the generation and distribution of power, or for other purposes, shall be subject to taxation under the laws of the State where situated as other similar property within the State.

That is all that relates to the subject. It is my opinion that that covers every possible property, tangible and intangible, the company can own, and that it further authorizes the States to levy a franchise or privilege tax against these corporations. It is intended to cover every species of property. Electricity is property, and I think it is covered; but, if the Senator thinks not and he wants it more specific, I accept the amendment.

Mr. POINDEXTER. I am much obliged to the Senator.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Washington.

The amendment was agreed to.

Mr. WALSH. Mr. President, I have just one more amendment to offer, at page 14, in line 6 and line 7, to strike out the words "in case no purchaser be found"; after the word "shall," in line 7, to insert "have power"; and after the word "otherwise," in line 8, to insert "to," so that the last clause in section 8 shall read:

And the court shall have power, by the appointment of a receiver or otherwise, to exercise all jurisdiction necessary for the protection and administration or disposition of the property and for the equitable execution of this act.

Mr. SHIELDS. Mr. President, I accept the amendment.

The VICE PRESIDENT. The question is on the amendment of the Senator from Montana.

The amendment was agreed to.

Mr. NORRIS. Mr. President, I should like to inquire if the Senator from Montana has finished now?

Mr. WALSH. Yes; except that an amendment which I have offered has gone over and lies on the table. Of course, I shall insist upon that amendment.

Mr. NORRIS. Mr. President——

Mr. SHIELDS. Will the Senator from Nebraska allow me?

Mr. NORRIS. Certainly.

Mr. SHIELDS. I think he has an amendment that is substantially the same as that offered by the Senator from Montana yesterday.

Mr. NORRIS. I have several amendments, some of which I probably shall not offer, and there will be others that I expect to offer upon which I will not take up much time, because they relate to the same question. But the amendment that I was going to offer now is a new proposition.

Mr. SHIELDS. My request was not to offer the same amendment that the Senator from Montana has offered until we take that up for consideration. In other words, I have not had any more opportunity to examine the amendment of the Senator from Nebraska than I have had to examine the one offered by the Senator from Montana.

Mr. NORRIS. If the Senator prefers, I will not offer my amendment now and will let some of the other Senators get through first.

Mr. SHIELDS. I only referred to the one that I thought was identical with that of the Senator from Montana.

Mr. NORRIS. To which one does the Senator refer?

Mr. SHIELDS. The amendment concerning the valuation of the property when it is taken over by the Government.

Mr. NORRIS. I will say to the Senator from Tennessee that the amendment I intended to offer now goes a good deal further than the proposition of the Senator from Montana. I was going to move to strike out sections 5 and 6. I have put it all in one amendment, and have inserted two new sections that have been printed.

Mr. SHIELDS. That will involve the question raised by the amendment offered by the Senator from Montana.

Mr. NORRIS. Partially so; yes.

Mr. SHIELDS. I have not examined his amendment, and I have not examined the amendment of the Senator from Nebraska on that question.

Mr. NORRIS. Would the Senator prefer that I should not offer it now?

Mr. SHIELDS. I would.

Mr. NORRIS. I will defer to the Senator's wishes, then; but I might just as well offer another.

Let me call the Senator's attention to an amendment that was offered early in the discussion, to come in on page 3. Is he ready to take up that now? It went over at his request.

Mr. SHIELDS. Whose amendment was it?

Mr. NORRIS. That was the amendment of the Senator from Montana. It strikes out the words "without the approval of the Secretary of War."

Mr. SHIELDS. I will offer no objection to that amendment.

Mr. NORRIS. Then I ask that that amendment may be voted on.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, lines 8 and 9, it is proposed to strike out the words "without the approval of the Secretary of War."

The amendment was agreed to.

Mr. NORRIS. Now, Mr. President, I desire to call the attention of the Senator from Tennessee to page 9. I suggested to him that I wanted to offer an amendment there, and he asked me to defer that also. Is he ready to take up that amendment? My amendment will be to strike out, commencing in line 1, on page 9, the words "in the district court of the United States for the district in which such land or other property may be located, or"; and also, commencing with the last word in line 3, to strike out the balance of the section.

Mr. SHIELDS. In other words, I understand the Senator to propose to strike out all that part of the section that allows the permittee to institute proceedings in the United States district court for the condemnation of property needed?

Mr. NORRIS. That is the object of the amendment. That will be the effect of it if those two clauses are stricken out. The Senator will remember that I was going to offer that amendment on a former occasion, and he asked me not to do so then because he was not ready to consider it then.

Mr. SHIELDS. I am ready to dispose of it.

Mr. NORRIS. Is the Senator ready now?

Mr. SHIELDS. I am.

Mr. NORRIS. Then, Mr. President, I move to amend the bill, on page 9, beginning with the word "in," in line 1, by striking out down to and including the word "or," in line 3; and beginning with the last word in line 3, to strike out the balance of the section, so that, if amended, the section will read—going back, now, on page 8, to get the run of the bill—

> When a grantee hereunder is a municipal corporation, or a political subdivision of a State, or a public-service agent of a State, or a public utility or service corporation, it may acquire the right to use or damage any lands or property of others necessary to the construction, maintenance, or operation of any such dam or diversion structure or of the works appurtenant or accessory thereto by the exercise of the right of eminent domain in the State courts.

As it reads now, they can exercise the right of eminent domain—

> In the district court of the United States for the district in which such land or other property may be located—

And also in the State courts. It provides, also, that—

> The practice and procedure in any action or proceeding brought for that purpose in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar actions or proceedings in the courts of the State where the property is situated.

If the amendment is agreed to, the effect of it would be to confine the party to the State court in condemnation proceedings.

I do not care to take any of the time of the Senate in arguing the matter, unless such an argument might be suggested by what the Senator from Tennessee might say. I simply state the fact that the effect of this amendment would be to confine these parties to the State courts in condemnation proceedings. I concede that in other parts of the bill, where it is desired to cancel the lease, or in case there is a dispute about it, the United States courts would be the proper tribunal. But here is a case where a municipality or a person or a public-service corporation or any political subdivision of a State wants to divert the waters and build a dam; and in doing so it is necessary to take the private property of somebody else, some riparian owner or some other person who owns land in the vicinity that it is necessary to acquire in order to build the dam or other structure connected with the improvement. In such a case the bill gives them the right, if they want to do so, to commence an action of condemnation in the district court of the United States. It also gives them the privilege of commencing such an action in a State court. If the amendment is agreed to, the effect will be to confine them to the State court.

It seems to me that that would appeal to anybody as being a great deal nearer justice, and as tending to save a vast amount of money and a great deal of expense in litigation to which some individual who happens to own property there might be put if he were dragged away from his home into the United States court at a great distance, and compelled to litigate there to get the value of his property.

Mr. NELSON. Mr. President, will the Senator allow me to make one suggestion?

Mr. NORRIS. Certainly.

Mr. NELSON. Take a case where a stream was on the boundary line between two States, or between one of our States and a foreign country. I think in such a case it would be eminently proper that the district court of the United States should have jurisdiction, because if it relates to two different States one end of the dam is in one State and the other end in another State. It seems to me it would be much better to have the district court handle the matter in that event, because there might be a controversy, and you might have to go then into both courts, instead of disposing of it in one court.

Mr. NORRIS. I will say, in answer to that, that if the change were not made the parties would be under the same necessity of going into two United States courts or two State courts, or one United States court and one State court. We can not get away from the fact that if the river or the stream that it was desired to dam was on a line between two States, and one man over here in Illinois owned land and another man over in Iowa owned land, there would have to be two actions. It does not make any difference what court you go into; and even under the bill as it is written you could go into the United States court over in Iowa and condemn one man's land, and into the United States court on the other side of the river and condemn the other man's land. You could not combine the two. It would not be right to join the two. The land involved would be in two separate districts.

I can not conceive of a case where the land that you are going to condemn will not be under the jurisdiction of a State court; and it is to the court in whose jurisdiction that land is located that you ought to be compelled to go, in order to save expense. Suppose it were on a line between the United States and Canada. The bill would not apply to it anyway, in my judgment, because we have not any jurisdiction whatever under our law to go over into Canada and condemn a man's land over there, and you would not get any authority under this bill, even as it is written, to do that. But, what would happen? We have here a stream between two States, and under this bill some corporation gets the right to build a dam across it, damming it up. Here is Mr. A, over in that State, who owns some land. Here is Mr. B, over in this State, who owns some land. If you leave the law just as it is, this corporation would go over into the State where Mr. A lives and commence an action. Under the bill it could commence it in the United States court or in the State court, as it pleased, and condemn that man's land. When it got through with that action, or at the same time it was pending, it would commence an action over in this State against Mr. B, and it could commence it either in the United States court or in the State court and get his land.

So that leaving the bill as it is does not save any trouble. There are two actions in that case just the same. It could not be otherwise. If you wanted to save these two men trouble you could not come over here and commence an action and join this man in it.

Suppose the amendment that I propose were adopted; what would happen then? You would come over here to Mr. A, and you would get him in the State court, and you would go over here to Mr. B, and you would get him in the State court over here. There would be two actions just the same in that case, of course, but they would both be in the State courts. You can not get any land anywhere that is not in some State, and some State court will have jurisdiction. Mr. A, who happened to own a little land along the river here, might be two or three hundred miles away from the place to which he would be hauled in the district court, and compelled to take his attorneys and his witnesses and travel across the State, perhaps, in order to defend against a large corporation. It would mean, in many cases, to the man of little means who had a little property taken under this bill, that it would cost him more to defend his rights than his rights were worth if he had to go across the country and get into the United States court. So it would give the corporation the opportunity, if he wanted to do so, to compel him to submit to almost any proposition it had to make.

What would be the justice of compelling these people to go into the State courts? If I went there or you went there, or you were building a railroad there, and you were going to condemn that man's land, he would get into the State courts unless, under some other rule, according to its value, he might get into another court. But why should we not confine the litigants in this case to the State court, located in the vicinity

of the land, where the expense would be reduced to a minimum, and when you got through you would have gotten justice just as well as though you went away a couple of hundred miles and compelled the litigant to expend a great deal of money in defense of his rights?

There may be some reason. The Senator from Tennessee has not discussed it. The reason given by the Senator from Minnesota, I think, I have fully explained. It would not make a particle of difference. If there is any reason, I should like to know what it is. To me it looks like a plain proposition that in one case you will give to this large corporation—or it may be a county or a large city that is able to carry on litigation with attorneys that are paid a salary anyway—the power to take the fellow whose land they are going to take away off, away from his home or away from his land, where he will be put to an enormous expense as compared with the expense that he would be put to if he were left at home; and at the same time you will do the other party no good, unless you want to use this power as a leverage to compel him to submit to a settlement to which otherwise he would not submit.

Mr. SHIELDS. Mr. President, this bill, so far as it provides that a public-utility corporation or municipality of a State may exercise the right of eminent domain in the State courts, is a mere recognition or recital of the law as it now exists in every State of the Union. This provision has been criticized by some of the opponents of the bill. They have gravely announced that this bill authorizes private corporations or public-utility companies to exercise the power of eminent domain and take private property, as if that were not a power with which every public-utility company in every State of this Union is already vested. The only operative part of this clause is that objected to by the Senator from Montana; that is, the part giving the Federal courts jurisdiction coextensive with that of the State courts. The sole object of that provision is that the company represents the United States in part of this improvement; that is, so far as it is for navigation purposes, that is a governmental purpose, and under this act the company is selected as a governmental agency to build the dam; and it was considered proper to vest jurisdiction in the Federal courts to that extent.

The Congress could not vest in the State corporation the power of eminent domain except in so far as that corporation was the agent of the General Government. Any further vestiture would be absolutely void, because the Federal Government has no power of eminent domain except to carry into effect a Federal purpose. It always has been considered proper to give jurisdiction to the Federal courts in all matters in which the United States was interested, and so far as my observation has gone it has been done in every statute upon the subject; and it was only in conformity to the general rule that this provision was inserted.

Now, as to the cost and expense: It is undeniable that the landowner would recover all the costs in the case, as there is always a judgment in favor of the landowner in a condemnation proceeding. It is just a question of value, and in every case he would recover full costs. There is something in the suggestion of the Senator from Nebraska that a landowner might have to go farther to attend a Federal court than a State court, and that was considered in formulating this provision; but it was believed that it would be best, so far as this corporation was acting as a Federal agent, to vest the authority in the Federal court.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. SHIELDS. I have said all I desire to say on the subject.

Mr. CUMMINS. I desire to ask a question, not to make a speech upon the bill.

Mr. SHIELDS. Certainly, I yield to the Senator.

Mr. CUMMINS. This paragraph has interested me a good deal, and there is in my mind a very great doubt about this question. Assuming that the authority here provided for is given to the State or to a municipality, is the Senator of the opinion that a condemnation suit brought by a municipality under such circumstances would be a case arising under the Constitution or laws of the United States, and if not, where is the congressional power to authorize this jurisdiction?

Mr. SHIELDS. I think it would be under the laws of the United States, because this is a bill making the State corporation an instrument of the United States for the improvement of rivers for navigation, and it has been adjudged by the Supreme Court of the United States in a number of cases that Congress may vest that power in a State corporation, and they may exercise it.

Mr. CUMMINS. I have little doubt about the authority of Congress to give that power to a State corporation, but I have very great doubt whether if the power is already held by the municipal corporation or by the public-utility corporation under the laws of the State a suit or proceeding instituted for the purpose of taking private property for public use would be a case arising under the laws of the United States. I do not intend to make any objection to it on that score, but I think it is a matter the Senator from Tennessee might well reflect upon.

Mr. SHIELDS. I examined the question, and if I had access to them I could produce the authorities—I have a memorandum of them—which would satisfy the Senator that Congress has the right to vest this power.

Mr. NORRIS. Mr. President, I feel as though I ought to say a word or two in reference to what the Senator from Tennessee has said. He concedes, he did the other day, that, so far as any constitutional right is concerned, we have the same authority to confide to the State court that we have to the Federal court, and he concedes that it would be more expensive as a rule for the litigants to go into the United States courts than into the State courts. All of us who have had any experience with courts know that that is true. The expense everywhere is greater. It sometimes happens, and it would sometimes happen under this bill, that a man who happened to own a little property by a river that was taken for a dam would have to go from three to four hundred miles away from home to defend himself and defend his rights.

What does that mean? His witnesses are all there right around this land. He would have to carry those witnesses across the State perhaps; he would have to pay their railroad fare; he would have to pay their hotel bills; he would have to transport his attorney, if he hired one at home; and the attorney who could best handle it would be one who knew about the circumstances. He would have to carry him, to pay his expenses, to pay his railroad fare, and when he got across the State perhaps the case would be continued. Perhaps it would be delayed several days. What does that mean? In a good many cases it means bankruptcy to the unfortunate man who happens to be defendant in the case, and he can not help himself unless he wants to give up his property at the other fellow's figures. He ought to have a right to defend himself in court without any extraordinary expense. There is not any claim made why it could not be done in one case the same as in another, and I am not claiming that. I am assuming that both courts would be fair and honest, and that he would get justice.

Mr. SHIELDS. I would like to ask the Senator a question.

Mr. NORRIS. All right.

Mr. SHIELDS. Under the clause providing for the condemnation of the property for navigation purposes the jurisdiction is given to the Federal courts, to the district court, where the land is situated.

Mr. NORRIS. To what law does the Senator refer?

Mr. SHIELDS. All our statutes, either general or special, providing for the condemnation of property for flowage over dams or other navigation purposes.

Mr. NORRIS. I do not know.

Mr. SHIELDS. I will say to the Senator it is a fact.

Mr. NORRIS. All right, I will accept the Senator's statement.

Mr. SHIELDS. In my own city the district court has a large number of condemnation proceedings for navigation purposes and also for condemning land under the Appalachian reserve act. The landowner always recovers costs, of course; he always recovers his judgment for the value of his land, and the condemning party, the company, is not going to institute a proceeding in a court where there would be a very large bill of costs created when it knows it is going to pay it.

Mr. NORRIS. The costs of the case would be practically the same in one case as the other. It would be a little larger in the United States courts.

Mr. SHIELDS. You have in conformity with the general rule and in effect to protect the United States for the property to be taken over according to any proposition to be made here by the Federal Government, and it will pay to the company that made the improvement at least the cost of the property. Some might contend for an appreciated value, but under the amendment, I understand, it is contemplated that the Federal Government when the property is taken over will pay what it cost. Therefore, the Federal Government is directly interested in what these lands will cost the company, for in the end it will pay it when it takes it over; and in every statute I know of where there is a proceeding for the condemnation of property for a Federal use, jurisdiction is given to the Federal court. This statute would be anomalous, I think, with such a provision as is suggested; and so we thought when the bill was drafted, and it did not contain that provision. That is all there is of it.

Mr. NORRIS. Now, we will see if that is all there is of it, Mr. President.

Mr. SHIELDS. I meant to state to the Senator that was the motive I had and that the committee had in not inserting the clause.

Mr. NORRIS. I am not questioning the committee.

Mr. SHIELDS. Of course the Senator is not.

Mr. NORRIS. I concede the committee had a right to do what has been done, and the Senator has a right to advocate that. I am only claiming the same right to oppose it.

The Senator says the cost is going to be recovered in the judgment in any case. The court cost in the case is nothing compared to the expense outside the court. He would not recover attorneys' fees; he would not recover the amount which had been expended in paying railroad fare for attorneys and hotel bills for attorneys. He would not get back what he paid for the railroad fare of witnesses unless he had a written agreement with the witnesses that they should pay it back when they got their mileage. It is the cost, the expense probably I ought to say, outside the court.

There is not a lawyer here who does not know that he charges a different fee nine times out of ten when he goes into a United States court than when he goes into a State court, unless he is trying the case as a matter of friendship or charity. If he travels from home 200 miles, to be gone weeks, to attend a United States court, his attorney fees are going to be many times greater than though the person had hired a lawyer whose office was, perhaps, just across the street from the courthouse and who, if the case was continued, went back to his office. He would not be out of his office or out of the town, and he would not be spending any money for railroad fare and hotel bills. The witnesses would be at home. They would come into town and go from the courthouse to their homes, and there would be no costs of transportation. The costs which he would recover would not include any of the items I have mentioned.

If the Senator from Tennessee were employed as an attorney now by the Senator from South Dakota [Mr. JOHNSON] to defend him where some corporation had taken some of the Senator's land up in South Dakota, and he had to go across the State into a United States court, it may be across two States, it may be he makes two trips or three trips or four trips, it may be that he is gone a week each time——

Mr. CUMMINS. Mr. President——

Mr. NORRIS. I will yield in just a moment. Would the fee the Senator from Tennessee would charge the Senator from South Dakota be the same as though the case were pending in his home town, where in case of any delay it did not interfere with his transacting and doing other business? Would he not charge, in the first place, a greater fee for going into a United States court than he would to go into a State court? Would he not have to pay for all the time he spent traveling back and forth and the time of his delay? He would be taking all his time, not that the Senator's attorney wanted to be unfair, but it would be right. He ought to pay him more, and he would have to pay him more; he would have to devote more time to it, and that is what I want to avoid. I yield to the Senator from Iowa.

Mr. CUMMINS. I may not be able to see this matter in all its aspects, but the question I asked the Senator from Tennessee seemed to me to be very fundamental. If it be true that such a proceeding is a case arising under the laws of the United States, how can you deprive the Federal court of jurisdiction, inasmuch as the Constitution says the judicial power of the United States shall extend to all cases arising under the Constitution and the laws made under it? I am entirely in sympathy with the position taken by the Senator from Nebraska, especially in condemnation cases. I think they ought to be tried at home, inasmuch as the value of the land always depends upon the opinions of those who live in the locality, and it is a hardship to take the witnesses from a given community a long distance in order to testify as to the value of the property. But I do not quite agree with the Senator from Tennessee about its being a case arising under the laws of the United States; but if it is, I am rather inclined to think a provision for giving the Federal court jurisdiction could hardly be avoided.

Mr. NORRIS. Mr. President, several days ago when I first called the attention of the Senator from Tennessee to this provision I asked him the specific question the Senator from Iowa has propounded, or in effect the same question, whether he or the committee believed in putting the provision in here that that part of the bill would be unconstitutional if they gave this jurisdiction to the State courts alone, and whether that was the reason why they put in the provision giving jurisdiction to the United States courts. He said that had nothing to do with it, that there was not any doubt about the constitutional provision in his mind, and we would have a right to give the exclusive jurisdiction to the State courts in this kind of a case.

Mr. SHIELDS. I want to state to the Senator that I was mistaken, because I can see readily that if it was a right under the Constitution or laws of the United States or a treaty of the United States, I believe is the provision, that of itself would give the right to go into the Federal courts, and being a constitutional right Congress or no other power could deprive the party.

Mr. NORRIS. I understand the Senator from Tennessee takes a different position then to-day. Has the Senator changed his mind?

Mr. SHIELDS. No, sir. I have not; but the suggestion was made by the Senator from Iowa, and I think it is absolutely sound. His proposition is elementary. It had not occurred to me; but that is the difference between a good lawyer and one who is not so good. A good lawyer thinks always of all the legal propositions involved in a case.

Mr. NORRIS. The Senator will remember that I asked him the question when I first called his attention to this provision and when I intended to make a motion to amend, and the Senator asked me to put it over. But I did ask him the very question involved in the query of the Senator from Iowa, and he said at that time—and I think if he will look at the RECORD he will find that I am right—that there was not any doubt about it.

Mr. SHIELDS. I do not remember.

Mr. NORRIS. I never looked it up after that because I assumed that question would not be raised.

Mr. SHIELDS. I do not remember the colloquy.

Mr. NORRIS. I have no doubt whatever that we have the right to say in this bill to the State corporation, for that is what it is, you shall go into a State court. It is just as easy for us to use the instrumentality of the State court for carrying out a Federal law as it is to use a United States court, and we have done it in a great many cases. I do not recall any to mind just now, but I do not believe there is any doubt about it.

Mr. CUMMINS. I suggest probably one way by which it could be accomplished anyhow, and that is by striking out the whole provision. It is absolutely useless, because, as the Senator from Tennessee said, there is not a municipal corporation or a State or a public-utility corporation in the land which has not under the laws out of which it arose the right to exercise the power of eminent domain.

Mr. NORRIS. Mr. President, I remember we have or we used to have a law on the statute books that was in force all over the United States, for instance, giving jurisdiction to State courts to naturalize United States citizens. There was not a State law on the subject. It came entirely from a Federal law. There is not a man in this Chamber who has been on a State bench who has not performed that ceremony many and many a time. The jurisdiction and authority come entirely from a Federal law. There is not any question about it, in my judgment.

Mr. CUMMINS. May I say that is not a case arising under the Constitution or laws. This refers to a controversy, a lawsuit, of course, and does not cover the matter of naturalization.

Mr. NORRIS. Yes; but if the objection made by the Senator from Iowa and now made by the Senator from Tennessee is good, it is because we are passing a law here which is a Federal statute and they claim we can not give jurisdiction to a State court to carry it out. Naturalization is peculiarly a Federal right, given to Congress by the Constitution. No State has any jurisdiction or authority to pass any law on the subject.

Here we have a State corporation to which the provision applies. Why should we not permit or rather compel the State corporation to go into a State court? The Senator from Tennessee gives as a reason, and he said that is the reason why the committee have put it in, because in the passage of laws heretofore Congress has always put in that kind of a provision giving jurisdiction in similar cases to United States courts. The virtue of that reason is one of great antiquity. It is hoary with age.

But, Mr. President, there has been a feeling for a great many years all through the United States that the United States court is a rich man's court. In answer to the public sentiment that we ought to limit as much as possible the jurisdiction of the United States court because of the expense, we have in Congress changed the law several times and curtailed their jurisdiction. That is a healthy public sentiment. Men, as far as I know, agree with it everywhere. Here it is only a question

of getting common, honest justice. You are going to send a man away from home where he can be harassed, and harassed until he is bankrupt, when right at his door where the property is located, where the witnesses live, where there is everything connected with the case, there is a court ready to pass upon it and competent to pass upon it that will give justice just the same. It seems to me if we have always in the past, as the Senator has intimated—and there is a great deal in what he says—given the United States courts jurisdiction in cases like that we ought to stop now. It is a pretty good time to begin. We ought to save the expense of these litigants.

Mr. President, one of the criticisms against courts is that they wear out the poor man. He is worn out. He can not afford to contest with the corporation, especially in the United States court. The prejudice that has been upon the part of the great common people of the country against United States court has been that it is too expensive, that it means bankruptcy. You can talk from now until doomsday about recovering his costs. When he gets a judgment, that does not recompense him. He is in the poorhouse before the case is finished. By the time he follows that case four or five times with a dozen witnesses and a couple of lawyers the ordinary individual possessed of ordinary property is bankrupt before his case is even tried, and from there it goes to the circuit court of appeals and from there on to the Supreme Court of the United States before you get through with it.

Finally he finds that he has not anything left. It seems to me we owe it to such a man, whose property we are going to take without his consent, that we give him a fair opportunity to get justice at as little expense as possible.

I am admitting all the time that he would get justice in the district courts, but it will cost him too much to get it. I am not prejudiced against the United States courts. The criticism I make is as to the expense, especially, in a case like this. There may be cases—and in our laws we have given jurisdiction to United States courts that apply mostly to such cases—where there were not the peculiar circumstances surrounding them, that were entirely local in their character, where it would be perfectly proper to give a United States court jurisdiction, but you can not get such a case under this section. It is impossible to get a case but that all the evidence will be located right in the vicinity of the land that is taken. That is the forum where the dispute ought to be settled. If you leave it as it is, it may not be so settled. I do not say corporations always would do this, but it is within their power to do it.

I have seen—and every lawyer here knows of—many cases where, on account of some technicality, a litigant who was wealthy could get into the United States court, where the sitting of the court was a couple of hundred miles away from the man they were after, and they could go to him with a proposition for any kind of a settlement they wanted, and get it, because he knew it would be less expensive to him to give them what they wanted rather than to contest the right in a court, even a court that is absolutely just, but that was so far away that, from the very necessity of the case, a man would lose all his rights before he could get through with the litigation.

I can not see, Mr. President, why the committee should so bitterly contest this proposed change when the only reason they give for doing so is that this has been in similar laws—that it has been done before, and hence we ought to do it again. It would be a good thing for the Senate of the United States, I believe, if it broke a precedent once in a while. I believe we ought to take the step now, if this would be the breaking of a precedent. Because a practice is old is not a sufficient reason why we should follow it under all circumstances. Because an injustice has been done in the past in many of the laws which have been enacted, we ought to avoid a repetition of that injustice if we can do so now.

I ask for the yeas and nays on the amendment, Mr. President.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Nebraska [Mr. NORRIS], on which the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. CUMMINS. Mr. President, I am so deeply and warmly in favor of the proposition made by the Senator from Nebraska that I feel inclined to again suggest to him that his amendment will not accomplish the purpose he has in mind. If his amendment is adopted, the proposed law would read:

> It may acquire the right to use or damage any lands or property of others necessary to the construction, maintenance, or operation of any such dams or diversion structure or of the works appurtenant or accessory thereto by the exercise of the right of eminent domain in the State courts.

That is simply granting to the municipal corporation or public-utility corporation a right which it would have without any such language. Assuming, now, that a municipal corporation receives permission under this act to build a dam in a river, the laws of the State as well as what we propose here give to the municipal corporation the right to exercise the power of eminent domain, and the State courts are courts of general jurisdiction and anyone can bring a suit in them. The suggestion of the Senator from Nebraska simply prescribes an alternative which the corporation can exercise without any such authority, and my difficulty is to perceive how we can take away from a corporation which is exercising the right of eminent domain under a Federal statute the right to enter the Federal court if a case is presented which arises under the Constitution and laws of the United States.

I think if the Senator will present an amendment which will withdraw the right of eminent domain, which we here attempt to confer, that then a proceeding to take private property for use in connection with the building of a dam would not present a case arising under the Constitution and laws of the country. I hope the Senator will consider that suggestion, for, in my judgment, that is the only way in which the Senator can reach the end.

Mr. NORRIS. My attention was diverted for a moment, and I did not catch all of the suggestion made by the Senator from Iowa.

Mr. CUMMINS. Mr. President, my suggestion is that if the Senator desires, as I know he does, to compel the trial of a condemnation proceeding in the State court, he must eliminate from this bill that part of it which confers upon a municipal corporation or a public-utility corporation the right of eminent domain, so that when any such corporation exercises the right of eminent domain it will exercise the right given to it by the State which created it. Then the proceeding would not be, in my opinion, a case arising under the Constitution and laws of the United States.

I can not see how you can deprive the Federal court of jurisdiction of any case arising under the Constitution and laws of the United States. The effect of the amendment now pending would simply be to give to such a corporation the alternative, which I believe it will have anyway, of entering the State court rather than the Federal court.

I make this suggestion because I am in real accord with the Senator from Nebraska in the purpose he desires to accomplish, but I am not able to see my way clear to assume that it will do what he desires to have done. I shall vote for the amendment anyway, because I think it would not change the law as it would be without it.

Mr. NORRIS. Mr. President, permit me to say that I do not agree with the Senator from Iowa. I have great respect, of course, for his legal judgment, but I do not think there is any doubt that the Senator from Tennessee was right the other day; in fact, if he had expressed any doubt on that question, I think I would have been prepared to-day, with the proper authorities, to argue the proposition from a legal basis. However, I will say to the Senator from Iowa that, if this amendment is agreed to by the Senate, an amendment can easily be drafted, I think, that will comply with the idea of the Senator from Iowa; and I would be pleased to do that and consult with him in the drafting of such an amendment. It would be necessary in any event, however, to strike out the language which I have undertaken to strike out by this motion. If that is not accomplished, there will be no use of any further proceedings; and if it is, then I will be glad either to have the Senator from Iowa offer an amendment which he thinks will cover the matter, or, to satisfy his opinion, for which I have great respect, of course, I would prepare one and submit it myself.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Nebraska [Mr. NORRIS], on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I am paired generally with the Senator from Oklahoma [Mr. OWEN], who is not present. I therefore withhold my vote for the present.

Mr. JAMES (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS], which I transfer to the junior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. LODGE (when his name was called). I vote "nay." I take this occasion to announce that my colleague [Mr. WEEKS] is unavoidably absent. He is paired with the Senator from Kentucky [Mr. JAMES]. If my colleague were present, he would vote "nay."

Mr. OLIVER (when his name was called). I have a pair with the senior Senator from Oregon [Mr. CHAMBERLAIN], which I transfer to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. POMERENE (when Mr. SAULSBURY'S name was called). I desire to announce the absence of the Senator from Delaware [Mr. SAULSBURY] because of illness. He is paired with the junior Senator from Rhode Island [Mr. COLT].

Mr. KERN (when Mr. SHIVELY'S name was called). I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY] and his pair with the Senator from Maine [Mr. BURLEIGH].

While I am on my feet I desire also to announce the unavoidable absence of the Senator from Oregon [Mr. CHAMBERLAIN], who is detained on business of the Senate. These announcements may stand for the day.

Mr. SUTHERLAND (when his name was called). I inquire if the Senator from Arkansas [Mr. CLARKE] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. SUTHERLAND. I have a pair with that Senator; but, understanding that if present he would vote as I intend to vote, I vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. LEA] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I understand, however, from his colleague that if he were present he would vote as I am about to vote. I therefore vote "nay."

The roll call was concluded.

Mr. DU PONT (after having voted in the negative). I should like to inquire whether the junior Senator from Kentucky [Mr. BECKHAM] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. DU PONT. As I have a general pair with that Senator, I withdraw my vote.

Mr. DILLINGHAM. Owing to the absence of the senior Senator from Maryland [Mr. SMITH], with whom I have a pair, I withhold my vote.

Mr. COLT. I have a general pair with the junior Senator from Delaware [Mr. SAULSBURY], but I am at liberty to vote on this matter, as he would vote the same way that I do. I vote "nay."

Mr. CHILTON. I transfer my pair with the senior Senator from New Mexico [Mr. FALL] to the junior Senator from Nevada [Mr. PITTMAN] and will vote. I vote "yea."

Mr. SIMMONS (after having voted in the negative). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the junior Senator from New Jersey [Mr. HUGHES] and will allow my vote to stand.

Mr. NORRIS. I have been requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Chamber on account of illness in his family. If he were present he would vote "yea."

Mr. CHILTON. I wish to announce that my colleague [Mr. GOFF] is absent on account of illness. I will let this announcement stand for the day.

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Texas [Mr. CULBERSON];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Indiana [Mr. SHIVELY];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN]; and

The Senator from Kansas [Mr. CURTIS] with the Senator from Georgia [Mr. HARDWICK].

The result was announced—yeas 26, nays 35, as follows:

YEAS—26.

Ashurst	Hollis	Martine, N. J.	Sherman
Borah	Husting	Myers	Smith, Ariz.
Chilton	James	Norris	Thompson
Cummins	Johnson, S. Dak.	Owen	Vardaman
Gore	Lane	Poindexter	Walsh
Gronna	Lee, Md.	Pomerene	
Hitchcock	Lewis	Sheppard	

NAYS—35.

Bankhead	Kern	Page	Sutherland
Broussard	Lippitt	Phelan	Swanson
Catron	Lodge	Ransdell	Tillman
Colt	McLean	Shafroth	Underwood
Fletcher	Martin, Va.	Shields	Wadsworth
Gallinger	Nelson	Simmons	Warren
Harding	O'Gorman	Smith, Ga.	Williams
Johnson, Me.	Oliver	Smith, S. C.	Works
Jones	Overman	Smoot	

NOT VOTING—35.

Beckham	Culberson	La Follette	Shively
Brady	Curtis	Lea, Tenn.	Smith, Md.
Brandegee	Dillingham	McCumber	Smith, Mich.
Bryan	du Pont	Newlands	Sterling
Burleigh	Fall	Penrose	Stone
Chamberlain	Goff	Pittman	Thomas
Clapp	Hardwick	Reed	Townsend
Clark, Wyo.	Hughes	Robinson	Weeks
Clarke, Ark.	Kenyon	Saulsbury	

So Mr. NORRIS's amendment was rejected.

Mr. POINDEXTER. Mr. President, I offer the amendment which I send to the desk.

Mr. SHIELDS. Will the Senator yield to me for a minute?

Mr. POINDEXTER. If the Senator will allow the amendment to be read, I shall be glad to yield.

Mr. SHIELDS. This is a personal matter and does not relate to any amendment.

Mr. POINDEXTER. Does the Senator want to bring it up before the amendment is stated?

Mr. SHIELDS. Yes. As I say, it does not relate to any amendment.

Mr. POINDEXTER. Very well; I yield.

Mr. SHIELDS. Mr. President, there appeared in an afternoon newspaper in this city on yesterday a news item in these words:

BITTER FIGHT IS DUE OVER SHIELDS BILL—FILIBUSTER MAY RESULT, TYING UP SENATE BUSINESS.

This week in the Senate will see an even more bitter fight than was waged last week against the Shields water-power bill.

A group of progressive Republican Senators, aided by some of the Democrats, are prepared to war at length on this measure, which they charge is a "power trust" proposition.

It is possible the fight will develop into a prolonged filibuster. Meantime other Senate business is nearly checked because of this contest.

Charges by Senator NORRIS and others that a powerful lobby representing water-power interests is in Washington in behalf of the bill have helped to stir up feeling and arouse interest in the struggle. Talk is heard of a demand for a lobby investigation.

There also appeared in a Tennessee paper Sunday morning under a Washington date line of February 26 a statement that Senator HUSTING would on Monday—yesterday—introduce a substitute for the bill under consideration, which is said to "satisfy conservationists who, under the lead of Gifford Pinchot, have objected to some features of the pending measure." And after purporting to set out the substance of the proposed substitute it is stated that "in an attack on the Shields bill to provide for water grants on navigable streams to private interests Senator NORRIS, of Nebraska, declared the bill was being championed by the strongest lobby that ever came to Washington. They are the representatives of the water-power trust," he said, "which has its headquarters in Wall Street."

Another paper contained a statement that "conservation champions in the Senate plan to throw their combined strength against the Shields bill to provide for the leasing of water-power sites on navigable waters to private interests. They hope to amend the measure to the satisfaction of the conservation forces."

And then, after referring to the bill proposed to be introduced by the Senator from Wisconsin [Mr. HUSTING], it states:

Senator NORRIS, of Nebraska, charged in the Senate on Saturday that the strongest lobby the Capitol has seen in many years is here in the interest of the Shields bill, and that it is composed of representatives of the water-power trust which has its headquarters in Wall Street. The fight against the bill has almost reached the filibustering stage, as test votes so far on amendments indicate that the Shields bill has a strong following.

Mr. President, I did not hear the Senator from Nebraska [Mr. NORRIS] use the language attributed to him in these communications, nor do I find any statement in the RECORD tending to support such a charge. The only statement concerning the interest of outsiders in this legislation appears in the RECORD of Saturday last. The Senator from Nebraska [Mr. NORRIS] said:

Why, we have had a great many reports here from various departments showing how the water-power business is interlocked, the same as all other business; how it is connected up with financial interests in Wall Street; and at these hearings we have had men from all over the country, interested in great financial institutions, begging Congress to pass a bill similar to the one that has been introduced here. I am not finding fault with these gentlemen, but they are not here for philanthropic purposes. They are here for an honorable purpose, I concede. They are fine gentlemen, as a rule, as far as I know. I know of no exceptions. But, Mr. President, they are asking us to give to them and to their clients rights and privileges that we ought jealously to preserve for all of the people of the United States. Even though the improvement suggested by the Senator from Utah does not come, even though we go no further than we have gone now, why should we not conserve these rights while we have the power to do so by giving to the officials of the Government a power of regulation?

On the same day in a colloquy between the Senator from Washington [Mr. POINDEXTER], the Senator from Colorado [Mr. SHAFROTH], and the Senator from Tennessee [Mr. SHIELDS], this appears:

Mr. POINDEXTER. Mr. President, after all the contention there has been on this question and the care that apparently has been taken by the committee—I suppose in consultation with the representatives of prospective grantees under this bill—as to what would be satisfactory to those who wish to develop these water powers, the Senator from Colorado proposes to reopen the question here and make the bill more stringent than it has been heretofore against the public interest.

Mr. SHAFROTH. Mr. President, I will state that so far as I am concerned, I do not know any person that is applying for any of these water rights, and have no idea who is doing so.

Mr. POINDEXTER. Mr. President, the entire time of men of talent and learning and ability and expertness in this matter has been devoted for two years, to my personal knowledge, to promoting the passage of this legislation. I did not say that the Senator from Colorado knew anything about it. I know about it.

Mr. SHAFROTH. I am not even on the committee.

Mr. SHIELDS. Mr. President, did I understand the Senator from Washington to say that the experts in regard to water power and the proposed development met in consultation with the Committee on Commerce?

Mr. POINDEXTER. No; I said that I supposed the committee, which devoted so much time to the framing of this bill, or the members of the committee, had consulted with them.

Mr. SHIELDS. The Senator is wrong in his supposition. There were no hearings. There were no experts and no promoters called before the committee or consulted. There are abundant hearings and reports upon this subject that have been accumulating during the last 10 years. The committee consulted and studied all of those and the general subject and framed the bill as they thought best to promote the development of these water powers and protect the interest of the consumers.

Mr. POINDEXTER. What I said did not necessarily refer to hearings before a committee. I did not say anything about hearings before a committee or any formal appearance before a committee.

Mr. SHIELDS. The Senator said that the committee——

Mr. POINDEXTER. The Senator declined to yield to me a moment ago. I decline to yield to the Senator any further at this time.

It seems to me it would be a very curious thing if gentlemen seeking these franchises and coming here should speak to me in regard to what they wanted and state their views as to the forms of bills, and not speak to members of the committee. Furthermore, I know, Mr. President, since reflecting upon it after the Senator's remark, that they have appeared before some of the committees of Congress. I know that they appeared before the Committee on Public Lands and testified in regard to this general subject more than a year ago. They have had motion-picture shows here in the city and in other cities agitating public opinion and promoting legislation satisfactory to them.

I have not any objection to legislation being enacted that is satisfactory to them, if it is reasonable legislation. What started this remark was the fact that the committee had agreed upon this bill, presumably satisfactory to the gentlemen who want to promote the development of water powers, and certainly stringent enough, so far as curtailing the public interest is concerned. Now, why should it be made more so by the amendment of the Senator from Colorado?

Mr. SHAFROTH. I will state to the Senator just exactly the circumstances under which it occurred. The Senator from Minnesota came in and asked the Senator from Tennessee what this meant. The Senator from Tennessee said that it meant "so far as the land was concerned." That had been the position taken by the Senator from Nebraska this morning in moving to strike out entirely the part of the bill that related to this. He said that it meant that, and a yea-and-nay vote was taken upon it. The Senator from Minnesota said that it was not clear to him, and ought to be made clear. I then suggested the pending amendment and asked whether that made it clear, and the Senator from Minnesota said "yes."

Those are the circumstances under which it occurred.

Mr. POINDEXTER. The effect of it is simply this: That the bill, as it is framed now and reported by the committee and thrashed over here in debate for more than two weeks, and apparently accepted by the prospective grantees of these franchises, provides that in fixing the charges the Secretary of War can take into consideration the benefits accruing from the possession of this land to the business of the grantee. I think that is a reasonable provision. The amendment of the Senator restricts the basis upon which charges can be fixed, restricts the values which can be taken into account, and confines the Secretary to a consideration of the value of the land only.

Mr. SHAFROTH. Mr. President, the very argument that we have had here in connection with the motion of the Senator from Montana, by the amendment which he offered to strike out the words "value of the land," evidently went all over this matter; and the Senate determined by a yea-and-nay vote that you could not and should not charge for the water value that is in these streams, because it does not belong to the United States, and the United States has no more right to charge for it than I have. Upon that question a yea-and-nay vote was taken, and it was decided by a vote of 35 to 18. Then, again, the Senator from Nebraska moved to strike out this language, and the result of that was a vote of 38 to 20, I think. The matter has been settled twice so far as that is concerned; and when the interpretation of the Senator from Minnesota with relation to the matter was called to the attention of the chairman of the committee the chairman of the committee explained it. Thereupon he said, "If that is the construction, it ought to be in there"; so I moved to put it in.

And again the Senator from Washington [Mr. POINDEXTER] said:

One of the men prominent in the development of water power who has been here a number of times is Mr. H. L. Cooper. I do not object to his having been here. The Senator from Tennessee resented the reference that I made to that as if there was something surreptitious or reprehensible about it. I do not think there was. I stated it for the purpose of showing, among other things, the value which these gentlemen attach to these franchises, evidenced by the fact that they are willing to give their time and labor for years to promoting legislation under which they are willing to accept them.

One of these gentlemen, as I say, is Mr. Cooper, a very honorable gentleman, so far as I know. He may be in the gallery now. He has been in the gallery at different times while this matter was before Congress. He is the engineer who constructed the dam at Keokuk, in the State of Iowa. He is regarded by a great many people as probably the foremost hydroelectric engineer in the country. He is interested in this legislation. I will say that in talking with him I formed the opinion that probably he was more reasonable in his attitude toward the interests of the public and the rights of the public in these matters than most of those who are seeking these franchises. He published an article in the Outlook Magazine a short time ago, and for the purpose of indicating, to some extent at least, the value which the franchises have to those who receive them I desire to read a short extract from his article.

And he proceeded to read from the article referred to certain extracts which are not pertinent to the present issue and I will not read them.

Mr. President, there is nothing in either of these statements charging that a formidable lobby representing a power trust of Wall Street is here pressing this bill or the Ferris bill, or that any improper influences are behind either one of them. On the contrary, the Senator from Nebraska [Mr. NORRIS], referring to some gentlemen here interested in the bill, says:

I am not finding fault with these gentlemen, but they are not here for philanthropic purposes. They are here for an honorable purpose, I concede. They are fine gentlemen, as a rule, so far as I know. I know of no exceptions.

These remarks are just the opposite to what the newspaper correspondents attribute to these Senators.

There have been three gentlemen here, and only three so far as I know, interested in water-power development and favoring this bill. One of them is Mr. H. L. Cooper, to whom Mr. POINDEXTER has referred. I have not seen him during this session of Congress, but the Senator from Montana [Mr. WALSH], after this bill was reported with a recommendation that it be passed, and while we were trying to get it before the Senate at the last session of Congress, carried me into the Marble Room and introduced me to him, and in a few minutes conversation Mr. Cooper told me that he favored the bill and that it would be a great thing for the country to have it passed, and that he hoped it would be pushed at that session, and I may say that in my efforts to get it before the Senate I had the full sympathy of the Senator from Montana, and I believe, while he desires the bill to be amended in some particulars, he now favors its enactment into law.

Another of the gentlemen is Mr. Henry J. Pierce, of Seattle, Wash., who has been a student of water-power development for many years, and in his researches has visited all the great plants in the United States, Canada, and Europe. I first knew of him by reading his testimony given last year before the Public Lands Committees of the Senate and the House and some able articles he wrote upon the subject, including an address he delivered at the Portland conference held last September by western people interested in water-power development. I also heard his lecture here in Washington in January last upon the subject, in company with the Senators from Washington [Mr. JONES] and Montana [Mr. WALSH], which lecture was afterwards published as a Senate document.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Washington?

Mr. SHIELDS. I do.

Mr. JONES. I wish to say to the Senator that the lecture was delivered upon the unanimous invitation of the delegation from the State of Washington, both the Members of the House and the Senate.

Mr. SHIELDS. Some time after the bill was reported and placed upon the calendar I met him and have discussed water-power development with him on several occasions.

The Senator from Montana, in one of his addresses before the Portland conference, of these two gentlemen said:

Now, Mr. President, it was a most impressive and most pitiful story that was told to us last night by Mr. Pierce. His paper was a most valuable contribution to the conference being carried on here. Mr. President, if I had heard nothing else in the course of this Congress than that lecture last night I would have felt paid over and over again for my visit to the city of Portland. [Applause.]

We might just as well have that great cyanide plant down at The Dalles. There is no reason why you could not have one there and then duplicate it.

During the last session of Congress Mr. Cooper, the engineer who conducted the Keokuk Dam building, haunted the corridors of Congress begging for the passing of any kind of an act that would permit him to spend $10,000,000 for the construction of a nitrate plant at the border line between the States of Idaho and Washington.

Now, here is Mr. Pierce, with a grand proposition to develop 250,000 to 400,000 horsepower for irrigation purposes in the inland empire in the State of Washington. Yet not an advance has been made here toward a solution of this problem.

And from my brief acquaintance with Mr. Pierce I fully concur with the views expressed by the Senator from Montana of him. I have not discussed the subject other than as stated with Mr. Cooper, but I have read his testimony before the Public Lands Committee and found it very able and instructive.

I have also met here Col. George W. Worthington, of Sheffield, Ala., whom I knew before I came to the Senate, and it was from him some years ago I first learned of the great discovery of the fixation of atmospheric nitrogen by powerful hydroelectrical fur-

naces for the manufacture of fertilizers, and became interested in the subject.

These are the only gentlemen interested in this bill who have been here, so far as I know, and I venture to say that no one will charge them with any improper motives or using any improper influences.

The character and ability of the two gentlemen first referred to have been certified to by the Senator from Montana [Mr. WALSH] and the Senator from Washington [Mr. POINDEXTER], and I have stated what I think of Col. Worthington, and in that I have no doubt the Senators from Alabama [Mr. BANKHEAD and Mr. UNDERWOOD] will fully agree with me.

Mr. President, I have heard no charge that this was a bill of the water-power trust, except through the communication of Mr. Gifford Pinchot, and judging by his own letters to the President and the New York American and others, he is the most active party now interested in this bill. I have heard no intimation that there would be a lobby investigation, but the statement in the afternoon paper which I have read; but if there is any Senator in this Chamber who believes there ought to be an investigation, the friends of this bill—certainly, I for one—will welcome it, so that there may be an end to these false and unjust insinuations which some one opposed to this bill is constantly getting into the public print. Who the instigator of these publications is I do not know, but I leave it to Senators to infer from the letter of Mr. Pinchot to the President and his circular letter to the public press whether he is connected with them.

Mr. President, I would have just as much warrant as the author of these articles has to charge that this bill is in the interest of a water-power trust; to charge that the opposition to the bill comes from the railroad companies of the country to defeat the improvement of navigation in rivers to prevent competition in transportation, or from the coal interests, the Standard Oil Co. interests, and the natural-gas interests, to defeat the development of water power as a competitor to steam power, or to charge that the great water-power developments are opposing the bill to defeat further development to prevent competition in cheap power.

Mr. President, the provisions of this bill are grossly misrepresented in the letters of Mr. Pinchot to the President and the New York American, as every Senator in this Chamber knows, and such conduct can not be justified upon any ground.

I think his conduct fully supports the statement I made, that having once got in the limelight in connection with the Ballinger investigation he is trying to retain that position by his attack upon this legislation. For what other purpose could his letter to the President have been written but for notoriety? He knows as well as every Senator in this Chamber that President Wilson is fully informed of what is taking place in Congress and is fully able to take care of the interests of the people of the country whenever he deems it in danger without his aid or his conservation association, which, I understand, is composed of himself and his brother, or of any other person or association.

The charge has been repeatedly sent out from Washington to Tennessee papers substantially as I have read it here, and I have felt that it is not improper to make this statement. The charge that there is a filibuster in the Senate by both Democrats and Republicans for the purpose of defeating this bill is unjust to Senators who have been voting for amendments that have been offered to the bill, and should not have been made. All the charges made against them are absolutely untrue, and without the slightest foundation in fact.

Mr. TILLMAN. I ask unanimous consent that the document I send to the desk be printed as a public document.

Mr. SMOOT. Mr. President, I object.

The PRESIDING OFFICER. Objection is made.

Mr. SMOOT. Perhaps it would be better for me to explain to the Senate why I objected to printing the article offered by the Senator from South Carolina as a public document. The Senate is taking recesses from day to day. There is no chance for morning business, and Senators on both sides of the Chamber have felt that as long as we recess from day to day no morning business should be allowed, and Senators upon the other side of the Chamber as well as this side have agreed that there should be none. I want the Senator from South Carolina to know that that was the reason why I objected to his request.

Mr. TILLMAN. The explanation of the Senator from Utah is satisfactory to me; but I did not understand what he meant at first. I thought it ungracious and ill-natured, and am glad he explained his objection.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Washington [Mr. POINDEXTER]. The amendment will be read.

The SECRETARY. On page 17, line 6, after the word "hereunder" and the colon, insert:

Provided further, That no contract, which shall have been lawfully made, for power, light, heat, or water, or for the service or delivery of the same, to be furnished from such structures or their accessory works, and to which such structures or works, or the person, company, or corporation constructing, owning, or operating the same shall be subject, shall be affected by any permit under this act, and no such person, association, or corporation shall be released from any lawful obligation by reason of this act, or of any permit granted thereunder.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington.

Mr. SHAFROTH. Mr. President, we would like to have an explanation of the amendment.

Mr. POINDEXTER. The amendment comes in at the place stated, Mr. President, on the page of the bill which provides that any companies operating structures in navigable streams at the present time may take out a permit under this act. The amendment simply provides, in substance, that the taking out of a permit under the act shall not relieve them from existing obligations or interfere with any contract they have heretofore entered into for the delivery of water, light, or power.

It seems to me to be a necessary and a very reasonable amendment. I hope the Senator from Tennessee will not object to it. I can understand the need of such a provision from knowing of certain plants which are now in operation where the people who are operating them do expect to take out a permit under this act. I know that farmers, irrigators, and others who have contracts for water to be furnished from the existing constructors are very apprehensive that they may be deprived of their right by the successors of the existing company or the companies themselves acquiring a franchise under this act.

Mr. SHIELDS. As I understand the amendment, the provision affects the permit granted, and it is in these words:

That no contract, which shall have been lawfully made, for power, light, heat, or water, or for the service or delivery of the same to be furnished from such structures or their accessory works, and to which such structures or works, or the person, company, or corporation constructing, owning, or operating the same shall be subject, shall be affected by any permit under this act, and no such person, association, or corporation shall be released from any lawful obligation by reason of this act or of any permit granted thereunder.

That is an amendment offered to section 11 of the bill, which provides—

That this act shall not affect the rights of any person, company, or corporation as to the construction, maintenance, or operation of any structures heretofore constructed or upon which construction has been begun, under permit or approval of the Secretary of War and Chief of Engineers or other authority heretofore lawfully granted: *Provided*, That in the operation of any such structures and accessory works the provisions of sections 3, 7, 8, 12, and 13 of this act shall apply to the same extent as if such structures had been authorized under this act, and all conflicting provisions relating to the operation of said structures and accessory works contained in any authority heretofore lawfully granted are hereby altered, amended, or repealed so as to conform with the provisions of said sections 3, 7, 8, 12, and 13 of this act.

I understand the Senator from Washington proposes simply in a case where the company comes in under this act that it shall not be released from the contract previously made.

Mr. POINDEXTER. That is all. The bill itself has a provision in section 11, which the Senator has just read, protecting the operator of the existing structures, providing that he shall not lose any rights by the passage of the act.

The amendment that I offer simply extends that protection to the consumers of water or power from existing structures.

Mr. SHIELDS. Mr. President, I do not think it is possible for this act to relieve the company of the contract. We could not pass any statute impairing the obligation of contracts. I see no objection to the amendment. I offer no resistance to it.

Mr. POINDEXTER. I will then state in one word that it is offered under the same apprehension that the bill itself contains in the first provision of section 11.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Washington [Mr. POINDEXTER].

The amendment was agreed to.

Mr. SHAFROTH. Mr. President, I wish to call the attention of the Senator from Nebraska [Mr. NORRIS] to a slight amendment, which, it seems to me, is in line with what he offered on page 3. He struck out the words "without the approval of the Secretary of War." The amendment which I would offer is after the word "grantee" to insert the words "or tax sale," so that it will read:

And no transfer of any such permit or of the rights thereunder granted, except by trust deed or mortgage issued for the bona fide purpose of financing the business of such grantee, or tax sale, shall be made by any grantee—

And so forth.

That does not seem to cover it fully. It seems to me that it ought to be in the same class with the mortgages or the trust deeds that are mentioned here.

Mr. NORRIS. The Senator from Colorado must not get my consent for the amendment. He should get the consent of the Senator from Tennessee. That is the important thing.

Mr. SHAFROTH. The Senator from Nebraska had called particular attention to it. It seems to me it ought to be put in under a sale for taxes the same as in the case of a deed of trust or mortgage.

Mr. NORRIS. Would the Senator put that in where those words are stricken out?

Mr. SHAFROTH. No; after the word "grantee," in line 7 of page 3, so as to read:

And no transfer of any such permit or of the rights thereunder granted, except by trust deed or mortgage issued for the bona fide purpose of financing the business of such grantee, or tax sale, shall be made by any grantee.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Colorado.

Mr. NORRIS. Mr. President, if I caught the Senator's amendment right, it does not seem to me to quite fit there. He proposes to put in the words "or tax sale" between "grantee" and "shall," the last two words in line 7.

Mr. SHAFROTH. Yes.

Mr. NORRIS. That would mean that a tax sale would have to be made by any grantee, which would be an impossibility.

Mr. SHAFROTH. No; I think not.

Mr. NORRIS. Let me see how it would read. I am going to read it as it would read if the Senator's amendment were in, as I understand it:

And no transfer of any such permit or of the rights thereunder granted, except by trust deed or mortgage issued for the bona fide purpose of financing the business of such grantee, or tax sale, shall be made by any grantee.

That would mean that we are providing that a grantee should not make a tax sale.

Mr. SHAFROTH. Of course he can not. There is no doubt about it. That is a procedure. Where would the Senator suggest that it go in?

Mr. NORRIS. This is the first I have thought of it.

Mr. SHAFROTH. I will withhold the amendment. I will look at it further.

Mr. POINDEXTER. I offer an amendment.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 14, line 15, strike out the words "as may be provided" and insert in lieu thereof the words "to be fixed."

The PRESIDING OFFICER. The question is on the amendment.

Mr. SHAFROTH. Let us have an explanation of it.

Mr. POINDEXTER. That is not all the amendment. I should like to have both clauses offered as one amendment.

The PRESIDING OFFICER. The rest of the amendment will be stated.

The SECRETARY. On the same page, line 16, after the word "permit," insert the words "not later than such time as may be reasonably required for such completion if the work is diligently prosecuted."

Mr. POINDEXTER. Has the Senator from Tennessee any objection to that amendment?

Mr. SHIELDS. I desire to see how the words will come in.

Mr. SHAFROTH. Will the Secretary read it slowly.

The PRESIDING OFFICER. It will be again read.

The SECRETARY. On page 14, line 15, strike out the words "as may be provided," and insert in lieu thereof the words "to be fixed," so as to read, "within such time to be fixed in the permit"; and in line 16, after the word "permit," insert the words "not later than such time as may be reasonably required for such completion if the work is diligently prosecuted."

Mr. POINDEXTER. Mr. President, the effect and purpose of the amendment is to require a time to be fixed within which the first unit of the project as specified by the Secretary of War shall be completed. Of course, one of the things to be avoided in legislation of this kind is the acquiring and holding of water-power sites for speculative purposes. I know it is the intention of the bill to avoid that. I think the language of the bill was intended to define that there should be a time limit, but it does not so provide. It simply says the Secretary of War may so provide, and it does not say what the provision shall be in case he does provide. The amendment says that it shall be fixed not later than such a time as will enable them to complete the work if they diligently prosecute it.

Mr. WORKS. Mr. President——

Mr. POINDEXTER. I yield to the Senator from California.

Mr. WORKS. I call the attention of the Senator from Washington to the fact that probably in all the States specific provision is made for the time when work of this kind shall be commenced and completed. This provision, if inserted in the bill, would be a direct violation of the statute of California, I know, and I think it would be of different States. It seems to me it might be better to leave that matter to the States themselves—to their statutes. I think the Senator will find that they require a good deal more extension work than we require by this bill in any of its provisions. One of the troubles about this bill, as I tried to point out the other day when I discussed it at some length, is that we are constantly undertaking to do by the bill what must be done by the States, and what has been done already.

Mr. SHAFROTH. I should like to suggest to the Senator from Washington that I do not find here any provision that is contained in so many of the contracts, that in case of a strike, or from any other unavoidable cause, or where it is tied up by an injunction or something of that kind, it shall not run against a provision of this kind. It seems to me if you are going to limit it exactly to the time you ought to make the usual exception.

Mr. SHIELDS. The reason for not making the exception is, as the Senator will find, that the discretion is given to the Secretary of War to make an extension in proper cases.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield further to the Senator from California?

Mr. POINDEXTER. I yield to the Senator from California.

Mr. WORKS. I should like to ask the Senator from Colorado whether his State has not a statutory provision fixing the time when works of this kind shall be commenced and how they shall be prosecuted and when they shall be completed?

Mr. SHAFROTH. Oh, yes; there is no doubt about that.

Mr. WORKS. And so in every irrigated State, I think.

Mr. SHAFROTH. Yes; there is such a provision.

Mr. WALSH. Mr. President, in view of what was just said by the Senator from California and the Senator from Colorado, I think a word should be said. I would not like to have the impression go out that any such conflict as is suggested by the two Senators exists, at least in my own opinion. We have exactly the same provisions in my State as exist under the laws of the State of Colorado and the State of California. Those regulations appertain to the appropriation of the water right.

Under the law of appropriation, as it is generally administered in the Western States, the appropriator gives notice of his intention to divert the water from the stream. He is then required, under the laws of the State, in order to perfect his water rights, to commence work for the purpose of accomplishing the diversion within a certain limited time. It is also provided in the laws of many of the States that he must complete that work within a certain time; all this, however, for the purpose of establishing and bringing into existence his water right; that is to say, the right to take water from the stream.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana again yield to the Senator from California?

Mr. WALSH. I had not quite got through.

Mr. WORKS. Then I will not want to interrupt the Senator.

Mr. WALSH. Mr. President, this proposed act has not a thing on earth to do with the acquisition of the water right, the initiation, or the maintenance of that right. This act provides for and appertains to the construction of dams in navigable streams. The applicant for the permit comes to the Secretary of War, not for a permit to acquire a water right at all; he comes to the Secretary of War for a permit to put his dam in a navigable stream. He can not get that right from the State; the State has no power to give it to him; he has got to come to the Federal Government to get that right. The Federal Government says to him: "You can put your dam in this stream, but you will be obliged to commence your work within a certain limited time. If you do not commence within that time, your right to put your dam in a navigable stream is gone."

Mr. POINDEXTER. Well, Mr. President, it is clear, at any rate, whether the laws of the State, in the absence of some Federal legislation on the subject, would apply to the erection of dams in a navigable stream or not, that they would not apply after this act has passed as it is now framed, which gives the Secretary of War discretion for extending the time.

Mr. WALSH. I was endeavoring to convey to the Senator my idea about that.

Mr. POINDEXTER. I was doing the same thing.

Mr. WORKS. Mr. President——

Mr. WALSH. If the Senator will pardon me just a moment, I desire to say that if the applicant does not commence within the time limited by the act he has no right any longer to put his dam in a navigable stream; if he does not finish his work within a certain limited time, he will no longer have the right to put the dam in a navigable stream. If he does not at the same time comply with the law of the State and commence his

work within the time required by the law of the State and end his work within the time required by the law of the State, he will not be permitted to divert any water from the stream. The two things, as we view the matter in Montana at least, relate to entirely dissociated matters, and both of them can exist without any kind of inconsistency.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from California?

Mr. POINDEXTER. Just a word, Mr. President, and then I will yield the floor. If the Senator will permit me, I wish to say that the amendment is only intended to carry out what I am satisfied was the purpose of the committee, but which they did not specifically put into the bill.

Mr. WORKS. Mr. President, the Senator from Montana [Mr. WALSH] has very accurately described what this bill ought to be, but not what it is. If the object and purpose of the bill were simply to grant the right to construct a dam in a navigable stream, I should have no kind of objection to it; but it is utterly impossible to separate the use of the water and the obstruction in a navigable stream. In dealing with this question the two must necessarily go together. The franchise, the right to construct a dam in the stream, would amount to absolutely nothing unless the party had the right to take the water out of the stream or to appropriate it, as we say.

Now, here is a proposition not only to control the construction of the dam, but also the use of the water. That is the viciousness of the bill against which I have been contending all along. As this dam is to be constructed in a stream within the State for the purpose of developing power, which in itself is an appropriation of the water for that purpose, the State has the right to determine when the work shall be commenced and when it shall be completed for that purpose. That right of the State is attempted to be taken away by saying that the Secretary of War may determine when this work shall be commenced and when it shall be completed, upon the theory that he is only dealing with a dam, as the Senator insists, and not dealing with the water. It is utterly impossible, as I have said, to separate the two. Unless it is for the purpose of appropriating water for the development of power, there is no occasion for seeking the right to construct the dam in the stream. That is the very object and the purpose of the application for the grant. When that grant is applied to the right to use the water that is the time when the State steps in and determines how that dam shall be constructed for the purpose of developing power. That, so far as this bill is concerned—although on its face it professes to be something else—is the only thing that is intended or the only thing that Senators here who are contending for the bill are interested in. That portion of it which relates to the improvement of navigation is a mere sham. This bill never would have been introduced for any such purpose as that. It has been advocated from the very beginning upon the ground that it is valuable and important for the purpose of developing power, and for nothing else. That is the reason and the object of pressing this bill, and that is the thing, Mr. President, in which the State has a right to act and to determine what shall be done by the National Government.

Mr. SHIELDS. Mr. President, the statement that this bill is a mere sham is unwarranted by the provisions of the bill.

Mr. WORKS. I did not say that the bill was a mere sham; I said that portion of it which assumes to legislate respecting navigation is a sham.

Mr. SHIELDS. And the corrected statement is also unwarranted by the provisions of the bill. I do not propose to be diverted to take time in discussing that question now, but Congress would have no jurisdiction to enact this bill unless it were a navigation bill. I do not contend, however, nor does anyone else pretend, that private companies would invest their capital in a navigation project unless they expected to get the benefit of the power created by it.

Mr. President, directing myself, I may say, to two amendments offered—because the amendment of the Senator from Washington [Mr. POINDEXTER] relates to different matters, while the bill as written will be the same as it will after amended—I have no pride in the words used, and I agree to the Senator's first amendment.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Washington?

Mr. SHIELDS. The Senator will pardon me a moment and permit me to finish. I refer to the first amendment, the amendment inserting the words "to be fixed" instead of those now appearing, "as may be provided."

As to the second matter, however, in which it is proposed to insert the words "not later than such time as may be reasonably required for such completion if the work is diligently prosecuted," I think the Senator will not insist upon that. He has overlooked the fact that that provision is contained in lines 14 and 15 of the bill.

Mr. POINDEXTER. On the same page?

Mr. SHIELDS. On the same page. Therefore I resist that amendment.

Mr. POINDEXTER. Mr. President, I think the Senator from Tennessee is mistaken about what is contained in the bill, in lines 14 and 15, on page 14. That does not relate to what shall be contained in the permit; that is simply a requirement of the bill that the grantee shall proceed to prosecute the work diligently. My amendment proposes to put it in the permit, to make it a part of the permit—that is the difference—and I think it ought to be in the permit.

Mr. JONES. Mr. President, I want to suggest that if that is the intention of my colleague, he has not expressed it in that way. The bill now reads in line 15, "and shall, within such time," and so forth. If the Senator inserts there the words to be fixed in the permit, "not later" than so and so, while that puts it in the permit, I do not think it carries out the intention.

Mr. POINDEXTER. That is the intention at least, where the amendment provides that it shall be fixed in the permit not later than such time as it can be completed if diligently prosecuted——

Mr. JONES. I think the suggestion of my colleague is exactly the same as that which is required on page 14, line 14, of the bill, where it reads "with due diligence." I should not have any objection to that language myself, except I think it is a pure repetition of what is already in line 14.

Mr. POINDEXTER. The only difference is that in lines 14 and 15, as I read the language, and as it seems to me anyone else would read it, it is simply an obligation imposed by the passage of this act.

Mr. SHIELDS. I suggest to the Senator that there is a provision making the provisions of the bill a part of the permit. It is the law of the case; it is a part of the enacting provision. I think, if the Senator reads the bill carefully, he will see that it would somewhat mar the bill to make the repetition. I hope he will not insist on that amendment.

Mr. POINDEXTER. I will ask that the first part of the amendment then be submitted.

The PRESIDING OFFICER. The Chair understands that that part of the amendment in line 15, without objection, is agreed to. It is so ordered.

Mr. POINDEXTER. I ask for a vote on the second part of the amendment.

Mr. SHAFROTH. Mr. President, I should like to suggest to the Senator from Washington that there ought to be some reference, if he insists upon the balance of the amendment, so that it shall not be inconsistent with the laws of the State. For instance, in my State the law provides that such a work shall be prosecuted diligently, and in the case of certain works that they shall be finished within a certain time. It might be that, inasmuch as the State has jurisdiction over the power feature—that is, the power that may be generated—you would have to comply with the State law, because you would not get your water rights if you did not do that. Now, it seems to me, that ought to be tied in some way, so as not to make this absolutely arbitrary, but to make it in conformity with, or not inconsistent with, the laws of the State, within such time as would not be inconsistent with the laws of the State in which the improvement is made.

Mr. WORKS. I will ask the Senator from Colorado a question. Suppose that the State law required that the work should be commenced in 60 days and that it should be completed within a certain time fixed, and that the Secretary of War should provide that it might commence within a year and that it might be completed within two years. What effect would that have upon the water rights of the party who is proposing to use the waters of the stream for the purpose of developing power?

Mr. SHAFROTH. I have very little doubt, Mr. President, that the State law would prevail——

Mr. WORKS. Certainly.

Mr. SHAFROTH. Because the United States Supreme Court has said time and again that the State has control of the water, and it can, of course, limit or enlarge the manner of appropriating the water for power purposes. On that account it does seem to me that there ought to be some provision inserted

that it shall not be inconsistent with the laws of the State in relation to making the improvement referred to.

Mr. JONES. Mr. President, I merely want to ask the Senator a question. The Senator does not mean that the laws of the State would control the time within which the dam which we authorize to be built shall be built, does he?

Mr. SHAFROTH. Yes, sir; where it is for the purpose of developing power and so far as it does not affect the question of navigation.

Mr. JONES. Every permit to erect a dam, as provided for here, is in the interest of navigation.

Mr. SHAFROTH. That is all true; but, notwithstanding that, the permittee is going to get certain water-power rights for light and for other purposes. That being the case, he must go to the State in order to get them; and when the State statute prescribes certain things, they must be complied with.

Mr. JONES. The State law prescribes the terms upon which a man can get the right to use the water out of a stream, but it does not seem to me that it can control the building of such a dam as is contemplated by this bill. A man might fail in complying with the State law in other respects, but I do not believe the State could interfere with the terms that we impose as to the building of the dam itself.

Mr. SHAFROTH. Oh, well, whatever the State law is with relation to the appropriation of water for power purposes it must be complied with.

Mr. JONES. Certainly; but that has nothing to do with the building of a dam under this bill.

Mr. SHAFROTH. An applicant may find that his right is going to be contested by somebody else who has a right, perhaps, above the navigable portion of the stream, and the question may arise whether or not that right can be contested, whether the man in the upper reaches of the stream can by a reservoir or by any other means hold back the water which the other man might desire to employ.

It does seem to me that, inasmuch as the appropriation of water is to be made under the State law, if it is going to be used for power purposes, there ought to be something in the bill, so that the rights of the permittee will not be vitiated; and to that end we should provide that there shall be no conflict with the laws of the State, or something of that kind.

Mr. WORKS. Mr. President, the Senator from Montana and the Senator from Washington are both perfectly right in saying that, so far as the mere construction of the dam is concerned and its effect upon navigation, the Secretary of War can determine when the work shall be commenced and when it shall be completed. There is not any doubt about that, because it is entirely within the jurisdiction of the National Government; but this bill provides for something else. It provides for the putting in of a dam for the purpose of developing power; and whenever you attempt to do that, you are then trenching upon the rights of the States.

The trouble about it, as I have said before, is that you are attempting to combine these two things together; and I suggest to the Senator from Washington that, admitting the fact that the dam may be constructed in conformity with rules and regulations of the Secretary of War, if the time of constructing the dam should be put off for a year and somebody else should appropriate that same water, the party who is constructing the dam will be left without any water rights to develop the power. I should think a man who was seeking to get the right to erect a dam in a navigable stream would want to comply with the laws of the State in order to protect his individual right to the use of the water for the purpose of developing power.

Mr. WALSH. Mr. President, I feel justified in saying, indeed I feel compelled to say, another word about this matter. The Senator from California [Mr. WORKS] in the last sentence which he uttered has disclosed the situation absolutely. If the Federal law contemplates that work must be commenced within 60 days and finished within two years and it is not commenced within 60 days or is not finished within two years, the right to put the dam in a navigable stream is gone. On the other hand, if under the State law, in order to acquire a right to divert water from the stream, the work must be commenced within 30 days and finished within a year; if it is not finished within a year, the man will have no right to divert water from the stream. Even if he has a Federal permit and he does not divert the water from the stream within a year, he has lost his right, under the State law, to divert the water, and another man may go above him on the same stream and divert all the water of the stream; and when he has completed his dam below at the end of two years he has not a drop of water in it.

Mr. President, the only thing he can do is to hurry his project to completion within the time required by the State law, or the State law will authorize some one else to go up above him and take all the water out, and his improvement will be valueless to him. So that he is under a compulsion. There is no inconsistency about it at all; and there is no necessity for any such amendment as is suggested by the Senator from Colorado. The applicant must comply with the Federal law in order to occupy the stream, and he must comply with the State law in order that he may have the right to divert the water from the stream at all.

Mr. WORKS. Mr. President, the Senator from Montana and myself agree entirely as to what the law is on the subject and the effect of it; but it seems to me that we are going to mislead anybody who proposes to put his money into a venture of this kind by any such provision as that contained in this bill. While we are at it we might just as well enact a statute that will protect the man in both directions—in the right to put in the dam and in the right to take out the water. It can very easily be done by simply providing that, so far as the appropriation of the water is concerned, it shall be governed by the laws of the State.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Washington [Mr. POINDEXTER].

The amendment was rejected.

Mr. POINDEXTER. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 14, line 2, after the word "required," it is proposed to insert "and the United States may purchase at said sale, but in case of such purchase the United States shall not be required to pay for any value attaching to such plant or structures by reason of any franchise or permit acquired under this act."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Washington.

Mr. SHIELDS. I will ask on what page and line that amendment comes in?

Mr. SMOOT. Let the amendment be again stated.

The PRESIDING OFFICER. The Secretary will again state the amendment.

The Secretary again stated the amendment.

Mr. SHIELDS. Mr. President, that provision is already in the bill, and it would be a mere repetition. The bill expressly provides that——

Mr. POINDEXTER. I think the Senator is mistaken.

Mr. SHIELDS. It expressly provides that the franchise or any of the rights granted under this bill shall not be charged to the value of the property.

Mr. POINDEXTER. That applies to the taking over of the property by the United States at the expiration of the 50-year period. There is no such provision as that where it is taken over for violation of the law. This merely repeats the principle which the Senator has put in the bill with reference to the other matter.

Mr. CLAPP. Mr. President, would it not follow that the United States would take it over on account of violation of the law free of charge? If it would not, then the Senator's amendment is certainly in order.

Mr. POINDEXTER. The bill now provides that in case of violation of the law the United States may bring suit in the United States court and have the property condemned and sold. My amendment simply provides that the United States may purchase at that sale, but in so purchasing shall not pay for its own property. That provision is nowhere else in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Washington.

The amendment was agreed to.

Mr. HUSTING. Mr. President, I wish to propose one of a number of amendments of which I have given notice and which have been printed. On page 11, line 5, beginning with the word "*Provided*," I move to strike out down to and including the word "granted," in line 22, of the same page, and in lieu thereof to insert the following:

And in the event that any State shall not have provided a commission or other authority for the regulation and control of such charges, rates, and services, such regulation within such State shall be made and enforced by the Interstate Commerce Commission, and jurisdiction is hereby conferred upon and vested in the Interstate Commerce Commission, either upon its own motion or upon the complaint of any person aggrieved, to enforce this provision: *Provided*, That all charges, rates, and services by the grantee hereunder shall be nondiscriminatory, reasonable, and adequate to the public in view of the cost of production; and in computing such cost of production, the investment of the grantee shall be valued according to the rule laid down in section 6 of this act for compensation to be paid in the event of the taking over of the property of the grantee, but there shall be also included therein all the property of the grantee used in the distribution of power beyond the initial point of distribution.

Mr. CUMMINS. Mr. President, I should like to have the amendment read at the desk. I could not hear clearly the reading of the Senator from Wisconsin.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 11, line 5, beginning with the word "*Provided*," it is proposed to strike out:

Provided, That where the said power or any part of it shall enter into interstate or foreign commerce, the rates, charges, and services made and rendered, shall be reasonable, nondiscriminatory, and adequate to the public; and jurisdiction is hereby conferred upon and vested in the Interstate Commerce Commission to enforce this provision, upon the complaint of any person aggrieved, in the manner and according to the procedure and practice of that commission in fixing and regulating the rates and charges of railway companies, the grantee to have the same rights of hearing, defense, and review as said companies in such cases: *And provided further*, That in the valuation for rate-making purposes of the property of any such grantee there shall be included the cost to such grantee of the construction of the lock or locks, or other aids to navigation, and all other capital expenditures required by the United States, but no value shall be claimed or allowed for the rights hereby granted—

And insert—

And in the event that any State shall not have provided a commission or other authority for the regulation and control of such charges, rates, and services, such regulation within such State shall be made and enforced by the Interstate Commerce Commission, and jurisdiction is hereby conferred upon and vested in the Interstate Commerce Commission, either upon its own motion or upon the complaint of any person aggrieved, to enforce this provision: *Provided*, That all charges, rates, and services by the grantee hereunder shall be nondiscriminatory, reasonable, and adequate to the public in view of the cost of production; and in computing such cost of production, the investment of the grantee shall be valued according to the rule laid down in section 6 of this act for compensation to be paid in the event of the taking over of the property of the grantee, but there shall be also included therein all the property of the grantee used in the distribution of power beyond the initial point of distribution.

Mr. NORRIS. Mr. President, will the Senator from Wisconsin allow me to interrupt him?

Mr. HUSTING. Certainly.

Mr. NORRIS. I should like to suggest to the Senator that he withhold that amendment until the amendment which I offered to-day, but which went over at the request of the Senator from Tennessee, is disposed of. I think he might wish to modify his amendment, for I do not think section 6 as now in the bill would meet with the Senator's idea of the regulation which should be provided for. I have offered an amendment which I think will cure the defects.

Mr. HUSTING. Then I will be very glad, I will say to the Senator from Nebraska, to let my amendment go over.

Mr. NORRIS. I suggest to the Senator that he offer one of the other amendments which he desires to present and withhold this one until we have disposed of section 6.

Mr. HUSTING. I suggest, then, that the amendment lie on the table.

Mr. President, I wish to offer another amendment, unless the Senator from Washington desires to submit one.

Mr. POINDEXTER. I yield to the Senator from Wisconsin.

Mr. HUSTING. I move to strike out all of section 10 and insert the matter which I send to the desk.

The PRESIDING OFFICER (Mr. MCLEAN in the chair). The amendment will be stated.

The SECRETARY. It is proposed to strike out all of section 10 and insert:

SEC. 10. That the said Secretaries be, and are hereby, authorized to enter into leases for the use of surplus water and water power generated at dams and works constructed wholly or in part by the United States in the interests of navigation at such rates, on such terms and conditions and for such periods of time not to exceed 50 years and with such provision for the periodical readjustment of rentals as may seem to him just, equitable, and expedient, subject, however, to the provisions of this act governing the authorization, maintenance, and operation of power plants and to all regulations governing the use and disposition of power so far as the same may be applicable; and all such leases, the parties thereto, and the terms and conditions thereof shall be reported annually to Congress.

Mr. SMOOT. Mr. President, I will suggest to the Senator that the wording of this amendment would not apply to the balance of the bill; that is, it would not be in conformity with the balance of the bill. The balance of the bill refers only to the Secretary of War, and the Secretary of War is granted whatever powers are granted under the bill. As I remember the amendment, as it was read by the Secretary, it refers to "the Secretaries."

Mr. HUSTING. I ask unanimous consent to change that.

Mr. SMOOT. The Senator would like to have it say "the Secretary of War"?

Mr. HUSTING. The Secretary of War.

The PRESIDING OFFICER. The Senator from Wisconsin modifies his amendment by inserting the words "Secretary of War" instead of "Secretaries."

Mr. HUSTING. Mr. President, before discussing this amendment I desire to say a few words in reply to what the Senator from Tennessee [Mr. SHIELDS] said this afternoon.

I do not know what the purpose of the Senator from Tennessee was in reading newspaper excerpts in regard to the bill which I introduced, and I do not understand whether the Senator intended to say that the excerpts read by him from the RECORD or from the newspapers were intended to mean that I had anything to do with the charge of lobbying or not.

Mr. SHIELDS. Why, certainly not, Mr. President. There is nothing in my remarks making any reflection upon the Senator from Wisconsin.

Mr. HUSTING. I should like to ask the Senator what he meant by reading the excerpts from the Tennessee newspaper to the effect that the statement was made by Senator HUSTING on Monday that he would introduce a substitute for the bill under consideration, which is said to "satisfy conservationists, who, under the lead of Gifford Pinchot, have objected to some features of the pending measure."

Mr. SHIELDS. I do not think the Senator from Tennessee made any such statement.

Mr. HUSTING. The Senator from Tennessee read that excerpt from a newspaper.

Mr. SHIELDS. Oh, I was stating what appeared in the papers of Tennessee; but I am not charging the Senator from Wisconsin with representing Mr. Pinchot on this floor. I did not have any such thing in my mind.

Mr. HUSTING. May I ask the Senator what was his object?

Mr. SHIELDS. It was to present the attack that is being made upon myself through some one in Washington in the papers of Tennessee.

Mr. HUSTING. I wish to say to the Senator, in the first place, that I do not know whether there is any lobby here on this bill or not. I would not know one if I saw one, I presume. I certainly have said nothing that could be understood as conveying any such idea. I do not know whether it is so or not; and I want to state to the Senator that nothing I have said at any time could be construed to mean anything of that kind.

Mr. SHIELDS. The Senator from Tennessee has made no such charge. I did not remember that one of those extracts purported to give the words of the Senator from Wisconsin. I thought it simply purported to state what he was going to do, without stating that he himself had said that he was going to do it. I have not the extracts before me now.

Mr. HUSTING. I supposed the Senator intended to convey some such meaning in connection with the charge of a filibuster, or an understanding with others on the floor to filibuster on this bill.

Mr. SHIELDS. I did not make the charge. The afternoon paper said that it was going to be done. In the conclusion of my remarks I said that I desired to read that in order to exonerate any Member of the Senate of the charge made. On the contrary, I denied, for every Senator, that anyone was filibustering.

Mr. HUSTING. I merely wanted to say, in justice to the bill and in justice to myself and in justice to the Senator, that while I have a very high opinion of Mr. Gifford Pinchot, and think he has rendered the country a distinct service in calling public attention to the manner in which the administrations that preceded the one with which he was connected were handling the public domain, yet I have never had the honor personally to meet Mr. Pinchot, and do not know him. Consequently, I have not been in any communication with him, and he has had no part, so far as I know, in the drafting of the amendment introduced by me. Furthermore, I wish to say that the same was drafted without being submitted to any Member, either Democratic or Republican, before introduction. I merely say this in order to have the Senate look upon the measure upon its merits, if it has any, and in order that any personalities or any influence which might bear against the consideration of the bill on its merits may be removed.

I do not know whether the amendment to which I refer will satisfy the conservationists or not. I sincerely hope so. I sincerely hope it will satisfy the people of the country, because the amendment which I have had the honor to introduce here is intended to conserve the public interests in the navigable waters. Therefore I hope it will meet the approval and favor of all the conservationists and all the people who believe in proper regulation and control over navigable waters. I also indulge the hope that it may meet the approval of the Democratic Senators, as well as the Republican Senators on this floor.

I merely want to say in passing that I had no other object in the drafting and introduction of this amendment than to attempt to prepare a measure which might be in line with the Democratic platform adopted at Baltimore. I did not believe that the bill introduced by the Senator from Tennessee was such a bill as was contemplated by the platform adopted by the Democrats

at Baltimore. Consequently I have attempted—with what success I can not say—to draft one that somewhere nearly complies with the requirements of the plank in the Baltimore platform.

I want to read, in that connection, an excerpt from the platform:

We believe in the conservation and the development, for the use of all the people, of the natural resources of the country. Our forests, our sources of water supply, our arable and our mineral lands, our navigable streams, and all the other material resources with which our country has been so lavishly endowed constitute the foundation of our national wealth. Such additional legislation as may be necessary to prevent their being wasted or absorbed by special or privileged interests should be enacted, and the policy of their conservation should be rigidly adhered to.

I want to say that with that in mind I drafted the amendment introduced by me, and I hope to discuss it before the vote is taken on the pending bill.

Coming down to the amendment before the Senate, I want to say that this amendment provides that the Secretary of War—

Shall be authorized to enter into leases for the use of surplus water and water power generated at dams and works constructed wholly or in part by the United States in the interests of navigation, at such rates on such terms and conditions, and for such periods of time, not to exceed 50 years, and with such provision for the periodical readjustment of rentals as may seem to him just, equitable, and expedient, subject, however, to the provisions of this act governing the authorization, maintenance, and operation of power plants, and to all regulations governing the use and disposition of power so far as the same may be applicable; and all such leases, the parties thereto, and the terms and conditions thereof, shall be reported annually to Congress.

That takes the place of section 10 of the original bill. I submit that that provision should be adopted and that section 10 should be stricken from the bill. I think that by the adoption of this amendment leases for the use of surplus waters and water power generated at Government dams will be so regulated that the people will get such benefit as they are entitled to have from the sale of power.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Wisconsin.

Mr. SHIELDS. Mr. President, I merely want to say that this is a very important section, and the substitute for it utterly fails to accomplish the purposes of the bill. I hope it will be rejected.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Wisconsin.

The amendment was rejected.

Mr. HUSTING. Mr. President, on page 7, at the end of section 2, I move to insert the matter which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 7, at the end of section 2, it is proposed to insert:

The said Secretaries——

The PRESIDING OFFICER. Does the Senator from Wisconsin wish to modify that amendment, so that it will read "The Secretary of War"?

Mr. HUSTING. Yes; if you please.

The PRESIDING OFFICER. The Secretary will state the amendment as modified.

The SECRETARY. It is proposed to insert:

The Secretary of War may provide, as a condition of such approval, for the payment to the United States of reasonable annual charges for the benefits that accrue to the grantee by the authority given under this act, and at the end of 20 years and every 10 years thereafter the Secretary of War may readjust the annual charges as may then be just and reasonable.

Mr. NELSON. May I ask to what section that is an amendment?

The PRESIDING OFFICER. The Chair will state to the Senator that it is to come in at the end of section 2, on page 7.

Mr. HUSTING. Mr. President, this question has been before the Senate in a little different form, and yet not in this identical form. This amendment provides that at the end of every 20 years, and every 10 years thereafter, the Secretary of War may adjust the annual charges as may then be just and reasonable. I believe this amendment should be adopted, for the reason that the imposition of a charge is a reasonable thing, and one that should be put into every measure of this kind, and so that these valuable franchises should not be granted away as a special privilege unless the public derives some direct benefit from them in this way.

I do not care to discuss this amendment at length at this time, because it is evident to me that it will be rejected. I prefer to withhold my views until the substitute amendment which I am going to present to the Senate to-morrow, if possible, is before the body, when I will discuss at length the question of compensation. I wish to say briefly, however, that this right to charge does not depend, as seems to have been taken for granted by those opposing the measure, upon the ownership of water in navigable streams. It depends upon the franchise or the license which is issued to those who come to the United States and desire to have from the United States a privilege which is not enjoyed, as a matter of common right, by the ordinary citizen.

The so-called Shields bill makes no provision for any compensation, but it does provide that public utilities and municipalities may receive these licenses. There is no question in my mind that those who will take readiest advantage of that bill will be the public utilities. I dare say not one out of ten of these corporations is a riparian owner or has any rights on any navigable stream; but upon the passage of this act they will come before Congress or the proper Secretary and ask for a permit or a license. A license to do what? A license to go and seize somebody's land under condemnation proceedings; to seize an available water-power site that somebody owns, that he may not want to sell; to take it from him under condemnation proceedings and pay him what that land is worth, not as a potential water-power site, but as land adjacent to and abutting on the water. They will take it by the right of eminent domain. They will not give this man compensation for the value that is going to be put into the land by virtue of the license or special privilege that they get from the Government, but they will pay him the naked value of the land according to the rules laid down in the Dunbar case. Not only that, but they will put up a dam, and they will back up the waters of the river, taking away all the fall that other riparian owners have, and seizing their land, their water-power privileges, if they have any, and pay to them only compensation for the bare land, so that finally they will come into possession of a water power; and when they come into possession of a water power, enjoying a monopoly in that neighborhood, they will, for all this bill says, take profit from the public, based not upon the amount of money they put into it but upon the value of it as a developed water power; and thus they obtain from the United States Government a privilege that is valuable in dollars and cents.

In the Chandler-Dunbar case, in the condemnation proceedings, the owners of the land claimed $2,000,000 over and above the actual value of their property for the so-called raw water-power value. In fact, the court below allowed them $400,000 over and above the value of the land for the mere raw water-power value, which the United States Supreme Court subsequently set aside. Now, if property of such great value springs from such a license, why should not the licensee pay the United States Government something for this great privilege—something for this privilege that is denied the other men who are owners on that stream, who have just as much natural right as riparian owners, and, in fact, greater rights than the corporation that gets its license from the public?

When Senators ask "Why should they pay?" I should like to put the question, "Why should they not pay?" What are they? Why, the only excuse, the only justification for the gift or grant of this privilege to these men is that they are fulfilling some sovereign function, that they are invested with some sovereign power, namely, the power of eminent domain, the power to serve the public, and because they are deputed by the Government as an agent of the Government.

In the Chandler-Dunbar case the United States took this property from the Chandler-Dunbar Co. The court at the same time held that in taking that property and taking over the water power the United States need not be blind to the value of the power; that the water that they did not need for purposes of navigation could be sold to the public at such rates as it saw fit to impose, and that the United States could put the profits, whatever they might be, in the Government's Treasury.

I did not read the evidence in that case, but I understand that the amount of water needed for navigation up there is just 2 per cent of the whole, and that 98 per cent of the water is available for water power. Anybody familiar with the conditions up there knows, without having seen the evidence, that only a very small percentage of the water can be used there or made available for navigation. There is a large stream, the St. Marys River, that empties down the rapids, and immense quantities of water are running over the falls.

The Chandler-Dunbar Co. ran a wing dam out into the stream, catching the water and running it through their flumes and through their mills. They were using some water. The greater quantity of the water was going to waste. All the water they could use there for purposes of navigation was used in double locks, in which the boats passed from the lakes below to the lake above. All that is necessary to fill the requirements of navigation is to fill these locks with water when boats come up and empty them when they go down. The boats in coming up from below, of course, enter these locks, and enough water is let in from above to raise them so that they can pass

on above, and vice versa in going back; so that a very small percentage of the water—certainly not over 10 per cent—is used for navigation. And yet the court held that the United States, to gain the 2 per cent of that water for purposes of navigation, could take over the entire power plant—the 98 per cent—and use all of the available water power if it wanted to, and sell it for such prices as it might get.

I have heard some arguments here to the effect that the United States did not own the water. It does not; but it has a right, recognized by the Supreme Court, to take property of that kind without compensation for purposes of navigation, and then it can use these water powers in any manner as it may see fit. If the United States can do that, then the United States, instead of passing a law of this kind, would have the power to go anywhere upon the navigable waters, condemn land if it does not own it, or on the public domain, to build dams in the national forests. It can take lands there and build these dams to improve navigation; and in improving navigation must it be blind to the fact that, having done that as incidental to such improvement to navigation, it is very valuable for water power?

It would seem, from some of the arguments I have heard, that it is wrong for the United States to exercise the power which it may exercise; that it ought to be blind to the value; that it ought to be helpless in using these great resources for the common welfare. It does seem to me that when courts recognize these rights, when these rights have been recognized since time immemorial, or as long as the Government has existed, and the United States has it within its legitimate power to take possession of our navigable rivers and improve them and incidentally to use the power that is generated there, that then it is a power within its grasp and control and which it is free to use for the common welfare.

There are a great many people who think that the United States should do this, and that instead of passing water-power laws of this kind it should go into the business of developing its own streams, and incidentally to own and take charge of all the water powers. It is plain, however, that a bill of that kind could not pass at this time, although the time may be not far distant when such a bill will pass; and so we are necessarily obliged to delegate this function, this right, to others.

In delegating to them this right of building dams, in giving them the right to develop water power in connection with this public duty that has been delegated to them, why should we be utterly heedless and regardless of what these things, that are almost necessarily incident to the improvement of navigation, mean to the people of the United States and how closely the future welfare of our people is woven up and dependent upon the proper development and use and control of these potential water powers? Certainly if any Government in the world has been richly endowed with natural resources, it has been the United States. We claim to be the most intelligent people on the face of the earth and the most practical people, and yet our forefathers permitted the coal fields, the oil fields, the forests, the mines, and everything to pass into private ownership. Why is it we did not retain the right to control the price of coal? Why is it we did not lease the coal lands instead of selling them in fee? This generosity or prodigality—whatever you want to call it—was not of any particular benefit to the man who got it originally. He sold it to somebody else, and he to some one else, and so on, and now the operators in the coal fields are paying a royalty to individuals much higher than the United States would ever have exacted, when a royalty ought instead to be flowing into the Treasury of the United States.

It is said if you lease land you will stop development. I dare say to-day that if the United States had the fee in its coal fields the operator would be getting terms and paying such royalties by a thousand per cent less than they have to pay now because we turned it into private ownership. So with the oil; if we had conserved our oil or had retained the right to control the price of oil, if we would not have gotten anything more out of it than the control of the price of oil, we would be in a far different position than we are to-day. We gave the fee at a dollar and a quarter an acre. We sold it to somebody and he sold it to somebody else, and now the oil operators are paying a royalty far in excess of what they would have had to pay the United States, and these revenues are going into private pockets instead of into the Treasury of the United States. So we might go on with all these natural resources and point out how we have been blind to our own interests and have disposed of our rights in these great resources without proper reservations.

Now, with the large domain still in our hands we should reserve the mineral rights. I have heard it said over and over again that if we reserve the mineral rights in agricultural lands they will not be developed. I know an instance in my own State where there was a land grant made to the Wisconsin Central Railway Co. of I do not know how many hundreds of thousands or millions of acres of land without any reservation whatever. Those lands were all in northern Wisconsin, near the deposits of iron ore up there, and now after the Wisconsin Central had these lands in fee it sold them to the farmers, but reserved all the mineral rights in the lands to itself. So we merely passed it over to the Wisconsin Central. It sold the lands and reserved the mineral rights therein, and there was no appearance of stopping or hindering the development of those lands, which it must have been just as interested to develop along its right of way as the United States could be.

Now, why did the United States dispose of our land without proper reservation of any kind? Why did not the United States retain the fee and only lease those lands on a royalty basis? I presume it was not done because of arguments similar to those being advanced against that proposition now. It seems to be taken for granted that unless the United States disposes of its holdings of everything with utter disregard of what it is worth everybody will refuse to do business with or will boycott Uncle Sam, and that our people will lie down and stubbornly refuse to invest their money or do business in any way because of their resentment.

Now, we are engaged in the disposition of another resource—flowing water. It is true that the United States has no title to flowing water, neither has the riparian owner any title in the flowing water. If the riparian owner had any property in flowing water, this body could not take it away from him by mere legislation. In the Chandler-Dunbar case, when the United States asserted its right through an act of Congress, it was held that they had a shadowy right, but no property right in the stream, and therefore that we could take it and they must get out.

That case was rather a hard one. The Chandler-Dunbar Co. had received a license for the construction and development of its water power. It had constructed its buildings and supposed that the lease was one which might continue without end. The United States stepped in, however, and took it away and gave them only such compensation as the property was actually worth.

We are about to legislate in some way on the same water-power question. We ought to pass a law that will fully conserve all the rights that the people have in these great resources.

I expect to read some statistics in connection with another amendment, showing the great amount of horsepower in the country, and that a very small per cent of it has been developed. The development is still in its infancy. We should make such terms now that those who take it will know exactly what rights the Government has and what rights it is going to assert.

Those who apply for these licenses fully understand the value of these water powers. I do not think the value of them was fully comprehended until the development of the transmission of electric power for long distances from the site of the power plants operated by them. Formerly the power was unavailable except at dam sites. Now by transmission lines the power may be conveyed a long distance, perhaps eventually a thousand miles, perhaps more, and it will be used in the development of the country from ocean to ocean.

Mr. President, we can not be blind to what electricity is going to mean in the future. There would not be such an awful fight going on about these great resources if we did not know how valuable it is and if those who want to get their hands on it did not know how valuable it is. The tremendous influence the development of electricity is going to exert in the next 25 years no man can foresee. The power plants are going to be the very heart in our industrial system and will have to be depended upon to pump the blood of commerce through the veins of the country. It is going to run this country. If anybody wants to run this country, all he has got to do is to get his hands on the power that runs it, and any bill that is put through Congress which puts control of the electrical power into the hands of private persons or private corporations or even public-utility corporations is going to take our own self-control out of our hands irrevocably, and nothing that any human being can foresee will ever get it away from them again.

If this bill is put upon the statute books and left there for two or three or four years it is safe to say that enough valuable power sites will be seized upon, whether they are developed or not, and the damage done the country can never be repaired.

This is the right conception, and when we see the possibilities of this tremendous power getting into private hands for private profit it does seem to me that we should put every safe-

guard around such power that we can possibly put around it. We still hold the key to unlock the water-power treasure houses of the country. Let us not part with it to anyone.

It is far better that the power should be safeguarded than that we should be hurried away with the idea that it is going to be immediately developed. I have heard a great deal of discussion about the lack of development in the last six or seven years. I expect to read some statistics on that point to show that it has not been quite as little as has been represented. Everyone knows that since 1907 industrial development in the United States has not progressed in the same ratio as it did before, but even before 1907, before 1900, before 1890, before the law that is complained of was put upon the statute books, those potential powers had been there for untold tens of thousands of centuries and had not been developed. No one need think that with any kind of a law they will all be developed in a few years. The statistics show that in a great many cases power has already been overdeveloped, that the supply of power in some locations is more than enough to supply the demand, and, of course, power will not be developed unless a market is available for the sale of that power.

But even if a law does, in a way, hinder the immediate development, there is no necessity that all development should be made in a day or a year. Here we are on the very verge of a great hydroelectric development in the United States. The United States still has the control of it in its hands if it wants to use it. It has the power and right to control this power, and with it to control the industries and the men or corporations to whom it delegates this power for use. We still have that within our hands.

A large percentage of the powers in our national forests are still in our absolute ownership or control, yet it seems there is an inclination here to turn these all loose into private hands, with substantially no control, so that we may find ourselves, in 25 years from now, bound hand and foot by the power which was ours and which we thoughtlessly turned over to private interests.

Mr. SHAFROTH. Mr. President, does not the Senator recognize that the States are doing their very best to prevent monopoly and to regulate rates? I wish to call the attention of the Senator to a report which was made by the utility commission of the State of Colorado at the end of the last year. It reads as follows:

BOARD SAVES MILLION, ACCORDING TO PUBLIC-UTILITIES REPORT TO GOVERNOR—RAIL-RATE REDUCTIONS BRING BENEFITS TO COLORADOANS—EXPENSES, $31,465—ONLY TWO CASES ON DOCKET.

More than $1,000,000 was saved to the people of Colorado through investigations and reductions of railroad passenger and freight rates and those of public utilities, according to the annual report of the public-utilities commission, submitted to Gov. Carlson.

This saving, according to the report, was effected on an expenditure of $31,465.35, the salaries of the three commissioners, their secretary and employees, and traveling and miscellaneous expense.

By its decision on passenger rates, the commission saved about $700,000, based on estimates made by officials of railroads affected.

The most notable decision was the one compelling the Colorado Springs Light, Heat & Power Co. to reduce its rates.

Mr. President, suppose there had been sums exacted by the State of Colorado for water power. Suppose it had exacted, say, $20,000 for a right, the utilities commission would not have had jurisdiction. One of the difficulties of the franchises that are granted by cities is that the corporations enter into a contract to pay what seems a large amount, and then prescribe the amounts which can be charged for electricity or gas for 20 years. That amount is perhaps $50,000. The city needs the $50,000 and grants the franchise for 20 years. Then the cost of generating electricity decreases and the people have to pay $1,000,000 because there was an amount paid to the city; whereas under the utility commission system it has a right, if no contract is made with the city, to demand that the rate shall be reasonable, and thereby the people save $1,000,000 in one year. This is $1,000,000 every year that has been saved by these findings of the Colorado Public Utility Commission. That is the best method of controlling exorbitant rates of corporations. That is the system by which it is being done, and it seems to me that it brings better results than any other.

Now, Mr. President——

Mr. HUSTING. I should like to proceed when the Senator finishes.

Mr. SHAFROTH. Very well. The Senator has spoken of franchises. The Federal Government has no right to grant a water franchise. It has no right to grant a street franchise. It has no right to grant a railroad franchise in the lands of a State. Suppose the Federal Government should attempt to grant a street franchise in the city of Denver, on Sixteenth Street, where the post office is situated, because it owns certain property on that street. There would not be any right there.

Mr. HUSTING. I am not contending that with the Senator at all. I am willing to concede all that he says. What I say is that I do not care whether you call it a franchise or a license; the point I made was that this license is something in the nature of a special privilege, which is given for the development of these streams and in derogation of the property rights of other citizens, and something that all citizens do not enjoy as of a common right. Therefore, the agency receiving such license is the creature of the United States; it is a United States agency; and we can make any contract with it that we desire to make with it.

Mr. SHAFROTH. But you can not delegate it with relation to something you do not own. You do not own the water and you can not by some kind of hook or crook——

Mr. HUSTING. I take it for granted that if, as appears in the Chandler-Dunbar case, the United States Government can go and seize the works of a company there and go into the water-power business itself in connection with the navigation business it can delegate that power to private individuals. That is exactly what you are trying to do with your bill. In your bill you recognize that you have something more to say than how this water power shall be developed.

Mr. SHAFROTH. The relation of the Federal Government is solely to navigation, and it seems to me that when according to that we get these companies to put millions of dollars into navigation enterprises and then say that we will make it so that you can not make anything out of the enterprises whatever we will make it so that they will not accept, and you will never get any water power developed. Consequently the best way is not to impose these hard restrictions to which the Senator is referring by which they will not do these things, but under the control of the State commission reduce their rates, and when you do that you make the greatest saving for the people.

Mr. HUSTING. I will say, in the first place, in reply, these municipalities can control the right of the regulation even if we exact the money consideration from the licensee or the franchise holder. Its power is not confined to one thing only, but a municipality can charge them so much for the franchise and in addition then say the rate shall be reasonable and the service adequate.

Mr. SHAFROTH. Mr. President——

Mr. HUSTING. There is no question about that.

Mr. SHAFROTH. Does not the Senator recognize that there is a law now, and that the terms are so hard that you have not had any development for 8 or 10 years? They will not do it.

Mr. HUSTING. But the Senator draws the inference, I presume, that because of a law on the books no development has been had. As a matter of fact over a million horsepower have been developed in the last three years, since 1912, notwithstanding that law on the books. Besides that, before this law was passed centuries rolled by without any development. Why can the Senator assume that potential power which has been idle and undeveloped for tens of thousands, even millions, of years, and still undeveloped, that one law has held back that development until this time?

It is assumed also that these rates that are under the control of the Public Utility Commission are always adjusted with such fineness that a charge of $25,000 or $50,000 a year will reflect itself in the prices that they charge. It may be a good theory, but it is a theory that rests upon the assumption that the scales of control are so finely balanced and so finally adjusted that the slightest advance in overhead charges is going to raise the rate; and that upon a decrease in the overhead expenses, no matter how slight, the rates will be immediately and promptly lowered.

I can illustrate that that does not obtain in practice. I know of cities where you can buy six street car tickets for a quarter now. You could buy them 25 years ago for the same price, and in the last 15 or 20 years, although the company is getting its hydroelectric power from a power dam that they own somewhere, the public continues to pay the same price, and, with the cheapening of the power, the difference between the old cost of steam power and the water power goes into the company's pockets.

I do not know of any public utility anywhere where it is being regulated down to the bone, and where there is any claim being made that it is being regulated down to 6 or 6½ or 7 per cent. I know that argument is made. I know that argument is made by those who refuse to have their rates reduced by commissions organized for that purpose.

I only refer to this great regulation to which they are being subjected. When it is proposed to raise the tax of the companies,

then they say that if you raise their tax they will have to raise their rates; and when it is proposed that their rates shall be reduced, then they of course contest as hard as they can, and are usually successful.

Some mention was made here on the floor the other day of 400 miles of the Chicago, Milwaukee & St. Paul track being electrified. That surely represents an enormous saving. Does anybody think that it is going to reduce the passenger fare in the United States or on that road? There has been a raise in freight rates. I presume that the operation is cheapened in a great many ways. Yet, notwithstanding that, in a period of depression the freight rates are raised.

I do not personally agree that it is only the ultimate consumers who pay the tax. If they did, we ought to wipe out all of the taxes imposed on anyone except upon the man in the street, because he has nobody to shove them onto and must pay them anyway. If that theory is correct, why talk of equalization of taxation? If a tax must in the end be paid by the consumer, hand it to him straight and direct and wipe out all intermediate taxes. But why have any intermediate taxes if they are going to be reflected or delegated to some one else to pay? If it is true, as you say, that you pile it on the last man, then do away with all the machinery of taxation and let the laborer pay the whole business. But I do not agree with you on this proposition, for I believe that taxes oftentimes reduce profits and reduce salaries, and that they actually come out of the man who goes to the tax office and pays his taxes, instead of all being piled on the back of the common laboring man. But, coming back to the matter in hand, I say that this question of the power of the United States to develop power in connection with improvement of navigation or to delegate the right or power can not be questioned, in view of the ruling in the Dunbar case. Whatever may be said about the property of the United States in flowing water, whatever may be said of just what their right is, the Supreme Court has held that the Government has absolute jurisdiction of the flowing water of a navigable stream to the extent that no one claiming against it has any property right in it whatever. So it does come down to a matter of right. It does not come down to a matter of property. It comes down to a matter of sovereign power that the United States enjoys and possesses. It may be that you want to waive that power, that you want to surrender that power.

I have heard some of the arguments made by some Senators, who speak as though the United States were a tyrant seeking to impose harsh and unjust measures upon a suffering people. Why not assume that the United States can exercise its power in that direction beneficially for the good of the people and not to their injury? We rule ourselves. Why should anyone feel that in a matter of this tremendous importance what we now have in our hands and under our control that for fear we may use it tyrannically we had better put it into the hands of private interests and trust to their generosity to take care of the public's end of it? That is a very undemocratic doctrine, in my opinion, one that is absolutely out of harmony with the teachings of our party and our Democratic fathers.

Now, if that were our own individual property and we wanted to give it away or throw it away that would be our own particular business. We could do that if we wanted to, and yet I doubt if any man, I do not care who he is, if he had this tremendous power placed in his hands would feel it incumbent upon him to surrender it under the terms and conditions that are being suggested, that the United States should surrender here. Have we any right to surrender power of that kind into private hands and put it under private control? Have we any right on behalf of the people to waive such tremendous resources either upon our own public land or upon our navigable rivers? We do not know and can not know what the future will bring forth. But one thing we must see, and can see, that electric power is something upon which we will be dependent almost exclusively, at least to a great extent, for the development of the country industrially and economically, for it is at the very root of it, the very essence necessary to our industrial development.

If we were going to give power to anyone in this country for the purpose of having him have absolute control and power over the industrial and economic wealth of this country, there is nothing, in my judgment, that you could place in his hands which would give him greater power than by turning over to him the navigable rivers and the navigable waters of the United States, because if he can wield that power, that power which is the very root, the very base of our whole industrial fabric, why, then, he can control the country. We are not running him, then. He is running us, and we have got to do as he says. I say that is too great a power, in my judgment, to put in private hands, to let go without the closest safeguards we can put around it. Whoever holds a license ought never to forget that he holds it as an agent of the State, not as a master of the State; that he has been merely delegated this power, but that that power must be used with due regard for the welfare of the United States and for its people.

There is nothing in this bill which compels anybody to become a public utility. Something has been said here about the control of rates. Well, if any public utility desires to go out of business, I presume it has the right to do so. It can take its power elsewhere and sell it in the market that will give the best price for it. There is nothing in the bill that condemns a public utility to do business as a public utility for all eternity. If it wants to manufacture nitrates or something else which is more profitable it can withdraw this power from the people any time it wants to do so; it can abandon its charter as a public utility, and become a private citizen under this act.

Besides that, another provision in the act gives an individual the power to come in and develop water power and go into private business for himself if he wants to do so. Where will the rates then be regulated, and how will they be regulated? Who will regulate them? I do not know of anybody who can regulate them. I do not know how in any way the Government will have the power to force them to use this power in an industrial way or as a public utility.

There are some other features about the bill, for instance, the recapture clause. The recapture clause, as I understand it——

Mr. NORRIS. That is in section 6, I will say to the Senator from Wisconsin, if he wishes to refer to it.

Mr. HUSTING. I do not know what is the meaning of it, but that is the meaning I read out of it, and if I am wrong I should like to be corrected on that point. It reads:

> SEC. 6. That at any time after the expiration of said 50 years the United States may terminate the right hereinunder granted upon the giving to the grantee of one year's notice in writing of such termination, and upon the taking over by the United States of all the property of the grantee dependent in whole or in part for its usefulness upon the rights hereunder granted, which are necessary and appurtenant, or acquired and valuable or serviceable in the distribution of water, or in the generation, transmission, and distribution of power, and upon paying to the grantee the fair value of said property, together with the cost to the grantee of the lock or locks, or other aids to navigation.

I do not know whether it is so intended, but, as I construe that language, if the United States wants to recapture this property, it will have to take everything that is appurtenant to it that in any way is "dependent in whole or in part for its usefulness upon the rights hereunder granted, which are necessary and appurtenant, or acquired and valuable or serviceable in the distribution of water."

That language may be construed as it stands there, I think, to mean that as to anything that is dependent in whole or in part on any water power developed, that is connected up in any way, in order to recapture it, you can not take a single unit or a single transmission line, but you will have to take the whole thing. It may be that I am wrong in that, but that is, as I construe it, with the word "are" in the provision.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. HUSTING. I do.

Mr. WALSH. I should like to inquire of the Senator from Tennessee [Mr. SHIELDS] if it is not his purpose to make some change in the language which is now being referred to by the Senator from Wisconsin at the top of page 10? I thought it was his purpose to make some slight change there in order to clarify the situation.

Mr. SHIELDS. I must confess that I was trying to give attention to another matter, and did not catch the question propounded by the Senator from Montana.

Mr. WALSH. The Senator from Wisconsin [Mr. HUSTING] was making some comments upon the language of the bill at the bottom of page 9 and at the top of page 10—the matter of which I spoke to the Senator with a view to making the purpose of the bill a little more clear—substituting the word "is" for "are," and inserting the word "and."

Mr. SHIELDS. Yes.

Mr. WALSH. I think that if that were done perhaps it would obviate the difficulty.

Mr. SHIELDS. I have the amendment marked on the copy of the bill to be presented later.

Mr. WALSH. If the Senator from Wisconsin will discuss it upon the basis that that change will be made——

Mr. HUSTING. What is the change to be made?

Mr. WALSH. The word "are" is to be changed to "is"; and the word "and" is to be inserted between the words "granted" and "which."

Mr. HUSTING. I should like to ask the Senator whether he construes that to mean that the United States must take the whole transmission line used or connected with any one power that is developed under a license, or how much of the property must the United States take under the Senator's interpretation of this clause?

Mr. SHIELDS. Without any disrespect whatever to the Senator from Wisconsin, I must say that I was giving my attention to another matter and have not the matter which he is discussing in mind. The correction, I think, is largely one of grammatical construction, to correct a grammatical mistake in the bill.

Mr. HUSTING. I will read the language to the Senator from Tennessee.

Mr. SHIELDS. I can not well take it up now, for the reason that I have not the Senator's argument in mind.

Mr. HUSTING. Then I shall have to put my own construction on it. In the first place, I still think that, even with that change, it may be construed, or, at least, it is a question whether it can not be construed to mean, that the United States, in order to recapture a property developed under a lease, must not only take the dam and the power site, but must take any property which is dependent, in whole or in part, on that development. That is the language found at the bottom of page 9.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. HUSTING. Yes.

Mr. NORRIS. I should like to ask the Senator from Wisconsin what the changes are which the Senator from Montana [Mr. WALSH] suggested? I could not hear them.

Mr. HUSTING. It is proposed, on the first line on page 10, to charge the word "are" to "is."

Mr. NORRIS. What other change is proposed?

Mr. HUSTING. That is all.

Mr. WALSH. Mr. President, if the Senator will pardon me, this is rather an important matter that he is canvassing here, because it is all-important how much of this property is going to be taken over. I think it is hardly a fair comment of the Senator from Wisconsin when he says that under the bill "all the property of the grantee" must be taken over which is "dependent, in whole or in part, for its usefulness upon the rights hereunder granted," because it must also be "property which is valuable or serviceable in the distribution of water, or in the generation, transmission, and distribution of power."

There might possibly have been a little obscurity by reason of the use of the word "are" instead of the word "is," in line 1, on page 10. Of course the subject of the verb is not "rights," but it is "property," and the subsequent language equally qualifies it.

Mr. NORRIS. I presume that change was only to correct a grammatical error. I am delighted to know that the Senator from Tennessee will permit us to do that.

Mr. SHIELDS. I did not hear the Senator's remark.

Mr. NORRIS. I say I am delighted to know that we shall get a grammatical error corrected, anyway, in this bill.

Mr. SHIELDS. There are quite a number of amendments which the Senator from Tennessee has accepted, and he has never argued against one except when he considered it vitally important to do so. He has allowed the language to be corrected in quite a number of particulars to satisfy Senators and has accepted some corrections by the Senator from Nebraska.

Mr. HUSTING. That was not the matter that I was discussing.

The VICE PRESIDENT. It might clarify the situation for the Chair to now understand whether the amendment is to be made changing the word "are" to "is."

Mr. SHIELDS. Mr. President, the amendment has not yet been offered and I can not offer it now, because there is a pending amendment.

The VICE PRESIDENT. If there is no objection, the RECORD will show that the amendment has been agreed to.

Mr. HUSTING. I was not going to discuss that with any particularity, but as it now stands I still think it is obscure. It may be open to question as to just what it means, but I want to go on and merely point out what still remains. The language is that it must take over all the property rights "which are necessary and appurtenant, or acquired and valuable or serviceable in the distribution of water, or in the generation, transmission, and distribution of power."

What does that mean? I should like to call attention to that in connection with another section of the bill relating to preferences for franchises. I can not find it just at this moment, but the bill provides, as I understand, that where there are two applications for a permit or a license the licensee shall receive preference who is best able to carry out the work in that particular region.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. HUSTING. I do.

Mr. NORRIS. If the Senator from Wisconsin cares to refer to the point in the bill of which he is speaking, he will find it on page 7.

Mr. HUSTING. I thank the Senator. The language there reads:

> As between contesting applicants for a permit hereunder having the legal qualifications required by this act, and being equally well qualified to improve or develop waterways for the uses of interstate or foreign commerce, preference shall be given to that applicant which is best qualified to expedite and realize the maximum useful development of all the water resources of the region.

The Senator from Montana pointed out the significance of that provision. It does not make any difference whether it is a district in a region, in my opinion, or so long as——

Mr. SHIELDS. Mr. President, those lines have been stricken out in pursuance of an amendment which was made a day or two ago.

Mr. HUSTING. How much of the language has been stricken out?

Mr. SHIELDS. I can not recall it, not having the bill before me.

Mr. HUSTING. I will ask the Secretary to read it.

The VICE PRESIDENT. The Secretary will read as requested.

The SECRETARY. On page 7, beginning in line 8 with the word "improve," strike out down to and including the word "then," in line 14, and insert "to comply with the conditions imposed herein," so that it will read:

> As between contesting applicants for a permit hereunder having the legal qualifications required by this act, and being equally well qualified to comply with the conditions imposed herein, preference shall be given to that applicant which has first acquired the right to divert the water of the stream by means of the dam to erect which the permit is sought and otherwise complied with the laws of the State or States in which the dam or diversion structure is to be constructed; or if there are no State laws to be complied with, the preference shall be given to the first applicant.

Mr. HUSTING. I should like to have the Secretary read once more after the words "preference shall be given to that applicant."

The Secretary read as follows:

> Preference shall be given to that applicant which has first acquired the right to divert the water of the stream by means of the dam to erect which the permit is sought, and otherwise complied with the laws of the State or States—

And so forth.

Mr. HUSTING. Mr. President, I do not understand that. I will ask the Senator from Tennessee to state whether that covers the whole stream. Will the Senator be kind enough to explain the meaning of that? I will say frankly that I do not understand what it means.

Mr. SHIELDS. Mr. President, I do not understand the inquiry of the Senator. If there is any explanation I can make or any light I can throw on the provisions of the bill, I will be very glad to do so.

Mr. HUSTING. I should like to ask the Senator the meaning of the words "acquired the right to divert the water of the stream by means of the dam to erect which the permit is sought, and otherwise"?

Mr. SHIELDS. Those are the rights that the permittee acquires under State law.

Mr. HUSTING. Rights as a riparian proprietor?

Mr. SHIELDS. Those are partly the rights he might acquire as riparian proprietor.

Mr. WALSH. Mr. President, if it will aid the Senator from Wisconsin in understanding it, I will say to him that that language was inserted upon my suggestion to meet the condition of appropriation in the Western States. Two parties are here asking for a permit, each equally qualified. The permit should be given to the one who has first acquired the right to divert the waters of the stream.

Mr. HUSTING. Divert for the purposes of water power or for the purposes of irrigation?

Mr. WALSH. It does not make any difference for what purpose. The man who has diverted water for the purpose of irrigation may change that purpose, if he desires so to do, and use it for power purposes.

Mr. HUSTING. Mr. President, going back to section 6, I desire to repeat that under this act it will be necessary for the Government to take not only the water power and the power house, but, as I understand, to take over the whole transmission line or any part affecting it, or, in the language of the

bill, "dependent in whole or in part for its usefulness upon the rights hereunder granted." There are already lines in the country which extend a hundred miles, I presume, and many, perhaps, which extend 50 miles, and no doubt within a short time power will be transmitted, perhaps, over the continent, or, at least, for a great many miles. It will be hooked up with the trolley lines, light stations, and power stations, and I should like to ask any Senator what chance there will be for the United States, under this bill, ever to recapture anything if the United States must take over the whole transportation, light, and power projects?

Mr. WALSH. Mr. President, I can not understand why anybody should think that under the language of this bill that would be necessary. This bill does not require that property to be taken over through which the power is used.

Mr. HUSTING. I meant to say the transmission line.

Mr. WALSH. Of course the transmission line has to be taken over. Would the Senator want to have the transmission line separated from the power plant and the power plant sold or turned over at the end of the 50-year period without any transmission line?

Mr. HUSTING. I say no; I do not want them to be separated if it is not necessary to separate them. All that I have stated is that the United States ought not to be required to take them over. It should take them over if it wants to do so, but it ought not to be required to take them over, because I believe that it does not require any great stretch of the imagination for anybody to believe that within a very short time, within a very few years, perhaps, there will be transmission lines ramifying all over a given region or all over a given district, perhaps traversing several States, and in taking over or attempting to take over one unit of power the Government, under this bill, will be absolutely estopped unless it takes all of them over. That is the plain meaning of the bill; and I think it absolutely nullifies the use of or the advantage in the provision which enables the United States to take them over, because if the conditions for taking over are going to be such that the United States under such conditions could never take it over, why, then, that particular provision has little, if any, effect or value, and might just as well be stricken from the bill; and if it is stricken from the bill, then this bill virtually gives a perpetual or indeterminate franchise—practically a perpetual franchise. If the conditions are impossible or unreasonable, then you might just as well give the permittees an indeterminate or perpetual franchise as to impose a condition that no one thinks the United States ever can accept.

I see here grave danger, for if the bill is passed in its present form we will have practically lost control of this power; and it seems to me that we ought not to do that. It seems to me that a bill should be enacted which will fully safeguard the rights of the United States, and which will hold out at least some prospect that at some time the United States will take these powers over and control them itself.

Among other things, it ought to impose a rental charge. The United States, if it is going to do anything with these waterways, must establish reservoir systems on the headwaters of the streams. It does seem to me that the law should provide for compensation from the power users, the power developers, to pay for the improvement of the stream. There is no reason why, if the United States is going into the reservoir business—and I take it that at some time it will have to do so—it should not receive from the water-power owners some part of the expense which it will be put to in developing the reservoirs. Why should not the beneficiaries pay? If reservoirs are established upon the headwaters of the streams by the United States they will improve the water powers of the power users below; and the man who receives this direct and especial benefit ought to be compelled and required to pay money for the improvements which are going directly to benefit him more than anybody else.

So that it seems to me that this amendment should be adopted, and that it is one of the essential things that ought to go into the bill. It does not make any difference how much it is or how little it is, if the principle is put in the bill and the power left in the United States to make readjustments as the requirements of the future may demand. It does not make so much difference how much they pay. It is desirable to have this power developed as soon as possible. The terms ought not to be too harsh to prevent capital from going into the venture; but a small charge, a charge that will give notice to the licensee that the United States expects from time to time to make him help pay for the privilege which he is enjoying should, in my judgment, be provided for in this sort of a bill.

This is a question which has been debated a good deal in the Senate, but I have spoken thus at length in the hope that this matter would not be left out of this bill when it comes to final passage.

Mr. WALSH. Mr. President, I feel like saying a word with respect to the amendment of the Senator from Wisconsin, and lest my position about the matter should be misunderstood I have already announced my adherence to the principle of the first part of this amendment, namely, that there should be a charge made for the privilege extended; but I can not lend my support—and I should not like to be silent when the suggestion is made—that there should be a readjustment of these charges after a period of 20 years and at intervals thereafter of, say, 5 to 10 years. I can not subscribe to the doctrine that that is a wise provision at all. A man who puts his money into such enterprises in the first place wants to know exactly what contribution he will have to make out of his revenues in consideration of the privilege. I feel perfectly satisfied that it would be an undesirable deterrent if he knew that after the lapse of 20 years the charges would be readjusted and fixed at such amount as might at that remote time seem advisable to the man who occupies the position of Secretary of War.

I am very anxious to safeguard the interests of the public in connection with this measure, but I do not want to make its provisions so harsh as to forbid the investment of capital in these enterprises, and I feel certain, as I have said, that this would be an undesirable deterrent.

There is another consideration that ought equally, it seems to me, forbid the adoption of that principle. In the case of many of these powers, Mr. President, it will be impossible to initiate them at all unless contracts can be secured in advance for the consumption of the power, and those contracts will ordinarily be long-time contracts. Take nitrate works, which have been spoken of here. A corporation undertakes to build one of these dams and invests a large amount of capital in one of these great developments. It can get the capital on the strength of a contract which it has with another company, which is quite willing to put up a cyanimide works or other works for the fixation of atmospheric nitrogen; but, obviously, no one will put into a manufacturing enterprise of that character the enormous amount of money that is necessary, unless he can be assured of the price at which he is going to get power to operate his works for a long period of time. I should think that he would insist upon a contract of at least 30 years. He would probably have to put out bonds in order to raise the money to make the investment, and those bonds would rarely be for less than 30 years' time. If they were for any less than that, they naturally would have to sell for less upon the market.

Mr. President, if we preserve these powers so that they can be turned over, under reasonable terms and conditions, to the generations that shall come after us 50 years hence, and get a reasonable return to the Government in the meantime, I believe that that is the line along which this legislation ought to progress. I am confident that we shall utterly fail if we align ourselves with the extremists on either side of this question. I do not feel that the bill, as it has been returned by the committee, makes enough concessions—indeed, I do not know that it makes any substantial concessions—to those people who have spoken just now through the Senator from Wisconsin. I think that a median line could be very profitably followed, carrying out the general ideas which I have just announced.

Mr. SHIELDS. Mr. President, I do not propose to reargue the questions involved in this amendment. As the Senator from Montana [Mr. WALSH] says, two amendments to the same effect, only less harsh than this, have been rejected by the Senate; and I will not restate the grounds upon which they were opposed. I am willing that a vote should be had.

Mr. CUMMINS. Mr. President, the amendment now under consideration presents a fundamental question, upon which, as we all know, there is a very wide divergence of opinion among those who have studied the subject involved in this bill. I, for one, can not allow the opportunity to pass without expressing my judgment with regard to it. It is an inquiry to which in times past I have given very considerable study, and I have the most profound conviction with respect to it.

The general principle announced by the Senator from Wisconsin [Mr. HUSTING], and embodied in his amendment, is beyond controversy or dispute; but, in my opinion, the application of the principle to the bill now before the Senate would inflict irreparable injustice upon some communities that will be interested in the development of water power.

I believe that when a municipality comes to grant a franchise for the occupation of its streets or public places to a street railway, or to a gas company, or to a light company, all for service

to that community, there ought to be an annual charge for the franchise granted. The charge, going into the treasury of the municipality, will serve to lighten the burden of taxation in that community; and the benefits will be, measurably at least, divided with equity among all the people who are interested.

It is not so with regard to the permission provided for in this bill. I do not concern myself with the matter of constitutional power. I think we have a right to affix any condition we may desire to the permission which is provided for in the bill; and if we thought it was good policy to require a grantee to pay a large sum of money annually or biennially, or in any other way, for the privilege which is granted, then unquestionably we have the constitutional authority to require it. But I am opposed to requiring it, as a matter of policy and justice, for the reason that to compel the payment by a given community, served through a water power that we hope will be created under this bill, is to impose upon that community, for the benefit of the United States, an unjust and unequal burden. It, in effect, compels such a community to bear a measure of taxation which is not imposed upon the people as a whole.

For instance, suppose it were proposed to build a dam in the Ohio River at Cincinnati and the application were before the Secretary of War. Imagine that the Secretary of War believed that a million dollars a year would be a proper charge for the privilege. Assume, further, that the dam is to be built for the purpose of furnishing the people of Cincinnati and vicinity with light or heat or power. The million dollars required by the Secretary of War would be paid into the Treasury of the United States and its benefits would be shared by all the people of the United States. But who would pay it? The people of Cincinnati would pay it. They would pay their other taxes, in common with all the people of the United States, and there would be added to their ordinary burdens the especial burden of paying for this particular privilege.

To me this is glaringly and indefensibly unjust. If the advantages of the million dollars so paid by the people of Cincinnati could be distributed among the people of Cincinnati, my objection would disappear, for it would then rest upon the same basis as though Cincinnati were charging an annual sum for a privilege granted in its streets or public places. But there is no such suggestion as I have just made; and the result is that we are charging the people of Cincinnati this sum for the privilege of putting in the Ohio River a dam that is intended primarily to advance or promote the interests of navigation.

The Senator from Wisconsin [Mr. HUSTING] says that the charge would not be reflected in the rates prescribed by either the municipality or the public-utility corporation which might receive the franchise or permission. It is somewhat speculative, of course, but it can not be true in these days of regulation, in these days of precise definitions with regard to reasonable rates and reasonable practices, that any material charge to the grantee will not find its way into the rates imposed by the grantee, and eventually be paid by the ultimate consumers of the power or the light or whatever may be the product created. If the charge is a merely nominal one, I agree that it would not make its appearance in the rates. But if it is substantial, and if the system of regulation is not an utter failure, it will advance the rates that are charged, no matter whether charged by a municipality, a public-utility corporation, or a user of power for private purposes.

All that I have said is necessarily based upon the view which I take of the subject from another aspect. I believe that the Government of the United States should reserve in its permit the power to regulate the rates charged by the grantee, no matter whether it is engaged in interstate commerce or otherwise. If the grantee is a municipality or a public-utility corporation wholly controlled by the State commission I do not insist that the United States shall exercise this power. But in every other instance, whether the energy is confined within a State or whether it passes beyond the borders of a State, the United States ought to reserve the power to regulate and control the charges that are made by the grantee for the service it renders; and the bill is defective in that respect.

It seems to be assumed that the United States can not exercise this power unless the electrical energy, or some other kind of power, is transmitted from one State to another. I refuse to accept that interpretation of the law.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of Maine in the chair). Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. I do.

Mr. WORKS. It is not merely assumed. The Supreme Court of the United States has decided that question over and over again.

Mr. CUMMINS. I beg to differ from the Senator from California and to suggest that the Supreme Court has never decided any such question, because no such question has ever arisen. The Senator is looking at it, I have no doubt, solely from the standpoint of our constitutional power. I am looking at it just now from the standpoint of our contractual power. We can give or refuse to give to any applicant the right to dam a navigable stream. If we give the applicant the privilege asked, we can, as a condition of the grant, reserve the power to regulate the rates, no matter whether it be within a State or between the States.

Mr. WORKS. Does the Senator contend that the Government, by a contract with a private individual or a corporation, can set aside the Constitution?

Mr. CUMMINS. No, sir; I do not. Nor does this bill set aside the Constitution in any way; nor does it infringe upon the Constitution. It has been asserted here over and over again, and, I think, with general assent, that we can impose upon the applicant any condition that may seem to be wise or withhold the grant entirely, and I really feel no doubt of the soundness of my conclusion in that respect. I have mentioned it, however, only as a sort of supplement to the view I have taken of the unwisdom of charging a particular community a sum of money—I assume it will be a substantial sum of money—for the benefit of all the people of the country; and I am assuming, of course, that the rates charged by the grantee, no matter whether it be a municipal corporation or a public-utility corporation or a private corporation, will be fair and reasonable, and that there will be found somewhere, at least, the authority to enforce the regulation or the demand that these rates should be fair and reasonable. But assuming that they are kept at that point, I never have been able to see how the United States could say to these people who are using power in Iowa or in Colorado not generated with the use of public property, not generated with the use of the public lands, but generated in a navigable stream over which our only control arises from the constitutional provision that gives us the power to regulate commerce among the States, that they should pay to all the people of the United States an additional sum for the service that is to be rendered by the grantee. If there were no other way in which the United States could retain its control over the privileges granted under this bill, then the argument of the Senator from Wisconsin would have very great force. But there are other ways in which the control of the United States can be reserved and can be exercised. The ideal conditon must be that if a dam is built in a particular community and power is generated the people of that community shall have the benefit of that power at reasonable prices; and the very moment you make them pay unreasonable prices in order that a sum may be created for the National Treasury you inflict upon them as grave an injustice as I am able to conceive.

Mr. HUSTING. Mr. President, I desire to say just a few words in reply to the remarks of the Senator from Iowa.

I can not exactly agree with the conclusions reached by the Senator from Iowa. In the first place, I do not believe that a charge such as it is contemplated at this time to impose on public utilities would have the slightest effect upon the service of the people of Cincinnati in the instance cited by the Senator. As was argued by the Senator from Nebraska [Mr. NORRIS] the other day, they are now paying steam-power rates. A privilege granted by the United States to give them hydroelectric-power service from the flowing waters would enable the public utility to give them the power at a cheaper rate. But would it, as a matter of fact, give them the power at a cheaper rate? Would it not rather make the rate, if it could get a franchise at Cincinnati, just a little bit cheaper than the steam power, and then charge all that the traffic would bear?

There is nothing in this bill to compel a public utility to undersell rates that are reasonable as compared with the cost of steam power. In the instance cited by the Senator there is nothing in this bill to insure the people of Cincinnati cheaper rates merely because they have a hydroelectric-power development. Moreover, speaking from my own experience, at least, in these times of regulation and control I do not know of a single instance where public utilities are being controlled to the limit defined by the Supreme Court as a reasonable return on their investment. I do not know of a single instance. I do not know of an instance where it is claimed that they do that unless it is not a paying institution and can not get enough profit out of its operation not because of conditions imposed but because it has not a profitable business. But where it has a profitable business I do not know of a single instance where the public utilities have their rates regulated to such a degree as to keep them within the 6 or 6½ per cent limit.

For that reason I do not think the imposition of this charge would have the slightest effect on the rates to the public. Moreover, there are others besides public utilities. How are you going to reach those men that are using this power in their private business, in the manufacture of nitrates or in the manufacture of paper or something else? By giving them a license to develop hydroelectric power you are putting in their hands a weapon with which they can put their competitor out of business, if they want to do so, because he is using steam power and they are using water power or hydroelectric power. Their competitor may be a riparian owner on that stream; and yet the newcomer gets a license under this act, seizes his competitor's land, pays him a price as for land, and then develops power and puts his competitor out of business. How are you going to reach him without a charge?

Mr. SHAFROTH. Mr. President, may I ask the Senator a question? If they put him out of business, will they not have to reduce the rate in order to do it?

Mr. HUSTING. I am speaking now of a private manufacturing institution.

Mr. SHAFROTH. I know it. Would they not have to reduce the price of their product in order to put the other party out of business?

Mr. HUSTING. Why, yes; and they can afford to reduce the price of their product if they can manufacture it cheaper than the other man can.

Mr. NORRIS. Mr. President, if the Senator will permit me, I should like to ask him a question. After they get the other fellow out of business, what is to hinder them from increasing their price?

Mr. SMOOT. The commission.

Mr. HUSTING. There are many ways in which the newcomer can put his competitor out of business if he has it within his power to manufacture goods cheaper than his competitor can; and the reason why he can manufacture goods cheaper than his competitor can is because the United States has put in his hands the weapon with which to do it.

There is another consideration. It does not seem inequitable to me that these men should pay part of the cost of river improvement. We have been reading in the newspapers about Congress making appropriations of $150,000,000 or something like that, $130,000,000 or $120,000,000, every year for the purpose of improving rivers and harbors. I do not know how much of this sum is expended for the improvement of rivers, but they are improving rivers for the benefit of the community. When we are pouring millions or hundreds of thousands of dollars into a river for the purpose of helping the community, why should not that community pay a little something out of the resulting benefit, or help defray to a certain extent the expenses of the Government in taking care of these rivers?

I do not think that is unjust. I do not think it is unreasonable for them to do that and for the United States to require it.

As far as the terms of this readjustment are concerned, it is not material to me whether it is done every 30 years or every 20 years. So far as this provision is concerned, I am willing to make it the first 30 years and then every 10 years thereafter, or the first 40 years and then every 10 years thereafter, or the first 50 years and every 10 years thereafter. That is not the important thing. The important thing is that it will be recognized as a proper thing for the United States to do. When the United States, if it wished to do so, could go in and take this improvement into its own hands, but instead, it sees fit to delegate this privilege to some one else or to some utility, thereby putting in their hands something of tremendous financial value, I can not appreciate the force of the argument that they should not in some way besides a doubtful matter of regulating rates do some practical thing to pay for what they are getting, to pay for what the United States is giving to them by way of this grant or license.

Mr. NORRIS. Mr. President, I did not intend to speak on this amendment, because upon the vital question involved I have already expressed myself quite fully during the course of the debate on the bill, when other amendments having a similar import were before the Senate; but I listened to the most distinguished Senator from Iowa [Mr. CUMMINS], and it seemed to me that what he said ought not to be permitted to go unanswered.

In the first place, as far as this amendment is concerned, it would seem to me better if the Senator from Wisconsin struck out all of it after the word "act" in line 4. I should like to confine this vote to the one principle involved, as to whether in this bill we ought to give authority to the Secretary of War to charge a rental—an annual charge. As I have said, I have gone all over that question, and have given the reasons that to me seem proper why the authority should be given in this bill. It is one of the vital questions and one of the fundamental principles involved in this legislation.

I am not going now to go over the ground that I went over before; at least, not in detail. But to my mind this amendment, leaving out the part of it referring to a readjustment every 10 years, presents to the Senate a fundamental principle; and no law, as I look at it, upon the question of water power is complete without including that principle—that right. We ought to remember, as has well been said by the Senator from Wisconsin [Mr. HUSTING], that we are dealing here with rights that are not ours personally, with rights that do not belong even to the present generation, but that we are giving away rights that belong to generations yet unborn—a heritage, you may say, of the people. It comes from our power over navigable streams, and on that, the legal part of it, I agree entirely with the Senator from Iowa [Mr. CUMMINS]. We have the right to prevent the building of a dam in a navigable stream, and, having the right to prevent it, we have the right to permit it on any conditions that we may lay down.

The Senator from Iowa falls into the universal error, in my judgment, fallen into by those who opposed the exercise of this right, that any charge which may be made, at least of a substantial nature, by the Secretary of War will be reflected in the price the consumer must pay for the product. That is the universal objection, and at first blush it seems to be valid; and in many cases it would be valid, I concede. Among those who believe in the exercise of this right, in placing it in the law, there are those who say that we ought to exercise this charge even though it is reflected in the price the consumer has to pay. Personally I do not agree with those who take that position. I agree with them that we have the right to do it. I do not believe we ought to make a charge in any case that would be reflected in the price the ultimate consumer has to pay.

This amendment, if agreed to, will be followed by another that will preclude the Secretary of War from making any charge in case a municipality gets the right to construct a dam and generate power under it for the purpose of supplying their inhabitants, or counties, or other subdivisions, or even States. But I can draw a distinction, which seems to me to be perfectly apparent, that many cases will arise where a very substantial charge can be made without that charge being paid by the consumer. Let me take the case the Senator from Iowa gave us as an illustration. He said, suppose we pass this bill and they build a dam across the Ohio River to furnish power to the citizens of Cincinnati. He says, suppose we charge them a million dollars a year for the right to maintain that dam. Now, right there he starts off where I would not go, where those who favor giving the Secretary the power to charge a rental would not go, where no Secretary of War in the proper administration of his office would go. But let us suppose that the Secretary in that case, instead of saying, "I will charge you a million dollars a year," would say to the corporation that for the purpose of supplying electricity to the city he would say, first, I will not give you this right at all if the city of Cincinnati herself wants to get it. She shall have the first chance, and it ought to be in every law, and she ought to have it if she takes it as a municipality to supply her citizens for domestic purposes with electricity and to supply the municipality for the purpose of lighting the streets, the parks, and public buildings, and operating street cars. She ought to have it for nothing, according to my theory.

But in the case the Senator has put the corporation comes along and says to the Secretary, "We want to build a dam across the Ohio River to supply Cincinnati with light and power." The Secretary says to this corporation, "Since Cincinnati herself as a municipality does not want this right, I will give it to you, and I will give it to you on condition that you shall not charge the people of Cincinnati more than a certain price for their electricity, that you shall furnish to the citizens of that city and to the municipality itself electricity at a certain price, and for that I will charge you nothing, or I will make the charge absolutely nominal. If you charge a higher price to the people of Cincinnati, I will charge you a higher price for every unit of power developed."

Suppose, again, that when this corporation comes to the Secretary of War to dam the Ohio River to supply the people in Cincinnati with light and heat and power the Secretary of War found the corporation that was going to dam the river and do that was already supplying the people of Cincinnati with electricity through the use of coal. Suppose he reached the conclusion that this corporation wanted to get this power to dam the river not for the purpose of bringing about the full development but for the purpose in reality of preventing some-

body else from getting it and making the development. In other words, that the object was to prevent full development so as to keep up a high price to the consumer.

Then he would say to this corporation, "I will grant you this privilege on condition that all horsepower will be developed that can be developed at that power plant from the plans and specifications and the reports of the engineers, and if you develop it all and sell it as I have heretofore said I will charge you only a nominal price. If you develop only half of it, I will charge a higher price."

Mr. CUMMINS. Mr. President——

Mr. NORRIS. I yield to the Senator from Iowa.

Mr. CUMMINS. The Senator from Nebraska certainly did not understand me to oppose any such power or authority as he has just been describing.

Mr. NORRIS. Yes, I did; but——

Mr. CUMMINS. I would be willing to invest the Secretary of War with any such power as that. My whole argument was that the service, whatever it might be, of a public character over which the public had control and the power of regulation was to see to it that the service was rendered at a reasonable price, that the charges would not be unjust. If we take the case of a private corporation in which the price is fixed by competition instead of regulation, not a word I said would apply to any such case as that.

Mr. NORRIS. The Senator's argument, as I understood it, was based entirely upon the theory that if any substantial charge was made the consumer had to pay.

Mr. CUMMINS. That is true.

Mr. NORRIS. I do not agree to that at all. There may be cases——

Mr. CUMMINS. We may differ about that, but I want the Senator from Nebraska to have clearly in his mind the distinction I make between the service that is under public control, where some governmental body has the authority to determine what price shall be put upon the service and the cases in which the service is controlled by the ordinary laws of business or what we call competition. I tried to make that clear by saying that I thought we had the power, if we wanted to exercise it, through the contract to fix the rate even of the private corporation, but we do not propose to do that in this bill. Therefore I entirely agree with the Senator from Nebraska with regard to the propriety of charging a corporation for pecuniary profit whose service or commodity or article, whatever it may be, is not controlled by the Government in one or the other of these aspects. It ought to pay. There is no question about that in my mind.

Mr. NORRIS. In the first place, I want to say to the Senator I do not wish to charge in any case where the consumer has to pay. I do not want to make a charge for the development of power in a navigable stream where the consumer pays. I am in favor of giving the Secretary the right to make an annual charge on the horsepower developed for one reason—and it is not the only reason—because it is a regulatory power, and the illustration, taking the Senator's own illustration, I think, demonstrates that by giving him this power he can regulate and prevent monopoly and prevent extortion.

It is said by those who oppose it, and it was said by the Senator from Iowa, that he would let the Secretary or the Federal authority regulate even the price wherever there was not a State board that had the power to regulate it. It is said by others that we can safely surrender Federal authority, because the State commission will regulate it. As I have often said before, I am not finding fault with State utility commissions. They have done a great deal of good and are doing a great deal of good, but they are not one-half as effective as the Federal Government would be if the Secretary of War had the right to charge, and in exercising that right would make a charge or a rental that would regulate the price the consumer had to pay in the way that I have illustrated in Cincinnati. There is not any court that could interfere with that; there is not any delay that would come about from that; but let the State regulate it, good as the are and as much as they have accomplished, they have accomplished comparatively little compared to what there is to accomplish. The difficulty is that they do not regulate in all cases, and that they regulate, where they regulate, is at the end of a lawsuit.

Mr. President, quite a number of years ago Congress passed a law fixing a maximum amount that could be charged by a telephone company for telephone service. What happened to it? The telephone companies paid no attention to it. Some man refused to pay, and he depended on that act. They went to court and had a lawsuit, and when they got through with that lawsuit it was taken on an appeal to the higher court of the District, and after waiting a while there it was decided, and then taken to the Supreme Court of the United States, and after waiting there for a year or so it was decided there, reversed, sent back to the first court for trial, and that court tried it over again and it went on up again. I do not know how far it got the next time; I have forgotten the entire history of it; but years and years went by, and I have forgotten whether the poor fellow who was sued by the telephone company lived to see the end of the lawsuit, but if he did live to see the end of it he lived to see the time when he had no money to fight it any further, and it was a good deal cheaper to pay.

That law is on the statute books to-day, unrepealed absolutely. The last court that decided it—I think it was one of the lower courts—held that the act was not good. I think it was the original court where the suit commenced. It held that the act was not good. There is an illustration of delay that comes about if it is possible for a court to get a chance at regulation.

Mr. SHAFROTH. I should like to ask the Senator right there, if that does not show the inefficiency of Federal control as contrasted with State control where they do get relief?

Mr. NORRIS. No; it does not. Suppose the Secretary of War fixed it, who would sue the Government? He possessing this right, representing the United States, who would sue him? Who would sue Uncle Sam? They would turn it right out at the beginning. His right, whatever he said, would be put into force to begin with, and if he did get into any litigation he could afford to fight it to the end instead of wearing out somebody who could not afford to fight it.

Mr. SHAFROTH. I should like to ask the Senator if you are going to give this power to the Secretary without any right of the court to attempt to come in and have these matters tested, what company on earth would ever undertake the improvement of the navigation of a stream?

Mr. NORRIS. Plenty of them. There is a great deal of difference between a corporation fighting the Secretary of War and fighting an individual. He is able to cope with them.

Mr. SHAFROTH. But they never would put their heads into such a trap, and consequently you would never get your navigation improved.

Mr. NORRIS. I want to fix it so there will be no trap. If you leave this bill as it is their heads and bodies are in a trap. There is not anything outside of the trap. There is nothing to it but a trap. It is all trap.

Mr. President, we passed a law here quite a number of years ago creating a commission to regulate street cars, gas companies, telephone companies in the District of Columbia, and they have been drawing a salary and doing work, some good work, perhaps, ever since. They have not yet done many things of very great importance to the people of this city and District, but I understand they have been making investigations and spending a good deal of money, and doing it probably in a scientific way, and that they are about ready to have something to say about universal transfers, for instance, or about the price of gas, or the telephone, or electricity. What will happen when they do say it? This is what will happen, or very likely it will happen: The company that is affected will get an injunction restraining them from putting their order into force, and they will go through the courts, up and down the regular stairway from the Supreme Court down and from the lower court up to the Supreme Court, and when they get through they will get a judgment. Suppose the order is affirmed in the end by the Supreme Court of the United States? How many years will it be before that is brought about from the time we passed the law giving that commission the authority to do this? About four years have passed now, it may be five, and by the time we get through, with the many times that the Supreme Court may reverse the case, it will be about the life of an ordinary individual between the passage of the law and the relief that finally comes to the people at the other end of the string.

If we had the power at the beginning of the operations, right when the contract by which the Secretary of War could collect an annual charge, by which he could regulate it, we would get regulation from the beginning, and we would get something that is effective; get it at once without delay, and it would be permanent.

Let me take another illustration now. I have followed out the illustration given by the Senator from Iowa. Suppose another corporation want to dam the Ohio River at some other point, to go into the manufacture of paper, and they get the right under this bill, and it is passed without the amendment as it is now before the Senate, just as it has been drawn by the committee, and that paper mill is established. It comes in open competition with another paper mill. The other paper mill may not be so favorably situated. They may get their power from steam or even from some water power that does not have the advantages

that this is going to get. The other paper mills, with which it comes in competition, produce their power at a cost, let us say, of $50 per horsepower, and they develop a power under this bill and produce their power at $40 a horsepower. In the first place, will they sell their product to the consumer, taking only a reasonable profit above what it costs them to produce their power? Would the Senator from Iowa do it? Would I do it? Why, no; we would charge all the market would stand; everybody would do that; they would have a right to do so under the law.

Mr. SMOOT. Mr. President——

Mr. NORRIS. In just one moment I will yield. I am not through with the illustration. Let me finish this, and then I will yield to the Senator.

Suppose the amendment is put in; suppose we pass a law that provides that the Secretary of War shall have the right to charge a rental price for the power developed, and he says to these people, "I am going to charge you $5 a horsepower." That is a very high price, probably higher than ever would be charged for such power, and yet that still leaves a difference in favor of the company organized under this bill of $5 a horsepower, in competition with those manufacturing paper sold on the same market. They pay that to the Treasury of the United States. The consumer would not be affected one way or the other. They could still undersell their competitor, but the people of the United States, who are the owners of this right and who have given these privileges, would get some compensation for the privileges they had bestowed.

Just a little further. Where is the State-regulating power that is going to come in there? There is not any public-utility commission in any State that has power to say what price the paper manufacturers shall put upon their output, or, if they were manufacturing nitrate, there is not any public-utility commission that could say what their charges should be. If they were making flour, as hundreds and hundreds of mills on the various streams of the United States are now doing, no public-utility commission could tell them, or would have any authority to tell them, how much they must charge for flour. There are cases like that, where the Secretary of War, if he had the authority, ought to make a substantial charge, always leaving it so low, however, that the man or the corporation could still do business, even getting the power with the charge added at a lower rate than competitors paid for theirs. If he did not have this power, if the bill is left as it is, nothing of that kind can occur.

Suppose we had another corporation organized down on the Ohio River, or on some other river, and they should develop power and sell it, as would often be the case, not directly to the consumer but to some other corporation. The same men would organize various kinds of corporations; one would be to build a dam; another would be to build the transmission lines to the place where they were going to distribute the power; and then they would lease that transmission line to another corporation, and that corporation would sell the electricity to another corporation, and that corporation would distribute it. In the meantime it might go over four or five State lines. If it finally got into Cincinnati the public-utility commission that regulated the price that should be charged in Cincinnati could only do one thing: They would have to permit that corporation distributing the power to have credit for whatever they had to pay, even though they had oiled the machinery of half a dozen corporations between them and the corporation which originally produced the electricity.

It all reduces itself to this, as I look at it: Nobody wants to have the Secretary of War, if he has this authority, tyrannize over anybody; nobody wants him to charge a price that will ruin anyone or that will prevent development. There are many cases where he ought not to charge anything but a nominal price; there are many cases where he ought to charge a substantial price.

Mr. SMOOT rose.

Mr. NORRIS. I will yield to the Senator from Utah in a moment; I have not forgotten him. I want to read, while I am on that point, a portion of what I read before when I was discussing this same subject—a statement issued by Franklin K. Lane, the present Secretary of the Interior. I will not read all he said, for I realize that to some extent what I have said is a repetition of what I have previously said; but it seemed to me that I was justified in doing so, because the argument on the other side was likewise repetition of what had before been stated, although coming from a different source this time. Mr. Lane said:

> We should charge nothing at first, during the period while the plant is building and finding a market, except, perhaps, a charge merely sufficient to pay the expenses of administration. This period of nominal charge might be 5 or 10 years. The charge should then gradually and moderately increase as the years go by according to a scale fixed in the lease or permit at the outset, and in every instance premium should be put on low rates to the consumer. The lower the rate to the consumer, the lower should be the rate to the grantee.

So one of the principal objects of those who agree with me on this proposition of having such a power placed in the hands of whatever officer is going to represent the Federal Government is to regulate. Although there are regulating commissions in practically every State in the Union, they have many difficulties to contend with; they have some difficulties much more serious than the Secretary of War would have. If the Secretary of War had this authority, and a regulating body in a State where the electricity was finally used had under its jurisdiction all the parties necessary to control it, and did control it and regulate it properly, there would not be any conflict; there would not be any difficulty, because all the Secretary of War would want to do with his power of regulation would be to see that nothing unfair was done against the consumer; that no monopoly was brought about; and that the rates were fair and honest. Now, I yield to the Senator from Utah.

Mr. SMOOT. Mr. President, I was simply going to say to the Senator from Nebraska, that his illustration is impracticable. It is well understood to-day that, for a small power development, it can be made with a modern steam engine cheaper than it is possible to develop a small unit of power by water. In order to put a hydroelectric plant in operation to create power to compete with steam, it has to be in large units. That is conceded by everybody.

Mr. NORRIS. Well, it is not conceded in all cases by me.

Mr. SMOOT. I say, Mr. President, that there is not an instance anywhere where a man can go to a stream of water, put in a dam, a generating plant, and run and maintain that plant for the sole purpose of operating a paper mill or a gristmill. I want to say to the Senator——

Mr. NORRIS. Right there I want to tell the Senator from Utah, when he says that there is not any such instance, that there are hundreds of such instances. I myself happen to have had an interest in just that kind of a gristmill. I can go out, even in my section of country, where we do not have very much water power, and point the Senator to dozens, yes, to hundreds of instances of that very kind. There is not any doubt about it whatever.

Mr. SMOOT. How long is the transmission line, I will ask the Senator?

Mr. NORRIS. There is no transmission line by the gristmill. You build your mill, construct your mill race, and get your power there. Then you grind your wheat and make your flour.

Mr. SMOOT. If you have a mill race and have water running through it, why on earth does not your water wheel furnish the power direct, instead of using your water wheel for generating electricity and transmitting power to the mill?

Mr. NORRIS. The Senator from Utah does not understand what I am trying to tell him. There is not any electricity about the gristmill.

Mr. SMOOT. Well, then, the Senator is pointing to a case to which I did not refer at all.

Mr. NORRIS. The Senator might not have had it in his mind, but it was included in what he said. He said there was not an instance——

Mr. SMOOT. No; Mr. President, I said that there was not an instance—I will repeat it—the Senator can not point to where there is a dam constructed in a stream and a hydroelectric plant is established there——

Mr. NORRIS. The Senator never said that before.

Mr. SMOOT. Yes; I think I did.

Mr. NORRIS. Very well; I accept it that way.

Mr. SMOOT. I will ask the Reporter to read what I said.

Mr. NORRIS. I will assume that the Senator did say it. He can say it now.

Mr. SMOOT. I will ask the Reporter to read just exactly what I did say.

Mr. NORRIS. All right; if the Senator wants to take up time I have no objection.

Mr. SMOOT. I am not taking up time.

Mr. NORRIS. The Senator is not doing anything but taking up time. He does not want to deny that, does he?

Mr. SMOOT. Yes; I say——

Mr. NORRIS. Then, let us have the Reporter read what the Senator said.

Mr. SMOOT. I have no intention whatever of taking up time. I simply rose to tell the Senator that his illustration was not an apt one nor was it practicable.

Mr. NORRIS. Well, my illustration was a gristmill.

Mr. SMOOT. I say to the Senator now that no paper mill could afford to establish a hydroelectric plant and transfer the power over wires to its mill in any such quantity as would be necessary to run its plant.

Mr. NORRIS. Well, the paper mill does not need to transport its electricity. It can do as the gristmill does. The paper mill can be built right where the power exists.

Mr. SMOOT. Certainly; but, Mr. President, then the mill will be run by water power, not electric power.

Mr. NORRIS. Certainly, it will be run by water power.

Mr. SMOOT. This bill has nothing whatever to do with cases like that.

Mr. NORRIS. This bill applies to every case of that kind, if it is on a navigable stream.

Mr. SMOOT. Mr. President, this bill provides for the development of hydroelectric power, and it does not affect the water that runs a water wheel which furnishes the power for a mill.

Mr. NORRIS. The Senator has not read the bill, Mr. President. He certainly has been asleep during all these days of debate. It has been referred to over and over and over again. Some have advocated it because they wanted to manufacture nitrate, and they have given illustrations of paper mills and of flour mills and of other kinds of power mills.

Mr. SMOOT. Mr. President, of course if nitrate is to be manufactured from the air, as the Senator knows, in order to manufacture it from that element and from the other elements, such as limestone and other necessary ingredients, immense power is required, and it has got to be electric power. No water wheel can run the plant that makes nitrate. You must have electric power in order to do that.

Mr. NORRIS. Why, Mr. President, there is just as much nitrate in the atmosphere down on the banks of a river that is navigable as there is in the atmosphere a thousand miles away.

Mr. SMOOT. Yes; that is absolutely true.

Mr. NORRIS. The Senator does not have to conduct electricity across the country in order to manufacture nitrates.

Mr. SMOOT. Of course, Mr. President——

Mr. NORRIS. And he can not make nitrates unless he has a water wheel.

Mr. SMOOT. Of course, Mr. President, it is absolutely useless to try to argue with a person when he pays no attention to the subject matter of which you are speaking, but goes entirely off on something else. So I shall say nothing more.

Mr. NORRIS. That is true, Mr. President. It is a difficult thing to argue with that kind of a person; but it is still more difficult for a person to argue when he is talking about something that he does not know anything about, and about a bill which he probably never has read, from what he says here. [Laughter.]

Mr. SMOOT. Well, Mr. President, since the Senator knows so much about electricity, its transmission, and knows all about the bill and about everything connected with it, I want to ask him can nitrates be manufactured from the air without electric power?

Mr. NORRIS. Well, who has said they could?

Mr. SMOOT. Why, the Senator has.

Mr. NORRIS. No; he has not. I have said that you did not have to transfer your electricity over a thousand miles of transmission lines to do that. You can have it all done on the bank of a little creek if it has sufficient power.

Mr. SMOOT. Then I will say to the Senator that he can run the gristmill in which he is interested with power direct from a water wheel, and no electricity need be generated. This is not the case in the manufacturing of nitrates from the air.

Mr. NORRIS. Well, who said it was? [Laughter.]

Mr. SMOOT. The Senator from Nebraska.

Mr. NORRIS. No; I did not say anything of the kind. That only illustrates that the Senator does not only not know anything about this bill, but it illustrates the fact that his hearing is failing. He can not distinguish the English language when a man with a moderate voice like mine speaks to him. The Senator from Nebraska never intimated such a thing, never claimed it, nor does he know of anybody who has ever claimed it, here or elsewhere.

Mr. HUSTING. Will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. NORRIS. I will yield presently. The Senator from Utah arose to call my attention to what he believed to be a fact, that there is nothing in this bill that would permit anybody to get a right under it to make flour or to make paper.

Mr. SMOOT. I never said that.

Mr. NORRIS. Well, the Senator again has forgotten what he said. He said that there was not anything in the bill that applied to a gristmill; in other words, when I cited a gristmill I was giving an illustration that was not apt, as the Senator said. Now, Mr. President, I yield to the Senator from Wisconsin.

Mr. HUSTING. Mr. President, I understood the Senator from Utah to say that this bill provided purely for the development of hydroelectric power.

Mr. NORRIS. Yes; that is what the Senator from Utah said, but he has forgotten it by this time. [Laughter.]

Mr. HUSTING. I want to call the attention of the Senator to section 1 of the bill, which states:

> That the United States hereby authorizes any of the persons as hereinafter defined, after obtaining the permit of the Secretary of War as hereinafter provided, to construct, maintain, and operate a dam or dams or diversion structures and accessory works for the development and improvement of navigation and for water power or other purposes.

Mr. NORRIS. Mr. President, those who object now to a charge being imposed are led into the error that those of us who favor a charge want a charge of such material size as must necessarily be reflected in the cost to the consumer. I have always admitted, and I admit now, that a charge could be made that would be so great that it would be necessary for the man or corporation who paid it to charge more for the output.

I am in favor of giving the Secretary the power to make this charge principally for two reasons: First, where, in cases like I have illustrated, the grantee is able to make his product at so much less cost than his competitor and goes into a business that is not and can not be regulated, the charge there ought to be of a material size, so as to bring in a revenue to the Government. The other reason is because the right to make this charge can be used and ought to be used by the power representing the Federal Government to regulate the product and protect the consumer and at the same time prevent monopoly and compel full development of the resource.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. NORRIS. I do.

Mr. SHAFROTH. Does not the Senator think that the regulating power of the State ought to be there?

Mr. NORRIS. Yes. I have no objection, as I said, to that.

Mr. SHAFROTH. Then the Senator desires that there should be a regulating power in the Secretary of War, and, in addition to that, a regulating power in the State government?

Mr. NORRIS. I have not found any fault with the regulating power in the State government. I have gone over the matter several times; but has the Senator, in his State, a public-service commission that can fix the price that a manufacturer of flour can charge for the product?

Mr. SHAFROTH. Oh, no. You have got to rely upon competition in those matters.

Mr. NORRIS. Exactly; exactly.

Mr. SHAFROTH. That is what you have got to do. But does not the Senator recognize the fact that, if you have a regulating power at the National Capital and a regulating power in the State, there is no company on earth that will ever put itself in the position of undertaking this work, and therefore you will have no development whatever?

Mr. NORRIS. Mr. President, Senators have been talking about the great development in Canada. Does the Senator know that the various Provinces of Canada all charge a rental fee to the grantee?

Mr. SHAFROTH. Yes; but the utility companies of the Provinces——

Mr. NORRIS. And they have public-utility commissions in Canada. The point I wanted to make to the Senator was that those who are behind this bill have given illustrations of the wonderful development that has taken place in Canada, and yet Canada has provisions in her law by which a rental is charged, just as we desire to amend this bill. If it works so well in Canada, why will it bring such ruin here?

Mr. SHAFROTH. Mr. President, is there any regulating power in the Canadian Government itself—that is, the central government—as to these matters? My understanding is that it is all in the Provinces.

Mr. NORRIS. The Province owns the land.

Mr. SHAFROTH. Yes; the Province owns the land.

Mr. NORRIS. It is like Texas in this country; but the Province charges a rental for the horsepower developed in nearly every one of the Canadian Provinces. Now, the Province has the right in Canada, just as the Federal Government has the right here, to control the navigable streams, and having that power, it charges a rental fee upon the power developed.

Mr. SHAFROTH. The Senator, then, takes the position that there should be a rental charge, and in addition to that the

Secretary of War should control the rates, and in addition to that the utility commissions of the States should regulate the rates. I say to the Senator, with all due respect, that I do not believe any company would undertake to build for the United States, and spend millions of dollars to construct, a dam for the purpose of improving navigation.

Mr. NORRIS. That is just what the public-utility corporations have done in many foreign countries, and are doing right now.

Mr. BANKHEAD. Mr. President——

Mr. NORRIS. Let me first answer the Senator from Colorado, and then I will yield to the Senator from Alabama.

I have been over this matter two or three times with the Senator from Colorado, and I do not suppose there is any profit in our going over it again. We disagree fundamentally. I have given a good many illustrations here where the public-utility commission, while it does a great deal of good, is not as effective as the Secretary of War would be. I have given illustrations of where public-utility commissions have started in and have been four or five years in traveling their weary way from one court to another before they finally got the question adjudicated and a final decision made, wearing each other out. This regulation is at the head. If the Secretary of War is given the authority in this bill, he can, as Secretary Lane has so well outlined in what I read from him, use it as a power of regulation to prevent extortion, to prevent monopoly, and to assure the full development of any particular power site.

I now yield to the Senator from Alabama.

Mr. BANKHEAD. Mr. President, the Senator from Nebraska and the Senator from Iowa have had a good deal to say about the building of a dam at Cincinnati, on the Ohio River, for the development of power. I should like to ask the Senator from Nebraska if he believes that a power dam can be constructed on the Ohio River anywhere between Pittsburgh and the Mississippi River, with the single exception of the falls at Louisville?

Mr. NORRIS. I do not know anything about that.

Mr. BANKHEAD. I thought the Senator did.

Mr. NORRIS. We were using it only as an illustration.

Mr. BANKHEAD. I supposed the Senator knew all about it.

Mr. NORRIS. I used that illustration because the Senator from Iowa [Mr. CUMMINS] used it. I took the same illustration that he used. I do not suppose the Senator from Iowa has any knowledge about whether or not, right at Cincinnati, there are any power possibilities.

Mr. BANKHEAD. Mr. President, I simply asked the question to emphasize the fact that the amount of water power in this country is so much exaggerated that it is almost impossible to get a fair consideration of this bill. There are no water powers on the Ohio River, for obvious reasons, excepting, perhaps, at the falls at Louisville. There are no powers on any navigable river in this country where there are no falls or shoals or high banks. Every engineer in the country can tell you that. Yet we are discussing this bill upon the idea that every river in this country is a great water-power site, and every branch and every other place where water runs at all could develop a great power to fix nitrogen from the air, and all that sort of thing.

I do hope the Members of the Senate in discussing this bill will keep in view, if they can, the fact that it has no application whatever, and can have no application whatever, to a river that is navigable or supposed to be navigable, and is under the direction and control of the Government through the agency of the Secretary of War.

I believe that is one of our troubles, Mr. President. We are discussing this bill from the standpoint that everywhere there is a navigable stream there is a power site. There never was a greater mistake in the world than that. I may say to the Senate that there are only a few places in this country where great powers can be developed. Of course you can develop power with a turbine wheel or an old-fashioned ram's-horn wheel, as they used to call it when I was a boy, by applying the water directly to the wheel and turning a gristmill, or with an overshot wheel somewhere where you can put the water directly on the wheel and turn a flour mill or some other mill that requires a small amount of power. But the pending bill, which we have been discussing for 15 or 20 days, has no application whatever to situations like that. It seems to me that in discussing this bill the Members of the Senate might be willing now, after 10 or 15 days of discussion, to confine themselves to the merits of the bill and what the bill itself proposes to accomplish.

Mr. NORRIS. Mr. President, if the Senator from Alabama would practice what he preaches, he would not have said a word of his interruption, because he has not offered a single sentence that has any bearing on the question that is now before the Senate. Interesting as his talk was, it has not anything to do with the motion.

Mr. BANKHEAD. The trouble is that I can furnish the Senator information, but I can not give him intelligence. [Laughter.]

Mr. NORRIS. I have no doubt that the Senator can, but it is difficult to give what you do not possess. [Laughter.]

Why, Mr. President, if the Senator's theory is right, then a man is committing a sin if he uses an illustration here in the Senate to illustrate a point; and the Senator from Iowa is the one who was originally guilty, because he said, "Suppose we give a right to build a dam across the Ohio River at Cincinnati." Now, the Senator from Alabama comes in and says, "Why, you could not build a dam there, because there are no falls there," and he wants us to remember that there are very few places where power can be developed.

Why, nobody has been claiming in this discussion, on this amendment, at least, anything about the great possibilities of power development in this country. If we only have a few sites left, then that is all the more reason why we ought to protect them for our people. We ought to guard them all the more jealously. But in discussing a question I take it that a Senator can, without any impropriety, use an illustration, as the Senator from Iowa did. I gave several illustrations about building gristmills and about building paper mills, but, of course, I do not intend to build a gristmill; I do not intend to construct a paper mill. I could not if I wanted to. I have not the money, in the first place, and I would not know how to do it if I had it, and, even if I had the money and knew how to do it, I would not do it.

Mr. President, the question involved in the amendment that I have been discussing, and to which I have confined myself when I have not been diverted by somebody else, is whether or not we ought to give to the Secretary of War, on behalf of the Government, the right to make a reasonable charge for the power developed, for the privileges granted. I have been trying as best I could to show that we ought to do that, first, in some instances, as I have illustrated, because it would bring money into the Treasury of the United States, and, secondly, because it could be used by the Secretary as a regulatory measure and would redound to the benefit of the consumer in the end.

Mr. SHIELDS. Mr. President——

Mr. NORRIS. Mr. President, is the Senator going to move to take a recess?

Mr. SHIELDS. Yes.

Mr. NORRIS. Before he does that I want to have an amendment printed. I wish to offer an amendment to this bill providing for the development of power by the Government of the United States at the Great Falls of the Potomac. I send to the desk the amendment, and ask that it may be printed and lie on the table.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

Mr. POINDEXTER. Mr. President, I ask unanimous consent to make a report from the Committee on Naval Affairs.

Mr. GALLINGER. That can not be done.

Mr. SMOOT. Mr. President, I do not know whether the Senator from Washington was in the Chamber or not; but as long as we are recessing from day to day it is thought best that no morning business shall be done, and there has been objection for the last two days to all morning business. Therefore, under that arrangement, I shall have to object to the submission of this report.

Mr. SHIELDS. I move that the Senate take a recess until 11 o'clock to-morrow morning.

Mr. WALSH. Mr. President, did the Senator say 11 o'clock?

Mr. SHIELDS. Eleven o'clock to-morrow morning.

Mr. WALSH. I will say to the Senator that I have some committee work to-morrow that I should like very much to attend to.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee that the Senate take a recess until 11 o'clock to-morrow. [Putting the question.] By the sound, the "ayes" seem to have it.

Mr. GALLINGER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Fletcher	Hughes	Lane
Brandegee	Gallinger	Husting	Lee, Md.
Chilton	Gore	Johnson, Me.	Martin, Va.
Cummins	Hitchcock	Johnson, S. Dak.	Martine, N. J.
du Pont	Hollis	Kern	Myers

Nelson	Robinson	Simmons	Tillman
Overman	Shafroth	Smith, Ga.	Walsh
Page	Sheppard	Smoot	Warren
Poindexter	Shields	Swanson	

The PRESIDING OFFICER. Thirty-five Senators have answered to their names. A quorum is not present.

Mr. KERN. I suggest that the names of the absentees be called.

The PRESIDING OFFICER. The Secretary will call the list of absentees.

The Secretary called the names of the absent Senators, and Mr. ASHURST, Mr. REED, Mr. SMITH of South Carolina, Mr. WADSWORTH, and Mr. WILLIAMS answered to their names when called.

The PRESIDING OFFICER. Forty Senators have answered to their names. There is not a quorum present.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will carry out the order of the Senate.

Mr. VARDAMAN, Mr. STERLING, Mr. RANSDELL, Mr. LEWIS, Mr. UNDERWOOD, Mr. GRONNA, Mr. THOMPSON, Mr. CLAPP, and Mr. CURTIS entered the Chamber and answered to their names.

Mr. LEWIS. I think that gives us a quorum.

Mr. SHIELDS. I understand that there is a quorum present.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. There is a quorum present.

Mr. KERN. I move to vacate the order directing the Sergeant at Arms to request the attendance of absent Senators.

The motion was agreed to.

ADDRESS BY PRESIDENT WILSON.

Mr. JAMES. Mr. President, I ask unanimous consent to have printed in the RECORD the address delivered by the President of the United States at the Gridiron dinner last Saturday night.

The PRESIDING OFFICER. Without objection, it is so ordered.

The address is as follows:

"Mr. Toastmaster and gentlemen, I have very little to say tonight except to express my warm appreciation of the invariable courtesy of this club and of the reception you have so generously accorded me. I find that I am seldom tempted to say anything nowadays unless somebody starts something, and tonight nobody has started anything.

"Your talk, Mr. Toastmaster, has been a great deal about candidacy for the Presidency. It is not a new feeling on my part, but one which I entertain with a greater intensity than formerly, that a man who seeks the Presidency of the United States for anything that it will bring to him is an audacious fool. The responsibilities of the office ought to sober a man even before he approaches it. One of the difficulties of the office seldom appreciated, I dare say, is that it is very difficult to think while so many people are talking, and particularly while so many people are talking in a way that obscures counsel and is entirely off the point.

"The point in national affairs, gentlemen, never lies along the lines of expediency. It always rests in the field of principle. The United States was not founded upon any principle of expediency; it was founded upon a profound principle of human liberty and of humanity, and whenever it bases its policy upon any other foundations than those it builds on the sand and not upon solid rock. It seems to me that the most enlightening thing a man can do is suggested by something which the Vice President said to-night. He complained that he found men who, when their attention was called to the signs of spring, did not see the blue heaven, did not see the movement of the free clouds, did not think of the great spaces of the quiet continent, but thought only of some immediate and pressing piece of business. It seems to me that if you do not think of the things that lie beyond and away from and disconnected from this scene in which we attempt to think and conclude, you will inevitably be led astray. I would a great deal rather know what they are talking about around quiet firesides all over this country than what they are talking about in the cloakrooms of Congress. I would a great deal rather know what the men on the trains and by the wayside and in the shops and on the farms are thinking about and yearning for than hear any of the vociferous proclamations of policy which it is so easy to hear and so easy to read by picking up any scrap of printed paper. There is only one way to hear these things, and that is constantly to go back to the fountains of American action. Those fountains are not to be found in any recently discovered sources.

"Senator HARDING was saying just now that we ought to try when we are a hundred million strong to act in the same simplicity of principle that our forefathers acted in when we were 3,000,000 strong. I heard somebody say—I do not know the exact statistics—that the present population of the United States is 103,000,000. If there are 3,000,000 thinking the same things that that original 3,000,000 thought, the 100,000,000 will be saved for an illustrious future. They were ready to stake everything for an idea, and that idea was not expediency, but justice. And the infinite difficulty of public affairs, gentlemen, is not to discover the signs of the heavens and the directions of the wind, but to square the things you do by the not simple but complicated standards of justice. Justice has nothing to do with expediency. Justice has nothing to do with any temporary standard whatever. It is rooted and grounded in the fundamental instincts of humanity.

"America ought to keep out of this war. She ought to keep out of this war at the sacrifice of everything except this single thing upon which her character and history are founded, her sense of humanity and justice. If she sacrifices that, she has ceased to be America; she has ceased to entertain and to love the traditions which have made us proud to be Americans; and when we go about seeking safety at the expense of humanity, then I, for one, will believe that I have always been mistaken in what I have conceived to be the spirit of American history.

"You never can tell your direction except by long measurements. You can not establish a line by two posts; you have got to have three at least to know whether they are straight with anything, and the longer your line the more certain your measurement. There is only one way in which to determine how the future of the United States is going to be projected, and that is by looking back and seeing which way the lines ran which led up to the present moment of power and of opportunity. There is no doubt about that. There is no question what the roll of honor in America is. The roll of honor consists of the names of men who have squared their conduct by ideals of duty. There is no one else upon the roster; there is no one else whose name we care to remember when we measure things upon a national scale. And I wish that whenever an impulse of impatience comes upon us, whenever an impulse to settle a thing some short way tempts us, we might close the door and take down some old stories of what American idealists and statesmen did in the past, and not let any counsel in that does not sound in the authentic voice of American tradition. Then we shall be certain what the lines of the future are, because we shall know we are steering by the lines of the past. We shall know that no temporary convenience, no temporary expediency will lead us either to be rash or to be cowardly. I would be just as much ashamed to be rash as I would to be a coward. Valor is self-respecting. Valor is circumspect. Valor strikes only when it is right to strike. Valor withholds itself from all small implications and entanglements and waits for the great opportunity when the sword will flash as if it carried the light of heaven upon its blade."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 10484) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. OWEN. I present a resolution adopted by the Senate of the Fifth Legislature of the State of Oklahoma, in extraordinary session assembled, favoring the passage of the so-called Hastings bill, placing the affairs of certain members of the Five Civilized Tribes under the supervision of the Union Agency at Muskogee, Okla. I ask that the resolution be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the resolution was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

Engrossed senate resolution No. 8. (By Fields.)

Whereas there is pending in the Congress of the United States a measure known as the Hastings bill, which has for its purpose the removal of a portion of the Bureau of Indian Affairs from Washington, D. C., and placing the affairs of certain members of the Five Civilized Tribes under the supervision of the Union Agency at Muskogee, Okla.; and

Whereas by so doing the "red-tape" methods which have been in vogue since the early days of such Indian tribes in Oklahoma will be eliminated, and thus relieve all concerned of the unnecessary burdens which are so eminently in evidence in long-range government; and

Whereas Oklahoma stands to-day in the foremost ranks of the States of the American Union in advancement, and has just cause to expect encouragement and assistance from the Federal Government in affairs over which control is retained and exercised: Therefore be it

Resolved by the Senate of the Fifth Legislature of the State of Oklahoma in extraordinary session assembled, That we earnestly memorialize the Congress of the United States to enact into law the Hastings bill, and thus remove the obstacles that surround certain property rights in Oklahoma, in order that the material advancement of the State be not retarded and that the betterment of this class of citizens be brought about.

Passed by the senate February 19, 1916.

E. L. MITCHELL,
President pro tempore of the Senate.

Attest:

JOE S. MORRIS,
Secretary of the Senate.

Correctly engrossed.

M. S. BLASSINGAME,
Chairman Committee on Enrolled and Engrossed Bills.

Mr. LIPPITT presented petitions of sundry citizens of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Rhode Island State Christian Endeavor Union, praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a memorial of the St. John's Parish Club, of Ashton, R. I., remonstrating against the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Minnesota, praying for the enactment of legislation to warn Americans to keep off armed merchant vessels, which were referred to the Committee on Foreign Relations.

Mr. CLARK of Wyoming presented petitions of sundry citizens of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Wheatland, Casper, Douglas, and Upton, all in the State of Wyoming, praying for an increase in armaments, which were referred to the Committee on Military Affairs.

Mr. TILLMAN presented a petition of the Chamber of Commerce of Columbia, S. C., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. PHELAN presented a petition of the Chamber of Commerce of Santa Cruz, Cal., praying for the annexation to California of certain lands in northwest Sonora, Mexico, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Common Council of San Diego, Cal., praying for the granting of rights of way for reservoir purposes over portions of the Cleveland National Forest and the Capitan Grande Indian Reservation, which was referred to the Committee on Public Lands.

He also presented a petition of the Board of Supervisors of Contra Costa County, Cal., praying for the establishment of a national leprosarium, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Ladies' Improvement Club, of Sisson, Cal., praying that an appropriation be made for the construction of a wagon road from Sisson to Wagon Camp, on Mount Shasta, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Sonoma County Medical Society, of Sebastopol, Cal., and a petition of the San Francisco County Medical Society, of San Francisco, Cal., praying for an increase in the Medical Corps of the Army, which were referred to the Committee on Military Affairs.

Mr. COLT presented petitions of sundry citizens of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a resolution of the Senate of the Rhode Island General Assembly, favoring an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. McLEAN presented petitions of sundry citizens of Meriden, Conn., praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of sundry citizens of New Britain and New Haven, in the State of Connecticut, praying for the placing of an embargo on munitions of war, which were referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Meriden and Waterbury, in the State of Connecticut, praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Health of Norwalk, Conn., praying for an investigation into the conditions surrounding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Dental Association of Hartford, Conn., praying for an increase in the Dental Corps of the Army, which was referred to the Committee on Military Affairs.

He also presented a petition of Mule Spinners' Union No. 796, of Willimantic, Conn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of the Board of Aldermen of Waterbury, Conn., praying for the enactment of legislation to grant pensions to superannuated employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

Mr. KERN (for Mr. SHIVELY) presented petitions of sundry citizens of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WADSWORTH presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURLEIGH:

A bill (S. 4727) granting an increase of pension to Andrew J. Pomeroy; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 4728) granting an increase of pension to Sarah E. Reynolds (with accompanying papers); to the Committee on Pensions.

By Mr. COLT:

A bill (S. 4729) granting an increase of pension to Mary E. Bradford (with accompanying papers); and

A bill (S. 4730) granting an increase of pension to Fanny L. Johnson (with accompanying papers); to the Committee on Pensions.

By Mr. KERN (for Mr. SHIVELY):

A bill (S. 4731) granting a pension to Elizabeth Holt;

A bill (S. 4732) granting an increase of pension to John F. McDowell;

A bill (S. 4733) granting a pension to Martha A. Creekmore; and

A bill (S. 4734) granting an increase of pension to Jacob W. Perkins; to the Committee on Pensions.

By Mr. HUSTING:

A bill (S. 4735) authorizing the Oneida Tribe of Indians, Wisconsin, to submit claims to the Court of Claims; to the Committee on Indian Affairs.

A bill (S. 4736) granting an increase of pension to Janet Lamoreux; to the Committee on Pensions.

HOUSE BILL REFERRED.

H. R. 10484. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1917, and for other purposes, was read twice by its title and referred to the Committee on Post Offices and Post Roads.

RECESS.

Mr. SHIELDS. I withdraw the motion I made before the roll call, and move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 6 o'clock and 18 minutes p. m., Tuesday, Feb. 29, 1916) the Senate took a recess until to-morrow, Wednesday, March 1, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 29, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, our Father in heaven, on earth, and in the hearts of men, we thank Thee that the better angels of our nature are ever insistent in their activities to bring us into a close and more conscious relationship with Thee which lifts us out of ourselves, sweeps away misunderstandings, and harmonizes our differences, which makes life a joy, bringing heaven into our souls.

Trust no future, howe'er pleasant!
Let the dead Past bury its dead!
Act, act in the living present!
Heart within, and God o'erhead!

Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. WOOD of Indiana. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. WOOD of Indiana. Mr. Speaker, I desire to extend my remarks by having printed in the RECORD a letter from Dr. Stone, president of Purdue University, pertaining to military instruction of students under the Morrill Act of 1862.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks by printing a letter written by President Stone, of Purdue University, on the subject of military training at agricultural colleges. Is there objection? [After a pause.] The Chair hears none.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to insert in the RECORD a telegram received by me from the young men's department of the New Orleans Association of Commerce regarding the proper military training of the youth of the country.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks by printing a telegram on the subject of the military training of the boys of the country. Is there objection? [After a pause.] The Chair hears none.

CORRECTION.

Mr. MANN. Mr. Speaker, in section 12 of the Post Office bill as it passed the House yesterday it provides that the act of March 4, and so forth, be amended to read as follows. The first "to" is superfluous. It would be section 11 of the bill as it has been passed by the House. I ask unanimous consent for the consideration of a resolution authorizing and ratifying the action of the enrolling clerk in leaving out that word "to."

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 151.

Resolved, That the action of the Enrolling Clerk in leaving out the first word "to" in the fourth line of section 11 of the bill, H. R. 10484, in engrossing said bill, is hereby authorized and ratified.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

EXTENSION OF REMARKS.

Mr. McARTHUR. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks made yesterday before the Public Lands Committee of the House in support of the Chamberlain-Ferris bill relative to the disposition of the Oregon and California grant lands.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks by printing in the RECORD the remarks which he made before the Public Lands Committee touching the Oregon and California grant lands. Is there objection? [After a pause.] The Chair hears none.

Mr. HUDDLESTON. Mr. Speaker, I ask leave to extend my remarks in the RECORD on the subject of the Small bill, which is entitled—

To exempt from compulsory pilotage the barges while in tow of steam vessels when navigated by Government pilots.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks on the subject of the Small bill about pilotage. Is there objection? [After a pause.] The Chair hears none.

Mr. MATTHEWS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from the Fourth Assistant Postmaster General and my reply thereto in connection with the Rural Free Delivery Service.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD by printing a letter from the Fourth Assistant Postmaster General, and his reply, about Rural Free Delivery Service. Is there objection?

Mr. MOON. Mr. Speaker, reserving the right to object, I want to ask what is this about?

Mr. MATTHEWS. It is in connection with the Rural Free Delivery Service. One day last week I took occasion to make some remarks and the Fourth Assistant Postmaster General criticized them and I replied to that letter. I am inserting his letter and my letter also.

Mr. MOON. I suppose I ought not to object to that.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HEFLIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Alabama rise?

Mr. HEFLIN. I rise to ask unanimous consent to print in the RECORD a speech made by President Wilson at the Gridiron Club last Saturday night.

The SPEAKER. The gentleman from Alabama asks unanimous consent to print in the CONGRESSIONAL RECORD a speech made by President Wilson at the Gridiron Club. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I desire to ask the gentleman if this is an authoritative version of the speech made there? I believe that what is spoken at the Gridiron Club is always spoken on the assumption that there are no reporters present and ladies are always present.

Mr. HEFLIN. This speech was reported, and the executive committee of the Gridiron Club consented, and the President, upon request, has given his permission to allow it to be printed.

Mr. STAFFORD. Is this an authoritative version from the White House?

Mr. HEFLIN. This is a copy of the speech that was delivered at the Gridiron Club.

Mr. STAFFORD. Does the gentleman receive it from such a source that he knows that it is authoritative?

Mr. HEFLIN. Yes; this is a copy of the speech delivered by the President at the Gridiron Club.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12207, the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12207, the legislative, executive, and judicial appropriation bill, with Mr. CRISP in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12207) making appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

Mr. BYRNS of Tennessee. Mr. Chairman, in presenting this bill it is not my purpose to engage in a general discussion as to its details. It is my purpose only to discuss some of the general features of the bill and to reserve a discussion of the details until the bill is considered under the five-minute rule, when it can be discussed more satisfactorily and properly.

I think it proper to say that the committee having charge of this bill has given to it very careful consideration. Hearings were conducted extensively, covering a period of four or five weeks, and while the bill may not in all of its aspects please every individual Member, I believe that upon a careful analysis of it the House will find that it is a fair bill, fair to those who work for the Government, and that it was prepared with due regard to the interests of the Government, and to the taxpayers who pay the bills.

The estimates upon which this bill is based amounted in all to $40,230,887.25. The total appropriations made for the current fiscal year 1916 amount to $37,036,164.75, which sum includes $131,365, carried in deficiency and other appropriation acts for 1916 for various branches of the public service, that are taken up in the pending bill.

The bill reported appropriates $37,601,539.25, and provides for 15,720 specific salaries. Compared with the appropriations for the current year 1916, and with the estimates submitted to Congress for the ensuing fiscal year 1917, the following differences are shown:

The bill appropriates $565,374.50 more than was appropriated for the same service for the fiscal year 1916. It appropriates $2,629,348 less than was submitted to Congress in the estimates of the executive departments. It provides for 31 fewer specific salaries than were appropriated for this year and 409 less than are specifically called for in the estimates.

The principal increases in this bill over the current appropriations are as follows:

Expenses of collecting the income tax	$380,000
Additional force in the office of the Commissioner of Internal Revenue on account of income-tax work	24,800
Additional clerical force in the State Department necessitated by war conditions in Europe	54,080
Clerical force for the Office of Naval Operations, which office was created by the last naval appropriation act	26,350
Additional examiners and other employees in the Patent Office authorized at this session of Congress	52,650

For promotion and development of foreign and domestic commerce, including commerce with Central and South America	$75,000
For additional inspectors for the Steamboat-Inspection Service	52,500
For additional inquiries and investigations by the Bureau of Standards	25,000

Your committee thought, in view of the work performed by the Internal Revenue Commissioner's office during the past year and the work that would necessarily have to be performed by that office during the next fiscal year, that some increase should be given that office for that work. It appears that during the last two years and eight months the Internal Revenue Commissioner has collected and paid into the Treasury about $15,000,000, which has been uncovered by the agents and inspectors and other field employees of that office. Of that amount there has been collected from corporations the sum of $6,987,584.37 and from individuals the sum of $3,128,863.72. It is proper to say that no one contends that any of these corporations or individuals have purposely evaded the payment of their taxes, but you gentlemen, of course, know that the law is comparatively a new one, and there has been a great deal of uncertainty existing among those in charge of the corporations and also among individuals as to exactly what credits or deductions they were entitled to. And it is the opinion of the Internal Revenue Commissioner that these delinquencies have resulted from this uncertainty rather than from any intention on the part of any of these individuals or corporations to evade the payment of the tax justly due by them under the income-tax law.

The Commissioner of Internal Revenue has stated that he believes it would be possible to collect at least $5 additional tax for every dollar that may be allowed. Investigations are now being made in the field of the books of certain corporations and individuals, where it appeared from the reports submitted to the office here that there has been some mistake made, and that they have charged up too much by way of depreciation and things of that sort. And it has been found that of the number which have been investigated, 63 per cent of the corporations and, singular to say, exactly 63 per cent of the individuals who have been investigated, have been found to be delinquent in the payment of their income tax, resulting, as I stated, from these two sources alone, of more than $10,000,000, which has been paid into the National Treasury. This is a magnificent showing, and one in which the present very able and zealous Internal Revenue Commissioner and his able assistants may justly take great pride.

A greater amount was asked for the Internal Revenue Service, but the committee, after careful consideration, felt that the sum allowed would possibly be sufficient; or, if not, and it appeared to the next Congress that a greater amount was necessary, it would be possible for the department to come to Congress and secure it if a proper showing was made. It is evident, of course, that as time goes on and as these corporations and individuals become more familiar with the law and with their rights in regard to depreciation and deduction there will be a less amount found to be delinquent.

The committee also allowed an extra force in the office of the Commissioner of Internal Revenue, consisting of 20 clerks, amounting in salaries to $24,800 during the entire year, and this appropriation was made in order to take care of the business now in the office and the extra work which it is presumed this extra appropriation will require.

The bill also allows an increase in the clerical force of the State Department, amounting to $54,080, and which consists of 42 additional employees, practically all of them clerks in the department. We are aware, of course, of the greatly increased work of the State Department. Their work has been increased possibly 200 or 300 per cent on account of the unfortunate conditions in Europe and also in Mexico. Our Government has had to act for all of these belligerent nations, or practically all of them. Communications are made between these belligerent nations through the State Department here. New commercial treaties will necessarily have to be made after the war is over. In addition to that, millions of dollars of claims are being filed by the citizens of this country with the State Department, particularly by reason of the war in Mexico and also on account of the war in Europe. It is necessary to tabulate these claims. It is necessary to see that these claims are supplied with proper proof, for although the claims can not be presented for payment at this time, it is necessary that the proof shall be gotten up, so that when the claims are presented for payment all of the proof necessary will be at hand. The State Department felt that 94 additional employees should be allowed. Your committee has allowed less than 50 per cent of that amount, or 42 employees. It did so because it felt that possibly the State Department might be able to keep their work current and perform the additional work with this increased force, especially since they are allowed $30,000 in a lump sum for emergency clerical service and also have the privilege of drawing on the sum appropriated at the last Congress for the protection of Americans abroad.

It was stated by the Secretary of State and by other officials in the State Department that this work would be more or less permanent in character—that it would last at least for many years to come; but your committee felt that while it was proper to allow these additional clerks on the permanent roll it was also wise and judicious to allow them in a separate paragraph in the bill, so that Congress might in the future know exactly what number of clerks were allowed and for what purpose, and might be able to give consideration to the question of whether or not they should be continued and carried for future years.

The committee also recommends an appropriation of $26,350 to take care of 23 clerks in the Office of Naval Operations. That bureau was created by the last naval appropriation act, and it is one of the most important bureaus in the Navy Department. It has to do with messages from the fleet, with the movement of ships, target practice, and other duties. The head of the bureau, Admiral Benson, is the Acting Secretary in the absence of the Secretary of the Navy and the Assistant Secretary of the Navy. The work of that bureau is necessarily, to a large extent, confidential in its nature. It has been performed and is being performed at this time by clerks detailed from other bureaus in the department, but those clerks are badly needed in the places from which they were detailed, and having been provided by law, it is necessary to provide an active permanent force for the Bureau of Naval Operations. Your committee felt that under all the circumstances, in view of the importance of the bureau, it was proper to allow the estimate as it was submitted.

Fifty-two thousand and fifty dollars is allowed for additional examiners and other employees in the Patent Office. This takes care of a great many promotions of examiners in the Patent Office under a law which was passed in this House only a week or two ago, having come over to this House from the other end of the Capitol. It was necessary, of course, that this appropriation be made in order to comply with the wishes of Congress.

For the promotion and development of foreign and domestic commerce with Central and South America, your committee recommends an increase of $75,000, and I am frank to say there is some doubt in my mind as to whether or not the committee, viewing the importance of this work and its great value, has really allowed a sufficient amount.

The Bureau of Foreign and Domestic Commerce, in addition to its large clerical force, now has an appropriation of $250,000, if I remember correctly. This appropriation, if allowed, will give them $325,000—$50,000 increase for the promotion of commerce throughout the world and $25,000 increase for the promotion of commerce in Central and South America.

I am firmly of the opinion that no work that has been done during this administration has probably given better and more direct results than the work being performed by this great bureau under the very efficient and able administration of the great Secretary of Commerce, Mr. Redfield, who has made his department a living and active force in this Government, assisted by Dr. Pratt, the chief of the bureau. I could, if I had the time, give you gentlemen some facts which have been stated to the committee, showing exactly what this bureau has accomplished, because this bureau was able to come before the committee and give positive and actual instances showing what had been done in securing contracts abroad for manufacturers and business men of this country—contracts, many of them, amounting to more than a million dollars; in one case a contract for 40,000 bales of cotton for Russia, covering a period of five continuous years, and, in another case, the opening of the coal trade in Spain to the coal mines of this country by securing the removal of a preferential tax of $1.20 per ton for coal in favor of Great Britain. As a result of the work of this bureau, it is a fact that coal is now being shipped to Spain in as large quantities as it is possible to secure the ships to transport it.

Another result is the building of a great smelter, now in process of construction, in this country for the purpose of taking care of crude tin ore to be brought to this country direct from Bolivia. Heretofore we have been importing about 50,000,000 tons of the manufactured product from Europe, but through the activities of this bureau in the future we will be able to import annually into this country 30,000,000 tons of raw tin from Bolivia to be smelted in this country, giving employment to labor and at the same time resulting in a mutual exchange of our manufactured products to the extent of its value, at least.

The committee allowed an increase for the Steamboat-Inspection Service of $52,500, to provide for additional assistant inspectors. It is not necessary for me to discuss the importance of that recommendation. For years the Steamboat-Inspection Service of this Government has been hampered because of the want of sufficient assistant inspectors to perform proper service inspecting steamboats. There are about 9,000 boats which have to be inspected every year, and the committee was informed that it has been a practical impossibility to give proper and careful inspection to all of these boats so as to safeguard human life and prevent great disasters upon our lakes and rivers, and your committee felt that they were unwilling to take the responsibility of denying to the Steamboat-Inspection Service this increase, which was so earnestly asked in the interest of human life and human safety.

There have been a number of reductions brought about by estimates submitted to the committee, notably one in the Treasurer's office. There is recommended in this bill a reduction of 24 employees, with salaries amounting to $30,840. At the last session this force in the Treasurer's office was reduced by 26 persons, with an annual compensation amounting to $21,200. Thus for this year and the ensuing fiscal year the whole force in this office will have been reduced in all by 50 persons, with an annual compensation of $52,040. That result has been brought about by the cooperation of the Treasurer's office with the Division of Efficiency created by law. It has been brought about without affecting the efficient and proper administration of the work of the Treasurer's office.

On the other hand, it is stated that the work is more current to-day than it has been in many years. In fact it is entirely current, if I remember correctly. The Secretary of the Treasury and the Treasurer stated that this reduction could be made, and that the work would be carried on during the ensuing fiscal year without difficulty or hindrance.

Another notable reduction is in the Post Office Department, and I wish, just for a moment, to comment upon the work that has been done in this great department, because it seems to me that the action of the Postmaster General, once a distinguished Member of this House, ought to prove an example to the other departments of this Government. It shows what can be accomplished by an earnest and persistent effort at a reorganization and reclassification of the work in the various departments here in Washington in the interest of economy and good service.

Acting in harmony and cooperation with the Division of Efficiency, a committee on personnel was appointed by the Postmaster General, and the work of that department has been reorganized and reclassified without doing any injustice to any of the employees of that department, and with the result of putting it upon a more efficient basis. Efficiency ratings have been established. Clerks who were performing a large amount of service, and receiving small pay for it, have been promoted and given the proper pay for their service. Some clerks, who have been getting a larger amount of pay and doing less work, have been demoted, and all of the clerks in that department, in so far as has been possible, have been put upon a proper and fair basis, with the result that the present bill carries a reduction of 37 employees in the clerical force of that great department, and a total reduction in the expenses of the department of $42,615. For the current year 1916, there was made a reduction of 81 persons, with a total pay amounting to $75,680, making a total reduction for the two years of 118 persons and $118,295 in annual expenses.

Since the present Postmaster General has been at the head of the department there has been a total reduction of 172 employees with salaries of $144,940 per year; and, as I have stated, this reduction has been brought about, not by any injustice to any employees in the department, not by depriving the Post Office Department of a sufficient number of clerks to do the business in the department here in Washington, but by a reorganization and reclassification of the service in the department. It has not resulted in the general removal of clerks, because the Postmaster General has followed the policy of not filling vacancies when they occur, so as to work no injustice to anyone.

This reduction has been made despite the fact that the work in that department has increased vastly in the last two or three years, not only in the natural increase of postal business, but also by reason of the Postal Savings System and the Parcel Post System, which have added greatly to that work. As I have stated, the Post Office Department has been thoroughly reorganized, new and effective methods of transacting business have been introduced that have not only conduced to economy but have accelerated and brought up to date the executive work of the service, and standards of efficiency have been established for the persons employed in the departmental service in accordance with the requirements of section 4 of the legislative, executive, and judicial act for the fiscal year 1913.

In establishing the salaries in the Post Office Department the Postmaster General has acted upon the theory that the National Government should be a model employer; that it ought not to exact from the clerks more service than it is willing to pay for; and in establishing these efficiency ratings, in promoting clerks or in the demoting of clerks where it was found proper and fair and necessary, consideration has been given to the amount paid for similar services in private employment; and in every case the effort has been made to give the clerks in that department from 15 to 30 per cent more than they could secure for similar services in private employment. I believe with the Postmaster General, that this Government ought to be a model employer. I believe that this Government ought to pay to the clerks and to all who perform work for it a fair and reasonable compensation for the work which they do perform. I am not much in sympathy with statements which we have seen to the effect that this Government has been unfair to the clerks. I know there may possibly be individual cases that might be pointed out, among the more than 300,000 employees of this Government, where some injustice has been done; it would be singular indeed if, out of all this number, there were not some such cases; but when everything is considered I believe that this Government has been fair to the clerks. Certainly there has been no disposition on the part of Congress to be unfair. The clerks work now seven hours a day. They have 30 days' annual leave——

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. BUCHANAN of Illinois. Does the gentleman think an executive official who exercises his influence to coerce employees of the Post Office Department, to prevent them petitioning Congress, and prevent them making an effort to adjust what they believe to be their grievances, is doing what is fair to those clerks?

Mr. BYRNS of Tennessee. I do not know of any department official of this administration who has undertaken to restrain clerks from presenting petitions.

Mr. BUCHANAN of Illinois. Then the gentleman does not know what has happened in the Post Office Department.

Mr. BYRNS of Tennessee. I do not believe that those who work for the Government should be denied the right to petition Congress, and to petition their representatives for a redress of any grievances which they may have or which they may think they have. Nor, as I say, do I know of any particular official who has sought to deny them that right. In addition to what I have stated, the clerks have 30 days' sick leave on full pay, if necessary. They have numerous holidays, and during three months in the summer they are given a half holiday.

Mr. KEATING. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. KEATING. The gentleman has stated that the clerks in the Post Office Department have 30 days' sick leave.

Mr. BYRNS of Tennessee. If they are sick.

Mr. KEATING. Does that apply to all the executive departments? I am asking for information.

Mr. BYRNS of Tennessee. It applies to all the executive departments in the city of Washington.

Mr. KEATING. In the city of Washington the employees of all executive departments get 30 days' sick leave in addition to their other leave of absence.

Mr. BYRNS of Tennessee. They do, provided they are sick, and if they are not sick they do not expect it and do not get it.

Mr. KEATING. If the gentleman knows, what steps are taken by the different department officials to determine whether or not the employee is sick when he asks for a sick leave?

Mr. BYRNS of Tennessee. I am not prepared to say.

Mr. KEATING. Is there a uniform rule in the various departments by which clerks may know the amount of sick leave to which they are entitled and how it may be obtained?

Mr. BYRNS of Tennessee. I think not; I think that rests wholly in the discretion of the chief of the particular bureau in which they are employed. It may be shown by a personal statement, or by a visitation, or by a doctor's certificate. I do not think there is any uniform rule established in the departments with reference to what proof shall be furnished. Usually a doctor's certificate is required.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield.

Mr. BUCHANAN of Illinois. I would like to ask the gentleman if he has been petitioned by any clerks or employees of the

Post Office Department in regard to grievances that they desire to have adjusted?

Mr. BYRNS of Tennessee. No; I do not recall any petition submitted to me by any clerk of the Post Office Department or any statement to that effect.

Mr. BUCHANAN of Illinois. For the gentleman's information, I will say that I have had. I have been to the Post Office Department to secure redress for them, and I have in my time represented labor unions, but I never yet met anyone so cold-blooded and brutal in their attitude toward employees as are the officials of the Post Office Department to their employees.

Mr. BYRNS of Tennessee. I am not familiar with the experience that the gentleman from Illinois has had, nor do I agree with his statement as to the officials of that department. I have had many petitions in the form of letters and by word of mouth from postal carriers, rural carriers, and other employees in the service back in my home State. I have presented these matters to the Post Office Department, and uniformly, without a single exception, they have always been given careful and patient consideration, and in many cases some of the grievances have been corrected.

Mr. BUCHANAN of Illinois. I wish to state further, for the information of the gentleman, that the excuse as given by the Post Office Department is a matter of economy, that in some instances they did not have the money to do such things with; but on examination I find the economy practices place the burden on the backs of the hardest-worked and poorest-paid employees; and that seems to be the practice of the Government for years, both under Republican and Democratic administrations. Such treatment does not satisfy me, no matter what the brand of the administration is. I expect to state the facts as I find them, no matter what administration it is under or what brand of administration conducts the affairs in a bureaucratic or plutocratic manner.

Mr. BYRNS of Tennessee. I want to say that the Appropriation Committee in making up this bill, in all the increases that have been given, have considered first the clerks in the various departments who are drawing the least pay. Every increase in this bill applies to clerks and messengers of the Government, and not to those drawing the high salaries.

Mr. BUCHANAN of Illinois. I do not want to be misunderstood. My position is that this Congress has responded liberally to these things when put before it. They even reinstated some post-office collectors and letter carriers that had been deposed, but the postal officials in another way put back what Congress had undone at that time, and in face of the fact that Congress had gone on record in its desire as to what should be done by the administration of that department. But the postal officials took such action that it impaired, if not entirely destroyed, what Congress had done. I gave my attention to these things, examined them thoroughly, and have been to the President in regard to the matter. That is just how serious the complaints seem to me. I made a trip from Chicago to Washington on account of it. I will say that it was quite without avail. I might as well have done nothing about it at all.

Mr. BYRNS of Tennessee. I have not time, I regret to say, to enter into a discussion of the administration of any department in the city of Washington. My purpose is to present to the House this bill and to give the House the benefit of such information as I have concerning its various provisions.

Mr. AUSTIN. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. AUSTIN. I wish to ask the gentleman two questions with reference to the so-called Borland amendment. Was there any hearing on that?

Mr. BYRNS of Tennessee. There was none.

Mr. AUSTIN. Was there any recommendation of any member of the Cabinet, head of any bureau, or chief of any bureau?

Mr. BYRNS of Tennessee. None was presented to me or any member of the committee, so far as I know.

Mr. AUSTIN. Was there any statement as to whether the Government would save anything or was there any discussion in the committee on the subject, if I may be permitted to ask?

Mr. BYRNS of Tennessee. It would hardly be proper to say what occurred in committee, but I will state that the subcommittee did not consider the matter in any aspect. In fact, it was not presented to it. I can state that because publication has been made of that fact.

Mr. AUSTIN. Does this bill provide for a reduction of the clerical forces of the various bureaus of the Government as a result of the proposed increase in the hours of labor?

Mr. BYRNS of Tennessee. This bill in its preparation did not take into consideration the Borland amendment or provide for any reduction that might be had, if any does occur, by reason of the possible adoption of that amendment on the part of Congress.

Mr. AUSTIN. Then it does not mean a reduction of expenditures?

Mr. BYRNS of Tennessee. I am not prepared to say whether it would or would not mean a reduction of expenses, if it were adopted. I can only say that this bill was prepared without contemplation on the part of the committee that such an amendment would be adopted or even considered by the House.

Mr. AUSTIN. If this Borland amendment be adopted, it does not mean the dropping of a single clerk, because this bill carries appropriations for the clerks in the departments as estimated, regardless of this proposed change in the law?

Mr. BYRNS of Tennessee. It does not, so far as this bill is concerned, unless the House should choose to drop them.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. COX. In response to the answers of the gentleman from Tennessee, if the Borland amendment obtains and finally becomes a law, as I am informed, it will affect, approximately, about 30,000 clerks in the city of Washington.

Mr. BYRNS of Tennessee. So I understand.

Mr. COX. The gentleman feels, does he not, that this would be true, that if they are required to work eight hours instead of seven the thirty-odd thousand clerks would be able to do more work, and whether or not it would be the means of discharging any employees it would enable the department to do the work that it is now required to do without taking on any additional employees?

Mr. BYRNS of Tennessee. Undoubtedly. There is no room for argument over the proposition that if those 30,000 clerks, more or less, are required to work a half hour longer each day, and they actually do work a half hour longer each day, with the same degree of efficiency and the same degree of energy that they now discharge their duties, it would undoubtedly result in reducing the number of clerks required for the performance of the same work.

Mr. COX. Whether it would reduce the number of clerks now at work or not, would it not have this tendency, to enable the department to do its work in the future without taking on additional employees?

Mr. BYRNS of Tennessee. As I say, with the premise that they work with the same degree of efficiency and energy, with the half hour in addition, it would undoubtedly, it seems to me, have that effect.

Mr. COX. We have a perfect right to assume that they would work with the same degree of efficiency if they were required to work a half hour extra?

Mr. BYRNS of Tennessee. I presume so, although I have seen statements to the contrary.

Mr. COX. I take it for granted that no clerk would refuse to do his duty.

Mr. AUSTIN. Just one other question. The hours of labor in the departments were increased a half hour a few years ago, and they are now working a half hour more than they did a few years ago as a result of that change. Was the clerical force reduced in a single department of the Government, and was there actual saving of money?

Mr. BYRNS of Tennessee. I am very sorry that I am not in a position to answer the question of the gentleman, because I have not had opportunity to look into the fact, and I was not a Member of Congress at that time.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. MADDEN. Are they working seven hours now or seven and a half hours?

Mr. BYRNS of Tennessee. They are working seven hours, with a half hour for lunch. The hours are from 9 o'clock in the morning to 4.30 in the afternoon, with a half hour for lunch.

Mr. MADDEN. That makes seven actual hours?

Mr. BYRNS of Tennessee. Yes.

Mr. RAGSDALE. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. RAGSDALE. As a matter of fact, this legislation is not responsive to the request of any of the heads of the departments who have these employees under them?

Mr. BYRNS of Tennessee. I can only state that no head of a department or any bureau in the Government has ever talked to me or talked to the committee when I was present about this subject. I do not know, of course, what may have been said to other members of the committee.

Mr. RAGSDALE. Does the gentleman think it is a good business proposition to increase the hours of labor of employees in the various departments of the Government, and is

it fair with the hours now arranged and controlled by these various departments without taking the matter up and discussing it with them?

Mr. BYRNS of Tennessee. I am frank to say to the gentleman that I think the proposition is open to discussion as to whether or not it would result in a real saving. Personally I have never felt that eight hours a day was too much work for any man.

Mr. RAGSDALE. Granted that that is true.

Mr. BYRNS of Tennessee. I know that in private employment the employees work fully eight hours a day and usually more. I want to say to the gentleman, so that I may make myself clear on the matter, that I did feel when the matter was presented—and I say this because of the publications which have been made already—that it was a matter of sufficient importance to receive very careful consideration, and that we ought to hear from those affected, both on the one side and the other, as to the advisability of making the change before taking any action.

Mr. RAGSDALE. Does not the gentleman think that at this time it would be wiser to forego this legislation until the heads of these departments could be consulted, and then, after consultation with them, bring in such measures as they would support and as to them seemed wisest to govern the employees under their direction at this time?

Mr. BYRNS of Tennessee. Well, I do not know. As I say, on the broad principle of seven hours or eight hours of labor a day, I do not——

Mr. RAGSDALE. That is not the proposition I am asking the gentleman about.

Mr. BYRNS of Tennessee. I am frank to say that it should be taken into consideration; that the hearings have disclosed in many of these departments and bureaus that many clerks are sometimes required to do overtime work.

Mr. RAGSDALE. Yes.

Mr. BYRNS of Tennessee. That has been shown to be the case in many bureaus—not regularly but at times. On the other hand, it might be stated that if they worked eight hours a day it might not be necessary to perform any overtime work.

Mr. RAGSDALE. Now, while that is true, does the gentleman think that the heads of these departments should not regulate the hours of their clerks, should not have the power to make them work for a longer period of time, to make them work overtime at will, than it would be to control the regulation of their clerks?

Mr. BYRNS of Tennessee. I think, of course, the departments ought to have some discretion as to control of the time of the clerks. Under the present law the departments have such discretion.

Mr. RAGSDALE. Having that discretion at this time and being able to make their employees work overtime at their will in order to serve the public needs as they see it, would the gentleman say it is wise, without any recommendation or consultation with them, to take away their power to control their clerks and make an arbitrary law which is not at all responsive to their wishes as to the way in which the time shall be divided?

Mr. BYRNS of Tennessee. I think that in the consideration of the amendment and the question of the advisability or nonadvisability of its passage not only the clerks here in Washington should be considered but the general interests of the taxpayers and the Government should be considered also.

Mr. RAGSDALE. Certainly.

Mr. BYRNS of Tennessee. I am sure that Congress has no disposition to unduly tax any clerks in the departments here in Washington.

Mr. RAGSDALE. Absolutely none.

Mr. BYRNS of Tennessee. Certainly the committee did not so intend.

Mr. RAGSDALE. But the question is not merely a question of expense or a question of taxation; it is a question of wisdom, and is it wise to take the control and power from the various heads of departments, upon whom we must lean in order to secure service, and deny them the right to extend the hours of labor when they need it most and make an absolutely inflexible law here that takes the power and control of their time away from them? Would the gentleman advocate that without first having a discussion with those departments and secure their opinion upon it?

Mr. BYRNS of Tennessee. No; I am frank to say to the gentleman that I would not approve of a proposition to make an inflexible rule and take away from the heads of departments the power of administration. So far as the hours of clerks are concerned, and so far as this Borland amendment is concerned—and it will of course at the proper time be championed by its author—I want to call the attention of the gentleman to the fact that it does not seek to do that in all fairness. It simply provides that there shall not be less than eight hours of service performed in the executive departments by clerks here. It does take from the heads of departments the power to reduce the hours below eight hours and requires eight hours as a day's work.

Mr. RAGSDALE. And therefore while it does that does not it put the heads of departments in the position that they can not in one day extend the time for a certain period of time and shorten it in another day in order to treat the employees fairly; that they can not use time as needs may arise now by way of emergency in the departments, but they will be controlled by this inflexible rule, whereas under certain conditions they may not need the full time of these employees, and on other days they will need overtime, and this will make it absolutely impossible to hold back any of that time on other days because they require them to work for eight hours each day?

Mr. BYRNS of Tennessee. It is never shortened now to less than seven hours except for holidays in midsummer.

Mr. RAGSDALE. Therefore, I ask the gentleman, does he think it is necessary and to the best interests of the service in the departments that we should enact this legislation without having the opinion of the various heads of the departments to whom we must look for efficiency in this service?

Mr. BYRNS of Tennessee. I am frank to say to the gentleman it is a matter to which I had never given any consideration or thought until the matter was presented here a short time ago, and I am not fully prepared to say to the gentleman what will be the effect if this amendment should be adopted. I want to say for myself personally that I have always favored a fair, adequate, and just compensation to clerks and to everybody who works for the National Government. I want to repeat what I said a moment ago, that I believe our Government should be a model employer and that it should be careful in all cases to pay to those who work for it and perform services for it a fair and adequate compensation for the service they are rendering.

Mr. LONDON. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. LONDON. Would the gentleman vote to change the conditions of labor affecting 30,000 people without consulting them?

Mr. BYRNS of Tennessee. I can only refer the gentleman to my vote on that proposition when it was presented, as appears in the newspapers, and I have always said——

Mr. LONDON. Would the gentleman vote to change the economic conditions of 30,000 men without consulting them?

Mr. BYRNS of Tennessee. Well, I certainly would not without giving them the most serious consideration. If it had reference merely to a change of hours, I can see how it would be possible with entire justice to employees to increase the hours by one-half hour over and above what they are now, but I feel, of course, that there are considerations which must be taken into account when this is done, and it is for that reason, as I stated a while ago, that I would have preferred that hearings could have been had and everyone for and against the proposition could have been given an opportunity to present their reasons.

Mr. LONDON. Does the gentleman realize that in the case of a private employer an attempt to increase the hours of labor without consulting the men involved would be immediately followed by a strike?

Mr. BYRNS of Tennessee. I have seen that happen.

Mr. LONDON. You have seen that happen?

Mr. BYRNS of Tennessee. Yes.

Mr. LONDON. Is it not also true that by increasing the hours of labor you do not necessarily increase the productivity?

Mr. BYRNS of Tennessee. Not in all cases.

Mr. LONDON. Not in all cases; and if the work is of a kind which exhausts a man in seven hours you are not going to make him more efficient and more productive by compelling him to labor eight hours instead of seven?

Mr. BYRNS of Tennessee. I did not understand the gentleman.

Mr. LONDON. By prolonging the hours of labor you do not necessarily increase the efficiency of labor, do you?

Mr. BYRNS of Tennessee. Not necessarily; no. In some cases where the hours of labor already are long you decrease the efficiency rather than increase it.

Mr. LONDON. And it has been the experience in all industries that all accidents happen during the last hours of the day and during the last hours of the week, because the men are exhausted and worn out. It is also true that if you increase the hours of labor without consulting them and without giving them

a hearing you will justify them in refusing to perform the work with as much devotion as they did before.

Mr. BYRNS of Tennessee. That is possible.

Mr. HARRISON. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. HARRISON. I understood the gentleman to say that oftentimes these employees work beyond the seven or eight or nine hours?

Mr. BYRNS of Tennessee. I stated that the hearings disclose that there was some overtime work in many of the bureaus.

Mr. HARRISON. May I ask if, when they work overtime, they get any additional pay?

Mr. BYRNS of Tennessee. They do not.

Mr. HARRISON. Does not the gentleman think if this salary is fixed upon a certain number of hours of labor and you limit the number of hours of labor that it would be equally as fair to put a proviso there that if they worked overtime they would get the additional amount of pay?

Mr. BYRNS of Tennessee. That is done in the case of certain employees in the Government Printing Office, where the eight-hour rule applies. I want to say to the gentleman, in connection with this overtime work, it has been stated that the clerks who do that work do it willingly and cheerfully. So far as the hearings disclose there is an earnest cooperation among the clerks in the city of Washington; and they have never, so far as I am informed, refused to do this overtime work whenever it was necessary to complete the work on hand during the day.

Mr. SMITH of Idaho. Is not the gentleman aware of the fact that during the Spanish-American War the clerks in the War Department and in the Navy Department worked overtime for a period of six or eight months and then later brought in a claim for compensation and it was refused by Congress?

Mr. BYRNS of Tennessee. I was not aware of that fact.

Mr. SMITH of Idaho. That was the case.

Mr. HOWARD. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. HOWARD. I have been in committee and have just come in. I am very much interested in this proposition. I would like to ask the gentleman a question. Did the committee investigate how the eight-hour provision works as to postal employees—letter carriers and that class of employees in the Postal Service—to whom the eight-hour law is applicable?

Mr. BYRNS of Tennessee. The committee did not. As I stated before, there were no hearings before the committee on this proposition. It was a matter that was not considered by the subcommittee and not presented by way of estimates to the subcommittee that had cnarge of this bill.

Mr. HOWARD. It is said that the Department of Justice requires a longer day than some of the other departments in Washington. Did you hear from anybody in that department as to how that rule worked?

Mr. BYRNS of Tennessee. Absolutely no hearings were had. No one appeared before the committee in regard to it.

Mr. HOWARD. I have heard it stated that the Department of Justice as a department required 30 minutes' more service per day than any of the other departments here. Have any of those employees been heard from, in one way or another, either by letter or in actual hearings before the committee?

Mr. BYRNS of Tennessee. They have not.

Mr. HOWARD. Has the gentleman incorporated in his remarks upon this subject the many divisions of the country in which the eight-hour day is recognized as a day's work?

Mr. BYRNS of Tennessee. I have not, because it was not my purpose at this time to discuss the so-called Borland amendment. I presumed that that amendment would be taken up for discussion, and full, fair, and free discussion had upon it when it was reached in the bill.

Mr. HOWARD. Does the gentleman think that with the information which the committee has had before it this committee would be justified in adding to the great army of "neurasthenıacs" and nervous wrecks that this Government work here has wrought on these employees and ask us to adopt the Borland amendment?

Mr. BYRNS of Tennessee. I am not aware, I will say to the gentleman from Georgia, that there are any nervous wrecks or "neurastheniacs" in the departments.

Mr. HOWARD. Mental exercise and continuous labor produce "neurastheniacs."

Mr. BYRNS of Tennessee. There is, of course, a great deal of superannuation. With that exception, the heads of the departments and the heads of the various bureaus state that their clerks are up to a very high degree of efficiency.

Mr. SMITH of Idaho. The gentleman in charge of the bill states that no opportunity was given to anybody to be heard in connection with the Borland amendment. Is it not an unusual thing for any committee of Congress to undertake to do what seems to be a rank injustice to a large class of people without giving them a chance to be heard or giving anyone else a chance to inform the committee on the subject?

Mr. BYRNS of Tennessee. I want to qualify the statement of the gentleman. The gentleman stated that the Committee on Appropriations gave no one any opportunity. The committee never denies to anyone a hearing. The Committee on Appropriations would have gladly given anyone an opportunity to appear before the committee and be heard upon any proposition involved in the bill. The only reason why there were no hearings granted by the subcommittee on this particular proposition was because it was not contemplated or suggested to the subcommittee.

Mr. SMITH of Idaho. Do we understand, then, that some one slipped this through without any consideration by the committee?

Mr. BYRNS of Tennessee. It was adopted by the committee after consideration. The gentleman has no doubt read about that in the newspapers of Washington and knows how it came about.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. BARKLEY. Is it contemplated that if this amendment is adopted the number of employees of the Government in the city of Washington shall be diminished, or shall they be required to do more work?

Mr. BYRNS of Tennessee. That will depend altogether upon the effect of the amendment, if it should be adopted.

Mr. BARKLEY. Will the gentleman tell me what the result will be if the amendment is adopted, as to whether the number of employees will be diminished automatically by its adoption?

Mr. BYRNS of Tennessee. I am sorry to say I am unable to give the gentleman any positive information on that point except to say that there will, of course, be no automatic reductions. As I stated a while ago, if a half hour is added to the work of 30,000 employees of the Government, and the employees work with the same degree of enthusiasm and energy for the additional half hour that they have shown hitherto during the hours now required, they will undoubtedly do more work, and, unless the Government work is greatly increased, it would necessarily result in a reduction of the present force.

Mr. BARKLEY. I wanted to call the gentleman's attention particularly to the Civil Service Commission. I do not know how many employees they have had in that commission, but it is constantly reported that they are from three to six months behind in their work.

Mr. BYRNS of Tennessee. I think that is a fact; and the committee has taken that fact under consideration and allowed them additional clerks under this bill.

Mr. BARKLEY. I want to ask this question of the gentleman: If any other departments of the Government are behind, as the Civil Service Commission is, would that increase of the hours of labor result in the discharge of employees, or merely in their catching up with the work of the departments?

Mr. BYRNS of Tennessee. That would depend entirely upon the work done and the amount to be performed.

Mr. KING. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. BYRNS of Tennessee. I yield; yes.

Mr. KING. I wanted to ask if the gentleman would explain why it was necessary to add two examiners in the Civil Service Commission? The gentleman did not touch upon that question. That is on page 3 of the report.

Mr. BYRNS of Tennessee. I will say to the gentleman that this is not an increase of salary, but an increase in the force of the Civil Service Commission.

Mr. KING. Yes. I would like to ask the gentleman why it was necessary to increase the force?

Mr. BYRNS of Tennessee. From the simple fact that the work in the Civil Service Commission is very much behind, from three to six months, and it was stated by the Civil Service Commission that unless an increase of force was given, by the end of another fiscal year they would probably be a year behind if their work continued in its present proportions; and the committee felt that in order if possible to make their work more current and to secure reports and appointments more promptly, these additional clerks should be allowed.

Mr. KING. Did they explain to the committee why they were behind?

Mr. BYRNS of Tennessee. Their explanation was that they did not have a sufficient number of examiners here in the office to keep up with the work; that the work had considerably increased by reason of additional employees being put under the civil service, fourth-class postmasters, and so forth, and that the force in the office had not been increased correspondingly.

Mr. KING. Does the gentleman think that if it had been shown to the committee that, of all the commissions sitting in the city of Washington and interjecting rules and regulations in place of the law of the country, this commission is, as a matter of fact, one of the most tyrannous and diabolical commissions that ever sat in the city of Washington, would the committee have been in favor of this increase?

Mr. BYRNS of Tennessee. The committee would only have been in favor of the increase in the event it considered it was necessary. I can not subscribe to the sentiments of the gentleman, with reference to the commission. These gentlemen have endeavored to do their duty under the law. They are capable, splendid citizens and faithful public servants. As a matter of fact, the Civil Service Commission, as we all know, has had a great increase of work. Fourth-class postmasters all over the country have had to be examined, and vacancies continue to occur in fourth-class post offices and rural routes, more than 40,000 in number, and in various other activities of the Government. There are over 300,000 employees of the Government now under civil service, and the work of the Civil Service Commission has been very largely increased in the last few years. As a matter of fact, the Civil Service Commission asked an increase of 27 in its force, and stated that this increase was necessary in order to bring up their work. But your committee has allowed only about 10 additional employees.

Mr. HULBERT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from New York?

Mr. BYRNS of Tennessee. Yes.

Mr. HULBERT. Mr. Chairman, I have tried to follow the gentleman from Tennessee, but I have not been able to hear all of his remarks. I want to ask him if it has been stated, or can be stated, that it is true when we hear that the clerks in the departments, since the outbreak of the European war, have had more duties to perform than prior to that time?

Mr. BYRNS of Tennessee. That has undoubtedly been the case with some of the departments, but, of course, the conditions brought about by the war in Europe have not affected all of the departments in that way.

Mr. HULBERT. Have there been any protests among the clerks of any department against working overtime without compensation?

Mr. BYRNS of Tennessee. No. On the contrary, the heads of departments and bureau chiefs, as I have stated, have uniformly said that where overtime work has been necessary, in order to do important work on hand, the clerks have always willingly and cheerfully performed overtime work, and no one has ever been heard to complain.

Mr. LONDON. Mr. Chairman, will the gentleman yield to me for an innocent question?

Mr. BYRNS of Tennessee. Yes; if it is very short.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. To whom does the gentleman yield?

Mr. BYRNS of Tennessee. I will yield to the gentleman from Nebraska. There are other gentlemen desiring time, and I have already taken up more time than I intended.

Mr. REAVIS. I would like to know whether or not the committee reporting the so-called Borland amendment was actuated by a desire to economize at the expense of the clerks, or were you actuated by a belief that the clerks were overpaid for the time they put in?

Mr. BYRNS of Tennessee. I can not state what actuated the gentlemen who voted for the Borland amendment.

Mr. REAVIS. You do not know the motive behind the reporting of the Borland amendment?

Mr. BYRNS of Tennessee. No; I do not. I do not attribute any sinister or improper motives to those who voted for it.

Mr. REAVIS. Nor I. I am simply trying to ascertain, if the gentleman please, whether or not it was a matter of discussion before the committee, that the motive for that amendment was to economize at the expense of these clerks, or whether the committee thought the clerks were being overpaid for the time actually given to the Government.

Mr. BYRNS of Tennessee. Speaking for myself, I have never thought that the clerks here in Washington are overpaid under their present salaries. There may be some individual cases where clerks are overpaid, because the hearings disclose that a considerable number of the clerks here in Washington are superannuated and are not now performing a fair amount of service for the compensation received by them. But in the main that is not true.

Mr. REAVIS. The Borland amendment does not seek to rectify overpayment to individuals, but attacks the entire service, does it not?

Mr. BYRNS of Tennessee. By increasing the number of hours required.

Mr. REAVIS. Was there any discussion before the committee as to the motive behind that amendment?

Mr. BYRNS of Tennessee. Of course under the rules I would not be permitted to state to the House, or to anyone else, what occurred in the committee. There was some discussion, but of course under the rules I am prohibited from making any statement as to what any particular member of the committee may have said.

Mr. REAVIS. Was it the expressed opinion of the committee that these clerks are overpaid for the hours which they now actually give?

Mr. BYRNS of Tennessee. I have just stated to the gentleman that I can not, of course—I am sure the gentleman will appreciate that fact—violate the rules by undertaking to give expression to anything that might have been said or to any expression that might have been given by any member of the committee or by the entire committee.

Mr. REAVIS. I understand the gentleman to state that it is his opinion that, as a rule, the clerks are not now overpaid for the service actually rendered?

Mr. BYRNS of Tennessee. That is my opinion, although I want again to qualify that with the statement that there are some clerks who have been in the service a long time, who are now old, and who are drawing pay which the heads of the departments, and particularly of bureaus, say they are not fully capacitated to earn by reason of the fact that they are not up to a fair standard of efficiency; but with the exception of some of these superannuated clerks I am frank to say to the gentleman that I do not think the clerks are overpaid.

Mr. REAVIS. Then in the judgment of the gentleman the purpose accomplished by the Borland amendment is economy on the part of the Government, and not to fix the hours commensurate with the pay?

Mr. BYRNS of Tennessee. I do not think that was the purpose of the author of the amendment. He is, of course, more than capable of answering that for himself.

Mr. REAVIS. There could only be one of two purposes of this amendment, either that we were overpaying them for the work they now do or that we are trying to economize. I can conceive of no other motive behind the amendment.

Mr. BYRNS of Tennessee. I want to say to the gentleman, as I attempted to make plain a while ago, I believe that when you take into consideration the number of hours that the clerks are required to work each day, when you take into consideration the amount of annual leave, when you take into consideration the amount of sick leave granted them when necessary with full pay, when you take into consideration the number of legal holidays, and when you take into consideration the fact that they are allowed a Saturday half holiday for practically three months every year, I do not believe that the National Government, as a general proposition, is paying for the services of its clerks less than private employers pay. On the contrary, I believe that in the major portion of the cases you will find, if you will investigate it, that the National Government is dealing justly with its employees, and as was stated before the committee, particularly with reference to the Post Office Department, it is paying from 15 to 30 per cent more for the services rendered than is paid for similar services in private employment.

Mr. REAVIS. Does that belief account for this amendment?

Mr. BYRNS of Tennessee. I am not able to speak, of course, for those who voted for the amendment in the committee.

Mr. FESS. Will the gentleman yield for a question?

Mr. BYRNS of Tennessee. Just for a short question.

Mr. FESS. The gentleman referred a while ago to superannuated clerks. Is any progress being made in any legislation looking to a system of retirement of the inefficient servants of the Government?

Mr. BYRNS of Tennessee. Not on the part of the committee. Of course, bills have been introduced in Congress upon the subject, but I do not think that any of them have ever been reported out. Those bills are not referred to the Appropriations Committee. I think the Committee on Reform in the Civil Service has jurisdiction of them.

Mr. FESS. Why is not some legislation of that character put into operation? Why is not there some legislation looking to equitable treatment of the superannuated employee?

Mr. BYRNS of Tennessee. That I can not tell the gentleman, because I am not a member of the committee to which they have been referred. Of course, that would open up a very long discussion, and, with all due deference to the gentleman, I have not the time at my disposal to enter upon that. I have already infringed upon the time of other gentlemen who desire to address the committee; but I can not refrain from saying that I do not think the gentleman is exactly accurate in his statement, or at least in the intimation that the National Government has not been fair to the superannuated employees. Some of them are drawing the highest salaries paid to clerks. The present law provides that the heads of the departments shall demote those clerks, as they have the power to do, to the lower salaries, and promote the more efficient and those capable of rendering the greater service, so that they shall receive the higher salary, and of course that is fair.

Mr. FESS. Of course, I did not mean that the Government had been unfair. I meant that employees reach a stage where they are not so efficient as they formerly were, as the gentleman stated a moment ago, and they are not being dropped from the service. The Government would not want to do that. Now, why is there not some plan by which they could be relieved when they reach that point and still be properly treated?

Mr. BYRNS of Tennessee. I have already stated that that is a matter over which the Committee on Appropriations has no jurisdiction. I do not want to be understood as saying that these clerks have reached the point where they are incapable of performing any service; but they are incapable of performing as efficient and as high a degree of service as they once could; and in all such cases the heads of departments and the various bureaus are seeking to do exact justice to all of the clerks by demoting them to the lower salaries and promoting the more efficient to the higher salaries.

Mr. FESS. That is a field of legitimate legislation, is it not?

Mr. BYRNS of Tennessee. Precisely; although I might differ with the gentleman as to the legislation.

Mr. BARKLEY. Will the gentleman from Tennessee yield?

Mr. BYRNS of Tennessee. I yield to the gentleman.

Mr. BARKLEY. Is it true that in some departments of the Government employees are now working eight hours?

Mr. BYRNS of Tennessee. I understand that is true.

Mr. BARKLEY. Are those employees receiving higher salaries than those who now work seven hours?

Mr. BYRNS of Tennessee. I am not advised as to that.

Mr. BARKLEY. Does the gentleman know whether those who are now working eight hours are doing easier work than that which is being done by those who work seven hours, and whether there has been any injustice practiced in the past against men who are now working eight hours?

Mr. BYRNS of Tennessee. Of course information of that kind could only be obtained by a thorough investigation, and possibly by hearings. As I have stated a number of times, the committee have had no hearings upon the proposition, and I am therefore not in a position to give the gentleman any information other than that which he no doubt already has. [Applause.]

Mr. Chairman, this bill makes provision for a separate division in the Census Bureau, to be known as the Division of Cotton and Tobacco Statistics. For a number of years Congress has appropriated more than $200,000 for the collection of statistics of cotton produced and the amount on hand at various periods in the year. A few years ago Congress passed what is known as the Cantrill law, which was intended to serve the same purpose for the growers of tobacco, and since that time the Census Bureau has endeavored to collect accurate statistics as to the amount of leaf tobacco on hand for the benefit of those whose energy and labor produces this great American staple. This information is intended for the benefit of the growers of these two great agricultural products, which add so much to the wealth of this Nation. Those who buy the product have no difficulty in securing accurate information as to the amount in the hands of the growers. Knowing the acreage, it is an easy matter to estimate how much will be produced; and having at their hands the facilities for knowing how much is in the hands of the manufacturers, they have been able to know just how much of the product is on hand when they come to make their purchases. The farmer has had no such advantage, and he has had to rely upon those who buy from him in order to arrive at a knowledge as to the supply on hand and the price for which the product of his labor should sell in the open market. The collection of these statistics is intended to put the tobacco and cotton grower in possession of the information which those who buy from him gain through private sources. Knowing the amount of the product in the hands of the manufacturer, he is enabled to definitely determine what would be a fair price for that which he has for sale. He will no longer be compelled to rely for such information upon those who naturally desire to buy his product at the lowest possible price.

As I have stated, while more than $200,000 has been spent each year in the collection of these statistics, no separate division under the direct charge of a competent official who has a knowledge of and a sympathetic interest in these two great agricultural products has ever been created. The adoption of this provision will mean that the Director of the Census will be empowered to place at the head of this division a competent and expert official, who will be held responsible for the full and accurate collection of these statistics and the dissemination of this information among the farmers who are engaged in the production of cotton and tobacco. One objection to the Cantrill law is that it only provides for semiannual reports. If this provision is adopted, then quarterly reports will be made, and this information will be furnished to the tobacco grower at a time when it is most needed by him in fixing the price of his product. In the interest of both the tobacco and cotton grower, I trust that this provision will be adopted by Congress.

I wish to take advantage of this opportunity to place in the RECORD my hearty approval of the recent action of the House in passing for the third time what is known as the good-roads bill, extending Federal aid to the various States in the building of good roads. Ever since I have been a Member of Congress I have been an earnest and, I may say, an active advocate of legislation of this kind. At two previous Congresses the House has passed a bill extending Federal aid for the building of good roads, but each time the bill has failed to pass the Senate. I trust that the present measure will share a better fate and will finally become a law.

The interest of all the people demands that our roads shall be improved, and I hope that Congress will at this session appropriate money to aid the States and the counties in the building up of a great and permanent system of highways all over the country.

The National Government is seeking to help the farmer through the Agricultural Department, the laboring man through the Department of Labor, and the business man through the Department of Commerce. It is improving our waterways in the interest of commerce and lower freight rates. These activities are to be highly commended; but I want to see our Government do something more for the farmer, the business man, and the laboring man—in fact, for every man, woman, and child in this broad land of ours—and that is to give some aid in the building of good roads. It can build no more lasting monument to the progressiveness of the present generation than by helping to establish a perfect system of good roads. We read in history of the power and glory of ancient Rome; of the great prowess of its armies; of its wide dominions, stretching from sea to sea; of its coliseum and its schools of art and science, which made Rome the mecca for students and travelers from every land; but the only tangible evidence of its civilization which exists to-day is the Appian Way, evidences of which can be seen all the way from Rome to the southern Scottish border. We study the history of Napoleon and wonder at his rapid rise from a poor Corsican boy to the position of master of Europe. We marvel at his genius and the master military hand with which he wrought his will; but the only thing of value which he left to his country and which exists to-day is the system of splendid roads in France, the foundation for which he laid while emperor of his country. So I repeat, our Government can render no more lasting and valuable service to the present and future generations than the establishment of good roads.

The prosperity of a country depends in the largest measure upon its transportation facilities. Adequate transportation facilities are essential to a full and complete development of our farms, our mines, and our factories. There was a period in the early history of our country when the National Government gave material aid in the building of highways. Many millions of dollars were spent in this way, covering a period of perhaps 50 years. But when the era of railroad building began the idea that the railroads would furnish all the transportation needful for the development of our commerce quickly grew and the National Government ceased to give attention to the building of highways. It turned its attention to the new form of transportation, and in the early stages of railroad development vast sums of money were spent and immense grants of public lands were made to foster and promote the building of our transcontinental railways. Wonderful progress has been made by the railroads. There are now about one-quarter of a million of miles of railway in this country, and I have seen the statement that freight rates have been reduced until they are now only about one-tenth of what they were in the earlier stages

of railroad development. But notwithstanding that, their annual gross receipts amount to the sum of $3,000,000,000, which shows the immense volume of our commerce.

No one would for a moment discount the importance and necessity of railroads in the upbuilding of a country. They are absolutely essential to its highest development. Progress and prosperity follow in the line of their march. But we must not forget that all of the products of our farms and forests and a great number of our mines and factories must be hauled over our public roads before they reach the place of shipment or consumption. It is important, therefore, that our roads should be brought to a high state of improvement in order to reduce the cost of hauling as much as possible.

The Bureau of Public Roads estimates that more than 350,000,000 tons are hauled over our public roads each year, with an average haul of about 8 miles and at an average of 23 cents per ton per mile. This would amount to $644,000,000.

The same authority states that it would not cost more than 13 cents per ton per mile if all of our roads were improved as they should be, and this would result in a saving to the people of this country of considerably over one-quarter of a billion of dollars every year. The farmer is not accustomed to figure in the cost of his team, his harness, and his wagon as a part of the annual expenses of his farm. But, when he stops to reflect that they are a legitimate part of his farming expenses, and when he considers how quickly bad roads will wear out a team of mules, and how often they cause him to buy a new set of harness and a new wagon, and also how they prevent him from hauling large loads easily and quickly to market, he will begin to realize how much a bad system of roads really costs a community.

One of the most serious problems confronting our Nation to-day is the tendency of our boys and girls to leave the healthful and independent life on the farm in order to seek homes in the overcrowded cities. Our rural communities are being depopulated, while our cities are being overpopulated to such an extent that many are unable to find remunerative employment. Much has been said and written as to how this condition can be remedied. I will tell you the most effective way to stop it. Build good roads; make it more pleasant and profitable to live on the farm. Make it easier for those who live in the country to get around. Make it possible, in bad weather as well as in good weather, for them to leave their homes either with the product of their labor or on pleasure bent, and you will find that the boy and the girl will prefer to stay on the farm rather than seek employment in the cities. The result will inevitably be a more healthful, a more virile, and a more independent citizenship, and a more productive and a wealthier Nation.

So I repeat, Mr. Chairman, that Congress can confer no greater and more lasting benefit upon all the people than by extending aid to the States in the building of good roads. They make for a higher civilization and a better citizenship. They will increase the productiveness of the Nation, and thereby add to its great wealth. They will enhance the value of our farm lands. They will improve our schools and churches, and add to the happiness and prosperity of all the people.

Mr. GOOD. Mr. Chairman, I yield 30 minutes to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] is recognized for 30 minutes.

Mr. MONDELL. Mr. Chairman, for some days in the recent past the newspapers of the country were filled with more or less exaggerated accounts of alleged disagreements between the President and members of his party in Congress as to whether, in the light of the attitude of certain of the warring countries of Europe relative to the practice and effect of arming merchantmen, it were wise, expedient, or proper for the administration or Congress to warn or prohibit American citizens from sailing on armed merchant vessels bound for the theater of war.

On this side of the House we are not supposed to be informed as to what transpired at conferences between Democratic Members of Congress and the President. The public has, however, been enlightened as to certain views held and expressed by those who participated in these conferences through a certain letter written to the President by Senator STONE, chairman of the Committee on Foreign Relations of the Senate, and the President's reply thereto. These letters are as follows:

DEAR MR. PRESIDENT: Since Senator KERN, Mr. FLOOD, and I talked with you on Monday evening I am more troubled than I have been for many a day. I have not felt authorized to repeat our conversation, but I have attempted, in response to numerous inquiries from my colleagues, to state to them, within the confidence that they should observe, my general understanding of your attitude.

I have stated my understanding of your attitude to be substantially as follows:

That while you would deeply regret the rejection by Great Britain of Mr. Lansing's proposal for the disarmament of merchant vessels of the allies, with the understanding that Germany and her allies would not fire upon a merchant ship if she hauled to when summoned, not attempting to escape, and that the German warships would only exercise the admitted right of visitation and capture, and would not destroy the captured ship except in circumstances that reasonably assured the safety of passengers and crew, you were of the opinion that if Great Britain and her allies rejected the proposal and insisted upon arming her merchant ships she would be within her right under international law.

Also that you would feel disposed to allow armed vessels to be cleared from our ports; also that you are not favorably disposed to the idea of this Government taking any definite steps toward preventing American citizens from embarking upon armed merchant vessels.

Furthermore, that you would consider it your duty, if a German warship should fire upon an armed merchant vessel of the enemy upon which American citizens were passengers, to hold Germany to strict account.

Numerous Members of the Senate and the House have called to discuss this subject with me. I have felt that the Members of the two Houses who are to deal with this grave question were entitled to know the situation we are confronting, as I understand it to be.

I think I should say to you that the Members of both Houses feel deeply concerned and disturbed by what they read and hear. I have heard of some talk to the effect that some are saying that, after all, it may be possible that the program of preparedness, so-called, has some relation to such a situation as we are now called upon to meet.

I have counseled all who have talked with me to keep cool; that this whole business is still the subject of diplomacy, and that you are striving to the utmost to bring about some peaceable adjustment, and that in the meantime Congress should be careful not to "ball up" a diplomatic situation by any kind of hasty and ill-considered action. However, the situation in Congress is such as to excite a sense of deep concern in the minds of careful and thoughtful men. I have felt that it is due to you to say this much.

I think you understand my personal attitude with respect to this subject. As much and as deeply as I would hate to radically disagree with you, I find it difficult for my sense of duty and responsibility to consent to plunge this Nation into the vortex of this world war because of the unreasonable obstinacy of any of the powers upon the one hand, or, on the other hand, of foolhardiness, amounting to a sort of moral treason against the Republic, of our people recklessly risking their lives on armed belligerent ships. I can not escape the conviction that such would be so monstrous as to be indefensible.

I want to be with you and to stand by you, and I mean to do so up to the last limit; and I want to talk with you and Secretary Lansing with the utmost frankness—to confer with you and have your judgment and counsel—and I want to be kept advised as to the course of events, as it seems to me I am entitled to be.

In the meantime I am striving to prevent anything being done by any Senator or Member calculated to embarrass your diplomatic negotiations. Up to the last you should be left free to act diplomatically as you think for the best to settle the questions involved. I need hardly say that my wish is to help, not to hinder, you.

With the highest regard and most sympathetic consideration, I have the honor, Mr. President, to be

Very sincerely, yours, WM. J. STONE.

To this letter the President replied as follows:

MY DEAR SENATOR: I very warmly appreciate your kind and frank letter of to-day, and feel that it calls for an equally frank reply.

You are right in assuming that I shall do everything in my power to keep the United States out of war. I think the country will feel no uneasiness about my course in that respect. Through many anxious months I have striven for that object, amid difficulties more manifold than can have been apparent upon the surface, and so far I have succeeded. I do not doubt that I shall continue to succeed. The course which the central European powers have announced their intention of following in the future with regard to undersea warfare seems for the moment to threaten insuperable obstacles, but its apparent meaning is so manifestly inconsistent with explicit assurances recently given us by those powers with regard to their treatment of merchant vessels on the high seas that I must believe that explanations will presently ensue which will put a different aspect upon it. We have had no reason to question their good faith or their fidelity to their promises in the past, and I for one feel confident that we shall have none in the future.

But in any event our duty is clear. No nation, no group of nations, has the right, while war is in progress, to alter or disregard the principles which all nations have agreed upon in mitigation of the horrors and sufferings of war; and if the clear rights of American citizens should very unhappily be abridged or denied by any such action, we should, it seems to me, have in honor no choice as to what our own course should be.

For my own part, I can not consent to any abridgment of the rights of American citizens in any respect. The honor and self-respect of the Nation is involved. We covet peace, and shall preserve it at any cost but the loss of honor. To forbid our people to exercise their rights for fear we might be called upon to vindicate them would be a deep humiliation indeed. It would be an implicit, all but an explicit, acquiescence in the violation of the rights of mankind everywhere and of whatever nation or allegiance. It would be a deliberate abdication of our hitherto proud position as spokesmen, even amid the turmoil of war, for the law and the right. It would make everything this Government has attempted and everything that it has accomplished during this terrible struggle of nations meaningless and futile.

It is important to reflect that if in this instance we allowed expediency to take the place of principle the door would inevitably be opened to still further concessions. Once accept a single abatement of right, and many other humiliations would certainly follow, and the whole fine fabric of international law might crumble under our hands piece by piece. What we are contending for in this matter is of the very essence of the things that have made America a sovereign nation. She can not yield them without conceding her own impotency as a Nation and making virtual surrender of her independent position among the nations of the world.

I am speaking, my dear Senator, in deep solemnity, without heat, with a clear consciousness of the high responsibilities of my office and as your sincere and devoted friend If we should unhappily differ, we shall differ as friends, but where issues so momentous as these are involved we must, just because we are friends, speak our minds without reservation.

Faithfully yours, WOODROW WILSON.

One paragraph of Senator STONE's letter is particularly clear and forceful. After stating that he understood the President was not favorably disposed to the idea of this Government taking any definite steps toward preventing American citizens from embarking on armed merchant vessels, he said among other things:

I find it difficult for my sense of duty and responsibility to consent to plunge this Nation into the vortex of this world war because of the unreasonable obstinacy of any of the powers upon the one hand, or, on the other hand, of foolhardiness, amounting to a sort of moral treason against the Republic, of our people recklessly risking their lives on armed belligerent ships. I can not escape the conviction that such would be so monstrous as to be indefensible.

In his answer to this letter of Senator STONE, it will be noted that the President, among other things, wrote as follows:

For my own part, I can not consent to any abridgment of the rights of American citizens in any respect—

And so forth.

Those are fine, bold words. Taken from their context and adopted as a rule and guide for the conduct of our foreign affairs, there is no one under the flag but would applaud them. When, however, we take into consideration the conditions under which they were used, the situation to which they were addressed, I am at a loss to know whether the picture they conjure up is that of Ajax defying the lightning or Falstaff on parade.

"For my own part I can not consent to any abridgment of the rights of American citizens in any respect." Fine words! Splendid sentiments! How unfortunate it is that the President could not have uttered and acted upon them three years ago and in the period that has intervened during which time the administration has done little else than not only consent but actually connive at and weakly and supinely submit to the abridgment of the rights of American citizens in Mexico. Those were rights clearly defined by solemn treaty; fundamental rights questioned or challenged by none. The right to live, to liberty, residence, and the conduct of lawful business.

What a difference between the fundamental and treaty rights of American citizens in Mexico and the alleged rights for which with fine Falstaffian fury it is now proposed to contend. The exercise of those rights could by no possibility of itself create a condition of friction, misunderstanding, or conflict. They were the natural, normal, and reasonable rights which all the world recognizes, which all nations agree to respect, and all nations are expected to maintain. On the contrary, the alleged rights to which the President refers are in some of their aspects to a greater or less degree challenged by all the world. Their exercise is not necessary to the comfort or happiness of any citizen, and even under the most favorable circumstances imaginable is likely to end disastrously for the individual and embroil the Nation in war over the foolhardy adventure of some philandering citizen.

What a pity the President could not have put in action his fine words of to-day instead of calling on our citizens, miners, merchants, and professional men in Mexico to abandon their rights, their homes, and their property. How about the rights of colonies of American farmers in Mexico, who by their toil, energy, and sacrifice had transformed desert places into fruitful fields, established their homes, and enhanced the honor of the American name. Without an effort to protect them worthy of the name all these were abandoned to their fate and given notice to leave, with the inference, which ripened into fact, that they would secure no protection if they remained.

"I can not consent to any abridgment of the rights of American citizens," said the President. How about the rights of American citizens in and about Tampico—men, women, and children. Their rights were not only abridged; they were wantonly denied. With full knowledge on the part of the administration, as shown by the official records, of the desperate plight of these people, they were over the repeated protests of the American naval commander abandoned to the mercy of an infuriated, drunken, outrageously abusive, insulting, and murderous mob. But for the presence of English and German ships and the prompt action of English and German commanders, hundreds of Americans—men, women, and little children, abandoned to their fate by direct orders from Washington—would have been the victims of the lust and fury of a Mexican mob. As it was, they were for hours tortured by the fear of death, and worse, and American men were compelled to stand by helpless and defenseless, in the presence of their wives and little ones, while every foul epithet and every unprintable insult the Spanish tongue is capable of uttering was heaped upon them.

Fifty thousand Americans lawfully and peacefully living in Mexico were warned by their Government to abandon their rights and compelled to leave their homes and property because their Government refused to afford them protection. American women were outraged. Hundreds of Americans, many of them wearing the uniform of their country, were killed; scores of them on our own soil. Millions of American property was destroyed or confiscated. The American flag was spit upon, dragged in the streets, trampled into the dust. American rights were everywhere flaunted, American prestige destroyed, American honor besmirched. And after all this, no part of which has been remedied to this day, the President tells us that he "can not consent to any abridgment of American rights."

What are the alleged rights for which the President contends so stoutly, in regard to which he thunders so valiantly in the index? Whatever definition may be given them, with a view of misleading and confusing the public mind, with a view of dodging or clouding the real issue, the alleged rights contended for are the right, if it be a right, to travel on a ship carrying guns more effective by far than any gun carried on the greatest man-of-war in the old days of the armed merchantmen; guns that would be effective against not only submarines, but unarmored cruisers; guns that are intended and expected to be used to deny the right and prevent the act of search and seizure; guns which make the merchantman in fact an effective fighting ship, equipped to fight, instructed to fight, and expected to fight.

I do not intend to go into a detailed discussion of the right of merchantmen to arm. I am perfectly willing to admit that a century ago, and before, merchantmen were quite generally armed, and that our courts held in the early part of the last century that a merchantman had the right to arm for defense. It is true that at that time, and even later, some of the authorities held that a merchantman was justified in using his defensive armament, if he was attacked, in an offensive way, even to the extent of overcoming and capturing his enemy, if possible. It is true that all this arming of merchantmen was a part of the general practice of the time of carrying arms on shore and sea. It was the practice of the sea, comparable to the practice on shore in turbulent times, of going armed, and under which people of consequence never ventured abroad save with their armed guards.

Mr. FESS. Will the gentleman yield?

Mr. MONDELL. I will yield to the gentleman from Ohio.

Mr. FESS. Does the gentleman have in his possession Mr. Lansing's note that was made public on the 12th of this month, in reference to that very question, and from which the President's letter to Mr. STONE differs?

Mr. MONDELL. I have Mr. Lansing's note to the powers relative to the disarming of merchantmen, if that is the note to which the gentleman refers, and will refer to it a little later if I have time.

Mr. FESS. I think the letter from Mr. Lansing is confirmatory of the gentleman's position.

Mr. MONDELL. I think it is, and I thank the gentleman for calling it to my attention.

The arming of merchantmen was a custom that had no legal origin that any man may lay his fingers on, but one that grew out of the general turbulence of the times, the lack of authority and control in the open places on land and sea. France never recognized, in modern times, the right of a merchantman to arm. Toward the middle of the last century, with the suppression of piracy, the arming of merchantmen gradually fell into disuse. Then came the declaration of Paris, in 1856, and the abolition of privateering, so far as the signatories to that declaration, which included the present European belligerents, are concerned. As a matter of fact, the principle of the abolition of privateering was accepted by all the world.

Mr. TEMPLE. Will the gentleman yield?

Mr. MONDELL. Briefly.

Mr. TEMPLE. I notice the gentleman says that all belligerents were signers. There were seven nations present when the declaration of Paris was passed. There are more than seven belligerents now engaged in war.

Mr. MONDELL. There is not a nation on earth now that recognizes the right of privateering, whether they signed the declaration of Paris or not. All the major belligerents did sign, as I recall. Does the gentleman contend that we uphold the right of privateering because we did not sign the declaration of Paris? Certainly not.

The abolition of privateering following the suppression of piracy removed the reason and excuse for arming merchantmen, and from the close of our Civil War until very recently guns, except occasionally a small 1-pounder for salute, were practically unknown on merchantmen. The fact is that the civilized world never unitedly accepted the doctrine of armed merchantmen. France refused to do so. So far as there was general agreement, it was limited to the right to arm against attack by piratical or irregular craft, including privateers. There never was definite agreement among the nations that

merchantmen could arm or as to the extent to which a merchantman's armament could be used, but it was seldom, if ever, of a character to make it effective or tempt its use against the regular warcraft of the enemy. Furthermore, in the olden days such armament was never furnished by the Government. That would have constituted the merchantman a ship of war.

But I am not inclined to combat the claims of those who insist that an armed merchantman if attacked by any vessel of the enemy has the right to use its armament as it sees fit to ward off, beat off, or defeat the attack. The more valiantly and persistently and emphatically that kind of a right is contended for the more clearly, definitely, and compellingly is it evidenced that any neutral country that has regard for the lives of its citizens or for its own peace or honor will keep its citizens off such ships. [Applause.] No nation that desires to escape complications that may lead to war over mere definitions, finespun as a spider's web; over questions of fact which, involving issues touching national pride, become of such stupendous moment as to lead to bloody and devastating war, will allow its citizens to thus wantonly and needlessly expose themselves to harm and their nation to the horrors of war. [Applause.]

I have just referred to the fact that after the suppression of piracy, the abolition of privateering, the establishment of order throughout the world, the arming of merchantmen for any purpose, save occasionally for salute, ceased. The custom having ceased, the rule based on custom may with reason and logic be said to have ceased to be operative. In fact, it was not revived for more than half a century, or until just before the outbreak of the present European war. It was the 26th of March, 1913, 16 months before the breaking out of the present European war, that Mr. Winston Churchill, First Lord of the British Admiralty, made a statement in the House of Commons in regard to a "new method" proposed by Great Britain, as it was alleged, "for the protection of the British trade." This statement was as follows:

I now turn to one aspect of trade protection which requires special reference. It was made clear at the second Hague conference and the London conference that certain of the great powers have reserved to themselves the right to convert merchant steamers into cruisers, not merely in national harbors but, if necessary, on the high seas. There is now good reason to believe that a considerable number of foreign merchant steamers may be rapidly converted into armed ships by the mounting of guns. The sea-borne trade of the world follows well-marked routes, upon nearly all of which the tonnage of the British mercantile marine largely predominates. Our food-carrying liners and vessels carrying raw material following these trade routes would, in certain contingencies, meet foreign vessels armed and equipped in the manner described. If the British ships had no armament they would be at the mercy of any foreign liners carrying one effective gun and a few rounds of ammunition. It would be obviously absurd to meet the contingency of considerable numbers of foreign armored merchant cruisers on the high seas by building an equal number of cruisers. That would expose this country to an expenditure of money to meet a particular danger altogether disproportionate to the expense caused to any foreign power in creating that danger. Hostile cruisers, wherever they are found, will be covered and met by British ships of war, but the proper reply to an armed merchantman is another merchantman armed in her own defense. This is the position to which the Admiralty have felt it necessary to draw the attention of leading shipowners. We have felt justified in pointing out to them the danger to life and property which would be incurred if their vessels were totally incapable of offering any defense to an attack. The shipowners have responded to the Admiralty invitation with cordiality, and substantial progress has been made in the direction of meeting it as a defensive measure by preparing to equip a number of first-class British liners to repel the attack of an armed foreign merchant cruiser. Although these vessels have, of course, a wholly different status from that of the regularly commissioned merchant cruisers, such as those we obtain under the Cunard agreement, the Admiralty have felt that the greater part of the cost of the necessary equipment should not fall upon the owners, and we have decided, therefore, to lend the necessary guns, to supply ammunition, and to provide for the training of members of the ship's company to form the guns' crews. The owners on their part are paying the cost of the necessary structural conversion, which is not great. The British mercantile marine will, of course, have the protection of the Royal Navy under all possible circumstances, but it is obviously impossible to guarantee individual vessels from attack when they are scattered on their voyages all over the world. No one can pretend to view these measures without regret or without hoping that the period of retrogression all over the world which has rendered them necessary may be succeeded by days of broader international confidence and agreement than those through which we are now passing.

It will be noted that Mr. Churchill called attention to the alleged fact that "certain of the great powers had reserved to themselves the right to convert merchant steamers into cruisers not merely in national harbors, but if necessary on the high seas."

He claimed that there was good reason to believe that a considerable number of foreign merchant steamers were so equipped that they could be rapidly converted into armed ships by the mounting of guns. He did not claim that any were then carrying mounted guns. After calling attention to Great Britain's vast shipping and carrying trade, he said their vessels engaged in trade might in certain contingencies meet with foreign vessels thus armed, and therefore, he argued, the British ships should be armed in order to protect themselves against foreign ships which he said he had reason to believe carried guns which, under certain conditions, they might mount.

Mr. Churchill then went on to say that the Admiralty had felt it necessary to draw the attention of leading shipowners to this alleged condition of affairs and to point out to them what he conceived to be the dangers of life and property if their vessels were incapable of offering defense. To these advances of the Admiralty, Mr. Churchill told the House of Commons, the shipowners had "responded cordially," and a number of first-class British liners had, he said, been armed "to repel the attack of an armed foreign merchant cruiser." The British Government, Mr. Churchill told the House, was supplying the guns and ammunition for these ships and providing for the training of the members of the ship's company to form a gun crew.

And thus armed and equipped with the best of modern guns, capable of shooting with great rapidity and remarkable accuracy and of sinking any ship, except one heavily armored, at any distance less than 5 or 6 miles, these so-called defensively armed merchantmen are sailing the high seas. No wonder Mr. Churchill stated "no one can pretend to view these measures without regret or without hoping that the period of retrogression all over the world which has rendered them necessary may be succeeded by days of broader international confidence and agreement than those through which we are now passing."

Thus was launched upon the high seas a class of armed merchantmen which not even the First Lord of the British Admiralty ventured to justify under international law or usage, for there is no rule of international law authorizing such armament, much less the orders affecting them.

Those are the armed ships and those like them which are sailing under the Italian flag, which raised the present controversy. And that is the kind of fighting ship, armed and equipped at the expense of the powers at war, under their orders to fight, and certain to fight to the limit if overhauled and ordered to stand by and submit to search and seizure, relative to which the President strikes a pose of mock heroism in support of his declaration that Americans shall be allowed, which means encouraged, to ride on them.

I am not assuming to pass on the question of the proper status of such vessels as I have referred to. A simple statement of the situation makes it very clear to anyone that the controversy is not only serious but that it distinctly has two sides. Under the rules of international law a belligerent ship has, under certain conditions, the legal right of search and seizure of neutral ships and cargoes. A neutral ship resists the order of a belligerent warship to stop and submit to search at her peril; and no neutral ship would think of resisting an order of that kind made by a war vessel of any kind of one of the nations at war. Hence the passengers are safe, though the ships may be halted and searched.

Likewise, if all the merchant ships of the belligerent powers submitted to search and seizure by a warship of the enemy, including submarines, and the humane rule insisted upon by our Government and agreed to by the central powers, that crew and passengers should be placed in a position of safety before the vessel was destroyed, were adhered to, there would be little more danger on a belligerent than on a neutral merchantman. But if the merchantman is armed, ordered, expected to, and does resist and fire upon either a submarine or any other ship of war, the most humane intent possible to imagine on the part of the attacking ship does not remove the danger to which the passengers would be exposed through the perfectly legitimate attempt of the enemy ship to capture the fighting and resisting vessel.

Mr. FESS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FESS. In case we do what the gentleman suggests, would that classify the vessels as auxiliary naval vessels?

Mr. MONDELL. What suggestion is the gentleman referring to—that we warn our people not to sail on an armed ship?

Mr. FESS. Yes.

Mr. MONDELL. My suggestion is contained in a bill which I introduced that provides that all citizens carrying American passports should be prohibited from riding on an armed merchantman of the kind referred to sailing from our ports.

Mr. FESS. Would that classify them as auxiliary naval vessels?

Mr. MONDELL. It would have no effect whatever on the classification of a ship. Its effect and action would be on the citizen to prevent him traveling on an armed ship, which if called upon to lay to by a ship of war will fight, thereby endangering life, even though the challenging ship does not go beyond or contravene any of the laws of war.

Mr. FESS. Would that be a change of international law during the progress of the war?

Mr. MONDELL. It would not, and if I have time I will discuss that feature of the matter.

The dangers to which passengers on armed merchantmen are exposed from submarines, even when the submarine is acting within its acknowledged rights as a ship of war, has been apparent to our State Department since the beginning of this controversy over submarines. The very first inquiry in the case of the destruction of a merchant ship by a submarine has been, "Was she armed?" "Did she use her guns to defeat search and seizure?" In other words, was she within her rights? In the case of the *Lusitania* it was made clear that she carried no arms and that there was no resistance and therefore her sinking was not an act of war, but plain brutal murder, unjustified and unjustifiable.

While Germany has not frankly and completely disavowed that act, the German Government has given assurances that nothing of the kind shall occur again in the case of an unarmed or unresisting vessel, and offered to do what little in the way of reparation for that frightful crime can now be done.

In some of the other cases where merchantmen have been torpedoed and sunk by submarines, conditions and circumstances have not been so clear and unquestioned. There have been some cases of reported attempt to escape by flight, some cases of attempt to ram. While these acts necessarily endanger the lives of passengers, they do not, of course, of themselves warrant sinking without removing crew and passengers. Thanks to the efforts of our Government, for which I wish to give all due credit, it has been definitely agreed that the lives of the crews and passengers of unarmed merchantmen shall be protected. Further, Germany has recently assured our Government that even in the case of an armed and resisting merchantman every reasonable effort will be made to save the lives of the passengers. In this connection, it is interesting to note that on the 18th of last January the Secretary of State addressed to foreign powers a communication, as follows:

It is a matter of the deepest interest to my Government to bring to an end, if possible, the dangers to life which attend the use of submarines as at present employed in destroying enemy commerce on the high seas, since on any merchant vessel of belligerent nationality there may be citizens of the United States who have taken passage or members of the crew in the exercise of their recognized rights as neutrals. I assume your Government is equally solicitous to protect their nationals from the exceptional hazards which are presented by their passage on merchant vessels through these portions of the high seas in which undersea craft of the enemy are operating.

UPHOLDS SUBMARINES' USE.

While I am fully alive to the appalling loss of life among noncombatants, regardless of age or sex, which has resulted from the present method of destroying merchant vessels without removing the persons on board to places of safety, and while I view that practice as contrary to those humane principles which should control belligerents in the conduct of their naval operations, I do not feel that a belligerent should be deprived of the proper use of submarines in the invasion of commerce, since those instruments of war have proved their effectiveness in this practical branch of warfare on the high seas.

In order to bring submarine warfare within the general rules of international law and the principles of humanity without destroying their efficiency in their destruction of commerce, I believe that a formula may be found which, though it may require slight modification of the precedent generally followed by nations prior to the employment of the submarines, will appeal to the sense of justice and fairness of all the belligerents in the present war.

Your Government will understand that in seeking the formula or rule of this nature I approach it of necessity from the point of view of a neutral, but I believe that it will be equally efficacious in preserving the lives of noncombatants on merchant vessels of belligerent nationalities.

BASIS OF PROPOSALS.

My comments on this subject are predicated on the following propositions:

First. A noncombatant has a right to traverse the high seas in a merchant vessel entitled to fly a belligerent flag, to rely upon the observance of the rules of international law and principles of humanity, and if the vessel is approached by a naval vessel of another belligerent, the merchant vessel of enemy nationality should not be attacked without being ordered to stop.

Second. An enemy merchant vessel, when ordered to do so by a belligerent submarine, should immediately stop.

Third. Such vessel should not be attacked after being ordered to stop unless it attempts to flee or to resist. In case it ceases to flee or resist, the attack should be discontinued.

Fourth. In the event that it is impossible to place a prize crew on board of an enemy merchant vessel or to convoy it into port, the vessel may be sunk, provided the crew and passengers have been removed to a place of safety.

OBSTACLES FOR SUBMARINES.

In complying with the foregoing principles, which, in my opinion, embody the principle rule, the strict observance of which will insure the life of a noncombatant on a merchant vessel which is intercepted by a submarine, I am not unmindful of the obstacles which would be met by undersea craft as commerce destroyers.

Prior to the year 1915 belligerent operations against enemy commerce on the high seas had been conducted with cruisers carrying heavy armaments. In these conditions international law appeared to permit a merchant vessel to carry armament for defensive purposes without lessening its character as a private merchant vessel. This right seems to have been predicated on the superior defensive strength of ships of war, and the limitation of armament to have been dependent on the fact that it could not be used effectively in offense against enemy naval vessels, while it could defend the merchantmen against the generally inferior armament of piratical ships and privateers.

POWERLESS IN DEFENSE.

The use of the submarine, however, has changed these relations. Comparison of the defensive strength of a cruiser and a submarine shows that the latter, relying for protection on its power to submerge, is almost defenseless in point of construction. Even a merchant ship carrying a small-caliber gun would be able to use it effectively for offense against the submarine.

Moreover, pirates and sea rovers have been swept from the main trade channels of the sea and privateering has been abolished. Consequently the placing of guns on merchantmen at the present date of submarine warfare can be explained only on the ground of a purpose to render merchantmen superior in force to submarines and to prevent warning and visit and search by them. Any armament, therefore, on a merchant vessel would seem to have the character of an offensive armament.

If a submarine is required to stop and search a merchant vessel on the high seas, and in case it is found that she is of an enemy character and that conditions necessitate her destruction and the removal to a place of safety of persons on board, it would not seem just nor reasonable that the submarine should be compelled, while complying with these requirements, to expose itself to almost certain destruction by the guns on board the merchant vessel.

INNOCENT LIVES AT STAKE.

It would therefore appear to be a reasonable and reciprocally just arrangement if it could be agreed by the opposing belligerents that submarines should be caused to adhere strictly to the rules of international law in the matter of stopping and searching merchant vessels, determining their belligerent nationality, and removing the crews and passengers to places of safety before sinking the vessels as prizes of war, and that merchant vessels of belligerent nationality should be prohibited from carrying any armament whatsoever.

In proposing this formula as a basis of conditional declarations by the belligerent Government I do so in the full conviction that each Government will consider primarily the humane purposes of saving the lives of innocent people rather than the insistence upon doubtful legal right, which may be denied on account of new conditions.

STAND ON QUESTION SOUGHT.

I would be pleased to be informed whether your Government would be willing to make such a declaration, conditioned upon their enemies making a similar declaration.

I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent Government and is seriously considering instructing its officials accordingly.

As I understand it, the entente allies have declined to disarm their ships, as thus suggested by our Secretary of State. They insist on carrying the arms and armaments provided by their Governments, served with the crews trained by their Governments. These guns are of a character that make them more effective against submarines than would be the guns carried on the mightiest dreadnaughts. They are of a character which, according to the former First Lord of the British Admiralty, are effective against armed cruisers. No such armament has ever been approved by international agreement. No such armament has been used by any nation, except some of those now at war, and by them but recently and without asking or receiving the assent of other nations. These ships are expected to fight if ordered to submit to seizure and search. They are prepared to fight, and they have more than an even chance in such a naval combat, as they are likely to be exposed to. The central powers contend that these ships are not peaceful merchantmen, but armed enemy ships and therefore not entitled to that treatment assuring the safety of crews and passengers which they promise will be accorded to unarmed merchantmen. What do we propose to do about it?

As I view the matter, both sides are in the wrong. There never was a rule of international law which justified the kind of arming or the purpose of arming now contended for and insisted upon by England. On the other hand, there never was, and in my opinion there never will be, a time when the killing of noncombatants without attempt to save them was justified, even though they were foolhardy enough, or unfortunate enough, to be in the midst of contending forces. "You can not change the rule during the progress of the game," it has been said, or as the President puts it, "No nation or group of nations has the right, while war is in progress, to alter or disregard the principles which all nations have agreed upon in mitigation of the horrors and sufferings of war." That is very true; but the alleged rule now invoked that merchantmen may be allowed to carry and use arms against warships is not in mitigation of, but calculated to increase the horrors of war, to multiply them.

So far as there is any definite rule it has been changed by the acts of the entente allies, by reason of the character of the armament used, by reason of its being furnished by the Governments, through the training of crews and the issuance of orders by the Government to use the guns to prevent seizure.

The right to arm merchantmen in the manner I have referred to can not be dignified as a principle, nor has it ever been agreed to by the nations.

Nobody on this side of the water, however, is proposing to alter or disregard any principles unless it may be the President himself, who seems to have overlooked the fundamental principle of our Government that the issue of war is placed in the hands of the representatives of the people and can not be legally or properly taken from them. [Applause.] Anyone who would create a condition or attempt to create a condition which might force the hand of Congress into a declaration of war or into an acceptance of the gage of battle is doing a reprehensible, an unpatriotic, a wicked, or a treasonable thing, depending upon the character of the act and the position of him who performs it.

Nobody in Congress, as far as I know, on either side has any disposition to attempt to change a rule of international law; but outside of the clear and patent fact that both parties across the water to the present controversy relative to armed merchant ships and their status are, to a certain extent, wrong, no two men can be found anywhere who can agree as to just what the rule of international law is as applied to the present situation. We are not called upon to define any rule of international law except as it affects our citizens, and all that anyone in Congress has proposed is that in this conflict of opinions and clash of contending forces we shall not unnecessarily, willfully, rashly, or wickedly be brought within the consuming flames of the conflict. [Applause.]

What may happen to British liners armed with modern rifles of considerable caliber and tremendous power, and with orders to use them should Germany carry out her declaration relative to such vessels—to treat them, if they resist capture, as ships of war—can not affect us in our relations with either of these powers unless our citizens become involved.

Many acts in the course of this war, beginning with the breach of the neutrality of Belgium, have been contrary to treaties, civilized usages, and international understanding, but our Government has not seen fit to protest or interfere. Why, then, this sudden insistence upon the part of the administration that we shall endanger the lives of American citizens by becoming a party to a situation created by the greed and savagery of warring nations in a way which may involve us in the conflict?

When and how did it become so tremendously sacred and important an American right to be privileged to ride on an armed ship, equipped and intended for hostilities, proposing to travel through a hostile zone in time of war? Such a ship is expected to fight. It proposes to fight, and in a fight of any kind at sea some one is sure to get hurt. In the case of such resistance an enemy ship would be justified in at least using the force necessary to stop, to capture, and to board the merchant vessel. Assuming the attacking vessel keeps within all the rules of war, danger to the passengers is very great and some loss of life is certain to occur. All of which makes it clear that the arming of merchantmen is not, under present conditions, justifiable, and if anyone persists in doing it our people should not place themselves in danger by sailing on such ships.

Why does not our President proclaim, defend, and insist upon the right of American citizens to travel on powder trains? Why not have a crusade in defense of the unquestioned constitutional right of the American citizen to bear arms as against the multitude of our laws and ordinances, limiting that right and in effect actually depriving the citizen of it?

I can understand how the thoughtless and heedless, the uninformed or emotional, might throw hat in air at any bombastic declaration that the rights of American citizens must not be abridged, without regard to the conditions that brought it forth or to which it was intended to apply. But when anyone fully informed contends that an American citizen has a right which should not be denied, curtailed, or abridged, to travel on a ship armed to fight, purposed to fight, proposing to fight, and bound into the regions of war, at the present time and under present conditions, I am compelled to believe that the one so proposing and insisting is either playing politics with the national honor or is disposed to embroil the Nation in war. [Applause.]

I wish to repeat that no one, so far as I know, is proposing to change or modify international law. Even if we knew what it was in the case presented we would not expect by any act of ours to change it. We do, however, feel that it is our duty to prevent American citizens from plunging into danger and taking the chance of embroiling the Nation in war by doing something the abstract right to do which does not exist and the effect of which would be to subject us to grave danger.

Let the contending powers determine what the rule is so far as they are concerned. It is the duty of innocent bystanders to stand aside while the controversy goes on. We shall not attempt to change the rules so far as they affect the active players, but it is clearly our duty to protect the bleachers and the grand stand, at least the part of it we are responsible for, from reckless pitching, wild batting, and dangerous fouls. [Applause.]

Neither belligerent would have any cause to complain if we refused to allow our citizens to travel on armed ships. In fact, as a neutral Nation, I am inclined to the opinion it is our duty to refuse such ships clearance from our ports. I grant you that if there were no submarines in the world this situation would not be so acute, though with the class of guns now mounted on some foreign merchantmen, used as they claim the right to use them, the situation would involve great danger in the use of lightly armed cruisers. The craft that makes the trouble, however, is the submarine. Our proper contention is that the submarine must halt, search, remove passengers and crew to a place of safety before destroying a merchant ship. On the other hand, the President's contention seems to be that merchant ships must be allowed to arm, and that contention made now necessarily applies to merchant ships as now armed. Therefore the contention is that a merchant ship armed to repel a submarine, or sink it, and ordered to do so if overhauled, shall be allowed to sail the seas, entitled to the rights and immunities of a peaceful, unresisting ship. In its final analysis that means that submarines could not be used against ships so armed without grave danger, without almost a certainty of destroying life and thus, if neutral passengers were aboard, threatening new complications, and the extension and enlargement of the theater of war. The position which the President now takes therefore virtually bars the submarine from action against merchant ships.

What is it the President said about changing the rules during the progress of the war? Heretofore the administration has made some of the most remarkable changes known to political history. But this proposal to change the rule with regard to submarines is the most remarkable of all in the history of the administration. For if the right of the submarine to operate against and sink merchantmen has been fixed and is accepted, as it seems to be, that fact is due to the attitude of the President, assuming the State Department reflects his attitude, and by the acts and words of our State Department, more than by all other influences combined. On January 18 Secretary Lansing, in the note I have referred to, said, "I do not feel that a belligerent should be deprived of the proper use of submarines." And yet overnight the President reverses his rule, abandons the principle which he himself has declared, if it can be called a principle, and with flourish of trumpets announces in effect an entirely new rule, to wit: That submarines may not be used against merchantmen, and this, with the ink hardly dry on the suggestion of our State Department that owing to the acknowledged right to use submarines, the claim of the right of merchantmen to arm is presented in a new and dubious light.

We hope for peace, but some day unhappily war may come. If it does, we must rely largely on the submarine, and we would find ourselves sadly handicapped if we acknowledged a rule under which any merchantman might stand off our submarines with mounted guns, preventing use of the weapons of the submarine for fear of injuring passengers or crew. [Applause.]

I am not surprised that this sudden change of front on the part of the administration is applauded in certain influential quarters. It has been apparent for some time that certain influences, working for great military and naval establishments, are not averse to having the country brought into complications if thereby their propaganda may be promoted and strengthened. As the slimy film of Standard Oil smeared our policy in Mexico, so the interests of munition makers and foreign bondholders are now voiced by a thousand serviceable tongues. With what force and volume half a billion of foreign bond investments speak and the roar of an equal volume of munitions profits and expectations may be likened to the thunder of the attack and defense of Verdun. Some time since it was claimed and asserted that some of foreign birth or parentage had so far forgotten their primary allegiance to America as to attempt "to debase our policies to the uses of foreign intrigue." Be that as it may, it is now patent to anyone with ears and attentive to the talk around him that there are those who applaud the letter and attitude of the President out of their intense and, as I believe, unpatriotic partisanship for one of the contending alliances. Unhappily there are those who speak this partisanship openly, to our reproach and discredit as a neutral people, friendly to all the nations and peoples now unhappily engaged in deadly combat.

But the great heart of America still beats true to our faith and duty as a truly neutral power. As our people have not and can not approve, but do condemn most severely every act of ruthlessness or barbarity on the part of any of the contending forces or nations, as they have and will insist on the assertion and defense of all American rights, even so they will not allow anyone, however high his station, to lead the Nation into the perils of conflict by the assertion of or insistence upon fancied or fantastic rights.

Congress is still the representative of the people, and in the final show-down responsible for the issues of peace and war. Congress will not abdicate its powers or responsibilities, though it will patiently and loyally endeavor to support the administration when the administration faithfully adheres to the path of good judgment and sound discretion. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 20 minutes to the gentleman from Wisconsin [Mr. KONOP].

Mr. KONOP. Mr. Chairman, twice has this bill been before Congress during my brief service. Twice have I voted against it and opposed it, and twice have I voted against passing this bill over the veto of two Presidents, one a Republican and one a Democrat.

No changes have taken place since which would compel me to change my view on this bill, and I am opposed to it now. If anything, conditions have arisen which, to my mind, present less reason for the enactment of this legislation. The war in Europe has decreased immigration to such a great extent that certainly no reason exists for passing this bill now.

Mr. Chairman, I opposed a similar bill in the last Congress for the reason that it contained a provision for the exclusion of all aliens over 16 years of age who could not read some language. The same provision which caused me to oppose that bill in the last Congress appears in this bill, beginning at the top of page 8.

I am in favor of keeping out undesirable immigrants. I am in favor of keeping out the criminal, the insane, and mentally defective, the diseased and morally unfit, the pauper, and those incapable of earning a living; but I can not support a provision in a bill which would keep out of this country a sane, healthy, moral, honest, and upright man for the reason that he can not read a few lines of some language.

Section 2 of the present immigration law, the law now on our statute books, provides as follows:

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons hereinafter called contract laborers who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written or printed, expressed or implied, to perform labor in this country of any kind, skilled or unskilled; those who have been, within one year from the date of application for admission to the United States, deported as having been induced or solicited to migrate as above described; any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; all children under 16 years of age unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided further*, That the provisions of this section relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign Government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *And provided further*, That skilled labor may be imported if labor of like kind unemployed can not be found in this country: *And provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

Is there any doubt in the mind of any man that section 2 of the present law, if properly enforced, will not keep out the undesirable immigrant? The enforcement of this section of the law will keep out all immigrants we do not want.

Mr. Chairman, the literacy test provided in this bill is to my mind so silly, so unreasonable, so unjust, and so repugnant to American traditions that I can not support a bill that provides such a test. Are we to say that illiteracy is a crime or a badge of crime? Never anywhere, except here, have I heard it argued that inability to read some language is a sign of ignorance, bad character, or bad morals. Just because a man can not read is no proof that he is a bad man. Illiteracy is not a badge of bad character, nor is illiteracy ignorance. Illiteracy is a misfortune and any law that places a penalty on a person who has been so unfortunate as to be in such surroundings where he could not obtain an education is wrong and unjustly discriminatory.

Let me quote to you what Judge Goodwin, of Chicago, who has heard some 10,000 naturalization cases, says of the literacy test. This statement was made before the Committee on Immigration last month:

The supporters of the literacy test laid great emphasis on the desirability of excluding people from Sicily and other southern countries. Let me say that in my belief those people, and particularly the more undesirable elements among them, will have no difficulty in getting over such a literacy hurdle as you propose, while people from countries which admittedly now furnish our most desirable immigrants would find it a matter of great difficulty. Furthermore literacy does not depend on character or worth, but on opportunity. As a test of desirability it is ridiculous. It can only be supported logically by those who wish to exclude as many as possible, and who do not care much whether they exclude the fit or the unfit. It does not seem to me that the man's literary accomplishment has anything more to do with his qualification to make a good citizen than the color of his hair—far less, because it is very hard to disguise the natural color of your hair, but you can, in a very short time, pass such a literacy test as is suggested here.

Mr. Chairman, for over a century our country has been heralded as the asylum for the oppressed of every land. For over a century we have maintained an open-door policy. Immigrants have been coming to our shores singing the hymns of their native lands, and to-day they or their posterity are singing "My Country 'Tis of Thee." These men who came have builded homes; they have cleared the forests; they have plowed up our prairies; they have made our cities vast hives of industry, and when the very existence of our country was at stake our foreign-born population loyally responded to the call to save the Union. Thousands of them gave up their lives that this Nation might live. No literacy test was applied to them. When they responded to the call of duty no one tested them as to whether or not they could read.

Mr. Chairman, it is the claim of the proponents of this bill that it will keep out the undersirable immigrant. I do not know what is meant by the term "undesirable immigrant." Is it contended for one moment that an undesirable immigrant is the one who can not read a few lines of some foreign language? Will the fact that an immigrant can read a few lines of a language foreign to our own make him desirable? I can not believe it. The more you analyze this literacy test the more ridiculous it appears. On the contrary, Mr. Chairman, I contend that a man who can pass your literacy test and can use his ability to read and write for bad and dangerous purposes, is a much more undesirable immigrant than a man who can not read and comes here willing to work to better his condition. The dangerous man is the one who can write a blackhand letter, plan a crime, and such a man can pass your literacy test at any time. Let me quote to you what the Hon. Bourke Cockran, once a Member of this House, said before the Committee on Immigration on January 21, 1916, on the phase of the question:

Mr. Chairman, again the question occurs: What is it that constitutes a desirable immigrant? Is it the capacity to read or the capacity to work? Is the evidence of desirability a calloused hand which shows familiarity with labor or a fluent tongue, even if it shows some familiarity with letters? These men and women who had lived in the conditions which I have described have all been compelled to work, not merely hard, but desperately, to support their existence. Every one of them will show by his hands and muscles that he is qualified to work by long familiarity with it. He can not live except by industry. He has not sufficient instruction to make him a dangerous character. The really dangerous man is the one who could meet the literacy test triumphantly, the one who could read and write, but who perverts his abilities to formulating dangerous or vicious tendencies among other men. The illiterate man who works may on pay day get into trouble with the policeman through exuberance of spirits, caused by the quality of spirits he has imbibed. He may be troublesome, but he is not dangerous. The fine which he pays has been produced by his labor. The dangerous man is the one who can plan a forgery or burglary or other serious offense against our law, and that man can pass any literacy test that you can impose.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. KONOP. Yes.

Mr. MEEKER. Does not the gentleman think that while aliens are in the old country fighting for their flags it is a good time to get busy here?

Mr. KONOP. I do not think so. No aliens are coming in now. Let us wait and see whether they do come in after the war is over. There may not be any to come at all.

Another proposition that I want to submit about the literacy test is this: Will not a man who is unable to read or write some foreign language sooner learn to read and write our language than the man who can read some foreign language? The man who comes here knowing how to read some language foreign to our own will not need to read our language to inform himself of current events. He will read the newspapers of his own language to inform himself. While the man who comes here unable to read will of necessity sooner learn to read our language. "Necessity is the mother of invention." Necessity will lead the illiterate immigrant to learn the English language.

On this proposition let me quote what Judge Goodwin and Hon. Bourke Cockran told the committee.

Judge Goodwin said:

I do not think that literacy on the part of the immigrants necessarily leads to an early knowledge of the English language. I rather think that the contrary is true. He is more content to settle down to his own language, his own customs, and his own newspapers if he has a knowledge of a foreign language. That makes him still more alien, perhaps, than as though he came here with no literacy accomplishments.

Hon. Bourke Cockran said:

The man who comes here without capacity to read a newspaper printed in his own tongue must learn our language or remain in isolation without information of current events. The one who comes here with sufficient knowledge to enlighten himself through the papers published in his own language is not under the same necessity to acquire our language as the man who must learn it if he is to learn anything of what is going on around him.

Mr. Chairman, I spoke against this bill in the last Congress, and I want to restate what I said then in opposition to this bill. The proposition to prescribe a literacy test to the immigrant is, to my mind, nothing short of an insult to the immigrant of our earlier history. What is being said of the present-day immigrant was said of the immigrant of the forties, fifties, and seventies. We know all these pilgrims of those times. We are their descendants, and we worship them.

It is claimed that the laboring men of this country want this bill. It has also been claimed that the farmers want it. Mr. Chairman, I do not believe that the great mass of laboring men and farmers want this bill. Who are the laboring men and farmers of this country? They are all of the foreign stock. By far the largest number of them are sons of immigrants, and many of them are immigrants themselves. Are they so unjust that they would now deny their kinsfolk to come and dwell among them? Mr. Chairman, I can not believe it.

Right in this connection let me say that every Member of Congress has been flooded with letters from the officers of labor organizations, asking them to support this bill. When did the great mass of laborers of this country express themselves upon this proposition? Never! There never was a referendum upon this proposition. Why, this matter has not even been submitted to the union meetings. Under date of February 10, 1916, the secretary of the American Federation of Labor sent a circular letter to the local secretaries urging them to write letters to Senators and Congressmen urging them to vote for the Burnett immigration bill. Let me quote to you a paragraph from that letter:

Do not wait for your union meeting, but secure as many letters as is possible from individual members and other citizens to your two Senators and your Congressman. Urge your two Senators and Congressman to vote for the Burnett immigration bill, and when the bill is passed to vote to pass it over the President's veto, if he should again veto it.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. KONOP. Yes.

Mr. JOHNSON of Washington. The gentleman does not mean to infer that the various labor organizations have not at some time taken up this proposition?

Mr. KONOP. They might have held meetings and have considered this proposition, and I know that the great American Federation of Labor in convention assembled voted to support this immigration bill; but I say, and I repeat it again, that this is a great departure from our great American open-door policy, a policy that has been so beneficial to our country, so beneficial to the progress and prosperity of our country, and this matter was never submitted on a referendum to the great mass of the laboring men of the country, and that at these conventions it was the men from above who have urged the delegates to vote for and support this proposition.

It is this letter of the secretary of the American Federation of Labor to which I have referred that has prompted the many letters that Members have received.

Mr. Chairman, I have answered as many of these letters as possible, frankly stating my position on this bill, giving my reasons for being unable to support it. I must say it is to the credit of the officers of the different branches of the grand organization of the American Federation of Labor that out of the many officers only one has tried to cajole and bully me into doing what my conscience told me was wrong, and that was A. E. Barker, of Detroit, grand president International Brotherhood of Maintenance-of-Way Employees. Let me insert the threatening and bullying letter of this man:

DETROIT, MICH., *February 21, 1916.*

Mr. THOMAS F. KONOP,
House of Representatives, Washington, D. C.

DEAR SIR: I have to acknowledge receipt of your letter of the 19th instant in reply to mine of the 15th.

Permit me to thank you for having been very frank in expressing your views and stating your position regarding the bill. I have the greatest admiration for a man who has the courage of his convictions and you certainly have left no room for doubt as to your attitude toward the bill.

I have no desire to enter into any discussion as to the merits of the Burnett bill, nor to waste any time in answering your flimsy excuses for not supporting the measure, realizing fully that anything I might say or do would not carry any weight with you. I may say, however, that you may expect to hear from us a little later on, but in another and perhaps more effective way.

Yours, very truly,

A. E. BARKER,
Grand President International Brotherhood of Maintenance of Way Employees.

I will now quote from my reply to Mr. Barker on what I thought about his threat. This speaks for itself:

The last sentence of your letter is as follows:

"I may say, however, that you may expect to hear from us a little later on, but in another and perhaps more effective way."

You make a threat! You mean to blackmail, of course! And you talk about keeping out the undesirable immigrant! I wish to state to you that you can not stampede nor bully me into doing something which I believe to be wrong, unjust, and un-American, and in spite of your threats I will act and do what I think is for the best interests of my country.

In my five years of service in the House of Representatives I have endeavored to uphold organized labor and work for its best interests. The great mass of laboring men in my district have approved of my course on this measure, as well as many others, and I leave my record to them, knowing that they will judge it fairly and honestly.

Very sincerely, yours,

THOMAS F. KONOP.

Mr. Chairman, the main argument that is presented in favor of this bill is that immigration competes with American labor, that it lowers wages and in that way lowers the American standard of living. Immigration in general is charged with all the ills of our industrial system. Mr. Chairman, I believe this is an assertion without any proof whatever.

Mr. MEEKER. Mr. Chairman, will the gentleman yield again?

Mr. KONOP. I have only a few minutes, but I will yield for a question.

Mr. MEEKER. The gentleman has just said that immigration is charged with all the ills. I think the matter of the tariff has generally been discussed as the basis of all economic ills in this country.

Mr. KONOP. Everything has been laid at the door of the immigrant. I want to prove to you that the immigrants do not come here to compete and do not compete with American labor.

In spite of the fact that there has been a steady increase of immigrants in the last 30 years, the American standard of living has not been lowered, but advanced, and it is higher to-day than it has ever been before. Wages, too, are higher to-day than ever before. The immigrant who comes here does not come here to compete with the skilled American laborer. He comes here to perform the work of the unskilled laborer. He does the unskilled work in the mines, in the quarries, on the railroad, on the farm, and in the forests. Native Americans and the older immigrants are the skilled laborers and the present-day immigrants become the unskilled laborers. It is undoubtedly true that unskilled labor is cheaper than the skilled labor. The present-day immigrant is the unskilled laborer, and it is true that the standard of living among the unskilled laborer is lower. Such a condition has always existed and will always exist. It is a part of our industrial system. No man would expect that the unskilled laborer would live in as fine a house as the skilled laborer or as the business man lives in. Nor would you expect his home located where the property is higher.

We have unskilled work to do. The native American and the earlier immigrant will not perform unskilled labor, and the present-day immigrant who performs unskilled labor is absolutely necessary to advance us in industry. It is a self-evident truth that no man can exercise any labor, however low it may be, without creating opportunity for the labor of other men. No man ever injures labor by working. It is an economic truth that the man who works creates work for others. The man who digs the coal out of the earth and brings it to the surface produces work for many skilled men. He makes work for the men who have charge of the complex machinery of its distribution. He creates work for the builder of locomotives, cars,

and rails. He creates work for the men who operate the trains. He creates work for the clerks in the offices. He creates work for the driver who delivers it to the consumer and for the man who feeds it to the furnace. The man who works in the quarry creates work for many skilled men who take charge of his stone and place it in the building. The man who cuts down trees and saws them into logs produces work for the skilled laborer in the sawmill and planing mill and for the carpenter who builds the home. I repeat, Mr. Speaker, the economic truth: "The man who works produces work for others."

There is another self-evident economic truth, and that is this: That the man who comes here is not only a worker and a producer, but he becomes immediately a consumer. Many of the immigrants come here with large families. These families need food, clothing, and shelter. They are consumers, and therefore create opportunities for work for others. The man who and whose family consumes clothing and shoes produces work for the maker of clothing and shoes. The man who needs houses consumes the lumber that other labor must prepare. The man who comes here to work can never become a competitor of labor but necessarily creates labor for others. [Applause.]

It is claimed that the immigrant is detrimental to the organization of labor. The statistics of the Immigration Commission show, however, that unions are as strong among foreign born as among native Americans. The following shows percentages of different classes of labor organized. This table is taken from Senate Document No. 696, Sixty-second Congress, second session:

Organization of native and immigrant labor.

Class.	Percentage organized.
Native born of native father:	
White	13.9
Negro	17.9
Native born of foreign father	14.1
Foreign born	13.4

Another argument presented here in favor of the application of the reading test is that there is too much immigration and it should be restricted. Mr. Chairman, this is an assertion without any proof. In spite of this cry of too much immigration, the ratio between foreign born and native born in the last half of a century is practically the same. Who will claim that there was too much immigration from 1850 to 1860 or from 1860 to 1870? And yet census statistics show that the percentage of foreign born and native born has not changed. The following table is taken from page 788, volume 1, on population, census 1910:

Class.	Per cent distribution of total population of United States.						
	1910	1900	1890	1880	1870	1860	1850
Native	85.3	86.4	85.3	86.7	85.6	86.8	90.3
Total foreign born	14.7	13.6	14.7	13.3	14.4	13.2	9.7
Total population	100.0	100.0	100.0	100.0	100.0	100.0	100.0

It is also argued that the present-day immigrant comes from a source out of harmony with the spirit of American institutions, and hence not readily assimilable on that account. The same argument was used against the old immigrants, who are now so lauded as being better than the present-day immigrant. The same narrow argument was used by those who opposed immigration in the first half of the nineteenth century. And now we find those who were so condemned then lauded to the skies. But, Mr. Speaker, do they who say that the present-day immigrant is not readily assimilable, mean to argue that those immigrants who belong to these unassimilable races, who can read a page or two in their own language, will, because of that test, become readily assimilable? Such a test will not keep out the undesirable ones.

But is it true that the immigrants of to-day can not be assimilated? Whence comes these immigrants who are so different than we? Are we really not of their blood? The Italian immigrant is the one especially attacked. Mr. Speaker, a people who have builded the greatest empire of antiquity; a people whose civilization lighted the whole known world and who discovered the new; a people to whom we go for the best in literature, in art, and in government. Such people ought to be welcomed to our shores. Will anyone claim that a race that has produced a Boccaccio, a Dante, a Michelangelo, a Columbus, a Cabot, and a Caruso can not be assimilated?

Another people against whom a stigma is cast, and against whom this bill is aimed, are the Polish people. The Polish people are the most unfortunate people of Europe. To-day their land is drenched with blood. Their cities and homes have been razed to the ground. They are a people without a country; a race without a home. The story of their struggle for liberty touches the heart of liberty-loving people everywhere. They have been robbed of their country. Educational facilities have been denied them, and if you pass this bill 35 per cent of these people will be rejected. Thousands of these people have settled in my district and in my State. They are an industrious, hard-working, and liberty-loving people. They are a home people. They have cleared away the forest, built up nice homes, reared up large families, and many of their descendants are among the most prominent citizens of our State. Wisconsin can not get along without them.

Mr. Chairman, when Kosciusko and Pulaski appeared at our shores and offered their services for the cause of liberty and independence no one asked them, "Can you read?" One of these Polish patriots gave up his life for the cause of independence. If the Father of this Republic could cast his eyes on a scene being enacted here against a people whence his aids, Kosciusko and Pulaski sprang, he would condemn this bill.

If you pass this bill nearly 30 per cent of the Jews will be excluded. For centuries the Jew has been a wanderer on the face of the earth. Persecuted everywhere, he has outlived all. He is the pilgrim of eternity. This country has been his asylum. A race, under the most adverse circumstances, that has produced a Disraeli, a Herschel, a Rubenstein, a Spinoza, is not so out of harmony with us that we can not assimilate it. I would not vote for a bill that would deny admission to a Jew for the simple and silly reason that he can not read.

Mr. Chairman, time will not permit me to dwell on each and every people. Why keep out the Greek? Why the Austrian? Are they so different from us? Read and study the history of these peoples and no one will claim that they are so different that they can not be assimilated. Place them in American environment and ere a generation has passed they will be one of us.

I have just mentioned a few people that will be greatly affected by the passage of this bill. But, Mr. Chairman, how about the German, the French, the Scandinavian, the Bohemian, and others that are so desirable? If this law had been in force in the first decade of this century nearly 35,000 Germans, over 6,000 French, over 10,000 Irish, over 3,000 Hollanders, over 2,200 Scandinavians, over 1,300 Bohemians, who were all otherwise qualified, would have been denied admission on account of the literacy test. Who here would have denied these good, wholesome immigrants admission? The injustice and unreasonableness of this illiteracy can be multiplied ad infinitum. If this law had been in force the last decade over 2,000,000 worthy immigrants would have been denied admission for the simple reason that they were illiterate.

In support of this bill the assertion is frequently made, "We do not want the illiterate of Europe." Mr. Chairman, it has been the illiterate immigrant that has been responsible for the decrease of illiteracy in our country. What are the facts as proved by Government statistics? The United States Commissioner of Education, in his letter of transmittal of Bulletin No. 51, recently issued, and entitled, "Education of the immigrant," says:

That these people—

Meaning immigrants—

are interested in education of their children, or at least obedient to the school-attendance laws, is shown by the fact that the least illiterate element of our children is the native-born children of foreign-born parents. The illiteracy among the children of native-born parents is three times as great as that among the native-born children of foreign-born parents.

This statement of the Commissioner of Education is borne out by census statistics:

Class.	1890	1900	1910
	Per cent.	*Per cent.*	*Per cent.*
Native white of native parentage	7.5	5.7	3.7
Native white of foreign or mixed parentage	2.2	1.6	1.1
Foreign-born white	13.1	12.9	12.7

This table shows that the illiteracy among native white of native percentage is 3.7 per cent and among the native white of foreign parentage is only 1.1 per cent. In spite of a steady stream of immigration, illiterate as it may be, the percentage of illiteracy in this country has decreased. In 1890, 13.3 per cent of the people 10 years or older were illiterate; in 1900, only 10.7 per cent were illiterate; and in 1910, 7.7 per cent were

illiterate. The illiteracy among the foreign-born population has also decreased. In 1890 it was 13.1 per cent; in 1900, 12.9 per cent; and in 1910, 12.7 per cent. Statistics also show that where the immigrant has settled the illiteracy is less. In the North, where practically all the immigrants from Europe have settled, the illiteracy is less than one-third that of the South, where very few have gone.

I have prepared a little table, taking seven States of the North, where so many immigrants have settled, and seven States where very few have gone. This table shows the percentage of foreign born in each State named and the percentage of illiteracy:

	Foreign born.	Illiterate.
North:	*Per cent.*	*Per cent.*
Massachusetts	31.5	5.2
New York	30.2	5.5
Minnesota	26.0	3.0
New Jersey	26.0	5.6
Wisconsin	22.0	3.2
Illinois	21.4	3.7
Pennsylvania	18.8	5.9
South:		
Louisiana	3.2	29.0
Kentucky	1.8	12.1
Virginia	1.3	15.2
Alabama	.9	22.9
Georgia	.6	20.7
South Carolina	.4	25.7
North Carolina	.3	18.5

Let us take some of the States where so many so-called illiterate foreigners have settled. In New York, where 30.2 per cent of the population is foreign born, the illiteracy is 5.5 per cent; in Pennsylvania, where 18.8 per cent of the population is foreign born, the illiteracy is 5.9 per cent; in Massachusetts, where 31.5 per cent of the population is foreign born, the illiteracy is 5.2 per cent; in Illinois, where 21.4 per cent of the population is foreign born, the illiteracy is 3.7 per cent; in Wisconsin, where 22 per cent of the population is foreign born, the illiteracy is 3.2 per cent; in the State of Alabama, from which comes the author of this bill, in which only nine-tenths of 1 per cent of the population is foreign born, the illiteracy is 22.9 per cent; in Georgia, where six-tenths of 1 per cent of the population is foreign born, the illiteracy is 20.7 per cent; in Kentucky, where 18.1 per cent of the population is foreign born, the illiteracy is 12.1 per cent. Oh, gentlemen will say, that is due to the negro population. But compare the tables of these sections and States between the native-born whites and you will find that the illiteracy among the native-born whites of the South is also high.

Those who favor this bill cry out, "We are the dumping ground for the criminal of Europe." Mr. Speaker, it is repeatedly asserted that we do not want the criminal classes of Europe, and a statement by a certain prosecuting attorney in New Jersey is relied upon to prove that illiteracy is a badge of crime. To prove that the increase of crime in this country, if any, can not be placed at the door of the immigrant population I will insert here a table:

Prisoners.

Date enumerated.	Total, all classes.	Total foreign-born white.	Percentage of foreign-born white.
1880	58,609	12,105	20.6
1890	82,329	15,932	19.3
1904	81,772	12,945	15.8
1910	111,498	19,438	17.4
Committed during:			
1904 [1]	149,691	35,093	23.4
1910 [1]	493,934	98,532	19.9

[1] The 1904 census did not include prisoners who were committed for nonpayment of fines, while the 1910 census includes them.

The foregoing table clearly demonstrates that crime better be laid somewhere else instead of at the door of our immigrants. In 1880 the percentage of foreign-born white prisoners to all prisoners was 20.6 per cent; on June 1, 1890, it was 19.3 per cent; on June 30, 1904, it was 15.8 per cent; and on January 1, 1910, it was 17.4 per cent. Of the total number of prisoners committed in year of 1904, 23.4 per cent were foreign-born white, and in year 1910 only 19.9 per cent were foreign-born white. Instead of crime being on the increase among our foreign-born population it is on the decrease, and that, too, in spite of the fact that it is repeatedly charged that the present-day immigrant is styled as an undesirable criminal while the old immigrant was desirable.

Of the 82,329 prisoners in 1890, 80,153 spoke English and 2,066 did not. Of the 15,932 foreign-born prisoners, 14,473 spoke English and 1,448 did not. Over 97 per cent of prisoners spoke English, and over 90 per cent of foreign-born prisoners spoke English. In 1904, 83 per cent of the prisoners were literate and 12.6 per cent were illiterate. Of this illiterate class, 1.1 per cent could read but not write, 11.5 per cent could neither read nor write. These figures and percentages do not show that illiteracy is a sign of crime, but, on the contrary, the criminal is illiterate.

Mr. Chairman, now as to insanity. It is repeatedly charged that insanity is on the increase and, of course, the whole thing is blamed on the present-day immigrant. The following table, taken from census reports, disproves the fact that the immigrant is responsible:

Insane in institutions.

Date enumerated.	Total all classes.	Total foreign-born white.	Per centage of foreign-born white.
1880	91,959	26,334	28+
1890	106,254	35,300	33+
1903	150,151	47,078	31+
1910	187,791	54,758	29+
Admitted during:			
1904	49,622	13,405	27+
1910	60,769	15,523	25+

Mr. Chairman, an examination of this table tells us to look somewhere else than to the foreign immigrant for our insanity. The same is true as to the feeble-minded.

Feeble-minded in institutions.

Date enumerated.	Total all classes.	Total foreign-born white.	Percentage of foreign-born white.
1903	14,347	856	5.9
1910	20,731	1,247	6.0
Admitted during:			
1904	2,599	182	7.0
1910	3,825	210	5.4

Even pauperism is charged to the immigrant. Let us examine the figures and see:

Paupers in almshouses.

Years:	
1850	50,353
1860	82,942
1870	76,737
1880	66,203
1890	73,045
1904	81,764
1910	84,198

From 1880 to 1910 I have the figures showing the number of foreign-born white paupers. In 1880 there were 22,967, or 34 per cent; in 1890 there were 27,648 foreign-born white paupers in almshouses, or 37 per cent; in 1904 there were 32,136, or 39 per cent; in 1910 there were 32,136, or 39 per cent. In 1904 there were admitted 81,412 paupers into almshouses, of whom 31,298 were foreign born, or 38 per cent; and 1910, out of a total of 88,313 admitted, 33,353, or 37 per cent, were foreign born. These figures show that pauperism is decreasing among foreign born instead of increasing.

It is repeatedly charged that there is too much congestion of the immigrants in our large cities. Does anyone propose to remedy this by the passage of this bill? If the honorable chairman and gentlemen of the Committee on Immigration and Naturalization would study the proposition of the proper distribution of immigration and present a bill for that purpose, they would do a greater service to the country than presenting and trying to jam through a bill to choke off immigration, which has been so beneficial to this country.

Mr. Chairman, 10,000,000 acres of good farming land await the settler in the northern part of Wisconsin. We have in my State enough undeveloped good farm land to provide thousands of farms, thousands of homes. The foreign immigrant has been the most potent factor in the development of this great Commonwealth. From Germany, from Austria, Bohemia, and Hungary, Poland, France, Holland, and Belgium, Canada, from England, Ireland, Scotland, and Wales, and in large numbers from the three northern Kingdoms, Norway, Sweden, and Denmark, they came. Wisconsin gave them unstintingly of her

gifts of plenty and contentment, and they have become loyal citizens of the State and the Nation. What is true of Wisconsin in this regard is true of many other States.

Mr. Chairman, let me give an analysis of the population ot Wisconsin, as disclosed by the census of 1910. The total population of my State in 1910 was 2,333,860. Of this number 1,807,986 were native-born whites and 512,569 foreign-born whites; 13,305 constitute the colored population. Of the 1,807,986 native whites 1,044,761 were of foreign or mixed parentage and 763,225 of native parentage. The total number of foreign-stock whites in my State was 1,557,330, making practically 70 per cent of the population. Mr. Chairman, a better people, a more cosmopolitan, a more industrious and prosperous people, a more homelike and peaceful people, a more liberty-loving people never lived than now live in Wisconsin. From the north of Europe we got the sturdy, stalwart Scandinavian; from the sunny gardens of Italy we got the romantic Italian; from the banks of the Rhine we got the industrious German; from the banks of the Shannon we got the versatile and wide-awake Irishman; from France, the polished Frenchman; from Belgium and Holland, the home-building and progressive Belgian and Dutch. We have got the hard-working and home-loving Poles and Bohemians; we have the despised Greek, and the persecuted Jews. They have all come to our shores, and I am proud of them all. I am glad they came. Had the proposed bill been a law in the past, I am safe in saying that fully 25 per cent of these people would not have come. And because they came, Mr. Chairman, our State has prospered and grown. It has advanced in industry, in education, and in all that is good in government.

Now, Mr. Chairman, I have disproved every argument that has been presented in support of this bill. I have proved by statistics that the present-day immigrant is not responsible for conditions chargeable to him. The immigrant has contributed to our advancement in education, science, and industry. He has proven himself loyal in time of need, and I do not want to stultify our country's progress by prescribing unjust and unreasonable discriminations against the immigrant. [Applause.]

Mr. GOOD. Mr. Chairman, I yield 25 minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, the only explanation that I shall make in apology for bringing up a matter which is not connected with the bill under consideration is that it is of such importance to one of the subjects which is attracting the attention not only of this House but of the whole country, that I think it ought to be brought up at this time. I shall address myself to House bill 10245, which was introduced by me on January 27, a bill to provide for special tools and fixtures necessary for the immediate manufacture of arms, ammunition, and equipment in time of war.

The present struggle in the near eastern half of the world has produced, among other things, a most unprecedented demand for arms and ammunition. In war men without arms and ammunition are a liability rather than an asset. This has been demonstrated on many fields in Europe. The problem of obtaining an abundance of these necessities remains unsolved, at least so far as the allied powers are concerned. We know that at first the central powers were very much better supplied than their enemies, but we know less of their present situation in this regard. We are able to learn much more of the problem confronting the allies. It is common knowledge that when the belligerents realized their lack in this direction they not only turned all the possible resources of their own countries toward the production of these essentials, but, having access to the markets of neutral nations, proceeded to engage as far as possible the productive capacity of those nations to the same end. It is to the partial solution of the problem of providing an adequate supply of war materials for this country that I address myself.

Instead of attempting to cover the entire field of arms and ammunition, it will suit my purpose better to take as sufficient illustrations two absolutely essential articles—the rifle carried by the individual soldier and the time fuse necessary for the use of the projectile fired from the field guns.

It is not necessary to point out that these are not only essentials, but they are used in the greatest quantities. Let us first take the Infantry rifle. It is well known that soon after the outbreak of the present war the allied powers sent their representatives to the United States to buy and contract for staggering numbers of rifles. The need was obvious and urgent. In the judgment of their military men, battles were being lost, blood was being spilled, and treasure squandered unavailingly because rifles were lacking. Contracts were readily entered into with anyone who could produce the rifles, and produce them quickly. Time was the most essential element of every contract. These contracts were with some of the largest, most progressive, and up-to-date manufacturing concerns in this country. Peace reigned within our borders, our manufacturing industries were then at a low ebb, so that labor was plentiful and seeking employment. The profits to be made from these contracts were undoubtedly large. Every condition and every inducement were present to facilitate as much as possible the manufacture of arms. Yet what are the facts? Under the greatest possible pressure for early delivery more than a year elapsed before any considerable number of rifles were shipped from this country. What was the cause of this long delay? This brings me to the vital point bearing upon our own case. The reason for requiring so long a time is this: The modern military rifle is a complicated machine. I have one here [illustrating], one of our new-model Springfield rifles used in our service. I assure you, gentlemen, it is not loaded and there is no danger. For the highest efficiency all the rifles of an army must use the same ammunition and the parts must be interchangeable, so that you can take any part out of any rifle and it will fit into any other rifle. For the same reason we make our machine guns, and other countries do, to use the same ammunition that the rifle uses. This necessitates the greatest possible accuracy in construction. The parts must be jig made and finished to a gauge of the finest accuracy. The manufacture of these gauges and other special appliances requires the highest degree of skill and a long time to make them. As I have said, it has taken substantially a year for American manufacturers, with every incentive and under the most favorable circumstances, to manufacture the first rifle.

It may be a matter of surprise to some of you that in the manufacture of this rifle it requires 120 separate and distinct operations to finish the receiver alone. The receiver, as you all probably know, is that part of the rifle which contains the bolt and firing mechanism. In other words, 120 gauges of the utmost accuracy must be prepared before this essential part of the rifle can be made. So with various other parts of the rifle, thus necessitating a surprisingly large number of these gauges to manufacture the rifle at all in quantities. After one complete set is made, then additional sets can be made somewhat more rapidly and cheaply, but each must be made independently and separately. I have made inquiry of the Chief of Ordnance, Gen. Crozier, as to the cost of a sufficient quantity of these jigs, gauges, and special appliances from which to manufacture a thousand of these rifles in a day, and he has estimated that it would require only $275,000. A civilian engaged in the manufacture of firearms estimated for me that it could be done for $200,000. I believe Gen. Crozier to be more accurate than the civilian. This same civilian told me that if the necessary jigs, gauges, fixtures, and special appliances were furnished he could begin turning out rifles in quantities within two weeks, using the same machinery now used for making sporting rifles, or at least the machinery which was being so used before the present war. In short, instead of waiting a year we might have to wait two weeks after placing the contract before the rifles were being turned out in quantities.

What is our present situation in regard to rifles? Probably the best of anything connected with our Military Establishment. The fact is we have 700,000 of the new Springfield model and a little more than 300,000 of the old Krag, which is a most serviceable rifle, but subject to the inconvenience that it does not use the same ammunition. At our Government arsenals at Springfield and Rock Island we can manufacture something like 200,000 rifles a year, running eight hours a day. At this rate we could supply an army of a million men with rifles in five years, provided we did not have to make good the wastage.

The wastage, I should say, has proved to be at least 40 per cent, perhaps more, per year, though in some of the European countries it has been much greater than 40 per cent a year. Therefore, aside from the 700,000 rifles now in the hands of the Army, the National Guard, and in reserve, if we had a million men ready to spring to arms between sunrise and sunset, as suggested by one of our distinguished citizens, there would not be rifles to spring to; and if there were no way to increase the rapidity with which rifles might be turned out part of our million men would have served out a five years' enlistment before there were any rifles to place in their hands. By the plan proposed in my bill we can at a comparatively small expense place ourselves in readiness to begin turning out any desired number of rifles at a very short notice. Surely this would be an economy worth while, and one that we can effect without greatly endangering the public safety.

Another essential of war which I have chosen for an illustration is the time fuse necessary for the field-gun ammunition. One of the great surprises of the present war has been the large amount of field-gun ammunition that has been used. The amount almost staggers comprehension.

Mr. COX. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Indiana.

Mr. COX. What does the gentleman mean by field-gun ammunition? I have heard that phrase used time and again.

Mr. TILSON. I will show the gentleman [illustrating]. I assure the gentleman this also is not loaded.

Mr. COX. I am asking for information now.

Mr. TILSON. This is the 3-inch shrapnel shell complete as it is used, except that it is not loaded; it is a dummy. There is nothing dangerous in it. And here is the time fuse [indicating]. You will note this little clockwork attachment. This [indicating] is the projectile sectionalized, so that you can see the several parts of the mechanism. This one is loaded with bullets, but it has no powder in it; so it is harmless. This is the part that does the business.

Mr. COX. What do you call that?

Mr. TILSON. This is shrapnel. It contains 252 bullets, fixed in rosin in the middle part of the chamber here. At the back part is a small charge of black powder. Here is a clockwork attachment, the time fuse, and I have several of these here to show you. Only one of them is loaded. That is the time fuse that is being made in large quantities in this country for Russia. Observe the little knobs for hand setting.

Mr. COX. Now, right there, can they gauge that fuse to burn just so long before it explodes?

Mr. TILSON. That is it. If the gentleman will take time to take one of those fuses apart, he will find there is what is called a time train, which consists of two little rings, one around here [indicating] and one around a little lower [indicating], and these are regulated by a graduated ring here [indicating], adjusted very nicely.

Mr. COX. Is there a maximum and minimum length of time for it to explode in?

Mr. TILSON. They can limit it to the smallest fraction of a second. They can locate it within 50 yards. It is extremely accurate as to the time of explosion. This [indicating], as I said before, is the complete shell. From here up [indicating] is the part that corresponds to the bullet of a rifle cartridge. The base of the shell has smokeless powder, which is consumed, of course, at the gun itself, and is used so as not to make a cloud of smoke that will show where we are, whereas in this smaller space at the base of the projectile we use black powder, in order to make as much of a cloud as we can where it hits, so as to locate the hit. The bullets are embedded in rosin, so that when the shell is exploded the rosin burns and makes a white cloud.

You will see, gentlemen, that this time fuse is a very complicated mechanism. This one, I would say, is our time fuse [indicating] made at the Frankford Arsenal. This [indicating] is a time fuse made by the American Locomotive Co., and it is made for Canada. If anybody can tell the difference, he is a better judge than I am. At any rate, it is very much like our own. Now, I have shown you these complicated instruments.

Mr. SHALLENBERGER. Can you tell us anything about the number of shells that we have loaded with high explosives? Is it not a fact that the shell being used in Europe is a high-explosive shell?

Mr. TILSON. The shrapnel is intended mainly for open work, as it spreads out like a fan and goes forward.

Mr. SHALLENBERGER. And used against men on top of the ground?

Mr. TILSON. Largely, or behind small shelter. But we have a high-explosive shell, and you can not tell which is which by looking at them. It is dropped into the trenches and explodes with a terrible explosion, throwing the bullets and fragments in every direction. The shrapnel has only powder enough to burst the container and release the bullets, which move forward with the same velocity which they had from the original force from the gun. The high-explosive shells are being used more where the deep trenches are. Through all the other fields of Europe shrapnel is the projectile that is used most, and that is the basis and the ground work of all field-artillery ammunition. The high-explosive projectiles are made on much the same principle and are made to shoot from the same gun.

You will see that the time fuse is a very delicate machine. It is almost the same as your watch, when you come to examine it, and almost as delicate. To make these in immense quantities you must have the gauges, jigs, and fixtures of which I have spoken. The time fuse must be made to explode the shell at exactly the right time—not too soon and not too late—in order to be effective. There are hundreds of factories in this country easily adaptable to the manufacture of these and other requisites of field-artillery ammunition. It requires, however, a large number of these gauges and special appliances to manufacture them.

A representative of one of the belligerents was in my office a few days ago and told me that he was in this country seeking manufacturers to make for him the special gauges necessary for the manufacture of the time fuses used in field-gun ammunition of all kinds. It was his special task to secure a sufficient number of these gauges to enable the manufacture on a very large scale of these time fuses. He told me he had been all over the United States, and had tied up by contract every factory that he could for the manufacture of the necessary gauges. I asked him how many different gauges were required to make these particular fuses. This [indicating] is the one they are making. He said it required over 200 gauges to make that one time fuse. He said that in one small city in this country he had 500 skilled workmen employed in making those gauges. He informed me that he had been given carte blanche, as the need was so urgent, that the price was hardly to be considered at all, and that every effort was being made toward getting these appliances at the earliest possible moment.

To illustrate the desperate straits and the eagerness with which they are seeking these appliances and seeking the ammunition, I can cite two examples of contracts for shrapnel. One contract for these [indicating] loaded, for $11 apiece. On another contract, of which I have reliable information, they are paying $23 a piece for an immense number of the same kind; and anywhere between those two prices, wherever they can procure anybody to make these things, they are paying for them and having them made.

Some of the gauges would have to be manufactured in larger numbers than others. For instance, we might need 5 of one kind of gauge and 25 of another kind, as the same number could be turned out in a given time from the 5 as could be turned out in the same time from the 25. I asked him about the cost of these gauges, and he informed me that they cost anywhere from $7 to $700 apiece, and that the complete outfit which he had contracted for cost him approximately $100,000.

As to the time it required to have the gauges made, he told me that with the very best of luck, and with every incentive in the way of increased price, he hoped to have the gauges ready to begin the manufacture of time fuses within six months from the time he began to have the gauges made. This does not take into account the preparation of the necessary specifications and blue prints. I show you here this ponderous tome [exhibiting] filled with these complicated blue prints. It takes all of these to make the gauges necessary to produce that one time fuse.

Mr. COX. Mr. Chairman, will the gentleman yield for another question?

The CHAIRMAN. Does the gentleman yield?

Mr. TILSON. I yield to the gentleman from Indiana.

Mr. COX. Have you any information at all as to how much time is required for the manufacture and completion of one of these fuses—if that is what you call it?

Mr. TILSON. It will take no appreciable time at all, after you get ready. You can turn them out in immense quantities by the repetitive process. But you must have a large number of these finely adjusted gauges to make them in this way. These can be made only by skilled workmen, and it requires a great deal of time to do it.

Mr. COX. But then it is all machine work after you have the preparation?

Mr. TILSON. Yes. In accordance with my proposition, within a week's time you could be turning out any quantities of these. Here it is 20 months after the beginning of hostilities in Europe, with the allies' soldiers perishing for want of these very things; and yet they are working on the gauges to get ready to begin the manufacture of the things they need.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. TILSON. Could I have a little more time?

Mr. GOOD. How much more time does the gentleman desire?

Mr. TILSON. I would like 10 minutes if I can not get more.

Mr. GOOD. Mr. Chairman, I yield 10 minutes more to the gentleman.

The CHAIRMAN. The gentleman from Connecticut is recognized for 10 minutes more.

Mr. TILSON. I have spoken of the surprisingly large quantity of field-artillery ammunition that is being used in the present war. From the best information we are able to get from the western front in Europe, it will average about 25,000 rounds of field-artillery ammunition per day for every 1,000,000 troops. One gun in actual fight will use as high as 1,000 rounds a day. This has been done in France.

What is our situation in regard to the manufacture of field-artillery ammunition? For our little Army we have built, are building, and have planned for about 3,000 field guns of the

several types; that is, if the plans go through, we shall have about 3,000 guns. Our Government manufactures its field-artillery ammunition at the Frankford Arsenal, and our entire capacity for the manufacture of this ammunition is just 1,500 projectiles per day. In other words, if we had our 3,000 guns ready—which we have not—we could make ammunition enough at our Government plant, running at full capacity, to enable each gun to fire one shot every other day, or three shots per week. [Laughter.]

The proposition of my bill is to manufacture in time of peace a reasonable reserve of these projectiles sufficiently large to keep us supplied for a reasonable time in case of war, within which time, by the use of the jigs, dies, gauges, and special appliances which it calls for, enough concerns can be started on the manufacture of this ammunition to keep our artillery plentifully supplied.

In my judgment, the people of the United States are beginning to realize that the situation in regard to some of these matters is really serious and are ready to meet it in the proper spirit.

What are the courses open to us? There are at least four. The first is to erect Government plants, fully equipped and including the very things provided for in my bill, sufficient to manufacture arms and ammunition as rapidly as we should need them in time of war. No one has attempted to estimate the number of millions, and perhaps billions, of dollars it would require to erect and equip enough manufacturing establishments to accomplish this purpose. If they were erected and equipped, they would stand idle, I hope, as long as they stood at all; but while they were standing idle they would depreciate, the machinery would obsolesce, and we should soon have to do the same thing over again. The mere statement of such a proposition is enough to show that it is practically impossible. We should never undertake it.

Another possible solution would be to manufacture and store a sufficiently large quantity of arms and ammunition to supply us during a war. No one knows how much such a plan as this would cost, as no one knows how much would be needed in the way of arms or ammunition; and even if we did, after manufacturing such an immense store, they would undoubtedly deteriorate to some extent and would begin to obsolesce.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield there for a brief question?

Mr. TILSON. I yield to the gentleman from Ohio.

Mr. LONGWORTH. Could these shells be manufactured and stored, and then the high explosive put in at any time they might be called into use?

Mr. TILSON. Not the high explosives. The loading of the time train can be done afterwards, but the high explosive would have to be put in the shell when it is made.

Mr. LONGWORTH. When it is made?

Mr. TILSON. Yes.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman permit a question there?

Mr. TILSON. Yes.

Mr. SHALLENBERGER. I think the gentleman will recall, for the information of the gentleman from Ohio [Mr. LONGWORTH], that we had before our committee the testimony of Gen. Crozier, to the effect that most of our ammunition could be stored for 10 years.

Mr. LONGWORTH. But not the modern explosive?

Mr. SHALLENBERGER. All except the high-powered shells.

Mr. TILSON. Oh, it is claimed that there is no deterioration, and it does not deteriorate seriously within a short time; but I do not believe that it has been conclusively proved that it would not deteriorate at some time or other.

The third plan is to do nothing, but to go ahead and trust to luck. To me that course is unthinkable.

The fourth, and to my mind the only reasonable, course to pursue is the one proposed in my bill—the preparation of all the necessary jigs, dies, tools, gauges, and special fixtures of every kind necessary to manufacture the arms, ammunition, and equipment that would be required in time of war; to manufacture only a reasonable reserve of ammunition to keep on hand, and keep these special appliances in fireproof vaults ready, so that in case of war, or the imminence thereof, we could go out to private manufacturing concerns who had the buildings and machinery all ready for this class of work and contract with them for any quantity of the articles needed.

You may say that these would probably obsolesce. Absolutely so. Almost anything in this world grows old or out of date. If new and better rifles and field guns were invented, then we should have to change to some extent our gauges and special appliances.

Mr. COOPER. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Wisconsin.

Mr. COOPER. In the gentleman's judgment, what would be the cost of a sufficient quantity of these gauges and other special appliances?

Mr. TILSON. To purchase the things that we should absolutely require—and this is only a rough estimate—it would cost something like $15,000,000 to $20,000,000, and that would be the end of it until there was some change made. But bear in mind that these would not obsolesce any more rapidly than the plants and the equipment would obsolesce and no more rapidly than would accumulated arms and ammunition.

Mr. COOPER. To get this clearly in mind, that means simply the equipment—the gauges——

Mr. TILSON. The special equipment. We already have many factories that are equipped with the machines, lathes, turret lathes, and so forth.

Mr. COOPER. That does not mean buildings?

Mr. TILSON. Oh, no; not at all. We have plenty of those, and of all the necessary machinery, except these special appliances that are used only for this one purpose and which, therefore, we have not on hand.

Much has been said about the manufacturers of arms and ammunition being the ones who are the most eager for preparation for war. We have heard the charge made, from time to time, that these men are more interested in profits than in preparedness. For my own part I believe such charges to be without foundation, but if there be any such person in this country so depraved as to place profits above patriotism, then my proposition will not appeal to him. It is certainly not in the interest of anyone who desires to manufacture large quantities of arms and ammunition and sell them to the Government at huge profits. On the contrary, it would save the Government from the tremendous expense of either erecting its own plants to stand idle and depreciate, or of manufacturing an enormous supply of these things to deteriorate and obsolesce. Best of all, if war should ever come it would find us in a position to go among manufacturers of the country who are prepared to make such articles and make the best possible terms, or, if necessary, commandeer such plants and run them as Government institutions. It can be, and should be, applied to all those articles that are used in immense quantities and require extensive preparation for their manufacture. It should include machine guns and aircraft of all kinds. By all means it should be extended to the Navy.

I have proposed something here which if adopted and worked out as it should be will do more to make us really prepared than anything else that has been suggested, and at the same time so economical that the cost is negligible as compared with that of any other course except nonresistance. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. TILSON. May I have just five minutes more?

Mr. GOOD. I yield to the gentleman five minutes.

Mr. TILSON. I thank the gentleman.

I am convinced, after considerable study of the subject, that no plan of preparation which leaves out this feature can be effective. We may increase the Regular Army, create a volunteer force, and provide for a proper reserve, all good in their way; but unless the principle for which I am contending is adopted and carefully worked out our soldiers will be for a long time ineffective at the best, or sacrificed at the worst, if we ever come into conflict with any first-class power. I am sorry to be compelled to say what I am going to say, but it can do no harm, for our people are the only ones who do not know it already; but if to-morrow we became involved in war with any first-class power, we could not possibly supply within a year the arms and ammunition to fight a single battle of any magnitude. With the necessary articles I have suggested on hand—and I tell you frankly, upon the best of information, it will require more than a year to make them—we could, within 30 days at a maximum, begin turning out all the necessary arms and ammunition for any emergency.

Mr. SANFORD. Will the gentleman tell me whether there is any bureau or department of this Government upon which the responsibility rests of taking the initiative with reference to the matter the gentleman is speaking of, or does the initiative belong in this body?

Mr. TILSON. So far as I know, it began in this body with myself. I do not know that anyone else had considered it; but I took it up with the Ordnance Department and found that they were interested and were contemplating something a little bit different, but along the same general lines.

Mr. SANFORD. What I am getting at is this: Is there any department of the Government that recognizes the responsi-

bility to take the initiative with reference to a matter of this kind?

Mr. TILSON. If any department should take the initiative it could not eventuate in anything without legislation. I hope to get an authorization by which hereafter we can appropriate any amount we think proper.

Mr. SANFORD. But we have to do the thinking first?

Mr. TILSON. The Ordnance Department is doing some good work on it, I believe.

Mr. SANFORD. I do not dispute that.

Mr. TILSON. If I were called upon to explain in the fewest possible words the situation in Europe for the last 20 months, I should say Germany had the gauges, Great Britain had none.

Mr. FORDNEY. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Michigan.

Mr. FORDNEY. To whom do the gauges belong that are being used by our factories which are making ammunition for Europe now?

Mr. TILSON. They have been paid for, at a tremendous cost, by the belligerent Governments; that is, such gauges as have been made. They are still making them, you understand.

Mr. FORDNEY. Do they belong to those Governments or to us?

Mr. TILSON. They do not belong to us. They may belong to private individuals.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Nebraska.

Mr. SHALLENBERGER. Speaking of the importance of the rifle, was not the testimony before our committee that Germany did not have gauges for rifles, but that she had 25,000,000 rifles? And which would you rather have, 25,000,000 rifles or the gauges?

Mr. TILSON. I would rather have the rifles, but I would rather have the gauges than to have neither. [Applause.] Is it not worth while, as a matter of economy, as well as a matter of insurance, if we believe in preparation at all, to set about providing for those things without which all else is ineffective?

I have not here attempted flights of oratory or the common practice of trying to stir the emotions by references to patriotism and the flag. I would rather bring to this House something valuable, something that will be of real service to my country, than by the clever use of a few fine phrases to stir a multitude and receive the plaudits of thousands. If accepted and acted upon, as I believe they will be, the suggestions I have here presented will have contributed something toward the national defense and the safety of the Republic, which of itself is a sufficient reward. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield to my colleague [Mr. SIMS] 20 minutes.

Mr. SIMS. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] has made a very interesting and learned speech, but he said a good many things that it seems to me, under the circumstances, would have been better left unsaid. Perhaps to-night will be one of the momentous nights in the history of the world, and I think it behooves us at such a time as this to forget partisan politics and political advantage or personal excoriation and criticism.

Much has been said on the question of defensive armament. When is a merchant vessel pursuing the course that peaceful commerce permits, and what takes it out of the channel of a peaceful merchant vessel and converts it into a vessel of war?

This war began on the last of July or the first of August, 1914. I do not remember just when England declared war. I think it was several days after the 1st of August.

Mr. PLATT. August 3.

Mr. SIMS. The question was raised through diplomatic channels in August, 1914, as to the rights of a defensively armed merchant vessel in our ports. The question was raised by Great Britain. It was contested by Germany, and our Government stated its position with reference to the representations of that Government. It made it at a time when the submarine question had not become acute, at a time when there was as much coolness and deliberation as could well exist on the part of the Governments concerned, and especially of our own Government. It was made at a time when William J. Bryan was Secretary of State—and nobody will ever accuse him of having been a war jingo, and no one will claim there is any probability that he ever will be one.

Mr. Chairman, I think I can do a real public service by putting in the RECORD as a part of my remarks the correspondence that was carried on between these Governments at a time, so far as effect on us is concerned, when a national election was more than two years off and when there was no temptation to seek political advantage in declaring a status with reference to armed or unarmed vessels. Therefore I will ask your consent to place in the RECORD the memorandum of the British Embassy at Washington, September 19, 1914, on this question of defensively armed ships. Then I will place in the RECORD the memorandum of the Acting Secretary of State, Mr. Lansing, to the German Empire, made on September 19, 1914, declaring the status of armed merchant vessels.

The first paragraph of that statement is:

"A merchant vessel of a belligerent nation may carry armament and ammunition for the sole purpose of defense without acquiring the character of a ship at war."

That was the statement of our position with reference to a merchant vessel armed for defensive purposes. I will put in the whole statement, in which our Government goes on to state what will be regarded as indications that a merchant ship was armed only for defensive purposes. But in this same statement I call attention to one particular part, and that is that "Port authorities, on the arrival in any port of the United States of an armed vessel of belligerent nationality claimed to be a merchant vessel, should immediately investigate and report to Washington on the foregoing indications as to the intended use of armament in order that it may be determined whether the evidence is sufficient to remove the presumption that the vessel is and should be treated as a ship of war. Clearance will not be granted until authorized from Washington, and the master will be so informed upon arrival."

That statement was made on the 19th of September, 1914. I want to say that every nation on earth and every citizen of every nation on earth, as well as all citizens of the United States, had a perfect right to assume beyond cavil or question that this special investigation as to whether or not a particular ship was armed simply for defensive purposes was to be determined by the Government here in Washington before clearance was issued and we must assume and conclude that it was lawful, legal, proper, and right for any person to engage passage on such a ship, and that no man in doing so was himself reckless of his own life or of the interest of his country because he trusted in the good faith and honesty of our own Government in its investigation thus made as to each and every vessel to which clearance was issued. [Applause.]

Mr. RAGSDALE. Will the gentleman yield?

Mr. SIMS. I will, but I promised the gentleman who is to follow me that I would use as little time as possible.

Mr. RAGSDALE. I simply wanted to ask the gentleman why if these rules are still in existence does the gentleman preface his remarks here by stating that this is one of the most momentous times in our history?

Mr. SIMS. The gentleman knows without asking the question, the gentleman knows that notice has been served on our Government as to what will take place upon certain contingencies. I want to do as little commenting as I can as I am simply stating the facts as to the correspondence that took place when excitement was not high, and when all the Governments concerned were giving serious consideration to the facts.

Mr. IGOE. Will the gentleman yield?

Mr. SIMS. For a very brief question.

Mr. IGOE. The gentleman has spoken of vessels clearing from our ports. Suppose the citizen takes passage on a liner sailing from Italy?

Mr. SIMS. That does not arise within the scope of my statement, as this correspondence all took place before Italy was in the war.

Mr. O'SHAUNESSY. I would like to have the gentleman have read in his time the correspondence that he alludes to. Do not subject us to reading it in the fine print of the CONGRESSIONAL RECORD.

Mr. SIMS. The trouble is I can not get the time to do so.

Mr. O'SHAUNESSY. Perhaps some one on the other side will yield it to you.

Mr. SIMS. I will be glad if I can get it. Now, on October 15 a telegram from our ambassador at Berlin gives the German contention on this subject, and the reply of the Secretary of State was made on November 7, 1914. I will now read all these memoranda, because the gentleman from Rhode Island asked me to do so.

[Memorandum from the British Embassy.]

BRITISH EMBASSY,
Washington, September 9, 1914.

The German Government have openly entered upon the policy of arming merchant ships as commerce destroyers, and even claim the right to carry out the process of arming and equipping such merchant ships in neutral harbors or on the high seas. It is in consequence of this that the British Admiralty

have been compelled, in acordance with the practice followed in the great wars of history, to arm a certain number of British merchant ships for self-defense only.

The practice of arming ships in self-defense is very old, and has been ordered by royal proclamation in England from early in the seventeenth century. During the Napoleonic wars the right to arm in self-defense was recognized by British and United States prize courts in the cases of the *Catherine Elizabeth* (British) and the *Nereide* (United States). The right of a merchant ship of a belligerent to carry arms and resist capture is clearly and definitely laid down in modern times. The right of resistance of merchant vessels is recognized by the United States Naval War Code, by the Italian Code for Mercantile Marine, and by the Russian Prize Regulations. Writers of authority in many European countries also recognize the right. To mention a German authority, it may be stated that the late Dr. Perels, at one time legal adviser to the German Admiralty, quotes with approval article 10 of the United States Naval War Code, which states: "The prisoners of merchant vessels of an enemy who, in self-defense and in protection of the vessel placed in their charge, resist an attack are entitled to the status of prisoners of war." The Institute of International Law, at its meeting in 1913, prepared and adopted a manual of laws of naval warfare, article 10 of which expressly declared that private ships are allowed to employ force to defend themselves against the attack of an enemy's ship.

A merchant vessel armed purely for self-defense is therefore entitled, under international law, to enjoy the status of a peaceful trading ship in neutral ports, and His Majesty's Government do not ask for better treatment for British merchant ships in this respect than might be accorded to those of other powers. They consider that only those merchant ships which are intended for use as cruisers should be treated as ships of war, and that the question whether a particular ship carrying an armament is intended for offensive or defensive action must be decided by the simple criterion whether she is engaged in ordinary commerce and embarking cargo and passengers in the ordinary way. If so, there is no rule in international law that would justify such a vessel, even if armed, being treated otherwise than as a peaceful trader.

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[The Acting Secretary of State to the German ambassador]

DEPARTMENT OF STATE,
Washington, September 19, 1914.

DEAR MR. AMBASSADOR: I am inclosing for your information two memoranda which the department has issued to-day and which define the general rules which this Government will follow in dealing with cases involving the status of armed merchant vessels visiting American ports, and with cases of merchant vessels suspected of carrying supplies to belligerent warships from American ports.

I am, etc.,

ROBERT LANSING.

[Inclosure.]

THE STATUS OF ARMED MERCHANT VESSELS.

A. A merchant vessel of belligerent nationality may carry an armament and ammunition for the sole purpose of defense without acquiring the character of a ship of war.

B. The presence of an armament and ammunition on board a merchant vessel creates a presumption that the armament is for offensive purposes, but the owners or agents may overcome this presumption by evidence showing that the vessel carries armament solely for defense.

C. Evidence necessary to establish the fact that the armament is solely for defense and will not be used offensively, whether the armament be mounted or stowed below, must be presented in each case independently at an official investigation. The result of the investigation must show conclusively that the armament is not intended for, and will not be used in, offensive operations.

Indications that the armament will not be used offensively are:

1. That the caliber of the guns carried does not exceed 6 inches.
2. That the guns and small arms carried are few in number.
3. That no guns are mounted on the forward part of the vessel.
4. That the quantity of ammunition is small.
5. That the vessel is manned by its usual crew and the officers are the same as those on board before war was declared.

(Same to the British, French, and Japanese ambassadors in Washington, and the Belgian minister.)

6. That the vessel intends to and actually does clear for a port lying in its usual trade route or a port indicating its purpose to continue in the same trade in which it was engaged before war was declared.
7. That the vessel takes on board fuel and supplies sufficient only to carry it to its port of destination or the same quantity substantially which it has been accustomed to take for a voyage before war was declared.
8. That the cargo of the vessel consists of articles of commerce unsuited for the use of a ship of war in operations against an enemy.
9. That the vessel carries passengers who are as a whole unfitted to enter the military or naval service of the belligerent whose flag the vessel flies, or any of its allies, and particularly if the passenger list includes women and children.
10. That the speed of the ship is slow.

D. Port authorities, on the arrival in a port of the United States of an armed vessel of belligerent nationality, claiming to be a merchant vessel, should immediately investigate and report to Washington on the foregoing indications as to the intended use of the armament, in order that it may be determined whether the evidence is sufficient to remove the presumption that the vessel is, and should be treated as, a ship of war. Clearance will not be granted until authorized from Washington, and the master will be so informed upon arrival.

E. The conversion of a merchant vessel into a ship of war is a question of fact which is to be established by direct or circumstantial evidence of intention to use the vessel as a ship of war.

DEPARTMENT OF STATE,
September 19, 1914.

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[Ambassador Gerard to the Secretary of State.]
[Telegram—Paraphrase.]

AMERICAN EMBASSY,
Berlin, October 15, 1914—7 p. m.

Mr. Gerard transmits the following memorandum which he says he has received from the German War Office:

"An official notice appearing in the Westminster Gazette of September 21, 1914, states that the Department of State at Washington has ruled that ships of belligerent nations when equipped with ammunition and armament shall be treated nevertheless, while in American ports, as merchant ships, provided the armament serves for defensive purposes only. This ruling wholly fails to comply with the principles of neutrality. The equipment of British merchant vessels with artillery is for the purpose of making armed resistance against German cruisers. Resistance of this sort is contrary to international law, because in a military sense a merchant vessel is not permitted to defend itself against a war vessel, an act of resistance giving the warship * * * with crew and passengers. It is a question whether or not ships thus armed should be admitted into ports of a neutral country at all. Such ships in any event should not receive any better treatment in neutral ports than a regular warship, and should be subject at least to rules issued by neutral nations restricting the stay of a warship. If the Government of the United States considers that it fulfills its duty as a neutral nation by confining the admission of armed merchant ships to such ships as are equipped for defensive purposes only, it is pointed out that so far as determining the warlike character of a ship is concerned the distinction between the defensive and offensive is irrelevant. The destination of a ship for use of any kind in war is conclusive, and restrictions as to the extent of armament afford no guarantee that ships armed for defensive purposes only will not be used for offensive purposes under certain circumstances."

—

[The Acting Secretary of State to Ambassador Gerard.]
[Telegram.]

DEPARTMENT OF STATE,
Washington, November 7, 1914.

Your 515, October 15. The Government of the United States is obliged to dissent from the views of the German Government as expressed in your telegram in regard to the treatment to be accorded armed merchant vessels of belligerent nationality in neutral ports. The practice of a majority of nations and the consensus of opinion by the leading authorities on international law, including many German writers, support the proposition that merchant vessels may arm for defense without losing their private character, and that they may employ such armament against hostile attack without contravening the principles of international law.

The purpose of an armament on a merchant vessel is to be determined by various circumstances, among which are the number and position of the guns on the vessel, the quantity of ammunition and fuel, the number and sex of the passengers,

the nature of the cargo, etc. Tested by evidence of this character, the question as to whether an armament on a merchant vessel is intended solely for defensive purposes may be readily answered, and the neutral government should regulate its treatment of the vessel in accordance with the intended use of the armament.

The Government considers that in permitting a private vessel having a general cargo, a customary amount of fuel, an average crew, and passengers of both sexes on board, and carrying a small armament and a small amount of ammunition, to enjoy the hospitality of an American port as a merchant vessel it is in no way violating its duty as a neutral. Nevertheless, it is not unmindful of the fact that the circumstances of a particular case may be such as to cause embarrassment and possible controversy as to the character of an armed private vessel visiting its ports. Recognizing, therefore, the desirability of avoiding a ground of complaint, this Government, as soon as a case arose, while frankly admitting the right of a merchant vessel to carry a defensive armament, expressed its disapprobation of a practice which compelled it to pass upon a vessel's intended use, which opinion, if proven subsequently to be erroneous, might constitute a ground for a charge of unneutral conduct.

As a result of these representations no merchant vessels with armaments have visited the ports of the United States since the 10th of September. In fact, from the beginning of the European war but two armed private vessels have entered or cleared from ports of this country, and as to these vessels their character as merchant vessels was conclusively established.

Please bring the foregoing to the attention of the German Government, and in doing so express the hope that they will also prevent their merchant vessels from entering the ports of the United States carrying armaments even for defensive purposes, though they may possess the right to do so by the rules of international law.

LANSING.

Mr. SIMS. That is as clear as can be expressed in the English language, and there it says the character of the vessel is to be determined by the purpose for which it is armed, as to whether it is a war vessel or a vessel of peace, and in each case our Government investigates that very question and gives clearance, because it finds that each and every ship so cleared is not a ship of war.

That was November 7, 1914. Remember that Congress was in session all the time during the time the correspondence was going on and that it was all made public. Who can remember of any uprising anywhere in the United States in contravention of the position taken by our Government at that time and published to all the world? Did not every citizen, with no thought of stirring up trouble or of bringing on war, have the moral and legal right to travel on a ship after our Government had given it clearance as a peaceable merchant ship and entitled to treatment as such?

Now, I am not going to read a word referred to that did not occur in this diplomatic controversy while the Hon. W. J. Bryan was Secretary of State. No man dare intimate or insinuate that Mr. Bryan was not in favor of peace or that he would yield the rights of peace in order to promote the purposes of war, and his position was proven beyond question when a doubt arose as to whether or not one of the notes of our Government would bring war on this country, and rather than sign it he resigned. I want to read you now what Mr. Bryan said about using submarines for the purpose of capturing prizes or vessels carrying contraband of war. This note is the famous note issued on May 13, 1915, by this Government. Here is, in part, what Mr. Bryan said:

"The Government of the United States therefore desires to call the attention of the Imperial German Government, with the utmost earnestness, to the fact that the objection to their present method of attack against the trade of their enemies lies in the practical impossibility of employing submarines in the destruction of commerce without disregarding those rules of fairness, reason, justice, and humanity which all modern opinion regards as imperative. It is practically impossible for the officers of a submarine to visit a merchantman at sea and examine her papers and cargo. It is practically impossible for them to make a prize of her; and if they can not put a prize crew on board of her, they can not sink her without leaving her crew and all on board of her to the mercy of the sea in her small boats. These facts, it is understood, the Imperial German Government frankly admit. We are informed that in the instances of which we have spoken time enough for even that poor measure of safety was not given, and in at least two of the cases cited not so much as a warning was received. Manifestly submarines can not be used against merchantmen, as the last few weeks have shown, without an inevitable violation of many sacred principles of justice and humanity."

Sacred principles—violation of sacred principles! What is a sacred principle? It is the highest principle of which we can have mental conception, a principle sacred, hallowed, holy, God-given and God-approved. Shall we now relax in favor of a murderous instrument of war that can be used only in violation of the most sacred principles by which humanity can possibly be governed? Talk about the speech of Mr. Bryan at Chicago, the "crown of thorns and cross of gold" speech! That speech, as to eloquence and truth, justice and humanity, sinks into insignificance compared to Mr. Bryan's utterances in this note. Listen to a little more of it:

"American citizens act within their indisputable rights in taking their ships and in traveling wherever their legitimate business calls them upon the high seas and exercise those rights in what should be the well-justified confidence that their lives will not be endangered by acts done in clear violation of universally acknowledged international obligations, and certainly in the confidence that their own Government will sustain them in the exercise of their rights. * * *

"Expressions of regret and offers of reparation in case of the destruction of neutral ships sunk by mistake, while they may satisfy international obligations, if no loss of life results, can not justify or excuse a practice the natural and necessary effect of which is to subject neutral nations and neutral persons to new and immeasurable risks.

"The Imperial German Government will not expect the Government of the United States to omit any word or any act necessary to the performance of its sacred duty of maintaining the rights of the United States and its citizens and of safeguarding their free exercise and enjoyment."

Are these obsolete rights? These are the last words of Mr. Bryan on this question while in his high office, and they are as holy as the purpose intended to be served, as the rights intended to be protected. Shall we stand by Bryan or by Bernstorff? Choose you this day whom you will serve. [Applause.]

Mr. GOOD. Mr. Chairman, I yield one minute to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I have listened with some interest to the distinguished gentleman from Tennessee [Mr. SIMS], and have not yet been able to definitely conclude in my own mind whether his speech was intended in the interest of peace or intended as a declaration of war upon the Democratic leaders of the House. [Laughter and applause on the Republican side.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 20 minutes to the gentleman from Oklahoma [Mr. MURRAY].

Mr. MURRAY. Mr. Chairman, I desire to reply to two several comments upon my brief remarks in support of the homestead bill passed by the House and now pending in the Senate permitting tenant farmers to take the remaining public domain in 640-acre tracts.

A few days following the making of these remarks a newspaper known as The Public, published in Chicago, and, I observe, edited by one Louis Post, and another newspaper called the Johnstown Democrat, owned and edited by one WARREN WORTH BAILEY, made certain criticisms of my position. Both of these criticisms are practically in the same language. Members of this House doubtless know one of these gentlemen, but as to the other, who ever heard of Louis Post's being a Democrat, either from party affiliations or adherence to principles? And quoting from my speech they quote me as saying "Oklahoma has 42,177 acres of land. This would make 570,000 homesteads of 640 acres each." This is quoted as an exact wording and paragraphing from my remarks, which shows a deliberate attempt to misrepresent in order to bolster up a weak cause. What I stated was that we had 330,000,000 acres of public land divided among the States, giving the names of the States, and naming Oklahoma last. Then, beginning with a new paragraph, I said that this would make the number of homesteads mentioned. It happened that the printer substituted a 7 where there ought to have been a 2, but the new paragraph in my speech made it clear to anybody that I was not referring to the number of acres in Oklahoma, but to the amount in all of the States named. When these gentlemen separated the Oklahoma phrase and connected it with the first sentence in the following paragraph, they made a mistake intended evidently to be unfair. I may state that the exact number of homesteads our public land would make, exclusive of the lands in Alaska, would be 515,625, enough to supply approximately one-fourth of the tenant farmers in the United States each with a home.

These gentry proceed then to say:

MURRAY thinks that this system ought to be continued. Does he know the history of his own State? If so, what makes him believe that the homestead law would be any better?

Continuing, this newspaper further says:

Oklahoma, with Texas, has the double honor of being the most land-ridden State in the Union. Does not Congressman MURRAY see that if he should succeed in finding homes for the tenant farmers of to-day there must be the same decadence?

In the first place, this statement is untrue. Neither Oklahoma nor Texas, proportionate to the population, is the most thoroughly tenant-ridden State in the Union. There are more than a half dozen States in the Union with more tenants than Oklahoma. Moreover, the tenant conditions in Oklahoma were not produced by homesteading the public domain. Out of the 104,000 in that State, 75 per cent of them are located in the Five Civilized Tribes and the Osage Nation, none of which country was homesteaded, and, belonging to the Indians, it was allotted in severalty. Since they declined to work it, it has been farmed by tenants. In the west half of the State, where, excepting some 3,500,000 acres of school and building lands, the public domain was homesteaded, are the fewest number of tenants. If this argument were true, Kansas, Iowa, Nebraska, Minnesota, Montana, and the Dakotas would be equally tenant ridden, and yet in some of these States less than 15 per cent of the farm population are tenants, and this number is not unwholesome. Tenant conditions in any country is a blight upon such country, but a small per cent—8 or 10 per cent of the country—is essential in this particular, that when a man leaves his father's roof, owns a team but not the land, is given an opportunity to rent land he is taking the first step in order to become a home owner. If this condition could not be recognized, production would be lower and the all-important problem of civilization and society in general, so far as it relates to farm lands, depends upon ample production, in order that the cost of living to the people in the city will not become too great.

Heavy cost of foodstuffs means higher price to the city laborer, the man at the machine and in the shop, and the manufacturer, which must needs increase his wage, because, fundamentally, the first element in the fixing of a wage is the cost of keep, but in turn makes the expense of the manufactured product higher to be sold to the farmer, and in turn makes his product higher to the general consumer. This ought to be clear, that for the benefit of all classes ample production ought to be secured.

The Chicago Public further says that "Mr. MURRAY advocates a rural-credit system for the tenant farmer, and that such system would only exaggerate the matter." Then it further adds:

The only remedy is to reserve the unearned increment and adopt the single-tax system on land.

Now, you have the purpose of their making this deliberate misrepresentation, to wit, to bolster up the cause of the single tax, which is a principle enunciated some two decades ago by Henry George, which, in effect, is that land should be the only wealth subject to taxation and that all other property should be exempt, or that the "increment" to the extent of the rental value should be owned by the Government or society in general.

Now, if these gentlemen claim to be better mathematicians than I, whether it involves long division or the rule of three—geometry, trigonometry, calculus, shades, and shadows, even to the extent of perfection "According to Gunter," I will agree with them; but I do not yield to them, nor to any other person living, a sounder or more thorough knowledge of the powers making for civilization or the elements preserving it, and in such knowledge I am not obliged to grasp dogmas and theories, whether practical or not, upon which to sustain a strong, healthy civilization.

THREE SCHOOLS OF LAND OWNERSHIP.

There are three theories of ownership of land.

First. "Cooperative ownership," or an ownership in which one individual has no right beyond that of any other, or in effect no private ownership, as advocated by the Socialists.

Second. A "divided ownership;" that is, an ownership of possession without the fee by the individual, while the rents, profits, or "increments" belong to the State, to be brought about by the single tax.

Third. "Absolute ownership," or that complete ownership by the occupant, in fee, rents, and "increments," to use a popular phrase, "from the center of the earth to the skies."

I have analyzed these three principles governing land ownership from their effect upon civilization in the past, and I unhesitatingly state that it is my conclusion that the divided ownership advocated by the single-tax advocates is the worst of all not only for the farmer, but for all persons in society. In saying this I have no criticism against Henry George, its author.

One of the vivid recollections of my youth has been the story of his great struggle to become mayor of the city of New York. I remember, too, the announcement in the midst of his campaign of his nervous breakdown, which took him out of the campaign and caused his premature death. I remember the newspaper accounts, that upon the night of his fatal illness multitudes surrounded his home eager to get the least expression that "He is better"; that at 12 o'clock the news came, "He is worse"; that at 2 o'clock his faithful wife leaned over his bedside eager to hear him whisper, "I am better," and his reply that he would like to live long enough to become mayor of New York in order that he might be able to alleviate the sufferings of the poor. At 4 o'clock Henry George was a corpse. A multitude of his fellow citizens followed him to his last resting place. The philosophy and genius of a nation eulogized his name. Statesmen vied with each other to do him homage, but in that concourse of mourners it was well known there were those who would have rushed into their midst and written across the casket "Henry George is an anarchist." This fact caused me to sympathize with the good purpose of the man and to scrutinize all his writings in an eager endeavor to find the least grain of truth and of practical statesmanship. Some of his suggestions I believe to be sound, but the doctrine of single tax or reserved increment, with regret and disappointment, I am compelled to pronounce but a dream of good intentions. The trouble with Mr. George was that he understood only the corner lot and the congested conditions of the great city, but he did not understand the conditions of farm lands or of the law of food production. He had observed the vacant lot in the great city left without improvements, upon which great manufacturing plants could have been built and given employment to labor. This brought him to the conclusion that if this lot could be taxed, with the improvements exempt, it would force the sale of its possession. And, true enough, his policy could have been made practical in such congested centers, and in some particulars it would have proven wholesome; but, applied to farm lands, it would in practice not only have proven vicious, not alone to the farmer but the man in the city. Farm lands to-day do not pay interest on the investment. It is only the increased increment and the valuation by upkeep and improvement that justifies a farmer's building up a farm possession.

In a conversation with one of his enthusiastic admirers upon my presenting this side of the question and further showing him that the city lot did not deteriorate whether used or not, while farm property began deterioration in the absence of constant upkeep the moment it was reduced to cultivation, and that without such upkeep its minerals would be washed away to the sea. He replied, "Oh, yes; Mr. George knew the country. He himself related to me the story that when the 'dream' came to him"—observe he called it a dream—"he was riding through the country for exercise out from the city of New York and observed the great apparent unoccupied acres and questioned himself mentally what could be the result if such could be occupied." And then, says my informant, "the dream took hold of him in earnest." But the trouble with the observation of this follower of Henry George was that he had never recognized that often men may spend months and years in the country without studying or learning their problems, just like often enough a man may get mud on his feet, and be absolutely unaware of it until his wife informs him of it as he puts his muddy feet upon the carpet. This story reminds me of the man who for years has studied the theory and the science of farming from books only and then imagines that he knows all about the subject. True enough, a study of the philosophy and theory upon which the science is based is helpful and I have no desire to minimize its importance, but as he reads from the book one line he must turn and look at the furrow and by actual practice follow the plow down that furrow if he would get accurate knowledge of the science of agriculture, and whenever he finds that the theory of the book is not confirmed by the actual experiment, sometimes running into a series of experiments of an entire weather cycle of that section, he will have to abandon the theory of the book as impractical, if not verified by the actual practice. The man who studies agriculture only from the book may conclude that it is altogether poetry, but when he gets into the furrow and follows the plow to the end of the row and back again, he will discover it is altogether prose.

Moreover, the city lot can stand a single tax because of the amount of industry or machinery possible to put upon it for the employment of labor; but it is impossible to put enough improvement or investment, whether in the form of stock or machinery, upon farm, meadow, or grazing lands to enable them

to bear a single tax. The double tax on land when sold on a credit or mortgaged for money borrowed now pursued by the taxing policies of most States causes its owner to groan under the burden. Then how could we expect them to bear the whole of taxation with all other forms of property exempt?

The most fallacious and senseless argument made by the advocates of the single tax is that it will "abolish poverty." This is neither possible nor intended under the economy of Divine Providence. "For ye have the poor always with you." We may abolish misery and suffering. We may raise the standard of living above want. We may correct the inequality of the distribution of wealth, and thus make it more equitable and just. This would leave no one rich. It would merely mean that they would be prosperous and happy, above misery and want. This is the state in which Divine Providence intended man to be, because it is under hardships, self-restraint, and self-denial that the best in the individual comes out. It is that universal law or struggle in nature for a "survival of the fittest." It is this that makes necessity "the mother of invention." If we were all from childhood given our wants to a full measure, passion and appetite would run riot, destroying the mental and moral forces that make the great men and women. It is only by self-denial and control of passions and appetite that humanity is brought up to a full realization of strength and force above the brute creation. I am not sure but what the philosophy of the poet is sound in that there is a real—

JOY OF INCOMPLETENESS.

If all our lives were one broad glare of sunlight, clear unclouded;
If all our paths were smooth and fair, with no soft gloom enshrouded;
If all life's flowers were fully blown without the sweet unfolding—
Would we not miss the twilight hours, the gentle haze and sadness;
Would we not long for storm and showers to break the constant gladness?

If all creation were perfect, and nothing left to do, what service could we render, or unto what good cause could we minister?

With these present-day advocates of single tax the trouble is they do not even know the city side as it was understood by Mr. George. They drink down unhesitatingly all this propaganda with all their impractical knowledge until it forms a mere claptrap for the rabble.

PRODUCTION SOCIETY'S INTEREST.

What is the fundamental interest of society in agrarian laws or laws governing lands? To that question I answer, "production"; to make it possible that foodstuffs be produced in ample quantity; otherwise the expenses of living become unusually high and the laboring man, when only temporarily out of employment is obliged to see his family suffer, and whatever will make easier ample production must first be considered by the State. This is where the single tax applied to the country becomes harmful, for the question of production above all things else whatsoever should most concern the lawgiver and statesman. Every great populated country, every congested population has suffered the consequences of underproduction. Hence private rights, if need be, must be sacrified in order to produce foodstuffs enough for man. Let us analyze the single tax from this standpoint. Much of our evil to-day is not due to legislation or the policy of political parties, but because of underproduction and the consequent result in high cost of living, the struggle of the poor, the struggle of all. Suppose we were to adopt for the future that policy and reserve to the State to extent of all rental and increased value or the increment of all farm lands, what would be the result? The farmer who goes out onto the prairie knows that this is the cheapest land upon which a farm home may be made, but even there when he constructs a fence and builds a house, plows up the sod, and reduces it from its wild state to a state of cultivation will find that this extra work is well worth all of the "increment," rents, and profits for at least five years, and from that period on there is a constant tendency toward deterioration in the soil fertility. The minerals may be leached from the soil; the nitrogen, phosphoric acid, and potash out of which foodstuffs are grown may be washed away to the sea; a rivulet here and a flow of water there may each produce one or more ditches, require a constant care and upkeep, or at the end of another five years there will be no further production without extra cost of fertilizers and of expensive cultivation to make it worth what it was at the time the sod was first broken. Should he go into a timber country and undertake to chop down the trees, eradicate stumps, roots, and grubs, he will find that it will require more time in which to pay him for the extra labor placed upon his newly built farm home. And what will become of the waste places, of the overflow, and swamp lands?

Suppose a farmer in his young manhood goes into some large timbered valley, buys 160 acres at $10 an acre. He begins by splitting rails, cutting out the briers, small trees, and brush, and deadening the large timber. Year after year he is compelled to use only the most primitive plow, thereby forced to substitute physical effort for labor-saving machinery; every spring to burn up the fallen limbs and trees, and at the end of the first decade he has just begun. He observes that every three or five years an overflow comes, washing away his entire crop, fence, and ofttimes his stock. Then he realizes that at a heavy cost of labor he must construct ditches and levees to keep down the overflow, and then perhaps after another decade he will have all the stumps eradicated, all the grubs and roots pulled, and for the first time is enabled to use improved machinery and lessen his hard labor; but then to discover that when a rain continues for a few weeks his level soil will not drain. Then he must put in an underground tile-drain system, as the farmers of Illinois and Iowa have done, at a cost of from $10 to $40 an acre, to draw the surface water down from the roots of the crop so that it will not water-log and kill it. At last he has a farm—a farm he has made. He has spent almost a lifetime in making this farm. During all these years he has been compelled to endure the storms and floods. He has been obliged to fight swamp fever, chills and malaria, gallinippers, rattlesnakes, and mosquitoes, but he has made a farm worth, perhaps, $200 an acre. Under such circumstances who owns the difference between $10 and $200? Who would be so bold as to claim, as do, in fact, the single-tax advocates, that this difference belongs to the State, and not to the farmer who made it, to be retained by him in his old age and passed to his children? The man who would claim this is an impractical dreamer, degenerated into a mental anarchist. [Applause.]

If he did not own this "increment" in the completest sense, he would not have undertaken to redeem that waste place, nor would anyone else. If every man is to become a tenant and not an owner beyond a mere right of possession, he would rob the soil of all that he could extract from it. There would be no purpose or duty on his part, at least no interest for that constant upkeep to preserve the soil so necessary the moment virgin soil is reduced to cultivation. If the public should own the increment, should secure all of the profits, there would be no increment or profits. It would soon be wasted, to the great detriment of the public. And this is wherein the interest of society, as well as the individual farmer, is wrapped up in his absolute and complete ownership of his farm. Yes; in all the experience of man it is best illustrated that private ownership of land is the best, and this ownership is of ancient practice and duration.

The oldest sale and purchase of real estate in all history is recited in the twenty-third chapter of Genesis, giving the boundary, the sale, the consideration, and all. This chapter will also disclose that the buyer, Abraham, was offered a free burial place; but he refused it, as he desired complete ownership even for that purpose. You will notice in that chapter he purchased from Ephraim "the field and the cave which was therein, and all the trees that were in the field, that were in the borders around about"; and in this purchase the land thus described and bounded "were made secure unto Abraham," he paying therefor the sum of "400 shekels of silver current with the merchant." This transfer—"made secure," as the Bible puts it—was made presumably under the then law of the land, not by written deed recorded but by word of mouth in the presence of numerous witnesses, so that no mistake could be made by public proclamation "before all that went in at the gate of his city."

The facts in this purchase by Abraham from Ephraim, an individual owner, is further conclusive proof that land had been owned, bought, and sold even prior to that, which, according to Archbishop Asher, took place at least 1,860 years before Christ, or 3,776 years ago. In all the history of the world such ownership has proven wisest, although divided ownership was attempted to be inaugurated in Rome and Egypt under their foolish agrarian laws, but upon a different principle from the single tax; but in Rome, as would the single-tax provision here, it caused diminution in production, high cost of living, and deterioration of farm interests. As I stated a while ago, even the Socialists would not advocate this principle.

I have in my study of policies and measures best suited to civilization—and I think I have studied the land problem in every light of which it is capable—come to the conclusion that either you must have an absolute and complete ownership or else no ownership, as the Socialists propose. There is no middle ground between these two.

EVILS INCIDENT TO OWNERSHIP.

I will agree with you that there are evils growing out of and incident to private ownership. They are these four:

First. The evil of absentee landlordism, or "alien ownership," which can be prevented by an alien land law as we have in the Oklahoma constitution.

Second. The evil of "corporate ownership," which we have also corrected by prohibiting the ownership of land by any corporation except that necessary to operate its business. No corporation ought to be permitted to own land not necessary for the operation of its business, whether it be a farm or a coal mine, and in the last instance there is a double reason, because the ownership of the product combined with a carrier doubles their power for monopoly.

Third. There is the evil of "excessive ownership," that ownership of more than a reasonable share. This may be reached by a graduated tax; and there is coming a time, it may be remote, but surely, when land will become as scarce here as it is in China and Japan; then that will be adopted.

One of the best means of breaking up large holdings is to increase intensive culture, improved and scientific methods, because under such knowledge and methods, when universally known among all producers, the man with "broad acres" under a tenant system can not survive the competition against the small home owner under intensive and scientific culture. It is by this means that China has avoided the large landed estates. The largest farm in all China is owned by Mrs. Wu and consists of 25 acres.

Fourth. "Uncertainty of ownership," and the fact that there is growing up an evil of uncertain ownership demonstrates the importance of complete ownership. I mean the inability ofttimes to discover to whom it belongs, and this discourages the sale of small tracts of land, where transfers have been made during a century for the cost of the abstract, and determination of title ofttimes costs more than the original parcel of land, until it becomes bunglesome, expensive, and often the lawyer's opinion about the title when he passed upon the abstract may be good or it may not be worth the paper it is written on. That evil could be stopped by the adoption by the several States of the Torrens land-registration system, that makes the transfer easy and simple, not requiring the technical knowledge of the lawyer to tell what the title is, whether in fee simple, a lease, or a mortgage. The certificate would show at all times every phase of the title, so that fraud could not be perpetrated.

There is another evil that tends to create tenant conditions and that is the land policy—almost uniform in the various States—partly growing out of the taxing power. For instance the man who buys a farm worth, say, $1,000 on a credit, paying $100 down, neither the land nor the mortgage can be hid from taxation, but the States almost uniformly tax the mortgage to the extent of the unpaid amount of $900, which is really the property owned by the mortgagee, and then in turn taxes the occupant of the land $1,000, or its full valuation, when as a matter of truth he owns no more than $100. If the law in effect could be changed so as to tax that man all he owned in the land, increasing it only as he increased the payment, until he paid it all, there would not be this double taxation tending to discourage credit sales. In order that the poor homeless man may buy a home you must encourage credit sales on long time. But the policy of the several States discourages it. The man who has made but part payment can not bear the expense of paying taxes on property many times more than he really owns.

Yes; I believe in permitting the tenant farmers, and the tenants only, to take up the remaining public land for homestead. I believe in changing the law, and particularly the law that tends to discourage credit sales, and I certainly favor a rural-credit system that will give the homeless man an opportunity to buy a home on long time at the lowest possible rate of interest. This done and in a generation tenant conditions in this country would not be a threatening menace or constitute an evil. I believe in absolute private ownership of land so the occupant of the soil will have an interest in keeping it up, preserving the fertility, and prevent its washing away, and the power of transmitting it to his children. These things he will preserve if he is given that reward, but if the State is to be rewarded with the "increment" he will not do it.

DIMINISHING RETURNS.

Just a word more about the question of production and the fostering care of the Government with reference to farm lands. There was a political economist some two centuries ago by the name of Malthus, who, at that time like some of our impractical men of to-day, believed even then that the world had reached a stage when there would be no more war; and upon this basis he taught the doctrine that the time would come in the world when the world could not feed the world, basing it upon universal peace. This doctrine would have been true if his premise had been true, to wit, universal peace; because population grows by geometrical ratio, while production increases by arithmetical ratio. But experience has demonstrated that universal peace can not be expected, for just as many in the United States sought to make us believe that universal peace had come the most dreadful war in all history broke out in Europe. Prof. Malthus based in part this doctrine upon another doctrine, which in effect has been confirmed by Adam Smith and Ricardo, but by different methods, which is known as the doctrine of "diminishing returns" of agriculture. There seems to be no scientific reason for this doctrine, nevertheless it has too many times proven true. This doctrine is that the returns from the soil or agricultural lands increases in the proportion of the increase in population, until the population of the country reaches the limit of the land under existing methods of production to feed that population; and then thereafter there is a corresponding diminishing return or a diminution in production from the soil in proportion to the further increase of population. That doctrine has been demonstrated in our own country as well as many other countries in the world. Many of our eastern States do not produce as much as they used to produce. There is a reason for this, and that reason is found in this fact, that wherever the soil will not feed a population and give them all employment, with only normal or necessary manufacturing industry, the population turns its mind from agriculture and compels its lawgivers to put all governmental fostering care into industries and manufacturing plants finally, to the total neglect of farm production until it grows to such diminution that it is thought not worth considering at all at the hands of the State.

A State or nation reaching this period of its history will too often fight in legislative bodies the best interest of themselves as well as agriculture. They seem not to realize that of first consideration is farming or food production, because through this means the people are fed. All of their statesmanship and governmental policy are centered around labor in the industrial field. It may be observed that in the beginning of this Republic every tariff and banking law and every other statute of the Government was written with a view of promoting agriculture. Even Jefferson believed in protection for raw materials in order to encourage production, and indeed every tariff law up until the Civil War placed the protective duty upon raw cotton, but for the past 40 years, owing to the diminution of agriculture in certain sections, and the consequent increase in industry and manufacturing whose forces have controlled the powers of National Government, that policy has been entirely reversed until now even the old Democratic Party has turned away from production and its fostering care of agriculture, particularly in its tariff laws, by planting itself some 16 years ago squarely upon the doctrine of free raw material—the products of the farmer.

I might go in further detail on this, but that is another question aside from the one up for discussion. Some years ago I had occasion to spend my entire time, for more than five years, upon the study of the constitutions and charters of governments and the history of the making of them. In the midst of that study I made what to me became a very important discovery. I discovered that every Government in the world that had existed sufficiently long to have a place in history had been moved by two forces, the one to promote the spiritual man, the other the physical man. One existed either upon its religion, or the philosophy of its religion, and the other upon agriculture. I fully believe, woe is the nation whose people abandon either religion or agriculture.

"Civilization begins and ends with the plow," says the Alcalde. This discovery forced me into a study of agriculture, not only of the "philosophy of the plow" but the practical science of natural production, and with the same effort I studied the morals and dogmas of the great religions of the world in an effort to distinguish the difference in them and their effect upon society. I confess I was astonished to find that all except Mohammedanism—Mohammedanism was purely the production of a faker—the other five great religions had many points of close contact, and it may seem strange to some to hear that we have a religious hymn entitled "Vital Spark of Heavenly Flame," now sung in Christian churches, but written nearly 2,000 years ago by a pagan by the name of Hadrian, who opposed Christianity, and yet the principle of his creed was so nearly that of Christianity that both can sing and worship with the same hymn. In many points these religions are closer together than are the creeds and dogmas of some of the sects professing Christianity and much less hatred and ill feeling growing out of their difference. Most men read the history of their particular church and the books abusing the other man's church, so that religious strife and intolerance of religious belief is rife again in the land, engendering hatred and superstition, to the great detriment of society and the progress of mankind. But this is another question.

Permit me, however, further to digress long enough to refer to one thing in the early history of Christianity. Pliny the Younger, who was born 62 years after Christ, and whose name will live so long as Christianity endures because of his having written the only description now extant of personal contact with the teachings and privations, together with their trials under the Roman law, of the Christians during the first century. As prætor, or provisional governor, it became his duty to bring about the trial under the Roman law of these Christians, and we have preserved to us a letter of his to Trajan in which he describes their obstinate refusal to deny their faith, and the striking part about it all was that the Christians themselves declared that—

they met on a stated day before daybreak and addressed a form of a prayer to Christ as to a divinity, binding themselves by a solemn oath, not for any wicked purpose, but never to commit fraud, theft, or adultery; never to break their word or to deny a trust when called on to deliver it up; after which it was their custom to separate and then reassemble and to eat together a harmless meal.

I fear the practices of these primitive Christian worshipers have to some extent been departed from. But this is altogether another question. Let us return to the single tax.

After a government has reached a population to the limit of the soil to feed there is but one way to increase the production, and that is by a better knowledge of the laws of soil, of plant life—the knowledge of growing two plants where one grew before—and we are now approaching that period. We suffer more by a lack of that knowledge than any other cause. The old philosopher of China, Tua-yang-hi, founded a religion in order to make agriculture the prime importance of the State, destroyed all of the books except those of the science of agriculture and of medicine, so that the Chinaman would be forced by his religion to hold as a governmental policy to agriculture. That religion gave him a superstition against digging in the dirt, such as mining, and there was none there until the German concessions a few years ago. The preservation of their books on agriculture gave them that science for 6,000 years, which the white race lost during the Dark Ages. Their system of wage was founded at a cheap price in order to hold down the development of manufacturing industry to the normal supply of an agricultural people, so that for 6,000 years they have fed that tremendous population, equaling one-fourth of the people of the earth, by agriculture alone, notwithstanding in the country precincts there are now more than 4,000 people to every square mile. This was made possible only by the continued fostering care of the Government, by a concentration of mind of both people and statesmen and by a knowledge, universal among the people, of the laws of production and of plant life, impelled on and on by their religion. That population would have broken up centuries ago if they had abandoned that policy, because production would have been insufficient to feed the people. I call attention to the history of all agricultural nations and challenge any man to put his finger on any agricultural nation in all the history of man that perished because of any inward evil. All such nations founded their land tenure upon complete and absolute private ownerships. Such nations gave us the Bible. The moral philosophy of the Proverbs and Psalms of the Old Testament was written and handed down to us by the sheep herders of Palestine.

I would not be understood as saying that an industrial nation should have no manufacturing industries. There is a normal degree essential to them and to every state of society. I am trying to point out the tendency toward overfostering of such industries and the dangers arising therefrom, not only in its effect upon society by reducing production, but in the policies and thoughts of the people.

If agricultural nations have survived all internal troubles and only perished as they have by external aggression, such as foreign military subjugation, what are the evils, and what have been the evils of civilization in the past? The real evil of present-day civilization, as it has been in all the past, is the evil of laborism. What I mean by laborism is not organization. Without organization they would become abject slaves. But it is that element always present in the labor movements of the past, and too often becoming the dominant power of the organization in spite of its wiser counsel, which seeks to create uniformity of condition of wage, equality of wage, without regard to the earning capacity. The only standard of wage is its ability to create. No one ought to blame labor for organizing or for demanding all which the traffic will bear, but the earning capacity of each, particularly in different grades and fields, is necessarily unequal, and if you do not reward skill, knowledge of how to perform the job, and knowledge that works for increased capacity you will diminish all incentive for skill and improvement and consequently increase the unskilled and ignorant laborer, which in turn becomes dangerous, not only as it affects its own welfare but in the movement of civilization.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURRAY. I ask unanimous consent for five minutes.

The CHAIRMAN. Under the rules of the House, the committee has no authority to extend the time, the House having fixed the time.

Mr. BYRNS of Tennessee. I yield five minutes to the gentleman from Oklahoma.

The CHAIRMAN. The gentleman from Oklahoma is recognized for five minutes.

Mr. MURRAY. Mr. Chairman, I was about to continue to say that when a labor movement becomes dominated by this principle it reacts upon general society and upon the governmental power equally disastrous to all. From a standpoint of practical politics it may be unwise to say this because of a possibility of misunderstanding of my meaning and the room it gives for misconstruction by persons who may desire to misconstrue it. Nevertheless it is the truth. Happy is the government that gives reward for effort, and that reward must be extended to labor improvement as well as to every other field of endeavor, otherwise society would sink to the lowest depths through indulgence and lack of effort and self-denial. Hence the diminution in skilled labor and labor intelligence works a corresponding increase of the unskilled and ignorant labor, and in turn ignorance controls the policy of the government and wrecks it, as it has many Governments of the past. To say our Government will never perish is but hoping against the experience of the past and the decrees of nature all about us—death follows life and life precedes death, death is the end of all living things, or at least has proven true whether applied to the animal or the vegetable kingdom, to civilization or the life of a nation. This Nation has grown too far toward an industrial nation and has been too neglectful of agricultural interests. I do not say this because of the appeal of the farmer himself, but in the interest of the whole population; in the interest of the lower cost of living, in order that the expense of living may be lowered that the people may not suffer thereby. What is the remedy for the evils growing out of the ownership of land and indirectly the evils of society? The real remedy lies in this: Let the States change their policies in line with the above suggestions; inaugurate a general policy to encourage credit sales of real estate. Do this not only in the interest of the farmer but for yourselves, for civilization, for the Republic. Do this and you will make 2,000,000 more homes happy. You will destroy tenant conditions as an evil, you will strengthen the moral forces of the Republic, remove much of the misery, poverty, suffering, and want. Push the work of the Agricultural Department of Government, both State and National, in their effort to increase the knowledge of soils and of production leading to the adoption of better methods. Let the Government adopt a rural credit system enabling the tenant farmer to pay for a home on long time at the lowest rate of interest; return to that fostering care of governmental policy in aid of farming as of first importance to society. This will not wholly abolish poverty, but will make more equal the distribution of wealth; it will reduce the cost of living, removing misery among the poor, placing the homeless in a position of plenty rather than that of want; raise the standard of morals and integrity, and the life of the Republic will be prolonged to that remote day when Divine Providence shall decree its end. [Applause.]

The CHAIRMAN. The Chair will advise the gentleman from Tennessee [Mr. BYRNS] that he has 25 minutes remaining and the gentleman from Iowa [Mr. GOOD] 39 minutes.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield the remainder of my time to the gentleman from Mississippi [Mr. SISSON].

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] is recognized for 25 minutes.

[Mr. SISSON addressed the committee. See Appendix.]

Mr. GOOD. Mr. Chairman, I yield the time remaining to my credit to the gentleman from California [Mr. HAYES].

The CHAIRMAN. The gentleman from California [Mr. HAYES] is recognized for 34 minutes.

Mr. HAYES. Mr. Chairman, the question of how to provide funds necessary to run the Government machinery must always be a perplexing problem to the legislator. No matter by what system taxation is levied, it is sure to bear heavily on many individuals reached by it, and it should be the aim to make the taxes as equitable as possible and to impose the least possible burden or annoyance upon the taxpayer.

While admitting that the perfect taxing system has yet to be devised, it seems to me that to any unprejudiced person familiar with the usual methods of taxation for the support of the Federal Government the forms of taxation inaugurated by the present administration make simply a hodgepodge of disconnected, ill-considered provisions that hardly deserve the name of a taxing system.

It would seem that the mere suggestion of the annoyances and the burdens of some forms of taxation under the so-called war-revenue act ought to have been sufficient to cause them to be rejected by those who are responsible for that act. For example, our Government is not in such dire straits as to make it necessary for every citizen, when he sends a telegram or telephone message, to dig up 1 cent for the Government. When he is obliged to do this it fills him with disgust, and the language that he uses, in most cases, and applies to the legislators who invented this form of annoyance would be unprintable. When a citizen of the United States who borrows money gives his note therefor it is an indication of his necessity, and to add to this necessity by taxing him in addition 2 cents for each hundred dollars or fraction thereof is as inequitable and burdensome as it is unnecessary.

The 1-cent stamp tax required upon bills of lading by the act of October 22, 1914, and other stamp provisions of that law belong in the same class as those above referred to. They are annoying, petty, and wholly indefensible.

What motive or consideration could have moved the Democratic membership of the Ways and Means Committee of the House to incorporate provisions of this kind in the act of October 22, 1914, is beyond my comprehension. If the existence of the Government were at stake, of course our people would submit to these forms of annoying taxation with perfect good feeling, but when they are levied to correct the errors of an imperfect and inadequate tariff act—and most of the citizens of the United States are coming to understand this—they have very little patience with them.

And now it is proposed, as we understand it, to supplement these onerous, annoying direct taxes by other forms of direct taxation, notwithstanding that there is coming into the country annually foreign-made goods to the value of $1,750,000,000, 65 per cent of which are admitted free of duty.

Not only was the free list greatly enlarged by the Underwood Act, but many of the duties provided by the tariff act of 1909 were greatly reduced. If those responsible for legislation here would consent to restore a part of the provisions of the much-abused act of 1909, the present deficit and that that is threatened for the future would be wiped out, and the money necessary to provide for any reasonable program of preparedness which the majority might propose would easily be provided for, not only without resorting to further direct taxation, but many of the direct taxes now in force might be dispensed with; and, after a careful study of the effect of the Underwood Act, I say, without fear of successful contradiction, that this could be done without increasing the cost to the ultimate consumer of the products affected by the tariff by so much as one cent.

It is not my purpose to enter into any defense of the tariff act of 1909. It had some inequalities and iniquities which should never have been in it, but it at least produced the revenue necessary to carry on the Government and produced a liberal surplus in the Treasury as well.

I desire now to refer to specific cases of imports affected by the two acts to demonstrate the truth of what I say—that in most cases the Underwood Act, while reducing the tariff or placing the articles on the free list, did not reduce the price of these articles to the consumer. The reduction in the tariff was in almost every instance pocketed by the importer of the foreign-made goods and the American consumer never got any good from it whatever, and the Government, of course, lost the revenue.

I will first relate a little of my own personal experience to demonstrate this. I belong to a company of gentlemen who have to buy annually a car of cyanide of sodium to extract gold from quartz ores. This cyanide, up to the beginning of the present war in Europe, was mostly imported from Germany. Under the act of 1909 the tariff on cyanide of sodium was 3 cents a pound plus 25 per cent ad valorem. The Underwood Act reduced this tariff by taking off the specific duty of 3 cents per pound and imposing only a 25 per cent ad valorem tax. If there was anything in the contention that the reduction of this tariff would redound to the benefit of the purchasers of cyanide in this country, we should have bought our cyanide 3 cents per pound cheaper in 1913 and 1914 than we had been buying it. When we came to buy our cyanide in the spring of 1914—this was before the war—we suggested to those from whom we had been buying it theretofore that we ought to buy it, on account of the tariff reduction, 3 cents per pound cheaper than the year before. They took it up with the German importers, but were advised by them that there would be no reduction in the price. The price remained at 22 cents a pound f. o. b. New York as theretofore. This 3 cents per pound therefore did not redound to our benefit, but to the benefit of the German manufacturer and importer, who added it to their price and put it in their own pockets.

Again, let us take some of the articles produced largely, if not entirely, in California and see what the effect upon the consumer of the reduction of the tariff by the Underwood bill was. Take, for instance, the various kinds of nuts that are imported, most or all of which are raised in California—almonds, walnuts, and so forth. The tariff of 1909 imposed a duty on shelled almonds of 6 cents per pound and on unshelled of 4 cents; the Underwood tariff reduced this duty on shelled almonds to 4 cents and on unshelled to 3 cents. I find the annual loss in tariff on almonds imported in 1915 to be $231,736. On walnuts the Payne Act imposed a duty of 5 cents on shelled and of 3 cents on unshelled nuts. The Underwood Act reduced this 1 cent a pound, and I find the loss in duty on these walnuts for 1915 to be $197,972. Now, would anyone contend that almonds or walnuts or any other of the nuts—filberts, peanuts, and so forth—affected by this tariff were in any instance sold to the consumer at a less price than before the Underwood tariff went into effect?

Referring to the wholesale price list for the latter part of 1913 and the first half of 1914 I discover that there was no reduction in price in these articles as a result of this reduction in the tariff.

Again, take the item of olive oil, which is in this country produced alone in California. The act of 1909 levied a tax of 40 cents a gallon on oil in bulk and 50 cents a gallon on that in bottles, kegs, tins, and so forth, containing less than 5 gallons, and the Underwood Act imposed a duty of 20 per cent ad valorem. I find the loss in revenue for 1915, even estimating the imports at the lower figure of 40 cents a gallon, to be $998,596.

Referring now to the table of wholesale prices printed by the Bureau of Labor Statistics, I find that instead of there being a reduction in price in the latter part of 1913 and the first half of 1914 there was actually an increase in the wholesale price of olive oil. This was, of course, before the beginning of the war.

Again, let us take lemons, also produced largely in California. The Underwood Act reduced lemons from 1½ cents per pound to one-half cent per pound. I find it a little difficult to ascertain the exact amount of loss on the lemons imported into this country in 1915, since the pounds imported are not given, but it is, in round numbers, at least $2,000,000; yet I venture to say that lemons did not reach the consumer any cheaper in 1914 prior to the beginning of the war than they did in 1912 under the Payne bill. Of course, since the war, the Italian market having been greatly circumscribed by the war reducing or cutting off the demand, great quantities of lemons were last year dumped on our market, and the wholesale price went off, and perhaps in some cases consumers may have bought their lemons cheaper than in 1912 and the early part of 1913, but this was primarily because of the war shutting off the Italian from German, Austrian, and other markets and making it necessary for him to flood the markets of this country with his products, and the reduction in price was not wholly caused by the reduction in the tariff.

Mr. CAMPBELL. Will the gentleman yield?

Mr. HAYES. I will.

Mr. CAMPBELL. What effect has taking the duty off of these citrous fruits in California had on the planting of those fruit trees out in that country?

Mr. HAYES. It has entirely stopped the planting, and it has produced most disastrous results to the citrous orchardists of California, which I shall speak of and give some concrete instances of the results.

Mr. CAMPBELL. We will probably be paying much more for imported fruits later on than we have heretofore been paying for California fruits?

Mr. HAYES. Absolutely. There is no question about it. Again, take the item of rice. We produce quite a large quantity of rice in California, but the rice produced in this country comes so very far from being sufficient to supply the demand that it would seem that if there is any virtue in the contention that the reduction of the tariff would redound to the benefit of the consumer, it should be in such a considerable commodity as rice. The act of 1909 imposed a duty on rice, as follows:

Rice, cleaned, 2 cents per pound; uncleaned rice, or rice free of the outer hull and still having the inner cuticle on, 1¼ cents per pound; rice flour, and rice meal, and rice broken, which will pass through a No. 12 wire sieve of a kind prescribed by the Secretary of the Treas-

ury, one-fourth of 1 cent per pound; paddy, or rice having the outer hull on, three-fourths of 1 cent per pound.

The act of 1913, or the Underwood tariff bill, reduces this duty, as follows:

Rice, cleaned, 1 cent per pound; uncleaned rice, or rice free of the outer hull and still having the inner cuticle on, five-eighths of 1 cent per pound; rice flour, and rice meal, and rice broken, which will pass through a No. 12 sieve of a kind prescribed by the Secretary of the Treasury, one-fourth of 1 cent per pound; paddy, or rice having the outer hull on, three-eighths of 1 cent per pound.

I find that by this reduction the Government lost in revenue, in 1915, $2,128,220. Yet in spite of this reduction there was absolutely no diminution in the price of rice to the consumer or to the wholesaler in the latter part of 1913 and the first half of 1914. In other words, this $2,128,220 did not benefit the consumers of rice in this country one cent. It simply went into the pockets of the importers of rice instead of into the Treasury of the United States.

The tariff act of 1913—the Underwood bill—reduced the duty on sugar something more than 20 per cent. The loss of revenue on the importation for 1915 aggregated the sum of $15,463,364. Probably no one will claim that this reduction in the tariff reduced the price of sugar to anybody. In fact, almost immediately after the act of 1913 went into effect, in March, 1914, the price of sugar advanced, and the price has been continuously since that date higher than before the passage of the Underwood Act.

Unmanufactured wool was subject to a duty of from 7 to 11 cents a pound under the Payne Act and is free under the present law. The loss by this tariff change I find to be $40,760,960 for 1915; the reduction of the tariff on manufactures of wool produced a net loss to the Treasury of $9,357,216, making a total loss to the Treasury in 1915 on account of the reduction of the tariff on wool and the manufactures of wool, in round numbers, of $50,000,000.

I find, on consulting the tables of prices printed by the Government, that as a result of this reduction in duty there has been no reduction in price of the manufactured article to the ultimate consumer except in one or two kinds of suitings manufactured from wool. Blankets, underwear, and every other article of wearing apparel used by our people either remained the same in price or has advanced.

Mr. BLACK. Will the gentleman yield?

Mr. HAYES. I will.

Mr. BLACK. If that is the result of the workings of the Underwood tariff law—and the gentleman, I understand, is a protectionist—of what is the gentleman complaining?

Mr. HAYES. I will show the gentleman of what I am complaining. I am complaining that the money goes into the pocket of the importer instead of into the Treasury of the United States; and the gentleman's party, to make up that loss, is taxing our people by direct taxation.

Mr. BLACK. Did not the gentleman state the prices of these goods in this country have not been reduced?

Mr. HAYES. I did; and it is a fact.

Mr. BLACK. In what way is the laboring industry injured, if the prices still remain as high?

Mr. HAYES. I am speaking for all the people of the United States, and I say it is better to tax the foreigner when he seeks our market, and make him pay for running the Government, than it is to put a direct tax upon the citizens of the United States for that purpose. That is what I am contending for. [Applause on the Republican side.]

This list could be greatly extended, and in almost every case the actual wholesale prices demonstrate that the reduction of the tariff duties in each case, so far from resulting in any saving to the consumer of those articles in this country, has in many cases actually resulted in an increase of price.

I have arrived at the loss of revenue in each case by taking the imports for the first nine months of the calendar year of 1915, actual figures for which only were available when these figures were made up, and estimating for the balance of the year. I have also gone upon the supposition that the imposition of higher duties would not diminish the amount of imports of the various articles. In some few cases it is likely that higher duties would reduce the amount of imports, but in most cases, as for example in the case of sugar, rice, wool, and so forth, there would be no diminution of importations.

I am appending hereto a table showing the amount of imports for 1915 of many articles with the estimated loss of revenue on these articles for that year resulting from the decrease in tariff schedules, from which it appears that the resulting loss on these enumerated articles amounts in round numbers to $125,000,000. I therefore beg to suggest to those Members of the House upon the other side of the Chamber, charged with the duty of raising the revenue for the conduct of the affairs of the Government, that the only thing that will be necessary to replace the present deficit with a Treasury surplus and to provide the money necessary to pay for any increase in the Army and Navy that may be decided upon is to repeal the Underwood Tariff Act and to reenact many of the provisions of the last tariff act passed by a Republican Congress; and I make the assertion without fear of successful contradiction, that this can be accomplished without increasing the cost of the commodities consumed by our people by a single dollar.

It is strange that loyalty to a political shibboleth should so blind men of intelligence to facts which can be easily discovered by any student of this subject. If there ever was much truth in the statement that the tariff on imports was added to the price of the imported article and charged up to the consumer thereof who had to pay it, in these modern days there is in most cases no foundation whatever for such a statement. The existence of worldwide trusts and the combination between manufacturers in every country of most commodities make it certain that the price generally will be controlled outside of any law that the United States may pass in a way to realize in each of the markets of the world the most possible for the producers of these commodities. When an importer desires to enter our markets he must, of course, meet the local competition, and in order to do so he must meet the price of our local producers. It therefore follows—and an examination of the figures published by the Government on prices of various commodities demonstrates—that the importer must in almost every case pay the tariff, and can not and does not charge it up to the purchaser of the articles. In cases where there is no production of an article in this country this may not be true, but there are so few commodities now not produced here as to make this possible contrary result negligible.

California, according to the latest census figures, produces almost the entire crop of lemons and olives in the United States, as well as three-fourths of the orange and prune crops, one-third of the nut crop, two-thirds of the fig crop, and other semi-tropical products in like proportion. And what has this beneficent Underwood Act done for these industries of California? At least one of them has been greatly injured. I shall, by a specific example, which might be multiplied by hundreds of others, show you how it has injured the farmer and orchardist without helping either consumer or Government.

The case I cite is that of a man whose 3 acres of lemons produced a crop of 16 tons per acre and, with his orange grove, gave him an income ample for his needs under the protective tariff of 1909. The Underwood Act, reducing the tariff on lemons, permitted the country to be flooded with the foreign-grown product, and 18 tons of his lemons, shipped East for disposal in 1915, returned him only $61.60, leaving him to foot the year's bills for irrigation, cultivation, picking, packing, and incidental expenses, while from other shipments the returns did not even pay the freight.

Mr. BLACK. Will the gentleman yield again?

Mr. HAYES. I yield to the gentleman.

Mr. BLACK. The question I just wanted to ask was this, I understand from the statement the gentleman has just made that his lemon grower was driven out of business because the country was flooded with importations under the Underwood Tariff Act.

Mr. HAYES. I so state.

Mr. BLACK. The gentleman also stated a while ago, in his remarks, that the prices of lemons were not any cheaper.

Mr. HAYES. I did not state that.

Mr. BLACK. I understood the gentleman to so state, that prior to the European war there was no reduction in the price of lemons.

Mr. HAYES. I did so state.

Mr. BLACK. Then, how could the gentleman contend that his lemon grower was driven out of business by competition when they did not bring about any lower price?

Mr. HAYES. The gentleman will readily understand that the war was on last year and I explained that owing to the cutting off of the German, Austrian, and other markets of Europe, it was for the interest of the Italian to dump his lemons on this market without reference to the demand here, and there being no tariff to speak of on lemons, he could do this, and our people in California could not compete with him. In other words, when the conditions abroad are normal as effecting any imported commodity it is for the interest of the importer to maintain the price and get out of it all that he can; but when conditions abroad are abnormal and it becomes to his interest to dump his product upon our market, without any reference to the demand here, the absence of a protective tariff permits him to do this, and his cost of production being so much less than ours

our people are driven from the field. Now, it may not be known to the gentleman that lemons usually can be introduced into this country from Europe and landed in Washington at from 25 to 30 cents a box, the entire carrying charges.

It costs the people of California 85 cents a box to ship lemons to the Missouri River, to say nothing of the expense of producing them in California above the cost of production in Italy.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. HAYES. Certainly.

Mr. HILL. I was in California last August, and I was told that at Fresno, Cal., under the shade of the lemon trees there, Sicilian lemons, imported from Italy, were sold at 5 cents a dozen, and at Los Angeles I myself bought them at that price.

Mr. HAYES. I have not the slightest doubt about that.

Mr. BLACK. Does the gentleman contend that under the present shipping facilities you can ship lemons from Italy to Washington, D. C., at 25 cents a box?

Mr. HAYES. You could not, perhaps, just now; but last summer you could. I do not know exactly what the price is now. I have not investigated freight rates recently. But the point I am trying to make is this, that it would be better to tax these lemon importers a good liberal sum—two or three or five million dollars in the aggregate, whatever it amounts to—and put that money in the Treasury of the United States rather than let them come here and have our markets free and destroy the industry in the State of California. Does not the gentleman agree to that proposition? I believe he does, as I believe every other thinking gentleman does.

Mr. KITCHIN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from North Carolina?

Mr. HAYES. I do.

Mr. KITCHIN. This lemon-industry question is a very interesting one. We had a little informal hearing, a few of us, the other day in regard to this subject. I want to ask the gentleman, is it not a fact that the lemon crop last year was perhaps 30 to 50 per cent larger than ever before?

Mr. HAYES. It was larger than the year before, but I think it was not so large as it was one year, some three years ago. I think that we have raised larger crops of lemons in California than that of last year, but offhand I can not tell the gentleman just what year it was.

Mr. KITCHIN. Is it not a fact that no more lemons come in under the Underwood Tariff Act than under the Payne-Aldrich Act?

Mr. HAYES. That is not the fact; but I have not the exact figures, as the department has no figures of the weight of importations since October, 1913.

The Republican Party believes that it is better to collect from the foreign producer and importer in the form of a tariff on imports a large proportion of the revenue necessary to run the Government rather than to collect this revenue from our own citizens by any form of direct taxation. If wisely carried out, one of the beneficent results of this policy is to protect our own people from the ruinous competition of imported products made by cheap foreign labor. To this doctrine of the Republican Party I subscribe with all my heart, and the more I study this great subject the more certain I am that its position on this great question is absolutely sound. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HAYES. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD by printing a certain table which I have prepared.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD as indicated by him. Is there objection?

There was no objection.

The following is the table referred to:

Item.	Payne.	Underwood.	1915—Imports for 9 months.	Loss by tariff.	Estimated year's loss.
Almonds:					
Shelled	6 cents	4 cents	8,377,743 pounds	$167,555	$231,736
Unshelled	4 cents	3 cents	624,854 pounds	6,248	
Filberts:					
Shelled	5 cents	4 cents	1,675,079 pounds	16,750	77,500
Unshelled	3 cents	2 cents	4,137,502 pounds	41,375	
Walnuts:					
Shelled	5 cents	4 cents	10,450,236 pounds	104,502	197,972
Unshelled	3 cents	2 cents	4,397,688 pounds	43,976	
Peanuts:					
Shelled	1 cents	¾ cent	9,011,746 pounds	22,529	48,812
Unshelled	½ cent	⅜ cent	11,263,010 pounds	14,080	
Olive oil, edible	40 cents gallon	20 per cent	5,020,214 gallons	749,022	998,596
Figs	2½ cents	2 cents	4,074,368 pounds	20,371	27,164
Raisins	do	do	701,563 pounds	3,508	4,676
Lemons	1½ cents	½ cent	(No pounds given)		2,000,000
Pineapples	8 cents cubic foot	6 cents	2,892,345 cubic feet	57,847	313,595
Preserved fruits	1 cent plus 35 per cent	20 per cent	$563,765	96,000	
All other fruits	35 per cent	do	$508,377	76,256	
Earthenware and stoneware:					
Undecorated	25 per cent	15 per cent	$98,095	9,809	1,164,916
Decorated	40 per cent	20 per cent	$343,666	68,733	
Rockingham	do	30 per cent	$1,362,209	136,220	
China:					
Undecorated	60 per cent	35 per cent	$340,363	85,090	
Decorated	do	40 per cent	$2,869,183	573,836	
Eggs	5 cents dozen	Free	1,722,339 dozen	51,670	114,820
Fulminates	20 per cent	5 per cent	$213,323	34,998	113,204
Powder, other	30 per cent	do	$199,618	49,904	
Jute:					
Bags	¾ cent + 15 per cent	10 per cent	55,555,781	290,037	12,976,892
Plain fabric	1/16 cent square yard	Free	3,452,577	20,715	
Burlap	⅛ cent + 15 per cent	do	343,291,353 pounds	6,568,704	
Bleached	do	10 per cent	1,305,266 pounds	50,871	
Flax:					
Hemp, etc., fabrics	50 per cent	35 per cent	34,376,135 pounds	900,736	
Handkerchiefs	do	do	$1,405,838	210,875	
Wearing apparel	60 per cent	40 per cent	$34,458	6,890	
Yarns	35 per cent	15 per cent	$8,419,207	1,683,841	
Fish:					
Cured	¾ cent pound	Free	30,278,032 pounds	227,085	1,185,552
In oil	30 per cent	25 per cent	1,683,830 pounds	84,191	
Herrings	½ cent pound	Free	40,453,648 pounds	202,268	
Mackerel	1 cent pound	do	8,112,459 pounds	81,124	
All other	30 per cent	do	$420,854	126,256	
Fresh	½ cent	do	67,295,488 pounds	168,239	
Furs, manufactures of hats	20 per cent	15 per cent	$219,534	10,976	14,632
Furs, materials for hats	35 per cent 40 per cent	25 per cent 50 per cent	$3,384,959	33,849	45,132
Hay	$4 per ton	$2	22,813 tons	45,626	60,832
Manufactures of—					
Gutta percha	35 per cent	10 per cent	$5,088	1,272	131,016
India rubber	do	do	$374,849	93,712	
Elasticon, etc	do	do	$13,114	3,278	
Lead:					
Ores	1½ cents pound	½ cent pound	12,076,961 pounds	120,769	1,359,136
Bullion	2½ cents pound	25 per cent	68,292,028 pounds	879,208	
Pigs, bars	do	do	752,238 pounds	9,458	
Manufactures of	45 per cent	do	$49,581	9,916	

Item.	Payne.	Underwood.	1915—Imports for 9 months.	Loss by tariff.	Estimated year's loss.
Rice:					
Cleaned	2 cents pound	1 cent pound	102,431,242 pounds	$1,024,312	
Uncleaned	1½ cents pound	⅝ cents pound	78,277,175 pounds	489,232	$2,128,220
Rice flour	¼ cent pound	⅛ cent pound	66,097,984 pounds	82,622	
Biscuits and wafers	20 per cent	Free	$113,438	22,687	30,248
Corn	15 cents bushel	do	4,610,396 bushels	691,559	922,076
Macaroni, etc	1½ cents pound	1 cent pound	30,314,912 pounds	151,574	202,100
Oats	15 cents bushel	10 cents bushel	271,746 bushels	13,587	18,116
Wheat	25 cents bushel	do	1,025,587 bushels	153,838	205,118
Wheat flour	25 per cent	Free	554,959 barrels	138,739	184,984
Other flour	do	do	301,557 barrels	75,389	100,516
Brushes, etc	40 per cent	35 per cent	$985,808	49,290	83,956
Bristles	7½ cents pound	7 cents pound	2,755,721 pounds	13,678	
Buttons	50 per cent	40 per cent	$805,680	60,568	80,756
Automobiles, finished	45 per cent	30 per cent	$265,936	39,890	
Automobile parts	do	do	$443,456	66,518	150,460
Bicycle and motor parts	do	25 per cent	$31,131	6,226	
Other parts	do	10 per cent	$19,991	6,965	
Kaolin	$2.50 ton	$1.25	141,902 tons	177,377	236,500
Clocks, and parts	40 per cent	30 per cent	$317,552	31,755	344,176
Watches, and parts	do	do	$2,263,779	226,378	
Coal, cokeing	20 per cent	Free	36,602 tons	33,882	691,852
Coal, bituminous	45 cents ton	do	1,077,799 tons	485,009	
Iron:					
Ore	15 cents ton	do	971,008 tons	145,665	
Ferrosilicon	25 per cent	15 per cent	3,774 tons	22,084	
Scrap	$1 ton	5 per cent	29,918 tons	15,209	437,545
Antifriction bearings	45 per cent	35 per cent	$1,073,875	107,387	
Bar	⅛ cent pound	5 per cent	6,595 tons	28,749	
Building forms	⅛ cent pound	10 per cent	2,692,970 pounds	16,259	
Cutlery:					
Knives, pen and pocket	60 cents plus 35 per cent	35 per cent	439,849 dozen	284,928	
Razors	$1.20 plus 35 per cent	55 per cent	85,338 dozen	68,570	
Scissors	50 cents plus 15 per cent	30 per cent	$236,914	52,503	563,812
Other	40 per cent	25 per cent	$112,390	16,858	
Ingots (Bessemer)	⅛ cent pound	Free	2,692,420 pounds	18,846	69,086
Ingots, other	1-⅛ cents pound	15 per cent	1,226,232 pounds	32,960	
Machine tools	30 per cent	do	$88,547	10,282	13,708
Sewing machines	do	Free	$206,757	62,027	82,704
Textile machinery	45 per cent	25 per cent	$316,482	63,296	84,396
All other machinery	30 per cent	Free	$327,779	98,333	131,108
Rails	⅛ cent pound	Free	60,646 tons	207,732	316,976
Tin plate taggers	1-⅛ cents	20 per cent	4,973,511 pounds	23,844	31,792
Kitchen utensils	40 per cent	25 per cent	$479,000	71,850	95,800
Bacon and ham	4 cents	Free	1,555,922 pounds	62,237	
Beef and veal	1½ cents	do	86,885,890 pounds	1,303,288	
Mutton and lamb	do	do	8,996,450 pounds	134,946	
Pork	do	do	2,049,836 pounds	30,747	2,802,732
Prepared meats	25 per cent	do	$250,362	62,590	
Sausage casings	10 per cent	do	$2,624,996	262,499	
All other meats	25 per cent	do	$982,998	245,749	
Dairy products:					
Butter and substitutes	6 cents	3 cents pound	1,449,486 pounds	44,985	
Cheese and substitutes	do	20 per cent	31,012,137 pounds	668,689	1,176,112
Cream	5 cents gallon	Free	1,170,344 gallons	58,517	
Milk	2 cents gallon	do	5,494,690 gallons	109,893	
Musical instruments	45 per cent	35 per cent	$816,943	81,694	108,924
Mica	10 cents plus 20 per cent	30 per cent	494,495 pounds	31,341	41,778
Oilcloth	3 cents square yard plus 20 per cent.	25 per cent	130,769 square yards	2,810	229,696
Linoleum	20 cents square yard plus 20 per cent.	35 per cent	613,683 square yards	169,462	
Oil:					
Cod liver	15 cents gallon	Free	845,394 gallons	126,809	251,312
Animal	8 cents gallon	3 cents	1,033,477 gallons	51,674	
Vegetable—					
Linseed and flaxseed	15 cents gallon	12 cents	68,354 gallons	2,050	
Rapeseed	10 cents	6 cents	1,146,644 gallons	45,878	88,232
Other vegetable oils	30 per cent	15 per cent	$121,644	18,246	
Cattle on hoof	27½ per cent	Free	$11,198,218	3,079,509	4,106,012
Horses	($30 per head	$15	8,244 head	123,660	235,548
	(25 per cent		$212,011	53,002	
Sheep	75 cents per head	10 per cent	121,045 head	76,588	102,116
Swine	$1.50 per head	Free	3,400 (3 months)	5,100	20,400
Leather:					
Belting and sole	5 per cent	do	$1,347,555	67,378	89,836
Glove	20 per cent	10 per cent	$495,774	49,577	66,100
Harness	35 per cent	Free	$35,071 (3 months)	12,274	49,096
Goatskin	15 per cent	do	$1,267,061	190,059	253,412
Chamois skin	20 per cent	15 per cent	$39,964	1,998	2,664
Calf, sheep, lamb, etc	15 per cent	Free	$1,421,331 (6 months)	213,199	426,398
Boot and shoe leather	do	do	$163,328	24,499	32,664
Paints and pigments	30 per cent	15 per cent	$1,190,476	178,561	238,080
Pipes and smokers' articles	(60 per cent	50 per cent	$750,272	75,027	152,096
	(50 cents gross plus 25 per cent	25 per cent	$156,188	39,046	
Salt	1 cent cental	Free	2,097,861,000 pounds	230,764	317,684
Seeds:					
Castor bean	25 cents bushel	15 cents	675,801 bushels	67,580	784,168
Flax	do	20 cents	16,410,959 bushels	520,548	
Paper:					
Books, etc	25 per cent	15 per cent	$1,827,711	182,771	
Maps, etc	do	do	$1,142,984	114,298	
Lithographs	15 cents pound+25 per cent	45 per cent	$479,026	120,667	
Paper	35 per cent	25 per cent	$326,690	32,669	
Photographic	do	do	$891,483	89,148	
Printing	⅛ cent pound	Free	523,131,267 pounds	1,569,393	4,181,780
Printing, other	15 per cent	12 per cent	1,987,044 pounds	3,899	
Post cards	33⅓ per cent	do	$56,165	11,981	
Surface-coated	5 cents + 20 per cent	35 per cent	2,488,312 pounds	92,682	
Wrapping	5 cents pound	do	18,061,111 pounds	721,741	
Board, etc	35 per cent	Free	$29,998	10,499	
Other	do	25 per cent	$1,880,937	188,093	
Cameras, etc	45 per cent	30 per cent	$27,717 (3 months)	4,157	
Cameras, dry plates	25 per cent	15 per cent	$23,203 (3 months)	2,320	
Unexposed motion picture films	do	Free	37,755,756 feet	122,328	
Negatives	do	20 per cent	$156,885	7,844	279,569
Positives	1½ cents foot	do	6,605,870 feet	55,366	
Other films, etc	25 per cent	Free	$10,623	2,655	
Other plates, etc	do	20 per cent	$41,179	2,059	
Mineral water, quarts	30 cents dozen	20 cents	360,339	36,339	48,052

Item.	Payne.	Underwood.	1915—Imports for 9 months.	Loss by tariff.	Estimated year's loss.
Silk.					
Manufacture of bandings	50 per cent	40 per cent	$175,084	$17,508	
Woven in piece	do	45 per cent	$6,883,117	344,155	
Laces, etc	45 cents pound plus 60 per cent.	60 per cent	$2,351,993		
Plushes, etc	$1.50 pound	50 per cent	757,944 pounds	588,905	$2,271,812
Ribbons	$1.75 pound	do	$1,462,847		
Apparel	60 per cent	do	$1,984,417	198,441	
Manufacturers (other)	do	40 per cent	$1,001,962	200,981	
Yarns, etc	60 cents pound	35 per cent	1,832,740 pounds	353,873	
Soap:					
Castile	1½ cents pound	10 per cent	3,129,411 pounds	19,669	67,768
Other	20 per cent	5 per cent	$207,721	31,158	
Sugar (75°):					
Cuban	95/100 of 1 cent	75/100 of 1 cent	4,159,396,730 pounds	10,814,431	
Other	95/100 of 1.23 cents	98.5 cents	273,845,036 pounds	684,625	15,463,364
Maple	4 cents	3 cents	1,252,665 pounds	12,526	
Molasses not above 40°	20 per cent	15 per cent	62,411,630 gallons	85,942	
Flax	$20 ton	$10	5,445 tons	54,450	72,600
Hemp	$22.50 ton	$11.20	4,282 tons	43,337	57,780
Vegetables:					
Lentils and beans	45 cents bushel	25 cents bushel	489,954 bushels	97,990	
Onions	40 cents bushel	20 cents bushel	466,617 bushels	93,323	
Peas (dried)	25 cents bushel	10 cents bushel	538,907 bushels	80,836	926,752
Potatoes	do	Free	216,705 bushels	58,431	
Pickles	40 per cent	25 per cent	$581,569	87,235	
In natural state (other)	25 per cent	15 per cent	$1,020,049	102,004	
Wood:					
Unmanufactured briar	15 per cent	10 per cent	$171,803	8,590	
Chemically ground	⅛ cent pound	Free	10,476 tons	349,210	1,746,452
Unbleached	do	do	209,084 tons	696,946	
Bleached	¼ cent pound	do	51,021 tons	255,105	
Lumber:					
Sawed boards	$1.25 per M	do	718,657 M	898,321	
Cabinet, sawed boards	15 per cent	10 per cent	8,783 M	14,930	
Laths	20 cents per M	Free	525,309 M	105,062	
Shingles	50 cents per M	do	1,244,620 M	622,310	
Other	20 per cent	do	$350,738	70,147	2,828,864
Other	30 per cent	15 per cent	$137,264	20,589	
Baskets, etc	35 per cent	20 per cent	$87,678 (3 months)	13,121	
Furniture	45 per cent	25 per cent	$456,168	91,233	
Other wood manufactures	30 per cent	15 per cent	$1,643,848	246,577	
Wool, unmanufactured:					
Class I, clothing	11 cents pound	Free	229,229,061 pounds	25,215,196	
Class II, combing	12 cents pound	do	9,157,489 pounds	286,970	40,760,960
Class III, carpet	7 cents pound	do	64,468,537 pounds	4,512,797	
Alpaca and angora hair, etc	12 cents pound	15 per cent	6,873,496 pounds	555,766	
Wool, manufactured:					
Carpets (woven whole)	90 cents square yard and 40 per cent.	50 per cent	154,830 square yards	[1] 83,798	
Carpeting	44 cents and 40 per cent	25 per cent	1,112,899 square yards	[2] 356,438	
Other carpeting	40 cents and 40 per cent	30 per cent	81,184 square yards	[1] 45,719	
Cloths	44 cents and 50 per cent	35 per cent	5,516,183 pounds	3,249,659	9,357,216
Dress goods	8 cents and 50 per cent	do	10,891,651 square yards	1,266,362	
Wearing apparel	44 cents and 60 per cent	do	353,732 pounds (estimated)	354,616	
Waste	20 cents pound	Free	2,340,671 pounds (estimated)	468,134	
Yarn	38½ cents and 40 per cent	20 per cent	87,241 pounds	[1] 46,673	
Other manufactures	do	30 per cent	$1,363,416	627,171	
Zinc:					
Blocks and pigs	1⅜ cents pound	10 per cent	1,439,507 pounds	9,624	
Dust	do	do	1,173,512 pounds	5,770	4,071,717
Manufactures	45 per cent	20 per cent	$4,509,962	1,126,990	
Do	do	Free	$6,250,326	2,812,646	
Cotton:					
Thread	15 per cent	7½ per cent	4,416,938 pounds	178,134	237,512
Cloths, unbleached	4 cents square yard	17½ per cent	2,362,877 yards	52,002	69,336
Cloths, bleached	5 cents	20 per cent	9,763,462 yards	202,306	269,740
Cloths, dyed, etc	6½ cents	do	12,932,802 (6 months)	2,416,883	1,111,688
Cloths, dyed in pieces	7½ cents	22½ per cent	1,881,964 (3 months)	63,257	253,028
Cloths, printed	6½ cents	20 per cent	900,479 (3 months)	28,529	114,116
Cloths, other	5 cents	15 per cent	1,675,412 (3 months)	48,845	195,380
Handerchiefs	55 per cent	25 per cent	$196,190	58,857	78,476
Plushes, etc	9 cents plus 25 per cent	40 per cent	2,233,959 square yards	46,812	62,416
Wearing apparel	50 per cent	30 per cent	$1,653,062	330,792	441,056
Stockings, etc	30 per cent	20 per cent	831,047 dozen pairs	877,616	116,808
Other wearing apparel	45 per cent	30 per cent	$885,271	132,790	177,052
Other manufactures of cotton	40 per cent	25 per cent	4,697,195	704,579	939,436
Total					4,036,044

[1] 3 months. [2] 6 months.

Total loss by tariff for 1915, $125,807,388.

The CHAIRMAN. All time for general debate has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12207—the legislative, executive, and judicial appropriation bill—and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. BRITT, by unanimous consent, was granted leave of absence for one day, Wednesday, March 1, on account of important public business.

EXTENSION OF REMARKS.

Mr. DUPRÉ. Pending that, Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating article contained in the Scientific American of date February 26, 1916, concerning traffic on the Mississippi River.

The SPEAKER. The gentleman from Louisiana [Mr. DUPRÉ] asks unanimous consent to extend his remarks in the RECORD by printing an article from the Scientific American of February 26 concerning traffic on the Mississippi River. Is there objection?

There was no objection.

Mr. MURRAY. Mr. Speaker, I desire to extend my remarks in the RECORD on the question that I discussed this afternoon—the single tax.

The SPEAKER. The gentleman from Oklahoma [Mr. MURRAY] asks unanimous consent to extend his remarks in the RECORD on the subject of the single tax. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE.

Mr. LONDON. Mr. Speaker, I ask unanimous consent that I may have half an hour next Friday, after the reading of the Journal, to address the House on the subject of national honor.

The SPEAKER. The gentleman from New York [Mr. LONDON] asks unanimous consent that on Friday next, after the reading of the Journal and the disposition of business on the Speaker's table, he have half an hour in which to address the House on the subject of national honor. Is there objection?

Mr. MADDEN. Reserving the right to object, Mr. Speaker, the committees are all at work now, and nearly every committee is in general debate, and I presume Friday will be pension day, and there will be plenty of opportunity to speak upon the subject in which the gentleman is interested during the consideration of that bill without making a special order.

Mr. LONDON. Mr. Speaker, may I say that I have been rather modest? I have not talked for a whole month, and that is rather a trying exercise of self-denial for a Socialist. I ask for an opportunity to talk for half an hour.

Mr. MADDEN. Mr. Speaker, I am constrained to object to that on account of the fact that every day when there is general debate there is opportunity for such remarks during the consideration of the bill.

Mr. LONDON. Which bill?

Mr. MADDEN. All the bills.

Mr. LONDON. You talk on the tariff and on all sorts of political chestnuts.

The SPEAKER. When the House is in Committee of the Whole House on the state of the Union in general debate, a Member has the right to talk about anything under the shining sun.

Mr. LONDON. I want to get the opportunity as a matter of orderly procedure.

The SPEAKER. But the gentleman from Illinois objects, and that is the end of it.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until Wednesday, March 1, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior, of this date, submitting an estimate of appropriation in the sum of $10,000 for improvement of the Hot Springs Reservation (H. Doc. No. 807); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from Col. William W. Harts, United States Army, executive and disbursing officer of the Rock Creek and Potomac Parkway Commission, submitting a request for the reappropriation of any balance of the appropriation of $5,000 made in the sundry civil act approved March 3, 1915, for the survey and map for the connecting parkway between Rock Creek and Potomac Parks, which may remain unexpended on June 30, 1916 (H. Doc. No. 808); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ASHBROOK, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 11707) to amend an act entitled "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908, reported the same without amendment, accompanied by a report (No. 283), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WATKINS, from the Committee on Revision of the Laws, to which was referred the bill (H. R. 12420) to codify, revise, and amend the laws relating to common carriers of interstate and foreign commerce and within the District of Columbia, and combinations in restraint of trade, reported the same without amendment, accompanied by a report (No. 284), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 10925) authorizing Ashley County, Ark., to construct a bridge across Bayou Bartholomew, reported the same without amendment, accompanied by a report (No. 285), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 9558) for the relief of the estate of Henry Merseburger, reported the same with amendment, accompanied by a report (No. 278), which said bill and report were referred to the Private Calendar.

He also, from the same commitee, to which was referred the bill (H. R. 9148) for the relief of the estate of John R. Tally, reported the same with amendment, accompanied by a report (No. 279), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 10851) for the relief of the estate of John R. Brantley, reported the same with amendment, accompanied by a report (No. 280), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11092) for the relief of the heirs of H. Heard, reported the same with amendment, accompanied by a report (No. 281), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 9113) for the relief of the estate of William T. Edmunds, deceased, reported the same with amendment, accompanied by a report (No. 282), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SLAYDEN: A bill (H. R. 12481) granting an extension of patent to the United Daughters of the Confederacy; to the Committee on Patents.

By Mr. LEVER: A bill (H. R. 12482) to amend section 3 of an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," approved March 4, 1913 (37 Stat. L., p. 872); to the Committee on Public Buildings and Grounds.

By Mr. BURNETT: A bill (H. R. 12483) to authorize the Secretary of Agriculture to offer and pay rewards to any person giving a successful plan for preventing or exterminating boll weevils; to the Committee on Agriculture.

By Mr. TRIBBLE: A bill (H. R. 12484) to provide for long-time loans at a low rate of interest in aid of agriculture, and for other purposes; to the Committee on Banking and Currency.

By Mr. WOODS of Iowa: A bill (H. R. 12485) to amend section 5200, Revised Statutes of the United States, relating to national banks, as amended by an act approved June 22, 1906; to the Committee on Banking and Currency.

By Mr. HART: A bill (H. R. 12486) to provide for the purchase of a site and the erection of a public building thereon at Phillipsburg, in the State of New Jersey; to the Committee on Public Buildings and Grounds.

By Mr. OVERMYER: A bill (H. R. 12487) to increase the efficiency of the United States Military and the United States Naval Academies, and to increase the number of graduates therefrom by the immediate establishment of a one-year united service school in the Middle West; to the Committee on Military Affairs.

By Mr. DENT: A bill (H. R. 12488) to require the production of books, documents, and writings in court before the trial of all civil causes in the courts of the United States upon motion of either party to produce the same, and for other purposes; to the Committee on the Judiciary.

Also, a bill (H. R. 12489) to amend an act to establish a uniform system of bankruptcy; to the Committee on the Judiciary.

Also, a bill (H. R. 12490) to extend to certain publications the privileges of second-class mail matter; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 12491) authorizing either party to a civil suit in the courts of the United States to take the testimony of the adverse party by filing interrogatories, prescribing the method of procedure and its effect, and for other purposes; to the Committee on the Judiciary.

By Mr. HAUGEN: A bill (H. R. 12492) to authorize the acquisition of a site and the erection thereon of a Federal building at Osage, Iowa; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12493) to authorize the erection of a Federal building at Oelwein, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. ADAMSON: A bill (H. R. 12494) to regulate the personnel of the Coast Guard; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 12495) granting a pension to Maria Kiser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12496) granting an increase of pension to George Alhheim; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12497) granting a pension to Benjamin F. Hall; to the Committee on Pensions.

By Mr. BURKE: A bill (H. R. 12498) granting an increase of pension to Celia Congdon; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 12499) granting a gold medal to James F. Walker for conspicuous bravery; to the Committee on Military Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 12500) granting a pension to W. B. McPike; to the Committee on Invalid Pensions.

By Mr. DENT: A bill (H. R. 12501) for the relief of the personal representative of Charles W. Hammond, deceased; to the Committee on Claims.

By Mr. DOREMUS: A bill (H. R. 12502) granting an increase of pension to William R. Parke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12503) granting a pension to Elias B. Bell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12504) to reinstate Glenn E. Routier as a midshipman at the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. DYER: A bill (H. R. 12505) granting an increase of pension to Thomas R. Gregory; to the Committee on Invalid Pensions.

By Mr. HART: A bill (H. R. 12506) granting a pension to Edgar A. Rockefeller; to the Committee on Pensions.

Also, a bill (H. R. 12507) granting an increase of pension to William H. Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12508) granting an increase of pension to Philip Cook; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 12509) granting an increase of pension to Ann Killoy; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 12510) granting a pension to Louis F. Moebus; to the Committee on Pensions.

Also, a bill (H. R. 12511) granting a pension to Mrs. Catherine Rose; to the Committee on Invalid Pensions.

By Mr. KITCHIN: A bill (H. R. 12512) granting an increase of pension to Mary J. Finnegan; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 12513) granting an increase of pension to Albert Young; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: A bill (H. R. 12514) granting a pension to William A. Bannister; to the Committee on Pensions.

By Mr. McCULLOCH: A bill (H. R. 12515) granting an increase of pension to George Byers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12516) granting an increase of pension to Daniel J. Slanker; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 12517) granting a pension to Nancy F. Hillman; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 12518) granting a pension to Martha Brewer, widow of Ebenezer Brewer, late private Company E, Fourteenth Regiment Michigan Volunteer Infantry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12519) granting an increase of pension to Henry Vasteen, late private, Company G, First Regiment New York Volunteer Light Artillery; to the Committee on Invalid Pensions.

By Mr. OAKEY: A bill (H. R. 12520) granting an increase of pension to Margaret McManus; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 12521) granting a pension to Jacob Painter; to the Committee on Pensions.

By Mr. PAIGE of Massachusetts: A bill (H. R. 12522) granting a pension to George H. Ross; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 12523) granting an increase of pension to John H. Smith; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 12524) granting a pension to Rebecca A. Beery; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 12525) granting an increase of pension to James M. Thayer; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 12526) granting a pension to Letha S. Masters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12527) granting an increase of pension to Frances W. Blakey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12528) granting an increase of pension to Jennie S. Bunch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12529) granting an increase of pension to Robert Farmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12530) granting an increase of pension to James H. McPherson; to the Committee on Invalid Pensions.

By Mr. THOMAS S. WILLIAMS: A bill (H. R. 12531) granting a pension to Alice Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12532) granting a pension to Louisa Rose; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12533) granting an increase of pension to Elizabeth J. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12534) granting an increase of pension to Shadrach Waters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12535) granting an increase of pension to Emma Koontz; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 12536) for the relief of the heirs of Benjamin Holladay, deceased; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Johnson City (Ill.) Trades Union, urging Federal inspection for creameries; to the Committee on Agriculture.

Also (by request), memorial of Young People's Society, of Vermont Avenue Christian Church, urging passage of Sheppard District dry bill; to the Committee on the District of Columbia.

Also (by request), memorial of P. P. S., of Vermont Avenue Christian Church, urging passage of the Hughes-Smith bill; to the Committee on Education.

Also (by request), petition of Illinois Federation of Labor, in re the Burnett immigration bill; to the Committee on the Judiciary.

Also (by request), petition of Industrial Relations Committee, in re the Borland amendment; to the Committee on Appropriations.

By Mr. ASHBROOK: Petition of A. H. Lantz and 19 others, of Mansfield, Ohio, against preparedness; to the Committee on Military Affairs.

Also, petition of H. O. Church and 38 others, of Ohio, favoring MEYER LONDON'S plan to stop war in Europe; to the Committee on Foreign Affairs.

By Mr. BAILEY: Petitions of citizens and Sunday school of Fairfield Avenue U. E. Church, of Johnstown, and citizens and St. Paul's Reformed Sunday School, of Juniata, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BURNETT: Petitions of sundry citizens of Alabama, favoring tax on mail-order houses; to the Committee on Ways and Means.

By Mr. BYRNS of Tennessee: Petitions of citizens of Nashville, Tenn., favoring embargo on arms, etc.; to the Committee on Foreign Affairs.

By Mr. CHARLES: Petitions of sundry citizens of Schenectady, N. Y., relative to embargo on arms, etc.; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Amsterdam, N. Y., favoring embargo on arms, etc.; to the Committee on Foreign Affairs.

Also, petition of Emanuel Baptist Sunday School, of Schenectady, N. Y., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CLINE: Telegrams from Rev. J. W. Bosch, Rev. H. P. Dannecker, Rev. G. W. Doege, Rev. W. T. Knatz, Rev. A. Lange, Rev. H. Luehr, Rev. A. P. Meyer, Rev. Jacob Miller, Rev. William Noll, Rev. S. Wagenhals, Rev. Ph. Wambsgass, and Rev. Paul F. Miller, all of Fort Wayne, Ind., German Lutheran churches, asking that Congress pass a resolution warning Americans not to take passage on armed merchantmen of belligerent nations; to the Committee on Foreign Affairs.

Also, petition of Rev. Aug. Lange, with 88 associates, of Fort Wayne, Ind., asking for the passage of a resolution warning Americans not to take passage on armed merchant vessels of foreign nations; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Petitions of A. A. Connard, of Brooklyn, and Elmer P. Wobie, of New York, favoring passage of House bill 9814, relative to timberland of Oregon & California Railroad Co.; to the Committee on the Public Lands.

Also, petition of Theodore Ariston, of New York, favoring Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Farmers' National Committee on Postal Reform, against Madden amendment to the Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, petition of Minnesota State Federation of Labor, favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. DILL: Resolution of Pomona Grange, of Pend Oreille County, Wash., protesting against the proposed policy of preparedness; to the Committee on Military Affairs.

By Mr. DOOLITTLE: Petition of citizens of Burns, Kans., against increased armament; to the Committee on Ways and Means.

Also, petition of citizens of Severy, Kans., protesting against a stamp tax on bank checks; to the Committee on Ways and Means.

By Mr. DOREMUS: Petition of Acme White Lead & Color Works, of Detroit, Mich., favoring tax on dyestuff; to the Committee on Ways and Means.

Also, petition of George A. True and other citizens of Wayne County, Mich., favoring Susan B. Anthony amendment; to the Committee on the Judiciary.

By Mr. ELLSWORTH: Petition of male citizens of Lamberton, Ceylon, and G. A. Cahon, of Mankato, Minn., for prohibition legislation; to the Committee on the Judiciary.

By Mr. ESCH: Petition of Mr. Dan Carter and 31 other residents of Loyal, Wis., urging passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Massachusetts State Branch, American Federation of Labor, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Society of Friends of Chicago, Ill., opposing increase of armament; to the Committee on Military Affairs.

Also, petition of Soldiers and Sailors' Christian Temperance League of the Illinois Soldiers and Sailors' Home, for the proposed national prohibition amendment, etc.; to the Committee on the Judiciary.

Also, petition of E. N. Stafford, of Illinois, for House bill 9814, the Oregon land bill; to the Committee on the Public Lands.

Also, petition of National Association of Clothiers, for the dyestuffs bill; to the Committee on Ways and Means.

By Mr. GALLIVAN: Petition of Herman Georse and Angus S. Benuk, of Boston, Mass., favoring an embargo on arms and ammunition; to the Committee on Foreign Affairs.

By Mr. GARNER: Petition of Iowa Domestic Local Building and Loan Association League, Dubuque, Iowa, relative to building and loan associations in Federal emergency tax bill; to the Committee on Ways and Means.

Also, petitions of Brotherhood of Railway Carmen of America, Executive Council of Minnesota State Federation of Labor, and International Seamen's Union of America, favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. GUERNSEY: Memorial of Aroostook and Penobscot Union, Pomona Grange, favoring preparedness; to the Committee on Military Affairs.

By Mr. HEATON: Petition of 34 members of First Methodist Episcopal Church of Shenandoah, Pa., and other citizens of Shenandoah, Pa., favoring prohibition legislation; to the Committee on the Judiciary.

By Mr. JAMES: Petition of citizens of Calumet, Mich., favoring passage of House bill 6915, relative to indefinite leave of absence for aged employees of Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. KAHN: Memorial of Union Liberty League of California, opposing the prohibition amendment; to the Committee on the Judiciary.

Also, memorial of Board of Health of San Francisco, Cal., indorsing the bill (H. R. 8352) to standardize the treatment of tuberculosis; to the Committee on Appropriations.

Also, memorial of Board of Health of San Francisco, Cal., favoring the passage of House bill 193, a bill to provide for the care and treatment of persons afflicted with leprosy; to the Committee on Appropriations.

By Mr. KEATING: Petition of 41 citizens of Kiowa County, Colo., relative to a Christian amendment to the Constitution; to the Committee on the Judiciary.

By Mr. KEISTER: Petitions of Methodist Episcopal congregation of Bolivar, and citizens and Presbyterian Church of Parnassus, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of 16 citizens and Sunday school, Central Falls Congregational Church, Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Pawtucket Valley Woolen Weavers, of Arctic, R. I., and Local Union No. 176, United Brotherhood of Carpenters and Joiners, of Newport, R. I., favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Rhode Island Sons of American Revolution, favoring erection of national archives building; to the Committee on Public Buildings and Grounds.

Also, memorial of Rhode Island Sons of American Revolution, favoring preparedness; to the Committee on Military Affairs.

Also, petition of C. Tanbert, of Providence, R. I., favoring Gore resolution; to the Committee on Foreign Affairs.

By Mr. KETTNER: Petitions favoring prohibition in the District of Columbia, from Riverside Church Federation, representing 19 religious bodies, Chester J. Wilcomb, secretary; First Presbyterian Church, Anaheim, Cal., Rev. F. W. Mitchell; Brea Congregational Church, Rev. T. M. Lineweaver; Jewell Memorial Methodist Episcopal Church, Colton, E. F. Van Luven; Methodist Episcopal Church, Del Rosa, Mrs. W. O. Raub; Baptist Church, East San Diego, Rev. W. O. Hardin; First Methodist Episcopal Church, Fullerton, Rev. H. H. Hocker; Methodist Episcopal Church, Garden Grove, Rev. W. W. Hull; First Presbyterian Church, National City, Rev. S. L. Grigsby; Church of Nazarene, Ontario, Rev. E. M. Hutchins; First Congregational Church, Ramona, Rev. A. C. Wright; Methodist Episcopal Church South, Redlands, Rev. G. W. Alexander; First Methodist Episcopal Church, Rialto, M. C. Hodge, secretary; Christian Church, Rialto, J. E. Pickett; Salem Evangelical Church, Rev. H. Sassman, San Bernardino; First Presbyterian Church, San Diego, Rev. E. F. Hallenbeck; Taylor Methodist Episcopal Church, San Diego, Rev. Alfred Inwood; First Congregational Church Santa Ana, P. F. Schrock; Seeley Methodist Episcopal Church, Rev. P. G. Ruef; Thermal Baptist Church, J. A. Gordon; Mennonite Church, Upland, Dev. A. S. Shelly; Wintersburg Methodist Episcopal Church, Rev. Wilfred Kent; Methodist Episcopal Church, Yucaipe, Rev. G. E. Twomley; Woman's Christian Temperance Union, Arlington, Cal., Mrs. E. S. Thompson, secretary; citizens of La Mesa, Mrs. F. McKenny, presiding chairman; citizens of Elsinore, Cal.; Woman's Christian Temperance Union, Mrs. Lena Gerry, Riverside; Mrs. A. Bainbridge, principal Harper School, California; C. J. Wilcomb, Riverside High School; and various citizens of Riverside; to the Committee on the District of Columbia.

Also, petitions against prohibition in the District of Columbia, from Federated Trades and Labor Council and Local Union Brewery Workmen, San Diego, Cal.; to the Committee on the District of Columbia.

Also, petitions protesting against large increase in Army and Navy, by 40 citizens of Upland, Cal.; to the Committee on Military Affairs.

By Mr. KIESS of Pennsylvania: Papers to accompany House bill 11503, for relief of Sarah Malinda Shunway; to the Committee on Invalid Pensions.

Also, petitions of citizens of Williamsport; Baptist Church of Williamsport; Bethany Presbyterian Church, of Williamsport; Sunday School Memorial Baptist Church, of Williamsport; Presbyterian Church of Montoursville; Men's Bible Class of Westfield; Woman's Christian Temperance Union of Mansfield; and citizens of Montoursville, all in the State of Pennsyl-

vania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LAFEAN: Petition of Mount Hope Methodist Episcopal Church, of Randolph Township, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Lock Haven Business Men's Association, favoring tax on dyestuffs; to the Committee on Ways and Means.

By Mr. LEWIS: Petition of Terzah L. Timmons, Frostberg, Md., favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Ninth district of Maryland, favoring national defense; to the Committee on Military Affairs.

Also, memorial of Poolesville Methodist Sunday School, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of town council of Kensington, Md., opposing Borland amendment; to the Committee on Appropriations.

Also, petition of 200 people of Brighton, Md., for national prohibition constitutional amendment; to the Committee on the Judiciary.

By Mr. LITTLEPAGE: Petitions of 25 citizens of Clay, 23 citizens and Methodist Protestant Church of Burnsville, citizens and First Baptist Church of Richwood, citizens and Methodist Episcopal Church of Monroe, all in the State of West Virginia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LOUD: Petition of Orval Walker and 35 others, of Isabella County, members of Coldwater (Mich.) Grange, No. 1168, against preparedness; to the Committee on Military Affairs.

By Mr. MATTHEWS: Evidence in support of House bill 13390, granting a pension to Israel Westfall; to the Committee on Invalid Pensions.

By Mr. MEEKER: Petitions of Pride of the West Lodge, No. 308, and Commercial Telegraphers Local, No. 3, both of St. Louis, Mo.; International Seamen's Union of America, of Chicago, Ill.; Glass Bottle Blowers' Association of the United States and Canada, of Philadelphia, Pa.; Alliance-Sebring Central Labor Union, of Alliance, Ohio; Cleveland Federation of Labor, of Cleveland, Ohio; San Antonio Trades Council, of San Antonio, Tex.; and J. B. Winner, of Hannibal, Mo., praying for the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, resolution of Washington (D. C.) Lodge, No. 15, of the Benevolent and Protective Order of Elks, protesting against any and all measures providing for prohibition for the District of Columbia; to the Committee on the Judiciary.

By Mr. MOON: Petition of citizens of Awalt, Tenn., for national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, petitions of citizens of Cowan and Chamberlain Avenue Church, of East Chattanooga, Tenn., favoring national prohibition; to the Committee on the Judiciary.

Also, papers to accompany House bill for public building at Sparta, Tenn.; to the Committee on Public Buildings and Grounds.

By Mr. MOORE of Pennsylvania: Petitions of Walter Barnes, Gottlieb J. Wolf, Fairmount Husaren Beneficial Society, William F. Weber and others, of Philadelphia, Pa., favoring Senate bills 3033 and 3034, Senate joint resolution 73, House bills 6828 and 6829, and House joint resolutions 14, 81, and 74; to the Committee on Foreign Affairs.

Also, petition of Fairmount Husaren Beneficial Society, of Philadelphia, Pa., against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, protests of Roy S. Park, H. P. Orrell, Harry Peters, and others, of Philadelphia, Pa., against nation-wide prohibition; to the Committee on the Judiciary.

By Mr. MORIN (by request): Memorial of G. A. H., of Pittsburgh, in regard to increasing the number of negro regiments in the United States Army; to the Committee on Military Affairs.

Also (by request), memorial of German Beneficial Union of Pittsburgh, Pa., opposing the Webb prohibition bill; to the Committee on the Judiciary.

Also (by request), memorial of Knapp Bros. Co., of Pittsburgh, Pa., protesting against passage of House bill 9674; to the Committee on Agriculture.

Also (by request), petition of G. Goldu and W. J. Goldu, of Pittsburgh, Pa., favoring an embargo; to the Committee on Foreign Affairs.

Also (by request), memorial of P. Duff & Sons, of Pittsburgh, Pa., indorsing House bill 9528; to the Committee on the Merchant Marine and Fisheries.

Also (by request), memorial of Pennsylvania State Federation of Labor and Amalgamated Association of Iron, Steel, and Tin Workers of North America, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. NOLAN: Petitions of San Francisco Labor Council, favoring House bill 9921, giving right of appeal to the classified civil-service employees of the United States; to the Committee on Reform in the Civil Service.

Also, letters from John W. Henderson, Nicholas Fick, Lydia Lougheny, James P. Mulhern, Alesander Walt, Mrs. B. F. Ames, Joseph McGill, and John C. Medley, all of San Francisco, Cal., favoring the passage of House bill 6915, providing for indefinite leave of absence for postal clerks; to the Committee on the Post Office and Post Roads.

By Mr. OAKEY: Memorial of Board of Aldermen of Waterbury, Conn., favoring indefinite leave for aged Government employees; to the Committee on Reform in the Civil Service.

By Mr. OVERMYER: Petition of Sunday school and congregation of Presbyterian Church of Tontogany, Wood County, Ohio, favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Ebenezer Evangelical Church, of Tiffin, and Men's Bible Class of Methodist Episcopal Church, of Weston, Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Toledo Branch Railway Mail Association, favoring House bill 6915, relative to Railway Mail Service; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Fremont, Ohio, relative to polygamy in the United States; to the Committee on the Judiciary.

Also, petitions of Louis C. Ocher and others, of Sandusky, Ohio, asking embargo resolution be reported in the House; to the Committee on Foreign Affairs.

By Mr. PETERS: Petition of Local Woman's Christian Temperance Union of Bar Harbor, Me., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions in support of House bills 270 and 712, to provide for tax upon persons, firms, or corporations doing an interstate mail-order business, from residents of the following towns in Maine: Bar Harbor, Augusta, Hallowell, Winterport, Harmony, Sangerville, Corinna, Guilford, Newport, Ellsworth, Hartland, Stockton Springs, Sandy Point, Searsport, Bucksport, Belfast, Brooks, Calais, Milltown, Princeton, Woodland, Clinton, Gardiner, Monmouth, Winthrop, Readfield, Pittsfield, Madison, Skowhegan, Norridgewock, Fairfield, Waterville, Oakland, Harrington, Stonington, Milbridge, Addison, Cherryfield, Danforth, Lubec, Eastport, Perry, Pembroke, Dennysville, and Machias; to the Committee on Ways and Means.

By Mr. PRATT: Petition of Harry Pachall, Corning, N. Y., opposing the passage of the Fitzgerald postal bill (H. R. 6468) and also the Siegel bill (H. R. 491); to the Committee on the Post Office and Post Roads.

By Mr. ROGERS: Petition of sundry citizens of Reading, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of B. Nicoll & Co., of New York, favoring increased appropriation for the American Manufacturers Export Association; to the Committee on Appropriations.

Also, petition of Owens & Hudders, of New York City, in re bill introduced by Mr. Tavenner, of Illinois; to the Committee on Interstate and Foreign Commerce.

Also, petition of L. Livingston, of Brooklyn, N. Y., in re Griffin bill; to the Committee on the Post Office and Post Roads.

Also, petition of James Frost, of Brooklyn, N. Y., indorsing House bill 7625; to the Committee on Reform in the Civil Service.

Also, petitions of Cigarmakers' Union, No. 132, of Brooklyn, N. Y.; Tobacco Workers International Union, of Louisville, Ky.; Amalgamated Association Iron, Steel, and Tin Workers, of Pittsburgh, Pa.; and Journeymen Stone Cutters' Association, of North America, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Consolidated Marine Engineers' Beneficial Association, No. 33, in re House bill 478 and Senate bill 1222; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Retail Liquor Dealers' Association of New York, protesting against prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SCULLY: Petitions of Maude A. Elmer, Hattie Nock, and Mrs. H. Nock, of Manasquan, N. J., favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Molly Pitcher Council, No. 65, Manasquan (N. J.) Sons and Daughters of Liberty, favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Rutherford (N. J.) Branch of the National Security League, favoring preparedness and advice of our military experts; to the Committee on Military Affairs.

By Mr. SMITH of Idaho: Petition of citizens of the State of Idaho and 357 citizens of Gravyville, Idaho, for national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of 60 persons of Kootenai County, Idaho, against preparedness; to the Committee on Military Affairs.

Also, protests from the Idaho State Grange, against delay in the enactment of rural-credit legislation; to the Committee on Banking and Currency.

By Mr. SNYDER: Petition of sundry residents of New York Mills, N. Y., for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. STINESS: Petition of People's Congregational Church, of Providence, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Sadie A. Spear, of Providence, R. I., favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. SULLOWAY: Petitions of Gustave A. Wenzel and others, of Manchester, N. H., against shipment of arms, etc.; to the Committee on Foreign Affairs.

Also, petition of Welles E. Underhill, Capt. C. P. Bodwell, F. W. Leydston, and other citizens, of Portsmouth, N. H., favoring preparedness; to the Committee on Military Affairs.

By Mr. TEMPLE: Petition of Thomas Robinson and Committee of Local Union 2728, United Mine Workers of America, Burgettstown, Pa., favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Woman's Christian Temperance Union, of New Castle, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. THOMAS: Petitions of citizens and Baptist Church, of Rochester, and Antisaloon League, of Franklin, Ky., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TILSON: Petition of members of I. C. Lewis Council, No. 1, Sons and Daughters of Liberty, of Meriden, Conn., in behalf of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Court Schiller, No. 117, F. of A., of Meriden, Conn., for amendment of the naturalization laws; to the Committee on Immigration and Naturalization.

Also, petition of Court Schiller, No. 117, F. of A., of Meriden, Conn., opposing national prohibition; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Memorial of First Congregational Church, of Colorado Springs, Colo., and citizens of Mead, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Federated Trades Council, of Colorado Springs, Colo., favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

SENATE.

WEDNESDAY, *March 1, 1916.*

(Legislative day of Friday, February 25, 1916.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

DEVELOPMENT OF WATER POWER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Fall	Johnson, Me.	Norris
Beckham	Gallinger	Johnson, S. Dak.	O'Gorman
Brandegee	Gore	Jones	Oliver
Catron	Gronna	Kern	Overman
Chamberlain	Harding	Lane	Page
Clark, Wyo.	Hardwick	Lippitt	Phelan
Culberson	Hitchcock	Lodge	Poindexter
Cummins	Hollis	Martin, Va.	Pomerene
Curtis	Hughes	Martine, N. J.	Ransdell
Dillingham	Husting	Myers	Robinson
du Pont	James	Nelson	Shafroth
Sheppard	Smith, Md.	Stone	Underwood
Sherman	Smith, Mich.	Swanson	Vardaman
Shields	Smith, S. C.	Thomas	Wadsworth
Simmons	Smoot	Thompson	Warren
Smith, Ga.	Sterling	Townsend	

Mr. POMERENE. I wish to announce the absence of the Senator from Delaware [Mr. SAULSBURY] on account of illness. He is paired with the junior Senator from Rhode Island [Mr. COLT]. I ask that this announcement may stand for the day.

Mr. LANE. I wish to announce the absence of the Senator from Minnesota [Mr. CLAPP], the Senator from Arizona [Mr. ASHURST], and the Senator from Oklahoma [Mr. OWEN], who are attending a committee hearing upon the Indian appropriation bill.

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from Montana [Mr. WALSH], the Senator from Florida [Mr. FLETCHER], and the Senator from West Virginia [Mr. CHILTON] on official business.

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Mississippi [Mr. WILLIAMS] on account of illness; also the unavoidable absence of my colleague [Mr. SHIVELY], who is paired with the Senator from Maine [Mr. BURLEIGH]. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. There is a quorum present. The pending question is on the amendment of the Senator from Wisconsin [Mr. HUSTING].

Mr. SHIELDS. Mr. President, I desire to have the proposed agreement read which I send to the desk.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at not later than 4 o'clock p. m. on the calendar day of March 2, 1916 (Thursday), the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill S. 3331 through the regular parliamentary stages to its final disposition; and that after the hour of 4 o'clock p. m. on said day no Senator shall speak more than once or longer than five minutes upon the bill, or more than once or longer than five minutes upon any amendment offered thereto.

Mr. SHIELDS. I ask unanimous consent that that agreement may be entered into.

The VICE PRESIDENT. Is there any objection among the Senators present?

Mr. CUMMINS. May I ask the Senator from Tennessee whether the bill is to be held before the Senate for consideration continuously from now until the time named in the proposed agreement?

Mr. SHIELDS. It will be my effort to hold it before the Senate, and I know of nothing——

Mr. CUMMINS. But I mean to the exclusion of all other business.

Mr. SHIELDS. I know of nothing to the contrary.

Mr. NORRIS. I should like to ask the Senator from Tennessee if we could not modify the request? As far as I am concerned, I would be perfectly willing to commence right now and limit the time any Senator can talk to 15 minutes, and limit any speech he may make to one on each amendment, and let the debate run out in that way. I do not want to delay the final vote. I would dislike at this time to agree to a unanimous consent for to-morrow that might prevent debate on some of the most important amendments—one, at least—of any that have been offered. The time might be used upon amendments not so important. However, I would be perfectly willing that the speeches should be limited. There are some amendments to be offered that one could not do justice to in five minutes.

Mr. SHIELDS. I should suppose that all those could be disposed of in the days we would have.

Mr. NORRIS. I am inclined to think they can, but I dislike to make an agreement in advance that might preclude such consideration.

Mr. SHIELDS. The Senator is offering one of those amendments, and certainly he could bring it up before the debate is limited.

Mr. NORRIS. I will say to the Senator that I will be ready to offer one amendment of importance. I wanted to offer it yesterday, and it was put over at his request, to accommodate him.

Mr. SHIELDS. The Senator is correct. The same question is substantially involved in the amendment offered by the Senator from Iowa [Mr. CUMMINS] and the Senator from Montana [Mr. WALSH], and I thought it best to dispose of them, if we can, all together and have the argument made.

Mr. NORRIS. That is not exactly the same question involved in the amendment of the Senator from Montana.

Mr. SHIELDS. Would the Senator agree for the next day, then, at, say, 3 o'clock?

Mr. NORRIS. On Friday?

Mr. SHIELDS. Yes.

Mr. NORRIS. Leaving it just as it stands, except Friday instead of Thursday?

Mr. SHIELDS. Yes.

Mr. NORRIS. I do not believe I would object to that.

Mr. SHIELDS. Then let the agreement be modified so as to say Friday instead of Thursday.

Mr. NORRIS. I agree to that.

Mr. SHIELDS. I will put up the hour a little. Let it be 3 o'clock.

Mr. NORRIS. As I understand, as I listened to the reading of the proposition it does not mean that we shall vote at that time, but that is the time when the limitation of debate will come in.

Mr. SHIELDS. Yes; the voting would begin.

Mr. NORRIS. You can leave it at 4 o'clock, as far as I am concerned.

Mr. SHIELDS. Very well; I agree to that.

Mr. GALLINGER. Mr. President, those of us who have taken no part in this debate were somewhat surprised that those who have given it so much time should object to the proposition the Senator from Tennessee has made. The Senator from Tennessee has been most courteous and kindly and has facilitated the consideration of the bill as much as he could. I do hope that any reasonable proposition the Senator from Tennessee makes will not be objected to by anyone and that we will be able to facilitate the progress of legislation with a view to taking up other important matters in the near future.

Mr. CUMMINS. Mr. President, I assume, as a part of the agreement, that the bill shall remain under consideration to the exclusion of all other business until it is disposed of.

Mr. SHIELDS. I know of no disposition to do otherwise.

Mr. CUMMINS. But I want to add that as a part of the agreement.

Mr. SHIELDS. I will resist any displacement of this measure for any purpose.

The VICE PRESIDENT. There should be no question about this matter at all. Just a moment. The Chair will read the rule.

Mr. SHIELDS. The unanimous-consent agreement settles that question.

The VICE PRESIDENT. The Chair was about to read the rule, which will settle, or ought to settle, the question, at least:

3. No request by a Senator for unanimous consent for the taking of a final vote on a specified date upon the passage of a bill or joint resolution shall be submitted to the Senate for agreement thereto until, upon a roll call ordered for the purpose by the presiding officer, it shall be disclosed that a quorum of the Senate is present; and when a unanimous consent is thus given the same shall operate as the order of the Senate, but any unanimous consent may be revoked by another unanimous consent granted in the manner prescribed above upon one day's notice.

It does not seem possible, if this agreement is entered into, that it can be set aside save by unanimous consent and upon one day's notice.

Mr. SMOOT. Undoubtedly.

Mr. CUMMINS. The question that was in my mind was whether the understanding that the Senate shall continue with the consideration of the bill from this time until a vote is reached under these terms is a part of the agreement. If it is, I know that it can not be set aside except by another unanimous-consent agreement.

The VICE PRESIDENT. The Chair will now so rule, and if anyone wants to appeal now is a good time to appeal from the ruling of the Chair. It is all one unanimous-consent agreement.

Mr. CUMMINS. That is entirely satisfactory to me.

Mr. JAMES. Mr. President, I should like to ask the Senator from Tennessee a question. When he says the bill is to be kept before the Senate to the exclusion of all other business, of course that does not mean to cut out the morning hour in case the Senate should adjourn instead of taking a recess.

Mr. SMOOT. Oh, no.

Mr. SHIELDS. I am not sufficiently informed of the rules to state whether it would require that to be done or not. I am not anxious to cut out the morning hour. How does the Senator from Iowa understand that?

Mr. CUMMINS. We have been doing without a morning hour for some time, and we can certainly do without a morning hour for another day or two until we dispose of the bill. I have no disposition to delay it; I want to vote upon it; but there are two or three amendments upon which I desire to speak for a few moments, and I do not intend to be cut out if I can help it. There are very many amendments to be offered.

Mr. JAMES. But, Mr. President, I take it from the agreement proposed by the Senator from Tennessee the Senate will proceed in its usual parliamentary way, and if we take an adjournment of course the morning hour would be had and routine business would be transacted in the morning hour.

Mr. GALLINGER. If the Senator will permit me, except that by unanimous consent or upon motion, we should proceed to the consideration of the unfinished business.

Mr. JAMES. I understand that, but I want it understood that the unanimous-consent agreement should not cut out the morning hour in case the Senate adjourns.

Mr. KERN. Certainly not.

Mr. OLIVER. Mr. President, I will not object to this unanimous-consent agreement if it is made for to-morrow, but if it is postponed after to-morrow and involves a continued recess I shall be constrained to object to it.

I think, Mr. President, that we owe it to ourselves and to the public to have at least one day on which routine business can be transacted between the hours of 12 and 2. If it is understood that we can have that to-morrow or even on Friday, I shall make no objection, but to have this bill kept before the Senate to the exclusion of other business that is of importance and which ought to be transacted at some time in the morning hour I think is asking too much.

I am perfectly willing to withdraw any objection I may have, provided it is understood that, say, on Friday we will devote the regular two hours to morning business.

Mr. KERN. Either Thursday or Friday.

Mr. SHIELDS. On Friday.

Mr. OLIVER. Either Thursday or Friday.

Mr. SHIELDS. I think Friday would be the best.

Mr. OLIVER. Such part of the two hours as may be necessary. I do not mean that it must cover two hours necessarily.

Mr. SHIELDS. The modification for a morning hour on one of those days would be agreeable to me, if it is to other Senators.

Mr. JAMES. Can a unanimous-consent agreement be made that would prevent the Senate from adjourning?

Mr. KERN and Mr. GALLINGER. No.

The VICE PRESIDENT. The Chair is of the opinion—and action may be taken in accordance with the opinion of the Chair, or an appeal may even be had—the Chair is of the opinion that the Senate is now in recess and has been in recess; that the pending business before the Senate is Senate bill 3331; and in accordance with this unanimous-consent agreement it will remain continuously before the Senate, and can only be set aside by a unanimous-consent agreement, after one day's notice thereof, unless the Senate should adjourn, in which event the morning hour would intervene, and would set aside for that purpose this unanimous-consent agreement until the unfinished business was again taken up. That is the opinion of the Chair.

Mr. JAMES. That is my understanding of the rules.

Mr. OLIVER. Mr. President, I would suggest that this unanimous-consent agreement go through, with the understanding that to-morrow, at the close of to-morrow's business, there will be an adjournment instead of a recess.

Mr. SHIELDS. That will be entirely agreeable, and I will accept that modification if it meets the wishes of the Senate.

Mr. CUMMINS. That is, we adjourn to-night for a morning hour to-morrow?

Mr. KERN. That was not the suggestion.

Mr. CUMMINS. To adjourn to-morrow and have a morning hour on Friday morning?

Mr. SHIELDS. On Friday.

Mr. CUMMINS. I have no objection to that.

The VICE PRESIDENT. In order that there may be no future difficulty, the Chair desires to say that the Chair understands that it is not only the opinion of the Chair but also of the Senate that there will be upon to-morrow an adjournment to Friday, and that the morning hour on Friday will intervene in this unanimous-consent agreement. The Secretary will now call the roll.

Mr. HUSTING. Mr. President, before the roll is called, I want to say that I have introduced a substitute amendment for the pending bill, and I should like to have a couple of hours to present it between now and next Friday. I have also one or two other smaller amendments which I desire to offer. I have no disposition to hold up the consideration of this bill, and yet I dislike to forego the opportunity of presenting the substitute amendment which I desire to offer. If I could have the assurance that I should have the opportunity to do so, I would not object to the proposition. I should like to have about two hours on the substitute amendment and about half an hour on other amendments.

Mr. BANKHEAD. Mr. President, there will be no difficulty about that. We have two days for that purpose.

Mr. SHIELDS. We have three days.

Mr. BANKHEAD. Yes; we have three days. The Senator from Wisconsin can get the floor at any time and offer and discuss his amendments.

Mr. HUSTING. If that is the understanding, I have no objection.

Mr. BANKHEAD. There is no limitation on debate until the voting begins.

Mr. GALLINGER. Let the roll be called, Mr. President.

Mr. SHEPPARD. Mr. President, I want to understand the ruling of the Chair. Do I understand that, if this unanimous-consent agreement is adopted, no motion to proceed to the consideration of any other business will be in order?

The VICE PRESIDENT. The Senator from Texas, the Chair thinks, understands as well as does the Chair, that these formal consent agreements when entered into become, by paragraph 3 of Rule XII, an order of the Senate which can be revoked only "by another unanimous consent granted in the manner prescribed upon one day's notice." So far as any other understandings or arrangements are concerned as to what shall or shall not intervene pending a unanimous consent these are "gentlemen's agreements," which, of course, any Senator can violate if he so chooses. The Chair would be powerless to prevent it.

Mr. SHEPPARD. Then it involves a gentleman's obligation not to move to proceed to the consideration of any other matter while the agreement is in force?

The VICE PRESIDENT. The Chair thinks it does.

Mr. SHEPPARD. Then the unanimous-consent agreement by its terms means that no Senator shall make a motion to consider other business?

The VICE PRESIDENT. The Chair believes that when the Senate of the United States has solemnly said that it will not interfere with a certain procedure it means that no Senator will interfere.

Mr. SHEPPARD. Then I object.

The VICE PRESIDENT. Then there is no use of further proceeding with the roll call. The pending amendment is the amendment proposed by the Senator from Wisconsin [Mr. HUSTING].

Mr. TILLMAN. Mr. President, I want to unburden myself this morning. I do not wish to hurt anyone's feelings, but I have some very plain words to utter.

Mr. President, during my 21 years of service here I have learned a good many things about the Senate and its methods of doing business. When it wants to do a thing it can do business as rapidly and with as much celerity as any legislative body in the world; but it can also practice the game of "how not to do it" with more skill than any other body in the world—at least, any I have known of or read about.

I have never known a legislative program of as great magnitude and importance as we have on hand right now. The two subjects of increasing the Navy and Army are both vital; and, while it will take some time for those bills to be prepared, there are bills already on the calendar relating to the subject of preparedness that should be passed, and passed promptly. I am responsible for one of these, as chairman of the Committee on Naval Affairs, and it is my duty to call attention to that bill and try to press it through the Senate as soon as possible. It is the bill to provide for a Government armor plant. It ought to have passed the Senate four or five days ago, but the time has been consumed with discussing the water-power bill, a bill of great importance, I acknowledge; but that bill could have better waited. Unless the Government armor plant is authorized at once great delay will occur and much money will be lost.

I do not see any hope from the progress we are making of our getting through the legislative program before October, if then. Senators who have tried it know how difficult it is to maintain a quorum in Washington during warm weather. Senators who are interested in their reelections are necessarily absent a good part of the time, and no mere politician objects to it. But I think the constituents of a Senator would watch whether he thinks more about his reelection than he does about his public duties and vote accordingly. If I neglected my senatorial duties as much as some Senators I know of, I would never expect to be reelected. I can not see for the life of me how any man with a conscience and patriotism can reconcile such action with his sense of duty. The people sent us here to pass laws and legislate for the whole country, and I always believed faithful and efficient service was the best way to be continued here. That has been the rule by which I have always been guided; and until my health broke down seven years ago I always considered it my sacred duty to be in Washington whenever the Senate was in session, and to be in the Senate itself if it were possible.

I have always observed that courtesy and kindness and willingness to grant favors when it was right to grant them has been the best course to pursue here.

I do not criticize, in ever so slight a degree, the Senator in charge of the water-power bill, but he certainly has allowed that bill to jog along at a snail's pace.

I give notice now that I shall move to take up the armor-plant bill as soon as the water-power bill is out of the way and press it to a vote at the earliest practicable moment. If the Senators who expect to vote for it will help me maintain a quorum, we ought to pass it through the Senate in three or four days at most. All Senators who expect to speak on the bill have had ample time to prepare their speeches, and I shall see to it that the talk is kept up or a vote had.

Mr. MYERS. Mr. President, I observe the Senator from South Carolina gave notice that as soon as the unfinished business of the Senate, which is now pending, is disposed of he will move to take up the armor-plant bill. I desire to say that quite a number of days ago, ahead of any other notice, I gave notice that, upon the completion of the present unfinished business, I would move that the Senate proceed to the consideration of the Ferris water-power bill.

Mr. TILLMAN. The Senate will determine for itself which of those bills is the more important.

Mr. MYERS. Certainly; it is for the Senate to determine.

Mr. GALLINGER. Mr. President, I will supplement that by saying that the Chair will probably decide the matter as to what Senator he will recognize to make a motion. The giving of a notice that a motion will be made carries with it no right of recognition by the Chair.

The VICE PRESIDENT. The Chair hopes the Senator from New Hampshire is not trying to get the Chair into trouble.

Mr. HUSTING. Mr. President——

The VICE PRESIDENT. The Senator from Wisconsin.

Mr. HUSTING. Mr. President, I believe there is an amendment I offered which is pending.

The VICE PRESIDENT. The amendment offered by the Senator from Wisconsin is pending.

Mr. HUSTING. If it is in order, I should like to have the amendment taken up.

The VICE PRESIDENT. The amendment is in order. It is now before the Senate. Does the Senator want a vote upon it?

Mr. HUSTING. So far as the pending amendment is concerned, I am ready that it be put to a vote at this time.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Wisconsin.

The amendment was rejected.

Mr. HUSTING. Mr. President, I now desire to propose an amendment to the pending bill in regard to taking over power plants in time of national danger. I will read it. It proposes to insert the following as a new section:

SEC. —. That whenever in the opinion of the President of the United States, evidenced by a written order addressed to the holder of any franchise, permit, or lease hereunder, that the safety of the country demands, the United States hereby reserves the right to enter upon and take possession of any power plan developed under a permit, lease, or franchise held under the provisions of this act for the purpose of the manufacture of nitrates, explosives, or for any other purpose concerning the safety of the country and retain possession, management, and control thereof for such length of time as may appear to the President to be necessary to accomplish the said purposes, and then to restore possession and control to the party or parties entitled thereto: *Provided*, That the United States shall pay to the party or parties entitled thereto such fair and just compensation for the use of said property as may be agreed upon between the said party and parties and the said secretaries: *Provided*, That it is expressly understood and agreed that such fair and just compensation shall not be in excess of a sum which will keep the party entitled to such compensation harmless of any loss or damage or damages by reason of such taking over, holding, using, and the restoring of the said properties in substantially the same condition as at the time of the taking thereof to the party or parties entitled thereto.

Mr. President, the object of that amendment is to provide as a condition of the lease to be granted that in time of danger, upon order of the President, the Government may take over any water power or water-power development for the purpose of manufacturing nitrates and explosives, or for any other purpose necessary to aid in defense; retain them for such length of time as is necessary, and at the end of the period to turn them back to their owners, or the parties entitled to possession, upon such terms as may be just, but eliminating any war profits.

There is a great deal of concern now in the country and a great deal of talk about taking measures for our defense. At this time we are in a position to say to those who will hereafter receive licenses under this bill that in time of defense we may summarily take over their plants and turn them into instrumentalities in aid of the national defense. It is generally rec-

ognized that the water powers have become one of the most useful utilities, if not an absolutely indispensable utility, for the purpose of the manufacture of nitrate and for other purposes connected with the manufacture of explosives, and it would seem that no one should object to this provision going into the bill. It is easy now to put such a condition into a license, to make it a part of the consideration for the license, so that the licensee before receiving the license, the prospective licensee, will agree that in time of war he will turn the plant which he is going to develop over to the Government, so that the Government may take it and use it for the purposes which it deems necessary.

I understand that not long ago there was a mobilization scheme, either adopted or tentatively proposed, for the Government to take over plants, railroads, and other utilities in the country to be used in time of war or danger. This amendment which I have proposed merely puts something into this bill along the line of the policy which we have adopted. I do not see that there can be any valid objection to this provision, and I sincerely hope that it may be adopted and made a part of whatever bill, if any, is going to be passed through the Congress upon this subject.

It is true that it will be agreed that no war profits shall be charged, but that the Government will keep harmless from all loss and damage the proprietor of any plant which it takes over. That is merely to prevent extortionate prices being paid, and it would seem to me that no one would object to that.

I therefore submit the amendment to the Senate, and trust that it may be adopted and made a part of this bill.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. SHIELDS. Mr. President, I hope this amendment will not be adopted. It is entirely useless. During time of war the President has the right to seize any property for necessary military purposes. When war exists the laws are silent. To single out water-power plants and put a provision of this kind in the pending bill would simply embarrass the owners of riparian properties in obtaining capital to develop them. It would simply encumber and confuse the provisions of this bill. Of course, the President of the United States, being authorized to seize any property when a military necessity exists, has the right to seize a power plant; but, of course, to vest in him the power to exercise the right of eminent domain would be a violation of the due-process clause of the Constitution. I hope the amendment will be rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Wisconsin.

Mr. HUSTING. Mr. President, it is true that the Government may have the right to seize railroads or plants of this kind or anything else. It may do so under its general power to do so; but the object of this amendment is not to place it upon any such grounds as that. It is to place it upon contractual grounds—a contract in advance that the Government may take these plants and turn them to the defense of the country. These are a national agency if they get a license from the Government. They are in duty bound under the license, if this condition is put in, to surrender their plants to the United States Government. It is taking nothing away from them at all. It is taking nothing away from them, because they have not got anything yet. They are asking for something, or will ask for something, and in granting their request, in granting their petition for a license, we are merely annexing to that permission a condition which we can turn to our own advantage.

When we hear this talk of armor plants and armor plates, and when we have been told that we are paying for armor plates almost 100 per cent more than these same plates are being sold for to foreign countries, and when we realize that we are in a position where we have got to pay what the manufacturers ask, it does seem to me at this time that it is the part of prudence and real economy for the Government to assure itself in advance that it can get its explosives at the time it needs them at a price that is not extortionate.

Why should we be blind to this opportunity again? Why should not a United States agency, coming here and getting a valuable privilege from the United States, be willing to agree in advance that if the Government that gives it this privilege needs their plants, they will, at least, be kind enough to turn them over during the time that the war lasts, to be used for the public good and for the public safety and for its own safety as well? Why should we not insist upon that instead of saying, "Here, we give you a license to use this great national resource; we are giving it to you for nothing; and when the time comes that the country is in danger, you can use this power that you have got to extort money out of us, to extort money out of the very power that made it possible for you to enjoy the privilege, and to manufacture this ammunition and these other things"?

I should like to ask what we are here for if it is not for the purpose of doing as much good as possible for the Government and for the people of the country? I can not understand that, nor can I understand the weight of an argument that has at its base, whatever may be the purpose and however good may be the faith of the proponent, looking out for somebody that is going to get something from the Government.

They have not gotten anything yet. We are not talking about riparian owners, because under this bill the riparian owners will have to surrender their property to whoever wants to take it, or rather who gets the right to take it, under this law. This is not a riparian-owner bill, because, I venture to say, that 90 per cent of those who receive licenses will have to condemn the dam and power site and take it away from somebody else before they can use it. This law applies to somebody who at some time is going to come here and ask us for something, not for the purpose of improving our navigation, although that may be an incident of the development they propose; but they come here seeking a privilege to turn to account a resource that belongs to the people, if it belongs to anybody. When they come to do that, when they come here and ask for a franchise, can we not say to them, "All right, here is your franchise; but if we get into trouble, if danger comes and we need some powder and some munitions or ammunition to protect ourselves and protect your property we do not want you to hold us up. We want you to let us take your plants for the time being and operate those plants for the purpose of defending ourselves and your property. We are not going to make it possible for you, when we have got to get something back that we gave you for nothing, to hold us up and use the very force that we put in your hands to extort money from the people that made you the present and the gift of this grant."

It does seem to me that this provision ought to go into every license. Then we would not have to assert our rights or prove our rights to take these things before we get them. We would have them right there. It would give us a summary power to take over these plants and to operate them, instead of meeting legal objections or objections of some kind, and especially instead of meeting extortionate prices when we came to settle up with them under this amendment. They would be paid everything that is fair. There would be no loss of profits, no loss of property, no loss of business that would not be compensated for. We merely make it impossible for them to take advantage under stress of war to extort war profits from us.

This amendment is very timely. We are hearing every day the argument, when we want to put ourselves in a state of defense, that it is the makers of ammunition, the makers of battleships, that are back of this preparedness movement; that there is profit in it for them, and therefore they want us to go to war or at least prepare for it. If anything presents a stumbling-block in the way of defense it is this very suspicion that back of this movement are the armor-plate makers of the United States and the manufacturers of powder and ammunition.

We know that. Here we can, at least to the extent of the purchase or the making of ammunition, put ourselves in shape where there is nothing in it for anybody to want us to make war or want us to enter into war. Here again we have the opportunity. We have it in our hands. Nobody charges that it would be unfair to do this. No one charges that it would be inexpedient to do this. There is no argument against it. I have not heard any. No Senator upon this floor has stated reasons why he does not think the amendment should be adopted, or has given any reason for turning down the amendment. There is certainly some good in it; and if there is nothing bad connected with it, why should we not put it in the bill as one of the things at least that we expect these grantees to do in case we get into trouble in consideration of the privileges conferred.

Mr. LEE of Maryland. Mr. President, I will ask the Senator from Wisconsin if he will accept an amendment to come in at the end of line 7 of his proposed substitute, after the words "Secretary of War," as follows:

And in advance of granting the permits or other authorization provided for herein?

Mr. HUSTING. Will the Senator state the amendment again?

Mr. LEE of Maryland. I offer an amendment to the amendment, as follows:

After the words "Secretary of War," I move that the following words be inserted:

And in advance of granting the permits or other authorization provided for herein.

Mr. HUSTING. On what page would that come?

Mr. LEE of Maryland. On page 2, at the end of line 7 of the Senator's substitute, which is now before the Senate.

Mr. HUSTING. After the word "Secretaries"?

Mr. LEE of Maryland. After the words "Secretary of War."

Mr. HUSTING. I do not see the words "Secretary of War" in line 7.

Mr. LEE of Maryland. The Senator has "said Secretaries" in his original amendment.

Mr. HUSTING. Oh, yes.

Mr. LEE of Maryland. And I understand that the words "said Secretaries" have been changed to "the Secretary of War." I will read the proposed amendment again. I move to add, after "Secretary of War" and before "*Provided*," the following:

And in advance of granting the permits or other authorization provided for herein.

Mr. HUSTING. I accept that amendment.

Mr. LEE of Maryland. Mr. President, I should like to add in behalf of this amendment, which has been accepted by the Senator from Wisconsin, a further argument to the effect that this provision for taking over these plants would provide for an agreement between the Secretary of War and the grantees as to a rate of compensation; and, if the Senator from Tennessee will grant me his attention, far from having any effect calculated to embarrass these grantees, it would be practically an assurance to them as to the stability of their investments.

I understand that there is legislation pending in the other House in connection with this great question of preparedness, authorizing the creation by the Federal Government of power plants for the very purpose that this amendment is supposed to cover. Far from having a tendency to upset these investors, this provision in advance, by way of contract satisfactory to everybody concerned, protecting the Government and the capital that is about to go into the hazard of the business by having a method or rate of compensation agreed upon, would be highly proper and strictly advantageous to the Government and to the parties who propose to build the power plants.

Mr. SHIELDS. Mr. President, I should like to ask the Senator if it is not a fact that there are pending in the House and in the Senate some 25 or 30 bills providing for the establishment of munition plants, and if it is not also a fact that the Military Affairs Committee of the Senate now have in their general bill a provision for the manufacture of explosives by hydroelectric power?

Mr. LEE of Maryland. It is that idea to which I referred.

Mr. SHIELDS. And is it not best to let the Military Affairs Committee provide for this, as they have in their hands the policy of preparedness and, of course, are better able to deal with it? Is not that better than to spring it here in a bill relating entirely to manufacturing purposes on the part of individuals?

Mr. LEE of Maryland. In answer to the Senator from Tennessee, I would suggest that this is hardly springing the question of preparedness into or upon this bill. It is simply authorizing the Secretary of War, who is the war minister of this Republic, to make a contract in advance, satisfactory to all parties governing the price at which these plants or factories could be taken over and used for public purposes in time of war, and protecting the public by agreement at a time when the grantee is in a state of mind to accept a fair rate of profit or compensation in advance of the building of his plant.

Mr. HUSTING. I ask for the yeas and nays on this amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of the Senator I withhold my vote.

Mr. JOHNSON of Maine (when his name was called). I have a pair with the junior Senator from North Dakota [Mr. GRONNA]. I transfer that pair to the junior Senator from Arkansas [Mr. ROBINSON] and will vote. I vote "nay."

Mr. STONE (when his name was called). I have a pair with the senior Senator from Wyoming [Mr. CLARK], and therefore withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. In his absence I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Tennessee [Mr. LEA] and will vote. I vote "nay."

Mr. TOWNSEND (when his name was called). I have a general pair with the junior Senator from Florida [Mr. BRYAN], who is absent. I therefore withhold my vote.

The roll call was concluded.

Mr. THOMAS. I transfer my pair with the Senator from North Dakota [Mr. MCCUMBER] to the Senator from Florida [Mr. FLETCHER] and will vote. I vote "nay."

Mr. LIPPITT. I have a general pair with the Senator from Montana [Mr. WALSH]. I understand he has not voted.

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). He has not voted.

Mr. LIPPITT. In that case I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. FALL (after having voted in the negative). I have a general pair with the senior Senator from West Virginia [Mr. CHILTON]. He has not voted; but I understand he would vote upon this question as I do, and I therefore will allow my vote to stand.

Mr. JAMES. I was requested to announce that the Senator from California [Mr. WORKS], the Senator from West Virginia [Mr. CHILTON], the Senator from Florida [Mr. FLETCHER], and the Senator from Montana [Mr. WALSH] are in attendance upon their duties at the Judiciary Committee. I transfer my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "yea."

Mr. HOLLIS. I have a general pair with the junior Senator from New York [Mr. WADSWORTH]. I transfer that pair to the junior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. NORRIS. I have been requested to state that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness in his family and that if he were present he would vote "yea."

Mr. LEWIS. I was requested to announce that the senior Senator from Arizona [Mr. SMITH] is detained from the Senate on account of illness.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Texas [Mr. CULBERSON];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Indiana [Mr. SHIVELY];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE]; and

The Senator from Delaware [Mr. DU PONT] with the Senator from Kentucky [Mr. BECKHAM].

The result was announced—yeas 19, nays 33, as follows:

YEAS—19.

Ashurst	Husting	Myers	Reed
Chamberlain	James	Norris	Sheppard
Cummins	Lee, Md.	Phelan	Sterling
Gore	Lewis	Poindexter	Thompson
Hollis	Martine, N. J.	Pomerene	

NAYS—33.

Bankhead	Hitchcock	Overman	Smith, S. C.
Borah	Johnson, Me.	Page	Smoot
Brandegee	Jones	Shafroth	Swanson
Broussard	Lodge	Sherman	Thomas
Curtis	McCumber	Shields	Tillman
Dillingham	McLean	Simmons	Warren
Fall	Martin, Va.	Smith, Ga.	
Gallinger	Nelson	Smith, Md.	
Harding	Oliver	Smith, Mich.	

NOT VOTING—44.

Beckham	du Pont	Lea, Tenn.	Smith, Ariz.
Brady	Fletcher	Lippitt	Stone
Bryan	Goff	Newlands	Sutherland
Burleigh	Gronna	O'Gorman	Townsend
Catron	Hardwick	Owen	Underwood
Chilton	Hughes	Penrose	Vardaman
Clapp	Johnson, S. Dak.	Pittman	Wadsworth
Clark, Wyo.	Kenyon	Ransdell	Walsh
Clarke, Ark.	Kern	Robinson	Weeks
Colt	La Follette	Saulsbury	Williams
Culberson	Lane	Shively	Works

So Mr. HUSTING's amendment was rejected.

Mr. POINDEXTER. I submit the following amendment.

The PRESIDING OFFICER. It will be stated.

The SECRETARY. On page 10, line 24, strike out all after the word "That," all of line 25, and on page 11 strike out all of lines 1 and 2 down to and including the word "purpose," in the following words:

Whenever all or any part of the power produced at any dam or diversion structure authorized hereunder is offered or disposed of by the grantee to the public, or for a public-utility purpose.

Mr. POINDEXTER. Mr. President, the purpose of the amendment is simply to subject to the regulation of the public-utility commission of the State the charges and rates and services of these grantees, whether they are public-utility corporations or not. It removes the exception and the condition which

the bill contains for this regulation, and makes the regulation general and universal under the laws of the State, whatever they may be.

I hope the Senator from Tennessee will not oppose the amendment.

Mr. SHIELDS. I ask the Senator to explain the amendment again.

Mr. POINDEXTER. The purpose of the amendment is to subject the service of the grantee to the State regulation without making any qualifications or exceptions. That is all that it does. The bill contains some qualifications and conditions. It says "whenever all or any part of the power produced at any dam or diversion structure authorized hereunder is offered or disposed of by the grantee to the public, or for a public-utility purpose," it shall be subject to State regulation. I do not see any reason for that qualification. Why not subject it to the State regulation in all cases? That is the purpose of the amendment.

Mr. SHIELDS. I will explain the provision to the Senator. I do not understand that the State has any right or any reason for regulating hydroelectricity or any other public utility manufactured and used entirely for private purposes. It is only over public-utility companies that the States have regulatory authority. This covers every case of a company of any kind that serves the public. I think it eminently proper that it should be expressly provided in the bill that all utility companies shall be subject to State regulation. The Senator proposes to interfere with a provision that was put in for that express purpose; that is, to provide for strict State regulation of the rates of the companies engaged in generating hydroelectricity for sale.

Mr. POINDEXTER. No; Mr. President, my amendment would not interfere with that at all. It would leave that in the bill.

Mr. SHIELDS. I do not believe the Senator intended to do that, but I say that would be the effect of it. It can not apply to a private company that manufacturers for its own use.

Mr. POINDEXTER. How could it be the effect of it when it would leave the bill declaring that the service and rates of the grantee were subject to regulation under the laws of the State? Does not that include public-utility companies? The Senator is entirely mistaken in saying that the State would have no power to regulate any except public-utility companies. It would have power to regulate any company operating not the waters of the State, but the waters which it has been so often said in the debate here, of which the State controls the use. The entire matter is a public matter, and it may be as important in the prevention of excessive charges and poor service and monopoly to regulate the rate and the service when it is furnished to a few manufacturers as though it were furnished to a municipality.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to his colleague?

Mr. POINDEXTER. In just one moment I will yield.

In answer to what the Senator from Tennessee has said, that the States have no power under certain circumstances to regulate such charges in service, why not leave that to the States and to the State courts and the legislature to determine it? Why should we limit it here? We have not an opportunity in the course of the debate here to inquire properly into the jurisdiction of the States in those matters. It ought to be left to the States to determine.

Mr. SHIELDS. There is no limitation or prohibition in the bill. It simply provides expressly for public-utility companies, and that means the company, of course it is needless for me to explain, that manufactures and sells to the public. Whether it is a municipality it sells to or anyone, if it sells for a general purpose it ought to be subject to State regulation. The States have all the power of control over these other companies, and we require all that possibly could be given. In fact you can not give them any powers here.

Mr. POINDEXTER. If they have those powers of control why not allow them freedom to exercise them under the bill? Why limit them as they are now limited in the bill to public-utility corporations? I yield to my colleague.

Mr. JONES. I merely wish to suggest to the Senator in charge of the bill that I understand the amendment of my colleague will make the bill read in this way:

That all charges, rates, and service by any grantee hereunder shall be subject to regulation in accordance with the laws of the State within which the service is rendered.

If that is correct——

Mr. POINDEXTER. That is correct.

Mr. JONES. I can not see why there should be any objection to it. I think it was the intention of the bill not to interfere with the regulation by the State in any way, shape, or form; in other words, to leave all the rates and charges entirely to regulation by the State. If we put in the language that all charges, rates, and services are to be regulated by the State it seems to me that that carries out what was the original purpose of the bill.

Mr. SHIELDS. It means the same thing. They are subject to the regulation of the State.

Mr. JONES. I am not so sure.

Mr. SHIELDS. It was intended to express it. There can be no doubt about it. Nothing was left to inference.

Mr. JONES. I know that was the intention, but I do not believe it really expresses it.

Mr. SHIELDS. I will accept the amendment. I will not debate these immaterial amendments.

Mr. POINDEXTER. I will not quarrel with the Senator as to whether it is immaterial or not.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. NORRIS. Mr. President, I should like to ask the Senator from Tennessee if it is satisfactory that I should offer at this time the amendment I put over yesterday at his request.

Mr. SHIELDS. The Senator from Montana [Mr. WALSH], who is interested in a similar amendment, is engaged in committee.

Mr. NORRIS. The amendment of the Senator from Montana is pending. My amendment strikes out section 6, but, of course, it would not be voted on until the amendment of the Senator from Montana is disposed of. I have no objection, I will say, if the Senator wants to dispose of the other amendment first.

Mr. SHIELDS. I think if we could bring all the amendments together it would economize time.

Mr. NORRIS. Then I will offer it now.

Mr. SHIELDS. Both the Senator from Iowa [Mr. CUMMINS] and the Senator from Montana [Mr. WALSH] are out of the Chamber.

Mr. NORRIS. The amendment of the Senator from Iowa will not be offered until this is disposed of. He has a proviso that he wants to offer, and he will offer it——

Mr. SHIELDS. I have no objection, only I thought we could economize the argument by having them all together, for I think they involve the same principle.

Mr. NORRIS. I want to economize time, too, I will say to the Senator. I offer the following amendment.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. It is proposed to strike out all of sections 5 and 6 now in the bill and in lieu thereof to insert:

SEC. 5. That the right acquired by the grantee under this act shall continue for a period of 50 years from and after the date of the original approval by the Secretary of War, unless sooner revoked or forfeited as herein provided.

SEC. 6. That upon not less than two years' notice prior to the expiration of any grant made hereunder, and at any time after the expiration of such grant, upon one year's notice, the United States, or any person authorized by Congress, shall have the right to take over all of the property of the grantee necessary and useful for the generation, transmission, or distribution of power. Such property shall include the lands or interests in lands acquired or used for the purpose of the development and transmission of power, the dam and other structures, and the equipment necessary and useful for the generation of power, and the transmission system from generation plant to initial points of distribution, and the lock or locks or other aids to navigation, but shall not include any other property whatsoever. Before taking possession the United States or the person authorized by Congress shall pay therefor (first) the actual cost to the grantee of lands or any interests therein purchased and used by the grantee in the generation and distribution of power, and (second) the fair value of the other properties taken over, together with the cost to the grantee of the lock or locks or other aids to navigation and all other capital expenditures required by the United States in assuming all contracts for electrical energy extending beyond the granting period which have had or may have the approval of the Secretary of War and which were entered into in good faith and at a reasonable rate. The actual cost of lands or interests therein and the fair value of other property shall be determined by agreement between the Secretary of War and the owner of such property, and in the event of their failure to agree, then by proceedings instituted by the United States or by the person authorized by the United States in the district court of the United States within which any portion of such dam may be located.

In determining the fair value of the property other than lands or interests in lands allowance shall be made for deterioration, if any, of the existing structures and transmission lines, and no value shall be claimed or allowed for the rights hereby granted, for good will, going concern, profit in pending contracts for electrical energy, or for other conditions of current or prospective business or for any other intangible element.

The PRESIDING OFFICER (Mr. LEE of Maryland in the chair). The question is on agreeing to the amendment of the Senator from Nebraska.

Mr. SHIELDS. The amendment proposed seems to be a substitute for two entire sections of the bill.

Mr. NORRIS. It is.

Mr. SHIELDS. It has not been submitted to me, and I therefore ask that it lie on the table and be printed. It is impossible for me to consider it without first reading it.

Mr. NORRIS. I have submitted this to the Senator. It has been printed for a week. It was printed on February 17.

Mr. SHIELDS. I asked for a copy of the amendment, and got word that it had not been printed.

Mr. NORRIS. This is the amendment about which I talked with the Senator yesterday. I perhaps did not refer to section 5, but I have included in the amendment sections 5 and 6. The amendment I referred to when I talked to the Senator applied to section 6; that is the really important one. I have no objection, however, to taking that up separately, if the Senator desires to do so; but I include them both in one amendment in order to save time. There is not very much controversy about section 5; section 6 is the one to which I am going to devote what I have to say.

Mr. SHIELDS. I have no objection to the Senator from Nebraska explaining it, and I should very much like for him to explain the entire amendment; but I should like some time in which to examine it before a vote is had on it. With that understanding, I am perfectly willing to go on with it.

Mr. NORRIS. My attention was diverted and I did not hear what the Senator from Tennessee suggested.

Mr. SHIELDS. I say the portion of the amendment that has not been printed——

Mr. NORRIS. The amendment has all been printed. Section 5 was printed in a separate amendment and section 6 was printed separately; they were printed as two amendments; but in order to save time I introduce them both as one amendment. Now, if the Senator from Tennessee cares to have me do so, I will withdraw that part of the amendment referring to section 5 and let section 6 be pending, and take up section 5 afterwards.

Mr. SHIELDS. Very well; I think we can dispose of them.

Mr. NORRIS. Very well. So far as the amendment applies to section 5, I desire that it shall be considered withdrawn and that the amendment as it applies to section 6 shall be the one considered. I shall offer the amendment relative to section 5 separately. The Senator from Tennessee, however, would be entitled to a separate vote on it, anyway.

Mr. SHIELDS. I did not catch what the Senator from Nebraska said.

Mr. NORRIS. The amendment which I now propose to consider is to strike out section 6. I am not going to take up very much of the time of the Senate. I have, to some extent, gone over in the discussion which has taken place during the time this bill has been under consideration a great deal of the matter which applies to this amendment, though not all of it.

Mr. President, this amendment, in my judgment, is one of the most important features of the bill; it is one of the fundamental things connected with the water-power-development subject; it is known ordinarily as the "recapture clause." This bill provides for leases which, on their face, run for 50 years. In my judgment, the bill really provides for a lease in perpetuity. For all practical purposes I believe every student of the subject will agree that the bill as drawn and reported by the committee provides for a lease in perpetuity. In its terms, as I have said, the lease will be drawn for 50 years, but to recapture it and to close it at the end of the 50-year period there are so many difficulties to encounter that I do not believe our Government at any time would comply with the conditions with which it would have to comply in order to terminate the lease at the end of 50 years.

Of course no one knows what will be the condition of the country or the condition of the development of electric power in 50 years from now. Everybody concedes that in all human probability there will take place between now and then great changes. Therefore it is difficult to now say what the Government will want to do 50 years hence or whether it would want to take over these great developments and, as a Government, operate them. I believe most people agree that the probabilities are that the Government will not desire to take charge of at least all of the power plants that will be developed under this bill at the end of the 50-year period. If in these leases we make it difficult or hazardous or expensive or unreasonable for the Government to take them over at that time we simply add to the theory that the lease is in fact perpetual.

In the first place, the bill as drawn provides that the Government, and nobody else, may take these leases over under certain conditions. I believe most people agree that what we ought to provide for would be that the Government should have the right, first, to take them over if it wanted to do so, and, second, that it ought to have, either by special or general act, power at that that time to lease them to somebody else. There may be a lease, in the first instance, made to a corporation, and 50 years from now the Government may think it wise and best for the interests of the people to permit some municipality, some county, or some other political subdivision of the State to take over that power, if they so desire. Under the bill as it is drawn there is not any such right contained in it. The Government itself must take it over; it can not designate anyone else to do it. The amendment which I have proposed provides—

That upon not less than two years' notice prior to the expiration of any grant made hereunder—

That would be two years before the expiration of the 50-year period—

and any time after the expiration of such grant, upon one year's notice, the United States, or any person authorized by Congress, shall have the right to take over—

And so forth.

So I have provided in the amendment that, if Congress so desires, at the expiration of this 50-year period any of these powers can be taken over by persons designated in the law that Congress shall pass. The amendment says "any person authorized by Congress." In the beginning of the bill the word "person" is defined, so that it would include any corporation, municipality, or anyone that Congress in its wisdom desired should have the right to take over any of these developments.

Mr. President, why should we not now, in trying to look ahead for 50 years, put into the law a provision that should, as nearly as we can, fully protect the Government and the people and the rights of Congress as representing the people that may develop and may exist at that time? It, of course, would not be right to take over a power plant without compensation unless the owners of it had been permitted to charge such rates, during the 50-year period, as would enable them to recoup themselves for the original cost. The bill itself not only limits to the Government the power to take these plants over but it imposes so many hardships and so many difficulties that neither the Government nor anybody else at the end of the 50-year period can afford to take them over.

Section 6, which I am trying to strike out, provides:

And upon the taking over by the United States of all the property of the grantee dependent in whole or in part for its usefulness upon the rights hereunder granted which are necessary and appurtenant or acquired and valuable or serviceable in the distribution of water or in the generation, transmission, and distribution of power—

Under that language what must the Government take over?

All the property of the grantee dependent in whole or in part for its usefulness upon the rights hereunder granted.

There might arise a great dispute as to whether any particular property was dependent for its usefulness on the plant; but this section goes to the limit and says if it is dependent, even in part, for its usefulness upon the water-power plant, the Government must take it over. Suppose a power corporation had built an office building and had their offices in that building. Although it could be used for ordinary commercial purposes in any city, the Government would be compelled to take it over. I do not believe that the Government would want to go into the business to that extent. The property may not necessarily be connected with the development of power or the generation of power or its transmission. Further, the Government must take over those improvements—

which are necessary and appurtenant or acquired and valuable or serviceable in the distribution of water.

Anything that has been acquired that is "valuable or serviceable in the distribution of water or in the generation, transmission, and distribution of power," and so forth, must be taken over. Let me read a little further:

And upon paying to the grantee the fair value of said property, together with the cost to the grantee of the lock or locks, or other aids to navigation, and all other capital expenditures required by the United States.

The fair value might be——

Mr. WALSH. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. WALSH. I rise to call the attention of the Senator to the fact that the language which is now engaging his attention is the language used in the Ferris bill.

Mr. NORRIS. To a large extent, that is true.

Mr. WALSH. I read from section 5 of the Ferris bill as it came from the House:

SEC. 5. That upon not less than three years' notice, which may be issued at any time after five years immediately prior to the expiration of any lease under this act, the United States shall have the right after the expiration of the lease to take over the properties which are dependent, in whole or in part, for their usefulness on the continuance of the lease herein provided for, and which may have been acquired by any lessee acting under the provisions of this act.

I want to suggest to the Senator that the language used in that bill was very carefully thought out, as he well knows.

Mr. NORRIS. I think so; yes; but the Senator will notice, to begin with, that this language does not give the right to the Government of the United States to re-lease the property to any-

body else; in other words, it must take it over itself. The United States must go into the business and remain in the business if it wants to take over any of these properties.

Mr. WALSH. Well, Mr. President, let me ask the Senator if he thinks that that is a fair criticism of the bill? It is true that it does not in express terms give the Government the right to transfer the lease to some one else, but if the Government takes it over it would undoubtedly have a right to turn it over to some one else.

Mr. NORRIS. Well, the Government would have to do it indirectly. I can see how, if the Government could comply with all of the other difficult conditions named in the recapture clause, after it had gotten and paid for the property it might then sell it to somebody else or lease it to somebody else; but there is no such authority given.

Mr. WALSH. It could anticipate it even, and the money could be provided by the person to whom the lease was to be turned over. But that is quite aside from the question which the Senator is now talking about.

Mr. NORRIS. Yes.

Mr. WALSH. The Senator is insisting——

Mr. NORRIS. I am talking about the difference between the amendment which I have offered and the bill before the Senate, which is a very different bill from the Ferris bill.

Mr. WALSH. I understand; but the Senator is insisting that the property which is to be taken over is too much; that the language of the bill is too broad; and I am simply inviting his attention to the fact that the language of this bill is exactly the language of the Ferris bill.

Mr. NORRIS. It is not the exact language all the way through.

Mr. WALSH. Not all the way through section 6, but all the way through so far as the question is concerned as to what property is to be taken over.

Mr. NORRIS. I have not examined the Ferris bill for some time; but, in my judgment, the Ferris bill does not require the taking over of as much property as does the pending bill; but, so far as that is concerned, it is not the section of the Ferris bill which I am offering as an amendment.

Mr. WALSH. I appreciate that distinctly, and I was endeavoring simply to call attention to this one feature of the amendment offered by the Senator from Nebraska, and no other feature of it, and to point out that the bill under consideration in the features now meeting his criticism is identical with the language of the Ferris bill.

Mr. NORRIS. Some of the language, so far as I have read it, is probably the same. I will take the Senator's word for that; but, as I look at it, while that may be some reason in favor of it—for the Ferris bill was a very carefully drawn and carefully considered bill—at least it is not a final or conclusive reason why the language proposed in the amendment which I have offered is not proper and is not an improvement over the so-called Shields bill, which is the bill I am trying to amend.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER (Mr. MYERS in the chair). Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I yield.

Mr. SHIELDS. I examined the Ferris bill again this morning and compared it with the provisions of this bill in this respect in connection with an examination of amendments offered by the Senator from Montana and by the Senator from Iowa upon a question similar to the one which is here involved. I was struck not only with the similarity of the language which the Senator is now discussing but with the fact that, outside of the charges imposed by the bill for the use of public land, the provisions of it in favor of the grantee, in my opinion, are much more liberal than those of this bill. I believe the Senator is familiar with the Ferris bill. Am I not correct that he is a member of the Public Lands Committee which considered and reported it?

Mr. NORRIS. Yes.

Mr. SHIELDS. Was there any minority report in that case?

Mr. NORRIS. No; there was not any minority report, but that does not mean that the entire committee was favorable to the bill as it was reported.

Mr. WORKS. Mr. President, I desire to say that the Senator from Nebraska is entirely mistaken. There was a minority report.

Mr. NORRIS. I was mistaken. The Senator from California has corrected me. He made a minority report.

Mr. SHIELDS. But the Senator from Nebraska did not join in it?

Mr. WORKS. I was not alone in making the report.

Mr. NORRIS. The Senator made it, I understood, but I do not know how many members of the committee signed it with him.

Mr. SHIELDS. The Senator from Nebraska agreed with the majority?

Mr. NORRIS. In the main I did, yes; but I was not in favor of all the amendments to which the majority agreed or of the entire bill.

Mr. SHIELDS. I wish to call the attention of the Senator to an amendment that I am going to offer so that he may consider it in connection with his discussion.

Mr. NORRIS. Very well. I yield to the Senator for that purpose.

Mr. SHIELDS. My attention was directed in reading this bill to the fact that, while it clearly contemplates that the Congress may release the property when taken over by the United States on forfeiture or at the expiration of the term, the rights and liabilities of the second lessee are provided for.

Mr. NORRIS. There is not any second lessee in this bill.

Mr. SHIELDS. But I think there ought to be some more express provision as to what the United States shall do in case it does not release the property. Therefore I wrote into the copy I am using an amendment which I am going to offer, and with the Senator's permission I will offer it now. It is to add to section 6, after the word "granted," in line 23, page 10, the following:

> When the property is acquired by the United States under the provisions of this bill it may be released for a like term upon like conditions or may be otherwise disposed of or operated by the United States under then existing law.

My recollection is that a provision similar to that is in the Ferris bill. I say "under the provisions of this bill" in the amendment because the United States might acquire it under the provisions of section 8 as well as under the provisions of section 6.

Mr. NORRIS. As I remember it—I think I am reading from the Ferris bill as it passed the House—section 6 in that bill reads as follows:

> That in the event the United States does not exercise its right to take over, maintain, and operate the properties as provided in section 5 hereof, or does not renew the lease to the original lessee upon such terms and conditions and for such periods as may be authorized under the then existing applicable laws, the Secretary of the Interior is authorized, upon the expiration of any lease under this act, to lease the properties of the original lessee to a new lessee upon such terms, under such conditions, and for such periods as applicable laws may then authorize, and upon the further condition that the new lessee shall pay for the properties as provided in section 5 of this act.

That provision of the Ferris bill as it passed the House recognized the fact that at the end of 50 years we can not tell what may be the conditions, what may be desirable, or what may be even possible. Therefore a provision was put in that at the expiration of the time the plant could be leased under laws that would be in existence at that time, assuming, I suppose, that Congress, taking into consideration new and changed conditions that might occur, would pass the necessary laws.

I should like to say to the Senator from Tennessee that while there are some provisions in the Ferris bill that I do not like, at the same time I should be glad to vote for this bill if he will make the necessary changes in it so that it will correspond to the Ferris bill as it passed the House, as far as it is applicable to navigable streams. When Senators cite the Ferris bill as authority the authority is being cited by men who, I presume, will oppose the Ferris bill when it comes up for consideration, if it ever does.

Mr. SHIELDS. I wish to say to the Senator in that connection that there are many provisions in the Ferris bill to which I do not give my assent and for which I do not expect to vote.

Mr. NORRIS. In the recapture clause in this particular amendment that I am attempting to strike out, the United States Government would, in my judgment, and as I construe it, be compelled to pay for the good will of the grantee, whatever that indefinite term may mean. It would be compelled to assume all the contracts that had been entered into. It would be compelled to pay for the prospective profits that might be due in the future. All of that, as I look at it, is absolutely wrong, and I have expressly prohibited it in the amendment I have offered.

I have provided in the amendment as follows——

Mr. SHAFROTH. What line, please?

Mr. NORRIS. I am commencing on line 6 of the printed amendment, page 2:

> Before taking possession the United States or the person authorized by Congress shall pay therefor (1) the actual cost to the grantee of lands or any interests therein purchased and used by the grantee in the generation and distribution of power—

The Government or the person authorized by Congress to take it over ought not to pay any more than the actual cost of any lands or interests in lands purchased and used by the grantee in the generation and distribution of power. In other words, whatever that land may be worth at the expiration of the 50-year period is not material, and the fair value of it at that time would not be fair for the Government to pay, for the reason that during all the 50-year period that they have operated the plant the grantee has been permitted in addition to other things to make a profit, in the selling of the power that he develops, upon the amount that he originally put into the land. The land has been made valuable, perhaps, and may be worth hundreds of times more than he paid for it; but it has been made valuable because of the right that has been given to him by the Government. In other words, it has a franchise value that has been given to it by the Government, and therefore the Government ought not to be required to pay more than it actually cost.

They shall pay, second—

the fair value of the other properties taken over, together with the cost to the grantee of the lock or locks or other aids to navigation and all other capital expenditures required by the United States.

The United States, or the person authorized by Congress, would have to pay the actual cost of the locks that they have put in; and that is fair, Mr. President, although the locks would be worth less money at that time than when the grantee put them in. But the grantee has expended money in building these locks, has been required to do it by the Government, and has been allowed to make a profit upon the money invested in those locks for the benefit of the United States; and I do not provide that they must pay what it would cost to replace them, or their fair value, because in perhaps every case the locks would not be as valuable at the end of 50 years as they would at the beginning, and they were put in not for the benefit of the grantee, but for the use and benefit of the Government. So I have carefully protected, it seems to me, and fairly protected, the rights of the grantee. He would get back the cost of the locks.

And all other capital expenditures required by the United States in assuming all contracts for electrical energy extending beyond the granting period which have had or may have the approval of the Secretary of War, and which were entered into in good faith and at a reasonable rate.

Now, I want to go back to the first item:

The actual cost of lands or interests therein and the fair value of other property shall be determined by agreement—

That is the same as the original bill—

In determining the fair value of the property other than lands or interests in lands allowance shall be made for deterioration, if any, of the existing structures and transmission lines—

That is another provision that ought to be put into every well-regulated recapture clause. Transmission lines and machinery and other similar things, in almost any manufacturing business, become less valuable as they are used and as new inventions are made, so that it may not be worth nearly as much as it cost—

And no value shall be claimed or allowed for the rights hereby granted for good will, going concern, profit in pending contracts for electrical energy, or for other conditions of current or prospective business, or for any other intangible element.

It is provided here that the property that must be taken over shall include—

the equipment necessary and useful for the generation of power and the transmission system from generation plant to initial points of distribution.

That is another place where this amendment changes the bill very materially. As I understand the bill as it stands, if the Government of the United States undertook to take over this property, it would have to take over the entire distribution system, no matter how great or how extensive. It might extend over many States and be connected with other dams and even with steam plants, anything connected with it in any way, the Government would have to take over and pay for. My amendment, it will be seen, limits that part of the transmission system that must be taken to the "transmission system from generation plant to initial point of distribution." This is a vastly different thing. The bill in this respect provides for additional things to such an extent that the taking over is absolutely impractical and in effect makes the grant perpetual.

Mr. President, I want to read some expressions from Secretary Lane on the recapture proposition:

It is self-evident, however, that the right should be retained to take over the works upon proper terms and conditions, in order that the same may be taken over and operated by the States or municipalities, and to do this the law and the permit must provide such terms and conditions as will be fair to the permittee, and at the same time not forever preclude the exercise of this right by the State or municipality, because of the impossible amounts required to be paid as a prerequisite to the recapture. It is evident that for the use of the public lands to be granted, no payment should be made to the permittee on that account—

Of course that particular sentence has no application here.

It is further evident that for lands acquired by the permittee during the course of the development payment should be made, but that payment should not include the unearned increment created by the community and not by the power developer. Nor should it include payment for "good will," franchise values, or intangible elements.

It would be interesting, Mr. President, to give the synopsis as he has given it here, I think, of the laws of several foreign countries, the recapture clauses provided by many of them. Some of them take the property over without compensation at the end of the period. Of course, in a case of that kind the rates permitted ought to be sufficient so that they could make that much in addition to the usual fair profit during the period.

I believe that the amendment I have offered is perfectly fair to the grantee and, as far as I am able to see, it fully protects the rights of the Government. It takes no property away from the grantee at the expiration of this period without paying what, under the circumstances, is fair and right. In the case of locks and dams it will cost the Government or the person authorized by the Government to take it over more than they are worth, because they will have to pay the actual cost. In the case of lands, the same rule works the other way. The grantee will get actual cost for the land, but will not be paid for profits, for the value of the land that has been made and increased by the rights which have been granted and the development of the country that has been permitted to take place under the privileges that have been granted by the law.

There ought to be care taken in this kind of a bill so that nothing would have to be paid to take over this lease, either by the Government or by some one named in the law, for any intangible element. Some of these developed powers would become very valuable. Some of them, while of but little value in their raw state, would be worth millions developed, with a business developed and the country developing about them. That is the intangible value; but that value has been made by a privilege given by all the people of the United States, and if they want to take the property they ought not to be required to pay the very value which they themselves have created.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Nevada?

Mr. NORRIS. I yield.

Mr. NEWLANDS. I should like to ask the Senator whether he has looked at similar provisions in the laws of France, particularly regarding the taking over by the Government of properties like these, which require governmental sanction, at the end of 50 or 100 years—whether he can state what are the usual terms imposed?

Mr. NORRIS. I have the law here, I think. I am looking for it.

Mr. HUSTING. Mr. President——

Mr. NORRIS. I yield to the Senator from Wisconsin.

Mr. HUSTING. I have it here, and I was going to help the Senator out. I have a brief outline of the law here.

Mr. NORRIS. Here it is:

In France power plants on national lands are developed under concessions for periods not exceeding 50 years, at the expiration of which period the grantee, if concession be not renewed, is required to restore the premises to the conditions previously existing or to deliver the plant to the nation without indemnity, as the nation may elect. The amount of rental to be paid is required to be fixed in the articles of concession.

They pay a rental like I thought they ought to put in this bill, but we have failed to do it.

In Norway the law authorizes the granting of concessions for power development for a minimum of 60 years and a maximum of 80 years. When the concession expires the land, with improvements and works, reverts to the Government. Various payments for the privilege are required, among them being the establishment of a poor fund under public control, the surrender of a certain percentage of produced power to the community, also to the General Government, and in certain specified developments there may be assessed a yearly tax of 1.25 crowns for every horsepower over 500.

Mr. WORKS. Mr. President——

Mr. NORRIS. I wish to read a few more.

Mr. WORKS. Then I will not disturb the Senator.

Mr. NEWLANDS. Has the Senator completed the reading?

Mr. NORRIS. No.

Mr. NEWLANDS. I beg pardon.

Mr. NORRIS. The laws of the Dominion of Canada authorize the issuance of licenses for 21 years, renewable for three further terms of like extent, at a fixed fee, payable annually, and provides that upon the termination of a license the works may be taken over by the Government upon payment of the value of the actual and tangible works and of any lands held in fee in connection therewith.

That is about what I provide for in my amendment here.

Still reading from the Dominion of Canada, it is expressly provided that the value of the rights and privileges granted, or the revenues, profits, or dividends being or likely to be derived therefrom, shall not be taken into consideration.

That is the same idea I have tried to incorporate in the amendment which I have offered and which is now pending.

The Province of Ontario authorizes a lease of water-power privileges for periods not exceeding 20 years, with the right of renewal for two further and successive terms of 10 years each, upon the rentals stated in the lease and upon such other terms and conditions as the minister may prescribe. Upon the termination of the lease the privileges, together with all dams and other structures or works made or erected by the lessee in connection therewith, revert to and become the property of the Crown, subject, however, to the right of the lessee to remove machinery, failing in which removal it shall become the property of the Crown, also subject to payment of compensation to the lessee of such sums as the minister may deem proper for buildings or structures of a permanent character and necessary or useful for the development or utilization of the water privilege.

In New Brunswick the lieutenant governor in council is authorized by law to lease or sell rights and privileges for water-power development upon such terms and conditions as to development and utilization as he may prescribe.

In the Provinces of Manitoba, Saskatchewan, Alberta, Yukon, and Northwest Territory the governor in council is authorized to make regulations for the diversion, taking, or use of water for power purposes, and for the construction of power-development works on public lands. He is also authorized to fix the fees, charges, rents, royalties, or dues to be paid and the rates to be charged.

In Queensland the law authorizes water-power development under special license, subject to such conditions and provisions as the Governor in Council shall determine for periods of 10 years.

I yield first to the Senator from California [Mr. WORKS]. I think he rose sometime ago.

Mr. WORKS. I wish to suggest to the Senator that he, in the position he takes, is overlooking the real matter of controversy upon this particular branch of the bill. On account of the dual form of our Government the cases that he cites from other countries have absolutely no application to the situation as it exists. It is perfectly well settled by the authorities, the decisions of the Federal courts and the State courts, without any dissent, that the waters of a stream belong to the State and that the Government of the United States has no ownership in the water and no control over it. The Senator's proposition involves the taking over of that water, in a sense, by measuring the compensation by the value of the use of the water.

Mr. NORRIS. No.

Mr. WORKS. Just a moment. The Government has no interest in the water, no ownership in it. It is simply the proprietary owner of a piece of land that happens to border on the stream. If that were not so there would be no objection to the position taken by the Senator if he desires to make money out of a proposition of this kind, but it is not a question of policy, of what is advisable to be done, but it is a question of power, of jurisdiction on the part of the National Government to impose any such regulation upon the flow and use of the water.

Mr. NEWLANDS. Mr. President——

Mr. NORRIS. Let me answer the Senator from California first. The amendment immediately before the Senate—I do not know whether the Senator from California was here when it was read—is not the charging of rates, as his question or his comment would seem to indicate. It is the recapture clause.

Of course some of the things I have read were connected with the rate-making proposition, but I want to say to the Senator that I do not claim, and I do not know of anyone who does, that the Government of the United States owns the water in these navigable streams. The Government of the United States has the power to regulate commerce. It can prevent the building of a dam in a stream if it wants to. It can, therefore, as I look at it, allow the building of a dam in a stream on such conditions and under such terms as it may demand, and the person damming it must comply with those conditions or not go into the business. No one is compelled to build a dam. So it is not the ownership of the water that is required here. It is a question of law as to whether we have a right under the Constitution to do this. I have no doubt about it. I know that very able lawyers disagree about it, but I presume if it is not anything but a question of law—and I do not see that it is anything else—if we are doing something that we have no right to do in granting certain privileges here to people to dam these streams, in due time the Supreme Court will check us up and what we do will be of no value. That is true whether my amendment is adopted or not. It is true in regard to this bill in any form, because under all forms and all branches of the bill and any other bill so far as I know pending here in regard to the navigable streams there are certain conditions which are demanded and exacted of the lessee, and if we have no power to exact them, then, of course, we are going beyond our power and our authority. If we have not any control over it I do not know who has.

Now, I want to say just a word about what the Senator said in reference to these citations having no value here, because of our dual form of government. We have a Federal Government and a State government, and those that I read from Norway and the various Provinces of Canada and France have different forms of government. It does not make any difference what you call it, whether it is a National Government or a State, the sovereign power that permits the damming of navigable streams on certain conditions is the controlling factor. In Norway the National Government is the sovereign power, the power that has control of navigation and regulates it. If we as a Federal Government do not exact any condition for the damming of a navigable stream, there is no body on earth who can. No one claims that the States have a right to do it.

So when we are acting as a Federal Government in permitting the building of a dam in a navigable stream and exacting certain conditions for that privilege we are occupying the same condition in reference to that stream as the Province of Ontario is when she grants that permission under certain conditions that she may exact, or the Norwegian Government when it does the same thing, or France when she does it.

So while in this case it is a Federal authority, it is the same authority coming from a Government having the same rights as though it were a State. If the State had control of navigation, if we had no Federal Constitution, or if a different construction had been placed on it and it had been decided that Congress had no authority over the damming and the obstruction of navigable streams and States had, then it is true the right to exact whatever conditions the law-making power might think best would be in the State and not in the Federal Government.

Mr. NEWLANDS. Mr. President, it seems to me that this is a very important subject. Of course I realize that there are complications in the consideration of it arising from the fact that we have a dual Government, but I imagine that in running streams there is no real property in anyone in the water itself. It is like a bird flying in the air; it is illusive, not reduced to profit.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER (Mr. SMITH of South Carolina in the chair). Does the Senator from Nevada yield to the Senator from California?

Mr. NEWLANDS. I do.

Mr. WORKS. Of course, the Senator is right in saying that there is no ownership in the use of the water; but there can be ownership in the right to the use of the water.

Mr. NEWLANDS. That is it.

Mr. WORKS. That is the important thing at last.

Mr. NEWLANDS. Now, then, we come to that view of the question. First, we admit that in flowing water there can be no property in the use of that water. There is only one use that the Federal Government has any control over, and that is the use of the water in interstate commerce for purposes of navigation. All other uses, I believe, are under the control of the respective States, but they are all uses. Here the State sovereignty is on the one hand and the national sovereignty on the other, each having control over certain uses of water. If the State sovereignty can attach conditions to that use, if it can attach conditions to the right of appropriating water for any beneficial purpose, why can not the National Government attach a condition for the use of the water over which it has control as a national use? The person who wishes to make use of the water that is clearly under the jurisdiction of the State can not exercise that use, it seems, without the consent of the National Government.

Mr. WORKS. Let me ask the Senator from Nevada if he takes the position that the United States Government has any right to appropriate the waters of a stream?

Mr. NEWLANDS. No.

Mr. WORKS. Its right in the water is limited to the use of it for the purposes of navigation, is it not?

Mr. NEWLANDS. For the purposes of navigation; I admit that; but the question is whether, having jurisdiction over that use, and when its jurisdiction is invoked for the purpose of getting a license to put an obstruction in a stream which may affect that use, it has not a right to attach conditions to such

a purpose, and just as much right as the State would have in granting a license for uses within its jurisdiction.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from California?

Mr. NEWLANDS. Certainly.

Mr. WORKS. I think the definition is quite clear. In the case of the State, it is exercising its sovereignty over the waters of the stream. The Government is simply a proprietary owner of the land. If the land is sought to be taken, its right in the stream is simply for the purpose of navigation, and therefore the National Government would have no more right to take away a part of the sovereignty of the State by inserting a condition in the laws than it would have to do it by any direct act of the National Government. That seems to me to be perfectly clear.

Mr. NEWLANDS. Mr. President, I was simply following out the question logically in my own mind whilst on my feet. I really have not given much consideration to this question. It does seem to me rather unfortunate if in legislating upon this subject we can not legislate in such a way as to protect future generations and to enable either the National sovereignty or the State sovereignty to protect those generations.

Mr. WORKS. The right and duty of protection, so far as the use of the stream is concerned, rest in the State. The Senator is simply assuming that the State will do its duty to protect the rights and interest of the public. It seems to me that there is no reason why the Government should step in and undertake to protect the future generations as against the sovereign right of the State to do that thing.

Mr. NEWLANDS. Now, we will assume that the United States Government gives a grantee the right to put up a certain obstruction in a navigable river for the development of water power. Does the Senator mean to be understood that in that case the State can step in and by proper legislation protect the future generations in such a way as that they can utilize this water in some other more effective way in the public interest?

Mr. WORKS. Undoubtedly, Mr. President. The right of the National Government is simply to permit the use of a navigable stream for some other purpose than that of navigation. Whenever the attempt is made to use the water for the development of power or for irrigation or for anything of that sort, then it comes directly under the jurisdiction of the State. The State might prevent the construction of a dam in a stream for any such purpose as that of the development of power, even if under the permit of the Government. Of course the Government can do it for the purpose of improving navigation. It can permit it for the purpose of developing power, for instance, but it can not go further than that. It has no power to vest in any corporation the right to take out or to use any of the waters of the stream for the purpose of developing power. That is simply taking upon the Government the jurisdiction that belongs to the State.

Now, these two things may go together, I will say to the Senator; that is, the Government may give the necessary permission to use a navigable stream for a purpose that is within the jurisdiction of the State. But, after all, when it comes to the construction of a dam and the effort to take out and use the water the right comes within the jurisdiction of the State, and the State may impose any condition that it sees proper.

Not only that, but if the water should be appropriated and used for the purpose of developing power, the State authorities would have the right to say that it should be used for another purpose, namely, for irrigation, or for domestic use, because of the greater importance to the public of that use. In other words, the power to deal with the question of the use of the water is absolutely under the power and control of the State, and it is a sovereign power. It can not be taken away by the Government by way of contract or in any other way.

Mr. NEWLANDS. There is great force in the Senators' argument, I must confess; but I would ask him, then, assuming that we have to deal with two sovereignties in order to protect future generations and give them perhaps what they are entitled to, what action would the Senator have? Would he have cooperative action between the Government and the States or would he have each one acting in a detached way on the subject?

Mr. WORKS. There must be cooperation in order to accomplish the result that is attempted by this bill. I will say to the Senator the first step or one of the necessary steps in the proceeding is to procure the consent of the Government that a navigable stream shall be used for that purpose; and whenever that right is given by the Government, then the functions of the State must come into operation. If the Government should grant this permit, unless the party procuring the permit complies with the State laws he could not use the water of the stream for the development of power or for any other use.

Mr. NEWLANDS. Is there anything, I will ask the Senator, in this bill which requires the grantee to show that he has complied with the State laws?

Mr. WORKS. Yes; one of the objections I made to the bill the other day was that it was impossible that the permittee could comply with both laws, because with the bill as it is now proposed to be enacted the State laws of California, I know, would be in direct conflict. I do not believe there could be a single project taken up and carried through under this law in my State. So I am not so very much interested in the question as to whether the bill passes. I do not believe there will ever be a single dam constructed for the purpose intended by the bill in my State under its provisions and the conditions that it contains.

Now, I have proposed an amendment here, which I expect to offer after awhile, simply providing that the Secretary of War may grant a permit to any municipal or private utility corporation to construct a dam in a navigable stream, imposing such conditions as will protect and preserve navigation; that if any public land be necessary the Secretary of the Interior may dispose of that land to the permittee if they can agree upon the price; if they can not, then giving the permittee the right to resort to condemnation proceedings in order to acquire the title as in other cases.

Now, what objection can there be to that simple way of doing it, if the object of this legislation is to promote the development of power? When the Secretary of War has done that thing he has done everything that is within his jurisdiction, and it seems to be an idle thing to undertake to cover this legislation up by all sorts of conditions that will prevent the development of power instead of appropriating it.

I have wondered a good many times who was the original ingenious patriot who conceived the idea of the National Government taking over to itself these properties at any time or under any circumstances. I am unable to understand or appreciate what possible reason there can be why the Government, by virtue of this present legislation, should be authorized 50 years hence to take over the property that has been acquired and developed by the permittee. Of course, Senators have different ideas about that matter, but I have never been able to understand why and for what reason that should be done.

If the Senator has any reason in his own mind for thinking that it is advisable to legislate now for a condition which may exist 50 years hence, with respect to the taking over of this property, I will be glad to have his views upon that subject, because I know he has broadly considered this question. Perhaps no other Member of the Senate has given greater attention to the question of the improvement of our rivers and harbors and various other improvements of that kind than the Senator from Nevada and I have great respect for his convictions and knowledge on the subject. But it does seem to me that in this proposed legislation we are attempting to go not only beyond the jurisdiction of the Government, but we are undertaking to legislate for future generations and that it may very well be left for legislation when the necessity for it arises.

Mr. NEWLANDS. Mr. President, I have not been able to attend this debate, having been very busy upon other matters, and I am perhaps entering upon a field which has already been covered. I am seeking information more than I am endeavoring to express fixed views.

I think there is great force in what the Senator from California says, that the jurisdiction of the National Government over these waters is a limited jurisdiction, and yet it has practically been declared to be a paramount jurisdiction; that is to say, the States can not exercise their sovereignty over certain uses of water in such a way as will interfere in any way with the control of the United States Government over navigation, and that makes the National Government practically an overlord in this whole business.

I simply want to protect the future, and I am groping my way along with a view to ascertaining some method by which it can be done now without leaving these questions to be adjusted in the future or without leaving the whole subject matter to so drift as to practically put it out of the control of either sovereignty 50 or 100 years hence. That is one reason why I object to this bill. I object to any piecemeal legislation upon this subject.

Mr. WORKS. I suggest to the Senator from Nevada that the whole trouble about this matter is that we are trying to settle the question by Federal legislation, the important thing of which must be settled by State legislation. We can not settle it for the States. We have no power to protect the interests of the citizens of the different States respecting a matter over

which the State alone has jurisdiction. The vice of this bill, which goes to every part of it, is the fact that we are attempting to legislate about a matter over which Congress has no jurisdiction.

Mr. NEWLANDS. Yes; but we can, it seems to me, provide the machinery by which the cooperation of the sovereigns can be secured, and that is what this bill lacks.

Mr. WORKS. Yes; we can do this much, Mr. President, and that is all we can do—remove any obstacle that would prevent the putting in of these dams for the purpose of developing power. In other words, we can give the consent of the National Government that the streams shall be used for that purpose, and when we have done that we have done everything the National Government can legitimately do.

Mr. NEWLANDS. But we know that the States have not always exercised their functions in the protection of the people, and that is one reason why the national power is sought to be exercised.

Mr. WORKS. That may be the trouble.

Mr. NEWLANDS. It does seem to me that by providing a fit system of cooperation between State sovereignties on the one hand and the national sovereignty on the other we can secure some method of action upon the part of both that will result in the proper protection of the future, and that is what I want to see accomplished. For that reason this bill is unsatisfactory to me. Any piecemeal legislation on this subject is unsatisfactory.

Mr. WORKS. I think the Senator is entirely right about that, and I sympathize with his desire to bring about the development of all these natural resources. I think we should be interested in doing that very thing. Certainly the Senator does not maintain that the National Government can take jurisdiction over the affairs of a State because the State is not doing its duty toward its citizens or exercising the functions that belong to it.

Mr. NEWLANDS. No; I do not think it can, but I do think that when the National Government is called upon to exercise its jurisdiction with reference to an issue that is clearly within its jurisdiction it can exercise it in such a way as to bring about cooperation with the States in the public interest, and thus avoid acting individually, throwing the whole subject matter of legislation into the distant future, when probably it would be utterly impossible to catch hold of the subject as it can be taken hold of now in the interest of the public.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator why at any future time—I care not when—the utility commissions of the States could not come in and regulate rates and thus prevent imposition by corporations?

Mr. NEWLANDS. Yes; but how about the uses of water for purposes that are not in the character of public utilities?

Mr. SHAFROTH. Well, there are none that are not of that character.

Mr. NEWLANDS. I imagine that the use of water power for the production of nitrates, for instance, would not be a public utility, would it?

Mr. SHAFROTH. I think it would. Why would it not?

Mr. SMOOT. The rates on the power would be subject to regulation.

Mr. NEWLANDS. Yes; but suppose a corporation is organized simply for the purpose of making nitrates through water power; it is not furnishing power to others; it is using it itself. How does the public-utility service of the various States operate in such a case?

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from California?

Mr. NEWLANDS. I do.

Mr. WORKS. The waters of the stream are absolutely under the control of the State, and the State can impose such conditions as it pleases, whether the water is sought to be appropriated for one purpose or for another. If it is a matter about the rates to be charged, it can be fixed; of course, the State has the authority to do that. If the water is sought to be appropriated for some purpose, the use of which can not be measured in that way, the State has the undoubted right to determine upon what conditions it shall be used for that or for any other purpose. It is completely within the control of the State.

Mr. SHAFROTH. And the National Government has not that power.

Mr. WORKS. It is completely within the control of the States, and the National Government has no such power.

Mr. NEWLANDS. Mr. President, I do not wish to be led into any legal or constitutional argument upon this question. I object to legislation that takes up this water question in sections and deals with it in that way. The water question, it seems to me, is a unit, and it ought to be considered in a very large way. We talk about property in water. We might as well talk about property in birds in the air or in wild animals in a state of nature. Water is elusive; it is making an eternal circuit; drunk up from our gulfs and oceans, it floats in the form of clouds through the remote interiors and is precipitated. It is the great agency of plant growth; it enters into every physical organization both of man and of beast, and is capable of uses that are very valuable to mankind. When master it forms one of the most destructive agencies of which we know. It seems to me that we ought to deal with the water question in a comprehensive way. And how are we dealing with it?

We passed an irrigation act that takes care of one phase of it; we have passed an act for the acquisition of various lands in the Appalachian Mountains and the White Mountains, and we have taken that phase of it; but in no adequate way. Whilst the power under which we acquired those lands was the power of interstate commerce and the promotion of navigation, nothing has ever been done to make those lands at all useful in navigation.

We are going on acquiring lands year after year in the most purposeless way, and we have got proposals to take hold of the drainage question—the question of our swamp lands; and we have two bills relating to water power, one relating to water power on navigable streams and the other relating to water power in the streams mainly nonnavigable, but which are the sources of navigable streams where the public owns land. Then we have got the use of water for navigation, and we are dealing with that in a separate way through the employment of the Corps of Engineers in the United States Army in channel digging and levee protection. Then, whilst admitting that all this water is under two jurisdictions—the National jurisdiction with reference to a certain use and the State jurisdiction with reference to all other uses—it is never sought to bring the sovereignties that have control over water in its entirety into such cooperation as to make legislation and administration effective.

I am told that this bill will be followed in a few days by the so-called Ferris bill, which relates to those streams where the public lands are. Why should that be considered separately from this bill? Why should the drainage of swamp lands be considered separately from this bill? Why should irrigation be considered separately? Why should we not consider in one bill all these uses with reference to which the national jurisdiction is invoked? Then why should we not in that very process bring the State into cooperation with such machinery as we shall organize, so that every use will be promoted in the interest of the public good?

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from California?

Mr. NEWLANDS. I do.

Mr. WORKS. I think I could suggest to the Senator from Nevada a reason why the Ferris bill and the one now before the Senate can not very well or very consistently be combined. This bill has at least a foundation of some jurisdiction on the part of the National Government to deal with the subject, because it grows out of the navigable character of the streams over which the Government has control; but the Ferris bill undertakes to deal with lands, as the Senator has suggested, that do not border on navigable streams, and the right to deal with that question is founded solely upon the ownership of the Government of the land itself. That, however, gives the National Government no jurisdiction over the use of the water; it has no interest in it at all of any kind. It is simply the proprietary owner of a piece of land that borders on a stream, and that is all. It has no more right to deal with the question as to how that water shall be used than would the private owner of land upon the stream—not the slightest. Therefore it has no real basis or foundation upon which to rest. It is a pure assumption, or attempted assumption, of power that does not exist in the Government. It is a usurpation, as suggested by the Senator from Colorado [Mr. SHAFROTH], and nothing short of it.

Mr. NEWLANDS. And yet the National Government must be solicitous to dispose of those lands in such a way as to advance the public good; and inasmuch as the jurisdiction of the waters is a divided one, it seems to me that there is the same need for cooperation there as there is in this case. I speak of cooperation in such a case as insuring legislation upon the part of both sovereignties that will be in the public interest, and I assume that a national board, brought into cooperation with a State board, would be able to devise some scheme of legislation and of administration that would advance the public interests.

I have no disposition at all to burden the permittees under this or under any other measure. I do not believe it is a wise thing

to attempt to exact tolls from the permittees for the privileges granted in this act or in any other act that relates to water. I do not think the Government should seek to make money in any way, because just to the extent that they impose burdens upon the permittees just to that extent the burdens imposed upon the ultimate consumers will be increased. Our effort should be to make the whole construction as cheap as possible, the operating expense as cheap as possible, with a view to making the rates as low as possible.

I wish some method could be devised by which these various bills which are now pending could be put into the hands of some subcommittee, chosen from the various committees that have jurisdiction of these various sections of the water question, which would present to Congress a full and comprehensive measure that would cover every use of water, the coordination of these various services, and cooperation with the States.

It seems to me we are dealing very unwisely with the whole subject. We are so averse to taking hold of this question in the large, which is the only way of taking hold of it, we are so dismayed by the big figures which adequate river development presents, that we are taking hold of each individual phase of the water question in the hope of saving money, and at the same time we are absolutely necessitating a larger expenditure in the future in order to cover the ground that can be now covered. We are also possibly endangering the entire scheme of full development of these rivers for every useful purpose and for the prevention of every destructive use.

I have an amendment here proposing to add to this bill the provisions of the river-regulation bill, which I have been urging for years. I imagine, however, that it would hardly be wise to press it, simply because I know there is a difference of opinion as to the extent to which we should go in that bill. Many are dismayed by the very large figures presented—$60,000,000 a year for 10 years—and many of my friends, who believe in the legislation, urge me to abandon these appropriations and the creation of this large fund and to content myself simply with an entering wedge by the creation of an organization that can gradually work out the system; but I think that the success of the whole movement depends upon a candid admission of its largeness and a calm facing of a large expenditure. I do not want to sneak into a great enterprise by any concealment as to the possible expenditure during the next 10 years. It seems to me to be the wiser way to accustom the American people and the Congress of the United States to the fact that this is a great, big problem that is going to involve an enormous expenditure—an expenditure which, in my judgment, will never end.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. LEE of Maryland in the chair). Does the Senator from Nevada yield to the Senator from Iowa?

Mr. NEWLANDS. Certainly.

Mr. CUMMINS. I have always been very strongly attracted to the general plan suggested by the Senator from Nevada, but I have always thought—and I think I have mentioned it to him on more than one occasion—that the plan must begin with an amendment to the Constitution.

I put to the Senator from Nevada this condition: In the State in which I live the beds of the navigable streams are owned by the State. Therefore one who desires to build a dam for the purpose of developing power, or for any other purpose, must go first to the State and secure the right to plant the dam upon the bed of the stream. Second, he must consult another interest, which is local in its character, namely, the riparian proprietor, who has a right in the flow of the stream. I rather agree with the Senator from Nevada that it is exceedingly vague to say that the State owns the water of a stream. It may be technically true, but in those States in which the common law prevails on that subject the riparian proprietor has an interest not only in the land which borders upon the stream, but he has a right in the stream itself and to the natural and ordinary flow of its waters. So that a person who desires to build a dam must first secure the consent of the State, because the dam is to be built on land that is owned by the State. He must next secure in some way the right to build the dam against the riparian owner if the riparian owner is affected by the structure. Then he must go to the General Government, and there the whole difficulty begins.

As an original proposition, I have always doubted the right of the General Government to say to an applicant who desires to build a dam in a navigable stream "You must not only not obstruct the stream for navigation, but you must so build your dam that it will improve navigation." I question that authority on the part of the General Government, and have always challenged it; but, no matter whether that doubt is well founded or not, the applicant must deal with these entities, and I have never been able to conceive of any way in which they could be gathered together and dealt with simultaneously or in concert. There is no way under our Constitution by which that can be accomplished, and if the Senator has a definite notion with regard to the way in which that can be done I would be very glad to hear him, even at the expense of the time that would be involved; but if there is no way under our Constitution, then the desirable purpose which the Senator from Nevada has in view can not be accomplished, no matter how many commissions may be created, no matter what functions of the various governments he may invoke. Is not that the real difficulty with the effective plan which the Senator from Nevada proposes?

Mr. NEWLANDS. Mr. President, in answer to the Senator——

Mr. SHAFROTH. Mr. President, with the permission of the Senator from Nevada, I should like to suggest to the Senator from Iowa, with relation to his statement that the proprietor of the land has a riparian right to the flow of the water, is not that true to the extent only where the State does not designate otherwise? I want to call the Senator's attention——

Mr. CUMMINS. I said, Mr. President—and of course the Senator from Colorado did not hear me—that my proposition was true where the common law with regard to the rights of riparian owners prevailed. I understand perfectly that it does not prevail in Colorado or in California. It has all been changed in those States and in other arid or semiarid regions.

Mr. SHAFROTH. I want to call the attention of the Senator to a case in Two hundred and twenty-ninth United States, page 54, and will just read a clause from the syllabus:

> The flow of the stream of a navigable river is in no sense private property, and there is no room for judicial review at the instance of a private owner of the banks of the stream of a determination by Congress that such flow is needed for the improvement of navigation.

Mr. CUMMINS. I assume that the Senator from Colorado will admit that the power of the General Government in securing navigation is paramount to the rights either of the State or of the riparian owner. That is perfectly well established.

Mr. SHAFROTH. Will not the Senator also concede that the power of the State government with relation to the use of that water is paramount to the right of the riparian owner?

Mr. CUMMINS. I have no doubt of that. Whenever the State sees fit to designate how the water shall be used, it is within its sovereign power, of course, and many States have designated how the water shall be used and who shall be entitled to its use; but I was putting to the Senator from Nevada a case founded upon the laws of my own State, which has not declared how the water shall be used or who shall use it, but permits the common law with regard to the rights of riparian owners to continue.

Mr. NEWLANDS. Mr. President, I will be glad to answer the query of the Senator from Iowa, but first I should like to ask him a question. He says that it would be impossible adequately to deal with the subject without a constitutional amendment. Now, what constitutional amendment does he have in view? An amendment that will put the whole control of the rivers in the hands of the National Government or the whole control of them in the hands of the States?

Mr. CUMMINS. Either the former or an amendment that will authorize the States and the General Government to act in concert in some fashion or other.

Mr. WORKS. Mr. President, if that is the conception which the Senator from Iowa has of this question, he is undoubtedly right in his position that we must first amend the Constitution. It is utterly impossible, under the Constitution as it is now, to vest either in the States or in the National Government the whole control of this question, because one has jurisdiction under the Constitution of one branch of it and the other of another branch of it, and both of them must be consulted before anything can be accomplished in the way of developing power or putting in a dam for any such purpose as that. So that until we amend the Constitution it is utterly impossible to vest this power either in the States or in the General Government.

Mr. NEWLANDS. I agree as to that, that without a constitutional amendment it would be impossible to vest the entire control of the rivers either in the National Government or in the States; but I do contend that these sovereigns can make businesslike arrangements with each other regarding any individual project. An entire river may be regarded as an individual project, and if the National Government can make a businesslike arrangement with all the States through which that river passes it could accomplish in that way, by negotiation and contract, the beneficial purpose that would be otherwise accomplished by a constitutional amendment, which would vest

the absolute and full control of the river either in the one sovereign or in the other.

Furthermore, we have not got a constitutional amendment which disposes of the matter in the way the Senator from Iowa suggests, and there is no likelihood that we will have one. We must meet present exigencies of extreme urgency, and it seems to me that the sensible and businesslike thing is to immediately provide the machinery by which the minds of the various sovereigns can meet, so as to enable them to exercise their powers in such a way that they will dovetail with each other and contribute to the same general purpose, instead of resulting in confusion and contradiction as between the sovereigns.

That is the main purpose of the bill which I have been urging. It contemplates the creation of a national commission with certain powers, among others the power, under certain conditions, of adjusting costs and benefits, we will say, in a particular project with the various States. It contemplates ultimately the creation of similar commissions by each one of the States, with powers either general or limited, possibly requiring State ratification, the ratification of the legislature, and so forth, yet the machinery being afforded for accomplishing the purpose of the full development of the river for every purpose.

I am not going to enlarge upon that bill now. I will state that the President is now, upon the urgent application of citizens of the State of Louisiana, making a careful study of the subject with the view of making some recommendation to Congress. I regard it as very unfortunate that we can not, by some system of teamwork among the committees having jurisdiction of this subject, bring into one bill every possible use that the States or the Nation can make of water and bring into exercise every jurisdiction that can in any way attach to water, or, at all events, furnish the machinery for so doing, and provide an ample fund not only for investigation, but for actual work. I think this sentiment will grow in the Senate; I am sure it is growing. I think, as we go along with these various bills, we are realizing all the time that it is important for us to deal broadly and comprehensively with the whole subject, and I think that we are, by this piecemeal legislation, letting the subject slip away from us, so that it will be very difficult for us to deal with it adequately in the future.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Nebraska.

Mr. SHAFROTH. Mr. President, I want to call attention to the amendment offered by the Senator from Nebraska to the bill which is being considered. The proposition of the Senator is to give certain powers to the National Government as to the termination of the permit which is granted; but to my mind the amendment throws an obstruction around the bill, so that in all likelihood no company would ever undertake the construction of dams as is intended to be done by this bill.

The Senator no doubt recognizes the fact that whenever navigation works are to be constructed they are going to cost a great deal of money. It will be necessary to find some one who is willing to put up that money, some one who will put up, not $100,000, but perhaps millions of dollars, and for the ostensible purpose, the primary purpose, of aiding navigation. That is not to cost the National Government one penny. It is a gift on the part of this company. Now, these companies will not do that unless they get a return for it; and whenever you put obstructions in the way and impair their rights they are going to say: "No; we will not undertake this enterprise at all"; and thus stagnation will take place, just as it has existed in the United States.

I believe that the National Government, not having any jurisdiction over water except for purposes of navigation, ought to impose just as few restrictions as possible, because it is a State function to take care of the rates that may be charged; and this very bill recognizes that in another section of the bill, which gives to the State full power to regulate rates. If you hamper the construction by too many "ifs" and "ands" you are not going to get any power there to be regulated by the States.

For that reason it seems to me that all of these motions that are made, apparently—and in good faith, too—for the protection of future generations and for the protection of the people, intended, no doubt, for that purpose, will work a defeat of the very object of the bill. Inasmuch as that might occur, and in my judgment very likely will occur, why can we not leave these things just where the law places them, namely, in the States and in the public-utility commissions of the States?

Mr. SHEPPARD. Mr. President, will the Senator yield to me?

Mr. SHAFROTH. I yield to the Senator from Texas.

Mr. SHEPPARD. Is power given anywhere to the State to levy a charge for the privilege of erecting the dam?

Mr. SHAFROTH. Oh, yes; it can do so. It can make a charge. It has full jurisdiction as to the use of the water, and it can prescribe under what terms it can be used.

Mr. SHIELDS. Mr. President, will the Senator allow me to answer the question asked by the Senator from Texas?

Mr. SHAFROTH. Yes; I shall be glad to have the Senator do so.

Mr. SHIELDS. The constitution of Texas, I think, is very much like that of Tennessee. In fact, I understood that the original constitution which Gen. Houston had adopted in that State was an exact copy.

Mr. SHEPPARD. The State of Texas owes much to Tennessee, Mr. President.

Mr. SHIELDS. But the provision to which I am going to refer is common to all constitutions. The general assemblies of the States are authorized to create privileges, and they can declare almost any business a privilege, and can tax it. The States can declare the business of these water companies a privilege, and can tax them according to the size of the town they are in, or according to the business they do, or in almost any form they may please. Wherever these water-power developments have been made they do tax the privilege, the franchise, and the companies pay a State tax, and every dollar that is put on them here in the way of a charge is taking that much revenue out of the treasuries of the States.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from California?

Mr. SHAFROTH. I yield to the Senator.

Mr. WORKS. The State has the undoubted right to impose such conditions as it sees proper to impose respecting the use of the water; but the policy of the State, I think uniformly, is not to impose any additional burden on the use of the water, because the State is regarded as a trustee for the people in handling the water. The water really belongs to the people. It is for their use. We are adding one more burden to the consumer whenever we impose any condition that involves the payment of any additional amount. Whatever the power of the State may be in that respect, it is never exercised, so far as I know; certainly not in the State of California.

Mr. SHAFROTH. I do not think it has ever been exercised in the State of Colorado, either; and, as the Senator has said, the object is to impose as few burdens as possible, so that under the law which gives the public-utility commission jurisdiction of rates the company can not dodge the fact that they are chargeable with reducing rates by saying that they have other burdens imposed upon them. Experience has shown that whenever a tax of any kind is imposed upon a corporation which is required to furnish any public service, by the time the consumer gets to pay the rate charged for the service he is bound to pay it back, and it is multiplied three or four times; and thereby the State, acting as trustee for its people, would be in effect not acting in the highest interest of the people by imposing these preliminary burdens upon them.

I have an illustration of that in the franchises that are granted by the cities. They make contracts with corporations. A corporation says: "We want to get a street franchise here," and the city immediately says: "Well, what is going to be your rate?" "I will charge so much per passenger"; or, if it is an electric-light company—this being a case involving electric power, perhaps I had better illustrate it in that way—"I want to put up an electric-light plant and use the streets of your city." The city often asks: "Well, what will you give for this thing?" They say: "We will give $100,000." That seems like a great big amount of money, and the city probably needs that amount of money for some particular purpose, and it seizes upon it and says: "Yes; we will take that, provided you furnish the electricity at, say, 10 cents per kilowatt-hour," or "6 cents per kilowatt-hour." Then, Mr. President, there comes an improvement, an invention within a few years afterwards, and by reason of that invention the cost of electricity is reduced a third, or more than a third.

Mr. HUSTING. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Wisconsin?

Mr. SHAFROTH. In just a few minutes.

Take the use of the tungsten burner. The tungsten burner has decreased the price of electricity, or the amount of power used in lighting incandescent lamps, to one-third what it was. In other words, upon a certain given power that formerly was used the tungsten burner now creates three times the illumination that would be created by the old burner, and consequently the price ought to be reduced. But no company will go in and get a franchise from a city and pay for it upon any such basis, not knowing whether such improvements will be made or not.

Mr. HUSTING. Mr. President——

Mr. SHAFROTH. The result is that they make a contract; they get the $100,000, and then, when the public-utility commission comes around and says, "Here, why are you charging this amount?" the answer is, "Why, we have a contract with the public authorities, which contract is to the effect that for this $100,000 our rates for 20 years shall be so much," and you can not get jurisdiction over them to regulate them. Yet, at the same time, the decrease in the cost of the very thing for which the city has made the contract has been such that if there had been no contract made and if there had been no $100,000 paid there would be a saving to the people, through the action of the utility commissions, of millions of dollars often. It is not wise policy nor economical policy to accept $100,000 for something which deprives you of the right of regulation, which might and often would save the people millions of dollars.

Mr. HUSTING. Mr. President, will the Senator yield?

Mr. SHAFROTH. I yield to the Senator from Wisconsin.

Mr. HUSTING. I wanted to interrupt the Senator before he got away from the question of taxation. Do I understand, from what the Senator has said, that the State of Colorado taxes the public-utility corporation?

Mr. SHAFROTH. Not for its franchise, because the city grants it.

Mr. HUSTING. No; I mean on its property.

Mr. SHAFROTH. Oh, yes.

Mr. HUSTING. And there are State taxes and municipal taxes?

Mr. SHAFROTH. Yes; and county taxes.

Mr. HUSTING. And the Senator thinks that the man who travels on the railway pays that tax?

Mr. SHAFROTH. To a certain extent, of course.

Mr. HUSTING. I understood the Senator to say to every extent—that he pays it all.

Mr. SHAFROTH. Oh, I have no doubt that if you impose a burden on any enterprise—I care not what it is—ultimately the consumer has to pay it, and not only has to pay it but has to pay it three or four times over; because when the company has to pay this tax it has a speculative feature in it, and the result is that it wants a profit, and it is not going to take the ordinary profit of 10 or 20 per cent, but it is going to double the price or perhaps treble the price, and thereby the people will not get the benefit of the transaction.

Mr. HUSTING. I want to ask the Senator, then, what is the use of taxing them? Why not put the entire tax on the laborer and cut out all other taxes and make it a direct tax and save the expense of collection of taxes, which is very high? Why not impose the tax directly on the last man and make him pay it and exempt everybody else from taxation—public utilities, railroads, and everybody except the ultimate consumer?

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from California?

Mr. SHAFROTH. I yield to the Senator.

Mr. WORKS. I should think the Senator from Wisconsin might distinguish between the cases he has suggested and a case like this, where by imposing a burden of this kind a tax is imposed upon a few consumers. The tax is not uniform, extending over the State. I may say that one of the strongest reasons why the representatives of the Western States are objecting to the imposition of this additional burden is that it is in direct opposition to the policy of the State itself. The State will not impose this additional burden, and very naturally, as the trustee of the people who have the right to use the water, it objects to the National Government imposing that burden and increasing the rates to the consumers.

Mr. HUSTING. Now, I should like to have the Senator from Colorado answer my question, if he will.

Mr. SHAFROTH. I will state to the Senator from Wisconsin that, of course, you have got to have money with which to run a government. There is no doubt about that. On that account you have got to levy taxes, and you have got to collect them, and it has got to cost something to collect them. But, as a matter of fact, whenever you impose a burden upon an enterprise you will find that the enterprise is going to get out of what it pays for the privilege or what it pays for the right to do the business. You will find that it is going to get out two for one, or three for one, on the consumer himself.

Mr. HUSTING. Then the method that the Senator suggests finally doubles or trebles the tax on the consumer. Why go about the matter in this roundabout way, especially if you want the revenue quickly? Why not levy the tax directly on the consumer and make him pay it immediately, and cut out all the expenses of an intermediate collection of taxes and filtering it through all these various bodies, if the Senator's theory is correct?

Mr. SHAFROTH. I hardly see the application of the Senator's statement to the conditions that are sought to be imposed here. In the first place, here is an attempt to make a charge for a privilege over which the Federal Government has no control whatever. I have not heard a single Senator claim that the Federal Government has any control over water power, no matter where it is located. Consequently, it has no right to make a charge unless it usurps the right of the State, and when it does that it does a wrong to the State. Now, the States are able to take care of these matters, and they will do it much better than this Congress will. I will tell you that. They will impose the proper burden at the proper place, but they are not going to cripple an enterprise of this kind when, as a matter of fact, it would not undertake it at all with such a charge. If it does, then it is a legitimate charge, and the State has a right to do it. But when the National Government, admitting that it has not any right whatever to a drop of water that flows in a navigable stream or in an unnavigable stream, either, says, "We want this much money out of it," it is equivalent to saying, "We will not permit the development unless you do something," which is a usurpation of the rights of the State.

Mr. MARTINE of New Jersey. Mr. President, I should like to ask the Senator for what reason and purpose, then, do these people come to the Congress of the United States? Why do they come and ask this privilege if we have no authority or right in the premises?

Mr. SHAFROTH. Why, in this instance, for example, you can not obstruct a navigable stream, you can not put a dam in it, without the consent of the United States.

Mr. MARTINE of New Jersey. Unquestionably. Then that consent is valuable.

Mr. SHAFROTH. No.

Mr. MARTINE of New Jersey. That is what they seek, and that is why they come. If that be true, pray why should we not make a charge in the interest of the whole people? These companies are not entering into this enterprise for the love of humanity. They are doing it for the profits that may come and for the value of the franchise that they may hold for 50 years, and mayhap for all time.

Mr. WORKS. Mr. President, I suggest to the Senator from New Jersey that while it may be a benefit to the party who acquires the right to construct the dam, it is in no sense a detriment to the Government.

Mr. MARTINE of New Jersey. Unquestionably, it may not be.

Mr. WORKS. Therefore the Government can not, in justice, require that there shall be paid, as a condition of the grant, an amount that comes back eventually to the consumer.

Mr. MARTINE of New Jersey. That may be true with reference to every franchise and every privilege that is given.

Mr. WORKS. Certainly.

Mr. MARTINE of New Jersey. The grant of eminent domain comes back ultimately, you may say, to the consumer. It is a gift of the Nation. When the great railroads were built across the continent——

Mr. WORKS. No, Mr. President. If the effort is made to take property by condemnation proceedings, that is taking something that is of value to the Government, and for which it should be paid.

Mr. MARTINE of New Jersey. Well, I can not be made to believe that. I feel that we would not be doing justice to ourselves nor to the constituents we represent in this body if we granted away—or, I should say, frittered away—these enormously valuable privileges and rights to private corporations without a recompense. As I said the other day, I would rather wait. You say that unless we do this the power will not be developed for 50 years. Then we had better wait a hundred years, and develop it then, rather than have these rights frittered away and put into the hands of greedy private monopolies. I believe that is the vice of the pending measure.

Mr. SHAFROTH. There would be something in the argument which the Senator makes if there were not a regulating commission, but the State has a regulating commission.

Mr. MARTINE of New Jersey. True; to regulate public utilities.

Mr. SHAFROTH. Yes.

Mr. MARTINE of New Jersey. Suppose a man starts a shoe factory. That would be, in a way, a public utility. Suppose he starts a gristmill, if you choose. Could your regulating commission reach that?

Mr. WORKS. Mr. President——

Mr. SHAFROTH. I yield to the Senator from California.

Mr. WORKS. The Senator from New Jersey, like a good many other people, assumes that we are granting to somebody a franchise to use the waters of the stream, which is not true in any sense. We are not granting any franchise. We are simply giving a privilege to construct a dam in a stream that does the Government no harm or detriment. We are granting no franchise whatever.

Mr. MARTINE of New Jersey. True. A perpetual privilege and a perpetual franchise, however, are one and the same thing. They are the same thing with different names.

I do not want to believe that the men who are prompting these measures are here for selfish purposes. I know that they are not. I know to the contrary. But I also know that there is a great organized force in this country that is standing ready and greedy for every opportunity to acquire the public domain and every opportunity to acquire great privileges in water power or other privileges that may come; and I feel that it is not our part to defend them, but rather first to defend the people.

Mr. SHAFROTH. Mr. President, I think the Senator makes a wrong inference if he thinks that any man in this body——

Mr. MARTINE of New Jersey. I did not say that. I said distinctly to the contrary. I said I do not believe that any gentleman here has any such motive; but there is a great organized force and a great body in this country that is attempting at this and every other opportunity to enrich itself at public expense.

Mr. SHAFROTH. On the question of there being an organized body, a person could just as well say that it is to the interest of the people who have patented coal lands, for instance, or who already have their water sites located and operated, not to permit any competing ones, because their price might be cut down by reason of it. That is not the proposition at all. The proposition here is, What is the best thing for the people?

Now, here is an illustration. I should like to know whether anybody believes that railroad building would ever have been as extensively carried on in the United States as it has been if a charge had been made upon the part of the National Government? We know that on the public lands, for instance, here comes a railroad. What has it got to do? It files its line of definite location. That is all. What does it do then? It is required to begin construction within a certain time and then it gets its right of way. There is no obstruction whatever. The result is that it builds its line, and these different railroads compete with each other; and while there may be combinations, there are public-utility bodies that are taking into consideration the amount which they have invested as capital and permitting them to earn no more than a fair dividend upon it.

But suppose, as in the case of city franchises, a pittance is paid to the city and thereby the jurisdiction of the public-utility body is cut off. The result is that you fritter away for a small sum the rights of the people to such an extent that they have to pay two, three, and probably four times the amount that is paid into the city treasury for the privilege.

That, however, is a matter of State affair. Can you not let the people who ought to have the payment of these matters determine the question? Is it possible that the Congress of the United States over here should say, "We know best what is to the interest of Colorado, and therefore we will not leave it to you, but we will fix it according to our notion"? We have tried that, Mr. President, with relation to the public lands and the water-power sites out there, and the result is that we have had hardly any development at all, as was shown by the Senator from Montana, where the development took place previously to the withdrawal order of 1909.

Is it possible that you should do that injury to the people? Is it possible that they can not have the privilege of attending to this matter as they please? I can assure you that they will take a good deal better care of their own people and save a good deal more the exactions upon the people than will the Congress of the United States.

Mr. President, the amendment offered by the Senator from Nebraska simply increases these burdens. It increases them in the event that the United States wants to take over the plant and transfer it to somebody else. There would be another objection to it on the ground that these companies will undoubtedly have to bond their plants, and in bonding a plant it may be that at the end of 40 years or 30 years they will want to issue more bonds upon it or renew their bonds, and the result is that it will hamper the concern and will make the company hesitate as to whether or not they will ever make the improvement.

Mr. MARTINE of New Jersey. Mr. President, the Senator refers to bonding their plant. I have not a doubt that they will bond it and stock it and restock it, and the public will have to pay the interest on it. That is the history of every one of these great corporations.

Mr. SHAFROTH. I must say that the United States is at fault if that is being done. I must say that we ought to have passed a law providing that before a corporation can do anything in interstate commerce it should be permitted to organize only upon the appraised value at which the property is put in and to the extent of that appraised value, and no more, it can issue stock and issue bonds. I am heartily in favor of that and always have been. I always have insisted upon that being done in State affairs. You will control the matter in that way. I do not see why we hesitated after we started to do that. It simply shows that we are not as keen about these matters as are the people themselves in the States, and for that reason it seems to me that that legislation ought to be enacted by this Congress.

Mr. CUMMINS. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Iowa.

Mr. CUMMINS. Suppose the bill provided, in the section now under discussion, that when the United States takes the property at the end of 50 years, or whenever the permission expires, it shall pay double the value of the property, and some one should move to reduce that to the value of the property. Would the Senator vote for or against that motion?

Mr. SHAFROTH. Oh, well, after the contract has been entered into with the Government of course it ought to be complied with, whatever it is; but I must say that that goes to the very question of whether or not the company is going to go into the development. There is the feature. If too many restrictions are placed around it, the company will say "Well, we do not want to improve these navigable streams for the Government. We do not want to take out a million or two million dollars of our money and give it to the Government, and rely upon getting an income from power which may or may not turn out to be profitable."

Mr. CUMMINS. Does the Senator think that in order to induce the investment of capital it is necessary for the Government to agree to pay a great deal more than the value of the property when the lease expires?

Mr. SHAFROTH. Oh, no; I do not know that it is at all.

Mr. CUMMINS. That is the very point involved in the amendment of the Senator from Nebraska.

Mr. SHAFROTH. No; it is not. There are a great many distinctions.

Mr. CUMMINS. He says, and I think, that it requires on the part of the Government a payment of much more than the value of the property.

Mr. SHAFROTH. No, Mr. President; the situation is this: It is one of those conditions which the party, in undertaking the enterprise, studies to determine whether or not he is going to lose money on his investment. That is what is bound to come to his mind. The result is that all of these obstructions in that line have a tendency to make him say: "No; I will not undertake it."

You now have upon the statute books a law for the improvement of navigable streams, but why have you not been able to do anything under it? It is because of the restrictions that have been thrown around it. We want these powers developed.

Mr. WALSH. Mr. President, what are those restrictions in the present act that prevent its operation?

Mr. SHAFROTH. One restriction is that in fixing the charge you can take into consideration any reservoirs that may have been constructed; you can take into consideration a forestry system which the Government has established. All of that can be taken into consideration in determining what should be the charge. Those are very serious objections, it seems to me.

Mr. WALSH. Does the Senator know that any man has made an application for a permit and has refused to take it because the charge was too high?

Mr. SHAFROTH. No; I do not know. I think any person who would read the act would say: "Why, I can not comply with that and therefore I will not make any application."

Mr. WALSH. Now let me ask the Senator this question: Is not the present act unworkable because before you can do anything at all with it you have got to come here and get a special act passed?

Mr. SHAFROTH. That is one of the reasons; but still they can do it; and then, at the end of 50 years, if it is a proposition that pays at all, you are going to have a question as to whether or not the permit can be revoked and whether you will not be having competing people here for the purpose of trying to oust the person who has the plant; and that is something that he takes into consideration at the start. It is an obstruction in the way of getting him to put in his money to

improve these sites and to improve navigation; and whenever you make such a requirement you obstruct it.

They used to tell me to make permits revocable. They said, "Oh, yes; let them be revocable, because the Government never will revoke the permit of any enterprise that is doing fairly well and trying to obey the law." But we found that there was one man who two days before he went out of office revoked 40 permits upon which millions of dollars had been spent by people, one of the plants furnishing electricity to the city of Denver for light and power; and yet, without any reason—no violation of any rule, no violation of anything, but just because it was said that they wanted to force a leasing system upon the Government—those permits were revoked.

Mr. WORKS. Mr. President——

Mr. SHAFROTH. I yield to the Senator from California.

Mr. WORKS. Mr. President, it has been suggested by the Senator from New Jersey [Mr. MARTINE] that there might be a watering of the stock and an overissue of bonds and various other things. In the State of California we are strictly guarded against anything of that sort. The railroad commission of California has a right to determine just what amount of stock shall be issued and what amount of bonds shall be issued, and the water commission has the absolute control of the use of the water and the charges that shall be made for it.

There could be devised no better system, in my judgment, than we have in the State of California, and we are dealing with a matter over which we have jurisdiction. The Senator would have the National Government interfere and attempt to control a matter over which it has no jurisdiction, and in a much more imperfect way, I am afraid.

Mr. SHAFROTH. Mr. President, nine-tenths of these water-power plants will be constructed upon land that is not owned by the Government, nor does the Government own within probably 100 miles of them. It does not own the land. It does not own the water in those instances. It gets the companies to put up a million or two million dollars for the purpose of making the river navigable, and yet it wants to impose burdens and hardships and a franchise tax, as it were, as has been asserted by some, for the purpose of getting something for this which it does not own.

Mr. President, I do not think it is fair. If there is any benefit to come from this thing, it ought to go to the States. It is the States that own the water. They have a right to control it. The proprietor of the land is entitled to nothing more than it is worth. The Government is simply the owner of the water in a proprietary sense and not by right of exercising any jurisdiction whatever over it.

I hope the amendment of the Senator from Nebraska will be defeated.

Mr. SHEPPARD. Mr. President, I have heard it said that under this bill one concern or one combination might obtain control of all the remaining water powers in the country. I wish to know from the Senator from Colorado whether he thinks that can be done.

Mr. SHAFROTH. I do not see how it can be done. They can not obtain any control without the consent of the Secretary of War.

Mr. SHEPPARD. True. But is there anything in the bill that will prevent one combination from making application after application to the Secretary of War, complying with all requirements, and finally obtaining control of all the remaining plants?

Mr. SHAFROTH. I think not. I can not conceive how it could be done.

Mr. SHEPPARD. Is there anything to prevent it in this bill?

Mr. SHAFROTH. Except that each contract is on a distinct and separate dam. That is what is provided. There is not any provision here for the grantee getting a number of dams. There has to be a separate contract in each case.

Mr. SHEPPARD. But might not the same company make separate contracts for the different plants?

Mr. SHAFROTH. I should not think so.

Mr. SHEPPARD. I am asking the question for information. In applications for coal lands one entryman is restricted to a certain amount or a certain territory.

Mr. SHAFROTH. Yes; but after he gets the land, of course he has a right to convey it. He has a right to alienate it.

Mr. SHEPPARD. But I understand that he can not get any more after he has a certain amount.

Mr. SHAFROTH. Yes; that may be.

Mr. SHEPPARD. Is there any such provision as that in this bill?

Mr. SHAFROTH. No; I do not think that there is any provision one way or the other. There is supposed to be a separate contract, and the Secretary of War is there to guard it. If he thinks there is anything of that kind, he can refuse to grant it.

Mr. SHEPPARD. There is nothing here that requires him to refuse to give the same concern, the same combination, the control of any number of water powers?

Mr. SHAFROTH. I can not conceive of any such condition ever arising. It is the first suggestion of the kind that has been made.

Mr. SHEPPARD. Has it not been shown in the report of the Secretary of Agriculture, after a careful investigation, that one concern now owns practically all the water powers, or nearly all the water powers, now in operation?

Mr. SHAFROTH. In electric plants generally there has been a combination, and that ought to be stopped. There is no doubt about that in my mind. I think that there ought to be a regulating force to compel them, and we have a regulating force in the State of Colorado. I read yesterday from the report of the commission on utilities where in one instance they saved some $300,000 to the people by reducing the rates that were charged.

Mr. SHEPPARD. But under this bill the State has no right to issue a permit to use the stream. That right must be first given by the Federal Government.

Mr. SHAFROTH. Of course, the permit of the Federal Government is in favor of letting them construct a dam so that it will not obstruct the stream, but the consent of the State must be obtained also. These dams can not be constructed by the Federal Government unless the State consents to it. It used to be entirely with the States. There never was a law upon it until recent years. For a hundred years past the National Government did not even interfere, assuming that in the interests of the people the States would prevent an obstruction to navigation. Now there have been some acts of Congress passed, and they have to come to Congress in order to get a bridge bill. It is the consent of Congress that must be obtained in order that the plans presented by people will not obstruct navigation. That is right, there is no doubt about it, because navigation is one of the high uses of the stream.

Mr. JONES. I wish to suggest to the Senator from Texas that section 12, it seems to me, covers the question he asked about as fully as we can cover it by a provision in the law. This is in addition to the discretion which exists in the Secretary of War. He grants permits one at a time. Has the Senator read section 12?

Mr. SHEPPARD. I have read section 12, but I do not see that it prevents one concern from being granted successive permits. Will the Senator read the section? He has it there.

Mr. JONES. I have it here. I thought the Senator understood what it is. It is as follows:

SEC. 12. That the works constructed and maintained under authority of this act shall not be owned, leased, trusteed, possessed, controlled, or operated by any device or in any manner so that they form part of or in any way effect any combination in the form of an unlawful trust or monopoly, or form the subject of any unlawful contract or conspiracy to limit the output of electric energy or in restraint of trade with foreign nations or between two or more States or Territories, or within any one State or Territory, in the generation, sale, or distribution of electric energy.

Mr. WORKS. Mr. President——

Mr. JONES. I will say that that section is almost word for word from a section in the Alaska coal act which was prepared by Secretary Garfield in order to prevent combinations in Alaska.

Mr. SHEPPARD. That section, however, does not prevent one legitimate concern from obtaining all the powers available.

Mr. JONES. I suppose not, if it buys them outright and becomes the owner of them.

Mr. SHEPPARD. That is the point I want to make. There is no specific provision in the bill prohibiting one combination or one concern from obtaining and controlling all the remaining available water powers covered by this bill.

Mr. JONES. Of course theoretically that is probably true, but as the Senator from Colorado said, practically that would be impossible. I do not see how we could go to the point the Senator from Texas suggests.

Mr. WORKS. Let me ask the Senator from Washington if he regards monopoly in applying water power by proper regulation to be an injury to the public?

Mr. JONES. I do not. I think inevitably it is very beneficial, and results in better service than any other way.

Mr. WORKS. I think all this cry about monopoly as applied to the use of water is of very little force.

Mr. JONES. I agree with the Senator.

Mr. WORKS. I think experience has shown beyond any doubt that it is better that there should be monopoly. We have this experience in California. We have two telephone companies

operating lines all over the State. The result is that we are paying the expenses of keeping up two of those plants where one would serve every purpose. Being properly regulated a monopoly is not harmful in the least.

Mr. JONES. That is the position of the leading advocates of so-called conservation, Mr. Pinchot and Mr. Fisher, as was shown the other day by quotations read by the Senator from Tennessee [Mr. SHIELDS].

Mr. HUSTING. Mr. President, in regard to the question put by the Senator from Texas [Mr. SHEPPARD], I will say that, of course, one company could secure eventually all the water-power developments licensed under this act. If it can not do it by a direct application for a license, it can do it by way of assignments from the original licensees. There is nothing here regulating the right of assignment in any way. Of course, these things may drift into the hands of one combination in a particular section and throughout the United States eventually. In that case, of course, the transmission of electricity could get into the hands of one institution.

Not only that, but this bill is very favorable to that end. It looks to me as though it makes it as easy as it possibly can be made by law. I do not think there is anything in the bill that any water-power concern attempting to get its hands upon the water power could possibly object to. There are no safeguards around the assignments. There is nothing to hinder these combinations. In fact, as was stated frankly by the Senator from Tennessee [Mr. SHIELDS], these combinations are desirable. Not only that, but this recapture clause in the bill provides, as I said a little while ago, that if the United States at the end of a 50-year period should want to take over one of these developments it would have to take over all of the transmission lines that are in any way connected together. It can not take a part. It can not take one unit here and one unit there. It must recapture the whole of it, and if it does not recapture the whole it can recapture no part of the whole. In other words, under the condition in the recapture clause the license will continue after the 50-year period, and hence the license is in effect a perpetual or an indeterminate one that may never terminate until or unless the United States decide to take over all the transmission business in the United States.

I say to all intents and purposes this is a perpetual franchise, subject, of course, to be terminated by impossible conditions, conditions that will never be accepted by the United States Government.

Mr. SHEPPARD. May I ask the Senator this question? If a citizen desires to obtain so much Government land for agricultural purposes, he is limited to a certain amount?

Mr. HUSTING. So I understand.

Mr. SHEPPARD. If he desires to make an entry on coal land, he is limited in the amount that may be assigned to him?

Mr. HUSTING. Certainly.

Mr. SHEPPARD. But in the assignment of water power—that is, the right to operate the water power, which is a Government possession, as much a part of the Government's domain and possession as coal or land on the public domain—there is no limit as to what one individual or one company may acquire?

Mr. HUSTING. I think the Senator from Texas has stated the proposition correctly. It is entirely true that the policy sought to be adopted here, or at least suggested, is different from that suggested in regard to any other public utility.

The Senator from Colorado referred to the building of railroads and the land grants, and he made the statement that we would not have had the development we have had if we had not done what we did do.

Mr. SHAFROTH. No; I did not refer to land grants. I thought the land grants were outrageous. The land grants by the Government in the aid of the construction of those roads made a donation of 155,000,000 acres of land, equal in area to all New England, Pennsylvania, New York, Delaware, Maryland, and Virginia, and it was outrageous to do so. But that just simply shows that Congress is not as safe as would be the people of the States interested.

Mr. HUSTING. I understood the Senator to say if we had not adopted the policy we did there would not have been any railroad construction.

Mr. SHAFROTH. I said in relation to regulating the right of way, 100 feet wide, where there is a definite line of location, the utility commission come in and say you must charge a reasonable rate. They reduced the rates last year $700,000. The railroads have been compelled to reduce their rates in the State of Colorado. So you can see the power given the utility commission, and you can see that the people are safe because they elect that commission.

Mr. HUSTING. I agree with the Senator in what he says about the outrageous land grants, but at the same time there must have been a potent argument advanced to carry that grant to those railroad companies. That is something that I think we must all agree was out of all proportion to the end sought to be accomplished.

Mr. MARTINE of New Jersey. If the Senator will permit me, he says there must have been something. I remember those land grants. It was not this Congress, but it was the Congress of the days of the crédit mobilier—of the policy of addition, division, and silence. Mum was the word in those days, and it went through.

Mr. HUSTING. Whatever it was, the Government disposed of the domain described by the Senator from Colorado. I say it would seem that if we had taken that domain and put it upon the market under proper terms and conditions we could have gotten enough money out of it to build these railroads ourselves. I go further than that and say that if we would have leased our coal lands, and imposed a royalty of a fraction of 1 per cent upon the product, and if we would have taken our oil lands and disposed of them in the same way, making people pay into the Treasury of the Government a small percentage of royalty, much less than they have to pay now to the owners of the fee, they would have been treated much better by the Government; that is, if the Government had remained the proprietor. The initial grantee did not get anything out of it probably, but, at any rate, the present owners who get the royalties from the operators get royalties far in excess of what the Government would have demanded.

Mr. CLARK of Wyoming. Will the Senator yield for a question?

Mr. HUSTING. Certainly.

Mr. CLARK of Wyoming. Following the Senator's line of argument, would it not be equally applicable to agricultural lands that have passed out of the hands of the Government?

Mr. HUSTING. Not at all. I think that is a far different proposition. There the development of those resources was dependent upon the individual, the man on the place, who, through his work, through his attention to business, developed his farm and made it contribute something to the general betterment, whereas coal land and oil land and things of that kind were granted away to the individual without any reference to the development of the same for coal or oil purposes.

Mr. CLARK of Wyoming. I do not want to continue the controversy, but the Senator is certainly mistaken. The development of coal land and oil land and the precious metals has been brought about by as much hardship and as much individual labor as the development of agricultural land.

Mr. HUSTING. That is very true in the last analysis, but not by the initial grantee.

Mr. CLARK of Wyoming. By the original discoverer. He is the one who does the work.

Mr. HUSTING. By the original discoverer that is true, but to whom did he pay the royalty? He paid his royalty or the equivalent of it to the man who happened to own it and who got it.

Mr. CLARK of Wyoming. The Government owned it and never got any royalty from it.

Mr. HUSTING. I can not follow that argument, for this reason: Those lands were sold without any reference to their mineral value because they were sold to anyone who wanted a homestead, and subsequently oil and minerals were found on the place. Some one went and made a bargain with the owner who, perhaps, knew of the mineral wealth on his place, and who never concerned himself with that until some one else discovered it. He is the man who got the profit out of it. He now gets the royalty instead of the royalty going into the Treasury of the United States. That is the only difference.

Mr. SHAFROTH. Mr. President, in metalliferous mining surely the Senator recognizes the fact that the prospector and those to whom he sells are the individuals who get the money afterwards. Somebody may buy it and pay a large price for it and make money, but the prospector is the man who had it by right of discovery.

Mr. HUSTING. I am not referring to gold mining or placer mining or anything of that kind.

Mr. SHAFROTH. Surely the Senator thinks gold mines and silver mines and lead mines ought to pay a royalty if coal or phosphate or something of that kind ought to pay it?

Mr. HUSTING. No; I do not think so.

Mr. SHAFROTH. Now let me suggest——

Mr. HUSTING. Because I do not class them with the commodities I am talking about. I am talking about something everybody must have, something that is easily discoverable, like coal or oil and perhaps our heavily timbered lands that were visible, of course, and that were disposed of without any reference to their value as timber.

Mr. SHAFROTH. I wish to suggest to the Senator this thought, and that is the reason why I am opposed to the Government leasing system: It is because of the fact that under the laws existing between the States and the United States you can not tax the land as long as it remains in the Government of the United States. That means that you can pick out large bodies of land in any State and absolutely exempt them from taxation forever. I want to call the attention of the Senate to the fact that taxes upon land for 30 years with a reasonable interest on each yearly payment equals the value of the land in my part of the country, and I think it equals it in the Senator's, and thereby it imposes a burden on the State which makes it, in fact, pay for this land every 30 years, and yet it never gets a title to it.

Mr. HUSTING. That is the point I was going to make when interrupted, that if we had gone into the leasing system and charged only a small fraction of what the people are now obliged to pay to somebody else who got these great rights without paying anything for them, you could have built the Panama Canal, you could have built your highways, you could well have afforded to pay the taxes of several States. You could have granted to the States these mineral rights and have let the operators pay these royalties into the State treasury, and you would have had the tax problem solved.

Mr. SHAFROTH. Does not the Senator recognize that in the United States we have the cheapest coal in the world?

Mr. HUSTING. That is aside from the question. We have the cheapest coal because we have it lying around us everywhere.

Mr. SHAFROTH. Other countries have the leasing system, and coal there sells for nearly double what it does in the United States.

Mr. HUSTING. Of course, we have so much that there is no comparison between the supply here and the supply there.

Mr. SHAFROTH. The United States, according to tables that have been given in a Senate document, the number of which I forget, show that the United States in the year 1911 consumed or dug out of the mines 405,757,101 tons of coal, and that the average price of that coal, not including anthracite, was $1.11 a ton.

Mr. MARTINE of New Jersey. Not to the consumer, however.

Mr. SHAFROTH. Oh, no; because he does not get it from the mouth of the mine.

Mr. MARTINE of New Jersey. I have investigated it exactly. It is $1.07 to the owners of these great monopolies and $7 and $9 a ton in my town to-day.

Mr. SHAFROTH. Yes; but I want to call the attention of the Senator to the fact that the coal companies he is talking about sell it to the consumer or to any person who wants to take it at the mouth of the mine at $1.11 a ton.

Mr. MARTINE of New Jersey. The Senator, I beg to say, is not literally correct. The coal miners or the coal corporations regulate the price that coal shall sell at along the line of the New Jersey Central and the Reading Railroad, and they declare that coal shall not be sold at certain times of the year for less than $7 a ton or $9 a ton, and I have seen it sell for $12 a ton.

Mr. SHAFROTH. I want to say to the Senator that I will join him in any legislation that will prevent any such combination, because it is in restraint of trade; but you can not blame the coal operators when they are willing to sell at $1.11 a ton at the mouth of the mine for what the consumer has to pay, because only $1.11 a ton is the price of his product.

Mr. HUSTING. I only yielded for a question.

Mr. SHAFROTH. Let me finish just this thought and I will close. In Illinois it is $1.11 a ton at the mouth of the mine; in Indiana it is $1.08 a ton; in Pennsylvania it is $1.01. That is not anthracite, but the ordinary bituminous coal. In Ohio it is $1.03 and in West Virginia it is 90 cents, and we have at Norfolk, Va., the cheapest coaling place in the world for ships. Hundreds and thousands come there for that very purpose. It can not be said, Mr. President, that these figures show that there is a combination among the coal owners. The combination may be somewhere else.

Mr. MARTINE of New Jersey. If the Senator will pardon me, when he referred to the coal mines he happened to mention West Virginia. I had some little experience down there last year, as some Senators will remember. When I think of the bitter controversy that ensued there and the slaughter of humanity as though they were dogs there is nothing much to state in favor of private ownership and no Government control of that great commodity.

Mr. SHAFROTH. We are talking about prices. I am not talking about other connections.

Mr. MARTINE of New Jersey. The Senator was talking about the price at 90 cents a ton. With coal at 90 cents a ton they rob the poor miner in a thousand ways, more than 30 per cent more.

Mr. SHAFROTH. That may be true, but I was talking about the price that the mine owner got at the mouth of the mine.

Mr. HUSTING. The only reason why I objected to the interruption is that I know there is a desire to limit debate, and I do not like to have this taxed up against me as my part of the time. If Senators are willing to let the debate go on indefinitely I do not care.

Regardless of the price of coal, whether it is cheaper here than it is over in Germany or somewhere else that is not the point; the point I make is that in order to get the privilege to mine their coal that they now enjoy they had to pay somebody more royalty than they ever would have had to pay the United States, and coal is higher now than it otherwise would have been. Suppose, at the time the United States was disposing of the coal lands, the Government had required the payment not only of a royalty but had reserved the right to regulate the price of coal, and to regulate the price of oil; we would not have any such thing as monopoly here now, and the price of oil and coal to-day would be subject to governmental control. Not having done this we are helpless in that respect, and as a consequence we must pay the price fixed by those who sell us the coal. In short, those who got our coal and oil at their price now sell it to us at their price, and the people got the worst end of both, going and coming. With the water power it will be the same way if this bill goes through. Senators speak of a tax or royalty put upon a public utility as a tax that somebody else has to pay. It seems as though when taxes are placed upon the backs of any but those of the laboring man they run off like water off a duck's back. It seems as though taxes would not stick to anybody unless it sticks to a man who labors in the streets and can not shove it onto anyone else. As I suggested at little while ago, if that is the correct theory of taxation, what is the use of taxing public utilities, what is the use of taxing railroads, what is the use of taxing anything or anybody who can escape the taxes, as the Senator from Colorado says they do. To tax the railroad companies or public-service corporations or utilities, the Senator says, is merely to take the money out of one pocket and put it in the other, or putting it in one pocket and taking it out of the other.

If that is the correct theory—and I have heard lots of economists and Senators claim that it is—we will save lots of time and lots of money by levying a direct tax on the laborer, on the man who works on a salary, on the man who can not shove it on anybody else. Find out who the ultimate consumer is and put on him a direct tax and make him pay for running the whole Government. If that is true, that is the way it ought to be done. If it is not true—and I do not think it is true—the thing to do is to tax a corporation or a public utility or a railroad company. They will at least pay something of that tax, and however little it may be, still it would go into the Treasury and help pay the running expenses and reduce the taxes that otherwise must be paid by some one else.

The complaint has been made since time immemorial that the tax burden has not been equitably apportioned and that it always has rested most heavily and unjustly on the man of moderate means, and consequently that those who were best able to pay were escaping the payment of their just share of the Government's expense. Our party has always taken the position that these complaints were well founded and that if intrusted with power we would do all in our power to equalize the tax burden. And yet when we now have the opportunity to provide a means to carry out our pledge and when we now propose to have privileged individuals and corporations pay a portion of the tax in return for immensely valuable resources put within their control for their own profit we meet the argument of "What is the use? The people will have to pay it anyway." Are we to concede that we are impotent to do anything to relieve the already overburdened individual from any part of his tax burden? I can not follow that kind of logic or that manner of carrying out our party pledges. I propose that we do the best we can; that we at least show our good will and that we try to make our last great national resource crystallize in the people's interest and not for the profit of the few individuals and corporations.

But I rose to speak on the legal phase of this proposition this afternoon. Some Senators say that the United States jurisdiction over navigable waters is a jurisdiction that is repugnant to State rights, or something to that effect. I do not think there is any question that the United States, under the commerce clause, has jurisdiction to regulate the building of dams and the right to impose conditions for the improvement of navigation and development of water power. As I understand it, the right to control navigation is a constitutional right. I am only speaking upon this subject because of the fact that when this matter

reaches a point where as a matter of policy it seems to be right there is raised the question of the jurisdiction of the United States over our navigable waters, and whenever you demonstrate that we have jurisdiction and the right to legislate on the subject, then they question the policy of doing it. We ought at least to settle one thing at a time. Before going into the question of the proper policy of the Government in regard to the development of navigable rivers it seems to me we ought to settle the legal question. Then, if that be admitted or demonstrated, we should proceed to settle the policy involved.

Has the United States a right to do what this bill proposes to do or what the other bills propose to do? As I understand it, the right of the Government is a constitutional right. If that is a constitutional right, then it is not something reserved to the State but something that is granted by the State to the United States. If the United States has that right, then it has the other rights necessary to carry out the constitutional purpose with which it is invested by the State. There is no lack of authority to show that the United States has jurisdiction over the navigation or the navigability of our waters, and anything that affects that must necessarily be subject to that constitutional right of the United States to protect and preserve its constitutional right.

I have here a speech of ex-Senator Root on the question of the Connecticut River dam bill. I have not the number here. I quote some of the things that Mr. Root has said on the question of the jurisdiction of the United States over our navigable waters. I understand that he is considered an authority on these questions:

> The whole system, the great system of slack-water navigation, upon which we are spending money by the millions, is in the exercise of that function of the National Government to make navigation, not merely to preserve it, not merely to protect it, but it is to promote it, to extend it, to create it, and if, in the judgment of this Government, the diversion of the water from any stream is likely to interfere with the Government's making it navigable, it is the right of the Government to prevent that diversion.

Again, at another place he said:

> It is well settled, of course, we all recognize, that the United States has plenary power to enter upon a system of river improvement, and if there be obstructions require them to be removed, or, if they are not removed, to remove them itself in order that it may discharge its function. It is well settled that a State has the right and the authority paramount over the rights of riparian proprietors to improve the navigation of the streams within the State for purposes of intrastate commerce, and that the United States has still paramount authority whenever that navigation forms a part, as it ordinarily does, of the avenues of interstate or foreign commerce to supersede the action of the State and itself to improve and to create navigation; and it is for the protection of that right and duty of the United States that it is made necessary to obtain the consent of the United States whenever anyone wishes to do work which will obstruct navigation.

There is a great deal more, which I have underscored here, which I should like to have inserted in the RECORD in connection with my remarks.

The VICE PRESIDENT. In the absence of objection, permission to do so will be granted.

The matter referred to is as follows:

> Mr. WORKS. I think the Senator from New York is equally mistaken in that respect. My question was whether the Government of the United States had the right to prevent a riparian owner upon a stream from diverting water for beneficial uses so long as that diversion did not in any way interfere with the navigable quality of the stream?
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> Mr. ROOT. * * * The consent in ordinary cases under the general law of an officer designated by Congress—ordinarily the Secretary of War—is required to excavations and constructions in navigable waters of the United States under the provisions of the river and harbor act of 1909, I think, which have been carried along since that time.
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> As to the building of dams, the consent of Congress has to be obtained, and we have passed carefully framed statutes to regulate the form in which the authority shall be granted and in which it shall be exercised.
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> Now, let me undertake to state some very simple propositions regarding the exercise of this power of the United States in regard to protecting the field of future navigation and the field of present navigation. The consent of Congress must be obtained for the building of a dam, whether that dam affects present navigation or prospective navigation.
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> The first proposition that I make—and it seems almost too simple to take up time in stating—is that Congress has the power to give or to withhold its consent to persons or corporations seeking to build a dam in a navigable river or a river that can be made navigable, whether that dam will or will not create water power.
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> Second. The power to give or to withhold the consent of the United States to the building of such a dam results from the right and duty of the Government to preserve and improve navigation under the commerce clause of the Constitution.
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> Third. The power to give or withhold consent to the building of a dam is absolute and uncontrolled, except by the discretion and judgment of Congress. No power on earth can compel Congress to give its consent or compel Congress to withhold its consent. That power is vested by the people of the United States in their Congress. No court can mandamus it; no court can enjoin it; no Executive can control it. The judgment of Congress alone must determine whether the consent be given or be withheld.
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> Fourth. The just exercise of the power to give or to withhold must be determined by reference to the object to attain which the power has been granted, and that is the object of preserving or improving navigation.
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> Fifth. Congress may impose conditions upon the consent which it gives in the exercise of its power to give or withhold. This right to impose conditions is inherent in the power. The right to give or to withhold carries necessarily the right to say, "We give, provided such and such things are done; otherwise we withhold," and that power to impose conditions is illustrated by the statutes which are ordinarily spoken of as the general dam laws.
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> Mr. ROOT. I will now make my apologies to the Senator from Idaho on the assumption that I shall find that he is right and I am wrong regarding the question that he asked.
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> I think I was about to state the sixth proposition in the series which I was undertaking to state; that is, that the just limitation upon the conditions to be imposed upon the exercise of the power to grant or withhold consent to the construction of a dam in a stream that is navigable or to be made navigable is to be found in the interest to subserve which the power has been granted to Congress—that is to say, the interest of navigation—and that there is no other limitation upon the just exercise of that power. Congress can not be compelled to grant its consent or to withhold its consent. It may impose conditions upon the granting of its consent, and a refusal to accept the conditions is a refusal of consent. The conditions to which it imposes should justly be adapted to promote the interests for which the power to consent was conferred upon Congress—that is to say, the interests of navigation.
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> The seventh proposition is that Congress alone can determine whether a given condition does or does not subserve those interests. Congress alone can determine the question, because Congress alone has the power to grant or to withhold the consent.
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> These propositions are so elementary, so simple, that I do not apprehend any controversy about them. But, sir, they lead inevitably to the conclusion that when Congress imposes as a condition of granting consent to the construction of this dam the requirement not only that a lock shall be provided for the passage of vessels but that a part of the proceeds of the water power developed shall be applied to the improvement of navigation of the stream Congress is acting within its power and is performing the duties that the Constitution imposes upon it to preserve and promote the interests of navigation.
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> Let me read a few sentences from the statement of the Senator from Minnesota:
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> "For the purpose of promoting and regulating foreign and interstate commerce Congress is given plenary power over all the navigable waters of the United States to the end of improving and maintaining their navigability; and this power is not limited to the navigable sections of streams, but extends to the tributaries and feeders of the same, for without the control of these the power over the navigable sections might become wholly impotent. (United States *v.* Rio Grande Co., 174 U. S., 690.) Neither can any limits be placed upon the methods of improving the navigability of streams nor upon the means by which commerce can be carried on upon the same.
>
> "Science has in recent years evoked from the great storehouse of nature the hidden and well-nigh limitless power of electricity and utilized the same in various ways for the promotion of commerce, industry, and the domestic and social well-being of mankind. The bounds of such power and use can not well be defined or foretold. That such power has become and may still much further become one of the great instrumentalities of commerce is evident. While sail, aside from the oar, was the only known motive power on water, the limits of navigation was confined to tidewater. The discovery of steam extended navigation on our streams far beyond the limits of tidewater, and who can tell how much further hydroelectrical power generated by a dam in a stream may extend navigation on that or some other stream? The water in a stream may not only be used to float and carry a vessel, a boat, or a barge, but it may also be used to furnish the motive power for the navigation of the same. And a dam erected in a stream carrying interstate commerce can well be utilized for this double purpose; and Congress, having jurisdiction over the improvement and regulation of an interstate navigable stream, has ample power to resort to all reasonable means for the improvement of navigation and the promotion of commerce on such a stream. (Gibbons *v.* Ogden, 9 Wheat., 1.)
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> "If for the purpose of improving the navigability of a stream carrying interstate commerce the Federal Government constructs and maintains a dam, with locks and gates, the Government has the undoubted right to establish and maintain, in connection with such dam, an electric-power plant for the purpose of furnishing motive power to operate such locks and gates. And the Federal Government has the right to sell, lease, or rent, for compensation, any surplus power that may arise from and be an incident to such an improvement of navigation." (Kaukauna Water Power Co. *v.* Green Bay & Mississippi Canal Co., 142 U. S., 254.)
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> Both the rights of the riparian proprietor and the rights of the State are based upon the old maxim that water runs and ought to run as it has been accustomed to run. The riparian proprietor is entitled to whatever benefit may come from the flowage of the water past his door. Whether the riparian proprietor owns the bed of the stream or the State owns the bed of the stream makes no practical difference, for if the riparian proprietor owns it he owns it subject to the public right of passage and in general of fishery and the public right to have the water flow on for the benefit of all below on the stream.
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> Mr. President, that does not apply in the States which have established the right of prior appropriation. The so-called arid or semiarid States have adopted, by the necessity of the conditions existing there, a different system, and any discussion of the rights of the Government and of the propriety of legislation in those States would necessarily have to proceed upon different lines and from different starting points than a discussion of legislation relating to water rights in one of the old States which proceed according to the common law.
>
> If the riparian proprietor owns the bed of the stream, he owns it subject to the common right. If the State owns the bed of the stream, the State owns it as trustee for the public, for the preservation of those same common rights, and subject to the rights of the riparian proprietor. There is and can be no conflict between the two, and the question of title to the bed of the stream is quite immaterial.
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> The question, I think, we ought to ask ourselves is, How shall we decide as between three possible courses of conduct? One is to do as we have, in general, done in the past, refrain from improving because it costs too much, costs more than the business to be developed would justify; or, second, shall we go on and improve these streams and tax

the entire people of the country for the improvement? Or, third, shall we avail ourselves of this new discovery by which a stream can be made to improve itself, by which a stream can be made to pay the expense of fitting itself for navigation, so that this great work of internal improvement may go on? Which of the three shall we do?

* * * * * * *

Of course every candid mind familiar with the history of the growth and development of our country must realize that in the extravagance of our vast natural wealth the Government has given away franchises and property with a lavish hand, and that probably the time has come when it would be wise and reasonable for Congress, as trustee for the people, to exercise somewhat more care in conferring upon individuals or particular corporations large blocks of our natural wealth. The lavishness with which our natural wealth has been portioned out has applied equally to the States. Some States have been cautious, but some States have been very incautious and reckless in the way in which they have granted franchises and property rights to corporations. I think there is a general feeling throughout the country among the people of the States that there ought to be greater restraint exercised in that respect by the State governments.

* * * * * * *

The first thing that was done, and, in the nature of things, the first thing that could be done toward accomplishing this object was to put a stop—and we put a stop here in Congress and in our National Government—to the process as it applied to handing out valuable things that belonged to the people of the United States. In the nature of things, also, the complete stoppage of the process presently led to inconvenience, and people began to complain. We had a joint committee here, on which I sat for months, listening to testimony in which the two ideas were exhibited. I refer to the Ballinger committee. It was quite plain that there were two ideas, each one an idea that nobody need be ashamed of, but coming in conflict, because neither had adjusted itself to the other—the idea of stopping the wasteful and extravagant parcelling out to individuals of the property of the whole public and the policy of utilizing our wealth for the benefit of the people of the country, and that can not be done without leaving somebody to make a profit by the utilization of that wealth.

Mr. HUSTING. Mr. President, it is plain that Senator Root holds that the right of the United States is paramount in navigation.

I have here the final report of the National Waterways Commission, and I find that on that commission there were Theodore E. Burton, JACOB H. GALLINGER, Samuel H. Piles, WILLIAM ALDEN SMITH, F. McL. SIMMONS, JAMES P. CLARKE, William Lorimer, on the part of the Senate, and on the part of the House of Representatives D. S. Alexander, Frederick S. Stevens, Irvin P. Wanger, STEPHEN M. SPARKMAN, and JOHN A. MOON. The above-named distinguished Senators and Representatives made an investigation of this matter, and I should like, in connection with this, to insert their opinion. Among other things, on page 44 of this report, it is stated by them:

THE CONSTITUTIONAL POWERS OF CONGRESS TO CONTROL WATERCOURSES.

Ownership of water: Perhaps there is no subject of legal interest concerning which there has been a more extended or more fruitless discussion than the ownership of water. Under the common law it is the property of no one, although the rules for its beneficial use are carefully enunciated in a long line of decisions. Blackstone says in his Commentaries:

"But after all there are some few things which, notwithstanding the general introduction and continuance of property, must still unavoidably remain in common * * * such are the elements of light, air, and water."

In a majority of the States of the Union the common law of waters prevails. Some of the Western States have proclaimed either by provisions of their constitutions or by statute that the water of every natural stream or lake is the property of the public; others declare it to be the property of the State, which is undoubtedly to be interpreted as meaning the property of the State in trust for its beneficial use by the people.

The bed of the stream: There is also extreme diversity of opinion and wide variation of laws and rules in the different States respecting the ownership of the bed of the stream. In some States the fee runs to high-water mark, in others to low-water mark, and in still others to the thread of the stream. Under the first two conditions the ownership of the bed of the stream undoubtedly rests in the State. However, as long as the Federal Government has a right of easement over the bed of the stream for the purpose of navigation and all purposes related thereto, it is largely a matter of incidental interest in whom the title vests, and it is difficult to see how it materially affects the right of the Government to exercise control of the stream. Whatever rights the several States enjoy because of their ownership of the bed of the stream or the waters thereof, and whatever right to the beneficial use of the natural and continued flow of the stream may vest in riparian owners, must admittedly be exercised subject to the paramount right of the Federal Government to exercise its sovereign jurisdiction over the streams for the protection or promotion of navigation.

Federal authority paramount: The nature and extent of the rights enjoyed by the States and riparian owners will evidently depend on the nature and extent of control exercised by the sovereign authority. The narrowest possible view would be for the Federal Government to limit its activity to matters that immediately and directly affect questions of navigation in those parts of a stream which are actually navigable. That the Government may, however, constitutionally extend its jurisdiction to questions more remotely connected with the rights of navigation, or even wholly unrelated, can hardly be denied.

The commerce clause: It may not be out of place to refer briefly to the constitutional authority on which the power of Congress over streams rests and to the decisions of the courts which in various particulars have established, defined, and amplified the scope of Federal jurisdiction. Fundamentally, of course, the authority of Congress is derived from the commerce clause of the Constitution, which delegates to Congress the power "to regulate commerce with foreign nations and among the several States and with the Indian tribes." (Art. I, sec. 8, clause 3.)

And again, on page 45, they state:

The commerce clause includes control of navigable streams. The power of Congress over navigation, under the commerce clause of the Constitution, was recognized from the beginning. At the time the Constitution was adopted it was perfectly evident that the most important agency of commerce then in existence was that of shipping, especially our merchant marine. It is quite probable this was the particular thing in the minds of the framers of the Constitution when they incorporated the commerce clause into that document. This question did, however, come up for court determination. It was one of the particular questions before the court in the case of Gibbons *v.* Ogden (9 Wheat., 1), and it was there held that the term "navigation" was just as effectually contained in the meaning of the phrase "to regulate commerce" as though the word were actually used. In fact the court suggested that it was more fully and more comprehensively included than would have been the case if the word had been specifically used. This interpretation is undoubtedly correct, because the term "navigation" as an element of a larger conception is subject to no narrow limits of definition. Mr. Justice Marshall, in delivering the opinion of the court in the case above cited, remarked:

"The power of Congress, then, comprehends navigation within the limits of every State in the Union, so far as that navigation may be in any manner connected with commerce with foreign nations or among the several States or with the Indian tribes" (p. 197).

With respect to the scope of the power given to Congress in relation to the control of commerce he says:

"This power, like all others invested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution" (p. 196).

I desire to include in my remarks the marked passages of this report.

The VICE PRESIDENT. Without objection, permission to do so will be granted.

The matter referred to is as follows:

To enforce this prohibition, suitable penalties were provided. Subsequent to this enactment the Rio Grande Dam & Irrigation Co. constructed a dam in the Rio Grande at a point considerably above the limit of its navigability. It was intended to divert the waters impounded by the dam for purposes of irrigation. The United States, through its district attorney, began proceedings to enjoin the construction of the dam and diversion of the water. This case put squarely before the court the question of the nature and extent of the control which Congress may exert over nonnavigable streams. Mr. Justice Brewer, in delivering the opinion of the court, used the following language:

"It is urged that the true construction of this act limits its applicability to obstructions in the navigable portion of a navigable stream, and that as it appears that although the Rio Grande may be navigable in the Territory of New Mexico, this statute has no applicability. The language is general and must be given full scope. It is not a prohibition of any obstruction to the navigation, but any obstruction to the navigable capacity, and anything, wherever done or however done, within the limits of the jurisdiction of the United States which tends to destroy the navigable capacity of one of the navigable waters of the United States, is within the terms of the prohibition. Evidently Congress, perceiving that the time had come when the growing interests of commerce required that the navigable waters of the United States should be subjected to the direct control of the National Government, and that nothing should be done by any State tending to destroy that navigability without the explicit assent of the National Government, enacted the statute in question. And it would be to improperly ignore the scope of this language to limit it to the acts done within the very limits of navigation of a navigable stream."

There can be no doubt since the rendering of this decision that the authority of Congress reaches to the remotest sources in the mountains of every navigable stream. It could hardly be said that any stream, no matter how small, which contributed its waters to a navigable watercourse did not, at least to some extent, affect its navigable capacity. Make it as small as you will, and yet it will be difficult for the courts to say that Congress had no right to exercise its jurisdiction.

* * * * * * *

Congress may withhold its permit or grant with conditions: It is certainly safe to assume that the permit of Congress is very generally necessary. In every case where the construction of a dam or the diversion of water would be illegal or unwarranted without the consent of Congress it would seem to be the legal as well as the logical consequence that if Congress may forbid such construction or diversion it may also impose as a condition of its grant any terms whatsoever not in themselves involving a violation of the Constitution. Neither does it seem essential that the conditions imposed shall relate to purposes of navigation. Congress has made it a condition of its permit to construct a bridge—(1) "That the grantee shall not charge more than a certain price for the carriage of munitions of war, United States mails, or troops"; (2) "that it shall admit a joint occupancy by other railroads upon certain terms."

These and similar conditions have been upheld by the court. (See Stockton *v.* Baltimore Co., 32 Fed., 9; The Clinton Bridge, 10 Wall., 454; Canada Southern Ry. Co. *v.* International Bridge Co., 8 Fed., 190; Gilman *v.* Philadelphia, 3 Wall., 725; County of Mobile *v.* Kimball, 102 U. S., 691.

* * * * * * * *

Congress in the exercise of any constitutional power may perform any function incidental thereof. Congress may, nevertheless, possess full power to control the business of its grantee, so far as the public interest may require, entirely free from any interference by the State or municipality, upon quite a different consideration. In the exercise of any legitimate power it has been repeatedly held that Congress may exercise any necessarily incidental function. For example, it has been held in the case of California *v.* The Central Pacific Railroad Co. (127 U. S., 1) that "Congress has authority in the exercise of its powers to regulate commerce among the several States, to construct, or authorize individuals or corporations to construct, railroads across the States and Territories of the United States."

* * * * * * * *

Federal control desirable: The above survey of the powers which Congress has over the waterways of the country and questions inci-

dental thereto admittedly indicates the extreme limit to which Congress may go under present decisions of the courts. But it is not to be supposed that Congress would be tempted to invade a field of activity which it could only enter by indirect methods unless it were perfectly evident and generally agreed that it was in the public interest to do so. It is well, however, that there should be no misunderstanding as to the extent of the authority of Congress if it should become necessary or expedient to exercise its full powers. With the increasing unity of our national life and the growing necessity of securing for human needs the maximum beneficial use of the waters of every stream, it will become increasingly necessary to treat every stream, with all its tributaries, as a unit. In the nature of the case so comprehensive, a policy could be successfully administered only by the Federal Government, and, consequently, the eventual desirability of Federal control is easy to predict.

Mr. HUSTING. Right in this connection, I have the opinion in the Dunbar case, which disposes, to my mind, absolutely of the riparian proposition. The court holds in that case that the United States can step in, take the power, and use it, not only for the purpose of improving navigation but for the purpose of taking power from the water not used for the purpose of navigation, and sell it and put the money in the Treasury. If it can do that it can delegate that power to somebody else. It does seem to me from the reading of this opinion and by the decisions of the Supreme Court—innumerable decisions—that the conclusion must be reached that was reached by the Waterways Commission, that was advanced by ex-Senator Root, that the right of the Government to control navigation is paramount—not only paramount to that of the States, but paramount to the rights of any riparian owner; and not only that, but such rights being paramount, the riparian owner's property is no property in the proper sense of the word at all, but he is a mere tenant by sufferance, who can be ousted at any moment by act of Congress and without his day in court and the United States can take his property.

Mr. President, I ask that the entire opinion in the Chandler-Dunbar case be printed as an appendix to my remarks.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

Mr. HUSTING. Mr. President, the right of the States to control navigation is almost on the same plane. They may exercise that right so long as the Government has not sought to do it, but the moment the Government steps in the right of the States as to that must give way. It gives way because of the constitutional power vested in the United States by the States through the Constitution. Why should it not be so? Our navigable streams are merely a part of one great system. Our watersheds between the two coasts, between the ranges of mountains, are one vast watershed, the waters of which make their exit through the Great Lakes and the St. Lawrence River or the Mississippi River. They flow south or east. It is perfectly obvious that no State can deal with this problem of navigation in any adequate way. The States can only do it piecemeal; and the only way that any State can develop adequately these immense waterways—whether it is done now or in a century from now—can only be done through the United States; and if the United States ever expects to accomplish anything of that kind, it must not dispose of its sovereign rights to individuals or to States, else when it gets ready to act it will find itself blocked on all sides from doing that which at one time it had a constitutional right to do, but which right it thoughtlessly and unwisely abandoned.

So it does seem to me as if the question of constitutional right is disposed of, and that the only remaining question, then, would be whether it is good policy to do this, that, or some other thing. I favor the amendment proposed by the Senator from Nebraska [Mr. NORRIS].

APPENDIX.

[S. Doc. No. 51, 63d Cong., 1st sess.]

WATER POWER.

OPINION OF THE SUPREME COURT OF THE UNITED STATES IN THE CASE OF THE UNITED STATES, PLAINTIFF IN ERROR, V. THE CHANDLER-DUNBAR WATER POWER CO. ET AL.

(Nos. 783, 784, 785, and 786.—October term, 1912.)

783. The United States, plaintiff in error, *v.* The Chandler-Dunbar Water Power Co. et al.

784. The Chandler-Dunbar Water Power Co., plaintiff in error, *v.* The United States.

785. St. Marys Power Co., plaintiff in error, *v.* The United States.

786. Clarence M. Brown, sole receiver of the Michigan Lake Superior Power Co., plaintiff in error, *v.* The United States.

In error to the district court of the United States for the western district of Michigan.

(May 26, 1913.)

These writs of error are for the purpose of reviewing a judgment in a condemnation proceeding instituted by the United States under the eleventh section of an act of Congress of March 3, 1909, being chapter 264, 35 Statutes, pages 815, 820. The section referred to is as follows:

"SEC. 11. That the ownership in fee simple absolute by the United States of all lands and property of every kind and description north of the present St. Marys Falls Ship Canal throughout its entire length and lying between said ship canal and the international boundary line at Sault Ste. Marie, in the State of Michigan, is necessary for the purposes of navigation of said waters and the waters connected therewith.

"The Secretary of War is hereby directed to take proceedings immediately for the acquisition by condemnation or otherwise of all of said lands and property of every kind and description in fee simple absolute. He shall proceed in such taking by filing in the office of the register of deeds of Chippewa County, in the State of Michigan, a writing, stating the purposes for which the same is taken under the provisions of this section, and giving a full description of all the lands and property of every kind and description thus to be taken. After the filing of said writing, and 10 days after publication thereof in one or more newspapers in the city of Sault Ste. Marie, in the State of Michigan, the United States shall be entitled to and shall take immediate possession of the property described, and may at once proceed with such public works thereon as have been authorized by Congress for the uses of navigation.

"The circuit court of the United States for the western district of Michigan is hereby given exclusive jurisdiction to hear condemnation proceedings and to determine what compensation shall be awarded for property taken under authority of this section. After the taking of any property by the Government of the United States, as herein provided for, the United States, by its proper officials, shall begin condemnation proceedings in the aforesaid court, and the practice shall be in accordance with the practice in the courts of the State of Michigan for the condemnation of lands by the State so far as the same may be followed without conflicting with the provisions hereof. Possession may be taken by the United States prior to a determination by a court of any necessity of taking, and prior to any determination of the amount of compensation.

"Any money payable by the Government under the provisions of this section shall be payable out of any money heretofore authorized or appropriated for the purpose of improving St. Marys River at the falls, Michigan.

"All that part of 'An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' approved March 2, 1907, beginning with the words 'and all lands and waters north of the present St. Marys Falls Ship Canal throughout its length,' and ending with the words 'to comply with the provisions of the river and harbor act of 1902, but such lands, if so acquired, shall be obtained without expense to the United States,' is hereby repealed.

"Every permit, license, or authority of every kind, nature, and description heretofore issued or granted by the United States, or any official thereof, to the Chandler-Dunbar Water Power Co., the Edison-Sault Light & Power Co., the Edison-Sault Electric Co., or the St. Marys Power Co., shall cease and determine and become null and void on January 1, 1911, and the Secretary of War is hereby authorized and instructed to revoke, cancel, and annul every such permit, license, or authority, to take effect on January 1, 1911.

"The Secretary of War may, in his discretion, permit the Chandler-Dunbar Water Power Co. and the Edison-Sault Electric Co. to maintain their present works and utilize the water power in said river at said rapids, in so far as the same does not interfere with navigation, or retard the construction of Government works in said river, under such rules or regulations as have been or hereafter shall be imposed by the Secretary of War, until they shall be paid the compensation awarded by the court for their property condemned under the provisions of this section; but said permit shall not extend beyond January 1, 1911.

"The President of the United States is respectfully requested to open negotiations with the Government of Great Britain for the purpose of effectually providing, by suitable treaty with said Government, for maintaining ample water levels for the uses of navigation in the Great Lakes and the waters connected therewith, by the construction of such controlling and remedial works in the connecting rivers and channels of such lakes as may be agreed upon by the said Governments under the provisions of said treaty.

"The Secretary of War is further authorized and instructed to cause to be made a preliminary examination and survey to ascertain and determine a proper plan and the probable expense for constructing in the rapids of the St. Marys River a filling or forebay, from which the ship locks shall be filled: *Provided*, That such survey shall in no way delay or interfere with the plans for construction already under way."

The notice of condemnation required by the statute was duly given by the Secretary of War and this proceeding was instituted against all the corporations and persons supposed to have any interest in the property sought to be condemned. A jury was waived and the evidence submitted to the court, which, at the request of all the parties, made specific findings of fact and law.

By an agreement, the property of the International Bridge Co. required by the Government was acquired by deed, and later in the progress of the case the property of the Edison-Sault Electric Co. involved in the proceeding was acquired by stipulation. This eliminates from the cases every question except those arising in respect of the compensation to be awarded to the Chandler-Dunbar Water Power Co., the St. Marys Power Co., and Clarence M. Brown, receiver of the Michigan Lake Superior Power Co. The final judgment of the court was:

1. That the ownership in fee simple absolute by the United States of all lands and property of every kind and description north of the present St. Marys Falls Ship Canal, throughout its entire length and lying between the said ship canal and the international line at Sault Ste. Marie, in the State of Michigan, was necessary for the purposes of navigation of said waters and the waters connected therewith as declared by the act of March 3, 1909.

The compensation awarded was as follows:

(a) To the Chandler-Dunbar Co., $652,332. Of this $550,000 was the estimated value of the water power.

(b) To the St. Marys Falls Power Co., $21,000.

(c) To the Edison-Sault Electric Co., $300,000, which has, however, been settled by stipulation.

(d) To the Michigan Lake Superior Power Co., nothing.

From these awards the Government, the Chandler-Dunbar Co., the St. Marys Falls Power Co., and the Michigan Lake Superior Power Co. have sued out writs of error.

The errors assigned by the United States challenge the allowance of any compensation whatever on account of any water-power right claimed by any of the owners of the condemned upland, and also the principles adopted by the district court for the valuation of the upland taken. The several corporations, who have sued out writs of error, complain of the inadequacy of the award on account of water power claimed to have been taken, and also of the valuation placed upon the several parcels of upland condemned.

The errors assigned by the United States deny that any water power in which the defendants below had any private property right has been taken, and also deny the claim that riparian owners must be compensated for exclusion from the use of the water power inherent in the falls and rapids of the St. Marys River, whether the flow of the river be larger than the needs of navigation or not. The award of $550,000 on account of the claim of the Chandler-Dunbar Co. to the undeveloped water power of the river at the St. Marys Rapids in excess of the supposed requirements of navigation constitutes the prime question in the case, and its importance is increased by the contention of that company that the assessment of damages on that account is grossly inadequate and should have been $3,450,000.

Each of the several plaintiffs in error also challenge the awards made on account of the several parcels of upland taken—the Government insisting that the awards are excessive, and the owners that they are inadequate.

(Mr. Justice Lurton, after making the foregoing statement, delivered the opinion of the court:)

From the foregoing it will be seen that the controlling questions are, first, whether the Chandler-Dunbar Co. has any private property in the water-power capacity of the rapids and falls of the St. Marys River which has been "taken" and for which compensation must be made under the fifth amendment to the Constitution; and, second, if so, what is the extent of its water-power right and how shall the compensation be measured?

That compensation must be made for the upland taken is not disputable. The measure of compensation may, in a degree, turn upon the relation of that species of property to the alleged water-power rights claimed by the Chandler-Dunbar Co. We therefore pass for the present the errors assigned which concern the awards made for such upland.

The technical title to the beds of the navigable rivers of the United States is either in the States in which the rivers are situated, or in the owners of the land bordering upon such rivers. Whether in one or the other is a question of local law. (Shively *v.* Bowlby, 152 U. S., 1, 31; Philadelphia Co. *v.* Stimson, 223 U. S., 605, 624, 632; Scott *v.* Lattig, 227 U. S., 229.) Upon the admission of the State of Michigan into the Union the bed of the St. Marys River passed to the State, and under the law of that State the conveyance of a tract of land upon a navigable river carriers the title to the middle thread. (Webber *v.* The Pere Marquette, etc., 62 Mich., 626; Scranton *v.* Wheeler, 179 U. S., 141, 163; United States *v.* Chandler-Dunbar Water Power Co., 209 U. S., 447.)

The technical title of the Chandler-Dunbar Co., therefore, includes the bed of the river opposite its upland on the bank to the middle thread of the stream, being the boundary line at that point between the United States and the Dominion of Canada. Over this bed flows about two-thirds of the volume of water constituting the falls and rapids of the St. Marys River. By reason of that fact and the ownership of the shore the company's claim is that it is the owner of the river and of the inherent power in the falls and rapids, subject only to the public right of navigation. While not denying that this right of navigation is the dominating right, yet the claim is that the United States in the exercise of the power to regulate commerce may not exclude the rights of riparian owners to construct in the river and upon their own submerged lands such appliances as are necessary to control and use the current for commercial purposes, provided only that such structures do not impede or hinder navigation and that the flow of the stream is not so diminished as to leave less than every possible requirement of navigation, present and future. This claim of a proprietary right in the bed of the river and in the flow of the stream over that bed to the extent that such flow is in excess of the wants of navigation constitutes the ground upon which the company asserts that a necessary effect of the act of March 3, 1909, and of the judgment of condemnation in the court below, is a taking from it of a property right or interest of great value, for which, under the fifth amendment, compensation must be made.

This is the view which was entertained by Circuit Judge Dennison in the court below, and is supported by most careful findings of fact and law and an elaborate and able opinion. The question is, therefore, one which from every standpoint deserves careful consideration.

This title of the owner of fast land upon the shore of a navigable river to the bed of the river is at best a qualified one. It is a title which inheres in the ownership of the shore and, unless reserved or excluded by implication, passed with it as a shadow follows a substance, although capable of distinct ownership. It is subordinate to the public right of navigation, and however helpful in protecting the owner against the acts of third parties, is of no avail against the exercise of the great and absolute power of Congress over the improvement of navigable rivers. That power of use and control comes from the power to regulate commerce between the States and with foreign nations. It includes navigation, and subjects every navigable river to the control of Congress. All means having some positive relation to the end in view which are not forbidden by some other provision of the Constitution are admissible. If, on the judgment of Congress, the use of the bottom of the river is proper for the purpose of placing therein structures in aid of navigation, it is not thereby taking private property for a public use, for the owner's title was in its very nature subject to that use in the interest of public navigation. If its judgment be that structures placed in the river and upon such submerged land are an obstruction or hindrance to the proper use of the river for purposes of navigation, it may require their removal and forbid the use of the bed of the river by the owner in any way which in its judgment is injurious to the dominant right of navigation. So, also, it may permit the construction and maintenance of tunnels under or bridges over the river, and may require the removal of every such structure placed there with or without its license, the element of contract out of the way, which it shall require to be removed or altered as an obstruction to navigation. In Gilman *v.* Philadelphia (3 Wall., 713, 724) this court said:

"Commerce includes navigation. The power to regulate commerce comprehends the control for that purpose, and to the extent necessary, of all the navigable waters of the United States which are accessible from a State other than those in which they lie. For this purpose they are the public property of the Nation, and subject to all the requisite legislation by Congress. This necessarily includes the power to keep them open and free from any obstructions to their navigation, interposed by the States or otherwise; to remove such obstructions when they exist, and to provide, by such sanctions as they may deem proper, against the occurrence of the evil and for the punishment of offenders. For these purposes Congress possesses all the powers which existed in the States before the adoption of the National Constitution, and which have always existed in the Parliament in England.

"It is for Congress to determine when its full power shall be brought into activity, and as to the regulations and sanctions which shall be provided."

In Gibson *v.* United States (166 U. S., 269) it is said:

"All navigable waters are under the control of the United States for the purpose of regulating and improving navigation, and although the title to the shore and submerged soil is in the various States and individual owners under them, it is always subject to the servitude in respect of navigation created in favor of the Federal Government by the Constitution."

Thus in Scranton *v.* Wheeler, supra, the Government constructed a long dike or pier upon such submerged lands in the river here involved for the purpose of aiding its navigation. This cut the riparian owner off from direct access to deep water, and he claimed that his rights had been invaded and his property taken without compensation. This court held that the Government had not "taken" any property which was not primarily subject to the very use to which it had been put, and therefore denied his claim. Touching the nature and character of a riparian owner in the submerged lands in front of his upland bounding upon a public navigable river, such as the St. Marys, this court said:

"The primary use of the water and the lands under them is for the purpose of navigation, and the erection of piers in them to improve navigation for the public is entirely consistent with such use and infringes no right of the owner. Whatever the nature of the interest of a riparian owner in the submerged lands in front of his upland bounding on a public navigable river, his title is not as full and complete as his title to fast land which has no direct connection with the navigation of such waters. It is a qualified title, a bare technical title, not at his absolute disposal, as is his upland, but to be held at all times subordinate to such use of the submerged lands and of the water flowing over them as may be consistent with or demanded by the public right of navigation."

So unfettered is this control of Congress over the navigable streams of the country that its judgment as to whether a construction in or over such a river is or is not an obstacle and a hindrance to navigation is conclusive. Such judgment and determination is the exercise of legislative power in respect of a subject wholly within its control.

In Pennsylvania *v.* Wheeling Bridge Co. (18 How., 421, 430) this court, upon the facts in evidence, held that a bridge over the Ohio River, constructed under an act of the State of Virginia, created an obstruction to navigation and was a nuisance which should be removed. Before the decree was executed Congress declared the bridge a lawful structure and not an obstruction. This court thereupon refused to issue a mandate for carrying into effect its own decree, saying:

"Although it may still be an obstruction in fact, it is not so in contemplation of law. We have already said—and the principle is undoubted—that the act of the Legislature of Virginia conferred full authority to erect and maintain the bridge, subject to the exercise of the power of Congress to regulate the navigation of the river. That body having in the exercise of this power regulated the navigation consistent with its preservation and continuation, the authority to maintain it would seem to be complete. That authority combines the concurrent power of both governments, State and Federal, which, if not sufficient, certainly none can be found in our system of government."

In Philadelphia *v.* Stimson, supra, and in Union Bridge Co. *v.* United States (204 U. S., 364) many of the cases are cited and reviewed, and we need add nothing more to the discussion.

The conclusion to be drawn is that the question of whether the proper regulation of navigation of this river at the place in question required that no construction of any kind should be placed or continued in the river by riparian owners and whether the whole flow of the stream should be conserved for the use and safety of navigation are questions legislative in character; and when Congress determined, as it did by the act of March 3, 1909, that the whole river between the American bank and the international line, as well as all of the upland north of the present ship canal, throughout its entire length was "necessary for the purposes of navigation of said waters and the waters connected therewith," that determination was conclusive.

So much of the zone covered by this declaration as consisted of fast land upon the banks of the river or in islands which were private property is, of course, to be paid for. But the flow of the stream was in no sense private property, and there is no room for a judicial review of the judgment of Congress that the flow of the river is not in excess of any possible need of navigation or for a determination that if in excess the riparian owners had any private property right in such excess which must be paid for if they have been excluded from the use of the same.

That Congress did not act arbitrarily in determining that "for the purposes of navigation of said waters and the waters connected therewith," the whole flow of the stream should be devoted exclusively to that end, is most evident when we consider the character of this stream and its relation to the whole problem of lake navigation. The river St. Marys is the only outlet for the waters of Lake Superior. The stretch of water called the falls and rapids of the river is about 3,000 feet long and from bank to bank has a width of about 4,000 feet. About two-thirds of the volume of the stream flows over the submerged lands of the Chandler-Dunbar Co., the rest over like lands on the Canadian side of the boundary. The fall in the rapids is about 18 feet. This turbulent water, substantially unnavigable without the artificial aid of canals around the stream, constitutes both a tremendous obstacle to navigation and an equally great source of water power if devoted to commercial purposes. That the wider needs of navigation might not be hindered by the presence in the river of the construction works necessary to use it for the development of water power for commercial uses under private ownership was the judgment and determination of Congress. There was also present in the minds of Congress the necessity of controlling the overflow from Lake Superior, which averages some 64,000 cubic feet per second. That outflow has great influence both upon the water level of Lake Superior and also upon the level of the great system of lakes below which receive that outflow. A difference of a foot in the level of Lake Superior may influence adversely access to the harbors on that lake. The same fall in the water level of the lower lakes will perceptibly affect access to their ports. This was a matter of international consideration, for Canada, as well as the United States, was interested in the control and regulation of the lake water levels. And so we find in the act of 1909 a request that the President of the United States will open negotiations with the Government of Great Britain "for the purpose of effectually providing, by suitable treaty, for maintaining ample water levels for the uses of navigation

in the Great Lakes and the waters connected therewith by the construction of such controlling and remedial works in the connecting rivers and channels of such lakes as may be agreed upon by the said Governments under the provisions of said treaty."

The falls and rapids are at the exit of the river from the lake. Millions of public money have already been expended in construction of canals and locks by this Government upon the American side and by the Canadian Government upon its own side of the rapids, as a means by which water craft may pass around the falls and rapids in the river. The commerce using these facilities has increased by leaps and bounds. The first canal had hardly been finished before it became inadequate. A second upon the American side was constructed parallel with the first. The two together are insufficient though the canal upon the Canadian side accommodates much of the commerce. The main purpose of the act of 1909 was to clear the way for generally widening and enlarging facilities for the ever-growing commerce of the Great Lakes. The act, therefore, looks to the construction of one or more canals and locks, paralleling those in use, and directs a survey "to ascertain and determine the proper plan * * * for constructing in the rapids * * * a filling basin or forebay from which the ship locks may be filled."

The upland belonging to the Chandler-Dunbar Co. consists of a strip of land some 2,500 feet long and from 50 to 150 feet wide. It borders upon the river on one side and on the Government canal strip on the other. Under permits from the Secretary of War, revokable at will, it placed in the rapids, in connection with its upland facilities, the necessary dams, dikes, and forebays for the purpose of controlling the current and using its power for commercial purposes, and has been for some years engaged in using and selling water power. What it did was by the revocable permission of the Secretary of War, and every such permit or license was revoked by the act of 1909. (See act of Sept. 19, 1890, 26 Stat., pp. 426, 454, forbidding the construction of any dam, pier, or breakwater in any navigable river without permission of the Secretary of War, or the creation of any obstruction not affirmatively authorized by law, "to the navigable capacity of such rivers." See also, the later act of Mar. 3, 1899, 30 Stat., pp. 1151, 1155, and United States *v.* Rio Grande Irrigation Co., 174 U. S., 690, construing and applying the act of 1890.) That it did not thereby acquire any right to maintain these constructions in the river longer than the Government should continue the license needs no argument. They were placed in the river under a permit which the company knew was likely to be revoked at any time. There is nothing in the facts which savors of estoppel in law or equity. The suggestion by counsel that the act of 1909 contemplates that the owner should be compensated not only for its tangible property, movable or real, but for its loss and damage by the discontinuance of the company's license and its exclusion from the right to use the water power inherent in the falls and rapids for commercial purposes is without merit. The provisions of the act in respect of compensation apply only to compensation for such "property described" as shall be held private property taken for public uses. Unless, therefore, the water-power rights asserted by the Chandler-Dunbar Co. are determined to be private property the court below was not authorized to award compensation for such rights.

It is a little difficult to understand the basis for the claim that in appropriating the upland bordering upon this stretch of water, the Government not only takes the land but also the great water power which potentially exists in the river. The broad claim that the water power of the stream is appurtenant to the bank owned by it, and not dependent upon ownership of the soil over which the river flows has been advanced. But whether this private right to the use of the flow of the water and flow of the stream be based upon the qualified title which the company had to the bed of the river over which it flows or the ownership of land bordering upon the river, is of no prime importance. In neither event can there be said to arise any ownership of the river. Ownership of a private stream wholly upon the lands of an individual is conceivable; but that the running water in a great navigable stream is capable of private ownership is inconceivable.

Whatever substantial private property rights exist in the flow of the stream must come from some right which that company has to construct and maintain such works in the river, such as dams, walls, dikes, etc., essential to the utilization of the power of the stream for commercial purposes. We may put out of view altogether the class of cases which deal with the right of riparian owners upon a nonnavigable stream to the use and enjoyment of the stream and its waters. The use of the fall of such a stream for the production of power may be a reasonable use consistent with the rights of those above and below. The necessary dam to use the power might completely obstruct the stream, but if the effect was not injurious to the property of those above or to the equal rights of those below, none could complain, since no public interest would be affected. We may also lay out of consideration the cases cited which deal with the rights of riparian owners upon navigable or nonnavigable streams as between each other. Nor need we consider cases cited which deal with the rights of riparian owners under State laws and private or public charters conferring rights. That riparian owners upon public navigable rivers have in addition to the rights common to the public certain rights to the use and enjoyment of the stream, which are incident to such ownership of the bank, must be conceded. These additional rights are not dependent upon title to the soil over which the river flows, but are incident to ownership upon the bank. Among these rights of use and enjoyment is the right, as against other riparian owners, to have the stream come to them substantially in its natural state, both in quantity and quality. They have also the right of access to deep water, and when not forbidden by public law may construct for this purpose wharves, docks, and piers in the shallow water of the shore. But every such structure in the water of a navigable river is subordinate to the right of navigation and subject to the obligation to suffer the consequences of the improvement of navigation, and must be removed if Congress in the assertion of its power over navigation shall determine that their continuance is detrimental to the public interest in the navigation of the river. (Gibson *v.* United States, 166 U. S., 269; Transportation Co. *v.* Chicago, 99 U. S., 635.) It is for Congress to decide what is and what is not an obstruction to navigation. (Pennsylvania *v.* Wheeling Bridge Co., 18 How., 421; Union Bridge Co. *v.* United States, 204 U. S., 364; Philadelphia Co. *v.* Stimson, 223 U. S., 605.)

To utilize the rapids and falls of the river which flows by the upland of the Chandler-Dunbar Co., it has been and will be necessary to construct and maintain in the river the structures necessary to control and direct the flow so that it may be used for commercial purposes. The thirty-fourth finding of fact includes this:

"For about 20 years the Chandler-Dunbar Co., or its predecessors or some one claiming under it, has been developing power at this part of the rapids. This was accomplished by a short transverse dam near the lower boundary of its land extending out a short distance into the stream and then extending up along the bed of the stream (substantially) parallel to the bank up to the head of the rapids. This dam or wall toward its upper end diverged out into the stream the better to divert water into the headrace and into the fore bay formed by its lower part. Earlier structures of this character were replaced about 1901 by those more extensive ones which existed when this condemnation was made. While considerable in extent and cost, they are inconsiderable as compared with the structures now proposed to utilize the whole power, and they were, comparatively speaking, along the bank rather than across the stream."

The seventy-first finding of fact was in these words:

"All the development works ever constructed upon the Chandler-Dunbar submerged lands by anyone have been constructed after obtaining from the Secretary of War a permit therefor, and each such permit has been expressly revocable by right of revocation reserved on its face, to be exercised with or without cause. Each such permit was revoked before the commencement of this proceeding."

Upon what principle can it be said that in requiring the removal of the development works which were in the river upon sufferance Congress has taken private property for public use without compensation? In deciding that a necessity existed for absolute control of the river at the rapids, Congress has, of course, excluded, until it changes the law, every such construction as a hindrance to its plans and purposes for the betterment of navigation. The qualified title to the bed of the river affords no ground for any claim of a right to construct and maintain therein any structure which Congress has by the act of 1909 decided, in effect, to be an obstruction to navigation and a hindrance to its plans for improvement. That title is absolutely subordinate to the right of navigation and no right of private property would have been invaded if such submerged lands were occupied by structures in aid of navigation or kept free from such obstructions in the interest of navigation. (Scranton *v.* Wheeler, supra; Hawkins Light House Cases, 39 Fed., 83.) We need not consider whether the entire flow of the river is necessary for the purposes of navigation, or whether there is a surplus which is to be paid for, if the Chandler-Dunbar Co. is to be excluded from the commercial use of that surplus. The answer is found in the fact that Congress has determined that the stream from the upland taken to the international boundary is necessary for the purposes of navigation. That determination operates to exclude from the river forever the structures necessary for the commercial use of the water power. That it does not deprive the Chandler-Dunbar Co. of private property rights follows from the considerations before stated.

It is said that the twelfth section of the act of 1909 authorizes the Secretary of War to lease, upon terms agreed upon, any excess of water power which results from the conservation of the flow of the river and the works which the Government may construct. This, it is said, is a taking of private property for commercial uses and not for the improvement of navigation. But, aside from the exclusive public purpose declared by the eleventh section of the act, the twelfth section declares that the conservation of the flow of the river is "primarily for the benefit of navigation and incidentally for the purpose of having the water power developed, either for the direct use of the United States or by lease * * * through the Secretary of War."

If the primary purpose is legitimate, we can see no sound objection to leasing any excess of power over the needs of the Government. The practice is not unusual in respect to similar public works constructed by State governments. In Kaukauna Co. *v.* Green Bay, etc., Canal (142 U. S., 254, 273), respecting a Wisconsin act to which this objection was made, the court said:

"But if, in the erection of a public dam for a recognized public purpose, there is necessarily produced a surplus of water which may properly be used for manufacturing purposes, there is no sound reason why the State may not retain to itself the power of controlling or disposing of such water as an incident of its right to make such improvement. Indeed, it might become very necessary to retain the disposition of it in its own hands in order to preserve at all times a sufficient supply for the purposes of navigation. If the riparian owners were allowed to tap the pond at different places and draw off the water for their own use, serious consequences might arise, not only in connection with the public demand for the purposes of navigation, but between the riparian owners themselves as to the proper proportion each was entitled to draw—controversies which could only be avoided by the State reserving to itself the immediate supervision of the entire supply. As there is no need of the surplus running to waste, there was nothing objectionable in permitting the State to let out the use of it to private parties and thus reimburse itself for the expenses of the improvement."

It is, at best, not clear how the Chandler-Dunbar Co. can be heard to object to the selling of any excess of water power which may result from the construction of such controlling or remedial works as shall be found advisable for the improvement of navigation, inasmuch as it had no property right in the river which had been "taken." It has, therefore, no interest whether the Government permit the excess of power to go to waste or make it the means of producing some return upon the great expenditure.

The conclusion, therefore, is that the court below erred in awarding $550,000, or any other sum, for the value of what is called "raw water"—that is, the present money value of the rapids and falls to the Chandler-Dunbar Co. as riparian owners of the shore and appurtenant submerged land.

Coming now to the award for the upland taken:

The court below awarded to the Chandler-Dunbar Co. on this account—

(a) For the narrow strip of upland bordering on the river, having an area of something more than 8 acres, excluding the small parcels described in the pleadings and judgment as claims 95 and 96, $65,000, less 7 per cent of that sum on account of Portage Street, which the court later found belonged to the United States and not to that company	$60,450
(b) For the small parcels covered by claims 95 and 96	25,000
(c) For a half interest in lot on bridge property	338

These awards include certain sums for special values. The value of the upland strip, fixed at $60,450, was arrived at in this manner:

(a) For its value, including railroad sidetracks, buildings, and cable terminal, including also its use, "wholly disconnected with power development or public improvement—that is to say, for all gen-

eral purposes, like residences or hotels, factory sites, disconnected with water power, etc.—$20,000."

(b) For use as factory site "in connection with the development of 6,500 horsepower, either as a single site or for several factories to use the surplus of 6,500 horsepower not now used in the city, an additional value of $20,000."

(c) For use for canal and lock purposes, an additional value of $25,000.

The small parcels constituting claims 95 and 96 were valued at $25,000.

These two parcels seem to have been connected by a costly fill. They fronted upon deep water above the head of the rapids. They had therefore a special value for wharves, docks, etc., and had been so used. The gross sum awarded included the following elements:

(a) For general wharfage, dock, and warehouse purposes, disconnected with development of power in the rapids, $10,000.

(b) For its special value for canal and lock purposes an additional sum of $10,000.

(c) In connection with the canal along the rapids, if used as a part of the development of 4,500 (6,500) horsepower, an additional value of $5,000.

The United States excepted to the additional value allowed in consequence of the availability of these parcels in connection with the water power supposed to be the property of the Chandler-Dunbar Co., and supposed to have been taken by the Government in this case. It also excepted to so much of the wards as constituted an additional value by reason of availability for lock and canal purposes.

These exceptions, so far as they complain of the additional value to be attached to these parcels for use as factory sites in connection with the development of horsepower by the Chandler-Dunbar Co., must be sustained. These "additional" values were based upon the erroneous hypothesis that that company had a private property interest in the water power of the river, not possibly needed now or in the future for purposes of navigation, and that that excess or surplus water was capable, by some extension of their works already in the river, of producing 6,500 horsepower.

Having decided that the Chandler-Dunbar Co. as riparian owners had no such vested property right in the water power inherent in the falls and rapids of the river, and no right to place in the river the works essential to any practical use of the flow of the river, the Government can not be justly required to pay for an element of value which did not inhere in these parcels as upland. The Government had dominion over the water power of the rapids and falls and can not be required to pay any hypothetical additional value to a riparian owner who had no right to appropriate the current to his own commercial use. These additional values represent, therefore, no actual loss and there would be no justice in paying for a loss suffered by no one in fact.

"The requirement of the fifth amendment is satisfied when the owner is paid for what is taken from him. The question is, What has the owner lost, and not what has the taker gained." (Boston Chamber of Commerce *v.* Boston, 217 U. S., 189, 194, 195.)

Neither can consideration be given to probable advancement in the value of such riparian property by reason of the works to be constructed in the river by the Government, or the use to which the flow of the stream might be directed by the Government. The value should be fixed as of the date of the proceedings and with reference to the loss the owner sustains, considering the property in its condition and situation at the time it is taken and not as enhanced by the purpose for which it was taken. (Kerr *v.* Park Commissioners, 117 U. S., 379, 387; Shoemaker *v.* United States, 147 U. S., 282, 304, 305.)

The exception taken to the inclusion as an element of value of the availability of these parcels of land for lock and canal purposes must be overruled. That this land had a prospective value for the purpose of constructing a canal and lock parallel with those in use had passed beyond the region of the purely conjectural or speculative. That one or more additional parallel canals and locks would be needed to meet the increasing demands of lake traffic was an immediate probability. This land was the only land available for the purpose. It included all the land between the canals in use and the bank of the river. Although it is not proper to estimate land condemned for public purposes by the public necessities or its worth to the public for such purpose, it is proper to consider the fact that the property is so situated that it will probably be desired and available for such a purpose. (Lewis on Eminent Domain, sec. 707; Patterson *v.* Boom Co., 98 U. S., 403, 408; Shoemaker *v.* United States, 147 U. S., 282; Young *v.* Harrison, 17 Ga., 30; Alloway *v.* Nashville, 88 Tenn., 510; Sargent *v.* Merrimac, 196 Mass., 171.) Patterson *v.* Boom Co. was this: A boom company sought to condemn three small islands in the Mississippi River so situated with reference to each other and the river bank as to be peculiarly adapted to form a boom a mile in length. The question in the case was whether their adaptability for that purpose gave the property a special value which might be considered. This court held that the adaptability of the land for the purposes of a boom was an element which should be considered in estimating the value of the lands condemned. The court said, touching the rule for estimating damages in such cases:

"So many and varied are the circumstances to be taken into account in determining the value of property condemned for public purposes that it is perhaps impossible to formulate a rule to govern its appraisement in all cases. Exceptional circumstances will modify the most carefully guarded rule, but as a general thing we should say that the compensation to the owner is to be estimated by reference to the uses for which the property is suitable, having regard to the existing business or wants of the community or such as may be reasonably expected in the immediate future."

In Shoemaker *v.* United States, supra, lands were condemned for park purposes. In the court below the commissioners were instructed to estimate each piece of land at its market value and that "the market value of the land includes its value for any use to which it may be put and all the uses to which it is adapted, and not merely the condition in which it is at the present time and the use to which it is now applied by the owner; * * * that if, by reason of its location, its surroundings, its natural advantages, its artificial improvement, or its intrinsic character, it is peculiarly adapted to some particular use—e. g., to the use of a public park—all the circumstances which make up this adaptability may be shown, and the fact of such adaptation may be taken into consideration in estimating the compensation."

The court approved this instruction.

The Chandler-Dunbar Co. has also assigned as error the denial of any award on account of a portion of Portage Street to which it claimed title. The title to that parcel has never passed out of the United States. It was part of a street laid off by a survey made of the village of Sault Ste. Marie, a town which had grown up on public land of the United States. But that survey was never carried into a patent and the village never accepted this part of the street. Thus abandoned, it was occupied for a time by the Chandler-Dunbar Co., but not long enough to acquire title. The court did not err in holding that the company had acquired no title and that title was already in the United States.

The award to the St. Marys Power Co. as owner of island No. 5 is excepted to. The value of that island was fixed at $21,000. That amount was reached, as shown by the seventieth finding of fact, in this manner:

(a) As a base value, for general purposes, as for a cottage or fishing station	$1,000
(b) As a strategic value, growing out of the extent to which it may control or block the most available development by upstream owners	15,000
(c) As an additional value, by reason of its special suitability for lock or canal purposes	5,000

This Island No. 5, otherwise known as Oshawano Island, is on the American edge of the rapids and below the Chandler-Dunbar property and opposite that part of the shore belonging to the United States. It has an area of about one-third of an acre. The court found that it had no appreciable water power which was in any sense appurtenant, and so no allowance was made on that account. Because none was made the St. Marys Power Co. sued out a writ of error. The reasons which have induced us to deny such an allowance in respect of upland upon the bank of the river require the assignment referred to to be held bad. The court below held, however, that the island had value in other ways, being those mentioned above. In respect to the allowance of $15,000 as its "strategic value" the court below, in its opinion, said:

"Owing to its location this property had, and always has had, a strategic value with reference to any general scheme of water development in the river and because it must be included as a tailrace site, if not otherwise, in any completely efficient plan of development by any owner, private or public. This value is denied because it is, as Government counsel say, of the 'hold up' character. It should not be permitted to assume the latter character, nor should the fair strategic value be denied because there might be an attempt at exaggeration or abuse. I fix this so-called strategic value at $10,000 (afterwards raised to $15,000), and it should be awarded under the circumstances of this case to whomsoever the owner may be."

This allowance has no solid basis upon which it may stand. That the property may have to the public a greater value than its fair market value affords no just criterion for estimating what the owner should receive. It is not proper to attribute to it any part of the value which might result from a consideration of its value as a necessary part of a comprehensive system of river improvement which should include the river and the upland upon the shore adjacent. The ownership is not the same. The principle applied in Boston Chamber of Commerce *v.* Boston (217 U. S., 189) is applicable. In that case it appeared that one person owned the land condemned subject to servitudes to others. It was sought to have damages assessed upon a bill in which all of the interests joined for the purpose of having a lump sum awarded, to be divided as the parties might or had agreed. If this could be done, it was agreed that the estate, considered as the sole unencumbered estate of a single person, was worth many times more than if the damage should be assessed according to the condition of the title at the time. This court held that the requirement of compensation when land is taken for a public purpose "does not require a disregard of the mode of ownership. It does not require a parcel of land to be valued as an unencumbered whole."

The "strategic value" for which $15,000 has been allowed is altogether speculative. It is based not upon the actual market value for all reasonable uses and demands, but the possible worth of the property to the Government.

A "strategic value" might be realized by a price fixed by the necessities of one person buying from another, free to sell, or refuse, as the price suited. But in a condemnation proceeding the value of the property to the Government for its particular use is not a criterion. The owner must be compensated for what is taken from him, but that is done when he is paid its fair market value for all available uses and purposes. (Lewis, Eminent Domain, 3d ed., sec. 706; Moulton *v.* Newbury Water Co., 137 Mass., 163, 167; United States *v.* Seufert Bros. Co., 78 Fed., 520; Alloway *v.* Nashville, 88 Tenn., 510, 514; United States *v.* Honolulu Co., 122 Fed., 581.)

The exception must be sustained.

One other assignment by the St. Marys Power Co. needs to be specially noticed. The title to Oshawano Island is in litigation between the United States and the St. Marys Power Co. For this reason the award to that company was ordered to remain in the registry of the court until that litigation was ended. The St. Marys Power Co. contends that when the United States sought the condemnation of the property in this proceeding it thereby conceded the title to be in it. But the pleadings show that no such concession was made. The state of the title and of the pending litigation was set up and we think all rights were thereby reserved.

The assignments of error by the Michigan Lake Superior Power Co. must be overruled. No property, real or hypothetical, has been taken from it.

Other assignments of error by one or another of the several plaintiffs in error need not be specially noticed. They are all overruled as either covered by the views we have expressed or as having no merit.

The judgment of the court below must be reversed and the cases remanded with direction to enter a judgment in accordance with this opinion.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska.

Mr. SHIELDS. Mr. President, this question has been discussed from the viewpoint of the committee very fully and elaborately by the Senator from Colorado [Mr. SHAFROTH], and I am not going to repeat the argument made by him. All I wish to say is that this is an amendment to strike out the entire section 6 of the bill and to substitute for it another section prepared by the Senator from Nebraska, materially different from it, and I think materially different from other provisions of the bill. Section 6 as now formulated conforms to and dovetails into the whole bill. This amendment would

present questions entirely different. For that reason, and because there are some very objectionable modifications made in the amendment, on behalf of the committee I wish to say that I hope the amendment will be rejected.

Mr. NORRIS. I ask for the yeas and nays.

Mr. WALSH. Mr. President, the amendment offered by the Senator from Nebraska [Mr. NORRIS] embodies the principle of an amendment offered by myself, which has not yet been acted upon. Will the Senator from Tennessee indicate when we might take that amendment up? I am in no hurry about it at all.

Mr. SHIELDS. I think we might take it up this afternoon, but the Senator from Iowa [Mr. CUMMINS] also has an amendment, which is very much like the amendment to which the Senator from Montana refers.

Mr. WALSH. I shall vote against the amendment proposed by the Senator from Nebraska [Mr. NORRIS] in the expectation that the Senator from Tennessee will yet become convinced of the wisdom of accepting the amendment which I have tendered to section 6.

Mr. SHIELDS. I desire to suggest to the Senator from Montana that he has presented his amendment and explained it fully. The amendment of the Senator from Iowa might come up; we could have an explanation from him, and then we should have the whole matter before the Senate. That is a mere suggestion, however. I do not care which amendment comes first.

The VICE PRESIDENT. The yeas and nays have been requested on the amendment of the Senator from Nebraska [Mr. NORRIS]. Is there a second?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PAGE (when Mr. DILLINGHAM'S name was called). I wish to announce the necessary absence of my colleague [Mr. DILLINGHAM] and to say that he has a general pair with the senior Senator from Maryland [Mr. SMITH]. I should like to have this announcement stand for the day.

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK] and therefore withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. LEA] and vote "nay."

Mr. UNDERWOOD (when his name was called). I desire to inquire whether the junior Senator from Ohio [Mr. HARDING] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. UNDERWOOD. I have a general pair with that Senator. If he were present, I should vote "nay." As he is not present, I will withhold my vote.

The roll call was concluded.

Mr. UNDERWOOD. I understand that the Senator from Arizona [Mr. SMITH] is absent. I transfer my pair with the Senator from Ohio [Mr. HARDING] to the Senator from Arizona and vote "nay."

Mr. CURTIS. I am paired with the junior Senator from Georgia [Mr. HARDWICK] and therefore withhold my vote.

Mr. NORRIS. I am requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness in his family. If he were present, he would vote "yea."

Mr. SMOOT. I desire to announce the unavoidable absence of the junior Senator from Utah [Mr. SUTHERLAND]. He is paired with the Senator from Arkansas [Mr. CLARKE]. I will allow this announcement to stand for the day.

Mr. HOLLIS. I transfer my pair with the junior Senator from New York [Mr. WADSWORTH] to the junior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. SMITH of Maryland. I should like to ask if the Senator from Vermont [Mr. DILLINGHAM] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. SMITH of Maryland. I have a general pair with that Senator, which I transfer to the Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. SIMMONS (after having voted in the negative). I ask if the junior Senator from Minnesota [Mr. CLAPP] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. SIMMONS. I transfer my pair with that Senator to the Senator from Nebraska [Mr. HITCHCOCK] and will allow my vote to stand.

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Texas [Mr. CULBERSON];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Indiana [Mr. SHIVELY];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON].

The result was announced—yeas 16, nays 39, as follows:

YEAS—16.

Broussard	Hollis	Kern	Poindexter
Chamberlain	Husting	Lane	Sheppard
Cummins	James	Martine, N. J.	Sherman
Gore	Johnson, S. Dak.	Norris	Thompson

NAYS—39.

Ashurst	Lodge	Pomerene	Swanson
Bankhead	McCumber	Robinson	Thomas
Beckham	McLean	Shafroth	Tillman
Brandegee	Martin, Va.	Shields	Underwood
Fletcher	Myers	Simmons	Vardaman
Gallinger	Nelson	Smith, Ga.	Walsh
Johnson, Me.	O'Gorman	Smith, Md.	Warren
Jones	Oliver	Smith, Mich.	Weeks
Lee, Md.	Overman	Smith, S. C.	Works
Lippitt	Page	Smoot	

NOT VOTING—41.

Borah	Curtis	La Follette	Shively
Brady	Dillingham	Lea, Tenn.	Smith, Ariz.
Bryan	du Pont	Lewis	Sterling
Burleigh	Fall	Newlands	Stone
Catron	Goff	Owen	Sutherland
Chilton	Gronna	Penrose	Townsend
Clapp	Harding	Phelan	Wadsworth
Clark, Wyo.	Hardwick	Pittman	Williams
Clarke, Ark.	Hitchcock	Ransdell	
Colt	Hughes	Reed	
Culberson	Kenyon	Saulsbury	

So the amendment of Mr. NORRIS was rejected.

Mr. CUMMINS. Mr. President, I offer the amendment which I send to the desk. It consists of a series of amendments, but they all cover the same subject, and I offer them all at the same time as one amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 9, line 23, after the word "the" and before the word "property," it is proposed to insert the word "physical"; on page 10, in line 2, to strike out the words "or acquired"; on page 10, in line 5, after the word "said," to insert the word "physical"; and, after the word "the" and before the word "cost," to insert the word "original"; and, after the word "cost," to insert the words "without interest"; on page 10, in line 6, to strike out the words "or other aids to" and insert in lieu thereof the words "or other structures used in"; also to strike out the words "all other"; on page 10, in line 7, to strike out the words "capital expenditures" and insert, after the words "United States," "and valuable and serviceable for no other purpose"; on page 10, to strike out all after the words "United States" in line 7, down to and including the period in line 12; on page 10, in line 13, after the word "property," to strike out all down to and including the word "contracts" in line 14, and insert in lieu thereof "and the cost of said construction," so as to make the bill, from line 22, page 9, to line 15, page 10, read as follows:

over by the United States of all the physical property of the grantee dependent in whole or in part for its usefulness upon the rights hereunder granted which are necessary and appurtenant and valuable or serviceable in the distribution of water or in the generation, transmission, and distribution of power, and upon paying to the grantee the fair value of said physical property, together with the original cost without interest to the grantee of the lock or locks or other structures used only in navigation and required by the United States and valuable and serviceable for no other purpose. The fair value of said property and the cost of said construction shall be determined by agreement between.

Mr. CUMMINS. Mr. President, I recognize that the subject presented by this amendment has been carefully debated. It accomplishes the purpose generally sought by the amendment of the Senator from Nebraska [Mr. NORRIS], although I think it accomplishes that purpose in a better and more equitable way.

I may say at this point that I have another amendment, which I will offer as soon as the one read is disposed of, which adds a very material provision to the section and which is altogether new. For the amendment just stated I shall content myself with pointing out in the briefest possible way the obvious objections to the bill as presented by the committee.

There is no Senator here who desires to facilitate, encourage, and stimulate the development of our water powers more than I do; but when it is said that it is necessary that the precise terms provided in this bill shall be given to those who have

capital in order to induce them to invest in such business I can not accept the statement without proof. The Senator from Colorado [Mr. SHAFROTH], in debating the matter a few moments ago, seemed to imply that unless the people who have money to invest in enterprises of this character were given all the privileges which are accorded them in this bill they would not invest their money.

Mr. SHAFROTH. Mr. President, I will state to the Senator that I do not know any of these men; I have never talked with them; I have never had any conference with them; I do not know whether they would invest their money or not. I took it as a fact that they had not done so under the old law, and that unless in the pending measure, seemingly, at least, better terms were accorded they would not undertake the development work contemplated.

Mr. CUMMINS. Well, Mr. President, this bill has no relation to the present law at all. I did not assume that the Senator from Colorado had any information upon that point, and, therefore, I said just what I said a moment ago, that anyone who claims that it is necessary to give the proposed grantees all the rights that are in the bill in order to induce the investment of money is speaking without due reflection and without familiarity with the subject. I know, as all other Senators know, that for years millions upon millions of dollars have been invested in enterprises somewhat akin to this without all the protection or safeguards which are here provided for capital.

Mr. President, I venture to say that four-fifths of the public utilities of all the municipalities in the United States have been constructed under franchises not exceeding 50 years in duration, which made no provision whatever for the payment of the property created at the end of the franchise. I know some—a great many, indeed—constructed under a franchise of 25 years without any agreement upon the part of the government to acquire the property and pay its value after the franchise period had expired. I do not assert that this is a wise policy, because inevitably it involves the accumulation of a fund for the replacement of capital at the end of the period, which must reflect itself in the rates that are charged for the service, just as I insisted yesterday that a payment to the General Government for the permission to construct a dam in a navigable stream must find its way into the rates charged for the service.

Mr. SHAFROTH. Mr. President——

Mr. CUMMINS. Just a moment. I am in sympathy with that newer idea that at the end of a given period the property shall be taken over at a fair value. My complaint about this bill is that its provisions give to those who may own the property at the end of the franchise period an unfair value, and that they make, or may make, the public pay twice for the same property. I now yield to the Senator from Colorado.

Mr. SHAFROTH. Mr. President, the Senator states that he knows of a great many instances where companies have undertaken a right to charge for 25 years, and that they have proceeded with the investment. Therefore my criticism that I did not believe they would invest under the conditions of this bill is not likely to be accurate.

Now I want to ask the Senator this question: Does he know of a single instance where a company agreed to build something for navigation that would cost $1,000,000 or $2,000,000, and turn it over and donate it to the Government, and then to undertake to get out of the matter something in the nature of a return for themselves?

Mr. CUMMINS. I never heard of such an instance, because it is not possible that any such instance should have occurred, for we have had no laws under which an instance of that kind could arise.

Mr. SHAFROTH. But under this bill the requirement is that these dams should be built for navigation, and the very initial investment is of that nature which would donate to the Government millions of dollars; and then we expect them, when they are absolutely restricted, to go on with the enterprise, to give $1,000,000 or $2,000,000 to the Government and not recoup it in some way. It seems to me that demonstrates that they would not go into it.

Mr. CUMMINS. The Senator from Colorado, it seems to me, does not discriminate between the negative of his own propositions and the suggestions I have made. I am not insisting that the Government shall not take over the property at the end of the franchise period. I have just said that I think it is wise that it should do so. But I think it is also wise—and I can not understand why Senators are not willing to approach that question with an open mind, at least—that when the Government does take over the property it shall pay only the fair value of the property.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. I yield.

Mr. WORKS. The Senator has declared himself in favor of the newer idea of the Government taking over this property. Does he think it is necessary to insert such a provision as that in this bill? Can not the Government take it over, if any public necessity requires that course, at a future time, without any such provision?

Mr. CUMMINS. Mr. President, I am not in the very least responsible for the general framework of the bill.

Mr. WORKS. I understand that.

Mr. CUMMINS. And I have as many differences with it as has the Senator from California; but I am accepting, for the purpose of this amendment, the general idea of the bill, and I am endeavoring to make it as little unjust as possible.

Mr. WORKS. Mr. President, the Senator has declared himself in favor of this proposition. I have never yet heard anybody give any reason why we should make such a provision, or state what benefit could possibly result from a provision that can not take effect for 50 years to come. If the Senator can give any valid reason why that is important or beneficial, I wish he would do so.

Mr. CUMMINS. I can.

Mr. WORKS. I should like to hear it.

Mr. CUMMINS. I can, because I have not made the statement without due reflection. The Senator from California must recollect that I stated it as a general principle. When a municipality grants a franchise for the use of the public streets to a street railway or to an electric light company or to a gas or water company, and limits the franchise to 50 years, as most such franchises are limited, the company which receives the franchise and enters upon the service must do or have one of two things: It must either charge during the period rates which will not only enable it to pay the cost of maintenance and operation but will return a reasonable reward to the capital employed and accumulate a fund that I will call, for brevity, an amortization fund that will at the end of the period replace the capital that has been invested, namely, repay to the stockholders or bondholders, as the case may be, their investments, upon the assumption that the property becomes absolutely worthless, or it must have some arrangement through which the property can become or remain valuable at the end of that time. I believe that the modern method which provides for recapture or retaking at the end of the period is a better method than to add during the period such charges as will create a capital fund and in that way replace the money originally invested.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa further yield to the Senator from California?

Mr. CUMMINS. I yield.

Mr. WORKS. I am glad to hear the Senator from Iowa make this effort to explain how and why it would be advantageous for the National Government to take over this property at the end of 50 years, but the Senator overlooks the very vital point that, with the use of the water or any dealings with the water or with the rates or anything of the sort, the National Government has nothing whatever to do. Its whole authority is the right to grant the petitioner the privilege of constructing the dam in the stream. The Senator's proposition includes the taking over of property over which the National Government has no jurisdiction, namely, the distributing system; and it seems to me that the case of a city, such as the Senator has mentioned, is not in the least parallel to the situation here.

Mr. CUMMINS. The Senator is right about that in the sense that I attempted to describe a moment ago, and I do not intend to enter upon the discussion which he has so ably carried on in the Senate with regard to the general vice of the attempt which the Government is now making. But we have before us a bill, which apparently will pass, providing that at the end of 50 years this property is to be retaken, and it provides the rule which shall control the Government or the court in valuing the property. The fact that I may agree with the Senator from California that there ought to be no such provision in the bill does not in the least impinge upon my view that, if the country is to acquire the property and is to pay the grantee at the end of the period a certain sum of money, it should pay no more than a fair and equitable amount; and that is the whole purpose of this amendment.

Mr. WORKS. I do not in the least differ with the Senator in that respect; but I have put the question to him as to whether it was a wise thing to take over this property or to provide 50 years in advance that the Government should take over this property under any circumstances. I have no objection to the

Senator's amendment. I think he is right upon that proposition, if we are going to be driven to the passage of this bill with some provision of that kind in it.

Mr. CUMMINS. I am offering the amendment and I am debating the question upon the assumption that the bill will pass, and that it will pass with the provisions that are now in it, unless we can induce the Senate to modify it so that the United States will not be compelled to pay an unjust and an unfair amount to the grantee.

I was referring, when I was diverted, to the argument of the Senator from Colorado that it was necessary, in order to induce capital to enter these projects, that the extraordinary, as I think, privileges which are here provided for in the way of repayment shall be tendered to any such grantee. For one, I do not believe it. I have no sympathy with the general maxim which declares that capital is timid. On the contrary, it is the most audacious and aggressive element in life, and it will always invest itself wherever there is reasonable hope to believe that profit can be made; and I would not have it otherwise. I want capital to enter the business, and I want capital to be safe and secure. The reason, of course, that we have had no general improvement in water powers in the recent past is that no officer of the Government has had authority to give a grantee a permanent tenure in the stream. No officer of the Government could guarantee that over a certain definite period the rights, whatever they might be, should be exercised; and I do not wonder that men with money have refused to enter a business of this kind if an officer of the Government—the Secretary of the Interior or any other officer—has the right to terminate the permit at any moment that he so desires. That presents an intolerable and an impossible situation, and it is perfectly logical and natural that nothing has been accomplished under a system of that sort. Here we provide a durable tenure of 50 years; and the only remaining question is, What other guaranties or safeguards must we provide in order that capital shall be invested?

I believe, Mr. President, that if an individual or corporation is assured for 50 years the right to enter upon a stream and to use it for the purposes declared in the bill, subject to the regulation of the State or any other governmental power, which could never reduce the charge below a reasonable one, investments would be made if there were no provision for payment for the property at the end of the period. That is the experience of the United States in every like venture; and I am sure very few instances can be found that are inconsistent with the statement I have just made.

I agree, however, that if the grantee is compelled to accumulate during this period a sum that will represent the capital or value of the property at the end of the period, it can only be done through the imposition of such charges to the public as will enable the accumulation to be made; and I, for one, would rather the United States would agree to take the property at the end of the period at a fair value, provided the public has not already paid for it in overcharges or excessive charges, than to allow the grantee to charge those rates that will enable him to accumulate such an amortization fund. So the sole question is, How shall the value of the property be determined?

My objection to the bill as it is begins in line 23, on page 9, in which the property to be valued is described as—

all the property of the grantee dependent in whole or in part for its usefulness upon the rights hereunder granted—

And so forth. My suggestion is, and my amendment proposes, that the word "property" shall be qualified and limited by the insertion of the word "physical." It can not be that the Senator from Tennessee, in charge of the bill, intends to allow the physical property of the grantee to be measured by the profits of the business in which it has been engaged; and yet that will be the result if the word "physical" is not introduced. I know there is a provision in the bill that the value of the franchise which is given by the United States shall not be considered, but that is only a small part of the intangible value which this property may have.

Mr. WORKS. Mr. President——

Mr. CUMMINS. I yield to the Senator from California.

Mr. WORKS. The Senator will see now, from the reading of that portion of the bill, that the proposition is to take over not what the Government has allowed the party to construct, but the entire distributing system—everything that is used for the purpose of developing, distributing, and furnishing the power. By what right does the Senator think the Government of the United States can take over the distributing system that is absolutely and completely under the control of the State government?

Mr. CUMMINS. I doubt the right of the United States to do it at all.

Mr. WORKS. I am glad to hear the Senator say that.

Mr. CUMMINS. But that is not material to the amendment I am discussing.

Mr. WORKS. It is not material to the amendment, but it is very material to the bill itself, and I am only calling attention to it now as the Senator goes along. What does the Senator suppose the Government of the United States is going to do with the property after it takes it over?

Mr. CUMMINS. If the United States has any right to take over the property it has the right to operate it, to sell it, or to lease it; and that would have to be done, of course, under subsequent legislation.

Mr. WORKS. I suppose the Senator recognizes the fact that if it becomes a public-utility corporation—because that is what it would be—it would be under the regulation of the State. How is the State going to regulate the United States in the supply of power?

Mr. CUMMINS. Mr. President, I recognize all these difficulties that are being suggested by the Senator from California.

Mr. WORKS. The Senator may recognize them, but I think it is worth while to call the attention of the Senate to that condition of things.

Mr. CUMMINS. But I hope the Senator from California will remember that I am not endeavoring to defend the general policy of the bill. I am simply trying to make it a little better than I believe it to be now, assuming that the general policy which is developed in the bill shall be maintained and that the bill will become a law.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER (Mr. KERN in the chair). Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I yield to the Senator from Montana.

Mr. WALSH. If, in addition to the provision in the bill to the effect that no value shall be assigned to the franchise itself at the end of the period of 50 years, the death of the franchise, it were likewise provided that only the cost of the dam and diversion works and generating works and rights of way and water rights should go to the grantee, what, then, would remain to which the term "physical" could apply?

Mr. CUMMINS. Mr. President, my answer is that the part of the bill I am now discussing is not limited to cost. I wish it were, because I believe that is fundamentally right.

Mr. WALSH. I understand. If an amendment of that character were attached to the bill, would the Senator then feel that there was any occasion for the insertion of the word "physical," about which he is now speaking?

Mr. CUMMINS. I think that if the rule of valuation provided were the cost of the property, then my suggestion as to adding the word "physical" would be utterly immaterial, because the original cost would eliminate all these other values that I am trying to eliminate by the use of the word "physical."

Mr. WALSH. I understand.

Mr. CUMMINS. I have not attempted to destroy the general framework of the bill. There is a great deal of difference of opinion with respect to the basis or bases of valuation of public property for rate making and the like. I am a follower of the school just suggested by the Senator from Montana. I believe that the thing that is to be protected by the Constitution of the United States is the cost.

Mr. WALSH. The Senator referred to the word "original," which he desires to insert, as well—that is, the original cost.

Mr. CUMMINS. I will give my reason for that in a moment.

Mr. WALSH. I was going to suggest to the Senator that that might not include expenditures made in addition to the initial cost.

Mr. CUMMINS. Mr. President, I have now suggested why I think the word "physical" should precede and qualify the word "property."

The amendment in its next phase seeks to strike out the words "or acquired." I have been utterly unable to understand the application of those words. If the grantee owns the property at the time of the expiration of the lease or grant and it is valuable or serviceable in the distribution of water or in the generation, transmission, and distribution of power, I can not see what influence the words "or acquired" could have upon the problem to be solved. Not understanding how these words could affect the situation, I have sought to strike them out, because I assume that whoever proposed them had some purpose in view, and if there is any purpose in view I have reached the conclusion that it must be an unsound purpose. Therefore I have moved to eliminate those words.

Mr. WORKS. Mr. President——

Mr. CUMMINS. I yield to the Senator from California.

Mr. WORKS. The Senator would, no doubt, be quite right about that matter if the bill confined itself to what was acquired from the Government. This particular portion of the bill, however, as I have suggested, proposes to take over everything; and in the meantime the corporation has acquired the right to the use of the water. It may do that simply by the use of the permit from the Government or by the use of some permit from the State, or in various other ways. It has not purchased it, but it has acquired it.

Now, I am not trying to help the Senator or anybody else to perfect this bill. I am opposed to it, as the Senator will very well understand, in whatever form it may take; but I can very well see that the word "acquired" there is proper to be used when you consider all that the Government proposes to take over.

Mr. CUMMINS. Mr. President, the language of the bill is:

All the property of the grantee dependent in whole or in part for its usefulness upon the rights hereunder granted which is necessary and appurtenant.

That description covers all the property that is so used; and if I insert the word "physical," then, of course, it is quite likely that if it is intended to make the United States pay for rights that have been acquired from the State in the way of the use of water the words "or acquired" would not be material, but the word "physical" ought not to be inserted.

Mr. WORKS. Mr. President, may I ask the Senator what he thinks the grantee under this bill does acquire under the provisions of the bill?

Mr. CUMMINS. I know that he does not acquire anything except the permission of the Government to obstruct in a certain way the flow of a navigable stream.

Mr. WORKS. That is precisely it. The grantee does not acquire any of the things that the Government proposes to take over by virtue of this bill.

Mr. CUMMINS. No.

Mr. WORKS. He must acquire them under the laws of the State.

Mr. CUMMINS. On the contrary, I think the Senator from California is wrong about that, for, having secured this permission, the grantee proceeds to construct a dam. The grantee owns the dam. He proceeds to construct a power house. The grantee owns the power house. He proceeds to construct a transmission line. The grantee owns the transmission line. All these are physical properties.

Mr. WORKS. But, Mr. President, he does not acquire any of those things by the provisions of this bill.

Mr. CUMMINS. No.

Mr. WORKS. He must acquire them under the laws of the State, and they must be regulated afterwards under the laws of the State.

Mr. CUMMINS. Nor is this language limited to the property that is acquired under this bill.

Mr. WORKS. Certainly not. That is just the reason why I am objecting to it.

Mr. WALSH. Mr. President——

Mr. CUMMINS. I yield to the Senator from Montana.

Mr. WALSH. I should like to invite the attention of the Senator from Tennessee [Mr. SHIELDS] to the comment being made by the Senator from Iowa on this matter, because upon further consideration I am satisfied that the Senator from Iowa is right in saying that those words have no appropriate place there. I think, further, if the Senator from Iowa will pardon me, that the same may be said of the words "and appurtenant," to which the Senator's amendment is not addressed. If it should read—

All the property of the grantee dependent in whole or in part for its usefulness upon the rights hereunder granted, and which is necessary or valuable or serviceable in the distribution of water or in the generation of power—

It would seem to be sensible. But I feel perfectly satisfied that the words "and appurtenant" are quite as improper in that connection as the words "and acquired," to which the Senator from Iowa is now addressing his remarks.

Mr. CUMMINS. I am inclined to think the Senator from Montana is right about the matter he has just mentioned.

Mr. SMOOT. Mr. President, I thought perhaps the words "or acquired" had reference to whatever property they had acquired after the passage of the bill and after the lease had been made. They might make a lease based upon what property they had at the time, or whatever they had in operation; or, for instance, if there were a company already formed and at present in operation, they would take a lease upon the property that they had at the time the lease was made; but at the end of the 50 years they might have acquired additional property. Therefore it becomes necessary to provide that the Government, in taking over the property, shall take over not only the property that they had at the time the lease was made, but also the property they had acquired in the meantime.

Mr. CUMMINS. Mr. President, I can not say what the author of the bill had in mind in the use of those words; but the view that is taken by the Senator from Utah can hardly be accepted, because the words are—

And upon the taking over by the United States of all the property of the grantee dependent, in whole or in part—

And so forth. That means all the property that is owned by the grantee at the time the property is taken over, no matter when it was created or how or from whom it was acquired.

Mr. SMOOT. In this connection I wish to call the Senator's attention to section 5 of the Ferris power bill, and at a hearing before the Public Lands Committee this morning the same question arose. The bill as reported to the Senate was as follows:

SEC. 5. That upon not less than three years' notice the United States shall have the right, upon the expiration of any lease, to take over all the properties which are dependent, in whole or in part, for their usefulness on the continuance of the lease herein provided for, which may have been acquired by any lessee under the provisions of this act.

Mr. Pierce appeared before the committee this morning and stated to the committee that if those words were allowed to remain in the bill it would be absolutely impossible for the Government to take over any property that any company had acquired after the lease was made, and the committee accepted this amendment. I will call the Senator's attention to it. After the word "properties," insert:

Controlled, acquired, or owned by any lessee and used in the development, generation, or transmission of electric current—

So that it would read as follows:

SEC. 5. That upon not less than three years' notice the United States shall have the right upon the expiration of any lease to take over all the properties controlled, acquired, or owned by any lessee and used in the development, generation, or transmission of electric current which are dependent in whole or in part for their usefulness on the continuance of the lease herein provided for.

Mr. CUMMINS. I am not capable, of course, of analyzing closely at this moment the language used in the bill to which the Senator refers, but it is manifestly very different from the language of the measure before us in respect of the immediate discussion. However, I am sure that the words "all the property of the grantee" would cover every possible condition relating to its original construction or acquirement from some other person or corporation.

Mr. SMOOT. It would take everything in, I will say to the Senator, that the company has at the time the lease is made; all the property; there is no doubt about that.

Mr. CUMMINS. Let us see. I can not read this statute in that way. I am not able to comment upon the language in the other bill, but when a section begins—

That at any time after the expiration of said 50 years the United States may terminate the rights hereunder granted upon the giving to the grantee of one year's notice in writing of such termination, and upon the taking over by the United States of all the property of the grantee dependent—

and so forth, it is impossible to seriously argue that the United States would not be under obligation to take over all the property then owned or held by the grantee and that was used and necessary for the purposes described in the measure. But there is no use in taking up a great deal of time upon that particular point, for in any view of it the words "or acquired," in their present connection, ought to be eliminated.

I go now to my next suggestion——

Mr. WALSH. Before the Senator passes will he pardon a word there? Both those verbs are qualified by the phrase "in the distribution of water"; that is, "valuable or serviceable in the distribution of water"; but appurtenant in the distribution of water means nothing. Acquired in the distribution of water means nothing. The language is "all the property of the grantee dependent in whole or in part for its usefulness upon the rights hereunder granted, which are necessary and appurtenant, or acquired and valuable or serviceable in the distribution of water."

We can understand about property used that is valuable or serviceable in the distribution of water, but we can not understand about property that is appurtenant in the distribution of water or that is acquired in the distribution of water. These two verbs can not bear the qualifying phrase which follows.

Mr. SHIELDS. Mr. President——

Mr. CUMMINS. I will yield in just a moment. It may be that the view of the committee was to use the words "or acquired" in connection with the words "in the generation, transmission, and distribution of power," although I do not think they are so related in the text that such a construction would be necessary; but if that is the construction I am all the more opposed to the insertion of the words.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. CUMMINS. I yield.

Mr. SHIELDS. The only objection I see to the clause under consideration is the use of the words "hereunder granted," line 1, page 10. All the other words used are pertinent and do mean something which I will undertake to explain when I come to discuss the matter. I am not going to interrupt the Senator to do it now, but I will at the proper time offer to strike out the words "hereunder granted," in line 1, on page 10; after "which," in the same line, by striking out the word "are" and inserting the word "is"; and striking out the word "or," in line 2, and inserting the word "and."

Mr. CUMMINS. I understood that. I do not regard those changes as at all material to the question I am discussing. I will await, then, the view of the Senator from Tennessee with regard to the meaning and application of the words "or acquired."

I pass now to the amendment which proposes to insert the word "original" before the word "cost," in line 5, and the words "without interest" after the word "cost."

It will be observed that here are two rules laid down for the ascertainment of the value of property of which the grantee may be the owner. So far as the property is valuable or serviceable in the distribution of water or in the generation and transmission and distribution of power, the value of the property is to be ascertained in one way. So far as the property that is peculiar to navigation is concerned, it is not the value of the property, but the cost of the property. I can see a very good reason for that, because the property—the lock or the adjacent structures, whatever they may be—created for the purpose of navigation may be at the end of 50 years absolutely worthless, for if a hope of navigation had at that time been abandoned, property created or a structure built in order to promote or aid navigation would be of no service to any person and might be altogether worthless. Therefore, I agree with the thought of the bill in that respect.

But the word "cost" as it is used in the bill includes not only original cost, but it includes all interest on cost from the time of the construction to the time the Government is asked to pay for the structure.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. CUMMINS. I yield.

Mr. SHIELDS. Does the Senator mean by original cost to exclude any additions which may be made to these structures?

Mr. CUMMINS. Not at all. The term "original cost" relates to the time when the particular property under consideration was created or constructed.

Mr. SHIELDS. Suppose the dam were extended by the order of the Secretary of War for navigation purposes, say, 10 years after the original construction, would this exclude that?

Mr. CUMMINS. Not at all. The words "original cost" have a perfectly well-known meaning. We employed those words in the statute which we passed to provide for the valuation of railroads, and they are being applied by the Interstate Commerce Commission constantly; I am sorry to say not as persistently as I wish they were, but they are being applied. Original cost means the cost of the property when it was created.

Mr. SHIELDS. Exclusive of interest.

Mr. CUMMINS. Exclusive of interest.

Mr. SHIELDS. I should like to ask the Senator does he include the dam or dams in the words "or other structures" in line 24 of his amendment?

Mr. CUMMINS. No; other structures used in navigation. I assume that means constructed for purposes of navigation, and that would not be necessary for the use of the dam as a water-power generator.

Mr. SHIELDS. It does not mean, then, to allow compensation for the cost of the dam?

Mr. CUMMINS. Oh, Mr. President, the cost of the dam is entirely provided for in the first clause, where we provide that the United States shall pay for "all the property of the grantee dependent in whole or in part for its usefulness upon the rights hereunder granted, which are necessary and appurtenant, or acquired and valuable or serviceable in the distribution of water, or in the generation, transmission, and distribution of power." The Government has agreed to pay for the dam; for the full value of the dam.

Mr. SHIELDS. I understand that it has agreed to pay for it there. What is the basis or measure of value of the cost price at the time?

Mr. CUMMINS. The basis of it is a very disputed proposition.

Mr. SHIELDS. I mean under the Senator's amendment. What does it mean?

Mr. CUMMINS. I do not change that at all. I simply confine it to the physical property, and it is, I assume, to be valued according to the rules of the law applicable to such controversies. But when we come to the part of the property that is constructed solely for navigation, the committee has provided a different rule; and, as I said a moment ago, I think very properly a different rule, assuming that the first rule was right, of which I have grave doubt. But the grantee who constructed a lock or some other appurtenant of the dam that was to be used only in navigation, and did so at the command of the Secretary of War, ought to have the original cost of doing it, and ought not to have one penny more, and ought not to have any interest upon that cost. Why? Because the bill specifically provides that in the ascertainment of the rates to be charged for the service rendered the cost of the lock and such other incidental property as may be necessary for the lock shall be considered as a part of the value upon which the rates are to be based. Therefore——

Mr. WALSH. Mr. President——

Mr. CUMMINS. Just a moment. Therefore it may be assumed that during the course of 50 years the grantee will have recovered from the public interest upon the cost of the purely navigation structure, and when we at the end of 50 years are required to take it over and pay the original cost with interest, we are paying it twice. There is no escape from that conclusion, I think. I now yield to the Senator from Montana.

Mr. WALSH. I fully agree with the Senator as to that; but I wish to inquire of him whether he desires to have it understood that under the language of the bill, which gives to the grantee only the cost of the locks, it means that he shall have the cost with interest?

Mr. CUMMINS. I think so.

Mr. WALSH. Is that the construction the Senator would give it if he were a judge on a bench?

Mr. CUMMINS. That is the construction I would give to it; at least, that is the construction that I fear a court would give to it; and if it has the other interpretation, no possible harm can be wrought by making it specific and beyond any controversy.

I now come to the next proposal. I strike out the words "all other capital expenditures." It may be observed that these words are not qualified at all. They are not qualified by the purpose of the capital expenditure, and no matter what the amount of capital that is not embraced within the two general divisions to which I have already referred. If they have been acquired by the requirement of the United States, the United States must pay.

Mr. SHIELDS. Is that qualification "required by the United States"?

Mr. CUMMINS. I have just stated it.

Mr. SHIELDS. "Required by the United States." I ask the Senator is not that a qualification?

Mr. CUMMINS. I said just as rapidly as I could precisely what the bill provided, and, of course, what the Senator must have understood me to say or to mean was that they were not qualified in the way the previous description of property or capital had been qualified.

I substitute for those words a rule or provision which I think would protect the United States, and I know it would protect the grantee. The words are:

Of the lock or locks or other structures used in navigation and required by the United States.

I am not willing to give to the Secretary of War the authority to require the grantee to make a capital expenditure unless it is connected with the improvement of or is in aid of navigation. If the Secretary of War requires a building or structure which he says is to be used in aid of navigation, then if the Government takes over the property it must pay for it, but otherwise not.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I yield.

Mr. WALSH. Probably we might hurry this along by interrogating the Senator about his view of these things as we go along. On page 8—

Such rules and regulations—

To be supplied by the Secretary of War—

may include the maintenance and operation by such grantee, at its own expense, of such lights and other signals as may be directed by the

Secretary of War and such other lights and signals and such fishways as may be prescribed by the Secretary of Commerce—

And so forth.

What would the Senator say as to expenditures under that?

Mr. CUMMINS. I had not that in mind at the time I prepared the amendment. I am trying to treat this singly. I had reached the conclusion that it would be a great deal safer to require the Government to pay only for the lock or locks or other structures used in navigation than to give the broad and somewhat indefinite privilege to the grantee to require payment of all capital expenditures that might be required by the United States. This is really a restriction upon the Secretary of War, and I think it is one that is sound. I, of course, add to that the words "and valuable and serviceable for no other purpose."

My next amendment is to strike out that part of the bill which provides that the Government at the end of the period shall take over and assume "all contracts entered into by the grantee which have the approval of the duly constituted public authority having jurisdiction thereof or which were entered into in good faith and at a reasonable rate."

I look upon that provision as an extremely dangerous one and one not necessary for the protection of the grantee, nor is it necessary to induce capital to invest in an enterprise. We are conferring upon an individual or a corporation the right to—I hope the Senator from California is not here, because if he is he will at once object to this assumption—to build a dam in a navigable stream and to continue the use of the water therein, in so far as he may get the right from the State for a period of 50 years. That is a long period, not too long, but the grantee, seeing the approach of the end of the period, ought not to enter into contracts that would extend themselves beyond the termination of the privilege which had been granted to him. There is no difficulty about that.

I have heard it suggested here several times that there ought to be the power to enter into long contracts, and I agree to that; but there is no necessity for giving the grantee the right to enter into a contract extending beyond a period of 50 years. No human being can tell what kind of contracts will be made, even though they are to be made under the authority of the State commission. If they are of that character, or even though they are here required to be reasonable and to be made in good faith, if they are not under the supervision of some public utility, what possible harm can come to the public or to any grantee, if the grantee so arranges his affairs that at the end of the period in which he has a right to use the stream the contract shall come to an end? It is not good public policy, in any event, to make long contracts for a service of this character. I need but suggest my idea in order to have it fully understood, and therefore I will not continue the argument upon it.

Now, may I say one other thing, for I have passed over the various elements in the amendments which I have proposed? I realize, as does every Senator who is interested in this bill, that I must address my argument to the distinguished Senator from Tennessee [Mr. SHIELDS]. Without the least offense—I could not possibly give offense to Senators with the feeling I have toward them—the history of the bill up to the present moment convinces any man that no amendment can be or will be adopted that does not recommend itself to the Senator from Tennessee, who is in charge of the bill. I am not complaining about that condition. It is simply a high and most complimentary testimonial of the confidence which Senators repose in the committee and in its distinguished chairman.

The Senator from Tennessee has kindly sat near me as I have been discussing the amendment which I have offered. I know that he desires justice in the matter; he does not want the United States to pay more than the value of the property as determined by the modern, intelligent, economic rules which are applied to such subjects, and I ask him not to answer me at this moment, but in his reply to me, if he shall honor me with one, to tell the Senate what there is in my amendment that will deprive the grantee of one single penny to which he will be fairly and justly entitled when his privilege to occupy the stream ends.

Mr. President, I now intend to present—for I will do it while I am on my feet—an amendment which is closely connected with the one I have already offered; indeed it is a part of it, and it is equally applicable to the section, no matter whether the present pending amendment is adopted or rejected. It is a proviso that I want to add to section 6, no matter in what form section 6 shall be finally disposed of.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Tennessee?

Mr. CUMMINS. I yield.

Mr. SHIELDS. The Senator from Iowa has been very kind in his remarks about the committee and the confidence reposed in it. In his reference to the Senator from Tennessee I started to interrupt him and to suggest that he meant the committee, for I am simply representing the committee.

What I rose to ask the Senator from Iowa, however, was whether I understood him, as I was coming into the Chamber—for I was called out for a few moments during his address—as stating that under this bill the company making an improvement would at the expiration of the time have practically already amortized or received its capital investment?

Mr. CUMMINS. I am about to discuss that.

Mr. SHIELDS. I did not hear all of the remarks of the Senator, and I evidently was mistaken. I am glad the Senator is going to discuss the amendment in the same connection. I think they are closely related.

Mr. CUMMINS. Mr. President, if there was no amortization during the period, then either the section as reported by the committee or the section as I have hoped to amend it would determine the value of the property and the amount that the United States must pay. I send to the desk an amendment, which I propose to offer immediately upon the disposition of the amendment now under consideration, for information only, for I realize that I have no right to offer it at this time, and because I do not want the two amendments to be voted on at the same time. I ask, however, that the amendment may be read for information.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. It is proposed to add, at the end of section 6, page 10, line 23, the following proviso:

Provided, however, That if in the operation of the property for which, under the foregoing provision, the United States is required to pay it shall appear that it has earned during the period of use by the grantee, or his assignee or successor, a surplus over and above cost of operation, maintenance, depreciation of that part of the property valuable or serviceable in the distribution of water, or in the generation, transmission, and distribution of power, dependent in whole or in part for its usefulness upon the rights hereunder granted, taxes and other fixed charges, including bonded indebtedness and such reasonable return upon the remainder of the capital invested, not including investment from earnings, as may be fixed by the Secretary of War, then the amount of such surplus shall be deducted from the aggregate of the fair value and original cost as above ascertained, and the United States shall be required to pay only the balance so resulting: *Provided further,* That in order to facilitate the ascertainment of the amount of such surplus to be so deducted the Secretary of War is authorized to require from the grantee, his assignee or successor, such annual reports as will set forth the information material to such inquiry and ascertainment.

Mr. CUMMINS. Mr. President, it is quite probable that I will desire to make some observations upon this amendment at the time I offer it, but I feel that, in justice to the Senator from Tennessee, I ought to disclose my reasons for preparing and offering it, inasmuch as it is obvious that section 6 as it is, or as it may be amended, and the proviso which has just been read are indissolubly connected with each other.

Beginning with the proposition that it is fair and just for the Government to take over the property of the grantee at the end of the period and to pay its value, it is obvious that the reason why the Government ought to do that is to make the grantee whole with respect to the property which is to be created or acquired in pursuance of the privileges granted by the bill. If it were not for that reason, there would be no foundation whatever for an agreement on the part of the United States to indemnify the grantee for his expenditures. The proviso just read means this: That if during the period of the privilege the grantee has earned a sum of money that will, in the first place, defray all the costs of operation; in the second place, defray all the costs of maintenance; and, in the third place, pay all the fixed charges, including bonded indebtedness, taxes, and all other impositions of that character, and pay to the remainder of the capital, not accumulated from earnings, a fair and reasonable reward under all the circumstances, and has still a sum of money arising from, if not unlawful, at least, excessive charges for the service rendered, then the amount so accumulated, whether in hand or whether expended, shall be used to reduce the value of the property as found in the preceding part of the section.

This is right, because if the United States pays to the grantee the full value of the property as ascertained, and if the people have paid to the same grantee the full value of the property in charges which are not unlawful, possibly, but so excessive that they have resulted in an accumulation of this character, then it is little less than robbery—I do not know of any terms that are too emphatic to be applied to it—it is utterly indefensible to make the people of the United States pay again.

This is not to invoke any new or startling doctrine. It is to apply the most modern, the best-sustained rules of industrial

economy. I will give an instance. Suppose the grantee has entered into possession of the river and has continued to operate the plant created for the generation of power for a period of 50 years and has charged those to whom he has supplied power a rate which during the 50 years has not only paid all the cost of operation, all the cost of maintenance, all the fixed charges, all the interest upon the bonded debt, but, in addition, 12 per cent, as an illustration, upon the remainder of the capital invested, and, having paid all these things, still has left a sum arising from the earnings of the plant more than the amount originally invested in the plant. Is it fair, can it be insisted upon that under those circumstances the Government, in taking over the property, should not only pay the value of the property, computed under whatever rules are finally adopted, but should leave the grantee in the possession of a sum, accumulated through charges that are morally excessive, if not legally excessive, and thus not only replace the capital once, but replace it twice?

It will be remarked, I trust, by the Senator from Tennessee that the proviso does not apply except to the extent that such excessive charges accumulate a surplus of that character. To me the proposal is so buttressed by fundamental principles of justice and fair dealing that it ought not to require any argument whatever. If we are trying, as I know we are, to develop at once the water power of the country and protect the people of the country from unreasonable and undue exaction, what is the objection to the suggestion that I have made in the amendment read for information? If it does not become a part of the bill, I venture to say that many of those who become the recipients of these privileges will not only recoup all their capital investments from the earnings of the property, but will in the end recoup them again from the Treasury of the United States.

So far as I am concerned, as much as I desire to see some plan devised that will stimulate the development of our water powers, it seems to me that I could never give my assent to a bill that might lead—and I think in many instances would lead—to double payment for capital.

I can instance half a dozen corporations. I do not intend to do it, because it would be invidious. I have no right to exploit their affairs in this incidental way; but I have on my tongue's end now half a dozen corporations that in the period of less than 20 years have not only paid all the expenses of maintenance and operation, fixed charges, and the like, and met all the demands of dividends for capital, but which have accumulated during that short period a surplus more than twice the value of the property with which the business was originally begun.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I do.

Mr. WALSH. Would the Senator mind telling us what return, in his opinion, at the present time, would be adequate upon investments of this character?

Mr. CUMMINS. As sorry as I am to do it, I must give that discretion to a single man. I do not think that is wise, but I can not stand here to batter down the whole framework of the law. I am very reluctant to give to any one man the decision in a matter so important.

Now, what is a reasonable return upon capital, I think, upon reflection, might well be stipulated in the permit itself over at least a reasonable period; but if that is not to be done, then the Secretary of War must look at all the circumstances—the hazard of the venture, the community to be served, the purpose for which the water is to be used—and then say what, under all those conditions, is a reasonable return.

Mr. SHIELDS. Mr. President——

Mr. WALSH. I wanted to follow that with another question. Is it the view of the Senator that the same man, looking at the situation from the present standpoint of the investor, would reach exactly the same conclusion as if he projected himself 50 years forward and then looked over the situation?

Mr. CUMMINS. I am very sure he would not.

Mr. WALSH. No. Is it not altogether likely that if he considered the matter now he would offer a very much higher return than he would feel he would like to give in case he were figuring on a basis of 50 years hence?

Mr. CUMMINS. The Senator from Montana will observe that I have not required the Secretary of War to fix the reward or the percentage of return at the time the permit is granted.

Mr. WALSH. That was the way I understood the Senator's amendment.

Mr. CUMMINS. When the final settlement came, at the end of 50 years, I would expect whoever might be the Secretary of War to determine the percentage of the reward according to the conditions as they existed during the period of years.

Mr. WALSH. Yes; so I understood the Senator's amendment—that he would leave it to the Secretary who exists 50 years from now. But the investor would have to know now, when he puts in his money. Would it not be more appropriate, therefore, to leave it to the present Secretary to say how much the return should be?

Mr. CUMMINS. The difficulty about leaving it to a present Secretary, although it has many things to be said in its favor, is that it is very hard to project oneself over the varying conditions of 50 years and say what reward would be reasonable 50 years hence, although I would not object to that modification of my amendment. I see a great many things to be said for it, and there are some things to be said against it. But, at any rate, we ought to protect ourselves in some fashion against the contingency that I have endeavored to set out.

Mr. SHIELDS. Mr. President——

Mr. CUMMINS. I yield to the Senator from Tennessee.

Mr. SHIELDS. The Senator expressed great regret at leaving this adjustment of rates, or fair return upon the investment—which is the same thing—to one man, the Secretary of War. I agree with him that it ought not to be left to one man, the Secretary of War, but that it ought to be left to the public-service commissions of the States, composed generally of several men, to fix right at the time the income is received by the corporation, or the Interstate Commerce Commission, in case it goes into interstate commerce. Now, the Senator proposes a post-mortem examination, after the lapse of 50 years of the business of this corporation and after it has been dissolved by the expiration of its permit and is forced to sell its property and to cease business. What would he do with the rights of the stockholders who had sold their stock in the corporation just 10 years before the permit had expired? Would he make them lose their interest in the property because 20 years prior to that some stockholders had received a return that was excessive?

There are several questions of that kind which I should like to ask the Senator, but the time at which it was contemplated that we would take a recess has about arrived. I think the Senator's amendment is impracticable. I do not think the Secretary of War ought to be allowed to hold this post-mortem upon this corporation, or that he can constitutionally be vested with the power to review the action of the State public-service commissions in adjusting rates, or the Interstate Commerce Commission where they have done so; and certainly I know of no case in which a review of quasi judicial bodies has been had after all the witnesses are dead, after a lapse of 40 or 50 years.

Mr. CUMMINS. There is no proposal here to review the acts of any of these utility commissions, whether Federal or State. If the few companies that secure grants under this bill and that are under regulation of that sort adopt the regulation and accumulate no surplus, then the proviso which I have suggested can do them no possible harm. But the very many grantees—I am simply conjecturing now—who will receive the permission and who are not under any effective regulation will necessarily be subjected to a review at the end of the period; but the review can do them no possible harm. It simply reduces the amount to be paid by the Government in cases where it is doubtful whether the Government should pay anything anyhow.

I realize that the proposal is not without difficulty; but we must not fall into the habit of shrinking from difficulties when we are trying to protect the public and overcoming them so easily when we are trying to grant privileges. This bill is full of difficulty. It is full of power to be exercised by a single person. I wish it were otherwise, but I do not see any way in which to avoid that plan. But I should like to give that same person the privilege of exercising a discretion, which I know he might abuse, but which I hope he would exercise wisely, to protect the public as well as to do full justice to the individual grantee or enterprise.

There is no more difficulty in doing what I have proposed on the part of the Secretary of War than there is in the provision that these rates shall be fixed by the Interstate Commerce Commission. Without pausing to debate it, I venture to say that the provision in this bill which refers certain rates to the Interstate Commerce Commission is absolutely unworkable and never can result in any substantial good to the public. That is not the fault of the Senator from Tennessee, for I do not believe it can be done. When he says that these rates are to be fixed in the same way that railroad rates are fixed, he presents an impossible proposition. Railroads fix their rates and publish their schedules and then file their schedules with the Interstate Commerce Commission. Then anyone who de-

sires to challenge a rate appears before the commission and makes complaint against it. It is not possible for every grantee under this bill to conform to the rules which are imposed upon the railroads of the country and which are necessary in order to reach a regulation of railroad rates. But if the Senator from Tennessee desires to have a recess taken at this time, I will defer until to-morrow what I have still to say.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented petitions of Walter S. Meader and 66 other citizens of Gonic; of Hallowe'en Grange, No. 317, Patrons of Husbandry, of Penacook, and of Bear Hill Grange, No. 39, Patrons of Husbandry, of Henniker, all in the State of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of Dr. C. P. Bancroft, of Concord; of Local Union No. 82, Journeymen Barbers' International Union of America, of Concord, and of the State Federation of Labor, all in the State of New Hampshire; of Local Branch, International Seamen's Union of America, of Chicago, Ill.; and of Local Branch, Glass Bottle Blowers' Association of the United States and Canada, of Philadelphia, Pa., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented the petition of Frank H. Rauser, of Claremont, N. H., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented the petition of H. H. Sanderson, proprietor of the Gazette-Times Press, of Lancaster, N. H., praying for the enactment of legislation to permit publishers to exchange advertising space for transportation, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Turn Verein of Manchester, N. H., praying for a revision of the naturalization laws, which was referred to the Committee on the Judiciary.

He also presented a petition of the Turn Verein of Manchester, N. H., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Turn Verein of Manchester, N. H., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of Winfield Scott Schley Camp, No. 4, United Spanish War Veterans, of Portsmouth, N. H., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented the petition of Suzanne Heber, of New York, N. Y., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a petition of H. H. Eddy Council, Junior Order United American Mechanics, of Denver, Colo., praying for the enactment of legislation to establish a privately owned and Government-subsidized merchant marine, which was referred to the Committee on Commerce.

Mr. PHELAN presented petitions of Local Union No. 30, Waiters' Union; of Local Union No. 151, International Brotherhood of Electrical Workers; of Local Union No. 616, United Brotherhood of Carpenters and Joiners of America; of Local Union No. 22, United Brotherhood of Carpenters and Joiners; of Local Union No. 148, Journeymen Barbers; and of the Labor Council, all of San Francisco, in the State of California, praying for the printing of the report of the Commission on Industrial Relations, which were referred to the Committee on Printing.

He also presented a petition of the San Francisco County Medical Society, of San Francisco, Cal., praying for an increase in the Dental Corps of the Army, which was referred to the Committee on Military Affairs.

He also presented a petition of E. H. Liscum Camp, No. 7, United Spanish War Veterans, of Oakland, Cal., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Naval Camp, No. 1, United Spanish War Veterans, of Philadelphia, Pa., and a petition of Major William McKinley Camp, No. 10, United Spanish War Veterans, of Philadelphia, Pa., praying for the enactment of legislation to grant pensions to the widows and orphans of veterans of the Spanish-American War, which were referred to the Committee on Pensions.

He also presented a petition of Local Union No. 2728, United Mine Workers of America, of Burgettstown, Pa., and a petition of Local Branch No. 36, Glass Bottle Blowers' Association, of Marienville, Pa., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of Local Union No. 163, International Union of the United Brewery Workmen, of Freeland, Pa., and a memorial of Local Union No. 163, International Union of the United Brewery Workmen, of Hazleton, Pa., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Johnstown, Pa., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Philadelphia, Pa., remonstrating against American citizens taking passage on armed merchant vessels, which was referred to the Committee on Foreign Relations.

Mr. NELSON presented a memorial of the Pattern Makers' Union of Minneapolis and St. Paul, in the State of Minnesota, remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. WADSWORTH presented petitions of the Young Men's Christian Association of the Colgate University, Prohibition League of Hamilton, and of sundry citizens of Blodgett Mills, Ithaca, West Frankfort, Victor, Medina, Endicott, Bangall, Tillson, and Schenectady, all in the State of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. HOLLIS. I present the petition of ex-Senator Blair, of New Hampshire, which I ask may be printed in the RECORD and referred to the Committee on the District of Columbia.

There being no objection, the petition was referred to the Committee on the District of Columbia and ordered to be printed in the RECORD, as follows:

To the honorable Senate and House of Representatives:

Your petitioners, citizens of the United States, respectfully represent that the inhabitants of the District of Columbia, consisting of more than 300,000 souls, have been held and are now being held in legal bondage under a despotic form of government, in which they have had no representation whatever, which has thus oppressed and despoiled them of life, liberty, and property continuously for more than 30 years last past, and that it is alleged and claimed that the said despotism is so set up and exercised over the inhabitants of the District of Columbia by virtue of the provisions of the Constitution of the United States. The permanent continuance of such a state of things is intolerable and impossible in a free country.

Your petitioners believe that the people of the District of Columbia are entitled to their full share in the sovereignty by which they are governed and to equality of civil and political rights with other citizens of the United States and of the several States, including voting representation in both Houses of Congress, which has over them the combined powers of the National and State Governments over other American citizens.

One drop of poison at the heart kills more surely than a shower shed on the surface of the body.

It is not well for the robust freedom which dwells on the hills and mountain ranges and in the valleys and plains of the country, which is our only real hope as a nation, to behold even a splendid slavery in its Capital City and its people growing fat and magnificent and contented in their bonds, though made of hemp and iron and gold, so mingled that at a little distance and to the popular eye the glisten of the latter conceals the other two.

Some who claim this to be the best form of government on earth are themselves the government which they thus naturally approve; others are apprehensive that any change will be harmful to dominant interests and to the forces and conditions which keep them so; others still are honest disbelievers in free institutions and all government republican in form or their unrepublican environment has developed native-born foreigners under the shadow of the Capitol. But the great mass of human beings in the District of Columbia want a radical change for themselves, if possible, but chiefly for their children and the generations to come.

The population of the District of Columbia has increased fivefold during the last 50 years, and with the impetus which would come from participation in the higher franchise and general sovereignty of the country (not merely the local, subordinate, municipal franchise which Congress may now confer) before the close of the twentieth century more than 2,000,000 people will dwell within her limits.

The ordinance of 1787 and the cession of territory by Georgia in both cases required the division of the territory and its admission into the Union as States when the subdivision had a population of only 60,000 free inhabitants.

(2) Your petitioners also allege, as a matter of history, that in time of peace great danger has arisen to the existence of the Government of the United States by reason of deficient provisions in the Constitution for the transmission of the executive power, in that under the operation of those now existing an election of President became impossible and a deadlock in the Government and disturbance of public order, if not civil war, was only avoided by resort to a certain unconstitutional makeshift of device entered into by agreement of parties, known as an Electoral Commission, the practical working of which was not such as to make like agreements probable hereafter.

(3) They further respectfully allege that in their belief the failure of the Constitution to provide for the temporary exercise of the executive power and for a new election whenever for any cause no President shall have been inaugurated at the end of the regular term of the President is a source of danger calling for immediate remedy.

Wherefore your petitioners pray the Congress to inquire, and if these things are found to be so, to formulate and submit to the legislatures of the States a joint resolution or resolutions for amendments to the Constitution substantially as follows, or in some better form which the wisdom of the Congress may prescribe:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as a part of the Constitution, namely:

"ARTICLE —.

"SECTION 1. The District of Columbia shall be entitled to representation in the Congress of the United States by one Senator and by one or more Representatives, according to the rule of apportionment established by the Constitution, and to as many electors for President and Vice President as it has Members of the Congress, who shall have the same qualifications and powers as other like officers, and shall be chosen, and all vacancies filled, by election of the people.

"SEC. 2. The Congress shall prescribe and regulate the qualifications of voters in the District of Columbia in any manner consistent with government republican in form.

"SEC. 3. When the choice of President shall devolve upon the House of Representatives, the Members of the House chosen from the District of Columbia shall vote and be counted as a State, but in no case shall the vote of a Member chosen to either House of Congress from said District be cast or counted when a choice of President or of Vice President will thereby be prevented; and in case there is a tie in the vote for President in the delegation from the District of Columbia in the choice of President by the House of Representatives voting by States, and there is no choice without the vote of the delegation from the District, the Senator from the District shall vote as a member of the delegation, to the end that a President may be chosen.

"In whatever manner the President and Vice President may be chosen, the vote of the District of Columbia shall not be cast and counted if a choice will thereby be prevented.

"SEC. 4. The Congress may provide for the holding of a new election by the people of the United States forthwith whenever, for any cause, a President shall not be chosen or inaugurated before the expiration of the existing term of the President and for the temporary exercise of the Executive power (during a period not exceeding 90 days) until a President is inaugurated whose term of office shall end four years from the expiration of the preceding full term.

"SEC. 5. The Congress shall enforce this article by appropriate legislation."

HENRY W. BLAIR,
Of Manchester, N. H.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JAMES:

A bill (S. 4737) granting an increase of pension to Isaac Weaver (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 4738) granting an increase of pension to Niles H. Arnold (with accompanying papers); and

A bill (S. 4739) granting an increase of pension to Mary Bracey (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 4740) granting an increase of pension to Leafy J. Leavitt; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 4741) granting an increase of pension to Peter F. Weasel; and

A bill (S. 4742) granting an increase of pension to Jesse W. Casteel (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 4743) granting an increase of pension to William A. Collins (with accompanying papers); to the Committee on Pensions.

By Mr. HOLLIS:

A bill (S. 4744) granting an increase of pension to Nettie Lamprey (with accompanying papers); and

A bill (S. 4745) granting an increase of pension to Minnie L. Gould (with accompanying papers); to the Committee on Pensions.

ADJUDICATION OF CLAIMS.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 6918) to relieve Congress from the adjudication of private claims against the Government, which was referred to the Committee on Claims and ordered to be printed.

RECESS.

Mr. SHIELDS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 53 minutes p. m., Wednesday, March 1, 1916) the Senate took a recess until to-morrow, Thursday, March 2, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 1, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Be graciously near to us, O God our heavenly Father, as we thus approach Thee in prayer; a fitting preparation for the duties of the hour. Illumine our minds, quicken every noble impulse, every holy aspiration, that our motives may be guided by the highest conception of right, truth, and justice, now and ever more, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

CAPTURED AND ABANDONED PROPERTY.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill H. R. 8246. The House automatically resolves itself into Committee of the Whole House on the state of the Union with the gentleman from Missouri, Mr. LLOYD, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 8246) to revive the right of action under the act of March 12, 1863 (12 Stat. L., p. 820).

Mr. STAFFORD. Mr. Chairman, I desire recognition in general debate in opposition to the bill if there is no one on the committee who desires recognition in that status.

The CHAIRMAN. Is there anybody on the committee opposed to the bill?

Mr. BYRNES of South Carolina. Mr. Chairman, may I ask how much time I have consumed?

The CHAIRMAN. The gentleman has four minutes remaining. The gentleman from Wisconsin [Mr. STAFFORD] is recognized for one hour.

Mr. FOCHT. Mr. Chairman, I will first yield 20 minutes to the gentleman from New York [Mr. MAGEE].

Mr. MAGEE. Mr. Chairman, the gentleman has been very liberal in granting time to me. I do not think, however, that I shall take but a few minutes, and the time I do not occupy I will yield back to the gentleman.

The Committee on Revision of the Laws has reported a bill—H. R. 8033—upon the same subject matter as this bill, and being a member of that committee I have become somewhat familiar with the legal propositions involved. I am kindly disposed toward these claimants. If any of them are entitled to recover any of this money, they ought to have an opportunity to do so, and ought to have had it long ago. Under this abandoned and captured property act the net proceeds from the sale of property that was taken went into the Treasury of the United States. The Supreme Court of the United States held that these moneys became a trust fund held by the Government for the benefit of the rightful owners. A very large amount of the money thus received has been paid to different claimants.

There are just two points I wish to make. First, that under the abandoned and captured property act as it has been construed by the court since the general amnesty proclamation of December 25, 1868, a claimant to recover a portion of this money has to do only two things—first, to prove that he was the owner of the property at the time it was taken by the Government and, second, that the net proceeds thereof went into the Treasury of the United States. In other words, while the abandoned-and-captured-property act, in addition to these two things, requires the claimant to prove that he did not give any aid or comfort to the rebellion since the general amnesty proclamation referred to, the claimant has not been required either to assert loyalty in his petition or to prove loyalty on the trial of his claim. That much is said by the committee in its report upon this bill; and, as far as the report covers that subject, I concur in the report of the committee.

Under section 162 of the Judicial Code of the United States the Court of Claims has jurisdiction in these cases. All that a claimant under existing law has to do is to present a petition to the Court of Claims, go there and prove that he owned the property at the time it was taken, and that the net proceeds went into the Treasury of the United States and he can recover.

In order that there might be no question about that, after I had read the opinions of the court, very exhaustive, analytical, and logical, in the Lincoln case, and after I had examined the decisions of the court cited in those opinions, I went to see the able and distinguished counsel who conducted the cases on behalf of the Government. I stated to him that, although he had

raised this question of loyalty in a preliminary motion to dismiss the petition in the Lincoln case, I could not see where he had the slightest ground upon which to base such a contention. He said he agreed with me. So I asked him to send me a written communication, that I might use it in the House so that the Members might know what his position is, which communication as to such matter appears in the statement of facts and law hereinafter referred to and set forth.

Now, Mr. Chairman, in order that I may not take up the time of the House I will on this proposition ask unanimous consent that I may extend my remarks in the RECORD by incorporating therein a statement of facts and law applicable to this question, or so much as I may deem applicable thereto, for the benefit of those who are interested and to make it available to the Members of the House.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks by the insertion of the matter referred to. Is there objection?

There was no objection.

The matter referred to is as follows:

The act of March 12, 1863, mentioned in the pending bill, is known as the abandoned and captured property act. This act (sec. 3) provided that special agents of the Federal Government should cause a book or books of account to be kept, showing from whom property was received, etc., and any person claiming to have been the owners of any such abandoned or captured property could, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims. The official date of the ending of the Rebellion was August 20, 1866. Thus the limitation within which such a claim could be presented to the Court of Claims terminated on August 20, 1868.

Under this act a claimant, to succeed, must establish to the satisfaction of the court three things:

1. His ownership of the property seized.
2. His right to the proceeds thereof.
3. That he never gave aid or comfort to the rebellion.

Lincoln *v.* United States (50 Ct. Cls. Repts., 70).

The general amnesty proclamation was issued on December 25, 1868, granting—

"Unconditionally, and without reservation, to all and to every person who, directly or indirectly, participated in the late insurrection or rebellion a full pardon and amnesty for the offense of treason against the United States or of adhering to their enemies during the late Civil War, with restoration of all rights, privileges, and immunities under the Constitution and laws which have been made in pursuance thereof."

The Supreme Court of the United States has repeatedly held that under the broad terms of this proclamation the pardons became retroactive, reaching back because of the obliteration of the offense. Consequently, since December 25, 1868, a claimant under the abandoned and captured property act has not been required to prove that he never gave aid or comfort to the rebellion.

At December term, 1871, in the case of United States *v.* Klein (13 Wall., 128), the court held, the Chief Justice delivering the opinion, that the captured and abandoned property act did not confiscate or in any case absolutely divest the property of the original owner, even though disloyal, and that by the seizure the Government constituted itself a trustee for those who were entitled to the net proceeds therefrom or whom it should thereafterwards recognize as entitled, and that persons who had faithfully accepted the provisions offered by the proclamation of pardon of December 8, 1863, became entitled to the proceeds of their property thus paid into the Treasury on application within two years from the close of the war.

This was followed by Armstrong *v.* United States (13 Wall., 154) and Pargoud *v.* United States (13 Wall., 156).

In Carlisle *v.* United States (16 Wall., 147), December term, 1872, Mr. Justice Field, speaking for the court, after referring to the foregoing cases, observed:

"After these repeated adjudications it must be regarded as settled in this court that the pardon of the President, whether granted by special letters or by general proclamation, relieves claimants of the proceeds of captured and abandoned property from the consequences of participation in the Rebellion and from the necessity of establishing their loyalty in order to prosecute their claims. This result follows whether we regard the pardon as effacing the offense, blotting it out, in the language of the cases, as though it had never existed, or regard persons pardoned as necessarily excepted from the general language of the act which requires claimants to make proof of their adhesion during the Rebellion to the United States. It is not to be supposed that Congress intended by the general language of the act to encroach upon any of the prerogatives of the President, and especially that benign prerogative of mercy which lies in the pardoning power. It is more reasonable to conclude that claimants, restored to their rights of property by the pardon of the President, were not in contemplation of Congress in passing the act and were not intended to be embraced by the requirement in question. All general terms in statutes should be limited in their application so as not to lead to injustice, oppression, or any unconstitutional operation, if that be possible."

The act of March 3, 1911, among other things, conferred upon the Court of Claims (sec. 162) jurisdiction to hear and determine the claims of those whose property was taken subsequent to June 1, 1865, under the provisions of the said act of Congress approved March 12, 1863. The test case of Lincoln *v.* the United States, under the act of March 3, 1911, came up in the Court of Claims. Under date of January 17, 1916, Judge Norris, the able and distinguished counsel who conducted this case on behalf of the United States, upon my request sent me a written communication in relation thereto, in which he states this:

"Claim for the proceeds of 77 bales of cotton was brought under section 162 of the Judicial Code. The Government moved the court to dismiss the petition, for the reason that it failed to set forth the loyalty of claimant or his decedent, as required by sections 159 and 162 of the Judicial Code. The motion was overruled by the Court of Claims on the 9th day of February, 1914, and the case was subsequently tried on its merits and decided in favor of the Government on the 11th day of January, 1915, the court holding that the cotton had been sold to the Confederacy in 1868; that Confederate bonds had been received in payment thereof; and that claimant's decedent, Joseph A. Harvey, executed a bill of sale to said Government, with an agreement to care for the cotton on his plantation and deliver the same at points designated in the bill of sale on the order of the Confederate secretary of the treasury. The court also found that claimant had failed to show that the proceeds of the sale of the 77 bales of cotton had ever been placed in the Treasury of the United States, and that either of said facts—the sale to the Confederate Government or failure to trace the proceeds of the cotton to the Treasury—precluded a recovery by claimant, and dismissed the petition."

The court in overruling the said motion to dismiss the petition upon the ground that it failed to set forth the loyalty of claimant or his decedent handed down an able and exhaustive opinion upon the law applicable thereto. This opinion was unanimous and will be found in 49 Court of Claims Reports, 300.

The court in deciding the case upon its merits held—

1. That it had jurisdiction.
2. Where the facts show that the plaintiff sold his cotton to the "Confederate States of America," he can not recover therefor.
3. Where the plaintiff can not trace the proceeds of the sale of cotton taken from him into the United States Treasury, he can not recover therefor.

Upon the decision of this case the Court of Claims handed down an able and exhaustive opinion upon the law applicable thereto. This opinion will be found in 50 Court of Claims Reports, 70.

After reading carefully these two exhaustive opinions of the court, and examining the decisions of the Supreme Court of the United States cited and referred to therein, I again saw Judge Norris and stated to him that in my judgment I could not see the slightest ground for the contention that a claimant under section 162 of the Judicial Code was required to assert loyalty in his petition or to prove loyalty upon the trial of his claim. He stated that he quite agreed with me, and upon my request sent me, under date of February 11, 1916, a further written communication in reference thereto in which he states:

"I find that the Secretary of the Treasury, under the act of May 18, 1872, paid the three following South Carolina cotton claims, as found on page 50, Senate Executive Document No. 23, Forty-third Congress:

"B. F. Williamson, $33,049.15; S. H. Wilds, $10,401.30; Hannah Bethea, $2,436.

"But one judgment has been recovered in the Court of Claims under the act taking effect January 1, 1912, that of Evan J. Lide for $2,083.86. The claimant in the Lide case made the necessary proof under section 162 of the Judicial Code. I did not raise the question of loyalty, not thinking it just to claimant to hold up the payment of his small claim for which he had waited so long, by a defense in which I had no confidence.

"I am well satisfied that the Court of Claims was right in overruling the Government's motion to dismiss the petition in the Lincoln case for nonaverment of loyalty, and their decision would be sustained by the Supreme Court. The Government was fully justified in making the motion, and I felt at the time that it should be sustained, but a subsequent study of these cases and a consideration of the conditions prevailing in 1865 has led me to an opposite conclusion. There is no doubt the framers of section 162 of the Judicial Code intended to include all individuals whose property had been taken after the close of hostilities, irrespective of their political sentiments. This is manifest from Executive action taken at the time. After the surrender of Gens. Lee and Johnston, Treasury agents were authorized by the Secretary to collect cotton on the plantations of owners who had sold it to the Confederate Government, received Confederate bonds in payment, and given bills of sale thereof. They were instructed to take nothing but cotton that had been sold to the Confederacy, as aforesaid, and that which had been taken by the military, previous to the close of hostilities, over the civil authorities. They were not empowered to take the property of individual owners.

"Chief Justice Chase, in the case of McDonald *v.* Callicott, wherein McDonald brought action against the Treasury agent for an unwarranted seizure of his cotton, instructed the jury that the agent was not authorized to seize the cotton of an individual, and if he did so, realizing his lack of authority, he was guilty and the jury should so find him; but if he acted honestly under a mistaken impression of his duty, then in such case he could not be held liable. Under these instructions the jury found him guilty and returned a verdict of $9,000 in favor of claimant. The question of loyalty was not taken into consideration by the Secretary of the Treasury in his investigation of claims under the act of May —, 1872."

The act of May 18, 1872, was a deficiency act, but section 5 thereof (p. 134) provides—

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the lawful owners, or their legal representatives, of all cotton seized after the 30th day of June, 1865, by the agents of the Government unlawfully and in violation of their instructions, the net proceeds, without interest, of the sales of said cotton actually paid into the Treasury of the United States; * * * and provided further, That the foregoing provisions shall not apply to any claim now pending before the Court of Claims, nor to any claim not filed in the Treasury Department within six months after the passage of this act; * * *."

Department Circular No. 4 of the Treasury Department, issued under date of January 9, 1900, and signed by H. A. Taylor, Assistant Secretary, among other things, states:

"By the terms of section 3 of the act approved March 12, 1863 * * *, it was provided that 'any person claiming to have been the owner of any such abandoned or captured property may, at any time within two years after the suppression of the rebellion prefer his claim to the proceeds thereof in the Court of Claims.' It was decided officially and afterward judicially that the rebellion closed August 20, 1866, so that the parties had until August 20, 1868, to file their claims in the Court of Claims. Under this act a large number of claims for cotton were filed in that court, and judgments rendered. It appears from the report of the Register of the Treasury, February 4, 1888, that the judgments paid amounted to $9,864,300.75. Since that date there have been paid on judgments rendered by the court and under private acts of Congress $520,700.18.

"Again, under section 5, act of May 18, 1872, * * * the Secretary of the Treasury returned to the owners of cotton seized unlawfully after June 30, 1865, the sum of $195,896.21. * * *"

Thus, it conclusively appears that from the date of the general amnesty proclamation, December 25, 1868, down to the enactment of the act of March 3, 1911, containing section 162 of the Judicial Code, the contention that a claimant under the abandoned and captured property act, of March 12, 1863, must assert in his petition filed in the Court

of Claims loyalty, and upon the trial of his claim prove loyalty, is absolutely untenable.

To any person carefully examining the exhaustive opinions of the Court of Claims, hereinbefore mentioned in the Lincoln case, and the act of March 3, 1911, it will conclusively appear that the contention that a claimant under said section 162 of the Judicial Code must assert in his petition filed in the Court of Claims loyalty, and upon the trial thereof prove loyalty, is absolutely untenable.

The act of March 3, 1911, is an act to codify, revise, and amend the laws relating to the judiciary (and comprises 301 sections), and is the Judicial Code of the United States.

Section 159 thereof, and mentioned in the report of the committee upon the pending bill, is a reenactment, which was originally enacted March 3, 1863, and similar to section 1072 of the Revised Statutes. Also, sections 160 and 161 of the Judicial Code are substantially reenactments and very similar to sections 1073 and 1074 of the Revised Statutes. (Judicial Code, p. 93.)

Section 162, however, is new legislation, and was read into the Judicial Code under the said act of March 3, 1911. It is clear, as set forth in great length in the said opinions of the Court of Claims, that sections 159, 160, and 161 can have no new meaning and receive no new construction because they were reenacted in the codification, revision, and amending of the laws relating to the judiciary. If they were to be given a new meaning and a new construction, the conclusion would necessarily follow that section 162 is meaningless and of no force or effect.

It is to be presumed that this question was carefully considered by Congress in the enactment of the act of March 3, 1911, and the judgment exercised then has been abundantly justified by the decisions of the court. That Congress in the act of March 3, 1911, took no chances in the premises is clearly and conclusively shown by section 294 of the act of March 3, 1911, which provides "The provisions of this act, so far as they are substantially the same as existing statutes, shall be construed as continuations thereof and not as new enactments, and there shall be no imputation of a change of intent by reason of a change of words in such statute unless such change of intent shall be clearly manifest."

Under the act of May 18, 1872, without any consideration whatever of the question of loyalty, the Secretary of the Treasury returned to the owners of cotton seized unlawfully after June 30, 1865, the sum of $195,896.21; and in 1915 without the raising or consideration of any question of loyalty judgment was entered in the Court of Claims in favor of Evan J. Lide for $2,083.86, which, I am informed, will be duly paid.

Mr. MAGEE. Mr. Chairman, I do not care to weary the House further on that subject. The second point I desire to make is that, in my judgment, this is a dangerous bill for the claimants. It purports to be a bill to revive the right of action under the act of March 12, 1863, which is the abandoned and captured property act, and in the body of the bill it states that the provisions of the act of Congress approved March 12, 1863, which conferred jurisdiction upon the Court of Claims to hear and determine claims arising, and so forth, shall be revived.

It says in this bill that the claimant may prefer his claim to the proceeds to the Court of Claims, and on proof to the satisfaction of said court of his ownership of said property, of his right to the proceeds thereof, and that he has never given any aid or comfort to the present rebellion, and so forth. Now, you have got under section 162 of the Judicial Code of the United States all that they want except in two instances.

That section says "for all property taken after June 1, 1865." I think that date of June 1 was taken arbitrarily from the act of May 18, 1872, which gave the claimants six months in which to file their claims, because it does appear from Senate Executive Document No. 23, Forty-third Congress, second session, that some cotton was taken in the month of May, 1865, as will be found on page 48 of that document, aggregating about 250 bales. I am informed that there is other additional cotton where it will require proof for the court to determine whether it was taken in the early days of June or in the latter days of May, 1865. So to take care of that situation all you need to do would be to amend section 162 of the code by striking out the word "June" and inserting the word "May." The pending bill also says:

And jurisdiction is hereby conferred on said Court of Claims to adjudicate the claims that were filed under the provisions of said act, and the petitions dismissed by said court.

I do not know to what extent petitions were dismissed by the court in the sixties under said act, but that question could be taken care of by an amendment to section 162 of the Judicial Code. The report of the committee states, on page 6:

It was a matter of doubt among the members of the legal fraternity as to what effect would be given by the Supreme Court to the proclamations. In 1869 the Supreme Court decided that the necessity of proving loyalty in order to recover the proceeds of captured and abandoned property had been removed by the proclamations of pardon and amnesty.

This decision came a year after the limitation had run; too late to benefit that class of claimants. The limitation had expired and the bar was complete.

These claimants, who failed to present their claims because of a mistake of law on a question about which the best legal talent of the country disagreed, can not be censured. To all intents and purposes they have never had an opportunity to present their claims for adjudication.

They have the opportunity now under section 162 of the judicial code of the United States, and have had it ever since the act of March 3, 1911, went into effect.

How are you going to revive the act of March 12, 1863? I do not see how you are going to revive it unless you reenact it, and you can not reenact it because the conditions of war times of 1863, when this act was passed, can not be made applicable to the conditions of to-day. You will find a memorandum of that act in Fiftieth Court of Claims, at the bottom of page 78 and on page 79. There are seven sections referring to various things. Section 3 provides that the Secretary of the Treasury may require the special agents appointed under this act to give a bond with such securities and in such amount as he shall deem necessary, and that he shall cause a book, or books, of account to be kept, and all that sort of thing, of the property taken. How on earth are you going to reenact an act that is as dead as Julius Cæsar? Anything as dead as Cæsar is beyond human resurrection. That was the very contention of the Government in the Lincoln case upon the motion to dismiss the petition because of a nonaverment of loyalty. You will find it in Forty-ninth Court of Claims, on page 303, where the court in its opinion, discussing this phase of the question, said:

Defendants contend that if the abandoned-and-captured-property act is revived by section 162 of the Civil Code it is revived in all its parts.

And one of those parts is that the claimant must show that he did not give any aid or comfort to the rebellion. Here is an act to revive this act in the face of the contention of the Government in that case.

I assume that those who are willing to take the chance of this bill are basing it probably upon a dictum in the opinion in the Austin case, which is reported in One hundred and fifty-fifth United States, 417, but that dictum was not necessary in the decision of that case. What is said there was only the voluntary statement of the court in taking up the contentions of the counsel for claimant and discussing them and expressing the views of the court. What was held in the Austin case is this, and in all probability, if you pass this bill, you will bring it within the principle laid down in that case and defeat the very purpose of the bill and of the friends of these claimants, to wit: "The act of March 3, 1883—

authorizing the Court of Claims to hear and determine the claims of the successors and representatives of Sterling T. Austin, deceased, for cotton alleged to have been taken from him in Louisiana by the authorities of the United States in 1863, 1864, and 1865—

any statute of limitation to the contrary notwithstanding, provided, however, that it be shown to the satisfaction of the court that neither Sterling T. Austin, sr., nor any of his surviving representatives gave any aid or comfort to the late rebellion, but were throughout the war loyal to the Government of the United States, made the establishment of loyalty in fact, as contradistinguished from innocence in law produced by pardon, a prerequisite to jurisdiction, and the Court of Claims, having found that the claimant was not thus loyal, properly dismissed the petition." What the court said in its opinion in reference to the contention of the attorneys for the claimants was mere dictum. The court says, on page 432:

It is contended that the words in reference to the establishment of loyalty are in substance the same as those used in the third section of the captured and abandoned property act—

And so forth.

Mr. HOWARD. Mr. Chairman, I wish we could have a little better order. The gentleman is proceeding under great difficulty.

The CHAIRMAN. The committee will be in order.

Mr. MAGEE. Mr. Chairman, I appreciate that a legal argument is always a very dry subject, and I would not attempt to make this legal argument if I had not been requested to do so, and because it is a matter of very great consequence to a great number of claimants and also to the Government. There is, I think, remaining in this fund yet, either as a fact or at least in theory—and in the eyes of the law the fund is still there—something under $5,000,000. My point is this, that if this bill is enacted into law it is very likely that the court will hold that the claimant is bound to show that he did not give any aid or comfort to the rebellion, just as the court held that such proof was necessary in the Austin case. At any rate, if this act is passed the Government will, in my judgment, be in duty bound to fight that question up through the United States Supreme Court. The Government felt bound to raise it in the Lincoln case, and now, as the law is to-day, as I understand it, the Government is satisfied that all any claimant has to do is just what Evan J. Lide did in 1915—go into the Court of Claims and prove that he owned the property when it was taken and that the net proceeds thereof went into the Treasury of the United States and get his money. What more do you want? If you force the Government to raise this question by this bill it will take three or four years to get up through the Supreme Court.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. MAGEE. Yes.

Mr. HOWARD. Under the case just cited by the gentleman, in 1915 the burden of proof was on the claimant to trace the fund into the Treasury of the United States, was it not?

Mr. MAGEE. Yes.

Mr. HOWARD. Well, now, as a matter of fact, does the gentleman know that the Treasury Department of the United States does not divulge any information as to funds that reach the Treasury of the United States until that claimant has filed his claim in the Court of Claims, and as a result does not the gentleman think under the harshness of that rule that it places upon the claimant a burden that no other claimant or no other plaintiff carries under any other rule of government that I know of in courts of law or equity?

Mr. MAGEE. The burden is a heavy burden, but there is not any question about the law. It is conceded by the committee, and the committee is absolutely right, that the claimant must prove that he owned the property when it was taken and that the net proceeds went into the Treasury of the United States. It is a heavy burden. Now, what I say is, why take any chances of imposing this additional burden? Why not take section 162 of the code that has been adjudicated by the court, that has been sustained, where any claimant can go, and if you want to do anything to help a claimant any further, amend an act that has been adjudicated and held by the court to be good?

Mr. HOWARD. Will the gentleman yield for one further question?

Mr. MAGEE. Yes.

Mr. HOWARD. In the gentleman's research—and I can see from his argument that he has made an exhaustive one—has he ever found not only in the law but in the history of any civilized country on earth where an invading army confiscated stores for the subsistence of the army from the nonbelligerents that it did not then and there make a payment in full for the confiscation of such stores for subsistence?

Mr. MAGEE. Now, I will say to the gentleman that the courts make a very clear distinction between acts of confiscation and this abandoned-and-captured-property act. A confiscation act is penal, and what we are discussing here has nothing whatever to do with that. This abandoned-and-captured-property act is remedial and it goes on this theory, that the purpose of the act was that the Government would refund this money to the rightful owners of property that was taken after the practical cessation of hostilities.

Now, hostilities practically ceased on April 25, 1865, when Gen. Joseph E. Johnston surrendered. So that section 162 of the code ought to be amended by striking out the word "June" and substituting the word "May." In other words, there is no reason why an owner whose property was taken in June should have the right to recover and not another owner whose property was taken in the month of May, the two being exactly in the same class. I only want to say, in conclusion, that I have made these suggestions because I have deemed it my duty to do so in the interest of equity and justice.

Mr. STAFFORD. Will the gentleman yield?

Mr. MAGEE. Yes.

Mr. STAFFORD. As I understand the contention of the gentleman, the relief that is desired can be attained by amending section 162 of the Judicial Code?

Mr. MAGEE. Of the Judicial Code of the United States.

Mr. STAFFORD. Is the gentleman aware of the fact that there is on the calendar a bill reported from the Committee on the Revision of the Laws seeking to amend that section?

Mr. MAGEE. That is the bill I referred to in my opening remarks. I am on that committee.

Mr. STAFFORD. And so if we defeat this bill, which the gentleman believes will not attain the purpose sought for, and as the Committee on the Revision of the Laws follows next on the calendar with their bill, can not we attain the very end the gentleman thinks should be attained by amending section 162?

Mr. MAGEE. House bill 8033, reported from the Committee on the Revision of the Laws, would have to be radically amended, but it could be amended.

Mr. HOWARD. Will the gentleman yield right there?

Mr. STAFFORD. In just a minute. The House will have control when the bill is up to-day, and it can be amended according to the ideas of the gentleman, notwithstanding the report of the committee in that particular.

Mr. HOWARD. Will the gentleman yield right there in that connection? The bill reported from the Committee on the Revision of the Laws refers to an entirely different classification of property, to wit, property that was captured as abandoned property subsequent to June 1, 1865. That was after the war had ended—not during the belligerent period at all—and the confiscation is of a different class from that to which the gentleman from Wisconsin refers.

Mr. MAGEE. No; it refers exactly to the same one as this bill.

Mr. STAFFORD. Section 162, I want to say, refers to the identical property as the bill under consideration.

Mr. HOWARD. The records show, in the War Department, millions of dollars worth of property that was confiscated in the belligerent country after the cessation of hostilities.

Mr. MAGEE. Neither bill has reference to that at all. The bill reported, as suggested by the gentleman from Wisconsin, from the Committee on Revision of the Laws, deals exactly with this same subject matter.

Now, I want to say in conclusion, Mr. Chairman, that while these matters do not affect the State which I represent in part, they do affect several States in this Union, and in my official action, while a Member of this House, there can be no East, no West, no North, no South [applause], but only these—yours and mine forever—these United States. [Applause.]

Mr. BYRNES of South Carolina. Mr. Chairman, I have but four minutes left, and I prefer to reserve that time.

Mr. FOCHT. I will yield to the gentleman whatever time he wants. Would the gentleman like to have 10 minutes?

Mr. BYRNES of South Carolina. I will reserve the four minutes that I have unless the gentleman does not wish to use any more time.

Mr. FOCHT. I will yield 10 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, there are two bills on the calendar, one of which is now under consideration and the other may be under consideration in a few minutes, both relating to funds arising under the captured-and-abandoned-property act. Apparently it is the intention of the majority to endeavor to pass both of these bills. I do not myself understand exactly upon what theory it is desired to pass two bills upon the subject. I will ask the gentleman from South Carolina [Mr. BYRNES] whether the bill now before the House, H. R. 8246, covers this question completely, and if this bill passes whether there is any further need of section 162 of the Judicial Code?

Mr. BYRNES of South Carolina. I am not acquainted with the provisions of the bill to which the gentleman refers. I have never seen it, but I see no reason for any further legislation if this bill is passed.

Mr. MANN. It is very evident that the committee when they reported this bill, intentionally or unintentionally, took into consideration the other bill, because they have proposed as an amendment to this bill the proposition that nothing contained in this act should be construed to repeal, alter, or amend section 162 of the Judicial Code, and it is clearly expressed in that amendment that this bill is not supposed to interfere with the existing law or the other bill proposing to amend the existing law, and hence this bill is not sufficient to cover the subject.

Mr. BYRNES of South Carolina. My answer to that is that this bill was intended to cover the subject prior to the date of June 1, 1865, which is referred to in section 162 of the code. There was no intention to interfere with the provisions of section 162.

Mr. MANN. Does this bill only refer to funds where the property was captured prior to July 1, 1865?

Mr. BYRNES of South Carolina. By reason of the provision of section 162 this bill does refer only to the property taken prior to June 1, 1865.

Mr. MANN. What is there in this bill that limits it to that date?

Mr. BYRNES of South Carolina. Only the amendment providing that nothing in this act shall be construed to alter or amend section 162.

Mr. MANN. Oh, well, that is true; but this bill confers, so far as I can see, full authority to file claims as to any property taken under the captured-and-abandoned-property act—complete authority—by an extension of the limitation.

Mr. BYRNES of South Carolina. For a period of two years; yes.

Mr. MANN. Well, it is complete authority by the extension of limitation. Was there anything in the original act which forbade claims to be filed for property taken after July 1, 1865?

Mr. BYRNES of South Carolina. No.

Mr. MANN. The original act was passed in 1863, was it not?

Mr. BYRNES of South Carolina. Yes; in March, 1863.

Mr. MANN. The act of 1864. And is complete so far as it goes, covering all cases arising under the captured-and-abandoned property act.

Mr. BYRNES of South Carolina. You mean the original act?

Mr. MANN. This act.

Mr. BYRNES of South Carolina. Yes; this act would have covered all if the amendment had not been adopted which provided that it should not alter or amend the provisions of section 162.

Mr. MANN. Section 162 is merely cumulative; it is not exclusive.

Mr. BYRNES of South Carolina. Section 162 provides for anything taken after June 1, 1865. There is no limit upon it. Under that act the claimant would have the right to go into court and under this act he would have the right to go into court for property taken prior to June 1, 1865.

Mr. MANN. If this act passes, would not claimants, for property taken prior to July 1, 1865, have the right to file claims under this act?

Mr. BYRNES of South Carolina. I think they would have the right to file under section 162 of the code.

Mr. MANN. But under this act?

Mr. BYRNES of South Carolina. I do not think so.

Mr. MANN. Why not?

Mr. BYRNES of South Carolina. If they did, it is in the same language. What is the gentleman's objection?

Mr. MANN. I am asking for information. I have not made any objection yet.

Mr. BYRNES of South Carolina. I have told the gentleman the purpose of the amendment, which was offered by a member of the committee, was not to interfere with a provision of section 162 of the code.

Mr. MANN. That gives two remedies, or a remedy under each one of the two acts, to those whose property was taken after July 1, 1865. Then, except that, this act requires the claim to be filed within two years.

Mr. BYRNES of South Carolina. Yes. There is no limit.

Mr. MANN. And the other act fixes no limitation.

Mr. BYRNES of South Carolina. No limitation.

Mr. MANN. And both acts remove, as I understand, in effect, proof of loyalty?

Mr. BYRNES of South Carolina. This act does not.

Mr. MANN. In effect, I said. Does it not?

Mr. BYRNES of South Carolina. If the court holds in accordance with the decision of the Supreme Court, it would. I understand that argument has been made that the court would not so hold, but I do not intend to anticipate the decisions of the court. If the court so holds, it will.

Mr. MANN. That is the theory of the bill, is it not?

Mr. BYRNES of South Carolina. It is.

Mr. MANN. The other bill expressly provides that proof of loyalty shall not be required. I know that I am not very harsh or bitter on account of the war. I do not believe that Congress ought to pass an act in reference to these southern claims which is intended to remove the requirement of proof of loyalty. War is war, and when people go into war they take their chances. There can be no war without destruction of property, without the seizure of property, without damage to the people who are engaged in it. It never is and never will be possible to remove the damages or to make recompense for them, and when people engage in war they ought not, after the war is over, plead the baby act and say, "While we took our chances on the war, and have been defeated, we still want you who were the victors to pay us for the property which you took."

In these cases it is true that the Government seized cotton and other property—no one knows how much other property was seized—and sold it, and put the money into the Treasury, where it was carried as a bookkeeping account, but in fact used in carrying on the war. There is no distinction in theory between taking the property and using it for the Army in the South and taking the property and selling it and putting the money in the Treasury and using the money to carry on the Army in the South. There is a slight difference in fact but no substantial difference in principle.

I am not in favor even now of paying those whose property was taken and used by the Army in the South for that property where they were not loyal to the Government. Likewise, I am not in favor of giving them the money where they were not loyal to the Government. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOCHT. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

The CHAIRMAN. The gentleman from Tennessee [Mr. AUSTIN] is recognized for five minutes.

Mr. AUSTIN. Mr. Chairman, I am going to support this bill for one or two reasons which I consider good and convincing. I represent a section of this country which was as intensely loyal during the Civil War as any portion of the United States. The district I represent furnished more soldiers to the Union Army than any other district in the United States in proportion to population. A number of counties in that district furnished more Union soldiers than they had voters. Boys enlisted. During the Spanish-American War the smallest county in that district, having 2,500 voters, sent over 500 soldiers to the Spanish-American War, and the record of enlistments during the same war showed that Knoxville, Tenn., stood next to New York City.

During the Civil War we were in the heart of the "enemy's country." Knoxville furnished our great naval leader, Admiral Farragut, and Tennessee sent 31,090 volunteers to the Union Army, not counting hundreds who enlisted and served in the regiments from other States. The records of the War Department in this city show that the Southern States, including Missouri, West Virginia, and Maryland, furnished 317,714 white men to the Army, Navy, and Marine Corps during the Civil War, and 93,346 colored troops, or a total of 406,670. The record by States is as follows:

White soldiers, Army and Navy.

Tennessee	31,092
Texas	1,965
Alabama	2,576
Florida	1,290
Kentucky	75,760
Louisiana	5,224
Mississippi	545
Missouri	109,111
North Carolina	3,156
West Virginia	32,068
Maryland	46,638
Arkansas	8,289
Total	317,714

Colored troops.

Alabama	4,969
Arkansas	5,526
Florida	1,044
Georgia	3,486
Louisiana	24,052
Mississippi	17,869
North Carolina	5,035
South Carolina	5,462
Tennessee	20,133
Texas	47
Virginia	5,723
Total	93,346

Had these 400,000 soldiers fought on the Confederate side it would have imperiled the Union, and to say the least would have prolonged the war for some time. It did not cost much to be loyal to the Government in the North during those stormy times, but it did cost a great deal to be loyal to it in the South. Both armies lived upon our country, for the fighting was in the South, and no little of it was done on the soil of Tennessee—at Knoxville, Chattanooga, Nashville, Franklin, Shiloh, Murfreesboro, and other points. No tongue or pen can tell the sufferings and hardships endured by the southern loyalists during that unfortunate period. When the war was over, the South was devastated. The home and property of the Unionists, as well as that of the Confederates, had been destroyed. A Republican Congress passed a law in 1863 that a loyal citizen of the South must file his claim for captured or abandoned property in the Court of Claims within two years or it would be barred. If these claims were just then, they are just now, and the claimants ought to have had more time in which to file and prosecute for the recovery of their property. Everything was in confusion from 1863 to 1865 in the South, and it resulted in many of these claimants having no opportunity to present their cases within the time prescribed by law, and hence they were denied a hearing by a Government they had loyally and faithfully served and in which service they lost practically all of their property. Now you tell us that although this Government, through its highest tribunal, the Supreme Court, made up of Republicans, has passed upon this question, and in their decision stated that the money realized from captured and abandoned property deposited in the Treasury and held in trust does not belong to the Government, but the rightful title rests with certain people in the South, who were loyal to the Union, you are unwilling to extend the time, and thus give these honest, deserving, and loyal people a day in court. I can not believe that any man in this House will violate his conscience or his oath or his duty as a Representative or will be criticized in the least by his constituents for doing what a Republican Supreme Court said ought to be done.

This property or money in the Treasury held in trust does not belong to the Government of the United States. The highest court in the land has so said. [Applause.]

If the Government has no just and legal title to it, are we performing our faithful duty under the Constitution, and under our oaths, by retaining or withholding something which does not belong to the United States Government? I was pleased and

gratified to hear the gentleman from New York [Mr. MAGEE] in his speech state that in the consideration of this bill there should be no section—no North or South, East or West—but that there should be justice, and justice alone. [Applause.]

Mr. FOCHT. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. MCLAUGHLIN].

The CHAIRMAN. The gentleman from Michigan [Mr. MCLAUGHLIN] is recognized for five minutes.

Mr. MCLAUGHLIN. Mr. Chairman, I wish to refer again to the matter that I referred to a week ago, when the bill was up, and suggest an amendment which will prevent the consideration in the Court of Claims of any claim that has been actually considered in Congress and unfavorably acted upon.

The proceeding, as I understand it, heretofore has been that a claimant would present his claim to Congress, it would be sent to the Court of Claims for a determination of the facts, and the court would report the facts to Congress, and perhaps a bill would be reported by the Committee on Claims to Congress, and Congress, with all facts before it, would consider the matter on its merits and act favorably or unfavorably. My view of this situation is that any claim that has passed through the court and has been finally presented to Congress and considered on its merits and the action has been unfavorable should never be again presented or considered by the court or Congress.

Without the amendment which I suggest, the course, which I think is wrong, would be open to the claimant. Notwithstanding the fact of a claim passing through that course and unfavorable action by Congress the claimant could now go direct to the Court of Claims; or if this bill is passed, he could ignore Congress and go direct to the Court of Claims, present his case, have the court hear it and determine the facts and the merits of the proposition and perhaps give judgment in his favor, and the money would be paid out of the Treasury of the United States.

The amendment I shall offer provides that no claim that has been considered by Congress and final action taken shall again go to the court. The court should have no jurisdiction of it.

I think that Congress can perform no higher duty and accomplish no better work than to provide for the proper, prompt consideration of claims and the payment of just claims; but after Congress has once acted, and acted unfavorably, the claimant should be foreclosed from further proceedings. The gentleman from South Carolina [Mr. BYRNES] in charge of the bill admitted a week ago that the course which I think is wrong will be open to a claimant unless the bill is amended. At the proper time I shall offer an amendment which will take away from the court jurisdiction of claims that have been once finally acted upon by Congress.

I yield back the remainder of my time.

Mr. FOCHT. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has 11 minutes.

Mr. FOCHT. I yield three minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, there have been various statements in reports and on the floor as to the amount of money which might be involved in this bill and its companion bill and the section of the Judicial Code. All of the claims which could be filed under the Judicial Code section could be filed under this bill. I hold in my hand a letter from the Assistant Secretary of the Treasury, William P. Malburn, addressed to a Member of this House, in reference to the companion bill on this matter. The companion bill would only cover claims which this bill would cover, but this bill would cover all that the companion bill covers. The Assistant Secretary of the Treasury said, under date of January 31 last:

> As to the total amount of such claims now cognizable by the Court of Claims under section 162 of the Judicial Code, or which would be so under that section, as it is proposed to amend it in House bill 8033, you are informed that there are no data available from which such an estimate can be made.

Here is a statement from the Assistant Secretary of the Treasury, after investigation, that there are no data available from which can be determined the amount of the claims which may be filed or which may be valid under the provisions of the Judicial Code, which would be a part of the claims covered by this bill, although we are told in the report, and by various gentlemen on the floor, that the total amount of claims involved can not exceed, I believe, about a half million dollars. Where they acquire their information it is not necessary to specify, but the Assistant Secretary of the Treasury, in the most recent communication he has made on the subject, informs us that there is no way of estimating the amount which may be involved.

Mr. FOCHT. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman has eight minutes remaining.

Mr. FOCHT. Mr. Chairman, this bill has been reported from the Committee on War Claims six different times, and I assume that that covers a period of probably 20 years; so that it is evident that there has been a common consensus of opinion that this money set aside and now in the Treasury of the United States for the payment of these abandoned-property claims should be paid to those to whom it belongs; but it is a recognized fact that it is most difficult to collect a claim against the United States Government.

It is now more than 50 years since a loyal Congress, assembled in this Hall back in 1863, decreed that this money should be paid to these claimants. Yet it has taken all these years before we were able to bring this question upon the floor of this House for final discussion and disposal.

Mr. Chairman, I come from a district in Pennsylvania—and when I mention the word "Pennsylvania" it must necessarily everywhere ring true to loyalty and patriotism. [Applause.] The district I represent sent the first troops who answered the call of Lincoln, the Logan Guards, of Lewistown, who quartered the same night in the Rotunda of this Capitol. [Applause.] Therefore no man may be mistaken as to where I stand on any question involving loyalty.

Now, it is a historical fact that all of the South did not go out and become disunionist. Kentucky never did go out. Only a part of Tennessee went out. Part of the Carolinas did not go, and it was a close call that even Virginia went out, as any man familiar with the history of that referendum well knows. Therefore, as the gentleman from Tennessee [Mr. AUSTIN] has well said, there must have been in the Southland many men who were loyal to the flag and to the Union. And I want to say, Mr. Chairman, that my position on this question is impelled and actuated solely by the fact that these men must have been loyal, or they can not recover by the aid of my vote these claims; and anyone living in the South during the troublous times of that rebellion who was loyal and who lost property, ought to be paid for it if anybody anywhere ought to be reimbursed; and if this bill does that, as since it is the intelligent judgment of half a century, and a result of the wisdom, the conclusions, and decisions of one supreme judge after another, then I want to vote for the bill, just as I vote for all the pension bills for Union soldiers, because they were loyal. For the opposite reason I can not vote for the Confederate pension bill which will be offered later by the very eloquent gentleman [Mr. TILLMAN] who spoke so beautifully of the valor of the southern soldier, whose courage and heroism have never been denied. I can not vote for that bill because it would be putting a premium upon disloyalty. For that very reason I believe the pending measure ought to appeal to every northern man, Republican, Democrat, or whatever his politics may be, in order that there may be proper restitution to those loyal Union men of the South, or their heirs, who lost their property during the great conflict. [Applause.]

The CHAIRMAN. The gentleman from South Carolina [Mr. BYRNES] is recognized for four minutes.

Mr. BYRNES of South Carolina. Mr. Chairman, the gentleman from Illinois [Mr. MANN] makes the statement that there is no distinction between the property that was taken and used for the support of the Army and property that was taken under this captured and abandoned property act. This act was passed in March, 1863. A reading of the debate preceding the adoption of the act will show that at that time a large number of bales of cotton in the so-called insurrectionary districts had been taken and sold, and the proceeds converted to the personal use of those who happened to take them. This act was first entitled "An act to prevent the perpetration of frauds." Afterwards it received the title of the captured-and-abandoned-property act; but that it was enacted for the purpose of preventing fraud is apparent from the subsequent history of this legislation; for the act provided that when the cotton was sold the net proceeds should not be used for carrying on the war, as was the case with stores and supplies, but that this money should be placed in the Treasury to the credit of the owner of the property. And the Supreme Court thereafter, in the case of the United States against Padelford, Ninth Wallace, page 543, Mr. Chief Justice Chase, speaking for the Supreme Court, said:

> The Government is a trustee, holding the proceeds of the petitioner's property for his benefit; and having been fully reimbursed for all expenses incurred in that character, loses nothing by the judgment, which simply awards to the petitioner what is his own.

In case after case the court decided thereafter that this was a trust fund; and when men on the floor of the House ask why these cases were not prosecuted before, the history

of this legislation shows that in six Congresses, during Republican and Democratic administrations, the justice of this legislation has appealed to the committees, and six times have bills been reported to this House, and in those reports the passage of this legislation by Congress has been urged.

Never has it been finally acted upon, because Congress failed to take action. Mention has been made of the amount that is involved. The Treasury, in an official circular, stated that the amount left under this fund from cotton amounts to a little more than $4,000,000. It also calls attention to the fact that of the $4,000,000 the sum which was only $500,000 less represented property that had been sold to the Confederate States, and wherever that was done, of course, no individual claimant can show title, and where he can not show title his case must fail. The court has decided that the claimant must trace the cotton from the time it left his hands into the Treasury of the United States. The books of the Treasury represent conclusive evidence there on that question. If he is permitted to go into this tribunal and file his case, he can only recover if the Treasury books show that the money is there to his credit.

Now, one other argument has been made as to loyalty. The act of 1863 provided for loyalty. In making the report I called attention to the fact that notwithstanding that provision of loyalty the Supreme Court had held that it was not necessary to prove it. Now, if they could hold that years ago when hatred inspired the actions of men, when passions were easily aroused, and they can hold that this is a trust fund that belonged to these people, why can not we at this time, when this Congress, regardless of section, answer an appeal such as the gentleman from Illinois made for Abraham Lincoln, when I can do it, when other men from my section can do it, why can not this Congress answer an appeal to give these people the right to recover of the United States this trust fund. [Applause.]

The CHAIRMAN. All debate is closed, and the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the provisions of the act of Congress approved March 12, 1863 (12 Stat. L., 820), which conferred jurisdiction upon the Court of Claims to hear and determine claims arising from the proceeds of abandoned and captured property, which reads as follows, namely, "Any person claiming to have been the owner of any such abandoned or captured property may, at any time within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims, and on proof to the satisfaction of said court of his ownership of said property, of his right to the proceeds thereof, and that he has never given any aid or comfort to the present rebellion, to receive the residue of such proceeds, after deduction of any purchase money which may have been paid, together with the expense of transportation and sale of said property and any other lawful expenses attending the disposition thereof," be, and the same is hereby, revived for the period of two years from and after the passage of this act. And jurisdiction is hereby conferred on said Court of Claims to adjudicate the claims that were filed under the provisions of said act and the petitions dismissed by said court, the act of July 2, 1874 (13 Stat. L., 376), and all other nonintercourse laws to the contrary notwithstanding.

The following committee amendment was read:

Page 2, line 17, strike out the word "seventy-four" and insert the word "sixty-four."

The committee amendment was agreed to.

The Clerk read the following committee amendment:

Page 2, at the end of line 19, insert the following:

"*Provided*, That nothing contained in this act shall be construed to repeal, alter, or amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911."

Mr. MANN. Mr. Chairman, the gentleman from South Carolina [Mr. BYRNES], for whom I have a very warm affection, just referred to the amount that was involved, referring, however, only to the question of cotton. No one has ever been able to get any authoritative statement except in regard to cotton. Cotton was not the only property that was taken under the captured-and-abandoned-property act. I alluded a moment ago to a statement from the Secretary of the Treasury that there were no data available from which an estimate could be made of the amount involved. I read another line or two from the same letter, in which Assistant Secretary Malburn states:

There is no information available as to the number or probable amount for which claims may be preferred for property other than cotton.

So that the statement as to cotton is not so very valuable. Now, Mr. Chairman, the gentleman referred to the question of loyalty. The original act which it is proposed to revive provides—and that was the intention of Congress when it passed this act in 1863—that no claimant should have a claim unless he proves that he has never given any aid or comfort to the present rebellion. That was the intention of Congress when this property was taken. It was not the intention of Congress to take this property and pay the value of it to those who were disloyal. Long since that act went out of use the Supreme Court held that President Johnson by his amnesty proclamation had removed the requirement to prove loyalty. But that does not affect the intention of the Congress which passed the original act, and there is no more reason why we should now remove, as is proposed by this bill in effect, the question of loyalty than there is as to all other of the claims which the claim agents are so earnestly asking should be done.

Mr. GUERNSEY. Will the gentleman yield?

Mr. MANN. I will.

Mr. GUERNSEY. Where the claimant has long since been dead how can the question of loyalty be established?

Mr. MANN. They have no difficulty about it. They established the question of loyalty in thousands and thousands of these claims for property taken by the Union Army in the South. We have paid thousands of these claims, and have just passed a bill in the House authorizing the Court of Claims to enter judgment in these cases, but according to this bill they have to prove loyalty. You remove from this bill the requirement of proof of loyalty and you have not got a leg to stand on to insist on proof of loyalty in any of the other claims that are left hanging around here and elsewhere.

Mr. WATKINS. Mr. Chairman, I think it will be appropriate at this time to partially answer the statement made by the gentleman from Illinois and at a later hour to-day to go more extensively into the discussion of the questions involved in these two bills. The immediate question now before the House is the passage of the amendment to this bill which provides that section 162 of the Judicial Code shall remain intact and not be altered, amended, or repealed by the passage of this bill.

They are two distinct and separate propositions. Section 162 of the Judicial Code relates entirely to that class of claims which arose after the Civil War was over. That act is thorough and complete and covers the question involved in all those cases where the property was taken after the 1st of June, 1865. This bill we are now considering refers to those cases particularly in which the property was taken, if the amendment is passed, prior to June 1, 1865. As to the question of loyalty, it is not necessary at this time to discuss it, but the Court of Claims has decided recently in the Lincoln case that under section 162 of the Judicial Code there was no necessity in cases arising under that section to allege and prove loyalty. The principle involved in that case no doubt will go to the Supreme Court sooner or later. However, it so happens that in that particular case on the trial on the merits, after the section had been disposed of, the Government maintained its claim and the suit of the claimant was rejected. Therefore that particular case is eliminated, but the proposition involved in that amendment is not eliminated. No question of loyalty is involved in this bill that we now have before us, and it is entirely superfluous for the gentleman to make any reference at all to the question of loyalty. I hope that the Members on both sides of the Chamber will distinctly understand that this bill as it now stands simply adopts, reenacts, reaffirms all the provisions in the original abandoned-and-captured-property law, which was enacted in 1863.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. WATKINS. Yes.

Mr. NORTON. Why does the gentleman say the question of loyalty is not involved in this legislation? Does the gentleman think that the captured property that belonged to disloyal citizens should be paid for by the United States at this time?

Mr. WATKINS. Whether it should or should not be paid for, the bill makes no provision along that line. There is not a word in this bill which refers to the fact of whether the claimant is loyal or disloyal.

Mr. NORTON. That is just what the gentleman from Illinois [Mr. MANN] contended, that there was not any provision in respect to it and that there should be.

Mr. WATKINS. The only object of this bill is to eliminate the time limit.

Mr. NORTON. Does the gentleman think that in the case of captured property belonging to disloyal citizens the Government at this time should pay for it?

Mr. WATKINS. I will discuss that question——

Mr. NORTON. Oh, the gentleman can answer that yes or no.

Mr. WATKINS. I will take the affirmative side of that and claim that the Government should in those cases which arose after the war was over. That is the next bill we have to dispose of on the calendar to-day.

Mr. NORTON. How about property taken before the war was over?

Mr. WATKINS. As to that question it is not necessary for me at this time to take any position, simply because that is an open question for the courts to determine. Under the amnesty

proclamation the courts seem to hold that it makes no difference whether they were loyal or disloyal at the time the property was taken so long as they are loyal at this time.

Mr. NORTON. I want to know what the gentleman thinks about it, because I have great respect for his ability.

Mr. WATKINS. I think that after the President issued his proclamation of amnesty, relieving disabilities and restoring citizenship, all citizens should be put upon an equality; one should stand in the same light as another. We stand here to-day passing enormous amounts of appropriations for the protection of those who fought on the side of the Union in the Civil War, amounting to millions and hundreds of millions of dollars anually, and we also vote money for other appropriations which show that the people of the South no longer hold a prejudice in reference to these matters, and I see no reason why at this late day, when this amnesty proclamation has taken effect, that stigma should rest on the people of the South, if that is a satisfactory answer to the gentleman.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I think the Members of this House would much prefer to take the frank statement of the gentleman from South Carolina [Mr. BYRNES] reporting this bill as to the real purpose involved than the statement of the gentleman from Louisiana [Mr. WATKINS], who has just spoken. The latter stated that the question involved in this bill is not to grant to those who were disloyal rights that have never been recognized heretofore by this Congress or by the Supreme Court. The gentleman from South Carolina in explaining the bill stated the opposite position. This is the entering wedge on the part of the Democrats to try to have the Congress acknowledge claims of those who were disloyal during the Civil War. Never before has this Congress—and never before has there been any attempt made in this House to have it recognize this character of claims. If we are going to launch upon that policy of raiding the Treasury, then let the Republicans on this floor be fully advised that the purpose of the Democrats is to loot the Treasury by the payment of these claims amounting to millions and millions of dollars. That is the question before the House, and the gentleman from South Carolina [Mr. BYRNES] is to be commended for his frankness in saying that it is to remove the bar of disloyalty. Upon the face of the bill that is not apparent, but in his discussion he is frank to admit that in reviving it you are reviving it in connection wth the decision of the Supreme Court in Klein against the United States, Thirteenth Wallace, where an obiter decision of the Supreme Court by Chief Justice Chase held that the amnesty granted by President Johnson would be presumed as throwing a cloak of validity over those claims of disloyal citizens during the Civil War. We may just as well look this squarely in the face.

Last week there was no dissent upon the part of anyone on this side to grant to every person domiciled in the South or anywhere else the right to go into the Court of Claims with claims 50 years old—old, hoary claims, many of them lacking merit, many possessed by claim agents who make a living here in the city of Washington by stirring them up—and present them in the case of stores taken for the use of the Union forces or property used by the Union forces. I ask you, my Republican colleagues, whether you are going to go beyond that, and in the case of cotton, in the case of rice and tobacco, and in the case of other kinds of property grant the right of reimbursement for such property when it was owned by those disloyal to the Government? It extends to all those articles which were left abandoned in the southern fields by loyal and disloyal subjects, and then taken possession of by Treasury agents specially appointed by the Government to take possession of them and sell them and turn the proceeds into the Government. I say it is not right 50 years afterwards, no more than it was right in the days of the Civil War, to grant recognition by this Congress to appropriate the funds of the Government to those who were disloyal in the hours of its need. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The question is on the committee amendment.

The question was taken, and the committee amendment was agreed to.

Mr. McLAUGHLIN. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 24, at the end of the section add the following:
"*And provided further*, That said Court of Claims shall have no jurisdiction of any claim which has heretofore been presented to Congress and in respect to which action by Congress has been taken."

Mr. McLAUGHLIN. Mr. Chairman, that is the amendment of which I spoke a moment ago. It seems to me that where claims have been presented to Congress and considered on their merits they ought not again to be permitted to go to the Court of Claims. For the benefit of those who were not here when I spoke a few moments ago I will say a week ago when we were considering this measure I asked the distinguished gentleman from South Carolina in charge of the bill, "Suppose this bill is passed and becomes a law, can one who presented a claim and had it considered on its merits in Congress and unfavorable action was taken upon it, now, or if this bill becomes law, take it to the Court of Claims, disregarding altogether the action taken by Congress, and have the Court of Claims perhaps consider it favorably and enter judgment in his behalf?" The answer of the gentleman from South Carolina was "Yes." Now, I submit that the Congress ought not to open the door to a claimant who has had his day in court and who has been able to present his claim to Congress and have Congress pass upon the merits of it.

I have in mind cases of that kind where claims were presented and considered by the Committee on Claims. They were sent to the Court of Claims, which had authority only to determine the facts. The Court of Claims returned a statement of facts to Congress. The Committee on Claims considered that statement, reported the bill favorably to this House, and the House considered the recommendation of the committee, the statement of facts by the Court of Claims, and considered the merits of the proposition besides; and with all the information before the House the House acted unfavorably. If any claim in the world ought to be deprived of further opportunity of consideration, it is a claim of that kind. Without the amendment that I present the Court of Claims is open to such claims. It ought not to be. Now I believe, as I said before, that this Congress can perform no higher duty than to provide for prompt and full payment of every obligation of the Government, and it is greatly to be regretted that Congress has been derelict of duty in the past. The most difficult thing in the world has been for a claimant to have his claim even considered by Congress, to say nothing of getting payment of it. That is all wrong. If this bill provides for the proper and prompt consideration of claims, it has that merit; but after one has had his day in court, twice considered by the Committee on Claims, once considered by the Court of Claims, and all the facts found and report made to Congress and the matter considered on its merits and finally turned down, that ought to foreclose that claim forever. My amendment will do it. Without it the door will be opened to claimants to make further presentation to the Court of Claims.

Mr. BYRNES of South Carolina. Mr. Chairman, I have no more desire than my friend from Michigan [Mr. McLAUGHLIN] to burden the court with the consideration of cases that have been considered by Congress, but in his desire to correct what he believes to be an evil arising out of the consideration of one case I believe that great injustice would be done to many claimants. The gentleman has in mind one case. Since we have had this bill up for consideration last Wednesday I know of another case where not a disloyal but a loyal person, a citizen of the State of Ohio, having a case under this captured and abandoned property act, went not only into Congress but into the court for the purpose of recovering proceeds turned into the Treasury. It was necessary for him to trace his money into the Treasury and prove it by the books of the Treasury. He traced it down to where it was taken and carried on the boat, traced to the agent of the Treasury Department, who sold it, but when it came to the books of the Treasury Department and they were called for, the Secretary of the Treasury responded that the books did not show that the proceeds were turned into the Treasury, and the case of the plaintiff was dismissed. Thereafter the claimant came before the Committee on War Claims because of some additional evidence. That committee called upon the Secretary of the Treasury for this identical information, and in an official letter from the Secretary of the Treasury they certified that that cotton, belonging to a man named Donnelly and a man named Egan, was turned into the Treasury and was to their credit. Because there is no provision of law by which he could go into that court he is therefore denied the opportunity, a loyal citizen, a man whom the Secretary of the Treasury now says is credited on his books with having that cotton—as I say, there is no tribunal into which he could go to prove his case. I submit that for that reason the gentleman's amendment should not be adopted.

Now, we know what has happened. Bills have been introduced by Members of this House; they have been considered by the committee, have been reported here favorably by us, but have not been acted upon, but have remained upon the calendar, and under this amendment that man will be denied the right of going into court——

Mr. McLAUGHLIN. The gentleman is mistaken. My amendment refers to where action is taken by Congress on claims and only where action is taken. The statement of the gentleman from South Carolina is not correct, if he will pardon me.

Mr. BYRNES of South Carolina. My statement was made upon the construction I placed upon the amendment when it was read, for it does not state what action, whether based upon the merits of the case or whether dismissed at the end of the session for some reason or other. The number of cases that could be affected by it are infinitesimal.

Now, suppose in the case the gentleman referred to it had been acted upon on its merits, wherein is the harm of allowing that man to go into court; for, after all, under the provisions of the bill he must trust his case to show that the proceeds were placed in the Treasury to his credit notwithstanding any action of Congress in the past. If he can not do it now under this law he can not recover. When the gentleman speaks of the large amount of money that can be made, the statement shows the profit derived from that cotton was turned into the Treasury for which nobody can bring suit, and premium upon gold for which no man can bring suit. And I reiterate what I said before, that the amount available for payment can in no case exceed $500,000, and under this bill no man can recover unless the Treasury Department books show that he is entitled to do so.

Mr. GUERNSEY. Will the gentleman yield?

Mr. BYRNES of South Carolina. I will yield to the gentleman.

Mr. GUERNSEY. Is it not a fact that a very large number of these claims are no longer filed by the real claimants, but have been assigned?

Mr. BYRNES of South Carolina. I will answer the gentleman by saying that the law provides specifically that no assignment of any claim made before the decision of the court, and even before the warrant has been issued, is valid, and, therefore, any assignment of it which has been made is invalid under the statutes of the United States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. DAVIS of Texas. Mr. Chairman, I move to strike out the last word.

I have been reflecting seriously over the questions involved, and I feel I can not afford to do injury to the feelings I have by not expressing some thoughts.

I was very much interested in the speech of the gentleman from Tennessee [Mr. AUSTIN]. Now, to place my antecedents right. I was born in South Carolina, the State that threw the first bombarding shell into the face of the American eagle. All my antecedents and predilections are southern, but I am not going to ask that this measure include a man who is or was disloyal to the Union. The Supreme Court has settled all that as to this bill. If we open up the Treasury with the funds that belong to the Union to make good the damage that was done to the property of the disloyalists and the destruction of property of the disloyalists, you would have the same equity to open up the Treasury to the destruction of life and put them upon the general pension roll. That can not be. The doctrine of all governments forbids such conduct. But I want to say this for the loyal people in the South, that they suffered in a way that the northern citizen can hardly comprehend. And I would be sad to see some fellow up in the northern loyal sections vote against recognizing the claim of some loyal subject in the South simply because he was in the hotbed of secession. Those people lost not only their property but they lost their standing in political life and were ostracized. Just 8 miles from the town of Centralia, Ill., there lives to-day, I think, for I have not heard that he is dead, a man of about my age, whose father was a loyal citizen of the county in which I live. He not only had to abandon his home but he left in the night, and this boy took his mother and sister in a little two-ox cart, abandoned their crops and everything on earth they had, and started for loyal country through the Indian Territory. I am sure that that man can make a just claim to this Government for a large herd of cattle that was sold for Confederate taxes and other property, because there was nobody to pay the tax. They were abandoned. I am sure that man could present a claim for abandoned property and destruction that would be as just and righteous as any claim that could be presented to any Government.

Now, my friends, let me lay this fact down—namely, that this Government is a Republic. It rests upon the will of the people under fundamental laws known as our Constitution; and so the question of loyalty or disloyalty, as I understand, is not raised in this bill, because it simply seeks to give life and legal existence to a section of law that was in existence in 1863 that did require loyalty, which has been defined and construed by the Supreme Court. That is my understanding of the question, and all this discourse of loyalty and disloyalty is, to my mind, out of the question, having been passed upon by the Supreme Court. But if it is a question, I want to beg, implore, and supplicate this body to leave the door open for the courts and for those people who suffered so much in order to be loyal to the Union in the Southern States. [Applause.]

Mr. Chairman, if a Supreme Court, overwhelmingly Republican, the highest binding power in all matters of equity and justice in this Republic, tells us that these claims represented property and taxes unlawfully and wrongfully taken, enforced by a military order, then surely there can be no desire to serve the ends of justice by those who would inject the question of loyalty.

If the money and taxes were wrongfully taken, this Government has no right to withhold it; and to do so is to commit a wrong in the name of the Government against a helpless people as victims and make the Government itself disloyal to the very foundation principles of all government, which is justice; and justice is that heaven-born principle without which the earth would be a bedlam of wrong and a maelstrom of misery and governments would be an aggregation of anarchy, despotism, and tyranny. The cry that our Republican friends have made over the question of loyalty only shows that they are in such political straits that they are willing to fan the flames of sectional strife and debase a sacred principle to party perfidy.

Mr. SLOAN. Mr. Chairman, I have an amendment pending which I would like to have read.

The CHAIRMAN. The Clerk will report the amendment. The Chair will first ask if this is an amendment to the amendment?

Mr. SLOAN. No; it is an amendment.

The CHAIRMAN. Let us dispose of the other amendment first. The question is on the amendment offered by the gentleman from Michigan [Mr. McLAUGHLIN].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. McLAUGHLIN. Division, Mr. Chairman.

The committee divided; and there were—ayes 45, noes 65.

So the amendment was rejected.

Mr. MANN. I move to strike out the enacting clause. However, I will hold it for the present.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Nebraska [Mr. SLOAN].

The Clerk read as follows:

Page 2, line 13, after the word "act," insert:

"*Provided*, That no claim shall be allowed any claimant unless it is proved that the original owner was loyal to the United States Government during the Civil War."

Mr. SLOAN. Mr. Chairman, I offer the amendment for this reason: For years the rule has been followed in war claims drawn on the line of the claimant's loyalty. I think this not only a good rule for the Government but it is a good rule for both sides in this House. If, as suggested by the argument of the gentleman from Louisiana [Mr. WATKINS] and the discussion in reply to that, we are extending the time—that is, removing the bar of the statute—and after that is done depending upon a doubtful court decision to relieve claimants from the proof of loyalty when asserting their claims, it is a very doubtful and unwise procedure.

I believe that every dollar's worth of property that this Government has seized under the conditions contemplated in this act, and the money now in the Treasury belonging to loyal citizens of the United States—that is, those loyal during the period of the war when the seizure took place—ought to be taken out of the Treasury and paid to the claimants.

I know that there is a great deal of pressure brought to bear upon Members of the House upon that side to insist on opening the doors for the filing of claims and the allowance of claims through congressional action and judicial decision that will extend the scope of payment of war claims. But I believe that those on the other side of the aisle, so far as they are concerned, would be personally pleased if that scope were not extended. We know from this side that very frequently strong pressure is brought to bear for claims to be asserted against the Government of a somewhat doubtful nature. If we adhere to the salutary rule of allowance only in cases of loyalty, it will simplify the procedure hereafter. I think that if this amendment which I submit is made a part of the statute, any honest claimant with a fair measure of proof not only of his ownership but of his loyalty or the loyalty of the owner of the property at the time it was seized ought to have the right to go before a proper tribunal and establish his ownership. But proof of ownership

should not be enough. He should prove the loyalty of the owner at the time the seizure took place. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has expired. The question is on agreeing to the amendment offered by the gentleman from Nebraska.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. SLOAN. A division, Mr. Chairman.

The committee divided; and there were—ayes 58, noes 74.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That all judgments rendered under this act shall be paid to the original owner or to his legal representative by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois a moment ago said he wished to be recognized.

Mr. MANN. Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Illinois moves to strike out the enacting clause. The question is on agreeing to that motion.

The question was taken, and the motion was rejected.

Mr. STAFFORD. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: "Page 3, line 2, after the word 'or,' insert the words 'in case of his death, to his widow; and if no widow survive, then to his children or their descendants per stirpes.'"

Mr. STAFFORD. Mr. Chairman, the purpose of this amendment is clear from the reading. It is intended to restrict the right of recovery to the original owner, or to his widow in case he is not living, or to his children, or to their descendants. I think the sentiment of this House is strongly opposed to allowing the Treasury of the United States to be looted for the benefit of claim agents who obtain assignments of these very questionable claims.

Mr. QUIN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Mississippi?

Mr. STAFFORD. Yes.

Mr. QUIN. You do not claim it is to loot the Treasury for paying a man for cotton taken?

Mr. STAFFORD. No; but I have no hesitancy in saying it is purely loot, and nothing but loot, when you attempt here, 50 years after the war, to appropriate the funds of the North and of the South for the payment of hoary claims of those who were disloyal during the Civil War.

Mr. HOWARD. Mr. Chairman, will the gentleman yield there for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. STAFFORD. That is the purpose of this bill, as frankly admitted by the chairman, who reported the bill, and we on this side are opposed to paying the claims of those who were disloyal.

The CHAIRMAN. Does the gentleman yield to the gentleman from Georgia?

Mr. STAFFORD. I do not yield at present.

We will grant, and offer no objection to the payment of the claims of those who were loyal; but certainly 50 years after the war no one who has any drop of loyal blood in his veins would be willing to loot—deliberately loot—the Treasury of the United States to the extent of millions of dollars for the payment of claims of those who were disloyal. You can go before the country on that issue. We will accept your gauge.

Mr. RAGSDALE. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. The purpose of this amendment is to limit the payment to those who were the original owners or the widows of the original owners, if living, or, if the widows do not survive, to the children or their descendents. Naturally anyone who is acquainted with these claims knows that these claim agents have made a business of purchasing these very questionable and doubtful claims. These bills largely have their genesis in that fact on the part of these claim agents.

Mr. RAGSDALE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. STAFFORD. I will yield to the gentleman from Georgia [Mr. HOWARD] first.

Mr. HOWARD. I want to ask the gentleman this question: Who was responsible for the delay of 50 years in collecting these perfectly legal and just claims?

Mr. STAFFORD. No one has been willing heretofore to come before the House and present such a claim. Just now we will test the sentiment of the House on the question whether these claims shall be paid only to those who were loyal during the trying days of the Civil War. Those on the other side voted almost unanimously, a minute ago, in favor of the payment of claims of those who were disloyal.

Now I yield to the gentleman from South Carolina [Mr. RAGSDALE].

Mr. RAGSDALE. Mr. Chairman, I would like to know from the gentleman whether the agents who represent the people behind these claims are any more dishonest than those who represented the pensioners or those who represented the claims of the loyal people or those who represent northern claims? Are they not the same type of agents, going out for the same purpose all along the line?

Mr. STAFFORD. Oh, no; it is generally known that——

Mr. RAGSDALE. Are they not the same people?

Mr. STAFFORD. Oh, no. It is generally known that if a person has a pension claim, he does not need to have a claim agent to intercede with a Congressman to pass a private bill. The Representatives in Congress are only too willing and desirous to do that, and it is an entirely different character of claim. The law acknowledges and approves of that character of claims, but for 50 years we have never recognized the payment of a claim of one who was disloyal during the Civil War.

Mr. BLACKMON. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Alabama?

Mr. STAFFORD. Yes; I yield to the gentleman from Alabama.

Mr. BLACKMON. Does not the gentleman think that where property was taken and the claim is just, payment ought to be made for it?

Mr. STAFFORD. Why, Mr. Chairman, only last week, on Calendar Wednesday, the House without a dissenting voice passed a bill granting to every person in the South or in the North who had a claim based upon the taking of his property, stores, and supplies by the Union forces, or the use of his property, the right to go to the Court of Claims and prove it, provided he was loyal. Now, however, you are seeking to make the entering wedge to pay claims of those who were disloyal, and that is the only purpose of this bill.

Mr. CLARK of Florida. Mr. Chairman, it had been hoped that no attempt to incite sectional prejudice would ever again be seen upon this floor. It has remained for the gentleman from Wisconsin—happily not for any great statesman of the country, but for the gentleman from Wisconsin—when everybody else is at peace, when everybody else is in a happy frame of mind, when brotherly love is the controlling spirit throughout the Nation, it has remained for the gentleman from Wisconsin to dive into this cesspool and attempt again to create sectional feeling upon the floor of this House. The gentleman will get no reply from us. He is welcome to a monopoly of that kind of talk. [Applause.] We are American citizens, as true to the flag and as loyal to this country as he or any of the people whom he represents. [Applause.] When the Nation was in trouble a few years ago and the loyal men of the North went to the defense of the flag a southerner marched to the martial music of our country alongside every northern soldier. [Applause.] And if unhappily we should have trouble now I apprehend that a defense of the flag will come more unanimously from our section than from that part where the hyphenated citizen dwells and controls. [Applause.]

Mr. Chairman, the gentleman says it is "loot" to demand payment of an honest debt. No man upon that side can say that it is not an honest debt. The Government took the property. They sold it and put the proceeds into the Treasury and kept the money as a trust fund for years; and in the Fifty-first Congress, when Thomas B. Reed was Speaker of this House, a Judiciary Committee of this House, appointed by him, brought in this bill and advocated its passage. Ever since the Forty-ninth Congress these claimants have been knocking at the door of Congress and asking, for what? Not a payment, but the poor privilege of going into a court of justice, a Federal court, and letting the judges appointed by the President of the United States, under their oaths of office, say whether or not these claimants ought to be paid. That is all there is to it, and the difference in these cases is that the bill we passed last week was simply for stores and supplies and use and occupation, while this bill carries payment of money actually received for goods taken and sold and the money paid into the Treasury.

Mr. Chairman, no man who is jealous of the honor of his country, no man who believes in justice and fair play, no man

who believes that the Government, like an individual, should pay an honest debt, can object to this bill. All patriotic men North and South, all men blessed with the attributes of genuine manhood, and all men who really love their country buried sectionalism years ago. When the sons of the South, outnumbered and overpowered, laid down their arms at Appomattox they accepted in good faith the terms of the contract then entered into between Lee and Grant, and from that day until this good hour the compact on our part has been sacredly kept. The soldiery and the patriotic men of the North have likewise kept the faith, and the sweet harmony of brotherly love throughout the years has not been disturbed save for an occasional discordant note emitted by some carrion crow of politics who could not attract attention to his malodorous and infinitesimal entity in any other way. Thanks to the good sense and the patriotism of the American people, the puny efforts of these ghoulish demagogues have proven abortive, and while some of the breed are still left among us, they are growing less in number as the years go by, and there is every promise that their kind will soon be extinct. Like the mule, "They have no pride of ancestry and no hope of posterity."

These men who boast of their loyalty now were not old enough to shoulder a rifle in the "sixties," but they were old enough in 1898, when this country went to war with Spain, and I will venture the assertion that not one of the men upon this floor who is now attempting to rekindle the dead embers of sectional hate volunteered at that time to defend the flag. If the martial gentlemen who are now so much concerned about "loyalty" ever exposed or offered to expose their precious hides to Spanish bullets, I have never heard of the fact. The lions of the "sixties" are dwelling together in peace and amity, while the coyotes and jackals of this day are just beginning to fight.

Mr. Chairman, this performance is nauseating, sickening, and disgusting to all decent and patriotic men, North and South. We are one people, of one country, and with one flag. The issues which unhappily divided us were settled by the stern arbitrament of war, and those issues are settled forever. The man who would attempt to again raise the standard of sectional hate, who would again attempt to revive issues long since dead, who would attempt to again array State against State and brother against brother in this Republic, is an enemy to the flag and disloyal to his country.

This bill is simply providing a means by which the Government may discharge some of its honest obligations. The bill does not appropriate a dollar. It simply opens the door of the Court of Claims to people who insist that the Government owes them certain moneys. It gives them the chance to be heard, which they have been pleading for for more than 40 years, and which hitherto has been denied them. They ask for a chance to be heard before a court created by Congress, and we may be sure they will not secure judgment unless they are clearly entitled to it. Congress can not shirk the duty of providing a forum for these claimants where justice, simple justice, may be done.

Mr. MANN. It was not this side of the House that introduced a sectional matter; it was the other side of the House. It was not the gentleman from Wisconsin [Mr. STAFFORD] who introduced it; it was the Committee on War Claims which reported the bill into the House. Always in the consideration of these matters it has been thought proper to insert proof of loyalty before claims against the Government growing out of the Civil War should be allowed; but forsooth now, because we are asking that that be done, gentlemen on the other side of the House insist that we are calling up the past. Our friends over there, some of them, are very desirous of having the two sections of the country love each other, accompanied with an appropriation. Their affection can be purchased only with the payment of money out of the Treasury. If we have to throw out the question of loyalty in order to appease our friends over there, the time may come—I do not know—when we may be willing to purchase their good will in that way. I had supposed, from the expressions and the actions of men from the South, that they were just as loyal as we. I believe they are. I do not believe that the gentleman from Florida [Mr. CLARK] is correct when he thinks that we have to purchase the loyalty or the affection of the South by removing the charge of disloyalty in connection with the presentation of claims.

Mr. CLARK of Florida. Will the gentleman permit an interruption?

Mr. MANN. Certainly.

Mr. CLARK of Florida. The gentleman from Florida did not make any such statement about purchase. The gentleman from Florida insists that if you mean business you ought to permit the Government of the United States to pay these people what it honestly owes them; that is all.

Mr. MANN. We have paid all the people that we honestly owed. We do not owe one cent—not one cent—to the men who endeavored to destroy the Government. [Applause on the Republican side.] We have never recognized such a claim. It is seldom that such a claim has been made. Men took their chances in the war. If we have to forget and forgive by the payment of money, we prefer to revive old recollections. We are willing to extend to the South every right and privilege that we extend to other portions of the country. I do not think it is necessary to buy the South by making appropriations which we would not make anywhere else.

Mr. HEFLIN. Mr. Speaker, I would be untrue to the section that I hail from, to the traditions of the South, to every sense of honor and decency of the people whom I represent in part, if I should permit this uncalled-for and untruthful attack to stand against my people. The people of the South have been as brave and patriotic as any people of this great country. I do not believe that there is another man on that side of the House who in the light of truth and history would make such a slanderous charge against the southern people. They are as brave a people as ever lived. They love this Union to-day far better than some who live in other sections of the country. [Applause.] Since the struggle of the sixties they have fought for that flag and will fight for it if ever war shall come again. The South is not for sale. The southern people endured the hardships and privations of war for what they believed was right; they endured the hardships and privations of reconstruction, living faithfully by the compact made by Lee and Grant at Appomattox. They have stood loyally by that compact. They settled forever the question of secession, a question that had to be settled by the sword. At this time, when this side is seeking to have a just settlement of claims, nobody should inject such a question into this debate as the gentleman from Illinois [Mr. MANN] has done. Let these matters be tried out on their merits; but let no such vulgar and slanderous attack as that made by him be heard on the floor of this House; and I want to say in conclusion that nobody but a coward and a vulgarian would make such a slanderous attack as he has made. [Applause on the Democratic side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The question being taken, the amendment was rejected.

Mr. FOCHT. Mr. Chairman, I offer the following amendment to the section.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. FOCHT: Page 3, add as a new section to follow section 2 the following:

"SEC. 3. That it shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 20 per cent of the amount recovered for services rendered, and any contract executed after the passage of this act providing for compensation in any sum exceeding said 20 per cent shall be void. Any person violating the provisions of this section by exacting, collecting, withholding, or receiving any sum in excess of said 20 per cent shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000."

My BYRNES of South Carolina. I would like to ask the gentleman from Pennsylvania if this amendment that he has offered is in the same language as the amendment that was adopted to the Mann bill the other day?

Mr. FOCHT. It is exactly the same language.

Mr. BYRNES of South Carolina. We will accept that.

Mr. FOCHT. Mr. Chairman, the purpose of this amendment is to meet the objections of gentlemen who are afraid of the alleged claim grabbers who are said to be around Washington. Mr. Chairman, I very much regret, indeed, that gentlemen on the other side of the House have declined to concur in the amendment respecting loyalty. I understand my young friend, the acting chairman of the committee in charge of this bill, that he would accept the amendment as to loyalty; and while it seems entirely clear under these decisions and as written in the bill of 1863 that loyalty is imperative and the fact is that the bill is predicated on loyalty, I am surprised that the gentleman should raise an objection to it. You on the Democratic side must know how utterly hopeless it is to expect this Government to pay anybody for anything who was disloyal. I say the real reason why the Republicans should vote for the bill is because of the loyalty of the men in the Southland who in the midst of the conflict of civil strife had the courage and the heart to stand for the flag of the Union. That is the reason we want to pay them, but unless you withdraw your objection as to the question of loyalty your case will be impossible.

Mr. BYRNES of South Carolina. Mr. Chairman, I regret exceedingly that my good friend from Pennsylvania should be under the impression that I told him that I would accept the amendment to which he refers. I am satisfied that I did not do that, and that he certainly misunderstood me. What I told him

and what I have said in this report is certainly very plain. The Mann bill that passed the House last week applied to a class of cases known as the stores and supplies and use and occupation. That was where property was sold and the proceeds used for carrying on the war. Loyalty has always been required, and as a member of this committee I never voted for a bill where loyalty was not required.

But this class of cases stands on an entirely different footing. Therefore it has never been suggested in connection with the consideration of the stores and supplies and use and occupation bill, but this provided for the reviving of the captured and abandoned property act, and that act did require a proof of loyalty; but thereafter the court decided—not the Congress but the court decided—that because after the passage of the act of March, 1863, Congress authorized the President to grant amnesty on condition, and the President in the exercise of that discretion granted amnesty on condition that men took the oath of allegiance; thereafter the Supreme Court of the United States said in the exercise of its function, exclusively an executive one, but which in this case had the additional authority of legislative action, that the President had said to the people of the South "If you take the oath of allegiance under the captured and abandoned property act, differing from these other cases, your property rights are restored, and no power can take from you the right to recover, for the Government never intended to confiscate the property of loyal owners." It was because of the decision of the Supreme Court that I called attention to it in the report on this bill. If I had wanted to deceive anyone, I should have said in the report that it was to remove the statute of limitations, but I wanted to apprise the House of the fact that when you did vote for the bill you would do so in the light of the decisions of the court.

Mr. BLACKMON. Mr. Chairman, the question, it seems to me, is this: The property was taken from the southern people, and the proceeds, to a large extent, were turned into the Treasury of the United States. Are not the people who lost this property entitled to at least the actual price for which the property sold?

The question of loyalty can not enter into a consideration of this matter, unless you are willing to deliberately take the property justly belonging to citizens of the United States without one penny of compensation therefor. No honest Confederate soldier is going to admit that he was loyal to what was at that time called "the Union." Few southern men were disloyal to the cause for which they fought. Our people believed that, having made a bona fide purchase of what was then termed "slaves," they were entitled to compensation for them when called upon to give them up. The northern people sold the slaves to our people, and we did not consider it fair that they should be given up without some measure of reimbursement. Mr. Lincoln, whom we all know to be a great statesman, shared in and expressed this view.

All this talk about the Civil War and its horrors from the Republicans come from the fellow who has never faced powder, unless it be talcum powder, and I doubt his ability to face very much of that. [Laughter.]

The war is over, and the man from the South is equally as loyal to the present Union as the man from the North. Why, then, should the issues surrounding that period of our history be renewed on this occasion?

I am as loyal to the Union as any man who occupies a seat in this body. Still I believe that the noble men who fought on the Confederate side were as loyal as any men who ever lived. I regard it as the cheapest demagogy to continue to raise the sectional question, and, in my judgment, the Member of Congress who continually brings up this subject is unworthy of a seat on the floor of this House.

The point is simply this: If the citizen had a right to the property taken from him, he is entitled to have it paid for, whether he be a Confederate soldier or a Federal soldier. So I suggest, Mr. Chairman, that all this talk about the Civil War and the disasters incident thereto be eliminated, and the man who persists in talking it ought to be eliminated, too. [Laughter.]

Mr. BYRNES of South Carolina. Mr. Chairman, I wish to state that the committee is in favor of the amendment offered by the gentleman from Pennsylvania.

At the request of Mr. AUSTIN, the amendment was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was agreed to.

Mr. BYRNES of South Carolina. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LLOYD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8246) to revive the right of action under the act of March 12, 1863 (12 Stats. L., p. 820), and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. BYRNES of South Carolina. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment?

There was no demand for a separate vote.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. SLOAN. Mr. Speaker, I move to recommit the bill with instructions, which I send to the desk and ask to have read.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SLOAN. I am.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. SLOAN moves to recommit the bill to the Committee on War Claims, with instruction to report the bill back forthwith, with the following amendment: Insert in line 13 on page 2, after the word "acts," the words *"Provided*, That no claim shall be allowed any claimant unless it is proved that the original owner was loyal to the United States Government during the Civil War."

Mr. SLOAN. Mr. Speaker, on that I demand the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion to recommit.

The question was taken.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety-seven Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the motion of the gentleman from Nebraska to recommit with instructions.

The question was taken; and there were—yeas 184, nays 170, answered "present" 5, not voting 75, as follows:

YEAS—184.

Anderson	Foss	La Follette	Russell, Ohio
Anthony	Foster	Lehlbach	Sanford
Bacharach	Frear	Lindbergh	Schall
Barchfeld	Freeman	Lobeck	Scott, Mich.
Beakes	Fuller	Longworth	Scott, Pa.
Beales	Garland	Loud	Shallenberger
Britten	Glynn	McArthur	Sherwood
Browne, Wis.	Good	McKenzie	Siegel
Browning	Gould	McKinley	Sinnott
Burke	Graham	McLaughlin	Sloan
Butler	Gray, N. J.	Madden	Smith, Mich.
Campbell	Green, Iowa	Magee	Smith, Minn.
Cannon	Greene, Vt.	Mann	Snyder
Capstick	Guernsey	Mapes	Stafford
Carter, Mass.	Hadley	Matthews	Steele, Iowa
Cary	Hamilton, N. Y.	Meeker	Steenerson
Charles	Haskell	Miller, Minn.	Stephens, Cal.
Cooper, Ohio	Haugen	Miller, Pa.	Sterling
Cooper, W. Va.	Hawley	Mondell	Stiness
Cooper, Wis.	Heaton	Mooney	Stone
Copley	Helgesen	Moore, Pa.	Sulloway
Costello	Hernandez	Moores, Ind.	Sutherland
Crago	Hicks	Morgan, Okla.	Sweet
Cramton	Hill	Morin	Swift
Curry	Hinds	Moss, Ind.	Switzer
Dale, Vt.	Hopwood	Mott	Tavenner
Danforth	Howell	Mudd	Taylor, Colo.
Darrow	Hull, Iowa	Nichols, Mich.	Temple
Dempsey	Humphrey, Wash.	Nolan	Tilson
Denison	Husted	North	Timberlake
Dillon	Hutchinson	Norton	Towner
Doolittle	James	Oakey	Van Dyke
Dowell	Johnson, S. Dak.	Paige, Mass.	Vare
Drukker	Johnson, Wash.	Parker, N. J.	Volstead
Dunn	Kahn	Phelan	Walsh
Dyer	Kearns	Platt	Ward
Edmonds	Keating	Porter	Wason
Ellsworth	Keister	Pratt	Watson, Pa.
Elston	Kelley	Ramseyer	Wheeler
Emerson	Kennedy, Iowa	Reavis	Williams, T. S.
Esch	Kennedy, R. I.	Ricketts	Williams, Ohio
Fairchild	Kent	Roberts, Mass.	Wilson, Ill.
Farr	King	Roberts, Nev.	Winslow
Fess	Kinkaid	Rogers	Wood, Ind.
Focht	Konop	Rowe	Woods, Iowa
Fordney	Lafean	Rowland	Young, N. Dak.

NAYS—170.

Adamson	Dixon	Jacoway	Reilly
Aiken	Doughton	Kettner	Rouse
Alexander	Dupré	Key, Ohio	Rubey
Allen	Eagan	Kincheloe	Rucker
Almon	Eagle	Kitchin	Russell, Mo.
Ashbrook	Edwards	Lazaro	Saunders
Austin	Estopinal	Lee	Sears
Ayres	Evans	Lesher	Shackleford
Bailey	Farley	Lever	Shouse
Barkley	Ferris	Lewis	Sims
Barnhart	Finley	Lieb	Slayden
Bell	Flood	Littlepage	Slemp
Black	Gallivan	Lloyd	Small
Blackmon	Gandy	McClintic	Smith, Tex.
Booher	Garner	McDermott	Sparkman
Borland	Garrett	McGillicuddy	Stedman
Brown, W. Va.	Glass	McKellar	Steele, Pa.
Buchanan, Tex.	Godwin, N. C.	McLemore	Stephens, Miss.
Burgess	Goodwin, Ark.	Martin	Stephens, Nebr.
Burnett	Gordon	Mays	Stephens, Tex.
Byrnes, S. C.	Gray, Ala.	Montague	Stout
Byrns, Tenn.	Gray, Ind.	Moon	Sumners
Caldwell	Griffin	Morgan, La.	Taggart
Callaway	Hamlin	Morrison	Tague
Candler, Miss.	Hardy	Murray	Taylor, Ark.
Cantrill	Harrison	Neely	Thomas
Caraway	Hastings	Nicholls, S. C.	Thompson
Carter, Okla.	Hay	Oldfield	Tillman
Church	Hayden	Oliver	Tribble
Clark, Fla.	Heflin	Olney	Venable
Cline	Helm	O'Shaunessy	Vinson
Coady	Helvering	Overmyer	Walker
Collier	Hensley	Padgett	Watkins
Connelly	Hilliard	Page, N. C.	Watson, Va.
Conry	Holland	Park	Webb
Cox	Hood	Pou	Whaley
Crisp	Houston	Price	Wilson, Fla.
Davenport	Howard	Quin	Wilson, La.
Davis, Tex.	Huddleston	Ragsdale	Wingo
Decker	Hulbert	Rainey	Wise
Dent	Hull, Tenn.	Raker	Young, Tex.
Dickinson	Humphreys, Miss.	Randall	
Dill	Igoe	Rayburn	

ANSWERED "PRESENT"—5.

Dewalt	London	Miller, Del.	Oglesby
Lenroot			

NOT VOTING—75.

Abercrombie	Dies	Hollingsworth	Peters
Adair	Dooling	Hughes	Powers
Aswell	Doremus	Johnson, Ky.	Rauch
Bennet	Driscoll	Jones	Riordan
Britt	Fields	Kiess, Pa.	Rodenberg
Bruckner	Fitzgerald	Kreider	Sabath
Brumbaugh	Flynn	Langley	Scully
Buchanan, Ill.	Gallagher	Liebel	Sells
Carew	Gard	Linthicum	Sherley
Carlin	Gardner	Loft	Sisson
Casey	Gillett	McAndrews	Smith, Idaho
Chandler, N. Y.	Greene, Mass.	McCracken	Smith, N. Y.
Chiperfield	Gregg	McCulloch	Snell
Coleman	Griest	McFadden	Steagall
Crosser	Hamill	Maher	Talbott
Cullop	Hamilton, Mich.	Moss, W. Va.	Tinkham
Dale, N. Y.	Hart	Nelson	Treadway
Dallinger	Hayes	Parker, N. Y.	Williams, W. E.
Davis, Minn.	Henry	Patten	

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. DEWALT with Mr. MCFADDEN.

Mr. FIELDS with Mr. LANGLEY.

Until further notice:

Mr. PATTEN with Mr. TINKHAM.

Mr. DALE of New York with Mr. BENNET.

Mr. DOOLING with Mr. HOLLINGSWORTH.

Mr. LINTHICUM with Mr. DAVIS of Minnesota.

Mr. BUCHANAN of Illinois with Mr. POWERS.

Mr. LIEBEL with Mr. KIESS of Pennsylvania.

Mr. SCULLY with Mr. SELLS.

Mr. GALLAGHER with Mr. SMITH of Idaho.

Mr. CARLIN with Mr. NELSON.

Mr. SABATH with Mr. TREADWAY.

Mr. MILLER of Delaware with Mr. OGLESBY.

Mr. TALBOTT with Mr. PARKER of New York.

Mr. SISSON with Mr. LENROOT.

Mr. ADAIR with Mr. BRITT.

Mr. ASWELL with Mr. COLEMAN.

Mr. BRUCKNER with Mr. CHANDLER of New York.

Mr. BRUMBAUGH with Mr. CHIPERFIELD.

Mr. DOREMUS with Mr. GRIEST.

Mr. FITZGERALD with Mr. GILLETT.

Mr. GARD with Mr. HAMILTON of Michigan.

Mr. HENRY with Mr. HAYES.

Mr. MCANDREWS with Mr. KREIDER.

Mr. RAUCH with Mr. MCCRACKEN.

Mr. RIORDAN with Mr. MCCULLOCH.

Mr. SHERLEY with Mr. Moss of West Virginia.

Mr. SMITH of New York with Mr. RODENBERG.

Mr. STEAGALL with Mr. SNELL.

On the vote:

Mr. GREGG (against motion) with Mr. PETERS (for motion).

Mr. HUGHES (against motion) with Mr. DALLINGER (for motion).

Mr. JOHNSON of Kentucky (against motion) with Mr. GREENE of Massachusetts (for motion).

Mr. DEWALT. Mr. Speaker, I voted no. I am paired with Mr. MCFADDEN, and I desire to withdraw my vote and answer "present."

Mr. DEWALT's name was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum present; the Doorkeeper will unlock the doors.

Mr. BYRNES of South Carolina. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BYRNES of South Carolina. Mr. Speaker, I rise for the purpose of reporting the bill back to the House with the following amendment: Add at the end of section 1 the following:

Provided further, That no claim shall be allowed any claimant unless it is proved that the original owner was loyal to the United States Government during the Civil War—

in accordance with instructions of the House.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill as amended was passed.

On motion of Mr. BYRNES of South Carolina, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. GOODWIN of Arkansas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to extend his remarks on the bill just passed. Is there objection. [After a pause.] The Chair hears none.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from Samuel Gompers on the subject of the eight-hour day, which I have agreed with him to insert, and my reply thereto.

The SPEAKER. The gentleman from Missouri asks unanimous consent to insert in the RECORD as a part of his remarks a letter from President Samuel Gompers and his reply to the same. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman whether he had to work over eight hours a day to prepare it?

Mr. BORLAND. Whether I had to work over eight hours? No; I work over eight hours a day, but not to prepare an answer to that letter.

Mr. MANN. I think the gentleman would improve it if he worked less.

The SPEAKER. Is there objection?

Mr. BORLAND. I think the gentleman from Illinois himself works more than eight hours.

Mr. GALLIVAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GALLIVAN. Mr. Speaker, reserving the right to object, I would like to hear what is happening over there between these gentlemen.

The SPEAKER. The request of the gentleman from Missouri is to extend his remarks in the RECORD by printing a letter which he has received from Samuel Gompers, president of the American Federation of Labor, on the eight-hour amendment, and the reply of the gentleman from Missouri thereto. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Florida. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Florida rise?

Mr. CLARK of Florida. To ask unanimous consent to extend my remarks in the RECORD upon the bill just passed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. AUSTIN. Mr. Speaker, I desire to make a similar request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. OLIVER. Mr. Speaker, I make the same request.

Mr. DAVIS of Texas. Mr. Speaker, I make the same request.

Mr. FOCHT. Mr. Speaker, I ask the same privilege.

The SPEAKER. Is there objection to these requests? [After a pause.] The Chair hears none.

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent to publish some resolutions in the RECORD on the question of the submission of an amendment to the Constitution of the United States.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD on resolutions submitting a constitutional amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. REAVIS. Mr. Speaker, during my absence from the House there was incorporated in the RECORD by the chairman of the Post Office Committee [Mr. MOON] certain letters written by me to the Fourth Assistant Postmaster General, Mr. Blakslee. I now ask unanimous consent, Mr. Speaker, to extend my remarks in the RECORD by incorporating therein the reply I made to those letters previously incorporated in the RECORD by the gentleman from Tennessee [Mr. MOON].

The SPEAKER. The gentleman from Nebraska [Mr. REAVIS] asks unanimous consent to extend his remarks in the RECORD by printing certain letters in answer to certain other letters inserted in the RECORD by the gentleman from Tennessee [Mr. MOON]. Is there objection?

Mr. MOON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman to what letters he refers?

Mr. REAVIS. Mr. Speaker, I was in receipt of two letters from the Fourth Assistant Postmaster General calling in question certain remarks I made before the House in reference to rural mail delivery. I am advised that the gentleman from Tennessee [Mr. MOON] incorporated those letters in the RECORD.

Mr. MOON. Yes.

Mr. REAVIS. I desire to have incorporated the reply which I made to those letters.

Mr. MOON. I have no objection to that, Mr. Speaker. I will ask now in this connection to incorporate in the RECORD an address recently made by the Fourth Assistant Postmaster General on the subject of the rural service.

Mr. REAVIS. Mr. Speaker, reserving the right to object, does it pertain in any way to the letters of which I have just spoken?

Mr. MOON. I think not in any way. It is simply a statement of the views and the policy of the department on the general question.

Mr. REAVIS. I have no objection.

Mr. MOON. I will say this, however, that if there is anything in the address which at all refers to the gentleman personally, or anyone else personally, I will not put it in the RECORD.

The SPEAKER. Is there objection?

Mr. SMITH of Michigan. Mr. Speaker, reserving the right to object, I would like to ask the chairman whether or not this was the address made at Bay City, Mich., to which he refers?

Mr. MOON. The address was made in the last two weeks either in Tennessee or Arkansas, I have forgotten which.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska coupled with the amendment of the gentleman from Tennessee?

Mr. FOSTER. Mr. Speaker, I would like to ask if this address and the letters are to go into the body of the RECORD or to be put in the back of the RECORD where they should go?

Mr. REAVIS. It was my intention to incorporate them in the back of the RECORD, Mr. Speaker.

Mr. MANN. The original letters were inserted in the body of the RECORD.

Mr. FOSTER. But that was at a time when the Post Office bill was under consideration.

Mr. MANN. I certainly do not want to make any reflection on the action of the gentleman from Tennessee [Mr. MOON], though I doubt very much the propriety of one Member of Congress inserting in the RECORD a letter from a department chief addressed to another Member criticizing what another does.

Mr. MOON. Whether that be correct or not is a question. However, those letters are in the RECORD, and I have no objection to the gentleman from Nebraska [Mr. REAVIS] inserting his reply. But in that same connection I think it is but fair to the Fourth Assistant Postmaster General that there be inserted in the RECORD an address in which he discusses that whole question.

Mr. REAVIS. Mr. Speaker, I have no desire to incorporate these letters in the body of the RECORD. I shall be satisfied if I am given consent to put them in the back of the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and these letters and the speech will be inserted in the back of the RECORD.

Mr. AYRES. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. AYRES. To ask unanimous consent to extend my remarks in the RECORD by printing therein a letter from the First Assistant Postmaster General relative to the collectors of and deliverers of mail; that is, the reduction of city carriers to collectors.

The SPEAKER. The gentleman from Kansas [Mr. AYRES] asks unanimous consent to print a letter from the First Assistant Postmaster General about the collection of mail. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask if any gentleman knows whether in view of the large number of letters which are being inserted in the RECORD, written by various officials in the Post Office Department, they have time to transact any other business there?

The SPEAKER. If any gentleman knows, he will answer. [Laughter.] Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

Mr. JOHNSON of Kentucky, by unanimous consent, was granted leave of absence indefinitely, on account of grippe.

ALLEGATION AND PROOF OF LOYALTY.

The SPEAKER. The Clerk will call the committees.

Mr. WATKINS (when the Committee on the Revision of the Laws was called). Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Louisiana [Mr. WATKINS] rise?

Mr. LEVER. Mr. Speaker——

Mr. WATKINS. I am about to call up the bill H. R. 8033.

The SPEAKER. For what purpose does the gentleman from South Carolina [Mr. LEVER] rise?

Mr. LEVER. I was going to submit a request for unanimous consent that the Committee on the Revision of the Laws be passed without prejudice and retain its place on the call for next Wednesday.

Mr. WATKINS. I will state, Mr. Speaker, in consideration of the fact that the gentleman from South Carolina desires to call up a matter of momentous interest to the entire country, I have no objection, if that is agreeable to the House, but I do not want to lose my place on the calendar.

The SPEAKER. The gentleman from South Carolina [Mr. LEVER] requests that the bill which was named by the gentleman from Louisiana [Mr. WATKINS] be passed until next Wednesday without prejudice.

Mr. MANN. Reserving the right to object, the Committee on Revision of the Laws has one bill on the calendar that has been out for a week or two and another bill on the calendar which was reported yesterday. On the latter bill the report has not yet come in. It is just a little, short bill of about 250 or 300 pages. I suppose if this goes over the gentleman from Louisiana [Mr. WATKINS] will call that bill up and waste at least two days on it. I do not think he ought to be given that opportunity, and therefore I object.

Mr. WATKINS. I hope the gentleman will withdraw his objection.

Mr. MANN. I will withhold it for a moment.

Mr. WATKINS. It is my purpose to call up the bill next which refers to the necessity of proving loyalty. That bill will necessarily consume all the next day and bring it up to the lengthy bill to which the gentleman refers. However, with only the right to two Calendar Wednesdays, it would be perfectly impossible to consider the long bill to which the gentleman refers inside of two calendar days, and I would not feel like trying to get that bill up on the Wednesday Calendar if I could possibly get it up under any other rule.

Mr. MANN. The gentleman says "if he can possibly get it up." I am not willing to take chances on the "if."

Mr. WATKINS. I will go a little further with the gentleman from Illinois and state to him that the chairman of the Committee on Rules is not here now, but he has been telegraphed to and expects to be here in a day or two. He promised before he left here that he would see that the rule was brought into the House allowing that bill to come up and be considered at some other time than on Calendar Wednesday.

Mr. MANN. It has been forcibly brought to our notice that the gentleman from Texas, the chairman of the Committee on Rules, is not here; but I do not see that that interferes with the rules of the House or prohibits somebody receiving communications as acting chairman of the Committee on Rules.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. Does the gentleman from Louisiana call up his bill?

Mr. WATKINS. Mr. Speaker, yes, sir; I wish to call up the bill H. R. 8033, a bill to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of this bill.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8033) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, with Mr. HOUSTON in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House for the purpose of considering the bill H. R. 8033, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8033) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911.

Be it enacted, etc., That section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, be amended so as to read as follows:

"SEC. 162. The Court of Claims shall have jurisdiction of any claim therefor filed within two years from the date of the passage of this bill of those whose property was taken subsequent to June 1, 1865, under the provisions of the act of Congress approved March 12, 1863, entitled 'An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States,' and acts amendatory thereof, where the property so taken was sold and the net proceeds thereof were placed in the Treasury of the United States; and the Secretary shall return said net proceeds to the owners thereof, on the judgment of said court, and full jurisdiction is given to said court to adjudge said claims, any prior statutes of limitations to the contrary notwithstanding: *Provided*, That no allegation or proof of loyalty shall be required in the presentation or adjudication of such claims."

SEC. 2. That all laws in conflict with this act be, and the same are hereby, repealed.

With a committee amendment as follows:

On page 1 strike out, in lines 8 and 9, "the date of the passage of this bill" and insert "and after January 1, 1917."

Mr. WATKINS. Mr. Chairman, I would like to have some understanding, if we can have it, as to the time to be consumed on the other side. We have requests for time on this side sufficient to take up an hour.

Mr. MANN. The rule provided for the length of time.

Mr. WATKINS. Will the gentleman from Indiana [Mr. MOORES] be kind enough to tell me how much time he expects to take? In other words, I have requests for more than one hour's time, and I probably have only one hour.

Mr. MANN. That is probably all you will get.

Mr. WATKINS. I want to find out from the ranking member of the minority how much time he desires.

Mr. MANN. You limited yourselves to an hour. I did not vote for the rule.

Mr. WATKINS. I have an hour, but I want to see if we can get more than an hour.

The CHAIRMAN. The gentleman from Louisiana [Mr. WATKINS] is recognized for one hour.

Mr. WATKINS. Mr. Chairman, this is the same bill as has been passed twice by the House of Representatives and has gone to the Senate and failed to be reached on the calendar on the Senate side, and it has not yet been enacted into law. I am informed that the Committee on the Judiciary of the Senate has unanimously reported this same bill for passage by the Senate at this session of Congress.

If there is any reason why this bill at this time should not be passed, I am not advised of it. We have only just a few moments ago passed a bill with reference to captured and abandoned property, the proceeds of which remain in the Treasury of the United States, credited to the persons from whom the property was taken—a bill requiring the allegation and proof of loyalty for all of those claims which arose prior to June 1, 1865. During the argument on the consideration of that bill there seemed to be a confusion in the minds of some of the Members between the provision contained in that bill which has just been passed and the provision in the bill which we now have under consideration.

The distinction is clear. There is no connection whatever between the two propositions. In 1911 the Judicial Code was passed, and under section 162 of the Judicial Code it was provided that in all of those cases where property was taken after June 1, 1865, under the captured and abandoned property act of 1863, where the proceeds of the property remain in the Treasury of the United States, those who were entitled to the proceeds could present their claims to the Court of Claims for adjudication, any statute of limitation to the contrary notwithstanding.

When that enactment was placed in the Judicial Code it was not contemplated that the representative of the Government would place obstacles in the way of the presentation and consideration for payment of those claims on account of the loyalty or disloyalty of the claimants, because of the fact that those claims and the claims referred to in this bill relate only to the proceeds of property which was taken after June 1, 1865, after the war was over, and we did not contemplate at the time section 162 was inserted in the code that a claim would be set up by the Government against the payment of these just dues on account of the question of loyalty. But the representative of the Government did so. He filed an exception in the Lincoln case and other cases which were filed shortly after that law became operative—it went into effect January, 1912—he filed an exception stating that it was necessary both to allege and to prove loyalty in these claims, the same as in the case of those claims which arose before the close of the war.

In that exception he confuses the requirements in sections 159, 160, and 161 of the Judicial Code with those of section 162, which were not on the same subject, which were separate and distinct matters, which did not relate to the same cause of action at all. Those claims under sections 159 and 160 arose out of laws preceding the enactment of the captured and abandoned property act. Those cases did require proof of loyalty, and it would have been perfectly appropriate for an exception of that kind to have been filed with reference to those cases where they came under the provisions of those sections 159, 160, and 161, but as to section 162 there was no requirement of proof of loyalty. Under section 162 the provisions of the act of 1863 were simply extended to apply particularly to those cases which arose after June 1, 1865, when, hostilities having ceased, the two sections of the Union having come together under one flag, it should no longer be necessary to allege and prove loyalty in those cases.

However, as that exception was filed, we thought it would be necessary to make it perfectly clear to the courts, largely for the purpose of saving time which would otherwise be consumed in taking an appeal to the Supreme Court of the United States and awaiting the result of that case on decision in the United States Supreme Court. In the meantime one claim was presented in the case known as the Lincoln case, in which upon trial on its merits the Court of Claims found that the facts in the case did not justify a recovery on the part of the plaintiff. That case was intended to be made a test case upon this question. It was contemplated that the attorney for the case would take an appeal to the Supreme Court of the United States, and we would meet with two or three years' delay, to which I have referred. But on the merits of the case, the court deciding against the claimant, it was no longer necessary for the Government to take an appeal, and some other case will have to be used as a test for the purpose of seeing whether or not the final decision of the United States Supreme Court will be for or against the proposition of alleging and proving loyalty.

Now, it is for the purpose of dispensing with this necessity, for the purpose of saving this time, for the purpose of allowing these claimants, many of whom are old and destitute and going in a short time to their graves, to present their claims to the Court of Claims, that we have reported this bill. It is true, Mr. Chairman, that the attorney for the Government has allowed some of these claims—two of them I have now before me for reference—has allowed the claims to be adjudicated by the Court of Claims without interposing this objection requiring allegation and proof of loyalty. But these two claims are small. It may be that there was some other reason besides the fact that he was convinced by the decision of Judge Howry in the Lincoln case that it was not necessary to prove loyalty which prevented him from interposing the exception requiring the allegation and proof of loyalty.

Now, Mr. Chairman, if this amendment to section 162 is passed it will have a twofold effect. It will first eliminate the necessity of alleging and proving loyalty in cases arising under the captured and abandoned property act of 1863. It will dispense with the necessity of proving loyalty in that class of cases, and it will also show to this great country of ours, both North and South, that the feeling which existed in this country many years ago is at last at an end. It will go to show that there is a feeling of unity and of brotherhood between the two sections. No act of Congress has ever yet been passed going to show that there was that spirit of amity between the two sections of the country.

Mr. Chairman, the peaceful soul of Stonewall Jackson has taken its eternal flight. The sword of Lee has been sheathed forever. The martial spirit of Jefferson Davis has gone to its long, long home, and by a Republican President his name has been restored to the tablet on Cabin John Bridge, uniting and joining together the North and the South. A spirit of amity prevails throughout this country. During the Spanish-American War the boys who wore the gray commingled with the boys who wore the blue as they marched shoulder to shoulder in the defense of our common country. And, Mr. Chairman, when it comes to passing bills for the purpose of rewarding for their services the soldiers of the North the people of the South have made no complaint, and in a Democratic Congress, composed largely of Members from the South, these bills are passed by

an overwhelming majority. There is no reason at this time why any spirit of sectionalism should longer prevail, and it should not be contended now at this late day that it is necessary to allege and prove loyalty in cases before the Court of Claims for those people whose property was taken under this law, after the cessation of hostilities, after the war was ended. Certainly that should no longer be required; and this being the object of the bill, it seems to me there should be no serious objection to its passage, but that it should pass by the unanimous vote of both sides of the House. I do hope that there will be no vigorous contest on the other side. [Applause.]

I reserve the remainder of my time.

The CHAIRMAN. Does any gentleman desire to be heard on the bill?

Mr. MOORES of Indiana. Mr. Chairman——

The CHAIRMAN. The gentleman from Indiana is recognized for one hour.

Mr. MOORES of Indiana. Mr. Chairman, I can see nothing whatever objectionable in this bill. The courts have held that the proof of loyalty is not essential in these cases. The fact is that there remains in the Treasury something over $4,000,000 of money, all of it the proceeds of cotton taken after the Civil War was over. The courts have held that the money, the proceeds of that cotton, is held by the Treasury of the United States in trust for the owners, as they may prove ownership. I can see no objection whatever to this bill and shall vote for it.

I yield 20 minutes of my hour to the gentleman from New York [Mr. LONDON].

The CHAIRMAN. The gentleman from New York [Mr. LONDON] is recognized for 20 minutes.

Mr. LONDON. Mr. Chairman and gentlemen, I did not expect to speak at this moment. I have been very anxious to say something to the House on the subject of the international situation, which is a delicate and difficult subject to handle.

There is a great deal of misunderstanding among the great masses of the people as to the meaning of international law. The impression seems to prevail that there is somewhere a code of rules, laws, and regulations defining what wars are justifiable and what wars are not justifiable. We all know that international law deals only with the rules of the game of war. It does not concern itself with the question whether a war has a valid or an invalid cause, whether it is a justifiable or unjustifiable war.

A few days ago Members of Congress looked to the headlines of the papers, in order to get light on the international situation. Members of the National Legislature of the Republic look to the unreliable, misleading, and very often inspired news appearing in the columns of newspapers for information as to the condition of their country; and while many of you will be spending hours and days examining trifling private claims, it seems that the great majority of the Members of our Legislature have reconciled themselves to the idea that they have nothing to do with international relations, that somewhere there is a great, wise man who will decide this question as to how this country shall conduct itself toward other countries of the world.

We have this peculiar situation: We have democracy so far as the geographical limits of the country are concerned, and we have the survival of monarchical traditions in our relations with other countries.

Mr. HUMPHREY of Washington. Mr. Chairman, I want to ask whether under the rules governing Calendar Wednesday it is in order to talk about anything except the bill under consideration?

Mr. LONDON. I think the point of order comes too late.

The CHAIRMAN. The rule is that the debate shall be confined to the subject matter of the bill.

Mr. HUMPHREY of Washington. I will not insist on the point of order, but I just want to call attention to the fact that the gentleman is proceeding by unanimous consent, and any gentleman can stop him who wishes to do so.

Mr. LONDON. I know you have been talking about a tariff on chestnuts during the discussion of the Post Office bill.

Mr. MANN. Gentlemen who proceed by unanimous consent ought to preserve some semblance of courtesy.

Mr. LEVER. I was just about to suggest, Mr. Chairman, that I think I may be able to get up a bill which is not a chestnut and which does not relate to the tariff; and it seems to me the gentleman from New York might well reserve his speech until some time in general debate and not on Calendar Wednesday. I do not desire to object, but this speech is interfering very much with some legislation that I think means a great deal to his people and mine. The gentleman will have his opportunity later in general debate on appropriation bills, and I will agree to give him 30 minutes of my own time when the Agricultural bill comes up.

Mr. LONDON. I will get through in 15 minutes.

The CHAIRMAN. The gentleman from New York will proceed.

Mr. MADDEN. I object.

The CHAIRMAN. The gentleman from Illinois objects, unless the gentleman from New York confines his remarks to the subject matter of the bill.

Mr. LONDON. May I suggest, Mr. Chairman, that the objection comes too late?

The CHAIRMAN. The Chair overrules that point of order. Whenever the point is made the debate must be confined to the question under consideration.

Mr. LONDON. I make the point of no quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from New York makes the point of no quorum. The Chair will count. [After counting.] One hundred and thirty-seven Members present—a quorum.

Mr. WATKINS. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER of Mississippi. Mr. Chairman, it is not my purpose to detain the House for any length of time for the reason that the gentleman from Indiana [Mr. MOORES], who is the leading minority member on the committee, has said that he sees no reason why this bill should not pass, and Judge WATKINS, chairman of the committee, has given excellent reasons why it should pass. Therefore I take it for granted that the bill will pass and receive practically the unanimous approval of the House. The bill is as follows:

Be it enacted, etc., That section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, be amended so as to read as follows:

"SEC. 162. The Court of Claims shall have jurisdiction of any claim therefor filed within two years from and after January 1, 1917, of those whose property was taken subsequent to June 1, 1865, under the provisions of the act of Congress approved March 12, 1863, entitled 'An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States,' and acts amendatory thereof, where the property so taken was sold and the net proceeds thereof were placed in the Treasury of the United States; and the Secretary shall return said net proceeds to the owners thereof, on the judgment of said court, and full jurisdiction is given to said court to adjudge said claims, any prior statutes of limitations to the contrary notwithstanding: *Provided*, That no allegation or proof of loyalty shall be required in the presentation or adjudication of such claims."

SEC. 2. That all laws in conflict with this act be, and the same are hereby, repealed.

Now, I call attention to the report:

The Committee on Revision of the Laws, to whom was referred the bill (H. R. 8033) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, having considered the same, report thereon with a recommendation that on page 1, lines 8 and 9, the words "the date of the passage of this bill" be stricken out, and the words "and after January 1, 1917," be inserted in lieu thereof, and the bill as thus amended do pass.

The purpose of this bill is to dispense with the allegation and proof of loyalty in those claims arising under section 162 of the act approved March 3, 1911, in which act provision is made for the repayment of the money paid into the United States Treasury as the proceeds of the property taken by the Federal authorities after June 1, 1865, under the act of Congress approved March 12, 1863.

It was evidently the intention of Congress to allow this money to be paid to the claimants from whom the property was taken after June 1, 1865 (after the cessation of hostilities), without the proof of loyalty; but as section 159 of the act approved March 3, 1911, requires such allegation and proof, a conflict of opinion has arisen as to the interpretation of the law upon this point, and it is to settle this question that this bill is presented.

As an act of simple justice it is right that the Government should repay this money, which has so long been held in the Treasury, arising from the proceeds of the sale of property taken from its owners after June 1, 1865, when the conflict between the people of the North and South had ended.

From the reading of the bill and report it is plain that the bill simply provides for giving the claimants opportunity to have refunded to them money from the sale of property subsequent to July 1, 1865, which was sold and the proceeds placed in the Treasury of the United States. As a matter of fact, this is somewhat a legislative declaration of what the courts have held to be the law, but by reason of the fact that there has been some obscurity surrounding it it was thought best to make it a legislative enactment in order to remove any doubt upon that question.

The object and purpose of the bill is as I have stated. There is no denial of the principle that the funds affected by the bill are funds in the Treasury of the United States, held as a trust fund. It does not go to the general fund that belongs to the Government for the purpose of paying the ordinary and general debts of the Government, but is simply a fund deposited in the Treasury to be held by the Government to be paid to the owners

of this property which was sold and the proceeds put into the Treasury of the United States.

As was suggested by the gentleman from Louisiana [Mr. WATKINS], not to require proof of loyalty in this class of cases will give us an opportunity under this bill to demonstrate to the country that we all stand together upon this proposition; that, so far as the people are concerned, from whom the property was taken subsequent to June 1, 1865, when the unpleasant situation preceding that time had passed away, when there was no longer any reason why property should be taken or any reason why it should be sold or any special reason why it should go into the Treasury of the United States, but because there was a certain character of claim asserted to the property and it was therefore taken and sold and the money placed in the Treasury. When these conditions have ceased to exist at this late day it is as little as we can do to give these people an opportunity to go into the Court of Claims and by proving the fact that they owned the property at the time it was seized, that the property was actually sold and the expenses deducted from it, and that the net proceeds were placed in the Treasury of the United States and have remained there from that time to this, that when they have established their title and ownership of the property the Government should return it to them without requiring them to prove loyalty.

As was suggested by the distinguished gentleman from Indiana on the opposite side of the Chamber, I can conceive of no reason or any objection that can be urged to the passage of this bill. It was their property and the proceeds is their money, and it is just and right to give them at least a chance in court to have it paid to them upon proper proof.

In addition to that, this bill, practically in the same words, in identically the same words, has twice been passed by this House. It went to the Senate of the United States, but by reason of the congested condition of the calendar the time went by and it was never reached and never considered. I take it for granted that if the House of Representatives, by a practically unanimous vote passes this bill again, making three times; that if it goes to the Senate of the United States for the third time it may possibly be reached, and after it is reached will receive the approval of that body and the approval of the President of the United States and become a law. I hope and trust that it may pass by unanimous vote; that we may all clasp hands together and stand together in this declaration to-day and say to the people throughout the United States wherever they live, no matter from what section of the country they come, that we give to you an opportunity to go into a court of justice, if your claim is in the class provided for in this bill, and establish your claim to the amount due you; and when that is done that judgment may be rendered in your favor, and that the Government of the United States will do justice to these people after all these years and pay them the amount justly due them.

Let us to-day stand beneath the sunshine of heaven in this beautiful country, and with kindness and admiration in our hearts for all patriotic Americans, do justice to the citizens of the Republic, whether they come from the North, South, East, or the West, and give them a right to go into a court of justice and recover that to which they are justly entitled. [Applause.]

Mr. WATKINS. Mr. Chairman, there were two gentlemen on this side who wished to be recognized, but, like the gentleman from New York, they did not desire to speak upon the subject of the bill. They deem it unnecessary to speak on this subject, because the sentiment seems to be practically unanimous, and therefore we will not take any more time on this side.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman what this bill will accomplish that is not now accomplished by existing law?

Mr. WATKINS. The law as it now stands says that in all cases arising before the Court of Claims they must allege and prove loyalty. The amnesty proclamation as construed in the Lincoln case overcomes that language according to a decision of the court, in which he says he did not think it was longer necessary in that class of cases to allege and prove loyalty. Still, in view of the fact that there is a contention in the court and exceptions are being filed on the ground that it is still necessary, we thought it better to do it in this way. But there is a broader reason, perhaps a sentimental one, and that is we feel that we would accomplish something if we should become involved in strife with another country, that it would be worth something to have a declaration of that kind embodied in the national law.

Mr. MANN. In other words, in order to get the support of the South we must pay them some money.

Mr. WATKINS. I repel that statement.

Mr. MANN. I repel the insinuation that the gentleman makes himself. He said there was a broader reason; in view of possible trouble we ought to do this for the South.

Mr. WATKINS. We mean that there should be a spirit of amity, a spirit of reconciliation that is not now recognized throughout the entire country, and the approval of it should be recognized.

Mr. MANN. A spirit of amity accompanied by a payment of money every time.

Mr. WATKINS. No; no.

Mr. MANN. Mr. Chairman, I do not think the South can afford to have its Representatives make such statements on the floor.

Mr. WATKINS. As far as the payment of the money is concerned, the courts have already decided it was not necessary.

Mr. MANN. That is another proposition; but when gentlemen say that they want this bill passed, with the design to get money from the Treasury, perhaps properly, in order that the Government may have the good will of the South if we have trouble with some other country, I think it is an insult to the South, and especially for a Representative from the South to make such a statement.

Mr. WATKINS. Mr. Chairman, I hope the gentleman will pardon me for this interruption, and I hope that he will allow me the opportunity of stating in this connection that that was not my intention, that it was not my declaration; but it was to show amity of feeling, consideration, conciliation on the part of the northern section of the country, and not because it would accomplish anything on the part of the South.

Mr. MANN. The northern part of the country does not need any conciliation if we have trouble, but the gentleman repeats it again. It seems impossible for him to understand his own position. His statement was that in view of the possibility of trouble with some other nation, in order that we might have the solid support of the South we must pass a bill granting them money. Great heavens! Have we come to such a pass that we must put through any kind of a bill in order to get that? Does the gentleman say that seriously? The South does not need that. If that is the only excuse he has for this bill, there is no excuse for it at all. As I understand, the only excuse for the bill at all is that the Court of Claims has rendered an opinion which might be reversed in the higher court and the gentleman desires to put into the law in language what the Court of Claims says is now in the law. Is that correct?

Mr. WATKINS. No; it is not stated in the law. It is only there by inference, and the judge who rendered that decision is no longer upon the bench.

Mr. MANN. It does not make any difference whether it is stated in the law or by inference.

Mr. WATKINS. It is not in the law. It is only the expression of an opinion by a judge who is no longer upon the bench.

Mr. MANN. Does the gentleman think it is good law?

Mr. WATKINS. Yes.

Mr. MANN. Was it a mere expression of opinion or a judgment?

Mr. WATKINS. My opinion would have been, preceding the action of Congress only a few moments ago, that it was good law, but there is now a declaration on the part of the House of Representatives that the allegation and proof of loyalty is necessary in the class of claims arising from captured and abandoned property.

Mr. MANN. That is the class of claims covered by the bill that was passed.

Mr. WATKINS. That refers to the same class of property.

Mr. MANN. My understanding is that the Court of Claims rendered a judgment in which the court held that proof of loyalty in these cases covered by section 162 of the Judicial Code was not necessary; that that judgment now stands unreversed in the Court of Claims. It may be that at some future time some one would take a similar case to the Supreme Court of the United States and the Supreme Court would decide to the contrary, although all of the gentlemen who argued for the prior bill insisted that the Supreme Court itself had decided the same way. I do not know that I can have any objection to this bill, but I do think that when we bring in bills to declare the law what the courts declare it we are wasting a good deal of valuable time.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, be amended so as to read as follows:

"SEC. 162. The Court of Claims shall have jurisdiction of any claim therefor filed within two years from the date of the passage of this bill of those whose property was taken subsequent to June 1, 1865,

under the provisions of the act of Congress approved March 12, 1863, entitled 'An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States,' and acts amendatory thereof, where the property so taken was sold and the net proceeds thereof were placed in the Treasury of the United States; and the Secretary shall return said net proceeds to the owners thereof, on the judgment of said court, and full jurisdiction is given to said court to adjudge said claims, any prior statutes of limitations to the contrary notwithstanding: *Provided*, That no allegation or proof of loyalty shall be required in the presentation or adjudication of such claims."

With the following committee amendment:

Page 1, lines 8 and 9, strike out "the date of the passage of this bill" and insert "and after January 1, 1917."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. HOPWOOD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 11, after the word "claims," strike out "any prior statutes of limitations to the contrary notwithstanding," and insert "if they be filed within the time limited. Any balance of said net proceeds remaining in the Treasury of the United States, not claimed within the said period so limited, shall, after the adjudication of all then pending claims and the full payment of all sums recovered by claimants, and accrued interest thereon, revert to and become the property of the United States."

Mr. HOPWOOD. Mr. Chairman, in the committee of which I am a member this amendment was considered, but the committee did not adopt it. I believe it should be adopted in the interest of having a final settlement of this matter; that after the claims presented under this act have been paid, after the two years have expired, the balance of the money remaining in the Treasury not then claimed, the claims having been filed and adjudicated, should be returned to the Treasury of the United States, to revert to and become the property of the United States. This is in the interest of having this matter finally disposed of and not having it come up in succeeding Congresses to annoy other committees and Members of this House at a later time.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. HOPWOOD. Yes.

Mr. MANN. Does the gentleman intend to pay interest upon these claims?

Mr. WATKINS. No.

Mr. MANN. I did not ask the gentleman from Louisiana.

Mr. WATKINS. Oh, I beg the gentleman's pardon. He was looking directly at me.

Mr. HOPWOOD. There was no intention to pay interest upon them.

Mr. MANN. Then why put in that provision?

Mr. HOPWOOD. I did not put that in when I wrote the amendment.

Mr. MANN. I do not see how it could get in unless somebody put it in.

Mr. HOPWOOD. The idea was to pay the claims as then presented, as the court adjudicated, and I will ask unanimous consent to strike out the words "and accrued interest thereon."

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to strike out the words "and accrued interest thereon." Is there objection?

There was no objection.

Mr. HOPWOOD. With this end in view I made this amendment.

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. HOPWOOD. I will.

Mr. O'SHAUNESSY. I would like to ask the gentleman from Pennsylvania what the purpose of it is? Does this represent unclaimed money to be paid back to the Treasury of the United States to forestall subsequent claimants?

Mr. HOPWOOD. It is merely to give them their day in court, which will be two years in which to present their claims. If they do not present their claims finally within that time, we ask that that money be turned over to the United States Treasury, and that forever shuts them out after two years.

Mr. O'SHAUNESSY. I had the idea that the gentleman's amendment dealt with the problem of money awarded and that there would be some dispute as to who was entitled to it, and this money was forfeited in the Treasury to bar claimants.

Mr. HOPWOOD. No; we want the money paid that will be claimed within the two years.

Mr. O'SHAUNESSY. I see.

Mr. HOPWOOD. And after that is done we want this matter finally settled and tne remainder of the fund, if there be a remainder, turned into the Treasury and these parties forever barred from claiming thereafter.

Mr. MANN. Will the gentleman yield for a question?

Mr. HOPWOOD. Yes.

Mr. MANN. In view of the statement which the gentleman made in reference to interest, I will ask the gentleman if he prepared this amendment himself?

Mr. HOPWOOD. I did prepare it; yes, sir. I wrote it out in lead pencil.

Mr. MANN. Somebody must have taken undue liberties with it when it was typewritten when they have inserted a provision providing for interest on claims that are 50 years old.

Mr. HOPWOOD. How that got in I do not know, but I ask that it be stricken out.

The CHAIRMAN. It was stricken out by unanimous consent.

Mr. MANN. I was trying to find out the origin of such a proposition to see whether the gentleman might not be misled on something else in the amendment.

Mr. HOPWOOD. I think that meets the approbation at least of the minority of the members of the committee.

The CHAIRMAN. The question is on the amendment——

Mr. WATKINS. Mr. Chairman, I only wish to state that this question was brought up in the committee while we had the bill under consideration and it is not a committee amendment, and although it comes as an amendment from the committee, it was not agreed upon by the committee. The inference seems to be that it is a committee amendment, but it is not a committee amendment.

Mr. McLAUGHLIN. Will the gentleman yield to me?

Mr. WATKINS. Certainly.

Mr. McLAUGHLIN. The gentleman is opposed to this amendment?

Mr. WATKINS. Yes; in view of the situation. It has not been thoroughly and fully discussed, and I would go with the committee on the amendment—that is, I would not support it.

Mr. McLAUGHLIN. It seems to me that the amendment is to make effective finally the statute of limitation. After 50 years, two years more even being given, let it then be finally disposed of and the door closed. If this money remains in the Treasury to the credit of citizens whose property was taken there will always be an inducement and encouragement to some one to introduce a bill here and demand a law to extend further and extend again the statute of limitation. Now, this bill is urged—the gentleman from Louisiana and his committee urge upon Congress this bill to extend the statute of limitation and give further opportunity for claimants to present their claims, with the idea that then and thereby the entire matter will be finally settled; but evidently the gentleman and his committee are not willing to have it finally settled, because in years to come and just as long as the money remains in the Treasury to the credit of claimants there will be the old and familiar talk about a "trust fund," and some one will be found to introduce a bill further extending the privilege of asking for the money. It seems to me that if this bill as presented is on the right theory and if gentlemen are sincerely in hope of closing this matter finally, the best and the only way is to give these claimants such opportunity as this bill offers to present their claims and then close the door and keep it closed and turn the money into the general fund of the Treasury and let all this matter of war claims be disposed of. It seems to me the amendment ought to be adopted.

Mr. WATKINS. Mr. Chairman, the argument made by the gentleman is very forceful, and ordinarily would seem to be conclusive; but when we regard the fact that it is a trust fund and the proceeds of property which was taken from these people with the understanding that it should be put in the Treasury, the identical proceeds of the property which was taken to be put there as a trust fund, there are some distinctive features between that and an ordinary fund. The committee had not thoroughly digested and argued the question and did not feel disposed to accept the amendment on the part of the committee. That is all I have to say about it.

Mr. HOPWOOD. Mr. Chairman, I desire to say that the question was raised in the committee and we thought pretty thoroughly discussed. Perhaps the gentleman on the other side does not remember this as well as I do. I proposed this matter in the committee, and after we found that it was somewhat objectionable to the majority of the committee we went along with the bill, believing that the bill in its main provisions was all right and ought to be passed and become the law. To give to these people who had had their money withheld from them for 50 years, money that they can prove should come to them, and if we open the doors for two years to them to make proof of these claims or enter claims—they do not have to prove them in the two years—but if they begin their suit or enter their claims within the two years, then, after those claims are adjudicated, my amendment goes to the effect that after their adjudication and money obtained thereunder, that then the re-

mainder of the money is turned into the United States Treasury and the doors are closed.

Now, I think that is all these people ought to ask, and I think they ought to agree to the amendment. I think the amendment is in the interest of giving those who are entitled to it their money and giving them all the chance in the world to make their claims good, and after they have had their day in court to close this door and stop further trouble for Congress over this matter.

Mr. HARDY. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Texas?

Mr. HOPWOOD. I do.

Mr. HARDY. If an ordinary trustee, what the gentleman says, owing to the course of human events, would be very forcible, but does it not seem just a little out of place for the Government of the United States, holding a trust fund to which it lays no claim of ownership, to refuse to pay the just claim of anyone whatsoever? In other words, many of our people, scattered over this country, do not always read the newspapers and keep up to date with the pushing of their claims. It would be different from any condition I have ever known if in two years everybody who had rights under this law should be informed of them. It is altogether possible that many people may not within the two years' time learn of their rights and push them. Now, because they are not diligent they should not be debarred from this privilege. It may be a married woman, it may be an infant. A thousand things may come up to excuse delay or excuse the want of that diligence which is generally considered essential, and why should the Government of the United States want to close the door against a just claim?

Now, it seems to me that in equity the great Government of the United States does not really want to close the door against a just claim, and that is the reason, it seems to me, this amendment ought not to prevail.

Mr. McLAUGHLIN. Will the gentleman yield to me for a moment?

Mr. HARDY. Surely.

Mr. McLAUGHLIN. Then why do you put this two-year provision in the bill at all?

Mr. HARDY. I am not familiar with the bill. I am talking of an amendment that wants forever to close the doors of justice on a claimant.

Mr. McLAUGHLIN. You feel that some of these infant industries, these claim agents here in Washington, will lose their day in court?

Mr. HARDY. I want you to put him out of the way, but I do not want to close the doors of justice against an honest claimant who has been negligent.

Mr. McLAUGHLIN. Does not the gentleman think, then, that we ought to strike out the two-year feature altogether?

Mr. HARDY. I am only speaking of the amendment. I am not prepared to discuss the bill. I have paid no attention to it. But it occurred to me that the United States did not want to finally close the doors.

Mr. HOPWOOD. Mr. Chairman, in answer I desire to say I ordinarily do not favor a limitation against claims; but as 50 years have passed, and I have no doubt that all the claimants that will come in under this act, if passed, have developed their claims and had them in the hands of lawyers, probably, and have been waiting for something like this to give them an opportunity to reenter the door and present their claims and secure an adjudication of them, I have no idea at all but that every claim that can be made good will be presented within the two years. And it seems to me that after this long term of years two additional years ought to be sufficient to allow every claimant to get in. Of course it would be a hardship, as the gentleman says——

Mr. HARDY. Will the gentleman permit just another interruption?

Mr. HOPWOOD. Yes.

Mr. HARDY. It seems to me the gentleman has stated a very good reason for not closing them. In all human probabilities every meritorious claim will be presented, but it is more than possible that some meritorious claims may not find their way into court. Some parties, ignorant of their rights, may sleep on them, and certainly it seems to me the great Government of the United States does not want to punish them.

Mr. LENROOT. The gentleman does not seem to be aware that this bill, irrespective of this amendment, does that very thing.

Mr. HARDY. I have not the floor.

Mr. HOPWOOD. The bill, irrespective of the amendment, closes the door after two years.

Mr. MANN. Not in the opinion of the court or the Treasury Department, I will say to the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. HOPWOOD].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. CANDLER of Mississippi. Division, Mr. Chairman.

The committee divided; and there were—ayes 36, noes 48.

So the amendment was rejected.

Mr. MOORES of Indiana. Mr. Chairman, I offer an amendment to section 1.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

Mr. MOORES of Indiana. It is a new section.

Mr. STAFFORD. A new section following section 1.

The CHAIRMAN. Where does the amendment offered by the gentleman go?

Mr. MOORES of Indiana. It follows section 1, to be known as section 2 if adopted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, at the end of section 1, insert:

"SEC. 2. That it shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds 20 per cent of the amount recovered for services rendered, and any contract executed after the passage of this act providing for compensation in any sum exceeding 20 per cent shall be void. Any person violating the provisions of this section by exacting, collecting, withholding, or receiving any sum in excess of said 20 per cent shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Mr. MOORES of Indiana. Mr. Chairman, this is identically word for word the amendment put on the other bill to-day and upon a claim bill adopted last Wednesday. It ought, if the House is to be consistent, to be put upon this bill.

Mr. CANDLER of Mississippi. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Mississippi?

Mr. MOORES of Indiana. I do.

Mr. CANDLER of Mississippi. Does it provide "in all contracts made"?

Mr. MOORES of Indiana. It is word for word in accordance with the one we adopted here to-day and the one adopted last Wednesday.

Mr. CANDLER of Mississippi. Is the word "hereafter" in it?

Mr. MOORES of Indiana. It is exactly like the other. Let it be again reported, if the gentleman has any doubts.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HOWARD. Mr. Chairman, I desire to offer an amendment as a new section, to follow immediately the section just inserted by the gentleman from Indiana [Mr. MOORES].

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HOWARD: On page 2, after the section just adopted, insert a new section, as follows:

"SEC. 3. That the Secretary of the Treasury be, and he is hereby, required to furnish to the Clerk of the House of Representatives and the Secretary of the Senate, within 60 days of the passage of this act, a list of all persons who are entitled to any sum under the provisions of this act, together with the names of claimants, the place of residence, and the amount due by the Government to each person aforesaid."

Mr. MANN. Mr. Chairman, I make the point of order that the amendment is not germane to the bill.

Mr. HOWARD. I will ask the gentleman to withhold his point of order for just one moment, if he will.

Mr. MANN. I will be very glad to.

Mr. HOWARD. Mr. Chairman, the object of this amendment is quite simple. There are a great many of these claims that ought to be paid. They are now in the hands of a great many people who know nothing in the world about legislative procedure, and in a great many instances the fact that these bills have passed for their relief will be overlooked. This is an absolutely fair proposition. It is 50 years since the war, and a great many of these original claimants are dead, and their children are entitled to recover this money from the Government of the United States.

Now, it will keep down a multiplicity of claims that will be filed and that will have no merit in them, and it will save a great deal of time; and if the Government really owes this money, there is no secret about it, and under the present ruling of the Treasury Department this information is not ascertainable. I can see no logical reason why this information should not be given to the House in order that it may be published as

a House document and to the Senate in order that it may be published as a Senate document, so that when we get inquiries by the hundreds, as you gentlemen on the other side get inquiries by the thousands about pensions—and we will commence to get them about claims as soon as these bills are passed—it will expedite the filing of these claims and the real meritorious claims will at once reach the Court of Claims. There is not any reason in the world why there should be any secrecy about the persons to whom the Government owes this money, and there should at least be no reluctance on the part of the Government to give information about an honest claim against the Government.

This Government, in my judgment, Mr. Chairman, is able to pay these claims. It is honest enough to pay them, and it is of no use for this House to vote to keep the honest claimant of this country from knowing what is due him and where the property was confiscated and why. There are a million people in the South from which this property was taken, and there is no reason why they should be kept in darkness and ignorance when we could, if this amendment were adopted, send them a House document and show them whether or not they are entitled to anything under this bill.

It is in the interest of the expedition of business that I have introduced this amendment, and I hope that my great and good and lovable friend—under certain circumstances the most lovable man in the House—will withhold his objection to this amendment. [Applause and laughter.]

Mr. MANN. Well, my good friend from Georgia is somewhat mistaken as to the facts. He desires to have the Secretary of the Treasury report here the owners of this property when taken. The Secretary of the Treasury does not know. There are claims pending for many millions of dollars where the amount involved is very much larger than the amount in the Treasury. There are many claimants for the same cotton in nearly every case which has not already been disposed of. In the opinion of the Treasury Department the cotton belonged to the Confederate Government, so that any information which could be furnished to the House by the Treasury Department would be of no practical benefit to the claimants. It might possibly be of some benefit to the claim attorneys, but it would be a very exhaustive thing to make this examination and report upon claims which the Treasury Department would only report were not owned by the people entitled to be recompensed or that a number of people claimed the same property.

Mr. HOWARD. Mr. Chairman, will the gentleman permit an interruption?

Mr. MANN. Yes; I yield to the gentleman.

Mr. HOWARD. If the gentleman will remember, probably in the Fifty-ninth or Sixtieth Congress, there was such a document printed, in part, as a Senate document.

Mr. MANN. Yes.

Mr. HOWARD. That did give the number of bales of cotton confiscated, the month in which it was confiscated, by whom it was confiscated, and to whom it belonged. Now, I understand that most of these claims have already been heard or passed upon by the Court of Claims.

Mr. MANN. Doubtless the Secretary of the Treasury at that time made a report of everything which he could make a report upon. Now, the gentleman from Georgia wants the Secretary of the Treasury to make a report upon matters about which he has no information and can not determine. It is not the duty of the Secretary of the Treasury, if this bill passes, to determine who were the owners of the property taken. That duty is confided to the courts. I do not know of any reason why the Government should advertise to men that they have a claim against the Government. If the Government took property belonging to people during the war and those people did not know it, the chances are they did not own the property.

Mr. GARRETT. Mr. Chairman, if the gentleman from Illinois will permit me, my recollection is that the document to which the gentleman from Georgia [Mr. HOWARD] has referred was a reprint of a report made in the Forty-ninth Congress. I am not certain that I am correct about that, but it was simply a reprint of what the record showed at that time.

Mr. MANN. The record showed at that time all the information the Treasury Department had.

Mr. GARRETT. Yes; and all that it has now.

Mr. MANN. Yes.

Mr. GARRETT. And if it is a matter of getting the document I suggest to the gentleman from Georgia that we have that document reprinted.

Mr. HARRISON. If the gentleman will permit me, I once had a copy of this document. My recollection is that it was a reprint of certain claims that were presented, but not passed upon, in the old Claims Commission, created, I think, in 1870 or 1871. This print has been exhausted and is no longer available. I know that, because I tried to get one of them to-day, with this amendment in view, but could not get it.

Mr. MANN. My recollection is—and I may be mistaken about it—that at one time I asked the Treasury Department in reference to these claims, and was told that it was practically impossible to make a very satisfactory statement, and that to make any kind of a statement would be very expensive. I think we ought to have more information about it. I make the point of order, Mr. Chairman.

Mr. WATKINS. Will the gentleman withhold the point of order for a moment?

Mr. MANN. Certainly.

Mr. WATKINS. So that gentlemen on both sides may understand, I will say that this amendment has been substantially complied with by the reprint of Senate Document 23, Forty-third Congress, second session, so there is really no necessity for the amendment. I hope gentlemen will understand that. The document has already been reprinted in that way.

Mr. HOWARD. Mr. Chairman, in view of the statement of the chairman of the committee, I withdraw my amendment; or the Chair can very properly sustain the point of order made by the gentleman from Illinois.

The CHAIRMAN. By unanimous consent, the gentleman from Tennessee withdraws his amendment. The Clerk will read.

The Clerk read as follows:

SEC. 2. That all laws in conflict with this act be, and the same are hereby, repealed.

Mr. MOORES of Indiana. I move that this section be renumbered section 3.

Mr. MANN. I will say to the gentleman that that is not necessary. Mr. Chairman, I move to strike out the last word, for the purpose of inquiring what is the necessity for this section. It is very seldom that we carry anything of this kind. What would it repeal? A repeal by implication is carried by the passage of the new act.

Mr. WATKINS. That is very true.

Mr. MANN. This does not repeal anything specifically. What is the use of cumbering up the statutes with so many provisions?

Mr. WATKINS. We have many statutes on the same subject matter. Two different laws on the same subject were passed in 1863, and there have been a great many amendments to them. This does no harm, and it is safer to have it in the law.

Mr. MANN. I can not see how it is safer to have it in the law. Here is a bill amending a certain section of the judicial code which has been in force for some time. That is the law. It is not proposed to repeal that. Now, you say—

That all laws in conflict with this act be, and the same are hereby, repealed.

The general statutes, to the extent that they are in conflict with the act, are repealed by its passage. We ought not to repeal by implication, except so far as the repeal is carried by the new law. I do not know what might be repealed. There may be 40 acts relating to the subject which would not be affected by this act at all.

Mr. WATKINS. The only change would be in the time limit, and we thought it better to put that in.

Mr. MANN. But you carry the time limit in this bill. You have provided for that.

Mr. WATKINS. I do not think it is necessary to have this section stricken out, and it certainly does no harm.

Mr. MANN. I think it does harm. It is like the provision which is sometimes added to a bill that this act shall take effect immediately upon its passage. It simply cumbers up the statute books.

Mr. MOORES of Indiana. It is not needed, but it does no harm.

Mr. MANN. Nobody knows whether it does harm or not. This says:

That all laws in conflict with this act be, and the same are hereby, repealed.

It does not even say to the extent that they are in conflict with this act. They would be repealed to the extent that they are in conflict with this act. We have adopted for years the practice of not putting this section in bills. I move to strike out the section.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last section.

The question was taken, and the motion was agreed to.

Mr. WATKINS. I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOUSTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8033) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WATKINS. Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. WATKINS, a motion to reconsider the last vote was laid on the table.

CODIFICATION OF LAWS RELATING TO COMMON CARRIERS.

Mr. WATKINS. Mr. Speaker, I call up the bill (H. R. 12420) to codify, revise, and amend the laws relating to common carriers of interstate and foreign commerce, and within the District of Columbia, and combinations in restraint of trade. Mr. Speaker, if we can have any kind of an understanding as to the utilization of time for another purpose, I would like to make a request, and I hope the gentleman from Illinois will enter into an agreement by which we can save the time.

Mr. MANN. We might as well read the bill now as at any other time.

Mr. WATKINS. Of course it is impossible to complete the bill during this Wednesday and the next Calendar Wednesday, and it is the purpose of the committee to procure a rule for the consideration of the bill.

Mr. MANN. I am informed that the bill makes a lot of changes in relation to safety appliances for railroads, provisions that we worked upon for years, that are entirely unjustifiable and which no codification committee ought to have made, and I am not going to allow the bill to be considered if I can help it.

Mr. WATKINS. Does the gentleman object to my unanimous request?

Mr. MANN. I have heard no unanimous request yet.

Mr. WATKINS. Mr. Speaker, at the time I was interrupted I intended to make a request for unanimous consent that this bill be passed over without prejudice until next Wednesday, and in the meantime we will procure a rule and save time.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. MANN. I object.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union, and the gentleman from Maine [Mr. MCGILLICUDDY] will take the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of Union for the purpose of considering the bill H. R. 12420.

Mr. LEVER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LEVER. Is it in order at this time to raise the question of consideration on this bill?

The CHAIRMAN. It is.

Mr. LEVER. Then, Mr. Chairman, I raise the question of consideration.

The CHAIRMAN. The question is, Will the committee consider the bill H. R. 12420?

The question was taken, and the committee refused to consider the bill.

Mr. WATKINS. Mr. Chairman, I understand the gentleman from South Carolina moved that the committee dispense with the further consideration of the bill.

Mr. MANN. No; he raised the question of consideration.

The CHAIRMAN. The committee has refused to consider it.

Mr. LEVER. Mr. Chairman, I move that the committee now rise and report to the House that the committee has refused to consider the bill H. R. 12420.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MCGILLICUDDY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had directed him to report that it had refused to consider the bill H. R. 12420.

Mr. WATKINS. Mr. Speaker, I move that the House consider the question as to whether or not the bill H. R. 12420——

The SPEAKER. The question is whether the House will indorse the recommendation of the Committee of the Whole House on the state of the Union not to consider the bill at the present time.

The question was taken, and the action of the committee was agreed to.

Mr. WATKINS. Mr. Speaker, I make the point of no quorum, and I ask for the yeas and nays.

The SPEAKER. The gentleman can not do both at the same time. Which does he want the Chair to do, to find out whether there is a quorum present or to put the question as to the yeas and nays?

Mr. WATKINS. If there is a quorum, I want the yeas and nays. Mr. Speaker, I call for the yeas and nays.

The SPEAKER. Does the gentleman demand the yeas and nays or does he make the point of no quorum?

Mr. WATKINS. I rather think, Mr. Speaker, that there may be a quorum, and so I ask for the yeas and nays.

The SPEAKER. The gentleman from Louisiana demands the yeas and nays. All those in favor of taking the question by yeas and nays will rise. [After counting.] Four Members have risen, not a sufficient number, and the yeas and nays are refused.

Mr. WATKINS. Now, Mr. Speaker, on the question of whether the House will ratify the action of the Committee of the Whole House, I claim that there is no quorum present.

The SPEAKER. That point is too late. The gentleman can make a point of no quorum, and if he makes it the Chair will count. Has the gentleman from Louisiana any more business to bring before the committee?

Mr. WATKINS. Mr. Speaker, if the Chair will permit me a statement, I do not desire to stand in the way of important business of the Committee on Agriculture, but in view of the fact that we have called up for consideration the bill which I presented, and believing that by next Wednesday I will be enabled to get the bill in such shape as to present it to the House, I move that the House adjourn.

The SPEAKER. The gentleman from Louisiana moves that the House adjourn.

The question was taken, and the motion was lost.

The SPEAKER. If the Committee on Revision of the Laws has no more business, the Clerk will call the next committee.

Mr. WATKINS. Mr. Speaker, I have none that I care to call up at this time.

The SPEAKER. The Clerk will call the committees.

The Clerk called the Committee on Irrigation of Arid Lands.

RELIEF OF HOMESTEADERS UNDER THE RECLAMATION ACT.

Mr. RAKER. Mr. Speaker, by direction of the Committee on Irrigation of Arid Lands, I call up the bill H. R. 384, to amend the act of June 23, 1910, entitled "An act providing that entrymen for homesteads within the reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act."

The SPEAKER. This bill is on the Union Calendar, and the House will automatically resolve itself into the Committee of the Whole House on the state of the Union.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of House bill 384, with Mr. KEATING in the chair.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

Mr. STAFFORD. Mr. Chairman, I object. This is a very short bill, and I think it ought to be read.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the act of June 23, 1910 (Public, 243, 36 Stat., p. 592), entitled "An act providing that entrymen for homesteads within reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act," is hereby amended by adding the following proviso: "*Provided*, That any assignment made between June 23, 1910, and January 1, 1913, of which the assignor has submitted satisfactory final proof and the assignee purchased with the belief that the assignment was valid and under the act of June 23, 1910, are hereby confirmed, and the assignee shall be entitled to the land assigned as under the act of June 23, 1910, notwithstanding that said original entry was conformed to farm units and that the part assigned was canceled and eliminated from said entry prior to the date of assignment and prior to the date of final proof: *Provided further*, That such assignee shall in other respects comply with all of the provisions of the act of June 23, 1910."

Mr. RAKER. Mr. Chairman, in the original reclamation act, as well as the general act in regard to homesteads in desert claims, except in a few instances, no assignment was permitted

to be made prior to patent. In other words, a man could not sell part of his homestead claim prior to the issuance of the final certificate by the register and receiver. The reclamation act of June 23, 1910 (36 Stats., 592), provides:

That from and after the filing with the Commissioner of the General Land Office of satisfactory proof of residence, improvement, and cultivation for the five years required by law persons who have or shall make homestead entries within reclamation projects under the provision of the act of June 17, 1902, may assign such entries or any part thereof to other persons, and such assignees, upon submitting proof of the reclamation of the lands and upon payment of the charges apportioned against the same, as provided in the said act of June 17, 1902, may receive from the United States a patent for the lands: *Provided*, That all assignments made under the provisions of this act shall be subject to the limitations, charges, terms, and conditions of the reclamation act.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. RAKER. Certainly.

Mr. MADDEN. Is there any possibility of any person being defrauded of any indebtedness that may exist by the assignment of so-called rights of the patent before the homesteader gets his patent to some one else, to whom the patent may be issued afterwards?

Mr. RAKER. No. This has worked well under the provisions of the act of June 23, 1910. In other words, a man had a claim for 160 acres. It was then put into a unit or classified, and in that project he might not be able to hold more than 40 acres or 80 acres, and after he had made his proof, and it is thus classified, he would lose the balance of his homestead entry, and this act of June 23, 1910, was a remedial act giving him the privilege of selling to some other qualified settler the other 80 acres, and the assignee then had to comply with the reclamation of the land and pay the charges and rentals under all of the limitations provided for in the act of June 17, 1902, under the reclamation project. That, then, did not deprive a man of his rights acquired under the original filing, but gave his assignee a chance to go on and complete the portion sold, and, upon compliance with the law, in due course, to obtain his patent to the portion assigned, whatever that might be.

Mr. MADDEN. Suppose the assignor owed a lot of money, which the person to whom he owed it was not able to collect?

Mr. RAKER. This is the very purpose of that. He would have lost the remaining tract of his land if it had not been for the provisions of the act of June 23, 1910.

Mr. MADDEN. What becomes of the man who may have trusted the assignor?

Mr. RAKER. He has but a personal credit. He has no lien against the land; he could not get any lien against the land before final certificate issued.

Mr. MADDEN. But if final certificate did issue, the person to whom the patent was granted originally would have something against which a judgment could be rendered.

Mr. RAKER. On the reclamation projects he would not.

Mr. MADDEN. After the patent issued, he could.

Mr. RAKER. But patents were not permitted to be issued under the conditions in the reclamation project when the Reclamation Service had classified it into units, known as homestead units, and if it classified it into units of 80 acres, of course no final certificate would issue for the other 80 acres and no patent would issue to the original homestead entryman except for the amount of the farm unit. Therefore, the man had nothing upon which he could pledge any credit.

Mr. MADDEN. Let me put this question to the gentleman from California. Suppose he was an original homestead entryman.

Mr. RAKER. Yes.

Mr. MADDEN. And I was a banker.

Mr. RAKER. Yes.

Mr. MADDEN. And in the course of his work of development of the entry he had borrowed money from me, and he made a transfer of this land to somebody else before title was issued to him and received in consideration for that assignment $5,000. He puts that $5,000 in his pocket. As a creditor of the gentleman, I have no recourse against the money he has in his pocket, whereas if the title of the land came to him, as it eventually would come to him if he had not made an assignment, he would have had something against which a judgment would lie in the event he has refused to make payment to me.

Mr. RAKER. One thing before I answer the question of the gentleman. I wish the gentleman would take some other illustration as to A or B, because there is no danger of my being in a condition to borrow $5,000. Now, I will answer the gentleman's illustration by saying that the suggestion presented by the gentleman could not occur in the reclamation of homesteads, because he files under the law that the homestead would be reduced according to the determination by the Secretary of the Interior of what should constitute a farm unit, and no certificate was ever issued and no patent issued until the Secretary of the Interior had decreed what should be the farm unit.

Now, when the Secretary of the Interior has decreed that the farm unit should be 40 acres, all he could ever obtain would be 40 acres and the other 120 acres would be turned back to the Government as public land. Now, the act of June 23, 1910, to cover the very purpose which the gentleman from Illinois suggests, permitted a man, after a homestead had been thus classified, to sell the other 120 acres to get something back for the expenses that he had been put to and, probably, to meet the very kind and character of claim as suggested by the gentleman from Illinois.

Mr. ANDERSON. Do I understand the gentleman to say that after the land had been conformed the law permits the entryman to sell that part of the claim which was eliminated from his entry by that conformation?

Mr. RAKER. Yes; that is the purpose of the act of June 23, 1910. After he had made final proof and payment, and then when the land was conformed he could sell the remaining part of the land over and above the farm unit. It might be 80 acres, and he would get the benefit of the sale of that tract of land to some other party, who must in turn complete the reclamation of it and at the same time pay all the charges as to maintenance and upkeep, as well as the construction of irrigation works upon the project.

Mr. KINKAID. Will the gentleman yield?

Mr. RAKER. Yes; I yield with pleasure to the gentleman, a member of the committee.

Mr. KINKAID. I wish to explain to the gentleman from Minnesota that the especial purpose for which this is asked is that the Government allows these entrymen to enter, as it were, 160 acres, and subsequently—if the gentleman will permit me to complete the explanation—the farm unit is reduced to 80 acres. Meanwhile the entryman has gone on and complied with the law in every particular whereby he would become entitled to a patent to the full 160 acres except for the fact that finally the department concludes to make a farm unit of 80 acres, so that equitably he has become entitled to this land. Now, the department adopted the statute which was passed which has not proven effective in all cases, and this bill seeks to afford relief for those cases which the act did not cover and provide fully for the few cases, a very few, and the cases in the future. It is entirely equitable and he is entitled to this land. He has earned the land except paying the construction charges completely, and they will have to be paid by the purchaser.

Mr. ANDERSON. I understood the gentleman from California to say that at the time he made his filing it was understood that his entry might be reduced and conformed to a smaller area than 160 acres. If that is true, I do not see that he has any equity at all.

Mr. KINKAID. That was under the old law, where the farm unit was not fixed at the start. It is a practice that the department does not now follow. The law has changed it, and now they can not make the entry until the farm unit has been determined and the public given notice of the fact. But the Government itself was a party to this mistake and complication in the first instance, and thereby the equities grew up in favor of the entryman. The farm unit—the homestead unit—as the gentleman from Minnesota [Mr. ANDERSON] well knows, is 160 acres, and in many places 140 acres was allowed. In places the 160-acre farm unit was allowed under the reclamation law, and in most instances a farm unit of 160 acres would be allowed under the reclamation law when first made. Five years in some instances was the time to acquire a patent under the homestead law—the old law—but changed to three years now by amendment, and they complied with the law before reduction.

Mr. RAKER. Carrying out your statement further, after a man had made final proof and had been on the land five years, and until the Secretary of the Interior had conformed it to the farm unit, it might run on 10 years more, and still, when it was conformed to a farm unit, if it was not for this act of June 23, 1910, and he conformed to the farm unit of 40 acres, the man would lose 120 acres he had given his time and attention to.

Mr. KINKAID. That is entirely correct.

Mr. LENROOT. Suppose that the day after the entry had been made the department had conformed to the farm unit, say, 80 acres, what equity would the entryman have then to be recognized by us to part with the 80 acres he would not receive under the unit?

Mr. RAKER. Under the act of June 23, 1910, or this bill, he would not get any relief. There is no question about that. He

must have made final proof of residence and cultivation before the conformation was made.

Mr. LENROOT. May I ask the gentleman, then, in order to make final proof under the reclamation homestead, how much cultivation was required?

Mr. RAKER. The same as the ordinary homestead.

Mr. LENROOT. He would not need to cultivate the entire entry?

Mr. RAKER. Oh, no.

Mr. LENROOT. So that final proof on the part he would be entitled to would also be sufficient proof upon the larger area if he had it all cultivated?

Mr. RAKER. Yes.

Mr. LENROOT. So that his final proof would be the same whether he made a claim to 80 acres or 120 acres?

Mr. RAKER. Or 40.

Mr. LENROOT. Or 40.

Mr. RAKER. Just the same.

Mr. LENROOT. So what equity would there be if the conformation was made shortly after?

Mr. RAKER. He would get it under the act of June 23, 1910. It says that from and after the filing with the commission in the General Land Office of satisfactory proof, residence, and cultivation. That had to be a five-year limit under the act as it then stood. If he had resided on the place five years, after he had cultivated it five years, and improved it five years, and made application to make final proof, and then it was conformed to the farm unit, he could sell that over and above the farm unit.

Mr. LENROOT. Suppose on June 1, 1910, an entry was made for 160 acres and on June 2 the farm unit was conformed to 120 acres?

Mr. RAKER. He could not comply with the law.

Mr. LENROOT. Now, let us see whether under the terms of your bill he could or not. On June 24 he had sold or assigned the 40 acres that he could not receive under the farm unit; would not this bill protect that sale?

Mr. RAKER. No; I do not think so.

Mr. LENROOT. Now, why not?

Mr. RAKER. No; I do not think it would. The only difference between this bill and the act of June 23, 1910, is that the man thought he had the right to sell after he had made his final proof or even before it was conformed to the farm unit, and he sold. The party bought in good faith and paid his money. Now, there are a number of cases—not many—that are thus situated, and under the act as it stands, having complied with all the provisions of the act specified, they would not be able to give the assignee a clear title.

Mr. LENROOT. Under the general homestead law a man is not entitled to sell at all prior to his final proof and his earning of the equitable title to the land.

Mr. RAKER. That is the same as in these cases.

Mr. LENROOT. Let us see. Suppose prior to final proof a man had undertaken to sell his entry. Does not this bill before us now protect the title to his purchaser?

Mr. RAKER. This statute is remedial. It provides that a person should reside on the land and improve and cultivate it for a period of five years, only to have it cut down without compensation. That obviously would not be right. Now, the object of the act of June 23, 1910, was to permit persons who had made satisfactory proof of five years' residence and cultivation to assign part of their entries and particularly to assign the portion of their entries which was cut down. That was the law.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes; I yield to the gentleman.

Mr. ANDERSON. But this bill permits them to sell prior to final proof, or, rather, validates the sale if it is made prior to the final proof.

Mr. RAKER. In case the entryman made the sale, believing that he was conforming to the law.

Mr. ANDERSON. How could he believe it, when the law did not permit it?

Mr. RAKER. It was understood. In the actual administration the same hardship would work against those making five-year proof of cultivation and residence and improvement, who just before proof had had their entries cut down and were unable under the law to assign. Now, the farm unit was made just before final proof. The party made his final proof application of five years' residence and cultivation and improvement, but without his knowledge the farm unit was made before, and therefore, having been made before the final proof, it was held that he could not make the assignment. Now, there can be no more injustice in permitting the man who has given the actual five years' residence and cultivation and improvement to make the assignment conforming to the farm unit than there would be to permit one to make the assignment even after final proof, but after the land has been made to conform to the farm unit.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. RAKER. I yield to the gentleman from Minnesota.

Mr. ANDERSON. The purpose of the homestead law, as I understand it, is to enable the people to get homes.

Mr. RAKER. Yes.

Mr. ANDERSON. To live on the land and settle on it?

Mr. RAKER. Yes.

Mr. ANDERSON. And in accordance with that policy, settlers have not been permitted by the General Land Office to make assignments prior to final proof?

Mr. RAKER. Yes.

Mr. ANDERSON. This bill validates assignments which were made prior to the final proof. Now, if it is the policy of the gentleman and of the department to permit homesteaders to sell a part of their homestead entries, instead of making homes on them, that is one proposition; but if it is not, that is another.

Mr. RAKER. Well, the gentleman realizes that the purpose of the act is remedial of the general reclamation act, namely, the act of June 23, 1910. That was for the purpose of permitting sales of land—40, 80, 120 acres—and in some projects the farm unit was only 20 acres.

Mr. ANDERSON. Where final proof had been made.

Mr. RAKER. Yes. Now, the assignee under this remedial statute——

Mr. MANN. I thought the gentleman from California was going to quit at 5 o'clock?

Mr. MADDEN. Mr. Chairman, I suggest the lack of a quorum.

Mr. RAKER. I hope the gentleman will withdraw his suggestion.

Mr. MADDEN. I withdraw it temporarily.

Mr. RAKER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. FOSTER as Speaker pro tempore having assumed the chair, Mr. KEATING, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 384, and had come to no resolution thereon.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned until to-morrow, Thursday, March 2, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Chief Clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William H. Crout *v.* The United States (H. Doc. No. 809); to the Committee on War Claims and ordered to be printed.

2. A letter from the Secretary of War ad interim, transmitting, with a letter from the Chief of Engineers, report on preliminary examination on Onset Bay, Mass., for the deepening and widening of the existing channel from Onset to the vicinity of Wickets Island, for the construction of an anchorage basin in Onset Bay, and for the construction of a channel between Wickets Island and Onset Island to the Cape Cod Canal Channel above Monument Beach (H. Doc. No. 810); to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

3. A letter from the Secretary of War ad interim, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Wolf River, Wis. (H. Doc. No. 811); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War ad interim, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of harbor of refuge at Duck Island, Conn. (H. Doc. No. 812); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

5. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War ad interim submitting a supplemental estimate of appropriation in the sum of $40,000 for fortifications in insular possessions (H. Doc. No. 813); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of Commerce, transmitting transcript of the decision of Justice Sessions of the District Court of the United States for the Western District of Michigan, southern division, in case relating to steamship *Eastland* (H. Doc. No. 814); to the Committee on the Merchant Marine and Fisheries and ordered to be printed.

7. A letter from the Secretary of the Navy, submitting suggestion in reference to item in legislative, executive, and judicial appropriation bill for the fiscal year ending June 30, 1917 (H. Doc. No. 815); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of War ad interim, submitting an amendment to the appropriation for the Signal Service of the Army for the fiscal year 1917, to permit the purchase of motorcycles and motor-driven vehicles to be used for technical purposes (H. Doc. No. 816); to the Committee on Military Affairs and ordered to be printed.

9. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior, submitting estimates of appropriations for the service of the General Land Office in connection with the examination and classification of lands within the Northern Pacific land grant, and the reimbursement to the estate of Joseph C. Auld, late receiver of public moneys (H. Doc. No. 817); to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7728) granting a pension to Alice B. Homer; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10043) granting a pension to Hugh G. Smelcer; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 11650) granting an increase of pension to Earle F. Chase; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DARROW: A bill (H. R. 12537) to increase the pensions of those who have lost limbs or have been totally disabled in the same in the military service of the United States; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 12538) to amend an act with reference to the improvement of the public building at Utica, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. MILLER of Delaware: A bill (H. R. 12539) regulating the speed of automobiles in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. PADGETT: A bill (H. R. 12540) to increase the efficiency of the personnel of the Navy and Marine Corps; to the Committee on Naval Affairs.

By Mr. MOORE of Pennsylvania: A bill (H. R. 12541) authorizing insurance companies and fraternal beneficiary societies to file bills of interpleader; to the Committee on the Judiciary.

By Mr. OGLESBY: A bill (H. R. 12542) amending sections 4898, 4906, 4934, 4935, 4936, and 4921 of the Revised Statutes of the United States; to the Committee on Patents.

By Mr. SPARKMAN: A bill (H. R. 12543) to provide for recognizing the value of the services of such citizens of the United States, not officers of the Army, Navy, or Public Health Service, who were employed by the Isthmian Canal Commission or the Panama Railroad Co., and who served as such officials or employees of the Isthmian Canal Commission or the Panama Railroad Co. for a period of three years or more during the construction of said canal, and making an appropriation therefor; to the Committee on Appropriations.

By Mr. CARTER of Oklahoma: A bill (H. R. 12544) providing for the sale of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Okla.; to the Committee on Indian Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 12545) granting to the Portland, Vancouver & Northern Railway Co. a license to cross the Vancouver Barracks Military Reservation at Vancouver, Wash.; to the Committee on Military Affairs.

By Mr. EAGLE: A bill (H. R. 12546) for the erection of a Federal building at Huntsville, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. HULL of Iowa: A bill (H. R. 12547) to appropriate $1,250,000 for plant and facilities for the manufacture of field-artillery ammunition at Rock Island Arsenal; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 12548) granting an increase of pension to Sidney S. Wox; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 12549) granting an increase of pension to John Rose; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 12550) granting a pension to William H. Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12551) granting a pension to Mary H. Benight; to the Committee on Invalid Pensions.

By Mr. DALE of Vermont: A bill (H. R. 12552) to correct the military record of Oscar F. Perry; to the Committee on Military Affairs.

By Mr. EAGLE: A bill (H. R. 12553) for the relief of the estate of Gilbert Winne; to the Committee on Claims.

Also, a bill (H. R. 12554) for the relief of the estate of George W. Grant; to the Committee on Claims.

By Mr. EDWARDS: A bill (H. R. 12555) for the relief of the heirs of Sarah P. Nix; to the Committee on War Claims.

By Mr. HAWLEY: A bill (H. R. 12556) for the relief of P. J. Meagher; to the Committee on Claims.

Also, a bill (H. R. 12557) granting an increase of pension to De Witt C. Helpman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12558) granting an increase of pension to Louisa D. Humphrey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12559) granting an increase of pension to Julia Ann Dugger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12560) granting an increase of pension to Andrew J. Florey; to the Committee on Invalid Pensions.

By Mr. HERNANDEZ: A bill (H. R. 12561) for the relief of J. L. Campbell and others; to the Committee on the Public Lands.

By Mr. HOLLAND: A bill (H. R. 12562) granting an increase of pension to Mary E. Jahn; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 12563) granting a pension to Timothy O'Neill; to the Committee on Pensions.

By Mr. KENT: A bill (H. R. 12564) waiving the age limit for the appointment of Otto Trigg as assistant paymaster in the United States Navy; to the Committee on Naval Affairs.

By Mr. LEWIS: A bill (H. R. 12565) to grant an increase of pension to Josiah F. Staubs; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 12566) granting a pension to James Henry; to the Committee on Pensions.

By Mr. LLOYD: A bill (H. R. 12567) granting an increase of pension to Andrew J. Graves; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 12568) granting an increase of pension to Francis E. Salisbury; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 12569) granting a pension to W. R. Rennels; to the Committee on Invalid Pensions.

By Mr. OGLESBY: A bill (H. R. 12570) granting an increase of pension to James P. Wilsea; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 12571) granting an increase of pension to William E. Gault; to the Committee on Pensions.

Also, a bill (H. R. 12572) granting a pension to John Scanlan; to the Committee on Pensions.

By Mr. ROUSE: A bill (H. R. 12573) granting an increase of pension to Maria Louise Richardson; to the Committee on Pensions.

Also, a bill (H. R. 12574) granting an increase of pension to Mariam A. Goyen; to the Committee on Invalid Pensions.

By Mr. SHOUSE: A bill (H. R. 12575) granting a pension to Henrietta M. Christison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12576) granting an increase of pension to Eugene E. Spainhower; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12577) granting an increase of pension to James King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12578) granting an increase of pension to Edward P. Tinker; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 12579) granting a pension to Roy V. Hamlin; to the Committee on Pensions.

Also, a bill (H. R. 12580) for the relief of Ben Anderson; to the Committee on the Public Lands.

By Mr. TEMPLE: A bill (H. R. 12581) granting a pension to Oliver C. C. Pollock; to the Committee on Pensions.

By Mr. WILSON of Florida: A bill (H. R. 12582) to relieve the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of said Thomas H. Hall of the payment of money alleged to have been misappropriated by a clerk in said office; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorials in support of House joint resolution 38; to the Committee on Foreign Affairs.

Also (by request), memorial of the Military Order of Loyal Legion of the United States in Vermont, in support of preparedness; to the Committee on Military Affairs.

By Mr. BACHARACH: Memorial of the Sons and Daughters of Liberty of Juliustown, N. J., in re immigration; to the Committee on Immigration and Naturalization.

Also, petitions of sundry citizens of Carmel, N. J., and the Independent Order Bris Sholom, of Atlantic City, N. J., opposing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. BAILEY: Petition of M. B. Nairn, George E. Updegrave, M. A. Broderick, James Porter, Joe Gaffney, M. J. Lorditch, John A. Gaffney, George H. Kabler, F. J. McKernan, Thomas Curny, C. E. Helsel, F. M. Cober, Stephen R. Dibosh, Nikalas Mamula, John C. Bimmel, Samuel Banks, John Barbouch, Charles M. Sakmar, W. J. Waters, John Buchoff, H. L. McIntyre, J. L. Lucas, Harry C. Allendorfer, Charles J. Holzman, Stephen Luhr, Edward Boyle, W. H. Kidd, jr., Gustave Meley, Peter F. McKernan, Richard J. Worthington, Frank A. Esch, John F. Krone, Harry Mattingly, Stephen L. Minarchan, Tom Morgan, Louis Ducatey, Joseph Reppin, George B. Shayn, Mose Williams, Joseph Kelley, William Moyer, jr., A. L. Wolfkill, Edward Beidle, Richard W. John, James H. Barron, Gust Larson, H. C. Cugelbach, George Allen, Henry Leckey, Steve Pescenye, George W. Rogers, F. J. Bernt, William T. Colliver, Thomas McClure, Charles A. Engh, Fred A. Engh, Andy Nielsen, August Kipp, Frank Walkowiak, Albert M. Staeho, Emlyn J. Harris, Walter H. Leidy, August Humbert, Francis C. David, William P. Jones, George W. Golde, Wallace Seigh, Walter W. Ling, John Martini, Frank Porinchak, and Frank Butler, all of Johnstown, Pa., for increased armament; to the Committee on Military Affairs.

By Mr. BARKLEY: Resolutions indorsing House bill 9435, providing for prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of 24 citizens of Cadiz; Christian Church of Princeton; citizens of Eddyville; Methodist Episcopal Sunday School of Eddyville; Broadway Methodist Church, of Paducah; 26 citizens of Trigg County; and Presbyterian Sunday School of Princeton, all in the State of Kentucky, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BEALES: Petition of Commandery of the State of Pennsylvania, Military Order of the Loyal Legion, urging preparedness; to the Committee on Military Affairs.

Also, memorial of the Lock Haven Business Men's Association, Lock Haven, Pa., advocating the tariff of 7½ cents per pound on finished dyestuffs; to the Committee on Ways and Means.

Also, petition of citizens of McSherrystown and Hanover, Pa., for national prohibition; to the Committee on the Judiciary.

By Mr. BROWNING: Six petitions of citizens of Salem, N. J., for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. BURKE (by request): Resolutions adopted by members of Woman's Christian Temperance Union of Palmyra; the Presbyterian Church of Cambria; Woman's Christian Temperance Union of Cambria in public meeting; Presbyterian Sunday School of Cambria; Young People's Society Christian Endeavor of Cambria; and Woman's Christian Temperance Union of Cambria, all in the State of Wisconsin, asking for the passage of an amendment to the United States Constitution providing for national prohibition; to the Committee on the Judiciary.

By Mr. CHARLES: Petition of Anna Kahler and 80 citizens of Schenectady, N. Y., and various residents of Amsterdam, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CRAMTON: Petition of sundry employees of the Postal Service, indorsing House bill 6915; to the Committee on the Post Office and Post Roads.

By Mr. DALE: Memorial of Toledo (Ohio) Central Labor Union, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of New York Commandery of the Naval and Military Order of the Spanish-American War, favoring preparedness; to the Committee on Military Affairs.

Also, petitions of sundry orders, associations, and citizens of the State of Vermont, favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. DARROW: Petition of 21 citizens of Germantown, Pa., for national prohibition; to the Committee on the Judiciary.

By Mr. ELSTON: Memorial of Downtown Property Owners' Association of Oakland, Cal., favoring bill for new Federal building at Oakland; to the Committee on Public Buildings and Grounds.

Also, resolutions favoring the Hamill bill from the following organizations: City Council of Berkeley; Electrical Contractors' Association of Alameda County; Kate Sherwood Tent, No. 1, Daughters of Veterans, San Jose; Woodmen of the World, Alamo Camp, No. 80, of San Jose; Ladies of the Maccabees of Garden City, No. 4; Builders' Exchange of Alameda County; Vendome Parlor, No. 100, Native Daughters of the Golden West, of San Jose; Builders' Material, Packers, and Shippers' Union of San Jose; Painters' Union, No. 271, of Los Gatos; Colonel A. G. Bennett Corps, No. 114, Woman's Relief Corps, of San Jose; San Jose Lodge, No. 401, L. O. O. M., of San Jose; Printers' Board of Trade of Alameda County; Centerville Chamber of Commerce; Knights of Pythias of San Jose; Wheaton Camp, No. 8, United Spanish War Veterans, of San Jose; Harmony Lodge, No. 4, O. A. H. S., of San Jose; Painters' Local No. 388, of Palo Alto; Merchants' Exchange of Oakland; Alameda Chamber of Commerce; Parlor No. 81, Native Daughters of the Golden West, of San Jose; City Council of Alameda; Carpet Mechanics' Local, No. 5, of Oakland; San Benito Labor Council, of Hollister; Maud Smith Camp of R. N. of A., of San Jose; Aerie No. 1076, Fraternal Order of Eagles, of Alameda; Carpenters' Local Union, No. 316, of San Jose; Hod Carriers' Union of San Jose; Building Trades Council of Santa Clara County; Cement Workers of San Jose; Plumbers' Union, No. 393, of San Jose; United Brotherhood of Carpenters and Joiners Union of San Jose; to the Committee on Reform in the Civil Service.

By Mr. ESCH: Petition of O. J. Smith and 31 other residents of Loyal, Wis., urging the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. FLYNN: Petition of sundry citizens of the State of New York, favoring an embargo on arms and ammunition; to the Committee on Foreign Affairs.

Also, petition of Toledo Central Labor Union, of Toledo, Ohio, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Holy Name Society of the Church of the Holy Family, of Brooklyn, favoring an amendment to the postal laws of the United States; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of the Central Labor Union of Toledo, Ohio, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. HAWLEY: Petition of sundry citizens of the State of Oregon for national prohibition; to the Committee on the Judiciary.

By Mr. HAYES: Petitions of Friends Church, of San Jose; Baptist Young People, of Mountain View; and First Methodist Episcopal Church, of Santa Cruz, all in the State of California, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of First Methodist Episcopal Church people, of Paso Robles; First Advent Christian Church, of Santa Cruz; Methodist Episcopal Church, of Paso Robles; Memorial Baptist Church, of Mountain View; 96 people of Palo Alto; First Congregational Church, of Santa Cruz; Presbyterian Church, of Santa Paula; Seventh-day Adventist Church, of San Luis Obispo; Presbyterian Church, of Hollister, all in the State of California, in favor of national prohibition; to the Committee on the Judiciary.

Also, petition protesting against passage of Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. HELGESEN: Petition of citizens of Osnabrock, Cavalier, and Grand Forks, N. Dak., protesting against the proposed tax on gasoline and fuel oil; to the Committee on Ways and Means.

By Mr. HILL: Memorial of American Paper & Pulp Association of New York City, indorsing House bill 702, the dyestuff bill; to the Committee on Ways and Means.

By Mr. HOWELL: Petition of Ray Bachman, W. H. Bevry, and 6 other employees of the post office at Provo, Utah, in favor of House bill 615; to the Committee on the Post Office and Post Roads.

Also, petition of Utah Manufacturing Association, of Utah, in favor of restricting the sale of convict-made products; to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREY of Washington: Petition of Lincoln Lodge, No. 122, International Order of Good Templars, of Woodinville, Wash., for national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of King County, Wash., for a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. JAMES: Petition against Hobson amendment on prohibition; to the Committee on the Judiciary.

Also, petition favoring passage of Webb-Smith national prohibition bill; to the Committee on the Judiciary.

By Mr. KEISTER: Petition of citizens of Jeanne Hei; Methodist congregation, of Vandergrift; citizens of Madison; Methodist Church of Vandergrift; Sabbath School of T. M. Church, of Vandergrift, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 69 citizens of Westmoreland County, Pa., for a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island; Petition of William P. Goodwin, president Rhode Island Bankers' Association, Providence, R. I., favoring passage of House bill 11533, supplement to the Clayton Act; to the Committee on Banking and Currency.

Also, petition of Local 198, Musicians' Protective Union, of Providence, R. I., favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of John S. Hollewok, of Providence, R. I., favoring House bill 11533, to amend the Clayton Act relative to bank directors; to the Committee on Banking and Currency.

Also, memorial of Local 198, American Federation of Musicians, of Providence, R. I., protesting against any additional tax on theaters; to the Committee on Ways and Means.

Also, memorial of German-American Alliance of Providence, R. I., in re travel on vessels of belligerents; to the Committee on Foreign Affairs.

By Mr. KONOP: Petition of 176 people of Sister Bay, Wis., for national prohibition; to the Committee on the Judiciary.

Also, petition of committee representing 400 citizens of Appleton, Wis., in favor of Gore resolution; to the Committee on Foreign Affairs.

By Mr. LONDON: Petitions indorsing House joint resolution 38, calling upon the President to convene a congress of neutral nations, which shall offer mediation to the nations at war, from Local 18, Socialist Party, San Antonio, Tex.; Workmen's Circle, Branch 137, Waterbury, Conn.; Workmen's Circle, Branch 41, Ansonia, Conn.; and Workmen's Circle, Branch 162, Chicago, Ill.; to the Committee on Foreign Affairs.

By Mr. LONGWORTH: Petition of moderator and ruling elders of the Norwood Presbyterian Church, Norwood, Ohio, for the passage of the bill providing for prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LOUD: Petition of Joseph B. Wernette and six other residents of Remus, Mich., opposing any increase in expenditures for the Army and Navy; to the Committee on Appropriations.

By Mr. McGILLICUDDY: Petition of the Epworth League of Brunswick, Me.; Methodist Church of Bethel, Me.; and Methodist Episcopal Church of Brunswick, Me., for national prohibition; to the Committee on the Judiciary.

By Mr. MATTHEWS: Papers to accompany House bill 12459, for relief of Ethelbert Crouse; to the Committee on Invalid Pensions.

By Mr. MEEKER: Petitions of National Association of Talking Machine Jobbers, Eugene W. Pauly, A. L. Stebbin, L. A. Seitz, Henry G. Kouhen, G. A. Pauly, V. B. Taylor, Otto Winningham, all of St. Louis, Mo., in favor of the passage of the Stevens-Ayres bill; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER of Delaware: Petition of Churches of Canterbury Charge, Delaware, favoring the passage of the national prohibition amendment, Senate joint resolutions 55 and 64; to the Committee on the Judiciary.

By Mr. MOON: Petition of voters of Sparta, Tenn., in favor of national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Petition of Fairhill United Presbyterian Church of Philadelphia, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, protests of Rev. Edward M. Frances and others, of Philadelphia, Pa., against increased military or naval appropriations; to the Committee on Appropriations.

By Mr. MORIN: Petition of sundry citizens of Graysville, Tenn., in reference to amending the postal laws; to the Committee on the Post Office and Post Roads.

Also (by request), papers to accompany House bill 10787, for relief of John A. Ryan; to the Committee on Claims.

Also (by request), memorials of Birmingham Society, Fifth Company German Military Society, and German-Austrian Social and Beneficial Society, Central Bund, of Pittsburgh, opposing the Webb prohibition bill; to the Committee on the Judiciary.

Also (by request), memorials of Fifth Company German Military Society of Pittsburgh, German-Austrian Social and Beneficial Society, of Pittsburgh, in reference to our foreign relations; to the Committee on Foreign Affairs.

Also, petition of Charles W. Wood and others, of Pittsburgh, Pa., for national prohibition; to the Committee on the Judiciary.

Also (by request), petition of the Farmers' Educational and Cooperative Union of America, in re scarcity of nitrates; to the Committee on Appropriations.

Also (by request), petition of Edward F. Henson & Co., of Philadelphia, indorsing House bill 9678; to the Committee on the Merchant Marine and Fisheries.

Also (by request), petition of Kenneth Seaver, of Pittsburgh, Pa., in re House bill 3946 and House bill 10845; to the Committee on Military Affairs.

Also (by request), petition of Lock Haven Business Men's Association, in re the dyestuffs bill; to the Committee on Ways and Means.

Also (by request), memorial of Farmers' National Committee on Postal Reform, in re Madden amendment to Post Office bill; to the Committee on the Post Office and Post Roads.

Also (by request), memorial of International Seamen's Union of America and George W. Lawson, of St. Paul, Minn., indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also (by request), petition of National Legislative and Information Bureau of Washington, in re Senate bill 3194 and House bill 9047; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of R. W. Pearson, Fort Sam Houston, Tex., favoring increasing the Dental Corps of the United States Army; to the Committee on Military Affairs.

Also (by request), petition of H. W. Noren, of Pittsburgh, against preparedness; to the Committee on Military Affairs.

By Mr. NORTH: Petition of the Methodist Episcopal Sunday School of 800 people of Apollo, Pa., for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. OVERMYER: Petition of Montgomery Grange, No. 1731, protesting against the establishment of mail motor routes in Wood County, Ohio; to the Committee on the Post Office and Post Roads.

By Mr. PETERS: Petition of 30 people of Steuben, 200 people of Calais, 150 people of Ellsworth, 100 people of Machias, 100 people of Columbia, 80 people of Knox, and 75 people of Jackson, all in the State of Maine, for national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. PRATT: Petition of Dr. William Elliot Griffis, of Ithaca, N. Y., favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Progressive Council, No. 59, Junior Order of United American Mechanics, of Elmira, N. Y., opposing the passage of the Fitzgerald postal bill (H. R. 6468) and also the Siegel postal bill (H. R. 491); to the Committee on the Post Office and Post Roads.

Also, petition of Mr. A. W. Stebbings, of Elmira, N. Y., favoring the passage of the Stevens-Ayres standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDALL: Memorial of The Ebell, of Los Angeles, Cal., favoring the establishment of a nonpartisan commission for the administration of Indian affairs; to the Committee on Indian Affairs.

By Mr. ROGERS: Petition of Worthen Street Baptist Church Christian Endeavor Society and sundry citizens of Lowell, Mass., for national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of C. Trynman, of Parkville, Brooklyn, N. Y., in favor of House bill 7625; to the Committee on Reform in the Civil Service.

Also, petition of Peter Balder, of Brooklyn, N. Y., in favor of House bill 9814; to the Committee on the Public Lands.

Also, memorials of A. L. Sanders, of Brooklyn, N. Y.; Louisiana State Federation of Labor; Iron City Central Trades Council, of Pittsburgh, Pa.; International Brotherhood of Maintenance-of-Way Employees; and Central Labor Union of Brooklyn, N. Y., indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Chamber of Commerce of Montgomery, Ala., in re the manufacture of oleomargarine; to the Committee on Agriculture.

Also, petition of General Elevator Co., of New York, favoring increased appropriations for Department of Commerce; to the Committee on Appropriations.

Also, petition of Moline Plow Co., of Poughkeepsie, N. Y., in re the Ayres bill, House bill 4715; to the Committee on Interstate and Foreign Commerce.

Also, petition of W. W. Morlin, of Brooklyn, N. Y., indorsing the Griffin-Penrose bill; to the Committee on the Post Office and Post Roads.

Also, petition of Gus A. Deim, of Brooklyn, N. Y., in re travel on armed vessels; to the Committee on Foreign Affairs.

By Mr. ROWLAND: Petition of State College of Center, Pa., for national prohibition constitutional amendment; to the Committee on the Judiciary.

By Mr. RUSSELL of Ohio: Petitions of First Congregational Church of Lima and citizens of Lima, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SIMS: Petition of citizens of Routon, Tenn., for national prohibition; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of citizens of Shelby, Minn., for national prohibition; to the Committee on the Judiciary.

Also, petition of T. T. Braaten, M. A. Braatland, and 83 other citizens of Norman County, Minn., against appropriation for militarism; to the Committee on Appropriations.

By Mr. STINESS: Papers to accompany House bill 12525, for relief of Jerome M. Thayer; to the Committee on Invalid Pensions.

Also, memorial of Rhode Island Society, Sons of the American Revolution, favoring the erection of a national archives building; to the Committee on Public Buildings and Grounds.

Also, petition of Local Union No. 176, of Newport, R. I., United Brotherhood of Carpenters and Joiners, and Local 699, Pawtucket Valley Woolen Weavers, of Arctic, R. I., indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Sweeny Bros., of Providence, R. I., favoring the Penrose-Griffin bill; to the Committee on the Post Office and Post Roads.

Also, memorial of Rhode Island Society, Sons of the American Revolution, favoring preparedness; to the Committee on Military Affairs.

Also, petition of Men's Club, River Point Sunday School, of Riverpoint, Oak Lawn Grange, Patrons of Husbandry, of Crompton; Christian Bible School of 156 members, of Westerly; 345 people of Westerly; 50 people of Peace Dale; Woman's Christian Temperance Union of East Greenwich; 100 people of Norwood; 70 people of East Greenwich; and 13 people of West Warwick, all in the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TAYLOR of Colorado: Petition of citizens of Delta County, Colo., urging the passage of the Caraway rural-credit bill; to the Committee on Agriculture.

By Mr. TEMPLE: Petition of Louis Bellan, president, in behalf of S. Sachscu-Hain, U. O. S., of New Castle, Pa., in behalf of House joint resolutions 14 and 81, Senate bills 3033, 3034, and Senate joint resolutions 73 and 74, and House bills 6828 and 6829; to the Committee on Foreign Affairs.

By Mr. TILSON: Petitions of Court Hermann, Foresters of America, of New Haven, Conn., and Court Schiller, No. 117, Foresters of America, of Meriden, Conn., approving bills to prohibit the sale of liquor in the District of Columbia; to the Committee on the District of Columbia.

Also, petitions of Herman E. Hanke and others of Court Schiller, No. 117, Foresters of America, urging Congress to place an embargo on the shipment of arms and ammunition; to the Committee on Foreign Affairs.

SENATE.

THURSDAY, *March 2, 1916.*

(Legislative day of Friday, February 25, 1916.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Johnson, Me.	O'Gorman	Smoot
Brandegee	Johnson, S. Dak.	Oliver	Sterling
Chamberlain	Jones	Overman	Stone
Clapp	Lane	Owen	Swanson
Clarke, Ark.	Lee, Md.	Page	Thompson
Culberson	Lewis	Pittman	Tillman
Cummins	Lippitt	Pomerene	Vardaman
Dillingham	Lodge	Ransdell	Wadsworth
Gallinger	McCumber	Reed	Walsh
Gronna	McLean	Shafroth	Warren
Harding	Martin, Va.	Sheppard	Weeks
Hitchcock	Martine, N. J.	Sherman	Williams
Hollis	Myers	Shields	
Husting	Nelson	Simmons	
James	Norris	Smith, S. C.	

Mr. LANE. I wish to announce that the Senator from Kansas [Mr. CURTIS] is absent on committee work.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present.

ARMED MERCHANT SHIPS.

Mr. STONE. Mr. President, I take the floor on the pending bill, but not to discuss it. I interrupt the progress of the unfinished business to make a brief statement, and then to make a suggestion with respect to what is known as the Gore resolution and other resolutions of like nature.

I desire to state the international situation, as I understand it, respecting the immediate questions before us. A sharp issue has been joined between Germany and Great Britain as to the status of armed merchant vessels. Germany contends that armed belligerent vessels are in all essential respects the equivalent of auxiliary or converted cruisers, and that they should be treated as war vessels. That Government has announced their policy to be that after the 1st day of the present month armed enemy vessels of all kinds would be regarded as warships and be subject to the rules of maritime warfare applicable to such ships. On the other hand, Great Britain contends that she has a right under international law to arm merchant ships for defensive purposes, and that merchant vessels so armed are entitled to the same immunities in every respect appertaining to unarmed merchantmen, and this without regard to the kind of passengers aboard or the nature of the cargoes carried. Great Britain has announced this to be her policy. That is the issue between these two Governments on that question.

Now, where and how does the Government of the United States come into this controversy? I answer in this way: That if both Germany and Great Britain shall persist in the course they have respectively announced, neither yielding to the other, nor yet yielding to the importunities of any neutral Government, including our own, and if Germany should attack without warning an armed merchantman of her enemy and some American citizen or citizens should be injured, the question would present itself as to what our attitude and course should be in the circumstances. If no American should be aboard a ship so attacked, and therefore if none suffered, we would have no cause to break into and take up a cudgel in that quarrel, unless, indeed, we should proceed upon some altruistic theory of an obligation to humanity in general.

Mr. President, this brings me to a point which greatly distresses me. Nevertheless, I feel obligated to state the case as I understand it to be.

To my mind, in this exigency, it is of the highest importance that Senators, Representatives, and the President—all alike—should speak to each other and to the country with the utmost candor and frankness, free from disingenuousness. We should wear our hearts, so to speak, upon our sleeves, not for daws to peck at, but that we may know exactly how men in positions of responsibility feel and think. As I understand it, the President's attitude is this: That he has concluded to support the contention that belligerent merchant ships have a right under international law to bear arms for defensive purposes. What he may regard as a defensive armament I do not know; in fact, I doubt that any man would venture authoritatively to define that kind of armament. Furthermore, if a German war vessel should, without warning, fire upon and sink an armed merchant-

man of the enemy, he would hold the attack to be a lawless act, and if American citizens should suffer therefrom he would hold the German Government to the strictest account. If, notwithstanding, the German Government should persist in their policy he would sever diplomatic relations and submit the matter to Congress, which under the Constitution is the war-making power.

I must here state with equal frankness my own position, as I have stated it to the President. In this emergency there should be nothing of evasion or finesse, much less of partisanship. Distressing as it is to me to be obliged to disagree with the President, as well as with many of my colleagues, my opinions have been matured after great deliberation and my sense of duty is imperative. I can not but believe that a belligerent merchant ship, heavily armed—no matter whether it be called defensive or offensive armament—engaged in transporting contraband war material to the army or navy of her sovereign, is in all essential respects the equivalent of a duly commissioned war vessel. To say the least, I think there can be no manner of doubt that the law now covering that question is involved in doubt and may well be considered as debatable. I shall not discuss that question at this time; I am merely stating my position, and what I know to be the position of numerous others. I shall feel obliged as a duty to myself, my constituency, and the country to discuss this question at length in the immediate future with a view to elaborating the reasons upon which my convictions are predicated.

The President is firmly opposed to the idea embodied in the Gore resolution. He is not only opposed to Congress passing a law relating to this subject, but he is opposed to any form of official warning to American citizens to keep off so-called armed merchantmen. If I could have my way, which I know I can not, I would take some definite step—a step as far as the Constitution would permit—to save this country from becoming embroiled in this European war through the recklessness of foolhardy men.

Mr. President, I think this is a fair statement of the situation as it is to-day.

The President has written Representative POU, and he has stated to me and to others that the pendency of these resolutions in Congress has been and still is a source of embarrassment to him in conducting diplomatic negotiations with the belligerent powers involved respecting this subject. I am sure that is so, and it is regrettable. As you well know, Senators, I have diligently sought to prevent the introduction of any resolutions on this subject and to allay any agitation with regard to it; but the efforts I have made with others in this behalf have been only partially successful. Now, we are informed by the President that he is solicitous that these resolutions should be disposed of in both Houses, and that the attitude of Congress should be more clearly defined. I am in full sympathy with him as to that, and I will cooperate to bring that matter to a head. The difficulty is in arranging a plan that would be effective and of value. I am more than willing to contribute anything within my power in arranging a plan of action with the sincere purpose of bringing the executive and legislative departments into accord. It may be, and I profoundly hope it is so, that the President, having behind him the support of Congress, may even yet be able to bring Great Britain and Germany to some agreement with this Government which would relieve the present acute situation. I am now puzzling my brain to frame a resolution as a supplement for all other pending resolutions on the subject; and as I get it into the best form of which I am capable, I desire to discuss the resolution with Senators on both sides, with the chairman of the House Committee on Foreign Affairs, and also, if need be, with others. I desire to bring the Congress with practical unanimity to the support of the President in the conduct of the diplomatic questions involved. Of course, time is now of the essence of things, and prompt action is desirable. My suggestion is this: That the Senate shall strive with the utmost diligence to dispose of the unfinished business to-day; but whether it succeeds in disposing of that business or not, I shall at the close of to-day's business ask the Senate to adjourn until some early hour to-morrow morning, at which time the Gore resolution shall be laid before the Senate.

Mr. President, although it is my earnest desire to cooperate with Senators who coincide with the President's attitude concerning this whole subject, yet, because of the fact I am not in accord with the President on the main issues, it would be entirely agreeable to me if any of the Senators indicated should take another course if they so desire. If the Senate agrees to the suggestion I have made, I will proceed in my effort to discover a plan to which we may all agree; but if another course should be taken, I can only abide the result. That is all I have to say at this time.

Mr. LODGE. Mr. President, I have listened, as I am sure every other Senator has listened, with profound interest to what has been said by the Senator from Missouri, and I am certain that we all appreciate the gravity of the situation to which he has called the attention of the Senate. I agree entirely with him, Mr. President, that this is not a party question. I agree also with him that our first duty under existing conditions is to dispose of the precise question that has been raised by the resolution to which he has referred. I think it is more important than any unfinished business.

One mistake, I think, the Senator has made. When he says that this question is confined to an issue between Great Britain and Germany, I wish to say that every Italian ship that comes into our port of New York is armed; every French merchantman is carrying a defensive armament, if I am correctly informed.

Mr. STONE. Mr. President, I hope the Senator will permit me to interrupt him. I did say exactly what he has stated, but I was not unconscious, of course, that other powers are involved. I said what I did, however, on the theory that the diplomatic situation was being mainly conducted between the two powers I named and this Government.

Mr. LODGE. Mr. President, I think the position of the allies who have command of the sea is the same on this question. I shall not enter into the discussion of the question of armed merchantmen; I discussed that at some length a very short time ago, and I am entirely clear in my own mind as to the law and usages of nations in regard to armed merchantmen, that they can not be taken out of the class of peaceful traders, except by demonstration that they are commissioned vessels or that they carry an armament at least greater than that described in the circular of the Secretary of State at the opening of the war or that they are used for offensive purposes.

If I understand the position of the President, as stated by the Senator from Missouri, on the question of armed merchantmen and the right of neutrals to travel and to ship their goods on merchantmen armed within the limitations generally imposed, with that position I am in full accord. I think that neutrals have a right, established for centuries, to ship their goods and take passage on belligerent merchantmen, whether armed or unarmed, if armed within the limitations I have described.

The precise question, as I understand, presented by the President and also by the Senator from Missouri, is whether Congress favors passing a resolution warning American citizens to desist from the exercise of an undoubted right. I do not believe that any resolution can be drawn that will evade or by generalities get rid of the issue which has been raised. No matter how it has been raised, it has been raised on the precise point embodied in the Gore resolution in the Senate and in similar resolutions in the House, and if the President wishes a vote on that precise resolution and on the precise point raised by the resolutions I think he ought to have that vote from Congress.

His position, as I understand it, is that he is interfered with and hampered and crippled in his negotiations with foreign powers by the supposed attitude of Congress on this precise question, which is used against him in the negotiations which he is carrying on by the power with which he is negotiating. I think, under those circumstances, he has a right to know, the question having been raised, what the attitude of Congress is on that question of warning American citizens from the exercise of what have hitherto always been considered undoubted neutral rights. I do not think that it can be disposed of in any general terms, by any vote of general confidence, or any general resolutions stating the limitations between the Executive power in diplomatic negotiations and the legislative power. I think we must meet the question as it is presented.

The last administration warned citizens of the United States to leave Mexico. It was a matter of deep regret to many of that administration's supporters, and it was a subject of criticism by that administration's opponents. That warning has been renewed as to citizens in Mexico; but the criticism on the administration, the present administration, for the failure to protect American lives in Mexico, despite the warning given by the administration, has not ceased.

I myself have joined in that criticism, and it would be utterly impossible for me to criticize this administration for failure to protect American lives in Mexico, despite the warning that has been given, and then myself turn round and proclaim to the world that an American who exercised an equal right, to which he is equally entitled, on a belligerent merchantman should not have the protection of his country. I speak only for myself, but I can not apply two rules to a question like this.

The attitude which the President took in his letter to the Senator from Missouri and the attitude which the Senator from

Missouri, no doubt with absolute authority and in carefully chosen words, has described to-day on the question of the rights of neutrals on belligerent merchantmen is the attitude I have always upheld. But now, Mr. President, looking at this question as I do, I think the President, hampered, as he tells us he is in the letter to Representative Pou, the acting chairman of the House Committee on Rules, that the supposed attitude of Congress is interfering with his negotiations, I think he has a right to ask for a vote on the precise proposition which is before Congress and to know whether he can go on with his negotiations with the Congress behind him or whether the Congress takes the view of the belligerent power with which he is at this moment negotiating.

I sincerely hope that the Senate will not delay in taking a vote on the precise and specific question of whether we ought to warn our citizens from exercising a right that has not been questioned in law or in the usages of nations for centuries past.

Mr. WILLIAMS. Mr. President, I was never less disposed to make a speech, and very seldom less able physically to make one than I am to-day. But there are times in the history of all peoples, of all administrations, and of all parties when men come to the parting of the ways, when there is an unavoidable conflict, and when each man must stand as best he may for that which he thinks to be true and right and just and brave and patriotic.

In my opinion that time has come for you and me concerning the proposition which now faces us, and which has not faced us because of any action of the President of the United States, but which he has been compelled to confront by constant insinuations, constant nagging, constant quizzing, and constant expression here, of opinion in favor of the position assumed by negotiators of a foreign power as against our own. The time has come when for me, at any rate, the question states itself in this way: Shall I exclaim "America first," or shall I sing "Deutschland über Alles"?

For the politics motiving any side of this question, Mr. President, I have the highest contempt. The man who is a Representative at the other wing of this Capitol, or who is a Senator here, and who is looking behind him somewhere, at some racial vote of some sort, is not only not a patriotic American but he is a poor judge of human nature, and he is even a poor practical politician. Even from that last poor, miserable standpoint he is a foolish man. The moment that any political element or any factional element or any other element participating in government in the United States as voters or officials shall buttress themselves with the idea of pleasing a particular racial element in the United States, that moment those doing it make foolish politicians of themselves, if nothing lower; because that moment they consolidate every other element of diverse and different racial derivation in the United States against them and against what they are seeking to do, and they consolidate against themselves that element of American citizenship whose derivation is so ancient that it hardly knows what it was—just simply Americans, without frills and without embroideries and without hyphens or anything else. As little as you think of it, these last even have a right to live here, and they have a right to be heard as well as other people; and people such as I describe consolidate them against themselves, too, because American patriotism and American good sense take the position that for the citizenry of a country which is derived originally from every race under the sun, for we are not here as Norwegians, nor Swedes, nor Danes, nor Frenchmen, nor Englishmen, nor Welshmen, nor Scotchmen, nor Irishmen, nor Germans, nor Italians, nor Greeks; to cater to any one racially derived element smacks of treason. It is turning over our Government, or rather attempting to turn over our Government, to an element influenced by a foreign Government. We are here, if we have a moral right to participate in American Government at all, simply as Americans, and as nothing else; and therefore American patriotism, American ideals, everything that responds to the noblest that there is in Americanism, can be relied upon to decry and to push aside any man, set of men, faction, or self-seeking politician anywhere, whose idea of wise politics consists in pleasing some special racial element in the United States, no matter what that element is.

To be an Anglomaniac is so contemptible that it is beyond expression. There is one thing only that is more contemptible, and that is to be an Anglophobiac. To be a Teutomaniac is contemptible, despising our English law, literature, civilization, and political liberty; but there is something more contemptible than even that, and that is to be a Teutophobiac. And so I might go through with all the races which have contributed to the American caldron.

Mr. President, the initiative, with regard to foreign relations, lies with the Executive. Congress ought not to attempt to assume the initiative; but from various quarters the assumption or the attempt has been made, and day after day, through one innuendo or another, through one resolution or another, the Chief Magistrate of the United States has been prodded and nagged and dared—aye, dared—to do what? To surrender the initiative which the Constitution places with him and to let Congress take the initiative with regard to our foreign relations.

Well, some of you have nagged, and you have prodded, and you have "dared," until the patience of a very patient man has been exhausted; and now he says: "Very well. You have furnished comfort to the foreign negotiators. You have made them think that the American people were disunited and that they were not behind their Government. You have given them a contempt of their Government as the opposite negotiator. You have weakened my hands, you have partially paralyzed me, and now I want a 'show-down'; and I hope that in the eyes of the American people it will be a 'show-up' when you and I are through with it."

The Senator from Missouri [Mr. STONE] is in one lone respect right. We want no evasion. We want no indirection. You have nagged and nagged and you have prodded, until now the President says, "All right." You have dared him, thrown down your several gloves or encouraged others to throw down theirs, until now he says: "I will pick up the gauntlet. I am tired. If the patriotism of Congress is behind me, let us find it out. If it is not, again let us find it out. If I am to be hamstrung and hampered, just go further and kill me as a negotiator and be done with it. If I am not the Executive of the United States Government and have not vested in me by the Constitution the initiative, if I can bring nothing to even an initiative conclusion without you, then say so, and let me and let the people of America and of foreign nations know that I am helpless. You have already done almost as much harm as you can by passing your resolutions. The only light I see is to table them. You have dared; I have submitted. I have looked as if I were afraid. I have plead with you, please not to go on hampering me and my Secretary of State with suggestions and arguments derived from foreign courts and embassies. In spite of it all, you keep it up. There must be an end of it, one way or the other."

Therefore, without evasion and without indirection, so far as I am concerned as a Senator of the United States, I say: "Bring the matter to an issue. Bring on your Gore resolution and bring on your other resolutions, and let a motion be made to table them, and see whether or not Senators are going to assume the responsibility before the American people of standing against the President upon a proposition where he stands upon a principle of international law 500 years old."

The President has offered for the consideration of the nations of the earth no new doctrine, no new proposition. The proposition that merchant ships defensively armed are still to be considered as merchant ships because they are not armed for offense, and because they are not commissioned as armed vessels, is a principle recognized even during the War between the States, recognized by the Federal Government, recognized by the Confederacy; and that was an internecine struggle where the ordinary laws were not always recognized. The principle is as old as modern civilization; and what Germany wants us to do is to change the international law pendente bello; or rather what she wants to do is to change it herself, and she is trying to make us particeps criminis in it against our own interest and right and against the interest and right of all neutrals everywhere.

Then, remember, it is an interest, it is a right involving life—not merely property or money.

Another principle is as old as international law itself, and that is that when a neutral purposely changes the theretofore recognized relations of nations under international law during a war, when the change must necessarily accrue to the benefit of one of the belligerents and to the damage of the other, that neutral nation has committed an unneutral act.

Talk about war! The only danger of war to-day, the only cloud upon the horizon, has come about from the fact that the President and the Secretary of State were not let alone to carry on negotiations, but that some of you must, forsooth, create the impression that the American people and the representatives of the American people were not behind the American Government, but were heart and soul with the opposite negotiator. It is to your action, and your action alone, in my opinion, that is due the last position taken by Germany. You

may possibly have misled a foreign country into war with your own.

If the Senator will pardon me, the Senator from Massachusetts [Mr. LODGE] is wrong about one thing. It is a different thing to go out on the street and have a child undertake to assault you and turn around and run indoors and get away from the child and to let a man undertake to assault you and turn around and run away from him. There are a good many things that we can afford to take from a poor, weak, disorganized people without a responsible Government like Mexico that we can not afford to take from a great, brave, valiant, powerful people whose servants never do anything except under the deliberate orders of their Government. The two propositions are not upon the same ground.

In this connection, Mr. President, I desire to place in the RECORD, as expressing somewhat more extremely in some respects than I would express it if left to myself, an article from the New York World of March 1, 1916, entitled "How the poison works." I will ask to have it read by the Secretary.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The Secretary read as follows:

HOW THE POISON WORKS.

Calling upon the German Government to decree the destruction of all ships bound for Great Britain, whether armed or not, the Vossische Zeitung, of Berlin, clinches its argument with this sinister suggestion:

"It is not without risk; but the risk, perhaps, is smaller since the American Congress shows signs of demanding that the decision in international affairs be taken from the President's hands and placed in those of Congress."

The poison is already working. The Bryanites, the Hearstites, and the Kaiserites in Congress who were implicated in the recent "revolt" against the President's foreign policies professed to be concerned only about neutrality and peace. Germans understand what that kind of neutrality and peace means. They know well enough that to substitute for the President's foreign policies the policy of his opponents in Congress is to give Germany a free hand to murder neutrals and noncombatants by whatever method of submarine warfare Berlin chooses to adopt.

There is grave risk in doing that sort of thing while the President is in command of the foreign relations of the United States. But after what happened in Washington it is natural that Germans should believe there would be no risk if Congress were in control, no matter how many American lives were sacrificed. What the Vossische Zeitung said yesterday other German newspapers will be saying to-morrow. The opinion is bound to grow steadily throughout the German Empire that the President has been morally repudiated by Congress, and that the war-making power of the American Government will never permit a finger to be lifted for the protection of American rights or American honor. Germans will be thoroughly in accord with Mr. MONDELL, a Republican Representative from Wyoming, who in the House yesterday described the President's attitude as "mock heroism" and denounced him for refusing to warn Americans off armed merchantmen at Germany's mandate.

There is only one effective way of dealing with this situation and disillusionizing Germany. That is to force a vote on the McLemore resolution, the Gore resolution, and the Jones resolution. There can be no doubt of the result of such a vote. Congress has heard from the country since its cloakroom insurrection, and Germany ought to hear from the country. That is the surest way to prevent the commission of a crime by German submarine commanders which might lead to war.

The sooner such a vote is taken the better, and if the Democratic leaders, to whom the President appeals in his remarkable letter to Mr. POU, will not bring it about, the World trusts that there is enough patriotism among the Republican leaders to compel a vote and put every Member of the House and Senate on record. Let us see whether the sentiment of Congress is "America first" or "Deutschland über Alles."

Mr. GORE. Mr. President, I desire to say that I agree in great measure with what has been said by the Senator from Mississippi and by the Senator from Massachusetts. I do not agree, however, that the attitude of a Senator touching the resolution referred to reflects his sympathy as between the European belligerents. In my own judgment, any American citizen who places the interest of Germany above that of America is a traitor to his country. Any American citizen who places the interest of the allies above the interest of America is a traitor to his country. These two types of traitors are equally offensive; they are equally disloyal; they are equally reprehensible.

I have little doubt that the American owners of ships flying the flags of the allies would like to see the United States police their vessels across the high seas and protect them against assault from any belligerent power. I have little doubt that the purchasers and the owners of the $500,000,000 worth of bonds recently issued by the allies would rejoice to see the United States underwrite their investment and guarantee the sovereignty and the ultimate success of their debtors. I have no more sympathy with them than I have with the hyphenated American who in the interests of Germany is disloyal to this country, whether it be his native or his adopted land.

Mr. President, whenever the honor, whenever the vital interests of this Republic are involved, whenever the essential rights of an American citizen have been invaded or violated, every American sword will leap from its scabbard. That sacred sentiment should not be trifled with. It should not be made a toy and a plaything in the hands of any madcap American citizen who may be disposed to venture his life upon the armed ship of a belligerent power.

I rather agree with the Senator from Massachusetts and the Senator from Mississippi that in accordance with immemorial international law neutral citizens have a right to travel on armed belligerent ships. I do not now draw into question the technical right, but I do assert that it is a right which is a survival of the age of piracy, and ought to expire with the age that gave it birth.

Mr. President, the right once existed under so-called international law or custom to murder prisoners of war. It was a right universally exercised; but the enlightened conscience of advancing civilization abrogated that brutal, that barbaric right. It was once a legal and a constitutional right in America to own human beings as slaves. The defenders of the system relied upon their sacred right under the Constitution and laws of the Republic. It was such a right until canceled with blood.

Mr. President, the progress of civilization consists largely in the withdrawal or modification of individual rights when they become incompatible with the paramount interests of organized society. In the State of the Senator from Mississippi, on account of a statute, I believe, a white man has no right to join in wedlock with a person of the colored race. I suppose this would be defended as a sacred right but for the prohibitory statute. That right in the District of Columbia remains to-day, and I can imagine a dreamy-eyed conservative resisting such a statute attempted here or elsewhere on the ground that it was a sacred right.

Mr. President, I think it true, perhaps, that any one of the 100,000,000 American citizens has a right to travel on an armed merchant ship. He has a right to run the risk of losing his own life and engulfing this Republic in a sea of carnage and of blood. I think any wayfarer, any madcap American citizen, may boast that as an inalienable, or rather I should say as an ancient right, vouchsafed to him by international law. I believe that the 100,000,000 American citizens have a right to be protected against such recklessness; that they have a right to be protected against the danger, against the possibility of any one of the 100,000,000 citizens exercising the right and the power to plunge this Republic into the European carnival of slaughter. Of course, the right of 100,000,000 to be protected against becoming involved in this butchery is not to be weighed in the balance with the sacred, the inherited right of a single irresponsible adventurer to imperil his own life, to throw away his own life, and to cause the sacrifice of millions of his fellow citizens together with billions of their treasure.

I do not weigh money in the balance with sacred and essential rights. My only contention is that pending this struggle the right should be withdrawn; that we should withdraw this sacred right in the interest of organized society, in the interest of the American people; that we ought to say, as the Senator from Mississippi would probably say to his daughter, "Do not sail on an armed ship." I doubt if the Senator from Massachusetts would consent that a child of his loins should embark upon the armed vessel of a belligerent power. And should not we, as the guardians of this Republic and the guardians of its most sacred interest, say to those Americans who are willing for love of pleasure or profit or adventure to take such a hazard, "Stay off these ships, forbear to exercise a right which may be fraught with such terrific consequences"?

Mr. President, with me it is a fixed conviction that American citizens ought not to travel on these vessels and that they should be warned not to exercise the right. Let me put a case. Suppose that 1,000 American citizens embark upon one of these armed vessels. It is sunk to the bottom of the sea by a German submarine. An investigation shows that it was armed for offensive purposes. Germany had a right to sink the ship at the sacrifice of a thousand American lives. Mr. President, what consolation to the dead or to their families would it be that by chance they had embarked upon a vessel armed for offensive rather than for defensive purposes? Would it not be infinitely better for them, and for their surviving families, to have been warned not to take so desperate a chance?

Mr. CLAPP. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Minnesota?

Mr. GORE. I yield.

Mr. CLAPP. From some statement the Senator has made and telegrams that I have received—more from the telegrams than from the statement just now made, of course—the impression prevails, certainly in some quarters, that this resolution is an attempt to withdraw the right of an American citizen to go on an armed ship. I do not understand that the resolution is an attempt by law to withdraw that right.

Mr. GORE. Not at all.

Mr. CLAPP. But it is the expression of Congress by the resolution that it is the sense of Congress that it is better not to exercise that technical or abstract right.

Mr. GORE. That is the point.

Mr. CLAPP. That is the understanding of the Senator from Oklahoma of the resolution?

Mr. GORE. That is the express term of the resolution.

Mr. LODGE. Mr. President, if the Senator will allow me a moment, I do not think there is any misapprehension about it. The resolution of the Senator from Oklahoma withdraws no right. It only says to Americans if they exercise the right we will withdraw the protection.

Mr. GORE. That is doubtless implied.

Mr. CLAPP. There is such an apprehension, and the interruption has served the purpose of a disclaimer from both sides, because the telegrams that I have received clearly indicate that they believe it is an attempt to withdraw the right. I am very thankful to the Senator from Massachusetts for making it plain from the high standpoint of his authority—I say it in all deference—that the resolution does not seek to withdraw any legal right to go on armed ships if a person wants to do so.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Nebraska?

Mr. GORE. I yield.

Mr. NORRIS. Right in connection with the question asked by the Senator from Minnesota, I should like to inquire of the Senator from Oklahoma why he has introduced a concurrent resolution instead of a joint resolution or a bill that would be a law?

Mr. GORE. There are two reasons. I had previously introduced a bill covering these points. The two reasons are the fact that this resolution would not be ipso facto referred to a committee of the Senate.

Mr. NORRIS. Does the Senator believe——

Mr. GORE. Let me state the other reason. The other was that it is a simple expression of the sense of Congress and does not require the presidential signature.

Mr. NORRIS. Of course I understood that perhaps the President would veto a joint resolution or a bill on the subject.

Mr. GORE. Undoubtedly he would.

Mr. NORRIS. But the passage of such a measure through the Senate and the House would at least have as much effect in the way of warning as a concurrent resolution that does not go to the President at all.

Mr. GORE. Of course, I may have exercised not the best judgment in deciding upon a concurrent rather than a joint resolution. I was influenced in reaching that decision, however, by the considerations which I have just suggested.

Mr. NORRIS. I would not want the Senator to think that in what I said I was criticizing him. I agree with what the Senator said. It seems to me if we take any action at all it would be the part of wisdom to take, or attempt at least to take, action that would be effective and would make illegal the traveling on such ships from American ports that were thus armed.

Mr. GORE. I think that would be better, and I will state as I proceed an additional reason.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Idaho?

Mr. GORE. I yield.

Mr. BORAH. I should like to submit a question to the Senator from Oklahoma, which I would be glad to have him discuss before he takes his seat. It is this: Suppose we should pass the resolution of the Senator from Oklahoma just as it is drawn, and suppose the other branch of Congress should also express its views in that respect, and that as time proceeded some submarine should have destroyed 100 American lives, would the Senator from Oklahoma or those who take his view be willing to forego the right of the American Government to demand reparation for the loss of those people? Does this resolution in its final results relieve us of the high obligation which the Government is under to protect the citizen when he is doing no more than availing himself of a right which as a citizen he has? Would the Government wholly abandon the citizen because, forsooth, he should seek to travel on merchant ships?

Mr. GORE. My own judgment is that the adoption of this resolution by Congress would serve as an effectual warning to American citizens not to embark on these armed vessels.

The second clause expresses it as the sense of Congress that passports should not be issued to American citizens designing to travel on armed belligerent ships. I feel confident, since the issuance of passports is discretionary with the Secretary of State, that he would observe such an injunction on the part of Congress. I think, therefore, it would be entirely effective to accomplish the result which I have in view. I shall on the proper occasion make further answer to the suggestion of the Senator touching a declaration of war.

Mr. CLAPP. Mr. President, if the Senator will pardon me there, I would suggest the difficulty of finding a difference in spirit as to the withholding of a passport under the Senator's resolution and the letter of the Department of State of October 4, 1915, in which it is stated:

> The department does not deem it appropriate or advisable to issue passports to persons who contemplate visiting belligerent countries merely for pleasure, recreation, touring, or sightseeing.

If the right to go upon an armed vessel is a right, as it is, and no resolution here must contemplate the abridgment of that right, it is also the right of an American to go into a belligerent country if he desires. I should like to have some one point out in spirit and principle the difference between the two suggestions.

Mr. GORE. There is absolutely no distinction in principle, so far as I am able to discriminate between the two. The order of the State Department that it will not issue passports to persons contemplating pleasure trips to belligerent countries is no less a sacrifice of a sacred, fundamental, inalienable, and immemorial right of the American citizen than would be a simple warning that in the interest of public peace he should not exercise the right to travel on a belligerent ship. In spirit and in purpose the two are identical. How they can be discriminated in principle other Senators may answer; I am unable to divine.

Mr. CLAPP. Will the Senator pardon another inquiry?

Mr. GORE. I will.

Mr. CLAPP. Is there any more reason for characterizing the Senator's resolution as siding with one side or the other in the European war in warning citizens to keep off armed vessels than there is in the attitude of the Department of State in saying that it will withhold passports from those seeking to visit belligerent countries for pleasure, recreation, touring, or sightseeing?

Mr. GORE. Mr. President, if there be such a distinction, it is past my power of analysis to detect it. I have no doubt——

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Pennsylvania?

Mr. GORE. Yes; but let me finish this sentence. I have no doubt the senior Senator from Mississippi, with his incomparable power of analysis, and the Senator from Massachusetts, with equal power, will be able to find a substantial reason why passports should not be issued to American citizens to travel in belligerent countries where they could do so without peril to themselves or to their country which would not equally justify the withholding of passports from reckless adventurers who might involve our Nation in war. I yield to the Senator from Pennsylvania.

Mr. OLIVER. If the Senator will yield, is there not this marked difference between the two cases? In the one case the order to which the Senator from Minnesota referred is the act of the Department of State acting within its right and within the limits of its duty as imposed upon it by the Constitution. The other is a proposed act or resolution of the Congress of the United States going outside of its purview and giving directions to the administrative department as to what it shall do in the exercise of its duty.

Mr. GORE. Why, Mr. President, if the Secretary of State has been invested with the discretion to deny a sacred and fundamental right to an American citizen, he has been given an authority that no single official should be permitted to exercise.

In the second place, if it is any usurpation of power on the part of Congress, the war-making power of this Republic, out of its solicitude for peace and for an honorable peace, to seek to avoid needless war, then this resolution is subject to the Senator's criticism.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. GORE. I yield.

Mr. GALLINGER. Mr. President, can the Senator from Oklahoma find any reason why the State Department can suspend this sacred and time-honored principle of international law any more than Congress can express an opinion that our citizens ought to be warned against going on belligerent vessels? Where does the Secretary of State find the authority to suspend international law?

Mr. GORE. I must refer that question to the Senator from Mississippi and the Senator from Massachusetts.

Mr. JAMES. Mr. President, I should like to ask the Senator from Oklahoma if he can see any difference between a citizen

who goes gallivanting around Europe sight-seeing and a citizen of the United States who has pressing business that calls him to that continent, which, if he were not able to go, might mean a sacrifice of all his holdings? Certainly the Senator from Oklahoma will not say to the Senate and to the country that he is unable to make a distinction between business and pleasure. In this case I can see that it makes a very wide and vital distinction.

Mr. GORE. Mr. President, there is no distinction in right. The State Department has no right to inquire, if this be a sacred and inalienable right, what the motive—what the object of the journey—may be. That, sir, would be a power fit only for despotism. Russia exercises the power to issue passports or not from one village to another. Shall the Secretary of State of this great democracy undertake to analyze the hearts of men, and, if they go for pleasure, deny them an immemorial right, and, if they go for business, accord to them that inviolable right?

But, Mr. President, what certificate can the Senator from Kentucky furnish the Senate that all those who journey upon these armed ships are bound upon imperious business that will not wait, rather than gallivanting to Europe as sight-seers? Are there no neutral ships that ply the sea? Are there no American vessels which are immune from attack? I say, let them wait for an American—for a neutral—ship.

But suppose the Senator's argument be true; suppose they are bound on the most imperious business, and that they embark, in the exercise of their sacred right, upon an armed ship and come to their death and the Republic to war, does the Senator think that it would have been an extreme act of tyranny to have denied them such right, such passport?

Mr. JAMES. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kentucky?

Mr. GORE. I yield.

Mr. JAMES. In answer to the question of the Senator, I will say that if the President of the United States had been permitted to handle this question—a right that has always existed since the foundation of the Government in the President of the United States in regard to diplomatic questions—without interference from Congress, without a back-fire having been built here and without the impression and belief having been created in Germany that he was not in fact speaking for the American people, he might have been able to have gotten Germany to have agreed that the lives of all neutrals—men, women, and children, not only those of America, but the neutrals of the world—might have been saved from death by the attacks of submarines.

Mr. GORE. I appreciate the availability of that subterfuge and I appreciate the implication which it carries. Mr. President, the worst of all cowards is the one who lacks the courage to do right. I shall discuss the point raised by the Senator from Kentucky in a moment.

My recollection is that the order of January 12, 1915, was an Executive order, the one to which the Senator from Minnesota [Mr. CLAPP] has referred. As I recall, in our note to Germany concerning the *Lusitania*, our protest was founded upon the fact that it was an unarmed merchant ship. I have conceded to the Senator from Massachusetts [Mr. LODGE] the proposition that possibly an American citizen in such a case is exercising an international right, notwithstanding the fact that the Secretary of State in his note to the powers on January 18 closed with this significant language:

> My Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent Government and is seriously considering instructing its officials accordingly.

The Secretary of State admits that this sacred and immemorial right is a doubtful right. Sweden now warns her nationals not to embark upon these belligerent armed ships without any compromise of her dignity and with every prospect of continued independence and sovereignty.

Mr. President, I do not deny that the Executive Department is entitled to exercise authority in respect to our international relations. For that reason, I have not been disposed to press the measure which I introduced on January 5 for the accomplishment of this purpose.

There is some force in the proposal of the Senator from Mississippi [Mr. WILLIAMS] and the Senator from Massachusetts [Mr. LODGE] that we ought to have a "show-down" upon this point—perhaps not exactly the point involved in the resolution as I offered it. That would accomplish only in an indirect way the object which I had immediately before my eyes. That point is developed by the question of the Senator from Idaho [Mr. BORAH]. When this resolution comes up for consideration, I hope to check that issue up to the Senate, as to whether or not the sinking of an armed merchant ship by a German submarine will be deemed by this Senate a sufficient cause for a declaration of war. That is the point involved in this controversy; that is the point which I sought to accomplish by this resolution—not directly, but indirectly and by implication. That issue should be presented squarely to the Senate.

Mr. President, let me observe this again. This is a fixed conviction on my part. I shall not now elaborate all the reasons upon which I base that conviction. I shall do that, if need be, on a proper occasion; but the general reasons upon which I have reached this conclusion have not actuated me entirely in presenting the pending resolution.

Mr. President, I introduced this resolution because I was apprehensive that we were speeding headlong upon war. Perhaps I ought to go further and say what I have hitherto avoided saying, that my action was based on a report, which seemed to come from the highest and most responsible authority, that certain Senators and certain Members of the House in a conference with the President of the United States received from the President the intimation, if not the declaration, that if Germany insisted upon her position the United States would insist upon her position; that it would result probably in a breach of diplomatic relations; that a breach of diplomatic relations would probably be followed by a state of war; and that a state of war might not be of itself and of necessity an evil, but that the United States by entering the war now might be able to bring it to a conclusion by midsummer and thus render a great service to civilization.

Mr. President—

> I can not tell how the truth may be;
> I say the tale as 'twas said to me.

This came to my ears in such a way, with such a concurrence of testimony, with such internal and external marks of truth, that I feared it might possibly be the truth; and if such a thing be even conceivable, I did not feel that, discharging my duty as a Senator, I could withhold whatever feeble service I might render to avert the catastrophe of war. Now, I do not know that this report is the truth. I simply suggest it as explaining my own conduct.

I think the Senator from Massachusetts and the Senator from Mississippi are right in saying that the President has a right to know whether Congress will back him in the opinion, if he has such an opnion, that the sinking of an armed belligerent ship will be a sufficient cause for war; and I think, too, Mr. President, that Members of the Senate and that Members of the other House have a right to know whether the opinions and sentiments ascribed to the President were given in their interview with him.

Mr. President, of course, if the Senator from Missouri [Mr. STONE] will deny that suggestions of that sort, in substance, were made, his denial would be convincing upon that point.

Mr. STONE. Mr. President, I do not know why the Senator from Oklahoma quotes me as saying——

Mr. GORE. Mr. President, I did not quote the Senator as saying it; not at all.

Mr. STONE. Then I say, in all fairness to the President and to the facts of the case, so far as they are within my knowledge, that the President never stated to me or in my hearing that he believed in any way, or in any way entertained the thought, that war between the United States and the central powers would be desirable or would result in good to the United States.

Mr. GORE. Mr. President, I will accept the sub rosa remark of the Senator from Indiana [Mr. KERN] that the President has a passion for peace. We all have a passion for peace. Yet I want to say in this place that I am not for peace at any price. I do not believe that all peace is honorable, nor do I believe that all war is dishonorable. Our Revolution was surcharged with glory.

Mr. President, I heard in such a way, analyzing the evidence, that I apprehended there was foundation in fact that the President suggested to the Senator that the United States might bring the war to a close by the middle of the summer. Am I right in that, may I ask the Senator from Missouri?

Mr. STONE. The President of the United States made no such statement to me as quoted by the Senator from Oklahoma. Whatever the President said to me, Mr. President, is something that I do not care to repeat. When I go to the White House to hold a conversation with the President, or when I go anywhere to hold a conversation with a Senator or any other official, what he says to me is sacred. I have not repeated conversations I have had with the President. I have stated impressions that the conversations I had with him made upon my mind, and I stated them, in substance, in a letter I wrote to the President,

which was given to the public, but I have not repeated the conversations themselves.

Mr. GORE. Mr. President, I made no intimation that the Senator had repeated the President's conversation with him.

Mr. JAMES. Mr. President, if the Senator from Oklahoma will yield——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Kentucky?

Mr. GORE. Yes.

Mr. JAMES. The Senator tells us that the fear created by this rumor which came to his ears of probable war caused him to introduce this resolution. The Senator is on perfectly good terms with the President, is he not?

Mr. GORE. Oh, certainly.

Mr. JAMES. Why, then, did not the Senator go to the President himself and ascertain at first hand the facts?

Mr. GORE. Mr. President, if I received an invitation to accompany the Senator from Indiana and others, it was overlooked.

Mr. JAMES. But, Mr. President, this matter was of such pressing importance and so vital to the Senator's country—the present Chief Executive is the head of his own party and the Senator is one of the President's closest friends. The question I ask the Senator is why he himself did not go—the President would have been very glad to have seen him—and he could have ascertained from the President himself just what he said and just what he thought?

Mr. GORE. Mr. President, I profess to enjoy no such confidential relationship that might lead me to expect to be apprised of his views if they were of that description. No one could wish to become the custodian of such a secret, if true. I acted, as I say, upon what seemed to be a reliable report, and which I did not feel at liberty to disregard. Of course, I may have been in error about it. Mr. President, I acted in the lurid light of those impressions. Certainly I did not undertake to quote what the President said to Senators, nor did I intimate that the Senator had reported to me or repeated to me his conversation with the President, but many Senators and Representatives heard the same report. Indeed, sir, that report, whether true or untrue, is largely responsible for the serious anxiety which has been pervading the Senate. That report, whether true or untrue, is largely responsible for the unexampled agitation which has been prevailing in the other House. The point I make is that if the report be untrue, the Senate and the House have a right to know that it is untrue, that their alarms may be allayed, and that the existing tension may be relieved. If, on the other hand, it should be true, no one could deny that the whole country has a right to know that it is true. If it be untrue, of course, everybody must be gratified. In the light of the truth, and the truth only, I desire to pursue the path of duty.

Mr. President, with these observations, merely suggesting that when the time comes I will make an effort to present the real issue to the Senate, I may say that I have nothing further to offer at this time except that I possess only finite wisdom, and I was doing my duty as I saw it under the circumstances and under the lights available.

Let me say further, in conclusion, that I have no disposition to interfere with diplomatic relations or negotiations so long as they do not impinge upon the constitutional power of Congress to declare war—to control the issue of peace and war—but I am not willing to be involved in war with Germany or any other power on account of the particular question here involved. Whenever the honor, whenever the vital interests, of the United States, whenever the essential rights of any American citizen are violated or outraged, I shall go as far as who goes farthest to place at the disposal of the Commander in Chief of the Army and the Navy every available man and every available dollar, whether that power be Germany or any other nation under the sun. As an American standing for Americans only I have no choice of enemies.

Mr. President, I ask leave to append to my remarks the note of the Secretary of State as published in the Chicago Herald of recent date; also a notice by the Secretary of State to American citizens who contemplate visiting belligerent countries.

The VICE PRESIDENT. Without objection, that may be done.

The matter referred to is as follows:

The note was dated January 18, and has been received by the Herald from a European correspondent. Its text is as follows:

"It is a matter of the deepest interest to my Government to bring to an end, if possible, the dangers of life which attend the use of submarines as at present employed in destroying enemy commerce on the high seas, since on any merchant vessel of belligerent nationality there may be citizens of the United States who have taken passage or members of the crew in the exercise of their recognized rights as neutrals. I assume your Government is equally solicitous to protect their nationals from the exceptional hazards which are presented by their passage on merchant vessels through these portions of the high seas in which undersea craft of the enemy are operating.

UPHOLDS SUBMARINES' USE.

"While I am fully alive to the appalling loss of life among noncombatants, regardless of age or sex, which has resulted from the present method of destroying merchant vessels without removing the persons on board to places of safety, and while I view that practice as contrary to those humane principles which should control belligerents in the conduct of their naval operations, I do not feel that a belligerent should be deprived of the proper use of submarines in the invasion of commerce, since those instruments of war have proved their effectiveness in this practical branch of warfare on the high seas.

"In order to bring submarine warfare within the general rules of international law and the principles of humanity without destroying their efficiency in their destruction of commerce, I believe that a formula may be found which, though it may require slight modification of the precedent generally followed by nations prior to the employment of the submarine, will appeal to the sense of justice and fairness of all the belligerents in the present war.

"Your Government will understand that in seeking the formula or rule of this nature I approach it of necessity from the point of view of a neutral, but I believe that it will be equally efficacious in preserving the lives of noncombatants on merchant vessels of belligerent nationalities.

BASIS OF PROPOSALS.

"My comments on this subject are predicated on the following propositions:

"First. A noncombatant has a right to traverse the high seas in a merchant vessel entitled to fly a belligerent flag, to rely upon the observance of the rules of international law and principles of humanity, and if the vessel is approached by a naval vessel of another belligerent, the merchant vessel of enemy nationality should not be attacked without being ordered to stop.

"Second. An enemy merchant vessel, when ordered to do so by a belligerent submarine, should immediately stop.

"Third. Such vessel should not be attacked after being ordered to stop unless it attempts to flee or to resist. In case it ceases to flee or resist, the attack should be discontinued.

"Fourth. In the event that it is impossible to place a prize crew on board of an enemy merchant vessel or to convoy it into port, the vessel may be sunk, provided the crew and passengers have been removed to a place of safety.

OBSTACLES FOR SUBMARINES.

"In complying with the foregoing principles, which, in my opinion, embody the principal rule, the strict observance of which will insure the life of a noncombatant on a merchant vessel which is intercepted by a submarine, I am not unmindful of the obstacles which would be met by undersea craft as commerce destroyers.

"Prior to the year 1915 belligerent operations against enemy commerce on the high seas had been conducted with cruisers carrying heavy armaments. In these conditions international law appeared to permit a merchant vessel to carry armament for defensive purposes without lessening its character as a private merchant vessel. This right seems to have been predicated on the superior defensive strength of ships of war, and the limitation of armament to have been dependent on the fact that it could not be used effectively in offensive against enemy naval vessels, while it could defend the merchantmen against the generally inferior armament of piratical ships and privateers.

POWERLESS IN DEFENSE.

"The use of the submarine, however, has changed these relations. Comparison of the defensive strength of a cruiser and a submarine shows that the latter, relying for protection on its power to submerge, is almost defenseless in point of construction. Even a merchant ship carrying a small-caliber gun would be able to use it effectively for offense against the submarine.

"Moreover, pirates and sea rovers have been swept from the main trade channels of the sea and privateering has been abolished. Consequently the placing of guns on merchantmen at the present date of submarine warfare can be explained only on the ground of a purpose to render merchantment superior in force to submarines and to prevent warning and visit and search by them. Any armament, therefore, on a merchant vessel would seem to have the character of an offensive armament.

"If a submarine is required to stop and search a merchant vessel on the high seas, and in case it is found that she is of an enemy character and that conditions necessitate her destruction and the removal to a place of safety of persons on board, it would not seem just nor reasonable that the submarine should be compelled, while complying with these requirements, to expose itself to almost certain destruction by the guns on board the merchant vessel.

INNOCENT LIVES AT STAKE.

"It would, therefore, appear to be a reasonable and reciprocally just arrangement if it could be agreed by the opposing belligerents that submarines should be caused to adhere strictly to the rules of international law in the matter of stopping and searching merchant vessels, determining their belligerent nationality, and removing the crews and passengers to places of safety before sinking the vessels as prizes of war, and that merchant vessels of belligerent nationality should be prohibited from carrying any armament whatsoever.

"In proposing this formula as a basis of conditional declarations by the belligerent Government, I do so in the full conviction that each Government will consider primarily the humane purposes of saving the lives of innocent people rather than the insistence upon doubtful legal rights which may be denied on account of new conditions.

STAND ON QUESTION SOUGHT.

"I would be pleased to be informed whether your Government would be willing to make such a declaration conditioned upon their enemies making a similar declaration.

"I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent Government and is seriously considering instructing its officials accordingly."

NOTICE TO AMERICAN CITIZENS WHO CONTEMPLATE VISITING BELLIGERENT COUNTRIES.

All American citizens who go abroad should carry American passports, and should inquire of diplomatic or consular officers of the coun-

tries which they expect to visit concerning the necessity of having the passports viséed therefor.

American citizens are advised to avoid visiting unnecessarily countries which are at war, and particularly to avoid, if possible, passing through or from a belligerent country to a country which is at war therewith.

It is especially important that naturalized American citizens refrain from visiting their countries of origin and countries which are at war therewith.

It is believed that Governments of countries which are in a state of war do not welcome aliens who are traveling merely for curiosity or pleasure. Under the passport regulations prescribed by the President January 12, 1915, passports issued by this Government contain statements of the names of countries which the holders expect to visit and the objects of their visits thereto. The department does not deem it appropriate or advisable to issue passports to persons who contemplate visiting belligerent countries merely for "pleasure," "recreation," "touring," "sight-seeing," etc.

As belligerent countries are accustomed, for self-protection, to scrutinize carefully aliens who enter their territories, American citizens who find it necessary to visit such countries should, as a matter of precaution and in order to avoid detention, provide themselves with letters or other documents, in addition to their passports, showing definitely the objects of their visits. In particular it is advisable for persons who go to belligerent countries as representatives of commercial concerns to carry letters of identification or introduction from such concerns.

Naturalized American citizens who receive American passports are advised to carry their certificates of naturalization with them, as well as their passports

American citizens sojourning in countries which are at war are warned to refrain from any conduct or utterances which might be considered offensive or contrary to the principles of strict neutrality.

ROBERT LANSING.

DEPARTMENT OF STATE,
Washington, October 4, 1915.

NOTE.—An application for a passport must be accompanied by duplicate unmounted photographs of the applicant, not larger than 3 by 3 inches in size, one affixed to the back of the application by the clerk of court before whom it is executed, with an impression of the seal of the court; the other to be affixed to the passport by the department.

DEVELOPMENT OF WATER POWER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

Mr. SHIELDS obtained the floor.

Mr. OWEN. I ask unanimous consent to have Senate resolution 107 referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SMOOT. I did not hear the request of the Senator. There was so much noise in the Chamber that we could not hear anything.

The VICE PRESIDENT. It was a request to send a resolution to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. BRANDEGEE. Mr. President, I will not object to that request, but I will object to any further requests for unanimous consent for the transaction of morning business.

Mr. SMOOT. I have objected to so many requests of the same kind that I feel I shall have to object to this.

The VICE PRESIDENT. Then the resolution can not be referred.

Mr. SHIELDS. Mr. President, the amendment now being considered by the Senate is that proposed by the Senator from Iowa [Mr. CUMMINS] to the sixth section of the bill, and is in effect a substitute for that section. The provisions of the bill concerning the purchase price or compensation to be paid to a company making a development under a permit granted by the Secretary of War, for its property, when taken over by the United States for operation or to be disposed of to some other person or company under a like permit, at the expiration of the original permit, are contained in section 6 of the bill. This section is in these words:

SEC. 6. That at any time after the expiration of said 50 years the United States may terminate the rights hereunder granted upon the giving to the grantee of one year's notice in writing of such termination, and upon the taking over by the United States of all the property of the grantee dependent in whole or in part for its usefulness upon the rights hereunder granted which are necessary and appurtenant, or acquired and valuable or serviceable in the distribution of water, or in the generation, transmission, and distribution of power, and upon paying to the grantee the fair value of said property, together with the cost to the grantee of the lock or locks, or other aids to navigation, and all other capital expenditures, required by the United States, and assuming all contracts entered into by the grantee which have the approval of the duly constituted public authority having jurisdiction thereof, or which were entered into in good faith and at a reasonable rate, in view of all the circumstances existing at the time such contracts were made. The fair value of said property and the reasonableness and good faith of such contracts shall be determined by agreement between the Secretary of War and the grantee, and, in the event of their failure to reach unanimous agreement, then by proceedings in equity instituted by the United States in the district court of the United States in the district within which any portion of such dam may be located. In the determination of the value of said property for any purpose as between such grantee and the United States or any State no value shall be claimed by or allowed to the grantee for the rights hereunder granted.

Mr. President, I have offered an amendment to this section in these words:

When the property is acquired by the United States under the provisions of this bill it may renew the permit for a like term, or may operate it or otherwise dispose of it under a similar permit and upon similar terms under then existing laws.

The particular part of this provision that is affected by the amendments offered by the Senator from Iowa [Mr. CUMMINS] is that requiring the United States or the new permittee to pay to the original permittee the fair value of its property when taken over, other than the lock or locks or other aids to navigation, and capital expenditures required to be made by the United States, for which cost only is to be paid.

The Senator from Montana has offered an amendment, to be inserted at the end of section 6, in these words:

Nor for the diversion or generating works or appurtenances or the land on which the same may be situated beyond the cost of the same, with all proper deductions for depreciation; nor shall more than the cost be claimed or allowed for any water rights or rights of way used in connection with the property to be acquired.

The amendment of the Senator from Iowa [Mr. CUMMINS] covers the same matter as that of the Senator from Montana but goes much further in its limitations upon the compensation to be paid the original permittee for the property taken over and the final adjustment of his rights under the permit upon its expiration, excluding all but the value of the physical property, and omits the provision for the performance of uncompleted contracts of the permittee.

The proposed amendments provide that the depreciation in the value of the original permittee's property, including diversion and generating works, appurtenances, and land upon which the same are situated, resulting from use, wear, tear, and lapse of time, shall be deducted from the purchase price; and further, that no allowance shall be made beyond the cost of any of such property; thus, while requiring all depreciation in value to be deducted, denying appreciation in value that may accrue to any part of the property, real or personal.

The Senator from Nebraska [Mr. NORRIS] offered and ably advocated an amendment much the same in effect as those I have stated, but upon consideration it was rejected by the Senate yesterday by a decisive vote. The Senators advocating the two amendments now pending have presented their views upon the same with great force and ability, but I have been unable to agree with them in their conclusions.

Mr. President, in my opinion there is no sound reason why the ordinary rules of ascertaining the value of property, which the owner is compelled by contract limitation or by law to part with, should not apply when the property of a permittee is taken over under the provisions of this bill. The permittee should be paid just compensation for his property, which is its fair value at the time taken. The value of the permit should not and can not be included as a part of this value, because it has expired and is nonexistent. This is the first effort that I know of to establish a different rule from that of just compensation.

The real estate of a power company ordinarily represents from 10 to 20 per cent of its total investment, and the remaining 80 or 90 per cent is represented by the buildings, structures, transmission lines, machinery, and fixtures, which naturally and unavoidably depreciate by use and the lapse of time, and incidentals necessary to the business and plant. And as a rule public-service corporations are obliged to pay the full value of lands which they acquire for corporate purposes, and those acquired for water-power development, being generally located in remote places, do not often increase in value, and there is not so much involved in the method of its valuation as that of the other property.

The words "fair value" are synonymous with "reasonable value." The former words were selected because they were believed to express what would be just and right between the grantee and the United States or any subsequent lessee and are ordinarily used in reference to matters here concerned.

The words used in the general dam act of 1910 are "reasonable value."

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from California?

Mr. SHIELDS. I do.

Mr. WORKS. Does the Senator from Tennessee think we can fix a value by legislation that is not a fair value, and enforce it when we come to take over the property? Would we not be obliged, under the Constitution, to make fair compensation for the property that we took over?

Mr. SHIELDS. The Senator from Tennessee agrees with the Senator from California in regard to that matter, as will appear when he comes to the question.

I will read from the statute to which I refer. It appears in this provision of it:

That Congress may revoke any rights conferred in pursuance of this act whenever it is necessary for public use, and, in the event of any such revocation by Congress, the United States shall pay the owners of any dam and appurtenant works built under authority of this act, as full compensation, the reasonable value thereof, exclusive of the value of the authority or franchise granted, such reasonable value to be determined by mutual agreement between the Secretary of War and the said owners, and in case they can not agree, then by proceedings instituted in the United States circuit court for the condemnation of such properties.

These same words, "reasonable value," are also used in the Connecticut dam bill and were approved in the report of Senator Burton, for the Commerce Committee, recommending the passage of that bill. I shall read them:

Section 5 contains a provision materially different from those of former grants of this character. It is provided that at the expiration of the 50-year period contemplated by the general dam act the original grant may be renewed, transferred to other parties, or withheld. In the event that the grant is transferred to other parties, the Government shall require as a condition of the transfer of the property that the new grantee shall compensate the original grantee for the property acquired at a reasonable valuation. In the event that the United States refuses to renew the grant it shall itself make such compensation.

This provision is based upon the theory that if the Federal Government restricts its grantee to reasonable earnings, which appears to be a policy necessary to enforce in the interests of the public, it shall also provide, as far as may be expedient, for the security of the necessary bona fide investment. The effect of this stipulation will be to cure, in its application to this grant, an undoubted defect of the general dam act and to make this system of legislation conform to the well-known methods obtaining in the case of long leases of land, providing for an appraisal and purchase of improvements at the expiration of the lease.

The majority of the committee feel that the provisions contained in this bill are exceedingly desirable, both in the interests of an enlarged improvement of a certain class of streams and also for the utilization of our water powers under provisions which will safeguard fully the public interests, and therefore earnestly recommend the passage of this bill.

All the former statutes that I have examined contain similar provisions providing for the payment of "the fair value" or "the reasonable value" of the property.

What is fair value in these cases must always depend upon the facts and circumstances of each case, and is a question peculiarly proper for judicial determination. The courts of the country have frequently had the question here involved before them in determining the rights of parties in similar matters, and the rule which they have announced and applied as just and equitable is substantially that provided in this bill.

The meaning of the phrase "fair value" is well defined and its flexibility in application to different facts and conditions is well established, as will readily appear from reference to a few of the adjudged cases upon the subject.

The United States Supreme Court, in the case of Wilcox against Consolidated Gas Co., Two hundred and twelfth United States, page 19, upheld the lower court in its approval of the appreciation allowance in the following language:

And we concur with the court below in holding that the value of the property is to be determined as of the time when the inquiry is made regarding the rates. If the property which legally enters into the consideration of the question of the rates has increased in value since it was acquired, the company is entitled to the benefit of such increase. This is, at any rate, the general rule. We do not say that there may not be possibly an exception to it where the property may have increased so enormously in value as to render the rate permitting a reasonable return upon such increased value unjust to the public.

The same court, in the so-called Minnesota Rate cases, said:

It is clear that in ascertaining the present value we are not limited to the consideration of the amount of the actual investment. If that has been reckless or improvident, losses may be sustained which the community should not underwrite. As the company may not be protected in its actual investment if the fair value of the property be plainly less, so the making of a just return for the use of the property involves the recognition of its fair value if it be more than its cost. The property is held in private ownership, and it is that property and not the original cost of it of which the owner may not be deprived without due process of law.

In the case of Omaha *v.* Omaha Water Co. (218 U. S., 180), it is said:

The appraisers, in making their estimates of valuation, included $562,712.45 for the "going value." This separation of an element contributing to the value of each tangible part was done because required to be done under an order made in the circuit court in a suit in which the water board of the city of Omaha was complainant and the members of the board of appraisers and the water company were defendants. The object of that suit was to instruct the appraisers in respect to the mode and manner in which they should proceed. An order resulted which required the board to report the separate elements making up the aggregate value of the plant.

This option to purchase excluded any value on account of unexpired franchise; but it did not limit the value to the bare bones of the plant, its physical properties such as its lands, its machinery, its water pipes or settling reservoirs, nor to what it would take to reproduce each of its physical features. The value in equity and justice must include whatever is contributed by the fact of the connection of the items making a complete and operating plant. The difference between a dead plant and a live one is a real value and is independent of any franchise to go on or any mere good will as between such a plant and its customers. That kind of good will, as suggested in Willcox *v.* Consolidated Gas Co. (212 U. S., 19), is of little or no commercial value when the business is, as here, a natural monopoly, with which the customer must deal, whether he will or no. That there is a difference between even the cost of duplication less depreciation of the elements making up the water-company plant and the commercial value of the business as a going concern is evident. Such an allowance was upheld in National Water Works *v.* Kansas City (62 Fed. Rep., 853).

With reference to "intangible elements": The inclusion of going concern among intangibles is clearly authorized in the case of Knoxville *v.* Water Co. (212 U. S., 1), where this language appears:

The first fact essential to the conclusion of the court below is the valuation of the property devoted to the public uses, upon which the company is entitled to earn a return. That valuation ($608,000) must now be considered. It was made up by adding to the appraisement, in minute detail of all the tangible property, the sum of $10,000 for "organization, promotion, etc.," and $60,000 for "going concern." The latter sum, we understand to be an expression of the added value of the plant as a whole over the sum of the values of its component parts, which is attached to it because it is in active and successful operation and earning a return. We express no opinion as to the propriety of including these two items in the valuation of the plant, for the purpose for which it is valued in this case, but leave that question to be considered when it necessarily arises. We assume, without deciding, that these items were properly added in this case. The value of the tangible property found by the master is, of course, $608,000 lessened by $70,000, the value attributed to the intangible property, making it $538,000.

The inquiry has been made by several Senators whether this bill was submitted to the Secretary of War, and I have given the information that the bill introduced and favorably reported by the Commerce Committee at the last session was submitted to and substantially approved by him.

The present bill was first introduced in December, 1915, and a copy of it was sent to the Secretary of War. It was favorably reported to the Senate about January 15, 1916.

Afterwards, January 26, 1916, the Secretary of War appeared before the House Committee on Interstate and Foreign Commerce and read a carefully prepared paper on the subject, expressing views with which the principles and provisions of the present bill are in substantial accord.

As the Senators think the views of the Secretary of War are important in regard to this matter, it will not be inappropriate for me to read what he said in that statement concerning the valuation of the property when taken over by the Government and leased or sold to another grantee. I read from page 16 of that statement:

RECAPTURE AND ELEMENTS OF VALUATION.

Of course, there should be a provision for "recapture," as has just been indicated (g) supra, but a real difficulty is to be encountered in attempting to lay down specific rules in determining the elements of valuation for recapture purposes. There are those who would lay down a rule which would exclude all intangible elements; on the other hand, there are those who contend that such a rule would be eminently unfair and unwise, in that it would be prohibitive of all development. It seems to me that the valuation should include the property necessarily appurtenant and useful in the conduct of the business, and that there is no good reason for prescribing specific rules to determine what should be included in fair value. It seems to me that it would be unwise to adopt a rule which would expressly exclude or expressly include such intangible elements of valuation, but that these things should be left to be excluded or included according as to whether they may in a particular case, upon fair judgment, be said to be or not to be an element of fair valuation, to be determined in the first case by mutual agreement between the Secretary of War and the grantee, and upon disagreement by a Federal court.

I have never been able to see why the subject should not be left so, to be passed upon finally by a court in the light of the rules for valuation deemed applicable to the particular case. By so leaving it the Secretary of War, and the courts after him, will be free and untrammeled to apply the rules that are just and equitable. There is much difference of opinion now as to what elements should be considered in the valuation, either for rate making or for recapture purposes. There is no fixed rule to determine such things; the law is largely in the making. Certainly intangible elements have been frequently included within fair valuation. The Supreme Court of the United States has admitted them. "Each case," said Justice Hughes in the Minnesota rate cases, "must rest on its special facts," and he there stated that the ascertainment of fair value is not controlled by artificial rule, and is not a matter of formulas, but "must be a reasonable judgment, having its basis in a proper consideration of all relevant facts." While the law on the subject is, as just said, largely in the making, still, it is clear that public-service commissions under judicial supervision do include intangible elements as elements of fair value, and the courts have recognized the propriety of doing so in many cases, although it does appear to me that the present tendency is to restrict rather than enlarge, but certainly not to exclude all such elements. The rules of valuation for public-purchase purposes have been, if anything, even less satisfactorily developed than have been the rules for rate-making purposes, probably because such purchases have not become an established practice of government, but wherever the courts and public-service commissions have had occasion to consider the elements of valuation for this purpose with those for rate-making purposes they have been inclined to recognize a more liberal rule in purchase cases.

The thing of real importance in a rate case is not so much the fair value of the property alone or a fair return alone but a combination of the two, whereas in the matter of public purchase there is only one thing of importance, and that is of fixed and final importance, namely, the fair value of the property. It seems to me if the Gov-

ernment is going to take over the property of the grantee and operate it for its own uses, or is to take it over for the purpose of disposing of it to a new grantee, it should not rely upon its sovereignty to invoke a rule differing from that which should govern transactions between private parties or between a grantee and a State. In all such cases the basis of value for rate purposes and public-purchase purposes involving, as it does, questions of vested property right must necessarily be fixed in the last instance by the Supreme Court of the United States. And I think we should be satisfied to trust the courts in the last instance to determine what fair value is, and an act which permits the courts to apply an open mind to the subject would seem to me to be subject to no just criticism. Of course, the rights acquired from the Government ought not to enter as an element of valuation, either for rate making or recapture purposes.

Mr. President, I can not conceive what principle of equity or common justice, which should control relations between individual and individual, and more certainly between the sovereign, with all of its wealth and power to support it, and one of its citizens in a matter affecting the private property rights of that citizen, that will authorize the provisions contained in these amendments for appropriating the property of a person or of corporations, the beneficial interest in the property of which is in their stockholders, without paying to them just compensation for every element and item of commercial value that it possesses, and which would be considered and paid for in a settlement between citizen and citizen in any similar transaction.

The development of the great natural resources of our rivers is not an immoral or unlawful business which should be penalized in this way.

Is it creditable to the United States to take advantage of its police power over navigable streams to compel riparian proprietors to donate to it part of the well-established value of their property under the penalty of being prohibited from using it? There is no question that a confiscation of this kind—for a property interest required to be surrendered by duress is confiscation—violates the limitations of the Constitution of the United States. Legislation of this kind, in the absence of a contractual feature, would be a denial of due process and taking of private property for a public use without just compensation. These constitutional provisions—the due-process clause and that providing for "just compensation" for private property condemned for a public purpose—apply to and include not only physical property but every possible interest, tangible and intangible, of value that the owner has in property.

Is it right for the United States to evade these constitutional limitations by coercing one of its citizens to contract to surrender his propery rights to it? Is this Government in such financial straits and fallen so low in its greed for revenue and property that it will in this manner coerce its citizens? It is no palliation that it is claimed to be in the people's interest, or, in other words, for a public purpose. There is no other case in which such a rule is applied. The United States has the power of eminent domain to condemn property for any purpose or use which it is authorized by the Constitution to accomplish, and if the property rights of a riparian proprietor are required for a public purpose at this time it should be immediately condemned and paid for, and if the exigencies of the future, say 50 years hence, require public ownership of the property, it can then be acquired under proper condemnation proceedings; but in each case, under the fifth amendment of the Constitution, a part of the Federal bill of rights, just compensation should be and must be paid to the owner.

It must be kept in mind in considering these amendments that they apply to the private property of the companies making the development and not to the public lands that may have been leased by the company, for those leases expire with the permit. Nor must it be forgotten that the provisions of these proposed amendments fixing the terms for taking over the property of persons who have made water-power developments apply equally to subdivisions of States and municipalities which have made similar developments. Is it right for the United States to coerce these arms of the States, created for local self-government, to part with property purchased and constructed with taxes collected from their inhabitants, for the benefit of the Federal Treasury or that of the whole people of the United States? Are Senators willing to do the municipalities and the States in which they reside this injustice? Would it not be taking their property without compensation?

There should be a limit upon the life of these permits for the protection of possible necessities of navigation, and I also think that such limitation may aid in regulating the rates to be charged consumers of water power and its manifold products; but I do believe there should be ample provisions for the protection of the rights of the persons who have invested their money in riparian property and its laudable development, and that if it be taken from them to be operated either by the United States or a new lessee they should receive "just compensation," which is "fair value."

These provisions are in their effect and operation only another method of collecting toll or rent from property for the benefit of the Federal Government in which that Government has no possible proprietary interest. There is no difference in requiring the payment to be made in advance, or annually, and at the end of the term of the permit by requiring the permittee to surrender some of the legitimate elements of the value of the property. The result is the same to the property owner or the consumer who will at last pay for it. It is, in substance, a taking of private property without just compensation. The permit granted passes no property interest and is not a valuable consideration. It is a mere police permit to the owner to use his property.

The United States Senate has considered these questions many times, and in every instance, by decided majorities, it has rejected all propositions in whatever form they have been presented to allow the United States to collect from riparian proprietors of navigable streams tribute of any kind for permission to exercise their property rights. The Senate has gone upon record three times by aye-and-nay votes during the consideration of this bill in rejecting propositions of this kind. Indeed, Mr. President, the conception of some theorist which obtained publicity and prominence about 10 years ago that a great Federal revenue should in this way be raised to the prejudice of the rights of the sovereign States and their citizens has been largely abandoned, and especially by many officials whose duties require them to study water-power development and prominent disinterested citizens who have given the matter attention. It is believed by them that prompt development of the water-power resources of this country for the benefit directly of the inhabitants of the district where they are found and indirectly in forwarding the interests of all the people in cheap power and the manufacture of high explosives and fertilizers should not be retarded by a policy of doubtful propriety, justice, and constitutionality when viewed in its most favorable light.

Mr. George Otis Smith, Director of the Geological Survey of the United States, in a recent article entitled "The people's interest in water-power resources" upon this subject, said:

Engineering skill has created, through the turbine and the long-distance transmission line, a public utility of the first rank. It is now a problem in social economics to secure for the people the real advantages of these modern inventions. Too often in the past the wealth won by the engineer from the mine, the forest, or the stream has been monopolized by the capitalist. Experience is teaching the American people to regard industrial development as a public matter in which others than owners of stocks and bonds are concerned.

Too often the public interest in water-power resources has been discussed almost wholly in terms of compensation, tolls, and charges for the publicly owned resources utilized. The revenue idea connected with this conservation issue has been allowed to overshadow the thought of control in the public interest. A notable exception to this tendency is contained in the Pend Oreille permit issued in 1913 by Secretary Lane, which provides that after the 10 years allowed for construction of plant and development of market the rate of compensation to the Government shall vary inversely as the square of the proportional development of the site and directly as the square of the average price charged for electric energy to both customers and consumers. While protection of the ultimate consumer is the purpose of these terms, the return to the Government, as will be seen, is determined by the receipts of the operator. Here the objects plainly sought are prompt and complete development and low rates to the public rather than revenue to the Government.

Mr. Secretary Fisher has entertained similar views upon this question. In the hearings on the development and control of water power before the National Waterways Commission he said:

I should put it in the statute—

Referring to the term—

50 years—not more than 50 years—as the term of a grant. I do not think it is necessary to have a longer period, and I do not think any engineer or promoter interested cares for it beyond that length of time. He will never get a bond issue to extend beyond that length of time. He must take care of his finances in most cases within a shorter period than that. If you do not grant him a renewal, you must take care of the capital invested in the plant. You must follow one of two principles—you have either got to say that this concern can charge during a particular period of the grant a rate which will enable it to retire the principal or you must provide that you will protect the principal as it stands at the end of the grant. You may prefer that the grantee shall turn over the investment at the end of the grant to the public for nothing. I can not understand that policy. That means the people living during the 50-year period are going to have to pay for the entire investment, and that posterity will get it for nothing. But if you think posterity should share the burden with us—and I personally incline that way—I would be in favor of saying, "You provide adequate funds for depreciation, renewals, and obsolescence, and we will take your plant over at the end of the period at the then value of the plant if you do not continue.

And again, in response to an interrogatory by the chairman of the committee as to whether he is in favor of a bonus, he said:

I would not pay any bonus at the end of the 50-year period, but would pay the value of the property at the time as it then stood.

Mr. President, I also wish to call attention to a statement upon this subject in the preliminary report of the United

States National Waterways Commission made by Senator Theodore E. Burton as chairman. Among the members of the commission were Senators JACOB H. GALLINGER, S. H. Piles, WILLIAM ALDEN SMITH, F. M. SIMMONS, JAMES P. CLARKE, and Representatives STEPHEN M. SPARKMAN, JOHN A. MOON, and others.

I read from page 24 of that report:

The commission is of the opinion that the Federal Government has no proprietary right or interest in navigable waters which would authorize the collection of tolls. The right, if it exists at all, rests upon either the second or third theory stated. As regards the second theory, it should be said that the imposition of tolls, unless based upon a more substantial foundation than the mere authority to grant or withhold consent—an authority arising solely from the control of the Federal Government for the purposes of navigation—does not commend itself to the commission, and it is to be doubted whether, even in case a bill should be passed or other action taken by Congress for granting this permission, with a provision for charging tolls, such tolls could be collected. Regarding the third theory stated, it should be noted that under the exercise of the taxing power Congress can levy taxes for general revenue purposes upon all classes of water power, whether in navigable or nonnavigable streams, and if charges are to be imposed it would seem that this is the normal method. It should further be borne in mind that a requirement for the imposition of tolls where the right to construct dams is hereafter granted would cause a discrimination between water power to be utilized under future permits and those already enjoyed, which are subject to no such charge. It must of course be remembered that whenever the privilege of constructing dams is granted in a navigable stream there is an undoubted right to impose charges sufficient to pay the expenses of examination and supervision and to secure the Government against cost by reason of obstacles to navigation created by the erection of dams; but this rests upon an entirely different principle from the proposal to charge tolls.

The control of the Federal Government over navigable streams has to do with navigation only, and in the exercise of this jurisdiction the plan commends itself to the commission of inserting in each grant or franchise under which the consent to construct a dam is given a condition that the grantee who constructs the dam must also, whenever necessary to subserve the interests of navigation, construct a lock suited to the locality and to the probable development of traffic, and also furnish power for the proper operation of the lock or locks. These requirements, rather than the imposition of tolls, appeal to the commission because they are free from legal objections and are in entire accordance with the objects for which the Federal Government has jurisdiction over navigable streams.

Mr. HUSTING. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Tennessee yield to the Senator from Wisconsin?

Mr. SHIELDS. I do for a question.

Mr. HUSTING. I have the final report of the National Waterways Commission for 1912, being Senate Document 469. Is the Senator reading from that document?

Mr. SHIELDS. No; I have not that document here.

Mr. HUSTING. What the Senator has read is not on page 24 of the copy of the report I have, and I thought perhaps he was wrong.

Mr. SHIELDS. I have read from the preliminary report of the commission, on page 24.

The chief object of legislation of this character should always be to advance the interest of the consumers of electric energy and the production of cheap power. It is along this line, and for this purpose, that this bill was framed. I will read from one other public official upon this subject. Mr. O. C. Merrill, chief of engineers of the Forestry Service, in his address at the Portland conference said:

In considering matters of legislation it should be recognized at the outset that the public, as consumers of power, are interested only in securing adequate service at reasonable rates. Toward these two ends all legislation should be directed, and no measure should become law which does not, either directly or indirectly, have these purposes in view. To gain these ends two steps are essential: First, to provide conditions, as far as legislation can provide them, under which power may be developed at reasonable cost, and, second, when so developed to provide the means for obtaining its sale at a reasonable price, that price being reasonable which allows just so much return to capital, and no more, as will insure the maintenance of an adequate supply.

* * * * * * *

Of all the elements that enter into the cost of developing a power system the only one that can be altered by legislation is the cost of capital. To secure cheap capital it is necessary to protect the investment and to provide the conditions under which reasonable returns may be assured.

The property of these companies will be taxed, as it should be taxed, by the State, and no one need have fear, judging by the past, but that it will be fully taxed for conducting its business, exercising its franchise, and upon the value of the property by what is called an ad valorem tax.

Mr. President, let us examine the details of the amendments proposed by the Senator from Montana [Mr. WALSH] and the Senator from Iowa [Mr. CUMMINS].

That of the Senator from Montana does not alter the provision of the bill for the payment of the fair value of the property, but in ascertaining this it excludes so many elements of value as to destroy that requirement.

The amendments of the Senator from Iowa are radically different, and they undertake to specify more in detail what elements of value shall be considered in fixing the price to be paid for the property. But they are both the same in that their effect is to deprive a citizen of his private property for the benefit of the United States, or such person or corporation as the United States may grant a permit after the expiration of the first one.

I understand from the amendment of the Senator from Montana [Mr. WALSH]—and I desire his attention—that it provides for the valuation of the dams, flowage rights, and transmission lines, to be taken at cost or their depreciated value. Am I correct?

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Montana?

Mr. SHIELDS. I do.

Mr. WALSH. I do not know what the Senator means by "depreciated value." My amendment provides that these particular kinds of properties shall be valued at what they cost, not at what their value may be 50 years from now. Of course, if a dam has been allowed to depreciate in value so that it is tumbling to pieces it would be perfectly unjust to require the Government to pay the cost of it. If it is kept up, that would go into the matter of cost.

Mr. SHIELDS. I think the Senator from Montana is right about that, but I did not quite understand the amendment. I will read it again.

Mr. WALSH. If the Senator will pardon me, I should like to have him address himself, if he proposes to discuss my particular amendment, to the feature that gives me the most concern and the most trouble; that is, the feature of the water rights. I fear that the subject has not had the consideration from the Senator in charge of the bill that it would have had if the representation from the West were greater upon the bill. The Senator from California [Mr. WORKS] has so frequently spoken of the distinction between the right to put in the dam and the right to divert the water from the stream, that I dare say the matter is quite clearly in the mind of the Senator from Tennessee. The right to put in the dam is not enough. One of our people must go, then, and appropriate the water of the stream, so that he may divert it. He gets that water without any cost to himself at all. All he has to do is to make a formal filing of a water right, but after the lapse of 50 years some one else may desire to use that water for the purposes of navigation; he may desire to put it to any other use that he sees fit, but at that time those water rights may be enormously valuable, separate and apart altogether from the question of the dam. In all reasonable probability their value for the purpose of a dam will be greater. It is just possible that a canal might be built and the river turned away through that canal out of its course entirely to develop power at some other place. That water will have a value dependent upon the use to which it can be put. What would the Senator say as to such a case?

Mr. SHIELDS. I will say to the Senator from Montana that that is a subject with which I am not familiar. I know the doctrine of prior appropriation was early applied to water in certain of the Western States—I believe I might describe them as the Rocky Mountain States—by the people who first populated them. That custom grew into law, and was finally recognized by the courts and by legislative enactments; but it has no application to the States east of the Mississippi River nor to those, as I believe, which are bounded on the east by that river, but only to some 11 or 12 mining States and where irrigation is of great value. I have therefore left the consideration of that question to the members of the committee who are familiar with the law of prior appropriation as applicable to those States. That rule, as I have said, does not apply to the States east of the Mississippi River, but the common law applies; that is, that the lower proprietor is entitled to have the water flow onto his premises unpolluted and undiminished save only by what is necessary for ordinary domestic use, and the upper proprietor only has the right to use the water for ordinary purposes. So I am not familiar with the question which the Senator from Montana presents.

Mr. WALSH. But does not the Senator from Tennessee realize that 75 per cent of the power to which this bill will be applied is within the States in which the right of appropriation is recognized? The Geological Survey advise me that, as they are at present informed, probably 3,000,000 horsepower will come under the operation of this act, and that at least 2,000,000 of that is on the Columbia River. The three great sites at The Dalles, at Priest Rapids, and at the international boundary line all fall under the operation of this act, and they amount to more than a million horsepower.

Mr. SHIELDS. Mr. President, the Senator from Tennessee is entirely familiar with those facts. I do understand that about

70 per cent—not 75 per cent—of the water power in the United States is in the Western States; but I further understand that only a small part of it is upon what may be termed navigable rivers.

Mr. WALSH. That is what I am saying to the Senator.

Mr. SHIELDS. And it is only navigable rivers to which this bill applies.

Mr. WALSH. But the Senator has not appreciated the point. The fact is that 70 per cent of the power developed under this bill is in that same portion of the country; and I have referred the Senator to three power sites on the Columbia River which will produce more than a million horsepower. You can not develop more than 3,000,000 horsepower under this bill. The power sites in navigable waters of the United States, as I am told by the head of the Geological Survey—that is to say, on rivers that are actually navigated—are limited in number. So that, Mr. President, it becomes exceedingly important to know, when these properties are to be taken over 50 years hence, whether the people at that time will have to pay the value of these water rights or whether they will get them for the actual expenditure incurred in acquiring them.

Mr. SHIELDS. The Senator and I do not understand the facts in the same way. I get my opinion from the various reports which have been made concerning the possible water-power development in the United States. But that is immaterial. According to the view I take, the rights of the people in the prior-appropriation States are not really different from the rights of the people in the other States. If the company making the development has the water rights which it has acquired and paid for, at the expiration of the term of the permit, when it is forced to part with the property, I believe unquestionably they should be paid just compensation for those rights, just as they should be for every item of value of every particle of property which is taken from them.

Mr. WALSH. I fully agree with the Senator that they ought to have just compensation; but the question is, What is just compensation?

Mr. SHIELDS. Mr. President, that is a question for the court. It can not be fixed by legislation. That only illustrates the importance of leaving all these questions untrammeled to the courts, which we must all concede have the machinery under which and by which the equities of all parties in all cases can be worked out according to the facts and conditions of each particular case.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. SHIELDS. I do.

Mr. CUMMINS. It seems to me the Senator from Tennessee assumes an artificial basis for the argument which he is making. If the Government wants to take the property of a citizen, property which the citizen has acquired entirely apart and independent of the Government, it is overwhelming to say, it is convincing to say, that the Government ought to pay the value of the property as that value would be ascertained in a court; but that is not this case. The Government is to grant a permit or a franchise, or whatever you may be pleased to call it, to a proposed developer of water power. It proposes to give him the permission for 50 years. There is no obligation on the part of the Government to pay him anything for the property after the permission expires; there is no such fundamental obligation as exists——

Mr. SHIELDS. Does the Senator mean that, if the Government takes over the property, it is under no obligation to pay for it?

Mr. CUMMINS. No; I said nothing of that kind; but, standing as we now do toward the proposed development of power, the Government is under no obligation to pay for the property after the franchise expires. That is purely a contractual affair. We believe that, in order to induce investment, it is better to agree to pay him something for the property at the end of that time. Now, what we shall agree to pay is purely a matter of contract, and is known to the developer before he enters the stream. If he does not want to build the dam under the agreement which the Government is willing to give him he need not enter the enterprise at all.

Mr. SHIELDS. And he will not.

Mr. CUMMINS. He will enter upon the enterprise if he is assured of a fair profit for his money. Now, let me suggest to the Senator——

Mr. SHIELDS. I will ask the Senator if he would not go further and say, not only assured of a fair profit, but assured that the charges he may make will be sufficient to reimburse him for his capital expenditure?

Mr. CUMMINS. Certainly. He will take that into account, of course. As I said yesterday, there are a thousand corporations now carrying on public utilities under a franchise of no greater period than we propose to grant here, without any agreement to pay for the property at the end of the franchise period.

Mr. SHIELDS. I agree with the Senator that capital can be induced to invest in these developments without any agreement for payment for the property at the end of the term, when there may be absolute forfeiture of it, if it is provided in the contract that they shall hold for such time and be allowed to charge the consumer of this day a sum sufficient to pay them a fair return upon the amount they have invested and the capital invested. They will do that.

Mr. CUMMINS. Most of the people who will develop water power under this bill will extort all they desire to extort from the people and still recover the exaggerated value of the property as provided in the bill. Now, let me suggest——

Mr. SHIELDS. Then the Senator has no confidence in the State public-service commissions?

Mr. CUMMINS. Most of them will not be under State utility commissions at all. Most of the people who develop these powers, in my judgment, will develop them for profit. They may sell electricity to a city or to a community, but most of the development—I mean now in horsepower—will occur through corporations organized for pecuniary profit to furnish power to the great industrial world. I did not do it yesterday, and before the Senator finishes——

Mr. SHIELDS. If the Senator intends to take much time I hope he will defer his remarks for the present.

Mr. CUMMINS. I want the Senator to know another reason why I desire the bill amended in this particular.

Mr. SHIELDS. I have nearly finished, and, if it will take the Senator long, I would rather he would wait, but he may exercise his discretion.

Mr. CUMMINS. I want to ask the Senator a question. The question is this: Is the Senator insisting upon the payment of intangible value, based upon the business which has been developed by the grantee? The Senator will remember that when the United States Steel Corporation came to buy the Carnegie Steel Co. it paid substantially $500,000,000. The physical property bought was not of greater value at the highest estimate, I believe, than $100,000,000; but the United States Steel Corporation paid the sum I have suggested, simply because the Carnegie Steel Co. had a most profitable business and could pay interest upon $500,000,000. That is just exactly, in my opinion, what will happen to some of the great enterprises which may be developed under this bill. Does the Senator from Tennessee want that kind of value to be attached to the property taken over by the Government?

Mr. SHIELDS. The Senator from Tennessee only advocates the payment of a fair value to the investor, and he does that for the purpose of inducing the people who have the money to develop these resources for the benefit of the consumer. The case which the Senator from Iowa puts relates largely to payment for the good will of the company whose property and business were purchased. I do not believe in any case coming under this bill the good will should be valued, because there is no good will when the rates to be charged are regulated and fixed by a service commission or in case of a natural monopoly. The people have no choice but to resort to a company which is a natural monopoly, and this excludes the idea of good will.

Now, let me in this connection call the attention of the Senator to one phase of the question. These permits expire some 50 years hence. The United States may not want to take over the properties and operate them, but either to regrant the permit to the old company or to a new company. The United States, under the Constitution, now can not take them over and operate them for anything but a Federal purpose, such as the manufacture of explosives for military purposes. Therefore it will under the present Constitution, except to a very small extent, be compelled either to renew the permit to the old company or grant it to a new company. If the property of the old company has not been paid for by charges which it has been allowed by the public-service commissions to collect, or if it has received pay for it in that way, would it be right to allow the new company to be benefited by taking over the property of the old company for less than its value, or by the excessive rates that have been wrung from the people in order to amortize the capital of the old company during the life of the permit?

Now, not only may the United States take the property over, but it may give it to a new company upon the same terms, and you are just simply taking the money out of the pockets of the old company, or of the people, and placing it in the hands of a new set of investors.

The Senator from Iowa fully agrees with me that the company gets no property interest in this permit, and that the United States has no property interest in it. On yesterday the Senator from California [Mr. WORKS] addressed this inquiry to the Senator from Iowa:

Mr. President, may I ask the Senator what he thinks the grantee under this bill does acquire under the provisions of the bill?

The answer was:

I know that he does not acquire anything except the permission of the Government to obstruct in a certain way the flow of a navigable stream.

And this answer is supported by the fact that that obstruction under this bill must be so constructed as not to interfere with navigation facilities; and, more, it must be made so as to advance those facilities. So it is no obstruction in the sense that one would ordinarily use the term.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Iowa?

Mr. SHIELDS. I do.

Mr. CUMMINS. I reaffirm the statement that I made yesterday and that the Senator from Tennessee has just read. I do not think the grantee receives very much from the Government under this bill. That is not my objection to the section under consideration. The difficulty is that with a mythical transaction of that sort—almost mythical, because the matter of navigation is so insignificant that it will hardly be remembered——

Mr. SHIELDS. If the Senator will pardon me for interrupting him right there, that may be the case in his own State, where he has no navigable waters and no power to be developed; but in other States—for instance, down in Tennessee and Alabama, we have one of the greatest rivers in the United States, the Tennessee, that is navigable, except for certain obstructions in the way of shoals, and with a million or two horsepower water power in it, of great value if we can get a law that will authorize us to utilize it. This is a matter of very great importance to those States.

Mr. CUMMINS. Of course it is. I did not say it was not a matter of great importance; but any man ought to have a right to go into any stream, so far as the General Government is concerned, and use it in any way he pleases, provided he does not obstruct navigation or impede navigation.

Mr. SHIELDS. Unquestionably.

Mr. CUMMINS. All these rules that we have adopted are mere artificial regulations, because the Government has been afraid that if this natural right or privilege were exercised by the citizen the navigation would be in some way impeded or impaired. What I said a moment ago, however, was that the Government of the United States gave to the grantee very little, but upon that little this bill attempts to hang a great obligation upon the part of the Government to buy, as I think, at an exaggerated price, the property at the end of 50 years. If you will take away the obligation which you are attempting to impose upon the Government, then the Senator from Tennessee and myself will have no difference at all.

Mr. SHIELDS. Then I would say to the Senator that if he will read the bill he will see that there is no obligation. It is only when the Government interferes and compels the old company to surrender the property that the Government pays for it. The provision is that the old company may go on with the business and continue it indefinitely, unless the United States interferes and cancels the permit and operates the property or relets it to some one else.

Mr. CUMMINS. Would the Senator from Tennessee regard it as a calamity if at the end of 50 years the Government should take the property, pay for it enough to make the grantee whole, and then be able to sell it to another grantee at a higher price than it had paid to the one whose franchise had expired?

Mr. SHIELDS. Certainly not.

Mr. CUMMINS. Would that be a calamity?

Mr. SHIELDS. The bill provides that that can be done.

Mr. CUMMINS. Would that be a calamity? I should think not. I should think it would be a great advantage to the people of the United States to secure an arrangement of that sort.

Mr. SHIELDS. The bill provides that it can be done.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Montana?

Mr. SHIELDS. I do.

Mr. WALSH. If the Senator will pardon me, I want to address a few questions to him.

Mr. SHIELDS. One moment. The Senator from Iowa and myself, as I said, do not disagree in regard to the underlying principles and the law regarding the power of the United States. I should not say "the rights of the United States" or "the interest of the United States," because it merely has a police power over navigable streams and no property interest in them. I call the Senator's attention—and I do it because it expresses it more strongly than I can—to another statement showing that there is no disagreement between us. In his remarks on yesterday the Senator from Iowa said:

I agree, however, that if the grantee is compelled to accumulate during this period a sum that will represent the capital or value of the property at the end of the period, it can only be done through the imposition of such charges to the public as will enable the accumulation to be made; and I, for one, would rather the United States would agree to take the property at the end of the period at a fair value, provided the public has not already paid for it in overcharges or excessive charges, than to allow the grantee to charge those rates that will enable him to accumulate such an amortization fund. So the sole question is, How shall the value of the property be determined?

My objection to the bill as it is begins in line 23, on page 9, in which the property to be valued is described as—

"all the property of the grantee dependent in whole or in part for its usefulness upon the rights hereunder granted."

And so forth. My suggestion is, and my amendment proposes, that the word "property" shall be qualified and limited by the insertion of the word "physical."

In reading over the Senator's remarks I gave special attention to that, because I saw that he and I did fully agree that either the company making the development must be allowed to charge such rates as will return to it the capital it has invested, or it must be paid to it at the end of the term by the United States if it takes over the property for operation or to grant to a new permittee. In other words, the company must be allowed to receive back its capital to pay its bondholders, for these large developments are only made by the issuance of bonds.

I now yield to the Senator from Montana.

Mr. WALSH. I should like to inquire of the Senator from Tennessee if it is his view that a State might, if it saw fit to do so, by the exercise of its power of eminent domain, take over this property at the expiration of the 50-year period?

Mr. SHIELDS. A State?

Mr. WALSH. Yes. The State might want to go into the business itself. Could it do so under the right of eminent domain?

Mr. SHIELDS. A State could take over the property in the exercise of its right of eminent domain in order to operate it, provided that that particular State was authorized by its constitution to engage in commerce of that kind.

Mr. WALSH. I assume that. I assume that the State is authorized by its constitution.

Mr. SHIELDS. Unless this question would bar it; and that is, upon the insistence of the Senator from Montana, among others, a provision is placed in the law permitting the development of these water powers of a contractual nature, giving the United States the right to take the plant at the end of 50 years or any subsequent year. I do not believe that under existing laws the States have a right to condemn the property of the United States; but if you leave out that clause, that control of the United States, that interest which it acquires under the contractual features of the bill, and if the State be authorized to engage in such business, unquestionably it would have a right to do so.

Mr. WALSH. I should like to put to the Senator a case where no public lands are involved at all.

Mr. SHIELDS. Another reason why the States could not do it is on account of its being an improvement to navigation, and, of course, a State can not condemn a Federal utility of that kind.

Mr. WALSH. I am not speaking about that. We get things confused. Of course the State could get the privilege to put a dam in a navigable stream, the same as a private individual. You give the States that power here; but I am assuming that the franchise has expired. It is gone. Could the State condemn the property, acquire the property of the private owner, and then apply to the Government for a franchise to maintain the dam?

Mr. SHIELDS. I think so.

Mr. WALSH. Exactly. There is no doubt about that, I imagine. If the State did proceed to do so, what would it have to pay, not under the provisions of this bill, but if it went on exercising the right, what would it have to pay?

Mr. SHIELDS. Its fair value; just compensation.

Mr. WALSH. Exactly.

Mr. SHIELDS. No more and no less.

Mr. WALSH. Exactly.

Mr. SHIELDS. And that would be settled by the court. That is what this bill provides, and I think it should be left so.

Mr. WALSH. Exactly. That is just the point I am trying to make. Inasmuch as the right to maintain the dam in the stream is gone, of course the power company could not get anything for that, if the State condemned.

Mr. SHIELDS. Why, certainly not. There is an express provision on that subject.

Mr. WALSH. Exactly. So what are you giving by this bill that the people 50 years from now would not have if you never said a word about it?

Mr. SHIELDS. I can see no application of the Senator's interrogation to any of the provisions of this bill.

Mr. WALSH. Then why does not the Senator just leave it and not say anything at all about the right of recapture? Let the State exercise its right to go in 50 years from now, if it sees fit to do so.

Mr. SHIELDS. Does the Senator ask why not strike from this bill the provision for recapture?

Mr. WALSH. Exactly.

Mr. SHIELDS. Because the Senator from Montana would vote against it?

Mr. WALSH. Oh! That is simply to get my vote?

Mr. SHIELDS. The vote of the Senator from Montana and the votes of other Senators.

Mr. WALSH. Then the Senator from Tennessee does not believe in the wisdom of that provision?

Mr. SHIELDS. Certainly. I have said so in the remarks I have made to-day.

Mr. WALSH. Oh! That is to say, if the Senator had his way that provision would not be in the bill at all?

Mr. SHIELDS. Oh, no; I would put it there.

Mr. WALSH. I mean the Senator would put it there merely to get votes for the bill?

Mr. SHIELDS. I favor a 50-year limit upon these companies and have given my reasons why I do so.

Mr. WALSH. But, as I say, the Senator would put it there merely to get votes for the bill?

Mr. SHIELDS. No; I put it there because I favored it; but the Senator asks me why not strike it out, and I say I would lose his vote and many others if I did.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Missouri?

Mr. SHIELDS. I do.

Mr. REED. On the point which has been raised I want to get the Senator's view.

Suppose, at the end of 50 years, the period having arrived when the franchise is to be terminated, a State having the authority to acquire a public utility should undertake to condemn and take over the plant, could the State condemn and take over the franchise right which had been granted by the United States Government?

Mr. SHIELDS. The difference between the Senator and myself is that I do not think the United States grants any franchise right. It just gives a permit, under its police power, for the owner of property to use it.

Mr. REED. Then the Senator does not think this is a contract with the United States at all?

Mr. SHIELDS. That does not follow from what I have said.

Mr. REED. I am asking this question because I really want to get the Senator's view, and not at all in a controversial spirit.

Mr. SHIELDS. I will gladly give the Senator my views about it.

Mr. REED. No matter what term we use, anything is a franchise which——

Mr. SHIELDS. I think I can answer the Senator directly. I think I understand him better than I did. It is my opinion, as a lawyer, that any State having the power under its constitution to use the property for any purpose would have the right to condemn every possible interest in it that the company has, where not prevented by the interest of the United States, either in the exercise of its police power over the river or by contract under this statute and the permit granted.

Mr. REED. I think I understand the Senator, but I want to be sure, because I think there possibly is a very great danger in this bill at this point. The Senator has given the question great thought and attention, and I have not.

Assume that a corporation gets a franchise to build a dam across the Mississippi River. For 50 years it has the right to maintain that dam. It has also built various works and plants and created other properties in connection with its dam. At the end of that period of 50 years a State having the right under its laws and constitution to acquire a public utility proceeds to undertake to take over this dam and also the permit—the franchise, I call it—of the Federal Government to maintain the dam. Now, can the State, under the terms of this bill, succeed to that right which the Government granted and condemn that right, which comes from the Federal Government, in a proceeding against the corporation?

Mr. SHIELDS. It can condemn every possible interest in the property vested in the permittee, tangible and intangible, real, personal, and mixed. There is no species of property that can escape the power of eminent domain.

Mr. REED. But can the power of eminent domain of a State extend to the condemnation and taking over of a power which is vested in the United States Government and in which the United States Government is supreme? Does it go that far?

Mr. SHIELDS. I doubt that.

Mr. REED. Therefore I doubt the right of the State, unless it is plainly written in this bill, to condemn and to acquire this property and to operate it in the same way that the corporation can, namely, under a grant by the United States Government.

Mr. SHIELDS. I should be very glad to put in such a provision. I have no objection to it. Further, I would agree to a provision, both in the public-lands bill and in this bill, that any State may condemn the property of the United States—I mean the public domain—but that would take legislation of special character extending the right of eminent domain. Congress could grant that power to the States.

Mr. REED. I think it could be granted in this bill. I think there could be a clause written in this bill that in the event of a State taking over this property it should succeed to the grant given by the United States. By putting that in this bill we would clear up what I think might be a troublesome matter. I am not fighting this bill. I am suggesting, as I say, a thing that I think is troublesome.

Mr. SHIELDS. I think so; but it would probably defeat the bill if it was done. There are not many Senators who agree with me in this matter.

Mr. REED. Certainly no Senator ought to vote against it on that ground. Now, while I have the floor I want to ask the Senator if it is his purpose in this bill to grant a perpetual right upon these streams?

Mr. SHIELDS. Certainly not.

Mr. REED. Have we not done that when we have provided that a corporation can occupy a stream for 50 years, and then at the end of that period of 50 years the United States can only acquire the property by paying for its value? We have put in no provision to terminate the rights of the company. In other words, is this not what we do by the bill: The company exists for 50 years without the right of the Government to purchase. At the end of the 50 years the Government can terminate the rights of the company only upon condition that it shall pay for the property its full value. Is not that practically a perpetual franchise?

Mr. SHIELDS. Certainly not.

Mr. REED. It would seem to me that that is in effect a perpetual franchise. However, I do not want to interrupt the Senator further on that point. I may have something to say about it later.

Mr. SHIELDS. When the Government in the permit reserves the power to terminate it at a certain time, it seems to me, it is impossible to construe it to be a perpetuity. Again, this bill contains a section expressly providing for amendment or repeal of its provisions at any time. Another reason why it could not be a perpetuity, which the Senator will recognize and concede when I call it to his attention, is that the sole power the Federal Government has over rivers, and the sole power of Congress to enact this legislation, is the police power or function of controlling or regulating navigation on the rivers, a governmental function which it can not surrender.

Mr. REED. If that be correct in the broad way that I understand the Senator to state the proposition, we get to this: We propose to grant a right for 50 years which is granted under the police powers of the Government, and we can not grant away our police powers at all, says the Senator; and therefore the grant for 50 years is null and void upon its face, because you can not grant away a police power. Surely I misunderstood the Senator, but that is the way I did understand him.

Mr. SHIELDS. Does the Senator controvert the proposition that the Government can not grant away its police powers in perpetuity, or surrender a governmental function?

Mr. REED. Oh, I do not controvert the fact that the Government can not surrender its governmental functions; but when you ask me whether the Government of the United States may not grant a privilege for a fixed term, I doubt the negative of that. I think it can grant a right for a fixed term.

Mr. SHIELDS. Oh, I see that the Senator's point is that even for the 50 years it would be a limited surrender of the police function.

Mr. REED. Yes.

Mr. SHIELDS. The Senator is approaching now not only the infirmity of all legislation of this kind but the monstrous proposition that is put forward by such legislation, to interfere with property private rights along rivers, riparian rights, and to hamper the owners in the improvement and utilization of them under the bare police power to regulate commerce. I do not know of anything that is worse blackmail than for the Federal Government, through the Congress, to demand that these riparian proprietors shall surrender their rights, in whole or in part, for the mere permission to exercise them in such a way that they do not interfere with the police power of Congress to protect navigation in the river.

The Congress, after conceding the powers of the State governments and the right of the riparian proprietors for a hundred years, in 1890 and 1899, broadly prohibited the States and the riparian proprietors from putting any obstruction in a navigable stream, regardless of whether it affected navigation or not. That statute, to my mind, ought to be repealed. I believe it is unconstitutional. There is no question but that Congress has the power, when regulating transportation upon navigable rivers, to say what is an obstruction in that particular river; and Congress frequently did say so, and had dams and other obstructions that were placed in such rivers by States or by riparian proprietors removed prior to the act of 1899.

Mr. REED. Of course, on the broad question of bad laws or what are thought to be bad, I agree with the Senator.

Mr. SHIELDS. Those are the laws which have made it necessary to enact this legislation.

Mr. REED. Some have been bad. The Senator is trying to remedy one of them by this bill; but in seeking to remedy the present bad law it is not necessary to make this law either bad or dangerous.

I do not want to take the Senator's time, but rather to bring to a close what I was trying to say by way of a question. My view of the matter is that this bill ought to be so drawn that there would be no doubt of the right of the State, under its power of eminent domain, to acquire all of the property at the end of the 50-year period and to exercise the full right of running it. I mean by that to acquire such rights as the Federal Government has granted to the individual or corporate owner of the dam.

Mr. SHIELDS. I should like to call the Senator's attention to what occurred in the consideration of this bill in the committee. Originally we put in the bill "State, municipality, or other subdivisions of the State," but the permittee under the bill is in various ways made subject to the orders and regulations of the Secretary of War concerning the navigation facilities furnished, and further, the permittee, for a violation of those rules and regulations or any of the provisions of this bill, is made subject to a high misdemeanor.

If the Senator's State should condemn the right of the permittee and take over this property under a provision that he suggests, it would be, I think, subject to the orders of the Secretary of War. Does the Senator want to place his State in that humiliating position? I did not want to place my State in it, and I called the situation to the attention of the committee, and they agreed with me that it ought to be stricken out. The committee all agreed that whenever a State wished to obstruct a river by building a dam in it for a public-utility purpose and presented a proper case Congress would without hesitation grant the permit. In that way the States can go into the business of generating hydroelectricity, and if they have that right they can condemn every possible interest not controlled by Congress that the grantee has in the property. I think there is no question about it.

Mr. REED. If the Senator will pardon me a further interruption, of course the fact that the bill carries criminal penalties against individuals who may obstruct a stream affords no insuperable objection to the granting of a right to a State or a municipality to conduct such business, because the Government can be well protected against them by a simple provision that when a dam is owned by any municipality or any State government, and it is violating the law, the Federal Government can take possession of the property and can remove the obstruction.

The fact that we can not make a criminal penalty apply to every concern is not very important. Besides, I hold that the criminal penalty in itself is an unimportant thing; that the real protection lies in the power of the Government to remove the dam or to take possession of it, and to manage it properly and in the public interest.

Now, since I made a remark a moment ago to the effect that I thought certain things ought to exist after 50 years, and in order that the RECORD may be complete as to what I meant to say, I desire to further state that I believe the right of the Government or of the municipality or of a State to take over the property and pay proper compensation ought to exist at all times during the 50-year franchise. I do not believe in the granting of any franchise or any right on great navigable streams that can not be terminated by the Government or by the State at any time upon paying proper compensation. That is the modern theory upon which practically every franchise is now being drawn. If we are not very careful, we are going to by this bill create 50-year franchises that will mean 50 years of trouble.

Mr. SHIELDS. The question raised by the Senator, of course, is not directed to the amendment, and the discussion has led far afield from it. I did not know there was any State that wanted a franchise of this kind. If the Senator feels that his State is interested and will present an amendment, the committee will give it that consideration which any suggestion he makes is always entitled to and always receives.

Mr. BANKHEAD. Mr. President, this is rather a new question. I should like to ask the Senator from Tennessee if he believes a State could under any process whatever, condemnation or otherwise, condemn and take control of a dam constructed in a river for the purpose of providing navigation in that stream? Does he think the State could do that?

Mr. SHIELDS. I will say that if the Senator had noticed the statement I made in answer to the Senator from Missouri, he would have had an answer to his question. I said the State could only condemn the interest of the company owning the property, that it could not condemn any interest or right or power the United States had in it. It can not condemn the navigation facilities made under the direction of the United States.

Mr. BANKHEAD. I know that is the Senator's position, but I asked that question with a view of asking him another. Why would the State want to condemn the property of any company and take it over and pay for it with the knowledge in front of them that the Government of the United States might at any time it chose order the dam to be torn out of the river? Of what value would the property be and what price would the Senator think they would pay?

Mr. SHIELDS. I presume the Senator addresses his interrogatory to the Senator from Missouri.

Mr. BANKHEAD. Then I should like to have the Senator from Missouri answer it.

Mr. REED. That is a very apt statement of my position that the bill ought to contain express language to the effect that if any State or municipality does condemn and take over the physical properties the grantee may have in any navigable stream it shall thereupon succeed to all the rights of the grantee to maintain the same under the grant of the Federal Government. If you should not put that in this bill there would be the very question that the Senator has raised constantly before us.

Mr. BANKHEAD. In other words, the Senator from Missouri seems to think the Government of the United States may transfer its right or its duty, if you prefer that term, to protect navigation to a State, and say to the State you must take this navigation the same as I have agreed to do. But a little later on the Secretary of War concludes, for a good reason, for instance, the commerce on a river might increase to such an extent, that there would be no surplus; it would take all the water which would be available and leave no surplus for power, so that he would say, "Your dam is an obstruction to navigation, and therefore you must take it out, or you must try to turn the water off your wheels in order that we may have plenty of water for navigation."

Mr. REED. The difference between the Senator and myself is that he can see how the Government can grant rights to a private corporation but he can not see how the Government could give the same rights to a State. If the Government can give a right to a private corporation to build a dam to use the water of a river in a certain way, then the Government can give exactly the same kind of a right to a State, and subject to the same limitations and powers and rights of the Federal Government the State can exercise that which the individual could.

It may be that the Senator and I are differing because of a misunderstanding. First, the bill was drawn so that a municipality or a State could take over the property of a private corporation, and should have the same right to maintain the property that the private corporation would have had it continued in possession of it; and I think that ought to be clearly put in this bill.

Mr. BANKHEAD. There is no difference between the Senator and myself on that question; but he has not answered the question I asked him. I want to know what would happen with this provision if the State had taken it over and you put your mills there for the purpose of operating them for power. I ask

what he thinks would happen in case the Secretary of War, acting for the Government of the United States, after the State had taken it over and the dam had been constructed, concluded that it was obstructing navigation because there was not sufficient water to operate navigation and at the same time furnish power, and therefore was an obstruction? The dam must be removed under the provisions of this bill; but what would happen then?

Mr. REED. The same thing would happen that ought to and would happen to a private corporation.

Mr. BANKHEAD. Oh, no. I would much rather it would happen to a corporation than to a State.

Mr. REED. A private corporation is not going to invest its money until upon an examination it has found that it is reasonably safe to invest its money, and a State will not condemn and take over the property until it has found that it is reasonably safe to take over the property.

Mr. BANKHEAD. But, Mr. President, the State can not tell what is going to happen in 25 or 30 or 50 years, in that respect.

Mr. REED. No; we can not tell what will happen in 25 or 30 years. The State can not tell; the municipality can not tell, nor the private corporation. I am assuming that if you give a State the naked right to acquire a piece of property it will not acquire that piece of property under such circumstances as will involve it in loss. Of course, if you start with the assumption that the governors of States and the representatives of municipalities are not capable of managing the affairs of the State or the municipality, and therefore will make all sorts of bad bargains and buy property that would be obsolete as a workable piece of property, then you ought to put an amendment to all our constitutions providing that the States should buy nothing and municipalities should never acquire a plant. But if we give to these municipalities the right to acquire, which the bill undertakes to do, then we ought to give them the right to acquire the privileges and franchises the Government has granted, so that they will succeed to them and occupy a position exactly similar to the one occupied by the private corporation.

Mr. SHIELDS. I again ask the Senator to prepare an amendment and present it to the committee, and not oppose the bill simply because of an omission of what he thinks is necessary.

Mr. REED. I shall be glad to do that.

Mr. SHIELDS. It is impossible to provide in one measure for every contingency that may happen in regard to the subject legislated upon.

I must request Senators not to interrupt me in matters not relating to the subject of the amendment I am discussing. Of course, I will be glad to answer any question in regard to it, but I must get through at some time.

Another reason why I think it is difficult to fix the exact measure of the value of the property in the bill instead of leaving the question to the Secretary of War and the company to settle, or, upon their failure to do so, to the courts of the country, is whether the dam and other parts of the plant were properly constructed. The Government ought not to be responsible for a mistake the engineers may make in construction. I will call the Senator's attention to a concrete case, the Hales Bar Dam in Tennessee. The original estimate was that it would cost $3,000,000, but, largely on account of a mistake of the engineers in the boring for the foundation of the dam, it was discovered that that estimate was entirely too small. The dam eventually cost $9,000,000. This shows why the value of all this property ought to be left to the company and the Secretary of War or to the courts to settle, and that only its fair value ought to be allowed.

There are many cases in which it may happen that the property is not worth what it cost, because of a bad contract, inevitable accident, or misfortune attending the construction, for which the Government is not responsible and should not pay the consequent loss.

In one of the cases I read it is said that the fairest rule is that which applies to the exercise of the right of eminent domain. I think that would be the best, and that under that rule the fair value of the property at the time it is condemned should be paid, and nothing more and nothing less.

The amendment of the Senator from Montana [Mr. WALSH] contains these words:

> Nor for the diversion or generating works or appurtenances.

Does the Senator mean to exclude those from consideration?

Mr. WALSH. That is qualified by the language which immediately follows.

Mr. SHIELDS. I did not think that that is what was meant.

Mr. WALSH. Certainly not.

Mr. SHIELDS. With all due respect, I do not think the amendment is quite so clear as the Senator would have drawn it had he been in his office and had a little more time. It is not as clear as papers ordinarily prepared by him are.

The next portion of the sentence is:

> Or the land on which the same may be situated beyond the cost of the same, with all proper deductions for depreciation.

The Senator would not only require the depreciation of the machinery but also that of the land to be deducted.

Mr. WALSH. I would not think the depreciation would have any reference to land.

Mr. SHIELDS. I hardly thought the Senator meant that. He did not intend to allow depreciation in the value of the land in ascertaining its value and then cut off all allowance for appreciation, as the next part of the sentence does.

Mr. WALSH. There would not be any appreciation in value of the land.

Mr. SHIELDS. I think there would generally be very little depreciation or appreciation.

Mr. WALSH. The depreciation would refer, of course, to the generating works and diversion works.

Mr. SHIELDS. But it does cover land, as written here. I was simply asking to get what the Senator meant by it.

> Nor shall more than the cost be claimed or allowed for any water rights or rights of way used in connection with the property to be acquired.

The water rights, of course, would be dependent upon the laws of the States where the company was located. If that is intended to cover the flowage rights, the riparian rights, generally, as it would as left here, of course that would be wrong. The company buys these flowage rights and pays for them, and if the United States gets the benefit of them, it ought to pay for them; or if any company to whom the permit is transferred gets the benefit of them, it ought to pay for them.

Mr. WALSH. For the information of the Senator I will say that the flowage rights and the water rights are quite distinct things.

Mr. SHIELDS. In other words, the Senator means they are in his State and in the Western States.

Mr. WALSH. Wherever the term "water rights" is used.

Mr. SHIELDS. That is a technical term in the Western States, but it has a different meaning entirely in the Eastern States.

Mr. WALSH. Under the State law of appropriation.

Mr. SHIELDS. Yes; and this bill was intended to cover all States.

Mr. President, the development of water power for the generation of hydroelectricity is a business proposition, generally involving an investment of many millions of dollars, furnished, as a rule, by numerous and widely scattered parties purchasing the bonds of the company. If these developments are obtained, and it is conceded they can not be under the present laws, they must be considered as business propositions, and the statutes enacted to make them possible must be reasonable and just to the investors.

The terms of the grant must be such as to pay for or justify the hazard of the project, the organization expenses—which in great corporations is no small sum—the loss of interest during construction and while awaiting a market, which often amounts to a very large sum. The Keokuk Dam and Hales Bar projects were several years in construction, and the interest on the money borrowed for that purpose amounted to an enormous sum. Also there must be an allowance for interest on the indebtedness while a market is being secured for the product. In every case where developments have been made there was comparatively a small market for the product in the beginning, and none of them, so far as I know, now have a market that consumes their entire output.

Mr. WALSH. I wish to ask the Senator a question. Assuming the power of regulation to exist as to all this development—of course, as to most of them it would not exist at all, but assuming that it existed as to all—would not those elements be taken care of in fixing the rates? Would not the commission in fixing the rates that could be charged for power recognize that for several years it would be necessary to make a considerable allowance?

Mr. SHIELDS. Certainly, they ought to take that into account. That is what I am referring to.

Mr. WALSH. So would not all those things be taken care of during the whole 50 years of the franchise?

Mr. SHIELDS. That would entirely depend on the rates allowed.

Mr. WALSH. Exactly.

Mr. SHIELDS. But those things, in my opinion, ought to be amortized, and I have said nothing to the contrary.

Mr. WALSH. I agree with the Senator that they ought to be taken care of in current rates. Why does the Senator urge that they should be paid for again at the end of the period?

Mr. SHIELDS. The Senator has not urged any such thing. My observations have been general.

Mr. WALSH. I understood the Senator to mean that in considering the amount which should be paid for the property at the end of the period you should take into consideration the fact——

Mr. SHIELDS. The Senator is mistaken. I was not referring to that matter at all in the observation I was making, but it was a general observation as to what had to be considered and the rights of the investors.

Mr. WALSH. I wholly misapprehended the tenor of the Senator's remarks, because I supposed he was addressing himself to the general amount that ought to be paid at the expiration of the period.

Mr. SHIELDS. There is no way to compel those who have money to invest it in water-power developments, and they will always prefer other investments so long as their rights in the former are not fully protected. The construction of these plants is costly and the business hazardous from floods and many other natural causes, all of which must be taken into consideration.

There are few who do not concede that taxes, tolls, and rents which may be imposed upon water-power development by the Federal Government will ultimately be paid by the consumer, for they will be taken into consideration by the public service corporations fixing and regulating the rates of consumers.

The deductions that may be made from the value of the property when it is taken over will as certainly be paid by the consumer.

It presents a case similar to that of a municipality owing a public debt, where a sinking-fund tax is levied in order to create a fund to pay the bonds at maturity.

If the rules for the valuation of the property advocated in these amendments be carried into this law, the company making the investment will, from the very beginning, be compelled to charge greater rates than they otherwise would, and the public-service commissions will be compelled to allow them to do so, in order to anticipate such losses and realize the value of their property that will be thus confiscated by the Government.

This is all to be done for the benefit of the people who may inhabit the country 50 years hence. I want to inquire if the Senators have not some consideration for the people who are here now, and I ask upon what principle of justice can they justify their action in placing such a burden upon them?

Will they in their great tenderness for future generations write into this law such provisions as will make it ineffective and inoperative and defeat the development of these resources so much needed by the present generation for manufacturing purposes. I believe in having some regard for the rights of the people we now represent, and let the representatives of future generations take care of their constituents.

The consumers' rights and interests should have our first care in formulating this law. They want and their interest requires the development of these great natural resources.

They have not the money to develop them. They can not get investors to do it without protection to their property rights.

They want the power furnished as cheaply as possible, and this they can not obtain if the investors are compelled to collect from them in rates and charges, not only a fair return upon the capital they invest, but the corpus of the capital itself, all within this limited time.

It is clear to my mind that these amendments are impracticable and that they will deter and drive away investors. The bill provides a plain, businesslike method for the settlement and ascertainment of the value of the property. It provides that it may be agreed upon by the company and the Secretary of War, and upon failure of such agreement, by a court of equity. I have every confidence that the courts of the country will do the people justice. I have every confidence in the ability of a court of equity to ascertain all facts and settle all equities in accordance with the common justice which ought to be meted out in every case.

In conclusion, I wish to call attention to another utterance of Mr. Garrison in regard to this same matter, made before the House Committee on Interstate and Foreign Commerce. Secretary Garrison said:

> In a general way, this can be said, however: The subject of recapture is one of tremendous importance, both to the public and to the grantee. It must be governed by principles in which business considerations and justice enter in a marked degree. There must be provided a means whereby the sovereign, or one authorized thereto by the sovereign, may be permitted to take over the rights, the plant, and business of the grantee upon or after the expiration of the grant, on terms that are both feasible and just. Of course, what we are seeking to do is to be just to the grantee and also just to the public. The subject is of such importance because of what it involves—the rights of property of the individual and the rights of the people in a common resource. We can not properly contemplate benefiting the latter by an unjust injury to the former. As I said the other day, "The rights of property of the grantee upon and after the expiration of the definite tenure should be defined, and the rights and property held thereunder should be protected by continuing them until renewed in the original grantee or taken over by the United States or by authority of the United States, upon terms of fair compensation."
>
> Anything further that I might say at this time would merely be in amplification of my previous statement. Of course, that which the Government grants must not be included in the assessment of fair compensation, but outside of this I do not see how Congress can usefully or wisely enumerate what shall be comprised within that term. It must depend upon so many at present indeterminable factors, and must depend so largely upon the situation in each particular case.
>
> It does not seem to me that Congress is called upon, in dealing with this subject matter, to attempt to be any more specific than are the constitutions of the various States concerning the taking of private property for public use. In almost every one of those constitutions language of similar meaning is used. My recollection is that they usually read "private property shall not be taken for public use without just compensation." What is just compensation, "just" being practically synonymous with "fair" compensation, in each case depends upon, first, the judgment of the commission appointed on behalf of the public to condemn the land, and, secondly, upon the final determination of the courts in reviewing the decision of the initial condemnors. That is exactly the situation which I think that Congress should consider and deal with in this matter. They provide for the taking of private property for public use. They provide that it shall not be taken without just or fair compensation being paid, and they provide, in the first instance, that it shall be determined by an administrator or executive officer, and that subsequently his decision may be reviewed and the final question settled by the appropriate legal tribunals. It would be, in my view, as I have so frequently said, a practically impossible thing and a very unwise thing to attempt to be specific with respect to this matter, excepting to the extent of positively providing that no element of value shall be attributed to that which the Government has granted to the licensee.

Mr. President, what I insist on in this case is that these amendments are wholly unnecessary to do justice between the United States and the permittee. The bill as written provides that upon the termination of the lease and the taking over of the property for the use of the United States or for any other permittee to whom it may grant it, the fair value shall be paid, excluding that of the permit which, of course, will have expired at that time or when the United States gives notice that it will exercise its option. These amendments only undertake to impart—because they can not possibly contemplate what will be all the elements of value 50 years hence—to fix the measure or rule of ascertaining the value of the property. The machinery of courts of equity is ample; it is broad, and it is effective; and what may be the value to-day may not be the value 20 years from now. In 20 years from now there may be values that are not considered or recognized to-day. The rules of the court will be adjusted to conditions as they then exist, and will in every case do what is fair and what is just.

I insist, Mr. President, that the bill as it is written is in better shape, that it is more practicable, and that it is fairer than any of these amendments, and therefore they ought to be rejected.

Mr. WALSH. Mr. President, inasmuch as the remarks of the Senator from Tennessee have been directed to some extent to amendments offered by me, I desire to say a word or two.

I appreciate that no value attaches to anything that is said in this discussion, except such as comes from the value of the remarks of any Senator in the RECORD. However, there are abundant reasons why those having views on this all-important feature of the bill should take occasion to express them.

This feature of the bill deals with a valuable right supposed to be created by it—the right on the part of the Government to take over the property of the grantee at the end of the period when the permit expires. The Government then becomes reinvested with the right to control the stream, as it had it at the beginning; but, of course, that right would be valueless without having at once the property through which that right is made serviceable; and the bill properly provides for the taking over of the property.

But, Mr. President, on the plain admissions of the Senator from Tennessee these elaborate provisions of the bill mean absolutely nothing. They grant to the people no right whatever that would not exist if the bill were entirely silent upon the question with which these features deal. The term of the lease has expired; the grantee has no longer any privilege of occupying the navigable stream with the dam; the property, its diversion works, the generating works, the transmission lines, and all other property which it has acquired is valueless to it, or to a very great extent it is valueless, except as it can be used in connection with the privilege to occupy the navigable stream.

Under those circumstances, beyond cavil and beyond question, the State could condemn the property of the grantee and take possession of it. Then Congress could invest it either by an act then passed or by this very bill, if it shall be amended as suggested by the Senator from Missouri.

Mr. SHIELDS. The Senator from Montana did not understand that I controverted that, did he?

Mr. WALSH. That is the point I am telling the Senate, that the Senator from Tennessee agrees that that is the case. Nobody can dispute it. In that case the State would be required to pay the then fair value of the property, just exactly as provided in this bill; in other words, the right would then exist to take over the property by paying its fair value; and it is not necessary to make any provision with respect to that matter in this bill at all, if that is the policy that is to be pursued.

Of course, Mr. President, the bill gives to the Government of the United States the contractual right to take over the property upon exactly the same terms as the State would be entitled to get it if it exercised the right of eminent domain. It may be fairly open to question as to whether or not the Government of the United States, without the contractual right granted to it by this bill, would not be entitled to take over the property by the exercise of the right of eminent domain which it possesses. I imagine there can be no question that, if the Government went into the improvement of the navigation of the river, it would be entitled to exercise the right of eminent domain in connection with that improvement; and if the development of power was incidental to that, it doubtless would have the right to exercise the power of eminent domain so as to utilize the power which it developed. That may, however, be open to question, and I do not care to debate or discuss it now.

The bill, Mr. President, only gives to the United States the very rights that the State would have if there was nothing in this bill at all. Therefore, Mr. President, why are these provisions here? The Senator says practically to get votes. That is to say——

Mr. SHIELDS. The Senator is mistaken.

Mr. WALSH. The Senator said that it was put in the bill because he could not get my vote if it was not there.

Mr. SHIELDS. Yes; I did say that. But I had previously stated that I believed in the 50-year limit and gave the reasons why I believed in it. I told the Senator that I believed in it, and the Senator remarked, "Why did you put it in?" And facetiously I simply stated "to get the Senator's vote," because I knew the Senator favored such an amendment.

Mr. WALSH. That is to say, the Senator from Tennessee believed that he might be able to get my vote by a provision in this bill which gives absolutely no privilege that the people would not have the right to exercise at the end of the 50-year period.

Mr. SHIELDS. I made no such statement as a fact. I did not put in the provision to get the Senator's vote. I believe in it myself, and every member of the committee believes in it. I do not know a Senator, unless it is the Senator from Washington, who does not believe in a limitation; and in my address this evening I have given my reasons for it. I would be far from thinking that I could get the Senator's vote by any trick. I do not think there is a Senator on this floor whose vote could be procured in that way; and, even if it was, I want the Senator to know—and I believe he does know—that I would not resort to a trick to get a vote.

Mr. WALSH. I am very sure the Senator would not. I shall take the Senator's own statement.

Mr. SHIELDS. If these provisions, however, amount to nothing why does the Senator consume so much time in assailing them and trying to amend them?

Mr. WALSH. Mr. President, the Senator's talk is perfectly aside from the question. I was not debating with him at all the question as to whether there should be a limitation of 50 years or not; that is not the question we are talking about. Everybody feels that there should be a limitation of 50 years. The question we are talking about is what amount should be paid by the Government at the end of the time in order to recover the property.

I want to treat the Senator from Tennessee with perfect fairness, and I was endeavoring to discuss this bill on that basis. I asked him if it were not the fact that the people at the end of the 50-year period would have the right to take over this property by paying for it just what the bill provides shall be paid for it; in other words, whether it is not a fact that the bill confers on the people no right whatever so far as taking over the property at the end of the 50-year period is concerned, and so far as the amount to be paid for it is concerned, that would not exist in the people without the bill?

Mr. SHIELDS. Mr. President, it is not the fact. I will state the fact to the Senator.

Mr. WALSH. In what respect is it not a fact?

Mr. SHIELDS. That was what I proposed to state. The bill makes a difference between what would be the case in the absence of this provision and the presence of it. It is this: If there was no provision for taking over the property, it would have to be condemned. The United States, for a public purpose authorized by the Constitution, has the power to condemn property, but in doing so it must pay just compensation for it, and every element of value must be considered. Under this bill, however, the United States may take it over without resort to a condemnation proceeding, by agreement between the Secretary of War and the company, at any time it may give notice after the expiration of 50 years; and if the company and the Secretary do not agree on the value, then jurisdiction is given to the courts to settle it, and, as I believe, under the provisions of the bill, to settle it under what would be the rule applied in a condemnation proceeding.

The bill does more. The United States would only have a right to take it over for a public purpose under the law, while under this bill it may take it over and grant a new permit to any other company or individual. That is not a public purpose, but the United States would have a right to force the Senator, if he owned one of these developments, to surrender his property that it might let me have it. These are very material differences between the exercise of the right of eminent domain and the contractual features of this bill, and they are valuable, because the United States does not wish to destroy the development or the property of the development company; it only wants to control the property in the interest of the consumer, and, if for some reason, it thinks the original permittee is not a good party to operate the plant, because perhaps its past record is not good, or for any other reason, and it desires to have it transferred to a new permittee, the provision of the bill authorizes that, and in many cases it may be beneficial to the Government and people to do it.

Mr. WALSH. Well, Mr. President, it is quite obvious that no good can be achieved by the further pursuit of any colloquy on this subject with the Senator from Tennessee. I assert, then, upon my own responsibility, Mr. President, that this bill gives to the Government, representing the people, the right to take over the property at the end of the 50-year period. I assert, sir, that the people already have that right and that they may exercise it under the power of eminent domain. The bill gives the right to take that property over upon the payment of its fair value at the expiration of the 50-year period, and I assert that that gives no privilege or right to the people which they do not already have, because at the end of that time if they took it over that would be the amount which they would be obliged to pay for it if they exercised the right of eminent domain to take it over.

The Senator now says that a further right is given—namely, that the Government may turn it over to some one else. If, Mr. President, the State has the right to exercise the power of eminent domain and to take over the property and itself operate it, it has a right subsequently to change its mind about it and lease it or turn it over to some one else. So that I assert, sir, there is no right given, and this provision in this bill means absolutely nothing.

Furthermore, Mr. President, I want to discuss that upon the basis of the reason for it. If the theory of the Senator from Tennessee is correct—that we are giving absolutely nothing to the grantee by this bill—if that is a sound view to take of this proposed law, then he is right about it that we should exact nothing from the corporation either now or at the end of the 50 years in consideration of whatever grant it gets by this bill. That argument, Mr. President, was made the other day and is made again now by the Senator from Tennessee in opposition to the provision of an amendment offered requiring an annual royalty to be paid, an annual charge to be paid, for the privilege exercised. To use his language, to exact an annual charge for the privilege extended is blackmail of the worst sort. Of course, if nothing is granted it is blackmail; but what is the fact? Upon what theory is this bill framed? It is framed upon the theory that by virtue of this provision a privilege of the very highest value is extended to the grantee, and that he ought to return to the Government something in consideration of the privilege which it extends to him.

Let me call your attention to the fact that the bill provides, on page 4, that the Secretary of War may make one of the conditions of the permit:

(a) That such grantee shall, to the extent necessary to preserve navigation facilities at least equivalent to those existing prior to the construction of such dam, construct, in whole or in part, without expense to the United States, in connection with any such dam a lock or locks, booms, sluices, or other structures for navigation purposes, in accordance with plans, specifications, and conditions approved by the Secretary of War and made a part of such permit.

Bear in mind, Mr. President and Senators, "navigation facilities at least equivalent to those existing prior to the con-

struction," and so on; and how much more the Secretary of War may require that the grantee shall expend in this work for the public benefit is entirely within his own discretion.

On the walls of this Chamber is a plat showing the development of the Coosa River in the State of Alabama—a contemplated work which I most sincerely trust will be rapidly carried on to completion—from which it appears that it is contemplated that the grantee of any privilege to dam that stream will be required by the Government to expend an enormous amount of money, not for his own benefit, not in order that he may develop more power, but solely for the purpose of aiding navigation in the river; and we are told by the esteemed Senator from Alabama [Mr. BANKHEAD] that they are going to require of whoever undertakes this development that he spend something like $800,000, the expenditure of which he might otherwise avoid, purely to help out navigation; in other words, he is going to be required to pay the equivalent of $800,000 into the Treasury of the United States for the privilege which he gets.

Mr. President, what is the difference between that and requiring him to pay an annual charge of so much into the Treasury of the United States for the privilege he enjoys? Let me go on. Turn to page 5 of the bill, and you will find that the Secretary of War may include in the permit a condition "that such grantee shall furnish free of cost power for the operation of the same."

If you make him pay an annual royalty into the Treasury for the power he develops, you perpetrate blackmail in the most pronounced form; but if you make him furnish power to the Government free, there is no exception taken to it at all. Why, Mr. President, what is the difference, if he pays royalty into the Treasury upon the amount of power which he produces and then the Treasury pays him for whatever the Government uses in operating the canal?

Let me go a little further. Turn to section 3 (c) of the bill:

> That in case such navigation facilities shall not be made a part of such original construction at the expense of the grantee, then, whenever the United States shall deem such navigation facilities necessary the grantee shall convey to the United States free of cost—

Free of cost, mind you—

> such of its land and its right of way, and permit such control of pools as may be required for such navigation facilities, and shall furnish free of cost power for the operation of the same.

It makes him give up to the Government, in order to carry on its work of improving the river, land for which he paid money. It requires the company to furnish power to the Government in order to operate the navigation facilities which it provides.

Turn over to page 8. There it is provided that the Secretary of War may make rules and regulations under which the property is to be operated, and these rules and regulations may—

> include the maintenance and operation by such grantee, at its own expense, of such lights and other signals as may be directed by the Secretary of War and such other lights and signals and such fishways as may be prescribed by the Secretary of Commerce.

He is obliged to spend money in order to put those in. Now, what does all this mean? Upon what principle can you require him to spend millions, perhaps, for purposes that are entirely unrelated to the production of power, and that are simply for the benefit of the people of the United States? Why, it is done upon the proposition that we are granting him a valuable privilege in permitting him to block up the navigable stream with his dam, and that he ought to pay for it, and it is simply a question as to how much he ought to pay; that is all.

Mr. President, if we were giving nothing whatever to the permittee, if indeed it were blackmail to require him to pay anything for this privilege, either directly or indirectly, of course we could not ask him at the end of this period to surrender his property except upon the payment, under the provisions of the Constitution, of just compensation for it, which would be its value at that time. That is not the situation, however. We are making a bargain with him now. We are making a contract with him now. We say: "We are giving you a valuable privilege. We could get this property from you at the end of the 50-year period, without any concessions from you, by the exercise of the power of eminent domain for the fair value of it; but we are contracting with you now, and we want something that is a little better than that."

That is the situation of affairs. We are not depriving anybody of property without due process of law. We are not taking private property for public use without just compensation. We are trying to make a contract under which we shall get something more than we would be entitled to get if we did not have any contract at all.

Mr. President, in the course of the discussion by the able Senator from Tennessee [Mr. SHIELDS] quotations were made from some distinguished publicists canvassing this subject, from which the impression would naturally be gained that practically all of them agree that the fair-value test, and not the cost test, is the one that is to be applied when the Government takes over this property at the end of the 50-year period. Secretary Lane ought to be regarded as a pretty reliable authority upon this subject, not only because of the earnest consideration which he has given to this subject ever since he came into office, not only by reason of the fact that he has consulted and advised with the profoundest thinkers upon this question in this and in other countries since taking office, but furthermore, because he was compelled to deal with this and with related questions during his long and his honorable service upon the Interstate Commerce Commission. What does he say about this?

I read from a letter that he addressed to the Senate Committee on Public Lands on the public-lands bill a year ago, telling his views about the features of legislation of this kind. I read from page 6 of the hearings on the water-power bill before the Senate committee in 1914:

> 4. That at the end of the 50-year period and after not less than three years' notice the United States shall have the right to take over the properties, upon condition that it pay the actual cost of rights of way, water rights, lands, and interests therein purchased and used by the lessee in the generation and distribution of power under the lease and the reasonable valuation of all other property taken over, excluding, however, franchise values, good will, or other intangible elements.

The amendment which we are considering announces exactly that principle, except that no specific reference is made to intangible values, good will, and value as a going concern.

In his testimony before the committee—I read from page 301 of the same hearings—Secretary Lane said:

> And I think I have explained myself fully as to why I think that the words "actual cost" are vital. I would not give my approval to a measure which struck out the words "actual cost" and substituted the words "fair value" in that connection.

I read from page 315:

> Mr. RAKER. The Secretary made it plain, but I did not quite get his idea in connection with the turning over of the property after the 50-year period. Was it your view, Mr. Secretary, after the 50-year period, that when the Government takes over the property all the water rights, rights of way, and additional property that has been purchased by these individuals or corporations should be taken over at the cost that was originally paid for the plant?
> Secretary LANE. Precisely.
> Mr. RAKER. And for the property?
> Secretary LANE. Yes.

Then, again:

> Mr. RAKER. Suppose there was not any fraud—suppose the parties say the plant is worth $100,000 and the plant has been established?
> Secretary LANE. I have no objection to a modification which will pay actual cost but not to exceed a fair value.

Reference was made to what was said by the distinguished head of the Geological Survey, Mr. George Otis Smith. I read from his testimony on that point, found on page 350 of these hearings. He says:

> I believe with you on the question of whether fair values should be substituted for actual cost; I believe the question comes right down, as the chairman suggested, to whether the stockholders of a power-development company, who have been running for 50 years, shall secure the benefit of that increase in land values or whether the community at large should secure it. I believe that the tendency—the tendency of public opinion at the present time—is toward the latter, to let the community reap the benefits in that in the creation of which they have been so large a factor. I think in any legislation at this time we should face forward and not backward. So that it means simply that we will give an opportunity for the citizens of 50 years hence to decide whether they will take over the plant at what I believe will be a fair value, if they pay simply the actual cost on the lands, and it will be not only equitable but it will not be prohibitive, as I suggested a while ago it might be if it was put on the basis of what its fair value was at that particular time.

So, Mr. President, the heads of the departments that have been charged with the duty of investigating and considering this precise question have expressed themselves upon this important question in no uncertain and no doubtful or ambiguous terms.

Now I want to say a word with reference to the amendment offered by me. It was suggested in this behalf that some of the amendments—and in that statement my own amendment might be included—were phrased in language that made the burden heavier than that prescribed in the bill which has come from the Public Lands Committee. A careful study of the amendment offered by myself in connection with the bill under consideration and the bill reported from the Public Lands Committee will show that the two are substantially the same. But I want to speak at this time particularly with reference to that provision of the amendment offered by me which deals with the subject of water rights; and I especially address myself to the distinguished Senator from Colorado [Mr. SHAFROTH], who does me the honor to listen to my poor remarks, and the Senator from

Washington [Mr. JONES], who, I see, is absent from the Chamber at this time.

I should consider it as a most indefensible wrong to the people of the States in which these great powers are to be developed if those who come after us 50 years hence were called upon to pay the value that water rights shall have at that time before they can take over these properties.

Why, Mr. President, a man may now acquire a water right in a stream the water of which has not yet been appropriated, or not fully appropriated, without the expense of a dollar to himself except some trifling amount for the drafting and filing of a notice. One desiring to take out a water right, to acquire the right to divert the waters of a stream from their bed, may file a notice that he intends to take out the water. The notice designates the place at which he is going to divert it and the purpose to which it is going to be applied. He is then required to follow that up with his work, and eventually to divert the water. He thus acquires what is known as a water right. That gives him the exclusive right to divert that water from the stream. If he has not diverted it all, anyone else may come and file a subsequent notice and acquire the right to divert what is left, or so much of what is left as he may care to use. So that any person, having secured, under the provisions of this act, a permit from the General Government authorizing him to put a dam in a navigable stream, must, in order to insure himself whatever value there is in that, acquire a water right—namely, the right to take the water out of a stream. If he does not do so, anyone else may go in and file his application and may divert all of the water of the stream above him, and he has a dam in a dry stream, with no possibility of the development of power at all.

He will, then, take the precaution, at the same time that he gets his permit from the General Government, or immediately before, or immediately after, to take out a water right. Then if anyone else endeavors to divert the water of that stream above him and take it away from his channel, he may go into court and secure an injunction against that person, commanding him to desist from diverting the water from the stream and to allow it to flow down its channel until it reaches his dam.

He does that, and, as I say, it does not cost him one red cent except a mere matter of a few dollars for drawing the location notice and for filing it. And now 50 years go by, Mr. President, and he owns the water right. Now, the right to dam the navigable stream passes to some one else, but because he owns the water right he may go and put a dam in the stream above that dam and divert all of the water of the stream and leave the dam, as I said a while ago, across a dry stream. Therefore, Mr. President, the man who comes after him, who gets the right to put in the dam where he had it and to operate the dam where he had it, is obliged to acquire from him this right to divert the water. Those rights are increasing in value by leaps and bounds all over the western country, and 50 years from now no man can venture to say what enormous value they may have.

Why, Mr. President, you know about the Reclamation Service. We sell the land at a trifle; we give it away to homesteaders, but the great value comes in in the right to take water out of an adjacent stream and put it on the land. It is the water right that is the valuable thing in that country where land is abundant and water is rare. Thus, Mr. President, you say that 50 years hence the people who exercise this privilege which you accord to them, and which can be exercised only by the acquisition of the water right do not lose that water right unless you pay them the whole value that it has at that time.

That is utterly indefensible. You can not justify it upon any theory. I am sure that the Senator from Colorado [Mr. SHAFROTH], who has taken a keen interest in this bill, will appreciate the force of what I say, and the necessity, if you are going to make this right of any value at all, to make some provisions other than is provided in this bill to turn over the water rights.

Mr. SHAFROTH. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Colorado?

Mr. WALSH. I do.

Mr. SHAFROTH. Inasmuch as the Senator has referred to me, I will say that water rights, as they are called in the State of Colorado, are not regarded as of any value, because they can be regulated and can be controlled by some kind of a commission. The company that takes out a water right by means of a ditch is considered a public carrier. The statutes of the State of Colorado require that it shall submit to the county commissioners of the county the price that it charges; and the result is that if it charges too high a price the commissioners reduce the amount that can be charged. Consequently great companies that were started there absolutely failed, because the county commissioners put the price per inch, as they put it, or the price per cubic foot per second, at too low a figure.

That was true of the great ditch that was constructed by English capital near Denver. They laid out a very large, broad ditch, and the proposition came up as to whether they could charge a royalty. They attempted in the first instance to put a royalty of a certain amount—$20 an acre—on those who wanted to use it, and then the running charges, or the amount that was required to run the ditch. The result was that the company itself was defeated of that right, the supreme court holding that these waters were for the use of the public; that the persons who used them ultimately were the persons to be benefited and not the common carrier; and that the common carrier could charge nothing more than a reasonable price for running the water, based upon the amount of money which it had invested in the enterprise. The result was that that great Northern Colorado Co. went into bankruptcy and absolutely failed, because the county commissioners, in deciding this matter, put the amount per acre at a price so low that it would return the company no income upon its investment, but practically an amount equal only to the running charges of the ditch.

Mr. President, what was that water right worth? It was not worth anything; and if you have a regulating commission in the State, where this bill provides that it shall be, it takes out all of the fictitious value in what are termed "water rights," because the right exists only for the diversion of the water for the use and benefit of those that use it; and with a public-utility commission such as we have in the State of Colorado, or such as exists in most of the States, they can regulate it and say: "You are not entitled to anything except a reasonable return upon your investment, and therefore the fiction of putting in a large amount for something that does not really belong to you does not prevail."

Mr. President, that is the conception and that is the reason why, in this bill, I have thought it was best not to hamper the company by restrictions; because it has all got to come out of the consumer, and if you have a regulating commission that will say to them that they can not and they shall not charge more than a certain amount that is where the public are going to get the most benefit. On that account it seems to me that all of these hampering provisions, all of these difficulties, all of these restrictions, will not give the consumer anything like the amount he would get if it was in the control of the State where the people are interested, watching these things, knowing just what prices are excessive and what are not; and the result will be, in my judgment, that the more restrictions you put upon this the less interest in the consumer will arise. Then we must add to that the fact that, as the Senator has said, these companies are required to put large sums of money into something that the Government wants, and they have to get that money back in some way. When they are required to furnish electricity for the purpose of opening the gates, that is a condition that costs something. When one of these companies begins to look at an enterprise, the question arises in their minds, and they say: "Oh, these burdens are too much; we can not take it;" and they leave it just as the other two acts—the act of 1906 and the act of 1910—left it. Both of them required too much, and we have not had any enterprise developed by reason of them.

To remove that and simply to say that we can take that land and put other burdens upon it is just simply equivalent to saying that we will keep these lands, let no development take place, and let this water which is going to waste now not be utilized.

The Senator and I have the same object in view. I have not any doubt that he is earnest and honest in regard to it, and I hope that the same opinion prevails as to my view. The Senator's view is that by charging something in the first instance, or by putting in restrictions that seemingly are in the interest of the people, you will thereby make a great saving. My belief is that the best instrument you have for the purpose of preventing the individual from being robbed is the public-utility commission that says that only a fair rate shall be charged; and, as I showed here the other day, the Colorado commission saved $1,000,000 during the last year over the rates that existed, and have brought about a great saving to the people. What would that have been if it had been expressed in the way of paying for a franchise? Why, probably $50,000, or maybe $100,000. Thus you will find that the public-utility commission is saving for the people enormous sums of money. The question is whether the company will be induced to go in and undertake this enterprise. If you have placed too many restrictions upon it, it will not do so. If, however, you leave it to the commission, and let the utility commission determine these matters, then it seems to me that it will be best for the individual and best for the people in these States.

Mr. WALSH. Mr. President, we get nowhere at all in these discussions. Of course I did not invite from the Senator from Colorado—although I am always glad to listen to him—any general discussion of the principles of this bill, or the wisdom of it. I was endeavoring to direct his attention solely to the question whether, when the property is taken over at the end of the 50 years, we ought to pay the value of the water rights, be they little or big—my own idea is that they will be big—or whether we ought to pay no more than the cost of the water rights. The Senator has not answered that question, however. The Senator is talking about irrigation companies, of course. One organizes an irrigation company for the purpose of getting out water and selling water to consumers. That is open to regulation in his State, as it is in mine. That is entirely aside from this question. This is not an irrigation company.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. WALSH. I do.

Mr. CUMMINS. I am asking the question purely for information: In those States to which the Senator has referred, is the running of water through a water wheel for the development of power considered an appropriation of water?

Mr. WALSH. It is.

Mr. CUMMINS. So that the right must be secured from the State? I mean in those cases in which there is no diminution of the flow, but a mere passage of the water through a water wheel.

Mr. WALSH. It must.

Mr. CUMMINS. When the water is desired for that purpose the authority of the State must be invoked as well as when it is diverted from the stream and used for irrigation?

Mr. WALSH. Yes, sir. You must comply with the law of the State in relation to the appropriation of water whenever you desire to devote the water to any useful purpose, and under the laws of the State you are entitled to divert it for any useful purpose.

The Senator from Iowa will recognize that even in the case of a gristmill you divert the water from the stream, to some extent, into an adjacent flume or race, and from that it goes on to the wheel. The construction of a power plant of any character right in the stream itself is a rarity. Some diversion must be exercised. If one desires to divert water which is to be applied immediately to a wheel, to develop power which is to be applied immediately to machinery, without converting it into electrical energy, he must comply with the law of the State in relation to the appropriation of the water of a stream. If he does not do so, some one else may go above him upon the stream, throw a dam across the stream, and divert every drop of water out of the stream, so that he will have nothing with which to operate his mill wheel. But, having complied with the law, he may then go into court and compel the upper diverter to allow all the water that is necessary for his purposes to come down the stream.

Mr. CUMMINS. Mr. President, I assume that in the case of a navigable river no one would be permitted to divert all the water from the stream and thus entirely destroy its flow.

Mr. WALSH. The Senator is right about that. That is to say, the Government, in the interest of navigation, could insist upon the water coming down, even though a man had made the appropriation. But the Senator will likewise recognize that there is not much navigation on many of these streams that fall within the purpose of the act, and accordingly it does not by any means follow that the upper dam might not be utilized to divert all of the water from the stream if the lower dam, the one constructed under the Government permit, had not acquired the water right. Then, further, one might go above on a stream where it was not navigable and construct a dam which would lessen the flow below, and thus reduce the power that might be developed, and possibly reduce the navigability of the river.

Mr. STERLING. Mr. President, I should like to ask the Senator from Montana a question. In some States does not the law of prior appropriation apply so that no formal application to the State authorities is required, but the prior appropriator of the water has the right as against anyone who would go above him on the stream and divert the water?

Mr. WALSH. What is it that the Senator would like to know?

Mr. STERLING. If the law of prior appropriation of the water does not govern in some States?

Mr. WALSH. Oh, yes; and in others, of course, it is not recognized at all. But the provision which I desire to see incorporated in the bill is that when the man who gets this grant from the Government acquires the water rights which are essential to the use of that privilege, and the Government takes over the property at the end of the 50 years, the Government shall pay him nothing if he paid nothing for the water rights, and if it cost him something because some one else had already made the appropriation and he was required to get it, the Government shall then pay him exactly what he was obliged to pay for the water, and no more.

Mr. President, do not for one single moment think that because this bill is applicable to a very much greater area of country in which the doctrine of prior appropriation does not exist at all that it is not an important matter, or even that it is a matter of minor importance, because the fact about the matter is, as I said a while ago, that at least two-thirds of all the power that can be produced in this country under the protection of this act will be generated in those States in which the doctrine of prior appropriation applies. I sent to the head of the Geological Survey the other day for the purpose of getting a list of those sites upon the streams of the country within the navigable waters—that is to say, waters that are actually or immediately potentially navigable—and he gave me the list, which it might be well to have in view when we are canvassing this bill:

The Celilo Falls, on the Columbia River, Oreg. and Wash., generally known as The Dalles; proposed installation, 1,080,000 horsepower; estimated cost, $50,000,000. You will understand that great boats navigate that river—as large, perhaps, as ply upon any rivers in this country—and they go right through The Dalles. The Government has expended a large amount of money in the improvement of navigation there, so that actual navigation is carried on now for 200 miles above Celilo Falls.

Priest Rapids, on the Columbia River, Wash.; proposed installation, about 400,000 horsepower.

Z Canyon, on Clarks Fork, Wash.; proposed installation, 200,000 horsepower; estimated cost, $8,000,000.

Windsor Locks, on Connecticut River, Conn.; estimated cost, $5,500,000. The estimated horsepower is 30,000. It is insignificant, compared with the enormous amount of power that can be developed upon the Columbia.

Series of plants on Coosa River, Ala.; proposed installation, 222,000 horsepower; estimated cost, $24,000,000.

Then we have a later one:

In addition to developments previously mentioned in Columbia River Basin, there are several rapids on Columbia River where large power development may ultimately be made. There are numerous stretches on Snake River where large units of power can probably be developed at reasonable cost. At Kootenai Falls, Mont., on Kootenai River, it is estimated that an installation of 80,000 horsepower at an estimated cost of $6,000,000 can probably be made. This river is navigable both above and below the falls.

At the Muscle Shoals, on Tennessee River, in Alabama, it is estimated that an installation of 120,000 horsepower is justified. The cost of this development, including navigation phases, is variously estimated from about $20,000,000 to more than $30,000,000.

So, Mr. President, this is a matter of tremendous importance. I should like to find some one upon the floor of the Senate who can stand up and justify the contention that 50 years hence, when the Government takes this property over, it should pay the then value of these water rights as distinguished from the cost at which they were acquired. I want to give the company every dollar they put into the property and not take a penny away from them.

The Senator from Utah [Mr. SMOOT] may have some views on this subject. I would be very glad if he would express to us his idea about it at either this or some other time.

Mr. President, it is perfectly obvious that you can not estimate the value of this property at the end of 50 years without giving value to the franchise that you are now extending by virtue of the bill. What makes the value of these water rights at the end of 50 years? It is the possibility that through that water right you can develop power at this place and sell it at a great profit, or that you can divert the water and take it to some other place where by its fall you can develop power that will be immensely valuable, or that you can, by a proper expenditure, carry the water away and put it upon land which you can irrigate by means of water thus diverted through the water right which you acquire.

In other words, you will observe, Mr. President, that in determining the value of these water rights at the end of the 50-year period the right to develop power at the point where the navigable stream is dammed is an indissoluble element in that estimate of value. In other words, although the bill provides that nothing shall be allowed for the privilege hereby granted, you can not possibly prevent it if you allow the grantee the then

value of the water rights. Is not exactly the same situation presented to us in connection with the plant itself?

Mr. President, here is a dam site. The land upon each side of the navigable river upon which the dam rests in all reasonable possibility is rocky land, unproductive. It could not be used for agricultural purposes. It is doubtless more or less remote from a city, and could not be used in all probability for city lots. The probabilities are that there is no great mineral value in it. In fact, Mr. President, the only value it has is because it commands the place where you can develop power. You can not possibly disassociate it from that property, from the question of the value of the power that can be developed at it. In other words, you can not disassociate from the value of the power site the privilege and franchise granted by virtue of the provisions of the bill, and therefore you ought not to give the value with one hand and take it away with the other. As to lands which are remote from that I agree that there is no good reason why the fair value should not be paid; but those properties which are directly associated with the development of the power I insist should be turned over at the actual cost of them.

Now, let me make another suggestion in this connection. We speak about the acquisition of water rights. Mr. President, there is another great and valuable privilege that is accorded by the law that does not cost the grantee of the privilege a dollar, and that is the right to have a right of way across the public lands. He comes here to the Secretary of the Interior and makes an application for the right to construct a transmission line across the public domain. He obtains that right. Here is a man who has a transmission line running across the public domain for a distance of 100, 200, or 300 miles. He has obtained that right. It cost him nothing; it was a free gift from the Government. But in the meantime all the land in the country has been taken up and appropriated.

Mr. President, 50 years is an awfully long time. We are disposing of public lands in the State of Montana to-day at the rate of 6,000,000 acres a year, and it will be a matter of only 10 years at that rate until all the public lands in our State will have passed into private ownership. We hear a lot once in a while about what an oppression it is to these States. There may be a complaint in some States. I dare say there is in the State of Nevada and in the State of Colorado. We have not any complaint in Montana. The lands are going awfully fast, I am told. But here is a right obtained from the Government of the United States to run a transmission line across the public domain for a distance of 200 miles, and that 50 years hence has become an immensely valuable right, a right of no little consequence at all. In other words, if you were obliged to go out elsewhere and purchase the right to run the wires over other lands held in private ownership, the amount which you would be obliged to pay would be very considerable indeed. That is the basis upon which that right of way must be estimated; that is to say, the grantee would be entitled to as much for his right of way as the Government would be obliged to pay if it went out and bought a parallel right of way, and the grantees got this for nothing. They got it for the mere asking. They got it because we gave it to them, and we gave it to them freely, because we are desirous of having this development go on.

But, Mr. President, upon what basis can we justify ourselves before the people of the United States if after turning over these valuable privileges to these people without a dollar of cost, 50 years hence, when we desire to have them back, we estimate them at what it will cost to get a like right of way somewhere else, upon the fair value as it will be at that time? These features of the matter I hope may have the sympathetic attention of the Senator from Tennessee, even though he disagrees with me about some of the other matters which have been submitted.

Mr. NEWLANDS. Mr. President, in connection with the amendment offered by the Senator from Nebraska [Mr. NORRIS] regarding the Great Falls power project, involving an expenditure of about $15,000,000 in all, and $10,000,000 for that part of the plant which relates to the development of power and light as distinguished from the water supply of Washington, I should like to have inserted in the RECORD a letter from Hennen Jennings regarding the various electric-light and power plants which are now being gradually erected by the National Government and which are being operated by coal. It shows that in connection with and including the proposed central power plant near the Mall there will be a total expenditure of about $5,000,000 in the development of plants to be operated by coal.

It seems to me that is a very strong argument in favor of the immediate consideration of the suggestion of the Senator from Nebraska, and that instead of expending these large sums of money upon detached plants for the development of power and heat and light by coal-operated plants we should proceed immediately to the larger project involved in the amendment suggested by the Senator from Nebraska.

I ask consent that, without reading, the letter to which I refer be inserted in the RECORD.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

FEBRUARY 29, 1916.

Hon. FRANCIS G. NEWLANDS,
Committee on the Library, United States Senate,
Washington, D. C.

DEAR SENATOR NEWLANDS: Referring to the hearings now going on before the Committee on the Library, United States Senate, regarding joint resolution No. 92, introduced by you, providing for the suspension of the construction of a power plant on the water front facing the Potomac Park system and designated in the hearings as "Central heating, lighting, and power plant on the Mall," I beg to say that since my letter to your committee of the 13th of January I have continued my study of the problem of this plant strictly on economic lines, which, with the large amount of additional information gathered, has led me to the following conclusions:

The name "Central heating, lighting, and power plant" is misleading and a misnomer if confined to the present plans and appropriations for the Mall power station, because of the fact that the various departments of the Federal and District Governments consume over 200,000 tons of coal a year, while the consumption of the group of 14 buildings to be served by the new power station is only 39,000 tons, or 19 per cent of the total consumption.

No adequate reason seems advanced why the Capitol and navy yard plants could not be economically and advantageously extended so as to perform the functions of a real central power station, and thus do away with a further mere departmental effort.

In the construction of the Capitol and navy yard plants the Government has already expended $2,300,000, and certainly some of this expenditure should have value in case a central distribution of electric and heating power be decided upon at either one or both of these points.

The modern gospel of efficiency demands the maximum distribution of power from the fewest possible points. Obviously labor costs are decreased as the number of plants is reduced, and the highest grade machinery is justifiable largely in proportion to the magnitude of the plant. When the Mall plant is completed and in operation there will still be 21 large Government users of coal not coupled up to it, and these burn 131,000 tons of coal annually.

From calculations made possible by the tabular statement appended the mean distance of total coal consumption for both steam and electric power estimated for the 35 Government plants and buildings, using 170,000 tons of coal a year, is found for three sites to be as follows: Capitol, 8,250 feet; Mall, 9,100 feet; navy yard, 9,550 feet—a most remarkably close showing and a demonstration of the feasibility and the advantages of power distribution from a central plant at any one of these sites.

The map attached, on which are drawn three concentric circles 5,000 feet apart, with distinctive symbols from each station, graphically shows the service obtainable for any distance from any one of these points, as also the farthest points that might be served, such as Almshouse, Soldiers' Home, Bureau of Standards, etc., but none of which is more than 6 miles distant. Contrast this position with Bennings, where is situated the large power plant of the Potomac Electric Power Co.

The navy-yard power plant is ideally situated for a great electrical power station. It has all the advantages of rail and water communication claimed for the Mall plant, and in addition needs no great architectural expenditure to put it in harmony with its environment, which comprises workshops, locomotives, etc.

The Capitol site is seen by calculations and from the map to be the most favored as a great central steam-distributing center. The Capitol and navy-yard stations, in connection with expenditures already made and coupled together with both steam and electricity, could act as emergency stations for each other in time of fire, war, or other stress, and be made to do economical teamwork. Such a plan justifies the closest and most careful investigation.

Up to the present time the contractor of the Mall plant has not probably expended, in excavation and preliminary equipment on the site, more than $2,000 or $3,000. No doubt his services and the equipment under order could, with some modifications, be utilized should an impartial commission decide on economical grounds that the Mall site was not the most advantageous.

These facts speak for themselves and show the reasonableness of a suspension of work on the new power plant pending thorough economic investigation. With these facts before me I feel warranted in claiming your careful attention as to the manner in which they have been gathered and the conclusions that should be drawn.

During my study of this very important matter I have been impressed with the fact that there seems to be no central office or bureau of the Government that has complete information regarding all fuel requirements, equipment, and operation of the power plants in the District of Columbia. In other words, the Government has no clearing house for such information.

It would appear that the Treasury Department from diffidence, oversight, overconfidence, or some other cause, not only failed to avail itself of the expert services of the Fine Arts Commission but also it has not sought the expert services of other branches of the Federal service who have experts in particular lines of investigations dealing with some of the different phases of the problems at hand. I am also informed that the chief engineer of the Treasury Department did not visit all the present power plants in operation to take stock of their position, capacities, and potential possibilities.

As a case in point, the Bureau of Mines is that branch of the Federal service specifically authorized by Congress to make investigations regarding the most efficient use of fuels, the following being quoted from the act making appropriations for sundry civil expenses for the Government for the year ended June 30, 1916:

"An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1916.

"BUREAU OF MINES.

"For investigation of mineral fuels and unfinished mineral products belonging to or for the use of the United States, with a view to their most efficient mining, preparation, treatment, and use, and to recom-

mend to various departments such changes in selection and use of fuel as may result in greater economy * * * $135,000."

The duties and functions of the bureau, as imposed by act of Congress, are set forth in the Fifth Annual Report by the Director of the Bureau of Mines to the Secretary of the Interior for the fiscal year ended June 30, 1915, a copy of which is appended. A careful perusal of pages 64 to 73 of the report will show the scope and character of the work the bureau is doing to increase efficiency in the utilization of fuel.

The chief metallurgist of the bureau is F. G. Cottrell, who has gained wide fame through his investigations of smelter smoke. By gift of the rights of his electrical precipitation process for 40 States of the Union he founded the altruistic research corporation. I herewith inclose a pamphlet written by Mr. Cottrell, entitled "Problems in smoke, fume, and dust abatement."

FUEL ESTIMATES.

The estimates for coal consumption for the Federal and District Governments for the fiscal year 1914–15 are approximately as follows:

	Bituminous.	Anthracite.
	Tons.	*Tons.*
General Supply Committee	72,000	29,000
District Government	29,000	9,400
Contracts not under the Government Supply Committee or District government:		
Navy Department	27,500	3,000
Capitol power plant	25,000	.....
Filtration plant	4,000	.....
War College	.....	2,450
Miscellaneous	390	440
Total	157,890	44,290
Grand total	202,180	

This estimate is subject to correction, but there seems to be little doubt that the total consumption is over 200,000 tons and is distributed at some 110 plants, without counting the schools and fire departments.

According to the testimony of Mr. Wetmore before the Library Committee, the buildings that are to be served at first by the proposed Mall plant are as folows:

Agriculture; Army Medical Museum; Bureau of Engraving and Printing; Court of Claims; District Building; Fisheries; Mills Building; Post Office Building, Eleventh Street and Pennsylvania Avenue; Smithsonian group; State, War, and Navy Building; Treasury Building; Washington Monument; White House; Winder Building.

The appropriation of $1,459,104 for the Mall plant requires that the plant shall be of sufficient capacity to provide for the contemplated buildings for the Justice, Commerce, and Labor Departments and for cross service with the Capitol power plant.

The proposed additional buildings to be served by the Mall plant, for which a further appropriation of $175,000 is asked, are, viz:

Johnson-Walker (rented by the Navy Department), Lincoln Memorial, Interior Department Building (new), the Memorial Building of the Women (Red Cross).

The table appended gives the relative distances of all the buildings from three centers, viz, the Capitol, the Mall, and the navy-yard power plants. It also gives the estimated tonnage and prices per ton for all the 35 selected main coal-consuming plants and buildings, which are divided into two groups—14 in the new Mall system, using about 39,000 tons, costing $141,000, and 21 in other important points, using 131,000 tons, costing $431,000; a total of 170,000 tons, costing $572,000.

The mean distance of the total coal consumption from each of the three plants—Capitol, Mall, and Navy Yard—is found as follows: For each plant the distance from that plant to each building is multiplied by the tonnage of coal consumed by that building and the sum of the products is divided by the total tonnage of 170,000. This mean distance for each is as follows: Capitol, 8,250 feet; Mall, 9,100 feet; Navy Yard, 9,550 feet.

The cost of coal per ton at the different plants varies because of the different varieties of coal used and because of different distances of wagon haulage. The latter adds from 25 to 50 cents per ton to its rail cost. The average prices are: For bituminous, $3.16, and anthracite, $5.27. The average for anthracite includes the steam sizes as well as those for domestic use. The price per ton of $2.88, paid at the Capitol station, is the lowest on the list.

Considering the 35 points of large consumption, the Mall plant provides for the centralization and replacement of only 23 per cent of this coal consumption.

The Potomac Electric Power Co. supplies power to these 35 different places in various quantities and at various rates. No data are before me as regards the total cost of the Federal and District Government requirements, but certainly should street and park lighting and other District needs be included, it would amount to between $200,000 and $300,000. I have made a more successful effort, however, to obtain the electric purchases for group 1, which probably do not amount to much more than $35,000 per annum, and of which $12,000 is used at the Bureau of Engraving and Printing, and hence the Mall plant would do away with but a comparatively small amount of the power purchased by the Federal and District Governments from the Potomac Electric Power Co.

On the appended map the main Government buildings in the District of Columbia are given and, in addition, all points mentioned in connection with the tabular statement.

From the three power-plant sites as centers, the distances of all these buildings from anyone of these points can be graphically grasped by the progressive circles of 5,000, 10,000, and 15,000 feet, which are drawn in different symbols.

Note the position of the Mall site, which is at the end of the narrow Washington Channel, whereas the navy yard is on the more important Anacostia River. It will be noted that the Capitol plant is only 3,700 feet from the Anacostia River, where an electric pumping station furnishes water for the power-plant use.

Compare the Potomac Electric Power Co.'s plant with anyone of the three points under discussion and note how much more favored anyone of these is in regard to center of gravity of the Government power load.

ELECTRICAL DISTRIBUTION.

The factor of distance in the electrical distribution of power with alternating currents and high voltages is such that the variation in the mean distances, as shown from the tabulated statement, presents no need for discussion, and thus it can be assumed that, on the basis of distance, anyone of the sites is as favorable for great electric-power distribution plant as the other.

STEAM DISTRIBUTION.

The economic distances to which steam can with reasonable economy be extended have, in the minds of distinguished and competent engineers, been of late greatly lengthened by better insulation and the use of higher steam pressures; 15,000 feet is not now considered uneconomical.

Note the statements of Messrs. Stillwell, Bolton, and Wilzus, and others before your committee and the Committee on Appropriations. The New York Steam Co.'s late work and their willingness to contract to distribute steam with high economy to distances exceeding even 15,000 feet is another assurance.

The table shows that for the mean distance of coal consumption the Capitol plant is the most favored. Calculation also further emphasizes this in that the consumption that could be taken care of by electric and steam distribution from the three centers, with a straight-line radius of 11,500 feet, is as follows:

	Tons.
Capitol, 25 points	141,000
Mall, 26 points	123,000
Navy yard, 16 points	130,000

Both the table and the map indicate that the "14 existing buildings to be served by the Mall plant" are all within a a radius of 11,500 feet from the Capitol power site, which, with 25 per cent allowance for the deflections of the mains, would permit economic steam distribution within 15,000 feet.

It should also be noted how the load would be lightened as distances are increased eastward along the Mall region, the distance to the Smithsonian group being only 5,900 feet, to the Land Office group 6,500, to the Agricultural group 7,000, and to the Bureau of Engraving and Printing 7,500 feet.

It has been a most difficult matter to obtain any accurate information regarding the relative proportion of steam and electric power used in the Government buildings, for consumption varies at different seasons of the year and at different times of the day, and facilities for accurate records are not installed at all buildings. However, as an approximation, the proportions may be estimated as 60 per cent for steam power and 40 per cent for electric.

BRIEF DESCRIPTION OF PLANTS VISITED.

CAPITOL PLANT.

This plant is situated about 2,500 feet southwest from the Capitol, near the small Garfield Park, in a rather unpretentious neighborhood and in close proximity to a railroad, by which it has excellent facilities of obtaining its fuel direct and of disposing of its ashes in the same way. It is provided with a piping system by which it can use the water of the Potomac for condensing purposes.

It is considerably below the Capitol Plaza, from which none of the power house is visible except a small upper section of the two stacks, which are 11 feet in diameter and 212 feet high. There are here installed 16 boilers of 520 horsepower each, or a total of 8,000 horsepower. There are four 2,000-kilowatt generators, driven by turbine engines.

The plant was started in 1904, the first estimate being only $750,000, but up to date, on account of extensions to Senate and House Office Buildings and other causes, an expenditure of $1,400,000 has been made. The service from this plant requires about 25,000 tons of coal a year, so the plant has a great reserve of electric and boiler-house power, as its coal consumption shows.

There would appear no adequate reason why this plant could not be greatly enlarged, and with proper boilers, stokers, and auxiliary force draft would prevent any nuisance from smoke or gas at this point in excess of that now experienced, and quite probably the emission of smoke would be less.

NAVY-YARD PLANT.

The navy-yard power plant is close to the navy-yard shops and very close to the Anacostia River, where necessary water supply and shipping facilities are most favorable. The plant has railroad connection by which all of the coal used has been obtained.

High smokestacks and buildings constructed for economic considerations alone are in entire conformity with this environment, and there is no reasonable limitation to the extent to which the present power plant could be favorably extended. At present there is installed an excellent 6,000-horsepower boiler plant, supplying compound engines that drive 2,500-kilowatt generators. The housing already erected would permit very extensive additions to the electric plant at little cost.

The total cost of this plant in connection with its steam and electrical distribution is, I am told, about $900,000. In fact, taking all in all, this site is ideally situated for a great electric-power station, and if desired could be made to take care of all Government and District needs in the way of electric power. At present electric current is being generated at the navy-yard plant at a cost of about 1 cent per kilowatt. With larger and more modern equipment this cost could be decidedly reduced.

SEWAGE-PUMPING STATION.

Here, in an imposing building, within 1,500 feet of the navy-yard plant, an independent boiler plant, triple-expansion steam engines, and high-grade pumps are installed for handling the sewage of the District. The station is under the supervision of the District government. There are 27 men employed at it.

Although by casual observance the pumping-station plant seems excellent, the existence of this plant so close to the navy-yard plant seems an anomaly. Such anomalies would be avoided if all Government departments did engineering teamwork.

DISTRICT PUMPING STATION.

On the map this pumping plant is No. 65, and is only 1,000 feet north of the new reservoir pumping station, which is under control of the War Department. It is seen also that these stations are in close proximity to Soldiers' Home.

The District pumping station is most imposingly housed and would appear to have most excellent boiler and steam pumping plant, which is, no doubt, capable of dealing with the present requirements of the city. The coal consumption is 6,000 tons yearly of bituminous coal,

costing $3.25 per ton. The lack of railroad facilities, no doubt, is the cause of the coal costing more than at the Capitol power plant.

GOVERNMENT PRINTING OFFICE PLANT.

This is situated 6,050 feet from the Capitol power station and near the new post office and the Union Station. The plant is an old one and the machinery not of the highest modern type. The new post office is heated from this station.

There are installed five boilers with 2,500 aggregate horsepower. Three of these are of the marine type, fired by hand. The condensing water for the engines is obtained from the water mains after filtering. In this way some 2,000,000 gallons a day are made use of, half of which is again used in the building for other purposes than for condensing, but the balance is sent to waste in the sewer mains. Should the water department's charges for the water supplied be the same as those charged the public, the charge for the water thus wasted would be equivalent to $100 a day.

LAND OFFICE PLANT.

This plant is house in the basement of the Land Office Building, and supplies the Patent Office, Bureau of Mines, Reclamation Service, Pension Office, and District courts, in addition to the Land Office Building, with both electric and steam power.

It has one independent smokestack, 7 feet in diameter, which is only 140 feet above the courtyard level, and thus not much higher than some of the office buildings in the vicinity.

The boiler and engine forces amount to 17 men, and from the table it is seen that the annual coal consumption is estimated at 7,000 tons, which, at $3.43 per ton, equals $24,000.

There is an installation of six boilers, with 1,410-horsepower capacity, and one large electric steam generator with cross-compound steam engine and four smaller ones, the combined rating of which is 625 kilowatts. The engines are worked noncondensing, and the boiler water is obtained from the mains. The plant is handicapped in many respects, but seems to be well run and attended to.

BUREAU OF ENGRAVING AND PRINTING PLANT.

The bureau plant is housed in an unpretentious way in connection with the old building of the bureau. I have been unable to find out its first cost, but there has certainly been no outlay for architectural effect.

The installation consists of two excellent tandem-compound engines and two smaller ones, the total electrical power capacity being about 1,300 horsepower. There are two 500-horsepower Keely boilers and three 250-horsepower Babcock-Wilcox, making the steam installation 1,750 horsepower. The engines are worked condensing, the water for the condensers being obtained from the city mains. It is claimed little of the circulating water is returned to the sewer, a large amount of it being used in the laundries and for heating by means of the condensers. The power from this plant is supplemented by the purchase of some $12,000 worth of electric current from the Potomac Electric Power Co. at the rate of 3.8 cents per kilowatt. Considering the size of the plants, the present showing they give of cost per kilowatt is most excellent for 1913 and 1914, being under 1 cent. For the last year the cost was 1.3 cents.

ANALYSIS OF SOME OF THE TREASURY DEPARTMENT'S STATEMENTS.

The Secretary of the Treasury, in his letter of February 7, states:

"The central plant will effect an annual saving to the Government, considering existing buildings only as named in the act, of $177,000."

The outlay incident thereto has been contracted for at $1,463,575.

The table indicates that the Mall plant group uses only 39,000 tons of coal, costing $141,000. The amount of power purchased from the Potomac Electric Power Co. for these buildings is about $35,000, making a total of $175,000, or $2,000 less than the saving claimed.

It is estimated that the new plant will consume only 30,000 tons of coal, a saving of only 9,000 tons.

It is stated by Mr. Thompson that interest and sinking-fund charges should be included in estimates to show relative efficiencies. If this be the case, there should be added to the operating and general expenses some $50,000 or $60,000.

I am awaiting with much interest the explanation of the Treasury Department's officials how, with the above conditions, this saving is to be effected.

The Secretary further states in his letter:

"The plant will eliminate from the city of Washington 17 smokestacks now existing on Federal buildings, which discharge smoke and gases from their individual plants."

The proposed new power plant will serve but 14 buildings when it begins to operate, and of these coal users it would appear that not over one-third or one-quarter have outside stacks.

The Secretary of the Treasury also states in his letter:

"The plant is fairly within the center of gravity of the load. It is within 800 feet of the buildings that will take 50 per cent of all the steam generated and nearly 40 per cent of all the electricity generated. The greater portion of the buildings to be served are relatively the small consumers."

This must refer to the Bureau of Engraving and Printing. The table shows that the coal consumption of that plant is only 13,000 tons a year, with a $12,000 purchase of electric current.

The Capitol group uses 25,000 tons, the navy yard 25,000 tons, and the Government Printing Office 15,000 tons, making a total of 65,000.

From these facts it is obvious that the new power plant is not in the center of gravity of a real central plant, but is merely in a departmental zone, dealing with about 23 per cent of the coal consumption shown in the tabulated statement.

Even admitting the centralization of the plant as a departmental plant, is it good engineering, with 50 per cent of the power being used at one point, to erect a central new plant 800 feet from it?

SUGGESTIONS.

I wish it clearly understood that in presenting the tabular grouping it is not my recommendation that all buildings and power plants shown therein be immediately yoked together. Such advice could only be justified and prove of value after far greater study and more exhaustive estimates, and no doubt, although finally all the buildings may be served electrically from one center, for steam heating several centers may be desirable.

Attempt is made merely to give a general bird's-eye view of the whole problem showing the fruitful field for investigation and the chances of great savings in first and in operating costs.

Without in any way desiring to prescribe the limits and studies of some future commission that will probably be asked to report on this whole question, it may be useful to point out at least one plan of action that will be far more comprehensive and economical than the erection of the Mall plant.

Let the boiler and electrical equipment of the navy-yard plant be extended unit by unit as required, so that it will finally supply all the present and future demands for electricity for the Government buildings. The facilities in connection with this power site have already been described.

Make both electrical and steam connection with the navy yard and Capitol power plants. Let the Capitol power plant be considered essentially as a steam-heat distributor. It can, however, at first help electrically, and this installation will always have value to the navy-yard plant as an electrical reserve in time of stress or accident.

As the steam load at the Capitol plant becomes excessive, the present steam heat now supplied from the Capitol site could be taken care of by steam from the navy yard, and the Capitol plant could be made to deal with more distant points in the Mall region to the west and north. In this way these two plants on which the Government has expended $2,300,000 could be usefully and completely extended, do splendid teamwork, and eliminate an unnecessary and inconclusive power scheme.

CONCLUSIONS.

My conclusions have already, in a great measure, been given as a foreword in this letter, but what I desire most to emphasize is the great initial economic possibilities connected with a great comprehensive scheme of Government power distribution that will not only provide departments peacemeal but for the wants of the whole and for long periods.

I can not do better in emphasizing this point, as also other statements that I have made, than to quote first from the statement of Mr. Lewis B. Stillwell, who is a past president of the American Institute of Electrical Engineers, and was called in by the Treasury Department as a consulting engineer for the proposed new power plant. He states in the hearings before the Library Committee, February 3:

"Mr. STILLWELL. That clears the situation, so far as I am concerned, very satisfactorily.

"I should like to say at the outset that my firm has, in this matter, assumed no responsibility in regard to the selection of a site. We have been told that that matter was settled before we were called in; that the plant was to be located at a certain point. Our function has been limited to this: That my firm has supplied a number of expert mechanical and electrical designers who have been placed temporarily on the rolls of the Supervising Architect's Office to make the plans for the mechanical and electrical equipment and for the power house in so far as its structure is directly related to that equipment. For the architectural merits or demerits of that power house we assume no responsibility. That has been in the hands of the Supervising Architect and his representatives.

"As to the site, expressing my personal opinion of the matter—and I am glad to have an opportunity to do so—I think this whole matter has been approached here in a way that could not be expected to attain the best economical results. For instance, one of the first things that suggested itself to us when we came here was why build a new plant? Why not extend the existing plant? Of course, the present plant is farther away from the buildings which are to be heated, and it is possible that, were we to figure out the losses in transmitting the steam, we might reach the conclusion that it was unwise to transmit it so far. That problem, so far as I know, has never been investigated. It certainly has not been by my associates or myself.

"Another question that I asked soon after I came here was this: How is this plant correlated with the possible utilization of the Great Falls of the Potomac, in regard to which Mr. Clemens Herschell made a report for the War Department a year or two ago? And my impression is that up to this time there has been no attempt to consider broadly whether the Great Falls of the Potomac in cooperation with the steam plant here, or otherwise, could be utilized to advantage in the city of Washington. I make this statement because I want to say that, as an engineer, I think this problem should be studied on broad lines—on lines as broad as those which have been applied by the Arts Commission in its work—and that the whole problem of the supply of electricity for lighting and power purposes and of heating from central stations—if that be the best way—should be laid out now on a plan which can be substantially adhered to for the next 50 or 100 years. The development ought to be systematic and symmetrical in respect of power supply as in respect of architectural development.

"Now, as to the plant that has been contracted for, the department has found it necessary to omit a considerable amount of apparatus from its specifications as they were approved by my associate, Mr. Putnam, who represented me here. Unless those omissions are replaced in the near future the plant, in my judgment, would be better left unbuilt. It is presumably the intention of the department to make this replacement in whole or in part so as to make the plant an operative plant."

These views are further verified by Mr. Cass Gilbert, architect of the great Woolworth Building, which is not only an architectural triumph but an engineering one as well. In the Woolworth Building are installed 2,500-horsepower boilers for elevator, light, and heat service, the elevator service being an engineering transportation feat. In his testimony before the Library Committee, Mr. Gilbert says, page 38 of the hearings:

"I would like, while I am on my feet, to say one more word. There are a great many engineering questions which we believe could be properly studied—and I mean no reflection upon the engineers who have been over it, but I mean if broadly studied, that is the better word—broadly studied in all their relation to Washington from every standpoint of use of various fuels, oil-producer gas, hard coal, distant transmission, electric heating, air-tube system for some local place like Lincoln Memorial, which needs no stack, operated by gas flames as in the New Haven Public Library or the Spalding Building in Portland, Oreg., where power is transmitted, as well as light, from a distance. A local plant in a 13-story building without a boiler plant in it or a particle of steam can be applied to the Lincoln Memorial, for example, and possibly to some of the minor buildings, although it could not well be applied to old buildings.

"That would solve the small local problems advantageously and economically, but first get at the details and have the whole situation in Washington studied."

In my letter of the 13th to the Library Committee I indicate that I consider the American Society of Civil Engineers, American Institute

of Electrical Engineers, American Institute of Mechanical Engineers, American Institute of Mining Engineers, Association of Consulting Engineers, and the American Institute of Architects would be willing to form a commission and that eminent, distinguished, and competent members would act as an advisory committee. Since writing that letter I have communicated with some officials of these societies and find they are desirous of freely giving such service to their country if they are given a cordial invitation and accorded due recognition.

Of course other methods of making a right investigation of this problem may occur to you, and I desire my suggestions to be considered most tentative. What, however, must be apparent from the facts and statements herein presented is that the power plants and other power consumers of the Government in this District deserve united Federal treatment and should not be given capricious departmental boundaries which may not accord with engineering verities.

The investigation should not be shirked on account of the contract already entered into. A visit to the site at the present time shows that an expenditure of not more than $2,000 or $3,000 has been made in connection with the excavation and minor equipment on the ground. Probably reasonable arrangements could be made to retain the contractor's services in connection with the enlargement of the navy yard and the Capitol plants or any new work decided upon. Also, the material he has under order may be so used and modified to fit in with the new work. Indemnity for delay in the work would, of course, be his due, but at this state the contractor's loss per diem for such delay can not be very great. Contrast any reasonable indemnity to be paid with the possibility of eliminating one unnecessary plant and of making use of more extensive plants already erected, for the construction of which the Government has expended considerably over $2,300,000.

Yours, respectfully,

HENNEN JENNINGS,
Civil and Mining Engineer.

APPENDIX.

Table showing the proposed buildings to be served by the Mall plant and other important Government coal consumers which are not considered in the Mall scheme.

Building.	Distance from—			Coal.		
	Capitol plant.	Mall plant.	Navy-yard plant.	Tons.	Price per ton.	Cost.
Group 1. Existing buildings to be served by Mall plant.						
Agriculture	7,000	1,800	10,250	B 5,000	$3.26	$16,300.00
Army Medical Museum	4,800	2,500	8,500	A 325	5.73	1,862.25
Bureau of Engraving and Printing	7,500	1,300	10,500	B 13,000	3.08	40,040.00
Court of Claims	10,800	6,000	14,500	B 200	4.15	830.00
District Building	8,000	3,800	12,000	B 2,500	3.49	8,725.00
Bureau of Fisheries	4,300	3,100	8,000	A 125	6.15	768.75
Mills Building	11,000	6,000	14,750	A 400	4.67	1,868.00
Post Office, 11th St. and Pennsylvania Ave.	7,300	5,200	11,000	A 6,000	4.80	28,800.00
Smithsonian group [1]	5,900	2,433	9,500	B 3,500	3.42	11,970.00
State, War and Navy	10,700	6,000	14,250	B 2,200 A 2,400	3.54 3.49	16,164.00
Treasury Building	9,600	5,500	13,250	B 2,000 A 200	3.65 3.47	7,994.00
Washington Monument	8,500	2,800	12,000	A 225	6.08	1,368.00
White House	10,200	5,600	13,750	A 325 A 75	5.95 7.14	2,469.25
Winder Building	11,300	6,300	14,500	B 400	3.80	1,520.00
Total				38,875		140,679.25
Group 2. Other important Federal and District Government coal consumers (exclusive of public schools, etc.).						
Bureau of Standards	26,500	23,000	31,000	A 3,000	3.82	11,460.00
Capitol group [2]	2,650	6,775	6,000	B 25,000	2.88	72,000.00
City Jail	9,400	15,300	7,750	B 1,000	3.45	3,450.00
Department of Commerce	12,000	7,000	15,750	A 650	4.75	3,087.50
Filtration plant	15,250	15,500	18,750	B 4,000	2.89	11,560.00
Freedmen's Hospital	15,000	14,000	18,750	B 3,200	3.43	10,976.00
Government Printing Office and New Post Office	6,050	7,900	9,500	B 7,500 A 7,500	3.35 4.44	58,425.00
Hospital for the Insane	10,500	13,500	8,000	B 20,000 A 1,000	2.88 5.98	63,580.00
Industrial Home School	23,000	21,500	26,500	B 700 A 500	3.88 6.23	5,831.00
Land Office group [3]	6,350	5,766	10,500	B 7,000	3.43	24,010.00
Marine Barracks	3,700	10,250	2,500	A 450 A 125	5.84 6.55	3,446.75
Naval Medical School Hospital	13,200	7,000	16,750	B 2,500	3.80	9,500.00
Naval Observatory	21,500	17,000	26,000	B 700	3.98	2,786.00
Navy Yard	4,500	10,000	.....	B 25,000	2.90	72,500.00
New Navy Annex	10,700	5,250	14,250	A 450	5.73	2,578.50
Sewage Pumping Station	3,500	8,300	1,500	B 4,800	3.35	16,080.00
Soldiers' Home	20,000	21,000	23,500	B 7,300	3.40	24,820.00

[1] The "Smithsonian group" referred to under group 1 includes the following buildings: The Smithsonian Institution, and the Old and New National Museum Buildings.

[2] The "Capitol group" referred to under group 2 includes the following buildings: The Capitol, the Senate Office, and the House of Representatives Office Buildings, and the Congressional Library.

[3] The "Land Office group" referred to under group 2 includes the following buildings: The Land Office, Patent Office, Pension Office, District Courts, Bureau of Mines, and Reclamation Service Buildings.

Table showing the proposed buildings to be served by the Mall plant and other important Government coal consumers, etc.—Continued.

Building.	Distance from—			Coal.		
	Capitol plant.	Mall plant.	Navy-yard plant.	Tons.	Price per ton.	Cost.
Group 2—Continued.						
War College (north)	5,000	5,800	5,500	A 1,100 A 860	$5.10 5.37	$10,228.20
War College (south)	8,000	8,200	6,500	A 450	5.16	2,322.00
Water Pumping Station	14,300	14,250	17,500	B 6,000	3.25	19,500.00
Weather Bureau	15,000	9,500	18,750	A 550	5.68	3,124.00
Total				131,335		431,264.95
Grand total of 1 and 2				170,210		571,944.20
Mean distance of total coal consumption for groups 1 and 2 combined	8,250	9,100	9,550			

A in the above table refers to anthracite; B to bituminous.

NOTE.—Group 2 does not contain points using less than 450 tons per year, whereas group 1 does. There are 75 to 100, or more, such points. Also, group 2 does not include public schools, etc., using more than 450 tons per year.

The total estimated coal consumption of the Federal and District Governments per year is—

Bituminous	157,890 tons, costing	$496,839
Anthracite	44,290 tons, costing	233,544
Total	202,180 tons, costing	730,383

Mr. CUMMINS. Mr. President, so much time has elapsed and so much has been said upon other subjects since I presented the amendment and made the observations I did yesterday upon it, I feel that I ought to restate the effect of the amendment. I do not intend to repeat the argument with which I endeavored to sustain the proposal yesterday.

I say in the first place, after listening to the argument of the Senator from Montana [Mr. WALSH], which was not directed to my amendment at all, if I felt there was any possibility of introducing into the bill the measure of compensation which he proposes, namely, the cost of the property to the grantee, I would be heartily for it. I declared yesterday, and I repeat, that I believe that in all such projects as are here presented the true rule is the cost to the grantee and not the value of the property as it is ascertained by courts under proceedings to take private property for public use.

I assume that the amendment of the Senator from Montana will be before the Senate before the bill is disposed of, and I desire to say now that I shall vote for it with a great deal of pleasure and with a sense that I am rendering a real service to the people of the country.

My amendment reaches the same end, however, in a little different way. I presented it in this form because I had some hope that if I yielded to the general drift of the bill I might be able to secure its adoption, and might be able in this way to eliminate values which in my judgment are entirely illegitimate, values which if the people of the country are compelled to pay will bring this bill into utter disrepute.

My amendment proposes, first, therefore, to limit the rule of valuation to the physical property of the grantee. I intend by that qualification to eliminate all intangible value. I intend to eliminate the value of the water right. I intend to eliminate the value of the property measured by the results of a particular business. I intend to eliminate a consideration of the profits which might be earned in the operation of the property.

I of course do not eliminate the availability or the fitness of the particular property to carry on a certain enterprise.

With much that has been said by the Senator from Montana [Mr. WALSH] I am in accord, but he presents one analysis of the subject with which I can not agree, if I understand him correctly. We are granting a permit to obstruct a navigable stream or to place a structure in a navigable stream for a period of 50 years. The Senator from Montana seems to be of the opinion that at the end of the period the grantee would have the right, aside from the provisions of the bill, to be paid by somebody for the property considered as a structure or development for the generation of power. I do not think so. I think that at the end of the period the United States would have the right to command the grantee to dismantle the property; I think the United States would have the right to direct the grantee to remove the property, whatever it may be, from the stream. The grantee is only permitted to occupy the stream by the terms of the bill, and the very moment the permission is lawfully withdrawn, or the moment the period of the per-

mission expires, that moment the whole structure becomes a nuisance and an unlawful intrusion upon a navigable stream.

Mr. WALSH. Mr. President, there is no difference of opinion between the Senator from Iowa and myself with respect to the structures which occupy the stream; there is no doubt about that proposition; but the power plant itself, the generation works, all the works outside the dam, would not be in the stream at all.

Mr. CUMMINS. With the qualification just suggested by the Senator from Montana, his statement is entirely accurate, as I understand it; but, at any rate, so far as the stream is concerned, we are binding the United States to an obligation which would not exist if it were not for the terms of the bill.

I said yesterday that I was in favor of making the grantee whole; but the grantee will be made whole, so far as that is concerned, if the United States pays to him the value of the physical property, without respect to the earning capacity of the enterprise and without respect to the water rights which the grantee may have secured from the State or from a riparian owner. I submit to Senators, why should the United States pay more at least than the value of the physical property?

My second proposal in the amendment which will be voted on immediately is that with regard to that part of the improvement which is solely for the development of navigation, the United States shall be required to pay only the original cost of the property without interest. I am afraid—and further reflection upon the matter has rather emphasized the fear—that the word "cost," as used in the bill before us, will be construed to mean cost with interest, and that we will be required to pay for a cost invested in, we will say, 1916, interest for 50 years when we come to take over the property.

Mr. SHIELDS. Mr. President, I will say to the Senator from Iowa that I do not think the Government would have to pay interest on the cost, because the grantee would have been getting the benefit of the improvement in question all the time, and, therefore, he should not have the interest upon the cost.

Mr. CUMMINS. Of course, the grantee should have no interest upon the cost. Is the Senator from Tennessee willing to accept my amendment in that respect?

Mr. SHIELDS. As to that particular part, I would have no objection, but I could not accept the amendment as a whole. If, however, the Senator will offer another amendment merely to insert those words after the payment of costs, I would not have any objection to that.

Mr. President, if the Senator will allow me in this connection, I may state that I was not able to hear all of the remarks of the Senator, for, as he knows, I have been in the Chamber since 12 o'clock without lunch, and I retired from the Chamber to get some lunch; but I understand since I have come in, and in connection with what I did hear the Senator say after I got into the Chamber, that the contention is that this bill contemplates that the grantee shall receive compensation for rights that he acquires under the bill over the public lands for the construction of the dam or the site or for transmission lines. The Senator from Montana [Mr. WALSH] misunderstood the bill entirely, because all of those rights, which the bill provides may be granted by the Secretary of War, expire with the expiration of the permit, whether it be in 50 years or at the time that the United States gives notice. Under the provisions of the bill the grantee is entitled to no compensation for any interest he may have obtained from the Secretary of War in any lands belonging to the United States, and no compensation can be allowed him for such interest.

Mr. CUMMINS. Mr. President, I do not care to enter into the argument between the Senator from Tennessee and the Senator from Montana upon that point. It is really foreign to the amendment which I have offered.

Mr. SHIELDS. I will say further to the Senator that if the bill does not make it clear that the permittee is not to have those rights I shall myself offer an amendment to so provide; but I think when the rights terminate the permittee can not have compensation for a thing that is nonexistent, that expires by limitation.

Mr. CUMMINS. The Senator from Tennessee is replying to the Senator from Montana.

Mr. SHIELDS. I thought my remarks were germane at this point.

Mr. CUMMINS. Mr. President, I hope the Senator from Tennessee will fasten his mind upon the amendment that I have offered, which is now under consideration.

Mr. SHIELDS. I will offer no objections to another amendment limited to excluding any interest on the cost of the locks and other structures that the bill provides the permittee may have.

Mr. CUMMINS. Well, Mr. President, I am very glad that the Senator from Tennessee has advanced far enough to exclude interest upon costs.

Mr. SHIELDS. I never for one moment contemplated that interest would be allowed, or any such thing, and the bill does not so provide. No member of the committee ever contemplated such a thing as that interest would be allowed on this capital expense required by the Secretary of War, because the permittee gets the benefit of it at the time the interest would be accruing. He gets the use of all of the works, and, as a matter of fact, he should have no interest on them.

Mr. CUMMINS. Mr. President, I do not know what the committee intended; I can only infer what it meant by as careful a study as possible of the language which it used; but it matters not, inasmuch as the Senator from Tennessee has given us the assurance that in so far at least the amendment shall be adopted.

The third radical change that is made in this section by my amendment is to relieve the United States of the obligation of contracts which may have been made by the grantee, and which extend beyond the period of 50 years; that is, extend beyond the time at which the franchise expires. I gave my reasons for that yesterday, and I do not intend to repeat them. I submit that the section itself, as qualified or modified by the amendment which I have proposed, will do full justice to the grantee and will do at least partial justice to the public.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Iowa.

Mr. CUMMINS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a pair with the Senator from New Mexico [Mr. FALL]. As he is not present, I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. LEA] and vote "nay."

The roll call was concluded.

Mr. MYERS. I inquire if the Senator from Connecticut [Mr. MCLEAN] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. MYERS. I have a pair with the Senator from Connecticut. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. GALLINGER (after having voted in the negative). I have voted, but I have a pair with the Senator from New York [Mr. O'GORMAN], who I now find is absent. I transfer that pair to the Senator from Michigan [Mr. SMITH] and will allow my vote to stand.

Mr. HUSTING. I wish to announce the unavoidable absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE]. If present, he would vote "yea."

Mr. JAMES (after having voted in the affirmative). I transfer my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Arkansas [Mr. ROBINSON] and allow my vote to stand.

Mr. CHILTON. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

Mr. JOHNSON of Maine (after having voted in the negative). I inquire if the junior Senator from North Dakota [Mr. GRONNA] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. JOHNSON of Maine. I have a general pair with that Senator and therefore withdraw my vote.

Mr. WALSH (after having voted in the affirmative). I inquire if the Senator from Rhode Island [Mr. LIPPITT] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. WALSH. I have a pair with that Senator and voted, not noting his absence from the Chamber. I transfer that pair to the Senator from Kansas [Mr. THOMPSON] and will allow my vote to stand.

Mr. HOLLIS (after having voted in the affirmative). I voted not noticing that the junior Senator from New York [Mr. WADSWORTH] was absent from the Chamber. I have a pair with him. I transfer that pair to the Senator from Indiana [Mr. KERN] and will allow my vote to stand.

Mr. SHAFROTH. I desire to announce the temporary absence of my colleague [Mr. THOMAS] and to state that he is

paired with the senior Senator from North Dakota [Mr. McCUMBER].

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Texas [Mr. CULBERSON];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Indiana [Mr. SHIVELY];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Wyoming [Mr. CLARK] with the Senator from Missouri [Mr. STONE]; and

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 21, nays 29, as follows:

YEAS—21.

Ashurst	Husting	Newlands	Sterling
Chamberlain	James	Norris	Vardaman
Cummins	Lane	Poindexter	Walsh
Gore	Lee, Md.	Reed	
Hollis	Martine, N. J.	Sheppard	
Hughes	Myers	Sherman	

NAYS—29.

Bankhead	Gallinger	Page	Smith, S. C.
Beckham	Jones	Pittman	Smoot
Brandegee	Lewis	Pomerene	Tillman
Broussard	Lodge	Shafroth	Warren
Clapp	Martin, Va.	Shields	Williams
Curtis	Nelson	Simmons	
du Pont	Oliver	Smith, Ariz.	
Fletcher	Overman	Smith, Ga.	

NOT VOTING—46.

Borah	Goff	McCumber	Stone
Brady	Gronna	McLean	Sutherland
Bryan	Harding	O'Gorman	Swanson
Burleigh	Hardwick	Owen	Thomas
Catron	Hitchcock	Penrose	Thompson
Chilton	Johnson, Me.	Phelan	Townsend
Clark, Wyo.	Johnson, S. Dak.	Ransdell	Underwood
Clarke, Ark.	Kenyon	Robinson	Wadsworth
Colt	Kern	Saulsbury	Weeks
Culberson	La Follette	Shively	Work
Dillingham	Lea, Tenn.	Smith, Md.	
Fall	Lippitt	Smith, Mich.	

So the amendment of Mr. CUMMINS was rejected.

Mr. POINDEXTER. Mr. President——

Mr. CUMMINS. Mr. President, will the Senator allow me to offer an amendment which I have already debated?

Mr. POINDEXTER. Certainly.

Mr. CUMMINS. Mr. President, in presenting on yesterday the amendment just voted upon I referred to and discussed with some care another amendment which is connected with section 6. I think it would tend to a quick disposition of the matter if I were to offer the amendment now. I offer it and ask that it may be read.

The VICE PRESIDENT. The Senator from Iowa offers an amendment which will be stated by the Secretary.

The SECRETARY. On page 10, line 23, after the word "granted," it is proposed to insert:

Provided, however, That if in the operation of the property for which, under the foregoing provision, the United States is required to pay it shall appear that it has earned during the period of use by the grantee, or his assignee or successor, a surplus over and above cost of operation, maintenance, depreciation of that part of the property valuable or serviceable in the distribution of water, or in the generation, transmission, and distribution of power, dependent in whole or in part for its usefulness upon the rights hereunder granted, taxes, and other fixed charges, including bonded indebtedness and such reasonable return upon the remainder of the capital invested, not including investment from earnings, as may be fixed by the Secretary of War, then the amount of such surplus shall be deducted from the aggregate of the fair value and original cost as above ascertained, and the United States shall be required to pay only the balance so resulting: *Provided further,* That in order to facilitate the ascertainment of the amount of such surplus to be so deducted the Secretary of War is authorized to require from the grantee, his assignee or successor, such annual reports as will set forth the information material to such inquiry and ascertainment

Mr. CUMMINS. Mr. President, again I say that I do not intend to repeat the discussion of yesterday with respect to the amendment I have just offered. I can hardly hope that it will be favorably received, inasmuch as the amendment which I offered yesterday has been voted down. Nevertheless, I reckon it to be my duty to present the amendment and to ask the opinion of the Senate upon it.

The amendment that has just been read means this: That from the value of the property which the United States is to take over at the end of the franchise period, as ascertained under the rules which the committee has reported in the bill—which I look upon as sure to result in an exaggerated value—if the grantee has actually earned during the period of his privilege a sum that has paid all the costs of maintenance and of operation, all the fixed charges, all the interest upon bonded debt, and a fair and reasonable return upon the remainder of the capital invested in the business, and has accumulated a surplus above all these items of expenditure and reward, then such surplus shall be deducted from the value of the property as ascertained in the previous part of the section.

The amendment simply means that if the people who are served through the water power or water distribution, whatever it may be, have paid enough not only to maintain the enterprise and reward the capital invested in it, but to accumulate a fund in addition, they shall not be compelled to pay twice. In paying the charges that are sufficient to accumulate a fund of that character, they have paid just that much more than they should have paid; and if the utilities commissions throughout the country fail to regulate with that accuracy which will result in charges that are reasonable and fair, or in the event that the enterprise is of a character subject to no regulation whatever, the United States shall not pay again a sum which the people to whom the service has been rendered have once paid.

I could not make the subject plainer if I were to discuss it for hours. I plead for this little justice to the people of the United States; and, although others may want to discuss it, I shall ask now for the yeas and nays upon the amendment.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of the Central Labor Union of Toledo, Ohio, and a petition of the Minnesota State Federation of Labor, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented the petition of L. W. Hitchcock, of Durham, N. H., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of the congregation of the Baptist Congregational Church, of Greenville, N. H., and a petition of the congregation of the First Baptist Church of Laconia, N. H., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented the petition of R. G. Diman, of Manchester, N. H., praying for the extension of military training in civil educational institutions, which was referred to the Committee on Military Affairs.

Mr. WILLIAMS presented a petition of sundry citizens of Canton, Miss., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented petitions of sundry citizens of New Haven, West Haven, Bridgeport, and Meriden, all in the State of Connecticut, praying for the placing of an embargo on munitions of war, which were referred to the Committee on Foreign Relations.

He also presented petitions of Loyalty Council, No. 52, Sons and Daughters of Liberty, of Somers; of the Central Labor Union of Willimantic; of the Trades Council of New Haven; of Local Union No. 159, Bartenders' Union, of Meriden; and of sundry citizens of Ridgefield, all in the State of Connecticut, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of the congregations of the Swedish Baptist Church, the Methodist Episcopal Church, and the First Baptist Church, and of the Epworth League, all of Meriden, in the State of Connecticut, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of the Lyra Singing Society, of Meriden, Conn., remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Lyra Singing Society, of Meriden, Conn., praying for a revision of the naturalization laws, which was referred to the Committee on the Judiciary.

He also presented a petition of the Pastors' Association of Bridgeport and a petition of citizens of Seymour and Chesire, all in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Lyra Singing Society, of Meriden, Conn., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. SMITH of Maryland presented petitions of sundry citizens of Maryland, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented the petition of Rev. J. G. Fleck, of Baltimore, Md., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented the petition of Rev. J. G. Fleck, of Baltimore, Md., praying for the enactment of legislation to prohibit interstate transmission of race gambling odds and bets, which was referred to the Committee on Interstate Commerce.

Mr. NELSON presented a memorial of the Pressmen's Union of St. Paul, Minn., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. LIPPITT presented petitions of sundry citizens of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Rhode Island Society, of Providence, R. I., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of the Rhode Island Society, of Providence, R. I., praying for the erection of a national archives building, which was referred to the Committee on Public Buildings and Grounds.

Mr. PHELAN presented a petition of the City Council of Oakland, Cal., praying that an appropriation be made for the enlargement of the post-office building at that city, which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of the Chamber of Commerce of Mendocino, Cal., praying for the construction of a national-defense highway, which was referred to the Committee on Military Affairs.

He also presented a petition of the Down Town Association of San Francisco, Cal., praying that an appropriation be made for the improvement of the Yosemite National Park, which was referred to the Committee on Public Lands.

He also presented a petition of the Central Labor Council of Los Angeles, Cal., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. POINDEXTER presented a memorial of Davis Lake Grange, No. 501, Patrons of Husbandry, of Dalkena, Wash., and a memorial of Local Grange No. 236, Patrons of Husbandry, of Sterling, Wash., remonstrating against the creation of a system of rural credits, which were ordered to lie on the table.

He also presented a memorial of the Willapa Harbor Trades and Labor Council, of Raymond, Wash., remonstrating against the proposed repeal of the so-called seamen's law, which was referred to the Committee on Commerce.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WILLIAMS:

A bill (S. 4746) for the relief of the Protestant Orphan Asylum at Natchez, Miss.; to the Committee on Claims.

By Mr. McLEAN:

A bill (S. 4747) granting an increase of pension to Levi J. Richardson (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 4748) for the relief of August Donnerberg; to the Committee on Claims.

By Mr. SMITH of Maryland:

A bill (S. 4749) for the relief of Franklin Buchanan Sullivan; to the Committee on Naval Affairs.

A bill (S. 4750) for the relief of the Ninth West Columbia Permanent Building Association, of Baltimore, Md.; and

A bill (S. 4751) for the relief of the State Mutual Building Association, Baltimore, Md.; to the Committee on Claims.

By Mr. POINDEXTER:

A bill (S. 4752) for the relief of Gertrude M. Woodson; to the Committee on Claims.

A bill (S. 4753) granting an increase of pension to Neils Attleson (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 4754) granting a pension to Lucius V. Hubbard;

A bill (S. 4755) granting an increase of pension to Miranda A. Wheelock;

A bill (S. 4756) granting a pension to Sarah S. Humiston;

A bill (S. 4757) granting a pension to Laurence E. Johnson; and

A bill (S. 4758) granting a pension to Karl S. Newstrom; to the Committee on Pensions.

IMPROVEMENT OF BALTIMORE HARBOR, MD.

Mr. SMITH of Maryland submitted an amendment proposing to appropriate $910,100 for the improvement and maintenance of the harbor at Baltimore, Md., intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

Mr. SHIELDS. Mr. President, I move that the Senate adjourn until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 48 minutes p. m., Thursday, March 2, 1916) the Senate adjourned until to-morrow, Friday, March 3, 1916, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 2, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Spirit, from whose loving heart a holy influence is ever pouring itself out for the inspiration, purification, and ennobling of souls. "Behold, I stand at the door and knock; if any man hear My voice, and open the door, I will come in to him and will sup with him and he with Me." May we open our hearts and receive that spirit and be cleansed from all guile.

Never was there a time in the history of our Republic when unanimity of thought and action were more needed than to-day. Never was there a time when clear vision, noble endeavor, and purity of purpose were more needed than to-day. Hear our prayer, O Lord, and enter into our souls with all Thy quickening power, and we shall praise and magnify Thy holy Name through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

On motion of Mr. BYRNS of Tennessee, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, with Mr. CRISP in the chair.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

For mileage of Senators, $51,000.

Mr. COX. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. Cox: Page 2, line 4, strike out the figures "$51,000" and insert in lieu thereof "$12,750," and add:

"Hereafter Senators shall be paid at the rate of 5 cents per mile while traveling from their homes to Washington City and return by the usual and ordinary route of travel, once at each session of Congress."

Mr. COX. Mr. Chairman, I regretted very much that the Committee on Appropriations reported this bill to the House without including this amendment, which, if I remember correctly, it favorably reported to the House heretofore on two different occasions. This is the ordinary amendment, which has heretofore been offered to this provision, and is the same one which the Committee on Appropriations have reported at least once heretofore.

I am not disposed to discuss this question extensively at all. If it becomes a law every Member of this House will be paid his full traveling expenses. In fact, under the proposed amendment he will be paid more than his legitimate traveling expenses from one end of this country to the other. This is the same amount of travel pay that is allowed to all witnesses while going to Federal courts, and is practically the same amount of travel pay which the United States gives to all of its ambassadors while traveling from this country abroad and return.

Mr. Chairman, there is a provision in this bill that has created quite a sensation, especially in the newspapers, for the last few days. That is what is known as the Borland amendment. That amendment can only be sustained upon one ground, either in morals or in law, and the ground upon which it can be sustained is that of economy. I think its author claims that it will save this Government between $3,000,000 and $4,000,000 per year. I am constrained to agree with him upon that point; that if the Borland amendment finally becomes a law, it will work considerable economy in the expenditures of the Government. If ever there was a time in the history of our Government when our country ought to economize, that time is

certainly now. Of course the argument will be made, before this mileage provision is finally disposed of, that it is a small, insignificant sum of money. Yet everyone knows well that you can not save money on these appropriation bills by countless millions of dollars, but money can be and often is saved by watching the small items of appropriations.

I place this amendment, therefore, upon the ground of economy, and upon the further ground that no Member is entitled to more money in the way of traveling expenses than his legitimate expenses. Personally I would prefer to see the Members paid their actual traveling expenses from their homes to Washington City and return, but I recognize that that would involve considerable bookkeeping. There might be some question raised about it later on. The amendment which I have offered involves no system of bookkeeping any more than is now required. I hope, Mr. Chairman, that the amendment will carry.

Mr. SMITH of Idaho. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Idaho?

Mr. COX. I can not yield now. If I remember correctly, two years ago upon the legislative bill this amendment was sustained by this House four times upon a yea-and-nay vote. Of course, the gentlemen at the other end of the Capitol defeated it, and it was only in the very closing hours of the session, on the 27th or 28th of June, when men of influence in the House took the floor in opposition to the amendment, upon the ground that the Congress of the United States could not afford to let this great supply bill, carrying $35,000,000 or $40,000,000, fail solely because of the item of mileage, and by a narrow margin of only nine votes this House finally receded from its former position.

Mr. BYRNS of Tennessee. Mr. Chairman, ever since I have been a Member of Congress I have supported and advocated a reduction of mileage. My views and convictions upon the subject have not changed. I have always believed that there should be a reduction. Twice heretofore the Committee on Appropriations has brought into this House a provision upon the legislative appropriation bill recommending that the mileage be reduced to actual traveling expenses. That provision was adopted each time by the House. It has gone to the other end of the Capitol, and as the gentleman from Indiana [Mr. Cox] has stated, after repeated efforts each time the provision has failed, and has not been incorporated in the law. I know that the Committee on Appropriations have not changed their views upon this subject. There was some discussion in the committee, and some difference of opinion, it is true, as to exactly what kind of a reduction should be made. Personally I have always favored and do favor a reduction to 5 cents a mile. I think that would be sufficient to cover the actual expenses of travel from our homes to Washington and return.

This matter, of course, is really a question of legislation, and, under the rules of the House, properly belongs to the legislative Committee on Mileage, which has jurisdiction of the matter. As I have stated, the Committee on Appropriations have, notwithstanding, twice heretofore brought this recommendation before the House, and each time have not met with success. After all it is a question for this House and for the Senate to say whether this reduction shall be made.

It was my privilege to suggest to the legislative Committee on Mileage through its chairman that a bill be reported, so that it might be placed on the calendar and considered and sent to the Senate for consideration there, because it is the contention of those at the other end of the Capitol that this matter should be brought up in the regular legislative way. That was one of the chief objections made by the Senate to the provision reducing mileage adopted by the House last year and the year before. I regret that the legislative committee has not submitted a bill on this subject.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will yield to the gentleman.

Mr. SMITH of Idaho. What is to hinder the gentleman from Tennessee from introducing such a bill?

Mr. BYRNS of Tennessee. I want to say to the gentleman that I have introduced such a bill, and have introduced one every term of Congress since I have been a Member.

Mr. SMITH of Idaho. What is the status of the bill?

Mr. BYRNS of Tennessee. It is in committee, and I was expressing my regret that some bill on the subject, whether mine or some other, has not been reported to the House and placed on the calendar. I have always been consistently in favor of this legislation. I was in favor of it two years ago and I was in favor of it a year ago, and, personally, I was in favor of having it in this bill at this time. I regret very much that it is not. I have never seen any reason why Members of Congress should draw the amount they do under the term of "mileage," for it is, of course, a greater amount than is required for a trip and return. I do not take the position that it is illegal or unfair or improper to draw the amount under the present law, because the law provides a certain amount for mileage, and it is entirely proper and right for Members of Congress to draw the amount given by law. But I do think that Congress ought to take the matter up and consider it. I believe that Congress ought to make a proper reduction in accordance with the actual expenses required to bring us here and take us home.

Mr. MADDEN. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. MADDEN. Is the bill to which the gentleman refers before the Committee on Appropriations?

Mr. BYRNS of Tennessee. No; it is before the Committee on Mileage, which has legislative jurisdiction. The Committee on Appropriations has no jurisdiction of it.

Mr. MADDEN. What is the matter with the Committee on Mileage?

Mr. BYRNS of Tennessee. I can not answer that question; but I hope the Committee on Mileage will give due and proper consideration to these bills. I would like to see the amendment adopted and another effort made to pass it through the Senate as a part of this appropriation bill, although I realize full well that the objection will be again made that it should come up in a regular bill. It is for that reason I had hoped that the Committee on Mileage would have reported either the bill introduced by me or some other, so that the matter might be presented to the Senate free from this objection, which has always been raised in the past.

Mr. HOWARD. Mr. Chairman, I desire to offer a substitute for the amendment offered by the gentleman from Indiana [Mr. Cox].

The CHAIRMAN. The gentleman from Georgia offers an amendment in the nature of a substitute, which the Clerk will report.

The Clerk read as follows:

Page 2, line 4, strike out all of line 4.

Mr. HOWARD. Mr. Chairman, for the last five years at every session of Congress somebody has introduced an amendment to reduce the mileage of Senators and Members of the House. This amendment will eliminate all mileage to either Senators or Representatives. We are either entitled to a sufficient amount of money to defray the ordinary expenses of the trip to bring our wives and families to and from Washington or we are not entitled to anything, one or the other. You ought to have this question thrashed out, for I know Member after Member on the floor of this House on a roll call last year voted "aye" when he was hoping and praying to the Lord at the time he voted that the Senate would kill it. [Laughter and applause.] That is pure, unadulterated demagogy. We are either entitled to the mileage or we are not entitled to it; and I for one will vote to eliminate the entire amount, or I will vote for an adequate amount for the purpose of bringing our families to Washington with us. [Applause.]

As far as I am concerned, I voted last year to sustain the 20-cent mile rate. I try to be as conscientious as any man, and I found out that there was no surplus left as far as my own personal expenses was concerned when I had made the trip to and from my district to the Capital and paid for excess baggage, and so forth. There is only one of two things for this House to do, either be men enough to say that we are honest and getting no more than we are entitled to or vote to eliminate every penny of mileage. As far as I am concerned I hope that the substitute I have offered will be adopted by this House and forever and a day eliminate this always agitated question of mileage and leaving the impression upon the minds of the people that their Senators and Congressmen are a crowd of petty grafters.

Now, this is a big thing to go to your district with; go down and say, "I voted to cut down my own mileage," when, as a matter of fact, your people or mine do not care a picayune about this proposition, so it is just and equitable. That is the truth about it, and I am getting tired of it. It is embarrassing to Members of this House to have the question of their own pay brought up ever session of Congress and parade it over the country that we are getting something out of the Public Treasury we are not entitled to or that our pay is exorbitant. When you take the expenses of maintaining two homes, paying for extra services in the discharge of your duties, paying for documents, meeting the demands of the political committees in assessments, meeting the never-ending demand for donations to every

public enterprise at home, where is the Member who has a penny left for his family at the end of each month?

Now, the present amount of mileage has been in the law for years. The gentleman from Mississippi [Mr. HUMPHREYS], sitting near me, says he hopes and prays to the Lord that it will stay there. [Laughter.] That is the way you all feel about it. That is the way the gentleman from Indiana feels about it. [Laughter.] What is the use of playing to the grandstand about this question of mileage? Either eliminate it or have the courage and manhood to vote an adequate amount to bring our wives and children here so that we can all be contented Representatives of this Government, because I tell you right here and now that the man who does not bring his wife and family with him is criticized—sometimes. [Laughter.]

Mr. SISSON. Mr. Chairman, the Committee on Appropriations reported the 20-cent mileage, but so far as I am concerned personally, I have never in committee or on the floor of the House voted for the 20 cents a mile; nor do I believe that the gentleman from Georgia in assuming the rôle of critic in censoring Members is altogether fair. I believe the gentleman from Indiana is as sincere in his position as those who are clamoring for the 20 cents a mile.

It is right interesting to look at the history of this entire matter. When mileage was discussed in the First Congress the question of fixing mileage turned on this principle that every Member of Congress should have an equal compensation for services which he rendered his Government; and, in the location of the Capital here upon the banks of the Potomac River, those men believed then that men should be paid and have compensation for their services, and they fixed the compensation at about the expense of the then mode of travel, so that the man in Maine and the man in Virginia would get the same salary, net, for services to the people. Since that time methods of travel have gotten to be cheap, and men now are actually making money out of the mileage. Those who live near Washington, of course, get but very little compensation, although they make money on the short trip. The purpose of mileage originally was that every man should receive equal pay for his services as a Member of Congress. If a man goes home two or three times during the year, he may use money which has been paid to him on this mileage appropriation; but the statute now provides that there shall be paid for one trip the distance from their home to the Capital and return, and it is carried in the language in which it has been carried for many, many years, which of itself is convincing that originally Congress intended to pay men for their actual traveling expenses.

The majority of the Committee on Appropriations agrees that this matter has been before the House repeatedly, and that, although the House has on two different occasions reduced the mileage from 20 cents to 10 cents, it has gone to the Senate, and that the fight had been a useless one, and so the majority of the committee reported the bill. Those gentlemen who reported it are just as conscientious as the men who do not favor it, and the Committee on Appropriations, in bringing in this item, were just as sincere as they were when they brought in the item on the two preceding occasions fixing it at 10 cents a mile. So far as I am personally concerned, I would be very glad to see the mileage fixed upon a basis of actual compensation; but there is one thing that the gentleman from Georgia [Mr. HOWARD] said that I agree to, and that is that, rather than have this matter at every session of Congress, I would cut it out entirely.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. BARNHART. Mr. Chairman, it seems to me that this proposition of mileage ought to be considered on a business, common-sense basis. Under the present arrangement it is clearly manifest that some Members of Congress receive more money out of their salaries and mileage than others. For instance, if an unmarried man happens to be a Member of Congress, he can save more money out of his mileage than if he be married. If he be a married man, as he ought to be, and brings his wife and children with him, as he ought to do, he loses money frequently on the mileage allowance. Mr. Chairman, the proposition of my colleague from Indiana [Mr. Cox], that mileage be reduced to 5 cents a mile, seems to me as not the best plan. It ought to be based upon the actual traveling expenses of the Member of Congress. All the other Government officials are paid their traveling expenses in that way; and if my recollection serves me right, even the President of the United States has an allotment, or did have at one time, for mileage, on condition that he render from time to time a statement or certificate of his traveling expenses.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. BARNHART. Yes.

Mr. BORLAND. The provision is that the President's mileage is expended only on his own certificate. No detailed statement is rendered.

Mr. BARNHART. It is an implied statement, as an itemized bill would not be asked of the President of the United States, but impliedly it is a statement of such expenditure. If all other officials of the Government are requested to make a statement of their mileage expenses, it seems to me that the sensible and businesslike way to arrange this matter of mileage, so that it would be settled for all time, would be to put it upon the basis of actual traveling expenses, as itemized to the paymaster of Congress.

One other thing I desire to say. I believe that if Members of Congress are paid actual traveling expenses for themselves, then every Member who is provided with a clerk ought to have paid the actual traveling expenses of that clerk from his home to the city of Washington, and for this reason: No Member of Congress can find a clerk in the city of Washington, if he come from the Pacific coast or from other far-distant point in this country, who can render him services that a man from home, who knows the people and conditions of his community, can render; and, therefore, I believe that when this matter is finally considered it ought to be upon the business basis of actual expenses, and that a Congressman's clerk ought to be alike paid his traveling expenses.

Mr. CANNON. And also that of his wife?

Mr. BARNHART. Yes; that would be a just arrangement, and then we would all be paid alike.

Mr. COX. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COX. Mr. Chairman, I know of but one course to pursue, so far as I am concerned, and that is to do my duty as I see it. I have never criticized, I have never impugned the motives or the vote of any Member of Congress when he has voted for 20 cents a mile, either in the Halls of Congress or back home, and while the gentleman from Georgia [Mr. HOWARD] is an exceedingly bright man, while I concede to him that he is almost upon the border line between the finite and the infinite, and able to read the minds and the thoughts and interpret the motives of men, yet so far as I am concerned I deny that right to him. I have been sincere, and while I have voted for this proposition time and time again, and while I propose to vote for it while I am in Congress, I am not one of the Members of this House whom he characterizes as running over to the Senate, swinging on a Senator's coal tail, and praying Almighty God that that body will defeat it. I said a moment ago that I only know one course for me to pursue, and that is to do my duty, and I accord the same privilege to every Member of this House, and when they vote upon this or any other proposition I will deem it as conclusive proof that they are sincere, and whatever action the Senate may take upon this proposition now or in the future, or whatever action it has taken in the past, I shall give them due credit for being sincere in what they have done.

Mr. HOWARD. Mr. Chairman, I ask for one minute.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that he may proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. HOWARD. Mr. Chairman, I did not intend any reflection upon the gentleman from Indiana or impugn his sincerity in this matter at all, but I just want to call attention of the new Members of this House to a scene I witnessed on this floor in a former Congress. On a rising vote I saw gentlemen here in the last Congress vote for an increase in mileage. Then on a yea and nay vote I heard those same gentlemen very vociferously declare that they were against any increase in mileage when they were recorded, and that was the reason I said what I did.

Mr. DUPRÉ. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. DUPRÉ. "While the lamp holds out to burn, the vilest sinner may return."

Mr. HOWARD. That is an old Charles Wesley hymn which is good doctrine for the gentleman to follow as to his conduct in the future. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. HOWARD] as a substitute for the amendment offered by the gentleman from Indiana [Mr. Cox].

Mr. EDWARDS. Mr. Chairman, I ask that the substitute be again reported.

Mr. MANN. Let both propositions be read.

The CHAIRMAN. The Clerk will first read the amendment offered by the gentleman from Indiana [Mr. Cox].

The amendment was again read.

The CHAIRMAN. Now the Clerk will report the substitute for the amendment offered by the gentleman from Georgia [Mr. HOWARD].

The substitute was again reported.

The CHAIRMAN. The question is on the substitute offered.

Mr. MORRISON. Mr. Chairman, is debate exhausted?

The CHAIRMAN. Well, technically, yes; debate has been exhausted.

Mr. MORRISON. Mr. Chairman, I ask unanimous consent to speak for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none.

Mr. MORRISON. Mr. Chairman and gentlemen of the House, my first public service was rendered as reading clerk in one of the two houses of the Indiana General Assembly. Five times I served in that capacity, and rightly or wrongly I conceived the idea then that the man who talked the least rendered the finest public service. [Applause.] I probably carried my conviction to the extreme. Time after time, seven times, the question of mileage has been discussed in this House, and I have kept silent, except for half a minute when a sort of spontaneous combustion carried me off my feet. I made a brief statement then and afterwards withdrew it from the RECORD. But I served notice then on the men who bring this question up time after time that they must either fight to a finish then, and that meant that they must defeat this mileage of 20 cents a mile, even if it were necessary to defeat this bill, or that I, at least, would quit putting myself in a position where I had to defend myself against the charge of being a demagogue.

I went back home to the finest district on this earth. [Applause.] I went back to people who are intelligent, who want me to do right, and who would be ashamed to have me do that which they believe is a mockery and a false pretense.

Why, before I quit being reading clerk in the Indiana Legislature, where we have the same mileage of 20 cents, everybody in my district, when there was talk about somebody being in favor of cutting the mileage, just laughed.

Now, my friends, here is the truth about this situation. Mileage is part of our compensation. It is based upon the number of miles in an attempt to equalize an inequality that inheres in every flat salary paid to Members of this House. The amount is not big enough to do it, but it tends to do it. If we are paid too much, we ought to have the courage to say so and take it from the flat rate, but do not take it from the mileage, the only thing that tends even to equalize conditions between the man who lives near by and the man who lives far away. That was the idea, that was the underlying principle. There are not 10 men in this House this afternoon who believe that Members of Congress are being paid too much. If they believe it, why then strike down the salary of $7,500 to $7,300 or $7,000 or to $6,500 or to $6,000, anything you want to. I will not join you, because I do not believe it ought to be stricken down one cent—but I will take off my hat to the man who does that. Such action by a Member of this House would impel me to say in my heart, if not here on the floor, "maybe that man is in dead earnest." [Applause.] At any rate, I would be compelled to admit that his proposition does not carry with it an inherent and inevitable injustice.

Now, my friends, that is all I care to say. I will not vote to reduce the mileage a cent. [Applause.] For seven years I voted with these men because I thought in their districts there might be a political necessity. They are my friends; I love them, and I will do almost anything to keep them here, because if they leave their successors will not be as good men, and yet if they keep on acting as they are acting to-day and they are elected to succeed themselves, their successors will not be as good men then as the present Members now are. I state the truth when I say that every time a man sacrifices any of his self-respect, he ceases to be as good a man as he was before. After this vote is taken this House will be made up of men not as good as they are now, because a lot of us shall have torn away considerable fragments of our self-respect and thrown them as unwelcome sacrifices to a popular prejudice more imaginary than real. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. EDWARDS. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the time of the gentleman from Indiana may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MORRISON. Mr. Chairman, the newspapers call this a graft. I do not blame them. A majority of every legislative body I have ever seen has pretended to believe it was graft, but I have never known of any man yet who did not go and get his money. [Laughter.] Seven times I voted to reduce this mileage; seven times I went and got my money, but the fellows who made the noise on this floor beat me to it. [Laughter and applause.] In my campaigns men would say to me, "Did you vote to reduce mileage?" and then, with a hangdog look, I would say, "Yes." And then they would say, "Did you get your money?" "Yes." "Did you believe you were entitled to it?" "Yes." "Why did you vote to reduce it? The men who made speeches said it was dishonest, it was graft, it was looting the Treasury, and why did you vote with the men who said that?" I said that I did it because they were my friends and I wanted to save them from embarrassing conditions local to their districts. I did not have to do it in my district, because my district had been educated on this mileage proposition and was so educated long before I thought of being a candidate for Congress.

But I want to come back to the original proposition. Mileage is compensation. That is all. The man who comes from far away has many expenses that the man who lives near by does not have. The present mileage does not equalize it, but it tends to equalize it. A man who is a man among men, a man who is a man of family, a man who is a part of his community, a part of its industries, a part of its commerce, a part of its public life, must go back home again and again, and he must take a part in those activities, and in order to do it he must incur expenses. Are you going to penalize him because he is a man among men and place a premium upon a fellow who neither knows nor cares? I am against this proposition, because it involves an inference that we have been getting too much pay. I do not believe it, but if we have, let us take it from the $7,500. Let us not strike down the only proposition that tends to equalize an inequality that grows out of the geography of the case.

I have been here nearly eight years. I have not served my people at a financial sacrifice, but I have served them the best I knew how. I have not wrecked myself financially. But let me talk about the other men who came in 1909. They will soon be eight years older. They will have practically no income except their salaries and mileage. Probably many will have practically no earning capacity. Perhaps they will never have one again. Perhaps they have laid nothing aside as a safeguard against the risk of sickness and disaster and the certainty of old age. Have we been getting too much? No Member of this House thinks so. To vote that 20 cents is too much is to vote that we are not willing to trust the good sense and conscience of the American people. And my judgment is that their good judgment and their good conscience is more to be risked than were the judgment and the conscience of the men who were in the legislature in Indiana 15 or 20 years ago and who made this fight at every session vigorously and with delightful inability and failure.

But I do say, Mr. Chairman and gentlemen, and I want to say it with all the earnestness of my soul, that this House is suffering tremendously from just such things as this. [Applause.] This House is deteriorating, partly by the change of membership which results from bringing in new Members and partly by successive diminutions of the self-respect and moral courage of its present Members. You and I pay poor tribute to our people by presuming that they do not know and are not intelligent. And so, day after day, a reign of terror sweeps over this House and we chisel away a little more and tear away a little more of our independence and our self-respect until we have nothing left of them but a wreck and a remnant. [Loud applause.]

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Georgia [Mr. HOWARD] as a substitute for the amendment of the gentleman from Indiana [Mr. COX].

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now is on the amendment of the gentleman from Indiana [Mr. COX].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. COX. Division, Mr. Chairman.

The committee divided; and there were—ayes 46, noes 150.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For mileage of Representatives, Delegates, and expenses of Resident Commissioners, $175,000.

Mr. COX. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 12, line 9, strike out the figures "$175,000" and insert in lieu thereof "$43,750," and add the following:

"Hereafter Representatives, Delegates, and Resident Commissioners shall be paid at the rate of 5 cents per mile while traveling from their homes to Washington City and return by the usual and ordinary routes of travel once each regular session of Congress."

Mr. COX. Mr. Chairman, just a word. The argument has been made here this morning that this mileage is a part of the compensation of Members of Congress. Anyone who has looked this question up knows that is not true. The Court of Claims five or six years ago in a decision rendered squarely upon this mileage provision distinctly held that it was no part of the compensation of the Members of Congress; that the original object and the primary purpose of the 20 cents a mile was for travel-pay compensation to be paid to Members for travel. That is the law to-day; and whoever undertakes to argue upon the floor of this House or elsewhere that the amount of mileage allowed to each Member of Congress is a part of his compensation argues in the face of the supreme law of the land, because that decision is binding upon all of us until it is appealed from and reversed by the Supreme Court of the United States. And it has never been appealed from and it has never been reversed.

Now, Mr. Chairman, I said a while ago, and I wish to repeat, I have never undertaken to harpoon any man upon this proposition. I have never undertaken to lambast him upon the floor of the House or elsewhere. It is a question that appeals to the individual conscience of each and every Member of this House. If he wants to vote for it, all right; if he wants to vote against it, he is just as good a Member and just as patriotic as I dare be.

The viewpoint of life changes the whole current of human events, and I have never cast a vote in the eight years that I have served in this House that I have been ashamed of; and while I am a candidate now, I would vote for this provision if it were the last vote I ever intended to cast in my life. Because Members have announced in their districts that they are no longer candidates for Congress, now they come out in the open and publicly declare that they are against this provision. I am for it, whether I am a candidate or not. I think it is right. [Applause.]

Mr. MORRISON. Mr. Chairman, I have a genuine affection for my colleague, the gentleman from Indiana, WILLIAM ELIJAH Cox. He is a valuable Member of this House. [Applause.] He is industrious. He is honest. He is intelligent. He has rendered great service to the people of his district and to the country. He conceived, planned, and carried out remedial legislation that has been worth millions and millions of dollars to the Federal Treasury and that in the years to come will be worth hundreds of millions of dollars to the Federal Treasury.

And yet I doubt whether 10 men in the third Indiana district know that when they sent WILLIAM ELIJAH Cox to this House they were conferring upon the people of this country an advantage, the advantage that comes from honest service and intelligent service, and a particular financial advantage in one case amounting to hundreds of millions of dollars. But the newspapers have made the word "mileage" synonymous with the word "Cox." It is unjust to my friend, who in everything that is great and large and fine is himself great and large and fine, and has permitted the newspapers of this country so to connect him with this paltry proposition that his neighbors do not know how great a man they have sent to the Congress of the United States. [Applause.]

I say that with all the earnestness in my soul I regret this situation. If I were going into his district in the next campaign I would say, "Now, boys, do not hold that against him. A lot of other men who are all right did the same thing." Then I would tell them the truth, and then, I dare say, they would be proud of the man who they now think is identified with a small proposition which in seven years has gotten nowhere.

Now, Mr. Chairman, just one other word. My friend did not mean to say anything about the man who announced that he would not be a candidate. I am sure he did not mean to be personal. Perhaps it is a mistake for a man to announce that he will not be a candidate. I believe most Members are afraid to do it for fear they will be taken seriously. [Laughter.] I did it seriously, and I meant it. But there is not a Member of this House that does not remember, in the Sixty-third Congress, an incident, less than a minute long, that made it perfectly plain that I had then put myself in a false position, for the last time, candidate or no candidate. I presume that from now on the fact that I am not a candidate will make it a calamity for me to say what nine men out of ten know that they ought to say, and what nine out of ten believe they ought to do. But at the expense, perhaps, of losing the good opinion of men who may be candidates for reelection, I am going to do my duty as I see it, and I will not play horse any more on this peanut proposition. [Applause.]

Mr. RUCKER. Mr. Chairman, may we have that amendment reported again?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Cox: Page 12, line 9, strike out the figures "$175,000" and insert in lieu thereof "$43,750," and add the following:

"Hereafter Representatives, Delegates, and Resident Commissioners shall be paid at the rate of 5 cents per mile while traveling from their homes to Washington City and return by the usual and ordinary routes of travel once each session of Congress."

Mr. RUCKER. Mr. Chairman, this bill carries $175,000 for mileage to Members of Congress and Delegates and Resident Commissioners for two sessions of Congress, constituting one term. That would be $350,000 for a Congress. Now, I have a suggestion which I believe, if I can engage the attention of the House, will possibly be accepted as a happy compromise of this eternal controversy about mileage.

In that connection let me say that, not solely through cowardice but partly as a matter of judgment, I have always voted to reduce the mileage allowance, and yet I am not one of those who believes that the membership of this House receives from the Federal Government too much money for the service rendered.

The fact is, in these busy days when the people of the United States have learned everywhere that a Member of Congress is in fact a public servant here, to serve as well as to represent them, we are flooded daily with mail. On many, many matters, almost beyond the comprehension of man to conceive of, we are called upon to look after and attend to the business of our constituents.

Mr. Chairman, I have heard the statement made, and this membership has heard the statement time and time again, that various and sundry Members every month must go down into their pockets and pay for extra help in their offices. I speak advisedly when I say I know this is true, and I could furnish conclusive proof of the fact. I believe the time has come when Congress should economize along every line, but should expend such sums as may be necessary to enable faithful servants of the people to discharge the various and important burdens and duties devolving upon them.

My suggestion is this: If the amendment of the gentleman from Indiana [Mr. Cox] should be adopted—and I will vote for it—it would make the appropriation for mileage for the two sessions approximately $88,000 instead of $350,000. If the amendment of the gentleman from Indiana [Mr. Cox] is agreed to, I will at the proper place in this bill offer for the consideration of the committee this amendment:

For pay of each Member, Delegate, and Resident Commissioner for stenographer hire necessarily employed by him in the discharge of his official and Representative duties, at $60 per month during the session of Congress, $105,360, or so much thereof as may be necessary.

I have made roughly here, and quickly, a calculation, allowing seven months for a long session of Congress. Stenographic hire at this rate would amount to $184,380 for the long session. For the short session, allowing four months for the short session—and it is really one month too long—at $600 per month, stenographic hire would amount to $105,360, or a total during the two sessions of $289,740. Now, if we would add to this sum mileage computed upon the basis which the gentleman from Indiana [Mr. Cox] seeks to have established, namely, 5 cents a mile, we would have mileage amounting, approximately, to $88,000, or a total of $377,000 a term of two sessions for mileage and pay for stenographic service, which would be only $25,000 more than we pay now, and would give each and every Member of Congress the services of a stenographer, paid for by the Government, and thereby enable us to do more and better work without the embarrassment of paying for it out of private funds.

Mr. COX. Will the gentleman yield?

Mr. RUCKER. I yield to the gentleman.

Mr. COX. As I understand the gentleman's proposition, this would be in addition to the Member's clerk hire?

Mr. RUCKER. Certainly. In addition to the clerks that we now have, at $1,500 a year. I would give each Member a session stenographer at $60 a month, if he actually employs one; and, of course, not a cent unless he does employ one.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER. Mr. Chairman, I may have occasion to inflict myself on the House hereafter.

The CHAIRMAN. The question is on the amendment of the gentleman from Indiana [Mr. Cox].

The question being taken; on a division (demanded by Mr. Cox) there were—ayes 13, noes 72.

Accordingly the amendment was rejected.

The Clerk read as follows:

Clerks, messengers, and janitors to the following committees: Accounts—clerk $2,500, assistant clerk $1,800, janitor $1,000; Agriculture—clerk $2,500, assistant clerk $1,800, janitor $1,000; Appropriations—clerk $4,000 and $1,000 additional while the office is held by the present incumbent, assistant clerk and stenographer $2,500, assistant clerks—one $1,900, one $1,800, janitor $1,000; Banking and Currency—clerk $2,000, assistant clerk $1,200, janitor $720; Census—clerk $2,000, janitor $720; Claims—clerk $2,500, assistant clerk $1,200, janitor $720; Coinage, Weights, and Measures—clerk $2,000, janitor $720; District of Columbia—clerk $2,500, assistant clerk $1,800, janitor $720; Election of President, Vice President, and Representatives in Congress—clerk $2,000; Elections No. 1—clerk $2,000, janitor, $1,000; Elections No. 2—clerk $2,000, janitor $720; Elections No. 3—clerk $2,000, janitor $720; Enrolled Bills—clerk $2,000, janitor $720; Flood Control—Clerk $2,000, janitor $720; Foreign Affairs—clerk $2,500, assistant clerk $1,800, janitor $720; Immigration and Naturalization—clerk $2,000, janitor $720; Indian Affairs—clerk $2,500, assistant clerk $1,800, janitor $720; Industrial Arts and Expositions—clerk $2,000, janitor $720; Insular Affairs—clerk $2,000, janitor $720; Interstate and Foreign Commerce—clerk $2,500, additional clerk $2,000, assistant clerk $1,500, janitor $1,000; Irrigation of Arid Lands—clerk $2,000, janitor $720; Invalid Pensions—clerk $2,500, stenographer $2,190, assistant clerk $2,000, janitor $1,000; Judiciary—clerk $2,500, assistant clerk $1,600, janitor $720; Labor—clerk $2,000, janitor $720; Library—clerk $2,000, janitor $720; Merchant Marine and Fisheries—clerk $2,000, janitor $720; Military Affairs—clerk $2,500, assistant clerk $1,500, janitor $1,000; Naval Affairs—clerk $2,400, assistant clerk $1,500, janitor $1,000; Patents—clerk $2,000, janitor $720; Pensions—clerk $2,500, assistant clerk $1,600, janitor $720; Post Office and Post Roads—clerk $2,500, assistant clerk $1,400, janitor $1,000; Printing—clerk $2,000, janitor $1,000; Public Buildings and Grounds—clerk $2,500, assistant clerk $1,200, janitor $720; Public Lands—clerk $2,000, assistant clerk $1,200 janitor $720; Revision of the Laws—clerk $2,000, janitor $720; Rivers and Harbors—clerk $2,500, assistant clerk $1,800, janitor $1,000; Roads—clerk $2,000, janitor $720; Rules—clerk $2,000, janitor $720; Territories—clerk $2,000, janitor $720; War Claims—clerk $2,500, assistant clerk $1,200, janitor $720; Ways and Means—clerk $3,000, assistant clerk and stenographer $2,000, assistant clerk $1,900, janitors—one $1,000, one $720; in all, $168,970.

Mr. SISSON. Mr. Chairman, I move to strike out the last word. I simply want to call the attention of the House to the expenses of the Senate under this item, on page 8. You will find under this item for the Senate, for its clerks, messengers, and janitors to committees, the sum of $427,880. The same item for the House is $168,970. The Senate has 96 Members, the House has 435. Yet the Senate, for the same services, expends 250 per cent more than the House expends. This, perhaps, is a finger pointing in the direction of the responsibility for the enormous growth of appropriations, and what may be termed extravagance in the Federal Government.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Conference minority: Clerk, $2,000; assistant clerk, $1,200; janitor, $1,000; in all, $4,200; the same to be appointed by the chairman of the conference minority.

Mr. MANN. Mr. Chairman, I move to amend, in line 19, page 18, by striking out the figures "$2,000" and inserting "$2,500."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MANN: Page 18, line 19, strike out the figures "$2,000" and insert "$2,500."

Mr. MANN. Mr. Chairman, this is the clerk to the conference minority, really my clerk, who has been here as a clerk now for 12 years, and who at one time drew $2,500 as clerk to the Committee on Interstate and Foreign Commerce, and is one of the most valuable employees anywhere connected with the Capitol.

The clerks to the committees of great importance receive $2,500, and I think it is proper that this lady should be paid on a par with them. I know she more than earns the money, and I am afraid that I will lose her if her salary is not increased.

Mr. BYRNS of Tennessee. Of course I appreciate the force of what the gentleman has said with reference to the salary of this particular clerk. The matter was never brought to the attention of the committee. No suggestion was ever made to the committee as to this increase. When the bill was framed the committee supposed they were allowing a proper and sufficient salary for this particular clerk.

Mr. MANN. I take no exception, certainly, to the action of the committee. These salaries are fixed from year to year, and I would not have asked the committee itself to make any change. I trust it to the House. I personally, of course, will be satisfied with whatever the House does, and have a good deal of timidity in making the request.

Mr. BYRNS of Tennessee. I will say to the gentleman from Illinois that my only object in making the statement was simply to show why I was unable, on behalf of the committee, to accept his amendment.

Mr. MANN. I understand.

Mr. BYRNS of Tennessee. I do not question the value of this clerk, or the propriety of making the increase of salary, in view of what the gentleman from Illinois has said.

Mr. MANN. Of course everyone who has a clerk whom he has kept for a long time has a high idea of the value of that clerk, who otherwise would not be kept. I think I have the most valuable clerk around the Capitol.

Mr. RUCKER. I wish to say that for one, if it comes to a vote, I shall gladly vote to grant this increase. I am pleased to do it, because I have been wondering for a long time why the gentleman from Illinois was so much more efficient than some other Members, and now I believe it can be attributed to the efficiency of his clerk. [Laughter.] I will gladly vote for this increase.

Mr. FOSTER. Mr. Chairman, I happen to know this clerk of my colleague [Mr. MANN]. When he was chairman of the important Committee on Interstate and Foreign Commerce I had occasion to have some business with that committee, and I found, as he says, that this clerk was one of the most valuable of any of the clerks to committees. The clerk to the minority occupies an important place, and that clerk would be equally important to the minority whichever party was in power. A great deal of work has to be done by the minority leader, and while I might be more pleased if my colleague was not quite so active in all matters that come up in the House, yet I think he renders, in a nonpartisan way, a very valuable service to the House and to the country. So far as I am concerned individually, I believe the gentleman ought to have his way in reference to this matter. I think we should look at these matters in a nonpartisan spirit when it comes to employment.

There is another matter of the same kind which I would be glad to see done. I have done nothing except to say to the committee that I would be pleased to have it done. They have not done it, and I am not here to complain of that. For three terms of Congress I have been chairman of the Committee on Mines and Mining. I, too, have a most valuable clerk of that committee, as good as any in the House; and while I would have liked to have an annual clerk, yet that committee has been given no assistance, except a clerk during the sessions of Congress. That committee has considerable business. While it does not report a great many bills, sometimes it performs a more valuable service to the House by not reporting some of the bills that come before it. I think this committee rendered some valuable service to the House and to the country this year by proposing to take up a lot of hard work itself rather than come to the House and ask for a commission to codify and revise the mining laws of this country, which has been asked for by the western section of our country and those who are specially interested in that work, and it should be done in the interest of the metal-mining industry. It involves a good deal of time and a good deal of hard work to keep track of all of these things, and I, for one, think that Members can best perform their duties to the House and to their country by having sufficient help to do the work. I believe these great committees should have sufficient assistance. I take it that the minority constitutes a great committee of this House, and it should have competent help. You can not get that competent help unless you pay reasonable compensation. I do not believe that the request of the gentleman from Illinois is unreasonable in this case.

Mr. GOOD. Mr. Chairman, I am impressed with what the gentleman from Illinois [Mr. FOSTER] has said. I think the subcommittee of the committee that reported the bill was impressed with the necessity of giving the committee over which he presides an annual clerk. He ought to have it, but it is not the province of this committee to create these positions. There is another committee of the House that reports to the House resolutions for the selection of the clerks for the various committees, and the Committee on Appropriations, as the gentleman from Illinois well knows, simply makes appropriation for the payment of their salaries. The Committee on Mines and Mining, over which the gentleman from Illinois so ably presides, is doing a great work, and that committee ought to have an annual clerk, and I think I am safe in saying that there will be absolutely no objection from the Committee on Appropriations to appropriating the salary for that annual clerk when the committee that has jurisdiction of creating these offices reports a resolution for us to adopt.

Now, in regard to the motion of the gentleman from Illinois [Mr. MANN], we all know of his valuable services to this House. We know of the great work that must be performed by the clerks in his office. I did not know, and I doubt if other Members of the House knew, that the principal clerk who performs this work formerly received $2,500 a year, and is now receiving but $2,000. I am satisfied that if the estimate had been made

for $2,500 there would have been no objection by a single member of the subcommittee that reported this bill. I am in favor of the amendment, and I hope the gentleman from Tennessee will not interpose an objection.

Mr. COX. Mr. Chairman, I do not think that I will be accused of standing on the floor of this House and voting to increase salaries. At least, that has never been my record heretofore. But I recognize the merit of this amendment, and I intend to give it my vote.

It is self-evident that the proposed beneficiary of this little increase is worth in every respect this sum, and it is self-evident that it will be returned in value to the people with manifold interest. I can see no reason why a clerk occupying that position should not be paid as much as any clerk of a committee. If I remember correctly, the clerk of the Committee on Accounts is paid $2,500. That is an important committee and a busy committee, but I dare say that the clerk to that committee does not have, and in the natural course of things can not have, one-fifth the amount of work which this clerk has to do. I hope that every Member on this side of the House will vote for this amendment.

Mr. BYRNS of Tennessee. Mr. Chairman, in regard to what was said by the gentleman from Illinois [Mr. FOSTER], I simply want to emphasize what the gentleman from Iowa [Mr. GOOD] has said. I believe that he is entitled to an annual clerk for the committee over which he presides. I do not think there is any member of the committee who did not think that he was so entitled, on account of the importance of the committee and the work it has to do; but the Appropriations Committee has always adopted the practice of leaving propositions of that kind to the committee which has jurisdiction of it—the Committee on Accounts. I feel quite sure that if the gentleman from Illinois will present the proposition to the Committee on Accounts, that that committee will report a resolution providing him with an annual clerk.

In regard to the amendment offered by the gentleman from Illinois [Mr. MANN] increasing the salary of the minority clerk from $2,000 to $2,500, as I said a moment ago, there was no suggestion made to the committee. We all appreciate the very able and very constant and distinguished service that is rendered by the gentleman from Illinois as leader of the minority. I believe that if the matter had been presented to the committee and the request made by the gentleman from Illinois the committee would not have hesitated to increase this clerk from $2,000 to $2,500. In view of his statement, in view of the importance of the work which must necessarily be done by this clerk, I do not question the value of the services she renders to the distinguished leader of the minority.

Mr. RUCKER. Mr. Chairman, feeling conscious that I can not imperil the motion pending before the committee, I want to inflict myself upon the committee for a moment. I am very glad indeed to see members of the great Appropriation Committee on both sides of the House inclined to be so generous and liberal in their expressions to-day. I am glad that when the suggestion is made that an efficient clerk is rated too low with one accord they say, "Put it up higher and we will agree to it." I am glad that when their attention is called to the fact that other committees ought to have better clerical assistance they are willing to give it. I want to give gentlemen, members of the Appropriation Committee, a chance to reflect and inform us why it is that some of the great bureaus of the departments of Government have received such harsh treatment at their hands. I know there was no willful attempt or purpose on the part of any Member, certainly no member of the Appropriation Committee, to do a wrong. And yet, Mr. Chairman, it seems that in an unguarded moment, when judgment had evidently gone off on a vacation, some one wrote into the bill provisions which I must characterize and denounce as wholly unjustified or unwarranted. At the proper time I shall ask to be heard again, and probably several times, hoping that gentlemen can be induced to come to terms, and they can make terms quickly if they will.

Mr. MANN. Will the gentleman yield long enough for me to say that the Borland amendment has no need of application in my office?

Mr. RUCKER. The gentleman has made a wholly unnecessary statement, perhaps the only unnecessary statement I ever heard him make. Since this has become rather personal, I want to say that I said a complimentary thing to the gentleman in the beginning of this debate, and I meant it. Since then I have heard on this side gentlemen speak of their lofty appreciation of the magnificent services rendered by the gentleman from Illinois.

Mr. Chairman, I want it understood that I recognize the wondrous, almost phenomenal services of the gentleman from Illinois [Mr. MANN], but I do not always appreciate them. [Laughter.]

Mr. FOSTER. Mr. Chairman, surely the gentleman from Missouri [Mr. RUCKER] is willing to grant long life and happiness to the gentleman from Illinois and to afford him the wish that he may continue to lead the minority?

Mr. RUCKER. Unquestionably; most heartily do I join in that wish. The fact of it is that as long as we have a minority party to be led, but I hope we will wipe it out next fall, I want the distinguished gentleman from Illinois to lead it.

Mr. MANN. Oh, we will wipe out the minority upon this side next fall.

Mr. RUCKER. I hope so—wipe you all out, except the gentleman from Illinois and all of my other personal friends. [Laughter.] I notice that the Chair is just raising the gavel; I hope that is not intended as a menace to me, for I am not yet through.

The CHAIRMAN. The gentleman from Missouri has yet one minute remaining of his five minutes.

Mr. RUCKER. Mr. Chairman, I want it distinctly understood that I am not talking about the Borland amendment. I am talking about something worse than that, and that is bad enough, if we may judge from the newspaper articles. I am talking about something that goes to the organization and efficient workings of one of the great bureaus of this great Government, and I am going to appeal as earnestly as I can to the membership of this House to be fair, and when gentlemen have done that which in their own judgment and upon their own consciences they think it fair, I will have nothing further to say about it.

I submit to the gentlemen, members of the Appropriations Committee, for reflection, that it is not fair to put a long legislative provision in this bill which applies solely to one bureau and to one alone, and that bureau the one which deals with more want and suffering than all the other bureaus of the Government combined. I refer to the Pension Bureau. I believe when the time comes and I am permitted to occupy the floor for a few minutes I can demonstrate to the House that a great injustice has been done that bureau, inadvertently done, I am sure, because I know these great men would not do an injustice intentionally.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. Without objection, the amendment having been agreed to, the total, in line 20, will be increased from $4,200 to $4,700.

There was no objection.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to correct all totals in the bill in accordance with any amendments that may be made.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the Clerk be authorized to correct any totals necessitated by amendments being adopted. Is there objection?

There was no objection.

The Clerk read as follows:

Semitic and Oriental Literature: Chief of division, $3,000; assistant, $1,500; junior messenger, $420; in all, $4,920.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. We are now upon the item that relates to the Library of Congress. Lately I have seen a good many statements in the newspapers to the effect that wages of Government employees in the District were still paid upon the scale fixed 50 or 60 years ago. This implies, in the mind of any sensible person, that no promotions had occurred, no redistribution of work, no regrading of work, but that there was some kind of rigid, iron-clad classification that had been adhered to for 50 or 60 years. Almost every member of Congress who has given any attention to the matter knows that never an appropriation bill comes before the House that does not involve some increases of salary. On making out a good case for an increase of salary for a clerk or a class of clerks, the committee and the House has ratified that increase upon the recommendation of the heads of the departments. So that there has been a steady and continuous increase and promotion among the active force. It is true that the lower grades of employment are always filled up with new and inexperienced men, and therefore the grades of employment remain the same, but the personnel advances in accordance with age and experience and usefulness to the Government. What is true then in private employment is true in Government employment; that is, there is promotion open for the men in the service if they make good. I want to call the particular attention of the committee to page 3 of the report of this bill, by which it appears that in this particular item we are now considering 110 employees of the Government who have been promoted. These 110 employees of the Government are

promoted by almost one provision of the bill. They are the employees that draw less than $960. There are 17 that draw from $720 to $780, 53 that draw from $780 to $840, 2 from $800 to $860, 4 from $860 to $920, and 34 from $900 to $960 each, so that here are 110 employees who have been promoted by one appropriation bill.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. BYRNS of Tennessee. I desire to make this suggestion to the gentleman, that two years ago this same bill provided for an increase in the compensation of 100 or more employees in the Library drawing these small salaries.

Mr. BORLAND. Yes; and we are speaking now only of the employees of the Library of Congress, because that is the item that we are discussing. The same thing to which the chairman has referred occurred in other branches of the public service. The committee does act upon some sane principle in making these appropriation bills, in spite of the somewhat unbridled attacks that have been made recently in the newspapers. These young men that are in these particular employments are college graduates, who have come here for the purpose of learning the profession of librarian. They start in as inexperienced people at the very lowest rank, and we ought to keep a low grade for that purpose. We ought not to abolish the low grades. As soon as they become proficient they are advanced, and from time to time they go elsewhere into the State libraries, the libraries of universities, and the public libraries of all kinds throughout the United States, and thereby the advantage of their training in Washington is disseminated throughout the Union. That is a very sound principle upon which the committee acts. I now yield to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Chairman, I am sure the gentleman does not want to misstate the situation, and I am at a loss to know where he gets the information. Now, in the Library of Congress, among those persons to whom we are giving a $5 increase of salary, there are 38 assistants at $900. The youngest person in that division is 23 years of age; the oldest person is 69. I will give the gentleman the ages so he can see what he states does not tally with the facts.

Mr. BORLAND. What is the gentleman's objection to—the college-graduate statement?

Mr. GOOD. No. Some of them are college graduates. They come to the Library and become accustomed to this work; and many of them have been there performing this work for a number of years. It is true there are some promotions to libraries, but in the main these employees have been in the Library of Congress for a great many years, and a majority of them are over 35 years of age.

Mr. BORLAND. I do not want to make any criticism or imply any upon the action of previous Congresses or previous administrations or previous Appropriation Committees, but if these gentlemen are so old and have been there so long at these low salaries, why, it is time some Appropriation Committee ought to do them justice, and therefore I do not think the objection is well taken. We have done an act of justice to some employees who have been overlooked in the past by everybody. I believe in increases of salary for Government employees, and the point I make is simply this, that any general sweeping statement that salaries and positions have remained static in the District of Columbia for 50 years is on the face of it palpably absurd.

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman. It is true that we have made a considerable number of increases of salaries, so far as the Library of Congress is concerned. It is not true generally that we have made any decided number of increases in the departmental service of the lower grade of clerks, especially those receiving $900, $1,000, $1,100, and $1,200. The conditions which are worthy of the attention of the committee are those prevailing in the lower grades. Instances were called to our attention many times that there were great numbers of resignations by clerks who had been in the service for a year or two drawing the initial salary of $900; that they had left one department and had taken employment with the Agricultural Department or the Interstate Commerce Commission, because there was no chance of promotion to the higher grades; that the higher grades were filled with old clerks—men in the service many years, drawing salaries of $1,200, $1,400, $1,600, and $1,800. The only exception to that rule is the case of the Post Office Department. Some years ago Congress created what was known as an Efficiency Division in connection with the Civil Service Commission. It began its work in connection with the Treasurer's office and it made some radical recommendations there, which resulted in a great saving to the Government. It made a most thorough investigation in connection with the Post Office Department, established efficiency ratings, and this year, when the Postmaster General came before the committee with recommendations providing for promotions of clerks in all classes, from class 4 downward, the committee necessarily granted him every promotion, because we recognized the value of the work of this Efficiency Division.

As far as the other departments are concerned there was nothing before the committee so it could accurately determine whether the promotions were worthy of being recognized. Since the bill was first reported Congress, in the further deficiency appropriation bill, has created this Efficiency Division as a separate division, and we hope that that division will be permitted to go into the other departments and make its investigations, so that all the clerks may be placed on an efficiency rating, so when the heads of the departments come before the committee with a recommendation backed by the Efficiency Division we will have reliable data which we can follow, just as we followed in this bill the recommendations of the Post Office Department.

Mr. BORLAND. Will the gentleman yield?

Mr. STAFFORD. In just one minute. But the committee did not feel it was warranted in making increases in the higher-grade officials such as chief clerks on recommendations that are so frequently advanced that because a chief clerk occupies the same designated title in other departments and receives a higher salary and who perhaps may have had incomparably more work, therefore we should raise the salary to conform to that. I now yield to the gentleman.

Mr. BORLAND. What the gentleman says, of course, is my own idea in many respects, but what I want to ask him is this question: The gentleman has given very painstaking study to the work of the committee; as the rules and the law now stand the head of a department can make promotions as fast as vacancies occur without any action of Congress, can he not?

Mr. STAFFORD. Yes; whenever vacancies occur.

Mr. BORLAND. And these promotions that occur in the bill which the gentleman helped to prepare is an additional line of promotion that has been established for these low-grade clerks.

Mr. STAFFORD. For the Post Office Department?

Mr. BORLAND. I am speaking of this particular department—the Library of Congress.

Mr. STAFFORD. As far as the Library of Congress is concerned, we adopted a wholesale recommendation for promotions. We realized that clerks receiving $900 a year and under connected with the Library of Congress, who, according to the testimony, had been in the service from 6 to 25 years, many of them married, the age of the youngest being 23, that it was not fair to have them paid at such a low salary, and so we increased those in the grades from $900 and under $5 per month in salary. We lifted them up, and I think no one can criticize that recommendation. But I do criticize the position of the gentleman from Missouri when he claims——

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask that I may have five minutes additional.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] asks unanimous consent to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. That there has been sufficient promotion in the lower grades of the department service I deny.

Mr. BORLAND. The gentleman should not quote me as saying there has been sufficient promotion in the lower grades of the service. I said whenever it appeared to the committee there was necessity for promotion the committee acted on the suggestion, but whether they have acted to a sufficient extent or not I am not advised.

Mr. STAFFORD. The committee was without reliable information. We do not have information similar to that furnished by the Efficiency Division as to the Post Office Department or as to the Treasurer's office, upon which we acted to the full limit. But we do recognize—at least I do—that there are numbers of instances of clerks entering the lower grades who are perforce obliged to resign from the Government service after they have become acquainted with the details of the department for a year or two because the upper grades are clogged and there is no chance for recognized ability. They go to the Agricultural Department, where they have lump-sum appropriations and where the clerks are promoted much faster. They go to the Interstate Commerce Commission, where the chances of promotion are much better.

Mr. RUCKER. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. RUCKER. All of those $900 clerks can be promoted when there are vacancies above them?

Mr. STAFFORD. These vacancies occur upon resignation and upon death, and resignations from the Government service in the higher-paid grades are very few and deaths are very rare indeed.

Mr. RUCKER. I am not criticizing that at all; but I say I think it is right and I believe it is lawful for any department to advance from a lower to a higher grade when there are vacancies, and I believe that is the general law.

Mr. STAFFORD. Of course, there are vacancies, but they do not occur sufficiently to retain the competent and efficient low-priced clerk who enters the service at $900 to $1,000 a year; and that condition should be corrected.

Mr. RUCKER. Let me ask the gentleman if he thinks it is wise to write into the bill the legislative provision with reference to the Pension Bureau, that there shall be no promotion by appointment or promotion in any grade until there are four vacancies in that particular grade?

Mr. STAFFORD. When we come to the item relating to the Pension Bureau, I think every member of the committee will be prepared to defend the recommendation, because within the last two years, I will say to the gentleman very briefly, 16 men on the roll of the Pension Bureau have been permanently detailed to the office of the Secretary of the Interior. They have ample men and can call those men back at any time. The condition that has existed at the Pension Office we will call to the attention of the House in defense of our recommendation, and I am sure the House will support it, and I am sure we are in no way strangling the efficient service so far as the Pension Bureau is concerned.

Mr. RUCKER. The committee recommends a reduction of 68.

Mr. STAFFORD. On the recommendation of the Commissioner of Pensions we made the reduction of 68.

Mr. RUCKER. Oh, no.

Mr. STAFFORD. I believe the hearings justify the position that they made a recommendation of 68.

Mr. RUCKER. Twenty is my understanding of it. The gentleman may be right.

Mr. STAFFORD. The hearings, I think, will support my position; but I do not wish now to go into the consideration of this item. I wish to refer to the position taken by the gentleman from Missouri [Mr. BORLAND], so far as the $900 and the $1,000 clerks of the department are concerned, and say that there has not been sufficient promotion to retain them in the Government service; but every one of the subcommittee expects that the Efficiency Division will begin its work in the other departments and come before us with the same kind of recommendation that the Postmaster General presented to us, so that we can make a scientific and well-considered promotion of all deserving clerks based upon efficiency.

Mr. RUCKER. I do not think the action of the committee is wise, and I hope the House will not sustain it.

Mr. GOOD. Mr. Chairman, I move to strike out the last word. I think this matter was pretty thoroughly covered in the statement made by the gentleman from Tennessee [Mr. BYRNS], but there is a little matter of detail that I wish to submit, with regard to these increases. This bill increases the salary of 110 persons in the Library of Congress. The increase affects the salaries of all the clerks in the Library of Congress who receive salaries from $720 to $900 per annum. There are 57 positions where the salaries were from $720 to $780, and to give the committee an idea of what kind of work these persons are performing I want to state that one of these positions is filled by an assistant who has been in the Library of Congress for 40 years; 4 of these positions are filled by persons who have been there for 18 years; 7 for more than 10 years; and 18 for more than 5 years but less than 10 years. Twenty-three of the 57 assistants had previous library training or had been students in colleges. They were clerks of a very high order of intelligence, and deserve well the increase.

It was testified before the committee that a great many of the persons so employed receiving salaries of $720 to $900 were persons who were heads of families; some are widows with children depending upon them for support, or an aged mother or father depending upon the clerk for support. It occurred to the committee that inasmuch as these positions are filled by persons who are competent and well prepared to perform this service, they ought to receive more pay. I am not sure that we have given them the increase to which they are entitled, but we did give a $5-a-month increase for the 110 positions, and I am inclined to think that we are only doing partial justice to those persons whose salaries we have increased. We may not have done full justice to all.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last two words. While we are discussing this general subject, I wish to submit some observations for the consideration of the Committee on Appropriations, as well as the other Members of this body.

I think it an important matter for Congress to consider the question of a new, up-to-date reclassification of the clerical force of the Government. Not only should we do this in the interest of the public service and in justice to the clerks and the respective bureaus of the various departments, but a readjustment and increase of salaries, from the lowest to practically the highest, in the Government service.

My understanding is that there has not been a general increase in the salaries of the Government officials since 1854.

Mr. BORLAND. What was that statement—that there has not been a general increase in the salaries of the Government officials since 1854?

Mr. AUSTIN. No general increase in the salaries of Government officials since 1854. I read that statement in one of the daily Washington newspapers.

Mr. BORLAND. That ought, then, to be absolutely incontestable. Does the gentleman say that there have not been individual increases in the general appropriation bills?

Mr. AUSTIN. I said a general increase in the salaries of Government officials.

Mr. BORLAND. I never knew of a general increase, and neither does the gentleman know of such. There have been increases of all departments in separate bills.

Mr. AUSTIN. No; we will take, for example, the Library of Congress, and in this bill we carry an increase, and in the case of other bureaus of the Government, where the same argument would apply, we pass them over and do nothing; and then we will come here at the next session of Congress with another appropriation, with a favorable recommendation for an estimate from the head of a bureau recommending an increase for perhaps a limited number. We have had this partial and piecemeal method of increase here and there, and will have it in this Congress, and in the following Congresses, year after year. But we have never had in my recollection—and I entered the service of the Government 36 years ago as a clerk in the Post Office Department—a general and thorough investigation of this subject, bureau by bureau, with a view of eliminating inequalities, advancing and fixing and increasing salaries.

I remember the time, 36 years ago, when I was rendering clerical service in the Post Office Department and paid $45 a month, when a clerk on the other side of the desk, doing identically the same work, was paid $100 a month. And I have no doubt, Mr. Chairman, there are many instances of that kind in the Government bureaus to-day.

Now, there has been a general advance in salaries in all private lines in this country.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. Not at this time. There has been a general advance of salaries in railroad business and in private corporations of every kind and character.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to his colleague?

Mr. AUSTIN. Yes.

Mr. BYRNS of Tennessee. Under the law the clerks are divided into four classes—those receiving $1,200, $1,400, $1,600, and $1,800.

Mr. AUSTIN. Yes.

Mr. BYRNS of Tennessee. Now, I do not understand the gentleman to mean that there have been no promotions within those particular grades.

Mr. AUSTIN. Oh, no. The $1,200 clerk is getting to-day what the $1,200 clerk received 25 years ago. I ask this committee to consider this question: What has been the advance in the cost of living to the $1,200 clerk, comparing 25 years ago with to-day? Everything he consumes, everything he wears, and everything in connection with his living expenses has advanced, and $100, 25 years ago, Mr. Chairman, would go further than $150 would go to-day in meeting the actual expenses of life.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Indiana?

Mr. AUSTIN. Yes.

Mr. CLINE. My understanding was that the clerks, as a rule, were classified some years ago.

Mr. AUSTIN. Yes.

Mr. CLINE. Does the gentleman say that there has been no increase of salary of any of those clerks since the classification was made?

Mr. AUSTIN. No; I have not said that.

Mr. CLINE. There has been no general increase?

Mr. AUSTIN. Yes. Now, Mr. Chairman, I had a letter this morning from a clerk, who stated, without complaint as to her record, that she had had one promotion in 35 years; so I doubt not there are many clerks who have been drawing $900 and $1,200 and $1,400 a year whose cases are similar to her case. Where is the hope, the encouragement, and the justice when we turn our attention to the cases of these faithful and efficient public servants who for a half century have had no increase of salary or reward for a service which is higher and more efficient than the service of any private corporation in this country?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, the gentleman from Tennessee [Mr. AUSTIN] speaks of a reclassification of the departments in the Government. There are in this bill and there have been carried every year quite a number of increases of clerks from one class to another. The gentleman says that the committee should take some steps toward securing a reclassification and regrading of these clerks. I want to call the gentleman's attention to the fact that, at the instance of the Committee on Appropriations three or four years ago, an Efficiency Division was created for the very purpose of establishing efficiency ratings in the departments and reorganizing and reclassifying the service and standardizing salaries according to services performed in order that clerks who perform the service may receive the compensation which should be paid them for work performed.

As a matter of fact, the Post Office Department has already been reorganized and reclassified, and efficiency ratings, established through the cooperation of that department with this Efficiency Division, have resulted not only in giving the clerks in that department a fair compensation for their service, but in giving them a compensation which the Postmaster General states is from 15 to 30 per cent more than would be paid for similar services in private employments. The committee on personnel in that department were instructed, when they came to establish these efficiency ratings to consider what was paid in private employment and in every case to bear in mind that the Government should be a model employer and to so classify or arrange the work and fix the rate of compensation as that from 15 to 30 per cent higher salary than is paid for the same service in private employment, not taking into consideration the fact that clerks here in Washington work for a less number of hours than clerks are required to work in private employment.

This Efficiency Division, under a provision carried in the deficiency bill, has been made a Bureau of Efficiency, separate and independent and apart from the Civil Service Commission. The head of it is appointed by the President of the United States, and it is expected that this Bureau of Efficiency will continue its work along this line and, just as rapidly as it can be done, will establish efficiency ratings in the other departments of the Government, so that there may be a fair working basis and a fair salary paid to clerks, having in view the actual amount of service performed by them.

It is impossible for any committee of Congress, as it is impossible for Congress itself, to undertake to establish efficiency ratings or to reclassify and reorganize the departments as the gentleman suggests. Congress has, acting on the recommendation of the Committee on Appropriations, provided a means whereby this work of reorganization and reclassification may be intelligently and properly done, with justice to everybody concerned. As I have stated, it has already been done successfully and fairly in the Post Office Department.

Mr. AUSTIN. Mr. Chairman, I am not here pleading for an efficiency commission. I am pleading for a readjustment and a reclassification and an increase of salaries. What has an efficiency commission to do with that proposition? It takes legislation on the part of Congress and an investigation and a report from one of its committees to bring about a reclassification, a readjustment, and an increase of salaries—not an efficiency commission that is without that authority.

Mr. BYRNS of Tennessee. The gentleman seems disposed to criticize the committee or to intimate that the committee possibly has not done what it should have done along that line. I want to ask the gentleman if he, as a Member of Congress, has introduced in this House a bill seeking to raise the salaries of clerks from what they were as established years ago?

Mr. AUSTIN. Mr. Chairman, I will answer the gentleman's question. It is the duty of standing committees of this House to report legislation in the interest of the public service, and no man who serves on those committees can shift the responsibility to a Member of this House who is not on the committees and has not the opportunity and the chance to bring it in. I am not criticizing the committee. I suggested to the Committee on Appropriations what I think ought to be done in justice to the clerks in the various departments of the Government.

Mr. BYRNS of Tennessee. Of course, the gentleman is entirely familiar with the rules of the House. As a matter of fact, the Committee on Appropriations has absolutely no jurisdiction of legislation such as the gentleman has indicated.

Mr. AUSTIN. There must be committees of this House that can frame such legislation, recommend it, and report it to this House.

Mr. Chairman, the minimum wage in the Ford automobile factory at Detroit is $5 a day and the wages are from $5 to $10 a day. Here, in the conduct of the affairs of this Government, where we require the highest and most accurate service, clerks who have spent half a century in the service are drawing $1,200 and $1,400 a year. I think we have reached the time in this country where we ought to have a readjustment, a reclassification, and an increase of salaries for the clerks in every class, especially the laborers, the watchmen, and the messengers. Some of the people in the Bureau of Engraving and Printing, who work standing on their feet all day long operating machines, are paid $1.75 a day, doing the most difficult and trying work, work which impairs their health. They receive less than $60 a month, yet we can not find a way to remedy this condition, which it seems will continue until time shall be no more.

Mr. TRIBBLE. Mr. Chairman, frequently I have stood on the floor of this House and urged Congress to give the farmers a rural-credit bill. Before the adjournment of last session I called upon the Democratic Party to meet the emergency for aid to the agricultural sections before that Congress adjourned.

One hundred years ago only 2 per cent of the people in this country lived in the cities, while at the present time over one-half of the people live in the cities. The people of the rural districts not being content with the opportunities to prosper on the farm have sought more inviting fields in the cities, where the opportunities seem greater to obtain a competency and accumulate property. We have reached the place in the history of this country when Congress must undertake to widen the field for more prosperous farm life. The rural-credit legislation should have been passed long ago.

Mr. Chairman, a rural-credit bill should not only include loans on farms, but provision should be made to make loans on personal security. The man who owns no land needs most a helping hand to aid him by giving him an opportunity to buy and pay for a home. There are thousands of honest men looking for a chance. Help him to buy a home and give him a chance to return the money by easy payments annually for 25 or 30 years at a low rate of interest. I grant that there would be some losses, but with proper management no great amount, and the Government can stand such losses. Furthermore, there will be enough profits to the Government to cover all the losses. The Government should extend its credit and financial aid to the rural-credit associations.

If the Government does not finance the rural-credit associations, the rural-credit legislation will not succeed, in my opinion. Some Members of this House are afraid of what is called "Government aid" to rural credit. There is nothing new and untried in this proposition to give the Government's credit—security or money—to farm-land associations, banks, or what you may please to call the institutions. The European countries have financed these institutions by different methods. If a farmer can get money on long-term loans at low interest, he makes permanent improvements with the money and lays the foundation for profitable farming. The borrower will be required to apply the money as directed by the rural-credit commissioners.

The Farmers' Union, through Hon. Charles S. Barrett, the president, a distinguished Georgian and able man, has presented a bill to Congress. I commend this bill for your consideration. I have introduced the bill, and it is now before the Committee on Currency. The committee has reported to the House the Moss bill, and it is quite likely this bill will be up for passage before the adjournment of this Congress. I do not think the Moss bill will meet the demands of the farmers. If it should become law, unless it is materially amended, the farmers will not organize associations and comply with the requirements in order to secure the money necessary for the successful operation of a rural-credit company.

The member of any rural-credit association must be entirely relieved of financial responsibility for losses of the association. There is not sufficient profit to the stockholders to induce the farmer with money to invest in and organize farm-loan associations and become responsible for losses of defaulting members. I have tried heretofore to provide amendments for rural-credit bills containing the stock and bond features, because I believe when a bill finally comes up for passage it will contain provisions authorizing rural-credit associations and provide for stock issue and sale of bonds, the bonds to be sold in the mar-

kets of the country, thereby procuring the money upon which the association shall operate. Therefore it behooves the friends of rural credit to undertake to amend the proposed bill so that it may be a success, if possible to make it a success. Nearly all legislation of importance contains compromises. There are 435 Members of the House, 96 Senators, and a President with veto power to be encountered when legislation is being shaped into law. The stock and bond rural-credit bill must be so amended as to require the Government to purchase the stock necessary to organize the association, provided the stock is not purchased by private individuals. The bill must be further amended requiring the Secretary of the Treasury to buy sufficient bonds to furnish the money necessary to finance the association at low rate of interest, provided the bonds are not purchased by individual purchasers. Members of the association must also be relieved of individual or collective liability for losses of the association.

I submit the following amendment:

PURCHASE OF BONDS BY GOVERNMENT.

The Secretary of the Treasury shall, upon application of one or more of the rural-credit associations herein established, and upon the recommendation of the rural-credit board, purchase from the rural-credit association bonds not previously issued or sold, in an amount not to exceed $100,000,000 during any one year, and shall pay for the same out of any money in the Treasury not otherwise appropriated.

Loans should be at low interest for 25 or 30 years and payments graded, the first few years less than the last years; as maturity draws near payments should be larger.

Another important amendment should be passed directing the rural-credit commissioners to provide rules and regulations for the rural-credit associations to make loans to persons not owning land. These amendments and others I urge Members to aid in passing should a bill without Government aid be called up for passage by the Currency Committee. I made a careful study of the bill reported favorably last session. I prepared a bill containing these suggestions for amendments should the bill come up. It is also important, in my opinion, not to give the Federal banking system any control whatever over the rural-credit banking system. Let the two institutions be separate and distinct.

Mr. Chairman, should the friends of rural-credit legislation with Government aid fail to get an acceptable bill reported from the committee favorably, then we should present a solid front and amend the bill presented for passage, as I have in part outlined. These amendments while not making the bill acceptable to the farmers would materially improve the bill and give Congress a nucleus upon which we could build, year by year, with necessary amendments. There are those who consider this legislation radical, but, Mr. Chairman, rural credit aided the struggling farmers of France, Germany, Denmark, and other European countries to farm with profit, and gave the farmers greater prosperity than they had ever known, while the Governments suffered no losses. I appeal to you to act now, on rural credit.

CIVIL SERVICE.

Mr. Chairman, I desire to call attention of this House to a bill I have introduced amending the civil service. The bill provides for a new method of selecting officials from the eligible list of those who have successfully passed the required examination. According to the rules of civil service, examinations are held. These examinations are graded, and an eligible list is made from those successfully passing the examination. Then the list is furnished the Civil Service Commissioners in Washington and these three men, who know nothing of the applicants, select the official.

Mr. Chairman, I propose an amendment requiring the eligible list to be furnished the Member of Congress from the district where the official is to serve and place the responsibility of selection on the Member of Congress. He knows the character, nationality, and color of applicants, and he should have the power to select from the list and not have that authority lodged in a commission of three men in Washington. Furthermore, I have introduced a bill providing that when charges are filed against officers of the Government such charges shall be submitted to the Member of Congress representing the district of such officer. This would enable Members of Congress to remove undesirable officials in his district. All southern Members should actively support this measure.

The Clerk read as follows:

For purchase of miscellaneous periodicals and newspapers, $5,000.

Mr. CLINE. Mr. Chairman, I move to strike out the last word. I want to make an observation on the remarks of the gentleman from Tennessee [Mr. AUSTIN]. I do not think he intended to create the impression that the House was adverse to raising the salaries of employees of the Government, but certainly such an interpretation might be given to what was said. I feel that every Member of the House is anxious to do right by the servants of the Government. One thing is true—that the magnitude of the employment necessarily requires some system by which the meritorious increases and promotions shall be made. I was particularly surprised to learn of the low wages paid in some departments of the Bureau of Engraving and Printing, where the very highest skill is required in some lines, especially in the detection of mistakes in the printing of bills and in operating machinery, where the attendants, known as helpers, who stand on their feet eight hours a day, receive but $1.75 a day. That is certainly a very inadequate wage, and I believe that Congress will be glad to welcome an opportunity, in a systematic way, to reach that question thoroughly and systematically and give the proper advance in wages. It is certain that the increase of wages in every department of industry in civil life has been made to meet increased expenditure, and the conditions make these increases in the compensation of Government employees necessary. It can not be otherwise in these departments, and I suggest that the Congress of the United States ought to be known to be the friend of the Government clerk. The fact that some of them do not get the wages that they ought to get should not be charged to the Members of this House. I believe everybody is willing to adjust these salaries and give the advances where they are deserved. Especially ought this to be true in such departments as the Bureau of Engraving and Printing, where undoubtedly the most accurate work is necessary, and where, so far as I am able to determine, the very smallest wages are paid. I believe Congress is always ready to respond when a proper case for increases of wages is presented.

The Clerk read as follows:

Library Building and grounds: Superintendent, $3,000; clerks—1 $2,000, 1 $1,600, 1 $1,400, 1 $1,000; property clerk, $900; messenger; assistant messenger; telephone-switchboard operator; assistant telephone-switchboard operator; captain of watch, $1,400; lieutenant of watch, $1,000; 16 watchmen, at $900 each; carpenter, painter, and foreman of laborers, at $900 each; 14 laborers, at $540 each; 2 attendants in ladies' room, at $480 each; 4 check boys, at $360 each; mistress of charwomen, $425; assistant mistress of charwomen, $300; 58 charwomen; chief engineer, $1,500; assistant engineers—1 $1,200, 3 at $900 each; electrician, $1,500; machinists—1 $1,000, 1 $900; 2 wiremen, at $900 each; plumber, $900; 3 elevator conductors and 10 skilled laborers, at $720 each; in all, $77,745.

Mr. O'SHAUNESSY. Mr. Chairman, I move to strike out the last word in order to get some information. I notice, on page 27, Library Building and grounds, that there is a provision in line 11 for 58 charwomen, but there is no statement as to the amount they receive as compensation. Will the gentleman enlighten me as to their pay?

Mr. BYRNS of Tennessee. The last section of the bill provides for $240 per annum for charwomen, or $20 a month. They work about two hours every afternoon.

Mr. O'SHAUNESSY. They do not get a dollar a day?

Mr. BYRNS of Tennessee. These women do not work more than a couple of hours—not exceeding three at the outside. They work there late in the afternoon or early in the morning before the regular work commences.

Mr. O'SHAUNESSY. Does that include the charwomen in the House Office Building?

Mr. BYRNS of Tennessee. This particular provision does not; but that is the sum paid all charwomen.

Mr. O'SHAUNESSY. Do they all get the same wage?

Mr. BYRNS of Tennessee. They do; all that are carried in this bill.

Mr. O'SHAUNESSY. The reason I ask is that I was informed that they cleaned about 15 offices a day and did not get a dollar a day, and I wanted to know whether that was true. I wanted to know how many offices they cleaned and what they got.

Mr. BYRNS of Tennessee. The wages paid the charwomen in the House Office Building are carried in the sundry civil bill.

Mr. O'SHAUNESSY. The gentleman does not know how much labor they give for the compensation received?

Mr. BYRNS of Tennessee. I do not; but their labor is under the control of the commission which has control of the House Office Building. That commission consists of the Speaker, the gentleman from New York, Mr. FITZGERALD, and the gentleman from Illinois, Mr. MANN.

Mr. O'SHAUNESSY. I asked the question because I think that the poor unfortunates that do this grade of work are neglected in the matter of compensation.

Mr. MANN. Mr. Chairman, in connection with the matter of charwomen there comes up rather an important proposition. Charwomen, in the main, are employed two or three hours late in the afternoon, so that they can get through in time to go home for dinner; but if the hours of service for the clerks shall

be extended one hour and the clerks work until 5.30 in the afternoon instead of 4.30, it is going to be a very serious matter affecting the charwomen. A charwoman now begins work in the offices about 5 o'clock, and if they do not commence work until 6 o'clock they ought to be paid a higher compensation, because it is much more of a hardship on them and much more difficult to work at that time of the evening rather than the time when they now work.

Mr. RUCKER. Is the gentleman addressing his remarks to the charwomen in the House Office Building?

Mr. MANN. I am addressing my remarks to the gentleman from Missouri, for whom I have a high regard.

Mr. RUCKER. Since the gentleman has addressed his remarks to me, I am sure he will permit me to ask him a question or to put in the form of a declaration. The charwomen in the House Office Building do perform services late in the evening. That presupposes that they must hold themselves in readiness to go to work at the late hour of 4 or 5 o'clock. Not only that, but I think the gentleman will agree with me that it has been decreed by somebody—and the most of these are white women—that they must get down on their knees to do the scrubbing.

Mr. MANN. That was decreed by nature; in order to scrub a floor you have to get down on your knees. We did not do that.

Mr. RUCKER. I am against nature, then. I want to say that, in my judgment—and I submit it in all kindness—that no white woman ought to be required to get down on her knees and scrub a pathway for you and me to walk over. I will not resign if they stand up erect and scrub it like we do our homes.

Mr. MANN. I can remember seeing my mother scrub the floor in that way. I do not know whether the gentleman's mother ever did it, but I think likely.

Mr. RUCKER. Our mothers did worse scrubbing than scrubbing the floor when they scrubbed you and me. [Laughter.] But I do not like to see women who have nurtured children get down on their knees to scrub floors.

The pro forma amendment was withdrawn.

The Clerk read as follows:

BOTANIC GARDEN.

For superintendent, $1,800.

Mr. EMERSON. Mr. Chairman, I move to amend line 6, page 28, by striking out the figures "$1,800" and inserting the figures "$2,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 28, line 6, strike out the figures "$1,800" and insert the figures "$2,000."

Mr. BYRNS of Tennessee. Mr. Chairman, I reserve a point of order.

Mr. EMERSON. Mr. Chairman, it seems to me that this is an awful small salary for the Government of the United States to pay the superintendent of the Botanical Gardens. He does not get half the pay that is given for performing like services in any of the large cities of this country. He certainly renders valuable service in the preparation of shrubs and diversified labor in the way of building up the flower industry and advice and information that he gives. It semes to me the salary ought to be $2,500.

Mr. BYRNS of Tennessee. Mr. Chairman, the committee has recommended quite a number of increases of salary in this bill, but the committee felt that it should first consider those who draw the smallest salary. For that reason the committee did not undertake to increase the salaries of those who are drawing these higher amounts. The superintendent is a very clever man, and I like him very much, but I am compelled to make the point of order, Mr. Chairman.

The CHAIRMAN. The Chair thinks that this is an increase not authorized by law, and therefore the Chair sustains the point of order.

The Clerk read as follows:

To enable the Bureau of Efficiency, authorized by the urgent deficiency appropriation act approved February 28, 1916, to establish and maintain a system of efficiency ratings, to investigate administrative needs of the service relating to personnel in the several executive departments and independent establishments, required by the legislative, executive, and judicial appropriation acts for the fiscal year 1913 and 1914, respectively, and to investigate duplication of statistical and other work and methods of business in the various branches of the Government service; for purchase or exchange of equipment, supplies, stationery, books and periodicals, printing and binding, traveling expenses not exceeding $100, and street car fare not exceeding $50; in all, $40,000: *Provided*, That no person shall be employed hereunder at a compensation exceeding $4,000 per annum.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 29, at the beginning of line 16, insert the following: "Twenty-eight."

Mr. BYRNS of Tennessee. Mr. Chairman, that amendment is simply to fill in the date when the urgent deficiency appropriation act was approved. The act had not been approved when this bill was prepared and sent to the printer.

Mr. MANN. Mr. Chairman, the authorization for this appropriation was carried in the urgent deficiency appropriation bill. The urgent deficiency appropriation bill was not discussed very much, and I do not recall that much explanation was made of what the Bureau of Efficiency was to do as a new bureau and why it was taken out of the control of the Civil Service Commission. What does this Bureau of Efficiency do, what are its functions, and how is it going to operate?

Mr. BYRNS of Tennessee. Mr. Chairman, I do not know that I can make the duties of this Bureau of Efficiency any clearer than they are set forth in the paragraph. I possibly might be able to explain better what this bureau is to do by stating some of the things that have been accomplished by this Bureau of Efficiency when it was acting as a division of efficiency within the Civil Service Commission. For the past year the division of efficiency has been in the Post Office Department undertaking to establish a rating of efficiency for the clerks in that department, and by reason of the work performed by this Bureau of Efficiency the entire Post Office Department has been reorganized, with the result, as the Postmaster General states, that there has been a more equitable arrangement of salaries and of the work done by the various clerks in that department.

Mr. MANN. I feel quite confident that if the gentleman is correct in his statement—and I do not doubt the correctness of it—that if this item had been in the Post Office appropriation bill it would have been stricken out by an overwhelming majority. If the result of this bureau is reorganization of the Post Office Department, about which I have expressed no opinion, either on the consideration of the Post Office appropriation bill or otherwise, it certainly would not have received the rabid approval of Members of the House upon either side of the House, for apparently there was considerable criticism of what the Post Office Department was now doing and the way it was doing it.

Mr. BYRNS of Tennessee. I think that criticism arose possibly from objections made to the action of the Post Office Department with reference to what might be called its field service. Of course this reorganization to which I refer applies alone to the Post Office Department in the District of Columbia.

Mr. MANN. I understand, and that is what the gentlemen here said—that the reorganization of the Rural Delivery Service and all that was done by the department here in Washington was wholly without any consultation with those in the country. Is there any substantial decrease in the expense of the Post Office Department as carried in this bill?

Mr. BYRNS of Tennessee. A decided decrease. This reorganization has resulted in a reduction of 37 employees in this particular bill and a total reduction of expenses in that department of $42,650.

Mr. MANN. Is not that all in the matter of money-order accounts and things of that kind where they are putting in tabulating machines, or practically so?

Mr. BYRNS of Tennessee. I am quite sure it is not all in that office. Some of it no doubt is.

Mr. MANN. The Bureau of Efficiency has had nothing to do with that.

Mr. BYRNS of Tennessee. The Postmaster General stated that the entire reorganization of that department had been made or was made with the aid and cooperation of this efficiency division. As a matter of fact, this division has been in the department for a year, or even more, and has worked upon establishing efficiency ratings and reorganizing the service in the department, and as a result not only this particular reduction has been made, but they cut about 81 employees out of the last bill, making a total saving of $118,295, without in any way impairing the efficiency of the department. On the contrary, it is more efficient now in every respect, so the Postmaster General states, than it has ever been.

Mr. MANN. If they have been able to do that and reduce the number of clerks in the department by some system, in what does the reduction consist? What is the change in this department which this bureau has inaugurated? Do they make the clerks do more work, or do they provide for clerks doing less work?

Mr. BYRNS of Tennessee. No additional work is required of any of the clerks. They are not required to work any longer hours in the day, but the reduction has been made through improving the methods of business in the department.

Mr. MANN. I think it would be very interesting if the gentleman would be able to give one instance where there has been a change in the method, just one example. A few years ago it was customary if an example was called for in the Interior Department to say, "Well, we have quit copying in longhand every letter that we write." I do not know whether that had been done for years; I guess not; but that is what they always said when anybody was asked for some evidence of change of methods, which would result in efficiency—they had quit copying letters in longhand. Can the gentleman give us one for information?

Mr. BYRNS of Tennessee. I can give the gentleman no specific illustration except to say that there has been a better system put in. The work of the department has been simplified so as to enable the work to be done with a less number of clerks. The committee naturally was more interested in the net results so far as the number of clerks and expenses were concerned, than it was in ascertaining exactly what the present system is.

Mr. MANN. Well, it is sometimes pretty hard to tell. We carried in the Post Office bill the other day a provision in relation to letters sent to the Dead Letter Office which probably will result in a material decrease in the number of clerks in the Dead Letter Office, and next year when they explain the Bureau of Efficiency will say, "See how we have reorganized it; we have let out a certain number of clerks," and the committee will not have any information to the contrary when they report the bill, and the Bureau of Efficiency will not have any more to do with it than the man in the moon has.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GOOD. Mr. Chairman, I move to strike out the last word. I will say to the gentleman from Illinois [Mr. MANN] that perhaps the most notable change that was made by the Division of Efficiency was in the accounting department in the office of the Treasurer. The accounting department had instituted a system of card indexes by which items that went through the Treasurer's office were placed on cards and as a result of that work after about six months Mr. Burke, the Treasurer, found that his work was running behind every day. He had all of the clerks Congress had made provision for in his office and in addition to that he had about 56 additional clerks detailed from different offices and still he was running behind with his work. He did not know what to do, and they called in the Division of Efficiency and inside of six months those clerks who were detailed there had been sent back to the bureaus from which they had been detailed and the work was current, and the work of this Efficiency Division resulted in a net saving to the Government of $101,000 a year.

But, Mr. Chairman, I do not believe the Bureau of Efficiency will be able to perform the work it ought to perform, and there certainly is a big field for the work of the bureau, if the officers of the Government maintain the same opposition to this bureau that they maintained toward the Bureau of Efficiency when it was part of the Civil Service Commission. This gentleman who was in charge of this bureau appeared before the committee and was interrogated as to why the division did not continue the work in other divisions and other departments, and here is his testimony:

Mr. BROWN. By the inauguration of modern methods for handling the work of the accounting division of the office. We have not covered the entire Treasurer's office. In fact, we wanted very much to cover the whole Treasury Department, but the officials of the department made it impossible for us to do so. They refused us access to the office.

Mr. STAFFORD. You only got as far as the Treasurer's office?

Mr. BROWN. We only finished the Accounting Division of the Treasurer's office.

Mr. STAFFORD. From your acquaintance with the work in the Treasury Department, how long would it have taken your committee to have finished the work in the Treasury Department?

Mr. BROWN. It would have taken us a year or so. We have only a small force.

Mr. STAFFORD. You say that you were prevented from entering the office?

Mr. BROWN. Yes, sir; we could not make any satisfactory arrangement. We tried.

Mr. STAFFORD. You tried with whom?

Mr. BROWN. The Treasury officials, the Secretary and the Assistants, all concerned.

Mr. BYRNS. When was that?

Mr. BROWN. Just recently.

Mr. BYRNS. And they refused you permission to continue the work?

Mr. BROWN. Yes, sir.

Mr. Chairman, it is a peculiar thing that this man who with his little force could go into the accounting division of the Treasury and in the short space of from three to six months install there new methods which would save the Government in that department alone $101,000 a year, and yet the Treasury officials closed the door on this man who has been doing this most excellent service. I think one reason why this bureau is established is that Congress wants to give some backbone to this institution, and that if we created a regular bureau no official in any department could say to him, "You can not come into this office and install efficiency methods." I believe that it was the intention of Congress in taking it away from the Civil Service Commission, which had practically refused to give this division the power it ought to have and which it will have under the present law, to establish a real efficiency bureau.

Mr. O'SHAUNESSY. Mr. Chairman, I move to strike out the last two words, and in the time allotted to me I want to ask the gentleman from Iowa [Mr. GOOD] a question. He can use up my time in answering it. I was much interested in the appropriation here for the Bureau of Efficiency, because it looked to me as though we might at last begin the work of reorganization in the District of Columbia and start a work about which there has been so much talk, finding out what these employees get and what is a just compensation to be given to them, and I have been enlightened by the gentleman's remarks as to the difficulties encountered by that bureau, and I am at a loss just now to know what the bureau is, and under what department it operates, and its personnel.

Mr. GOOD. I believe the bureau is intended to be very closely connected with the executive department of the Government. Obviously it should be under either the executive or legislative branch of the Government. The chief of this bureau will be appointed by the President, and I believe that the intention of Congress was to give to the President an arm that he could reach out into the various departments of the Government and there promote efficiency methods, equalize salaries, and be informed exactly what was going on in the various departments of the Government, and to have this information at first hand.

Mr. O'SHAUNESSY. I would like to ask the gentleman further; of course I know that this provides for the establishment of a bureau. Under what authority was this investigation made in the Treasury Department? Under the bureau as it existed and was organized before?

Mr. GOOD. Prior to this act, approved February 28, 1916, there existed in the Civil Service Commission a division of efficiency, and I think that arrangement was not entirely satisfactory. The head of the efficiency division desired to do certain work in some of the departments, but I think the commission did not in all respects approve of what the division of efficiency was doing in some of the departments.

Mr. O'SHAUNESSY. Now, can the gentleman tell me what the prospective personnel of this bureau is to be—how many are to compose it, who will be the chief, what will be the salaries, respectively? In this paragraph is a lump appropriation for $40,000 providing that no man shall receive more than $4,000 a year. The information I am after is to find out the personnel of the men and how many there will be.

Mr. GOOD. That rests, I think, largely with the President.

Mr. O'SHAUNESSY. That is, the number who shall be appointed?

Mr. GOOD. There is to be a chief of this bureau, a head of the bureau, but the number of employees is fixed by law. It simply creates a new bureau of efficiency without specifying the personnel of it.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words.

Lest there should be misunderstanding as to the real work of this Efficiency Division, I wish to direct attention for a few moments as to what it has done and what it is planning to do. In the Post Office Department, where the Postmaster General solicited the active cooperation of this division, it has been engaged in grading salaries attached to the various characters of work performed. Those salaries are 15 to 30 per cent above the salaries paid in commercial walks of life. After the salary is determined according to the work performed, the grade of work, then they determine the normal amount of work that should be done by a clerk filling that position. This division has framed certain schedules to be filled out by the heads of the respective divisions in the Post Office Department as to the amount of work the individual clerk performs, as to whether he is up to the standard or not, being a certain standard of work attached to each respective position. If he is up to the standard, he gets the salary that attaches to his position; if he is not up to the standard, he is reduced accordingly.

The criticism throughout the departments is that you have a low-priced clerk at $900 or $1,000 performing work at a maximum of efficiency, and beside him you will have another clerk, at $1,400 or $1,600, who is soldiering. It is not an incentive to the low-priced, efficient clerk, working at the maximum, when he finds a high-priced clerk doing almost nothing at all or only half work. Mr. Brown, who testified before the committee,

summarized in brief just what is expected to be done by this Efficiency Division. I read his testimony, as found on page 85 of the hearings, as follows:

> We first determine the proper salary for the work to which he is assigned, and then the rating gives us a report on the quality of work he does and the quantity of work he does, whether he is up to the normal or whether he is below the normal, and then from that we determine mathematically what salary he should receive.

As inaugurated in the Post Office Department it is proposed to have semiannual ratings of clerks to see whether they are up to the normal, and then, at the end of the fiscal year, the department head or division head will make his recommendations to the superior officer, and that superior officer will have his recommendations embodied in his estimates to the Secretary of the Treasury, which will be submitted to the committee, as they did this year, and we will approve them if we consider them proper, as we did this year—his entire recommendation.

Mr. COX. Will the gentleman yield?

Mr. STAFFORD. I will be glad to do so.

Mr. COX. What result will this economy commission have in the last analysis toward recommending an increase or decrease in salary?

Mr. STAFFORD. They determine the salary that should be paid for the work for which the clerk is employed. They standardize that work, and they fix the salary at 15 to 30 per cent above what is paid in commercial establishments. And they determine whether that clerk is performing the work that should be performed in that respective grade. If he is, he gets that salary. If he is performing a superior quality of work, at the end of the year he is recommended for promotion, based upon the quality of work, so that the men hereafter are to be paid according to the quality of the work in the position to which they are assigned.

Mr. COX. I believe that there are five men in this commission.

Mr. STAFFORD. There are more. There is the head of the commission, Mr. Brown, and then his assistant and a number of clerks. And this year we intend to increase the clerical force, because we vote a $10,000 increase, making it $40,000 instead of $30,000 as heretofore.

Mr. COX. What peculiar qualifications have the members of this commission? Have they had experience in private life?

Mr. STAFFORD. Oh, yes. Mr. Brown has long been engaged in responsible work connected with the departments in many particulars. He was employed by the Committee on Appropriations some years back when they were investigating as to the premiums paid by insurance companies for bonding the Government employees and private contractors.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Every Member here is fully acquainted with the work that is being done by so-called appraisal companies and public accountants toward standardizing work and introducing modern business methods. To-day there is not a large business establishment that has not within a decade or so had their entire system of accounting revised so as to know exactly to a fraction what it costs to perform the respective work in their respective departments. In the Treasury Department this Efficiency Division has installed modern business methods, has introduced mechanical devices that have saved clerical assistance. It is installing the same character of mechanical devices in the Post Office Department, saving thousands upon thousands of dollars, and though the commission has only been in existence three years, it can point to-day to a saving to the Government of more than $950,000 in value to the Government, whereas the total amount expended for this Efficiency Division has been less than $100,000.

So that from this very brief statement the committee can see that they are doing wondrous work toward equalization of salaries, toward the standardization of work, and toward the inauguration of modern business methods in the departments. If anybody goes down to any of these departments he will be amazed at the old, obsolete methods that are in vogue and the lack of modern business methods prevailing in the departments. When you have an up-to-date man appointed in charge of a division, immediately there is a reformation and there is a great saving in clerical force by reason of the inauguration of these modern business methods. The purpose of this division is primarily to bring to the departments the methods that are prevailing throughout the commercial world. If they have made that great saving in a short time and established a system in the Post Office Department by which the clerks will be paid what is their due according to the work performed, then certainly it is work to be approved of. Congress has established them as an independent bureau, so that they will not be hamstrung by any executive head who is not in sympathy with their policy, so that they may have the right now to go right into the departments and reorganize them, with a saving of hundreds of thousands of dollars which we expect they will save on the showing which they have made in the past.

Mr. RUCKER. Mr. Chairman, I know so little about efficiency in departmental work that I am not prepared to controvert any statements made by the gentleman who has just addressed the committee. It seems that somebody discovered an efficiency commission, and that efficiency commission or committee admits that it has gone to some places where it has been permitted entrance and there rubbed its Aladdin's lamp and produced marvelous changes in the short time of its existence. [Laughter.] It is asserted that this commission has saved $900,000—nearly $1,000,000—already, and the Lord only knows how much it will save when it gets in full sway. The only way by which we can form any conception on earth of its wondrous achievements is to ask the gentleman whose name has been called, Mr. Brown, get his opinion of himself as the head of the efficiency commission, and accept what he says of his splendid accomplishments.

Now, Mr. Chairman, it looks to me like a sort of preposterous proposition—a contradiction—that a man whom we provide by law shall not possess qualifications of greater value than $4,000 per annum should be sent to a Cabinet officer and say, "I want to come in and tell you people how to run your business." That is what it means. Lord! What a misfortune that somebody away back yonder, about the time we were discovering this country, did not discover an efficiency commission! Why, it would have saved us billions and billions of dollars during the administration of a certain political party which recently went out of power. [Laughter.]

Mr. Chairman, I do not believe there is any better way to get efficiency than to get an honest man at the helm—a qualified man—and then allow that man to attend to the business intrusted to him, without being annoyed by some commission roving around the departments, with modern improved business methods concealed about his person, to advise and direct trusted officials how to run their business and how to discharge their duties.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Iowa?

Mr. RUCKER. Certainly; I yield to the gentleman.

Mr. GOOD. The gentleman speaks of millions that might have been saved under a former administration.

Mr. RUCKER. Yes; and it might have been saved if you never had been in power, but since you were in power it would have been lucky for us if we had had an efficiency commission, I guess.

Mr. GOOD. When we were in power it was not necessary to have an efficiency bureau, because the officials then seemed to know how to transact the public business. But now we find conditions different, as, for example, in the Treasurer's office, when Mr. Burke had been in office six months, when he had all the clerks we had provided, and had 56 clerks detailed to his office, yet had been unable to strike a balance for 90 days, and the nearest he came to striking a balance in that department was something like $5,000,000.

We had to do something. We virtually turned his office over to receivers, to tell him how to run it. We did not want to call them "receivers." We wanted to let him down easy, and we simply called it a "Bureau of Efficiency." That Bureau of Efficiency went in there and showed him how to run his office, and Mr. Brown's testimony and Mr. Burke's testimony is that by those methods, those improved methods, they have saved $101,000 a year.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. RUCKER] has expired.

Mr. GOOD. I ask unanimous consent, Mr. Chairman, that the gentleman from Missouri may have five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. RUCKER. Mr. Chairman, the gentleman made a very able explanation which I did not understand. I still stand on the one proposition that it is simply absurd to select men for responsible positions, $12,000 places, places at $6,500, $5,000, and $4,500, and then go around with a dark lantern and find some man at not more than $4,000, who by accepting admits that he

is not worth more than $4,000, because under the law he is limited to that amount, and empower him to tell all men in official life how to transact business. I think it is absurd.

I do not mean to say that the gentlemen who framed this bill are not wise, but I think the principal argument upon which they have predicated their action was the admission of the efficiency commission that it was efficient, which I think is exceedingly doubtful.

Mr. KING. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. KING. Mr. Chairman, I heartily agree with the gentleman from Missouri [Mr. RUCKER], but from a different standpoint.

There has not been a word, I suppose, in the English language that in the last five years has been abused more than the word "efficiency." The word "service" went through a period of abuse for a number of years, and now it is the word "efficiency." Whenever it is necessary to establish a new bureau or department it is done under the excuse of "efficiency."

Now, it seems to me, from some little experience that I have had in the State of Illinois, that this Bureau of Efficiency may result in becoming and may become, as a matter of fact, a great engine of oppression for civil-service employees. As I understand it, this bureau is to be appointed by the Executive power, the President of the United States. In Illinois in every department of the State Government there is appointed an efficiency bureau by the governor. Three or four years ago every man was under the civil service in the Government of the State of Illinois. What has been the result? Through the operation of an efficiency board every civil-service man in Illinois has been deprived of his position, and to-day his position is filled by "efficient" members of the Democratic Party.

Take it, for instance, in the city of Chicago as an illustration, in the office where they inspect grain, for example. I know personally of several cases there where it was desired to get a certain man out, and the efficiency board was called upon by the superintendent to mark that man "B" or "C." For instance, I know of one case where a new man was brought in in the place of another gentleman. The man who brought him said, "I want to introduce you to Mr. O'Brien. Mr. O'Brien is efficient. Mark him from now as A1. See? Take it from me; A1."

So, sooner or later, this very thing that you gentlemen on the other side are now constructing may in its time come back to curse you.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. KING. With pleasure.

Mr. BYRNS of Tennessee. The gentleman assumes that this particular provision is intended to create a new bureau. As a matter of fact, this Division of Efficiency has existed for several years, and this particular Bureau of Efficiency has absolutely no authority to do more than to make investigations and make recommendations to the heads of the departments, who, after all, are given the discretion as to whether or not they will adopt the recommendations.

Mr. KING. Are there not some markings or some bases upon which this Efficiency Bureau acts?

Mr. BYRNS of Tennessee. The Efficiency Bureau undertakes to establish a rate of efficiency and to standardize the salaries.

Mr. KING. In standardizing the salaries of different employees it is necessary, is it not, to have some basis upon which to operate?

Mr. BYRNS of Tennessee. The basis upon which this Division of Efficiency has operated in the past, as in the case of the Post Office Department, has been to go on the outside and ascertain what salaries are being paid for similar services in private employment and then, as was done in the Post Office Department, to add 15 to 30 per cent over and above those salaries for the clerks in the department.

Mr. KING. If two men are working in the same department, how does the Efficiency Bureau get at the standard of one and the standard of the other with reference to raising or lowering the salaries?

Mr. BYRNS of Tennessee. By simply putting its employees in that office and giving attention to the amount of work performed and which can be performed by those clerks. One great injustice that has existed in the departments has arisen from the fact that sometimes there are two clerks at the same desk, performing the same amount and quality of service, one drawing, say, $1,200 and another $1,800. Now, this Division of Efficiency seeks to equalize these matters and to put all clerks on a fair basis——

Mr. KING. In other words, it is a method of espionage, is it not?

Mr. BYRNS of Tennessee. Oh, no; not at all. That does not enter into it at all, because this Division of Efficiency goes into the office under the direction and with the consent of the head of the department and makes a fair, open, and careful investigation before undertaking to establish what a clerk can reasonably do within certain hours.

Mr. SISSON. Mr. Chairman, I think there has been some misunderstanding about this Division of Efficiency. In the first place, the Division of Efficiency is responsible directly to the President of the United States, who appoints it. Not only that, the recommendation of the Division of Efficiency will be adopted only when the department voluntarily adopts its recommendations as to methods and as to the classification of clerks; and if the department does not do that, there is but one way in which it can be done under the law, and that is by an Executive order of the President of the United States. Somebody has asked, "Why is it that the heads of the departments can not do this themselves?" First, they will always tell you that the enormous duties devolving upon them are such that they can not take the time from their desks, nor can the chief clerks take the time from their desks. A chief clerk performs duties for which he receives a salary, and he can not go through the entire department, which would perhaps take him six months or a year, without neglecting the duties of his office. In addition to that, this division has absolutely no particular interest in any clerk, has perhaps no acquaintance with any clerk, and it is the function of this division to recommend modern business methods.

When Mr. Taft was President he called attention to the unbusinesslike manner in which the Government service was being performed. He called attention to the fact that many of the methods were archaic, that the departments had adopted practically none of the modern machines; and he recommended the appointment of a commission, which is now known as the Cleveland Commission. The trouble with that commission was that it was rather topheavy, and the recommendations which it made were more enormously expensive than were the old methods. Even under Mr. Taft's administration that commission fell down. I call attention to the fact that it was done in Mr. Taft's administration.

All the administrations that have given any thought to this matter have realized that many of the methods of doing business in the departments are as old as the Government. Every well-managed business concern in the United States, according to the testimony in the hearings for several years, employs men of this very character to go through its entire system of bookkeeping, to go through its entire system of manufacturing, to go through the entire wage scale, and then these efficiency experts make recommendations to the board of directors, and the board of directors then have the parties before them and adopt that which they think important and that will advance their business. Every great business institution adopts a method like this before undertaking to make radical changes. Your Committee on Appropriations, which recommends to this House the expenditures in every department of the Government, is absolutely at a loss to know what to do until it can get some perfectly impartial statement about the manner in which a department is run. You can never get a chief clerk, who has been one of the clerks in a department for a long time and finally has risen to be chief clerk of that department, to criticize the work of his own hands. That is human nature. I am not blaming the clerks, I am not blaming the chief clerks; I am simply blaming the system for which Congress is responsible. Whatever is done must be done gradually and it ought to be done carefully. If you will read the hearings in reference to the work done by this efficiency commission, in the testimony of the Postmaster General, in the testimony from the Office of the Treasurer, in the testimony from the Office of the Collector of Customs, you will find that in every case where they have adopted the methods suggested by the commission they have done no clerk an injustice, but they have adopted the system of not filling vacancies when clerks die or resign or when the departments need them elsewhere. No man loses his job unless he falls below the third grade of efficiency as provided by law. That is in the interest of good administration, and that has been the law for a long time, that where clerks do not come up to a certain degree of efficiency they may be reduced to a lower grade, and to a grade below that, and if they do not come up to the lowest grade of efficiency it is the duty of the head of the department under the law to drop such employees.

Now, the sole purpose of this commission is to work in harmony and cooperation with the head of the department, with the bureau chief into whose department it goes. All the

recommendations are made to the heads of the departments, and if they are not willing to adopt a recommendation, it can only be put in force by the President, under whose direction this efficiency board works. Being the head of the executive department of the Government, it is his duty, if he is convinced that it will be for good administration, to require the Cabinet officer to adopt these methods. I believe that for the first time in many years there was an effort made in Mr. Taft's administration to go through the departments and do as a great business man would do endeavoring to improve the methods of his business. I believe that if this board be continued, with the powers that they have had, they will be able to accomplish a great deal of good.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the time of the gentleman may be extended five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Mississippi may be extended five minutes. Is there objection?

There was no objection.

Mr. MANN. I want to ask the gentleman from Mississippi whether the most important suggestion made by the Taft Commission during its entire existence was not the use of the so-called window envelopes instead of other envelopes?

Mr. SISSON. I would not say that. My purpose in referring——

Mr. MANN. They could not get anybody to adopt them, because it was discovered that it was more expensive to use the window envelopes——

Mr. SISSON. That is true, he made that statement originally——

Mr. MANN. Notwithstanding the report of the efficiency board which was without investigation or knowledge, that was the most important thing they ever did.

Mr. SISSON. I think the so-called Cleveland Commission broke down. I did not go into the details, but what I wanted to impress upon the committee was that Mr. Taft's administration pursued methods that were archaic and old, and had not adopted modern business methods. But there was this done during the Taft administration, that in many departments they adopted modern business methods, installing many labor-saving machines. The installation of those machines is going on now as rapidly as the department can take them on.

Mr. BENNET. Will the gentleman yield?

Mr. SISSON. I will.

Mr. BENNET. What did the Cleveland Commission cost the Government?

Mr. SISSON. I am not able to tell the gentleman, but it was a considerable item of expense.

Mr. BENNET. Three or four hundred thousand dollars?

Mr. SISSON. I think it was something like that, but if the gentleman wants the sum I will put it in the RECORD. Now, this efficiency board is on an entirely different idea and different principle. It goes into the department with the permission and cooperation of the head of the department, sent there by the President, and they work along in connection with the particular chief of the bureau, or the particular chief clerk, going entirely through the department, and where they find a duplication of service they eliminate that, and where they find that by consolidation of a little division where for the purposes of administration in the past they were divided into two classes they bring those two classes together, thereby eliminating from the department useless clerks by having them do a greater amount of work by the new methods. If by installation of some labor-saving machines, as soon as you can get the clerks skilled enough to operate the machines, then they can eliminate the more expensive labor with the human hand by adopting the machines.

This work will go on. Business concerns now in the great business world every year have some outside company to audit their books. They get some outside man and hire him to go through, because frequently a suggestion coming from some one outside of the business results in a great deal of good.

There has been a mass of testimony taken the last few years, beginning in the Taft administration, on this subject, and it has convinced your committee, not only by the testimony but by the work done in the last few years, that this efficiency board is doing a great deal of magnificent work for the Government. Mr. Peters, who was formerly a Member of this House, has eliminated from his office fifty-odd clerks, and it was done at the suggestion of this commission. What has been said about the Treasury Department is equally true, except that I do not agree in the conclusions that my friend reached, that it was due to any incompetency on the part of the present Treasurer of the United States; but it is true that they have eliminated something over 100 clerks within the last 18 months. If you ask me, Is the work of the clerks thorough? I say it is; and not a clerk lost his job permanently. They are detailed to other departments where it is not necessary to call on the Civil Service Commission to certify any more new names. They retain them in the service by this process, and you gradually consolidate the department, getting efficient service and efficient results. You do no clerk an injustice in this method of administration, for the reason that you will transfer him. But in the other method it would be difficult to administer it, for the reason that you will cause some man to lose his job—and you know that it is a crime to separate a man from a purely Federal Government job.

Mr. SNYDER. Mr. Chairman, it does not seem to me that there can be much doubt in the mind of any Member as to the advisability of the adoption of this efficiency system. It is a well-known fact that in nearly every business concern this system has been adopted, and where they have not, in many cases, it is due to their inability to get efficient experts to put it into operation. I know of my own personal knowledge of the great advantage and benefit of this type of efficiency. I can say that during the first two or three years of the present Democratic administration that if it had not been for the fact of our ability to get smarter men than we were to show us we would not have been able to have found any profit at all in our business.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. SNYDER. Yes.

Mr. GREEN of Iowa. The gentleman speaks of better men than he. Has not this particular line of business become a highly specialized industry in which men have trained themselves, and that it takes experts of the highest class?

Mr. SNYDER. It needs experts of a high class in that particular line of work. It is to-day difficult to find enough men of this type to supply the demand in different manufacturing business concerns in the country. It is a fact that conditions in this country to-day, and they have been for the past two or three years, are such, with everything going up, that it has been difficult with the ordinary force in any factory to be able to figure out the cost system fine enough to determine whether they had a profit or not. The result has been that concerns have employed some one to come in the factory and give them information they did not have, not always believing that it would turn out a better system than they were working on; but I know in my own case and in my neighbors' that the system has proved a complete success and has been the means of not only reducing the number of employees in the different parts of the business but it has been the means of bringing out efficiency in many employees who did not know that it was in them. As has been well said by the gentleman on the other side, two men working side by side doing the same work, and one would do twice as much as the other, and yet both drawing the same pay, which is unfair. This efficiency system straightens all that situation out. I sincerely hope that this section will be adopted, because I believe it will serve to make a great saving of money.

The CHAIRMAN. All debate on the amendment is exhausted. The pro forma amendments will be withdrawn, without objection. The question is on the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

The Clerk read as follows:

Expert examiners: For employment of expert examiners not in the Federal service to prepare questions and rate papers in examinations on special subjects for which examiners within the service are not available, $2,000.

Mr. COX. Mr. Chairman, I move to strike out the last word. I would like to have some member of the committee explain how the appropriation, beginning on line 11 and ending on line 14, page 31, is expended?

Mr. BYRNS of Tennessee. Does the gentleman mean the expert examiners?

Mr. COX. Yes. I see that a lump-sum appropriation is made. Is that paid out as a salary, or per diem, or how?

Mr. BYRNS of Tennessee. The gentleman means the expert examiners?

Mr. COX. Yes.

Mr. BYRNS of Tennessee. That is paid for expert services. Frequently in some of these very technical examinations that have to be held in order to fill technical and scientific positions in the Government it is necessary for the Civil Service Commission to secure the services of special scientific men who have particular knowledge of the subject about which the examination is held. In so far as that particular character of work is concerned, there is not enough of it to warrant the employment regularly of anyone for a particular length of time.

Mr. COX. There is no monthly or yearly pay roll provided for out of this lump sum?

Mr. BYRNS of Tennessee. No; it is an appropriation which is simply used whenever it is necessary.

Mr. COX. Who fixes the amount to be paid to these experts?

Mr. BYRNS of Tennessee. The Civil Service Commission.

Mr. COX. It is really a per diem payment, is it?

Mr. SISSON. It is piecework.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For necessary traveling expenses, including those of examiners acting under the direction of the commission, and for expenses of examinations and investigations held elsewhere than at Washington, and including not exceeding $1,000 for expenses of attendance at meetings of public officials when specifically directed by the commission, $18,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What is the occasion for increasing this appropriation by 50 per cent?

Mr. BYRNS of Tennessee. Mr. Chairman, this increase was allowed on account of the fact that the Civil Service Commission had stated that the amount heretofore appropriated was by no means sufficient to pay the actual traveling expenses. It seems that their expenses have increased largely on account of the examinations which have to be held to fill vacancies in the fourth-class post offices.

Mr. MANN. Did any member of the committee in the hearings publicly or privately ascertain how much anybody in this commission had expended for traveling expenses to the California Exposition?

Mr. BYRNS of Tennessee. No statement was made to the committee as to any such expenses, nor was the committee advised of any.

Mr. MANN. How many officers connected with the commission found it necessary last summer to attend to business in California or on the Pacific coast?

Mr. BYRNS of Tennessee. There was no statement of that kind made to the committee, nor was any member of the committee advised that any member of the commission had been to the California coast.

Mr. MANN. Two members of the commission went in the fiscal year before the last.

Mr. BYRNS of Tennessee. If they went to the coast and their expenses were paid out of this appropriation, I assume that they went upon official business.

Mr. MANN. Oh, of course they went upon official business. Wherever any Government employee goes, if he has sufficient influence with the head of his department or bureau, he goes on official business, at Government expense, though his real business is private business. If it were known how much had been expended for some Government officials to go out to the exposition, it would cause a wave of wonder to run over the country.

Mr. BYRNS of Tennessee. Mr. Chairman, I was in error in my statement a while ago to the gentleman as to nothing having been said in reference to this particular visit to the coast. On page 77 of the hearings this statement was made by the commissioners in explanation of that:

The commissioners this year went to the Pacific coast and looked into the Reclamation Service, the navy yard, and various other services. We can not administer our work properly unless we get close to it. Now, all of that costs a considerable amount of money, and that is what we want this increase in the travel appropriation for. We are only asking now in the regular appropriation for an increase of $8,000 a year, and, as we have to look after 300,000 people, it seems to me that is a modest estimate.

The committee allowed only $6,000, and they were induced to do that, in view of the fact that a deficiency was submitted to Congress recently asking for $6,000 to provide traveling expenses for the remainder of the current year. That amount was allowed, and the committee felt that since $18,000 had been allowed for this year, possibly, in view of the increased work and the increased necessity for traveling, the same amount should be given for the next year.

Mr. MANN. As I understand that statement, it is that the reason for the increase is caused in part because the commission found it necessary to visit the California Exposition at Government expense, and to assign as the reason for that visit there that they wanted to look into the reclamation projects and the navy yards, and so forth. Everyone knows that it is not the duty of the Civil Service Commission to know all about all the branches of the governmental service. They never will know it, and it is impossible for them to know it.

Mr. COX. Mr. Chairman, will the gentleman yield for a question?

Mr. MANN. They now want $6,000 more for traveling expenses. It may be that they need some of it; I do not know. I yield to the gentleman.

Mr. COX. Mr. Chairman, how close is the nearest reclamation project to where the exposition was held, if the gentleman from Illinois can tell us?

Mr. MANN. I do not remember. I remember this, that a distinguished committee of the House visited the reclamation projects last summer and found it also convenient to pass through San Francisco and visit the exposition, and, I think, very properly so.

I have no criticism of these gentlemen for visiting the exposition, if they are called out there. I think they would be foolish if they did not visit it when they went there, as so many branches of the Government did. That, however, is not the question; it is the tendency everywhere in the governmental service that if they can have a nice pleasure trip and call it official business at Government expense they will take the opportunity. It is not confined to one administration; it is not a partisan matter at all. Some clerk wants to have a nice trip. He finds that it is essential that he should make an investigation out on the Pacific coast. He will not know any more about the matter when he gets back than he did when he started out, and the real truth concerning such a case will be ascertained by the people who are on the coast and have charge of it. I have examined the travel account of various departments as they are shown in the reports. Some of the departments honestly give information; some of them do not. Whether that is an intentional matter not to give information I do not know. It may be a lack of information on their part. Some of the departments give the information, but they all, so far as my observation goes, abuse the privilege of traveling at Government expense.

Mr. BYRNS of Tennessee. Mr. Chairman, I agree with the gentleman from Illinois [Mr. MANN] in much that he had to say as to the tendency of many of the employees of the Government to use Government funds for traveling purposes such as those to which he has referred. In so far as this particular appropriation is concerned the Civil Service Commission asked the committee to allow $20,000, stating that it was $10,000 short of what they really ought to have for travel purposes. For several years they have been allowed $12,000 for that purpose, but for the past two years they have come to Congress and secured a deficiency appropriation. Year before last they were allowed $6,000 as an additional appropriation and this year they asked and received $8,000 as a deficiency appropriation. In each instance Congress has granted these deficiencies and increased their appropriation to $18,000 and $20,000 a year. Your committee felt that under the circumstances, it appearing that the Civil Service Commission had been unable to keep within the limits of the appropriation of $12,000 for the past two years, and knowing that there was an increase of work, an increase necessitating travel on account of the addition of fourth-class offices and other matters to their former duties, decided to recommend to the House that it appropriate for this item $18,000, hoping that during the next year there would be no necessity of the Civil Service Commission coming before Congress and asking for another deficiency appropriation.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words only to add a word to the justification for the committee recommending $18,000. This item is not for the purpose of providing that the commissioners themselves shall travel, but the increase was made to provide for examiners to go around the country in the respective districts and see whether Federal employees in the civil service were infringing at all the civil-service regulations as to political activities and the like. It is only fair to say to the committee, in view of the criticism which the gentleman from Illinois [Mr. MANN] makes, that the commissioners did recommend the repeal of the provision of the urgent deficiency act which limited their expenditures per diem to $5. They believe that they, as presidential appointees, should be relieved of the restriction, so that when they travel about the country they would have no limit on the amount of their expenditures. The committee did not approve of that. The committee did not believe there was any urgent need why they should not be limited to $5 a day, like every other official connected with the departments; and the committee also believed that they should not be encouraged to travel about the country when the service would not be benefited by their leaving their headquarters here, and therefore we refused to grant the recommendation.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

DEPARTMENT OF STATE.

For Secretary of State, $12,000; Assistant Secretary, $5,000; Second and Third Assistant Secretaries, at $4,500 each; Director of the Consular Service, $4,500; Counselor for the department, to be appointed by the President, by and with the advice and consent of the Senate, $3,500; officers to aid in important drafting work—4 at $4,500 each, 4 at $3,000 each, to be appointed by the Secretary, any one of whom may be employed as chief of division of far eastern, Latin American, near eastern, or European affairs, or upon other work in connection with foreign relations; assistant solicitors of the department, to be appointed by the Secretary—3 at $3,000 each; chief clerk, who shall sign such official papers and documents as the Secretary may direct, $3,000; law clerk, $2,500; law clerk and assistant, to be selected and appointed by the Secretary, to edit the laws of Congress and perform such other duties as may be required of them, at $2,500 and $1,500, respectively; chiefs of bureaus—2 at $2,250 each, 5 at $2,100 each; 2 translators, at $2,100 each; additional to Chief of Bureau of Accounts as disbursing clerk, $200; private secretary to the Secretary, $2,500; clerk to the Secretary, $1,800; clerks—17 of class 4, 19 of class 3, 25 of class 2, 43 of class 1 (3 of whom shall be telegraph operators), 18 at $1,000 each, 18 at $900 each; chief messenger, $1,000; 6 messengers; 23 assistant messengers; messenger boy, $420; packer, $720; 4 laborers, at $600 each; telephone-switchboard operator; assistant telephone-switchboard operator; driver, $840; hostler, $720; in all, $321,020.

Mr. MANN. Mr. Chairman, I move to strike out the last word. It may be entirely correct—I do not undertake to say—in reference to the counselor's office of the State Department, to carry the same language year after year, "to be appointed by the President, by and with the advice and consent of the Senate." That indicates that the counselor is to be appointed. Of course, he is not to be appointed but he has been appointed.

Mr. BYRNS of Tennessee. The only explanation that can be given in regard to that is that it is not a statutory office, but is provided for each year in this bill.

Mr. MANN. I understand.

Mr. BYRNS of Tennessee. For that reason I infer it is necessary to carry it each year in the same language.

Mr. MANN. Oh, well, of course, if the present Counselor should resign or be displaced without some such provision in there, his successor would not have to be confirmed by the Senate. I understand that; but it makes it rather awkward to carry a provision as though, after the consent of the Senate should be obtained, he was to be appointed.

Mr. BYRNS of Tennessee. I will state to the gentleman that, as he has called this matter to the attention of the committee and the House, that possibly next year the matter may be drawn in some other way. Of course, a new provision would be subject to a point of order.

Mr. MANN. Of course, it is subject to the point of order; but I am not making the point of order. I withdraw the pro forma amendment.

The Clerk read as follows:

Office of Comptroller of the Currency: Comptroller, $5,000; deputy comptrollers—1 $3,500, 1 $3,000; chief clerk, $2,500; chiefs of divisions—1 $2,500; 2 at $2,200 each; general bookkeeper, $2,000; assistant bookkeeper, $2,000; clerks—11 of class 4 (one transferred from Division of Bookkeeping and Warrants), additional to bond clerk $200, 16 of class 3, 19 of class 2, 26 of class 1, 13 at $1,000 each, 7 at $900 each; stenographer, $1,600; 6 counters, at $840 each; messenger; 5 assistant messengers; 3 laborers; two messenger boys, at $360 each; in all, $161,380.

Mr. MANN. Mr. Chairman, there is a word misspelled there in the first line, and I ask that it be corrected.

The CHAIRMAN. Without objection, the correction will be made. [After a pause.] The Chair hears none.

The Clerk read as follows:

For the following employees in the Office of the Commissioner of Internal Revenue from July 1, 1916, to December 31, 1916, both dates inclusive: Clerks—2 of class 4, 2 of class 3, 1 of class 2, 1 of class 1, 1 $900; 2 counters, at $900 each; in all, $6,050.

Mr. COX. Mr. Chairman, I move to strike out the last word. What is the purpose of this appropriation, bottom of page 46 and top of page 47. It seems that these are special employees from the 1st of July, 1916, to the 31st of December, 1916.

Mr. BYRNS of Tennessee. These are the employees who are to perform the extra work required on account of the emergency-revenue measure.

Mr. COX. The war-revenue measure?

Mr. BYRNS of Tennessee. The war-revenue measure. The gentleman will remember that law expires by limitation on December 31 of this year, and therefore this provision is only made for the first six months of the ensuing fiscal year, or during the operation of that law.

Mr. COX. This provision, as I read it, extends the time from June 30, 1916, to December 31, 1916—six months?

Mr. BYRNS of Tennessee. Precisely. When this law was extended recently by Congress provision was made for the clerks up until the end of the present fiscal year. Now, this bill applies to the next fiscal year, but limits the employment of these clerks for the first six months.

Mr. COX. It takes care of them for the first six months of the next fiscal year?

Mr. BYRNS of Tennessee. Precisely.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Bureau of Engraving and Printing: Director, $6,000; assistant director, $3,500; chief of division of assignments and reviews, $3,000; chief clerk, $2,500; disbursing agent, $2,400; medical and sanitary officer, $2,000; stenographer, $1,800; storekeeper, $1,600; assistant storekeeper, $1,000; clerk in charge of purchases and supplies, $2,000; clerks—1 of class 4, 6 of class 3, 9 of class 2, 9 of class 1, 8 at $1,000 each, 12 at $900 each, 15 at $840 each, 3 at $780 each; 9 attendants, at $600 each; helpers—1 at $900, 2 at $720 each, 2 at $600 each; 3 messengers; 7 assistant messengers; captain of guards, $1,400; 2 lieutenants of guards, at $900 each; 60 guards, at $720 each; 2 forewomen of charwomen, at $540 each; 25 day charwomen, at $400 each; 77 morning and evening charwomen, at $300 each; foreman of laborers, $900; 4 laborers; 85 laborers, at $540 each; in all $240,860; and no other fund appropriated by this or any other act shall be used for services, in the Bureau of Engraving and Printing, of the character specified in this paragraph, except in cases of emergency arising after the passage of this act, and then only on the written approval of the Secretary of the Treasury, and in every such case of emergency a detailed statement of the expenditures on account thereof shall be reported to Congress at the beginning of each regular session.

Mr. COX. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] reserves a point of order.

Mr. BYRNS of Tennessee. Just make it.

Mr. GOOD. Mr. Chairman, I make a point of order on the words in lines 12 and 13, "captain of guards" and "two lieutenants of guards."

Mr. COX. And "60 guards" also.

Mr. GOOD. Yes; "60 guards," in line 13.

Mr. BYRNS of Tennessee. Do you make it on the word "guards," in lines 12 and 13?

Mr. GOOD. Yes. It appears in three places.

Mr. BYRNS of Tennessee. The word "guards," which occurs once in line 12 and twice in line 13?

Mr. GOOD. Yes.

Mr. BYRNS of Tennessee. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

Mr. BYRNS of Tennessee. Now, Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BYRNS of Tennessee on behalf of the committee: "Page 48, lines 12 and 13, insert the word 'watch' instead of the word 'guards' in line 12 and where it first occurs in line 13, and the word 'watchmen' instead of the word 'guards' where that last occurs in line 13."

Mr. BYRNS of Tennessee. Mr. Chairman, this is simply to make it conform to the existing law.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HEFLIN. Mr. Chairman, in line 13, after the words "sixty guards," which have been changed, I believe, to read "sixty watchmen," I move to insert the figures "$840" in lieu of the figures "$720."

Mr. GOOD. Mr. Chairman, I make the point of order on the amendment.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. HEFLIN. I do not know, Mr. Chairman. It may be subject to a point of order, but I trust the gentleman will not make it. I think these watchmen are entitled to receive as much as the watchmen around the other places, and I understand some of the other watchmen do get $840. If that is true, those around the Bureau of Engraving and Printing, it seems to me, ought to receive as much as the others.

Mr. GOOD. I will state to the gentleman that this is a statutory salary and the watchmen as a rule receive this salary.

Mr. HEFLIN. I understand there are some exceptions, and I thought they ought to put them all on the same salary. If they do the same service they ought to draw the same salary as a matter of justice and fairness.

The CHAIRMAN. The Chair would like to ask the gentleman from Tennessee a question. Is the salary of the current law $720 for these watchmen?

Mr. BYRNS of Tennessee. Seven hundred and twenty dollars, and it is so fixed.

The CHAIRMAN. The Chair is ready to rule, then. Under the legislative, executive, and judicial appropriation bill approved July 16, 1914, the salaries of these watchmen were fixed at $720 per annum. The amendment increases that amount, and there is no authorization of law for it. So the point of order is sustained. The Clerk will read.

The Clerk read as follows:

Office of Surgeon General of Public Health Service: Surgeon General, $6,000; chief clerk, $2,250; private secretary to the Surgeon General, $1,800; assistant editor, $1,800; clerks—4 of class 4, 5 of class 3, 8 of class 2, 1 of whom shall be translator, 9 of class 1, 5 at $1,000 each, 3 at $900 each; messenger; 3 assistant messengers; telephone operator, $720; 2 laborers, at $540 each; in all, $61,550.

Mr. STEPHENS of Texas. Mr. Chairman, I make a point of order on the item at the top of page 50, on line 2. There are four clerks of class 3 in the old law. Here there are five. I find four new offices added here in this paragraph. What does the Chair rule upon that?

The CHAIRMAN. The Chair is ready to rule, unless the gentleman has something further to say.

Mr. STAFFORD. Mr. Chairman, will the Clerk read the item, so as to show us how to identify it in the bill?

The CHAIRMAN. The Clerk will report that part of the item that has been indicated.

The Clerk read as follows:

Page 50, line 2, at the end of the line, "5 of class 3."

Mr. STEPHENS of Texas. I find it is "four" in the old law instead of "five."

Mr. STAFFORD. That is not subject to a point of order.

Mr. STEPHENS of Texas. I simply wanted to raise the question.

The CHAIRMAN. The Chair is ready to rule. It has been universally held that under section 169 of the Revised Statutes it is in order to increase the number in any given class of clerks to be employed in any of the departments in Washington. This provision in the bill simply increases the number of clerks of that class in one of the departments in Washington, and therefore the Chair overrules the point of order. The Clerk will read.

The Clerk read as follows:

Baltimore, office of assistant treasurer: Assistant treasurer, $4,500; cashier, $2,500; paying teller, $2,000; receiving teller, $1,900; exchange teller, $1,800; vault clerk, $1,800; clerks—2 at $1,600 each, 3 at $1,400 each; 3 at $1,200 each, 3 at $1,000 each; messenger, $840; 3 watchmen, at $720 each; in all, $31,500.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MADDEN. Mr. Chairman, I want to inquire of the chairman of the subcommittee why it is that appropriations continue to be made for these subtreasuries since we have established the Federal reserve bank act, which provides that all public moneys shall be deposited in those banks. What do the subtreasuries do now?

Mr. BYRNS of Tennessee. These subtreasuries are places of deposit for our coin, and they also do the business of cashing checks and handling checks drawn on the Treasurer of the United States.

Mr. MADDEN. What are the Federal reserve banks for?

Mr. BYRNS of Tennessee. Well, the latter service is performed by the national depositories also. The Treasury officials have been giving some attention to the question of whether or not the duties of these subtreasuries can be transferred or devolved upon the Federal reserve banks, at least to a certain extent. But the gentleman is no doubt aware of the fact that in order to do this it would be necessary to pass some legislation and make provision for some of the duties now performed by the subtreasuries. While most of the members of the committee are in accord with the idea of the gentleman from Illinois, that there might be an elimination of much, if not all, of the work done by these independent treasuries, we were unwilling to arbitrarily cut off all the appropriations until there had been some consideration given to the question of what particular agency was to perform the service now performed by them and proper legislation passed in order to make it possible to transfer the duties.

Now, the gentleman will find in this bill, on page 62, a provision which the committee has recommended, directing the Secretary of the Treasury to report to Congress at the beginning of the next session which, if any, of the subtreasuries shall be continued after the end of the fiscal year 1917, and if, in his opinion, any should be continued, the full reason for such continuance; or if any should be discontinued, what legislation will be necessary in order to transfer their funds or functions to the Federal reserve banks. The committee recommended that provision, so that at the next session of Congress we might possibly be able to devise some means whereby some of these independent treasuries may be eliminated.

Mr. MADDEN. I congratulate the committee on having taken up the question with a view to eliminating these subtreasuries, because I think, now that the Federal reserve act has been passed, the Federal reserve banks throughout the country can do all the work that these subtreasuries are doing, without carrying the expense that is incurred by the continuance of the subtreasuries.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SISSON. I will state to the gentleman from Illinois that the entire subcommittee agrees with the gentleman fully, but I will add that we felt a delicacy in cutting out all of these subtreasuries unless we were assured that the facilities were ample and the Federal reserve banks were in a position to take over this entire fund and perform the entire service now performed by the subtreasuries.

Mr. MADDEN. I agree with the gentleman that it should be done in a regular way, and I congratulate the committee in having taken these initial steps to abolish the subtreasuries.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. It is generally conceded that some of these subtreasuries could be immediately abolished without doing any harm to the governmental service, particularly that at Baltimore, where the work could be taken over by the Treasury here at Washington.

We gave special attention to this proposition and called before us the committee of the Treasury Department on the subtreasuries. It was surprising that they had no definite program to recommend this year seeking the elimination of these useless branches, and the committee on its own initiative incorporated in the bill a direction to the Secretary of the Treasury to report at the next session of Congress, so that we would have a definitive program looking to the elimination of some of these useless offices.

Mr. SLOAN. Will the gentleman yield for a question?

Mr. STAFFORD. I shall be glad to yield.

Mr. SLOAN. I will ask the gentleman why he makes this assault on Baltimore now, at this particular time, after it has lost every plank in its platform? [Laughter.] Why should he now suggest the taking away of its subtreasury?

Mr. STAFFORD. Of course Baltimore has been very harshly treated by the Federal Reserve Board, and I did not join very cheerfully in the proposition to eliminate the Subtreasury at Baltimore, in view of its loss of the Federal reserve bank, which was located at Richmond. There is at present, as the gentleman knows, a movement on foot to correct that inequality and to restore the Federal reserve bank to Baltimore rather than have it located at Richmond, which, in the opinion of many, and particularly in the opinion of those hailing from Maryland and the business district thereabouts, is not the proper financial center. We do not wish to join in an undue assault upon the privileges of Baltimore at the present time. She has suffered tremendously at the hands of the Federal Reserve Board so far as passing out political persimmons is concerned; but everyone of the subcommittee sincerely hopes that the Treasury Department will take this direction to heart and come before the committee with a well-defined program. We could, without any harm whatsoever to the service, have eliminated one or two of these subtreasuries. It is true that the Federal reserve banking act is in the preliminary stages of development, and that some time should be given for the evolution of that banking system before it undertakes the work that is now performed by the subtreasuries. But the showing made to the subcommittee by this special committee demonstrates positively that there is no need whatsoever for many of these subtreasuries. There is need for the Subtreasury at New York, even with the growth of the Federal reserve banking system, but not for many of the others. We hope that next year the Treasury Department will bring in some well-defined program that we can follow without doing any injury to the banking and financial institutions of the country in general.

Mr. SISSON. Mr. Chairman, as a matter of form I will oppose the amendment of the gentleman from Wisconsin [Mr. STAFFORD] for the purpose of obtaining the floor.

I do not think the criticism of my friend from Wisconsin is altogether a just one with reference to the treatment of Baltimore, because in the location of these Federal reserve banks the banks which desired to become members of the association were

permitted to vote upon the location of the Federal reserve banks in the subdivisions of the country where they decided to locate the reserve banks. So when the board met and canvassed these votes, they located the reserve banks in the cities where the greatest amount of stock voted to locate the banks.

Mr. FESS. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. FESS. Was that the case in the location of all of them?

Mr. SISSON. That was the rule that was adopted, and my information is, without ever having seen the figures, that that was exactly what happened. In the district in which Mississippi is located there were two cities which were very active for the location of the reserve bank. Those were New Orleans and Memphis. I would have liked very much to see the reserve bank located at Memphis. It is a great distance to Atlanta, but the Atlanta banks are great hustlers, and they got a great deal of stock subscribed; and so, when it came to selecting the city, Atlanta got the votes.

Mr. FESS. Did the banks of New Jersey vote for Philadelphia to be the Federal reserve city for their district?

Mr. SISSON. It is possible that the banks of New Jersey might have voted for New York; but when your district is laid out, then you vote your first and second choice of places in that district.

Mr. FESS. There was a change in that district, and I wondered why the change was made.

Mr. SISSON. It is possible, although I do not know anything about it, that portions of New Jersey being just as close to Philadelphia as other portions are to New York some of them would perhaps prefer to continue with Philadelphia. These districts were tentatively formed before the vote was taken.

Mr. MOORE of Pennsylvania. Mr. Chairman, if the gentleman will yield, I only want to say that geographical as well as financial considerations entered into that question.

Mr. SISSON. Of course.

Mr. MOORE of Pennsylvania. There were some banks over toward New York which probably preferred to be in the New York district because of convenience.

Mr. SISSON. As I understand, they made an estimate of the bank capital within a certain area, and after having made the estimate within a certain geographical area, then they permitted those within that area to vote as to the location. I suppose in the estimate of the amount of capital in the national banks and other banks that desired to enter the association of New York, where they had ample banking capital, that the New Jersey banks were included within that territory.

Mr. SLOAN. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. SLOAN. Does the gentleman understand that the banks were informed as to what these districts included?

Mr. SISSON. My understanding is that there was no absolute, defined, and fixed district until after the bank stock had been subscribed; they had only outlined tentative districts, and if within the territory a sufficient amount of banking capital was secured under the act to make any of these Federal reserve banks, they located the bank in accordance with the vote of a majority of the stock so subscribed.

Mr. SLOAN. I wanted to know whether they outlined these tentative districts and gave them to the banks before they voted.

Mr. SISSON. I think that was absolutely necessary or they could not have voted intelligently.

Mr. SLOAN. I was wondering how they located the two reserve banks in Missouri.

Mr. SISSON. Now, Baltimore was unfortunate in not having sufficient stock within her territory to get the bank, and Richmond secured it, but the bankers determined it for themselves.

Mr. STAFFORD. As I understand it, the last say rests with the Federal Reserve Board as to the location of the Federal bank, and even now there is a proposal pending before the board to change the location of the bank from Richmond to Baltimore.

Mr. SISSON. I think the board has it absolutely within its power to do that, but I do not believe they would do it without consulting the bank.

The Clerk read as follows:

New Orleans, office of assistant treasurer: Assistant treasurer, $4,500; cashier, $2,250; paying teller, $2,000; receiving teller, $2,000; vault clerk, $1,800; assorting teller, $1,200; clerks—1 $1,500, 5 at $1,200 each, 1 $1,000; typewriter and stenographer, $1,000; day watchman, $720; night watchman, $720; messenger, $600; in all, $25,290.

Mr. PLATT. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the paragraph beginning with line 4 and ending with line 10, inclusive, on page 60.

Mr. PLATT. Mr. Chairman, the act establishing the Federal Reserve System made unnecessary nearly all the subtreasuries. Whether there is any necessity of keeping any of them I think is most doubtful, and yet here they are carrying in this bill, as they were in the last bill, large appropriations for men and officers who are doing work which is unnecessary and might just as well be done by the Federal reserve banks, which are all fully organized and have men and clerks not fully employed. If this amendment be adopted, I shall follow it with a motion to strike out others.

Mr. STAFFORD. Will the gentleman yield?

Mr. PLATT. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. Why does the gentleman single out the subtreasury at New Orleans?

Mr. PLATT. I will say to the gentleman that I might have taken any other one, or all at once. I have no desire to discriminate against the subtreasury at New Orleans. I think that if any city deserves one, having been treated as it was by the committee that organized the Federal reserve districts, it is the city of New Orleans.

Mr. STAFFORD. Does not the gentleman think that we should be charitably inclined to New Orleans and Baltimore which were slighted by the Federal Reserve Board in the location of Federal reserve regional banks? Does not the gentleman think that we should defer elimination of all of these substreasuries until the Secretary of the Treasury brings in the report next year? The subcommittee thought that they were useless appendages under our existing financial system, that they are providing large salaries for persons who have held the offices for years and years, and most of them with little work to do. I quite agree that New Orleans makes a poor showing. On January 22 of this year there were only $691.35 customs receipts deposited in the Subtreasury at New Orleans. The next smallest amount was that of the Subtreasury at St. Louis, with $1,038.13, and the next was Baltimore, with $3,779.31.

Mr. MOORE of Pennsylvania. What is the gentleman reading from—the customs receipts?

Mr. STAFFORD. The day's customs receipts on the date named.

Mr. MOORE of Pennsylvania. At the ports named?

Mr. STAFFORD. At the ports I have just named.

Mr. PLATT. Mr. Chairman, I am surprised to hear that the customs receipts at the port of New Orleans were so small, when the bill carries an appropriation for a subtreasury at that place of $22,290. The gentleman knows that when once an office is established, with some one drawing a salary, it is a mighty difficult proposition for the party in power to abolish the office. In case the Democrats are in power, it separates a deserving Democrat from a job.

Mr. MADDEN. Mr. Chairman, I think the clerks have been reading very hard to-day, and I rise to suggest the absence of a quorum.

Mr. BYRNS of Tennessee. Mr. Chairman, will not the gentleman withhold that and allow us to dispose of this matter of the subtreasuries?

Mr. MADDEN. This one.

Mr. BYRNS of Tennessee. Mr. Chairman, I confess that I am somewhat at a loss to know why the gentleman from New York [Mr. PLATT] should have reserved his fire for the subtreasury at New Orleans. We have passed all of the others without an objection on the part of the gentleman from New York or anyone else to their inclusion in the bill. Now he selects a subtreasury on the extreme southern border, which is farther away from any Federal reserve bank than any other subtreasury in the United States. In the city of St. Louis we have a Federal reserve bank and a subtreasury. In the city of Baltimore there is a subtreasury, not so far removed from a Federal reserve bank. I quite agree with the gentleman that there may be good reasons for eliminating some, if not all, of these subtreasuries, except of course, the one at New York and possibly the one on the western coast, but it certainly would be unwise to undertake to do that now, especially since it will be necessary, if it is done, to pass legislation to devolve the duties now being performed by those subtreasuries upon the Federal reserve banks or other Government agencies. As a matter of fact, if all of these subtreasuries were discontinued now, it would be necessary for Congress to make some provision to store all of the money that is stored in all of these subtreasuries, because the vaults of the Government at Washington are not sufficient to take care of it.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. MOORE of Pennsylvania. If we should adopt the motion of the gentleman to strike out the New Orleans Subtreasury at this time, and then follow it up by striking out all that follows, we would leave standing the Subtreasuries at Baltimore, at Boston, at Chicago, and Cincinnati, which would not be stricken out, while we would strike out those at New Orleans, New York, Philadelphia, St. Louis, San Francisco, and leave ourselves suspended between heaven and earth.

Mr. BYRNS of Tennessee. Yes; and therefore I think, if the gentleman from New York proposes to make the motion to strike out any of them, the matter ought to have been taken up when the question was first brought up, so that the committee might have had some discretion as to which ones could best be discontinued.

Mr. MOORE of Pennsylvania. Is there not a provision in this bill subsequently, on page 62, for a report by the Secretary of the Treasury as to the propriety of continuing the subtreasuries?

Mr. BYRNS of Tennessee. That is quite true.

Mr. MOORE of Pennsylvania. If that paragraph should be adopted, this whole question will come up during the course of the next year, and we will have it at the next session of Congress, so that it can be acted upon intelligently?

Mr. BYRNS of Tennessee. Yes. In other words, the Secretary of the Treasury will report at the beginning of the next session, if that paragraph remains in the bill, what, if any, of these subtreasuries may be discontinued, and if any are to be discontinued then he will suggest the necessary legislation to take care of the business now being performed by such subtreasuries as are discontinued. I hope that the gentleman will not insist upon his amendment.

Mr. PLATT. Mr. Chairman, the gentleman knows that I have no desire to be unfair to New Orleans. I selected this site simply at random.

Mr. BYRNS of Tennessee. I acquit the gentleman of any such intention, but I think the gentleman does see that if we undertook now, as the gentleman from Pennsylvania just suggested, to abolish New Orleans and then followed it up with the others——

Mr. MOORE of Pennsylvania. Mr. Chairman, if we did that the gentleman from New York would be under the painful necessity of striking out New York, and of course he would not undertake to do that.

Mr. PLATT. I am not quite sure I would not undertake to do it.

Mr. MOORE of Pennsylvania. Therefore the gentleman from New York ought to withdraw his motion in order that the House might adjourn in peace.

Mr. PLATT. Does the gentleman fear if I do not withdraw the motion it will be carried?

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. MADDEN. Mr. Chairman, I venture to suggest that after having a hard day's toil the reading clerks ought to be given a rest. This has been one of the hardest days we have had, and I make the point that there is no quorum present.

Mr. BYRNS of Tennessee. Mr. Chairman, I was in hopes, since we were moving along so smoothly and in such good humor, that we might get along farther, but I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12207, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HUGHES, indefinitely, on account of illness.

To Mr. MCDERMOTT, indefinitely, on account of serious illness of his mother.

EXTENSION OF REMARKS.

Mr. PLATT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. PLATT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short statement by my colleague [Mr. ROGERS].

Mr. FOSTER. What is it about, Mr. Speaker?

Mr. PLATT. It is on the question which is now being discussed in regard to submarines.

Mr. FOSTER. Mr. Speaker, I do not believe we ought to have that now and I hope the gentleman will withdraw it.

Mr. PLATT. It does not involve anything serious; it is something that was published in the newspapers on Friday, February 25.

Mr. FOSTER. Mr. Speaker, I do not believe we ought to have any newspaper remarks inserted in the RECORD now.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, I make the point of order there is no quorum present.

Mr. LINTHICUM. Will the gentleman withhold for a moment? I ask unanimous consent to insert in the RECORD an editorial from the Baltimore Sun on the question of the parcel post—a very short editorial.

Mr. MADDEN. Mr. Speaker, I make the point of order that there is no quorum present.

ADJOURNMENT.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned to meet to-morrow, Friday, March 3, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Felis W. Cozad *v.* The United States (H. Doc. No. 819); to the Committee on War Claims and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Nancy C. E. Wolfe, widow of John R. Wolfe, *v.* The United States (H. Doc. No. 820); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John C. Way *v.* The United States (H. Doc. No. 821); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of George Knight, administrator of William Knight, *v.* The United States (H. Doc. No. 822); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John W. Defevers *v.* The United States (H. Doc. No. 823); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Charles C. Dodson *v.* The United States (H. Doc. No. 824); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Lucinda M. Hascall, widow of Moses G. Hascall, deceased, *v.* The United States (H. Doc. No. 825); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John M. Tilton *v.* The United States (H. Doc. No. 826); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William Smiley *v.* The United States (H. Doc. No. 827); to the Committee on War Claims and ordered to be printed.

10. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Charles H. Hughes *v.* The United States (H. Doc. No. 828); to the Committee on War Claims and ordered to be printed.

11. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Janes J. Consalus, widow of John L. Consalus, *v.* The United States (H. Doc. No. 829); to the Committee on War Claims and ordered to be printed.

12. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Sarah E. Burns, widow of Enoch M. Burns, *v.* The United States (H. Doc. No. 830); to the Committee on War Claims and ordered to be printed.

13. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Edwin F. Harris *v.* The United States (H. Doc. No. 831); to the Committee on War Claims and ordered to be printed.

14. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Lewis A. Grant *v.* The United States (H. Doc. No. 832); to the Committee on War Claims and ordered to be printed.

15. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of George W. Branham, committee in lunacy of Mary A. Malone, imbecile widow of John Skelton, deceased, *v.* The United States (H. Doc. No. 833); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WICKERSHAM, from the Committee on the Public Lands, to which was referred the bill (H. R. 228) to amend the United States homestead law in its application to Alaska, and for other purposes, reported the same with amendment, accompanied by a report (No. 287), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TILLMAN, from the Committee on the Public Lands, to which was referred the bill (H. R. 4866) for the relief of Julia R. Goodloe, reported the same without amendment, accompanied by a report (No. 286), which said bill and report were referred to the Pivate Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6202) granting an increase of pension to Russell B. Tripp; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7468) granting a pension to James H. Johns; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAYDEN: A bill (H. R. 12583) making an appropriation for the construction of a highway in the Petrified Forest National Monument, Ariz.; to the Committee on Agriculture.

By Mr. PADGETT: A bill (H. R. 12584) to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve in the Government of Haiti, and for other purposes; to the Committee on Naval Affairs.

By Mr. SLOAN: A bill (H. R. 12585) to reimburse the State of Nebraska for expenditures in repelling Sioux invasion in 1890 and 1891; to the Committee on Claims.

By Mr. ESTOPINAL: A bill (H. R. 12586) making an appropriation for erecting and equipping and otherwise providing a quarantine station at or near New Orleans, La.; to the Committee on Appropriations.

By Mr. OGLESBY: A bill (H. R. 12587) to prevent and punish the desecration, mutilation, or improper use, within the District of Columbia, of the flag of the United States of America; to the Committee on the Judiciary.

By Mr. GREEN of Iowa: A bill (H. R. 12588) for the acquisition of a site and the erection of a building thereon at Harlan, Iowa; to the Committee on Public Buildings and Grounds.

By Mr. VARE: A bill (H. R. 12589) authorizing the construction of a floating crane of revolving type at the Philadelphia Navy Yard; to the Committee on Naval Affairs.

By Mr. HAMILL: A bill (H. R. 12590) to provide for a bureau of employment in the Department of Labor; to the Committee on Labor.

By Mr. CRAMTON: A bill (H. R. 12591) prescribing a minimum rate of speed for the transportation of live stock by common carriers and providing for order by the Interstate Commerce Commission upon hearing in certain cases; to the Committee on Interstate and Foreign Commerce.

By Mr. LONDON: Joint resolution (H. J. Res. 170) constituting a declaration by Congress of the policy and intentions of the people of the United States toward the belligerent nations; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 12592) granting an increase of pension to Margaret Robb; to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 12593) granting an increase of pension to Calvin Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12594) granting an increase of pension to Julia M. Gerth; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 12595) granting an increase of pension to Mariam Hall; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 12596) granting a pension to Peter McVay; to the Committee on Pensions.

By Mr. CHARLES: A bill (H. R. 12597) granting an increase of pension to James Newkirk; to the Committee on Invalid Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 12598) granting an increase of pension to Henry J. Knapp; to the Committee on Invalid Pensions.

By Mr. DRUKKER: A bill (H. R. 12599) granting a pension to George M. Dunning; to the Committee on Pensions.

Also, a bill (H. R. 12600) granting an increase of pension to Ambrose W. Kearsing; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 12601) for the relief of Emma J. Spear; to the Committee on Claims.

By Mr. EMERSON: A bill (H. R. 12602) for the relief of the Western Ohio Railway Co.; to the Committee on Claims.

By Mr. GREEN of Iowa: A bill (H. R. 12603) granting a pension to Martha Morris; to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 12604) granting a pension to Robert Webb Banks; to the Committee on Pensions.

Also, a bill (H. R. 12605) for the relief of the estate of Andrew W. Ramsay; to the Committee on Claims.

Also (by request), a bill (H. R. 12606) to muster out and grant an honorable discharge to John Williams; to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 12607) for the relief of the First National Bank of Corvallis, Corvallis, Oreg.; to the Committee on Claims.

By Mr. HILL: A bill (H. R. 12608) granting an increase of pension to Josephine Dickens; to the Committee on Invalid Pensions.

By Mr. HULBERT: A bill (H. R. 12609) granting an increase of pension to Solomon Berliner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12610) for the relief of Emma H. Ridley; to the Committee on Claims.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 12611) for the relief of the First National Bank of Greenwood, Miss.; to the Committee on Claims.

By Mr. JACOWAY: A bill (H. R. 12612) granting a pension to Edward Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12613) for the relief of Caleb B. Zachry; to the Committee on Military Affairs.

Also, a bill (H. R. 12614) granting an increase of pension to Mrs. Mary Ballou; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 12615) extending the time for the repayment of war-revenue taxes upon the estate of Mark Sheldon, deceased; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 12616) granting an increase of pension to Elizabeth Baker; to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 12617) for the relief of the legal representatives of Samuel Schiffer, deceased; to the Committee on War Claims.

By Mr. LONGWORTH: A bill (H. R. 12618) granting an increase of pension to Clarenda Cramer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12619) granting an increase of pension to Katie Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12620) granting an increase of pension to Eleanor Bouchard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12621) for the relief of Isaac Dulhagen; to the Committee on Military Affairs.

By Mr. McLAUGHLIN: A bill (H. R. 12622) granting an increase of pension to John E. Packard; to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 12623) granting a pension to Jacob B. Mulkey; to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 12624) granting an increase of pension to Ephriam M. Barnhart; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 12625) granting a pension to Mary E. Ice; to the Committee on Invalid Pensions.

By Mr. OAKEY: A bill (H. R. 12626) granting an increase of pension to Margaret McManus; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 12627) for the relief of W. F. Peck and M. B. Gott; to the Committee on Claims.

Also, a bill (H. R. 12628) for the relief of J. A. Perry; to the Committee on Claims.

Also, a bill (H. R. 12629) granting an increase of pension to Joseph K. Kelly; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 12630) granting an increase of pension to Esther Randolph; to the Committee on Invalid Pensions.

By Mr. SCOTT of Michigan: A bill (H. R. 12631) granting a pension to Mrs. Laura A. Hayner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12632) to correct the military record of James A. Cooper; to the Committee on Military Affairs.

By Mr. STEELE of Iowa: A bill (H. R. 12633) granting an increase of pension to A. F. Graham; to the Committee on Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 12634) for the relief of the estate of John C. Yarboro; to the Committee on Claims.

By Mr. SWITZER: A bill (H. R. 12635) granting an increase of pension to Thomas W. Patterson; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 12636) to correct the military record of Thomas Duffy; to the Committee on Military Affairs.

By Mr. TRIBBLE: A bill (H. R. 12637) granting retirement pay to L. T. Sanders; to the Committee on Claims.

By Mr. WARD: A bill (H. R. 12638) to muster in and muster out George C. Fox; to the Committee on Military Affairs.

By Mr. WASON: A bill (H. R. 12639) granting a pension to Susan A. Cross; to the Committee on Invalid Pensions.

By Mr. WM. ELZA WILLIAMS: A bill (H. R. 12640) granting a pension to Nancy McKenna; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial from Washington, Mo., in support of House joint resolutions 84 and 85 and Senate joint resolutions 30 and 55; to the Committee on the Judiciary.

Also (by request), memorial from Washington, Mo., in support of House bills 394, 718, and 9435, and Senate bills 1082, 1259, and 1352; to the Committee on the District of Columbia.

Also (by request), memorial from Washington, Mo., in support of House joint resolutions 14 and 81 and Senate joint resolutions 73 and 74 and House bills 6828 and 6829; to the Committee on the District of Columbia.

Also (by request), memorial of various commercial bodies of Louisiana, in re the Flood Control Committee; to the Committee on Flood Control.

Also (by request), memorial of Barbers' Union of Richmond, Va., urging Federal inspection of dairys, etc.; to the Committee on Agriculture.

By Mr. ALEXANDER: Petition of Second Baptist Church, of Liberty, Mo.; 75 citizens of Princeton, Mo.; and 500 citizens of Clay County, Mo., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BENNET: Petition of Lodge No. 10 of the Grand Lodge of the Sons of Italy, of 70,000 members, disapproving of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Republican County Committee of County of New York, opposing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. CALLAWAY: Petitions of business men of the State of Texas in support of House bill 5308, in reference to compelling firms doing a mail-order business to pay taxes in the locality where the goods are sold; to the Committee on the Judiciary.

By Mr. CHARLES: Petition of various residents of Schenectady, N. Y., favoring action on the question of an embargo on arms; to the Committee on Foreign Affairs.

Also, petition of Watchman Lodge, International Order of Good Templars, of Schenectady, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Schenectady Turnverein, of Schenectady, N. Y., in re travel on armed vessels; to the Committee on Foreign Affairs.

By Mr. COLLIER: Petition of sundry citizens of Canton, Miss., for national prohibition; to the Committee on the Judiciary.

By Mr. CURRY: Memorial of Sacramento Local, No. 586, Carpenters and Joiners of America, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of Stockton Branch, No. 314, U. N. H. P. O. C.; Stockton Branch, No. 213, National Association of Letter Carriers; and San Joaquin County Branch, No. 7, Rural Letter Carriers' Associations, indorsing the Penrose-Griffin bill (H. R. 6915); to the Committee on the Post Office and Post Roads.

Also, petition of Woman's Christian Temperance Union of Ripon, Cal., favoring Federal ownership of picture films; to the Committee on Education.

By Mr. DALE of New York: Petition of Association for an Equitable Federal Income Tax, in re income tax legislation; to the Committee on Ways and Means.

By Mr. DANFORTH: Petition of James Mulligan and 53 others, of Livingston, N. Y., for a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DUNN: Petitions of Sick Benefit Society Germania and Pommerain Society, of Rochester, N. Y., favoring House joint resolution 14 and Senate bill 3033; to the Committee on Foreign Affairs.

By Mr. FLYNN: Petition of Association for an Equitable Federal Income Tax in re legislation; to the Committee on Ways and Means.

Also, petition of Naval and Military Order of the Spanish-American War, favoring preparedness; to the Committee on Military Affairs.

By Mr. FULLER: Petition of Rockford (Ill.) Wood Carvers' Association, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. GARNER: Ten petitions of sundry local farmers' unions of the State of Texas, in reference to the Smith-Lever bill for the purpose of regulating and controlling American cotton exchanges; to the Committee on Agriculture.

By Mr. GLYNN: Petition of Torrington Lodge, No. 462, D. O. H., of Torrington, Conn., against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Torrington Lodge, No. 462, D. O. H., of Torrington, Conn., protesting against sale and export of arms and ammunition; to the Committee on Foreign Affairs.

Also, petition of Otto Gun and others, of Torrington, Conn., protesting against sale and export of arms and ammunition; to the Committee on Foreign Affairs.

Also, petitions of Woman's Christian Temperance Union of Waterbury; B. W. Tinker, superintendent of schools, of Waterbury; Woman's Christian Temperance Union of Winsted; and Woman's Christian Temperance Union of Naugatuck, all in the State of Connecticut, for Federal censorship of picture films; to the Committee on Education.

Also, petitions of F. S. Burton and others, of Seymour, Conn., for national prohibition; to the Committee on the Judiciary.

Also, petition of William Gum and others, of Torrington, Conn., protesting against Nation-wide prohibition; to the Committee on the Judiciary.

Also, petition of William Gum and others, of Torrington, Conn., in favor of an embargo on arms and ammunition; to the Committee on Foreign Affairs.

By Mr. HEATON: Petition of congregation of the Methodist Church of Mahanoy Plane, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HILL: Memorial of Gutzon Borghm, of Stamford, Conn., a proposal to neutralize and internationalize all interocean waterways; to the Committee on Foreign Affairs.

By Mr. HULBERT: Petition of Naval and Military Order of the Spanish-American War, favoring preparedness; to the Committee on Military Affairs.

Also, petition of sundry citizens of New York, in reference to travel on foreign armed vessels; to the Committee on Foreign Affairs.

By Mr. JONES: Nineteen petitions of sundry citizens and organizations of Porto Rico, favoring prohibition for that island; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Memorial of Deutsche Furnesschaft, of Providence, R. I., favoring warning of Americans from sailing on belligerent ships; to the Committee on Foreign Affairs.

Also, petitions of 289 people of Pawtucket, 1,045 people of Providence, 112 people of Greenville, and 53 voters of North Providence, all in the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KEISTER: Petitions of Trinity Reformed Church, of New Kensington; 18 people of Petrolia; citizens of Irwin; 108 people of Mount Pleasant; 19 citizens of Scottdale; and Advisory Board of C. B. Church of Irwin, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KIESS of Pennsylvania: Petitions of Sunday school and congregation of Grace Methodist Episcopal Church, of Williamsport; citizens of Tioga County; Catlin Hollow Sunday School, of Catlin Hollow; and citizens of Wellsboro, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KING: Petition of Prof. F. U. White and divers citizens of Galva, Ill., protesting against the passage of House bill 4715, the Ayres bill; to the Committee on Interstate and Foreign Commerce.

By Mr. KONOP: Petition of Fox River Lodge, No. 209, I. O. B. B., against Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. LEWIS: Petition of Christian Workers' Association, Fairplay, Md., of 44 members, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of W. H. Sunrise, Robert Gestell, and others, farmers of Allegany County, Md., and Mineral County, W. Va., condemning the land-mortgage bill and supporting rural credits for the farmer; to the Committee on Agriculture.

By Mr. LIEB: Petition of Rev. H. M. Pattison and 25 other citizens of Otwell, Ind., and vicinity, favoring the speedy passage of the Webb-Smith national prohibition resolution proposing an amendment to the Constitution of the United States for Nation-wide prohibition of the beverage traffic in intoxicating liquors; to the Committee on the Judiciary.

By Mr. LOBECK: Copy of telegram from 240 citizens of Omaha, Nebr., protesting against legislation that will favor or permit American citizens to travel on armed foreign vessels; to the Committee on Foreign Affairs.

By Mr. LONDON: Memorials of Workmen's Circle, Branch 95, Perth Amboy, N. J.; Workman's Circle, Branch 289, Baltimore, Md.; and Jewish Socialist State committee, Waterbury, Conn.; to the Committee on Foreign Affairs.

By Mr. McGILLICUDDY: Petitions of Society of Christian Endeavor of Livermore Falls; First Baptist Sunday School, of Livermore Falls; and citizens of Livermore Falls, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MATTHEWS: Petition of 104 citizens of Edgerton, Ohio, favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. MILLER of Delaware: Petition of congregation of the Baptist Church at Milford, Del., favoring the passage of the national prohibition amendment; to the Committee on the Judiciary.

By Mr. MOON: Papers to accompany House bill for relief of Jacob B. Mulkey; to the Committee on Invalid Pensions.

By Mr. MORIN (by request): Petition of Half Bros., of Homestead, Pa., indorsing the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of John H. Kotal, of Chicago, Ill., in re legislation pertaining to the meat industry; to the Committee on Agriculture.

Also (by request), petition of J. Larsen, opposing House bills 8495 and 8496; to the Committee on the Merchant Marine and Fisheries.

Also (by request), petitions of Kenneth Lever and F. N. Speller, of Pittsburgh, Pa., favoring House bill 10845; to the Committee on Military Affairs.

Also (by request), petition of Henry Gross, of Pittsburgh, Pa., in favor of an embargo on arms and ammunition; to the Committee on Foreign Affairs.

Also (by request), memorial of Toledo Central Labor Union, of Toledo, Ohio, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also (by request), petitions of Charles T. Facius, Geideland Leubin, and Joseph A. Mohler, all of Pittsburgh, Pa., in reference to travel on armed vessels; to the Committee on Foreign Affairs.

By Mr. MOORE of Pennsylvania: Protest of Philadelphia Board of Trade, of Philadelphia, Pa., against House bill 10585 in its present form; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSS of West Virginia: Petitions of voting citizens of Vienna and Parkersburg, R. F. D. No. 1, and U. B. Church of Middlebourne, favoring national prohibition; to the Committee on the Judiciary.

By Mr. NOLAN: Petitions of Journeymen Barbers' Union, San Francisco, Cal.; Cleveland Federation of Labor, Cleveland, Ohio; Amalgamated Association of Iron, Steel, and Tin Workers, Pittsburgh, Pa.; Tobacco Workers' International Union, Louisville, Ky.; and International Brotherhood of Maintenance-of-Way Employees, Detroit, Mich.; favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of Charles Bevan, C. E. Hemenway, Herbert Welch, Alvin Harms, William Schmidt, L. E. Elder, Charles F. McCarthy, and George W. Lawson, all of San Francisco, Cal., favoring the passage of House bill 6915, providing for indefinite leave of absence for postal clerks; to the Committee on the Post Office and Post Roads.

Also, petitions of Massachusetts State Branch, American Federation of Labor, Boston, Mass.; Mining Department, American Federation of Labor, Washington, D. C.; International Association of Machinists, Washington, D. C.; United Garment Workers of America, New York, N. Y.; favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of National Federation of Post Office Clerks, Washington, D. C.; Building Trades Department of American Federation of Labor, Washington, D. C.; Journeymen Stone Cutters' Association, Indianapolis, Ind.; and Central Labor Council, Los Angeles, Cal.; favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of Chicago Federation of Labor, Chicago, Ill.; Iron City Central Trades Council, Pittsburgh, Pa.; and Metal Trades Department of the American Federation of Labor, Washington, D. C.; favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of department of public health, city and county of San Francisco, Cal., favoring passage of House bill 8352, providing Federal aid in caring for indigent tuberculous persons; to the Committee on Appropriations.

Also, petition of department of public health, city and county of San Francisco, Cal., favoring passage of House bill 193, providing for the care and treatment of persons afflicted with leprosy; to the Committee on Appropriations.

Also, resolutions adopted by International Brotherhood of Stationary Firemen, Local Union No. 86; United Brotherhood of Carpenters and Joiners; United Garment Workers' Union; Glove Workers' Union; Pattern Makers' Association; Journeymen Barbers' International Union; and Butchers' Union, Local No. 115, all of San Francisco, Cal., favoring adequate appropriations for the printing of 200,000 copies of the final report of the Commission on Industrial Relations, as well as 10,000 copies of the testimony taken by that commission; to the Committee on Printing.

Also, resolutions adopted by International Brotherhood of Electrical Workers; Building Trades Council of San Francisco; Amalgamated Society of Carpenters and Joiners, Branch No. 5; Typographical Union No. 21; Carpenters' Local Union No. 483; Bakery and Confectionery Workers; and Chauffeurs' Union, Local No. 265, all of San Francisco, Cal., favoring adequate appropriations for the printing of 200,000 copies of the final report of the Commission on Industrial Relations, as well as 10,000 copies of the testimony taken by that commission; to the Committee on Printing.

Also, resolutions adopted by Stable and Garage Employees' Union; Sprinkler Fitters, Local No. 663; Waiters' Union, Local No. 30; Cigarmakers' International Union, No. 228; and Ice Wagon Drivers' and Helpers' Union, Local No. 519, all of San Francisco, Cal., favoring adequate appropriations for the printing of 200,000 copies of the final report of the Commission on Industrial Relations, as well as 10,000 copies of the testimony taken by that commission; to the Committee on Printing.

Also, resolutions adopted by United Association of Plumbers and Steam Fitters, Local Union No. 441; Retail Delivery Drivers' Union; Pile Drivers, Bridge, and Structural Iron Workers' Local Union; Alaska Fishermen's Union; Painters' Local Union; Cracker Packers' Auxiliary to No. 125; and International Association of Machinists, all of San Francisco, Cal., favoring adequate appropriations for the printing of 200,000 copies of the final report of the Commission on Industrial Relations, as well as 10,000 copies of the testimony taken by that commission; to the Committee on Printing.

Also, resolutions adopted by Staats-Verband, D. A. N. B., of Schleisingerville, Wis., protesting against the passage of House joint resolutions 20, 84, 85, 90, Senate joint resolutions 30, 41, 55, and 94, proposing an amendment to the United States Constitution providing for Nation-wide prohibition and any and all similar prohibitive measures; to the Committee on the Judiciary.

By Mr. PAIGE of Massachusetts: Papers to accompany House bill 12522, for relief of George H. Ross; to the Committee on Invalid Pensions.

By Mr. PLATT: Petitions of citizens and merchants of Middletown, Poughkeepsie, Port Jervis, Beacon, Goshen, Warwick, Walden, Chester, Otisville, Pine Bush, Pawling, Cornwall, Washingtonville, Central Valley, Florida, Patterson, Brewster, Pine Plains, Millerton, and Amenia, all in the twenty-sixth congressional district of New York, favoring legislation to compel mail-order houses to contribute to the development of the communities in which their goods are sold; to the Committee on Ways and Means.

By Mr. PRATT: Petition of a temperance meeting of sundry citizens of the Methodist Episcopal Church of North Cohocton, N. Y., Mr. H. H. Gardner and Mr. R. P. Moulton, committee, favoring the passage of the Webb-Smith and Sheppard-Gallinger bills for national prohibition; to the Committee on the Judiciary.

By Mr. RANDALL: Memorial of city council of Los Angeles, Cal., favoring the establishment of a naval base at Los Angeles Harbor; to the Committee on Naval Affairs.

By Mr. RIVERA: Petitions of National Temperance Union of Fajardo, Christian Endeavor Society of Quebradillas, 537 persons in Methodist Episcopal Church of Aibonito, Masonic Lodge of Yauco, 76 members of Methodist Episcopal Church of Wabur, 209 citizens of Barranquitas, 139 persons of Lutheran Mission of Bayamon, 32 persons in Methodist Episcopal Church of Barros, 215 persons of Barros, 84 teachers and citizens of Ponce, and convention of teachers of Yauco, all in Porto Rico, for prohibition by Congress of the importation, manufacture, and sale of all intoxicating drinks; to the Committee on the Judiciary.

By Mr. ROWLAND: Petitions of 21 citizens of Philipsburg; members of Hill Memorial U. B. Church, 450 members, of Bradford; Penn State Civic Club; 33 citizens of Du Bois; and Mount Zion Methodist Episcopal Sunday School, of Du Bois, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SCHALL: Petition requesting appropriation for bee industry; to the Committee on Agriculture.

Also, petitions of Rev. C. J. Greenwood and others, Anoka; Prof. J. Blegen and others, Minneapolis; H. Borgen and others, Minneapolis; Olaf Torgerson and others, Minneapolis; Earle V. Pierce and others, Minneapolis; James A. Geer and others, Big Stone; J. P. Halmberg and others, North Branch; Elna A. Worthing and others, Hinckley; and F. L. Callendar and others, Hinckley, all in the State of Minnesota; to the Committee on the Judiciary.

By Mr. SMITH of Texas: Petitions of Methodist and Presbyterian Churches of Midland, Tex., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Texas, against appropriation for war or military purposes; to the Committee on Appropriations.

Also, papers to accompany House bill 11526, for relief of Horace G. Pope; to the Committee on Pensions.

By Mr. SULLOWAY: Petitions of 28 people of Sandwich; 200 people of Rochester; Woman's Club of Lavonia; 60 people of Manchester; 140 people of Manchester; Women's Christian Temperance Union of Lavonia; Walter S. Meade and others of ward 3, Rochester, all in the State of New Hampshire, in favor of national prohibition; to the Committee on the Judiciary.

Also, petitions of Elisha E. R. Brown and others of Dover, N. H., and O. B. Marvin and others of Newcastle, N. H., praying for proper preparedness; to the Committee on Military Affairs.

By Mr. SNYDER: Petition of residents of Herkimer County, N. Y., favoring an embargo on arms; to the Committee on Foreign Affairs.

Also, petition of German Alliance and various residents of Herkimer County, N. Y., against national prohibition; to the Committee on the Judiciary.

By Mr. STINESS: Petition of 23 voters of Providence, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of Rhode Island Bankers' Association and of Gorham Manufacturing Co., of Providence, R. I., favoring the bill permitting interlocking directorates in noncompeting banks; to the Committee on the Judiciary.

Also, petition of Herman Dock, vice president of the American Rotary Power Co., of Westerly, R. I., favoring bill providing for extension of military training in civil educational institutions; to the Committee on Military Affairs.

Also, petition of Musicians' Protective Association, Local 198, of Providence, R. I., favoring repeal of tax on theaters; to the Committee on Ways and Means.

Also, petition of Deutsch-Amerikanischer Staats Verband, of Rhode Island, favoring resolution warning American citizens against travel on vessels of belligerent nations; to the Committee on Foreign Affairs.

Also, memorials of Betsy Ross Council, No. 23, D. of L., of Providence, R. I., and Musicians' Protective Union, Local 198, of Providence, R. I., favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of 50 people of Providence; 96 people of Providence; 284 people of Providence; 35 people of Providence; Centerville Methodist Episcopal Church, of Providence; and 180 people of Centerville, all in the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STONE: Petition favoring the repeal of the emergency tax on toothpaste; to the Committee on Ways and Means.

Also, petitions favoring a tax upon the local business of mail-order houses; to the Committee on Ways and Means.

Also, petitions in support of the Webb-Smith prohibition resolution; to the Committee on the Judiciary.

By Mr. THOMAS: Petition of sundry citizens of Franklin, Ky., against preparedness; to the Committee on the Judiciary.

By Mr. TILSON: Petition of Charles Kullan and 20 others, of New Haven, Conn., favoring an embargo on shipment of war material; to the Committee on Foreign Affairs.

By Mr. WASON: Memorial of Penacook (N. H.) Methodist Episcopal Church, representing 75 people, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Concord (N. H.) Woman's Christian Temperance Union, representing 80 persons, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of a public meeting of the Woman's Christian Temperance Union of Concord, N. H., representing 130 persons, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Journeymen Barbers' International Union of America, Local No. 480, of Berlin, N. H., favoring the passage of House resolution No. 137, providing for a committee to investigate the sanitary condition of dairies; to the Committee on Rules.

Also, memorial of the Woman's Christian Temperance Union of Acworth, N. H., representing eight persons, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Baker Memorial Methodist Episcopal Church, of Concord, N. H., representing 500 persons, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of a public meeting held at the Concord (N. H.) Baptist Church, representing 200 persons, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WINSLOW: Petition of Morning Star Lodge, International Order of Good Templars, of Worcester, Mass., for national prohibition; to the Committee on the Judiciary.

Also, petition of Eagle Lodge, International Order of Good Templars, of Worcester, Mass., protesting against preparedness; to the Committee on Military Affairs.

SENATE.

FRIDAY, *March 3, 1916.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee in the midst of conditions calling for our deepest thought and our nearest approach into Thy presence. We come amid our limitations because of the unknown and unmeasured forces of our human life. We have our history in the past as our guide, but human life has not exhausted its resources in that which it has accomplished in the past. Thy commandment brings us into a larger brotherhood than any constitution, and Thy kingdom covers all the nations of the earth.

Look Thou upon us this day as we face the responsibilities of our age. Let Thy blessing rest upon these men whom Thou hast called into places of responsibility and power. Grant that Thy will may be done, and that we may learn how to establish righteousness and justice among men. For Christ's sake. Amen.

The Secretary proceeded to read the proceedings of the legislative day of Friday, February 25, 1916, when, on request of Mr. STONE, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

STEAMSHIP "EASTLAND" (H. DOC. NO. 814).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce, transmitting a transcript of the decision of Justice Sessions, of the district court of the United States for the western district of Michigan, southern division, in the cause of the United States against certain defendants growing out of the accident to the steamship *Eastland*, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

TRANSPORTATION OF PETROLEUM.

The VICE PRESIDENT laid before the Senate a communication from the Federal Trade Commission, transmitting, in response to a resolution of June 13, 1913, a letter of submittal and the summary and conclusions of a report on pipe-line transportation of petroleum, and stating that the full report on the subject will be transmitted to the Senate in the near future, which, with the accompanying paper, was referred to the Committee on Interstate Commerce.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the chief clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

Mary B. Hardie, widow of John Hardie, deceased, *v.* The United States (S. Doc. No. 346);

Samuel J. Niccolls *v.* The United States (S. Doc. No. 347);

Robert A. Travis *v.* The United States (S. Doc. No. 348); and

Miles V. Wilsey *v.* The United States (S. Doc. No. 345).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 8033. An act to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911; and

H. R. 8246. An act to revive the right of action under the act of March 12, 1863 (12 Stats. L., p. 820).

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions of the Slovak Alliance of Cleveland, Ohio, pledging support to President Wilson in his stand for the protection of American rights on the high seas, which were referred to the Committee on Naval Affairs.

He also presented a telegram, in the nature of a petition, from Frederick L. Perine, of New York, N. Y., praying for peace, which was referred to the Committee on Foreign Relations.

He also presented petitions from the Twentieth Century Club, of Washington, D. C.; the Board of Trade of Dansville, N. Y.; and the Commandery of the State of Vermont of the Military Order of the Loyal Legion, praying for an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented a petition of the Congregation of the Vermont Avenue Christian Church, of Washington, D. C., praying for prohibition in the District of Columbia without the referendum, which was ordered to lie on the table.

He also presented a petition of the Congregation of the Vermont Avenue Christian Church, of Washington, D. C., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. GALLINGER. I present a telegram, in the nature of a petition, which I ask to have read and referred to the Committee on Banking and Currency.

There being no objection, the telegram was read and referred to the Committee on Banking and Currency, as follows:

[Telegram.]

MILFORD, N. H., *February 26, 1916.*

Hon. JACOB H. GALLINGER,
Washington, D. C.:

By authority of executive council of New Hampshire Bankers' Association and indorsed personally by prominent bankers all over the State, I hereby heartily approve the Gard amendment pertaining to interlocking directors as introduced in the Senate by Senator KERN and referred to the Banking and Currency Committee. Please use your best endeavors to push this worthy act to speedy and successful passage.

FREDERICK W. SAWYER,
President New Hampshire Bankers' Association.

Mr. HUGHES presented petitions of sundry citizens of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. THOMPSON. I present a memorial, in the form of a resolution, passed at the woman's meeting at the statehouse, Topeka, Kans., February 3, 1916, favoring the adoption of a resolution to provide for the immediate submission of the equal-suffrage question to the legislatures of the various States. I ask that the resolution be printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Woman Suffrage and ordered to be printed in the RECORD, as follows:

Resolution passed at women's meeting at the statehouse, Topeka, Kans., February 23, 1916.

Whereas the political freedom of the women of this country is a vital question that demands immediate attention; and

Whereas we, as women who already possess the franchise, regard it as our first duty to use our political power to gain this right for other women: Therefore be it

Resolved, That we, women voters of the State of Kansas, urge upon Congress the necessity of submitting the suffrage amendment immediately to the legislatures of the various States, in order that this measure of justice may soon be a part of our National Constitution.

The above resolution was passed at a meeting of 100 women held February 23 at the statehouse, Topeka, Kans.

LETTA DAY MONROE,
Chairman of Meeting.

TOPEKA, KANS., *February 24, 1916.*

Mr. THOMPSON presented memorials of sundry citizens of Kansas, remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented a memorial of the Association of Credit Men of Wichita, Kans., remonstrating against a tax on bank checks, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Sabetha, Kans., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Kansas, praying for the enactment of legislation to grant indefinite leave of absence to superannuated employees of the Postal Service, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Kansas Registered Veterinary Association, of Council Grove, Kans., praying for the enactment of legislation to compel the purchase of horses and mules for Government use in time of peace direct from the breeder, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Kansas, praying for the enactment of legislation to grant pensions to certain widows and orphans of veterans of the Civil War, which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Ashland, Kans., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Wichita, Kans., praying for the enactment of legislation to prohibit the use of the name of any church, religious denomination, society, or association for purposes of trade and commerce, which was referred to the Committee on the Judiciary.

Mr. JOHNSON of Maine presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. MYERS presented petitions of sundry citizens of Montana, praying for an appropriation of $1,000,000 for the Flathead reclamation project, which were referred to the Committee on Indian Affairs.

Mr. PHELAN presented a petition of Local Branch, Journeyman Barbers' International Union of America, of Los Angeles, Cal., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a memorial of the Trades and Labor Council of Vallejo, Cal., remonstrating against the enactment of legislation to permit vessels outside of the jurisdiction of the United States to engage in the coastwise trade, which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of San Gabriel, Cal., praying that an appropriation of $300,000 be made for the improvement of the Yosemite National Park, which was referred to the Committee on Public Lands.

He also presented a petition of the Woman's Christian Temperance Union of Alameda, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Linden, Cal., praying for Federal censorship of motion pictures, which was referred to the Committee on Interstate Commerce.

Mr. SHEPPARD presented petitions of sundry citizens of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of the District of Columbia, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. O'GORMAN presented a petition of the members of the Holy Name Society, of St. Stephens Church, of Brooklyn, N. Y., praying for the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a telegram in the nature of a petition from the Bank of New York, of New York City, N. Y., praying that the United States assume responsibility for land grant and improvement bonds of the Philippine Islands, which was referred to the Committee on the Philippines.

Mr. McCUMBER presented a memorial of sundry citizens of Battleview, N. Dak., remonstrating against a tax on gasoline, which was referred to the Committee on Finance.

He also presented a memorial of the North Dakota Dairymen's Association, remonstrating against the enactment of legislation to regulate the cold storage of dairy products, which was referred to the Committee on Agriculture and Forestry.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Minnesota, praying for the enactment of legislation to warn American people to stay off armed merchant ships, which were referred to the Committee on Foreign Relations.

Mr. HITCHCOCK presented memorials of sundry citizens of Elba, Cushing, and Farwell, all in the State of Nebraska, remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

Mr. BRANDEGEE presented a petition of the congregation of the Hanover Congregational Church, of Sprague, and a petition of sundry citizens of Stamford, Conn., praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. SMITH of Michigan. Mr. President, I have received a great many telegrams from people in my State bearing upon our relations to the European conflict and upon the attitude of our Government regarding the exportation of munitions of war.

I had intended to have this telegram, from Charles A. Houser, F. A. Pulte, and others, which I hold in my hand read. I should like very much to read it and to say a word about it if opportunity is to be afforded me for that purpose. Clearly under the rules of the Senate in the presentation of petitions and memorials I can not claim this right if objection is made.

Mr. STONE. Mr. President, I feel constrained to call for the regular order.

Mr. SMITH of Michigan. I present the following protest from citizens of Michigan, and ask that it be read.

The VICE PRESIDENT. Is there objection?

Mr. PITTMAN. I object.

The VICE PRESIDENT. There is objection.

Mr. SMITH of Michigan. I ask that it be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. It will be so referred.

Mr. WARREN presented petitions of sundry citizens of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 7, Photo-Engravers' Union, of Philadelphia, Pa., and a petition of Local Union No. 315, Cigarmakers' International Union, of McSherrystown, Pa., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the Christian Temperance Union of Grove City, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 168, International Union of the United Brewery Workmen, of Sharon, Pa., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Dauphin County Medical Society, of Pennsylvania, praying for an increase in the Medical Corps of the Army, which was referred to the Committee on Military Affairs.

Mr. LODGE. I present the petition of Charles Edward Ertz, of New York City, and ask that it be printed in the RECORD. The joint resolution which accompanies the petition need not be printed; it can be referred, together with the petition, to the Committee on Foreign Relations.

There being no objection, the joint resolution and petition were referred to the Committee on Foreign Relations, and the petition was ordered to be printed in the RECORD, as follows:

120 LIBERTY STREET,
New York, March 1, 1916.

To the honorable the SENATORS OF THE UNITED STATES,
Washington, D. C.

SIRS: Herewith the writer begs to submit the outlines of a joint resolution for the Senate and House of Representatives of the United States, and earnestly requests that it be adopted.

Having been in Europe from the outbreak of the war until a few weeks ago, the writer finds it impossible to believe that the Members of the Congress of his own, his native, land can be so callous to every sense of both honor and shame as to allow Americans to be murdered upon the high sea—or, in fact, anywhere else—with impunity, and he appeals to Congress to at least adopt the inclosed resolution.

The writer begs to remind Congress that the 117 Americans murdered on the *Lusitania* are still dead; their ghosts, like Cæsar's, "walk unrevenged among us."

A firm stand for our rights as a nation is not likely to "plunge us into war," because none of the nations now at war could afford to go to war with us; but if it did bring us into this war, it would place us where we ought to go to stop the bloody career of the man who has already caused the untimely death of millions of the best and bravest and noblest of his neighboring countries and his own. The man who without the slightest cause was in the saddle with his sword out before his kindly father was cold in death, the man who has planned for war and world conquest ever since.

Are we of this country going to sit smug and complacent indefinitely, like a nation of poltroons, cowards, and moneygrubbers, while others of our race and our civilization are being slaughtered to feed the greed of an inhuman monster? Have we of America no duty to perform, no call to give actual assistance in aid of those who are laying down their lives for right and justice? Unprepared are we? So were England and France and Russia unprepared—to their terrible, their dreadful cost. So was ancient Carthage unprepared, and her rich, self-satisfied, and comfortable money-making people could not be induced to prepare. Why should they be "plunged into war"? They had nothing against Rome. They would "remain neutral," and refused to spend the smallest sum for preparedness. What was the result? Rome came over and literally wiped them out of existence. History, as we all know, repeats itself. Like circumstances and like causes produce like results.

Arise Americans! Let us gird on our armor and stand up for the right. Eternal vigilance—plus preparedness—is surely the price of liberty, and every man is his brother's keeper.

Respectfully submitted.

CHAS. E. ERTZ.

Mr. LA FOLLETTE. Mr. President, I have received several telegrams from citizens of Wisconsin and other States bearing upon the Gore resolution, so called. I ask that they be printed in the CONGRESSIONAL RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

APPLETON, WIS., *February 28, 1916.*

Hon. ROBERT M. LA FOLLETTE,
United States Senate, Washington, D. C.:

At a meeting of 400 citizens held here yesterday the following resolutions were unanimously adopted:

"First. That you as our representative be requested to vote for Senator GORE'S bill forbidding American citizens to travel on armed merchantmen.

"Second. Believing that the European war can be shortened by a munitions-embargo act, we appeal to you to use your influence and vote for such law."

FRED HEINEMANN,
C. SEEGER,
H. A. SCHMITZ,
Committee.

—

RACINE, WIS., *March 2, 1916.*

Senator ROBERT M. LA FOLLETTE,
Washington, D. C.:

The Racine Trades and Labor Council passed the following resolution:

"We believe that the constituted authorities are within their rights when they stop people from entering dangerous localities, and for the same reason we believe that foolhardy Americans should be kept off of armed boats. We do not believe that one-half-billion-dollar loan should be protected by American lives, nor should this Nation be drawn into a war for above reasons. Therefore we ask you to vote for resolutions that are now being considered in Congress on refusing passports to people who think more of their business than of the welfare of their mother country."

RACINE TRADES AND LABOR COUNCIL,
JOHN GALLATIN, *Secretary.*

—

MANITOWOC, WIS., *March 2, 1916.*

Hon. ROBERT LA FOLLETTE,
Washington, D. C.

DEAR SIR: The general desire here is that the representatives of the people in the House and United States Senate vote without fail for warning United States citizens from taking passage or hire on belligerent ships, thereby avoiding a possible war.

Most respectfully,

GUSTAVA ALTER.
AUGUST SCHUETTE.
WM. C. SAMPSE.
CLARENCE HOLSEN.
OTTO KOLLATH.
FRED BROSE.
EMIL BAENSCH.
OSCAR A. ALTER.
GEORGE BROS. CO.

—

LOS ANGELES, CAL., *February 24, 1916.*

Hon. ROBERT M. LA FOLLETTE,
United States Senate, Washington, D. C.:

Amazed at attitude of President Wilson in the present crisis. We earnestly urge you to go to the utmost limit of your power to prevent the President from creating a situation which must lead us to war with Germany. President Wilson's stand in warning Americans out of Mexico has created a precedent. No reason why this should not be

adhered to now. As loyal Americans we are ever ready to stand up for and protect our country in every contingency, but have no desire to join the President in his evident wish to go down into history as an upholder of what he considers English civilization. We flatly refuse to have the destiny of our Nation jeopardized by his personal view. We are solidly behind you in everything you may do to prevent the impending catastrophe.

Respectfully,

AMERICAN INDEPENDENCE UNION,
PATRICK HENRY WINSTON, *President.*
J. D. METZER, *Secretary.*

Mr. LA FOLLETTE presented petitions of sundry citizens of Wisconsin, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Wisconsin, remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which were referred to the Committee on Education and Labor.

Mr. CHAMBERLAIN presented petitions of sundry citizens of Oregon, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LEE of Maryland presented petitions of sundry citizens of Maryland, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. DILLINGHAM presented a petition of the Salisbury Bros. Furniture Co., of Randolph, Vt., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

Mr. COLT presented petitions of sundry citizens of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Rhode Island Society, Sons of the American Revolution, praying for an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. WEEKS presented a petition of the congregation of the Winter Hill Baptist Church, of Somerville, Mass., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. KERN presented petitions of sundry citizens of Elwood, Bourbon, Mooresville, Middleboro, Hazlewood, Plainville, and Warsaw, all in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Indianapolis, Ind., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Indianapolis, Ind., praying for the enactment of legislation to keep Americans off belligerent merchant ships, which was referred to the Committee on Foreign Relations.

Mr. WADSWORTH presented a petition of Lincoln Court, No. 38, Guardians of Liberty, of Albany, N. Y., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Albany, N. Y., remonstrating against appropriations being made for sectarian schools, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Livingston County, N. Y., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Rochester, N. Y., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

Mr. ASHURST. I present a petition adopted by the Arizona State Board of Trade, praying for an increase in armaments. I ask that the petition be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the petition was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

TUCSON, ARIZ., *February 23, 1916.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The inclosed memorial adopted by the State Board of Trade yesterday is self-explanatory.

There is nothing that can be added concerning it beyond informing you that it was adopted by unanimous, rising vote.

I will appreciate it if you will advise us whether this meets with your ideas and inform us what may be done to further it.

Very truly, yours,

ARIZONA STATE BOARD OF TRADE,
By JOHN F. MYERS, *Secretary.*

(Inclosure.)

To our Congressmen:

On Tuesday, February 22, 1916, the day dedicated to the greatest American, delegates from all parts of Arizona met in Tucson to form a State organization so that all Arizonians could work as one for Arizona.

Men from Cochise, Pinal, Graham, Santa Cruz, Maricopa, and Pima Counties were present, and probably for the first time in its history the hopes, beliefs, and aspirations of Arizona were given voice truly representative of the entire State. Therefore it is not individual organizations of your constituency that greet you to-day, but your State that sends to you this message that embodies principles that lie so deep in our consciousness and so close to our hearts that to give them adequate utterance is impossible and to fail to touch upon them at all times is blasphemy.

A sacred heritage won and held through sacrifice and death is ours. We rule ourselves. None but ourselves dictate our policies or our ideals. Those of whom we think the most we make our servants, and through them determine what our political life shall be. The education of our children, the sums we shall pay in the form of taxes, the manner in which these sums shall be expended, the right to worship God as our conscience may dictate, all lie within our will and are subject to our control. But we hold this only in trust, and it is imperative that these prerogatives be handed down to our children and so transmitted to generations yet unborn.

We of to-day have expended no effort in securing or retaining this trust for which our forefathers bled and died. We have come to regard it as an established order of things that would always exist without care or thought on our part. But we have learned that we have been living in a fool's paradise through what has been well named "the valor of ignorance." We now know that we have been secure only because no great nation has seen fit to attack us. We now know what we are and what a modern war would mean to us. We know that it would come without warning: that as we now are we would have to face it; and that as we now are we are in no condition to face it. We know that to-day our Atlantic seaboard could be taken by any one of several possible foes; that invested by enemy troops, mechanized in the arts of war, it could only be retaken by a loss of life appalling in its immensity and criminal in its needlessness. "The first volunteers, the flower of our patriotic spirit, would go into the struggle unequipped, untrained, overmatched. They would fight, and they would die, probably almost to the last man. They would know this, as they know all the above facts; and they would go to their certain fate cursing the men whose shortsightedness or petty political maneuverings made such a martyrdom necessary. It will seem to them better to have paid in advance by wise legislation and mere money than to pay now usuriously in blood." (Steuart Edward White.) We know that we have the means wherewith to provide ourselves adequate protection and that this very wealth, undefended, is a temptation to attack.

And knowing this, we deplore the attitude evidenced by some Congressmen to play politics with the Nation's honor, and desire to strongly recommend that you do all in your power to combat this treason.

We do not want a mere sop tossed to our demand for protection. Some protection will not do. It must be thorough, efficient, and adequate. We want a Navy second to none, and we want it now. Not one constructed over a long period of time, but one built just as soon as is reasonably practicable. We want an Army larger than any that could possibly be landed upon our shores. In other words, we want permanent peace, and know, as you know, that this alone will give us that guaranty.

The lives of our sons, the protection of our women, and the handing down to our grandsons of our great trust, American ideals, American liberty—Americanism means so much more to us than all else that all else must give way. It is this that is at stake. Please do us the compliment of not attempting to measure it in terms of dollars.

As we have said, this is the voice of Arizona and we request that this memorial be read on the floor of Congress as it definitely and finally defines Arizona's attitude toward the flag and the country which she loves and reveres.

FEBRUARY 22, 1916.

Passed by rising vote, and secretary instructed to send copy to Hon. HENRY F. ASHURST.

JOHN F. MYERS, *Secretary.*

GOVERNMENT OF THE PHILIPPINES.

Mr. CLARKE of Arkansas. I have a communication relating to the Philippine bill, which I ask to have printed in the RECORD without reading.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., January 26, 1916.

Hon. JAMES P. CLARKE,
United States Senator from Arkansas,
Washington, D. C.

MY DEAR SENATOR CLARKE: I beg to inclose you herewith a copy of the resolution unanimously adopted by the Philippine Assembly indorsing your amendment to the Philippine bill, which has been sent to me by cable by the speaker of the Philippine Assembly, the Hon. Sergio Osmeña. With this resolution I am thoroughly in accord.

Hoping that your amendment may pass, I beg to remain,

Very respectfully, yours,

MANUEL L. QUEZON.

The resolution reads:

PHILIPPINE ASSEMBLY UNANIMOUSLY APPROVED CLARKE AMENDMENT.

Resident Commissioner MANUEL L. QUEZON has received from the speaker, Philippine Assembly, the following cablegram:

MANILA, *January 25, 1916.*

QUEZON, *Washington:*

Assembly to-night unanimously passed following resolution:

"Whereas the Clarke amendment to the Philippine bill now pending before the Senate of the United States specifies the conditions under which independence shall be granted to the people of the Philippine Islands, expedites the granting of that independence, and safeguards the internal and external affairs of the said islands pending the granting of said independence;

"Whereas said amendment makes the independence provision of the preamble more clear, explicit, unequivocal, and expeditious and fixes the responsibilities which the people of the United States and the people of the Philippine Islands shall respectively assume before and after the granting of said independence: Therefore

"*Resolved*, That the Philippine Assembly should recommend, as it does hereby respectfully recommend, the passage of said amendment by the Congress and the President of the United States."

OSMEÑA.

REPORTS OF COMMITTEES.

Mr. OWEN, from the Committee on Indian Affairs, to which was referred the bill (S. 1728) to amend section 1 of an act approved March 3, 1909 (35 Stat. L., p. 751), entitled "An act for the removal of restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other lands on any of the reservations within the jurisdiction of such agency, and for other purposes, reported it without amendment and submitted a report (No. 193) thereon.

Mr. SMITH of Maryland, from the Committee on the District of Columbia, to which was referred the bill (S. 647) making it unlawful to publish details of crimes and accidents in the District of Columbia, and for other purposes, submitted an adverse report (No. 198) thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (H. R. 7585) to provide for the appointment of the register of wills of the District of Columbia by the justices of the Supreme Court of said District, submitted an adverse report (No. 197) thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 645) to provide for the closing of barber shops in the District of Columbia on Sunday, reported it with amendments and submitted a report (No. 194) thereon.

He also, from the same committee, to which was referred the bill (H. R. 10490) to prevent fraudulent advertising in the District of Columbia, reported it with amendments and submitted a report (No. 195) thereon.

Mr. SMITH of Maryland. From the Committee on the District of Columbia I report back adversely the bill (H. R. 7571) to provide for the appointment of the recorder of deeds of the District of Columbia by the Commissioners of the District of Columbia, and I submit an adverse report (No. 196) thereon.

The VICE PRESIDENT. The question is, Shall the bill be indefinitely postponed?

Mr. HOLLIS. I ask that it may lie on the table.

Mr. GALLINGER. Let it go to the calendar, if there is objection to its indefinite postponement.

The VICE PRESIDENT. The bill will go to the calendar with the adverse report of the committee.

Mr. THOMPSON, from the Committee on Public Lands, to which was referred the joint resolution (S. J. Res. 59) authorizing the Secretary of the Interior to cause the settlement of the accounts of Special Agents Moore, Woodson, and Whitfield, under the treaty of 1854 with the Delaware Indians, etc., reported it with an amendment and submitted a report (No. 207) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 43) in relation to the location, entry, and patenting of lands within the former Uncompahgre Indian Reservation, in the State of Utah, containing gilsonite or other like substances, and for other purposes, reported it without amendment and submitted a report (No. 206) thereon.

Mr. STERLING, from the Committee on Public Lands, to which was referred the bill (S. 592) to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes, reported it with an amendment and submitted a report (No. 208) thereon.

Mr. THOMAS, from the Committee on Public Lands, to which was referred the bill (S. 17) permitting H. L. Corbin to purchase certain public lands, reported it without amendment and submitted a report (No. 205) thereon.

Mr. MYERS. From the Committee on Public Lands I report back favorably with amendments the bill (S. 3900) to authorize the sale and disposal of an island in the Coosa River, in the State of Alabama, and I submit a report (No. 201) thereon. I call the attention of the Senator from Alabama [Mr. UNDERWOOD] to it.

Mr. UNDERWOOD. Mr. President, I desire to ask unanimous consent for the immediate consideration of this bill. The only thing involved in the bill is an island in Coosa River which will be subject to overflow when the river is improved. It is of no use to anyone now, and there are some people in Alabama who desire to buy it for a fishing club at the price the Government may fix. The bill provides that whenever the Government gets ready to overflow the island it shall have the right to do so without paying any damage. I ask unanimous consent for the immediate consideration of the bill.

Mr. PITTMAN. I object.

The VICE PRESIDENT. Objection is made, and the bill goes to the calendar.

Mr. MYERS. From the Committee on Public Lands I report back favorably without amendment the bill (S. 3928) to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes, and I submit a report (No. 204) thereon. I call the attention of the Senator from Washington [Mr. JONES] to the bill.

Mr. JONES. I will not ask for any action on the bill this morning.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. MYERS, from the Committee on Public Lands, to which was referred the joint resolution (S. J. Res. 14) to permit offerings at public sale of certain lands in Montana ceded by the Crow Indians, reported it with amendments, and submitted a report (No. 202) thereon.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 50) authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation, reported it without amendment, and submitted a report (No. 203) thereon.

Mr. BANKHEAD. From the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter, reported it with an amendment.

Mr. VARDAMAN. I am directed by the Committee on Post Offices and Post Roads, to which was referred the bill (S. 454) to reimburse T. C. Barrier, postmaster at Philadelphia, Miss., for registered money stolen in transit, to report it adversely. The matter to be secured by the bill has been settled, and I ask for its indefinite postponement.

The bill was postponed indefinitely.

Mr. POINDEXTER, from the Committee on Naval Affairs, to which was referred the bill (S. 4505) appropriating money to equip Puget Sound Navy Yard for battleship construction, reported it without amendment and submitted a report (No. 216) thereon.

Mr. JOHNSON of Maine, from the Committee on Fisheries, to which were referred the following bills, reported them each with an amendment, and submitted reports thereon:

S. 1859. A bill to establish a fish-cultural station in the State of New Mexico (Rept. No. 215); and

S. 3129. A bill to establish a fish-cultural station in the State of Washington (Rept. No. 214).

Mr. JOHNSON of Maine, from the Committee on Fisheries, to which were referred the following bills, reported them severally without amendment, and submitted reports thereon:

S. 2993. A bill to establish a fish hatchery in the State of Florida (Rept. No. 211);

S. 3261. A bill to establish an additional fish-cultural station in the State of Texas (Rept. No. 213);

S. 4067. A bill to establish a fish hatchery in the State of Alabama (Rept. No. 210);

S. 4449. A bill to establish a fish-cultural station at some point in the State of Arizona (Rept. No. 212); and

S. 4490. A bill to establish a fish-cultural station in the State of Oklahoma (Rept. No. 209).

Mr. JOHNSON of Maine (for Mr. SHIVELY), from the Committee on Pensions, to which was referred the bill (H. R. 11240) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 200) thereon.

He also (for Mr. SHIVELY), from the same committee, to which was referred the joint resolution (S. J. Res. 103) to furnish to the Logan Monument and Volunteer Soldiers' Memorial Association a list of the names and addresses of all soldiers and sailors now living, reported it without amendment and submitted a report (No. 199) thereon.

OSAGE OIL LANDS IN OKLAHOMA.

Mr. OWEN. From the Committee on Indian Affairs I submit certain letters and telegrams bearing upon the questions involved in Senate resolution No. 107, together with a memorandum relative thereto. I ask that the matter be printed as Part II of Senate Report No. 164, submitted by me on February 21.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. OWEN. I ask that Senate resolution No. 107, relative to leasing of Osage oil lands, being Table Calendar No. 7, be taken from the table and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OWEN:

A bill (S. 4759) to establish and maintain the American school army and to organize and equip the American reserve army; to the Committee on Military Affairs.

By Mr. POMERENE:

A bill (S. 4760) to authorize the change of name of the steamer *Normania* to *William F. Stifel* (with accompanying papers); to the Committee on Commerce.

By Mr. WALSH:

A bill (S. 4761) providing for the classification, appraisal, and disposal of certain lands within the former Fort Peck Indian Reservation, Mont. (with accompanying papers); to the Committee on Public Lands.

A bill (S. 4762) for the relief of John T. Eaton (with an accompanying paper); to the Committee on Claims.

By Mr. MARTINE of New Jersey:

A bill (S. 4763) to remove the charge of desertion on the first enlistment of Daniel B. Stone, alias Nelson Davis; to the Committee on Military Affairs.

By Mr. PHELAN:

A bill (S. 4764) to amend an act entitled "An act to prohibit the importation and use of opium for other than medicinal purposes," approved January 17, 1914; to the Committee on Finance.

A bill (S. 4765) for the relief of the Mission Indians in California;

A bill (S. 4766) authorizing the Secretary of the Interior to cause allotments to be made on Mission Indian Reservations in California; and

A bill (S. 4767) to cancel allotments made to three members of the Wintu Tribe of Indians, on the public domain, California; to the Committee on Indian Affairs.

By Mr. PITTMAN:

A bill (S. 4768) for the relief of J. I. Earl (with accompanying papers); to the Committee on Claims.

A bill (S. 4769) granting a pension to Thomas W. Smith; to the Committee on Pensions.

By Mr. LEE of Maryland:

A bill (S. 4770) for the relief of W. Clarence Miller, of the District of Columbia, and Hal B. Clagett, of the State of Maryland, trading under the firm name of Miller, Clagett & Co., of Washington, D. C.; to the Committee on Claims.

By Mr. THOMPSON:

A bill (S. 4771) for the relief of Warren F. Carpenter; to the Committee on Post Offices and Post Roads.

By Mr. HITCHCOCK:

A bill (S. 4772) for the relief of the people of Poland suffering from the ravages of war and in danger of starvation; to the Committee on Appropriations.

By Mr. JOHNSON of Maine:

A bill (S. 4773) granting an increase of pension to John Coffron (with accompanying papers);

A bill (S. 4774) granting an increase of pension to Eleazor O. Additon (with accompanying papers);

A bill (S. 4775) granting an increase of pension to George W. Patterson (with accompanying papers);

A bill (S. 4776) granting a pension to Lewis F. Ryan (with accompanying papers);

A bill (S. 4777) granting an increase of pension to Harriet Aylward (with accompanying papers);

A bill (S. 4778) granting an increase of pension to Samuel E. Griffin (with accompanying papers);

A bill (S. 4779) granting a pension to Roxannah A. Nason (with accompanying papers);

A bill (S. 4780) granting an increase of pension to George S. Ayer (with accompanying papers);

A bill (S. 4781) granting an increase of pension to Edwin F. Witham (with accompanying papers); and

A bill (S. 4782) granting a pension to Albert B. Meservey (with accompanying papers); to the Committee on Pensions.

By Mr. CULBERSON:

A bill (S. 4783) to provide for the punishment of officers of United States courts wrongfully converting moneys coming into their possession, and for other purposes; and

A bill (S. 4784) to provide for the report of proceedings before grand juries in courts of the United States; to the Committee on the Judiciary.

By Mr. FLETCHER:

A bill (S. 4785) to relieve the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of said Thomas H. Hall, of the payment of money alleged to have been misappropriated by a clerk in said office; to the Committee on Claims.

By Mr. CHILTON:

A bill (S. 4786) authorizing the Secretary of the Treasury to pay interest to the owners of lots, pieces, or parcels of land acquired by the United States for the enlargement of the Capitol Grounds; to the Committee on Appropriations.

A bill (S. 4787) granting an increase of pension to Hiram Marshall; and

A bill (S. 4788) granting an increase of pension to Crawford E. Vest; to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 4789) granting a pension to Abram Hall; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 4790) to make the gold certificates, silver certificates, and Federal reserve notes issued by the United States full legal tender for the payment of all debts, public and private; to the Committee on Banking and Currency.

A bill (S. 4791) granting a pension to Eliza J. Younkin;

A bill (S. 4792) granting an increase of pension to John Cook;

A bill (S. 4793) granting an increase of pension to Josephus Clark; and

A bill (S. 4794) granting a pension to Cornelia Thorne; to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 4795) providing for an increase of salary for the United States marshal and for the United States district attorney for the western district of Louisiana (with accompanying papers); to the Committee on the Judiciary.

By Mr. CHAMBERLAIN (by request):

A bill (S. 4796) to regulate and administer the functions now performed by the Steamboat-Inspection Service and the Bureau of Navigation, and promote commerce and safety of life at sea; to the Committee on Commerce.

By Mr. O'GORMAN:

A bill (S. 4797) to amend an act entitled "An act concerning foreign-built dredges," approved May 28, 1906; to the Committee on Commerce.

A bill (S. 4798) for the relief of the heirs of F. Z. Tucker; to the Committee on Claims.

A bill (S. 4799) granting an increase of pension to Eva J. Clarke; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 4800) to reinstate Edward Eugene Conroy as a midshipman in the United States Navy; to the Committee on Naval Affairs.

By Mr. GALLINGER:

A bill (S. 4801) providing for the registration of architects in the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

By Mr. McCUMBER:

A bill (S. 4802) to provide for the issuance of patents to the purchasers of lands from the heirs of deceased Indian allottees in the Devils Lake Indian Reservation; to the Committee on Indian Affairs.

A bill (S. 4803) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911; to the Committee on Finance.

A bill (S. 4804) granting an increase of pension to John A. Baird; and

A bill (S. 4805) granting an increase of pension to Mary Thibodo (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 4806) to reclassify the salaries of employees above the clerical grades in post offices of the first class; to the Committee on Post Offices and Post Roads.

A bill (S. 4807) for the relief of James W. Cross (with accompanying papers); to the Committee on Claims.

A bill (S. 4808) granting an increase of pension to Alfred H. Hulburt (with accompanying papers); to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 4809) to repeal an act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898, and all amendments thereto; to the Committee on the Judiciary.

A bill (S. 4810) for the issuance of a patent for certain Government land to Benjamin F. Robinson and John Dows; to the Committee on Public Lands.

By Mr. BROUSSARD:

A bill (S. 4811) to establish a fish-cultural station at some point in the State of Louisiana; to the Committee on Fisheries.

A bill (S. 4812) for the relief of Emma J. Spear; to the Committee on Claims.

By Mr. HUGHES:

A bill (S. 4813) for the relief of Bayard T. Garrabrant; to the Committee on Claims.

By Mr. JOHNSON of South Dakota:

A bill (S. 4814) granting an increase of pension to James Dorman (with accompanying papers); and

A bill (S. 4815) granting an increase of pension to Samuel E. Stainbrook (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 4816) granting a pension to Henrietta Thayer; and

A bill (S. 4817) granting an increase of pension to George W. Morton; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 4818) granting an increase of pension to Nicholas J. O'Brien (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 4819) granting a pension to Mildred B. Wadsworth; to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 4820) to permanently renew patent No. 21053; to the Committee on Patents.

By Mr. PAGE:

A bill (S. 4821) granting a pension to Emma E. Keyes; to the Committee on Pensions.

By Mr. ASHURST (by request):

A bill (S. 4822) to repeal the act of January 1, 1889 (25 Stat. L., 639), entitled "An act granting to Citrous Water Co. right of way across Papago Indian Reservation, in Maricopa County, Ariz."; to the Committee on Indian Affairs.

A bill (S. 4823) granting a pension to Adolphus W. Jones; to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 4824) to amend an act relating to the Public Utilities Commission of the District of Columbia approved March 4, 1913 (with accompanying papers); to the Committee on Interstate Commerce.

By Mr. OWEN:

A bill (S. 4825) providing for the sale of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Okla.; to the Committee on Indian Affairs.

By Mr. SMITH of South Carolina:

A bill (S. 4826) for the relief of the heirs of George W. Croft; to the Committee on Claims.

By Mr. KERN:

A bill (S. 4827) for the relief of Thomas Purdell; to the Committee on Military Affairs.

A bill (S. 4828) granting an increase of pension to John Elmbaugh (with accompanying papers);

A bill (S. 4829) granting a pension to George W. Yocum (with accompanying papers);

A bill (S. 4830) granting an increase of pension to George E. Wickham (with accompanying papers);

A bill (S. 4831) granting a pension to Fenton Catterlin (with accompanying papers);

A bill (S. 4832) granting a pension to Sarah E. Clift (with accompanying papers); and

A bill (S. 4833) granting an increase of pension to Harvey B. Stout (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 4834) to amend section 985 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. MYERS:

A bill (S. 4835) giving the right to an additional homestead to all persons who have exhausted or who shall exhaust their original right of entry through the purchase of Indian lands; to the Committee on Public Lands.

By Mr. LEE of Maryland:

A joint resolution (S. J. Res. 109) to cede to the State of Maryland temporary jurisdiction over certain lands in the Fort McHenry Military Reservation; to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HITCHCOCK submitted an amendment proposing to appropriate $7,000 for suitable employees' quarters for physician, principal teacher, and clerks at the Indian school at Genoa, Nebr., etc., intended to be proposed by him to the Indian appropriation bill (H. R. 10385), which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for general repairs and improvements at the Indian school at Genoa, Nebr., from $5,000 to $10,000, intended to be proposed by him to the Indian appropriation bill (H. R. 10385), which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. WADSWORTH submitted an amendment providing for the improvement of the Black Rock Harbor, N. Y., etc., intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for transportation of mail by pneumatic tubes or other similar devices from $976,000 to $1,146,000, and also to authorize the Postmaster General to utilize for the transportation of mail the pneumatic tube connecting the customhouse and the appraisers' stores in the city of New York, intended to be proposed by him to the Post Office appropriation bill (H. R. 10484), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. GALLINGER submitted an amendment to amend section 3 of the act of March 1, 1911, so that a sum be appropriated sufficient to pay the necessary expenses of the National Forest Reservation Commission and its members, not to exceed an annual expenditure of $25,000, etc., intended to be proposed by him to the agricultural appropriation bill (H. R. 12717), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. BORAH. I submit an amendment intended to be proposed by me to the amendment of the Senator from Alabama [Mr. UNDERWOOD] as a substitute for the bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes. I ask that the amendment be printed and lie on the table.

The VICE PRESIDENT. Without objection, it is so ordered.

EMPLOYMENT OF STENOGRAPHER.

Mr. RANSDELL submitted the following resolution (S. Res. 114), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Public Health and National Quarantine, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fourth Congress to send for persons, books, and papers; to administer oaths and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

REPORT OF DISTRICT PARK COMMISSION.

The VICE PRESIDENT. Are there further bills or joint resolutions? If not, concurrent and other resolutions are in order.

Mr. STONE and Mr. GALLINGER addressed the Chair.

The VICE PRESIDENT. The Senator from Missouri.

Mr. STONE. I ask that Senate concurrent resolution No. 14, submitted by the Senator from Oklahoma [Mr. GORE], may now be laid before the Senate.

Mr. GORE. Mr. President, I rise to a question of personal privilege.

Mr. GALLINGER. Mr. President, I think under the rule that it is proper we should first be permitted to submit original resolutions.

The VICE PRESIDENT. If there are other resolutions to be submitted, they will be received.

Mr. GALLINGER. I submit a resolution providing for a reprint of the report of the Park Commission of the District of

Columbia, which I ask may be referred to the Committee on Printing.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

The resolution (S. Res. 113) was read, and referred to the Committee on Printing, as follows:

Resolved, That 1,000 copies of Senate Document 166, Fifty-seventh Congress, first session, known as the Park Commission Report, be reprinted for the use of the document room.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts:

On February 26, 1916:

S. 4308. An act to purchase a site and erect thereon a suitable building for post office and other governmental offices at Sandusky, Ohio, and for other purposes.

On March 1, 1916:

S. 2497. An act to authorize the construction of a bridge across the Mississippi River between Anoka and Hennepin Counties, in the State of Minnesota.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 8033. An act to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911; and

H. R. 8246. An act to revive the right of action under the act of March 12, 1863 (12 Stat. L., p. 820).

ARMED MERCHANT SHIPS.

Mr. McCUMBER. Mr. President, I offer the amendment which I send to the desk as a substitute for Senate concurrent resolution No. 14, which I ask may be read and lie on the table.

The VICE PRESIDENT. The Secretary will read the proposed amendment submitted by the Senator from North Dakota.

The SECRETARY. As a substitute for Senate concurrent resolution No. 14 it is proposed to insert the following:

Whereas the President of the United States——

Mr. STONE. Mr. President, I suggest that the resolution to which the amendment is offered is not yet before the Senate.

The VICE PRESIDENT. The resolution is not now before the Senate.

Mr. STONE. Of course the amendment can be offered and lie on the table.

Mr. GALLINGER. That is what is asked.

The VICE PRESIDENT. The request of the Senator from North Dakota [Mr. McCUMBER] is to have the amendment read and lie on the table.

Mr. McCUMBER. That is the request.

Mr. STONE. Well, let the amendment be read.

The VICE PRESIDENT. The amendment will be read.

The Secretary read the amendment proposed by Mr. McCUMBER, as follows:

As a substitute for said Senate concurrent resolution insert the following:

"Whereas the President of the United States, acting in his diplomatic capacity, has so far been unable to secure an understanding with the central belligerent powers of Europe with reference to the attack by submarines, without notice, on merchant ships of a belligerent nation armed for defense only; and

"Whereas the President has maintained through all the negotiations that under the rules of international law heretofore obtaining the firing upon such merchant vessel by any warship without previous notice is illegal, and has notified the said central powers that American citizens have a clear right, under international law, to travel on such merchant vessels, and has further notified said central Governments that should the lives of American citizens be lost through such illegal acts the said powers would be held to strict accountability; and

"Whereas the said central powers have declared that such armed merchant vessels would be considered and treated as ships of war and subject to attack as such, without notice, and have further declared their purpose to so attack such merchant ships; and

"Whereas it is conceded that the submarine, as an instrument of warfare, was unknown when such international rule was established; and

"Whereas it is well known that such submarine, by giving notice to an armed ship, might endanger its own existence; and

"Whereas in one instance at least during the present war in Europe a submarine has been sunk and its crew destroyed by such armed merchant ship; and

"Whereas many new and novel means of warfare have been employed by all of the nations engaged in that struggle, raising new questions of rights and responsibilities, both as to neutrals and belligerents, upon which opinions and views may justly differ; and

"Whereas the President has requested that each branch of Congress shall express its conviction as to the propriety of warning the citizens of the United States to refrain from travel on such armed ships: Now, therefore, be it

"*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of the Congress of the United States that, under the rules of international law heretofore obtaining, merchant vessels, though armed with a stern gun of comparatively small caliber and for defense only, has the status and rights in war of an unarmed merchant ship, but that the science of war has developed with such extraordinary rapidity during the present conflict and new weapons of warfare, including the submarine and aero fighting craft, have been employed with such far-reaching consequences and which may threaten the very life of any one of the nations involved and which may necessitate a revision of the codes of international law pertaining to the rights and duties of neutrals and belligerents in the light of such new instrumentalities; that while the strict legal right of an American citizen, under international law, to travel and ship his goods on an armed merchant vessel may be an established right, it is none the less the moral and patriotic duty of every American citizen, in view of the desperate character of the warfare now raging in Europe and the desperate situation of each and all of the warring powers, to refrain from needlessly exposing himself to danger, and, by his recklessness or audacity involving his country, or threatening to involve it, in a conflict that may seriously affect the welfare of a hundred million of his fellow citizens, and that therefore the citizens of the United States should, and they are hereby requested, to refrain from travel on such armed merchant ships until an agreement has been reached between this country and the warring nations, to the end that the endeavors of the President may not be jeopardized or halted or this Government forced into hostility with another country because of the unnecessary or reckless attitude of any citizen of the United States."

Mr. STONE. Mr. President, I now ask that concurrent resolution No. 14 be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate concurrent resolution No. 14.

The SECRETARY. Senate concurrent resolution No. 14, by Mr. GORE——

Mr. JAMES. Mr. President——

The VICE PRESIDENT. The Senator from Kentucky.

Mr. GORE. Mr. President——

Mr. JAMES. I rise to ask the Senator from Missouri if he will yield to me for the purpose of making a motion to lay that resolution and all substitutes for and amendments to it on the table?

Mr. GORE. Mr. President——

Mr. STONE. I yield to the Senator.

Mr. JAMES. Now, Mr. President——

Mr. GORE. I rise to a question of personal privilege.

Mr. JAMES. I move that the resolution and all substitutes for it and amendments to it be laid upon the table, and upon that motion I demand the yeas and nays.

Mr. GORE. I rise to a question of personal privilege.

The VICE PRESIDENT. The Senator from Oklahoma.

Mr. GORE. Mr. President, under Rule XXI of the Senate I have a right to modify the pending resolution before any action is taken upon the resolution. I desire now to exercise that sacred and immemorial right.

Mr. JAMES. I rise to a point of order. I make the point of order that the motion to lay upon the table is not debatable.

The VICE PRESIDENT. The point of order is well taken——

Mr. GORE. Mr. President——

The VICE PRESIDENT. The Chair will request Senators to listen a moment. The Chair has some rights. The point of order is well taken that the motion to lay upon the table is not debatable. The Chair also rules that the Senator from Oklahoma has a right to amend his resolution, but not to discuss it.

Mr. GORE. Mr. President, I appreciate that the ruling of the Chair is correct, but permit me just one sentence. I desire to explain the purpose of the change.

Mr. JAMES. I make the point of order that debate is not in order.

Mr. GORE. Very well, I shall not do so.

The VICE PRESIDENT. The Chair has ruled fairly under the rules.

Mr. GORE. I send to the desk the modification which I make in the pending resolution, according to the ruling of the Chair.

The VICE PRESIDENT. The Secretary will state the resolution as amended.

The SECRETARY. It is proposed to strike out all that follows the word "that," on page 2, line 2, and to insert the following:

The sinking by a German submarine, without notice or warning, of an armed merchant vessel of her public enemy, resulting in the death of a citizen of the United States, would constitute a just and sufficient cause of war between the United States and the German Empire.

Mr. JAMES. Mr. President, I move to lay the resolution and all substitutes and amendments to it on the table, and upon that I demand the yeas and nays.

The VICE PRESIDENT. The motion is to lay the resolution and all substitutes for it on the table. The yeas and nays have been demanded. Is the request seconded?

The yeas and nays were ordered.

Mr. GALLINGER. Mr. President——

Mr. GORE. Mr. President, I am heartily in favor of the motion.

Mr. GALLINGER. Mr. President, I think we have a right to have the resolution read as it is proposed to be amended.

The VICE PRESIDENT. There is no doubt about that.

Mr. GALLINGER. I ask that that be done.

The VICE PRESIDENT. The Secretary will read the resolution as amended.

Mr. GALLINGER. And, Mr. President, I trust there will be order.

The VICE PRESIDENT. The Chair relies upon Members of the Senate to be in order.

Mr. GALLINGER. And others.

The VICE PRESIDENT. And the Chair instructs the Sergeant at Arms to keep the guests of the Senate in order.

The Secretary read the resolution of Mr. GORE, as modified, as follows:

Whereas a number of leading powers of the world are now engaged in a war of unexampled proportions; and
Whereas the United States is happily at peace with all of the belligerent nations; and
Whereas it is equally the desire and the interest of the American people to remain at peace with all nations; and
Whereas the President has recently afforded fresh and signal proofs of the superiority of diplomacy to butchery as a method of settling international disputes; and
Whereas the right of American citizens to travel on unarmed belligerent vessels has recently received renewed guaranties of respect and inviolability; and
Whereas the right of American citizens to travel on armed belligerent vessels rather than upon unarmed vessels is essential neither to their life, liberty, or safety, nor to the independence, dignity, or security of the United States; and
Whereas Congress alone has been vested with the power to declare war, which involves the obligations to prevent war by all proper means consistent with the honor and vital interest of the Nation: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the sinking by a German submarine without notice or warning of an armed merchant vessel of her public enemy, resulting in the death of a citizen of the United States, would constitute a just and sufficient cause of war between the United States and the German Empire.

Mr. STONE. A parliamentary inquiry, Mr. President.

Mr. JONES. A parliamentary inquiry.

Mr. STONE. I desire to understand—and I think the Senate should understand—whether the resolution has been so amended as just read, and if that is the question now before the Senate?

The VICE PRESIDENT. That is the question to which the motion to lay on the table goes, and the yeas and nays have been requested and seconded.

Mr. JONES. A parliamentary inquiry, Mr. President. Is it too late to offer an amendment to the resolution?

The VICE PRESIDENT. It is too late to offer anything.

Mr. GORE. I call for the regular order.

The VICE PRESIDENT. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll as Mr. LA FOLLETTE and Mr. BORAH addressed the Chair, and Mr. ASHURST responded in the affirmative.

Mr. CLARKE of Arkansas. Mr. President, I rise to a point of order. I make the point of order that the resolution now pending is an entirely new proposition.

Mr. ASHURST. I made a response. I object to any debate. My name was called and I made a response.

Mr. CLARKE of Arkansas. I do not care what response the Senator made; I am not asking his consent. Mr. President, I make the point of order that that resolution can not be considered in its present form, for it is an entirely new resolution and it is not an amendment to anything. It is certainly not the original resolution which has been offered, and can not be considered until to-morrow, unless by unanimous consent.

The VICE PRESIDENT. The Chair does not sustain the point of order.

Mr. BORAH. Mr. President, a parliamentary inquiry. As I understand, the——

Mr. ASHURST. Mr. President, my name has been called and I responded. I ask that the roll call may proceed.

The VICE PRESIDENT. The Chair thinks the roll call ought to proceed.

Mr. BORAH. Mr. President, I addressed the Chair before the agile gentleman from Arizona got in.

Mr. GORE. I call for the regular order.

The VICE PRESIDENT. The Chair thinks the roll call should proceed. The Chair did not know that the Senator from Idaho had addressed the Chair. Let the roll call proceed.

Mr. BURLEIGH (when his name was called). I have a general pair with the senior Senator from Indiana [Mr. SHIVELY], but on this matter I am at liberty to vote. I vote "yea."

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the junior Senator from Utah [Mr. SUTHERLAND], who is not present. If he were present, I should not vote for this particular amendment. I should have voted against tabling the original resolution, but I should vote "yea" to table this particular resolution.

Mr. COLT (when his name was called). I have a pair with the junior Senator from Delaware [Mr. SAULSBURY]. I am informed that that Senator if present would vote the same way that I would vote. I therefore vote "yea."

Mr. CHILTON (when Mr. GOFF's name was called). My colleague [Mr. GOFF] is absent on account of illness. I will let this announcement stand for the day.

Mr. BRANDEGEE (when Mr. LIPPITT's name was called). I am authorized by the senior Senator from Rhode Island [Mr. LIPPITT] to state that he is unable to be on the floor to-day, that he is paired with the junior Senator from Montana [Mr. WALSH], and that if he were here he would vote "yea" on this question.

Mr. OWEN (when his name was called). I transfer my pair with the junior Senator from New Mexico [Mr. CATRON] to the senior Senator from Tennessee [Mr. LEA] and will vote. I vote "yea."

Mr. KERN (when Mr. SHIVELY's name was called). I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. If he were present, he would vote "yea."

Mr. SMOOT (when his name was called). Mr. President, not being able to vote on the question directly and being prevented from giving my reasons for my vote, I ask the Senate to excuse me from voting upon the motion.

The VICE PRESIDENT. Will the Senate excuse the Senator from Utah from voting? The Chair hears no objection.

Mr. BORAH. Mr. President, I object.

Mr. CHILTON. This is not the time to take it up.

Mr. BORAH. I was in the same situation myself.

The VICE PRESIDENT. The question will be put at the conclusion of the roll call.

Mr. STONE (when his name was called). If I may be permitted to do so, I am requested to announce the unavoidable absence of the junior Senator from Delaware [Mr. SAULSBURY] because of sickness. If the original resolution——

Mr. GALLINGER. I object, Mr. President, to any statement.

Mr. STONE. I am explaining my vote.

Mr. GALLINGER. The Senator has no right to do it.

Mr. BORAH. Mr. President, I object.

Mr. STONE. Very well. On this resolution, I——

Mr. BORAH. I ask that the Senator announce his vote.

Mr. STONE. Well, I am not going——

Mr. BORAH. That is all the Senator will do.

Mr. STONE. The Senator from Idaho is not authorized to say what I will or will not do.

Mr. BORAH. If the Senator from Idaho is going to be gagged, the entire Senate will be gagged. If we are to be intellectual slaves singly, we will be intellectual slaves in a body.

Mr. BRANDEGEE. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from Connecticut will state the point of order.

Mr. BRANDEGEE. I demand the regular order, which is the roll call.

Mr. STONE. Mr. President——

Mr. BORAH. That is all right. I will take part in this debate just as long as the Senator from Missouri does.

The VICE PRESIDENT. The Senator from Missouri and the Senator from Idaho will be seated.

Mr. GALLINGER. I object to the Senator from Missouri making any observations, and I think the ruling——

Mr. STONE. I am not going to make any observations.

Mr. GALLINGER. That is right.

Mr. STONE. On this motion I vote "yea."

Mr. SMOOT (when Mr. SUTHERLAND's name was called). My colleague [Mr. SUTHERLAND] is unavoidably detained from the Senate. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. If my colleague were present, he would vote "yea" upon this motion.

Mr. TILLMAN (when his name was called). I am informed that if my pair, the junior Senator from West Virginia [Mr. GOFF], were here he would vote the same way that I shall vote. I therefore vote "yea."

Mr. SMITH of Michigan (when Mr. TOWNSEND's name was called). My colleague [Mr. TOWNSEND] is unavoidably detained from the Senate because of serious illness in his family. He is paired with the junior Senator from Florida [Mr. BRYAN].

Mr. VARDAMAN (when his name was called). As the resolution now stands, I regretfully vote "yea."

Mr. WALSH (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. LIPPITT]. I am advised as to how he would vote if he were present. I vote "yea" in the form the resolution has taken.

Mr. WILLIAMS (when his name was called). Notwithstanding my pair, I feel at liberty to vote upon this proposition. I vote "yea."

The roll call was concluded.

Mr. LANE. Under this form of the resolution, I vote "yea."

Mr. KERN. I desire to announce the unavoidable absence of the junior Senator from Delaware [Mr. SAULSBURY]. I am authorized to state that if he were present he would vote "yea."

Mr. CLARKE of Arkansas. Mr. President, the announcement has been made by the senior Senator from Utah [Mr. SMOOT] that his colleague, the junior Senator from Utah [Mr. SUTHERLAND], with whom I have a regular pair, would vote "yea" on this matter, and I desire to have my vote recorded as "yea." I do not think the declaration of that resolution is sound.

Mr. OLIVER. Mr. President, a parliamentary inquiry. Before the result is announced, is it not in order for the Senate to vote upon the request of the Senator from Utah [Mr. SMOOT]?

The VICE PRESIDENT. The Chair was approaching that question. The rule provides that—

When a Senator declines to vote on call of his name, he shall be required to assign his reasons therefor, and having assigned them, the Presiding Officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" Which shall be decided without debate; and these proceedings shall be had after the roll call and before the result is announced.

The Senator from Utah will assign his reasons for his refusal to vote.

Mr. SMOOT. Mr. President, I can state them in no more succinct way than I have already done. Not being able to vote on the question directly and being prevented from giving my reasons for my vote, I ask the Senate to excuse me from voting upon the motion of the Senator from Kentucky [Mr. JAMES].

The VICE PRESIDENT. The question is, Shall the Senator from Utah, for the reasons assigned by him, be excused from voting? [Putting the question.] The "ayes" have it, and the Senator from Utah is excused from voting on the question.

The roll call resulted—yeas 68, nays 14, as follows:

YEAS—68.

Ashurst	Hardwick	Nelson	Smith, Ga.
Bankhead	Hitchcock	Newlands	Smith, Md.
Beckham	Hollis	Oliver	Smith, Mich.
Brandegee	Hughes	Overman	Smith, S. C.
Broussard	Husting	Owen	Sterling
Burleigh	James	Page	Stone
Chilton	Johnson, Me.	Phelan	Swanson
Clark, Wyo.	Johnson, S. Dak.	Pittman	Thomas
Clarke, Ark.	Kern	Poindexter	Thompson
Colt	Lane	Pomerene	Tillman
Culberson	Lee, Md.	Ransdell	Underwood
Curtis	Lewis	Reed	Vardaman
Dillingham	Lodge	Shafroth	Wadsworth
du Pont	McLean	Sheppard	Walsh
Fletcher	Martin, Va.	Shields	Warren
Gore	Martine, N. J.	Simmons	Weeks
Harding	Myers	Smith, Ariz.	Williams

NAYS—14.

Borah	Fall	La Follette	Sherman
Chamberlain	Gallinger	McCumber	Works
Clapp	Gronna	Norris	
Cummins	Jones	O'Gorman	

NOT VOTING—14.

Brady	Kenyon	Robinson	Sutherland
Bryan	Lea, Tenn.	Saulsbury	Townsend
Catron	Lippitt	Shively	
Goff	Penrose	Smoot	

The VICE PRESIDENT. On the motion to lay the resolution and all amendments thereto upon the table, the yeas are 68 and the nays are 14. So the resolution and all amendments thereto are laid upon the table.

Mr. STONE. Mr. President, I ask that Senate resolution 108, proposed by the Senator from Washington [Mr. JONES], be now laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate a resolution, which will be stated by the Secretary.

The SECRETARY. Senate resolution 108, by Mr. JONES——

Mr. JONES. Mr. President, a parliamentary inquiry. I desire to withdraw the resolution.

The VICE PRESIDENT. The Senator has the right to withdraw the resolution. It is withdrawn.

Mr. JONES. I will offer the resolution at another time.

The VICE PRESIDENT. The morning business is closed.

PORTRAIT OF JOHN LANGDON.

Mr. REED. Mr. President——

The VICE PRESIDENT. The Senator from Missouri.

Mr. GALLINGER. Mr. President, I have another resolution to offer.

The VICE PRESIDENT. The Chair begs pardon. The Chair thought there was no further morning business.

Mr. GALLINGER. I offer a resolution, and I will ask the courtesy of the Senate to occupy a few minutes in some observations upon it. They will be very brief.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read as follows:

Resolved, That the Committee on the Library is hereby authorized to have made an oil portrait of John Langdon, the first President pro tempore of the Senate, to be hung in the main corridor of the Senate, the cost not to exceed the sum of $1,500, and to paid from the contingent fund of the Senate.

Mr. REED. Mr. President, a parliamentary inquiry. I had risen and addressed the Chair, morning business having been closed, and the Senator from New Hampshire asked to introduce a resolution. I did not object to that, but I think I am entitled to the floor at this time. I will say to the Senator that I shall occupy the floor for not to exceed five minutes.

Mr. GALLINGER. As there is so much confusion in the Chamber and the galleries, and as I desire to occupy two or three minutes on a matter connected with the resolution, I will withdraw the resolution for the present and submit it at some other time.

The VICE PRESIDENT. The reason why the Chair announced that the morning business was closed was upon the assumption of the Chair that no further resolutions were to be introduced; but there being a resolution to be introduced, the Chair had to withdraw that ruling.

ARMED MERCHANT SHIPS.

Mr. REED. Mr. President, I intended to vote against the original resolution offered by the Senator from Oklahoma [Mr. GORE], and did vote against it in its modified form. The remarks that I want to make now have particular reference to the resolution as originally introduced, and I desire to put them in the RECORD at this time.

I voted against the resolution, first and chiefly, because we are informed that the pendency of the resolution has created an impression in foreign countries, and especially at the court of Germany, that there is a division in our councils, and that the State Department does not have back of its demands the support of the Government and the people, and that therefore the State Department finds itself embarrassed and weakened in the negotiations now pending. I think it highly important that this false impression should be immediately removed. There inevitably always will be differences of opinion as to the wisest way in which to meet and solve any great and difficult question. These differences of opinion exist among us, but they are differences relating only to the best policy to be pursued for the welfare of America. They are not differences of opinion growing out of a desire to serve the interest of any foreign power. Such opposing opinions as we may entertain will be solved by ourselves solely in the interests of the United States of America and without regard to the interests of other nations, and when and however solved the American people will stand as a unit. Let all the world understand the fact.

Second. I voted against the resolution because I believe this not to be the opportune time to pass such a resolution.

Third. I voted against the resolution because I am not in favor of either expressly or by implication yielding the rights of American citizens upon the high seas.

Fourth. We have reasonable grounds to believe that important information may reach us within the next few days which may show that such orders have been issued as will in fact make certain vessels heretofore regarded as peaceful merchant ships auxiliary cruisers, in which event this Government may see fit to take the position that such vessels shall no longer be regarded or treated as merchantmen.

I intend what I have said to be a mere epitome of my reasons and not at all as fully covering my views.

I deem this the proper time to make a further observation. Some things were said in debate yesterday and many things have been said in the press which, in my judgment, would have been better unsaid. It is of the highest importance that all the world shall be given to understand that upon any question involving the rights of the American Government and American citizens our great people stand as a unit, and that they will uphold, sustain, and defend those rights, if need be, to the last extremity.

I insist, therefore, that statements impugning the motives of Senators or of the President or of any portion of our great people ought not to be heard upon the floor of the Senate, and should not be elsewhere expressed. I believe that a German statesman reading the declaration of a Senator made publicly in this Chamber to the effect that resolutions had been introduced in the interests of Germany, and that the time has come when the question, Shall we exclaim "America first," or, shall we sing "Deutschland über Alles"? will find in such statements more consolation, more encouragement, and a greater evidence of division in our counsels than he could probably gain from the mere introduction of a temperate resolution requesting our

citizens to not ship upon belligerent vessels. I believe this, because the effect of the utterance is to assert that in this Nation, nay, even in the Congress of the United States, there are those who are considering the interests of Germany rather than the interests of the United States. I regard all such expressions as unfortunate, and I assert that all such statements are groundless in fact.

There was much talk here yesterday of traitors to this country. I affirm it to be true, and I certify it to the world as a fact, that while there may be differences of judgment and opinion among Congressmen as to the best things to do for the sake of America there is not in the Congress of the United States a single man who in any contest between the United States and a foreign power will not render to this country an undivided and deathless loyalty. I affirm it to be a fact that, out of the 100,000,000 citizens of the United States, it would be difficult to find a thousand men who would not manifest the same degree of loyalty. To assert otherwise is to utter an infinite slander against the bravest and most loyal people of this earth.

Neither do I think we gain anything by asserting that when a man takes a certain position which happens to accord with the position of one or the other of the belligerents he thereby sides with that belligerent against America.

Let me state the concrete question. England claims the right to arm her merchantmen, and it is asserted, whether truthfully or not I can not say, because the evidence has not yet been produced, that by order in council commanders of these ships have been instructed to fire upon and sink German submarines. Upon the other hand, Germany asserts that by the issuance of this alleged order England has made of her armed merchantmen vessels of war.

The United States has nothing to do with that controversy, except in so far as it affects her rights which, of course, embrace the rights of her citizens. It is necessary that the United States shall assume some position. If it shall take the ground that the armed vessels, acting under the supposed instructions I have referred to, are in fact war vessels, that decision will necessarily be somewhat favorable to Germany, because it will accord with Germany's contentions. Whereupon excitable and extreme individuals might exclaim, "You have decided the question in favor of Germany and against the United States!" Upon the other hand, if we should take the position that the vessels armed and instructed as aforesaid are not war vessels, even though they should be engaged in the war and acting under the authority of instructions from the British Government actually sink war vessels of the German Navy, to wit, its submarines, then the same excitable and extreme individuals might by the same kind of logic declare we have "decided the question in favor of the allies and against the interests of the United States." Manifestly we must, when we decide the question, decide it in favor of the contentions of one or the other of the belligerents, because there are but two sides to the question, and when we take the side favored by one we must take the side against the other.

But, sir, I utterly deny that when we have rendered a decision we have decided in favor of one of the belligerents and against the United States. Upon the contrary, we will decide the question upon its merits, and when we have rendered that decision it will be a decision in favor of the United States, not against the United States.

I utterly abominate and repudiate that kind of statement which attributes to an American statesman or an American citizen a desire to act against the interests of the United States merely because the conclusion he arrives at may happen to accord with the position taken by one or the other of the belligerents. If we decide the question at all, necessarily our decision will favor the contentions of one side or the other, but it does not by any means follow that in rendering such decision we have acted against the interests of the United States.

This is no time for casting aspersions upon the good faith of each other. It is regrettable that any expression impugning the motive or patriotism and loyalty of any man should have been uttered. The truth is that while there may be differences of opinion as to what is the politic and wise thing to do there is no difference of opinion as to our duty to maintain the honor, the dignity, and the rights of the American Nation.

Mr. JONES. Mr. President, the resolution submitted by me having accomplished its purpose, I withdrew it when the Senator from Missouri [Mr. STONE] rose to move to lay it on the table. It is in the following words:

Whereas this is a Government of the people, by the people, for the people, and not of any individual, by any individual, or for any individual; and

Whereas it is contrary to the fundamental principles of our Government that the people should be involved in war through the decision or by the act of any one man; and

Whereas the Constitution of the United States of America expressly provides that "the Congress shall have power to declare war, to raise and support armies, and to provide and maintain a navy"; and

Whereas the act of declaring war should not be merely the ratification and confirmation by Congress of the judgment and decision of a single man, but should be the sober judgment and mature decision of the people through their representatives in Congress upon the causes and justification for such declaration; and

Whereas an assault upon the national honor would be a justification for a declaration of war; and

Whereas no one man is the sole custodian of the Nation's honor; and

Whereas the issue of war is too momentous and fraught with too grave consequences to the people to be decided by any one man; and

Whereas the people of this country are not seeking war and do not desire to be led into it, but, if involved, would be united as one man in support of the Government; and

Whereas by the arbitrary act or demand of its Chief Executive the people may be placed in a situation from which they can not withdraw without humiliation and be involved in war for causes the justice of which they have not been permitted to pass upon: Therefore be it

Resolved, That it is the sense of the Senate of the United States of America that any issue claimed to affect the national honor should be referred for its decision to the Congress of the United States, and no ultimatum should be sent to any belligerent power and no severance of diplomatic relations be brought about by Executive action until after the advice and consent of Congress.

Mr. President, we have decided nothing to-day except that the Senate can be gagged absolutely. We have not passed upon the issue presented in any way. We have like ostriches stuck our heads in the sand and we think that no one sees us. If the note means anything, it actually ties the hands of the President, and will bear no other construction.

I voted against tabling the Gore resolution because on general principles I am against tabling resolutions, for the motion is always made for the purpose of either cutting off debate or evading the issue. I am in favor of passing upon this question squarely. That is what we should have done to reflect honor upon the great body we are supposed to be and ought to be.

Have we complied with the request of the President of the United States? I suppose that what we have done was intended to be a compliance with his request. What did he say in his letter to Mr. Pou that he wanted? This is what he said:

I therefore feel justified in asking that your committee will permit me to urge an early vote upon the resolutions with regard to travel on armed merchantmen which have recently been so much talked about—

Why?

in order that there may be afforded an immediate opportunity for full public discussion and action upon them.

This is the full public discussion that we have had, motions to lay upon the table, under which no man can speak until after the motion is passed upon.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. I do.

Mr. BORAH. The Senator is not in touch with the subterranean passage?

Mr. JONES. I think I know about it and the character of it, but I did not see fit to suggest it.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Colorado?

Mr. JONES. Yes.

Mr. THOMAS. May I inquire of the Senator from Washington if what he calls full discussion on this subject in the Senate had been had when we would have reached a vote upon it?

Mr. JONES. Well, Mr. President, a question that may involve war for this country is a question that ought to be discussed until everybody has reached a clear decision and until the people know thoroughly why we take whatever action we may take.

Mr. THOMAS. Mr. President——

Mr. JONES. I do not know when it would have been decided, but it would have been decided in accordance with the honest judgment of the Senate and in accordance with its standing and dignity as a part of the war-declaring body.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Colorado?

Mr. JONES. Yes.

Mr. THOMAS. It is quite evident that notwithstanding the vote we are going to have a discussion.

Mr. JONES. I want to say to the Senate that I shall not take over three or four minutes; that is all.

Mr. THOMAS. I was merely going to ask the question whether your discussion, if you desire to have one and get it before the country, can not be made just as well in the way this body is in the habit of doing, and that is by holding a post-mortem inquiry after disposing of the resolution?

Mr. JONES. I am not going to engage in any post-mortem discussion. It is very easy to introduce another resolution like this to-morrow. The Senate has not passed upon the resolution yet, and everybody knows that——

Mr. THOMAS. I am very glad——

Mr. JONES. Everybody knows that we have not settled the proposition. We have not reached a decision upon it. We have evaded it. We have voted blindly, and instead of assisting the President we have, in fact, embarrassed him. When Senators really see what they have done they will certainly regret their hasty action. The President is not advised as to the sentiment of the Senate on this proposition, and the people abroad know that we have not passed upon it. If the President, the House, and the Senate desire that something shall be done that will speak to the countries abroad, we ought to have voted squarely on the proposition. It should have been amended and put into shape expressing the mature and patriotic judgment of the great American people.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Florida?

Mr. JONES. Yes.

Mr. FLETCHER. I was going to suggest to the Senator that this question was discussed yesterday, and there seemed to be ample opportunity without anyone being restricted in his liberty. Why renew the discussion again?

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. Yes.

Mr. BORAH. It is my judgment that the discussion yesterday was the cause of the action to-day. There were some things which came out in the discussion which it was not desired to have repeated or more fully discussed.

Mr. JONES. Mr. President, just in connection with the discussion of yesterday——

Mr. MYERS. Will the Senator yield?

Mr. JONES. I want to call the attention of the Senator from Mississippi [Mr. WILLIAMS], who presented here the defense of the President and presented it on a very low plane, to the address just delivered to day by the Senator from Missouri [Mr. REED].

Mr. MYERS. May I interrupt the Senator?

Mr. JONES. Mr. President, I do not like to cut off discussion or debate.

Mr. MYERS. I wish to ask the Senator a question.

Mr. JONES. Very well.

Mr. MYERS. If the Senator was anxious to have something settled and directly passed upon, why did he withdraw his resolution?

Mr. JONES. The Senator from Missouri [Mr. STONE] was on his feet not to say let us pass upon the resolution on its merits but to move to lay it on the table.

Mr. MYERS. You could have gotten a vote on it just the same.

Mr. JONES. No; we could not have gotten a vote upon the merits on a motion to lay on the table.

Mr. MYERS. It is the same thing practically.

Mr. JONES. No; it is not the same thing, and the Senator will find that out when he sees what he has voted on to-day. The Senate would not have passed upon its merits. If the Senator from Montana thinks it is the same thing to vote upon a motion to lay upon the table as it is to vote upon a proposition, he is welcome to that opinion.

Mr. MYERS. The Senator from Washington seemed to think it was the same thing, and that was the reason apparently why he beat a hasty retreat.

Mr. JONES. Mr. President, I have been stating that I did not think it was the same thing. Of course I knew how you were going to vote. I knew what you would do on the motion of the Senator from Missouri. You would vote to pass not upon the merits of the resolution but to lay it upon the table. If the Senator from Montana hereafter is charged with having voted to declare that it is not within the province of the Congress of the United States to pass upon any question that involves our national honor which may lead to war, he can say that he did not vote on that but upon a motion to lay it on the table. There was no need, however, to vote on my resolution. It had already accomplished its purpose.

Mr. MYERS. Will the Senator yield one more minute?

Mr. JONES. Yes.

Mr. MYERS. As long as something has been said about my vote, I want to say that if the motion had been made to lay on the table the resolution of the Senator from Washington I would have voted for it. If his resolution had come directly before the Senate, I would have voted against it. If the resolution of the Senator from Oklahoma [Mr. GORE] had in its original form come directly before the Senate, I would, with hearty good will, have voted against it.

Mr. JONES. The Senator has not given me any information that I did not have before. [Manifestations in the galleries.]

Mr. MYERS. I will say——

The VICE PRESIDENT. The Chair will not keep repeating warnings to the occupants of the galleries. They must obey the rules of the Senate or the galleries will be vacated.

Mr. MYERS. The Senator knows where I stand and I thank him for the tribute. I agree with him. There is no shuffling or evading the issue in my opinion.

Mr. JONES. Then I suppose the Senator would vote to lay on the table rather than to have the issue come up squarely. I only say that because of his vote; that is all.

Mr. MYERS. I always vote to kill a bad thing by the quickest way.

Mr. JONES. Mr. President, I would have been through before this had I not been interrupted. I had thought of discussing this matter at considerable length, but I do not intend to do so at this time. It is enough for the country to see the methods that the Senate under some force of some kind, of some character from somewhere will take upon such a momentous question as we have before us, and that is not settled by this vote. It is still pending. It will come up again. But I do hope, Mr. President, that this agitation and what has been done will serve the purpose of inducing American citizens to refrain from putting themselves on these armed belligerent ships. In the interest of the United States and in the interest of their country, I hope that no one hereafter, until this terrific contest is closed, will place himself in a position where he may not only lose his own life but bring our country into war and into trouble.

He may have the technical right to travel on these ships, although I doubt it. But, Mr. President, a man may be so reckless, in my judgment, of the rights of others as to forfeit rights which he may have. The peace of a nation should not abide upon the result of any individual's recklessness.

The Nation's honor should hang on no man's foolhardiness. Homes should not be made desolate and hearts should not be broken and the land should not be bathed in blood in behalf of any man's cupidity or pleasure. Uphold the Nation's honor—yes, with every drop of American blood, if need be; but American blood is too precious for a single drop to be shed on the altar of selfishness, recklessness, or commercialism.

Mr. POMERENE rose.

Mr. JONES. I ask the Senator not to interrupt me. I shall be through in just a moment.

It is not asking much of the citizen to ask him to stay off these ships. Is it possible that there are men and women who are not patriotic enough to do this little thing in behalf of their country and humanity? We denounce as cowardly and unpatriotic the man who will not offer his life in time of war to defend his country. What denunciation is too severe for the man who is not willing to forego the exercise of a mere personal right of profit or pleasure in time of peace to save his country from the horrors of war?

Mr. President, the resolution which I introduced was not introduced for political purposes; there was no thought of partisanship in it; it was simply introduced in behalf of the United States and the people of the United States, and not in the interest of Germany, not in the interest of the allies. It has served a good purpose. The attention of the people has been centered in the situation now confronting us. I appeal to the people of this country that they refrain in time of peace from doing those things that may lead us into war. Patriotism and humanity demand this from all of us.

Mr. REED and Mr. McCUMBER addressed the Chair.

The VICE PRESIDENT. The Senator from Missouri.

Mr. REED. Mr. President, I am sending to the desk, and I ask to have read, an article from the London Times of February 10, 1916. I hope the Members of the Senate will listen to this article, particularly to the first and last parts of it.

The VICE PRESIDENT. Is there objection to the request of the Senator from Missouri? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

ARMED LINERS—THE AMERICAN NOTE CRITICIZED—HEAVIER GUNS NEEDED.

[By our naval correspondent.]

The number of cases in which merchant ships have put up a good fight against submarines is increasing, and successful escapes of liners owing to their carrying a gun are more frequent. Not all such encounters get into the papers, but within the last few weeks three good examples, among others, have been made known.

The P. and O. steamer *Kashgar*, when off Malta on her way to India, saw a submarine's periscope and fired at it, obliging the boat to dive. It reappeared on the opposite side of the liner and was again fired at, if not hit, when the submarine dived and was seen no more. The Ellerman liner *City of Marseilles* also had a similar encounter off the Sardinian coast 10 days earlier. In her case the submarine opened fire without any warning, but after two shots the liner's gun got to work and discharged eight shells at the "U" boat, after which the latter disappeared. The third instance is that of a French ship, the *Plata*, owned by the Transports Maritimes, which on January 27 sighted a submarine half a mile away. Fire was opened from the stern of the steamer, and the hostile craft, believed to be struck in a vital part, soon dived and made off. The action of the *Clan Mactavish*, though it did not meet with the success it deserves, points to the readiness with which the merchant seamen can attack when threatened. Her captain and crew fought in a manner which might well have been successful had their assailant been a submarine, but which was unavailing against the more heavily armed raider.

MR. LANSING'S FORMULA.

The recurrence of such incidents should not be without its effect upon the Government in dealing with the note which Mr. Lansing is reported to have addressed to the European belligerent powers on the subject of the arming of merchantmen and its relation to submarine warfare. The substance of the note was published in the Times on January 29, and its chief point, it will be remembered, was that armed merchantmen might be denied entry into American ports, except under the same conditions as applied to warships, unless the powers to which they belonged subscribed to the principles proposed by the United States in a formula under five headings. Each power is asked to make this declaration, on condition that a similar declaration is made by its enemies. The effect of the acceptance of this formula would be the virtual disarmament of merchant ships. Indeed, the American State Department argues "that grave legal doubt exists as to the right of a merchant ship to carry armament." The acceptance of this proposal would be suicidal—first, because it would hamper and injure us out of all proportion to our enemies, supposing they accepted it, and, secondly, because no faith can be placed in a German promise not to mount guns in merchant vessels.

Of the five sections in the American proposal, the first, second, and fourth are correct enough and could be accepted, while the fifth is meaningless in practice. It affirms that "only if it is impossible to supply a prize crew or to convoy the merchant ship is sinking justified, and that in that case the passengers and crew must be removed to a place of safety": but it is always impossible for a submarine to supply a prize crew, and thus she would always be justified in destroying prizes. We take our stand firmly on the necessity of taking ships before a prize court. If the Germans can not do this, they have no real complaint, for the established principles of international law are perfectly clear, although the enemy has chosen deliberately to disregard them. The third clause, however, "that a belligerent-owned merchant ship should promptly obey an order to stop," has no justification. That a neutral ship should stop if ordered is an accepted principle, but no twisting of precedents can warrant the assertion that one of our merchant ships must do so. It is true she is liable to be fired on if she does not, but she has a perfect right to try to escape.

AN IMMEMORIAL RIGHT.

It is the doubts thrown in the American note upon the status of armed merchantmen, however, which have attracted most attention. As early in the war as September 26, 1914, and subsequently, I have shown that merchant ships have been armed from time immemorial, and their right to resist capture had never been disputed until the Germans began to make their numerous efforts to undermine our power at sea. In the past every merchant ship went armed, and a royal proclamation of 1672 instructed them to assist and defend each other against any enemy if attacked, to which end they were to be well provided with muskets, small shot, "hand granadoes," and other ammunition. I have before pointed out that the historical evidence in support of the practice is overwhelming, and it is inconceivable that the British Government should make any concession in this direction.

The American note connects the arming of merchantmen with the weakness of submarines, contending that the introduction of submarine warfare has altered the relative status of an armed merchant ship "and limited the defensive powers of submarines, rendering them liable to successful attack by such armed merchantmen." The allied Governments can not be expected to suffer, and the Germans to profit, by this. Let the belligerents abide by the requirements of international law, which prescribe one method only—that of detention, visit, and search. How can the merchantmen be reasonably expected to give up their guns in the face of the aeroplane and Zeppelin attacks which are growing in frequency? Germany, moreover, has recently sent out a merchant vessel with a formidable armament to attack commerce, showing the imperative need of the allies not only arming their trading ships but of arming them more heavily than in the past.

Mr. STONE and Mr. FLETCHER addressed the Chair.

The VICE PRESIDENT. The Senator from Missouri.

Mr. STONE. Mr. President, I wish merely to say that on Tuesday next, at the close of the routine morning business, provided the business of the Senate then permits, I shall ask leave to address the Senate and to express at length my views on the subject of armed merchantmen and related subjects.

Mr. McCUMBER and Mr. FLETCHER addressed the Chair.

The VICE PRESIDENT. The Senator from North Dakota.

Mr. McCUMBER. Mr. President, I desire to present a resolution upon the pending subject, and ask that it may go over under the rules. (S. Con. Res. 15.)

Mr. BORAH. I ask to have the resolution read.

Mr. McCUMBER. I will state that it is practically the same as the one which has already been read.

Mr. CLARKE of Arkansas. I take it for granted that that matter will be disposed of without further action on the part of the Senate. Does the Senator from North Dakota desire to address the Senate on it?

Mr. McCUMBER. No. Mr. President, if I may be permitted, I should prefer to address the Senate on the subject when I can bring it up; but I want to say to the Senator that, of course, the subject matter will be discussed either to-day or to-morrow, and I hope that we shall have an opportunity of presenting our case fairly and justly.

There may be those Senators who feel that after they have addressed the Senate upon a certain subject there is nothing more to be said, and that, therefore, it is then perfectly appropriate to move to table the proposition; but there is some mild disagreement to that view, and I shall have to place myself in the line of those who disagree with that proposition——

Mr. CLARKE of Arkansas. The Senator from North Dakota is wasting his time if he is addressing his remarks to me.

Mr. McCUMBER. And who feel that they should have an opportunity to argue this question.

Mr. CLARKE of Arkansas. Mr. President, I must confess that I am not satisfied with the course that things have taken here to-day. I think that the question which was presented to the Senate called for more definite, rational, and courageous action than it has received. I think the Senate of the United States has, in a manner not creditable to it, abdicated its constitutional authority to be heard about great questions that affect the peace and welfare of this country. Whilst I say that, I do not say it offensively; but I can not refrain from expressing the opinion that the manner in which this great question was disposed of is not consistent with the dignity nor compatible with the courage which should characterize public action here.

There is no use overlooking the fact that we have come a second time to a place in the history of this country where it may be said, as it was said of Rome, that "there is a party for Cæsar and a party for Pompey, but there is no party for Rome," and that great country, republic and empire alike, disappeared and to-day its institutions are as one with those of Nineveh and Tyre. It is our duty to see to it that no such fate shall soon overtake us.

I think this question ought to be squarely and fairly met by the Congress of the United States to-day. It is one of the most momentous questions that has been submitted to a Government in modern times. You can not dodge it by turning its settlement over to somebody else, and you ought not to desire to do so. You have an affirmative duty to perform which you can not evade and preserve your reputation for manliness and independence.

Unfortunately the world has not rid itself of the dangers of war, and still more unfortunately, the horrors of war have been increasing all the time. It has been the theoretic and academic boast of this country that our institutions have been laid and developed along lines that make such catastrophes in our affairs a virtual impossibility; that the principles of justice that characterize our administration, and the larger part which we concede to the individual citizen in developing the policies of his own Government make it a practical impossibility for such cataclysms as we now witness elsewhere to be a matter of actual and near concern to us. But it seems we are deluding ourselves. The best we can do now in the way of demonstration is to regret that we have not given a concrete exhibition of that boast in some form that may be of practical value to mankind.

I believe that, if we had preserved from the beginning a condition of absolute neutrality, the unfortunate struggle now raging in Europe would now be well on its way to an adjustment. There is no overlooking the fact that all our public acts and declarations have led in a certain direction, and have created a distinct impression that official America, at least, is anxiously interested in the success of one of the parties to this great conflict. It will require no inspired ingenuity to guess which one, because it has almost become a saying that anybody who at this day professes to be neutral must be in sympathy with the Germans, since everybody else occupying an official position seems to have taken his stand on the other side of the controversy. Now, I do not indorse that view; I do not believe that it correctly represents the true spirit of America; I do not believe it correctly represent the Congress of the United States. I believe that the interests, the history, and the traditions of this Government commit it to a policy of entire fairness and absolute neutrality, and that this attitude should be reflected by those who assume to speak by authority when they represent this country in connection with this great struggle.

If existing international laws and rules seem, by virtue of their attempted adaptation to existing facts, to favor one of the belligerent parties, there can be no good reason why we should not make the further inquiry as to whether or not we are compelled to persist in a course that puts us in an attitude of distinct unfriendliness to the other.

I have thought all along, and I believe now, that the Congress of the United States ought to supplement some existing international rules and regulations with further declarations, which it has ample and undisputed authority to make. No code of laws at this period of the world's history is complete; otherwise there would be no excuse for this Congress and like assemblies remaining in perpetual session. Defects are being discovered all the time. Principles are becoming obsolete by reason of the progress of the world in connection with mechanical and industrial arts and sciences. Rules of action applicable to conditions of fact with which we were called upon to deal yesterday will become obsolete to-morrow. New laws will be necessary to meet these new conditions.

Now, for example, take the matter of exporting arms by neutrals to belligerents. The process involves the rights and interests of three parties—the two belligerents and the neutral exporter. It is not an unneutral act to furnish with arms one or both of the belligerents, provided it be done upon equal terms of opportunity, and yet it is also a feature of applicable law, as well defined and as perfectly recognized as the other, that the Government of the neutral exporter has the right, by the enactment of municipal law, to prevent the export of arms and munitions to either belligerent, and its action in doing so can not be justly deemed under international law to be an unneutral or otherwise unfriendly act.

As illustrating the point I am presenting I call attention to the following extract from Oppenheimer on International Law, a recognized authority on international law in England, published in 1906. The extract is from volume 2 and is as follows:

SEC. 350. In contradistinction to supply to belligerents by neutrals such supply by subjects of neutrals is lawful, and neutrals are therefore not obliged, according to their duty of impartiality, to prevent such supply. Consequently, when, in August, 1870, during the Franco-German War, Germany lodged complaints with the British Government for not prohibiting its subjects from supplying arms and ammunition to the French Government, Great Britain correctly replied that she was by international law not under the obligation to prevent her subjects from committing such acts. Of course, such neutral as is anxious to avoid all controversy and friction may by his municipal law order his subjects to abstain from such acts, as, for instance, Switzerland and Belgium did during the Franco-German War. But such injunctions arise from political prudence, and not from any obligation imposed by international law.

It will thus be seen that both Belgium and Switzerland exercised that right during the Franco-Prussian War, to the acceptance and with the acquiescence of each of the then belligerents. No claim was then made that such action was unneutral nor has any such claim at any time been made, when that right has been exercised as it has been on more than a score of occasions by the great Governments of the world. Take the controversy which has provoked this discussion and thus created the supposed necessity for doing the things that have occurred on this occasion. There are likewise three parties interested in this particular controversy. The allies, the central powers, and the people of the United States, as a neutral likely to be injured.

The allies insist that they have a right to adequately arm their merchantmen for what they consider defensive purposes. Just what that shall be is a matter for them to determine. They are under no duty to consult us about this feature, nor are they in an attitude where we can insist upon the right to be consulted. Mr. Asquith is reported to have said in the British Parliament recently, when he was confronted with some declaration of international law made in part by England on some former occasion, that he could not then devote any of his time to the discussion of the niceties of any code, because the life of Great Britain was at stake, and the logic that proceeded from that situation was the only law that he was at liberty to recognize or apply at that time.

The allies are, therefore, the judge of how they shall arm their ships. They know the danger with which they must cope. The Germans are likewise at liberty to decide upon their own method and equipment for assailing those ships when they are armed and sent out to sea. It is primarily no business of theirs if we safeguard our people and their interests by the exercise of all the powers at our disposal as the legislative branch of our Nation. We have absolute control over our own nationals on the sea and off of it. We have a right to amend our laws in such a way that our nationals shall not seek passage upon those armed ships, except upon the condition that they deliberately assume the responsibility for whatever consequences come from that rash act. We are entirely within our rights—and I know that we will fall short of our duty if we do not exercise it—when we say to any person owing allegiance to the United States: "If you go upon one of those ships, as you are at liberty to do—and we are not disposed to deprive you of your option to do so—you take your safety in your own hands, and whatever international consequence arise from that shall not include our Government as a party, directly or indirectly, concerned therein. We simply declare that we shall decline to follow aboard such ships with a promise of protection from the United States when you voluntarily enter upon that perilous journey."

That announcement will complete our part in the transaction. We have a right to say that without giving offense to anyone. We have a right to make that declaration without giving anybody the right to call us to account for it.

In adopting this course we do not interfere, nor pretend to interfere, with the warfare that is being conducted by the belligerents; but we simply say to them: "You have no vested right to have forever continued a course of action on the part of a few of our nationals who perish in putting themselves in places of unusual peril, and thereby, under the old conception of national duty, bring us into a position where we shall be called upon to take part in the struggle against your adversary." Neither belligerent has any right, directly or indirectly, to censor or supervise the degree of national protection we may assure to our own people.

I think we have the right to pass a resolution declaring that our people go upon armed merchantmen of either belligerent at their own risk, and I think it is our duty to pass it now. We have already failed to take advantage of our opportunities on so many splendid occasions that I do not think this one should be permitted to pass without availing ourselves of it.

Those who just at this juncture are particularly anxious to magnify the importance of the Presidency pretend to think that once the President has declared an opinion or defined a purpose to enforce an existing law thereupon all legislative powers are paralyzed. I have about as much respect for the President and about as much interest in him personally and politically as anybody on this floor; but I have not any such interest in him, nor have I any such interest in the Democratic Party, nor have I any such interest in a seat in this body, as will excuse me in omitting to do anything I can to prevent this country from becoming engaged in the present European conflict. I shall not remain silent; I shall not occupy an ambiguous attitude with reference to the matter.

Other Presidents have been advised by the Senate and the House of Representatives with reference to the presidential duty in connection with international matters, and no intimation was then made that that was an improper exercise of authority or that it was a censorious and unwelcome supervision of the presidential office to have it done. The Congress of the United States, by a joint resolution, directed Andrew Jackson to recognize the independence of Texas. He said, in his message December 21, 1836:

In this view on the ground of expediency I am disposed to concur, and do not therefore consider it necessary to express any opinion as to the strict constitutional right of the Executive, either apart from or in conjunction with the Senate, over the subject. It is to be presumed that on no future occasion will a dispute arise, as none has heretofore occurred, between the Executive and the Legislature in the exercise of the power of recognition. It will always be considered consistent with the spirit of the Constitution and most safe that it should be exercised, when probably leading to war, with the previous understanding with that body by whom war can alone be declared and by whom all the provisions for sustaining its perils must be furnished.

Henry Clay, in connection with the same matter, submitted to Congress a report on the same subject, in which he said:

If, in any instance, the President should be tardy, he may be quickened in the exercise of his power by the expression of the opinion, or by other acts, of one or both branches of Congress, as was done in relation to the Republics formed out of Spanish America.

Instances are not wanting in our history where Congress has directed the President to enter into treaties. No conscientious President, devoted to his duty and to his country, would take the slightest offense or develop the slightest spirit of resentment at the action of Congress in saying: "That law as it now stands imposes upon you the obligation of enforcing something that we do not want enforced; and in the exercise of another power, exclusively in our hands, we propose to put limitations upon it so that you will not be called upon to discharge that disagreeable and unprofitable obligation. We will arrange it so that our nationals, when they undertake to travel on these armed merchantmen, shall go at their own risk and assume their own responsibilities." That is all that it is necessary to say.

The American citizen has been so accustomed to exercising an unbounded liberty that any restriction upon it seems an imposition and unfair. Therefore, in deference to that extravagant notion of his own importance, I am perfectly willing to let him travel if he wants to, so that he does so upon condition that if he is lost "the subsequent proceedings shall interest him no more." He is simply taking his stand where he elected

to take it; and I believe that the average citizen, if interrogated about it, would say that if he saw proper to travel upon one of those ships and was lost that he would want no controversy that would involve his country about his actions. Whilst our citizens put extravagant limits upon their own liberty, they are also fair and courageous; and if one of them puts himself in an attitude of that kind after he has been notified that the Government of the United States does not concern itself further about him than to see that his grave is kept green, that he will accept the consequences of the bargain if he sees proper to make it.

I had arranged for a presentation in somewhat more logical order the things I had to say on this occasion, and I expected to fortify these observations by some of the documents that might be presented here in support of my contention; but I believe I shall content myself to postpone that until this matter shall regularly come under consideration.

I did not altogether like the text of the Gore resolution in its original form.

Mr. McCUMBER. Mr. President, may I ask the Senator a question right now?

Mr. CLARKE of Arkansas. I shall be very glad to answer the question.

Mr. McCUMBER. When is this subject likely to come under consideration in such manner that it can be debated?

Mr. CLARKE of Arkansas. It is under consideration now in a partial way. If the Senator can debate it any better than I can do it, I shall be glad to have him do so, if he is on my side.

Mr. McCUMBER. I may agree with the Senator, and I may want to debate it, but I have not yet had any opportunity, because, if the Senator offers a resolution——

Mr. CLARKE of Arkansas. I am debating it now, but not very well.

Mr. McCUMBER (continuing). There probably will be a motion to table it immediately.

Mr. CLARKE of Arkansas. The Senator need not concern himself about that. We have the water-power bill under consideration. That is a blanket permission to anybody to speak on any subject.

I was not in favor of the Gore resolution as an original proposition, in the form in which it was introduced at first, because it sought to ask our citizens to give up the privilege of traveling on the ships. I do not think it is necessary to go that far. In any remedial legislation curtailing existing privileges it is always wise to limit the restrictive provisions within the narrowest limits consistent with the accomplishment of the thing you have in view. I am perfectly willing to let our people travel if they want to, but I am unwilling to make the consequences a matter of international controversy if they do. Now, that is all that is necessary. As to this last substitute provision that the Senator introduced, I did not understand why it was done, and I did not even understand the modified resolution itself. In hearing it read from the desk it seemed to me to reverse the whole order of his contention and to be designed to get the Senate in the attitude of voting down something that it ostensibly favored. My recollection of the text is that it would be a cause of war if one of these armed merchantmen should be destroyed and the life of an American citizen lost. The Senate voted against it. I am sure it did not vote against it wittingly, because no such proposition was under consideration and nobody was called upon to state his own attitude.

I think it is best to deal frankly with all these great questions, to deal honestly with them, to deal with them in such a way as to show that we definitely and distinctly know the responsibility that rests upon those of us who are to administer the affairs of 100,000,000 of the most enlightened people the sun ever shone upon. You will gain nothing by dodging. You will gain nothing by bartering off your prerogatives in fear or overdependence on somebody else, even if that somebody does control the pie counter. It is time for every American citizen and every American official to courageously assume his part of the responsibility and to fearlessly and patriotically exercise the power that is lodged with him and his station.

The present trend of this Government in the present world conflagration is wrong and it ought to be changed. It is time enough for us to go to war when a real and substantial cause is presented. Whoever engages in war with us will find at the end of it that he has been in a conflict of some magnitude; but we are not going about with chips on our shoulders, pretending to stand to the verge of war for ancient academic practices that even college professors are not agreed about. It takes a long and laborious and involved argument and a wide investigation of almost obsolete literature to determine whether the preponderance of probabilities of regularity is upon one side or the other. The American people did not send us here either to declare war under an obscured condition of that kind, nor to permit it to be declared by anybody else. It is time enough to fight when you have to. In this modern day conflicts are said to be very dangerous. So far as I am concerned, this country is not going into this war until somebody does something that should be deemed justifiable cause for it, and up to the present time nothing of that kind has happened.

I hope somewhere, on this pending water-power bill or somewhere else—and that is a good place to put an amendment of that kind, if you can not put it anywhere else——

A SENATOR. Provided you can get the votes.

Mr. CLARKE of Arkansas. Well, we will get the votes if there is enough red-blooded American citizenship on this floor to put it on there—that our citizens will be notified that if they travel on these ships they do it at their own risk. That is all that it is necessary to change in the provisions of existing international rules and regulations. This much these same rules and regulations recognize our full right to do without consulting anybody or giving cause for offense to anybody when we do so act.

Mr. GALLINGER. Mr. President, as I was the only Senator from the New England States who voted against tabling the amended resolution, I want to say a word.

I voted against tabling the resolution because I felt the matter ought to have been fully debated and then voted upon intelligently. I confess I did not understand what the amendment was that the Senator from Oklahoma submitted to his original resolution, as it had never been before the Senate until it was read from the desk. My position is that I want in every honorable way to do what I can to avoid war. I have believed that it would be a wise thing for our Government to advise American citizens not to travel on armed belligerent ships, and I should have voted for that if the question had been presented to the Senate in that form.

I agree very fully with the distinguished Senator from Arkansas [Mr. CLARKE] in his assertion that we ought to make an affirmative declaration in some form—I wish it might be put in the form of a statute—that American citizens traveling on armed belligerent ships in time of war do so at their own peril.

Mr. President, I feel intensely, very deeply, that we ought not to allow anything to occur that we can prevent that could by any possibility involve the United States in the great war that is now devastating Europe. That has been my only purpose; and had I had an opportunity to vote for a resolution advising the President to recommend to the citizens of this Republic that they should not travel on those ships, I should have voted for it. Had the resolution that the Senator from Oklahoma, amended as he proposed, and which I have examined since the vote was taken, been directly presented to the Senate, I should have voted against it.

That is all I care to say on this subject. I think we are entitled to fully debate this question in the open at some time, and I trust that some resolution may be submitted that will give us a chance to do that thing, and if that time comes I shall take occasion to discuss it. I agree with what has been said by other Senators that we have in our action to-day reached no conclusion one way or the other. I feel that we are entitled to an opportunity to express our views and to vote our convictions, and not have a motion to lay on the table carried, as it was to-day, by brute force.

Mr. BORAH. Mr. President, I have had but one rule to guide my conduct since this unfortunate conflict in Europe began and some difficulties closer home began, and that was, wherever I conceived an American right to exist, and it was challenged upon the part of any country or nation, to meet that challenge without vacillation or compromise. It has been immaterial to me whether the persons, being American citizens, were slain upon the sea or in Mexico, whether the nation responsible for it was large or small. I measured my duty by the fact that an American citizen's life had been sacrificed and an American right had been invaded. I have known no other rule, and I do not at any time intend to observe any other rule.

I should therefore, had I been permitted to do so, have voted for the principle that an American citizen has a right to travel upon a merchant ship armed for defensive purposes. If a resolution embodying that principle in any intelligent way had been presented, I should have voted for it; or if a resolution embodying the opposite principle had been tendered I would have voted against it. It is a right which has been established under international law for these 500 years, and in my judgment this is not the time for the great American Republic to begin to temporize and compromise with reference to those national rights which have been so long established and which every belligerent power has at some time in its history recognized. If these principles

of international law are made unsound by changed conditions of warfare, now is not the time for us to change them. Our purposes in doing so would be misconstrued and misunderstood. Indeed, I think there is nothing so dangerous in great emergencies as vacillation, nothing so calculated to bring on war as a timid policy with reference to national rights.

We are now in the midst of an ordeal, the most trying of our time, and perhaps of all time, and in my judgment any policy of compromise or any timidity in asserting our rights, any policy less than absolutely firm, will lead hastily to national degradation, and from national degradation to war, for there comes a time when the American people will no longer submit to these things and will take the matter practically in their own hands, as they did on the occasion of the blowing up of the *Maine*. I therefore believe that it was the proper thing for the Senate of the United States, after full and fair discussion, and after a presentation of the question, the integrity of which could not be questioned, to have gone on record to the effect that at this time, at least, while we are practically, as it were, under fire in a sense, we will neither temporize nor compromise with that which we have contended for through this century and more than a quarter while we have been a Nation. I think furthermore it is a valuable right, a substantial right, and that its surrender would involve national prestige and honor.

Indeed, Mr. President, firmness and decision will more often prevent war than bring on war. The opposite policy has time and time again led to a very different result from that which it was anticipated would be the result. I am one who believes that it was the firmness, the quick decision, the positiveness of Jackson in the thirties which prevented civil war. It was the timidity, the compromising attitude, the disposition of Buchanan to write theses on the Constitution when he should have acted which aggravated and helped to bring on the Civil War more than any other one thing in the sixties.

I believe, furthermore, that if Sir Edward Grey had answered positively and definitely the question of the President of the French Republic, when he was asked in the last days of July, 1914, what he would do in case Germany invaded Belgium, in all probability this war would not have been begun. But when the President of the French Republic presented the question to Sir Edward Grey as to what would be the attitude of the British Empire, instead of answering positively and decisively as one who knew the right and was willing to support it, he stated to the President of the great French Republic that we will have to wait and see where the interests of the British Government lie, and I quote almost his language. It is always unfortunate in a crisis to have a man wanting in decision and courage, wanting in the genius for responsibility.

I believe, Mr. President, furthermore, that if at the beginning of our difficulty with Mexico, even under the former administration, when our citizens were murdered, instead of compromising or hesitating or, as it were, almost apologizing, we had said "We want no trouble with Mexico, but one thing is beyond dispute, that the American Republic, true to its ancient traditions, will protect American life wherever it is in jeopardy," instead of having 300 Americans murdered in Mexico, the difficulty would have been greatly lessened, if not wholly avoided, so far as American rights were or are involved. That policy was continued under this administration, and humiliation for the Nation is the harvest of this betrayal of American rights at a critical moment.

In 1887 a lieutenant from the Mexican Army pursued a Mexican girl across the border into the United States, seized her, and dragged her back across the line. The great Democrat Grover Cleveland was then President of the United States. She was a Mexican girl, but she was on American territory, and he sent the Army to the border, with instructions that it should go, if necessary, to the City of Mexico to seize the man who had violated the integrity of American territory. The result of it was that this lieutenant was given over at once and was incarcerated in the penitentiary for 20 years. That decisive act upon the part of that great Democrat established order upon the border of Mexico for a decade to follow. That was something, sir, the Mexican could understand. He had no trouble comprehending the sturdy Americanism of Grover Cleveland.

Decision and firmness in upholding your rights under all circumstances will be respected by all the nations of the earth. But if it leads to war, we have our cause founded in conscience and justice, and therefore doubly armed.

I say, therefore, Mr. President, I am ready and willing for the American Republic to go on record to the effect that Americans have the right to travel upon merchant ships armed for defensive purposes, and that the nation which challenges that right or violates it will be held to a strict accountability. But I was not permitted in any intelligent way to so record myself.

I am always made to doubt the cause in which I am engaged when those around me and with me are unwilling to debate it. I think the most manifest evidence of a great and righteous cause is the willingness and determination of those who are advocating it to state their reasons and their views and their convictions to the world, and let the white light of public opinion test their integrity. I am made to doubt a cause which must be decided in secret, or if not decided in secret decided by some ulterior power without the Chamber of this Senate, and here driven through like we would drive through a questionable resolution in a political precinct committee. It casts reflection upon our position, it enshrouds our cause with doubt, when, having been challenged to speak in craven silence, we perfunctorily record our vote and slink away.

I was not permitted to vote upon the question. We denounce Germany because we do not like her system of government, we say, and her militarism. We are told that in that marvelous nation all power and action proceeds from the royal nod. The great Senate of the United States, the pride of Hamilton, the creation of the best thought and the best conception of the fathers—a body which has given to the world time and time again a full justification of the work of its builders—was Germanized to-day. We took precisely the same attitude and followed the same instruction and reached the same results by the same method and process as the highest legislative body of Germany reaches it when the Kaiser directs action from the throne. There was no free, open discussion; there was fear; there was subserviency; there was shrinking from duty.

Suppose, instead of the President saying what he did say in his letter to Mr. POU—that there may be afforded an immediate opportunity for full public discussion—he had advised the working out of some scheme to cut off all expression of view, that a plan should be devised to the effect that a man was to get the floor, and the next man was to get the man who got the floor and cut off all debate, and take a vote upon this important question, in order that he might have the view of the Senate of the United States. Suppose he had set out that proposition in his letter to Mr. POU, what would have been the response coming from every part of the country? It would have been denounced, and the condemnation would have been so fierce, and beat so constantly upon the White House that there would have been another change of view. But what did he say? He said:

> That there may be afforded an immediate opportunity—

For what?

> For full public discussion and action upon them and that all doubts and conjectures may be swept away.

Full public discussion, and yet he sends his men here directed to cut off discussion and prevent all honest, intelligent action.

What will be the worth of this advice to the Chief Magistrate when it reaches him over the telephone? Whose view can he say he has or what opinion will he have by which he will be able to judge of the views of the people as it is made up from the Representatives of the respective States?

I think, Mr. President, that it was most unfortunate to dispose of it as we did. I am not afraid of war if it is necessary to protect American rights. I am not afraid of sacrifices if they are necessary to maintain this Republic. We can not hope to play a part in the great affairs of the world if we are not brave enough to make a sacrifice for our rights. I am not afraid of that condition, but I am afraid of the subserviency, the degradation of the American Senate in the eyes of the American people. This body which has been characterized as the greatest legislative and deliberative body in the world has no further step of humiliation to take. When a great world crisis is on, and not only when the eyes of our hundred million of people were centered upon us but the eyes of hundreds of millions of people throughout the civilized world were centered upon us, we come here and timidly reach a conclusion under the direction of some power beyond the Senate Chamber. I would rather a thousand times that our battleships should be sunk—we could rebuild them—than to have the honor and the independence of this body thus compromised before the nations of the earth. It will no longer be possible, sir, to cry out against the dictation of the superman and the superstate of Germany. It will no longer be possible to boast that this is a conflict between autocracy and democracy, for a more conspicuous example of the absolute breakdown of the democratic spirit you will not be able to cite. It was, I repeat, a sad and sorry way to meet a great situation.

During the delivery of Mr. BORAH's speech,

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

After the conclusion of Mr. BORAH's speech,

Mr. LEWIS. Mr. President, I request the indulgence of the Senate for a moment while I pay some heed to the observations just delivered by the able Senator from Idaho [Mr. BORAH]. As one of those in the organization of the Senate responsible for the course which has been taken by the majority, I take it that it will not be assumed a conceit on my part if I dare present some of the reasons, which must appear to the mind of any as the legitimate justification, for the course taken in the support of the motion to lay on the table. Mr. President, my very high opinion of the eminent Senator from Idaho, frequently expressed by me on this floor and in other places, is of itself, of course, a sufficient assurance of the very high regard I hold for any views as expressed by him.

The grievance expressed by the Senator is that the Senate of the United States has not permitted the full and unlimited discussion of all the matters which could be comprehended by the spirit and subject of the resolutions, the resolution designated as the Gore resolution and the resolution of the Senator from Washington [Mr. JONES], and others cognate to the subject. One would gather from the able Senator's observations that our course in laying the resolutions on the table were an unprecedented proceeding. A casual observer might be induced from the Senator's accusations to impeach this body of having done some unconstitutional thing, of having entered upon a course that has no defense, one without precedent in practice—a course of parliamentary disposition that is without justification in the annals of the procedure of the body, and as one having for its ulterior object the disguising of some motive on the part of the democracy and the hiding of some object on the part of the President.

It is merely to make clear the object of this action of the Democracy and its support that I now tender the observations that I shall now indulge.

Mr. President, in every legislative body there must be rules of procedure. In this body for a hundred years there has been the rule invoked this morning, the privilege to lay on the table a subject matter where it is deemed that the discussion of it would work more injury to the common good than the disposal of the merits through debate. Under the privilege of that rule it was deemed wise by the majority that these resolutions which could give rise at this particular time to a discussion which the majority felt unnecessary and which as shown by the procedure of yesterday and by to-day's proceeding could be misunderstood abroad, would be misapplied everywhere. It was believed by those in charge of the proceedings that it were better, since the spirit of the Senate was well understood to be in harmony with the purpose of the Democracy in opposing the object of the resolution, that we avoid unnecessary discussion and go to the purpose of disposing of the resolution summarily; that by so doing we affirmed the opposition to the object sought. Thus by a ready mode and easy access and well accredited and established precedent, we only did that which our honorable opponents when in the majority in instances too numerous to recite have done in this same body well known to the able Senator and excellent parliamentarian, the Senator from Idaho.

Now, Mr. President, I invite my learned friend's attention to the wisdom of the course. The able Senator says rigor of action, if taken here, were the kind of action which would dispose of difficulties. In that I agree. With that view I accord. The Senator says if there shall be unanimity of and expedition of sure and certain conduct that of itself disposes of all possibility of conflict. It would, says he, end the talk of war and stop the agitation that is fed by vacillation and inaction. Again I indorse the sentiment of the Senator.

The Senator says what is needed here is directness and assurance of assertion, and that from that we would dispose of disputation which might arise dragging on, leading to the license of further discussion, from which there could arise possible danger.

Then, I ask my able friend from Idaho, what more expeditious method could have been adopted to carry out the theory he so wisely advances than the one we secured this morning by promptly, effectively, and immediately acting, by a voice that went out to the country, that the subject matter of this resolution was so disapproved in the Senate as any sentiment of the American Republic that discussion itself was indicted as an affront to the intelligence of America. We took such course in order that we should establish before the world that there was not even doubt enough upon the rectitude of the course of the President on the one hand or the wisdom of the Senate on the other to justify disputation upon the principle announced by him to Germany and the world.

It was upon the very theory urged by the eminent Senator from Idaho, to avoid the complications which he wisely says temerity of conduct or hesitancy of action or prolonged, irrelevant discussion would have inevitably created.

My eminent friend the Senator from Idaho appealed to history, in which events recited by him I rejoin. I assert, Mr. President, that had there been more certitude of conduct on the part of President James Buchanan antedating the Civil War there would doubtless have been avoided that unhappy fratricidal conflict that deluged this Nation in blood and sent the Nation's children, at the hands of their brothers, to their graves, a course that involved the Nation in 50 years of hatred and arraying the manhood and family of the Republic against each other in the house of their fathers.

And now I say to my eminent friend that he omitted one of the real reasons which produced that conflict. It was that when resolutions of every critical and condemnatory nature against the President were tendered in this body clearly in contradiction of every principle of just government, instead of dealing with them firmly, absolutely, and immediately, unnecessary discussions were brought about in this Senate through which insults on the part of eminent leaders of one part of this country were hurled against the other—expression within misconstrued and from without misapplied, and which awoke hatred on the part of our countrymen for each other, and gave rise to the resentment which marched in procession through the streets and roused the vigor of opposition, which finally took the form of vengeance against those in power.

It was this, I may say to the eminent Senator, which brought on the conflict. It was greatly the abusive debate, the exercise of privilege under it on immaterial and irrelevant matter, which, being misunderstood elsewhere, produced the very results that my eminent friend complains will be the result of the lack of rigor and speediness of certain conduct.

I invite his attention to a matter in which many of us here had personal experience, that to which he alluded—the war of 1898 between Spain and the United States. Had the resolutions which were tendered from time to time in the House of Representatives in the controversy between this country and Spain touching affairs of Cuba, which had for their object infringing upon the privilege of William McKinley, the then President of the United States, in his dealings with the diplomatic affairs of this Nation, been treated there as this resolution has been treated here, when it has assumed to intrude itself upon the diplomatic dealings of the President of the United States when wholly within his scope and sole prerogative, there would have been no conflict—no war with Spain.

I inform my honorable friend it was because the resolutions were not tabled when they were on the very face opposing the very spirit of America, but because under the privileges of them, those speaking their views in the House of Representatives and here in the Senate, availed themselves to oppose the right of President McKinley to execute these negotiations up to the point where they should be submitted to the Senate, and under those privileges hurled their anathemas at Spain, impugned the motives of every man who sought to defend the President, charging some in one breath with treachery, others with lack of patriotism, and all with want of wisdom, because of all this there did arise in both bodies that spirit of hostility of one set against the other, and then found expression in a frenzy calling for severe action by America. I was one of the offenders. I was a Member of the House and one of those introducing resolutions. By the course proceeded upon in the Congress of 1898 men were arraigned against each other by virtue of debates on the floors of both Houses, and from this license there grew that feeling that cried out for war, under the assumption that all that was said in these debates was meant by those who spoke it; and from such there was born in America that feeling of retaliation against Spain because of the utterances on the floor of the legislative bodies that wrung from an aroused people demands unnecessary and unjust to all involved.

Then when certain eminent Senators in this body and Representatives in the other hurled their denunciation against Spain and made charges of misconduct, want of patriotism, and treachery on the part of those who sought to defend the President, the country came to the conclusion that there was something wrong, radically wrong, to use the words of the distinguished Senator from Idaho this morning; that there was a subterranean course through which there was being hidden from public view some sinister object or harmful purpose.

Because of that I informed the able Senator there grew in this country a belief that it was necessary for the people to come to the aid of the legislative bodies and rescue them from the thralldom in which it was assumed they were bound, from which they could not rescue themselves in the expression of grievances against Spain.

It was from this that the message then went out from the legislative bodies indicting the resolutions of the other Government, impugning their motives, assailing their patriotism; and then in Cuba came the expressed resentment in the blowing up of the *Maine*. Then was war.

Mr. FALL. Will the Senator allow me?

Mr. LEWIS. I yield to the Senator from New Mexico.

Mr. FALL. Does not the Senator recall that the Senate of the United States was very fully informed with reference to all Cuban and Spanish affairs by President Cleveland in his last message before McKinley's inauguration, and that in his first message and in subsequent messages prior to his special message President McKinley informed the Senate of the United States as to every phase of the Cuban and Spanish situation? Is it not a fact that the Senator can recall that time and again, eight times under Cleveland's administration, special messages were sent in here containing documents and reports upon every phase of the American contention? At that time the same course was followed by McKinley. At that time the people were informed through two Presidents in communications to the Senate.

Mr. LEWIS. Mr. President, I may reply to the Senator from New Mexico categorically. In the first instance, he is wrong. In the second instance, he is wrong. I now reply and say it is true that some, of course, of the proceedings passing between the Governments under the administration of Grover Cleveland and Spain were transmitted to the Senate; but I invite my eminent friend from New Mexico to recall that one of the assaults made upon Grover Cleveland on this floor in the year of 1896, led by eminent Senators of his party, was, among other things, that he withheld from this body the private negotiations transpiring at that time between Spain and the United States. The answer to the accusations was that they had not been completed.

Yet a distinguished Senator on the other side found it agreeable to join with one on the Democratic side, and in these caustic condemnations I now observe the eminent leader of the Republican minority on the Foreign Relations Committee, the Senator from Massachusetts [Mr. LODGE], who did the Senate honor with a seat at that time, now sitting before me. He will bear out this observation I make: There came forth a charge against Cleveland, charging him with tyranny, charging him with despotism because he had not gone to the extent that the able Senator would indicate these men had gone in fully informing the Senate of all the preceding matters touching the purely diplomatic negotiations with which they were solely invested by the Constitution.

Now, as to McKinley. In that administration I had the honor to be an insignificant part of that, and I can speak with more knowledge than I can of the other, of which I can only speak through history. I have foreborne to call the names of Senators of past administrations to whom I alluded because they are dead. In this solemn place we still observe those amenities that death enforces sacredly upon all human hearts.

In the McKinley administration, I say to the able Senator from New Mexico, one of the assaults led here on this floor by my predecessor, an eminent Republican, among others, was the charge against him that he was betraying his office, violating his oath, because he would not make manifest the private correspondence that existed at that time between himself and his Government State officials and that of Spain.

It was two comments made in the wildness of debate by a couple of Senators on the floor of this body, I tell the Senator from New Mexico, that caused the report that Señor de Lome, the representative of Spain, had, in response, called McKinley a pig. It was that revelation that caused this country to be inflamed in its natural resentment of an insult against its distinguished Executive; but I have to say—returning to the Senator from Idaho and likewise to the Senator from New Mexico—that if the intimation of the Senator from New Mexico is that the now President of the United States, Woodrow Wilson, has failed to inform the Senate of proceedings which the Senate had a right to know, I ask my eminent friend from New Mexico to what proceedings does he allude? If he alludes to the present proceedings between this Government and Germany, my answer is that there are no constitutional obligations upon the President of the United States to transmit to this body the proceedings between himself, as the President of the United States, and the Governments abroad, as they are in the process of proceeding, save under some specific resolution of this body making the request. While he initiates and carries on the diplomatic negotiations vested in him in his Executive capacity he is sovereign until the time comes that such are to be transmitted to this body for its approval or disapproval. He is not called upon by the system of government in vogue and by the doctrines established to inform this body further as proceedings are in process than it shall request. There is no suggestion here that such request has ever been made, or, if made, that it has ever been denied. Therefore the imputation of the eminent Senator from New Mexico, to be drawn by the parallels which he assumes to be present here, was without foundation, as it appears to be unnecessary. I therefore again say to the able Senator from Idaho that if these discussions—irrelevant, unnecessary, vituperative, vicious, and malicious—which were engaged in at the time of and preceding the Spanish-American War had been withheld there would have been thousands of young men living in the glow of life to-day but who now lie in unmarked graves upon the sodden hillsides in many camp grounds of America. There they were reconnoitered and died of fever and disease for want of guard and protection on the part of their own Government, which had hastened to war in the hour of unpreparedness.

There would have been to-day a kindly attitude between Spain and the United States and her South American daughters. There would have been the salvation of millions and millions of money to this country now expended to our loss. There would have been an exemption to us of the complications that have been brought upon us by our possession of the Philippine Islands, involving the Asiatic problem. I say to the able Senator that all of the complications of this day, in my judgment, now irritating the United States would have been saved America had that war with Spain been avoided, for I charge that all that we are now suffering from in this hour of confusion and prospective danger is the direct result of the difficulties into which we were hurled by those precipitous discussions, untimely, unjust, unfair, and destructive of the prospect of peace, which America could have enforced under President McKinley and his benign influence had he been but permitted to do that then by his own party—which the Democracy now asks that Wilson be permitted to do under the leadership of his party—to execute his duty within the Constitution unhampered by those agencies or legislative bodies wherein they are not called upon by law to intrude.

My eminent friend says that here is an exhibition of subserviency on the part of the Senate. Where will the able Senator point as an exhibition of subserviency that the Senate adopts the methods written in the rules for the disposal of business, and that it has obeyed the very injunction he has wisely given forth of rigor, certitude, and certainty of action, without hesitancy, without prolonging it, without vacillation. Subserviency to the President? Why, the Senator says that the President's letter demanded discussion; that we have denied it. This is not subserviency; this is insubordination. Such is not acquiescence; it is disobedience. Where is the subserviency? It is an imaginary existence; it has no being.

Says the able Senator from Idaho, this country, in the event of any crisis, is ready to make any sacrifice. In that I join my eminent friend. That is one of the great virtues of America, that if there shall come upon us at any time the necessity for sacrifice for the welfare of the Republic there is no man bearing the name of American who does not keep step to the tap of the drum and leap to glory under the wave of the flag of his country; but why, Mr. President, bring upon him the necessity of the sacrifice? Unnecessary discussion with the privileges which surround it, with the evils which have followed it, in this body and in another, is the very kind of thing, I say to my eminent friend, which will do more to bring a heated conflict upon this country than all other agencies to which I can invite his attention that would entail that sacrifice. Misunderstood by our own country, misconstrued by the opponents, they will be used as the agencies to indicate hatred and animosity, and will produce the very result which we of all parties are struggling here to avoid.

I say to my eminent friend from Idaho, recognizing him as the able spokesman of his side, that, instead of moving to those things that will cause a sacrifice of lives of American citizens, the sacrifice of all the treasure of American blood, the sacrifice of all the peace of the American country, the sacrifice of the manhood and the womanhood of our land, I pray that there shall be that communion of hearts this day that shall avoid the sacrifice by making some little sacrifice on our own part here in this Senate, before the country. That we may sacrifice partisanship to patriotism; that we may preserve in patriotism the lives of our countrymen and the peace and the honor of America.

Sacrifice! I invoke my honorable friend that he join with us, the Democracy, that we forego unnecessary conflicts upon mere detail and technicality, upon party politics or political expediencies. I ask that we reach the conclusion quickly; that we go to the spirit of the object; and, instead of holding out to our country that something has been done here to-day which hides the truth from American eyes, let us say that in this crisis we sacrificed the privilege of mere debate; that in this crisis we sacrificed the privilege of mere political discussion that could gratify the desire for display of polemics and rhetoric; that in this exigency we deny to ourselves the pleasure of impaling humanity upon our utterances and indicting mankind with our invectives, merely because the opportunity was afforded to do so; and in consideration otherwise for the welfare to follow the sacrifice we turn ourselves about to join with the President of the United States, as our President, to achieve his object; to carry out these negotiations which he has undertaken, without the interference of the Senate at the time when it was not called upon to interrupt him or to obstruct him; and that all, in unanimity with this object in view, to secure peace, maintain honor, and disclose before the world that a united country was behind a valorous and patriotic President, sacrifice all of mere pride and privilege, and write above our effort those splendid sentiments of Daniel Webster, uttered at Bunker Hill:

Our country, our whole country, and nothing but our country.

Mr. SHERMAN. Mr. President, in my judgment, we are approaching the issues of peace or war. I do not believe in an evasion; I believe in fairly meeting those issues, and meeting them in such a way as the reasons for or against may be given. The action in this body, taken a short time ago, may be parliamentary; it may be justified by the exigencies of the situation; but it is unworthy of this Senate. It smacks so strongly of cowardice and evasion and of shirking responsibility that I am justified in applying to it those words of criticism.

If an issue of this character be raised, involving the welfare of a hundred million people, it is at least, Mr. President, worthy of an open discussion. This is called an "open forum." It is a term of unmeasured sarcasm applied to the proceedings of to-day. Two parliamentary motions are ever recognized as ones to destroy the freedom of debate. No attempt was made this morning, nor would it have been made unduly, to take time upon the floor of this Chamber to discuss the merits or the demerits of the resolution. One motion is the previous question, and the other, which is as restrictive of discussion, is the motion to lay upon the table; one of which closes debate and the other is itself not debatable.

It is not because many Senators upon this floor are so afflicted that I aver I am not suffering from a retention of eloquence. I have occupied but little time and taken less space in the CONGRESSIONAL RECORD during the Sixty-fourth Congress. I have arrived at a point in my life, Mr. President, where, if it be merely a matter of making remarks, I prefer to remain in my seat and vote. By the time those who are entitled to seats here have reached the Senate it is presumed that they have passed beyond the academic stage. We are in no need of elementary instruction in civics; and I therefore think that, in the main, on questions relating to legislation, in all probability it is better to vote than it is to talk.

The President made a proper request, in my opinion. I may or may not agree with him upon his duty in relation to our diplomatic affairs with foreign powers, but that is beside this discussion. I do think—and I feel it so deeply that I feel impelled to break in upon the silence which I have hitherto preserved upon this and kindred questions—I do think the President was entitled to the judgment of the Senate upon this question. He was entitled to more than an evasive vote on a motion to table.

I believe the President was right in saying that the opinion of Congress upon questions of great disturbing moment was vital to him in his negotiations with foreign powers.

If he were embarked upon the wrong course and if he had undertaken the negotiation of matters in a way that would not be sustained by Congress, it was his right to know it, and to know it at the earliest possible moment.

Ultimately the way our Chief Executive is traveling leads to but one goal—it will end in war or national humiliation. There is no escape from the end of the way he is traveling.

From the great West and Northwest, along with the far southwestern country along the Mexican border and the Pacific coast, will be drawn a large part of the men who must defend, in the first instance, the Atlantic ports, which will be the first object of a cannonade.

If you think those of us who are away from the Atlantic seaboard towns do not feel, and feel deeply, on this great question, you are nursing a grievous error. I believe that public opinion there is as quick and the public conscience there is as much aroused on this question as it is in the Atlantic States.

So the President was entitled to the opinion of the Senate. That opinion has been denied him by the action here to-day. It makes no difference what our views may be, the President, on his request, is entitled to our views, and is entitled to them promptly and not at a late day, after he has proceeded on his diplomatic destination until he has arrived at the point where diplomacy has ended, where the laws of peace will no longer serve the purpose. He must then submit to the House of Representatives and to the Senate the momentous question of peace or war. If we do not wish him to travel to that ultimate destination, it is our duty to speak now, that he may be forewarned to proceed no longer in that direction.

Mr. President, it has been said a good many times on the floor of this Chamber that for some centuries the law permitted merchantmen to be armed. That is true; and, so long as the question has been raised, it is well that it be discussed. Probably since the days of Grotius and before—because he collected only the principles and precedents of that time—merchantmen were armed, not with heavy armament distinguishing ships of war, but with such weapons and such ammunition as were reasonably required to repel such enemies as they might encounter.

What were those enemies? In every instance a merchantman, going abroad in the time of Grotius and up to a hundred years ago, might encounter pirates in many of the commercial highways of the world. They might encounter, in the absence of shore patrol, at points where they received and discharged merchandise, thieves, either individually or combined. So a merchantman was permitted to carry such defensive armament as was necessary to protect her and her cargo against thieves by land and pirates by sea. This originally was the ground upon which a merchantman was allowed to carry arms. It was a peace armament and in no sense was designed for naval warfare in either defense or offense. It permitted a merchant ship to be and remain a vessel of peace and not of war.

The rules of no two civilized nations in the world are agreed on the extent of that armament. It varies with conditions and with the centuries; it varies with the character of the cargo and the ports of destination; it is controlled by treaties and conventions, by circular letters of the power to which the merchantman belongs or under whose laws it is registered. There is no hard and fast rule fixing the character of the armament of a merchant ship.

If it be mentioned that there are laws governing nations at war and the character of the armament in years past, let me reply that the discussion is academic. All of the discussion on the floor of this Chamber on the character of the armanent of a merchant ship relates to conditions totally unlike the conditions facing the nations now at war. Every rule is based upon certain conditions. When the conditions cease then the rule itself in most cases ceases.

Let me illustrate. At one time an ancient king saw a guard at a desert point. He inquired why the guard was there. He found no man who could give him the desired information. After much inquiry on his return, he found that at one time there had been a tree at that point which had given shelter to a sovereign who had passed that way—one of his predecessors long since gone to his grave. To preserve the tree a guard had been placed at that point to save it from the irreverent hand of the passerby. The tree had long since died. The sovereign and all his generation had passed away and succeeding days had forgotten even the purpose of the guard, but, a good deal like a public office or a public pay roll, the place continued forever. [Laughter.] The reason of the rule had gone long ago, but the rule remained, and the guard at the desert point was still on duty at the same old spot.

These rules, which were framed hundreds of years ago and which are invoked here to justify some of the arguments for arming merchantmen, were based upon conditions which have ceased long ago to exist. They ceased to exist as early as the second day of August, 1914.

At that time an advance division of the German Army crossed the frontiers of Belgium. The convention concluded at the Second Hague Conference was broken at that instant. That was notice to all the world that this convention, neutralizing Belgium and making binding its observance upon the nations which signed through their proper representatives, had been broken. Immediately resulting upon that came the naval warfare out of which this controversy grows.

The first difficulty came in the loss of Americans on the *Lusitania*. Following that came diplomatic note after note. The President has striven earnestly and patriotically to conduct the negotiations in such a way as to preserve peace at home and give us safety abroad. I think no just criticism can be made of his diplomatic efforts. They were nonpolitical efforts on his part; it is a nonpolitical view on my part that I take when I approach the examination of these subjects.

For the first time in the history of human warfare submarines have been used; for the first time air craft have become powerful instruments in deciding the fate of nations; for the first time the question has arisen, How shall a submarine make its attack, be defended against, or how shall it be destroyed? A submarine is not a heavy, armored vessel; its sides are subject to attack; it is the most vulnerable of all seagoing craft.

I have no sympathy whatever with the use of a submarine against an ocean liner filled with passengers—men, women, and children—without warning, if it be a craft carrying nothing but its merchant characteristics. I do not think an attack upon such a vessel is justified either by the law of nations or by the law of humanity.

That question, however much it may be intruded, is not the question now presented to the Senate for solution. The question we have to decide, under the changed conditions, with pirates gone, with shore thieves away from the harbors, with an efficient patrol, with police authority, with all that is needed, either at the initial point of shipment or at the destination, of guards to preserve the rights of property, is whether the reasons have ceased to exist. I think they have. Ordnance is not required to quell a mutiny. It can have now but one purpose.

Mr. HUSTING. Mr. President——

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Illinois yield to the Senator from Wisconsin?

Mr. SHERMAN. Yes, sir.

Mr. HUSTING. I should like to ask the Senator whether British merchantmen have been torpedoed by German submarines, and, if so, whether the vessels were unarmed at the time they were torpedoed?

Mr. SHERMAN. Some of them have been. The *Lusitania* was practically unarmed.

Mr. HUSTING. Does not the Senator think that merchantmen should be permitted to arm themselves to repel unlawful attacks by submarines?

Mr. SHERMAN. I will answer that not by "yes" or "no," but, Mr. President, I will answer it by saying between the belligerents they can settle that for themselves.

I have no doubt, Mr. President, that a merchant ship may arm itself in any way it sees fit, either within the circular letter that has been mentioned in some of the correspondence or in any other way. I may at some proper time discuss that at length. It does not now bear upon the question. The question here is not whether the merchantman may arm itself, but after it has armed itself, thereby converting itself into a fighting ship, shall we permit American citizens to take passage upon it to the scene of danger?

Mr. HUSTING. My question was directed to the Senator because the Senator made the statement that the reasons for arming merchantmen had gone by with the passing of the pirates.

Mr. SHERMAN. They have.

Mr. HUSTING. In this warfare——

The PRESIDING OFFICER. Does the Senator from Illinois further yield to the Senator from Wisconsin?

Mr. SHERMAN. Certainly.

Mr. HUSTING. In this warfare, however, these unlawful attacks on merchantmen were resumed by the submarine. That is true, is it not? I say, was not the reason for arming them renewed when the submarine torpedoed merchantmen that were not armed?

Mr. SHERMAN. If they are unarmed, there is no justification.

Mr. HUSTING. But they have been torpedoed unarmed, have they not?

Mr. SHERMAN. Yes, sir.

Mr. HUSTING. My question, therefore, is whether the reason has not been revived by these unlawful acts of the submarine, so that a merchantman not only is justified in arming itself, but it is its duty to do so?

Mr. SHERMAN. No, sir; it has not been revived, Mr. President—not by any means.

The submarine is an arm of a belligerent's naval force. If a merchantman arm itself to destroy a submarine it loses its innocent character and becomes an auxiliary naval craft. It is then subject to the hazards of naval war. How belligerents conduct a war between themselves does not concern us sufficiently to intervene by force to impose our methods of war or views of international law on other nations. A submarine is a recognized instrument of war. Differences exist on how it shall be used. Prudence requires our citizens not to expose their lives and demand we go to war to restrict the use of submarines as we think proper.

Mr. HUSTING. Just one more question.

The PRESIDING OFFICER. Does the Senator from Illinois further yield to the Senator from Wisconsin?

Mr. SHERMAN. Yes, sir.

Mr. HUSTING. Would the Senator say that a merchantman that might be exposed to these attacks should not be in a position, if it were unlawfully attacked, to defend itself?

Mr. SHERMAN. Not necessarily. It may if it wishes to assume the relations of an auxiliary naval vessel to the belligerent power to which it is accredited. It arms itself at the risk of having changed its character from a peaceful merchantman to a part of its nation's naval power.

Mr. HUSTING. I understood that the Senator's argument a little while ago was that in the olden time the merchantman was privileged to arm itself and still maintain its status as a merchantman.

Mr. SHERMAN. Yes, sir; that is correct. Because the pirate does not exist except in literature and polite fiction, and because the conditions have changed so that no armament is necessary, there is now no reason why the armament should continue as a defensive measure to a peaceful merchant ship. If it be there at all, it must be not only for the purpose of defense against any ship, part of a belligerent's navy, which comes that way, but more especially for use against a submarine. It therefore assumes the characteristics of a naval auxiliary. Although a noncommissioned vessel, it is as much a warship upon the open sea as a battleship or any other commissioned vessel that is accredited to the naval power under which the private merchantman is registered. That is the very substance of the contention in this case. If an armament be carried, it becomes a ship of war on which no American ought to take passage.

I wish now particularly to call attention to some matters that I think are material in this controversy.

To summarize what I have said—and I wish to be as brief as I can—the conditions have changed that require or justify a merchantman to arm itself. It no longer has a right to carry, because of the reasons as of old, an armament. If it arms itself now, it arms because it intends to make war upon the naval forces of the enemy. If that be the motive with which a merchantman is armed, then it must accept the fortunes of war. If it be attacked by any kind of craft belonging to the belligerent power, it must take whatever destructive effort is made against it.

I am not endeavoring to justify, and do not, the use of a submarine against an unarmed, unresisting merchant ship. I am insisting no prudent American will hazard his life and entangle his Government in war on such a ship.

Mr. HUSTING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois further yield to the Senator from Wisconsin?

Mr. SHERMAN. Yes, sir; I do.

Mr. HUSTING. If the merchant ship had no defensive armament of guns, and it were unlawfully attacked by a submarine, what would the Senator suggest that it might do to defend itself?

Mr. SHERMAN. It can do like any other of the private craft that belong to the belligerent power—escape if it can or submit to capture or destruction.

Mr. HUSTING. Supposing the case that the vessel had not been asked to stop; that it had been attacked by a submarine without warning and a torpedo fired at it?

Mr. SHERMAN. If it be an unarmed merchantman, if it be torpedoed without warning by a submarine it is a lawless procedure.

Mr. HUSTING. Yes; but the ship goes down without being able to defend itself.

Mr. SHERMAN. Certainly. That is one of the misfortunes of war and of the use of this instrument for the purpose of waging war.

Let me go further. There exists yet—it never has been questioned, and the reason still exists for employing the rule—the right of visit and search to ascertain the character of the vessel, whether it be armed or unarmed, whether it be warlike or neutral, whether it carry contraband or noncontraband as its cargo. If a submarine torpedo it without notice and without searching to find the character of the vessel by visiting and ascertaining its character, if the submarine should be mistaken, and it is an unarmed merchantman carrying nothing that could be in the

nature of armament that could destroy a submarine, the submarine has acted lawlessly. It proceeds in every instance at its peril.

Mr. HUSTING. Yes; but how about the men——

The PRESIDING OFFICER. The Chair regrets to inform the Senator from Wisconsin that for the preservation of the rules, it is wiser to address the Chair, so that the Chair may protect the Senator's interruption.

Mr. HUSTING. I thank the Chair. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Wisconsin?

Mr. SHERMAN. Yes, sir; certainly.

Mr. HUSTING. But how about the men aboard the ship, who have nothing with which to defend themselves from an unlawful attack?

Mr. SHERMAN. That is a matter to be settled between the two nations concerned.

Mr. HUSTING. Mr. President, does not the Senator think, therefore, that a merchantman that might encounter an unlawful attack by submarines is justified in having on board defensive guns, to be used only in the event that it is unjustly and unlawfully attacked?

Mr. SHERMAN. No; I do not. If it be an unarmed merchant ship, it is an unjustified attack. The submarine attacks at its peril if it destroys without visitation and search in order to ascertain what the true condition is. It arms itself not to destroy pirates, but a regular vessel of an enemy navy. How can it do so and preserve its peaceable character so as to justify our permitting our citizens on board?

Mr. HUSTING. Mr. President, just one more question.

The PRESIDING OFFICER. Does the Senator from Illinois further yield to the Senator from Wisconsin?

Mr. SHERMAN. Yes, sir.

Mr. HUSTING. Does not the Senator think that the mere presence of guns on board a ship is not of itself sufficient to give that ship the character of an auxiliary cruiser? Is it not rather a question of the intent with which these guns are to be used, or the orders given to the captain of the boat as to what he shall do with those guns?

Mr. SHERMAN. Not necessarily. It is all a matter of evidence; and that, as I will explain later on, is one of the reasons why some proper action ought to be taken by this body.

Mr. HUSTING. Does not the Senator differentiate between a merchantman that is armed with guns, carrying a captain and crew who are ordered to shoot on sight, and one that carries guns merely for the purpose of defending itself from an unjust and unlawful attack?

Mr. SHERMAN. There is no difference between a revolver for defensive purposes and one for offensive purposes. It is the same caliber, handled in the same way, and produces the same results.

Mr. HUSTING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois further yield to the Senator from Wisconsin?

Mr. SHERMAN. Yes, sir.

Mr. HUSTING. Taking the Senator's illustration of a man with a gun, does the Senator see no difference between the rights of a man carrying a gun on the street for defensive purposes and a man carrying a gun who goes out and threatens that he will shoot his enemy on sight?

Mr. SHERMAN. There is no difference in his motive. In the one instance he has a specific assailant in mind, and in the other he is sailing under general orders. [Laughter in the galleries.]

The PRESIDING OFFICER. The Chair must remind the occupants of the galleries that one of the rules of the Senate is that they shall not manifest approval or dissent. The Chair begs the occupants of the galleries to adhere to this rule, in order that he may not be called upon to empty the galleries.

Mr. HUSTING. Mr. President, can not the Senator conceive of a man carrying a gun for defensive purposes, without any orders at all?

Mr. SHERMAN. It is not permitted by the laws of most States. There may be certain places on the fringes of civilization where a gun is part of the ordinary pocket hardware of a gentleman.

Mr. HUSTING. That is in the case of concealed weapons.

Mr. SHERMAN. But in all the jurisdictions of which I have any detailed knowledge it is unlawful to carry a revolver, unless it be exposed, for any purpose, whether defensive or offensive.

Mr. HUSTING. I am referring not to concealed weapons, but to weapons carried on the person.

Mr. SHERMAN. It does not make any difference, if we extend it and apply it to an armed merchant vessel, whether the purpose is to use it against a submarine or to use it generally against any enemy that may appear.

The very question raised by the Senator from Wisconsin is evidence of the fact that there is substantial ground for controversy on the right of a merchant ship to be armed and to what extent it may be armed. The question, therefore, that presents itself to Congress, and on which the President, as I think very properly, asked for an expression of opinion, was whether, in the exercise of common prudence, we would safeguard our citizens by forbidding them to take passage in such a boat.

Let me read, Mr. President, some matters that I desire to incorporate in the RECORD that will make plainer my meaning in this particular.

It is a question of safety. It is a question of preserving our own people. If I am correct in saying that the conditions authorizing a merchantman to carry an armament have changed, and that no reason exists now outside of warlike reasons for carrying armament to be used against the enemy, then if a ship arms itself it may use the armament for offensive purposes as well as defensive purposes. At any time a belligerent craft approaches it it may be used to destroy the enemy.

If it be considered for a moment what the effect is on our own people and on our difficulties with other powers in which this will involve us, it is very material to find out what we had better do. If the President desires to know if Congress is or is not in accord with him on this question, it becomes the duty of the Senate and of the House to inform him now, so that if need be he may with honor retrace his steps in the diplomatic efforts hereafter made for the settlement of these vexed questions.

On the 13th day of January, 1916, the White Star liner *Adriatic* sailed from New York for Liverpool. She had on board 120 passengers, some of whom were Americans. She had on board 18,000 tons of war munitions. She was a floating arsenal. She was filled with implements of destruction. She was a potential explosion charged with sudden death to all on board. She was a constant invitation to the submarines or other fighting craft of the central powers to attack and destroy her. The very ammunition that is to-day defending Verdun, that is nerving those who are behind the fortifications to continue in their defense, went on the *Adriatic*. It has been carried from the coast, and to-day is helping decide the fate of France.

Some Americans were booked for passage on this boat. Are they not incurring an imminent danger?

The White Star liner *Adriatic* is operated by a corporation organized under the laws of Great Britain. If my memory is correct, there are 15 members of the board of directors, 11 of whom are Americans and 4 of whom are British subjects.

The vessels are registered under the laws of the United Kingdom. They carry the colors of Great Britain. The *Adriatic* was an armed merchant ship. She carried the usual armament, it is said. The guns were mounted aft. There was, in addition to that, I think, if the exact truth were known, a vastly increased armament for the purpose of meeting any possible submarines that might attack her.

I shall not enter upon an examination of this question of who is right and who is wrong. That is primarily a question between the central powers and the allies. What we are concerned in is to know what we shall do in this crisis.

Here is a further condition that confronts us. Ten days later the news dispatches throughout the country contained the following with a date line of New York, January 23, 1916:

> German submarines are again active off the southwest coast of Ireland. This report was brought in to-day by the White Star liner *Cymric*.
>
> The morning after leaving Liverpool the *Cymric* received a wireless from the Admiralty warning her to look out for submarines. An hour later three of the newest British patrol boats hove in sight and convoyed the liner to a point 50 miles west of Fastnet.

Among the passengers was an American aviator and several others, giving their names.

Again, on February 29, 1916, it appears from information sent out by the office of the White Star Line that instructions were received by the Pittsburgh agent of that steamship company not to book any passengers for the White Star liners *Lapland*, *Baltic*, and *Adriatic*, which are to sail from New York between March 8 and March 20.

> The notice advises agents to endeavor to influence persons contemplating voyages to Europe to take passage on American line boats. No reason for the action is known here.
>
> This is made public at Pittsburgh, Pa.

The latter line in the news dispatch is entirely superfluous in the Senate. Everybody knows what the reason is that led to this change in the business policies of the company.

I cite these merely as instances to show the constant dangers that lurk about a British merchantman on her voyage from any of our ports to those of her own country. The steamship company itself is more concerned for the safety of Americans than we are ourselves.

Here, therefore, is the practical question, Mr. President, whether under these disputed rules and under the undeveloped state of international law applied to changed conditions and these modern implements of warfare we shall undertake to anticipate what future conventions and treaties may do; whether we will undertake now ourselves to write by the sword a new chapter in the international law of civilized nations, to govern the conditions under which submarines may be used and under which neutral passengers may take their passage in a merchantman carrying an armament to repel the attack of a submarine.

Mr. President, if it had not been for the request made by the President, no urgent present need would exist; but he has asked for some expression, and what I am insisting on is that it is proper to give it. The motion to table, which prevailed by a very decisive majority, is not responsive to the President's request. It amounts, to quote from Job, to "the darkening of counsel by words without knowledge."

The President asked our opinion, and was given an empty parliamentary motion. I can see translated into half a dozen tongues across the sea the kind of motion that was made and disposed of in this Chamber this morning. The universal feeling must be, at home or abroad, that we have evaded the question presented to us.

The right of an American citizen to travel under ordinary conditions is unquestioned. He is a neutral and can take passage in a merchantman. I am not attempting to limit the right of an American citizen under proper conditions. There is a difference between having a naked technical right to travel under dangerous conditions and the wisdom or folly of exercising that right, and that is what this question is.

Let me suggest that during a time of riot or great public disorder I have a right to travel on the common highway. It is a place fit for all to travel. It is a public way. I have had the misfortune to be through three riots in my brief experience. I know the difference between the exercise of my right in a time of great public disorder and the exercise of it in a time of peace.

I have the right, when a line of railway in a populous city is crowded with rioters, when an immense multitude of agitated people imagine through a mistaken notion that settlement can be had by disturbing the normal operation of a transportation line. I am somewhat familiar with the conditions that prevail and the immense burden placed upon the police, upon the National Guard, and, in some instances, upon the Regular Army of the United States. Even in time of disorder I have a naked technical right to go down the public streets. It is a highway. My right to travel that highway is not denied.

Shall I wrap about me the cloak of an American citizen and, in the full panoply of my civic pride, go upon a public highway when the air is full of bricks and bullets and the curbstone of the highway flooded with infuriated, rioting men, the basest passions let loose, and destruction rampant on every hand?

Is that a fit time for me to claim my lawful right as a pedestrian to go down the highway and call upon the authorities to protect me?

Have I not a right to call upon the police department to safeguard my passage? Have I not a right that the National Guard of the State shall protect me in the exercise of my desire to travel? Have I not a right to call upon the troops of the Government to safeguard and enforce my right to travel upon the public highway?

Certainly I have, but in every time of public disorder that I know of the innocent bystanders, the pedestrians who have the recklessness to insist upon their right of public travel on a public highway at that time, are invariably told by a policeman to leave the scene of disorder, disperse peacefully to their homes, and remain there until order is again restored.

I ought not insist upon this right, burdening the authorities endeavoring to preserve order, to protect life and property, with my technical right to travel at that time and place. I have no such right, and the Government, local or otherwise, has a right through its peace officers or its military arm or its police force to lay its hands on me and make me return to my home and cease to encumber the scene of disorder with my presence, for two reasons—one, that the officers endeavoring to preserve order shall not be burdened with my protection, and the other is that I myself, if I have not the prudence to protect myself, will be protected by the orders of organized society through its proper agents. It is on that ground it is wise for the noncombatant to absent himself from the scene of hostilities.

Mr. JOHNSON of South Dakota. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. SHERMAN. Yes, sir.

Mr. JOHNSON of South Dakota. I voted to table the resolution and would have voted against the resolution had it come up for a vote. Now, I should like to ask the Senator from Illinois if this resolution had been passed by Congress, or even a law had been enacted, would it save us from complications in the performance of our duties to our citizens should they sail from some foreign port and their lives be lost?

Mr. SHERMAN. I think so. We declare our purpose; we give warning. An American who sails from a foreign port ought to heed that warning. He ought to be as careful of his safety as the White Star Steamship Co., which advises him to travel on a neutral boat.

If there are no more of our citizens destroyed in the future by what it is insisted is the lawless use of submarines, I do not anticipate that either public sentiment or the public authorities of his country would seek to embroil us in the war for what has been done. That is irrevocable. We can not restore. We have no power to resurrect. Unless we wish, therefore, to make our action relate back to what has already been done, making it a cause of war and entangling ourselves in the feuds of dynastic succession, the war of commercial supremacy or territorial aggression, of racial hatred, of family pride; a war of cousins and family quarrels, among those upon whom have descended a crown and who insist upon sitting on a throne—unless we wish to entangle ourselves for what has already been done, if our citizens keep out of this distant danger until peace shall be declared, no more provocation will be presented.

The open sea is our highway, it is true; but the armed ship of a belligerent is a dangerous place any place it is found on the sea. Why should our people insist on being at that particular place?

I believe some proper regulation upon the foreign travel in dangerous places of American citizens is proper, upon the ground I have just stated. In time of international disorder organized society has a right to keep its own citizens out of the danger zone. We need not discuss the question here of the lawful or unlawful use of a submarine, of air craft, and other methods of warfare which might be reprobated by a sense of common humanity. That will be decided in due time, as already suggested.

What we have to decide, however, is whether we are to embarrass ourselves, whether we shall permit our citizens to go into danger zones and be destroyed, as some say, unlawfully, thereby involving us in war, or whether we shall restrain or warn them to desist.

By an order in council of Great Britain all of the territorial waters and shores of Germany were placed in a state of blockade. In a decree of the Imperial German Government from Berlin the Dover Strait, the German Ocean, the Irish Sea, and all the territorial waters of the British Isles were declared to be in a state of blockade, by calling it a danger zone, warning neutral shipping to keep out of those waters. All the difficulties in which we find ourselves involved grew out of the presence of American citizens on merchantmen destroyed by submarines in such waters. That is practically the substance of all our controversy.

My contention is that this Government has the right, and I believe it is its duty in the present crisis, to place some proper restriction upon its citizens, keeping them from going into the danger zone, so that they may avoid the constant cause of quarrel and the possible danger of war. I think the duty of this Government is equal to that of a police officer in a time of riot or great public disturbance, who takes me kindly by the shoulder and advises me to go to my home; that I am in a dangerous place and am adding to the burdens, as I have suggested, of the officers who are trying to preserve the peace or restore order. I put it upon this undoubted right of civil society so to act.

We all have our sympathies. I need not say what mine are. I have them; they are the reverse of what possibly it would appear by my voting on some proper resolution limiting the right of an American to travel upon the armed merchant ship of a belligerent power.

I have studiously refrained from public utterance any place, in the Senate or elsewhere upon the public platform, since this question became acute, saying that I would in all proper ways support the hand of the President in any crisis that came to him, and I say so now. That does not prevent me from voting upon a question that will remove from him the embarrassment and the possible entanglements resulting in war which may be imposed upon us if we do not act.

We are neutrals; we say we are neutrals. The truth is that neutrality is an indefinite term to many people and a very thin line of division exists. The allies possibly have more friends among the Eastern States than they have in the West or Central West or Southwest. I can understand why. Of the many millions of dollars, of the $500,000,000 loan negotiated in this country, of the thousands of millions of dollars of war supplies that have been bought by the allies in our markets, nearly all the money has been expended and supplies purchased, with the exception of one class of merchandise, from Chicago and points east to the Atlantic coast. Outside of horses and mules, coming from the West, Southwest, and Northwest, all the other great export articles of merchandise used in the war have belonged to the quarter I have named.

Are we neutral? We are not. We have not been neutral in a part of the United States. The reason for the rule I now announce remains as sound now as ever. In the purchase of war supplies from a neutral by nations at war we have been justified in the sale by the rules of several hundred years. Any belligerent can buy in our markets under the well-settled rules of international law. They have done so. The fact that one of the powers may not have been able to purchase and deliver does not change the rule. That is a mere question of power.

Add to this rule of the belligerents' right to purchase in a neutral market from the neutral country's citizens anything they need, contraband or noncontraband, or otherwise, the principle that when a neutral market is open to belligerents for the purchase of war supplies it must be opened alike to all the belligerents. There must be no favoritism shown.

I wish to read, Mr. President, matters that are of some moment in my judgment. The estate of Frederick Voss, of Chicago, operates a wire-lathe factory in that city. It is a large purchaser of steel. I have a letter from the Sharon Steel Hoop Co. of Sharon, Pa., dated February 14, 1916. It incloses to the estate of Frederick Voss that operates the metal-lathe factory a form of contract. The letter is addressed to the estate, 1852 Austin Avenue, Chicago:

SHARON STEEL HOOP CO.,
Sharon, Pa., February 14, 1916.

ESTATE OF FREDERICK VOSS.
1852 Austin Avenue, Chicago, Ill.

GENTLEMEN: In order that we may secure the necessary raw material to continue operations necessary to supply you with steel will you please sign and return to us the attached agreement by return mail in the inclosed envelope.

Yours, very truly, SWEM P. KER, *President.*

Mr. President, bear in mind that we are a neutral nation, that our markets are open for contraband and noncontraband to every belligerent who can come here and pay for what he gets.

Inclosed is this letter, dated February, 1916. It is addressed to the Sharon Steel Hoop Co. This is what the hoop company must sign before they can get steel:

FEBRUARY —, 1916.

SHARON STEEL HOOP CO.,
Sharon, Pa.

GENTLEMEN: We hereby undertake not to export any of the steel purchased by us from you or any article manufactured from such steel to any European country except the United Kingdom, France, Italy, or Russia, and not to export any such steel or products to any countries outside of Europe or Canada without giving written notice to his Brittanic Majesty's consul general at New York of such shipments, and that this engagement will be kept by us so long as the present war in Europe continues.

——— ———.

I read this as a sample letter. It is not the only one in my possession. It is not the only one that can be procured. Those restrictive contracts have been sent out in large numbers for the purpose of limiting the sale of the finished product to any of the belligerents except the allies. If this be not a restriction of our export trade attempted in this country, then I do not know what a violation of the spirit of our antitrust law is.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Illinois yield to the Senator from Missouri?

Mr. SHERMAN. Yes, sir.

Mr. REED. What remedy does the Senator suggest for the particular thing of which he has just spoken?

Mr. SHERMAN. I would suggest one of two or both. One is that the Senate Committee on Foreign Relations ought to investigate and see if there is any legislative remedy that may be promptly and efficiently applied. The other is to lay it before the Department of Justice with a view of obtaining such proper remedy as the laws of the country at present provide.

Mr. REED. Does the Senator think there is any law to-day covering the case?

Mr. SHERMAN. I am disposed to think there is.

Mr. REED. What law?

Mr. SHERMAN. It is in restraint of foreign commerce.

Mr. REED. The Sherman antitrust law?

Mr. SHERMAN. Possibly not. It is possible that that law refers only to interstate trade.

Mr. REED. I am not justifying the practice——

Mr. SHERMAN. I understand.

Mr. REED. I think it a very bad practice, but I was interested in knowing what remedy the Senator thought could be applied. Of course if he suggests new legislation that is a proposition always open.

Mr. SHERMAN. I am not very definite as to whether it is a violation of the antitrust law as being commerce between the States. It is commerce in the final analysis between this country and foreign countries, but in view of the particular form in which it is presented in the letter, not the contract, it is the implied threat on the part of the steel hoop company that unless these contracts are signed the Pennsylvania company can sell no more to the Illinois company, which uses their product as its raw material in the manufacture of wire lathes. So, possibly, it is a violation of the trade between the States.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield?

Mr. SHERMAN. Yes.

Mr. REED. How could it be construed as a combination in restraint of trade unless the Government could go further and show that there was in fact a combination and that the act was simply an act in furtherance of that combination?

Mr. SHERMAN. I have not much doubt but that the Sharon Steel Co. is not acting on its own motion. Undoubtedly the steel hoop company is acting because some more powerful combination back of it has given definite directions what to do. The greater part of the raw material used by the steel hoop company is drawn from larger and more far-reaching business concerns.

I think, therefore, Mr. President, that with these conditions prevailing it is wise for us to place some restriction on foreign travel. This is especially so since midnight the 29th day of February, when the central powers have notified the world they intend to use submarines without warning on all armed merchant ships.

Either we must do this, or if our people have been so imprudent as to take passage on an armed merchantman, we must be prepared to hold the central powers, to quote the language of a well-known note, to "strict accountability."

What will that be? I do not wish to bandy words. The time undoubtedly is at hand when we must either stop sending notes on strict accountability or, if the act prohibited is perpetrated, we must enforce that accountability by war.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Mississippi?

Mr. SHERMAN. Yes, sir.

Mr. VARDAMAN. Does the Senator from Illinois think the fact that the use of ships owned by the belligerent nation by American citizens traveling to Europe in any way adds to the commerce or the business of the concern to which he has just referred? In other words, does not the Senator think that one of the reasons why the large business interests of the East to which he referred a moment ago are protesting against the proposition made in the original Gore resolution, is because it will interfere very largely with their commerce?

Mr. SHERMAN. I think so.

Mr. VARDAMAN. It is not only to save human life. I really think myself that that is of secondary importance, but the presence of Americans on the ship gives governmental protection to the ship, and in that way facilitates the commerce between the manufacturers and the allies.

Mr. SHERMAN. I have no doubt whatever but that that is the underlying motive of much of this sentiment in the localities I mentioned a while ago. I do not think their motives will bear vigilant scrutiny. I think if a resolution receives the discussion to which it is entitled in the Senate, instead of being made the subject of a motion to table or a previous question, those underlying motives will be thoroughly brought out into broad daylight. The Senator from Mississippi has undoubtedly uncovered most accurately a powerful reason why so much of the press and certain people oppose restraints on such travel.

I have very reluctantly said what I have said, Mr. President, because in reality if I have sympathies they are with the republican forms of government. England is practically a republic, except that it has a hereditary executive, and France is a republic; and if I have any sympathies, because of being a citizen of a republican form of government, those sympathies are with the allies.

My private sympathies, however, have nothing to do with the wisdom or folly of our course to be pursued here on this or some similar resolution. I am not saying that I am for this

specific resolution, but I am for some kind of proper resolution that will limit the travel by foolhardy American citizens in danger zones abroad.

The few hundred who are bound to travel abroad have rights that ought to be subordinated to the rights of a hundred million people to remain at peace. I do not myself want to go to war or to have my neighbors in war simply to safeguard the naked, technical right of somebody who wants to travel to Europe out of curiosity or to make some expected profit on a business enterprise. For my part, I think business could as well stop for a season; we could forego our gain in the countinghouse and in the export trade, rather than that we should have a million of our men in the trenches if we undertook to pursue to its legitimate conclusion this mere right to travel.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Minnesota?

Mr. SHERMAN. I do.

Mr. CLAPP. I take it, from the remarks of the Senator, that he was probably in hearty accord with the action of the State Department on October 4, 1915, when, in a circular issued in connection with the matter of passports, this language was used:

> The department does not deem it appropriate or advisable to issue passports to persons who contemplate visiting belligerent countries merely for pleasure, recreation, touring, or sight-seeing.

Mr. SHERMAN. That is a very safe limitation, I will say to the Senator.

Mr. CLAPP. The Senator was in hearty accord with that, I take it?

Mr. SHERMAN. I am in accord not only with that, but I would go further. I do not think the business interests of this country ought to take precedence over human life. The mere matter of a margin of gain for a brief season, if it be a year or five years, ought not to be placed in the balance and weighed for an instant against thousands and hundreds of thousands of our men who might go down to a violent death.

I am in deadly earnest about this. Politics disappear; party lines are obliterated. I am responsible only to my own conscience. No party organization ought rule on this. It is beyond partisan limitations. No party caucus that has ever been called will be able to direct a vote on a subject of this kind. It is a question of our country, not of our party. It is a question of our President and not of our candidate.

It is a question of our preservation of lives and not the counting of blood-bought gold that we may have a little more in the balance of trade when the war shall be closed.

It is the protection of our own people by preventing them from being made a shield to protect the traffic in war munitions. If it be not done, one American passenger on a steamship loaded with many thousand tons of war supplies, like the *Adriatic*, may secure it from attack by a submarine. It is in effect insuring such a ship and cargo from the perils of war, if the views of the allies are sound. As a neutral power we then cease to be neutral and cast our influence into the hazards of war for the allies. The central powers may not attack such an armed vessel merely because an American on board is put in peril.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from New Hampshire?

Mr. SHERMAN. Yes, sir.

Mr. GALLINGER. Some of us have been very severely criticized in the press, and perhaps in other directions, because we had said that we would vote for a resolution asking that our people should be notified of the dangers that would beset them if they took passage on neutral ships that were armed. I have here a couple of brief extracts from one of the leading papers of the neighboring city of Philadelphia, in which the editor says, with unction:

> What a mess a mixture of poltroons, of sympathizers with frightfulness, of men afraid of their own shadows, of those who care nothing for national honor, would make of it, to be sure, if they could ride roughshod over the genuine American sentiment that, fortunately, still exists in Congress.
>
> Their first action would be to replace the cry of "America first" with "Germany over all."
>
> Their second should be to haul down the Stars and Stripes and hoist the flag of Germany over the Capitol.

Then, again, under the head of "The most important question of all," the editor says:

> The most important question affecting the United States to-day is this: Do the American people own the Congress of the Nation, or does Ambassador von Bernstorff?

Mr. President, what arrant nonsense that is. I notice the Senator from Illinois made a plea for neutrality, and he suggested, what is true, that the American people are not neutral in their feeling on this great issue. I want to call the attention of the Senator from Illinois to the fact, the attention of the Senate to the fact, and the attention of the country to the fact that the agitation that is going on outside of Congress is much better calculated to get us into trouble than anything that has occurred in this Chamber. As an illustration, a great meeting was held in Tremont Temple, Boston, on the 29th day of February, and the heading in the Boston Herald is "Two thousand five hundred cheer plea that United States join allies." It would be interesting if the Senator would read the report of that meeting, which concludes by a resolution, as to which the audience, the paper says, cast reserve aside and cheered it to the echo. That resolution reads:

> We are convinced that our political ideals and our national safety are bound up with the cause of the allies, and that their defeat would mean moral and material disaster to our country.
>
> Therefore this league is formed to use all lawful means to put this Nation in a position of definite sympathy with the allies and in an equally definite position of moral disapprobation of the purposes and methods of the central Teutonic empires.

Mr. President, what kind of neutrality is that?

Again, Mr. President, there is an organization in the city of New York called the American Rights Committee. The executive committee is composed of 10 distinguished men, one of whom is Mr. Frederic R. Coudert, a man well known to the country. They have issued a declaration of principles, in which they say:

> We condemn the aims of the Teutonic powers, and we denounce as barbarous their methods of warfare.
>
> We believe that the entente allies are engaged in a struggle to prevent the domination of the world by armed force, and are striving to guarantee to the smallest nation its rights to an independent and peaceful existence.
>
> We believe that the progress of civilization and the free development of the principles of democratic government depend upon the success of the entente allies.
>
> We believe that our duty to humanity and respect for our national honor demand that our Government take appropriate action to place the Nation on record as deeply in sympathy with the efforts of the entente allies to remove the menace of Prussian militarism.

Again I ask, Mr. President, what kind of neutrality is that?

Mr. President, I conclude, as I commenced, by saying that it seems to me that the agitation outside, where men gather 2,500 strong in Tremont Temple openly declaring that we ought to definitely join the allies in their struggle to destroy Germany—because that is what it means—is doing more harm than anything that can possibly come from an open and free discussion of this question in the Senate of the United States.

Mr. VARDAMAN. If the Senator will pardon me, the service to humanity would involve the sacrifice of our own people.

Mr. GALLINGER. I did not understand the Senator from Mississippi.

Mr. VARDAMAN. I said our service to humanity, as they would have us serve humanity, involves the sacrifice of our own people.

Mr. GALLINGER. Beyond a question; and, Mr. President, in that connection, I wish simply to repeat what I believe I said this morning, that I feel very strongly that the action which the State Department took in refusing passports to American citizens who propose to travel on belligerent ships under certain conditions might well be widened so that the President, if you please, should issue a friendly warning to American men and women that they travel on those ships at their own peril and that the Government of the United States is not bound to become involved in war because of their folly and foolhardiness. Sweden has done this. The President of the United States did it in the case of Mexico. Why should it not be done in the present situation, which is so full of peril to the best interests of our people? It will remove the possibility of war, which we all ought to desire, and I can not see why anybody should oppose the proposition.

Mr. VARDAMAN. If the Senator will pardon me, I suggest that Great Britain did that in the war between Japan and Russia. She notified her own citizens to that effect.

Mr. GALLINGER. That has been asserted and it has also been denied. I do not know as to the definite facts surrounding it. It has been stated in certain quarters, and I have seen a draft of what is said to have been such an order—I have it on my desk—but in consulting with certain other Senators, they have said to me they had reason to believe that that was a fictitious order and was not countenanced by the Government of Great Britain.

Mr. VARDAMAN. Of course whether Great Britain did it or not does not affect the wisdom of such action on the part of the United States, but I have been advised that it was done. I rather commended the wisdom and prudence of the English Government for doing it.

Mr. GALLINGER. If it was done, it was a wise precaution, and certainly we can well adopt it whether we have any precedent for it or not beyond what I have suggested.

Mr. SHERMAN. Mr. President, the senior Senator from New Hampshire [Mr. GALLINGER] has, I think, most opportunely alluded to these editorials and news items.

Mr. GALLINGER. And to public meetings.

Mr. SHERMAN. Yes; and to public meetings. And it becomes a material part of the examination of this question. Of course all the clippings I get which favor the instant burial of such a resolution as that of the Senator from Oklahoma before the amendment was offered are in what I would call, if I were referring to a quarantine, "the infected area." It is the territory in which more millionaires have been created in the last 14 months than have been created in the last 14 years by peaceful industrialism. I think I shall offer a resolution, although it might be regarded as a bit of humor, that in the event of war we ought to conscript all of the belligerent editors east of Pittsburgh. [Laughter in the galleries.]

The PRESIDING OFFICER. The Chair is again compelled to admonish occupants of the galleries that by the rules of the Senate it is not permissible for them to give evidence of their approval of or dissent from expressions on the floor of the Senate. The Chair requests the galleries to obey the rule.

Mr. SHERMAN. Mr. President, if there is anybody under heaven who can have an irresponsible brain storm under his cap and think the whole world has gone red, it is some carniverous, bloody-minded editor, who wishes to keep up the traffic in war supplies in order that the profits may still go on.

Editors are an exceedingly useful part of the population, but the Senator from New Hampshire is precisely accurate when he says that such editorials, such inflammatory appeals, such criticism of all who happen to differ from the imperial majesty that sits enthroned under such editorial hats and who thereby incur the penalty of being branded with the opprobrious epithets referred to and read by the Senator from New Hampshire do more harm than any possible discussion in this Chamber could do.

Mr. GALLINGER. Mr. President, I will say to the Senator, if he will permit me——

The PRESIDING OFFICER. Does the Senator from Illinois yield further to the Senator from New Hampshire?

Mr. SHERMAN. Yes, sir.

Mr. GALLINGER. That in that great mass meeting in Tremont Temple a gentleman from the city of Toronto, Canada, declared that those of us who took that position were traitors. He came across the border to say that.

Mr. SHERMAN. Well, we were traitors in 1812, when our Capitol was burned, when millions of men did not spring into being, armed, panoplied, and drilled for defensive war between sunset and sunrise. We were traitors then; we were traitors in the War of the Revolution; and I am perfectly willing to be a traitor again, not to get into war but to keep out of it. I will take my chances with the belligerent editors and with their belligerent allies, both of whom seem to desire our immediate entry into war against Germany.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Mississippi?

Mr. SHERMAN. Yes, sir.

Mr. VARDAMAN. If it will not interrupt the Senator, I am going to say that as to an editor of the character described by him, of course it would be gross flattery to say that he is a slanderer or a liar or anything of that kind; and I do not want to say that, because I do not want to flatter him; but it reminds me of something that I saw a day or two ago from an English author. To paraphrase his language:

> I pity from my soul the unhappy man,
> Compelled by want to prostitute his pen,
> Who must, like politicians, either strive or plead
> And follow, right or wrong, where the guineas lead.

Mr. SHERMAN. I am very glad to have the Muses invoked. I never read much poetry myself, but I am always glad to have somebody quote it. It describes fitly such minds. The Senator's quotations are always apt, and this especially so; and, as what the Senator from Mississippi has recited is very applicable, I thank him for placing it in the RECORD, because it serves "to point a moral and adorn a tale," which I hope will have a peaceable ending.

I trust we will have no sectional division upon this question, Mr. President; but there is a well-established line of demarcation between the aren I have described and the western country. These gentlemen in Tremont Temple, who are asking us to join our forces with the allies, are the ones who are clamoring day and night for preparedness; they are the ones who have bloody nightmares when they slumber, as they think of the guns with a 20-mile range in the Atlantic Ocean; they are the first ones whom troops from the far West would be called on to defend. I am perfectly willing, if we reach that stage of the proceedings, that we do our full part, but I am not willing in a professedly neutral Nation, that gentlemen, whose motives are not above suspicion, to say the least, shall involve us and hurry us along the reckless way that ends in armed collision.

My judgment is, Mr. President, that if a resolution were passed keeping American citizens off of armed merchantmen, the cause of war would be removed. No American right would be abridged. With all due respect to the editorial authorities who sit in judgment on the fate of nations, I think American rights would be as sacred after the passage of such a resolution as before. No great international principle would be violated; no safe ground would be abandoned; no American rights would be lost at home or abroad.

Not many months ago we left the Senate Chamber and went over into the Hall of the House of Representatives and heard a message which concerned Mexico. It said, in substance, to the nearly 60,000 Americans, or such of them as remained in that country at that time, to drop their possessions, take their families and flee for their lives.

Under what conditions did these American citizens go to Mexico? They went there in a time of settled peace, during the 28 years of the Diaz régime. They had settled there with their families and engaged in mercantile enterprises, in stock raising, in fruit raising, in mining and prospecting, and in a hundred legitimate enterprises in that neighboring Republic. They were found there from every State in the Union. Aliens from all over Europe were there. They went there in the pursuit of their legitimate occupations, and were guaranteed the rights of aliens in that country.

So long as Diaz held the seat of power peace prevailed. The Government was a military autocracy. There is no person who ever traveled or lived in Mexico who does not know that it was a Republic only in name; that the standing army was at last the authority which preserved peace, made the laws, and executed them. Under those conditions of peace, under those undoubted guaranties American citizens went to Mexico.

When the message alluded to was read, it advised Americans to leave all they had in that distracted country and return to a safer jurisdiction.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield again to the Senator from New Hampshire?

Mr. SHERMAN. Yes, sir.

Mr. GALLINGER. And Congress made an appropriation to help them to get out of Mexico.

Mr. SHERMAN. I am glad the Senator added that. Yes; we made an appropriation in order to facilitate their exit from that sorely beset country. I do not care, however, Mr. President, to go further into details as to that; that is a story for another day. Suffice it here to say that the proclamation was sent to our absent countrymen to flee from the civil discord there, and they did so.

In my own State, Mr. President, some of my neighbors returned after a residence in Mexico of more than 25 years. Some brought their families and others left their brothers and sons, whose bones are bleaching on the hillsides and in the mountain passes of old Mexico to-day. I asked the poor boon of trying to get the body of a murdered American, the brother of one of my neighbors, to bring him back and give him burial in the land of his birth, but was denied even that poor privilege by the self-styled government of Mexico which then claimed to have authority in that area.

Now, when we come to the storm-ridden, battle-riven territorial waters of the world—and nobody can say what their extent is, and nobody can tell what international law is as applied to them to-day—when we come to the rights of citizens abroad, we are told by warlike editors, by gentlemen who gather in Tremont Temple, under the shadow of old Faneuil Hall, who have or ought to have as much interest in preserving neutrality as we, that they favor engaging in war in union with the allies, although we call ourselves a neutral people.

Why, Mr. President, if during the time of the Fenian uprising such a meeting of dissatisfied sons of Old Erin had been held across the border, the British lion would have emitted a roar that would have burst the eardrums of all who happened to be within range.

The men who see fit to travel abroad for business or pleasure are by such resolutions to be placed under some restraint. I do not know what the opinions of the Chief Executive may be, and that is not material, for they would not change the convictions of any of us one way or the other; but I wish to inquire if some of the friends of the belligerent editors who go abroad in the most expensive staterooms of an ocean liner, accompanied by a retinue of servants and convoyed by a quartet of bull pups

[laughter], are to be held sacred in traveling in war zones, covered by decrees from Berlin and by orders in council of Great Britain, while the poor, abandoned soul whose family was outraged, whose home was burned, whose property was destroyed, and who himself was slaughtered in Mexico by a lawless banditti, without protest by our Government, is to be forgotten?

If it be improper to warn or restrain our citizens from going into the danger zones of Europe, I ask why did we exercise that guardian care over the people who were warned to leave Mexico?

We warned American citizens, by Executive message, to leave that country, where they had settled during 28 years of peace. They had gone there under the guaranty of a stable form of government. They had some excuse for going; but the person now who sails on an ocean liner knows not where his destination may be—he does not know whether he will land in a hotel or a grave at sea.

When he takes passage on an armed belligerent boat he certainly assumes the risk, and ought not to ask this country to go to war to vindicate his mere naked right to travel abroad for business or for pleasure on a vessel whose status no authority can determine under the changed conditions of modern warfare.

If the merchantman be armed for defense, will she not use her arms against a submarine? When she does so, is it not a naval battle? The fact of the ship carrying an armament is notice to an American passenger he may find himself encircled with the hazards of conflict. Why should he be there? It is conceded a submarine may sink a ship attempting to destroy it, instead of waiting to be sunk itself. If an armed merchantman is exempt from attack when an American is on board, we are asked to insure the traffic in war munitions with the blood of our neutral citizens.

The Senate has been called "an open forum," but when you can not debate a question that involves peace or war, it is time for somebody to inject something that will get under the senatorial bark; and, if it does not get under it here, I hope it will get into the galleries, and from the galleries let it go out into the country. The people of the West, Northwest, and Southwest have some red blood, and they are not interested alone in the profits that may come from traffic with the allies in munitions of war.

I might just as well mention here that I intend to vote against an embargo on war supplies. It is the right of all nations to buy in neutral markets; and, because I believe in that, I shall vote against any restrictions on belligerents buying munitions of war in our markets. I do that, not because I have sympathies one way or the other which I wish to carry out by such conduct, but because the defense of the right of the alien to buy in our markets becomes ultimately the defense of our right to buy in other markets if we are at war.

This is our country. The fathers founded here a Republic dedicated to the principle that all men are free and equal. They made it an asylum for the persecuted of race, creed, and political belief.

Here Gentile and Jew, Protestant and Catholic, meet and worship each at the altar of his ancient faith. Each has covenanted with the other that government shall not regulate religious convictions. Here the fires of persecution are forever quenched in universal tolerance, where church and state are severed that all may be free.

Under the shelter of our country are Slav and Saxon, English and German, Hebrew and Latin. They have gathered beneath our flag to perpetuate and not to destroy it. It represents the best hope of the world.

What of government by the people if it fail? It is a protest against kingcraft and absolutism wherever it rises. It offers a government of law at home against a government of force wherever found. It proclaims to the world to-day that among nations there is a higher law on land and sea than brute force.

It means in the future if war shall blast earth's nations the helpless and the innocent shall not die in its withering breath. It is the world's greatest hope that springs eternal in the human breast that it may blazon the way to the judgment seat of nations, where justice and not armed squadrons will sway the tribunal that becomes the lawgiver of empires in international disputes.

Let the first great lesson make us Americans. May we everlastingly forget our racial origins in the Old World in a new birth of a broader, stronger American freedom in this Republic! There is no Germany here; no allies.

We must be neutral in fact. Only in that neutrality can we justify ourselves in the years to come. Peace can be had with honor, but not with the recklessness implied by those who insist on their right to rush headlong into unnecessary danger.

The need of the country now is not a baptism of blood, but a reconsecration of Americans to the elementary principles of patriotism that will serve us in peace and save us in defensive war. The duty is individual as well as national. Thought and action must be inspired by a constant recurrence and rededication of ourselves in the spirit of those who founded the Republic so it may be transmitted to our successors unimpaired and a fit Government of the greater American race of future years.

Peace at home and safety abroad can be had by a neutrality that is impartial, that keeps it in the spirit, not in the letter alone; that does not seek to make rules for belligerents on conditions heretofore unknown.

In a world at war only by so doing can we have peace with honor or war with justice.

Mr. President, at some later day, if it be thought proper that the condition of international law at present be examined in detail, I am prepared to go into the subject. I forego the pleasure or the duty of doing so this afternoon, because I think it is foreign to the question now pending, not technically before the Senate, but in the mind of every Member of this body.

Mr. SUTHERLAND. Mr. President, I was unavoidably absent from the Senate this morning on important business. I think the form in which the vote came up on the so-called Gore resolution was somewhat unfortunate. I personally believe that merchantmen of belligerent nations have a right under the established rules of international law to carry armament for their own defense, and I believe that our own citizens have a right to carry their goods or to take passage upon such ships. I am opposed to the Congress of the United States either advising against or forbidding their doing so, and I regret that the vote was not taken on that precise question. I do not care to go into the subject at any greater length to-day; but I desire to give notice that on Tuesday next, following the speech of the Senator from Missouri [Mr. STONE], and with the permission of the Senate, I shall make some observations with reference to the matter.

Mr. BROUSSARD. Mr. President, I wish to say a word in regard to my vote this morning on the motion to lay on the table the resolution of the Senator from Oklahoma [Mr. GORE].

At the commencement of this session of Congress the country was so well impressed with the necessity, through conditions growing out of the war in Europe, that preparation should be made for armed defense, that the Military Affairs Committee of the Senate and the Naval Affairs Committee found themselves busy from day to day, and for the last two months they have been daily engaged in preparing for the better defense of the country. We have met with many difficulties. We continue, and must continue, these sessions in the hope that the land arm of defense, as well as the sea arm of defense, may be perfected, to the extent of making us safe in the event that we should be so unfortunate as to be drawn into the European war or into any other future contest. I take it all of us who have a part here appreciate that we must remain here until this great task is completed.

While these preparations are under way difficulties have arisen, first on the one hand and then on the other, with regard to the parties engaged in this great war. As under the Constitution the mission is given to the Congress to prepare for the defense, so is the mission given to the Executive to solve any friction in a peaceful way, through negotiations and the discussion of issues that arise from day to day out of this war. As that mission has been intrusted to the Executive, and as I am a strong believer in the theory that the safety of this Government depends upon keeping separate the three distinctive branches of government, I have not been willing to permit any action on the part of the legislative branch of the Government to interfere with the constitutional function of the President in trying to protect us from the necessity of using that armament with which we are preparing to defend ourselves in case of necessity.

The resolution of the Senator from Oklahoma was presented, growing out of a crisis with one of the belligerent powers in Europe, out of which great difficulties were presented both to the Executive and to the Secretary of State. The resolution was accepted at once, not only in this country but abroad, by both sides to this European controversy as an attack upon the methods being pursued by the Executive in trying to peacefully solve our difficulties with one of these warring parties; and as the attitude expressed by the Gore resolution became known the power of the Government to carry through by peaceable methods negotiations to compose our differences apparently became paralyzed and the President's arm became weakened, in my judgment, as a result. Thus it devolved upon every patriotic citizen to stand by the President and to strengthen his hand.

Every man knows that I have not been always with the President. I have differed with him on many questions which he thought were of vital interest to this country, and in the other branch of Congress I have not hesitated to make known the differences between the President and myself. Everyone knows that there are disagreements between us now as to questions of policy. Everyone knows that there are probabilities of continued disagreement between us. But where the integrity and the honor of the American Republic is involved there can be no cause of disagreement between two patriotic men desiring to save the country from a conflict and to avoid our engaging in the brutal war that is demoralizing and destroying the civilization of Europe.

So I have felt, and I feel deeply, the question of passing some law or affording some opportunity to prevent men of reckless character, men of a foolhardy nature, placing themselves in an attitude that might result in engaging this Nation in war, despite our efforts and our desires and our prayers not to engage in it. If the opportunity should present itself whereby by congressional action men may be prevented from exercising that sort of privilege the result of which may engage our people in a war out of which we are striving to keep, I would unhesitatingly vote for that proposition. But so long as the present critical condition continues, so long as the President exerts himself and the State Department uses its ability and energy in their efforts to have us escape that disaster, that long do I stand with the President, and that long do I want to cast my vote in this body to permit him to carry out the powers which the Constitution vests in him alone, unhampered by extraneous interference.

Mr. KERN. Mr. President, under the rules of general parliamentary law a motion to lay on the table cuts off debate. It will be observed that under the antiquated rules of this venerable body the practical function of a motion to lay on the table is to encourage, promote, and stimulate debate, limited only by the lung power and the physical endurance of the participants.

Those who were so fortunate as to hear the very able, exhaustive, and eloquent speeches on the merits of the Gore resolution after it had been laid upon the table will marvel somewhat at the complaints of those gentlemen that they were denied the privilege of free and fair discussion.

If no important diplomatic negotations had been pending, if no international complications had existed, under conditions normal, or nearly so, I would have voted without hesitation for a resolution requesting the President to warn American travelers against the dangers incident to travel upon armed merchantmen of belligerent nations. My views on this subject are well known, and have been fully expressed. I have said, and I repeat, that I favored such official warning, principally for the protection of the thoughtless and weakminded, who might not appreciate the danger, and to the end that a hundred millions of peaceful and peace-loving people might not be plunged into war as the price of the stupendous folly of a handful of travelers. I had no thought for the personal safety of intelligent men who, out of a spirit of bravado or foolhardiness, or to promote their own selfish interests, would risk their lives on such vessels; for in my judgment such a man, with such a treasonable bent of mind as to be indifferent to the danger of involving his country in war, and wrecking the happiness of hundreds of thousands of American homes, has a life so valueless to his country as to be scarcely worth the saving.

But, sir, the conditions confronting us are not only not normal, but such as have never existed before in the history of the world. Twelve nations, whose inhabitants make up nearly two-thirds of the population of the earth, are engaged in a titanic struggle compared with which all former wars seem but as the play of children. The horrors of this stupendous conflict surpass those of any wars between savage tribes of which we have any account. Every instrument of death and destruction that could be devised by the cunning ingenuity of men skilled in the sciences and trained in the great universities of the world is in use on every battle field. Murderous bombs are dropped out of the air from great flying ships in the nighttime upon towns and villages far removed from the war zone, and sleeping women and little children die as common enemies on the battle field. Underneath the sea creep war craft, armed with instruments and munitions of destruction, and, assailing merchant ships engaged in peaceful commerce, send them with cargo and passengers—noncombatants, men, women, and children—to the bottom of the sea. Poisonous gases are belched out of the mouths of cannon, and men by the thousands perish as insects in a flame.

The boundaries of the war zone have been so extended as to encompass the globe. Europe, Asia, Africa, America, and even Australasia are involved. Every citizen of a neutral nation who goes out upon the sea—the great highway of the world—does so at the risk of his life. Our commerce is censored and regulated by one of the contending nations, and our mails rifled by that nation at will. The right to seize and search our ships is asserted, and with rare audacity a limit is placed upon our exports to other neutral countries. International laws, venerable by reason of centuries of observance, are repudiated and set aside, while the solemn obligations of treaties are contemptuously ignored.

The ark of the covenant containing the remnants of that great body of the law of nations once the pride of all civilized governments is in the keeping of this Republic, and it is for our Government to defend it as the last hope of civilization. Whenever this Nation ceases to observe, respect, and defend this great body of laws, then, indeed, will follow international anarchy and chaos.

The reported casualties of this awful war stagger belief. Sir, the number of men slain in battle exceeds the total number of men enlisted in both the Federal and Confederate Armies at any one time during the great Civil War in America. At Gettysburg, the greatest battle of that war, the total number of men killed on both sides was but a little in excess of 6,000, while the whole number of Union soldiers slain in battle during the whole four years of that war was but 67,000. Forty times that number of human lives have been sacrificed in this awful struggle, and the work of slaughter goes on without sign of abatement.

How Belgium has been despoiled; how the armies of two great contending nations have twice crossed Poland, leaving her completely desolated; how Servia has been despoiled and ruined; how the wail of stricken, homeless, husbandless women and the cries of starving little orphaned children have rent the air of those fated countries is a story too sickening for recital in this presence. The dread spirit of war has well-nigh enveloped the earth. Its shadow already begins to darken this fair land and threaten the happiness and prosperity of this people. It is to stay its course that the President of the United States has for many anxious months given his energies and intellect—the best that is in him. It is to that end that he is now employing all the means at his command—those placed in his hands by the Constitution of his country. To him alone has the power been committed by that instrument to work out our salvation through the channels of diplomacy.

It was under these conditions, as he grappled with this mighty task, that he appealed to the Congress of the Nation, not for sympathy or support—for he must have known that these he had in unlimited degree—but only that obstacles which had been unwittingly placed in his way might be removed that he might not be hampered in his efforts to preserve the peace of the Nation and at the same time to maintain the Nation's honor.

He told us that in the capitals of the countries with the Governments of which he is conducting negotiations the statements are circulated and believed that the representatives of the American people are not in sympathy with his efforts; that he had failed in securing the support of his country; and that the pendency and support of resolutions such as that just disposed of furnished abundant evidence that ours was a divided Nation. Hence, his appeal to Congress for action that would convince the world that he had the sympathy and support of the Congress and that the American Nation was not divided.

When such an appeal was made my mind was quickly made up that whatever my opinion might be as to the duty of American citizens to keep off armed ships of belligerent nations it should never be said of me that in the hour of my country's peril, whether that peril was imminent or threatened, I faltered for an instant in my allegiance to a President who in the exercise of his constitutional powers was thus seeking to preserve our peaceful relations with the distracted and maddened nations engaged in a world war and at the same time to maintain the honor and dignity of this Republic; and so I cast my vote to remove the obstacle that blocked his pathway to the end that he might pursue his course therein unhampered and unembarrassed in the great work before him.

Let us hope that our action here to-day will have a wholesome influence in the capitals of foreign countries where the impression has prevailed that we are a divided people. They will come to know perhaps that we have such divisions as are proper and necessary in a government of and by the people—divisions on questions of economic and administrative policy, divisions which provoke discussions full and frank, often sharp and acrimonious, such discussions as befit free men in a free country—but that when it comes to questions involving the honor and integrity of the American Republic this Nation is as indivisible as the sea. Let them—not one nation, but all of them—understand now once for all that when the President of the United States in the exercise of his constitutional powers,

in the course of diplomatic negotiations relating to questions affecting American rights and the honor of the Republic, speaks he speaks not for himself, not for his party, but for all the people of his country, who sympathize with him in all his efforts for peace, but who at the same time are prepared to back him in his insistence upon the recognition of American rights and the maintenance of American honor with all the resources of a great nation.

Mr. FALL. Mr. President, the magnificent words and expressions of the Senator who so well leads the other side of the Chamber will, of course, go out to the country, and to the unthinking possibly will offer reasons for the votes cast here to table the resolution to-day. Evidently these expressions have been most carefully prepared, as they have been most eloquently uttered; but I wish to call the attention of the Senator and of the Senate to the fact that, as appropriate as they would have been, possibly, as explaining his vote upon the resolution which the President of the United States asked us to discuss freely, they may not be so appropriate—unless the Senator can change his mind as a chameleon changes its colors—to the resolution which was laid on the table. The difficulty is that the resolution which was offered here on the 25th day of February was opposite, in its intention and in its every word, to the resolution upon which the Senate acted.

I had not intended, nor do I intend, to undertake a discussion of the merits of the resolution. I am frank to say, sir, that my mind had been made up, from the evidence before me, that my vote should have been cast against the original Gore resolution. But I have been one of those who, from the time I entered this Chamber and took my oath, have stood here and insisted that the greatest function of this body was its informing function rather than its legislative function; that the Senators here owed a duty to the people of the United States to debate, to explain, to consult, to counsel, and finally to act when they understood the subject upon which they had been debating and upon which they finally voted. I want to ask the Senator if he understood what he was voting for?

Mr. President, the Gore resolution was introduced on the 25th day of February. From day to day we sat in continuous legislative session to prevent debate upon the Gore resolution. Not until yesterday afternoon did the Senate adjourn so that, under its rules, the Gore resolution might be taken up for debate. On yesterday afternoon we were informed, in a carefully prepared speech by the chairman of the Foreign Relations Committee, that the President had demanded discussion and action upon the Gore resolution. He expressed his desire that we should no longer continue the legislative day, but should adjourn, so that action might be had upon this resolution at once, that it might be discussed, that it might go out to the country, that the people might not be left entirely to the newspapers for information, but might through the informing function of the coordinate branch of the Government understand what Senators were called upon to vote for and what the President of the United States was and had been doing.

Every effort was made to prevent discussion. At the last moment, upon the demand of the President that the Gore resolution should be discussed, action such as I have described was taken.

The Gore resolution is as follows:

Resolved, That it is the sense of the Congress, vested as it is with the sole power to declare war, that all persons owing allegiance to the United States should in behalf of their own safety and the vital interest of the United States forbear to exercise the right to travel as passengers upon any armed vessel of any belligerent power, whether such vessel be armed for offensive or defensive purposes; and it is the further sense of the Congress that no passport should be issued or renewed by the Secretary of State, or by anyone acting under him, to be used by any person owing allegiance to the United States for purpose of travel upon any such armed vessel of a belligerent power.

Now, sir, we were informed through our only source of information—the press of the United States—that for weeks, if not for months, the President of the United States has been insisting that he will hold Germany to a strict accountability in the event of the loss of the life of an American citizen sailing upon an armed belligerent ship, and that he considered the Gore resolution not in accordance with his contentions, and therefore that it was an interference with his power, and that he demanded the action and the sentiment of Congress upon it. He wanted to know whether the Congress of the United States was with him, or whether the Congress of the United States stood behind the Gore resolution.

Ah, sir, the chairman of the Foreign Relations Committee informed us that it was his purpose to seek the sacred precincts of the committee room, and there assiduously to labor in the effort to bring forward a resolution which would reconcile the Congress of the United States and the President; that he himself was not in accord with the sentiments of the President of the United States—he apparently was more nearly in accord with the sentiments expressed in the Gore resolution—but that it should be his aim to attempt to present to the Senate a joint resolution which would meet the desires of all, which would reunite the executive and the legislative branches of this Government, and would show to the world that the United States presented a united front to a common foe.

What did he do? He walked in this morning with a motion, not to discuss but to shut off debate, to table the Gore resolution; and at the last moment the resolution was amended by changing it entirely. It was not the resolution upon which the President demanded discussion and action, but was an entirely different resolution, announcing an entirely contrary doctrine:

Resolved, That the sinking by a German submarine, without notice or warning, of an armed merchant vessel of a public enemy resulting in the death of a citizen of the United States would constitute a just and sufficient cause of war between the United States and the German Empire.

And this is the resolution which was tabled by the Senate! You have sent to the Kaiser, if you have sent anything, notice to the effect that the upper branch of the Congress of the United States will look upon his sinking such vessels, and the death of American citizens, possibly with some degree of regret, but that no action shall be taken against him; that we recognize his right to continue his U-boat warfare, and to send to their watery graves other victims such as those who met their fate when the *Lusitania* went down!

Ah, Mr. President, the eloquent remarks of the leader upon his side of the Chamber were evidently prepared for another resolution or else he did not read the resolution which was tabled.

As I have said, I have believed, and I have so voted on every occasion which was offered to me, that the informing function of the Congress of the United States was even greater than its legislative function. As I have said, with the light before me, I should have voted against the Gore resolution; but never so long as I remain a Member of this body will I vote to deprive the people of the United States of the only official method left them to ascertain something of their personal, private business.

We are legislating for a democracy, sir. This is not an autocracy nor an empire. The people of the United States commissioned us here to attend to their business, and they are entitled to know not only how we attend to it but the motives which actuate us in casting our votes. We are responsible to the people, or at least I am, and to no man who sits in the White House.

I do not believe in secret diplomacy. In a democracy it is unfitting. The people are entitled to know what is going on. They are entitled, as a matter of fact, to know what is done when the galleries are cleared and the doors closed and we go into secret session, unless it is upon some most important matter then pending, and never are they entitled to be cut off from information as to any matter whatsoever having a present status or any proposition of importance of this kind submitted for their consideration. So long as I remain here, sir, my vote in season and out will be for the people of the United States to be informed and not be compelled to obtain their information purely from the newspapers, great sources of information as they are.

Mr. President, right here I wish leave to quote from an authority I think calculated to sustain the propositions which I have advanced:

[From International Review, August, 1879, vol. 7, p. 147.]

At its highest development, representative government is that form which best enables a free people to govern themselves. The main object of a representative assembly, therefore, should be the discussion of public business. They should legislate as if in the presence of the whole country, because they come under the closest scrutiny and fullest criticism of all the representatives of the country, speaking in open and free debate. Only in such an assembly, only in such an atmosphere of publicity, only by means of such a vast investigating machine can the different sections of a great country learn each other's feelings and interests. It is not enough that the general course of legislation is known to all. Unless during its progress it is subjected to a thorough, even a tediously prolonged, process of public sifting, to the free comment of friend and foe alike, to the ordeal of battle among those upon whose vote its fate depends, an act of open legislation may have its real intent and scope completely concealed by its friends and undiscovered by its enemies, and it may be as fatally mischievous as the darkest measures of an oligarchy or a despot. Nothing can be more obvious than the fact that the very life of free, popular institutions is dependent upon their breathing the bracing air of thorough, exhaustive, and open discussions, or that select congressional committees, whose proceedings must from their very nature be secret, are, as means of legislation, dangerous and unwholesome. Parliaments are forces for freedom; for "talk is persuasion, persuasion is force, the one force which can sway freemen to deeds such as those which have made England what she is"—or our English stock what it is.

The author proceeds to say—and listen, Senators:

Congress is a deliberative body in which there is little real deliberation; a legislature which legislates with no real discussion of its business. Our Government is practically carried on by irresponsible committees. Too few Americans take the trouble to inform themselves as to the methods of congressional management; and as a consequence

not many have perceived that almost absolute power has fallen into the hands of men whose irresponsibility prevents the regulation of their conduct by the people from whom they derive their authority.

Mr. President, an irresponsible committee—I would not say an irresponsible committee had not the words been uttered for me—goes to the secrecy of its chamber and reports back a resolution with a motion to table it, and the resolution is changed in its every word and every line and every syllable and every phrase and every meaning, and the motion of the committee is adopted by an overwhelming vote, without discussion and few knowing the message which has been sent by this body to-day by the motion to table to the Kaiser of all Prussia.

The author of this article, Mr. President, is Woodrow Wilson, and it is taken from an article in the International Review, volume 7, page 147. I understand that this Woodrow Wilson is the same Woodrow Wilson who demanded open and free discussion and manly action on the part of this honorable body.

Now, Mr. President, I should close with this were it not that I asked a question of one of the gentlemen upon the other side, who now so gracefully presides over the deliberations of this assembly (Mr. LEWIS in the chair), as to whether it was not a fact that during the Spanish-American War, to which he had referred, the Congress of the United States had been most fully informed of the conduct of affairs—exactly the conditions that were going on—both by Mr. Cleveland and by Mr. McKinley long prior to the blowing up of the *Maine*. I should close and not refer further to this had it not been for the fact that my question brought an unqualified no. I should then have accepted such an expression from the Senator had it not been that the record does not bear him out. I am not going to read from the messages, but December 6, 1896, Grover Cleveland, then President of the United States, sent to the Congress of the United States a message comprising some 35 pages, 7 pages of which were devoted to a minute detail of the relations between this country and Spain, the conditions in Cuba, and our connection with those conditions and our connection with Spain, detailing what he, as President of the United States, was attempting to do, and closing with the remark—I am not attempting to quote it—that this was the body which must finally act, and it was his duty as President to inform them of the conditions.

Mr. President, this was in December, 1896. Following that in special message after special message, the President of the United States sent detailed information into this body, never hesitating except in one instance wherein he declared that it was not compatible with the public interest, and he followed that message a few days later by another stating that as the matter is now adjudicated he forwarded all the information and papers to this body.

Mr. President, in December, 1897, a year after Mr. Cleveland's message, President McKinley, after his inauguration, sent a message to the Congress of the United States in which he dwelt with much detail upon foreign affairs, and particularly the affairs between this country and Spain, and Cuban affairs and Cuban matters and Cuban conditions, and his efforts in behalf of this country to arrive at an amicable solution of our difficulties with Spain, saying that it was his duty to inform the Congress of the United States as to what the conditions were fully, frankly, and freely. It was not until April 11, 1898, following, that he came with his special message to the Congress detailing the conditions as they then existed, and asking this body to allow him to use the land and naval forces to put an end to those conditions, and he referred only incidentally to the blowing up of the *Maine*. He gave the reasons in detail.

It was simply a question to the Senator who was then attempting a most eloquent defense of the action of the now President of the United States that the Senator from New Mexico addressed his question, which was unqualifiedly, as I said, answered in the negative. It was only for that reason that the Senator from New Mexico has now sought to call the attention of the Senate to the dates and the details of these matters.

Mr. VARDAMAN. Mr. President, I was in hopes that the learned Senator from Oklahoma [Mr. GORE] would permit his resolution to remain as he introduced it. It was my desire that we might stand by the flag until it went down, but he saw fit to change it, and the change rendered it impossible for me to vote for it; therefore I voted to table the resolution as amended. I did intend to discuss this question this afternoon. I think the time has arrived when Congress should deal with such matters with the utmost candor, courage, and patriotism. But I am not going to trespass upon the patience of the Senate at this late hour. I have determined not to discuss the measure further until the dam bill, which has engaged the Senate for the last three or four weeks, shall be disposed of. Then I shall treat it, I hope, as the gravity and importance of the problem deserves that it should be treated. A more important question has not engaged the attention of the American Congress since I became a Member of the Senate. The questions at hand not only involve the probability of war between the United States and a foreign country, but a vastly more important issue is presented—the dignity and integrity of the United States Congress.

Mr. THOMPSON. Mr. President, at a time like this I realize it is easier to say too much than too little. However, I desire to make a brief explanation of the vote which I cast on the resolution.

I fully concur in the views of the law entertained by the President and by the Senators who have expressed themselves upon it relative to the freedom of the seas, that neutrals have the absolute right to travel upon merchant vessels of belligerents armed for defensive purposes and that it is a direct violation of international law for a belligerent to sink such vessels without sufficient warning to enable the passengers to save their lives. However, I believe that true, loyal American citizens, with due regard for their own safety as well as for the safety of their country, ought not to travel on armed merchant vessels during these perilous times. Indeed, they ought not to risk their own lives and endanger the country by traveling at all if it is possible to avoid it. But I do not believe that any warning from Congress, or from the President, or from any other source, would aid in the least in preventing it. Warnings of all kinds certainly failed to do any good in the case of the *Lusitania*.

Even if this warning resolution were passed by Congress, the United States could not avoid responsibility, and if a vessel on which its citizens were traveling armed for defensive purposes only should be blown up and American lives were lost we would still have that responsibility. The warning resolution would therefore have resulted in no great good, and if passed under existing conditions it might have resulted in great harm.

The mere fact that such a resolution has been pending has caused a general belief all over the world that there is a great difference of opinion among the American people on this important subject; that they are not united in their stand for American rights and that at least Congress is not behind the President. I do not believe that there is any great division of opinion among the American people, and after the vote taken to-day there can certainly be no further doubt as to the position of this branch of Congress. The result was surely emphatic enough to satisfy the most skeptical.

The President declared that the pendency of the resolution had hampered and is now hampering his diplomatic negotiations. If the mere pendency of the resolution has been harmful, I am sure that its passage would have resulted in greater harm.

I for one will not lay a single straw in the way of the President, who is burdened with this great responsibility at this time. No President since the immortal Lincoln has had to meet such grave responsibilities. Under the Constitution of the United States the President is charged with this particular duty, and it is not for Congress to interfere in any way, or at least to in any way directly or indirectly tie his hands.

If the President had failed, there might have been some reason for such action; but the President has not failed in his duty in this regard. He has been completely and wonderfully successful in all his diplomatic contests with the great nations of the world. He has succeeded in gaining every point of contention and in preserving the rights of the citizens and the honor of the Nation notwithstanding all the numerous and momentous questions that have been raised and considered up to this very time.

He got along all right and to the satisfaction of everybody when Congress was not in session, and if Congress will leave him alone in the exercise of his prerogatives and in the discharge of those duties which the Constitution of the United States specially places in his hands, he will get along all right now.

There is one thing sure, and that is that the people of this country have undoubted faith and implicit confidence in the President, which I regret is more than can always be said of their opinion of Congress. If there is one man in this administration above all others who has measured up to the full requirements of his office in every respect, it has been President Wilson. The people believe in him, and they are behind him, and they want their Representatives in Congress to stand by him. They recognize his great ability and high character, his strict integrity, scrupulous honesty, and his earnest and conscientious desire to do right. He is possessed of the right ideas and the highest ideals. With such a leader none need hesitate to follow.

It is charged that the President is about to lead us into war, when it is within the knowledge of everybody that he has done everything in his power to keep us out of war, and has succeeded, and that this is the main desire of his life. If there is any one thing more than all others that shines out brightest

in this administration it is the fact that the President has kept us out of war and at the same time preserved every American right when assailed and the honor and integrity of the Nation. He is the greatest exponent of peace who has ever occupied the White House, and with him handling our foreign affairs, we have the greatest confidence in his ability to preserve peace. I am glad the Senate has given him this magnificent vote of confidence. Under the rules of the Senate the only way to secure an early vote was by motion to table the resolution, and I therefore voted to table it.

Mr. SHERMAN. Mr. President, before the Senator from Kansas finally concludes may I ask him concerning a certain part of his address?

Mr. THOMPSON. Certainly.

Mr. SHERMAN. If Germany perseveres in her present submarine warfare methods, and the President adheres to his present position, what is the inevitable conclusion in the Senator's mind?

Mr. THOMPSON. I will simply say to the Senator from Illinois that it depends entirely upon whether the rights of American citizens have been invaded. If they have not, certainly this country will have no reason to complain, and it should remain neutral.

Mr. NORRIS. Mr. President——

Mr. SHERMAN. Will the Senator from Nebraska permit me to ask the Senator from Kansas another question?

Mr. NORRIS. I thought the Senator was through. I do not care to interrupt him.

Mr. SHERMAN. I merely wanted to propound a further interrogatory to the Senator from Kansas in line with the last one, and then shall conclude. The question of the right of an American citizen to travel on an armed merchantman is in issue. If we adhere to our insistence on that right and Germany adheres to her present method of warfare, resulting in the death of an American citizen, what will the President do?

Mr. THOMPSON. I will answer the question of the Senator from Illinois by saying that, in my judgment, if Congress will let the President alone he will succeed in winning this last point of the controversy as he has every other contention with Germany, and the President will not have to do anything.

Mr. SHERMAN. Then, Mr. President, why did the President request Congress to take some action?

Mr. THOMPSON. I do not share the confidence of the President, but the action of Congress speaks for itself as to the necessity for some decided action such as that which was taken to-day, so that the people of this country and of the world might know that there is at least one branch of Congress which stands behind the President.

Mr. NORRIS. Mr. President, if we have a few more confessions we shall find out really how Senators feel on this important question. [Laughter.] We can not get the correct idea of it, evidently, from their votes. There is a majority one way, so far as the voting record is concerned; but if you will count up the confessions which have been made you will pretty soon find out that the real majority is on the other side. Senators, one after another, get up and say that they are in favor of warning American citizens to keep off the so-called defensively armed merchant vessels, but they vote with the President, who does not agree with them in that idea, but who wants to protect everyone who desires to go on such a ship; and he is opposed to giving any such warning to the people. Evidently some Senators are voting as they fear and not as they feel.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield to the Senator.

Mr. JONES. The Senator means that they think they voted with the President of the United States.

Mr. NORRIS. Well, I will give them the benefit of the doubt. Mr. President, it will be a good defense among the constituents at home to circulate a speech, in which the Senator said he was in favor of giving notice to American citizens that they ought not at this time to travel on armed merchantmen, and they can still retain their standing with the man at the head of the "pie counter" by voting the other way.

It seems to me, Mr. President, that the illustration given by the able Senator from Illinois [Mr. LEWIS], when he described conditions just prior to the Spanish-American War, ought to be reversed, and would in fact be reversed if the proper application were made. The Senator said, in substance, that at that time Congress was a turbulent body, demanding war, while President McKinley, standing out as best he could to preserve peace, was by Congress finally driven into war. The Senator argued, therefore, that this Congress was going to drive the President into war. If Congress passes a resolution asking American citizens to keep off armed merchant vessels, that is just exactly contrary to what the President wants. He does not want any such resolution passed. Hence on this occasion it is Congress that is trying to preserve peace and keep us out of war, and the only danger of such war comes from the policy of the President, when he says he is opposed to giving any such warning, but is going to defend every man who wants to rush out ruthlessly and endanger his own life in such a ship, and thus bring the balance of the country into imminent danger of war.

What would the passage of this resolution mean? Could it be construed as disrespectful to the President? I refer to the Gore resolution in its original form, or what, to me, seems the more appropriate resolution, the McCumber resolution, the effect of which is to warn American citizens, to ask them, while this terrible war is on and this question is yet unsettled and undetermined, but is under negotiation between the President and foreign nations—while that condition is on to save their country trouble and save the probability or the liability of war and to stay off such ships. Can any man say that is any disrespect to the President? If the President has a different idea—and I concede he has a right to it; I would not question his right to hold it—can the President say to Congress, the only branch of the Government that under the Constitution has the right to declare war, "You shall not express your opinion if it conflicts with mine"? In the case put by the Senator from Illinois Congress was crowding the President and the country into war. In this case it is the reverse. The President is leading toward war and Congress is holding back, trying to keep the country at peace. The object of warning our people to keep off of armed vessels is to maintain peace. I fear the course of the President will lead our country into war, and for that reason I want Congress to warn our people to keep off of armed vessels and thus avoid friction.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. NORRIS. I yield to the Senator.

Mr. GALLINGER. There is one phase of the proceedings to-day that interests and somewhat puzzles me. The Gore resolution was at the last moment amended on the suggestion of the author of the resolution. That amendment, which we did not very fully understand when we voted on it, because it was simply read from the desk, states that if an American citizen should lose his life because of a submarine attack it would be a cause for war.

Mr. NORRIS. That is the effect of it—on an armed merchantman.

Mr. GALLINGER. An armed merchantman. The majority voted that resolution down by a very decisive vote. It seems to me that that notifies the Kaiser, a gentleman who is so much talked about, that he can go along and do what he pleases, and it will not be a cause for war.

Mr. NORRIS. That construction may very well be put on it.

Mr. GALLINGER. Does it not strike the Senator from Nebraska in that way?

Mr. NORRIS. Those who say that a vote to table was a vote on the merits of the question can not put any other construction on it but that.

Mr. GALLINGER. Certainly not.

Mr. NORRIS. Of course, I want to concede that, in my judgment, I would not claim that against anyone, for I voted against tabling the resolution as it was modified, although, if I had had a vote directly on the question itself, I would have voted against the resolution; but the only hope under the parliamentary situation of getting anything at all satisfactory of passing a resolution warning American citizens was to prevent the tabling of that resolution. I voted against tabling the resolution, because only in that way could it be kept before the Senate and thus permit us to vote for the substitute, which was a resolution warning our citizens to keep off of armed vessels.

Mr. CLAPP. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. CLAPP. Is there not a vast difference between voting to table a resolution and the construction that may be given that vote and a vote against tabling? A vote to table a resolution means that you are opposed to that resolution.

Mr. GALLINGER. Certainly.

Mr. CLAPP. You may vote against tabling it when you would also be opposed to it, but you desire an opportunity to have it debated and to have an opportunity for amendment. So that a vote to table a resolution may very properly be considered as decisive of the contents of the resolution; but a vote against

tabling is not decisive in the same way, because the one casting the vote may be impelled by a desire to have the matter kept open for debate and for amendment.

Mr. NORRIS. Mr. President, the Senator from Minnesota has very correctly and properly stated the proposition. I think that is well illustrated in this case. For instance, the parliamentary situation that existed at the time the motion to table was made was this: If the motion to table the resolution had been defeated, then the substitute offered by the Senator from North Dakota [Mr. MCCUMBER] would have been in order, and we would first have had a vote upon the substitution of his resolution for the amended Gore resolution. I should have voted for that. I believe nine-tenths of the Senators of this body, uncoerced and uninfluenced by anybody from any place, high though it may be, would have done the same thing. I have no doubt that the Senate and the House would, by an overwhelming majority, pass a resolution along the lines of the resolution which the Senator from North Dakota [Mr. MCCUMBER] offered as a substitute, and which he has reoffered now, and which will come up in the regular routine to-morrow or on the first new legislative day.

Mr. VARDAMAN. Mr. President——

Mr. NORRIS. I yield to the Senator from Mississippi.

Mr. VARDAMAN. Mr. President, I wonder if the Senator appreciates the import of his words when he speaks of a Senator being coerced or influenced by any other consideration than the good of the most, the proper performance of the functions of his great place, and the welfare of his constituents and of the American people generally? I do not know of a charge, I can not conceive of anything the Senator could say, that is more harmful or derogatory to the reputation of a man who holds a position here as representative of a great State than to say that he is influenced by any power outside of the Senate other than the interests of his constituents. The Senator may be correct in his estimate of the character of some of his colleagues; but if so, God help the American people!

Mr. NORRIS. Now, I will ask the Senator a question: Does the Senator believe that the McCumber resolution, if brought before the Senate, would not receive a large majority of the votes of the Senators if there were no influence brought to bear upon any Senator and if every Senator voted according to the dictates of his own conscience?

Mr. VARDAMAN. Well, if I should do the immodest thing of judging every Senator by myself, I should say they would vote for that resolution or one similar to it, but I can not say; I would not be so reckless in the use of words, and I would not do my colleagues the injustice to say that they were influenced by orders from anybody. I do not see how a self-respecting Senator would take orders even from the President.

Mr. NORRIS. Well, no one has asked the Senator to do that; that is for him to decide. I wish the Senator would give a direct answer to my question. It does not mean, Mr. President, when you say that a man takes orders from somewhere that he is not patriotic; that he does not conscientiously believe that that is the best way to serve his country. There are two lines of thought on that question, and I am not charging any man with being unpatriotic. There are noted men of all political parties who believe that party solidarity is always desirable above everything else and that when their party leader speaks they must obey. Many great men have advocated that. It is held that through a caucus, or some other means, one should surrender his individual convictions for the good of those in control of the party. I do not believe in that system. I think it is not only wrong but that it is vicious. I am not criticizing the man who believes in that method of legislation, but the only effect of it is that you often vote for something that you are opposed to, and you often vote against something of which you are in favor. It does preserve party solidarity, and incidentally those who follow it never have any trouble when the "plum tree" gets a good shake; but those who do not follow that procedure usually get into trouble when the political harvest comes.

Mr. President, it is the duty of our Government to maintain strict neutrality in the great conflict now going on in Europe. If we do this, we must not attempt to change international law while the conflict is on. International law has always recognized the right of citizens of a neutral country to sell arms and ammunition to belligerent nations engaged in war. This right has not only been recognized, but it has been practiced by Germany, England, and France in many of the wars of the past. I believe, therefore, that if we laid an embargo upon arms and ammunition while the war was raging it would be changing the rule of international law and would in effect be an unneutral act.

Notwithstanding this rule of international law, we have a right to regulate the carrying of passengers in interstate and foreign commerce. We can prevent, by law, any ship leaving any American port from carrying passengers if she has her hold filled up with explosives and munitions of war. In my judgment, such a law ought to be passed and ought to be passed at once. That would in no way interfere with the right of a vessel to carry munitions of war, but it would prevent her from carrying passengers at the same time. We already have a law that prevents railroad companies from carrying dynamite and passengers on the same train. Why should we not pass a law that would prevent ships, whether they are American ships or foreign ships, leaving any of our ports, either in war or in peace, from loading one part of the ship with high explosives and the other part with human beings?

Upon the question of the right of merchant vessels to carry arms for defensive purposes, international law is equally clear. This law had its origin in the days of piracy, and while the reason for the law has long since disappeared, the law itself still remains, unreasonable as it may seem, and at the beginning of this conflict was recognized by all the leading nations now engaged in the conflict. This law, in my judgment, is illogical and unreasonable and I think it is entirely wrong. But illogical as it is, it is still international law and had the approval of both England and Germany at the beginning of this war. If we remain absolutely neutral we can not change this rule any more than any other recognized international law, but again, we have the unquestioned right to pass any law we may see fit for the regulation of interstate and foreign commerce, and while we could not, without the violation of international law, prohibit such an armed passenger vessel from clearing our ports, we do have the acknowledged right to see that any such vessel, whether it be an American vessel or a foreign vessel, leaving an American port shall not carry passengers if at the same time she is armed for so-called defensive purposes. The Gore concurrent resolution has been introduced, the object of which is to warn people not to travel on such vessels. Such a resolution, if passed, could have only a moral effect. While this might accomplish much good, the real remedy for the situation would be a law such as I have indicated. At the beginning of the conflict Germany claimed the right to sink without warning merchant vessels sailing under the flag of any of her enemies. In this way she sank the *Lusitania* and other ships. I have never excused these acts. They were not only contrary to international law but they were inhuman and barbarous. After extended diplomatic negotiations with our Government, Germany agreed not to destroy such vessels without warning, unless they were armed. Therefore, if unarmed passenger vessels are in no danger of attack without warning and without having the lives of their passengers cared for and protected, I can see no reason why they should want to carry arms for so-called defensive purposes when the only effect of carrying such arms will be to invite an attack without warning, which would not be made if they did not have the arms. In other words, it is claimed that they want to arm for defensive purposes, for protection from an attack that will not take place if they do not arm. This seems to me to be an illogical and unreasonable proposition. They do not want to be attacked without warning. They will not be attacked without warning if they do not arm themselves. The only object of arming themselves is to prevent that attack. If they are sincere in a desire to prevent such an attack, and the guns are in reality for defensive purposes only, then they ought to disarm and thus prevent the very attack that it is claimed they desire to avoid.

In conclusion, my position is: That the prohibition against the selling of munitions of war by our citizens to a belligerent Government and the prohibition of a passenger vessel armed for defensive purposes from leaving our ports would each be an attempt on our part to change international law during the existence of actual war and would therefore be in effect an unneutral act. We do have the right to prohibit ships flying any flag leaving our ports if they carry munitions of war and explosives, or if they are so armed, from carrying passengers. I think we ought to pass that kind of a law and we ought to pass it without any delay. We have already provided by law that all ships leaving our ports and carrying passengers must take certain precautions in the way of lifeboats and various other requirements. These laws were passed in the interest of humanity and to save human life, and in the interest of the same humanity we ought to prohibit by law such ships from taking any passengers from American ports.

Mr. GALLINGER. Mr. President, is the Senator informed as to whether or not there is a regulation forbidding the carrying

of passengers on boats on the Yukon River that carry explosives of any kind?

Mr. NORRIS. I have been told that there is such a law in Alaska. Personally, I do not know. I only have it from information that I think is reliable; but I may be mistaken about it.

DEVELOPMENT OF WATER POWER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the use of interstate and foreign commerce.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. Mr. President, there are in this body two methods of preventing the discussion of a proposal upon which a vote is asked. The first is by moving to lay it on the table. We had an example of that method this morning, when a proposal was made by the Senator from Oklahoma [Mr. GORE], which was unknown, I assume, to every Member of the Senate save himself, which when read was not heard by half the Members of the Senate and which was understood by still fewer numbers of this body. Nevertheless, upon a motion that it lie on the table, 68 Members of the Senate voted in the affirmative without any real knowledge of the effect of what they were doing.

I do not intend to explain my vote upon that resolution further than to say that it was a protest against the most indefensible and outrageous suppression of the right of debate and the opportunity of intelligent consideration I have ever seen, and I was not willing to add my vote to the number who were willing to take that leap into the dark.

The second way of preventing real discussion of an amendment or a proposal is to absent one's self from the Senate Chamber. An example of that method may be found, I think, in the way in which the Members of the Senate have treated the amendment which I have offered to the long-forgotten bill now and for the last few hours technically under consideration. In view of that situation I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Martine, N. J.	Smith, Mich.
Bankhead	Hughes	Myers	Smith, S. C.
Broussard	Husting	Nelson	Smoot
Chamberlain	James	Norris	Stone
Clapp	Johnson, Me.	Overman	Sutherland
Clark, Wyo.	Johnson, S. Dak.	Page	Thomas
Clarke, Ark.	Jones	Pittman	Thompson
Colt	Kern	Pomerene	Tillman
Cummins	La Follette	Shafroth	Vardaman
du Pont	Lee, Md.	Sheppard	Wadsworth
Gallinger	Lewis	Sherman	Walsh
Gore	McCumber	Shields	Warren
Harding	McLean	Simmons	
Hitchcock	Martin, Va.	Smith, Ga.	

Mr. WALSH. I announce that the Senator from California [Mr. WORKS] and the Senator from West Virginia [Mr. CHILTON] are absent from the Chamber on official business.

Mr. MARTINE of New Jersey. I have been requested to announce that the Senator from Oklahoma [Mr. OWEN] is absent on business of the Senate.

Mr. STONE. I desire to announce the unavoidable absence of the Senator from Delaware [Mr. SAULSBURY]. I will let this announcement stand for the day.

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. There is a quorum present.

Mr. VARDAMAN. Mr. President, what is before the Senate?

The VICE PRESIDENT. The amendment of the Senator from Iowa [Mr. CUMMINS], which the Secretary will state.

The SECRETARY. On page 10, line 23, after the word "granted," it is proposed to insert:

Provided, however, That if in the operation of the property for which, under the foregoing provision, the United States is required to pay it shall appear that it has earned during the period of use by the grantee, or his assignee or successor, a surplus over and above cost of operation, maintenance, depreciation of that part of the property valuable or serviceable in the distribution of water, or in the generation, transmission, and distribution of power, dependent in whole or in part for its usefulness upon the rights hereunder granted, taxes and other fixed charges, including bonded indebtedness and such reasonable return upon the remainder of the capital invested, not including investment from earnings, as may be fixed by the Secretary of War, then the amount of such surplus shall be deducted from the aggregate of the fair value and original cost as above ascertained, and the United States shall be required to pay only the balance so resulting: *Provided further,* That in order to facilitate the ascertainment of the amount of such surplus to be so deducted the Secretary of War is authorized to require from the grantee, his assignee or successor, such annual reports as will set forth the information material to such inquiry and ascertainment.

Mr. VARDAMAN. I move to lay the amendment on the table.

Mr. CUMMINS. Upon that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Arkansas [Mr. CLARKE] and I understand he has not voted. I am informed that he would vote as I intend to vote. I therefore vote. I vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. LEA] and vote "nay."

Mr. WALSH (when his name was called). I have a pair with the Senator from Rhode Island [Mr. LIPPITT]. Accordingly I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. He being absent and I not knowing how he would vote upon this proposition, I withhold my vote.

The roll call was concluded.

Mr. JAMES. I should like to ask if the Senator from Massachusetts [Mr. WEEKS] has voted?

The VICE PRESIDENT. He has not.

Mr. JAMES. I have a pair with that Senator, and therefore withhold my vote.

Mr. GALLINGER (after having voted in the negative). I have voted, but I observe that the Senator from New York [Mr. O'GORMAN], with whom I have a general pair, has not voted. Therefore I withdraw my vote.

Mr. FALL. I have a general pair with the Senator from West Virginia [Mr. CHILTON]. I should like to inquire whether he has voted?

The VICE PRESIDENT. He has not.

Mr. FALL. I refrain from voting. If I were at liberty to vote, I would vote "nay."

Mr. HARDING. I understand that the Senator from Alabama [Mr. UNDERWOOD], with whom I have a general pair, if present would vote as I would. I vote "nay."

Mr. SMITH of Georgia (after having voted in the negative). I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the Senator from Nevada [Mr. NEWLANDS] and let my vote stand.

Mr. WALSH. I will transfer my pair heretofore announced to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. KERN. I desire to announce that the Senator from Texas [Mr. CULBERSON] is paired with the Senator from Idaho [Mr. BRADY];

The Senator from Oklahoma [Mr. OWEN] with the Senator from New Mexico [Mr. CATRON];

The Senator from Florida [Mr. BRYAN] with the Senator from Michigan [Mr. TOWNSEND];

My colleague [Mr. SHIVELY] with the Senator from Maine [Mr. BURLEIGH];

The Senator from West Virginia [Mr. CHILTON] with the Senator from New Mexico [Mr. FALL];

The Senator from Delaware [Mr. SAULSBURY] with the Senator from Rhode Island [Mr. COLT];

The Senator from Maryland [Mr. SMITH] with the Senator from Vermont [Mr. DILLINGHAM]; and

The Senator from Georgia [Mr. HARDWICK] with the Senator from Kansas [Mr. CURTIS].

Mr. JAMES. I transfer my pair heretofore announced to the Senator from Illinois [Mr. LEWIS] and vote "nay."

The result was announced—yeas 4, nays 54, as follows.

YEAS—4.

Beckham	Chamberlain	Sherman	Vardaman

NAYS—54.

Ashurst	Husting	Nelson	Smith, Mich.
Bankhead	James	Norris	Smith, S. C.
Brandegee	Johnson, Me.	Oliver	Smoot
Broussard	Johnson, S. Dak.	Overman	Sterling
Clapp	Jones	Page	Stone
Clark, Wyo.	Kern	Pittman	Sutherland
Cummins	La Follette	Poindexter	Thomas
du Pont	Lane	Pomerene	Thompson
Gore	Lee, Md.	Ransdell	Tillman
Gronna	McCumber	Shafroth	Wadsworth
Harding	McLean	Sheppard	Walsh
Hitchcock	Martin, Va.	Shields	Warren
Hollis	Martine, N. J.	Simmons	
Hughes	Myers	Smith, Ga.	

NOT VOTING—38.

Borah	Catron	Culberson	Fletcher
Brady	Chilton	Curtis	Gallinger
Bryan	Clarke, Ark.	Dillingham	Goff
Burleigh	Colt	Fall	Hardwick

Kenyon	O'Gorman	Saulsbury	Underwood
Lea, Tenn.	Owen	Shively	Weeks
Lewis	Penrose	Smith, Ariz.	Williams
Lippitt	Phelan	Smith, Md.	Works
Lodge	Reed	Swanson	
Newlands	Robinson	Townsend	

So the Senate refused to lay Mr. CUMMINS's amendment on the table.

Mr. SHIELDS. Mr. President, I do not wish to debate this amendment, but simply to state the effect it would have upon the pending bill. The bill is for the purpose of improving navigable rivers and utilizing the water power created by dams constructed for that purpose.

The bill provides that the electric energy and other products of the water power shall be subject to regulation by the State public-service commission where it is sold in intrastate commerce and by the Interstate Commerce Commission when it enters into interstate commerce.

The bill further contemplates that the developments shall generally be made by corporations and costing from a million to $50,000,000, which have to be raised by the issue of bonds.

This amendment proposes that after the expiration of a permit for the term of 50 years the Secretary of War may review the action of the State public-service commission, which usually consists of three or five members, and that of the Interstate Commerce Commission, composed of seven members, fixing the rates of these companies for electric energy; and in the event he finds those commissioners have allowed the company to charge excessive rates, the same shall be deducted from the value of the property when taken over by the United States, this deduction to be allowed although there might have been numerous changes in the ownership of the stock during the existence of the permit and without regard to the rights of the bondholders, who, of course, have no voice in fixing the rates and do not receive the dividends.

This is to be done by one man—the Secretary of War. He is, by this amendment, authorized to do this after the lapse, it may be, of 40 years.

Mr. President, it seems to me that the amendment is impracticable and would do the stockholders who are owners of the property at the time of the final settlement of its affairs and the bondholders great injustice, and that its effect would be to absolutely deter all investment under the bill and defeat the purposes for which it was introduced.

I hope the amendment will be rejected.

Mr. NORRIS. Mr. President, it seems to me that those who favor this bill, if they have faith in the arguments that they have made, which have prevailed in the Senate from the beginning of the discussion down to now; if they believe that the regulation which they have said from time to time would apply, ought not to oppose this amendment. Those of us who have favored changes in the bill have advocated various amendments, the effect of which in most instances as we think would give some regulatory power to the Secretary of War. Those motions to amend have been debated and discussed. As a rule they have been opposed by those who have charge of the bill, and they have been successful in almost every test. All the motions that have been made having in view the regulatory power in the hands of the Secretary of War have been defeated.

Many of us argued that we ought at least to give the Secretary of War the right to charge an annual fee or a charge based upon the development of the power. I am not going over that argument, but it is the belief of those who favored that amendment that in many cases it would bring into the Treasury of the United States a great deal of money; in other cases it would have the effect of regulating the price which the consumer had to pay. Those of us who favored such amendments were advocating them always upon one or the other of those theories, believing in the end that it would redound to the benefit of the consumer and prevent monopoly and extortion. We were always met with the argument that the public-service commission of the various States and in some instances the Interstate Commerce Commission would have power to regulate, and the Senate followed those who thus believed and defeated us in almost every case.

Now, the Senator from Iowa [Mr. CUMMINS] offers an amendment the effect of which is that if it should happen that what you have said will not always prevail and that there would be cases where regulation did not have the proper effect, or had no effect, and that through the granting of this franchise during the 50-year period the grantee should make an immense amount of money in excess of a reasonable income for his efforts and his investment—in other words, the amendment says if in any case you should have been wrong and we right, we would then give to the Secretary of War at the end of the 50-year period the right to demand credit for the excessive profits, if there were any. If your theories are true, there will be none. If the bill works out as you have said it would, this amendment will have no effect whatever. If the men who get these privileges and these rights get only a reasonable return upon their efforts and upon their investment, there will be nothing to be taken over or applied by virtue of placing this amendment in the law. But if you should be mistaken, and if some of the rest of us have been right, then at the end of the 50-year period, if the Government decided to take over the property, they will not have to pay, or, in other words, the Government will get credit for those excessive profits.

If a man, for instance, has built a dam in a stream and has made a reasonable interest upon his investment, paid all his expenses, has received a remunerative income from every effort and every dollar expended, and in addition to that, let us say in a plant that cost a million dollars, he has in the 50-year period made $5,000,000 in addition to those costs and legitimate profits, then the people who paid the rates have not only paid a reasonable rate for what they received, but they have paid a rate sufficiently high and exorbitant by which that excess has several times paid the value of the property itself to the man who constructed it. The people have paid it, and if they have paid for it once and the Government wants to take it over again, why should they be required to pay it again? If they have not done that, if your theories have worked out right, if these regulatory bodies have done what you said they would, and if the corporation that owns the franchise and the right that was given to it by the Government has not made anything but a fair and honest profit, this amendment will not touch such a corporation and will not affect it in any way.

It seems to me, if you believe in your theories that you have advocated, then here is a chance to put them to the test; you ought to support the amendment which the Senator has offered.

Mr. GRONNA. I wish to ask the Senator from Nebraska a question before he takes his seat.

Mr. NORRIS. I yield to the Senator.

Mr. GRONNA. Mr. President, I have not had an opportunity to hear all the debate on this bill. The Senator from Nebraska [Mr. NORRIS] was debating a certain amendment proposed by the Senator from Iowa [Mr. CUMMINS]. Does that amendment provide that all these water powers shall be under the supervision of the Federal Government, although they may not be on a navigabe stream?

Mr. NORRIS. No.

Mr. GRONNA. How would it be possible for the Federal Government to know what the cost of operation would be for any dam that might not be on a navigable stream or under the supervision of the Government?

Mr. NORRIS. It does not apply to anything that is not on a navigable stream.

Mr. GRONNA. The Senator knows that it is a very easy matter to keep a set of books in such a way that it would be impossible to ascertain what the profits were unless the concern was subject to supervision and inspection by the Federal Government or some other authority.

Mr. NORRIS. This amendment provides that they must make yearly returns to the Secretary of War.

Mr. GRONNA. In all instances, whether they are under the control of the Government or not?

Mr. NORRIS. There will be none, I will say to the Senator from North Dakota, in the bill even with or without the amendment, for it only applies to navigable streams. So, whether the amendment is adopted or not does not affect that. The amendment simply says that in the construction of the dams under this bill—which applies only to navigable streams—if above a reasonable profit, expense, and everything, there has been a surplus accumulated, and at the end of the 50 years the Government wants to take it over, it will value the property according to the bill and it will take from that amount the surplus over and above profits that are reasonable and fair.

Mr. GRONNA. So that it would only be a portion of these water-power companies that would be held to any accountability so far as the Government is concerned; but would not those that are not subject to the jurisdiction of the Federal control be taxed by the State?

Mr. NORRIS. I think they would be taxed on their property which is taxable within the State the same as any other corporation. I will say, however, to the Senator that there is not anything in the bill that is not subject to the control of the Government of the United States. The bill applies only to navigable streams, and there could not be anything constructed under this bill, if it is enacted into law, either with this amendment or without it, except permission was obtained, as the bill provides, from the Secretary of War.

Mr. CUMMINS. Mr. President, I beg to say a word—and it will be a final word, so far as I am concerned—in reply to the argument made by the Senator from Tennessee [Mr. SHIELDS]. It must be remembered that through this bill we are imposing an extraordinary obligation upon the United States; an obligation that has, so far as I know, no precedent; that is, the obligation to take over the property and pay for it at the end of 50 years, or whenever the franchise period terminates. That fact ought not to be absent from the minds of Senators when they come to consider what it is fair to do at this time.

The Senator from Tennessee says that the various public-utility commissions will so regulate the charges that are to be made by these grantees that they can not secure more than a reasonable return upon the capital invested. There are two replies to that suggestion. First, a public-utility commission must operate for the future; it must fix a rate to be charged in the future. It is utterly impossible for any such commission, however intelligent, however well informed, however faithful to the public interest, to know what will occur in the future, and, with precision, to so regulate the rates that they will return but a fair interest or reward upon the capital. It is within the knowledge of every Senator here, I am sure, that many instances of regulation have occurred which, under experience, have been shown to have approved rates which have returned a great deal more than a reasonable reward upon the capital. So much depends upon the extent of the business, the development of the country, and all things of that kind that it is utterly impossible to regulate for the future with much exactness. But it is suggested to me by the Senator from Wisconsin [Mr. LA FOLLETTE]—and I had forgotten about it for the moment—that the recent decision of the Interstate Commerce Commission in what is known as the advance-rate cases illustrates far better than I could possibly do by argument or suggestion the inability to determine what certain rates will accomplish, so far as the accumulation of earnings is concerned.

However, there is another answer which, it seems to me, is conclusive. The Senator from Tennessee assumes all the while, in endeavoring to defend some of the provisions of this bill which I think are absolutely indefensible, that the entire energy created under the terms of the bill will fall under public regulation, and that the rates to be charged for the service will be determined by some public function; that is, by some department of the Government. He is in error about that in so far at least as I can conjecture of the future. I venture to say, as I have once before said, that by far the greater proportion of the power developed by enterprises established under this bill will be under no regulation whatsoever. Those enterprises will charge "whatever the traffic will bear." They will be controlled only by the force of competition; and if they can destroy competition, as is so often the case, they will be under no regulation whatsoever; and it is these instances that I have particularly in view.

It need not be apprehended that the Secretary of War will reverse or overthrow the action of public-utility commissions so far as the reasonableness of a specific return is concerned. If the public-utility commission says that 6 per cent is a fair return under all the circumstances, have you any fear that the Secretary of War will reverse that finding or that conclusion? No; but the Secretary of War will have this opportunity that the public-utility commission will not have: He will have an opportunity to ascertain what the effect of a certain rate has been; and if the commission, intending to allow the enterprise to recover from the public 6 per cent upon the value of the property or the cost of the property—whatever basis may be adopted—in fact allows it to recover from the public 15 per cent upon the capital, then the Secretary of War will have a chance to remedy that error, if it may be called an error, when the United States comes to perform this extraordinary obligation, to pay the grantee the value of the property at the end of the period of the franchise.

I confess that I am utterly unable to see the danger pointed out by the Senator from Tennessee, and I am unable to conceive a Senate which desires that the United States shall pay the grantee specifically at the end of the franchise a sum of money which the public has paid to the grantee during the operation of the franchise. I remark, as I did on yesterday, that we seem in framing this measure to be willing to vest the Secretary of War with all kinds of discretion for the protection of the grantee and unwilling to grant him any discretion to protect the public.

I ask for the yeas and nays on the amendment. I am not sure whether they were ordered yesterday or not.

Mr. GALLINGER. They were ordered on yesterday.

Mr. SHIELDS. Mr. President, I desire to ask the Senator a question.

Mr. CUMMINS. I will be very glad to answer the Senator, so far as I can.

Mr. SHIELDS. Is it not reasonable to suppose that the stockholders will change considerably in 50 years?

Mr. CUMMINS. I have no doubt of that.

Mr. SHIELDS. Therefore the stockholders who own the property at the end of the 50 years would be, in all probability, different from those who receive the benefit of these excessive rates, if any such rates are allowed. Is that not a fact?

Mr. CUMMINS. My reply to that is that the purchase of stock in such a corporation at any time is voluntary. The stockholder who goes into a corporation, if it be a continuous one, at the end of 25 years ought to pay for the stock with knowledge of what the outcome may be; and if the stockholders who have preceded him in the same interest have taken more than they ought to have taken out of the property, then, when he comes to determine the value of the stock and the amount that he shall pay for it, he must be guided by those considerations.

Mr. SHIELDS. I should like to ask the Senator another question. Would not the subsequent purchaser of this stock have a right to presume that the State public-service commissions and the Interstate Commerce Commission had honestly and justly fixed the rates, and therefore that their property would not be destroyed by a subsequent assessment of any kind?

Mr. CUMMINS. Mr. President, I have no doubt that we all have a right to assume that any public official has performed his duty honestly and in accordance with the law, but I see in that conclusion nothing whatsoever in opposition to the argument I have been attempting to make.

Mr. SHIELDS. Now, Mr. President, I should like to ask another question. Is it not a probability when this property is finally taken over and paid for after the lapse of 50 years that the majority at least of the bonds will be still outstanding, and the deduction the Senator proposes would come out of the bondholders and not out of the stockholders who received the benefit of the excessive rates?

Mr. CUMMINS. Mr. President, I feel just as great an interest in the public as I do in the bondholders, and I desire to protect the public as well as the bondholders. Therefore I would not be very much alarmed about the suggestion made by the Senator from Tennessee. Still I answer it definitely in this way: The value of the property at the end of the franchise period, as determined by the provisions of the bill, the Senate having rejected what I believe to be a just method of ascertaining the value, must always very greatly exceed the value of the physical property. The Senate has deliberately adopted this rule, that at the end of the franchise period the value of the property is to be ascertained according to rules which will entitle whoever values it to take into consideration all of the intangible elements of value, the whole worth——

Mr. SUTHERLAND. Mr. President——

Mr. CUMMINS. Excuse me just a moment—the whole worth of the business of which the property is a part, and I can not imagine that with a value so ascertained the deduction of the excessive surplus earned during the period would result in a sum less than the bonded indebtedness; but I say again that when one acquires bonds of a corporation the bondholder must accept some risk. It is not the purpose certainly that the Government shall absolutely guarantee the success of every one of these enterprises, although I must confess that I would rather give my assent to a plan by which the Government would undertake to guarantee the return of the capital and 6 per cent interest during the whole period than to agree to this measure as it now is. But that is apart from the question. The bondholder must assume, I think, that the corporation will deal fairly with him. If he can not so assume he ought not to become a bondholder in the corporation.

Mr. SHIELDS. Now, will the Senator allow me to ask him a question in that connection?

Mr. CUMMINS. I suppose that what the Senator from Tennessee is afraid of is that the corporation will pay all of its earnings to the stockholders and that when the enterprise comes to an end there will be nothing left but the physical property itself; but I say to him that, even under those circumstances, there is no danger that any bondholder can ever be deprived of his security. I now yield to the Senator.

Mr. SUTHERLAND. Mr. President——

Mr. SHIELDS. Mr. President, will the Senator from Utah pardon me if I ask the Senator from Iowa another question, following up those I have already asked?

Mr. SUTHERLAND. I yield to the Senator.

Mr. SHIELDS. Would not a liability of the kind the Senator proposes to be imposed upon the fund arising from the sale of the company's plant and required to pay outstanding bonds

absolutely destroy the commercial value of the stock and bonds and prevent anyone from investing in them, and therefore be prohibitive of any development whatever under this bill?

Mr. CUMMINS. No, sir. In my opinion, it would not repel the investment. On the contrary, assuming there is a demand for the power—and that must always, of course, depend upon circumstances—but assuming that there is a demand for the power generated, this bill gives to the bondholder of such an enterprise a security better than a Government bond. I yield now to the Senator from Utah.

Mr. SUTHERLAND. Mr. President, I desire to ask the Senator a question about one feature of his proposed amendment. The amendment provides, among other things, that the surplus over and above the cost of operation, maintenance, and so forth, is to be ascertained by allowing, among other things, such reasonable return upon the remainder of the capital invested, not including investments from earnings, as may be fixed by the Secretary of War.

As I understand, that leaves it to the absolute discretion of the Secretary of War to fix the amount of such reasonable return as may seem to him to be proper. He may or may not be governed by legal principles or equitable principles. It seems to me that the whole thing is left in the arbitrary discretion of the Secretary of War.

I ask the Senator if the Secretary of War and the corporation should radically differ as to what was a reasonable return, whether the corporation would have any remedy, or whether it could go to a court to have that question settled, or whether this provision, if it go into the bill, would not constitute a condition which would bind the grantee, and would preclude him from having a judicial determination of the matter?

Mr. CUMMINS. Mr. President, if we were attempting to regulate a property which individual enterprise had initiated, and concerning which the consent of the Government would not be required, the suggestion of the Senator from Utah would have great weight. I said yesterday, in arguing this point, that the power given to the Secretary of War in this bill is far greater than I like to confer upon any man. Unfortunately, that power is all conferred against the public, or substantially all. I do not mean to say that it would be used against the public in all instances, but it is a power that is given to the Secretary of War to make a bargain with capital or hold out inducements to capital which I am afraid will be sometimes very sadly misused. The power that I give to the Secretary of War in this amendment may also be misused. It is no greater than is given to him on a score of other subjects or phases in the bill, however; and if the grantee desires to enter into that sort of an agreement with the United States, it is no injustice to him.

Mark you, we are not taking the property of the grantee without compensation. We are agreeing with the grantee, as probably you will find no other Government under like circumstances has ever agreed, to take over and pay for the property at the end of 50 years of use of the stream. That is very unusual. I do not know of many instances in which a Government has undertaken to do that; and the value of that property is to be ascertained in the manner provided in the previous part of the section. But I say that if in the experience of the 50 years the corporation—if it be a corporation—shall earn more than enough to maintain it and pay the cost of its operation and pay all fixed charges, all the interest on the bonded debt and a reasonable return upon the independent capital invested, then this value, which I know will be an exaggerated one, may be reduced by that surplus, which never ought to have been created.

So far as I am concerned I am willing to give that power to the Secretary of War, and I am willing to trust him, just as he is trusted in other parts of this bill, to do the fair thing between the grantee and the public. He has it in his power to do the unfair thing, just as he has it in his power all the way through the bill to do the unfair thing.

Mr. SUTHERLAND. He has it in his power to act arbitrarily; and if he acts arbitrarily the other party——

Mr. CUMMINS. Oh, yes; he has the power arbitrarily to prevent the improvement of the stream at all.

Mr. SUTHERLAND. But if he acts arbitrarily, or if he acts unfairly, the other party to the transaction has no opportunity whatever of appealing to a tribunal which can adjust the matter between them.

Mr. CUMMINS. The Senator is in error about that. If an applicant comes to the Secretary of War, he can attach to the entry upon the stream such conditions as to make it absolutely impossible for the applicant to go in at all.

Mr. SUTHERLAND. But what I am saying is that if the Secretary of War, in fixing the amount of a reasonable return, acts arbitrarily or unfairly the other party to the transaction in that event is absolutely at his mercy. He can not appeal to a judicial tribunal.

Mr. CUMMINS. I would just as soon be at his mercy in that event as in the other. I recognize that it is a power that can be abused, but I do not fear that it will be abused as against the investor of the capital. I have more fear that it will be abused as against the general public.

Mr. SUTHERLAND. It seems to me that it is a very unusual and a very dangerous power to confer upon an executive officer.

Mr. CUMMINS. It is unusual, because you are giving to the grantee here an unusual thing that has rarely been heard of in such grants; and if the Government were not under any obligation to take over the property and pay for it, then it would not be necessary to insert these precautions. But we are binding the Government to take this property. Now, how much ought the Government pay when it takes the property that has been built up on a 50-year franchise which has expired?

Mr. SUTHERLAND. The usual provision in such cases, according to my recollection, where it is agreed that a municipality, for instance, may take over a street railroad, or something of that sort, is to have the value fixed by appraisers at the time it is acquired.

Mr. CUMMINS. Well, that is not the policy pursued here.

Mr. SUTHERLAND. No; I see it is not.

RECESS.

Mr. SHIELDS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate took a recess until to-morrow, Saturday, March 4, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 3, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

"As the heavens declare the glory of God and the firmament sheweth His handiwork," so may we, our heavenly Father, reflect Thy glory in our conduct toward Thee and our fellow men and display Thy handiwork in building for ourselves a character out of the material Thou hast woven into our being that we may be strong to resist evil and firm in the pursuits of righteousness. To whom much has been given of him much shall be required. Thou hast been lavish in Thy gifts to us as individuals and as a Nation; help us to use these gifts as individuals and as a people, that we may grow in all that makes for manhood and in all that makes for a strong and righteous Nation, that it may live and enjoy the fruits of righteousness. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. BYRNS of Tennessee. Mr. Speaker——

The SPEAKER. The gentleman from Tennessee is recognized.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the legislative, executive, and judicial appropriation bill.

Mr. RUSSELL of Missouri. Mr. Speaker——

Mr. POU. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. RUSSELL of Missouri. I was going to ask unanimous consent to take up a conference report on a Senate bill and have it agreed to. That is in order at all times.

The SPEAKER. Of course, that is in order.

Mr. RUSSELL of Missouri. It is Senate bill 3518.

Mr. POU. Mr. Speaker, pending that I wanted to ask the gentleman from Tennessee [Mr. BYRNS] a question. We have a great many bills on the Private Calendar, and I would like, if possible, to get unanimous consent to go through those bills at some time.

Mr. BYRNS of Tennessee. I want to state to the gentleman that if this legislative appropriation bill can be taken up to-day it is my hope that we may possibly finish it by to-morrow. Now, there is a tariff bill pending, and I have been notified by the gentleman in charge of that bill that he expects to take it up next Tuesday, and I was very anxious to get this bill up to-day in order to get it out of the way this week, so there would be no reason why that bill should not be taken up next Tuesday.

Mr. POU. I hope the House sometime during next week——

The SPEAKER. Has the gentleman from North Carolina [Mr. POU] a request to make, or a suggestion to make, or a motion to make?

Mr. POU. I will ask, with the permission of the gentleman from Tennessee [Mr. BYRNS], unanimous consent that to-morrow at 3 o'clock we have opportunity to call the Private Calendar by unanimous consent only.

Mr. MANN. Mr. Speaker——

Mr. POU. Provided they are through with this bill.

Mr. MANN. They will not be through with this bill at that time. So far as I am personally concerned, I would be quite willing to have an agreement that the House when it reaches the adjournment time this evening take a recess until 10 o'clock to-morrow morning, with the understanding that the House stand adjourned at 11.50 or 11.55 to-morrow morning, and that during that time it consider bills on the Private Calendar.

Mr. POU. I will make that request, Mr. Speaker.

The SPEAKER. Make what request?

Mr. MANN. That this evening the House take a recess until 10 o'clock to-morrow morning; that the House at 11.50 a. m. or 11.55 a. m. shall stand adjourned, and that the House when it convenes to-morrow morning shall consider bills on the Private Calendar.

The SPEAKER. Consider them for how long?

Mr. MANN. Until the House adjourns at 11.55 a. m.

Mr. POU. Mr. Speaker, I ask unanimous consent that the House stand in recess until to-morrow morning when it adjourns to-day, and at 10 o'clock to-morrow morning the Private Calendar be considered by unanimous consent until 11.55 a. m., when the House will then stand adjourned.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that this afternoon when the House gets ready to quit work that, instead of adjourning, it stand in recess until to-morrow morning at 10 o'clock, when the House shall meet again for the purpose of considering bills on the Private Calendar, and adjourn at 11.55 a. m.

Mr. MANN. I thought the gentleman stated bills by unanimous consent on the Private Calendar.

Mr. POU. I did.

Mr. MANN. That would be bills not objected to?

Mr. POU. Bills not objected to.

The SPEAKER. Is there objection?

Mr. FERRIS. Mr. Speaker, reserving the right to object, I would like to know when there would be consideration of some bills that are objected to.

The SPEAKER. The Chair can not inform the gentleman, except that certain private bills——

Mr. FERRIS. I object.

Mr. POU. Mr. Speaker, I ask the gentleman to withhold his objection for just a minute.

Mr. FERRIS. I do object for the present.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed bills and joint resolution of the following titles:

On February 23, 1916:

H. R. 2. An act for the coinage of a McKinley souvenir gold dollar in commemoration of the erection of a memorial to William McKinley, late President of the United States;

H. R. 73. An act to amend chapter 231, known as the Judicial Code, act of March 3, 1911, volume 36, United States Statutes at Large, section 81, page 1111; and

H. R. 322. An act to authorize the Secretary of the Treasury of the United States to sell the old post office and site thereof in the city of Dayton, Ohio.

On February 25, 1916:

H. R. 8810. An act to amend an act relating to the Public Utilities Commission of the District of Columbia, approved March 4, 1913.

On February 26, 1916:

S. 4308. An act to purchase a site and erect thereon a suitable building for post office and other governmental offices at Sandusky, Ohio, and for other purposes.

On February 28, 1916:

H. J. Res. 89. Joint resolution to amend an act entitled "An act granting pensions and increase of pension to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved February 25, 1915;

H. R. 6854. An act permitting the Wolf Point Bridge & Development Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana; and

H. R. 9416. An act making appropriations to supply further urgent deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior years, and for other purposes.

On March 1, 1916:

H. R. 157. An act to extend the time for the completion of dams across the Savannah River by authority granted to Twin City Power Co. by an act approved February 29, 1908, as amended by act approved June 3, 1912; and

S. 2497. An act to authorize the construction of a bridge across the Mississippi River between Anoka and Hennepin Counties, in the State of Minnesota.

SPEAKER PRO TEMPORE FOR SUNDAY, MARCH 5.

The SPEAKER appointed Mr. CANDLER of Mississippi as Speaker pro tempore for Sunday, March 5, 1916, at the memorial exercises for the late Representative WITHERSPOON.

CONFERENCE REPORT—PENSIONS.

Mr. RUSSELL of Missouri. Mr. Speaker, I desire to call up the conference report on the bill (S. 3518) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report as follows:

CONFERENCE REPORT (NO. 288).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3518) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same.

That the House recede from its amendments numbered 1, 2, 3, 4, and 6.

ISAAC R. SHERWOOD,
M. E. BURKE,
C. A. SULLOWAY,
Managers on the part of the House.

CHARLES F. JOHNSON,
P. J. MCCUMBER,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the House to the bill (S. 3518) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of said amendments, viz:

Amendment No. 1: House recedes. Affidavits were filed in the case which met fully the objections of the House and justified the passage of the bill for soldier's relief.

Amendment No. 2. House recedes. Soldier's record of service is shown to have been three months, and he was paid for that length of service by the United States Government. He was subject to recall while on furlough for a few days, and his service entitles him to the pension provided in the bill, being the amount other soldiers of his age receive under the act of May 11, 1912.

Amendment No. 3: House recedes. The proposed increase is fully justified by the facts of the case as shown by the evidence on file.

Amendment No. 4: House recedes. This case falls within the rules of the Senate committee relative to increase of pensions for widows of officers of high rank and long service, and favorable action is warranted by the evidence on file.

Amendment No. 5: Senate recedes. Soldier resides in a National Military Home, and is now pensioned at $19 per month; the evidence on file does not show that he has anyone dependent upon him for support, and it is not believed that an increase of his pension is warranted by the facts shown in the report.

Amendment No. 6: House recedes. Soldier served in both the Civil War and the War with Spain, and attained the rank of major in the later service. The rules of the Senate committee provide a general-law rate for widows of officers in destitute circumstances, and the amount allowed in this case is fully justified by the evidence on file.

ISAAC R. SHERWOOD,
M. E. BURKE,
C. A. SULLOWAY,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 12207, the legislative appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12207, the legislative appropriation bill, with Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12207, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill for amendment.

The Clerk read as follows:

The Secretary of the Treasury is authorized and directed to report to Congress at the beginning of its next session which of the subtreasuries, if any, should be continued after the end of the fiscal year 1917, and if, in his opinion, any should be continued the reasons in full for such continuance; also if any or all of said subtreasuries may be discontinued what legislation will be necessary in order to transfer their duties and functions to some other branch of the public service or to Federal reserve banks.

Mr. BENNET. Mr. Chairman, reserving the right to object, I would like to ask the chairman of the committee what is the purpose of this provision, page 62, lines 5 to 13?

Mr. BYRNS of Tennessee. This paragraph shows on its face exactly what it means. There has been some question in the committee and also in Congress as to whether or not it would be possible to abolish all or a portion of the subtreasuries. The officials of the Treasury Department have been giving the matter some consideration, but they were not prepared to indicate definitely whether or not any of these subtreasuries could be abolished at this time and the duties performed by some other governmental agency.

The committee felt, in order to bring the matter to a head, that this provision ought to be adopted, so that at the beginning of the next session of Congress there would be something before it of a definite nature. The gentleman understands, of course, that if any of these subtreasuries are eliminated it will be necessary to pass some legislation and to make some provision for the duties performed by those subtreasuries, and this section is simply proposed in order that information may be furnished to Congress at the beginning of the next session upon which it may act wisely and properly.

I may say to the gentleman that the members of the committee were of the opinion that it would be possible to eliminate some of these subtreasuries, but, of course, we were not in a position to make such recommendation at this time, because of the fact, as I have stated, that it would require additional legislation.

Mr. BENNET. This, in substance, is almost a resolution of inquiry. Of course it would not be in order as a resolution of inquiry, because it would require an expression of opinion, and therefore I assume that if the House is to arrive at this result at all, the only way it can arrive at the result is in the manner indicated by the committee, putting it in the bill. So far as I can see, it does not do anything except that it directs the Secretary of the Treasury to make a report, upon which Congress may or may not act.

Mr. BYRNS of Tennessee. Precisely. That is the only object the committee had in inserting the section.

Mr. BENNET. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman from New York withdraws his point of order.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. Mr. Chairman, does the gentleman from Tennessee know whether the Federal Reserve Board itself has taken any action or has expressed any opinion in reference to this matter?

Mr. BYRNS of Tennessee. Not so far as I have been informed.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Mint at Carson, Nev.: Assayer in charge, who shall also perform the duties of melter, $1,800; assistant assayer, $1,200; chief clerk, $1,200; in all, $4,200.

Mr. GOOD. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Iowa moves to strike out the paragraph.

Mr. GOOD. Mr. Chairman, for a number of years the House has always struck out the provision with regard to the assay offices. For a number of years the Director of the Mint recommended that these assay offices be abolished. It was discovered at the hearings this year that there is an additional reason why these assay offices should be abolished at this time. They really perform no useful service. If the assayer or those in charge of an assay office strictly followed the law they could have no work whatever to do. The Revised Statutes do not provide that the assayers shall assay ores, but the statutes do provide that the assayers shall assay bullion; but in order to evade this provision of the law the department is resting its case upon some old decision to the effect that ore and bullion are synonymous terms—a most ridiculous opinion. To follow that decision we must conclude that a quantity of ore that has 5 per cent of gold in it is bullion.

Now, if we should adopt an amendment which would require an assayer to assay only bullion you might as well close the offices. What they are doing is to assay the ore of the prospector. I do not believe that the importance attaches to these offices which gentlemen representing those districts in which the offices are located seem to think. I believe we could abolish these assay offices, with the exception of the one at New York and the one at Seattle, without detriment to the public service, and we would save many thousands of dollars annually.

This particular assay office carries an appropriation of $7,200. It is that much money thrown away, or practically so. Under the present arrangement it is now proposed to reduce the charge for assaying ore from $3 to $1, and therefore the amount of receipts will be very materially reduced. The receipts amount to little as it is. I believe that this House ought to do what it has undertaken to do for several years before, and that is to refuse to make appropriations for these assay offices.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. GOOD. Yes.

Mr. JOHNSON of Washington. Does the gentleman think it is quite right for a Government assay office to offer to reduce the charge for assaying, say to $1, whereas the customary charge by a private assayer in the same vicinity is $1.25, thereby putting the Government in competition with private assayers, to the disadvantage of the private assayers?

Mr. GOOD. I do not think the Government should engage in that business at all, and I certainly think it should not engage in that unfair competition by cutting the rates.

Mr. SMITH of Idaho. Mr. Chairman, during my short service in this House I have encountered a good many surprises, but I never was more surprised than I have been this morning at the statement of the gentleman from Iowa [Mr. GOOD]. It seems to me it is the most unreasonable proposition that has been presented to this House for a long time.

I can not understand why Members from the eastern section of the country and the central section of the country in this House assume to know so much more about the conditions in the West than the Representatives from those States.

I was afforded no opportunity to appear before the Committee on Appropriations with reference to the proposed abolishment of the assay offices, and I do not know that any other Member from the West not on that committee had such an opportunity. I do not understand why it is proposed to discriminate against the mineral interests of the West, the miners and the prospectors out in that country, and yet to look so carefully after every other class of people. We are spending millions of dollars, gentlemen, to educate the farmers in scientific methods, and yet when it comes to doing something for the miners of the West and for

the development of the mineral resources of the West some gentlemen propose to abandon a plan which has been in effect for 50 years or more. Under the law establishing the assay offices the mineral industry of the Rocky Mountain country has been greatly developed, and if these assay offices are abolished it simply means that the prospector out in the hills will have to send his bullion to the mint at Denver, or to some other distant place, at a considerable expense of money and a great deal of expense of time.

The gentleman from Iowa [Mr. GOOD] is mistaken when he states that the assay offices assay ore and not bullion. The miner out in the hills smelts the ore and treats it in such a way that the values can generally be so concentrated that they can be sent in small bags or boxes by mail or express to the assay office. The assay offices are operating entirely under the law and not, as the gentleman says, contrary to the law. He said hundreds of thousands of dollars would be saved if these assay offices were abolished. I do not know what system of figures he uses; but with reference to the assay office at Boise, for instance, the income from that office last year is $6,363 and the expense $8,191, although the deposits amounted to $916,502.90—nearly a million dollars. This Government contributes only about $1,700 toward the encouragement of the development of the mineral resources of that particular section of the country. In addition, when the gentleman states that ores are being assayed at the assay offices I call his attention to the fact that in the Boise office 103,966 pounds were assayed. You can readily understand that would mean only a small quantity of ore, when, as a matter of fact, it represents nearly 800 different deposits sent in there by the different mining companies or by prospectors, and there was lost in melting only 3,500 pounds, or less than 3½ per cent, showing the relative value of the bullion. These prospectors out in the hills depend on their efforts to secure value from Mother Earth for their living, just as the man with the hoe or the plow depends upon his efforts in cultivating the soil for his living, and they are entitled to as much consideration.

Mr. GOOD. I will say, as to this particular item which we are considering, that, according to the statement of Mr. Woolley, while the estimate calls for $7,200 there was only $1,600 received last year; and Mr. Woolley did say that they had very little to do, and in order to keep them busy they were allowing them to assay ores.

Mr. SMITH of Idaho. That has no reference whatever to the Boise office.

Mr. GOOD. I am not talking about the Boise office.

Mr. SMITH of Idaho. I know you are not talking about the Boise office, but the plan is, as you reach these different items, if you knock out one, to knock them all out; and I can tell you that such action will be resented by the mineral interests of the western country. I sincerely hope that the amendment will not be adopted. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Iowa [Mr. GOOD].

The question was taken; and on a division (demanded by Mr. SMITH of Idaho) there were—ayes 15, noes 89.

Accordingly the amendment was rejected.

The Clerk read as follows:

Mint at Philadelphia: Superintendent, $4,500; engraver, $4,000; assayer, $3,000; melting and refining department—superintendent, $3,000; superintendent, coining department, $2,500; chief clerk, $2,500; assistant assayer, $2,200; cashier, $2,500; bookkeeper, $2,500; assistant bookkeeper, $2,000; deposit weigh clerk, $2,000; assistant cashier, $1,800; curator, $1,800; clerks—1 $2,000, 1 $1,700, 8 at $1,600 each, 1 $1,500, 6 at $1,400 each, 1 $1,300, 3 at 1,200 each, 3 at $1,000 each; in all, $68,600.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I was rather surprised when I read this bill down to this point and discovered that in the first half of this item they had omitted an appropriation for one officer, assistant superintendent of the mint at Philadelphia; and I wondered what our genial and learned friend from Philadelphia, the gentleman from Pennsylvania [Mr. MOORE] would say if it was proposed to cut out one of the salaried officers at this mint. But when I went on farther down I found that apparently they had provided a place for the same man under a different title, calling him assistant bookkeeper instead of assistant superintendent.

Mr. GOOD. They cut out one clerk at $1,700.

Mr. MANN. I should like to ask the gentleman in charge of the bill whether this is a mere change of title or whether, having found the necessity for an assistant bookkeeper this year, they will find next year an additional necessity for an assistant superintendent?

Mr. BYRNS of Tennessee. This change was made in accordance with the estimates submitted. They stated that they did not want an assistant superintendent at $2,000, and they cut out one clerk at $1,700, but that they needed an assistant bookkeeper, by reason of the fact that the work in accounting at the mint was increasing very rapidly. It seems to be simply a part of their scheme of reorganization, as the director stated, spending money where it is needed and saving it where it is not needed. It is simply a matter of administration, and involves a decrease in the expenditures at the mint, amounting to $1,700.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman.

Mr. MOORE of Pennsylvania. Was this change recommended by the department?

Mr. BYRNS of Tennessee. It was recommended by the department.

Mr. MOORE of Pennsylvania. Simply a change in the method of conducting the office at Philadelphia?

Mr. BYRNS of Tennessee. Simply a change in the administration of the office in accordance with what was thought by the department to be needed.

Mr. MOORE of Pennsylvania. Mr. Chairman, I presume this change was made in accordance with the established policy of the present administration, which is an administration of marked change. There may have been some reason for disposing of an assistant superintendent at the Philadelphia Mint and having an assistant bookkeeper substituted. I presume it was a matter of administration; possibly of economy. However, since the gentleman from Illinois [Mr. MANN], my distinguished leader upon this side of the House, has called attention to the fact that the Philadelphia Members should take note of changes of this kind, I wish to say that we are alive to all sorts of changes, both in Philadelphia and in Washington. This is an era of change, not only in the matter of administrative bills brought into the House by the Committee on Appropriations, but in the matter of party policy; change in the matter of the Panama Canal tolls, for instance; change in the matter of peace and preparedness; change, as my friend from Nebraska [Mr. SLOAN] would say, in everything—except the Treasury of the United States. I think that may partly account for the suggestion of the gentleman from Illinois that Members upon the floor should be alive to the changes made in so small a matter as an administrative bill.

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Assay office at New York: Superintendent, $5,000; assayer, $3,000; superintendent, melting and refining department, $3,000; chief clerk, $2,500; cashier, deposit weigh clerk, and assistant assayer, at $2,500 each; assayer's assistant, $2,000; bookkeeper, $2,350; assistant cashier, $1,800; clerks—2 at $2,000 each, 4 at $1,800 each, 1 $1,600, 1 $1,500, 1 $1,250, 7 at $1,000 each; private secretary, $1,400; in all, $51,100.

Mr. BENNET. Mr. Chairman, I move to strike out the last word, for the purpose of asking the committee if there was any evidence offered before them as to the increase in business in the assay office of New York in the last year, in fact in the last two years, owing to the tremendous imports of gold from foreign countries?

Mr. BYRNS of Tennessee. There was considerable evidence at the hearings showing an increase of more than $100,000,000.

Mr. BENNET. Did the department recommend any increase for the office force? I notice that this item is precisely the same as last year.

Mr. BYRNS of Tennessee. They did not, and the committee allowed for the office force exactly in accordance with the estimate submitted by the department.

Mr. BENNET. The committee is not to blame that in spite of the large increase of work there is no increase in the salaries. I notice on the next page that the committee increased the amount for labor and the item for sweepage.

Mr. BYRNS of Tennessee. They needed an increase for the workmen, but did not for the office force on account of the increased business.

Mr. BENNET. At any rate, the department did not ask for it?

Mr. BYRNS of Tennessee. It did not.

Mr. BENNET. I withdraw the pro forma amendment.

The Clerk read as follows:

For incidental and contingent expenses, including new machinery and repairs, wastage in the melting and refining department, and loss on sale of sweeps arising from the treatment of bullion, $70,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word. I notice in this item and the item before it there is an increase of $10,000 each over last year. I would like to ask the chairman of the committee if these are increases asked for by the department.

Mr. BYRNS of Tennessee. The department estimated for $70,000 for this item, and the committee allowed the full amount

of the estimate. That is an increase of $10,000 over and above what they had for the current year.

Mr. BENNET. The committee cut down the estimate of the preceding item from $100,000 to $90,000.

Mr. BYRNS of Tennessee. No; it did not. For the current year there was an appropriation for workmen and other employees of $80,000. An estimate was submitted for $95,000 and the committee allowed $90,000, which is an increase of $10,000 over the current year.

Mr. BENNET. I understand. The paragraph having already been read I suppose it is too late to have it amended, but I would like to say in all seriousness that I think the committee made a mistake. I am familiar to some extent with the conditions in the assay office in New York.

Mr. BYRNS of Tennessee. The gentleman realizes that much of the increase of business is due to the abnormal conditions existing at the present time. The committee did not assume that these conditions would continue to exist during the entire period of the next fiscal year.

Mr. BENNET. I assure the chairman of the committee and the committee that what I shall say is, to some extent, the result of personal knowledge. It seems to me that the committee might have given the benefit of the doubt to the office, because if conditions did not continue, as they may, it would not be necessary to use the entire amount. At present the laborers in the assay office in New York City are working under what are practically inhumane conditions. The work is in connection with furnaces, accompanied by a great deal of dust and dirt and acid fumes, and what I assume to be unhealthful conditions. Owing to the increase in business, handling $100,000,000 more than they did last year, these men have been compelled to work continually at that confining and laborious occupation. I realize almost the futility of any attempt to have the figures placed at the estimate, but inasmuch as the amount is small and is recommended by the department, the Members from the Borough of Manhattan can assure the committee that in reality the conditions are very bad, and I want to ask if it would not be doing justice if the chairman of the committee would increase it to the amount called for by the estimate.

Mr. BYRNS of Tennessee. The committee allowed for this office every dollar that was asked for except the $5,000 for the workmen and other employees, and it increased that item $10,000 over the current year. A large part of this increase is due to the abnormal conditions now prevailing, and the committee felt that an increase of $10,000 would, in all probability be sufficient for the next fiscal year. I suggest to the gentleman that if there is any reason why there should be an increase the department can come to Congress by way of a deficiency estimate and secure such amount as may be necessary. Under the circumstances the committee, not being able to say that these present conditions would continue to prevail during the entire fiscal year, was very liberal in allowing $10,000.

Mr. BENNET. Without undertaking to bind the appropriation committee to anything, can I take it that the remarks of the gentleman mean that it is rather the sense of the committee that if unusual conditions should continue there would be no serious opposition to a deficiency that would bring the amount up to the estimate?

Mr. BYRNS of Tennessee. No; I would not care for the gentleman to assume that from the remarks I made. I am not a member of the deficiency subcommittee, and I hope and believe that the $10,000 will be entirely sufficient. What I did mean to say was that if the department could make a proper showing there would be no trouble in securing a deficiency.

Mr. BENNET. I did not move to amend because I thought the committee was worthy of commendation for increasing the amount over last year, and that it would be a left-handed compliment for a Representative from that portion of the country, so long as the committee had increased the appropriation, to attempt to increase it still further, but I did want to bring the attention of the committee to the fact that these needs are real.

Mr. SISSON. Mr. Chairman, as a matter of fact, the committee was impressed with the idea and showing that the shipment of gold to this office from abroad had materially advanced during the current fiscal year, and owing to the fact that it had increased some hundred million dollars during the present year the amount of labor necessary to take care of that abnormal increase moved the committee to make an increase of $10,000 in the current appropriation. A careful reading of the hearings will show that that abnormal growth will not continue. This increase will take care of the abnormal amount of additional work of the office until the end of the fiscal year. There could not, perhaps, be an increase over and above what has been coming into the office during the present disturbed conditions in Europe, which caused the shipment of great amounts of gold to this country to purchase war supplies. Perhaps it may become necessary now that they resort to other means of buying supplies, the gold reserve being so much depleted in Europe, and they will begin to issue bonds and purchase our gold for the purpose of purchasing these supplies.

Mr. BENNET. I do not wish to go into that question at all.

Mr. SISSON. The gentleman sees what was in the mind of the committee.

Mr. BENNET. I am very glad that the committee made the increase it did, and I ask unanimous consent to withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For purchasing and supplying uniforms to park, Monument, and bridge watchmen, $2,800.

Mr. MANN. Mr. Chairman, I move to strike out the last word. How often do we supply new uniforms to these watchmen?

Mr. BYRNS of Tennessee. As often as they are needed; about once every two years is my recollection; that is, so far as overcoats are concerned.

Mr. STAFFORD. As I recall the testimony, they have one winter suit and a summer suit each year, and an overcoat every two years.

Mr. BYRNS of Tennessee. Here is what Col. Harts has to say upon the subject:

Col. HARTS. Those uniforms lap over. We do not buy a set of uniforms one year and then omit them the next. The way we have it arranged now there are always some men who require overcoats, which will last them two years, and next year there are other men.

Mr. BYRNS. How much of the appropriation for the last fiscal year did you spend?

Col. HARTS. We spent it all.

Mr. BYRNS. How much of the present appropriation has been expended up to this time?

Col. HARTS. We divide the year so we will not run short, and we simply make the uniforms do until the end of the fiscal year, whether they are up to the mark or not.

Mr. BYRNS. This is in the nature, at least, of a fixed charge?

Col. HARTS. Yes, sir.

As the gentleman from Wisconsin suggests, in so far as the uniforms are concerned, they have a light uniform and a winter uniform, the former usually lasting one season and the latter two years.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Hereafter all appointments of persons employed under the superintendent of the State, War, and Navy Department Building shall be made only by such superintendent.

Mr. KEATING. Mr. Chairman, I make the point of order against the paragraph.

Mr. STAFFORD. Mr. Chairman, will the gentleman reserve it while the chairman or some of us are permitted to explain the reason for it?

Mr. KEATING. If the chairman wishes to explain it, I will reserve it, but I shall insist upon the point of order.

Mr. BYRNS of Tennessee. Mr. Chairman, I hope the gentleman will not insist on the point of order.

Mr. KEATING. Mr. Chairman, I reserve the point of order.

Mr. BYRNS of Tennessee. Mr. Chairman, we have the anomalous situation that the Superintendent of Public Buildings and Grounds has the supervision of these employees—the watchmen, charwomen, and other persons employed in the care and upkeep of this building—and yet has no authority to make the appointments. Of course they are all under the classified service, and the appointments are made from certifications submitted by the Civil Service Commission, except those respecting charwomen.

Mr. FOSTER. Does this take them out of the civil service?

Mr. BYRNS of Tennessee. Not by any means. It merely gives to the superintendent, instead of to the commission, consisting of the Secretary of State, the Secretary of War, and the Secretary of the Navy, the right to make these appointments from the classified list. It does not interfere in any way with the civil-service status of the employees in that building.

Mr. FOSTER. They are selected from the civil-service list now? Of course they have to take them from that list.

Mr. BYRNS of Tennessee. That is the proposition. It is not intended by any means to interfere with the civil-service status of these employees, if that is what the gentleman has in mind; but I do think that where a man holds the position of superintendent, with all these people under him, it is rather anomalous that he should not have the appointment of them under the law.

Mr. FOSTER. Take the postmasters. They have to take men in their offices whether they like it or not. I do not see why we should exempt one man and give him the right. I remember that we have paid losses in the Treasury because of some minor employee, the employer being held good on the bond until Congress relieves him, and those cases are continually coming up, and one of the defenses they make is that they can not select their own assistants. It seems to me that if we do not permit those men who are responsible for large sums of money to make any selection we should not permit it with a superintendent. There may be some good reason for it, but I do not know it.

Mr. STAFFORD. The gentleman understands that the State, War, and Navy Building has virtually three department heads—the Secretary of State, the Secretary of the Navy, and the Secretary of War. The administration of that building under the law is left to the superintendent of the State, War, and Navy Building. Why should not the superintendent, Col. Harts, charged with the responsibility of caring for it, be vested with full authority as to the employment of the personnel under his supervision?

Mr. FOSTER. Yes, that is true; and yet the three officials who are named as the custodians of that building are, as I understand, the three Secretaries—the Secretary of State, of War, and of the Navy. They are the real custodians of the building.

Mr. STAFFORD. There were instances called to our attention where, by reason of that divided authority, they can not apportion the space economically in that building, causing large expenditures of money because of no central authority being vested in some one head. Of course that refers to another provision in the bill, but the gentleman will agree to the business principle that where a person is charged with the responsibility of keeping up a building he should be vested with the authority of the appointment of the force under him.

Mr. FOSTER. That is not usually the case under civil service.

Mr. BYRNS of Tennessee. As a matter of fact, up until recently the jurisdiction or the right of the superintendent to make these appointments has never been questioned. It is only very recently that any question has been raised as to his authority.

Mr. FOSTER. Why is it necessary to make these changes if he has the right to do it now?

Mr. BYRNS of Tennessee. It is for the simple reason that his right has recently been questioned, and the committee felt that, having the responsibility and being charged with the responsibility of keeping that building clean and in proper repair and condition, he ought to have some discretion in making the appointments.

Mr. FOSTER. I agree with the gentleman that a great many of these officials who are at the head of certain departments or bureaus or other places ought to have that right, and possibly the superintendent of this building may have some good reason for asking this, and I am not saying that possibly it would be administered better, and yet I do not see why, where every department must take the persons who are given to them under the civil service, in view of the fact that these others must take them—and during my time in this House I have seen several claims come before the Congress in which clerks, it was claimed, had lost money for the Government, and the excuse they made when they came in here was that they were compelled to take those clerks who were not of their own selection—so it seems to me, in reference to those who are employed under the superintendent, it is no greater hardship upon him than anybody else, the way I look at it.

Mr. SISSON. Mr. Chairman, I do not think this in any way affects the status of anybody under this department who has charge of duties under the commission, but it struck the committee with this force, that a man who has control of employees should be a man who has the right, if necessary, for insubordination, to discharge an employee, or should have the right to make requests when he needs additional employment. Now, it is rather an embarrassing position for a man to be in who has charge of laborers and the performance of their duties to be compelled always to go to somebody else who does the appointing.

Now, you take the Superintendent of the Capitol Grounds here, Congress gives him the right to control all of those appointments. He comes before the committee and makes request for additional employees. He administers that same service here that the superintendent of this building administers there, and that is true of all the other superintendents of all the other buildings.

Mr. MANN. May I ask a question of the gentleman from Mississippi, as to whether the Superintendent of the Capitol Building and Grounds has full control over appointments under him?

Mr. SISSON. Has full control?

Mr. MANN. Yes.

Mr. SISSON. Of certain clerks and employees, he has absolute control over them.

Mr. MANN. I thought it was run by the Democratic committee on patronage.

Mr. SISSON. That is only in reference to those employees that are for the House, under the control of the majority, that formerly used to be under the control of the Speaker of the House, who formerly had all the power.

Mr. MANN. Not at all; the gentleman is not making a correct statement about that, and he knows it.

Mr. SISSON. I do not know that I am making an incorrect statement. The statement may be incorrect, but I do not know that I am incorrect in making it.

Mr. MANN. There has been no change in the law as to who makes appointments in relation to the office of Superintendent of the Capitol Building and Grounds.

Mr. SISSON. There has been no change of law?

Mr. MANN. The gentleman says now the superintendent has the power, whereas formerly the Speaker had the power. I say there has been no change in the law.

Mr. SISSON. No; but the present Speaker appoints men who are recommended by a Democratic caucus. You take the joint employees between the House and Senate, and their control is vested in the Superintendent of the Capitol Building and Grounds, and he has control of those employees absolutely; and that is true in reference to the superintendent of the Treasury Building and all the other buildings in the Government that have superintendents—they are controlled absolutely by the superintendent.

Mr. MANN. Only recently the Democratic caucus had a Republican discharged under very unfair conditions, on certain charges which were made in the Democratic caucus which were not correct, and then the gentleman says the Superintendent of the Capitol has the power.

Mr. SISSON. And yet that employee was actually discharged by the Superintendent of the Capitol.

Mr. MANN. Oh, yes; I know he was, by direction of the Democratic caucus.

Mr. SISSON. He had the power; it does not matter what the removing cause was.

Mr. KEATING. Mr. Chairman, I suggest that this debate has nothing to do with my point of order.

The CHAIRMAN. The Chair understood the point of order was reserved.

Mr. SISSON. Mr. Chairman, one moment on this proposition. I had the floor; whether I got it by the yielding of the gentleman from Illinois to me or not, I suggest that I have physical possession of it. Now, your committee felt that, in view of the fact that the superintendent of the State, War, and Navy Building was responsible for the proper conduct of all the employees under him, was responsible for the condition of the building, responsible for the repairs that should be made and the character of the repairs made, responsible for the manner in which it was done, and responsible for the conduct of all these employees, it would be proper that he should have control of it instead of the commission. Now, these three Cabinet officers have enough to attend to without making them quasi superintendents of a building.

Mr. MANN. Will the gentleman yield for a question?

Mr. SISSON. I will.

Mr. MANN. Who is the superintendent?

Mr. SISSON. Col. Harts.

Mr MANN. Is he the superintendent to whom a salary allowance for $3,000 is included in this bill?

Mr. SISSON. I think so. I will see.

Mr. MANN. Col. Harts is an Army officer in charge of public buildings and grounds.

Mr. SISSON. I was mistaken about that.

Mr. MANN. The bill carries an item in here for "superintendent, $3,000."

Mr. SISSON. What page is that on?

Mr. MANN. Page 74, lines 9 and 10.

Mr. SISSON. He is detailed as an Army officer under the law that was passed in reference to this building soon after it was constructed and partially occupied. He is detailed and gets pay as an Army officer, but gets no additional pay.

Mr. MANN. Then what is the office that is called "superintendent, $3,000"? That is why I am trying to find out. The item is the "Office of Public Buildings and Grounds, superintendent, $3,000."

Mr. SISSON. You have gotten me confused here. You are on the wrong page. We are on page 76—the State, War, and Navy Department. You are on the Office of Public Buildings and Grounds.

Mr. MANN. I understand. Is there a different superintendent?

Mr. SISSON. He is the Superintendent of Public Buildings and Grounds. He is a different man and has nothing to do with the State, War, and Navy Building.

Mr. MANN. I think the gentleman does not know, and I am sure I do not.

Mr. SISSON. Well, but that is the fact about it, and I know that I am right. This Superintendent of Buildings and Grounds is an entirely different man and has absolutely nothing in the world to do with the State, War, and Navy Department. That department——

Mr. MANN. Col. Harts is in charge of all the public buildings and grounds in Washington. He is the officer of the Army in charge.

Mr. SISSON. For instance, they have a superintendent in the Library over here.

Mr. MANN. Outside of the Capitol.

Mr. SISSON. They have a superintendent of the State, War, and Navy Building, and the Superintendent of the Public Buildings and Grounds is an entirely different office.

Mr. MANN. All right. Then let me ask my distinguished friend, who is a learned constitutional lawyer, concerning a subject of the greatest importance. Where is the constitutional authority for Congress to provide for the appointment of officers by anybody except the President, Cabinet officers, or the head of a department or courts of law?

Mr. SISSON. Here is the law.

Mr. MANN. I know, but I am talking about the Constitution now.

Mr. SISSON. You are talking about the Constitution?

Mr. MANN. The Constitution says——

Mr. SISSON. I am glad to know that the gentleman invokes the Constitution occasionally. It is a rare thing in this House.

Mr. MANN. I know what the Constitution is, and I am informing the gentleman, because he is ignorant of it.

Mr. SISSON. I am not ignorant——

Mr. MANN. That is only a reply to the gentleman's statement to me, both in good nature and both untrue. [Laughter.]

Mr. SISSON. What is the part of the Constitution to which you wish to call my attention?

Mr. MANN. Referring to the powers of the President, it says:

> He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law—

Now, this is established by law—

> but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

Now, where is there any constitutional power to say that a superintendent of a building shall make appointment of these officers?

Mr. SISSON. Let us see what the law is. If you create that a department——

Mr. MANN. That is no department.

Mr. SISSON. Let us see what the law is. It says:

> The President is authorized to designate from the Engineer Corps of the Army or Navy an officer well qualified for the purpose, who shall be detailed to act as superintendent of the State, War, and Navy Department Building under the direction of the Secretaries of State, War, and Navy, who are constituted a commission for the purposes of the care and supervision of said building.

Mr. MANN. Certainly.

The CHAIRMAN. Is the point of order insisted upon?

Mr. KEATING. Mr. Chairman, I insist on the point of order.

Mr. SISSON. Just one moment. Now, Mr. Chairman, to go back to the duties of this man, just one word. The committee thought that you would have better administration in reference to the superintendent of this building if you vested him with this power over the employees. Now, it is not a question of how he gets his appointment; it is a question of the duty and control of him after he gets it, and the control that you give him over the employees that are working directly under him and receive their daily instruction from him, and we feel that the man ought to have that power and that authority, and for that reason your committee put this provision in the bill.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. BYRNS] in charge of the bill desire to be heard on the point of order?

Mr. BYRNS of Tennessee. I think it is subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to return to line 8, page 76, for the purpose of offering an amendment to reduce the sum of $240 to $120.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

> Page 76, line 8, in lieu of "$240," insert the sum of "$120," and in the same line, in lieu of the sum of "$490," insert the sum of "$370."

Mr. MANN. Mr. Chairman, what is the usual rate that we pay for the upkeep of motorcycles? There are a great many in the Government. I suppose we desire to pay the same to all of them.

Mr. BYRNS of Tennessee. The superintendent stated that $12 a month was the usual amount.

Mr. MANN. Twelve dollars a month would be more than $120.

Mr. BYRNS of Tennessee. I am informed that in the District of Columbia the commissioners say that $12 a month is a reasonable amount for the upkeep of a motorcycle.

Mr. MANN. Then, why do you not propose to appropriate $12 a month?

Mr. BYRNS of Tennessee. That would depend entirely on the use. This motorcycle would not be used so much in all probability. I will say to the gentleman that the Superintendent of Public Buildings and Grounds asked for the privilege of purchasing two motorcycles, and he stated that $240 would be sufficient for the upkeep of both of them.

Mr. STAFFORD. Will the gentleman permit right there? I think the gentleman is in error. I think the bill as reported is correct. I wish to call attention to the draft of the bill, to the recommendation made by this officer, which was for two motorcycles at $250 each, where the committee allowed only one. It is as follows:

> For purchase of two motorcycles, at $250 each, and for the upkeep of same at $240 each, $980.

Now, if we had granted the estimate asked for, there would have been $500 for purchase price, and the upkeep of each would have been $480, which would make the total $980, so that I think the bill as drafted is correct, and that the gentleman is in error in his assumption that it should be reduced one-half for the upkeep.

Mr. MANN. That estimate was made when gasoline was costing 15 cents a gallon or thereabouts. Now it is nearly double that.

Mr. SISSON. In the service of the government of the District of Columbia, where motorcycles have to go long distances, they estimate the upkeep at $12 a month. It depends, of course, upon the distance that the user of the motorcycle has to go daily. These people go from park to park, and of course they try to give the man who has charge of the parks such parks as are as close to each other as possible, so that he can make his rounds from park to park in policing the parks. That is the use to which this motorcycle is to be put. The sum of $240 a year for that sort of service for upkeep, where the user of the motorcycle remains for a time at one park and then goes to another park would be excessive, because it would not require as much gasoline as it would in the case where he goes long distances and is constantly on the go.

Mr. MANN. These people are on the go more than an ordinary police officer, probably.

Mr. SISSON. The difference is that they go very much greater distances than this man will go, and he makes only a certain number of trips between one park and another. I do not believe that $120, at the present price of gasoline, would be quite enough if the park policeman or guard would have occasion to use a motorcycle constantly, but I think that $240, even at the present high price of gasoline would be more than would be required.

Mr. MANN. I do not believe that you can maintain a motorcycle and keep it in proper condition and in operation and repair for $120 a year.

Mr. BYRNS of Tennessee. Ten dollars a month is all that has ever been allowed for the upkeep of motorcycles. Three hundred and sixty dollars is given for the maintenance of three motorcycles in the inspection service in the District of Columbia.

Mr. STAFFORD. Mr. Chairman, if the gentleman will permit, the gentleman will recall that we had that very question up before our committee when we were marking up our bill and that we accepted the recommendation of Col. Harts for the upkeep at $240 each. Certainly we have no testimony to pro-

ceed upon to reduce it by one-half, except that which which the gentleman is now presenting. It certainly was the intention of the committee to grant the estimate for one motorcycle, which would cost $250, and for the upkeep of the same at $240.

Mr. BYRNS of Tennessee. Certainly the gentleman does not think it would cost $20 a month to keep up a motorcycle.

Mr. STAFFORD. I say that is the estimate of Col. Harts, at $240 a year, and we granted that estimate. The gentleman's suggestion goes contrary to the recommendation of Col. Harts.

Mr. SISSON. In every department of the Government where they are using motorcycles in no case is as much as $240 allowed, and if that amount is allowed here it will lead to others estimating for the same amount. A good or new motorcycle would require only the gasoline, but an older machine has to go to the shop and be repaired and have its tires renewed, and only about half of the amount of this appropriation could be used for gasoline. When the motorcycle is old the upkeep is as great as the cost. For that reason I do not believe that we should give for the upkeep of these new motorcycles more than $120, which is the general rule for the upkeep of motorcycles. It costs only this amount of money to maintain automobiles in the service.

Mr. MANN. Is $240 a year the amount of the upkeep of automobiles?

Mr. SISSON. Yes; in the District. I will state this to the gentleman——

Mr. STAFFORD. The estimate is for two motorcycles at $250 each and for the upkeep at $240 each.

Mr. SISSON. For the maintenance of automobiles throughout the District service they are asking for this fiscal year $25 a month. I do not know whether it is enough or not. But they are asking $25 a month for the maintenance of automobiles in the District of Columbia for this fiscal year and $12 for motorcycles, as I am informed by the chairman of the subcommittee.

Mr. STAFFORD. Of course, Mr. Chairman, we have nothing in the hearings to guide us as to the amount to be allowed for the upkeep of the motorcycle other than the statement of Col. Harts. I can not appreciate the position of the gentleman from Mississippi, that if we will grant $240 for the upkeep of this motorcycle it is going to be needlessly used. If we are going to allow one of these park police—the sergeant—to have the use of this motorcycle to go about the District to see that the men are attending properly to their duties, we should not restrict him as to the amount of money to be used for gasoline and oil so that he can properly and efficiently perform those duties. It is ridiculous economy to authorize the purchase of a motorcycle and then cut down the allowance that may be used for its upkeep. Certainly this sergeant is not going to take joy rides out of the District. He is going to be restricted to the use of this motorcycle in the performance of his duty, and with the present mounting price of gasoline—more than double what it was six months ago—to place it on the basis at which it cost the motorcycle last year to be operated is a matter that I can not subscribe to. It is parsimony in the extreme.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SISSON. The gentleman knows that there never has been appropriated that much for upkeep, irrespective of the use of these machines, and if you fix the maintenance of this motorcycle at $240 a year, you might just as well make up your mind that we will have to do it with reference to all the other motorcycles. You may say we will not have to do it unless we want to, but you know the history of appropriations just as well as anybody, and that is always the result. I do not believe in giving them more money than is needed.

Mr. STAFFORD. I take a position diametrically opposite to that taken by the gentleman from Mississippi. He believes that when we purchase a motorcycle we should keep it in the garage.

Mr. SISSON. The gentleman is entirely mistaken. I do not believe anything of the kind.

Mr. STAFFORD. The gentleman believes we should restrict the amount of money to be appropriated for oil and gas.

Mr. SISSON. I do not want the gentleman to put me in a false light, or to represent me as saying something I did not say.

Mr. STAFFORD. That is the direct conclusion to be drawn from the position which the gentleman takes.

Mr. SISSON. There is no conclusion of that kind, when all the departments of the Government get along with a less amount of money.

Mr. STAFFORD. There is only one question before the committee, and that is whether we should appropriate a sufficient amount of money to operate these motorcycles. With the present high price of gasoline, it is natural that the cost of maintenance of a motorcycle will be more than what it has been in the past; and I believe when we purchase a motorcycle or an automobile, it is because the use of the machine will result in economy and increased efficiency, and that the employee should not be restricted to do part of the work by motorcycle and then the rest of the work during the day on foot, but that he should be given the power to utilize the motorcycle ad libitum to the maximum efficiency. There is nothing before the committee except the recommendation of Col. Harts as to the amount necessary for the upkeep of this motorcycle, and that is $240. Of course it is possible for the gentleman to cut it down one-half and claim it is economy, but I respectfully contend it is false economy, and that as the use of these motorcycles is restricted to official business there is no danger of any gasoline being wasted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent that I may have two minutes more.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. STAFFORD. As the use of these motorcycles is restricted, we should not cripple that use by restricting the amount of money that is necessary for the operation. I hope that the chairman of the committee will now recognize his error in making this proposition to reduce the amount to $120. Of course if the chairman wishes to follow the statement as to the cost of operation of other motorcycles, that is a legitimate ground, but there was nothing like that before the committee when we estimated the amount that would be needed for the maintenance of this machine.

Mr. GALLIVAN. Mr. Chairman, I ask to have the amendment reported again.

The CHAIRMAN. The Clerk will report the amendment, if there be no objection.

The Clerk read as follows:

Page 76, in line 8, in lieu of the sum "$240" insert the sum "$120," and in the same line, in lieu of the sum "$490," insert the sum "$370."

Mr. GALLIVAN. Mr. Chairman, I simply desire to offer the suggestion that with the Government time and money already spent in this discussion we could have bought probably four motorcycles, and I hope that the item will stand as reported by the committee. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. BYRNS].

The question being taken, on a division (demanded by Mr. STAFFORD) there were—ayes 20, noes 32.

Mr. BYRNS of Tennessee. Tellers, Mr. Chairman.

Tellers were ordered.

Mr. MANN. I make the point of order that there is no quorum present. If you are going to call for tellers on an amendment involving $100, we will keep a quorum here the rest of the afternoon.

The CHAIRMAN. The gentleman from Illinois makes the point of no quorum present. The Chair will count. [After counting.] Eighty-eight Members—not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adair	Driscoll	Holland	Rowland
Aiken	Dunn	Hughes	Sabath
Anthony	Edmonds	Husted	Saunders
Aswell	Estopinal	Johnson, Ky.	Scott, Pa.
Barchfeld	Fitzgerald	Jones	Scully
Browne, Wis.	Flynn	Langley	Sells
Buchanan, Ill.	Gallagher	Liebel	Snell
Campbell	Gard	Loft	Steagall
Cannon	Graham	McCracken	Vare
Carlin	Gillett	McDermott	Ward
Casey	Gregg	Mondell	Watson, Va.
Clark, Fla.	Griest	Moss, W. Va.	Wheeler
Coleman	Griffin	Mott	Williams, Wm. E.
Copley	Hamilton, Mich.	Nelson	Wilson, Ill.
Crago	Hamilton, N. Y.	Parker, N. Y.	Wilson, La.
Cullop	Hay	Powers	
Dies	Hayes	Price	
Dooling	Henry	Riordan	

The committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 12207, had found itself without a quorum and had directed the roll to be called, whereupon 359 Members answered to their names, and he presented herewith the names of the absentees.

The committee resumed its sitting.

The CHAIRMAN. When the committee found itself without a quorum the committee was dividing on the amendment offered by the gentleman from Tennessee [Mr. BYRNS]. No quorum

having been present, the Chair will put the question again de novo.

The question was taken; and on a division (demanded by Mr. BYRNS of Tennessee) there were 80 ayes and 87 noes.

So the amendment was rejected.

The Clerk read as follows:

For fuel, lights, repairs, miscellaneous items, printing, and city directories, $32,000: *Provided*, That the commission in charge, or a majority of the members thereof, may reapportion space among the departments now occupying the State, War, and Navy Department Building as in their judgment may be necessary from time to time, but such reapportionment shall in no event involve the ejectment from the building of any department, or the office or bureau of any department, now occupying the same.

Mr. COLLIER. Mr. Chairman, I make a point of order on the proviso that it is not authorized by law. It is new legislation, because by the act of August 5, 1882, a joint committee of Congress was empowered to apportion the space in the different rooms in the War, State, and Navy Department, and under the provisions of that act and an additional act of 1887, the Secretaries of War, State, and Navy have the power to apportion space within their respective departments. Therefore an act of Congress is necessary to apportion the space in this manner and to give it to the superintendent of the building.

Mr. BYRNS of Tennessee. Mr. Chairman, I think the point of order is well taken.

The CHAIRMAN. The Chair thinks the point of order is good and therefore sustains it.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 77, in place of the paragraph stricken out, lines 6 to 14, inclusive, insert the following:

"*Provided*, That the commission in charge, or a majority of the members thereof, may at any time reapportion space among the departments now occupying the State, War, and Navy Department Building, if the same can be done with the reduction of the amount of floor space occupied by any branch of the public service in said building, in the reduction or avoidance of public expense for rent of office or storage space for the Government, and the reduction of the number of watchmen required for said building from 40 to not less than 38."

Mr. FOSTER. Mr. Chairman, I reserve a point of order to that amendment.

Mr. BYRNS of Tennessee. I do not think it is subject to a point of order under the Holman rule, because it provides for the reduction of the number carried in the bill.

Mr. FOSTER. This amendment provides for a change in existing law. It does not propose to reduce the amount of the appropriation in the bill, but permits the appropriation to remain as it is. It is true that it provides for a reduction of the number of watchmen in the building to not less than 38, but it does not provide any way in which that can be done.

Mr. MANN. Mr. Chairman, I would like to make a suggestion.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to perfect the amendment by substituting the word "more" for the word "less" in the last line, so that it will read "not more than 38."

The CHAIRMAN. Without objection, the gentleman from Tennessee modifies his amendment in the manner stated.

Mr. MANN. Mr. Chairman, it occurs to me that probably the amendment is not germane to the paragraph, regardless of whether it comes within the Holman rule or not.

Mr. FOSTER. I think that is true.

Mr. MANN. The paragraph reads "For fuel, light, repairs, miscellaneous items, printing, and city directories, $32,000." I do not quite understand how it would be germane to provide for a reduction of watchmen in connection with that paragraph or to provide for a reapportionment of the space in the State, War, and Navy Building. I understand it is a proviso to the paragraph I have read, but I believe that under the Holman rule whatever else may be done—and you may do almost anything if you propose some reduction—the amendment has to be germane.

Mr. BYRNS of Tennessee. Mr. Chairman, this amendment is proposed to a paragraph which provides for fuel, light, repairs, miscellaneous items, and city directories, $32,000. The fuel, light, and repairs are for this particular building, and this amendment proposes a plan whereby the space in that building may be reapportioned. I want to say this on the merits of the proposition, so that members of the committee may understand exactly the purpose of the committee in offering this amendment to take the place of the paragraph which was stricken out on a point of order. There is not a public building in the city of Washington, outside of the Library Building, which is quite so expensive as the War, State, and Navy Building. The reason I make that statement is this: That building cost the Government originally more than $10,000,000. It houses now not exceeding 1,500 employees of the Government, which means that it costs this Government in the neighborhood of $7,000 per person for every employee in the building. By previous legislation the force employed in the several bureaus of the War Department has been reduced within the past three years and the ensuing year 128 persons, and there has been no corresponding reduction of space occupied by the Army officials and employees.

On the other hand, the Chief of the Bureau of Ordnance came before the committee and requested it to recommend renting additional office space, amounting to $5,000, to take care of extra draftsmen authorized under the deficiency act. More than that, The Adjutant General's office alone has been reduced by 58 employees within the last two years, but no reduction has been made in the amount of floor space occupied by the office in the State, War, and Navy Building. We have just provided in this bill for 42 additional employees in the State Department, and I want to say to you, gentlemen, that unless some provision is made whereby they can get additional space in that building you will doubtless be confronted with the proposition to provide additional space in some other building to take care of these 42 additional employees for the State Department.

The superintendent of the building states that by rearrangement of the space 20 rooms, with a floor area approximating 7,600 square feet, can be made available for the pressing needs of the public service. Equivalent space, with heat, light, and elevator service, if rented, would cost this Government, at 85 cents a square foot, $6,640 per annum. That is what the striking out of this provision on the point of order means. It means that this Government will be deprived of floor space amounting to $6,640 a year, and, as I have stated, it will probably be necessary to make outside provision for these increased employees in the State Department and pay the money out of the Treasury for proper space. This amendment does not propose to interfere with anyone in the State, War, and Navy Building. The amendment on its face provides that it shall not interfere with any bureau or any public service in that building. It is, after all, left with this commission, consisting of the Secretary of State, the Secretary of War, and the Secretary of the Navy.

Mr. HARRISON. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. HARRISON. Why is this change in the law proposed? Why is it that the old rule, about each of these heads of the various departments having the right to allot the space, and so forth, should not be continued? Is not that working all right?

Mr. BYRNS of Tennessee. They are held to have no right now to allot space under a law passed 32 years ago. Congress undertook to apportion the space in that building at that time. The apportionment was made under legislation. It is simply proposed now to give a majority of the commission, composed of these three heads of the departments, the right or discretion to reapportion the space, reserving to every bureau and to every public service now in the building the right to remain there. The Superintendent of Public Buildings states that if this permission is given that commission can provide for 20 additional rooms—space now occupied by, possibly the bureau of The Adjutant General and some other bureau, without inconvenience to its work.

Mr. COX. How much will it cost if this point of order is finally sustained, to rent quarters?

Mr. BYRNS of Tennessee. It will cost for this space, figuring it at 85 cents a square foot, which is the amount paid by the Government in the Southern and the Woodward Buildings, $6,640 per year, if this point of order is sustained and this proposed amendment not adopted.

Mr. COX. If the amendment is not stricken out on the point of order and remains in the bill, the Government will save that amount of money.

Mr. BYRNS of Tennessee. Precisely, because, as I say, we have provided for 42 additional employees in the State Department, and unless some provision is made whereby they can be taken care of in this building, the gentleman knows they will doubtless ask for space to be rented in other buildings in order to make proper provision for them. This does not discommode anyone.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. MANN. Who has the authority now to make the rearrangement of space in this building?

Mr. BYRNS of Tennessee. There is no authority existing in the commission because, as I understand it, by an act passed in 1883, Congress undertook to apportion space, and it has been

held that the commission has absolutely no authority to make any rearrangement.

Mr. MANN. Does the gentleman mean to say that there has been no change in the space in that building in the last 20 years?

Mr. BYRNS of Tennessee. There may have been changes within the space allotted each department.

Mr. MANN. But no change between the departments?

Mr. BYRNS of Tennessee. No change from the original assignment made by Congress back in 1883. They assigned a certain portion to the State Department, a certain portion to the War Department, and a certain portion to the Navy Department. Of course there have been changes within those assignments, but neither department has encroached upon the other.

Mr. MANN. I was under the impression, very likely erroneously, that the space occupied by the State Department had been somewhat enlarged in the last few years. Under the gentleman's statement, do I understand that the Secretary of War is not authorized to give up any space that he may have or that is needed and that ought to be transferred to the State Department?

Mr. BYRNS of Tennessee. The Judge Advocate General has specifically held that the commission had absolutely no authority to take any space in this building from one department and give it to another.

Mr. MANN. Could the two Secretaries do it?

Mr. BYRNS of Tennessee. They can not, I will state to the gentleman. In the hearings it appears there was a proposition to make some different arrangement. Two of the Secretaries—the Secretary of the Navy and the Secretary of State—were willing to do it; but the Secretary of War, by reason of the fact that it happened to affect one of his bureaus, objected, when the Judge Advocate General rendered an opinion that Congress had apportioned this space and that the commission had no authority whatever.

Mr. MANN. I should question very much the desirability of letting the Secretary of State and the Secretary of the Navy throw the Secretary of War out of the building, or of letting the Secretary of the Navy and the Secretary of War throw the Secretary of State out of the building, as would be authorized by the amendment which was offered; but it does seem to me that somebody ought to have some authority somewhere to make a change which is agreeable to all parties.

Mr. BYRNS of Tennessee. I want to call the attention of the gentleman to the fact that this amendment upon its face provides that the commission, or a majority of them, shall have authority to——

Mr. MANN. On its face it provides that the Secretary of State and the Secretary of the Navy may throw the Secretary of War out of the building, or the other way around. Of course, I do not apprehend that they would throw the Secretary of War himself out, but I do not know what they would do with the present hiatus in the office of Secretary of War.

Mr. STAFFORD. Mr. Chairman, I think there is some confusion in the mind of the gentleman who originally reserved the point of order and perhaps upon a thorough elucidation of the question he might be inclined to withdraw his point of order. I think the gentleman realizes from the statement made by the chairman that there is some need of having authority for the reapportioning of the space in this building.

Mr. COLLIER. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. COLLIER. I am perfectly willing to see some authority given that way, but along the line that the committee's attention was directed to by the gentleman from Illinois [Mr. MANN] I think that this authority ought to be given in some way whereby two of the three can not encroach upon the quarters of the other. If it is unanimous that would be fair.

Mr. STAFFORD. Will the gentleman permit? I assume the gentleman would be willing to accept the original proviso with the words in line 8 stricken out, "or a majority of the members thereof," so that it would read, "that the commission in charge may reapportion space among the departments now occupying the State, War, and Navy Building." That would require the unanimous approval of all three of the Secretaries, so there could be no possible conflict in the exercise of that authority.

Mr. COLLIER. I do not think I would object to that.

Mr. STAFFORD. I submit to the chairman of the committee whether it would not be advisable to accept the suggestion.

Mr. COLLIER. I would like just a few minutes, if I can.

Mr. STAFFORD. Mr. Chairman, I yield the floor.

Mr. COLLIER. Mr. Chairman, I want to say that it came to my knowledge that the placing in of this proviso was causing much confusion, and I believe some feeling has already arisen down in that building. It seems that they are to take these 22 rooms, I believe it is, from one branch in the War Department—that of The Adjutant General—and my information is that The Adjutant General's Office, in the space allotted to that bureau, is now crowded. It appears in the record of the hearing that if The Adjutant General's Office were to take the bookcases and build them up to the ceiling, like they are in some other offices, that that would do away with some of the crowded condition——

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. COLLIER. I will.

Mr. BYRNS of Tennessee. The gentleman says it would not be advisable to have these bookcases or file cases extended up to the ceiling——

Mr. COLLIER. The gentleman is mistaken. I have not said anything of the sort.

Mr. BYRNS of Tennessee. That is the proposition involved.

Mr. COLLIER. No; it is not the proposition. I have not yet come to it. As I understand, instead of having these cases extending to the ceiling, like in some of the other departments, in The Adjutant General's Office they have cases 6 or 7 feet high, and there is, I am told, as much weight in these rooms, by reason of having such a number of cases in aisles, with just room for clerks to go between to handle these records, as the floor can stand.

Mr. BYRNS of Tennessee. Will the gentleman yield right there?

Mr. COLLIER. Yes, sir.

Mr. BYRNS of Tennessee. Col. W. W. Harts is the present superintendent of that building, an Army engineer, who has been for many years in the service. Does the gentleman believe that Col. Harts, or any superintendent who may hereafter be appointed, and who necessarily will be an Army officer under the law, would submit a proposition to make a change that would endanger that building by reason of the weight on the floor?

Mr. COLLIER. Mr. Chairman, the gentleman from Mississippi has no acquaintance with Col. Harts; but I assume that, being an officer in the Army, he knows his business, and I do not wish to cast any reflection or imputation upon him. But the point I want to bring out, gentlemen, is simply this: That as it now stands the Secretary of War may arrange and reapportion the space within his department, and so with the Secretary of State and the Secretary of the Navy; but neither one of those Secretaries has been permitted to interfere with the floor space of the others.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. COLLIER. I want to ask the gentleman a question——

Mr. BYRNS of Tennessee. I want to ask the gentleman one.

Mr. COLLIER. But the gentleman has asked two to my one. However, go ahead.

Mr. BYRNS of Tennessee. I want to ask the gentleman this question, and then I will be glad, of course, to answer any question he may desire to ask me. Here is a simple proposition. Boiled down, it is just this: The superintendent of the State, War, and Navy Building says that if the commission is given authority to make a rearrangement of that floor space he can save this Government $6,640 by securing the use of 20 rooms——

Mr. COLLIER. Now, a second, right there.

Mr. BYRNS of Tennessee (continuing). Without in any way interfering with the Adjutant General or with any other bureau chief in that building. Now, does not the gentleman think, in the interest of economy and the absolute necessity of providing for these 42 additional clerks in the State Department, that if this commission can make that rearrangement without injuring any service they ought to be given the right to do it?

Mr. COLLIER. I think they should if it will do that, but I want to tell this committee that the information I have received from the War Department is that it will not do that; and as I understand it, these rooms are to be taken from the Adjutant General's department. Now, these records are called upon——

Mr. SISSON. No; we do not know where the space is to be obtained.

Mr. COLLIER. Do not the hearings show that 22 are to be taken from the Adjutant General's office? My impression is that they are to be taken from the Adjutant General. My information is that these records in his office are consulted daily. I know that very few days elapse that some of us in our representative capacity do not have to write down there to get records from that department. I perhaps have had more correspondence with that branch of the War Department than any other bureau in the building, but as far as the amendment is concerned, if you would make it so that it would have to be unanimous with the three members of the commission, I think that would be all right.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, I will state my position with reference to this matter. When the matter came before our subcommittee, if you consult the hearings you will find that the examination of Col. Harts was principally conducted by myself.

I heard of absolutely no objection from either of the other three departments. I was led to believe, and did believe, that Col. Harts was stating what was the wish and desire of the department. I did not ask him a direct question as to whether he did or not. I presume I just supposed that, but if you will consult the hearings, you will find the statement made by the chairman of the committee absolutely true. But since the adoption by the committee and the publication of the bill there has been quite a controversy over this matter in the department. Now, I want to call your attention, gentlemen, to your bills, and if you will look at the proviso on page 77, I want you to note the change which was not in the bill when the subcommittee reported it to the full committee and the full committee reported it to the House. If you will follow the language in your bill, you will find that one very material clause has been left out of the amendment now being considered:

Provided, That the commission in charge, or a majority of the members thereof, may at any time reapportion space among the departments now occupying the State, War, and Navy Department Building, if the same can be done with the reduction of the amount of floor space occupied by any branch of the public service in said building, in the reduction or avoidance of public expense for rent of office or storage space for the Government, and the reduction of the number of watchmen required for said building from 40 to not more than 38.

Now, if you have followed the bill, you will find that the last clause in the bill provides that none of these departments shall be deprived of any of its space without its consent. That clause is left out. So I think the observation made by the gentleman from Illinois is a correct one.

My BYRNS of Tennessee. I submit to the gentleman that if you are going to provide in this amendment that this space shall not be secured without the consent of any official, then you might as well not pass the amendment.

Mr. SISSON. If that is true, then the subcommittee and the full committee ought not to have made the report which they make here. It says:

But such reapportionment shall in no event involve the ejectment from the building of any department, or the office or bureau of any department, now occupying the same.

Mr. BYRNS of Tennessee. There is nothing in that to the effect that you have to secure the consent of the officer or the head of a bureau before space can be allotted.

Mr. SISSON. But it does mean you have got to get the consent to change a man out of a position or a bureau out of a position which he or it now occupies. And for that reason you could not eject the man, even though a majority in the War Department wanted it. You can not eject the War Department, with its valuable records.

These records are not essential to me. I want to say to you gentlemen who have a great many Union soldiers in your districts that this is most important. It does not affect me so materially, because of the use that The Adjutant General makes of all of these magnificent records, which were prepared by years of labor. They were arranged in The Adjutant General's Office so that in a moment, if you write a letter about the status of a soldier, you can get it. Gen. Ainsworth spent about 15 years in arranging those valuable records.

Now, every man from the South who wants to get the record of a Confederate soldier can do so, because those records have been arranged also; but they are not written about or asked about so much as the Union soldier.

Now, in a conversation with the present Adjutant General I asked him about how this could affect him, and he said it would disarrange all of his records. I am sure that no member of the Subcommittee on Appropriations would have advocated this if they had known there was such serious objection to the matter. It developed after the hearing of Col. Harts. I believe everything that Col. Harts said is true from his standpoint, for I have confidence in him, but I did not know at the time that there had heretofore been a controversy between him and The Adjutant General. And I do not believe that we ought to pass this item in the form of the amendment as now offered to this bill without giving the other side the right to be heard and we have all the facts. But every member of the committee felt that Col. Harts was representing the views of the commission and that no contention would arise, but that the amendment would bring about harmony in apportioning the space. And in view of the fact that the War Department has had no hearing, that the State Department has had no hearing, and that the Navy Department has had no hearing, and there is some controversy which has arisen, before it goes into effect I think the House ought to go very slowly in making this law until they shall have heard and have down in the record here a statement from these other departments as to what the purpose of this amendment is and how far it will reach. And I am unwilling, so far as I am concerned, at least, to subscribe to the amendment with the language left out with reference to the protection of the bureaus, in view of the fact that the assault is being made chiefly on The Adjutant General's Office, where these valuable records are kept.

The CHAIRMAN. The Chair is ready to rule. The arguments that are being made are not entirely to the merits of the proposition.

Mr. FOSTER. If the Chair will indulge me a moment, I desire to say that in The Adjutant General's Office there are many valuable records that have cost this Government many thousands of dollars to prepare. That office has the best kind of an arrangement, in that it is easy for the department to find the record of most soldiers, that ever served in any war in the United States. That is an important thing, and I would like to ask the chairman of this committee if in his judgment this would interfere at all with any of the records now contained in that part of the War Department Building?

Mr. BYRNS of Tennessee. I do not see how it is possible that it would do so, nor do I believe that a majority of the commission would for one moment agree to any proposition which would disturb any official or any bureau in any manner in that building.

Mr. FOSTER. I can say to the gentleman that I believe that what he says is all true, so far as he can tell, and yet there might come a time in the distribution of this space when it would crowd The Adjutant General's Office in such a way that it would disturb those records very much, and not be intended by either one of the heads of these departments.

Now, I think if the three commissioners could unanimously agree upon the apportionment of this space, there would be no objection to it, but two men might go ahead and interfere very much with the other one, so that it seems to me it would hardly be fair to permit them to do so. But with the assurance of the gentleman that this will not be done, taking his judgment in regard to it, and remembering that he has looked into it sufficiently to lead him to believe that will be case and that it would produce a saving of money, I would have no objection.

Mr. BYRNS of Tennessee. Mr. Chairman, referring to the remarks made by the gentleman from Mississippi [Mr. SISSON], in which I understood him to state that his objection to this amendment was due to the fact that there had been left out of the amendment a provision inserted in the bill, which reads as follows:

Provided, That no arrangement made of space hereunder shall involve the ejectment from the building of any department or branch of the public service occupying the same.

I have absolutely no objection to the incorporation of that provision in this amendment. I ask unanimous consent to modify the amendment by adding that language.

Mr. SISSON. Mr. Chairman, will the gentleman yield a moment before he sends his amendment down?

Mr. BYRNS of Tennessee. Yes.

Mr. SISSON. That says, "office or bureau"?

Mr. BYRNS of Tennessee. Yes.

Mr. SISSON. That is all right.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to modify the pending amendment as indicated by him. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment as modified: "*Provided*, That no arrangement made of space hereunder shall involve the ejectment from the building of any department or branch of the public service occupying the same."

Mr. FOSTER. Mr. Chairman, in view of the statement of the gentleman from Tennessee—and I hope we are not going to be disappointed by what may take place if this should become a law—in view of his statement that it will not disturb any of these records, because if it did I should think this $6,000 was a very small saving, or no saving, I will risk it and withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. COLLIER. Mr. Chairman, I reserve a point of order for the moment. I will say to the gentleman from Tennessee [Mr. BYRNS] that while I value his opinion very highly and have often gone to him for his opinion, yet his opinion in this case as to what might happen in that great department is not conclusive.

Now, I am willing to forego the point of order in the interest of the economy which the gentleman contends will be brought about to the departments down there, provided he will accept

this amendment: In line 8, page 77, strike out the words "or a majority of the members thereof."

I think, gentlemen, that with the large amount of valuable records down there in the different departments, when you go to changing rooms and reapportioning space amongst those three different departments, there ought to be some sort of harmonious action. Perhaps there will be harmony among them: but when it comes to a question of our not knowing whether there will or not, and the possibility that two of the departments might get together and in what they considered to be a fair and proper spirit still reapportion those rooms in such a manner as would cause trouble and confusion, I have some misgivings, and I will ask the gentleman if he will agree to that amendment. If not, I still reserve the point of order.

Mr. BYRNS of Tennessee. Mr. Chairman, I am sure that the gentleman from Mississippi is not unwilling to trust the proper and fair apportionment of space in that building to two Cabinet heads and let a majority of the commission determine whether or not anything shall be done. I dare say that if this provision goes in as it is, anything that is done will be unanimous. But I do not see why any exception should be made in this case from all other cases, and why a majority should not be sufficient to settle the proposition as to whether this economy of space may or may not be had.

I want to appeal to the gentleman and say, as I have stated several times heretofore, basing my statement upon the hearings, when this matter was gone into very fully by Col. Harts, that this means a saving of over $6,000, according to the price paid for office space in buildings of that character, and unless this amendment goes in it will be up to Congress to provide for additional space for increase of force.

Mr. Chairman, I think this amendment is clearly germane to the provision. This provision provides for fuel and light to the building, and this amendment relates to the building and its use.

The CHAIRMAN. The Chair would like to ask the gentleman a question there. The Chair understands the gentleman from Mississippi, when he made his original point of order, made it to the proviso in the bill in the item on page 77, beginning line 6, "For fuel, lights, repairs, miscellaneous items, printing, and city directories, $32,000." The Chair was under that impression, and the point of order which was sustained was solely as to the proviso.

Now, the Chair is ready to rule. The gentleman from Tennessee [Mr. BYRNS] offers an amendment, which the Clerk has read, and the point of order is made against it by the gentleman from Mississippi that it is new legislation, and therefore is not in order on an appropriation bill.

Under the rule of the House, clause 2 of Rule XXI, known as the Holman Rule, it is in order to legislate on appropriation bills, provided the amendment—

being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

The Chair thoroughly agrees with the gentleman from Illinois [Mr. MANN] that the amendment must be germane to some provision of the bill to which it is offered. This amendment is offered to the provision of the bill dealing with fuel, lights, repairs, and miscellaneous items connected with the State, War, and Navy Department Building. The Chair therefore thinks the amendment is germane to that section of the bill.

The next question for the Chair to determine under the Holman Rule is whether or not the amendment on its face comes among the excepted class under the Holman Rule permitting legislation. The Chair is of the opinion that the amendment falls within the exception, because it provides that it shall not become operative unless the watchmen paid out of the appropriation are reduced from 40 to 38, thus reducing the number of persons paid out of the Treasury of the United States. The Chair therefore overrules the point of order.

Mr. COLLIER. Mr. Chairman, I want to amend the amendment by striking out the words "or a majority of the members thereof."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Mississippi [Mr. COLLIER]. The gentleman from Mississippi offers to modify the amendment offered by the gentleman from Missouri by striking out of the amendment the following words: "or a majority of the members thereof."

Mr. COLLIER. Mr. Chairman, this matter has already been discussed on its merits, and I will take up very little time. I think in the interest of harmony and good feeling this amendment should prevail. I have understood that five of the rooms which now contain valuable records of The Adjutant General are to be used for a museum, or something of that order. We have to preserve these relics, as well as the records of the War Department; but the information that I have leads me to the belief that the efficiency of The Adjutant General's Office will be very much impaired if the contemplated changes are made.

I do not care to take up the time of the committee any longer. We have discussed this for some time; and I hope my amendment will prevail, and I hope that the commission will construe this to mean that no changes will be made except by their unanimous action. I have offered it in good faith, in the interest of harmony and good feeling, and in the hope that this can be arranged in some way that will be satisfactory to all of the different heads in that department.

Mr. BYRNS of Tennessee. If the committee will pardon me, I want to read a portion of the hearing, so that the committee may understand this situation as it was put before the Committee on Appropriations by Col. Harts. I read from page 468 of the hearing. In speaking of this proviso, which he recommended and which is set forth here, he was asked whether or not the commission had the power now to apportion space. He said:

Yes, sir; I think so; but the decision of some of the law officers of the War Department was against it. In 1882 the building was opened for occupancy, and at that time a committee of Congress made certain assignments so that the building could be occupied. In the following year Congress created an organization, a commission, consisting of the three Secretaries—State, War, and Navy—to have supervision and care of the building, but there was no provision in the latter law that the previous assignment of space could be changed by them; therefore, when we tried to make a new arrangement recently this old act was brought out and it was said that we could not make any assignment between the different departments without the sanction of Congress. My contention was that Congress had turned that matter over to the commission under the wording "care and supervision." It seems to me that they ought to be permitted to apportion this space if they agree to it.

Now listen:

The Secretary of the Navy had a war-plan board organized and constituted to furnish plans for war for the Navy, but they had no space. One of the bureaus of the War Department has more space than the State and Navy Departments combined within 8,000 feet. We wished to secure the use of some of this room for the Navy Department, but as it meant an assignment of some of the space now occupied by some of the War Department officials this ruling requiring the sanction of Congress was held to prevent it. I found that I could obtain 20 rooms, now occupied by The Adjutant General's Office for filing, by running the file cases up to the ceiling instead of having them within the reach of a man standing on the floor. In this way I could secure all the extra space now necessary in the building. I might say further that there is ample room in the building for a good while if we could economize the space.

Mr. SISSON asked him:

What was the attitude of the three Secretaries?

Col. Harts replied:

The Secretary of the Navy was very anxious to have the assignment made. The Secretary of War did not object until he had the decision of the Judge Advocate General, and the Secretary of State also assented, with the hope that he could get some additional space for his department.

Now, I want simply to repeat that I do not see any objection to permitting the majority of this commission to determine upon the space there, especially since this amendment provides——

Mr. FOSTER. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. FOSTER. I notice in this statement of Col. Harts that he proposes to provide additional space for the museum, so that these models of battleships may be placed in that museum, whereas now they are in the halls. May I ask the gentleman why it is that it is necessary to have this museum in that building, where they are now so crowded and where they need the space? Why not put these models in the National Museum?

Mr. BYRNS of Tennessee. I quite agree with the gentleman, and certainly my object in desiring to secure this additional space is not for the purposes of the museum. I would like to see this provision adopted, because I believe it will enable the commission to secure further room down there for these additional clerks; and so far as I am personally concerned, I would gladly accept an amendment, if the gentleman from Illinois will offer it, providing that none of this additional space shall be used for museum purposes.

Mr. COLLIER. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman.

Mr. COLLIER. Is it not true that five of these rooms to be taken from The Adjutant General's Office are now filled with valuable war records, and that they are to be used for the Navy museum? I know the gentleman is more in possession of the facts than I am.

Mr. BYRNS of Tennessee. The superintendent said something about getting these models out of the corridor and putting them in some room, where they would not be in the way. I do not know what he proposes to do in reference to providing space for them in these office rooms; but as I have just stated to the gentleman from Illinois [Mr. FOSTER], I would be more than willing,

so far as I am concerned, to vote for an amendment to provide that none of this additional space shall be used for museum purposes.

Mr. COLLIER. If the gentleman from Tennessee is willing to do that, then he admits that they do not need as many of the rooms as they thought they did, does he not?

Mr. BYRNS of Tennessee. On the contrary, I am more than satisfied that they do; because, as I stated a while ago, the Chief of the Bureau of Ordnance came before this committee and requested an additional allowance of $5,000, because he said he did not have space for the additional draftsmen provided for in the deficiency bill. In addition to that, this bill is allowing 42 additional clerks for the State Department; and the gentleman knows that in all reason there has got to be some space provided for them, and if we can not get it for them in this building, provision may have to be made outside of the building.

Mr. COLLIER. My information is that everyone of these departments there is crowded. Is it not a fact that these departments are now renting places in different parts of the city?

Mr. BYRNS of Tennessee. That is quite true.

Mr. COLLIER. This amendment then should have been brought in some time ago. If there was a great deal of room in the War Department, and it was just being used for storeroom and not needed, why did not this committee, when we were paying rent for places all over town, bring in an amendment like this some time ago?

Mr. BYRNS of Tennessee. I can only say to the gentleman that it is because this is the first time it was ever called to the attention of the committee; and since this has been called to the attention of the committee and the committee is now seeking to economize this space, I hope the gentleman from Mississippi will not oppose the proposition. I know that there is no gentleman in the House who is more in favor of proper economy than he is or who has more consistently and ably stood for it ever since he has been a Member of this House.

Mr. GOOD. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. GOOD. I wish to direct the attention of the gentleman from Tennessee to this question: When Congress creates a commission with certain powers, if no provision is made with regard to whether a majority of the commission shall act or whether it shall be by the unanimous action of the commission, is it not a fact that it requires only a majority to decide any question that comes before that commission?

Mr. BYRNS of Tennessee. The law says a commission, and I am not so sure whether two of the commission would be held to be the commission or not.

Mr. GOOD. I think the rulings are uniform, that where a commission is established, without defining how many shall vote in favor of the proposition, that a majority vote of the commission will carry. The same thing is true in regard to the decisions of the court. I think the question is mere surplusage, and it makes no difference whether it goes out or in. If it goes out, a commission composed of three persons if two vote for a proposition and the other member of the Cabinet does not agree to it, the majority vote carries. I think there will be no question about that.

Mr. BYRNS of Tennessee. If that be true, there can be no objection to leaving it in.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi to the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment to the amendment was rejected.

Mr. SISSON. Mr. Chairman, I offer the following amendment to the amendment.

The Clerk read as follows:

Add the following: "*Provided further*, That the relics and articles of a historic character not used for or necessary to dispatch the current work of the War and Navy Department shall be removed during the fiscal year of 1917 to the National Museum."

Mr. GOOD. To that, Mr. Chairman, I make a point of order.

Mr. SISSON. I do not think, Mr. Chairman, it is subject to a point of order, since the Chair has held that the other amendment is in order. I will state, if the gentleman will reserve his point of order——

Mr. GOOD. I reserve it.

Mr. SISSON. That the purpose of the amendment is to prevent them from taking the five rooms mentioned in Col. Harts's testimony for the purpose of putting in models of ships that are now in the hallway. The committee discussed the matter, and decided that if the articles are to be removed—they can remain where they are under the present amendment—but that they shall not take up valuable space in a retired place where the people would never see them. It would be better to have them in the National Museum, because visitors coming to the city of Washington would naturally see them in the Museum while they would not see them in any retired space in the War and Navy Building.

Mr. GOOD. Let me ask the gentleman, Did Col. Harts make suggestion that these be removed to the National Museum?

Mr. SISSON. No; he did not.

Mr. GOOD. Did anybody?

Mr. SISSON. No.

Mr. GOOD. Does the gentleman know what the attitude of the various departments is in regard to the matter?

Mr. SISSON. No; I only know that I am directing the amendment to prevent the movement out of the hall into some rooms or offices of these relics that are now in the hallway, as was intimated in Col. Harts's testimony. If they want them to stay in the hallway, the amendment does not prevent them from so remaining.

Mr. GOOD. As I read the amendment, it occurred to me that that was a matter that Congress ought to have some knowledge of as to the attitude of the various departments. If it is not going to result in economy, it will be an expenditure without any saving.

Mr. SISSON. There will be no expenditure under this amendment. If they are moved at all, we will save money by having them sent to the National Museum, where they have ample room for relics of that kind. That is where a part of the committee, in a private discussion, think they ought to be placed if they are moved anywhere. Under the amendment as drafted it will not compel them to move them, but if they do move them they can not take the five rooms that could be provided for offices for the relics, which would be more expensive, and, furthermore, the National Museum is anxious to have the relics there.

Mr. GOOD. The amendment says "all relics or articles of historical character not used for the necessary dispatch of current work of the War and Navy Departments shall be removed during the fiscal year."

Mr. SISSON. Perhaps that ought to be amended.

Mr. GOOD. It is mandatory that these shall be moved. I am not sure but that they ought to be removed, but I dislike to write that kind of a provision into the law without first ascertaining the attitude of the department.

Mr. SISSON. Will it be satisfactory if we write it so as to leave it discretionary with the department?

Mr. GOOD. I think they have the authority without the amendment.

Mr. SISSON. What I want to do is not to control the relics, but my purpose is to control the five rooms and say that they shall not be used for housing these model battleships and other articles that are now in the hall.

Mr. GOOD. If the amendment is modified to that extent, I will not object.

Mr. SISSON. Then, Mr. Chairman, in order to meet the objection of my friend from Iowa, who is on the committee, the Clerk has prepared another amendment, which I will read:

Provided further, That no rooms vacated under any arrangement of space hereunder shall be used for museum purposes.

Would the gentleman prefer that amendment to the one I first offered?

Mr. GOOD. I think I would, although I think the effect of it is practically the same.

Mr. SISSON. This amendment unquestionably leaves the relics where they are, and has nothing to do with their final disposition. With the permission of the committee, Mr. Chairman, I will ask that my amendment be withdrawn and this one I have last read offered in its stead.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Mississippi is withdrawn, and the gentleman offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Add to the amendment of the gentleman from Tennessee the following:

"*Provided further*, That no room vacated under any arrangement of space hereunder shall be used for museum purposes."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi to the amendment of the gentleman from Tennessee.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from Tennessee as amended.

The question was taken, and the amendment as amended was agreed to.

The Clerk read as follows:

Office of Chief of Naval Operations: Chief clerk, $2,250; clerks—1 of class 4, 1 of class 3, 3 of class 2, 3 of class 1, 3 at $1,000 each; 1 $900;

telegraphers—chief $1,800, 1 $1,400, 1 $1,200, 1 $1,100; 2 assistant messengers; messenger boys—1 $600, 2 at $400 each; laborer; in all, $26,350.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 79, line 5, in lieu of the word "clast" insert the word "class."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The services of draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Steam Engineering and at rates of compensation not exceeding those paid hereunder prior to January 1, 1915, to carry into effect the various appropriations for "Increase of the Navy" and "Engineering," to be paid from the appropriation "Engineering": *Provided*, That the expenditures on this account for the fiscal year 1917 shall not exceed $70,891.28. A statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I observe that this paragraph, or one similar thereto, which now appears under the heading of "Bureau of Steam Engineering" also appears under the headings of "Bureau of Construction and Repair," "Bureau of Ordnance," and "Bureau of Yards and Docks." May I inquire whether these appropriations have been made heretofore and in amounts similar to those here stated?

Mr. BYRNS of Tennessee. Appropriations of this character have always been made in this bill heretofore, but not in this amount. The amount named here is to conform with the estimate submitted.

Mr. MOORE of Pennsylvania. This paragraph authorizes the Secretary of the Navy to engage the services of draftsmen and such other technical services as may be required in the Bureau of Steam Engineering at a cost of $70,691.28. Was that the amount appropriated last year for this purpose?

Mr. BYRNS of Tennessee. No; there was appropriated last year the sum of $48,300. This is an increase. The gentleman will recall, however, that in the urgent deficiency appropriation bill there was a deficiency allowed for this purpose, and the amount here appropriated for the ensuing fiscal year conforms to the amount allowed for the current year when the regular appropriation and the deficiency appropriation are taken into consideration.

Mr. MOORE of Pennsylvania. There has been some criticism of the Navy Department for not "speeding up" on the construction of vessels in the Navy heretofore authorized, and I would like to know whether provision is made here in these larger appropriations with a view to the "speeding up" of the construction of these vessels?

Mr. BYRNS of Tennessee. This appropriation includes every dollar that was asked for by the department, and it was expected, of course, that the money would be used for the employment of draftsmen to take care of the work that had been authorized, and also the work contemplated by way of construction.

Mr. MOORE of Pennsylvania. Without interrupting the gentleman on the reading of the subsequent paragraphs, let me inquire whether the $135,201.16 provided for in the Bureau of Construction and Repair is the same as was allowed last year?

Mr. BYRNS of Tennessee. No; last year there was allowed the sum of $107,201.16, but in that case also a deficiency was allowed at this session of Congress, and this sum represents the sum the department really has for this year when the regular appropriation and the deficiency appropriation are both taken into consideration.

Mr. MOORE of Pennsylvania. In the general discussion of the question of preparedness the construction of ships enters very largely at the present time. It has been said that Congress is sometimes behindhand in its work, but in this instance it has also been said that the department has not been altogether up to date in keeping up construction in accordance with appropriations made by Congress. If we are making increased appropriations for the purpose of giving employment to extra draftsmen to hasten work, it may answer the question I am putting to the gentleman from Tennessee.

Mr. BYRNS of Tennessee. The gentleman will remember that this matter was under discussion when the deficiency appropriation bill was before the House, and it was stated then that it was the purpose and the custom of the department to provide plans and designs for work not only authorized but also for work under contemplation, and this appropriation which was asked for by the department and allowed just as asked will no doubt be used as the department may think necessary.

Mr. MOORE of Pennsylvania. Referring for the present only to this increased appropriation in the Bureau of Steam Engineering, are we to understand that it is made with a view of catching up with work already authorized or of preparing for work in the future not authorized by Congress?

Mr. BYRNS of Tennessee. This is for the necessary current work of the bureau, and that is all I can say.

Mr. MOORE of Pennsylvania. It is only to meet the present demands?

Mr. BYRNS of Tennessee. To meet the current work.

Mr. MOORE of Pennsylvania. And is not in anticipation of any work yet to be done by the department?

Mr. BYRNS of Tennessee. It will no doubt be used for work in the bureau, just as similar appropriations have been used in the past.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

The services of draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Construction and Repair and at rates of compensation not exceeding those paid hereunder prior to January 1, 1915, to carry into effect the various appropriations for "Increase of the Navy" and "Construction and Repair," to be paid from the appropriation "Construction and Repair": *Provided*, That the expenditures on this account for the fiscal year 1917 shall not exceed $135,201.16. A statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Is the language used in this paragraph, page 85, line 3, the same as heretofore used, "the Secretary of the Navy may deem necessary may be employed only," emphasizing the word "only" in the Bureau of Construction and Repair?

Mr. BYRNS of Tennessee. That is the same language carried in the bill heretofore.

Mr. MOORE of Pennsylvania. This appropriation is for $135,201.16. What was the appropriation last year?

Mr. BYRNS of Tennessee. One hundred and seven thousand two hundred and one dollars and sixteen cents.

Mr. MOORE of Pennsylvania. That is an increase of about $28,000?

Mr. BYRNS of Tennessee. Precisely.

Mr. MOORE of Pennsylvania. That contemplates the employment of extra draftsmen?

Mr. BYRNS of Tennessee. That is correct.

Mr. MOORE of Pennsylvania. Who can be employed only in the Bureau of Construction and Repair?

Mr. BYRNS of Tennessee. Yes.

Mr. MOORE of Pennsylvania. Is it intended for a speeding up of the work by the department which Congress has hitherto authorized?

Mr. BYRNS of Tennessee. That is the purpose of the appropriation, as I understand it.

Mr. MOORE of Pennsylvania. And does not contemplate work in anticipation?

Mr. BYRNS of Tennessee. In so far as I am advised, this is to take care of current work of the bureau.

Mr. MOORE of Pennsylvania. The presumption is that the Secretary of the Navy is alive to the necessities of the Navy at this particular time, and that he would of necessity be obliged to have plans and specifications drawn long in advance of construction of ships, and that he may not have had sufficient draftsmen for that purpose.

It is important to know whether the gentleman is providing for these extra or emergency draftsmen so that the Secretary of the Navy can prepare plans and specifications in anticipation of construction not thus far authorized by Congress?

Mr. BYRNS of Tennessee. It has always been, as I understand, the custom of the Navy Department to provide plans for certain work, such as the designing of ships, in anticipation of authorization. I believe that matter was thoroughly investigated, or, rather, thoroughly discussed when the deficiency bill was under consideration.

Mr. MOORE of Pennsylvania. I remember it was discussed, and if the gentleman will refresh his memory I think he will recall that there was a question raised on the floor as to whether the Secretary of the Navy should be permitted to employ draftsmen to prepare plans and specifications for ships not authorized by Congress.

Mr. BYRNS of Tennessee. The gentleman will remember also that the statement was made that it would take several years to prepare plans.

Mr. MOORE of Pennsylvania. I am frank to say I did not agree with that criticism, but it was made.

Mr. BYRNS of Tennessee. Now, if some of this work is not to be done in anticipation, then there would be an undue delay in the carrying out of the wishes of Congress in providing for extra battleships, and the appropriation is made, of course, with that end in view.

Mr. MOORE of Pennsylvania. I believe the Secretary ought to have authority, when in his judgment he thinks it advisable, to go ahead and prepare plans and specifications, and if he thinks we ought to have ships he at least ought to be in a position to make recommendations to Congress as to the size and cost of such ships——

Mr. BYRNS of Tennessee. I agree with the gentleman and I understand no such——

Mr. MOORE of Pennsylvania. But objection was made to his having draftsmen to prepare plans in advance of the authorization for the construction by Congress. Now, it would appear from this paragraph, if I understand the gentleman correctly, that they provide for draftsmen only in these respective bureaus for the purpose of catching up with work already authorized by Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent for one minute more in order that the gentleman may answer the question.

Mr. MANN. I would ask that the gentleman have five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois that the gentleman proceed for five minutes. [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. There is nothing in this paragraph to limit the work to be performed by these draftsmen to catch up, as the gentleman expresses it. We have put it up to the Navy Department to do as it has done in the past and provide these plans if necessary in anticipation of what will be needed, and certainly there is nothing in this paragraph to prevent these draftsmen being employed in that way.

Mr. MOORE of Pennsylvania. Can the gentleman tell us what are the facts? May these draftsmen be employed in the preparation of plans for vessels in the future, not authorized by Congress, or will they be employed exclusively upon work that has been delayed and which Congress has already authorized?

Mr. BYRNS of Tennessee. I think these draftsmen are expected to be used in the drafting of plans for ships which in the future may be authorized by Congress in order to keep the work reasonably current and to enable those ships to be constructed within a reasonable time, just as has been the custom heretofore in the Navy Department.

Mr. MOORE of Pennsylvania. This illustrates to the gentleman what I am trying to impress upon him. A battleship is being constructed in the navy yard at New York. Another battleship has been authorized by Congress to be constructed in that same navy yard. It is obvious with only one building ways there capable of holding a battleship that the battleship under construction must be gotten out before work upon the new battleship can be commenced. Now, the department evidently has plans for this new battleship and it needs draftsmen as well to dispose of questions that might arise in respect to plans for the old battleships. It is evident that this country needs a few more battleships. Now, will these draftsmen be employed exclusively upon the battleship that is now on the ways and upon the battleship that has been authorized to go upon the ways, or will the Secretary of the Navy be permitted to use these men for work upon plans for ships that he has in contemplation and for which Congress has not yet made an authorization?

Mr. BYRNS of Tennessee. I so understand. I do not think the matter was gone into at any great length before the committee, but it was stated that it is necessary always to provide plans for battleships in advance or in anticipation of their construction in order to keep pace with modern naval architecture, so as to get the work out and have the ships completed within a reasonable time after they were authorized.

Mr. MOORE of Pennsylvania. Can the gentleman tell us, as a result of the hearings before his committee, whether we are actually behind in the matter of draftsmen to do work upon ships authorized by Congress?

Mr. BYRNS of Tennessee. I can not say that we are. There was necessity for an additional appropriation for the current year in anticipation of an increase in armament, as the gentleman will recall, but, in so far as the normal situation is concerned, I am not prepared to say that the Navy Department has not been supplied with all appropriations necessary for draftsmen.

Mr. MOORE of Pennsylvania. Apparently the Navy Department is behind in the construction of a number of ships that have been authorized by Congress, and if it needs more draftsmen I would like to see it get as many draftsmen as may be necessary to bring the work up to date.

Mr. BYRNS of Tennessee. The committee has allowed to the Navy Department every dollar that was asked for that purpose.

Mr. MOORE of Pennsylvania. It is obvious to the gentleman, I am sure, as it would be to anybody, that if war should be declared against this country to-morrow, or in a week, or next year, we would not be in a position to use many of the battleships and smaller naval vessels authorized by Congress which are under construction or have not been commenced.

Mr. BYRNS of Tennessee. If that should unfortunately be the case, the Committee on Appropriations could not be held responsible, because, as I have just stated, it has allowed every dollar that the department has asked for in the way of draftsmen.

Mr. MOORE of Pennsylvania. The committee has granted in these two paragraphs that have been read all the money asked for by the Navy Department for draftsmen to go ahead with plans and specifications for new battleships?

Mr. BYRNS of Tennessee. That is true.

Mr. MADDEN. What authorization has been made for ships to be built in Philadelphia?

Mr. MANN. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. I cheerfully yield.

Mr. MANN. I understood the gentleman to use the term "speeding up." I had thought I knew in a general way what the term meant. But in the sense the gentleman used it I was not able to catch it immediately, because the ordinary meaning, I understand, has no application to anything that is being done in this House or in the Navy Department.

Mr. MOORE of Pennsylvania. I agree with the gentleman as to that. I do not think we shall settle the European war here to-day; but it does seem as if, "with the sparks flying around us," as indicated two weeks ago, it is an anomalous condition to find ourselves awaiting the construction of numerous ships that Congress has authorized.

Mr. MANN. The gentleman does not think that they are "speeding up" as to them?

Mr. MOORE of Pennsylvania. Not at all. But if the department has now come forward to ask for money to get sufficient draftsmen in order "to get a move on" for the construction of these ships, I think it is a good thing.

Mr. ADAMSON. Mr. Chairman, I think I can relieve the mind of the gentleman from Philadelphia and satisfy the gentleman from Illinois [Mr. MANN] by telling him that according to history and tradition "speeding up" is a term that originated in Philadelphia and is characteristic of things in Philadelphia.

Mr. MANN. I think that is true by imputation as applied to the Navy Department and to this House at present.

Mr. MOORE of Pennsylvania. I wish to say, Mr. Chairman, that the difference between the Democratic Party, which the gentleman from Georgia represents, and the city of Philadelphia, which I, in part, represent, is that Philadelphia believes in action while the Democratic Party relies upon history and tradition. [Laughter.]

Mr. ADAMSON. Mr. Chairman, although the debate on this amendment is exhausted under the rules, it would be cruel to the gentleman from Pennsylvania [Mr. MOORE] and to myself, and unjust to the public and to posterity, if we should allow such a radiant gem that has just scintillated from the brain of the distinguished gentleman from Pennsylvania to go without an appropriate setting. Therefore I wish to say in answer to his statement that Philadelphia believes in "speeding up"; that a mere matter of belief will not answer, for "faith without works is dead." I shall not attempt to refer to his remarks derogatory to the Democratic Party, nor anything said in the brilliant colloquy between him and the distinguished gentleman from Illinois [Mr. MANN] derogatory to the good name and efficiency of our most excellent Navy. I wish to talk about something that is nonpartisan, and it is singularly appropriate just at this time.

Two questions have been forced upon our attention when there should have been none, if all minds had started out with the correct premise that the President is charged by the Constitution with rsponsibility for our diplomatic affairs concerning the foreign relations of the country, and that Congress has no concern therewith until the time should arrive, if, unfortunately, it ever should, when the President would put the matter up to Congress and ask for legislative action. That time had not

arrived when volunteer agitation arose in the two Houses in a manner calculated to embarrass and cripple the negotiations and action of the Executive and encourage the other nations to hold out against his contention. Thus has been brought about a situation liable to prove not only embarrassing to the administration but disastrous to the country. Considering the constitutional duties of the President in the premises and the entire absence of the duty or propriety on the part of Congress to interfere therewith, it amounts almost to sedition or treason not only to fail to support the administration but actually to antagonize to such an extent as to persuade foreign nations that we are not sincere, that we are not in earnest, that the attitude of the President is not supported by Congress or the people, and therefore may be despised and treated with contempt.

In my judgment, the surest way to precipitate trouble for our country is for any considerable number of Congressmen or people to persist in that attitude of antagonism to the President. The surest way to continue our peaceful relations with the world, maintain our absolute neutrality, and preserve the prosperity of our people is for Congress to abstain from interference with the rightful functions of the Executive and permit him, as he has successfully done for the past 18 months, to conduct the foreign affairs of this Government, protect the rights of American citizens on the high seas, without complicity or participation in the devastating war ravaging Europe. Those who would interfere with his prerogatives now would rob the country of the blessings consequent upon the consistent and triumphant course of the President during the past 18 months in avoiding complications through the exercise of consummate wisdom and statesmanship.

The other proposition which, operating on the minds of certain honest Members and people, causes the antagonism is the unnecessary and erroneous consideration of the merits of the case. Gentlemen do not discriminate between the indiscretion of riding upon ships of belligerent nations, on the one hand, and on the other hand the absolute right of men who from sheer necessity are compelled to take occasional passage upon such ships. The prevalent idea that all such ships are crowded, cabin and decks, with joy riders sailing over the waters to enjoy the carnage on the other side is wide of the truth. Very few people take such risks at this time and in almost every case it is absolutely necessary to make such a voyage and the ships of the belligerents may afford the only opportunity. Their proposition is that we will declare in advance that if our people ride on such ships and are killed this Government will not be responsible therefor, or, rather, that if they ride on such ships this Government will not extend its protection to its own citizens and preserve to them their rights. Such a position is intolerable and indefensible. Common sense advises against such a dangerous passage because such passage being taken in the exercise of an international and inalienable right, if followed by injury may involve this Government in trouble because the Government would feel under obligations to take cognizance of an injury to its citizen. To announce in advance that this Government will not call to account the attempts of any nation to destroy the lives of its citizens on the high seas on such ships would be to issue a wholesale license in advance for the destruction of the lives of American citizens. To do such a thing would disgrace this country and every person living therein. It would be a blot upon the fair escutcheon of this country such as has not darkened the fame of any civilized nation since the dawn of history.

But we come to the second proposition, and that is, gentlemen who started this agitation are interfering with the Executive by contending that if a liner carries any armament that it is a warship and subject to be treated like a warship, and that any passenger thereon may go to his doom regardless of his nationality without any redress from his Government because the ship was armed and was therefore a battleship and therefore not entitled to notice and visitation before destruction. While I deny that it is proper to debate the merit of that question in this House at this time and insist that it is still a question for diplomacy, yet gentlemen should recognize the doctrine well established for centuries, to wit: Our rights upon the high seas are exactly identical, unchanging through war and through peace, except where abridged by an effective blockade. Belligerent nations when they fight upon the high seas must limit their fighting to one another and are compelled so to act as to do no harm to neutrals and noncombatants. If they fight, their fight must be so conducted as not to interfere with the rights of neutrals and noncombatants to sail the seas and trade and traffic just as in times of peace.

Then our friends should bear in mind the true difference, equally well established, between liners, on the one hand, and warships on the other. A merchantman or liner devoted to commerce, laden with freight and passengers, hastens from one port to another port. It seeks a port in order to close the traffic of the trip, land its passengers and freight, and collect its revenues. It is not out hunting an enemy. If nobody attacks it, nobody is harmed. There is no belligerency, and it is in such a hurry that if it is taken at all the enemy must be alert and expeditious. On the other hand, a warship takes to the water without freight or passengers, but armed and panoplied to seek a fight, and it sails over the briny deep in quest of any enemy. It seeks to choose a time and place of battle. It is bent on war and nothing but war. The distinction is as great as the distance between the two poles, and under an inalienable and indefeasible time-honored international right American citizens may take passage on any merchantman, although it is carrying some arms for use in contingencies in case it is attacked from any quarter by any character of assailants. But the contention that the arms on a merchantman are intended for offensive, intended to enable the ship to go out and hunt a fight, is contrary to human experience and human history and can find no countenance in human reason.

Our country for 18 years has escaped the burden and horror of war through the exercise of Executive prerogatives by a President in whom we repose implicit confidence, and never was there any doubt or difficulty about his continuing to lead us successfully through the dangers lurking on every hand until this volunteer suggestion of interference began to be heard here and elsewhere. It is not too late yet for all patriots to unite, withdraw all suggestions from the Executive, hold up his hands, and leave him free to conduct his diplomacy according to his wisdom and integrity, which, in my judgment, is our sure road to safety.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The services of clerks, draftsmen, and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Ordnance, and at rates of compensation not exceeding those paid hereunder prior to January 1, 1915, to carry into effect the various appropriations for "Increase of the Navy" and "Ordnance and ordnance stores," to be paid from the appropriation "Ordnance and ordnance stores": *Provided*, That the expenditures on this account for the fiscal year 1917 shall not exceed $13,283.76. A statement of the persons employed hereunder, their duties, and the compensation paid to each, shall be made to Congress each year in the annual estimates.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. The appropriation for the services of clerks, draftsmen, and so forth, for the Bureau of Ordnance is fixed in this paragraph at $13,283.76. Will the gentleman from Tennessee [Mr. BYRNS] tell us what was appropriated for this purpose last year? I want to find out if it is an increase or a decrease.

Mr. BYRNS of Tennessee. There is no change in the paragraph to which the gentleman refers.

Mr. MOORE of Pennsylvania. Then apparently there is no necessity for "speeding up" in the Bureau of Ordnance in the matter of extra clerks and draftsmen?

Mr. BYRNS of Tennessee. I assume not. There is no increase asked for by the department.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The services of skilled draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Yards and Docks to carry into effect the various appropriations and allotments thereunder and be paid from such appropriations and allotments: *Provided*, That the expenditures on this account for the fiscal year 1917 shall not exceed $50,000. A statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. The appropriation for the services of skilled draftsmen, and so forth, in the Bureau of Yards and Docks being fixed in this paragraph at $50,000, I wish to ask the gentleman from Tennessee whether that is an increase or decrease?

Mr. BYRNS of Tennessee. That is no increase. It is the same amount that was allowed for the current year.

Mr. MOORE of Pennsylvania. Then the department did not think it necessary to ask for any more assistants in the Bureau of Yards and Docks for the current year?

Mr. BYRNS of Tennessee. It did not.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For stationery, furniture, newspapers, plans, drawings, drawing materials, horses and wagons to be used only for official purposes, including rental of stable; purchase, maintenance, repair, or operation of horse-drawn passenger-carrying vehicles, street car tickets not exceeding $250, freight, expressage, postage, typewriters and computing machines and

exchange of same, and other absolutely necessary expenses of the Navy Department and its various bureaus and offices, $42,000; it shall not be lawful to expend, for any of the offices or bureaus of the Navy Department at Washington, any sum out of appropriations made for the Naval Establishment for any of the purposes mentioned or authorized in this paragraph.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Does the Navy Department now under this appropriation rent a stable?

Mr. BYRNS of Tennessee. Yes; under the present law they rent a stable and pay it out of this appropriation.

Mr. MANN. What is the need, then, for providing in here for rental of stable? This item, I think, for the first time includes by language the rental of a stable. I do not know whether it is something new or whether it would cover something which already has been done and about which there was a question.

Mr. BYRNS of Tennessee. This explanation was made of that: It was stated to the committee that the Secretary of the Navy formerly rented a residence which was supplied with a stable.

Mr. MANN. Rented a what?

Mr. BYRNS of Tennessee. The residence was supplied with a stable or barn for his horses, and it was used for stabling the Government horses used by him. But he has no such home now, and it is necessary, of course, to rent a stable or barn for these horses. They are now being kept in a livery stable.

Mr. MANN. Why is that not the place to keep them?

Mr. BYRNS of Tennessee. Because it is thought that it would be much cheaper to keep them in a stable rented for that purpose. The statement is made that when horses are placed in a livery stable they are likely to become affected with all sorts of diseases.

Mr. MANN. They are not worried about that. They do not want to save the horses.

Mr. BYRNS of Tennessee. They state that this will not only save expense but will save veterinary bills in the end.

Mr. MANN. Of course if you rent a private stable for the use of the Secretary of the Navy, you must do it for all the other Secretaries. You talk about the saving of expense. You certainly know that is not correct.

Mr. BYRNS of Tennessee. This does not increase the appropriation to any extent.

Mr. MANN. Oh, only $2,000. That is not very much. It is just a couple of thousand dollars.

Mr. BYRNS of Tennessee. The increase of $2,000 was not due to this particular reason.

Mr. MANN. Oh, I suppose they did not put it on that ground. I presume it does not cost anything more, theoretically. Now, if this particular Secretary is to have a private stable, every other Secretary must have a private stable, and also a man to take care of it, all at the Government expense. They will have to have two or three men to take care of the stable, besides a driver and a coachman and liveried footmen. That is all proper; I have no complaint. But it would be a great deal cheaper to buy these gentlemen automobiles and keep them at a garage, and a great deal more comfortable to them.

Mr. BYRNS of Tennessee. I do not know. We are confronted with the proposition of buying another automobile now for the only department that is authorized to use one.

Mr. MANN. Oh, I suppose it is for the Department of Labor. I have a memorandum here of their expenses at the garage. The amount is a little more than I would want to pay, and yet it is not as much as it would cost to keep a stable. What can you rent a stable for and maintain it for, convenient to the Secretary?

Mr. BYRNS of Tennessee. I can not say; but the statement was made to the committee that the Government horses could be placed in a private rented stable and maintained much more cheaply than they could be maintained in a livery stable.

Mr. MANN. Well, there are livery stables that practically live on governmental patronage, and they do the service well, I assume. Of course, I do not know anything about it from personal observation, but they do look after those horses satisfactorily, I think. Of course, I suppose it is a little nicer to have a private stable and a public official to take care of it than it is to economize and get the work done for a little less money.

Mr. BYRNS of Tennessee. The State Department has been authorized to rent a stable for quite a number of years, and uses a privately rented stable for the care and upkeep of their horses.

Mr. MANN. I do not for the moment catch the eye of the distinguished gentleman from Missouri [Mr. HAMLIN], but I gather from my friend from Tennessee [Mr. BYRNS], that if we could persuade the gentleman from Missouri [Mr. HAMLIN] to tell about the expenses of the State Department about maintaining its horses, the gentleman would not want this department to follow their example. As I recollect it, we used to pay $150 or $250 a year just for shoeing a horse for the State Department.

Mr. BYRNS of Tennessee. In order that the gentleman from Illinois shall not gather the idea that this $2,000 allowed under this item is for rent of a stable, I want to say that the increase was made to take care of the new Bureau of Naval Operations and the necessary extra expenses that will be incurred in the purchase of stationery and contingent expenses on that account.

Mr. MANN. Well, I have no objection to the purchase of stationery, and there is not much difference in some respects between stationery and stables. They sound almost alike, and it is just as easy to spend money for stationery as it is to spend it for stables, and it is just as easy to ask for stationery as for a stable. It is all in a lump sum.

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. MADDEN. Mr. Chairman, just a moment. How much per month is it proposed to pay for the use of a stable? Or is it proposed to build one?

Mr. BYRNS of Tennessee. No; they propose to rent a stable, and it is stated to the committee that they propose to rent a stable near the department building at much less than the expense at which they could put the horses in a livery stable, which costs $25 per month each.

Mr. MADDEN. I know that I rent a private garage for two machines at $6 a month. I do not know whether they would be willing to rent as ordinary a place as that.

Mr. BYRNS of Tennessee. I will say to the gentleman that this item was asked for by the Navy Department for reasons of economy. They said they could save money if they rented a stable.

Mr. MADDEN. They ought to be required to say how much money they are going to pay.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For rental of additional quarters for the Navy Department, $33,000.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri moves to strike out the last word.

Mr. BORLAND. Mr. Chairman, one of the greatest items of annual expense to the Federal Government is the rent which it pays for additional quarters in the District of Columbia. I have not before me at this time the aggregate of the amount that we are paying to private landowners in the District of Columbia for additional office space for governmental offices, but this $33,000 item for the Navy Department is only one item of that kind. Every time a new bureau is created or a new branch of activity of the Federal Government is created, it is necessary to find office space in the District of Columbia for that bureau. Office space is not always easy to be had, especially in the quantity and in the location and with the facilities necessary for a Government office of considerable size. When we created the Department of Labor we had a great deal of difficulty in getting suitable quarters. Recently, when we created the Federal Trade Commission, we had difficulty in getting suitable quarters, and on each of these occasions and annually the committees of Congress and Congress itself face every possible device of extortion on the part of owners of property in the District of Columbia to force the Government into a position where it must rent more space, and must rent it on the terms of the man who happens to have the space at that moment to offer.

Now, it is perfectly apparent that if we have a large number of people in the employ of the Government doing a short day's work, we need more office space and more desk room than if we had a proper number of people working a full day of eight hours. This is only one of the ways in which money leaks out of the Federal Treasury and leaks into the pockets of the great landowning, real estate speculating class in the District of Columbia.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there?

Mr. BORLAND. In just a moment I will. It is not surprising that men with that interest at stake, enough interest to enable them to build great buildings in this city for the very purpose of renting space for the Federal offices, and who seek to hold the Government up by the most extortionate demands when we need the space—it is not to be wondered at that those men can raise a very large fund to employ newspaper writers of nation-wide reputation to fight any proposition in the interest of the taxpayers of the Nation, such as the proposition to make Government clerks work a full day of eight hours and thus reduce the number necessary to be employed. There is not a single doubt in the minds of any member of this committee but that the interests of the great landowning and real estate speculating class of the District of Columbia are diametrically opposed to

the interests of the taxpayers of the Nation. The men who pay the taxes throughout the Nation must pay for the additional space rented in the District of Columbia, and the men who have the additional space to rent are not only anxious that the taxpayers shall pay for more space but they are anxious that they shall pay for a larger number of people to do the same work than would be employed in private business enterprises honestly and efficiently conducted.

Mr. MADDEN. How much additional space would be placed at the disposal of the department without the payment of additional rent if the eight-hour plan suggested by the gentleman from Missouri [Mr. BORLAND] should go into effect?

Mr. BORLAND. How much additional space would be placed at the disposal of the department by whom? Not a foot of additional space would be placed at the disposal of the department by any of the pecuniary patriots of the District of Columbia. We would pay for every foot of space we got. There would not be a single foot placed at our disposal by these patriots who are appealing to Congress to-day; but the amount of space that would be saved, that really would be utilized for the work of the department, would be approximately equal to one-eighth of the space that we now occupy. It will take approximately seven persons to do the work now done by eight. It will take approximately seven office rooms to house the people now housed in eight office rooms. It will take approximately $700,000 to pay the bill instead of $800,000. You can figure it out by the simple rules of arithmetic. But there would be more saving in money than that, because all the saving in space would go to reduce the outside space which the Government is not obliged to rent.

Mr. MADDEN. So the gentleman thinks that if his eight-hour amendment is adopted one room out of every eight now in use will be vacated and available for other uses.

Mr. BORLAND. I say approximately that; yes. I do not doubt but what there is a variation in different departments. I do not assume that is going to be a mathematical result. No man does. But that there is going to be a difference in the amount of space required by the Federal Government to house its extra employees and a difference to the pockets of the real estate speculators in the District of Columbia is as clear as sunlight to me. That is only one of the ways in which this thing appeals to the great landowning class of the District of Columbia. These gentlemen who think that they are bidding for any popularity by sustaining the claims of the real estate speculators in the District of Columbia as against the tax-paying citizens of the Nation will take care to recollect that when this vote comes there will not be any chance for a technicality. It will be a square fight as to whether the taxpayer of the Nation is entitled or not entitled to a square deal.

Gentlemen talk here very learnedly about $6 a month extra expense to the Government to rent a stable. Why, bless your souls, that is not a marker to the problems that are faced by the Committee on Appropriation of this House every year.

Mr. MADDEN. I told what I was paying. I did not say what the department was paying.

Mr. BORLAND. I do not know whether this particular stable that the gentleman was so much interested in will cost $6 a month or $60 a month.

Mr. MADDEN. Neither do I.

Mr. BORLAND. But I take it for granted that it will not cost as much as the time of this House that the gentleman spent on it has cost. But here is an item which is an annual item, growing every time we create a great public activity.

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the pro forma amendment.

I think the gentleman from Missouri [Mr. BORLAND] is driven pretty hard when, in order to give support to the amendment on which he got snap judgment in the committee, he has to make an attack upon the real estate agents of this city and make the bald charge that they are holding up the Government in the rents that are being paid by the Government for the use of departmental service. The question of rental of these buildings in the city has received consideration by the subcommittee, and in this bill we authorize the Secretary of Labor and the Attorney General to enter into leases based upon the rate of 36.3 cents per square foot of available space used.

Mr. BORLAND. Now, let me ask the gentleman to yield to me at that point. Why did you limit that to 36.3 cents per square foot if it was not that you and your committee had gone through a long fight on the subject of extortion here? Why did you limit the amount?

Mr. STAFFORD. We limited that to 36.3 cents a square foot not because we had been through a long fight, but because the Secretary of Commerce, Mr. Redfield, testified before the committee that it was but a fair return on the investment and that it was a very low rental for office buildings in the District. Now, what is shown by the figures in the Book of Estimates, showing the returns of rentals paid by the various departments? By reason of the growing departmental service we have been obliged to rent offices in the Woodward Building, in the Union Trust Building, and in the Southern Building, where the rental is $1.35 per square foot, including upkeep, janitor service, and elevator service, whereas in the Department of Commerce we pay 36.3 cents per square foot for the use of the available space, and are obliged to maintain the upkeep.

Secretary Redfield testifies that that upkeep, including everything, amounts to 18½ cents per square foot, or a total for that building of 54.8, thus saving more than one-half of what is being charged to the general public in the rent of office buildings. Yet the gentleman from Missouri [Mr. BORLAND], driven to the extreme to find some reason for bolstering up his amendment, claims that the question of rental is involved in compelling the clerks to work eight hours instead of seven. Apparently he does not know that throughout the country, even in private establishments, clerks are not required to work a maximum of eight hours; that in many insurance companies and banks the maximum is seven and one-half and in some instances seven hours. If there is merit in his proposition, let us discuss the question on its merits, but do not let us drag into this discussion an arraignment of a class who do not deserve to be attacked on the showing that is made. I do not link real estate agents with land sharks or money sharks. They perform a necessary function, and they have submitted to the department heads fair proposals as to the erection of new buildings, to be rented for a term of five years on the basis of 36.3 cents per square foot. That rental in some instances does not yield the owners an average of 4 per cent on the amount invested. If it does not yield a return of 4 per cent, even excluding taxes, certainly no one can charge that the real estate agents are engaged in a holdup policy of the Government in the rental of offices, to accommodate the respective branches of the Government by reason of the growing needs of the service.

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Pension Office: Commissioner, $5,000; deputy commissioner, $3,600; chief clerk, $2,500; assistant chief clerk, $2,000; medical referee, $3,000; assistant medical referee, $2,250; 2 qualified surgeons, at $2,000 each; 11 medical examiners, at $1,800 each; 7 chiefs of divisions, at $2,000 each; law clerk, $2,250; chief of board of review, $2,250; 39 principal examiners, at $2,000 each; private secretary, to be selected and appointed by the Commissioner of Pensions, $2,000; 11 assistant chiefs of divisions, at $1,800 each; 3 stenographers, at $1,600 each; disbursing clerk for the payment of pensions, $4,000; deputy disbursing clerk, $2,750; 3 supervising clerks in the disbursing division, at $2,000 each; clerks—99 of class 4, 89 of class 3, 264 of class 2, 334 of class 1, 70 at $1,000 each; 40 copyists; 29 messengers; 11 assistant messengers; 2 skilled laborers, at $660 each; 12 messenger boys, at $400 each; superintendent of building, $1,400; 23 laborers; 10 female laborers, at $400 each; 15 charwomen; painter and cabinetmaker, skilled in their trades, at $900 each; captain of the watch, $840; 3 sergeants of the watch, at $750 each; 19 watchmen; engineer, $1,200; 2 firemen: in all, $1,458,790.

Mr. RUCKER. Mr. Chairman, I move to amend, on page 94, line 17, by striking out the word "seven" and inserting the word "eight."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 94, line 17, strike out the word "seven" before the word "chiefs" and insert in lieu thereof the word "eight."

Mr. RUCKER. Mr. Chairman, I believe the committee recognizes that this amendment ought to be agreed to, and I understand will make no objection. The bureau as constituted contains eight divisions, and, evidently by accident, only seven chiefs were provided for. I understand that the gentleman in charge of the bill will make no contention against this.

Mr. BYRNS of Tennessee. Mr. Chairman, I will state to the gentleman that the Commissioner of Pensions presented to the committee a statement showing the vacancies existing in the bureau, vacancies which he had authority to fill but had not filled, and among them was an assistant chief of division. The committee felt that inasmuch as the vacancy existed and the commissioner had not considered that it was necessary to fill it, there was no reason for making an appropriation for it.

Mr. RUCKER. As I understand—I have not seen the paper the gentleman is reading from, but I understand from gentlemen over there that this chief is necessarily needed because there are eight divisions and only seven chiefs, and evidently there was some misunderstanding about it.

Mr. SISSON. Mr. Chairman, if the gentleman will yield a moment.

Mr. RUCKER. I will yield.

Mr. SISSON. My understanding is that there must have been some confusion about it, for the reason that in presenting the list of vacancies it was stated that one of the chiefs had

died or removed or had resigned and the vacancy was reported. I can not recall that the department desired it be not filled, but under the law could not fill it, and there seems to have been some confusion or misunderstanding. I have talked with gentlemen of the Pension Office, and they all say that they want this particular place filled, but in reporting the vacancy here they did not state to the committee that they wanted the vacancy filled. Now they say they do.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. RUCKER. I will.

Mr. BYRNS of Tennessee. I can only state that the committee acted upon the report submitted by the Commissioner of Pensions at the request of the committee. They made the statement that on June 30, 1915, there was among other vacancies one assistant chief of division, at $1,800, and that that vacancy, as shown by the report submitted to the committee, still existed February 11, 1916. This being a vacancy which had existed for more than seven months, the committee naturally came to the conclusion that it was not necessary to fill it.

Mr. RUCKER. What vacancy is the gentleman talking about?

Mr. BYRNS of Tennessee. Assistant chief of division.

Mr. RUCKER. That is not what my amendment applies to. It is a chief of division.

Mr. BYRNS of Tennessee. Well, there is a chief of division also at $2,000. That vacancy existed June 30, 1915, and it had not been filled on February 11, 1916.

Mr. RUCKER. I will say to the gentleman that I will get into no controversy with him about this, but I talked with gentlemen connected with the service to-day, and I am assured that it is absolutely necessary to have this place provided for if the department is to render efficient service.

Mr. BRUMBAUGH. Will the gentleman yield?

Mr. RUCKER. Certainly.

Mr. BRUMBAUGH. The Commissioner of Pensions, as we all know, is at the present time necessarily absent at the bedside of his son, who is in a very serious condition. The Deputy Commissioner of Pensions, with whom I have talked, says that there are eight divisions in the department, and they need a chief for each division. Therefore they need eight men in place of seven, as provided in this bill. I have been informed to-day that unless this bill provides for eight men the department will be compelled to reorganize their entire system of operation or disarrange the entire machinery of that office. It is plain as it can be that the position which the chairman has referred to is the chief of division, and unless we want to disorganize the entire machinery of the Pension Department, which I think is about the best organized bureau we have in the entire service of the Government, we must fill this vacancy.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BYRNS of Tennessee. I ask unanimous consent that the gentleman be given five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. BYRNS of Tennessee. Now, if the gentleman will yield further, the gentleman from Ohio says that they have eight divisions. I understand that to be the fact. Of course the committee had no intention of depriving the Pension Bureau of any necessary force, but I say that the Committee on Appropriations acted solely under the statement which was submitted to it, and which I hold in my hand for the inspection of any gentleman, showing that the vacancy of the chief of one division at $2,000 had existed from June 30, 1915, down to February 11, 1916, and still exists. I can not understand why, with these eight divisions, they permitted that vacancy to exist more than seven months.

Mr. RUCKER. I do not know what the paper is that the gentleman refers to——

Mr. BYRNS of Tennessee. It is the report submitted by the Commissioner of Pensions, and brought by him personally to the committee.

Mr. RUCKER. I have not seen it.

Mr. BYRNS of Tennessee. If the gentleman from Missouri thinks, and will so state, that having eight divisions in the Pension Bureau, to eliminate one of the chiefs of division will seriously interfere with the organization of that bureau, the committee I am quite sure would not object to his amendment.

Mr. RUCKER. I can not and will not make that statement.

Mr. SISSON. Mr. Chairman, I have talked with a gentleman in a position to know, and he says that they have eight divisions and that each one had a chief, and that there was a vacancy in one of these divisions which under the law he could not fill because he could only fill 25 per cent, and you could not put a quarter of a man into this position. You have to put a whole man in, so that was not called to the attention of the subcommittee at all, and the report made, which the chairman of the committee read a moment ago, was the report upon which the committee acted. In that way that chief was left out, and I believe the statement made by the gentleman from Ohio [Mr. BRUMBAUGH] is absolutely what will occur unless this chief is given. They have an $1,800 man, as I am informed, who has been acting as chief of that division.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was agreed to.

Mr. RUCKER. Mr. Chairman, I move to amend, on page 95, line 4, by striking out "twenty-nine" and inserting "thirty."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 29, line 4, strike out the word "twenty-nine" and insert the word "thirty."

Mr. RUCKER. Mr. Chairman, I would as well make a statement now as later, in order to be frank with the House and to explain my activity here to-day. The deputy commissioner of pensions, a gentleman from my district, was with me for a great many years after I came to Washington. During the absence of the commissioner, who has been, as stated, necessarily out of the city, the deputy commissioner feels some responsibility resting upon him, and most naturally he has appealed to me. The amendment now pending is simply to restore one messenger. There are 30 in the service provided for by existing law, and the committee recommended 29. In a talk with the deputy commissioner to-day he said that in his judgment, for efficient service in that bureau, the one stricken out should be restored, so that the department shall have 30 messengers as it has now. I am not going to consume the time of the House very long upon this amendment. I say to you seriously that I believe it ought to be agreed, because those in authority and charged with the responsibility of administering the duties of that office, and in whom I have great confidence, absolute confidence, say it is essential. I have seen here this evening a question upon which gentlemen very seriously differed as to whether it cost or is worth $120 or $240 to run one of these darned machines that disturbs the peace of everybody, and by almost a unanimous vote the House decided that the man who runs the machine was best qualified to tell what it costs to run it. If that is true with respect to running a motor cycle, I take it that gentlemen will hardly question the integrity or judgment of a trusted officer who says that this place ought to be restored.

Mr. BYRNS of Tennessee. Mr. Chairman, the committee in reducing the number of messengers in the Pension Bureau acted on the assumption that if there was a vacancy in the position of messenger existing in the bureau since June 30, 1915, up until and including February 11, 1916, there was certainly no reason why that position should be continued into the next fiscal year. As I stated a while ago, the committee requested the Commissioner of Pensions to file with the committee a statement showing what vacancies existed in the bureau on June 30, 1915, the close of the last fiscal year, and what vacancies existed in the bureau on the date on which the information was asked, and the commissioner in person appeared before the committee and brought these two papers or reports, which show that upon June 30, 1915, there was a vacancy in the office of Commissioner of Pensions of one messenger at $840, and that on February 11, 1916, that vacancy still existed. I can not understand why, if that be true, and it is because we got our information from the commissioner himself, it should be necessary to make provision for this messenger during the next year. Certainly, if they need him, as the gentleman from Missouri [Mr. RUCKER] insists, they would have filled that position very quickly after the vacancy occurred last year. It is entirely a different proposition from that of the chief of a division. I can realize that if they have eight divisions in the bureau and drop one of them it would necessarily entail an entire reorganization of the bureau; but not so in the case of a messenger.

Mr. RUCKER. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. RUCKER. It is true that the current law provides for 30 messengers.

Mr. BYRNS of Tennessee. That is true.

Mr. RUCKER. The bureau, the gentleman says, left the place vacant.

Mr. BYRNS of Tennessee. According to the report submitted to the committee.

Mr. RUCKER. Hence, they have not uselessly or needlessly used any public money there, because, under the bill, money not used of course reverts to the Treasury; and let me suggest to the gentleman the fact, which possibly he does not know or

at least has not thought of, because the gentleman is very well informed about most everything—and I am going to be plain about it—that that particular bureau has been the place where a certain class of old citizens of this country have to a large number been assigned.

These grades or classes down there now are occupied not by college graduates of yesterday but by old men who gained their distinction many, many years ago. These men are becoming infirm, and necessarily it becomes important at times to change to younger men in order to have efficient work, and that makes it necessary to reduce some of the older ones. I say to the gentleman frankly that the Deputy Commissioner of Pensions wants this place restored in order that he may take care of men who may be driven out of that building into the highways, if he is not given the opportunity to take care of them. Now, if the gentleman from Tennessee will pardon me, I will get him more time, all the time he wants, with his assistance——

Mr. BYRNS of Tennessee. That is all right.

Mr. RUCKER. Take the situation that exists down there. There are a great many gentlemen holding positions there with the approval of every man on this floor, and yet they are not the most efficient clerks in the departmental service in Washington; but they are there, and the Deputy Commissioner of Pensions says if anything happens to those people it must be the result of legislation here; and I want to call the gentleman's attention to it and to plead with him and with the committee to be fair, and to plead with the committee not to embarrass that department; but with the fact admitted, as proclaimed by the gentleman from Tennessee, that these places have not been used when not needed, to let that bureau and the men in charge of it have the same latitude during this year they had last year because there are a whole lot of people there who are one year older at this time than they were last year.

Mr. GOOD. Will the gentleman yield?

Mr. RUCKER. I will if I have the floor. I think the gentleman from Tennessee has the floor.

Mr. GOOD. The committee has already restored the one chief of division for whom we failed to make provision. Now, as I understand the gentleman, instead of providing for 29 messengers we should provide for 30?

Mr. RUCKER. Yes; and some other amendments which I have to offer.

Mr. GOOD. If that were agreed to, does the gentleman think that even then the Pension Bureau would have sufficient force to carry on its work?

Mr. RUCKER. I think we would have enough messengers.

Mr. GOOD. But I am not asking about messengers; I mean the entire force. Of course, the gentleman understands these messengers perform various services.

Mr. RUCKER. I will be frank with the gentleman and say I have some other amendments which I wish to offer.

Mr. BYRNS of Tennessee. To increase the force?

Mr. RUCKER. Yes; to increase the force, not above what it is now but above what the bill provides for.

Mr. BRUMBAUGH. Will the gentleman yield?

Mr. RUCKER. I will.

Mr. BRUMBAUGH. Mr. Chairman, this is the situation that confronts the Commissioner of Pensions, and I want to say that I do not think that since we have had a Pension Department we have ever had a more competent and efficient commissioner than the present Commissioner of Pensions, Mr. Saltzgaber, nor one who has given more universal satisfaction to the old soldiers throughout the country, or who has caused the administration under which he serves less trouble or anxiety.

Now, this is the situation that confronts him there. He has about 260 very old soldiers and soldiers' widows in the department who can render very little service. Now, the moment that one of these should be dropped the country would ring with denunciations of that department. So far he has escaped criticism on that line. Now, if we take away any of these positions, when an emergency arises where the soldier or the soldier's widow has reached that age and physical condition where they are unable to perform the duties required of them in their present position, he has no place to give this soldier or soldier's widow where they can perform some simple service such as keeping a card index or open the mail or some suitable, easy work of that kind. Personally, I do not want to see any position abolished that will take a place from any old, feeble soldier or soldier's widow. And if we begin to bear down and cut out places of this kind we put him right up against the hard proposition of having no place, although his desire strongly is to take care of them. We take from him the opportunity to take care of some old dependent soldier or soldier's widow, and it is for that purpose and reason that we are asking that all these places be retained in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. RUCKER].

The question was taken, and the Chairman announced that the ayes seemed to have it.

On a division (demanded by Mr. STAFFORD) there were—ayes 21, noes 21.

So the amendment was rejected.

Mr. RUCKER. Mr. Chairman, I ask unanimous consent for one minute.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. RUCKER. Mr. Chairman, I will say, as seriously as ever I made a statement in my life, that I do not want to obstruct the work of this committee, but I realize that a majority of those who are present and heard the colloquy that has taken place here between us, voted for the amendment, and those who came in without knowing what was before the committee voted against it; and so I am compelled to ask for tellers.

The CHAIRMAN. The gentleman from Missouri is rather late, but the Chair will entertain the motion. The gentleman has been given unanimous consent to address the committee. The gentleman from Missouri asks for tellers.

Those in favor of ordering tellers will rise and stand until they are counted. [After counting.] Sixteen gentlemen have arisen, not a sufficient number.

Mr. RUCKER. Mr. Chairman, I have another amendment, if the Chair will pardon me just a moment.

The CHAIRMAN. The gentleman will state his amendment.

Mr. RUCKER. I believe, if the Chair will indulge me a moment, that we can fix an amendment here that will be agreed to and save time.

The CHAIRMAN. Does the gentleman from Missouri [Mr. RUCKER] offer an amendment?

Mr. RUCKER. Mr. Chairman, I move to amend, on page 95, line 4, by striking out the word "eleven" and inserting "thirteen."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 95, line 4, strike out the word "eleven" and insert "thirteen."

The CHAIRMAN. The gentleman from Missouri [Mr. RUCKER] is recognized for five minutes.

Mr. RUCKER. Mr. Chairman, I think there is no debate required on that. I think there will be no controversy.

Mr. STAFFORD. Just a minute. I would like to rise in opposition to the amendment. I want to ask the chairman of the committee whether any tacit agreement has been had between him and the gentleman from Missouri as to increasing these places.

Mr. BYRNS of Tennessee. There is none except with reference to these assistant messengers. The gentleman asks for 15.

Mr. RUCKER. I ask for two additional to what you have given.

Mr. BYRNS of Tennessee. I know; but you propose to ask for four, and in view of the statement he made with reference to the messengers, I thought possibly——

Mr. STAFFORD. Will the gentleman from Missouri take the House into his confidence as to the amendment he proposes to the other personnel in this item?

Mr. RUCKER. Unquestionably, Mr. Chairman. After conference with the deputy commissioner I came here to press as hard as I could an amendment so as to give 15 instead of 11 assistant messengers and 12 instead of 2 skilled laborers and 16 instead of 12 messenger boys. And after the conference I have had with the gentleman from Tennessee, the chairman, in charge of the bill, I have suggested to him that I would agree to 13 instead of 15 assistant messengers—on line 4—and that is the amendment pending now. And I suggest that I would agree to 14 instead of 16 messenger boys, and out of the goodness of my heart I said to the gentleman that I would accept the number he suggested of skilled laborers, hoping that he would make it not less than 10.

Mr. STAFFORD. The bill here provides but 2.

Mr. RUCKER. The bill provides for 2. The deputy commissioner told me he ought to have 12, but I have submitted it to the gentleman from Tennessee [Mr. BYRNS] and will accept without complaint whatever number he may suggest.

Mr. BYRNS of Tennessee. Of course I have no authority to accept any amendment.

Mr. STAFFORD. As I understand it, then, the tacit understanding is merely as to the assistant messengers?

Mr. GREEN of Iowa rose.

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Iowa?

Mr. RUCKER. I do.

Mr. GREEN of Iowa. What is the cause of such a radical difference between the original report of the committee and the commissioner as to the number of these?

Mr. RUCKER. I presume, if the gentleman will permit me to indulge in speculation somewhat, that in some respects this controversy arises out of the fact that a great many of these places are not to-day filled and have not been filled, but that is not costing the Government anything. The commissioner wants these places in order to take care of people from time to time who must be assigned to less laborious work.

Mr. FESS. Will the gentleman yield?

Mr. RUCKER. I will.

Mr. FESS. How many skilled laborers were provided for last year?

Mr. RUCKER. Thirty, I believe.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Seventeen is the number of messengers authorized in existing law, I will say to the gentleman from Ohio [Mr. FESS].

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

Mr. MANN. Mr. Chairman, I would like to suggest to the chairman in charge of the bill that the House meets at 10 o'clock to-morrow, and that some of us have a little work to do in reference to the bills that will come up to-morrow. It is now about 5 o'clock, or will be before the House can adjourn, and I think it would be well to let these matters go over until to-morrow.

Mr. BYRNS of Tennessee. I think the gentleman's suggestion is well taken. I hope that to-morrow we shall be able to dispose of the bill during the day. I move, Mr. Chairman, that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, and had come to no resolution thereon.

MARKETING OF LIVE STOCK.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent that there be printed as a House document 5,000 copies of the proceedings of a conference relative to the marketing of live stock, the distribution of meats, and related matters, conducted by the Office of Markets and Rural Organization in the Department of Agriculture at the Hotel Sherman, Chicago, November 15 and 16, 1915. I will say that this is the conference conducted by the Secretary of Agriculture, Mr. Houston, in cooperation with the live-stock associations of the United States at Chicago in the last 60 days, and this contains reports on the condition of the live-stock market up to the present time. In my opinion it is a very valuable document, particularly for the use of the Members of this House.

Mr. MANN. Mr. Speaker, is the gentleman confident that the printing can be done within the limit of $500? Of course the House can not by a simple resolution order the printing unless it costs less than $500.

Mr. BORLAND. Yes; I think it can. I will ask for the maximum, $500, and if that does not supply the 5,000 copies we will have to renew the request. I think 5,000 copies can be printed.

Mr. MANN. That would amount to 6,500 copies, allowing for 1,500 copies extra. What sized document does the gentleman think it would make?

Mr. BORLAND. I think it would be a moderate sized pamphlet.

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, has the gentleman conferred with the chairman of the Committee on Printing as to the advisability of having this printed as a document?

Mr. BORLAND. No.

Mr. STAFFORD. Does not the gentleman think it should be submitted to the chairman of the Committee on Printing before asking unanimous consent to have it printed?

Mr. BORLAND. I will say to the gentleman that this request that I am making really comes from the gentleman's side of the House, and I am doing it in the absence of the Member who intended to do it.

Mr. STAFFORD. Does the gentleman think that that consideration will be sufficient to waive or set aside the advisability of submitting it to the gentleman from Indiana [Mr. BARNHART], chairman of the Committee on Printing, who has been in the Chamber this afternoon?

Mr. BORLAND. I think it is entirely within the jurisdiction of the House to spend $500 to print an important document.

Mr. STAFFORD. But it is not the practice of the House to have these things printed without having the visé of the Committee on Printing.

Mr. BORLAND. No; it is not the practice. There has been some suggestion that some such practice be adopted, but it has not been adopted.

Mr. STAFFORD. Mr. Speaker, I think the matter ought to be brought first to the attention of the Committee on Printing, and therefore I object.

The SPEAKER. The gentleman from Wisconsin objects.

EXTENSION OF REMARKS.

Mr. BENNET. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from the Merchants' Association of New York City in reference to the speech made by the gentleman from Massachusetts [Mr. TAGUE] some days since.

The SPEAKER. The gentleman from New York [Mr. BENNET] asks unanimous consent to extend his remarks by printing as a part thereof a letter written by the Merchants' Association of New York as to the speech recently made by the gentleman from Massachusetts [Mr. TAGUE]. Is there objection?

Mr. GARRETT. Mr. Speaker, reserving the right to object, is the gentleman from Massachusetts familiar with the contents of it?

Mr. BENNET. No. I am perfectly willing to show it to him.

The SPEAKER. Is there objection?

Mr. TAGUE. Mr. Speaker, reserving the right to object, I do not know just what this letter is or what is the nature of it.

Mr. BENNET. I can state it in a moment. The gentleman made a charge that the Merchants' Association of New York City was Mr. Peters's association—that is the gentleman's language in the RECORD—and under railroad control, and that the directors of the New York, New Haven & Hartford Railroad were members of the association. The Merchants' Association denies that over the signature of the president. And it seems to me that, having been attacked in that way, it is entitled to have its declaration inserted in the RECORD.

The SPEAKER. Is the letter couched in language that is polite or not?

Mr. BENNET. It is. It does not even mention the name of the gentleman from Massachusetts.

The SPEAKER. Is there objection?

Mr. TAGUE. Mr. Speaker, if this letter is admitted, I am going to ask unanimous consent to be permitted to make a reply to it.

Mr. BENNET. Certainly.

The SPEAKER. Is there objection?

There was no objection.

THE AMERICAN FLAG—CHANGE OF REFERENCE.

The SPEAKER. The bill (H. R. 12587) to prevent and punish the desecration, mutilation, or improper use within the District of Columbia of the flag of the United States of America was, by some mistake or other, referred to the Judiciary Committee. If there be no objection, it will be referred to the Committee on the District of Columbia.

There was no objection.

LEAVE OF ABSENCE.

Mr. DOOLING, by unanimous consent, was granted leave of absence, indefinitely, on account of illness in his family.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. HAY, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of William H. Lupton, Fifty-seventh Congress, no adverse report having been made thereon.

By unanimous consent, at the request of Mr. KEISTER, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the cases of William H. Jackson (H. R. 15202, 63d Cong.) and Simeon D. Morrison (H. R. 14263, 63d Cong.), no adverse reports having been made thereon.

RECESS.

The SPEAKER. Under the special order the House will stand in recess until 10 o'clock to-morrow morning.

Accordingly (at 5 o'clock and 3 minutes p. m.) the House took a recess until to-morrow, Saturday, March 4, 1916, at 10 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WHALEY, from the Committee on the Judiciary, to which was referred the bill (H. R. 9819) to amend the act of March 3, 1915, providing the time for the holding of United States court at Aiken, S. C., reported the same without amendment, accompanied by a report (No. 289), which said bill and report were referred to the House Calendar.

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 10836) granting the consent of Congress to the Yankton County Bridge Co., a corporation, to construct a bridge across the Missouri River at a point between Yankton County, S. Dak., and Cedar County, Nebr., reported the same without amendment, accompanied by a report (No. 291), which said bill and report were referred to the House Calendar.

Mr. MURRAY, from the Committee on Indian Affairs, to which was referred the bill (H. R. 9615) to reimburse certain Indians for labor done in building a schoolhouse at Queets River, Quiniault Indian Reservation, in the State of Washington, reported the same with amendment, accompanied by a report (No. 290), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 10750) permitting the Mondak Bridge Co. to construct, maintain, and operate a bridge across the Missouri River in the State of Montana, reported the same with amendment, accompanied by a report (No. 292), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 2970) granting a pension to John H. Cunningham, alias John H. Curley, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DOUGHTON: A bill (H. R. 12641) to provide a suitable memorial to Daniel Boone at Cumberland Gap, Tenn.; to the Committee on the Library.

By Mr. BENNET: A bill (H. R. 12642) to amend an act entitled "An act for the apportionment of Representatives in Congress among the several States under the Thirteenth Census"; to the Committee on the Census.

By Mr. TALBOTT: A bill (H. R. 12643) making an appropriation for the deepening of the Curtis Bay Channel, Baltimore Harbor; to the Committee on Rivers and Harbors.

By Mr. GOODWIN of Arkansas: A bill (H. R. 12644) to increase the tax on intoxicants; to the Committee on Ways and Means.

Also, a bill (H. R. 12645) to provide for an inheritance tax; to the Committee on Ways and Means.

Also, a bill (H. R. 12646) to amend the income-tax law; to the Committee on Ways and Means.

Also, a bill (H. R. 12647) to tax munitions of war; to the Committee on Ways and Means.

By Mr. KENT: A bill (H. R. 12648) to provide revenue by taxing wine, and for other purposes; to the Committee on Ways and Means.

By Mr. PARKER of New York: A bill (H. R. 12649) for the purchase of a site and the erection thereon of a public building at Ballston Spa, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. GORDON: A bill (H. R. 12650) to authorize the change of name of the steamer *Normania* to *William F. Stifel;* to the Committee on the Merchant Marine and Fisheries.

By Mr. GOULD: A bill (H. R. 12651) for the purchase of a site and the erection thereon of a public building at Seneca Falls, N. Y.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 12652) for the erection of a public building at Lyons, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 12653) to provide for the use of public-school buildings in the District of Columbia as community forums, and for other purposes; to the Committee on the District of Columbia.

By Mr. HAY: Joint resolution (H. J. Res. 171) to continue in effect the provisions of the act of March 9, 1906; to the Committee on Military Affairs.

By Mr. AUSTIN: Resolution (H. Res. 152) authorizing the Committees on Expenditures in the Executive Departments to investigate the number and compensation of employees in said departments and to report legislation readjusting, reclassifying, and increasing the compensation of such employees; to the Committee on Rules.

By Mr. MONDELL: Resolution (H. Res. 153) calling on the Secretary of State for information relative to the issuance of passports; to the Committee on Foreign Affairs.

Also, resolution (H. Res. 154) calling on the Secretary of the Treasury for information relative to the armament of belligerent merchantmen; to the Committee on Foreign Affairs.

By Mr. MURRAY: Memorial of the Legislature of Oklahoma, favoring the Hastings bill to remove the obstacles that surround certain property rights in Oklahoma; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 12654) granting an increase of pension to Francis E. Davidson; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 12655) granting a pension to Dartha Swihart; to the Committee on Invalid Pensions.

By Mr. BEALES: A bill (H. R. 12656) granting an increase of pension to William G. Stine, private, Company B, Two Hundredth Pennsylvania Infantry; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 12657) granting an increase of pension to Rebekah L. Madeira; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12658) granting an increase of pension to Jane A. Routh; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 12659) granting a pension to Jesse G. Lott; to the Committee on Pensions.

Also, a bill (H. R. 12660) granting an increase of pension to George T. Keith; to the Committee on Pensions.

By Mr. CHURCH: A bill (H. R. 12661) granting a pension to Roy C. Murray; to the Committee on Pensions.

Also, a bill (H. R. 12662) granting a pension to George A. Trace; to the Committee on Pensions.

By Mr. CLINE: A bill (H. R. 12663) granting a pension to Jasper N. Tilbery; to the Committee on Invalid Pensions.

By Mr. DALLINGER: A bill (H. R. 12664) granting a pension to Bert W. Abbott; to the Committee on Pensions.

By Mr. DANFORTH: A bill (H. R. 12665) granting a pension to Jemima R. Clevenger; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 12666) granting an increase of pension to Catharine McCullough; to the Committee on Pensions.

By Mr. DOUGHTON: A bill (H. R. 12667) for the relief of the estate of Absa Sherrill; to the Committee on Claims.

By Mr. FESS: A bill (H. R. 12668) granting an increase of pension to Levi Ellis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12669) granting an increase of pension to John Little; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 12670) granting an increase of pension to R. T. Parsons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12671) granting a pension to Lona B. Porter; to the Committee on Pensions.

Also, a bill (H. R. 12672) granting an increase of pension to Jacob Ridinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12673) granting an increase of pension to Sarah F. Carr; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 12674) granting an increase of pension to Margaret Belden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12675) granting an increase of pension to Edward P. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12676) granting an increase of pension to George W. Harrington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12677) granting an increase of pension to Edward Gridley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12678) granting an increase of pension to Gottfried Czerny; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12679) granting a pension to Mary L. Bartlett; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 12680) granting a pension to Mrs. Anna Mason; to the Committee on Invalid Pensions,

Also, a bill (H. R. 12681) granting an increase of pension to Josephus Clark; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 12682) granting a pension to Laura M. Leach; to the Committee on Invalid Pensions.

By Mr. MOONEY: A bill (H. R. 12683) granting an increase of pension to Benjamin F. Storer; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 12684) granting a pension to Carrie L. Barnes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12685) granting a pension to Mary E. Stine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12686) granting a pension to Lloyd Newell; to the Committee on Pensions.

Also, a bill (H. R. 12687) granting an increase of pension to Melvina Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12688) granting an increase of pension to John C. McKinney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12689) granting an increase of pension to George W. Sullivan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12690) granting an increase of pension to Rhoda Villers; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 12691) granting a pension to Hannah J. Kerr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12692) granting an increase of pension to Susie L. Sigworth; to the Committee on Pensions.

By Mr. OAKEY: A bill (H. R. 12693) granting an increase of pension to Emily J. Thomas; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 12694) granting an increase of pension to Martha W. Hubbell; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 12695) granting a pension to Charles W. Beck; to the Committee on Pensions.

Also, a bill (H. R. 12696) granting a pension to Sarah A. Kinneman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12697) granting a pension to Sarah L. O'Donnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12698) granting a pension to Charles M. Baughman; to the Committee on Pensions.

Also, a bill (H. R. 12699) granting an increase of pension to David F. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12700) granting an increase of pension to Jasper N. Sawyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12701) granting an increase of pension to Hannah Bryant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12702) granting an increase of pension to Daniel Camp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12703) granting an increase of pension to Catherine Lyon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12704) granting an increase of pension to Thomas Loughman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12705) for the relief of Joseph Fries; to the Committee on Military Affairs.

By Mr. SIMS: A bill (H. R. 12706) granting an increase of pension to Newton G. Baker; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 12707) granting an increase of pension to Ellen Gott; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 12708) for the relief of William Patrick McMahon; to the Committee on Military Affairs.

By Mr. VENABLE: A bill (H. R. 12709) granting a pension to Edward M. Riley; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial for an investigation of the Standard Oil Co.; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of Cleveland Slovak League, supporting the President; to the Committee on Foreign Affairs.

Also, petition of citizens of Fulton, Mo., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ALEXANDER: Petition of Mrs. Smith and 13 citizens of Plattsburg, Mo., favoring an amendment to the Constitution of the United States for nation-wide prohibition; to the Committee on the Judiciary.

By Mr. ALLEN: Petition of 17 citizens of Cincinnati, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Papers to accompany House bill 11637, for relief of Retta Fivecoat; to the Committee on Invalid Pensions.

Also, petitions of 25 voters of the Tenth Street U. B. Church, of Newark, Ohio; also 46 voters of the Neill Avenue Methodist Episcopal Church, of Newark, Ohio; and 22 voters of the Presbyterian Church of Granville, Ohio, in favor of House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, papers to accompany House bill 3758, for relief of William Rech; to the Committee on Invalid Pensions.

By Mr. BAILEY: Petition of Trinity Reformed Congregation, of Altoona, Pa., for national prohibition; to the Committee on the Judiciary.

Also, protest of William Bollinger, C. W. Sauers, H. M. Brubaker, H. Kemp, W. A. Glass, J. W. Thompson, W. H. Carles, H. F. Watson, F. G. Kelley, George P. Munn, Salvatore Grass, G. G. Kinch, J. D. Boland, P. M. Swauger, C. H. Carr, F. A. Davis, E. T. Stevens, J. B. O'Connell, C. R. Vaughn, V. C. Ayers, G. S. Miller, C. C. Stombaugh, B. E. Wise, B. W. Hess, M. A. Saylor, H. Cameron, A. B. Coleman, H. A. Campbell, J. McConnell, J. W. Hess, J. W. Crotsley, F. R. Stewart, S. G. Shields, C. H. Coble, R. W. Bookhamer, J. T. Berry, G. A. Johnson, C. S. Benner, W. H. Shellenberger, M. G. Monahan, H. E. Batteicher, H. C. Dodson, J. A. Allen, G. L. Plette, E. M. Heckert, A. S. Pearson, and M. C. Hainley, of Altoona; J. F. Jones, R. C. Cornelius, O. B. Smith, J. A. Garman, F. M. Dustine, L. E. Holtz, S. E. Fink, W. G. Nelson, J. A. Black, N. G. Galer, F. E. Renand, F. C. Fink, L. N. Ernest, S. M. Cooper, H. B. Davis, G. H. Bullick, and J. C. Wolford, of Juniata; W. H. Pafe, of Greenwood; G. B. Grove, of Conemaugh; J. H. Graham, of Johnstown; and C. W. Hoover, of Duncansville; all in the nineteenth congressional district of Pennsylvania, against increased armament; to the Committee on Military Affairs.

By Mr. BEALES: Papers to accompany House bill for relief of William L. Stine; to the Committee on Invalid Pensions.

Also, petition of citizens of Arendtsville, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BROWNING: Petition of citizens of Berlin, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petitions of 300 people of Milton; Epworth League, 75 people, of Waukesha; 70 people of Lake Geneva; Methodist Episcopal Congregation of Spring Prairie; 100 people of Lake Geneva; Methodist Episcopal Church of 100 people of Lake Geneva; 40 people of Lyons; 19 people of Springfield; 450 people of Waukesha; and citizens of Waukesha, all in the State of Wisconsin, favoring national prohibition; to the Committee on the Judiciary.

By Mr. COADY: Memorial of independent citizens of Maryland, opposing proposals involving our country in war; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Petition of Fremont Lodge, No. 2, International Order of Good Templars, of New York, for national prohibition; to the Committee on the Judiciary.

Also, petition of United Garment Workers of America, indorsing House bill 6871; to the Committee on Interstate and Foreign Commerce.

Also, petition of L. Zwiebel, of Brooklyn, protesting against passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Virgil G. Boyne, of New York, indorsing Senate bill 3946 and House bill 10845, in re military training; to the Committee on Military Affairs.

By Mr. DARROW: Petitions of First Presbyterian Church of Manayunk; West Philadelphia Woman's Christian Temperance Union; Bible Class, West Philadelphia W. M. C. A.; and 32 citizens of Philadelphia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DOUGHTON: Memorial of William Lewis Bryan, of Boone, N. C., in reference to erecting a monument to Daniel Boone; to the Committee on the Library.

Also, petition of sundry citizens of North Carolina, in re travel on armed ships; to the Committee on Foreign Affairs.

By Mr. EMERSON: Petition of Cleveland Slovak Alliance, pledging support to President on submarine warfare; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of twenty-second Ohio congressional district, in favor of preparedness; to the Committee on Military Affairs.

By Mr. FESS: Petition of 22 citizens of Mechanicsburg, Ohio, in favor of national prohibition; to the Committee on the Judiciary.

By Mr. FLYNN: Petition of Ohio Association Volunteer Retired List, indorsing Senate bill 392 and House resolution 386; to the Committee on Invalid Pensions.

Also, petition of Loggio Torquato Tasso, protesting against the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Virgil G. Bogue, of New York, indorsing Senate bill 3946 and House bill 10845, in re military training; to the Committee on Military Affairs.

By Mr. FULLER: Petition of Chicago Retail Hardware Association, for readjustment of postal rates and 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of F. C. Downer and 19 other citizens of Lee, Ill., protesting against the enactment of Senate bill 49 and House bill 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of retail dealers of Dana and Rutland, Ill., for a tax on mail-order houses; to the Committee on Ways and Means.

Also, petition of Ottawa (Ill.) Typographical Union, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of 71 citizens of Minooka, Ill., for a national constitutional prohibitory amendment; to the Committee on the Judiciary.

Also, petition of Engelbend & Smidt, of Chicago, Ill., opposing joint resolution 84, for a prohibiton constitutional amendment; to the Committee on the Judiciary.

By Mr. GARDNER: Memorial of mass meeting held in Boston February 27, 1916, deploring recent proposals to sacrifice American rights to travel on high seas, etc.; to the Committee on Foreign Affairs.

Also, memorial of Massachusetts Society, of Boston, Mass., urging that means be provided for the erection of a national archives building; to the Committee on Appropriations.

Also, memorial adopted by Old Salem (Mass.) Chapter, Sons of the American Revolution, deploring any abridgment of the rights of American citizens in any respect; to the Committee on Foreign Affairs.

By Mr. GARRETT: Petitions of Epworth League of Milan and citizens of Sharon, Tenn., for national prohibition; to the Committee on the Judiciary.

By Mr. GREGG: Petition of certain members of the Society of Friends and other citizens of Texas, against increased appropriations for the Army and Navy; to the Committee on Appropriations.

By Mr. HAWLEY: Petitions of sundry citizens of Oregon, in favor of reporting an embargo resolution from the Foreign Affairs Committee; to the Committee on Foreign Affairs.

Also, petitions of Presbyterian congregation of Langlois, 17 people of Alpine, 118 people of Roseburg, 15 people of Bandon, 42 people of Corvallis, and First Methodist Episcopal Church of Forest Grove, all in the State of Oregon, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAY: Petition of Virginia Association of Rural Letter Carriers, in reference to rural routes; to the Committee on the Post Office and Post Roads.

By Mr. HILL: Petition of Kings Street Christian Church, of Danbury, Conn., favoring Federal censorship of films; to the Committee on Education.

By Mr. JAMES: Petition favoring national defense; to the Committee on Military Affairs.

Also, petition favoring Webb-Smith prohibition amendment; to the Committee on the Judiciary.

Also, petitions indorsing the Griffin bill, House bill 6915; to the Committee on the Post Office and Post Roads.

Also, memorial of Houghton County Civil Service Retirement Association, indorsing the Griffin bill; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Rhode Island: Petition of Prof. Harlan H. York, of Providence, R. I., favoring appropriation for eradication of the white-pine blister rust; to the Committee on Agriculture.

Also, petition of Dr. Gardner T. Swarts, secretary of Rhode Island State Board of Health, Providence, R. I., favoring passage of Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. KIESS of Pennsylvania: Petitions of First Baptist Church of Knoxville; Woman's Christian Temperance Union of Knoxville; Sunday School of the Baptist Church of Knoxville; Sugar Valley Grange, No. 1470, of Clinton County; Woman's Christian Temperance Union of Montoursville; Methodist Episcopal Church of Wellsboro; Young Woman's Christian Temperance Union and Woman's Christian Temperance Union of Wellsboro, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LOUD: Resolutions from Mount Vernon Grange, No. 992, Clare County, Mich., protesting against the adoption by Congress of any plan of military or naval expansion providing for a larger expenditure annually, except in case of actual war, than has been appropriated and used for that purpose in recent years; to the Committee on Military Affairs.

By Mr. MEEKER: Petitions of Journeymen Horse Shoers, Local Union No. 3, of St. Louis, Mo.; Minnesota State Federation of Labor of St. Paul, Minn., and Toledo Central Labor Union of Toledo, Ohio, praying for the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Morton M. Wolff and 19 citizens of St. Louis, Mo., for passage of District of Columbia prohibition bill; to the Committee on the Judiciary.

By Mr. MILLER of Delaware: Petition of sundry citizens of Milford, Del., for national prohibition; to the Committee on the Judiciary.

Also, petition of Methodist Episcopal Church of Camden, the Methodist Episcopal Church of Magnolia, and the Bethesda Methodist Episcopal Sunday School of Magnolia, favoring the national constitutional prohibition amendment; to the Committee on the Judiciary.

By Mr. MOON: Petition of faculty and student body of Hiwassee College, favoring nation-wide prohibition; to the Committee on the Judiciary.

By Mr. MORIN (by request): Memorial of Market Committee, American National Live Stock Association, in re live-stock industry; to the Committee on Agriculture.

Also (by request), petition of L. Hammel, of Pittsburgh, Pa., indorsing resolution warning American citizens from becoming passengers on armed merchant vessels of belligerent nations; to the Committee on Foreign Affairs.

Also (by request), memorial of McKeesport Labor Council, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. MOTT: Petition of 95 firms and individuals of Jefferson, Lewis, and Madison Counties, N. Y., for enactment into law of House bills 270 and 712; to the Committee on Ways and Means.

Also, petition of sundry citizens of Brookfield, N. Y., for national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of North Brookfield, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NEELY: Petition of sundry citizens of West Virginia, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of sundry citizens of Littleton; voters of Mannington; and Warder Council, No. 78, Junior Order United American Mechanics, of Alexander, all in the State of West Virginia, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, papers to accompany bill for the relief of Carrie L. Barnes; to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of Lloyd Newell; to the Committee on Pensions.

Also, petition of Epworth League of Methodist Episcopal Church of Dallas, and 63 citizens of Ohio County, W. Va., in favor of Nation-wide prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Glenville, W. Va., favoring Nation-wide prohibition; to the Committee on the Judiciary.

By Mr. NOLAN: Petition of sundry citizens of the State of California, indorsing the Penrose-Griffin bill, House bill 6915, indefinite leave of absence for postal employees; to the Committee on the Post Office and Post Roads.

By Mr. NORTH: Petition of 70 citizens of New Bethlehem, Pa., urging the defeat of the present program of legislation for naval and military preparedness; to the Committee on Military Affairs.

Also, petition of Merryant Wangaman and 13 others of the State of Pennsylvania, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Lock Haven Business Men's Association, in reference to dyestuff legislation; to the Committee on Ways and Means.

Also, petition of P. O. Wagner and 25 citizens of Brule Valley, Methodist Episcopal Sunday School of Brule Valley, Presbyterian Sunday School of Glen Campbell, citizens of Ambrose, Hebrons Lutheran Church of Blairsville, 49 citizens of Rochester Mills, and United Presbyterian Church of Washington Township, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. OAKEY (by request): Petition of citizens of Southington, Conn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. OVERMYER: Petitions of Bernard Heller and 91 other citizens of Sandusky, Ohio, asking that the embargo resolu-

tion be reported out to the House; to the Committee on Foreign Affairs.

Also, petition of 21 citizens of Hoytville and W. B. C. E. Society of Hoytville, Ohio, for national prohibition; to the Committee on the Judiciary.

By Mr. PARKER of New York: Petition of sundry citizens of the twenty-ninth congressional district of Saratoga, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PLATT: Petition of Fidelity Lodge, No. 81, International Order of Good Templars, of Pleasant Valley, N. Y., for national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petitions of Central Labor Union of White Plains, N. Y., and Chicago Federation of Labor, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of M. R. Matheson, of Brooklyn, N. Y., indorsing the Griffin bill, in re postal employees; to the Committee on the Post Office and Post Roads.

Also, petitions of Clifford A. Levallen, of Brooklyn, and John D. O'Connor, of New York, indorsing House bill 7625; to the Committee on Reform in the Civil Service.

Also, petition of United Master Butchers of America, in relation to increasing live-stock industry in the United States; to the Committee on Agriculture.

Also, petition of Woman Suffrage Party of New York City, favoring the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, petition of Capt. Calvin A. Carter, of Brooklyn, N. Y., indorsing House bill 6915; to the Committee on the Post Office and Post Roads.

By Mr. ROWLAND: Petition of Free Lutheran Church, 350 people; Evangelical Lutheran Church, 600 people; Study Club, 50 people; Woman's Christian Temperance Union, 55 people; Presbyterian Church, 280 people; 203 members of Congregational Church; and 213 members of Baptist Church, all of Kane, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SIEGEL: Memorial of County Federation of German Catholic Societies, in favor of warning American citizens to keep off armed belligerent vessels; to the Committee on Foreign Affairs.

Also, memorial of Soggia Torquate Tasse, No. 65, opposing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. SMITH of Michigan: Papers to accompany House bill 11524, for relief of Martha H. Hamlin; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 7976, for relief of Mary Lincoln; to the Committee on Invalid Pensions.

By Mr. STINESS: Petition of Deutsche Turnerschaft, of Providence, R. I., favoring resolution warning American citizens against travel on armed belligerent vessels; to the Committee on Foreign Affairs.

Also, petition of No. 838, Greystone Textile Workers, favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. SULLOWAY: Petition of Turnverein of Manchester, N. H., asking for changes in the naturalization laws; to the Committee on Immigration and Naturalization.

Also, petition of Turnverein of Manchester, N. H., asking for an embargo on arms and ammunition; to the Committee on Foreign Affairs.

Also, petition of Turnverein of Manchester, N. H., protesting against the passage of bills relating to national prohibition; to the Committee on the Judiciary.

By Mr. TILSON: Petitions of Lyra Singing Society, of Meriden; Max Neuberger, of New Haven; and Runhold Hiln, of New Haven, all in the State of Connecticut, favoring an embargo on arms and ammunition; to the Committee on Foreign Affairs.

Also, petition of Lyra Singing Society, of Meriden, Conn., for an amendment of the naturalization laws; to the Committee on Immigration and Naturalization.

Also, petitions of N. C. Parsons, Clinton L. Cole, H. M. Hancock, Howard C. Shite, W. G. Arnold, and others, of Meriden, Conn., favoring prohibition for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Lyra Singing Society, of Meriden, Conn., opposing prohibition legislation for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Lyra Singing Society, of Meriden, Conn., opposing national prohibition; to the Committee on the Judiciary.

Also, petition of Mr. and Mrs. Charles F. Billings, of New Haven, Conn., urging passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. TIMBERLAKE: Petition of Brotherhood of Railway Carmen of America, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of International Association of Machinists, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. WASON: Petition of Mrs. Walter M. Beard, of Henniker, N. H., favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Mrs. A. A. Gibson, of Nashua, N. H., favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Walter M. Beard, of Henniker, N. H., favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

SENATE.

SATURDAY, *March 4, 1916.*

(Legislative day of Friday, March 3, 1916.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

Mr. SMOOT. Mr. President, there are not to exceed half a dozen Senators in the Chamber. I therefore suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hollis	Oliver	Smith, Ga.
Brandegee	Husting	Overman	Smoot
Burleigh	James	Owen	Sterling
Chamberlain	Johnson, Me.	Page	Sutherland
Clapp	Jones	Phelan	Swanson
Clark, Wyo.	Kenyon	Pittman	Thompson
Colt	Kern	Poindexter	Tillman
Culberson	La Follette	Pomerene	Vardaman
Cummins	Lodge	Ransdell	Wadsworth
Curtis	McCumber	Reed	Walsh
Dillingham	Martin, Va.	Shafroth	Warren
Gallinger	Martine, N. J.	Sheppard	Weeks
Gore	Myers	Sherman	Williams
Gronna	Nelson	Shields	
Harding	Newlands	Simmons	
Hitchcock	Norris	Smith, Ariz.	

Mr. PITTMAN. I wish to announce that the Senator from Arizona [Mr. ASHURST] and the Senator from Oregon [Mr. LANE] are engaged in the Committee on Indian Affairs on matters pending there, but they will come in if their presence is necessary to make a quorum.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired with the Senator from Maine [Mr. BURLEIGH]. This announcement may stand for the day.

Mr. OVERMAN. I was requested to announce that the Senator from Florida [Mr. FLETCHER] and the Senator from West Virginia [Mr. CHILTON] are detained from the Senate on public business.

Mr. SHAFROTH. I desire to announce that my colleague [Mr. THOMAS] is absent on account of illness.

The VICE PRESIDENT. Sixty-one Senators have answered to the roll call. There is a quorum present.

ARMED MERCHANT SHIPS.

Mr. LODGE. Mr. President, with the permission of the Senator from Tennessee [Mr. SHIELDS], I wish to present some papers relating to another matter, which I will make part of my remarks.

There has been a widely circulated statement that Great Britain, during the Russo-Japanese War, issued a warning to her citizens not to take passage on belligerent merchantmen. The Legislative Reference Division of the Library of Congress examined this very thoroughly. They found that the only origin of the report was in a letter signed by one C. L. Schlens, in the New York Sun, in which he stated that such a warning had been issued by the British Government. They endeavored to find Mr. Schlens, but his name did not appear in the New York Directory and nothing could be learned.

His letter to the Sun was reprinted in the Gaelic-American and also in the Fatherland, but the Fatherland admitted they had been entirely unable to confirm the statement either by the State Department or from official foreign sources. It was repeated in the Outlook in an article by Prof. Stowell February 23. The Legislative Reference Division of the Library telegraphed to Prof. Stowell and asked him what his documentary authority was. He replied that he had none; that he had simply taken it from the newspapers.

The Reference Division also examined the London Gazette, the British Foreign and State Papers, the British Parliamentary Papers, International Law Treatises, the British Consular Reports, the Hongkong Blue Book, the Hongkong and Shanghai newspapers, and the London Times. The statement was that it was issued by the consul at Shanghai. They could find nothing about it.

I will ask to have the letter with accompanying documents printed with my remarks.

On receiving that I thought I would see if I could find it directly, and I applied to the British Embassy here, and received from them this memorandum:

BRITISH EMBASSY, *Washington.*

Some time last August a statement appeared in the Fatherland and other papers to the effect that His Majesty's Government issued a notification at the beginning of the Russo-Japanese War that no protection would be extended to British subjects who took passage on board vessels of either belligerent.

The embassy inquired of the foreign office whether any such notification had been issued, and received the reply that the above statement was not true. The foreign office added that they never heard that any consular officer issued such a notice, but that, if he did so, it was contrary to instructions sent to all such officers to abstain from giving advice to merchants or other persons.

In short, there never was any such order. I give the document, which I ask to have printed, from the Library of Congress and the statement of the British Embassy.

Mr. NEWLANDS. I will ask the Senator from Massachusetts whether in his inquiry his attention was called to a notice purporting to be signed by the British consul general at Shanghai?

Mr. LODGE. That is the precise statement made in the Sun by Mr. Schlens. No such statement ever was made.

Mr. NEWLANDS. Did that statement quote the notice itself?

Mr. LODGE. Mr. Schlens's note to the Sun, on which the whole thing is based, purports to give an order from the consul general at Shanghai. No such order was ever issued by the British consul general at Shanghai. The whole thing rests on that unauthorized statement of Mr. Schlens, whom nobody could find.

Mr. HITCHCOCK. The Senator from Massachusetts does not take the position that no country has ever issued such an order?

Mr. LODGE. Mr. President, I thought I made it clear that I was dealing with the report that the British Government issued it in the Russo-Japanese War.

Mr. HITCHCOCK. I understand; but I wondered whether the Senator took the position that no country had issued such an order.

Mr. LODGE. I have not investigated any other country, for I have not heard it alleged of any other.

Mr. HITCHCOCK. The Senator is aware that Sweden recently, in the present emergency, issued such an order.

Mr. LODGE. I saw that Sweden had done so.

Mr. HITCHCOCK. There is no question about there being ample precedent for it.

Mr. LODGE. I do not know whether there is ample precedent or not. I saw that Sweden had done it.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE DIVISION,
Washington.

Referring to a supposed warning by the British Government to its subjects, during the Russo-Japanese War, not to take passage on belligerent merchant ships.

The first mention which we have found relating to this matter is a letter from one C. L. Schlens in the New York Sun of July 30, 1915. The text of a supposed "official order" issued by the British consulate at Shanghai, China, is stated as follows:

"All subjects of the Crown are notified that the British Government will not undertake to be responsible for the safety of any British subject leaving this port on a ship of either of the belligerent nations."

(See "Exhibit A" hereto attached.)

No citation of authority is given for the statement. We have been unable to find the name of C. L. Schlens in the New York City Directory. This letter was reprinted by the Gaelic American in its issue of August 7, 1915, citing the New York Sun of July 30. (See "Exhibit B" hereto attached.)

In a book entitled "Documents on the War of the Nations," Volume II, page 62, by C. L. Droste (Richmond, 1915), the text of this "order" was reprinted upon the authority of the Gaelic American above cited. (See "Exhibit C" hereto attached.)

In the issue of The Fatherland for February 16, 1916, under title of "That warning," the text of the warning, as it appeared in the above publications, is repeated with the statement that The Fatherland had hitherto published the statement, but that neither The Fatherland nor the State Department had been able to confirm it from official British sources. (See "Exhibit D" hereto attached.)

In the Outlook for February 23, 1916, appeared an article by Mr. Ellery G. Stowell, assistant professor of international law and diplomacy at Columbia University, entitled "Armed merchantmen, what shall we do about them?" In this article, on page 422, he seemed to assume that Great Britain had issued such a warning above referred to and discussed the question on that basis. (See "Exhibit E" hereto attached.)

On February 24, 1916, we telegraphed Prof. Stowell asking if he could give us documentary authority for any such warning by Great Britain. (See "Exhibit F.")

On February 25, 1916, we received a reply from Prof. Stowell stating, in effect, that he had no documentary source for his statement, but assumed the truth of the assertion for the sake of discussion. (See "Exhibit G.")

We have been unable to verify this supposed warning, or any similar proclamation or order, from documentary sources. Among the sources we have searched are the following: The London Gazette, British Foreign and State Papers, British Parliamentary Papers, International Law Treatises, the British Consular Reports, the Hongkong Blue Book, the Hongkong and Shanghai newspapers, and the London Times.

ADMINISTRATIVE ASSISTANT.

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EXHIBIT A.

[From the New York Sun, July 30, 1915, p. 6.]

A PRECEDENT—GREAT BRITAIN'S WARNING, AS A NEUTRAL, TO HER SUBJECTS.

To the EDITOR OF THE SUN.

SIR: The methods employed by Germany in her submarine warfare have resulted in an admittedly grave situation. Senator STONE, chairman of the Committee on Foreign Relations, a man who by virtue of his position should, if anybody, be qualified to pass judgment upon the questions involved, has unreservedly approved of Germany's act. Vice President MARSHALL likewise has expressed the opinion that Germany in sinking the *Lusitania* was within her rights. Other high officials of the administration, on the other hand, have strongly condemned Germany. Be this as it may.

I firmly believe that, leaving out of consideration the jingoes on both sides, neither the United States nor Germany desires war, and I am quite sure that not only war, but even the severance of diplomatic relations, would be avoided if only the United States Government would follow a precedent in history.

At the outbreak of the Japanese-Russian War the following official order to all British subjects was issued by the British consulate at Shanghai, China:

"All subjects of the Crown are notified that the British Government will not undertake to be responsible for the safety of any British subject leaving this port on a ship of either of the belligerent nations."

Great Britain's position at that time was, of course, identical with that of the United States at present, and I therefore can not understand why this Government should not adopt the same attitude, thereby overcoming all the present difficulties. Why create a crisis, the consequence of which nobody can foresee, where such a simple remedy is available?

C. L. SCHLENS.

NEW YORK, *July 29.*

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EXHIBIT B.

[From the Gaelic American, Aug. 7, 1915, p. 4.]

AN ENGLISH PRECEDENT FOR WILSON.

In the New York Sun of July 30 the following letter appeared:

"SIR: The methods employed by Germany in her submarine warfare have resulted in an admittedly grave situation. Senator STONE, chairman of the Committee on Foreign Relations, a man who by virtue of his position should, if anybody, be qualified to pass judgment upon the questions involved, has unreservedly approved of Germany's act. Vice President MARSHALL likewise has expressed the opinion that Germany in sinking the *Lusitania* was within her rights. Other high officials of the administration, on the other hand, have strongly condemned Germany. Be this as it may.

"I firmly believe that, leaving out of consideration the jingoes on both sides, neither the United States nor Germany desires war, and I am quite sure that not only war but even the severance of diplomatic relations would be avoided if only the United States Government would follow a precedent in history.

"At the outbreak of the Japanese-Russian War the following official order to all British subjects was issued by the British consulate at Shanghai, China:

"'All subjects of the Crown are notified that the British Government will not undertake to be responsible for the safety of any British subject leaving this port on a ship of either of the belligerent nations.'

"Great Britain's position at that time was, of course, identical with that of the United States at present, and I therefore can not understand why this Government should not adopt the same attitude, thereby overcoming all the present difficulties. Why create a crisis, the consequence of which nobody can foresee, where such a simple remedy is available?

"C. L. SCHLENS.

"NEW YORK, *July 29.*"

The publication of this letter is very timely and is a complete answer to Mr. Wilson's friends who claim there is no precedent for his doing what is his obvious duty in the interests of that humanity whose name he so frequently invokes. It proves that there is a precedent, and an English one at that. England issued this notice when her ally, Japan, was at war with Russia, which for many years had been her enemy. Does Mr. Wilson regard the tie between the United States and England as closer than that which then bound England and Japan? The conclusion that he does will be irresistible if he persists in encouraging American citizens to travel on English munition ships.

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EXHIBIT C.

[Documents on the War of the Nations. The *Lusitania* case. Collected and published by C. L. Droste. Vol. II, p. 62.]

A PRECEDENT.

At the outbreak of the Japanese-Russian War the following official order to all British subjects was issued by the British consulate at Shanghai, China:

"All subjects of the Crown are notified that the British Government will not undertake to be responsible for the safety of any British subject leaving this port on a ship of either of the belligerent nations."

(Gaelic American, Aug. 7, 1915.)

EXHIBIT D.

[From the Fatherland, Feb. 16, 1916, Vol. IV, p. 26.]

THAT WARNING.

The Fatherland reprinted some time ago the warning issued by the English consulate in Shanghai, worded as follows:

"All subjects of the Crown are notified that the British Government will not undertake to be responsible for the safety of any British subject leaving this port on a ship of either of the belligerent nations."

The authenticity of this warning has been confirmed by persons who have formerly lived in the Far East, but the efforts of The Fatherland to obtain a confirmation in Shanghai have not so far been crowned with success. The State Department has been equally unsuccessful. In order to prove the truth of the statement it would be necessary to obtain access to the files of the British consulate. This can not be obtained. Even if granted, it would probably be found that the papers in question have disappeared as mysteriously as Sir Edward Grey's secret treaty with France. Meanwhile the State Department has not denied the assertion, but has merely stated its inability to find the fact. We shall be greatly indebted to any of our readers, especially in the Far East, for enlightenment on the subject.

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EXHIBIT E.

[From The Outlook, Feb. 23, 1916. "Armed merchantmen: what shall we do about them?" by Ellery C. Stowell, p. 422.]

If Great Britain during the Russo-Japanese War warned her subjects not to travel on belligerent vessels, why should it not be honorable for the American Government to issue a similar warning to American citizens?

Great Britain had in the seas where naval operations were conducted the finest fleet of merchant vessels of any nation, and the warning which she issued to her citizens put them to no inconvenience, but was perhaps a disguised way of increasing the patronage of British liners. Great Britain's action was mostly political. She never would have recognized that she must issue such a warning, and the effect upon either belligerent was of trifling importance. It has no bearing on the submarine issue. British subjects traveling in Russian or Japanese vessels were likely to be captured and otherwise inconvenienced. Her warning brought to their attention the inevitable consequences of a state of war, and did not in any way diminish the protection which she intended to accord them.

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EXHIBIT F.

FEBRUARY 24, 1916.

Prof. E. C. STOWELL,
Columbia University, New York City:

Can you cite British order referred to in Outlook, February 23, page 422? We have not found it in official documents.

A. P. C. GRIFFIN,
Chief Assistant Librarian.

—

EXHIBIT G.

NEW YORK, *February 25, 1916.*

A. P. C. GRIFFIN,
Chief Assistant Librarian, Library of Congress,
Washington, D. C.:

Am investigating source of statement made in the press. My purpose was to discuss the principles, assuming, for the sake of discussion, the truth of the assertion as made and currently believed. The "If" of the question was intended to convey this. I confess my remarks seem to accept the assumption as fact. I had no such intention.

ELLERY C. STOWELL.

—

BRITISH EMBASSY, *Washington.*

Some time last August a statement appeared in the Fatherland and other papers to the effect that His Majesty's Government issued a notification at the beginning of the Russo-Japanese War that no protection would be extended to British subjects who took passage on board vessels of either belligerent.

The embassy inquired of the foreign office whether any such notification had been issued, and received the reply that the above statement was not true. The foreign office added that they never heard that any consular officer issued such a notice, but that, if he did so, it was contrary to instructions sent to all such officers to abstain from giving advice to merchants or other persons.

Mr. McCUMBER. Mr. President, when I introduced yesterday morning Senate concurrent resolution No. 15 I had hopes that we would have an adjournment so that we could take up morning business that I might pertinently direct my remarks to that particular concurrent resolution. It seems to be the desire on the part of the Senate to recess from day to day for the purpose of facilitating the progress of the dam bill, which is now the unfinished business. That bill is not making any great headway and there is no indication that a final disposition of it will be reached in a fortnight.

In a letter from the President of the United States to Mr. POU he suggested that the two branches of Congress should immediately give expression to its views on a most important subject that the President might be guided in his controversy with belligerent powers by the sentiment of the Congress. This is one paragraph from the letter of the President. He said:

I therefore feel justified in asking that your committee will permit me to urge an early vote upon the resolutions with regard to travel on armed merchantmen which have recently been so much talked about in order that there may be afforded an immediate opportunity for full public discussion and action upon them, and that all doubts and conjectures may be swept away—

And so forth.

Mr. President, we all concede that the action taken by the Senate yesterday in no possible way met the views of the President of the United States. If I could give any credence whatever to the expressions made by the Senators who spoke one way after they had voted another, in the tabling of a resolution, I think I can assume that the majority at least of the Senate are in favor of notifying Americans to refrain from exercising the right to travel upon armed merchantmen.

The President desires a speedy determination of this question. The resolution which I have offered directly meets the proposition made by the President. Sooner or later we will have a vote on that resolution, and whether it is voted upon under a motion to table it, or whether it is voted upon on its merits, it nevertheless will carry to the President an expression of the views of the Senate of the United States.

Mr. President, the settlement of differences which may arise between this country and any other nation primarily falls within the domain of executive diplomacy. The correspondence must be initiated and carried on by the State Department; and in such department these differences should remain until the President has either arrived at a settlement satisfactory to Congress and the country or has informed Congress of his inability to secure such adjustment. And so I feel it would have been not only proper but far better had no resolution directly affecting the point in controversy been introduced while the President was attempting to secure an agreement. There could be no danger in following this ancient rule of procedure, because, after all, Congress is supreme, and if it believes that any settlement secured by the President is not for the best interest of the country, or that it either demands or concedes too much, Congress has the power to so declare; and, Mr. President, it is its duty, representing the people of the country, to declare its conviction.

Had we followed this course and had a satisfactory settlement been secured through diplomatic channels, we should have avoided an unnecessary conflict of authority between the legislative and executive branches of Government. Had the attempted settlement failed, or one been secured which Congress could not indorse, Congress would then have been clearly within the rules of propriety and constitutionality in assuming jurisdiction over the subject matter and taking prompt action thereon.

But this is now past history. A resolution has been offered which, if it had passed, clearly would have overridden one of the contentions of the President. The President now asks us to record our verdict on the point raised. The tabling of the Gore resolution did not meet the President's proposal. Applying the ordinary rule of construction, that a motion to lie on the table means hostility to the views expressed in a tabled resolution, the action of the Senate would be taken to mean that the overwhelming sense of the Senate is that the sinking by a German submarine without notice or warning of an armed merchant vessel resulting in the death of an American citizen would not constitute a just and sufficient cause for war. If this vote means anything, it means that the Senate disagrees absolutely with the President's views and that therefore the President is not sustained. But I will be charitable and assume that it was intended to mean a desire of the Senate to push the whole subject aside. If that be true, then the request of the President "that all doubts and conjectures may be swept away" has not been met.

The President wanted to know whether the Congress did or did not back him. Will a single Senator on the floor assume the responsibility of telling the President or anyone else what the view of the Senate is on the subject of warning American citizens to keep off armed belligerent merchantmen? Can anyone say what the sentiment of the Senate on that subject is?

Mr. President, I do not agree with the President of the United States that it would be improper to suggest to the American traveling public that they refrain from doing that which by every principle of patriotic duty they ought to refrain from doing without any suggestion from any source. I am not in accord with his views as to the full extent of our right to control the methods which may be adopted by belligerents to prosecute their warfare to a successful issue; and I further believe that Congress, representing the sentiment of the country, can very properly give expression to its views, although, as I have suggested, I feel that just at this crucial and critical period of our diplomatic controversy we might well have deferred our action until the executive department had announced either an agreement or a disagreement.

Mr. President, no person who has given this subject any consideration whatever can fail to see the far-reaching consequence of our action, whatever it may be. Whatever conclusion we

may arrive at with reference to this submarine controversy, we will be immediately beset with many others of equal concern and gravity.

No one questions what the rule of international law heretofore has been. That rule is that a merchant vessel, armed with a stern gun for defense only, has the same rights and the same status as an unarmed merchant vessel. One of these rights is that it is not to be sunk or its passengers or crew destroyed or their lives endangered by an enemy war vessel unless it attempts to escape after warning. That rule would forbid such vessel being torpedoed or sunk without notice by a submarine. That rule, founded on justice and humanity, met the conditions of warfare at the time it became an international rule. Against a powerful war vessel, with its heavy armor and immense guns, this mere defensive rear gun would be as harmless as a toy. It could not sink a war vessel. Such war vessel could well afford to give notice of its presence and demand a surrender without endangering itself.

It is equally true that writers of international law agree that as all nations are supposed to conform to international law and practice obtaining before war and to make their preparation for war in the light of such rules and in the expectation that they will be followed should war ensue, and therefore the insistence by a neutral power that such rule be modified during the progress of the war would be an unneutral act.

But, Mr. President, the science of war may develop so rapidly during a great world struggle like that now prevailing and such exigencies involving the very life of a belligerent nation may arise as would not only justify but necessitate that nation to decline to follow a rule adopted under conditions which no longer prevail or which are so materially modified by new instrumentalities of warfare as to require a change.

While a neutral may do nothing to weaken or modify the rule, there may be justification for the belligerent in defending its very existence to do so.

And, Mr. President, the same exigency that would justify a warring nation, in the throes of a desperate encounter, to deviate from old rules of international law ought to appeal to every neutral nation to lessen the rigor of its demands for conformity, by a belligerent, in every detail to previous international law.

And, Mr. President, when like disputes arise between this Nation and the entente powers, I shall ask for the same charitable consideration.

Mr. COLT. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Rhode Island?

Mr. McCUMBER. Certainly, Mr. President.

Mr. COLT. If the Senator admits that a belligerent may change the rules of international law by reason of changed conditions in modern warfare, or by reason of national necessity or by reason of geographical position, does he not, in fact, then undermine the whole system of international law, with the result that we have no guide to go by?

Mr. McCUMBER. No, Mr. President; international law is based upon those conditions and the reasons growing out of conditions which justify its existence. While heretofore the science of war has progressed so slowly that we have been able to modify the rules of international law without any great disturbance of conditions between the belligerents and neutrals, the rapidity with which changes have been brought about during this last war and the exigencies of the several Governments, due to the new instrumentalities of war, may justify them, not us, in modifying rules, and all of them are modifying the rules; but there is one rule that predominates all international law, and that is the rule of national self-preservation. We must concede that right of self-preservation to every belligerent, even though in the exercise of that right it may interfere with our commerce or may require that our citizens refrain from traveling upon ships that are liable to be sunk.

Mr. COLT. Mr. President——

Mr. McCUMBER. I yield again, Mr. President.

Mr. COLT. Does the Senator believe that a neutral nation is obliged to obey the rules of international law which are in force at the outbreak of a war, and that a belligerent is not obliged to obey such rules, but that a belligerent may plead national necessity or changed conditions or some overriding cause as an excuse for modifying such rules of international law?

The Senator from North Dakota is a logician, and I will ask him that, if we once admit the principle that changed conditions may change international rules, whether we then have any rule to go by? Is not that Great Britain's excuse now for the violation of the rules of international law with regard to neutral trade, such as blockade, contraband, and continuous voyage? If we once admit the principle that a belligerent may, owing to changed conditions, or for any other cause, modify the fundamental rules of international law, we have no international law which can be enforced.

Mr. McCUMBER. How is international law made or modified? It is made and modified by the action of a nation acquiesced in by other nations. And the justification for the action by the nation modifying it becomes the reason for the acquiescence of the other nations. Now, just one moment, and I will complete my answer to the Senator.

Mr. COLT. Might I ask the Senator a question on that proposition?

Mr. McCUMBER. Just a moment. Suppose there are two propositions of international law which, by reason of changed conditions, become antagonistic, which one must be followed? Now, there is one fundamental, unchanging principle of international law, and that is the right of every nation to defend itself and to protect itself against annihilation. Every other principle of international law must yield to that superior right of every nation, and when in the throes of a conflict the national life demands that a rule of international law shall be changed, then the nation so engaged and whose existence is so threatened in that conflict is justified in modifying or abrogating that rule of international law.

Mr. POMERENE and Mr. COLT addressed the Chair.

Mr. McCUMBER. I yield first to the Senator from Rhode Island, as he first addressed me.

Mr. COLT. Mr. President, I find no warrant for a nation changing the rules of international law during the progress of a war, but after the war is over the rules may then be changed by agreement.

As to the second proposition of the Senator, if he says that the necessity for the preservation of the life of a nation may override the rules of international law, in analogy to municipal law, where we find that the safety of the Republic is the supreme law—if that is his fundamental proposition, then I can only repeat what I have said before, that we have no guide to go by, because every nation at war believes that the life of the country is at stake; and therefore if we admit that the safety of the nation is a justifiable excuse for evading the rules of international law we undermine the whole system and have no guide or compass to direct us.

Mr. McCUMBER. Does not the Senator believe that if the salvation of this country depended upon our refusing to follow an old international code, the duty of the country would be to throw the old international code to the winds?

Mr. COLT. I believe we would do that.

Mr. McCUMBER. Is not self-preservation the first rule?

Mr. COLT. I believe, Mr. Presidest, that we would act just as the belligerents are acting, because we would be in an atmosphere of force; we would be in an atmosphere where we believed the life of the Nation was at stake; we would be breathing the air of sacrifice and death; and therefore we would violate the rules of international law if we believed that it was necessary for our self-preservation. Conceding this, it does not alter in any way the position of a great neutral power, which must insist that the belligerents shall obey the rules of international law. This theory of self-preservation shows that international law is in a way defective, because international law undertakes to apply rules established by nations in time of peace to a nation when it is at war and governed primarily by the principle of self-preservation; in other words, international law, when confronted by these conditions, seeks to realize an impossible undertaking. But this defect in international law does not alter the only position that a neutral nation should occupy, and that is that the rules of international law in force at the outbreak of the war must be upheld during the continuance of the war.

Mr. McCUMBER. Mr. President, the logic of the Senator is that while this country would ignore, and would be justified in ignoring, international law if the life of the Nation were at stake, we should, as a great neutral power, insist that others should not exercise such a right. I confess I can not agree either to the logic or to the justice of that situation. We have at all times proclaimed the right of nations to exist, to protect themselves, to do those things that are necessary for their life protection; and yet the Senator would say that while we have a right so to do in our own self-defense, our duty is to enforce the old law upon nations struggling for their very existence, even though the result of the enforcement would be the annihilation of such belligerent countries. I confess I can not agree with that philosophy.

Mr. COLT. Mr. President, I shall not interrupt the Senator further, with the exception of one question.

Mr. McCUMBER. I am not at all disturbed.

Mr. COLT. Germany says that it invaded Belgium on the ground of self-preservation; that that was the reason that justified it in violating the neutrality of Belgium, which it had agreed by treaty to hold to be a neutralized country. Every act of either belligerent in violation of the existing rules of international law is put broadly upon the ground of self-preservation. Does the Senator think that the invasion of Belgium by Germany was justified upon the ground that it was necessary for the self-preservation of the German Empire, attacked as it was by the most powerful nations in Europe?

Mr. McCUMBER. Mr. President, as an American citizen I am neutral. Therefore I shall express no opinion as to the rightfulness or the wrongfulness of the action of Germany. I hardly think that it is proper for a Member of the American Senate to express any view pro or con, though he may have them, upon that particular subject. His duty is to maintain the neutrality of his country without reference to which countries are in the right or which are in the wrong. An expression *from him*, a representative of his Nation, would be tainted with partiality, and partiality is unneutral. Hence, I shall have to decline to answer that question. I believe in being so everlastingly neutral in this war that not one of the nations engaged in the conflict can make any complaint against us; and recognizing the ferocity of the war, recognizing how desperate is the situation of each and every country involved in the war, I shall exercise the sentiment of charitableness, even though one or the other belligerent may in its struggle crowd a little beyond the rule of international law heretofore obtaining. We have done so when we were engaged in war, and other nations undoubtedly will do the same. But in the discussion of this particular resolution it is not necessary to go into that question. It is simply aimed at the duty of the American people, the duty which they owe to the United States to refrain from embarrassing this country in its negotiations or from plunging this country into a conflict by insisting upon the exercise of every legal right.

When Sweden requested her citizens not to travel upon armed belligerent merchantmen she did not consider that she had recognized the German contention or the Italian contention or the British contention. Her sole position was that she wanted to keep out of war, and she did not wish to have her citizens jeopardize the interests of the country.

Mr. President, I confess I have great difficulty in bringing my mind and reason to concur in the proposition that while an armed merchantman may, without warning, use its weapon to sink and destroy a submarine, the submarine may not, without warning, use its only weapon, the torpedo, to destroy the armed merchantman. I am not unmindful of the argument advanced to meet this, that the one is a war vessel whose only function is destruction, and the other a peaceful vessel whose real function is noncombatant, except in a very limited defense equipment. But so long as passenger ships are regarded in international law as lawful prizes, and so long as the submarine would endanger its own existence by exposing itself to the sting end of this peaceful ship, I submit that there is fair ground for some new rule as to the rights of a merchant vessel to carry guns if she wishes to be immune from assault without warning, and, I might add, as to the right of neutrals to insist upon protection if they travel on such armed merchant vessels.

Mr. President, our contention and insistence upon any rule of conduct to be followed by any belligerent ought to be founded upon justice, not alone to ourselves, but to the nation against which it is urged. Our contention should be unquestionably right, absolutely fair, and everlastingly consistent.

I confess I can not see anything fair in the proposition that while a submarine—which may easily be sunk by a single shot from one of these defense guns—must give notice before it fires at the armed merchant vessel, the armed merchant vessel need not give notice that it purposes to fire at the submarine. If I know that you are armed for the very purpose of shooting me if you see me coming toward you, I can not convince myself that a code of action which says that you can shoot me at sight but that I must give you timely notice to surrender is entirely free from question.

What would we do under the same circumstances? We now propose to build a large number of submarines. These new war vessels are to be constructed that they can be used both as coast defenses and as commerce raiders. Suppose we were at war with some great, powerful nation. Suppose there were some basis in what I regard as mere hysteria, the cry of danger of invasion. We find a belligerent vessel, with a defensive gun, carrying munitions to our foes. We are maneuvering for position to give it notice. In its attempt to escape it is endeavoring to get us within range of its defensive gun. What would the captain of that submarine do? If he should take that chance and the defensive gun should send his submarine and its crew down to death, what would our verdict be? Would we say "That is all right"? No, Mr. President; the order would be given by our admiralty to all submarine commanders, "Your first duty is to protect yourselves." What we would command in our war we ought at least to consider a questionable privilege in the war now pending.

The question, at least, Mr. President, is of such a nature and of such delicacy that it seems to me that it is the moral duty of every patriotic American to relieve his country from embarrassment by refraining to travel on such armed vessels. He has no right, by his recklessness or audacity, to endanger the good relations of this country with any nation now at war.

If these propositions be true—and I can not see how they can be denied—if it is the duty of the true American, irrespective of legal right, to refrain from travel on such armed vessels, then it logically follows that Congress or the President may with entire propriety call his attention to that duty, and even enforce such duty by prohibiting armed vessels to leave our ports with passengers.

We have already exercised the power of refusing passports. I do not concede that such action would be an admission of the claim of any belligerent to any new right, though I admit it might embarrass the negotiation now going on between this Nation and Germany. But the President has requested this action, and we should meet it just as though it were an original question. It has not been met at the present time. No one knows but that if the President should insist upon one phase of this controversy as being the rule which should guide the American people, Congress might immediately thereafter refuse to stand by the President; and it is for the best interests of the country that it should know now just what the view of Congress on this subject is and that there shall be no contention between the executive branch and the legislative branch of the Government. When it comes to the final test of power it lies in Congress, and Congress ought to be courageous enough, it ought to be brave enough, to meet the issue fairly and squarely and say to the President whether we believe that we ought to say to the American people, "Keep off of these armed vessels during the continuance of this war or until their status is definitely settled by the great countries of the world."

Mr. President, I am not at all fearful of any war between this country and any of the belligerents. They can not get at us. They can not loosen their grip on each other. Each one is bending its every effort to save itself. Each one thinks that its life depends upon taking the life of the other. The other nations will not make war on us; and I do not believe, under any condition that has so far arisen, that we will make an aggressive war against them. Congress at all times must represent the consensus of public sentiment, and that sentiment does not point toward war.

Mr. President, I am not proposing that we, a neutral, should attempt to declare any new international law. On the contrary, I admit that an enforced change by us would be an unneutral act. What I maintain is that we ought not to blind our eyes to changed conditions of warfare, due to the use of new instrumentalities of destruction, involving such mighty consequences to a belligerent that it might justly and fairly question the old rule; and that, there being reasonable grounds for contention, we ought not to allow any of our citizens to precipitate us into armed conflict; that if it is the patriotic duty of an American citizen to refrain from exercising even an undoubted right to travel abroad to avoid a basis of war, then it is clearly within the province of the country—yes, further, it is the duty of the country—to enforce that moral duty upon him. As between a naked legal right that affects one individual only and a moral obligation that may affect very seriously 100,000,000 people, the moral obligation should prevail over the legal right. Our people ought to refrain from traveling on armed merchantmen. Congress ought to so inform them of their moral duty; and when we have informed them, it is my conviction that there is sufficient patriotism in the country that not a single passenger will attempt to go abroad upon one of those armed merchantmen.

I ask that the resolution which I have presented may be printed after the argument I have made.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

The resolution referred to (S. Con. Res. 15) is as follows:

Whereas the President of the United States, acting in his diplomatic capacity, has so far been unable to secure an understanding with the central belligerent powers of Europe with reference to the attack by submarines without notice on merchant ships of a belligerent nation armed for defense only; and

Whereas the President has maintained through all the negotiations that under the rules of international law heretofore obtaining the firing upon such merchant vessel by any warship without previous notice is illegal, and has notified the said central powers that American citizens have a clear right under international law to travel on such merchant vessels, and has further notified said central Governments that should the lives of American citizens be lost through such illegal acts the said powers would be held to strict accountability; and

Whereas the said central powers have declared that such armed merchant vessels would be considered and treated as ships of war and subject to attack as such without notice, and have further declared their purpose to so attack such merchant ships; and

Whereas it is conceded that the submarine, as an instrument of warfare, was unknown when such international rule was established; and

Whereas it is well known that such submarine by giving notice to an armed ship might endanger its own existence; and

Whereas in one instance at least, during the present war in Europe, a submarine has been sunk and its crew destroyed by such armed merchant ship; and

Whereas many new and novel means of warfare have been employed by all of the nations engaged in that struggle, raising new questions of rights and responsibilities, both as to neutrals and belligerents, and upon which opinions and views may justly differ; and

Whereas the President has requested that each branch of Congress shall express its conviction as to the propriety of warning the citizens of the United States to refrain from travel on such armed ships: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress of the United States that, under the rules of international law heretofore obtaining, such merchant vessel, though armed with a stern gun of comparatively small caliber, and for defense only, has the status and rights in war of an unarmed merchant ship, but that the science of war has developed with such extraordinary rapidity during the present conflict, and new weapons of warfare, including the submarine and aero fighting craft, have been employed with such far-reaching consequences and which may threaten the very life of any one of the nations involved, and which may necessitate a revision of the codes of international law pertaining to the rights and duties of neutrals and belligerents in the light of such new instrumentalities; that, while the strict legal right of an American citizen under international law to travel and ship his goods on an armed merchant vessel may be an established right, it is none the less the moral and patriotic duty of every American citizen, in view of the desperate character of the warfare now raging in Europe and the desperate situation of each and all of the warring powers, to refrain from needlessly exposing himself to danger and, by his recklessness or audacity, involving his country, or threatening to involve it, in a conflict that may seriously affect the welfare of a hundred million of his fellow citizens; and that therefore the citizens of the United States should be, and they are hereby, requested to refrain from travel on such armed merchant ships until an agreement has been reached between this country and other warring nations to the end that the endeavors of the President may not be jeopardized or halted or this Government forced into hostility with another country because of the unnecessary or reckless attitude of any citizen of the United States.

Mr. CLAPP. Mr. President, I am inclined to think that a misapprehension prevails in some sections as to the scope of the original Gore resolution—that it is an attempt to prohibit American citizens from going abroad on armed merchantmen and that it is in some way an abatement or an abandonment of a right. I desire to call attention through the RECORD of those who are interested in the matter to the fact that the original Gore resolution was in harmony with the action which the Government took under two administrations in regard to Mexico, and took the third time under the present administration in its note of October 14, 1915, that it is no abandonment of a right, no surrender of an honor; that it was simply a suggestion that there are times in the history of a nation, as in the history of an individual, when it may be wise to forego the insistence upon a mere technical right rather than hazard the consequences of the insistence upon that right, and to encourage foregoing the insistence by withholding passports to persons going upon armed merchantmen.

The Senator from North Dakota [Mr. MCCUMBER] has suggested that after this discussion there ought to be enough patriotism in the American people to refrain from taking a step which may entail unmeasured trouble and loss of life upon the American people. But as showing that there are still those in our midst who have no regard for the consequences of their acts to themselves or upon the millions of this country who dread and abhor war and pray for the averting of war, I desire to submit an article which I find in the Herald this morning, entitled "Americans sail on armed liner." I ask that the Secretary read the article.

The VICE PRESIDENT. Is there any objection? The Chair hears none. The Secretary will read.

The Secretary read as follows:

AMERICANS SAIL ON ARMED LINER—WHITE STAR STEAMER "CANOPIC" TO MOUNT GUNS AT GIBRALTAR.

NEW YORK, *March 3*.

Before the White Star Line *Canopic* sailed to-day for the Azores, Gibraltar, and Naples, Capt. R. W. James notified the passengers that the vessel will be armed on her arrival at Gibraltar with guns to be used in case the *Canopic* is attacked by submarines in the Mediterranean.

There were 350 persons, including passengers and crew, on board. Among them were three American citizens.

Mr. and Mrs. Charles Bellows, of Brooklyn, said the arming of the liner would not deter them. They have made three trips through the war zone. The third American citizen who sailed was W. W. Nicholls, of Chicago.

Mr. CLAPP. Mr. President, it is not my province or right to pass upon the moral action of others or the action of others which involves a moral question. I have put this in the RECORD that if in that voyage after that ship leaves Gibraltar, armed as the officers notified these people it would be, it will be for the American people to determine what course they should take, what they shall bear as the consequence of the reckless bravado of these people, who, with this notice, take their chances upon that ship after she leaves Gibraltar and sails into the Mediterranean—that when that time comes there can be no question here or elsewhere but what these people, in a spirit of reckless bravado, dared the danger of the war zone, and that in dealing with what our responsibility is for the injury of those people we may have in mind that they took this fate upon themselves.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. CLAPP. I do.

Mr. CUMMINS. I wish the Senator would have a further paragraph in the article read if it be the same one which I read this morning—the paragraph which states the pleasure the passengers felt in the thrill of danger.

Mr. GALLINGER. That was in the Post.

Mr. CUMMINS. It may be, as suggested by the Senator from New Hampshire, that it is an article in another morning paper. I was quite impressed with the reason which the passengers gave for incurring the hazard of the voyage.

Mr. CLAPP. Yes; the article I had read is from the Herald, and has been read in full. The article the Senator from New Hampshire refers to must be from some other paper.

Mr. JONES. Mr. President, there is an article in the Washington Post this morning referring to the same matter the Senator from Minnesota called attention to. I find, in addition to what the Senator had read, the article says—I will read this account:

Capt. James said that in the event of his encountering an enemy submarine he would make every effort to elude it. The use of the guns would depend on circumstances.

Two of the Americans were Mr. and Mrs. Charles Bellows, of 30 Pierrepont Street, Brooklyn. Mr. Bellows is an importer, and with his wife has made the trip through the danger zone three times. When asked if he did not fear to sail in view of the captain's announcement, he said:

"By no means. I have run blockades before this, and so has my wife, and I really enjoy the thrills that come with it."

Mr. President, I am not going to discuss international law and the finespun theories with reference to the rights of American citizens under it. Here is a concrete example of the disposition of those who now under the present condition of things want to travel upon armed belligerent ships.

The American people may not comprehend fully the finespun theories as to their rights under international law based upon the piratical conditions of a hundred years ago, but they will understand what the disposition is on the part of those who insist upon traveling on these ships, and they will not consider that the Nation's honor is at stake in seeing to it that some individual shall enjoy the "thrill" that comes from traveling upon an armed merchant ship.

In this condition of things, and in considering the right of individuals who simply seek the enjoyment of such "thrills," it seems to me that we ought to place over against their desire the happiness, welfare, and peace of a hundred millions of people who are willing to stay at home and who are willing to deny themselves the exercise of rights that they may have in order that the country may continue to remain at peace.

Is it possible that if this boat should be sunk and this man lose his life it would be held that we are justified, in maintaining the national honor in the assertion of his right to enjoy a "thrill," to embroil the whole American people in this conflict?

Mr. President, we may find that under international law this man had a right to do what he is doing, but the American people will never stand behind such a proposition as that and try to enforce it at the expense of their peace and their welfare. They will never fight for a thrill.

NATIONAL DEFENSE.

Mr. CHAMBERLAIN. I ask the unanimous consent of the Senate to introduce a bill for the reorganization of the Army.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The bill (S. 4840) for making further and more effectual provision for the national defense, and for other purposes, was read twice by its title.

Mr. CHAMBERLAIN. Mr. President, in connection with the bill I desire to make a very brief statement.

Mr. GALLINGER. I will ask the Senator is this a report from the committee?

Mr. CHAMBERLAIN. No; this is a committee bill. In connection with it I desire to submit a very brief statement.

In presenting the matter I desire to say that the Senate Committee on Military Affairs has been considering this measure for the past two months, and I believe I can safely say to the Senate that it is the most comprehensive measure that was ever presented to Congress for the reorganization of the Army.

The essential features comprise a sufficient increase of the Regular Army to enable the mobile force to be organized in divisions and brigades, and to provide a sufficient corps of Coast Artillery to man existing and approved new batteries. The new mobile army will comprise 64 regiments of Infantry organized into 7 divisions, 25 regiments of Cavalry organized into 2 divisions and the remaining regiments attached to Infantry divisions, 21 regiments of Field Artillery, and 7 regiments of Engineers. This will give proper garrisons to Panama, Hawaii, and the Philippines, and provide 4 Infantry and 2 Cavalry divisions within the United States, where it is intended to train large numbers of men during short enlistments for the reserves, the new enlistment contracts to provide for that feature.

The personnel of staff departments and corps are increased to provide a balanced organization of the divisions and brigades and to furnish the officers and men required for the supply and manufacturing depots and important administrative duties.

In addition to the reorganization of the Regular Army, provision is made for the organization of volunteer forces in each congressional district. More liberal appropriations for the National Guard and other features intended to build up that force are included. The volunteer force authorized will be a strictly Federal force and will not be under the control of governors in any way.

Provision is made for an officers' reserve corps and for a reserve officers' training corps intended to embrace students at colleges and other institutions of learning where military instruction is a part of the curriculum.

A short enlistment is provided to induce men of the Regular Army to enter the reserve, and a payment of $24 per annum will be made so as to insure their connection with the War Department authorities. To those enlisted men of the Regular Army who remain six years with the colors, among whom are found those best qualified for the positions of noncommissioned officers, an opportunity to enter the civil service under the War Department is provided. For the younger enlisted men there will be provided an opportunity to enter the United States Military Academy as cadets. Enlisted men between 18 and 22 years of age may be appointed at the rate of one to each regiment, and the Corps of Cadets is increased to provide for this.

The expansive principle of organization of the Army is continued, but the minimum strength of organizations is not so low as at present, no organization being required to absorb more than one-third of its war strength of reservists or recruits in event of war. This gives a peace strength for the Regular Army of about 178,000 men and a war strength of about 250,000, which, with the Federal volunteers and National Guard, should eventually provide a much better state of defense than at present. Summer camps of instruction will be provided for those who do not find it convenient to attach themselves to any of the forces authorized permanently.

I may say in conclusion that I will go into the details of the bill later on. As a basis for it I prepared a bill during the summer and fall and submitted it to the Committee on Military Affairs, and taking that as a basis the committee has worked out this bill. So it is really not an individual bill but a bill formulated and prepared by the committee, and it is the first one that has been introduced in the Senate on this subject.

The VICE PRESIDENT. The bill will be referred to the Committee on Military Affairs.

DEVELOPMENT OF WATER POWER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the use of interstate and foreign commerce.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from Iowa [Mr. CUMMINS].

Mr. SHIELDS. May I ask if the yeas and nays have been ordered on the pending amendment?

The VICE PRESIDENT. No; the Senator from Iowa requested the yeas and nays, but they have not been ordered as yet according to the record.

Mr. SHIELDS. I renew the request.

Mr. CUMMINS. Before the yeas and nays are ordered, I may say that the Senator from Montana [Mr. WALSH] asked me if I would be willing to withdraw the amendment to enable him to offer one to the body of section 6. I indicated that I would be willing to do it. But I do not see him here and, of course, I can not make the request for him. I want to be entirely fair about it, however.

Mr. SHIELDS. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. WALSH entered the Chamber.

Mr. CUMMINS. The Senator from Montana is now in the Chamber.

Mr. WALSH. Mr. President, I wish to say a word before the vote is taken upon the amendment offered by the Senator from Iowa.

On February 28 an amendment offered by myself was passed over by request of the Senator from Tennessee. That amendment substitutes costs for value as provided in the bill in determining the amount that is to be paid at the end of the 50-year period, should the Government take over the property. It presents squarely these two conflicting views. If the amendment offered by me should be adopted much of the force of the argument made by the Senator from Iowa in support of his amendment would be weakened at least, and moreover if the amendment of the Senator from Iowa is adopted there would be less justification for the amendment offered by myself.

I am under the impression that logically the Senate should take a vote on my amendment first, and if it is rejected and the principle of value at the end of 50 years remains in the bill, then it would seem to me quite appropriate that the amendment of the Senator from Iowa should be addressed to the bill as it then stands. I submit, accordingly, to the Senator from Iowa whether it is not his view that it would be more logical and appropriate that action be had on my amendment first.

Mr. CUMMINS. I repeat publicly what I said to the Senator from Montana last night, that I recognize the force of the suggestion made by him, and I am willing to withdraw the amendment now pending, with the notice that, after the disposition of the amendment offered by the Senator from Montana and which has been passed over, I shall again offer it. I withdraw it.

The VICE PRESIDENT. Are we to set aside the order for the yeas and nays and withdraw the amendment?

Mr. SHIELDS. I do not consent to setting aside the order for the yeas and nays or the withdrawal of the amendment, because I can not see why we should not go on with it and dispose of it. The amendment of the Senator from Iowa has been debated for two days, and I think it ought to be acted upon.

Mr. CUMMINS. The yeas and nays have been ordered?

The VICE PRESIDENT. They were ordered. They were ordered this morning.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. After the yeas and nays have been ordered, can an amendment be withdrawn without unanimous consent?

The VICE PRESIDENT. That is a moot question between the Chair and the Senate. The Chair has always felt that it is the constitutional privilege of a Member of the Senate, when seconded by one-fifth of the Members, to have a vote upon the question presented for any purpose he may want to have it.

Mr. SMITH of Arizona. Is anything in order after the yeas and nays are ordered except to call the roll?

Mr. WALSH. I do not feel that the question of order is important enough to justify any delay about the matter. If there is any objection to that procedure, I shall not urge it. I did not imagine that the Senator from Tennessee would have any objection.

Mr. SHIELDS. I objected because we have thoroughly debated the amendment of the Senator from Iowa, and I thought it ought to be disposed of. I understand the Senator's request is not made upon a personal ground, but because he thinks the pending amendment would come in better later on. Of course, if the Senator makes the request for some personal reason, I will withdraw my objection.

Mr. WALSH. No; it is not a personal matter. But I felt that that was the logical order, and I deferred asking a vote on my amendment at the request of the Senator from Tennessee.

Mr. SMITH of Arizona. Regular order, Mr. President!

Mr. SHIELDS. I differ with the Senator as to what is the logical order. I insist upon my objection, and I insist upon the roll call.

Mr. CUMMINS. I was unable to hear the request of the Senator from Tennessee, and I do not know what position he has taken upon the pending matter.

Mr. SHIELDS. The Senator from Tennessee insists upon the roll call, which has been ordered.

Mr. CUMMINS. I have no objection to that; but the intimation of the Chair was that there was doubt about it.

The VICE PRESIDENT. The Chair wants to be perfectly frank about this matter. The Chair has always felt that when the yeas and nays were called for and seconded and the order made, the Senator calling for the yeas and nays, sustained by the second of the Senate, was entitled to have the yeas and nays taken and the vote recorded upon the proposition presented; but the Chair was overruled by the Senate to the extent that the Senate held that the question could be subsequently amended, even after the yeas and nays were ordered, and could be subsequently discussed.

At that time the Chair expressed the opinion that the Chair ought never to order that the calling of the yeas and nays be proceeded with until the Chair was satisfied that all amendments had been submitted and that all argument had been had that any Senator desired to present to a pending amendment; so that when the yeas and nays were taken it would be with the full consent of the Senate. The yeas and nays have been ordered on this question. The difficulty is, however, entirely out of the way now, as the Senator from Iowa is not asking further to withdraw the amendment. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a general pair with the Senator from New York [Mr. O'GORMAN]. He is absent from the city, but before leaving he gave me permission to vote on any matter before the Senate. I vote "nay."

Mr. HARDING (when his name was called). I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD], but I have been informed that if present he would vote as I intend to vote on this amendment. So I vote "nay."

Mr. HARDWICK (when his name was called). I inquire has the Senator from Kansas [Mr. CURTIS] voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. HARDWICK. Then I withhold my vote, having a pair with that Senator.

Mr. JOHNSON of Maine (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. In his absence I withhold my vote.

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Arkansas [Mr. CLARKE], who, I understand, has not voted; but he informed me that he would vote upon this matter as I intend to vote. I vote "nay."

Mr. SHAFROTH (when the name of Mr. THOMAS was called). I desire to announce the absence of my colleague [Mr. THOMAS] on account of sickness.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. LEA] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Being informed, however, that if the Senator from Pennsylvania were present he would vote as I am about to vote, I vote "nay."

The roll call was concluded.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired with the Senator from Maine [Mr. BURLEIGH]. I ask that this announcement may stand for the day.

Mr. JOHNSON of Maine. I transfer the pair I have announced with the Senator from North Dakota [Mr. GRONNA] to the junior Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. BECKHAM. I have a general pair with the senior Senator from Delaware [Mr. DU PONT]. I understand that if present he would vote as I intend to vote. I therefore am at liberty to vote. I vote "nay."

Mr. CHILTON. I announce my pair with the Senator from New Mexico [Mr. FALL]. In his absence I will not vote.

I wish to announce for the day that my colleague [Mr. GOFF] is absent on account of illness.

Mr. SIMMONS. I desire to inquire if the Senator from Minnesota [Mr. CLAPP] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. SIMMONS. I transfer my pair with that Senator to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. CLARK of Wyoming. I have a general pair with the senior Senator from Missouri [Mr. STONE]. Not knowing how he would vote on this question, and in his absence, I withhold my vote.

Mr. DILLINGHAM. I have a general pair with the senior Senator from Maryland [Mr. SMITH], who I observe has not voted. For that reason I withhold my vote.

Mr. HOLLIS. The junior Senator from Delaware [Mr. SAULSBURY] is absent on account of illness. He is paired with the junior Senator from Rhode Island [Mr. COLT]. This announcement may stand for the day.

Mr. WALSH (after having voted in the affirmative). I voted without noticing the absence of my pair, the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and will allow my vote to stand.

Mr. MARTINE of New Jersey. I desire to announce the unavoidable absence of the Senator from New York [Mr. O'GORMAN]. He is paired with the Senator from New Hampshire [Mr. GALLINGER].

Mr. FLETCHER (after having voted in the negative). I desire to announce that I have a general pair with the Senator from Idaho [Mr. BRADY]. I transfer that pair to the Senator from South Carolina [Mr. SMITH] and will allow my vote to stand.

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN].

The result was announced—yeas 23, nays 36, as follows:

YEAS—23.

Ashurst	Hollis	Kern	Poindexter
Borah	Hughes	La Follette	Sheppard
Chamberlain	Husting	Lane	Sherman
Cummins	James	Lee, Md.	Smith, Mich.
Gore	Johnson, S. Dak.	Martine, N. J.	Walsh
Hitchcock	Kenyon	Norris	

NAYS—36.

Bankhead	McCumber	Ransdell	Swanson
Beckham	McLean	Shafroth	Thompson
Brandegee	Martin, Va.	Shields	Tillman
Fletcher	Myers	Simmons	Vardaman
Gallinger	Nelson	Smith, Ariz.	Wadsworth
Harding	Oliver	Smith, Ga.	Warren
Johnson, Me.	Overman	Smoot	Weeks
Jones	Page	Sterling	Williams
Lodge	Pomerene	Sutherland	Works

NOT VOTING—37.

Brady	Culberson	Lippitt	Shively
Broussard	Curtis	Newlands	Smith, Md.
Bryan	Dillingham	O'Gorman	Smith, S. C.
Burleigh	du Pont	Owen	Stone
Catron	Fall	Penrose	Thomas
Chilton	Goff	Phelan	Townsend
Clapp	Gronna	Pittman	Underwood
Clark, Wyo.	Hardwick	Reed	
Clarke, Ark.	Lea, Tenn.	Robinson	
Colt	Lewis	Saulsbury	

So Mr. CUMMINS's amendment was rejected.

Mr. POINDEXTER. I submit the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 18, after the word "That," it is proposed to insert "unless the proposed site or sites thereof shall be required by or for the Reclamation Service of the United States."

Mr. NELSON. Is there not a mistake as to the place where the amendment should come in?

Mr. POINDEXTER. No; it comes in on page 3, line 18, after the word "That."

Mr. President, the purpose of the amendment is to enable the Government itself, through the Reclamation Service, to retain such power sites as it may need in the development of irrigation projects. The amendment incorporates such a proviso in the bill, and I hope the Senator from Tennessee will not object to it.

Mr. SHIELDS. I object to that amendment. As I understand its application, I think it would withdraw from the provisions of the bill all navigable streams where it is possible to have an irrigation project.

Mr. POINDEXTER. My attention was diverted and I did not catch what the Senator said.

Mr. SHIELDS. I say I think the effect of the amendment would be to withdraw from the provisions of the bill the navigable streams of the whole country, so that the bill would not apply to anything.

Mr. POINDEXTER. Mr. President, it could not possibly have that effect. The only effect it could possibly have would be that any particular application would be submitted to the Reclamation Service and they would be required to determine whether the site was needed for a reclamation project. I think

it would be really a great mistake if such a proviso were not incorporated in the bill. I have in mind some particular instances of sites which are under consideration for use by the Reclamation Service for developing power to be used in pumping water to irrigate certain tracts of arid land. They ought to be allowed to have those power sites for that purpose. The amendment can not possibly prevent the granting of permits for any site that is not specifically required by the Reclamation Service. They would have to determine that question.

Mr. SHIELDS. Mr. President, that is not the effect of the amendment, as I see it, as applied to this section.

Mr. WALSH. Mr. President, may we have the amendment again stated. I was unable to catch it.

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 3, on line 18, after the word "That," it is proposed to insert "unless the proposed site or sites thereof shall be required by or for the Reclamation Service of the United States," so as to read:

SEC. 2. That, unless the proposed site or sites thereof shall be required by or for the Reclamation Service of the United States, the Secretary of War may grant a permit or permits for such dam—

And so forth.

Mr. POINDEXTER. Mr. President, I do not think, if the Senator from Tennessee will give consideration to the matter, that he will object to the United States Government itself, which now controls this matter, having the use of such sites as may be required in carrying out irrigation works in the West under a policy which has been adopted and to which the Government is committed.

Mr. SHAFROTH. Mr. President, I should like to say, in answer to the statement of the Senator from Washington, that my objection to the amendment is very largely due to the fact that it will bring two different departments of the Government into this one matter. We have voted that that should not be the case. I have no doubt that if there is a great reclamation project which is paramount in importance to a navigation project, if the Department of the Interior were to request the Secretary of War not to grant a permit for that site, without full investigation at least, that he would not do so. The amendment does not make any provision concerning the character or size of the reclamation project. It may be a very insignificant one, compared to which navigation is decidedly paramount; and yet, under the terms of the amendment, the Secretary of War would be bound and could not in any manner grant a permit for the construction of navigation works.

Mr. POINDEXTER. Why, Mr. President, the Reclamation Service, of which the Secretary of the Interior is the head, can be depended upon to exercise as wise a discretion in regard to reclamation matters as can the Secretary of War. That is the only difference which the Senator specifies. He prefers that the Secretary of War should determine the importance of the site and its comparative value for navigation and reclamation purposes. Why can you not depend upon the Reclamation Service in that regard as well as upon the Secretary of War? Both would have to act, Mr. President, because the Reclamation Service could not interfere with the navigation of a stream or do anything that would be injurious to the stream in that regard.

Mr. SHAFROTH. Mr. President, one of the difficulties, as has been suggested to me by the Senator from Tennessee [Mr. SHIELDS], is that there are reclamation projects in various parts of the United States on private lands; and, as a matter of fact, the reclamation act is not limited to public lands. For instance, there is a great dam at The Buttes, in Texas, where there is no public land; but, nevertheless, the Government of the United States is making improvements there. It seems to me the amendment would give a coordinate department the power to veto the action of the Secretary of War, which would be absolutely wrong. It is also wrong to mix these two things together, because the Secretary of War has in mind the interest of navigation; that is the all-important thing with him. The Secretary of the Interior would have in mind, no doubt, the important element of the question of reclamation, and it seems to me that you would often get a deadlock in these enterprises.

Inasmuch as we have already voted not to have the Secretary of the Interior in this matter, just as, no doubt, in the other bill the Secretary of War would not be suggested as having any control or power of limitation upon the Secretary of the Interior in the matter of water-power sites on the public domain, it seems to me this ought to be kept separate. I do not like the idea of mixing the two, making a deadlock, and making a comparison between whether the reclamation project is more important than the navigation project, and leaving it practically in the power of the Department of the Interior to block it entirely because you do not give the Secretary of War the power to determine it, no matter how important the project may be.

Mr. POINDEXTER. Mr. President, I had very much hoped that no debate would be precipitated over this amendment. The ease with which we can fall into error here is disclosed by the assumption of the Senator from Colorado that there is going to be some conflict between irrigation and navigation in this matter. Why should there be any conflict between the use of these power sites for the improvement of a reclamation project and the navigation of the stream, any more than there will be a conflict between the improvement of them by some private grantee and the navigation of the stream? If the Government of the United States, in carrying out some great irrigation project, puts in a dam at a power site, that dam is not going to have any different effect upon navigation than it would have if a private company put in the dam.

Mr. SHAFROTH. I do not understand that under these reclamation acts there is any authority for power plants to be constructed. The reclamation act is for the reclamation of arid lands, and, consequently, it has nothing to do with the development of public power sites. Consequently, you have two different objects to serve. It is natural that these two officers should differ in their own minds as to the relative importance of the one object or the other.

Mr. POINDEXTER. The Senator has a vast fund of knowledge, to which I have listened with a great deal of profit, about these matters connected with our western streams; but in view of that, I am somewhat surprised to hear him say that the Reclamation Service have no power to put in a power plant. They have hundreds of power plants. They have just as much authority to put in a power plant to use for pumping water as they have to get water by gravity.

Mr. SHAFROTH. It is not under the reclamation act, if they have any such power.

Mr. POINDEXTER. It is under the reclamation act, and they are constantly exercising the power under the reclamation act.

Mr. SHAFROTH. Is the Government of the United States——

Mr. POINDEXTER. Just a moment, if the Senator pleases. Consider the actual proceeding. If the Reclamation Service should find that some power site was essential to the development of an irrigation project which it had in contemplation it would put in a dam there in order to develop power, which power would be used in pumping water upon the project. Instead of interfering with navigation that would improve navigation. You would accomplish the double purpose of improving navigation and of carrying out the irrigation project, both of which are functions of the Government and both of which are policies to which the Government is committed. It is no new departure. It is simply preserving and protecting, for the benefit of one of the established Government services, the property and franchises which the Government already owns.

Mr. SHAFROTH. Mr. President, if the Reclamation Service has power to construct a power plant I can not find it in the act. In order to aid and assist in the irrigation of arid lands, in taking water out of the stream and applying it to the lands, it might have the incidental power to construct some works that would aid in that; but the two things are inconsistent. Whenever you take any water out of a stream you are impairing navigation instead of aiding and assisting it. Whenever you take water for the purpose of irrigation of arid lands you are absorbing water, whereas in the other instance the object is to increase the amount of water for the purpose of navigation.

Mr. WORKS. Mr. President——

Mr. POINDEXTER. I yield to the Senator from California.

Mr. WORKS. I suggest to the Senator from Colorado that it is not an unusual thing to take water out of a navigable stream for irrigation purposes.

Mr. SHAFROTH. That is true.

Mr. WORKS. There may be surplus water not needed for navigation purposes.

Mr. SHAFROTH. Certainly; that is true.

Mr. WORKS. That might occur under this bill, if it were passed.

Mr. SHAFROTH. Possibly; that is true; but what I object to is another department of the Government having an absolute veto on the power of the Secretary of War to do something with relation to a site which he thinks is more important for this purpose than for any other purpose connected with increasing or improving the navigation of the stream.

Mr. WORKS. Yes; but that is another question altogether. The Senator was saying that taking water out of the stream would interfere with navigation. Now, that is not necessarily so.

Mr. SHAFROTH. Oh, it would depend. If they needed improvement in navigation, as a general rule, they would need

more water. Of course, it might not be, in a particular instance you might name, that it would work that way; but the difficulty lies in giving a veto power upon the Secretary of War, so that, no matter how important he thinks the enterprise may be, he can not authorize it to be carried on, because another department has indicated that it wants the site for a reclamation project.

Mr. POINDEXTER. Mr. President, all of the provisions that are in the bill relative to the protection of navigation remain in it; and it is not necessary that there should be any provision to protect navigable streams, useful for the purposes of navigation, from an act of the Reclamation Service. Those two different jurisdictions are well defined. We have placed the control over navigation in the War Department, and we have placed the control over reclamation matters in the Interior Department. The Senator is so jealous of the powers of what he has selected as the department to control development under this bill that he wants even to invade the functions of the Reclamation Service, and allow the Secretary of War to control that.

Mr. SHAFROTH. No, sir.

Mr. POINDEXTER. It seems to me that it is only the zeal with which the Senator has propelled himself to accomplish an object which he has in view, in pursuance of a general policy of liberal legislation as to the granting of public resources, that leads the Senator to maintain such a position as that; because there can not be any danger in leaving reclamation matters where they are now, in the control of the Reclamation Service.

Mr. SHAFROTH. There can not be any danger, Mr. President, in leaving this power with the Secretary of War. It should be in one man's hands. The Senate has voted that way by a very decided majority. It seems to me that if the Secretary of War is presented with a situation where it is more important to the interests of the Government that a reclamation project should go there, he unquestionably has the power under this bill to say, "I do not want it for navigation." If you are going to have two heads to determine this matter, instead of one head, you will have a lot of discontent and a lot of squabbles that will produce disorder, and consequently it will not be to the best interest of the Government.

Mr. POINDEXTER. Mr. President, I only desire to add one word. We will not have two heads; it will not create any divided authority in administering this bill if the amendment which I propose shall be inserted, because the function of the Reclamation Service referred to there is limited to the particular matter of reclamation. They are the only ones who are qualified to determine reclamation matters and to form a correct judgment as to what is needed in carrying out a reclamation project.

It seems to me to be inconsistent with the entire framework of reclamation legislation to turn the matter over to the Secretary of War. He has studied matters of navigation. They have nothing to do, or only a very indirect connection, with the science of war; but through practice the War Department has familiarized itself with matters of the improvement of rivers for purposes of navigation. They have not, however, undertaken to familiarize themselves with reclamation matters and irrigation matters under the public-land laws of the United States.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of Maine in the chair). Does the Senator from Washington yield to the Senator from Tennessee?

Mr. POINDEXTER. I yield to the Senator from Tennessee.

Mr. SHIELDS. I call the Senator's attention to the case of United States against Rio Grande Co. in One hundred and forty-third United States, in which the United States obtained a perpetual injunction against the defendant irrigation company, which was diverting water from the Rio Grande River for irrigation purposes, whereby it was destroying the navigation of that river. The Senator's amendment will allow to be done exactly what the court in that case held could not be done under the commerce clause of the Constitution.

Mr. POINDEXTER. Not at all, Mr. President—not at all. It would not allow it to be done to any greater extent than it is allowed now. The only difference is that in one case the improvement, if it is needed in the development of an irrigation project, would be made by the Government, and in the other case it would be made by private individuals or companies. The private company, under the grant of the franchise in this bill and under the State laws, can take water out of a stream, in so far as it does not interfere with navigation, to irrigate land. The Government can do the same thing, in so far as it does not interfere with navigation, and it can not go any further than that. Furthermore, Mr. President, there are a great many cases in which no water is taken out of the stream at all in which a plant of this kind may be used for irrigation; and in the particular cases that I have in mind there would not be any water taken out of the stream at all. The power would be developed and used for pumping water from some other source. They may pump the water from underground water supplies in wells. It is expensive; but if the Government owns the plant, and gets its power at cost, as it would be able to do if this amendment is adopted, it can make a success of pumping water from wells and irrigating the land with it. But if the Government grants the franchise to a private company, and then has to buy that power from the private company and pay that company a large profit on its enterprise, it can not afford to do it.

While these franchises are in the hands of the Government, it seems to me that wise business policy on the part of the Government, and ordinary discretion, would induce us to put a proviso in the bill enabling the Government, in cases where it may be necessary, to retain those sites which are required for its own use, so it may have this cheap power which is essential to carry out an irrigation project.

I know of some localities in the State of Washington—one in particular—where a reclamation scheme has been discussed for a great many years depending upon a gravity system, where it was proposed to bring water some 30 or 40 miles from a lake in a mountain, bring it in a siphon under the Columbia River, and up again upon a high plateau upon the opposite side of the river. The engineering difficulties and the great cost have so far prevented any action upon that proposition. Subsequently it was discovered that a much cheaper way can be found to irrigate some 500,000 acres of beautifully lying land in a delightful climate, as rich as any of the lands of the State, but worthless for agricultural purposes unless water can be put upon it. It has been discovered that there is an underground supply of water. Near by are some of the possible power sites, such as are contemplated by this bill, in the Columbia River. When a proposition is made that a franchise for one of those sites shall be granted, the effect of the proviso which I propose is that the question shall be submitted to the Reclamation Service, and of course the question would have to be determined by the Secretary of the Interior whether he desired to use the site for the purpose of developing power to pump water from this underground source of supply to irrigate the land which otherwise is unproductive.

It seems to me that instead of putting obstacles in the way, instead of divesting ourselves of any opportunity to develop these resources, where we would accomplish the double object of improving the navigation of the river and at the same time of carrying out a great reclamation project, that we ought not to hesitate for a moment to do it.

I do not know that I can add anything to what I have said in explanation of the amendment. It seems to me to be perfectly clear. The objections which the Senators have stated, it seems to me, are due perhaps to a misunderstanding of the purpose of the amendment, because it does not interfere in any way whatever with the accomplishment of the objects of the bill. It does not divide the authority under which it is to be administered; it does not interfere with the purposes of navigation; it simply gives a preference to the Government itself. That is all it does. Just as you yourselves in framing this bill in the committee have given a preference to municipal corporations, municipal subdivisions of States, and public-utility companies, so here we add to that list a public service of the United States. It is in harmony with the principles which you have recognized in framing the bill.

Mr. NEWLANDS and Mr. JONES addressed the Chair.

Mr. POINDEXTER. I yield to the Senator from Nevada.

Mr. JONES. I thought the Senator was through.

Mr. POINDEXTER. I yield to the Senator from Nevada, if he desires to interrupt me.

Mr. NEWLANDS. I also had the impression that the Senator was through.

Mr. POINDEXTER. I am about to conclude.

Mr. NEWLANDS. I will ask the Senator a question, however, as I have only just come into the Chamber, and my attention has been arrested by his remarks, which relate to a very important point.

I have the Senator's amendment before me, but I do not quite understand it. The amendment that I have is as follows:

Unless the proposed site or sites thereof shall be required by or for the Reclamation Service of the United States.

I do not quite understand what that relates to, because I have not the context.

Mr. POINDEXTER. Of course the Senator would not understand it unless he noted the place where it is to be inserted. Has the Senator the bill there?

Mr. NEWLANDS. Yes.

Mr. POINDEXTER. On page 3 of the bill, line 18, after the word "that," I propose to put in the words I suggested, so that the language will then read:

That unless the proposed site or sites thereof shall be required by or for the Reclamation Service of the United States, the Secretary of War may grant a permit or permits for such dam or dams.

Mr. NEWLANDS. Do I understand that then the Secretary of the Interior would have to be consulted?

Mr. POINDEXTER. Yes; he would have to be consulted so far as reclamation projects were concerned, and it seems to me he ought to be consulted on that subject. Otherwise he would not have to be consulted.

Mr. JONES. Mr. President, I am sorry that I can not agree with my colleague [Mr. POINDEXTER] in reference to this amendment. It does seem to me that it would practically destroy the effect and purpose of the bill in the Western States. The bill applies only to navigable streams, and solely to navigable streams. The primary purpose of it is in the interest of navigation. Under his amendment on a navigable stream a permit could not be given to build a dam if the Reclamation Service claimed that the site, or a part of it, was needed and necessary for reclamation purposes.

In other words, this amendment accomplishes exactly what the amendment proposing to insert the words "and the Secretary of the Interior" in this section would have accomplished. For the reasons that were given with reference to that amendment I would be opposed to this amendment, and for the further reason that I think it would be unwise from a practical standpoint.

I know what my colleague has in mind with reference to the reclamation of arid lands in our State. I have the same thing in mind in favoring the bill. I believe we will get those lands irrigated if it is possble to do it under the bill far better and much sooner than we could hope to get them irrigated in any other way.

We must take into account the situation with reference to the Reclamation Service. It has not any money to put in any new proposition. It has not any money to put in any dam. It has not any money to reclaim the five or six hundred thousand acres of land, and there is no prospect that it will get any money. There does not seem to be any prospect of our being able to appropriate any money directly to go into the reclamation fund for these propositions. There is not enough money coming into the fund now to carry on existing projects as they ought to be carried on, and they will not be completed for many, many years. So there is no hope for that to be accomplished, even if it were possible for the Reclamation Service to do what my colleague and myself hope may be done at some time.

Then, while the Reclamation Service does put in some power plant as incidental to the reclamation of land and the reclamation project it has not any power to put in locks for navigation purposes, and that is what would have to be done if the purpose of the bill be carried out. We require that those who get a permit to put in a dam in these navigable streams shall put in locks for the purpose of navigation. If the Reclamation Service would propose to put in a dam for the development of power for irrigation purposes what would we do for navigation? There is no provision for it. There is no provision under which they could put it in. We would not appropriate the money to do it.

So it seems to me that the very purpose of the bill in our western country on navigable streams would be either done away with or absolutely at the mercy of the Reclamation Service. Under this amendment the Reclamation Service is made the judge as to whether or not they need the site, or any part of it, and they could block navigation.

I think under the bill if anything is accomplished we will accomplish what my colleague and I both desire. The Secretary of War is required under the terms of the bill before granting a permit to take into account not only navigation but the possibilty of further development for water power and for whatever water power may be used and desired. It would be a very easy matter and a very natural thing for the Reclamation Service in connection with the proposition we have in mind to come to the Secretary of War and say to him, "Now, in granting a permit to put in a dam at this place see to it that a dam sufficient is put in to develop the power for the pumping of water on these thousands of acres of desert land." The Secretary of War would no doubt do that. In that way I hope to get the land irrigated. If a permit is ever granted at the point on the Columbia River we have in mind, that will be taken into account, and power will be developed to pump the water from underground sources or from the river itself to cover the land we want to see covered. I see absolutely no hope through the Reclamation Service to get it done. I would not want to complicate the improvement of navigation with a divided power, rather an absolute veto power placed in the Secretary of the Interior with reference to development at the suggestion of the Reclamation Service.

Mr. SMITH of Arizona. Will the Senator yield for a moment?

Mr. JONES. Certainly.

Mr. SMITH of Arizona. Knowing the condition of the irrigation fund at the present time and the difficulty of obtaining any increase in that denuded fund, how much does the Senator conceive it would take to build a dam for irrigation purposes across the river at the point the Senators seem to have in their mind? What would be the probable cost?

Mr. JONES. I think it would cost at least several million dollars in order to build a dam and create power sufficient to irrigate the other lands. In addition to that, they would not take into account other possibilities of development.

Mr. SMITH of Arizona. I appreciate that part of it.

Mr. JONES. They would be absolutely prevented under this bill. We require a broad and comprehensive scheme to be decided upon by the Secretary of War before he grants permits to build the dam. If he does what we are satisfied he will do, he will take into account every possible development by the construction of a proper dam at these different points and cover not only the situation my colleague and I have in mind but any other possible desirable development in connection with such dam. If the Reclamation Service take it up, all they can do is to take it up for reclamation purposes; and all other possible development, except what may be incidental, will be not only delayed but the possibilities of it absolutely done away with, and we would not have the development hereafter.

So it seems to me the amendment of my colleague would be very detrimental from almost every standpoint, from the standpoint of avoiding conflicting authority and from the standpoint of the highest possible development where development ought to be.

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Tennessee?

Mr. JONES. Yes.

Mr. SHIELDS. I should like to ask the Senator what his views are in regard to this matter? The first section of the bill provides:

That the United States hereby authorizes any of the persons as hereinafter defined, after obtaining the permit of the Secretary of War as hereinafter provided, to construct, maintain, and operate a dam or dams or diversion structures and accessory works for the development and improvement of navigation and for water power.

That is the part of the first section of the bill that is pertinent to my inquiry. The second section set forth the cases in which the Secretary of War may grant the permit and the conditions upon which he may do so. It is this last section the Senator from Washington [Mr. POINDEXTER] proposes to amend. It is in these words:

That the Secretary of War may grant a permit or permits for such dam or dams and accessory works upon the following conditions—

Then follow the conditions upon which the permit may be granted.

The amendment proposed to be inserted after the word "that" is in these words:

Unless the proposed site or sites therefor shall be required by or for the Reclamation Service of the United States.

Now, who is to determine whether the proposed sites are required for the Reclamation Service?

Mr. JONES. The Reclamation Service.

Mr. SHIELDS. And when are they to determine it?

Mr. JONES. There is no time fixed. When they think they need them.

Mr. SHIELDS. Then, would not the effect of the amendment be to deprive the Secretary of War of the power to grant a permit for a development when the land to be occupied might at any time in the future be required for the Reclamation Service? Would it not deprive him of the power to exercise the authority which is intended to be conferred upon him by this bill?

Mr. JONES. Wherever they could be of any use for irrigation development, I think so.

Mr. SHIELDS. Is it not a little stronger than that? Who is to say that the land may or may not be used for the Reclamation Service?

Mr. JONES. The Reclamation Service.

Mr. SHIELDS. Who is to determine it? The language of the amendment is, "unless the proposed site or sites therefor shall be required by and for the Reclamation Service." Is the development of navigation and water power to be forever held up by the probability that the land needed may be at some time required for reclamation purposes?

The Secretary of War in such a case can not grant the permit until this question is settled. Such an amendment would render the law useless and destroy it. It takes the jurisdiction of the whole matter away from the Secretary of War.

Mr. JONES. I do not think we ought to have that in at all.

Mr. SHIELDS. I also object to it, because it complicates the jurisdiction of the Departments of War and Interior, and would bring about much confusion.

Mr. JONES. The bill is only intended to relate to the granting of permits for building dams in navigable streams, and the Secretary of War is required to take into account all possibilities of development in connection with such permit and to ascertain that before he grants the permit, and see to it that all possible development is made. It occurs to me that under the terms of the first section the Reclamation Service could not apply for a permit to dam a navigable stream under the bill. I doubt if they could, but if it should be desirable that the Reclamation Service be put upon the basis of the other grantees mentioned in the bill to whom the Secretary of War could grant a permit upon the other conditions of the bill, then I would have no objection to it. I do not think it would be workable under the authority of the Reclamation Service. There is no authority in the reclamation act for the building of locks. They would have to have additional legislation in order to do it.

But that is not what is sought, and that is not what is done by the amendment of my colleague. What his amendment does is to place squarely in the hands of the Secretary of the Interior through the Reclamation Service power to block all development upon all streams, at least in the Western States, where the reclamation act applies. The language is broad enough, I think, to go even as far as was suggested by the Senator from Tennessee. So I hope the amendment will not be adopted.

Mr. BANKHEAD and Mr. POINDEXTER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield, and to whom?

Mr. JONES. I yield first to the Senator from Alabama. He rose some time ago.

Mr. BANKHEAD. I think the Senator from Washington did not answer the question quite accurately, and I wish to make it perfectly plain. I should like to ask the Senator from Washington this question: Under the provisions of the amendment, the purpose being, of course, to divert the water from the river for irrigation purposes, if you do not divert the water, of course you get no irrigation. That is conceded. Is it not possible under the provisions of the amendment that the navigability of any of the rivers of the country might be absolutely blocked. In other words, does not the provision of this amendment, if it is put into the bill and carried into effect, divert the water from a navigable river for irrigation purposes, if the Reclamation Service desire it?

Mr. JONES. I hardly think so. I do not think this would permit that to be done.

Mr. BANKHEAD. Why not?

Mr. JONES. It does not expressly authorize the taking of water out of the stream for irrigation purposes. What the amendment would do would be to block the improvement of rivers for navigation purposes.

Mr. BANKHEAD. That is exactly the same. If you block it, you destroy it, do you not?

Mr. JONES. The Senator said it would permit them to take the water out and divert it. For instance, this is what the amendment would do in my State, in my judgment: At Priest Rapids we have no navigation.

Mr. BANKHEAD. But you would have under the bill.

Mr. JONES. We would have under the bill; but if the amendment goes in, and the Reclamation people say, "We want the 200 acres of public land that will be overflowed by the building of a proper dam at Priest Rapids for reclamation purposes," then no one would get a permit to put in the dam. The Reclamation Service have not any money; they would not make any development, and so no development would be made. There would not be any water taken out of the stream, but the obstruction to navigation that is there now would continue, and we would not have navigation.

For irrigation purposes, what my colleague contemplates is that there would be power developed by the Reclamation Service at some point that will be used in pumping water to wells in the land that is desired to be irrigated there from an underground source. That is possible, and that would be carried out under this bill.

Mr. BANKHEAD. That is very remote.

Mr. JONES. No; I think not. We will get the power; the development will be applied under the bill to do that. But even if it were possible to take water out of the Columbia River by gravity for irrigation purposes, I do not think it is probable, no matter how many acres of land are irrigated, that enough water would be taken out to endanger all possible navigation on that river, because there is an abundance of water. But on other streams, of course, that might be done.

Mr. BANKHEAD. I do not insist that it would have that effect where you have an abundance of water both for navigation and for irrigation. The point I am making and the answer I am endeavoring to get to my question is as to the effect on numerous rivers in the country where there is barely enough water now for navigation properly served.

Mr. JONES. Of course it might seriously affect navigation if not destroy it entirely. Then, of course, there would come a question as to which was more important, the navigation or the irrigation.

Mr. POINDEXTER. Mr. President——

Mr. JONES. Of course the Secretary of War, if that proposition is presented to him, would be just as competent to decide it as anyone else on the information he would get. I yield to my colleague.

Mr. POINDEXTER. The Senator from Alabama, it would seem, has left the Chamber. I was going to ask him if any more power is granted under this amendment to take water out of a stream than already exists under State law.

Mr. JONES. I do not think this gives any power to take water out of a navigable stream or anything of the kind. For these reasons I feel impelled to oppose the amendment.

Mr. NEWLANDS. Mr. President, the amendment offered by the junior Senator from Washington [Mr. POINDEXTER] opens up a wide field of discussion. I stated some days ago that I am friendly to the general purpose of the bill. I did not commit myself as to the bill itself. But such amendments as are being offered by the Senator from Washington are serving to convince me that it is a most unwise thing to press the bill at this time or to consider the water-power question at all except in connection with the general development of a river and the use of a river for every possible purpose.

The Senator from Washington has in contemplation the possible construction of a dam on a river the site of which constitutes a part of a proposed reclamation project, and he provides that the power of the Secretary of War to grant a permit to construct a dam shall not apply to cases where the proposed site or sites thereof shall be required by or for the Reclamation Service of the United States.

Why is not that a reasonable suggestion and a reasonable limitation? The waters of rivers are useful for many purposes. They are useful for navigation, though they are not much used for navigation, because as yet we have not perfected the waterway as we have the railway by every artificial device. The waters are useful for many other purposes and uses which come within the jurisdiction of the States. Water-power development is purely domestic; it is not national; just as irrigation, just as the reclamation of swamp lands are.

Will anyone contend that the use of water for irrigation is not as valuable as the use of water for the development of water power? Is it not just as important to establish homes on our arid plains by supplying those plains with the one thing that is necessary to make them blossom into production as it is to develop electric energy for consumption in the homes?

This indicates that the National Government now has two departments which are concerned in two uses of water—the War Department interested in using water for navigation, to which by this bill is to be added jurisdiction over that use which relates to water power, and the Interior Department interested in the use of water for irrigation. To these two departments you may add the Agricultural Department, which is interested in the control of water for swamp-land reclamation, the antithesis of arid-land reclamation. Then we have the Department of Commerce, with its Coast and Geodetic Survey, with its Bureau of Fisheries, whose development depends upon the proper treatment and condition of our rivers. Going back to the Interior Department, we have the great Geological Survey, engaged in the measurement of waters throughout the United States, the ascertainment of all the scientific data regarding waters which will be of service either in legislation or administration.

An amendment was sought at the very start in the consideration of this bill to add the Secretary of the Interior to the Secretary of War as the granting power of these permits, and it was beaten. The Senator from Washington says he does not desire the Reclamation Service to be injected in this bill, and so others, upon the prior vote, did not want the Secretary of the Interior, with his powers, injected into the bill. The Senator from Washington says he does not want the War Department complicated with the Reclamation Service. Neither do I want to complicate it, but I want them both coordinated, with

these two departments working in cooperation rather than in antagonism when the subject matter which we have under consideration is the same, namely, the full and complete development of the river for every useful purpose.

I agree with the senior Senator from Washington that we should not complicate the Reclamation Service or the Interior Department with the Secretary of War, and we will certainly accomplish that by leaving the amendment out of the bill. I believe that we should coordinate both with the Secretary of War, and we will accomplish that by putting them in the bill.

Mr. President, we are commencing at the wrong end of this proposition, and we are commencing at the wrong end simply because special interests will always be served more rapidly than the general interest. Special interests will always enlist activities that the general interest is slow in enlisting. I indulge in no innuendoes upon this subject. I do not mean to say that there is any improper influence exercised. What I mean to say is that when there is great industry interested in a particular proposal the momentum behind that proposal will carry it into legislation before a measure covering the same subject matter which involves simply the general interest.

Many of us here stand for the general interest, for the public interest, for the interests of the people of to-day and the interests of the people of to-morrow, for the interests of this great Republic; and when we insist upon it that there should be as broad and comprehensive a treatment of this question as the subject itself, we should bring into it the coordination of the various services which relate in any degree to water, all the various departments that have any of the subject matters relating to water under their jurisdiction, and that we should plan and work in a big way, so as to serve every use, and not permit the advancement of a single present use to obstruct another use in the future.

When we insist that the question should be viewed as a big question, involving big sums of money, the employment of big forces, and the utilization of big brains in its conception, we are called visionary, and the men who attach themselves simply to detached portions of a great question here and there are called practical men.

Mr. SHIELDS. Mr. President, I suppose the Senator from Nevada is now referring to the bill introduced by himself some years ago and now offered as an amendment to this bill, proposing to expend $600,000,000 on such matters?

Mr. NEWLANDS. I am.

Mr. SHIELDS. That is quite a large measure.

Mr. NEWLANDS. Mr. President, since the Senator from Tennessee has opened up that question, I shall be very glad to amplify it and to defend the bill.

The Senator's query indicates that one of the visionary elements of the proposal which I have made is that it is to cost $600,000,000, and the Senator stands aghast at the possibility of the people of the United States paying $600,000,000 for anything. Why, Mr. President, we are not paralyzed with doubt and indecision when the great railway authorities tell us that the railway system of the country has cost up to to-day $15,000,000,000; we are not paralyzed when Mr. Hill, the great railway authority, states that within the next five years, I believe, $5,000,000,000 more will have to be spent upon the railway systems of the country. The people of the country have to pay the income upon these extraordinary sums in the shape of rates, which have the force of taxes, for they come out of every man's income. The people support these great enterprises; they pay the interest upon the bonds and the stocks that are issued in order to construct and maintain them; and yet we are not paralyzed when we view Mr. Hill's utterance that within the next five years $5,000,000,000 will be required for the proper development of railway transportation in this country. Why, then, should we be paralyzed when we are confronted by the prospect within 10 years of paying $600,000,000 for the proper development of our water transportation, embracing over 25,000 miles of navigable rivers, coordinating with the railways and with the ocean steamers, which are just as necessary as are the rails and the ocean to a perfect, proper, and complete system of transportation.

Mr. HUSTING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Wisconsin?

Mr. NEWLANDS. Certainly.

Mr. HUSTING. I want to ask the Senator from Nevada whether, in addition to the interest on this investment, we do not also have to pay the profit to those railroads?

Mr. NEWLANDS. Of course we are paralyzed at the prospect of expending $60,000,000 annually—$600,000,000 within 10 years—in perfecting a system of waterway transportation which will rival our railroad and ocean transportation, and which is absolutely necessary, in coordination with them, to make a complete system of transportation. Then we are paralyzed also, at all events the Senator from Tennessee seems to be paralyzed, when, accompanying that, goes the comforting thought that that $600,000,000 will not only advance transportation upon our rivers, but will develop every possible use of those rivers—the storage and diversion of waters for the reclamation of the arid lands, the control of those waters for the reclamation of swamp lands, the richest in the world, the intermediate development of water power, the conservation of forests, and the storage of water for application, even in the humid regions, for intensive cultivation. The development of our rivers involves every possible form, outside of mining, of conservation of the natural resources of this country. The only way to do it is to do it logically, fully, and comprehensively, serving at the very outset every use to which this water can be put, and so making your plans as that each use will dovetail into every other use in such a way as to produce economy in construction, economy in administration, and the fullest development of all the uses.

Is there anything new in this? Is there anything new in irrigation? It has been practiced for thousands, perhaps millions, of years. Is there anything new in swamp reclamation? Is there anything new in water-power development? Is there anything new in forest growth? Is there anything new in intensive cultivation? Does it require a vivid imagination to evolve a plan for the development of any one of these things? When we propose to coordinate them in some effective way, when we propose in one great scheme to treat them all with a view to economy of cost and economy of administration we are held up as visionary.

Mr. President, it is well known in this body that I am not an obstructer; I do not like to stand in the way of any movement that has the public interest in view. I regard the water-power development as of the highest importance, and I want to see it developed; but I want to see it developed upon proper lines and upon lines that will be harmonious with the development of water for other purposes and uses; and I am rapidly making up my mind that in the future, instead of aiding these detached measures as I have in the past—measures relating to forests, measures relating to water power, measures relating to swamp-land reclamation—the highest duty I can perform, and that other men who think like me can perform, is to obstruct all legislation upon this subject until the Congress of the United States, in its multitudinous duties and interests, has time to inform itself upon the importance of the subject as a whole and to deal with it in that big and comprehensive way which the nature of the subject demands.

I propose to vote for the amendment of the Senator from Washington [Mr. POINDEXTER] and other amendments like it, but unless I am convinced that this bill in its final form can work in harmoniously with the other plans which we have for the development of our rivers I am going to vote against the bill.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Washington [Mr. POINDEXTER].

Mr. POINDEXTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Lane	Poindexter
Beckham	Gronna	Lee, Md.	Pomerene
Brandegee	Harding	Lodge	Ransdell
Broussard	Hardwick	McCumber	Shafroth
Chamberlain	Hitchcock	McLean	Sheppard
Clapp	Hollis	Martine, N. J.	Simmons
Clark, Wyo.	Hughes	Myers	Smith, Ariz.
Clarke, Ark.	Husting	Nelson	Smith, Mich.
Colt	James	Newlands	Smoot
Cummins	Johnson, Me.	Norris	Thompson
Curtis	Jones	Oliver	Tillman
Dillingham	Kenyon	Overman	Walsh
du Pont	Kern	Owen	
Gallinger	La Follette	Page	

Mr. POMERENE. I am requested to announce the unavoidable absence of the junior Senator from Delaware [Mr. SAULSBURY] because of illness.

Mr. SHAFROTH. I desire to announce the absence of my colleague [Mr. THOMAS] on account of sickness.

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Mississippi [Mr. WILLIAMS]. He is detained on account of illness.

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. There is a quorum present. The question is on the adoption of the amendment proposed by the Senator from Washington [Mr. POINDEXTER].

Mr. WALSH. Mr. President, this very important amendment ought to be considered in the light of the actual facts.

The Reclamation Service does, as a matter of fact, develop power, and, through the means of the power developed, raises water for purposes of irrigation. It develops that power not only by filing on the water of streams and developing electrical energy for the purpose of pumping water, but it actually develops power by means of coal and pumps water for irrigation purposes in that way. The project at Williston, N. Dak., is founded on that principle. The power is developed by means of coal, and water is then pumped. There is a large power plant in connection with the Salt River project, in the State of Arizona.

Mr. President, I should regard it as singularly unfortunate if an opportunity which the Reclamation Service desires to utilize should be turned over to a private corporation. I can not understand how anyone can take the position, when the Government wants to use a power site for governmental purposes, that it should not have that opportunity, but that it should be turned over to a private corporation to develop and utilize.

Furthermore, Mr. President—and I regret very much that the Senator from Tennessee is not here—the amendment proposed by the Senator from Washington leaves the ultimate decision of this matter not with the Secretary of the Interior at all, but with the Secretary of War. It does not say that the permit shall not be granted over the objection of the Secretary of the Interior; it simply says that, whenever the site is necessary for the Reclamation Service the permit shall not be granted—not whenever the Reclamation Service puts its veto on it, but when the Secretary of War is convinced that the site is necessary for reclamation purposes, he is commanded not to grant the permit. I do not know how anyone can defend himself in resisting so moderate and so necessary an amendment as that.

Why, Mr. President, the Reclamation Service is advised of the opportunities which are presented in the West for the extension of the irrigation system, to which we are all so attached. The Secretary of War knows nothing about the matter, unless his attention is called to it by the Reclamation Service, and whenever an application is made, under the amendment proposed, it will be necessary for the Secretary of War to inform himself, through the Reclamation Service, as to whether that site is necessary in order to carry out the purposes of the great reclamation act.

That the Reclamation Service has the power to develop a power site as part and parcel of a recamation project, I entertain the idea no one can seriously dispute, and that it is wise wherever a water-power development is necessary to carry out that purpose that it should be devoted to that purpose probably can not be disputed, either. There is a dread, as you will observe, even to have the Secretary of the Interior introduced in this matter in an advisory capacity, but the purpose is to turn the whole thing over to the Secretary of War, with the suggestion, even, that he should not listen to any views which the Reclamation Service might have to express concerning the wisdom of utilizing the opportunity for the purpose of carrying out the purposes of the reclamation act.

The amendment does not say, by any means, that the permit shall not be granted if the Reclamation Service shall object or if the Secretary of the Interior shall object; it simply provides that the Secretary of War shall determine whether the project is necessary in connection with the work of the Reclamation Service; and if so, to withhold the permit.

Mr. SHAFROTH. Mr. President, I merely want to say a word before the vote is taken. The Senator from Montana seems to think that the amendment offered by the Senator from Washington would still leave the discretion in the Secretary of War; but I want to call his attention to the wording of the amendment. The amendment is to be inserted after the word "That," in line 18, section 2, page 3. The first part of that section now reads:

SEC. 2. That the Secretary of War may grant a permit or permits for such dam or dams and accessory works upon the following conditions—

After the word "That," it is proposed by the Senator from Washington that there be inserted this language:

Unless the proposed site or sites thereof shall be required by or for the Reclamation Service of the United States.

Who is to determine that? The Reclamation Service. Whenever they make their filing, that is all that is necessary to be done; and, consequently, it takes away the power of the Secretary of War to determine what is best for the Government in connection with the matter.

Mr. President, this measure, of course, applies only to navigable streams, and I am satisfied that the Senator from Montana would resist any effort in what is called the Ferris water-power bill to lodge any jurisdiction or power whatever in the Secretary of War to meddle in the matters provided for in that bill. It seems to me to be plain and clear that if you are going to have two Secretaries concerned in this matter you are going to have conflicts of jurisdiction and conflict in determining the questions involved.

Now, I wish to call attention to this fact: The Reclamation Service has filed on numerous sites for irrigation or reclamation projects in the United States; they have almost any number of them; but they are not doing anything with them, except in a few instances. In my State, in 14 years, there have been only two, and they are not entirely completed, one of them not being in operation to the full extent now. Not only that, but there are any number of sites which have been filed upon by the Reclamation Service, and which are held by them, so that they can not be improved; and when they will ever be improved by the National Government in connection with a reclamation project it is impossible to tell. The reclamation fund is not large; it is not increasing; and if you are going to rely upon those projects being undertaken by the National Government, you will find that it will be many and many a year before even a majority of them will be completed.

Mr. President, this proposition seems to me so plain that I can not understand why people have thrown what, it seems to me, will be obstructions in its path which would produce almost an annihilation of the work.

The Senator from Washington referred to the fact that I had been opposing the imposition of burdens upon corporations which might undertake development work under this bill. In the first place, Mr. President, the proposed power companies, in order to undertake a project at all, must agree to install, free of charge, the necessary navigation works for the United States. That is going to cost $1,000,000 or $2,000,000 in a given project. Is it possible that you can expect any company to undertake development work under this bill if you require them to put up such expensive works and in addition burden them with every restriction in the wide world which can be conceived of?

In connection with the valuation of the land we have voted down several propositions; but when we come to ascertain just what valuation is provided in this bill we find that the permittee shall be paid for the value of the property, not including anything granted by the permit. It seems to me that that is a sufficient curb upon corporations which might exercise privileges under this bill as to charging exorbitant prices.

As to this proposal to have two Secretaries determine whether a certain project shall be used for irrigation or shall be used for navigation, I think that injects an element into this bill which it was not intended to present here. This is not an irrigation bill; this is a bill which relates to the interests of navigation; but if the Secretary of the Interior were to call to the attention of the Secretary of War the fact that a given site was more important for irrigation than for navigation, then, I have no doubt, the Secretary of War, guided by the best interests of the country, would yield to that suggestion; but to say that the Reclamation Service, by reason of the filings it may have made, shall absolutely have the right of determination in connection with a power site and to divest the Secretary of War of that right, it seems to me, is absurd. I ask for a vote on the amendment.

Mr. NEWLANDS. Mr. President, I will ask the Senator from Colorado whether he would be willing to have the Secretary of the Interior united with the Secretary of War in the granting of these permits?

Mr. SHAFROTH. Mr. President, we voted on that, and the Senate voted two to one against putting this authority in two departments, because there will be conflicts. Would anybody want to insert in the Ferris bill a provision that the Secretary of War should have jurisdiction? Nobody would think of such a proposition as that.

Mr. NEWLANDS. I would.

Mr. SHAFROTH. I would not. I do not think it ought to be done. I think these ought to be distinct. You might as well say that the engineers of the War Department and the engineers of the Interior Department should determine these matters. You would have interminable conflict if that were done.

Mr. NEWLANDS. Yes; I think so. Now, let me say to the Senator that the very fact that the Senator refuses to include the Secretary of the Interior with the Secretary of War in this council that is to determine a most important matter—namely, the grant of this permit or license—has necessitated the amendment offered by the Senator from Washington, which proposes to confine the jurisdiction of the Secretary of War to those parts of the river that are properly under his jurisdiction and to those uses that are under his jurisdiction, without permitting him to exercise his power in such a way as to oust

the jurisdiction of the Secretary of the Interior, which he has under the irrigation acts.

The construction of dams is an essential part of almost every irrigation project. The development of water power in connection with those dams which are primarily intended for the diversion of flood waters is also most important. It is of the highest importance that these works should be put to every beneficial use, in order that the cost for a single beneficial use may not be prohibitive; and thus, by distributing the cost over various uses, you bring that cost within the reasonable requirements of the situation.

For purposes of reclamation of arid lands, the Secretary of the Interior has just as much jurisdiction as the Secretary of War has over rivers for navigation or for the development of water power. Thus far the Secretary of War has been given jurisdiction only over those phases of river development that relate to navigation. Now, we are adding to that jurisdiction over the uses that relate to water power. What do we find then? That we have given two Secretaries jurisdiction over different uses of water—one for the development of water power, the other for the development of irrigation; and yet the development of irrigation in many cases includes the development of water power and must include it.

What do you say under this bill? That in such a case as that the Secretary of War can exercise that power without consulting the Secretary of the Interior; or, as the Senator from Colorado suggests, you put the Secretary of the Interior in the position of a suppliant, going to the Secretary of War and humbly presenting the considerations which suggest themselves to him, but without the least power to check the control and the action of the Secretary of War.

I say that is illogical. We have in view the full development of these rivers for every useful purpose, and we are approaching that matter piecemeal and in a most disorderly and disjointed way. We should not have contradictory jurisdictions. Wherever there are officials that have a part of the jurisdiction over the same subject matter, or where their jurisdictions are likely to conflict, the only thing to do is to bring those jurisdictions into cooperation by organizing them into one body.

What Secretaries have jurisdiction over matters relating to water? The Secretary of War, first in history, and perhaps formerly first in importance, has control over navigation. His powers have never yet been exercised scientifically or efficiently, and our rivers are as disjointed as they ever were—just as inefficient as a railway system with a mile of rail out every 10 miles and without station houses or sidetracks. We propose to turn over to this department, which has never yet done anything efficient regarding our rivers, and has never planned our rivers comprehensively or fully, practically the control of every other use of the water; and we are going to compel such departments as the Interior Department to approach the War Department on its bended knees and ask consideration for its suggestions with reference to matters that are placed under its jurisdiction.

If there ever was a case for the application of that much-abused term "coordination," this is the case. If you say that if you give it to two only they may differ, the answer to that is, have a third, and then there will be a casting vote. Who should be the third? Why, obviously either the Secretary of Agriculture or the Secretary of Commerce, because each of them has jurisdiction over certain phases of the water question. The Agricultural Department has jurisdiction over the development of our forests as reservoirs of moisture, over drainage with a view to reclaiming swamp lands, over the use of water for intensive cultivation, and the Department of Commerce has jurisdiction by reason of its Bureau of Fisheries, where the development of our rivers also involves the promotion of the fisheries, and also through the Coast and Geodetic Survey, which has jurisdiction over certain phases of the water question.

It is easy enough to find departments that can coordinate in this respect, and it is a great deal better to have a composite judgment than to have the judgment of a single man, who may be either a wise man or a fool, according to conditions. I would rather trust to the composite judgment of a board of three than the judgment of one man, however high his position, in a matter involving judgment.

Mr. SHAFROTH. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Nevada yield to the Senator from Colorado?

Mr. NEWLANDS. Certainly.

Mr. SHAFROTH. If the Senator will look at the amendment, he will find that this is not a proposition to coordinate. It is not a proposition that these men shall agree to consult with each other. It is a proposition that divests the Secretary of War of any power to touch anything that the Reclamation Service has set aside, and consequently the Secretary of War has got to go down on his knees if he proposes to undertake any enterprise in behalf of navigation, to what? Not even to the Secretary, but to the Reclamation Service.

Mr. NEWLANDS. My answer to that is that we offered the Senator from Colorado, and those who support this bill, coordination. We offered to put in this bill the Secretary of the Interior side by side with the Secretary of War in the exercise of this power, and that was rejected. Now we propose, if we can, to enable the Secretary of the Interior to block the Secretary of War where the proposal involves an irrigation project, upon the assumption that when the Interior Department has planned an irrigation project it has to that extent gained jurisdiction over the use of the river for that purpose, and we will not permit the Secretary of War to interfere with it any more than we will permit the Secretary of the Interior to interfere with the Secretary of War with reference to a matter that has been put within his jurisdiction. We are willing that these departments shall coordinate, and we will cooperate with the Senator from Colorado in providing for that; but unless he provides for that, we shall insist that the Secretary of War shall not be permitted to invade the jurisdiction of the Secretary of the Interior in a matter of such high importance to the arid and semiarid regions.

Therefore I propose to vote for the amendment of the Senator from Washington.

Mr. HITCHCOCK. Mr. President, I had hoped that those in charge of this bill would be willing to accept some of these amendments that tend to protect the public interest. To my mind, this is one that should appeal to that sentiment very strongly. It seems to me more than a possible conflict between the Secretary of War and the Secretary of the Interior—much more than a conflict of jurisdictions. This bill proposes practically to give away to private corporations valuable rights and privileges for money making. The committee is in the attitude of refusing even to except from those free gifts irrigation projects which are not private projects, but which are public enterprises, carried on for the public use and the development of the public domain. It seems to me that that is a great mistake, and that, if there is any amendment which should appeal to the committee in the direction of protecting the public interest, this is one.

Here is a great irrigation enterprise which has been carried on now for 20 years, I think. The Senator from Nevada can correct me, as he was one of the authors—perhaps the author—of the measure in the House of Representatives.

Mr. NEWLANDS. Since 1902.

Mr. HITCHCOCK. Since 1902 irrigation has been carried on as a public enterprise. Under it, hundreds of thousands of acres of arid lands have been converted into garden spots, and the public domain has been used for the development of these new empires in the West. Now the Senator stands here proposing to refuse to the responsible head of the department which has the supervision of these irrigation projects the right to protest and interfere if one of them is to be destroyed practically in the interest of a private concern, using a water power which comes as a practically free gift from the Government.

This is something more than a mere conflict of jurisdictions. It is a proposition to permit private projects, operated for profit, to interfere with a great public enterprise carried on for the public good and the development of the public domain.

What possible harm can come from permitting the Secretary of the Interior, who is really the man who has the deciding voice in the Reclamation Service, to reserve from the operations of this bill such lands and such waters as he deems necessary for these public uses? There are plenty of rivers, plenty of streams, that these private concerns can receive and develop for their private profit.

To my mind it would be a great mistake if the Senate should vote to reject the amendment offered by the Senator from Washington.

Mr. SHAFROTH. Mr. President, the Senator says this is a free gift from the Government to a company. He overlooks the fact which I stated just a little while ago, that the free gift is from the company to the Government in erecting the works that are necessary to make this improvement of the river. It has to pay for those works out of its own money. This condition arises from the fact that the Government has not enough money to make all the river and harbor improvements that are necessary, and it does not make the appropriations, and consequently it does not get the rivers improved. Here is a proposition to build these improvements for the Government, and yet the Senator talks about a free gift from the Government!

Besides that, the bill provides that the rates of these companies shall be regulated by the public-utility commissions of the States, and they are going to safeguard the people of the States as against high rates. To say that this is a free gift on the part of the Government, when they are paying a million or two million dollars in order to give the Government facilities for improving the rivers, seems to me to be absurd.

Mr. President, I think we ought to have a vote on this amendment, and I ask for a vote.

Mr. POINDEXTER. Mr. President, since the Senator from Colorado has spoken on the amendment at least four times to my knowledge, I do not see why he insists on a vote just as he takes his seat.

Mr. SHAFROTH. The Senator from Washington is always getting up and talking. I do not talk more than a minute or two. The Senator from Washington has been on his feet quite a while.

Mr. POINDEXTER. But I have not had an opportunity to say anything. [Laughter.]

I just wanted to remark that there is not any conflict of authority involved in this amendment that need be any obstacle to a consideration of the amendment on its merits. If the Senator from Colorado thinks it is important that the Secretary of War shall determine this matter, that can be very easily fixed in the bill, if the Senate agreed with him on it. I do not know that I should have any very great objection to that. It seems to me that in reclamation matters the Secretary of the Interior is the proper one to determine them; but there is no reason why, upon that question, this amendment should be either adopted or rejected, because that is a matter which can be fixed so as to leave no doubt whatever about it.

It has been urged that there is no use in reserving power sites for the use of the Reclamation Service of the Government, because there is no money in the reclamation fund. That is equivalent to saying that we have arrived at a point where the Reclamation Service has come to the end of its usefulness. It is equivalent to saying that we ought not to allow it to take power sites, because it has nothing further to do, and can not do anything further. I hope that is not the case. I hope that for a great many years the Reclamation Service, which has only gotten fairly started in the performance of the great functions for which it was organized, will continue to develop the arid and unsettled lands of the West so as to make them available for the homes of millions of our citizens.

A great many of these projects are being considered by the Reclamation Service at the present time. To lay down the proposition—as would be the effect of shutting them off from the necessary available public resources—that there could be nothing further done, that they were to cease to exercise their function, that public irrigation was to come to an end, that there were no more funds for their use, it seems to me would cause a general shock throughout the country and particularly throughout the West, which has been particularly benefited by the Reclamation Service.

There will be money in the reclamation fund. All of the money which the Reclamation Service has expended will eventually come back to it. Those funds have been slower in coming back than was anticipated, but they are coming back.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Nevada?

Mr. POINDEXTER. Just one moment. As these lands come into bearing, as they will come into bearing, and become profitable, and begin to make returns, and the settlers upon them are able to pay the dues to the Government for the water and for the land, the reclamation fund will be replenished. Furthermore, even though it were not replenished in that way, the principle being established and having been accepted throughout the country as one of the most important Government functions that has been established in this generation, if one-half of the energy were put into an effort to replenish the reclamation fund, to secure the necessary appropriations to enable it to carry on its work, that has been put into the passage of bills to enable private companies to acquire franchises on the public domain there would be no dearth of funds.

I yield to the Senator from Nevada.

Mr. NEWLANDS. Will the Senator permit me also to observe that the reclamation fund now amounts to over $80,000,000; that it is a revolving fund, being constantly replenished by the sale of water rights, and the proceeds being used in the extension of old projects or the inauguration of new ones; and that, in addition to that, the river-regulation bill which I have been urging, in its appropriation of $60,000,000 annually for 10 years, includes a very considerable sum—I think about $15,000,000 or $20,000,000 annually—to be expended in that portion of the development of our rivers which relates to the reclamation of arid lands?

Mr. CLARK of Wyoming and Mr. SHAFROTH addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield, and to whom?

Mr. POINDEXTER. I yield first to the Senator from Wyoming.

Mr. CLARK of Wyoming. I simply wish to ask the Senator from Nevada a question before he takes his seat. The bill to which he refers is a very meritorious measure, comprehensive in its character; but I should like to ask the Senator if he expects soon to get favorable action upon that bill by Congress?

Mr. NEWLANDS. I can state that a departmental committee, consisting of four Secretaries, has been in consultation upon that bill; that they favor its general framework; that whilst they are not disposed to make any recommendation as to the sum to be appropriated, leaving that to Congress, yet that they are prepared to recommend to the President that he recommend to Congress legislation upon the general line of cooperation of services and departments and cooperation of the Nation with the States contemplated by that bill. I will state, further, that that bill has been indorsed by about 10 State legislatures, I think, and by numerous waterway associations, and so forth, throughout the country.

Mr. CLARK of Wyoming. My purpose in asking the question arose from the fact that, notwithstanding all the funds to which the Senator refers, the reclamation fund is now very seriously embarrassed, and I hoped that the Senator could give us some information that would lead us to believe that it would soon be replenished in the manner of which he has spoken.

Mr. NEWLANDS. Yes; that is one of the purposes of the bill.

Mr. SHAFROTH. I should like to ask the Senator how much is in the reclamation fund at the present time?

Mr. NEWLANDS. Over $80,000,000.

Mr. SHAFROTH. Does the Senator mean in money?

Mr. NEWLANDS. No; the money has been expended.

Mr. SHAFROTH. Yes; but how much cash is there for the purpose of construction right now?

Mr. NEWLANDS. There is available only about five or six million dollars annually.

Mr. SHAFROTH. I do not believe there is that amount available. I believe there is a deficit there.

Mr. POINDEXTER. Mr. President, I do not apprehend that the Senator from Colorado and others who are urging this argument are going to take the position that the usefulness of the Reclamation Service of the Government has come to an end. Undoubtedly the Reclamation Service will continue, and the rapidity with which it will accomplish the object of developing reclamation projects will depend upon the activity of its friends in securing funds for it.

Mr. SHAFROTH. No, Mr. President; the act provides that only a certain proportion of the proceeds of the sale of public lands shall go into that fund, and that, of course, is going to diminish as we get rid of our public lands. Then, again, the rotary fund of which the Senator speaks is paid in only at the rate of 5 per cent a year; that is all. Consequently, if the fund is low now, it is going to be many years before many other projects can be undertaken. We have a number of sites in our State, but only two have been undertaken. One has been completed, while the other is still in course of construction, and has been for 6 or 7 years.

Mr. NEWLANDS. Mr. President, if the Senator will permit me just one word——

The PRESIDING OFFICER. Does the Senator from Washington further yield to the Senator from Nevada?

Mr. POINDEXTER. I yield to the Senator.

Mr. NEWLANDS. I will state that if the Senator will examine the river-regulation bill to which I have referred he will find that irrigation will be very largely reinforced, for one of the purposes of the bill is not only to promote navigation and water-power development, etc., but to promote the reclamation of arid lands. His State will be one of the States largely benefited.

Mr. SHAFROTH. I should like to have the reclamation fund enlarged; I think it is a good thing; but we have got to look at facts as they are. The reclamation fund is not large—that is, the cash available—and can not be large, under the act as it now exists.

Mr. POINDEXTER. It is not going to be of any benefit to the impoverished funds of the Reclamation Service to compel it to purchase its power from a private company—and I may say from a company that is in the grasp of a monopoly—in

preference to getting it at cost under its own development. It is a curious argument that because a service of the Government is poor you must make its operation more expensive. I propose to make it cheaper by giving it its power at cost, by the simple process of retaining and developing the natural resources which the Government already owns.

It is said by Senators that their object is the same as mine in the matter of encouraging the development of irrigation projects, so far as this bill affects them; but their plan is that we shall turn the power sites over to private companies, under all the circumstances which have been disclosed in this debate as to the trust control of those private water-power companies, and then that we shall buy the power back from them again. There is no way in which we can compel them to furnish the Government power unless we proceed to condemn it, with the consequential expense of the proceedings, and the high prices which always have to be paid in condemnation suits. The Government will be at the mercy of the private company. The alternative, as I have stated before, is that we will remain masters of the situation which the Government now occupies in that regard.

The Senator from Colorado continues to revert to the argument that in some way this is going to prevent the improvement *of a stream for* navigation. Mr. President, if you develop power in a navigable stream and put that power on a copper wire and convey it some miles distant to a tract of dry land and attach it there to a pump which lifts water from a well, how is that going to injure navigation in the stream?

Furthermore, Mr. President, it has been argued with a great deal of vehemence and very many times in this debate, and by no one more than by the Senator from Colorado, that the Government has no control over these waters; that they are subject to State laws. How, then, putting in a provision in this act giving a preferential right, which is all that it does, for the Reclamation Service to use some of the sites of these plants for the purpose of developing power is going to affect one way or the other taking water out of the stream is more than I can reconcile with the argument of the Senator from Colorado.

It is also argued that without this amendment the Secretary of War undoubtedly would go to the Secretary of the Interior and inquire whether or not a certain site was needed by the Secretary of the Interior for the Reclamation Service, and that if the Secretary of the Interior informed the Secretary of War that it was, the Secretary of War would not grant a permit under this act.

If that is the case, what objection can the opponents of this amendment have to fixing it in the law? If the power already exists, it will have the same effect, they fear, as it would be if it was declared in a specific amendment and put into the act. Of course, it does not exist unless you write it into the law. As the bill is framed now the Secretary of War will be required to grant an exclusive permit for a water-power site to any applicant who is qualified under the definition of the bill, and that definition excludes the Reclamation Service. So the situation declared by the Senator from Colorado does not exist at all. If it did, there would be no harm in the amendment, from his standpoint; and, if it does not, the amendment is absolutely essential to save for the Government these power sites. The sum and substance of it is that it simply gives a preferential right to the Reclamation Service of the Government for power sites.

It has been argued against the amendment that there is no time fixed within which the Reclamation Service would have to act. I assume it will act at once. It will act in such time as the Secretary of War, in the rules which he will be compelled to make for the administration of this law, will fix. But if the law does not authorize the Secretary of War to fix a definite time in which the Reclamation Service must declare its purpose to retain or not to retain the power sites, there is no objection to fixing a time in the bill. There would be no difficulty about that. If the amendment is adopted, the time can be specified and the Reclamation Service required to act within that time. That is an immaterial objection. No one will oppose such a change in the form of the amendment or such an addition to it.

I think it is unnecessary, but have no objections if you insist upon putting it in; but to suggest that the great object of retaining a preference right for the Government itself to the power sites in navigable streams is to be defeated on the trivial proposition that the time is not limited is a mere quibble. The Senator can propose such an amendment as that.

I do not know that the matter needs any further explanation. It seems to me the amendment is so short and simple that it is readily understood.

Mr. CLARK of Wyoming. Mr. President, I am heartily in favor of any step that safeguards the reclamation policy of the Government. I think it is of vital interest to the western country at least. But I doubt very much whether the amendment of the Senator from Washington would work beneficially. I do not like the idea of divided authority. I think there should be responsibility fixed in one department or another. Our experience has been, I think, that where there has been divided authority it has served to unduly delay any sort of operation. That is true in regard to the entry of public lands in the West at this time. They are passed upon by the Geological Survey, by the Reclamation Service, and by the General Land Office. The consequence is almost interminable delay in securing title to public lands of any description in the West to-day.

I do not apprehend that there will be any difficulty arising by an overexercise of authority or any injudicious exercise of authority by the Secretary of War. I am of opinion that he would consider whether it was best suited for the irrigation enterprise or for the power purposes which the bill contemplates, and if it should be made to appear to him either upon representations from the Interior Department or from the Reclamation Service that a permit should not be granted for a power site, I have not any idea that he would exercise the power or authority the bill gives him.

Therefore, in view of the fear I have of the operation of a division of authority upon these power sites, and in view further of the fact, which we know, of the jealous guardianship of the powers given to any of the departments by that department, I feel that the amendment ought not to be adopted.

Mr. JONES. Mr. President, just a word. I can not allow to go without notice the suggestion of my colleague that those of us who referred to the condition of the reclamation fund recognize or see that the work of the Reclamation Service has come to an end. There is no one who has been more in favor of the Reclamation Service and thinks more of it and has done more to bring it along than I have. When I referred to the condition of that service it was simply that we should face the situation as it is.

There is practically no money in the reclamation fund now that is available for these reclamation projects. At the last session we appropriated the estimate of the department, a little over $8,000,000, for reclamation projects out of the reclamation fund. When they came to allot the money notice was sent out to some of the projects in our State that the applicants allotted certain sums of money could not have the amount Congress had allotted because the fund was short, and it was just about half of what they had estimated to Congress.

Then we passed a law a session or so ago extending the time of payment under the reclamation fund for 20 years so that the money that will come back will come back very slowly. Then we appropriated $20,000,000 a few years ago out of the Treasury into the reclamation fund and that is now a mortgage on the reclamation fund and has to be paid back. So we must face the situation that there is no cash in the reclamation fund, and I am sorry to say that I am afraid there is not likely to be.

The Senator suggests that if as much work had been done in getting money for the reclamation fund as has been expended on this bill we would probably have more. I want to say that I have spent much more time in trying to get money for the reclamation fund than I have in trying to get this bill passed, as far as that is concerned. I have been trying to get money for projects in our State just as my colleague has been trying to do, but we have not been able to get what we ought to receive. We have not been able to get what we need to carry on the projects now under way, and whether we will get it or not I do not know. We will get it if it is possible to get it. I want to do everything in my power to promote the efficiency and the good work of the Reclamation Service and I shall do it.

I have to face another situation in my State, when the Reclamation Service gets money available to take up projects. We have a project known as the Palouse project in our State that has been examined and reported upon. A recommendation was made that reservoir sites should be purchased, and that it is almost imperative that they should be gotten very soon; but there is no money in the fund to get them. The Secretary of the Interior has no money at his command by which he can buy them; but whenever the money does come in I feel that that is the project which in justice to the people of our State ought to be taken up first. When that is to be taken up we do not know; we can not tell.

So it seems to me that this measure offers hope of the reclamation of much of our land, the reclamation of which is away in the indefinite future from any other source.

I suggested in the discussion that in any project the Secretary of War might be taking up the Reclamation Service would present the needs of reclamation. I did not suggest that the Secretary of the Interior or the Reclamation Service had the power to veto the suggestion of the Secretary of War. They

have not. We have carefully avoided that proposition. We have voted that down a time or two in the Senate, because we do not want a divided authority. But there is not any question that if a permit is asked for the construction of a dam in a navigable stream in the arid-land States the Reclamation Service will call on the Secretary of War for any possible need of the Reclamation Service or any possible need of irrigation, and the Secretary of War will take that into account and provide for it if possible.

The PRESIDING OFFICER. The question is on the adoption of the amendment of the Senator from Washington [Mr. POINDEXTER.]

Mr. POINDEXTER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator, I withhold my vote.

Mr. HARDING (when his name was called). In the absence of the junior Senator from Alabama [Mr. UNDERWOOD], with whom I have a general pair, I withhold my vote.

Mr. HARDWICK (when his name was called). I have a general pair with the junior Senator from Kansas [Mr. CURTIS]. I transfer that pair to the junior Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. WALSH (when his name was called). I am paired with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Tennessee [Mr. LEA] and vote. I vote "yea."

The roll call was concluded.

Mr. GALLINGER. I have a general pair with the Senator from New York [Mr. O'GORMAN], but I am privileged to vote in his absence on this bill. I vote "nay."

Mr. OWEN. I transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from California [Mr. PHELAN] and vote "yea."

Mr. MARTINE of New Jersey. I desire to state that the senior Senator from New York [Mr. O'GORMAN] is absent from the Chamber unavoidably and that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. How he would vote if present I do not know.

Mr. HOLLIS. I transfer my pair with the junior Senator from New York [Mr. WADSWORTH] to the junior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. GALLINGER. I wish to announce that the Senator from Idaho [Mr. BRADY] is paired with the Senator from Florida [Mr. FLETCHER];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Indiana [Mr. SHIVELY];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN]; and

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH].

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

The result was announced—yeas 22, nays 30, as follows:

YEAS—22.

Ashurst	Husting	Lee, Md.	Poindexter
Borah	James	Martine, N. J.	Pomerene
Chamberlain	Kenyon	Myers	Thompson
Gronna	Kern	Newlands	Walsh
Hitchcock	La Follette	Norris	
Hollis	Lane	Owen	

NAYS—30.

Bankhead	Jones	Overman	Smith, Mich.
Beckham	Lewis	Page	Smoot
Clapp	Lodge	Shafroth	Sutherland
Clarke, Ark.	McCumber	Sheppard	Swanson
du Pont	McLean	Shields	Tillman
Gallinger	Martin, Va.	Simmons	Vardaman
Hardwick	Nelson	Smith, Ariz.	
Johnson, Me.	Oliver	Smith, Ga.	

NOT VOTING—44.

Brady	Curtis	O'Gorman	Smith, S. C.
Brandegee	Dillingham	Penrose	Sterling
Broussard	Fall	Phelan	Stone
Bryan	Fletcher	Pittman	Thomas
Burleigh	Goff	Ransdell	Townsend
Catron	Gore	Reed	Underwood
Chilton	Harding	Robinson	Wadsworth
Clark, Wyo.	Hughes	Saulsbury	Warren
Colt	Johnson, S. Dak.	Sherman	Weeks
Culberson	Lea, Tenn.	Shively	Williams
Cummins	Lippitt	Smith, Md.	Works

So Mr. POINDEXTER's amendment was rejected.

Mr. SHIELDS. I have an amendment that I desire to offer.

The PRESIDING OFFICER. The amendment will be read by the Secretary.

The SECRETARY. On page 9 strike out line 24 and on page 10, line 1 and line 2 to the word "valuable," and insert:

Which constitutes part of the plant of the grantee and dependent in whole or in part upon it for its usefulness and acquired necessary appurtenant.

Mr. SHIELDS. This amendment has been discussed. It is offered to clear up what was considered an ambiguity in the bill. I ask that it be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

Mr. HUSTING. Before we vote on the amendment which the Senator from Tennessee has offered, I ask what change it makes in the bill.

Mr. SHIELDS. I do not think it makes any change. Line 24, on page 9, and the first line of page 10 and the four first words of line 2 were thought to be ambiguous by two of the Senators who discussed it—I think the Senator from Utah [Mr. SMOOT] and the Senator from Montana [Mr. WALSH]. I then told them I would offer an amendment to make it clear.

Mr. HUSTING. Will the Senator please read it as it would read?

Mr. SHIELDS. I ask the Secretary to read it.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. Strike out line 24, page 9, and line 1, page 10, and line 2 to the word "valuable," and insert the words proposed, so as to read if amended:

And upon the taking over by the United States of all the property of the grantee which constitutes part of the plant of the grantee and dependent in whole or in part upon it for its usefulness and acquired necessary appurtenant valuable or serviceable—

And so forth.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHIELDS. I have another amendment that I desire to offer.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 16, after line 17, insert the following, being a part of section 10:

The provisions of sections 3, 4, 5, 6, 7, 8, 9, 11, 12, and 13 of this act shall, in so far as applicable in each case, apply to structures erected, maintained, or operated under and in pursuance of the provisions of this section.

Mr. SHIELDS. The object of this is to make the lease of excess power created by dams constructed by the Government subject to the provisions of the bill which provide for the regulations of rates, for taxation and to prohibit the development from becoming a part of a monopoly. I suppose there will be no objection to that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHIELDS. I propose another amendment, Mr. President.

The PRESIDING OFFICER. Let the amendment be read.

The SECRETARY. On page 10, line 23, after the word "granted," insert the following:

When the permit expires by limitation or is terminated under the provisions of this act the United States may take over, acquire, occupy, and use all the property of the grantee herein described and upon the terms herein provided for such purposes as may be authorized by then existing laws; or the Secretary of War may grant a permit to any person or persons defined in sections 1 and 10 of this act upon the same terms and with the same restrictions and preferences provided in this act and as may be authorized or required by the existing laws who shall take over the property of the original permittee upon the payment of its fair value in all things, as the United States is authorized and required to do, or the Secretary of War may renew the permit to the original permittee upon the same terms and with the same restrictions and preferences and as may be authorized and required by then existing laws.

Mr. SHIELDS. That is also an amendment to make the matters contained in it more explicit. I thought the bill originally allowed the Government of the United States to take the property over and to transfer it to another permittee or to renew the permit. I still think so, but Senators suggested something explicit upon the subject should appear, and the amendment is offered to cure any doubt that may be upon the very important matter.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHIELDS. I have another amendment which I desire to offer.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 11, after the word "provision," and before the word "upon," in line 11, it is proposed to insert "concerning the power that enters into commerce," so that it will read:

To enforce the provision concerning the power that enters into interstate commerce upon the complaint of any person aggrieved, or upon its own initiative—

And so forth.

Mr. SHIELDS. That amendment, Mr. President, is offered upon a suggestion that was made by the Senator from Arkansas [Mr. ROBINSON] that it was not clear how far the jurisdiction of the Interstate Commerce Commission extended. The amendment is offered to remove all doubt on that subject by confining it to the power that enters interstate or foreign commerce.

The PRESIDING OFFICER. Is there objection to the amendment? If not, it is agreed to. The Chair hears none.

Mr. POINDEXTER. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 2, line 9, after the word "mean," it is proposed to insert the words "individuals, any department of the United States Government having authority to exercise the right of a grantee under this act."

The PRESIDING OFFICER. Is there objection to the amendment?

Mr. SHIELDS. I will ask the Senator from Washington to explain the amendment.

Mr. POINDEXTER. The amendment simply proposes to authorize an individual to make an application for a permit. I do not see why an individual should be excluded and the privilege confined to corporations.

Mr. SHIELDS. Will the Senator permit me to interrupt him?

Mr. POINDEXTER. That is one of the changes which the amendment makes.

Mr. SHIELDS. Will the Senator first allow me to read the language of the bill?

Mr. POINDEXTER. Just a moment, if the Senator will allow me, and I will explain the amendment in full.

The amendment authorizes an individual to make an application, and it also authorizes a department of the Government of the United States to make an application, to the Secretary of War for a permit under this act. It is somewhat in line with the suggestion of my colleague [Mr. JONES] when he was opposing the other amendment which I offered, intended to protect the rights of the Government.

The other amendment which I offered in effect really only gave a preference right to the Reclamation Service of the Government. That amendment was voted down; and the Government, as the bill now stands, can not even be on an equal footing with private citizens in developing its own power plants. I propose to insert these words here in order to give the Government that opportunity.

Mr. SHIELDS. I ask that the amendment be restated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 2, line 9, after the word "mean" and before the word "political," it is proposed to insert "individuals, any department of the United States Government having authority to exercise the rights of a grantee under this act," so that it will read:

And shall be construed to mean individuals, any department of the United States Government having authority to exercise the rights of a grantee under this act, political subdivisions of States, municipal corporations—

And so forth.

The PRESIDING OFFICER. Is there objection to the amendment?

Mr. SHIELDS. Mr. President, I have no objection to the amendment proposing to insert the word "individuals," though I think it is included where the bill says "persons, associations, or companies." That part of the amendment I accept.

As to the language, "any department of the Government," I desire to say that this bill provides that the development may be made by a corporation organized under the laws of the United States, which is the usual agency the United States employs for purposes of this kind. This would accomplish the Senator's purpose. The departments are hardly individuals and have no corporate entity. I do not quite grasp the thought that a department could apply for a permit or make a development. It seems to me that the permit should be applied for by the United States or a corporation organized for that purpose. A department is not an individual or a person or a corporation——

Mr. POINDEXTER. No; but it is a governmental agent, Mr. President, which does work of this kind. I have in mind, of course, particularly the Reclamation Service. That service is constantly engaged in making dams and producing power for pumping for reclamation purposes. If you deny the privilege of retaining the site, as was done in voting down the other amendment which I offered, it seems to me that it is as little as could be done to allow the department to make an application for a permit on an equal basis with municipal corporations.

Mr. SHIELDS. The Senator must not understand me as opposing that, but I wish to put it in a practical shape. If the Senator will modify his amendment so as to make it read "a corporation organized under the laws of the United States" or "by the Congress of the United States for a governmental purpose," I will accept the amendment. I fear, however, it will produce confusion and embarrassment, and I do not believe it is possible to accomplish the Senator's object in that way.

Mr. POINDEXTER. Mr. President, I appreciate the Senator's willingness to accomplish the object, but the suggestion he makes would not be practicable at all. If you have to come in and organize a corporation under the laws of the United States in order to get an opportunity to develop a water power, and get an act of Congress to do it, of course it would not be workable at all. Furthermore, a corporation organized under the laws of the United States is not necessarily a United States agent. There are private corporations organized under the laws of the United States.

Mr. SHIELDS. My suggestion was one organized by the United States for a governmental purpose.

Mr. POINDEXTER. It would be difficult, Mr. President——

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Minnesota?

Mr. POINDEXTER. I will yield to the Senator from Minnesota after I shall have answered the last suggestion of the Senator from Tennessee.

Mr. SHIELDS. Mr. President, I should like to add a few words to my previous observations. Does the Senator from Washington really consider the propriety of allowing these permits to be made to individuals who might not be subject to regulation by public-service commissions? It seems to me that he is opening a door for a situation where the public interest can not be protected so fully as it can be under the provisions of this bill. I hope the Senator does not want to so amend the bill as to leave the interest of the public unprotected.

Mr. POINDEXTER. No; I want to put them in such a way that they can be protected; and I want to protect the rights of an individual to acquire power sites on the same terms as a corporation.

The Senator is mistaken if he intends to convey the idea that nobody but a municipal corporation or a public agency can acquire rights under this act. Private corporations and private associations can do so. Why not allow a private individual to do likewise? I do not know that any private individual will want to do so; but it is repugnant to a sense of justice, it seems to me, to deny to the natural person rights which you confer upon an artificial one. Now I yield to the Senator from Minnesota.

Mr. NELSON. Mr. President, I simply rose to suggest to the Senator from Washington that, so far as the Federal Government or any of its departments are concerned, it would be sufficient to confer the power on the Government itself; and it would exercise that power through any of the bureaus or divisions which it saw fit. Confer the power upon the Government of the United States in terms, and that will be all that will be necessary.

Mr. POINDEXTER. I will agree to that, although it seems to me to be somewhat paradoxical that the Government of the United States should make an application to its own Secretary of War. That was the reason I had the idea that it would be more consistent if the Reclamation Service were authorized to do it. I think the Senator from Minnesota is entirely right in his view that all these agencies can act ordinarily in the name of the United States; in fact, they do act in that way, but the way they would have to proceed in order to get a permit under this act, by applying to the Secretary of War, it seems to me, would be a little inconsistent.

Mr. NELSON. What I have suggested would be much broader, because in enumerating there may be some things omitted. If you simply say "the United States," it will be effective for any branch of the Federal Government; and that would be much better than making a specific enumeration.

Mr. SMOOT. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Utah?

Mr. POINDEXTER. I yield to the Senator from Utah.

Mr. SMOOT. Would not this be the effect of the Senator's amendment: If the word "individuals" stands, the individual would not be under the control of the Secretary of War; in other words, if the Senator's amendment is adopted, then the right of an individual to be free from the control of the Secretary of War would be the same as a political subdivision or a municipality or a corporation, as described in the bill? The Senator does not want, I take it, that any individual shall secure a permit and not be subject to the regulations of the Secretary of War?

Mr. POINDEXTER. No; I should prefer that individuals be subject to the regulations of the Secretary of War, but we have voted down here the power of the Secretary of War to regulate. To whatever extent the authority of the Secretary of War goes under the bill, of course, I would want it to apply to an individual the same as to a corporation; and it seems to me that it would do so.

Mr. SMOOT. The theory of the bill is, of course, that any individual who should apply for a permit must come under the provisions of the bill as to regulations by the Secretary of War.

Mr. POINDEXTER. Yes.

Mr. SMOOT. But if the Senator's amendment is adopted, then the Secretary of War would have authority to allow an individual a permit, and he would not be subject to the provisions of the bill.

Mr. POINDEXTER. No; the Senator evidently misapprehends the amendment. As the bill stands an individual would not be authorized to make an application for a permit. I am not particularly concerned about the amendment, Mr. President. I only suggested it because it seemed to me to be rather strange to confer rights upon corporations which are denied to natural citizens of the United States. If Senators insist upon their objection to that amendment, I do not propose to go on insisting upon it.

The other branch of the amendment, however, is extremely important in the public interest as the least that we can get here in behalf of the Reclamation Service of the Government.

Mr. SHAFROTH. Mr. President, there was one day a discussion here relative to whether or not an individual could be controlled by State public-utility commissions, and it was claimed by some Senators that he could not be so controlled; that the individual was not subject to such control; that the laws of the State referred to public-utility corporations; and for that reason that they were not applicable to indivduals. I believe that such laws can be made applicable by the laws of the State, but that they are not now framed in that way I am quite sure is the fact. However, it seems to me that inasmuch as an individual can easily get out articles of incorporation—any individual can get three friends to join in the applicaton for a charter, as it might be termed——

Mr. POINDEXTER. He might not have three friends; he might have but one.

Mr. SHAFROTH. A man who is able to engage in one of these enterprises is apt to have many friends, and for that reason there would be no trouble. What we want to do is to preserve, above everything else, the right to regulate these matters by State utility commissions; and I should not like any language used that would make it possible to avoid such regulation.

Mr. NELSON. Mr. President, if the Senator from Washington will allow me, I think he is perhaps under a misapprehension. I ask him to turn to the bill, on page 2, line 24, where, after the semicolon, this language is found:

> But in any case where the State has not made provision for authorizing municipal corporations, political subdivisions, or other agencies of the State or public-utility corporations or agencies to engage in said business.

Under that language the grantee may be a private individual, a municipal corporation, a political subdivision of a State, a public-utility corporation, or other agency. The point is that the State can authorize a single individual to engage in the enterprise. The authority is left in the State to say who can acquire that right. Under this bill the State may make a single individual, a private person, or a partnership, instead of a corporation, its agent. So that the opportunity is given to private persons, but they must be approved by the State authority; and I think the Senator will approve of that.

Mr. POINDEXTER. Yes; I do approve of that; and there is not any danger, Mr. President, that an individual will escape a regulation that a water-power company does not escape. Whatever regulation the State can impose upon a water-power company, connected up, as such companies are with each other, will search out and find any private citizen who undertakes to engage in the business.

Mr. NELSON. Will the Senator allow me one word further?

Mr. POINDEXTER. Certainly.

Mr. NELSON. My desire is—and that is the object of the bill—to provide that whoever acquires this right, whether it be a municipal corporation, a political subdivision of a State, a utility corporation, or an individual, shall still in every case be subject to the regulation and control of the State.

Mr. POINDEXTER. I agree to that.

Mr. NELSON. I would not want a private individual to come in and acquire such a right perfectly independent of State authority. If he comes in, he must come in under the jurisdiction of the State and be subject to State regulation, like other grantees. I think the Senator will agree with me on that point.

Mr. POINDEXTER. I do.

Mr. NELSON. And he wants the ultimate control left with the State.

Mr. POINDEXTER. I agree with the Senator entirely, so far as putting the individual under the same control to which other grantees are subject is concerned. I would prefer that the Secretary of War should have some reserved power, to be exercised, of course, in a just and reasonable way, but as the Senate has decided to depend upon the State jurisdiction for that control, of course every individual, however small a business he may have, should be subjected to the same control and regulation as the largest corporation. However, the amendment which I propose comes in at a different place in the bill and relates to the definition of those who are able to get permits at all under the bill for any purpose. The bill says:

> SECTION 1. That the United States hereby authorizes any of the persons as hereinafter defined, after obtaining the permit of the Secretary of War as hereinafter provided, to construct, maintain, and operate a dam or dams.

Then it proceeds to define the word "persons," and says:

> That the word "persons," as used in this act, shall be construed to mean both the singular and plural, as the case demands, and shall be construed to mean political subdivisions of States, municipal corporations, corporations, companies, and associations.

So that no one not within that definition could have any business under this act at all. As I said before, that is not vital. I merely suggested it. It seems to me, however, that I should like to hear some more substantial reason than has yet been given for denying a private citizen, if he chooses to make application for this franchise granted by his Government, the opportunity to secure it. I do not know of any private citizen who wants to do it, but there may be some who may want to do it.

Mr. SHAFROTH. Mr. President, the Senator does not want the private citizen to do it if he can not be regulated by the State utility commission, does he?

Mr. POINDEXTER. He can be regulated.

Mr. SHAFROTH. He can by the passage of new laws in some of the States, but I doubt very much whether the law in regard to public utilities refers to individuals, because all business of this kind is done by companies. I never heard of such an enterprise being conducted by an individual for himself. If the State regulative laws do not apply to him we might have a condition where a permit would be given to an individual and yet he could not be regulated at all. We do not want that condition of affairs, and I assume the Senator from Washington does not want it.

Mr. POINDEXTER. The debate here makes it clear, then, that Senators in charge of the bill do not propose that an individual citizen shall have this right. If that is the case, and the Senate takes that position, I have nothing further to say on the subject. I have pointed out what seems to me to be a peculiarity of the bill.

Mr. SHAFROTH. No; that is not the position. If the individual can be regulated by the State utility commission, of course it is all right to include him; but, as an individual can secure an act of incorporation at any time, he is not shut out. For that reason it seems to me it would be safer, inasmuch as the bill has been constructed all the way through with reference to that distinction, not now to change it without knowing what changes will be necessary in every other provision.

Mr. POINDEXTER. It used to be thought pretty liberal if we granted to corporations as full powers as an individual citizen had; but we are advancing, and these days it seems a private citizen has to apologize for not being a corporation.

Mr. SHAFROTH. I believe that an individual citizen ought to have the right, if the exercise of such right by him can be made to fit in with the laws of the State; but I want the individual regulated, just exactly as the corporation is regulated by the public-utility commissions of the State.

Mr. POINDEXTER. That has nothing to do with this amendment, Mr. President.

Mr. SHAFROTH. Oh, yes; it has. The amendment includes individuals, and, consequently, as it gives to individuals this right, if the State laws are such that the individuals can not be regulated except by the passage of new laws in the States, then, of course, it might happen that he would not be regulated. I doubt very much, from the standpoint of protection to the public, the wisdom of putting the word "individuals" in the bill.

Mr. POINDEXTER. Mr. President, I do not wish to repeat too often, but the Senator from Wisconsin [Mr. LA FOLLETTE] has just suggested to me what I think has already been pointed out, that there is not a public-utility law in the United States that does not provide for the same regulation of individuals as of corporations. It is not the nature of the person engaging in a public-utility service that subjects him to regulation; it is the kind of service that is subjected to regulation. If a private individual engages in the same kind of business as a public-utility corporation, he comes under the State law for the regulation of that business.

Mr. SHIELDS. Mr. President, before the Senator takes his seat I wish to make a statement so that he may have the benefit of it. The friends of the bill do not agree with me in my opinion that the amendment is not objectionable, even if the correction or modification be made as I suggested. When they stated their views of the matter I changed my mind about it, and I agree with them.

This bill is not framed for reclamation projects; there is no section or line in it for the control of reclamation or irrigation projects of any kind, and such a provision as is now proposed would simply be like driving a piece of dead wood into a tree. It would have no useful or practical place in it. For that reason I withdraw my assent to any part of the proposed amendment.

Mr. POINDEXTER. That will be a great disappointment to my colleague [Mr. JONES], who has been cooperating with the Senator from Tennessee and who has in mind, as he stated a while ago, very properly, in my judgment, that the projects developed under this bill may be used for purposes of irrigation.

Mr. SHIELDS. Oh, certainly; hydroelectricity may be used for pumping water for irrigation purposes, but your amendment is not necessary for that purpose.

Mr. POINDEXTER. No; but the Senator stated that this bill had nothing to do with reclamation and irrigation. That is what the Senator said.

Mr. SHIELDS. Yes; and the Senator explained that the bill had no provisions in it for regulating a reclamation plant or project.

Mr. POINDEXTER. And yet it is intended that reclamation plants and projects may be developed under this bill. What is there in the bill to prevent it?

Mr. SHIELDS. Such projects have to be regulated by law. Are there not laws in the Senator's State regulating irrigation schemes and plants?

Mr. POINDEXTER. We have laws there regarding the taking of water.

Mr. SHIELDS. I suppose every State that has any reclamation projects in it has such laws.

Mr. POINDEXTER. Whatever laws the States have on that subject, these grants will be subject to them; but the Senator is entirely mistaken in saying that reclamation projects can not be carried on under a permit granted by this bill. The power can be used by the party acquiring it for for any lawful purpose that he sees fit. Whether or not it is subject to State regulation depends upon the laws of the State where the plant is situated and where the work in carried on.

That is rather far afield, however, from the proposition of giving the Reclamation Service of the Government an opportunity to acquire a site upon a navigable stream for the erection of a dam upon the same terms and in the same way that other applicants may obtain it. It seems to me that this is a very reasonable request.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). The question is on the amendment of the Senator from Washington.

Mr. WALSH. I ask that the amendment be stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 2, line 9, after the word "mean," it is proposed to insert "individuals, any department of the United States Government having authority to exercise the rights of a grantee under this act," so that if amended it will read:

> And shall be construed to mean individuals, any department of the United States Government having authority to exercise the rights of a grantee under this act, political subdivisions of States, municipal corporations—

And so forth.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Washington.

The amendment was rejected.

Mr. WALSH. Mr. President, the subject was debated by the Senator from Washington. I move to amend by inserting the word "individuals" at the place referred to.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, line 9, after the word "mean," it is proposed to insert the word "individuals," so as to read:

> And shall be construed to mean individuals, political subdivisions of States, municipal corporations, corporations, companies, and associations; and the term "grantee" herein shall mean any such persons to whom shall be granted a permit as herein provided.

Mr. SHIELDS. My attention was withdrawn. Did the Senator from Montana move to amend the bill by inserting the word "individuals"?

Mr. WALSH. I did.

Mr. SHIELDS. I will make no objection to that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. WALSH. Mr. President, if there is no further amendment to be offered at this time I shall ask the Chair to lay before the Senate the amendment which I offered on February 28, appearing at page 3708 of the RECORD.

The PRESIDING OFFICER (Mr. LEE of Maryland in the chair). The Senator from Montana offers an amendment, which will be stated.

The SECRETARY. On page 10, at the end of line 23, it is proposed to insert:

> Nor for the diversion or generating works or appurtenances or the land on which the same may be situated beyond the cost of the same, with all proper deductions for depreciation; nor shall more than the cost be claimed or allowed for any water rights or rights of way used in connection with the property to be acquired.

So as to read:

> In the determination of the value of said property for any purpose as between such grantee and the United States or any State no value shall be claimed by or allowed to the grantee for the rights hereunder granted nor for the diversion or generating works or appurtenances or the land on which the same may be situated beyond the cost of the same, with all proper deductions for depreciation; nor shall more than the cost be claimed or allowed for any water rights or rights of way used in connection with the property to be acquired.

Mr. WALSH obtained the floor.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Montana a question as to the latter part of his amendment. Beginning with the word "nor," it reads:

> Nor shall more than the cost be claimed or allowed for any water rights or rights of way used in connection with the property to be acquired.

The Senator knows that in securing the right of way for a pole line the cost, perhaps, for the privilege of setting each pole through private property would be, say, $5 a pole, or in some cases it is $3 per year, or whatever the case may be. Does the Senator mean that just the cost of the privilege shall be taken into consideration, or does he mean that there shall be taken into consideration the cost of securing from the individuals the right to set the pole upon his land as well?

I desire to know the idea of the Senator on that point.

Mr. WALSH. My idea was that whatever amount the grantee was required to pay out in order to get the right of way should be returned to him. The Senator knows how these easements are secured. Parties go out and solicit them. Sometimes they are required to pay a very high price to go through cultivated lands, or close to corrals and stockyards, and that sort of thing. Generally the amount paid is not very great. Sometimes the payment is based upon the number of poles occupied within the land—so much per pole, as is suggested. In other cases a lump annual sum is paid for the privilege of going over the land with whatever poles are necessary; and again a lump sum is paid for the privilege, which is perpetual in its existence. Of course it is always accompanied with the right of traveling over the land in order to effect repairs, and so forth.

My idea about it, the idea I desired to express in the amendment, was this: Fifty years from now the adjacent lands will all be cultivated, or very largely so. They will have increased immeasurably in value, no doubt. Many considerations will be presented which would multiply many times the original cost if the line were to be duplicated. If the grantee were permitted to hold the privilege to occupy the lands of others with the transmission lines, so that the Government was obliged to go elsewhere to get the right of way for the transmission lines, it would undoubtedly be required to pay very heavily for that right; and I did not intend to put the grantee in a position where he could hold up the Government and say, "You have got to give

me for this right of way which I have secured just the amount it would cost you now to go out and get a right of way."

Mr. SMOOT. The Senator's ideas conform with mine, as to what should be counted as cost in this particular case.

Mr. WALSH. I will say to the Senator in further explanation, if he will pardon me, that I should not regard just what the grantee was obliged to pay as by any means determinative of the cost—that is to say, the actual consideration that went to his grantor—because no doubt they would have to have men out in the field to solicit these grants; and every dollar that the grantee was obliged to expend, whether in the way of compensation to the grantor giving the easement or expenses attendant upon securing it, he ought to have back.

Mr. SMOOT. I understood the Senator to say that in the first place, and that is why I made the statement that I agreed with him as to the actual cost in this particular item. If the Senator's amendment as proposed is adopted, however, it would read in this way:

In the determination of the value of said property for any purpose as between such grantee and the United States or any State no value shall be claimed by or allowed to the grantee for the rights hereunder granted nor for the diversion or generating works or appurtenances or the land on which the same may be situated beyond the cost of the same, with all proper deductions for depreciation.

If this is adopted, it seems to me that it would require all depreciations in the property to be deducted; but there is no provision, nor is there any in the bill, that all improvements that had been made upon the diversion dams, or the transmission lines, or the transformers, or any part of the system, could be added to the cost.

Mr. WALSH. I will say to the Senator from Utah that I intended that it should be.

Mr. SMOOT. I ask the Senator to read it carefully and see if that would not be the case:

In the determination of the value of said property for any purpose as between such grantee and the United States or any State no value shall be claimed by or allowed to the grantee for the rights hereunder granted nor for the diversion or generating works or appurtenances or the land on which the same may be situated beyond the cost of the same, with all proper deductions for depreciation.

It does seem to me that under that language, if the Senator's amendment is adopted, it will be impossible to give the company credit for all of the improvements that they have made, but it specifically provides for "all proper deductions for depreciation."

Mr. WALSH. If I thought that for a moment, I should be very glad to consent to any modification of the language the Senator might suggest which would be appropriate to convey exactly the view which he thinks ought to obtain, because it entirely conforms to my own.

We will assume that the original cost of the works was a million dollars, but after the property was operated for a period of 10 years it was deemed advisable to enlarge them; the dam was built larger, elevated in height, and that would necessitate, of course, the duplication of some of the generating works. It would be necessary to put in new penstocks, and it would be necessary to put in new machinery, and we will say that that cost half a million dollars more. I intend that the grantee shall get that half million dollars. I would say that that would be a part of the cost of the generating works; and the Senator will bear in mind that it is the cost of the generating works and diversion works as they shall be at the end of the period.

Mr. SMOOT. That is true, and I agree with the Senator in that regard; but there is no provision made here for improvements that may be made by the company to keep the plant in perfect condition. The Senator may say that that will be taken out of the net earnings of the company. It may or may not be, however.

Mr. WALSH. I will say to the Senator from Utah that I did not intend that it should. Of course it will be necessary to expend moneys constantly for repairs.

Mr. SMOOT. I will state to the Senator a case that is likely to happen with any company.

Mr. SHIELDS. I suggest that the Senator place in his amendment, where he provides for cost, the words "necessary repairs and replacements."

Mr. SMOOT. I was going to call attention to a circumstance that often happens with electric companies. For instance, say 10 years ago, the system had a certain type of transformers, and last year there was an improvement upon it—such an improvement that it would virtually compel the company, in order to be up to date, to discard all of the old transformers upon the system and use the new type. Does the Senator mean by his amendment that in figuring the cost they could figure the cost of the original transformers and also the cost of the improved transformers that they were virtually compelled to put in?

Mr. WALSH. Why, Mr. President, I should rather say not.

Mr. SMOOT. I do not see how an item like that can help but be a part of the cost of the plant. It is just the same as in the case of a factory of any kind. Times come when you have to discard the machinery and put in new machinery. If that were not the case then a new company that would start this year and would only put in the latest and most up-to-date machinery would have an advantage over a company that had been operating, say, for 20 years before with old machinery and was compelled to put in new machinery in order to compete with the new company. In other words, as the Senator from Tennessee [Mr. SHIELDS] suggests, it is impossible to use the obsolete machinery.

Does the Senator believe that the old company that was running for 20 years before should be allowed nothing for the machinery they had purchased at the time the grant was given them by the Government and not be credited for that in any way, but just be credited for what the new plant would cost them after discarding the obsolete machinery?

Mr. WALSH. The problem the Senator puts up to me is presented just as much in the bill as it stands as it would be if the bill were amended as I suggest it should be amended. The bill as it stands provides that in case the Government takes over the property at the end of the 50 years the grantee shall receive the value of the plant; that is, the value as it stands at that time. Of course, we can very readily conceive that the machinery may be thrown into the scrap heap half a dozen times during the period of 50 years, depending upon the development of the art. That is not at all inconceivable. Yet, under the bill, the grantee will be entitled to receive the value only as it stands at the end of that period, notwithstanding that in the various transmutations he has actually put into the thing two or three times the amount of the value that it has at that time. In other words, this matter of replacement is just as much involved in the bill as it stands as it would be in the bill if it were amended as is proposed by me.

I will state to the Senator my own view about that matter. My own view about it is that in neither case should the party be entitled to recover anything on account of machinery that he took out and replaced with new machinery. Of course at the end of the period the relatively new machinery will be there, and he should get the cost of that machinery; and if it is an addition to the original machinery, the original still being there, and both being used, he should have the cost of all. But if the old machinery is absolutely torn out and replaced by new machinery, which does the work that the old machinery did, and something besides, I should say that the cost would mean only the cost of the last machinery; and then it will be up to the grantee to determine whether or not it is a good business proposition for him to change the machinery which he has. Of course that problem addresses itself to every manufacturer, at all times and all places—whether, with the prospects that are before him, he will be justified in tearing out old machinery and replacing it with new.

Mr. SMOOT. That is true, but there is this difference to take into consideration: The manufacturer who is compelled to discard his obsolete machinery certainly has an advantage, in one way at least, over the man who begins a business and puts in new machinery at the time the other man has to discard his obsolete machinery to compete. The man who has been in business 20 years, and has been compelled to discard his old machinery, has his business established. He has his customers. He has a well-established line of trade. His goods are known. The people he is serving know exactly what he produces; and he has every advantage in the world of the manufacturer who begins anew. The advantage of the latter is partially offset under those conditions. This bill provides, however, that at the end of the 50 years the Government can take over his business and let some one else continue the business, and he therefore gets no advantage at all of the business he has built up. He loses all that he has lost in obsolete machinery, and gets no advantage at all of the business he has created.

There is that difference, to which I wanted to call the Senator's attention, between the regular, ordinary manufacturer in any line of business and the man who operates under the provisions of this bill which authorizes the Government to take over the plant or lease it to another person or firm.

Mr. WALSH. I appreciate the point that the Senator makes. It is not without great weight. Of course, the ordinary manufacturer does not operate upon a ground lease terminated at the end of 50 years. He ordinarily occupies in perpetuity the premises upon which his grant is situated, and he makes his arrangements accordingly. But we are electing to treat this

property upon an entirely different footing. We are electing to treat privileges of this character as franchises of the same nature and character as those that are granted by municipalities to public-service corporations of one kind or another; to street railways, for instance, as singularly representative in this case.

The street railway company is in exactly the same situation. Its franchise expires at the end of 50 years. It must regulate its business accordingly; and if its franchise provides, as practically all modern franchises do, that the municipality shall have the right at the end of that period to purchase, it has to regulate its business with that contingency before it. Of course, if it had a grant in perpetuity, such as was formerly made in these cases, it could go on and do its business in view of that prospect before it. It could put in new machinery; it could utilize different sources of power for propulsion, and install the necessary equipment to make different varieties of power available to it. But if it has to give up at the end of 50 years, either on the basis of the value that the property then has or upon the basis of the cost of the plant, those features have to be taken into consideration; and in any case the question of the wisdom of making replacements, of scrapping its old machinery and putting in new and improved machinery, addressing itself to the company as a business proposition.

Mr. SMOOT. I think the bill as written is perfectly fair, wherein it says:

> In the determination of the value of said property for any purpose as between such grantee and the United States or any State, no value shall be claimed by or allowed to the grantee for the rights hereunder granted.

Or, in other words, anything that the Government of the United States grants to the grantee shall not increase in value by the lapse of 50 years. In other words, at the end of 50 years the grantee must turn over to the Government, if the Government exercises its rights under the bill, the property that was granted to it by the Government, at actual cost.

In the case of a street railroad, referred to by the Senator, where a municipality purchases the railroad at the end of the granted franchise, I know of no instance where there has been a provision that it shall be taken over at other than a fair cash valuation; and if there is a dispute as to the valuation, then that is decided in the courts. I think that would be the only way in which such a case could be properly decided.

In this bill as reported it seems to me that the provisions made for recapture are just to the Government of the United States as well as to the grantee; for the grantee agrees to surrender at the end of the term just what was granted him by the Government, and to receive no more than the actual cost of it.

I can not see why this amendment of the Senator's should be adopted, because I believe that under the wording of the amendment the grantee will not be entitled to receive more than the actual cost of the diversion and generating works or appurtenances or the land on which they may be situated, while at the same time there is to be deducted all depreciation of the property. I think that is unjust. I do not believe it is right as between the Government of the United States and the grantee.

I do believe, with the Senator, that the grantee should not be paid for his plant or the property with all of its connections more than a fair going price, and I do not believe that he should be paid for the property granted by the Government one cent more than he in turn paid the Government at the time the permit was given him.

Mr. WALSH. Before the Senator from Utah sits down, I should like to have him express to the few Senators present his view about another feature that is involved in this amendment, to which I invited his attention the other day. He agrees—he asserts, indeed—that it is a wise provision here that nothing shall go to the grantee on account of rights which he acquires from the Government under this bill practically for nothing; but the Senator knows that water rights will be necessary—that the grantee must acquire water rights under the laws of the Western States.

Mr. SMOOT. Yes.

Mr. WALSH. What does the Senator think of paying the grantee for those water rights, whatever value they shall have at the end of 50 years, he having appropriated them under the laws of our States without having paid a cent for them?

Mr. SMOOT. I think that the property, if taken over, ought to be taken over at a fair cash valuation. Whatever those rights would be worth at the end of 50 years—and I will say to the Senator that that is problematical; I do not believe they will be worth in 50 years what they are to-day—but whatever they are worth, I believe that if the property is taken over by the United States, or the right to continue the operation of it is granted by the Government to any other person or corporation, the actual fair cash value of the property should be paid to the original owner.

Mr. WALSH. I was asking the Senator specifically with reference to the water rights which are acquired, not under this act, but under the laws of the State, and for which nothing whatever is paid.

Mr. SMOOT. I think if a person or corporation develops a property and builds up a successful business, that gives a value to the water; and for whatever value the establishment of the business has given to the water, I believe that the parties so creating that value ought to be paid. I can not say to the Senator, of course, what that would be. I can not say that it should be any particular amount per horsepower, for that would depend upon the surrounding markets and the conditions that were existing at the time, and it would also depend upon how rapidly the demand for the power had increased, and whether their business was profitable or whether unprofitable. All those questions would have to be taken into consideration.

Mr. GALLINGER. Mr. President, I will venture to ask the Senator from Tennessee if he has any hope of completing the bill this evening?

Mr. SHIELDS. I do not think the bill can be finished this evening.

Mr. GALLINGER. We have had a week of hard work, and it is Saturady night, and it seems to me that it might be well for the school of conversation to adjourn about this time. What does the Senator think?

Mr. FLETCHER. Mr. President, I desire to take a few minutes further for the discussion of a matter which I think is of very great importance; and perhaps I can do so at this time, if the Senator will permit me.

Mr. WALSH. I shall be glad to yield to the Senator from Florida.

Mr. GALLINGER. I will say that I have tried to be here most of the time during the week for the purpose of making a quorum and to take part in the several votes that have been had, and I personally feel that I have inhaled about as much bad air during the last six days as is good for my health. I really think the Senator will see the propriety of taking a recess—or an adjournment, as may suit his convenience best—at this time.

Mr. SHIELDS. I agree that the Senator from New Hampshire has been a very close attendant, and I want to comply with his wishes. I think we might settle the question as to a recess by a motion or an agreement at this time. I ask unanimous consent that the Senate recess not later than 6 o'clock, and that when the Senate does so recess it shall be until 12 o'clock Monday.

Mr. CUMMINS. I do not quite understand that.

Mr. GALLINGER. Not later than 6 o'clock. Why not now?

Mr. SHIELDS. I want further to explain to the Senator from New Hampshire that the Senator from Florida [Mr. FLETCHER] desires to present at this time some remarks on a different subject. The pending bill will be laid aside.

Mr. GALLINGER. Very well. Then I will feel at liberty, I suppose, to take a personal recess, if I care to do so.

Mr. SMOOT. It will be understood that when the Senator from Florida concludes his remarks the Senate will take a recess.

Mr. KERN. Or go into executive session. There are some nominations to be referred.

Mr. SHIELDS. That is the effect of the suggestion I make.

Mr. GALLINGER. That is entirely satisfactory to me.

The PRESIDING OFFICER. The Senator from Tennessee requests that the Senate agree to take a recess not later than 6 o'clock. Without objection, it is agreed to.

Mr. SHIELDS. It is a unanimous-consent agreement?

The PRESIDING OFFICER. Yes.

Mr. SHIELDS. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. If there is no objection, it will be laid aside temporarily.

Mr. GALLINGER. Mr. President, while I know very little about the bill under consideration, I will ask the Senator from Tennessee if it might not be well to have the bill reprinted with the amendments which have been agreed to, so that we can see on Monday morning precisely what form the bill is in?

Mr. SHIELDS. I have no objection.

Mr. GALLINGER. I ask that that be done.

The PRESIDING OFFICER. There being no objection, it will be so ordered.

Mr. SHIELDS. I will ask unanimous consent that an article by Mr. Hugh L. Cooper, a very prominent hydroelectric engineer,

which appears in the Outlook of a recent number, be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

WATER POWER.

[By Hugh L. Cooper.]

(The author of this article is a well-known hydraulic engineer. His best known work is the great hydroelectric plant on the Mississippi River at Keokuk, Iowa. He speaks with experience, knowledge, and authority on the subject of water power.—The Editors.)

"To gather the streams from waste and to draw from them energy, labor without brains, and so to save mankind from toil that it can be spared, is to supply what, next to intellect, is the very foundation of all our achievements and all our welfare."—From a decision handed down by Justice Holmes in the United States Supreme Court on January 24, 1916.

The strength of any nation can in a large degree be measured by the intelligence shown in the development of its natural resources. While the United States is endowed with a great natural resource in its water powers, only about 30 per cent of our water powers have been developed, and the remaining 70 per cent are lying idle, and practically no new developments have been inaugurated in the last seven years. The question arises, What is the matter? A reply would seem to comprehend some historical data, the value of these resources to the public, how to secure these values, and what results may be reasonably expected if the industry is restored to a healthy state of growth.

Water power as a provider of human necessity is an agency several thousand years of age, but more progress in its use has been made in the last 25 years than in all of the time that has gone before. Present-day industrial and economic standards have made power a public necessity, and invention, notwithstanding all its losses and failures, continues to furnish new facilities for our needs at a rate which makes intelligent realization of them an impossibility. For example, the modern use of water power has become possible only through the instrumentality of much intricate and special apparatus. One instance is the present-day hydraulic governor, which is an indispensable factor in any hydroelectric plant, though representing only about 1 per cent of its cost. Its function, as its name indicates, is to control, which it does automatically and instantly. It regulates the amount of water delivered to the water wheel to suit the various conditions imposed by the consumer. It has cost 15 years of time and around two millions of money to perfect this governor. All of the apparatus and parts constituting the remaining 99 per cent cost of a hydroelectric plant would serve for approximately similar illustration, and the scrap piles in the wake of their development and perfection are monuments to innumerable failures and losses such as are incident to the evolution of every great mechanical and industrial achievement.

Many new twentieth-century blessings might be enumerated, and the question arises, How did they come into practical being? By legislative fiat and Government control? No; they are the direct result of brain competitions in which the spirit of achievement and the hope for the regard of their fellows and reasonable financial reward have spurred on countless thousands of men through defeat after defeat to final success. The spirit of competition overcomes the greater part of the obstacles in human progress, thus providing most of the blessings we enjoy, and the corresponding list in the fiat column is painfully small.

Water-power development in the United States is at a very low ebb, and many are asking why. The ever-rising standards of living make the demand for power greater each year. In 1850 we used three-tenths of a ton of coal per capita per annum. To-day we use twenty times as much, and most of this is for industrial power purposes. Seven hundred and fifty thousand miners produced the coal we consumed in 1913, at the rate of 760 tons per miner per annum. By the year 1940 we will probably be using 1,200,000,000 tons of coal per annum and require 1,600,000 miners. A practical economic question may well here arise. Have we the coal and what will be the probable cost of it? Statistics show that we have the coal for many years to come, but also show that the economical deposits are being worked first, and, as the coal becomes deeper, the costs increase rapidly.

Also it is realized by observing persons that the labor supply of the world is being rapidly destroyed, to what final extent no one can estimate. The best statisticians in Europe agree that when the war now raging is over at least 14,000,000 men will have been withdrawn from the world's field of labor. No one can deny that such a reduction in the supply of labor, together with the new political power the labor then remaining will possess, will create a corresponding increase in the demand for and cost of labor. This must result in a world-wide increase in the cost of coal and all other commodities.

It is unreasonable to suppose that Europe will permit itself to be further impoverished by emigration after the war has done its work and the men left will be so badly needed at home. The tide Europeward will be stemmed only by an increase of wages in this country sufficient to keep our present foreign labor. If the foregoing is good reasoning, then are we not now in a zone of shortage of labor that will affect the coal supply and price and affect materially every other walk of life, especially agriculture and manufacturing?

The above question may well be asked. An analysis of Government statistics shows that, where we are now paying $14.20 per capita per annum for coal for our population, by 1940 we will be paying $22.60 per capita. This means a constantly increasing tax on all our people, from which they have the right to relief if relief is possible. Reliable data show that the efficiency of steam-power development has practically reached its maximum. If this is true, and the cost of coal is to go up and the needs of the people for power are constantly increasing, how can the situation be relieved? The answer is by the development of our water power as rapidly and as fully as it can be accomplished without any sacrifice of the public interest.

Let us now, having considered the necessity for water power, see what the important facts are regarding it. The average cost of a water power per horsepower may be taken at about five times that of steam, and in addition the difficulties in raising money and the cost of money for water powers are much greater than for steam, because the steam plant is free from flood hazards in construction and operating periods and it can be constructed in small units about as the market requires, whereas the water power usually has to be greatly overdeveloped and then wait for its market to grow up to it, thus entailing large additional interest costs while securing and waiting for business. The water power requires for operation about one-fourth the amount of labor that steam power requires; therefore the water power conserves labor as well as coal.

The United States Government estimates show about 60,000,000 horsepower now undeveloped in the United States. Probably 15,000,000 of this horsepower is worth developing under present conditions. As to the value of the 15,000,000 horsepower to our people when its development is completed much can be said. The larger proportion of this undeveloped power is in the South and West, where there are room and need for great industrial expansion if the South and West are to enjoy the industrial advantages that obtain in New England. Fifteen million utilized horsepower means the conservation of about 100,000,000 tons of coal per annum, costing at this time about $225,000,000 annually in the boiler furnaces, and the conservation of the labor of about 280,000 miners and steam station operatives annually for other uses; $225,000,000 would buy 2,250,000 acres of good cultivated farm land. Suppose, instead of wasting, as we now are, $225,000,000 worth of coal and labor per annum, in some way we were destroying 2,250,000 acres of our farms every year, how long would it take our good voters to make a noise that would be heard and acted upon in Washington, to the end that the farm destroying would cease? And yet that in effect is exactly what is going on to-day in the water-power field. The 280,000 laborers would be available for other safer, more useful, and healthful employment, affording general relief to the agricultural and manufacturing industries.

The development of our remaining water powers is not only important from a coal and labor-saving standpoint but from the standpoint as well of new industries that we need in the United States which can not be based on coal or oil power. Among such industries are the manufacture of fertilizers, nitric acid for explosives, many electrochemical products, high-grade steel, irrigation pumping, and other general and very useful industries requiring cheap power that are now unable to locate here. Over 1,250,000 horsepower has been developed in Norway and Sweden in the last 10 years for the manufacture of nitric acid and fertilizers, and no similar progress has been made in the United States. We now import more than $50,000,000 worth of materials a year for fertilizers and explosives in this country, all of which could in time be produced in our own country. It is common report that designs are now being perfected in Canada for the development of water power where American capital to the eventual tune of about $75,000,000 plans to manufacture fertilizers and nitric acid for consumption for the most part in the United States. Another large and beneficial use of power is that of pumping water for large irrigation projects in the West. There are hundreds of thousands of acres of land now valueless which will, if cheap power can be secured, be made productive and valuable. Many other similar instances could be noted if space permitted.

Hydroelectric engineering is a new science, and it has had to be learned in the usual expensive though very instructive school of experience. The art is less than 30 years old, and the first 22 or 23 years had to be spent in education, and as a result a lot of investors, not only in the United States but all over the world, were bitterly disappointed. In the United States alone poor engineering and undue optimism caused, from 1900 to 1910, 12 water powers to go into liquidation; more than 600,000 horsepower of developments and $120,000,000 worth of disappointed capital went on the black list with investors. This unfortunate stage of engineering has now happily passed; but about the time that engineers had learned their lesson and were able conservatively to design and estimate water-power plants, and about the time the optimists and commercial men had learned that it is necessary to sell hydroelectric power for about 65 per cent of the cost of steam power, along came a wail all over the United States because, it was said, a so-called Water Power Trust was robbing the people, and then began a campaign in Government circles and in magazines that reduced the water-power industry to its present state of innocuous desuetude. Much literature was distributed all over the country for the purpose of acquainting the American people with the alleged wonderful and deplorable discovery that the water powers of the country were being grabbed by a so-called Water Power Trust which was making undue and tremendous profits out of this natural resource. As only one side of the question was presented, the story was believed and water-power companies have been looked upon with suspicion ever since. Whatever the object of this unwarranted attack, the average citizen who has given no extended thought to this question is possessed with the idea that the water-power industry has been a very profitable one and that there exists a water-power trust which is engaged in grabbing everything in sight. Any intelligent truth seeker who has honestly investigated the subject has found that no water-power trust exists now or ever has existed, and, furthermore, never can exist in the face of a steam competition which no aggregation of capital could possibly control; that no banker is seeking investment in new water projects; that practically every banker who has ever made an investment of this class for his clients will recite a hard-luck story of disappointed expectations and hopes; that the market has been flooded with prospectuses and reports on projects which no substantial investment interest will take up because of the present general unpopularity of water-power securities.

The popular theory that water powers provide an easy road to wealth is not shared by anyone of experience in the industry. The uninitiated are naturally not aware of the many hazards connected with most water-power developments. Without going into details, I will merely suggest that a little thought upon the subject will convince any intelligent person that the hazards attached to both the construction and operation of hydroelectric plants are greater than those attached to almost any other class of business that can be mentioned.

It is a great pity that prior to the rigors of the Government restrictive action an intelligent official investigation of the subject was not made. If such investigation had been made, it is certain that the action would not have ensued, and from that time until now about 2,000,000 horsepower now going to waste would have been developed with its attending blessings to the public, including the conservation of a coal and labor cost of more than $100,000,000. In 1907 Gov. Hughes was the only governor out of 27 governors in the United States who recognized that "justice first" was a fundamental principle always working for the greatest good to the greatest number. He alone of 27 governors in other States whose legislatures had passed similar laws vetoed a 2-cent railway fare law passed by the New York Legislature, on the ground that it was the duty of the legislature first to ascertain what was a just rate, and then establish it. The action of Gov. Hughes showed an intelligence that some day will be demanded by the people of all their representatives; and when "justice first" is on the desks of a majority of our legislators, then, and not before, the water-power question and a lot of other questions will get the best solution in the public interest.

As a result of the campaign above noted and the absence of any investigation disclosing water-power facts and conditions, laws were passed that have practically stopped development all over the United States on navigable rivers and public lands, and the Federal laws passed governing these two classes of development, which are still in effect, make it impossible, on account of restrictions, regulatory provisions, and revocable permits, to secure capital from any source. For a time after these laws were put into effect some money for American water powers was secured in England, France, and Belgium; but this source of supply is now, for a very long time, if not permanently, destroyed by the European war. It therefore becomes necessary to secure American capital for all future developments, and in order to accomplish this the laws must be changed so that they will provide security and fairness for the investor and consumer, and at the same time fully protect the public interest. Under the existing laws there may be granted the right to build a dam on the public lands of the United States and operate it for an indeterminate period, but at any time all rights can be revoked by a Secretary of the Interior in his discretion without a hearing, and such action has actually been taken. Manifestly such an experiment was doomed to failure, and the idea is without any present advocacy and is mentioned as one of the evils of legislation passed without knowledge of the subject legislated about.

It is stated by some who oppose changing the present laws for development of water power on public lands that there is no necessity or demand for additional developments in the West, because some existing power companies have sufficient power unsold to supply the present and near future market. The suggestion by Government officials that great areas of territory in the West and South shall be deprived of industrial growth through water-power assistance until these few restricted districts have consumed all their developed power is so unfair and unsound economically as to be almost pitiful. Our railways had to overdevelop that the country might develop, and the same is true of the water-power industry. It can also be said that in the entire United States to-day there is not a single water power developed than can offer power terms justifying the establishment of fertilizer works, electrochemical works, large irrigation projects, or nitrogen fixation plants. It can also be said that there are now tentatively under serious consideration in the United States new developments that will call for more than $75,000,000, all waiting for encouraging legislation only. Must our unnecessary importations, amounting to $50,000,000 a year, and many other crying needs, wait until a few Western plants can sell out a small amount of power now unsold? I do not think the people will take kindly to this idea. Furthermore, if it should turn out in the future that more power is developed than can be immediately sold, such a condition is hardly one which the public or the Government need worry about, so long as the people reserve to themselves the right to regulate power rates.

Another little known fact about water power that bears upon the question with peculiar force at this time is the one of profit in water-power investments. Steam competition has driven the prices for power lower and lower for the past 25 years, and, while the cost of practically every other human necessity has been mounting upward each year, the cost of power has been steadily going downward, and this process was strongly established long before State public-utility commissions were created. For water powers to compete with these steadily declining steam costs has been very difficult. In 1912 over 5,000 power stations investigated by the Department of Commerce showed that the steam stations were earning a surplus of 4.1 per cent above fixed charges and the water-power companies were earning only 1.78 per cent. This 1.78 per cent showing is a fine tribute to the financial genius and grabbing results of the alleged Water Power Trust. Investors will not be attracted to securities afflicted with strong competition and many and great risks, legal, commercial, and physical, for a surplus anything like as low as 1.78 per cent; and the reason for their attitude is easily found in the fact that the investors can go into many other safer fields and make much more.

That the water powers of the country are not being developed and that this lack of development is a grave industrial calamity are facts the accuracy of which can not be successfully challenged. The question, then, arises as to what is needed to cause the business to revive and assume its proper place in our national life. I believe that the following conditions should exist in the laws governing water-power development in order to make it possible to place this class of securities at home, where they should be owned; they can not hereafter be sold abroad, anyway.

In the first place, the franchise term should be irrevocable in character and for not less than 50 years. At the end of 50 years the Government should have the right to take over the property of the power company by paying for the fair value of the property, the franchise rights and lands contributed by the Government to be excluded from payment. The lessee should have the right to continue until the property is taken over. There should be no Federal charge on the water power except such small amount representing rental value of land and cos of Government administration of the lease so long as its steam and other water-power competitors are not similarly charged. It is a well-recognized fact that any substantial Federal charges must be paid by the consumer, because there is no one else to pay them. Why, therefore, should new sets of consumers be obliged to pay additional charges which present consumers are not assessed?

On the question of Federal charges. Suppose the United States Government should say to the farmers in the country, "On all the wheat you sell in your own State you need pay no charge, but on any wheat subject to interstate freight rates, which rates we have jurisdiction over, you must pay the United States Government 1 cent per bushel." What legislator could survive such an advocacy? Yet in what way is the proposal more unjust than to make a charge on water powers that the Government takes dominion over, letting the 6,000,000 horsepower already developed go free from any such charge? Justice first would exclude the imposition of any such load. The general public may be said to be the power-consuming public, and anything done to increase the cost of constructing or operating power plants becomes a charge on the public. One of the greatest factors in the cost of a power plant is the cost of securing the money to build it. Water-power investments should be taxed by the States in which the plants are located, the same as any other business concern is taxed, but should not in addition have to bear a Federal charge which will be paid by the public through increased power rates and through increased cost of securing money. It would be just as reasonable for the general borrowing public, including farmers and manufacturers, to advocate legislation which would force the banks to increase the rates at which money could be loaned to them as to urge or permit laws which make the securing of money for water-power development more costly. If the water-power business were one of great profit or ever had been, if the business by its very nature and by its very competitive environments were not always forcing prices to the consumer downward, and if the prices now being paid by consumers generally were not greatly less than coal-produced power costs, then there might be some justification for stretching a point as against other industries and levying a charge, because the water powers really belong to the whole people.

Upon the question of regulation of rates to be charged by a water power, the rates the consumers pay should be fixed by the consumers themselves through their own public-service commissions in all States which have commissions. The regulation of rates by any Cabinet officer is wrong in practice, except temporarily pending the establishment of commissions in a few States which still lack them. If the rates fixed by the State commissions are unfair to either power companies or consumers, either party can appeal to the people and eventually secure justice. As the consuming public through the commissions regulate the rates which they pay for power, and as the rates must be sufficiently high to include all taxes and Federal Government charges, as well as any increased interest cost on the investment occasioned thereby, is it not in the direct interest of the consuming public to insist upon all laws which will enlist money at the lowest possible rates, thereby materially aiding themselves to lower power rates?

What, then, may we expect if laws regarding water power are made attractive to American investors? We may expect low rates and a gradual and certain revival of water-power installation. Tentative plans for the expenditure of more than $75,000,000 in this class of work are now awaiting the enactment of fair laws. Every dollar of this investment will aid in creating a cheaper human necessity for the people and place no new burden on anybody's back. We may also expect that the 15,000,000 horsepower still undeveloped will yearly grow less and less, and finally this undeveloped resource will take its rightful place and be a great benefit to our population all over the land; that many millions we now send out of our country annually for necessary products will be kept at home. If we are a Nation of red-blooded men capable of providing for and defending ourselves from within, we will make our own fertilizers and much-needed chemicals and explosives, instead of depending upon foreign countries, as we do now. If space permitted, much more could be said regarding the blessings that are easily obtainable by the passing of conservative and encouraging laws. Why not pass them?

"THE REAL TRUTH ABOUT OUR WATERWAYS."

Mr. POINDEXTER. I ask unanimous consent that there be printed in the CONGRESSIONAL RECORD an article by Senator RANSDELL, of Louisiana, which has been printed heretofore in the Manufacturers' Record relating to waterways.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE REAL TRUTH ABOUT OUR WATERWAYS.

[By JOSEPH E. RANSDELL, president of the National Rivers and Harbors Congress and United States Senator from Louisiana.]

[Senator RANSDELL, in response to a request from the Manufacturers' Record, has prepared a thoroughly comprehensive and completely convincing reply to ex-Senator Burton's recent attack on the present plan of improving rivers and harbors, printed in the January issue of Munsey's Magazine. Mr. RANSDELL has long been a leader in rivers and harbors improvements, both through his work as a Member of the House of Representatives and later of the Senate, and also as president of the National Rivers and Harbors Congress. In his reply to Mr. Burton, Senator RANSDELL quotes from documentary evidence and completely refutes the arguments and statements advanced by Mr. Burton, and out of his own mouth proves Mr. Burton to have changed recently from an ardent advocate to a bitter opponent of rivers and harbors improvements. In justice to the very important and highly patriotic work of developing the rivers and horbors of this country, Senator RANDALL'S reply is presented here in full and is commended to the consideration of the voters of this country.—Editor Manufacturers' Record.]

In the January Munsey Magazine ex-Senator Burton, of Ohio, has an article on "The truth about our waterways" which is so unfair that it can not be allowed to pass unnoticed, and the real truth must be told. He makes many statements that are positively incorrect, and the general tenor of his article evinces the strongest antagonism to the improvement of interior streams on which freight is carried in competition with railroads. He tries to prejudice the public against the wisdom of making expenditures on interior rivers and canals. In carrying out his purpose he indulges in such harsh criticism of certain waterways and methods of legislation that his strictures amount to serious libels against many public-spirited citzens who advocated these improvements, against the Engineer Corps of the Army, which approved them, and against Congress, which made the appropriations for them.

Space does not permit a full reply, but some of the most glaring errors will be pointed out. Mr. Burton was chairman of the Rivers and Harbors Committee of the House for 10 years, from December, 1898, to March, 1909, and during his six-year term in the Senate was a member of the Senate Commerce Committee, which has charge of river and harbor legislation. During all this time he was generally regarded as the best-posted man on waterways in America. I shall take up and reply categorically to the principal misleading assertions of Mr. Burton's article, and propose to refute him out of his own mouth.

A MISTAKE OF $190,000,000.

He says:

1. "To date the United States Government has spent a little more than three-quarters of a billion dollars in work on our rivers and harbors, about two-thirds for rivers and one-third for harbors. The investment in harbors has for the most part been profitable. * * *"

I agree with Mr. Burton that the "investment in harbors has for the most part been profitable." It is certainly not true, however, that two-thirds of the appropriations for rivers and harbors have been spent on rivers and only one-third on harbors. Precisely the reverse is correct. A tabulation made from the report of the Chief of Engineers shows that $434,000,000 have been spent on harbors and only $310,000,000 for rivers—nearly two-thirds for harbors and only slightly over one-third for rivers, a trifling mistake of $190,000,000 on Mr. Burton's part.

In totaling the appropriations for harbors Mr. Burton does not take into consideration such streams, for example, as the Hudson at New York City, the Penobscot from Bangor, Me., to the sea; the Delaware below Philadelphia, the Mississippi below New Orleans, etc. These are unquestionably harbors, and appropriations for them should be classed as harbor appropriations. In his Munsey article Mr. Burton says: "The term 'river' is often applied to streams which in a proper analysis are not really rivers. They are rather estuaries or inlets from the ocean." Here he gives the examples above named and continues: "Such 'rivers' are really tidal streams connecting large ports with the ocean, and they fall more accurately under the classification of harbors."

Therefore, applying the test of his own definition of a harbor, we discover at the very outset of Mr. Burton's article a misstatement involving nearly $200,000,000. Hence, $434,000,000 of the appropriations fall into Mr. Burton's "profitable" class, and only $310,000,000 are open to criticism by him.

2. "Fully one-half of the amount expended on rivers has been wasted." This is for the most part fiction. Mistakes and wastes have been made in river appropriations as in everything before Congress, but not more than in the Army and Navy bills, not a third as much as in public-buildings bills, and it is infinitesimal by comparison with pension bills, which are full of real pork, and genuinely wasteful.

MR. BURTON NOT A FRIEND OF RIVERS.

3. "The most conspicuous defect * * * is the policy of making partial and wholly inadequate appropriations * * * without providing for finishing the work." This is true to some extent, but because a system has its defects it does not follow that it is vicious. The truest friends of waterway improvement favor the continuing contract on all important projects and much larger appropriations than in the past, so that work may progress more rapidly. A near approach to this has been secured during the past seven years by changing from triennial to annual river and harbor bills, and by increasing materially the amounts allotted to several large streams, such as the Ohio, the Columbia, the Black Warrior, the upper Mississippi, the lower Missouri, and the Mississippi below Cairo. When Mr. Burton was chairman of the Rivers and Harbors Committee of the House a number of important harbor projects and some connecting links between harbors, such as the Detroit and St. Marys River, were placed under continuing contract, and large sums authorized to finish them, but no great river that was a competitor of railroads was so fortunate. Mr. Burton in those days was almost supreme in waterway legislation, and it is his fault that rivers are not better provided for. He watched out closely for harbors, which are railway terminals, but took little interest in trying to complete rivers, the rivals of railways. Let him explain this attitude if he can.

It must not be understood, however, that I am antagonistic to railroads. On the contrary, I am distinctly friendly to them. The great trinity of transportation is road, rail, and river, and it is only by the full and complete cooperative development of all of these agencies that the most beneficial results can be obtained. Each has its own particular province in the transportation world, and they should be supplementary to and cooperative with each other.

4. The idea is conveyed that river and harbor advocates desire rivers improved as rate regulators whether any commerce is carried on the streams or not. This may be partially correct, but not generally, and the better judgment is that the Government should not improve rivers unless they are to be actually used as efficient carriers of freight, as well as regulators of rail rates. This is my personal opinion, and I am sure that the big majority of waterway advocates feel the same.

CHAIRMAN BURTON CONTRADICTS CANDIDATE BURTON.

5. "A commission should be created, preferably composed of the Secretaries of War, of the Interior, and of Commerce, with or without other members from civil and military life, to study the whole question and recommend a proper policy for inland waterway and harbor projects."

This and the whole tenor of Mr. Burton's article is an attack on the present method of making river and harbor appropriations, and an arraignment of the Engineer Corps of the Army, which has charge of waterway improvements. Mr. Burton recommends a commission to do what is now being done, and very ably done, by the Army Engineers. The best answer to this is to quote from Mr. Burton before he became a candidate for President. He was chairman of the National Waterways Commission, composed of Senators and Representatives, which made an exhaustive study of the question of waterway improvements both in America and Europe, and on page 78 of its final report, prepared mainly by Mr. Burton, and filed in the Senate in 1912, I find these words:

"Numerous propositions have been made for the creation of a board of public works, or other body, which shall decide upon the feasibility and desirability of propositions for expenditures on rivers and harbors. The commission is unwilling to recommend a change of this kind, and points to the fact that the past recommendations of the Engineer Corps have been carefully prepared and with a degree of expert knowledge and comprehension of the commercial needs of the country which could not well be supplied by any other body or organization. The advantages which attach to the Engineer Corps are obvious. The members are in the permanent service of the Government, and are free from those influences which would inevitably be brought to bear upon men in civil life. Those engineers now engaged in the work are carefully trained in the planning and execution of these improvements, and have special qualifications for judging the feasibility and the cost of proposed river and harbor projects."

I can add nothing to these words, which I unqualifiedly indorse.

BURTON'S STATEMENTS ERRONEOUS.

6. Mr. Burton speaks of "the continual waste of public funds for political purposes under the guise of improving our rivers and harbors," and adds:

"An item of $50,000, or even $100,000, attracts no particular attention in a river and harbor bill. Indeed, it is generally felt that a congressional district is entitled to that much recognition of its existence, and the vote goes almost unnoticed through the House and Senate. * * * We must eliminate the congressional district apportionment from their make-up."

And later he calls attention to—

"The waste and extravagance which have brought disrepute to the annual 'pork-barrel' bills."

These statements are pure fictions, without any foundation in fact, and the warrant for them exists solely in Mr. Burton's fertile imagination.

River and harbor legislation is more carefully safeguarded than any other enacted by Congress. It is surrounded by a system of checks and balances, as I will show later, which make it practically impossible for any unworthy project to be considered, and no river and harbor project has been authorized under the present system that was not possessed of genuine merit. Congressional districts are not considered in preparing river and harbor bills, but each project rests upon its own merits, as shown in the reports of the United States Army Engineers.

River and harbor bills are not pork-barrel bills; they are commerce builders.

A DEADLY PARALLEL.

Mr. Burton, in making these charges of "waste," "political influence," "congressional district apportionment," and "pork," occupies a peculiarly paradoxical position, for in my 16 years in Congress I have never heard more splendid and convincing refutations of such slanders than those which fell from the lips of Mr. Burton himself. He is a presidential candidate now, and perhaps he sees through a glass darkly, but for many years, when chairman of the Rivers and Harbors Committee of the House, he was considered the best-informed and most influential man in America on waterways. I shall let Chairman Burton reply to Presidential Candidate Burton.

In 1902 (CONGRESSIONAL RECORD, vol. 35, p. 2911), in defending the rivers and harbors bill of that year on the floor of the House, Chairman Burton said:

"We have pursued no plan of compromise. We have considered no plan of dividing appropriations according to States

or localities or membership in this House. We have endeavored to consider every project according to its merits, and made that the sole criterion as to whether it should be included in the bill or not."

In December, 1909, addressing the convention of the National Rivers and Harbors Congress, of which I was president, Senator Burton (see convention proceedings, p. 106) said:

"My friends, the president of this congress will say to you that we have known no North, no South, no East, no West in the years we have been together. We have taken up projects according to the measure of their merit, and I can vouch that members of the committee in many instances have leaned over backward where their own localities were involved and have given closer attention to projects in other places. * * * You have had to meet the idea that there is a pork barrel somewhere. Whenever there is a man of superficial information on this subject, or one who has had some project that has been turned down, and turned down hard because it had to be turned down, that man begins to talk about the pork barrel. There has been no line of appropriations made by this Government more carefully guarded than appropriations for rivers and harbors. * * * I challenge anyone to cite an instance where that bill has ever been made up to gratify certain localities or to advance the interests of some Member of Congress in the House or Senate. * * * There has been no logrolling, no pork barrel, no regard for individual prospects or anything of the sort, no regard for any particular locality in the country."

Nothing I can say can more effectively refute the charges of Candidate Burton than his own clear and convincing statements just quoted.

THE BUZZ OF THE PRESIDENTIAL BEE.

Surely, in the opinion of Mr. Burton in 1909, there was no "waste of public funds for political purposes under the guise of improving our rivers." No congressional district at that time was "felt to be entitled to an item of $50,000 to $100,000." There was no "pork barrel," no logrolling, then. Yet in six short years, without any change in the method of making river and harbor appropriations, when we have followed rigidly the beaten path, and when, if any errors have been made, they have been on the side of too much conservatism and too little regard for the commercial needs of our country, we find Senator Burton leading filibusters on the floor of the Senate against the very appropriations he so highly extolled in 1909. His attitude shows a complete change of front. If he was right in 1909, and his statements of that period were corroborated by his consistent attitude in the House of Representatives as chairman of the Rivers and Harbors Committee, and by a practically unanimous sentiment in Congress, then he is wrong now. Let him take whichever horn of the dilemma he wishes.

Has the sinner seen the error of his ways and put on the garb of repentance? Has the leopard changed his spots? Is Mr. Burton convinced that during his 10-year chairmanship sufficient money was looted from the Public Treasury and "wasted for political purposes," and that we must now call a halt? Or is the cause of the sudden "conversion" of Presidential Candidate Burton to be found in some other motive? It is only he who has changed; the method of making river and harbor bills is substantially the same now as for the past 20 years. They were wise and beneficial six years ago, as Mr. Burton himself asserted; they are wise and beneficial now. He is wrong, not our river and harbor legislation.

But let us see what was Mr. Burton's attitude in actual legislation during his chairmanship of the Rivers and Harbors Committee toward the appropriations he now so bitterly attacks. Under his leadership appropriations for waterways became much more liberal. The total authorization for these works prior to the beginning of his chairmanship was $329,896,120, while during his 10-year tenure they amounted to $245,292,455. Hence it will be seen that while Mr. Burton was chairman about three-fourths as much money was appropriated as during the preceding 109 years since the birth of the Republic. If, therefore, river and harbor appropriations are a "continued waste of public funds for political purposes," then Mr. Burton himself is responsible for a colossal looting of the Public Treasury.

The largest appropriation ever carried in a single bill was in that of 1907, amounting to $87,062,432, which Mr. Burton, as chairman of the committee, framed and fought for. This measure was passed by the House without any change, just as it came from his committee, and in an eloquent and convincing speech in its defense Mr. Burton—CONGRESSIONAL RECORD, volume 41, page 2028—said: "I wish to say to the House that, in my judgment, this is not only the largest river and harbor bill ever presented but it is the best."

Now, the pertinent fact to be noted is this: The bill of 1907, so highly praised by Mr. Burton, carried appropriations aggregating $4,379,603 for all the projects, with but three exceptions, which the Munsey article now criticizes so sharply. And these three excepted projects were not appropriated for because two of them had already been completed, and the third had not yet been adopted.

The following table shows the appropriations for the projects now caustically criticized by Mr. Burton. The first column shows the sums appropriated for each project in Mr. Burton's pet bill of 1907—"the largest and best" ever enacted—and the second contains the total amounts authorized for them during his chairmanship:

Appropriations made by Mr. Burton during his 10-year chairmanship of the House Committee on Rivers and Harbors (1898–1909) for projects to which he now objects.

Projects now objected to by Mr. Burton.	Appropriations in act of 1907—Mr. Burton's "best."	Total appropriations in all acts from 1899–1909.
Colbert and Bee Tree Shoals (Tennessee River)	$413,000	$1,513,000
Big Sandy River	235,000	734,500
James River	200,000	850,000
Columbia and Willamette Rivers (below Portland)	300,000	900,000
Illinois and Mississippi Canal (Hennepin Canal)	.....	500,000
Sandy Bay Harbor of Refuge	200,000	850,000
Mississippi River (mouth of Ohio to mouth of Missouri River)	1,000,000	4,250,000
Brazos River (Waco to Washington, Tex.)	225,000	300,000
Ouachita River	561,603	1,257,369
Red River (below Fulton, Ark.)	150,000	525,000
Trinity River	375,000	943,287
Kentucky River	520,000	570,000
Coosa River	50,000	85,000
Missouri River (Kansas City to mouth)	150,000	(1)
Total appropriations	4,379,603	13,653,156

[1] About $375,000.

NOTE.—Other projects objected to were Cape Lookout, which was not adopted until 1912, and Muscle Shoals, which was completed in 1889.

A DILEMMA FOR MR. BURTON.

Now, one of two things is certain: Either Mr. Burton was sincere in his support of these projects, for which more than $13,600,000 was expended while he was chairman of the committee, as appears from the above table, and believed them to be right at that time, or he was weakly lending his support to the "waste of public funds for political purposes under the guise of improving our rivers and harbors." I can not believe the latter, for his whole career, up to the past three or four years, when the presidential bee began to buzz so loudly in his ears, shows him to have been a consistent advocate of wise business-like methods of conducting river and harbor improvements, and he is a man of so much force of character that he would never have yielded to anything which he did not approve.

The record of his career as chairman, and his speeches in the House of Representatives, all show that he was either silent in regard to these projects or that not only did he refrain from criticizing the items he now attacks but he strongly championed some of them, especially the Trinity River. In fact, the improvement of the Ouachita, Brazos, and Trinity Rivers, now targets for the shafts of Mr. Burton, was first undertaken and the initial appropriation for these rivers made while he was chairman of the Rivers and Harbors Committee. Hence he is doubly responsible for them. What moral or legal right has he now to speak in derogation of them? Is he not estopped by his actions? "He who was silent when he ought to have spoken will not be permitted to speak when he should be silent."

THE REAL TRUTH.

The space of this article prevents me from explaining all the projects which Mr. Burton criticizes, but I will show the real truth in regard to several of them.

A very striking feature of Mr. Burton's article is that he attempts to charge the commerce on various rivers, for a certain year, with the entire cost of the improvement of the river for that year, plus 4 per cent interest on every cent expended on the river from the beginning of the Government. This is manifestly unfair in the extreme. His system is one entirely of debit, without any credit. If it be proper to charge a stream with the total expenditure thereon since the Government began to make improvements then it should be credited with all the commerce carried thereon during all these years. He does not consider the colossal commerce which passed over these rivers in the early days and which far more than offset any sums for improvements at that time. Every dollar expended from year to year is carried forward by him into one sum and 4 per cent computed thereon. Why he adopts 4 per cent I do not know,

for surely the Government can borrow money much cheaper than that.

One of the projects he singles out is the Red River in Louisiana and Arkansas, on which, since the beginning of the Government, there has been expended $2,763,806, by odds the greater portion of which was for annual maintenance, which should have been charged off against the commerce of each year. Yet Mr. Burton capitalizes the whole sum and computes 4 per cent interest thereon. What would be the result if all amounts expended, not only for the construction, and frequently the rebuilding, but also for the maintenance and operation of railroads, should be capitalized and the road required to earn a reasonable interest thereon? The mere statement suggests the unreasonableness of this proposition.

Red River had a very large commerce until recent years, when, with the completion of parallel railroads on each bank and cross roads at several important points, many boats were driven out by cutthroat rail competition. The commerce of 1913, cited by Mr. Burton, was the low-water mark, and showed only 26,166 tons, valued at $310,333. Why did he not, in all fairness, mention that of last year, 1914, which was 47,351 tons, valued at $2,939,073?

Mr. Burton also scores the Hennepin Canal and charges that its improvement was so much money thrown away.

The Hennepin Canal proper stops 100 miles from Chicago. When it was improved it was expected that the connecting link between its terminus and the city of Chicago would be placed in proper condition by the State of Illinois, but this was never done, and hence through traffic is impossible. A railroad stopping 100 miles from Chicago would carry little freight to that city, and the Hennepin Canal is exactly in this position. It is now probable that this connecting link will be improved by the State of Illinois, and, in my judgment, whenever boats of a size which can traverse the Hennepin Canal can go through this link there will be a development of traffic which will justify the building of the canal.

THE MISSOURI SETS THE PACE.

The great Missouri River, between Kansas City and its mouth, is also the object of Mr. Burton's adverse comment. This stretch of the river has during the past two months been exhaustively investigated by the seven members of the Board of Engineers for Rivers and Harbors, who made a persoal examination of the river. Elaborate hearings were held and every fact connected with the improvement of the Missouri was unearthed. The board made a unanimous report, which is now before Congress, and which heartily indorses the continued improvement of this river. This report states that although the commerce on the Missouri is not large, this is because the channel is barely navigable in some places. This, of course, will be obviated when the project is completed.

The report sets forth that the freight traffic is growing rapidly; that the Kansas City Missouri River Navigation Co. is setting an unprecedented example in the way of inland water navigation; that this company is carrying freight under the same conditions as and in competition with the railroads, assuming all insurance risks, paying switching charges, giving through rates and regular schedules, and charging only 80 per cent of rail rate. To stop the improvement would be to nip this growing commerce in the bud and to deprive the people of that section of the benefits of cheap and efficient water transportation.

To read Mr. Burton's article one would think that inland water transportation in the United States is a relic of a prehistoric age. This is far from the truth, and in the aggregate a large volume of freight is carried by water. One of the very few completed waterway projects in the United States, which has been finished less than a year, is the Black Warrior-Tombigbee River, which connects the coal fields of Alabama with New Orleans and vicinity. Although this stream has been opened only a few months, it already has a large commerce, which has more than doubled in four months, and the charges on which are far below the railroad rates.

THE OHIO'S COLOSSAL COMMERCE.

It is probably a mere coincidence that the only one of the larger rivers of the country which Mr. Burton thinks "should have a thorough trial" is the Ohio. In view of the fact that the Ohio carries a commerce of from 9,000,000 to 12,000,000 tons a year, although only 15 of the 53 locks and dams required for the complete improvement of the river are finished, and although the depth over a considerable portion of the river for periods ranging from 2 to 11 months at a time is less than 3 feet, while the minimum depth which will be available when the work is completed is 9 feet, it certainly does not seem unreasonable that the Ohio River should be given a thorough trial. It is worthy of note that no plan for the complete improvement of the Ohio was adopted until after Mr. Burton had surrendered the chairmanship of the Rivers and Harbors Committee, and that the filibusters conducted by him in 1914 and 1915 seriously delayed the completion of the Ohio River project, as well as every other waterway and harbor in the United States.

SPLENDID SYSTEM OF CHECKS AND BALANCES.

No bills that come before Congress are better safeguarded than those making appropriations for waterways, and it is almost impossible to put through an unworthy project. A brief statement follows of the steps preceding the adoption of a project; whether it be one of great general importance, costing millions, or some obscure river or inlet of only local interest, the process is the same.

A bill is introduced in the House or Senate asking a survey of the proposed project, and if thought worthy on prima facie showing the survey is included in the next river and harbor bill. The Chief of Engineers then directs the United States engineer in charge of the locality, usually an officer with the rank of captain or major, to make a preliminary examination and report, showing feasibility, prospective cost and benefits, and every ascertainable fact. This report goes first to the colonel in charge of the division, then to the Board of Engineers for Rivers and Harbors, composed of seven United States engineers of high rank, and finally to the Chief of Engineers. If the local engineer reports adversely, that usualy settles it, and the matter is dropped, though occasionally he is overruled by his superiors. If the local engineer finds the project apparently worthy, he so reports, and his opinion, after most careful consideration by his superiors, is affirmed or disapproved.

Should the Chief of Engineers, in the light of all the facts and suggestions of the local engineer, the division engineer, and the Board of Engineers for Rivers and Harbors conclude that the project is worthy of an actual survey, it is ordered and referred back to the local engineer. A survey party is then placed in the field and an elaborate survey is made to ascertain every fact bearing upon the project, including cost, commerce—present and prospective—and everything helpful to Congress in reaching a final conclusion upon its merits and demerits. This survey usually requires several months and, in the very important projects, one or more years, and no reasonable expense is spared to get all the facts. The report then goes to the division engineer, who attaches his views and forwards it to the Board of Engineers for Rivers and Harbors.

This board has offices in the city of Washington, and in addition to a careful review of the reports of the local and division engineers, it gives hearings, pro and con, to interested persons. Moreover, if the project is a costly one, the board frequently examines it in person, as it did recently when the entire membership of seven colonels investigated the Missouri River below Kansas City. The findings of this board, accompanied by reports, evidence, maps, and so forth, then go to the Chief of Engineers, who renders a final decision, which is transmitted through the Secretary of War to Congress, and the whole record is published as a public document for all the world to see. And if the project is not regarded as worthy, either by the Board of Engineers for Rivers and Harbors or the Chief of Engineers, it is not considered as having legislative status. In other words, Congress will not appropriate for waterway projects unless approved as above indicated, except in very rare cases, when the amount involved is quite small and Congress has conducted an independent investigation for itself.

Bear in mind that the United States engineers are the honor men of West Point, the pick and flower of the American Army; that many of the ablest and best men of our Republic, including the builders of the Panama Canal, have been United States engineers; that they have disbursed over three-fourths of a billion dollars on waterways, with only one scandal—that at Savannah; that they hold office for life; that they are not interested personally in the localities where they serve for three or four years and then leave, never to return in most cases; and that not only 1 engineer, but 10, must investigate and report in writing for publication upon a waterway project before Congress will consider it.

How would it be possible for anything smelling of pork or graft to run such a gantlet? The charge of pork barrel is preposterous. It is made by enemies of waterway legislation who have no regard for truth.

Again I say, river and harbor bills are not pork-barrel bills, but commerce builders.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes

of the two Houses on the amendments of the House to the bill (S. 3518) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

PETITIONS AND MEMORIALS.

Mr. LODGE presented a petition of sundry citizens of Provincetown, Mass., praying for the enactment of legislation for the retirement of superannuated employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented the petition of Allyn K. Dockham and sundry other citizens of Fitchburg, Mass., praying for the enactment of legislation to classify the salaries of employees of the Bureau of Animal Industry, Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

Mr. CLARK of Wyoming presented petitions of sundry citizens of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibtion, which were referred to the Committee on the Judiciary.

Mr. WARREN presented petitions of sundry citizens of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented a petition of the Northern California Counties Association, praying for the enactment of legislation to create the Lassen Volcanic National Park, which was referred to the Committee on Public Lands.

He also presented a petition of Local Union No. 125, Cracker Packers' Union, of San Francisco, Cal., and a petition of the Chauffeurs' Union, of San Francisco, Cal., praying for the printing of the report of the Commission on Industrial Relations, which were ordered to lie on the table.

He also presented a petition of Jefferson Davis Chapter, United Daughters of the Confederacy, of San Francisco, Cal., praying for the enactment of legislation to grant pensions to veterans of the Confederate Army and their widows, which was referred to the Committee on Pensions.

He also presented a petition of the Catholic Federation of Santa Clara County, Cal., praying for the enactment of legislation to make October 12 a legal holiday, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented a memorial of the board of directors of the Public Library of Prospect, Conn., remonstrating against the enactment of legislation to fix a standard price for patented and trade-marked articles, which was referred to the Committee on Education and Labor.

He also presented a petition of the Litchfield County Automobile Club, of Winsted, Conn., praying for Federal aid in the construction of goods roads, which was ordered to lie on the table.

He also presented a petition of sundry citizens of New Haven and West Haven, in the State of Connecticut, praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented a petition of the congregation of the King Street Christian Church, of Danbury, Conn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the congregation of the United Presbyterian Church, of Thompsonville, Conn., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of the Christian Endeavor Union and of the congregation of the Main Street Baptist Church, of Meriden, Conn., praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WADSWORTH presented petitions of sundry citizens of the State of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEE ON PRINTING.

Mr. FLETCHER, from the Committee on Printing, to which the subject was referred, reported a resolution (S. Res. 115) providing for the printing as a Senate document of the manuscript entitled "Report on Credit Organization for the Farmer and Tradesman in Northern France."

He also, from the same committee, to which the subject was referred, reported a resolution (S. Res. 116) to print as a Senate document the pamphlet entitled "The Duty of Courts to Refuse to Execute Statutes in Contravention of Fundamental Law."

He also, from the same committee, to which the subject was referred, reported a resolution (S. Res. 117) to print as a Senate document the manuscript entitled "Uniform State Laws Relating to Rural Credits and Land Registration."

ALFRED CLUFF AND OTHERS.

Mr. ASHURST. On January 5 I introduced a bill—Senate bill 2870—for the relief of Alfred Cluff, Orson Cluff, Henry E. Norton, William B. Ballard, Elijah Hancock, Susan R. Saline, Oscar Mann, Celia Thayne, William Cox, Theodore Farley, Adelaide Laxton, Clara L. Tenney, George M. Adams, Charlotte Jensen, and Sophia Huff, and had it referred to the Committee on Claims. I ask that that committee be discharged from the further consideration of the bill and that the bill, together with all papers and reports accompanying it, may be referred to the Committee on Indian Affairs.

Mr. SMOOT. Mr. President, I was unable to understand the request of the Senator from Arizona.

Mr. ASHURST. I will restate it. On January 5 I introduced Senate bill 2870, for the relief of certain persons, which bill was referred to the Committee on Claims. I now ask that the Committee on Claims be discharged from the further consideration of the bill, and that the bill, together with all papers and reports, be referred to the Committee on Indian Affairs.

Mr. SMOOT. Mr. President, I am not a member of the Committee on Claims, but I think the request should have been made when the chairman of that committee or some member was present. I have no objection at all to the request, but I simply make this statement, so that if there is any objection hereafter on the part of any member of the committee, it may be taken into consideration.

The PRESIDING OFFICER. Without objection, the bill will be referred, together with the accompanying papers and reports, to the Committee on Indian Affairs.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. REED:

A bill (S. 4836) for the relief of Daniel O'Connell; to the Committee on Military Affairs.

By Mr. KERN:

A bill (S. 4837) granting an increase of pension to Lawrence Over (with accompanying papers);

A bill (S. 4838) granting a pension to Holmes R. Love (with accompanying papers); and

A bill (S. 4839) granting an increase of pension to Edward B. Clark (with accompanying papers); to the Committee on Pensions.

MAINTENANCE OF ROADS.

Mr. FLETCHER. Mr. President, I present a communication from Clarence J. Owens, managing director of the Southern Commercial Congress, transmitting a copy of an address entitled "Road maintenance and its significance," delivered by Mr. E. W. James, chief of maintenance of the Office of Public Roads and Rural Engineering, United States Department of Agriculture, before the Southern Commercial Congress at the seventh annual convention held at Charleston, S. C., December 17, 1915. I ask that the matter be referred to the Committee on Printing relative to its being printed as a public document.

The PRESIDING OFFICER. The matter will be referred to the Committee on Printing.

PROPOSED CENTRAL POWER PLANT.

Mr. NEWLANDS. Mr. President, I have received a communication from Mr. Hennen Jennings, civil and mining engineer, relative to the suspension of the construction of a power plant on the water front facing the Potomac Park system and designated in the hearings held before the Committee on the Library, United States Senate, as a central heating, lighting, and power plant on the Mall. The communication is accompanied by tables and illustrations, and I ask that the entire matter be referred to the Committee on Printing with a view to having it printed as a public document.

The PRESIDING OFFICER. The communication will be referred to the Committee on Printing.

RURAL CREDITS.

Mr. FLETCHER. Mr. President, I am taking occasion even at this late hour under these adverse circumstances to present some remarks on what I regard as one of the most important subjects now before Congress or that will be before Congress. I am doing so because of the fact that some engagements of a public character will likely take me away for a while, and the bill which I refer to may possibly be presented and called up for action before I may be able to return.

The bill has been reported by the distinguished Senator from New Hampshire [Mr. HOLLIS] and is the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes.

Mr. President, on August 14, 1912, I first took occasion to submit some remarks on the general subject of rural credits. The effort primarily then was to have Congress adopt a resolution officially accrediting the American commission to be assembled later by the Southern Commercial Congress for the purpose of studying the various systems then in successful operation in certain European countries.

The commission was assembled, and in conjunction with the United States commission, created by Congress to cooperate in that undertaking, did make a tour of some 14 countries in Europe between April 26 and July 26, 1913, investigating the actual operations of the established systems intended to meet the needs of agriculture in a financial way, collecting data in connection therewith and studying the various laws and the working details. The result is shown in Senate Documents 214 and 261, Parts I and II, and the report of the United States commission to Congress, Senate Document No. 380, Parts I, II, and III.

Again, on August 9, 1912, I discussed the subject further in the Senate and introduced a bill on long-term mortgage credit, S. 2909. I believe this was the first bill presented to Congress intended to provide for a complete system of that kind in the interest of the agricultural industry of the country.

Later the report of the United States commission was submitted to Congress, including a bill, S. 4246, agreed on by that commission, embracing some of the essential features of S. 2909, and making some additions and modifications of the detailed plan.

On August 26, 1913, I made report to the house of governors at Colorado Springs, as chairman of the American commission, giving an account of the work in Europe and setting forth some of the conclusions reached. The house of governors approved the work and generally indorsed the plan proposed.

Since August, 1913, some 60 bills have been introduced in Congress on the subject.

A joint committee selected from the standing Committees on Banking and Currency of the Senate and House, to whom was referred the bills theretofore introduced, considered the subject in the light of the report of the two commissions and the material collected, and agreed on a bill known as the Hollis-Bulkley bill, which included the essential features of S. 2909 and the commission bill, S. 4246.

The Agricultural appropriation bill of 1915 created a specific joint committee, composed of members of the standing Committees on Banking and Currency and Agriculture of the two Houses, charged with the duty of considering all proposals theretofore made, and the whole subject, with instructions to report a bill by January 1, 1916.

This joint committee did make report (H. Doc. 494), and submitted a bill (H. R. 6838, Jan. 4, 1916; S. 2986, Jan. 5, 1916), which was referred to the Committee on Banking and Currency and was favorably reported, with amendments, January 15, 1916, report No. 144.

This is the measure now on the calendar for action. Reference has been made to what was said heretofore, because I prefer not to cover the same ground or repeat the argument at this time. Those who feel sufficient interest can examine the previous discussion of the subject, where, with some elaboration, the reasons for this legislation and its need were pointed out.

Those reasons, I have every reason to believe, exist with equal if not increased force to-day and throughout the country are better understood. The more the people have examined the question the more they realize the soundness of those reasons and the more pronounced and widespread their conviction that response should be made by legislative action along the lines set forth in this bill. The need grows as time passes and its realization has appeared boldly as light has been thrown on the situation in which our farmers find themselves.

In a more or less listless, not to say indifferent, way those engaged in agricultural pursuits have in the past simply accepted conditions under the impression that no way of bettering them existed.

They have not exerted themselves with sufficient energy to find the means of correcting the difficulties or of obtaining relief from the burdens under which they struggled, and no sufficient interest was taken outside their vocation to solve the problem or point the way, while selfish complacency of those who profited by a continuance of the status quo discouraged any hope of a change. The farmer is naturally and generally conservative. He does not readily turn to new proposals. He must be convinced, not only that the purposes and motives of those who would change the old order of things even for his benefit are pure, but that the change would be workable and efficacious and accomplish the results claimed. He takes time to consider and reflect upon and examine the proposals from all sides. He must be got to catch the vision as it has come to others in all its fullness and force. When he reaches this stage he is ready for action, and when he gets ready he is impatient of delay.

Nearly four years ago this subject was brought to the attention of the farmers of this country. It took the shape of pledges in the platforms of the political parties adopted in national conventions. They were urged to investigate and study the question to the end that they might be satisfied of the soundness of the view that the industry, if not actually discriminated against, was not receiving in our financial system the treatment to which it was entitled and the correction of that was entirely feasible—that not only was it feasible to devise a plan by which the greatest industry in the country could be properly served, but unless that was done we had reached a stage where the industry had begun to languish, and that meant increasing discouragement to those engaged in it, less remuneration and added hardships, a wasting of the soil, decreasing production, higher cost of living, and, eventually, national weakness.

There was small difficulty in showing the need for the establishment of a system, supplementary to our financial scheme, that would bring relief. The harder task was to determine upon the precise nature of that system and the ways and means of putting it into operation. A close study of the systems in successful practice in the older countries, where it was found necessary half a century, at least, ago, to solve this very problem, could not fail to throw a blaze of light on the subject. The experience of those countries, where agriculture has attained its highest development, must surely furnish a trustworthy guide. Our problem began to narrow down to one of adaptation of true and tried principles rather than one of experimentation with original theories. We found certain principles had worked most successfully for over 50 years, for the redemption of agriculture, and it would be the height of folly to ignore the lessons thus taught. All we had to do was to adapt those principles to conditions in the United States—shape our law so as to make the application of those well-tried principles to conditions here plain, practical, and effective.

The best thought of two commissions; the serious, painstaking studies of two joint committees; the earnest consideration of two standing committees of Congress; the careful examination and interchange of views by the governors of the States; the deep interest and investigation of the farmers of the country; the patriotic concern and conscientious efforts of public-spirited citizens, anxious to promote a sound agriculture—all these have contributed toward reaching a wise conclusion as to the precise language which should be employed in placing on the statute book the law that would accomplish the results all should solemnly and keenly desire.

Such a measure is now before us. We should not delay an unforgiving minute in passing it. It may not be absolutely perfect. It is one thing to know what is wanted and it is a somewhat different thing to express in terms of a statute what is in the mind. When it goes into effect, as I sincerely hope it will very soon, it is possible we may find occasion for amendments which would improve it. It will not immediately transform conditions into the ideal. Its promised benefits, vast in extent and permanent in character, I am convinced will be realized, but they will be largely a matter of continuous, perhaps at first apparently slow, growth.

Patience must be exercised and disappointment checked until the plan is in full operation, and all the machinery of administration shall be in complete running order.

One of the first effect will be to reduce the charges, expenses, commissions, and interest, now borne by the farmers of the country on loans, about one-half. This will save to them an annual outlay of some $200,000,000.

No industry of the country has ever stood or could have stood the enormous burdens of this kind that agriculture has been obliged to bear during all the years of the past.

In the report of the committee a table is furnished to show the rate of interest charged on farm-mortgage loans in the various States. I am thoroughly satisfied it is given much lower than that actually paid.

In Florida, for instance, the average interest rate is given at 9 per cent, and the commission is given at one-half of 1 per cent. Not long ago, I made certain inquiries of the Commissioner of

Agriculture of Florida, and some of them related to this item. I desire to insert as a part of my remarks his reply, to wit:

THE STATE OF FLORIDA,
DEPARTMENT OF AGRICULTURE,
Tallahassee, December 17, 1915.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

DEAR SIR: Yours of the 26th ultimo has been duly received, and the information is herewith supplied as nearly correctly as it is possible to obtain it.

We regret that our reply has been delayed, though the delay has been unavoidable, and we trust that it has not inconvenienced you appreciably.

The information contained in the first seven questions of your letter had to be obtained from various sources, and covers what might be termed the present conditions as they exist in various sections of the State to-day. Question 6, however, belongs really to a different section of your letter, and that has to be obtained through census returns.

As we presume you have kept a copy of your letter for reference, we will endeavor to reply to the various questions in accordance with the numbers of the questions:

1. What amount of money is loaned to farmers on time—say, two to five years—in Florida?

Answer. Can not say; amount so small that it might be considered as a part of loans in general.

2. What would be the average rate of interest on such loans, commissions, abstracts, fees, etc., making total cost to borrower?

Answer. We estimate it at 12 per cent.

3. What amount is loaned to farmers by banks and individuals on short time—say, 90 days to one year—and at what rate, fees, commissions, etc., making total cost to borrower?

Answer. About 90 per cent. These papers are either indorsed personally or secured by collateral, or both. Notes and mortgages and the rate of interest will average more than 10 per cent.

4. What amount in cost of supplies is furnished farmers on credit, including fertilizers, machinery, etc., annually?

Answer. Fully 66⅔ per cent to 75 per cent of all amounts purchased.

5. What is difference in price to farmers between cash and credit for these?

Answer. From 8 per cent to 25 per cent.

6. Rate of interest and cost to the borrower, average?

Answer. Varies from 10 per cent to 15 per cent.

The following questions are made up from the United States census of 1910:

7. Give the number of farms mortgaged in Florida. Give the number of farms not mortgaged?

Answer. Farms mortgaged by owners, 5,160. Percentage of farms mortgaged 14.8 per cent. Farms not mortgaged, 44,856. In Illinois 55,792 farms were mortgaged by owners and the percentage of farms mortgaged was 39.2. Farms not mortgaged, 196,080.

8. Number of tenants on farms?

Answer. Number of tenants on farms in Florida, 110,000, or 26.7 per cent.

9. Number of occupying owners on farms?

Answer. Number of occupying owners and managers on farms, 325,155, or 73.3 per cent.

10. Proportion of tenants compared to owners occupying and cultivating their own farms, and what has been the increase or decrease during the last 10 years?

Answer. Twenty-five per cent tenants; 75 per cent owners and managers. Decrease in tenants about 1.7. Corresponding increase in owners and managers.

11. Can you give the per capita wealth of farmers in Florida and compare that with the same in Illinois?

Answer. Per capita wealth of farmers in Florida, $268.20; in Illinois, $180.70.

12. Give the production per acre in value in Florida, in Illinois?

Answer. Production per acre in Florida, $29.60; in Illinois, $18.30.

The following are additional items of information in connection with the above from the census of 1910, which makes, in our opinion, clearer the statements made above. They also help to show Florida to greater advantage.

13. Total number of all farmers in Florida, 533,539; an increase in number of 32.6 per cent. In Illinois there were 2,161,662 farmers, showing an increase of 3 per cent over the previous census.

14. Value of all farm property in Florida, $148,183,183; in Illinois it was $3,905,321,075.

15. Value per acre of land in Florida was $27.25; in Illinois, $120.80.

16. Percentage of increase in value in Florida, $120.50; in Illinois, $96.50.

17. The whole number of farms in Florida, 50,016; in Illinois, 251,872.

18. Percentage of increase in number of farms in Florida, 22.5 per cent; in Illinois, 4.6 per cent.

19. Percentage of increase in value of all farm property in Florida, 165.5 per cent; in Illinois, 94.8 per cent.

The following information is based on the same rate of increase as obtains in the census of 1910, but is for the five years from 1910 to the present time.

We are taking the liberty of giving you this information as additional evidence of the rapid progress being made by Florida. We are repeating many of the same questions as are contained in the above so as to show the contrast:

1. According to the State census just completed the total number of farmers in Florida is 614,469, or 66.6 per cent increase in five years.
2. Number of tenants on farms, 153,617, or 25 per cent.
3. Number of occupying owners and managers of farms, 460,852, or 75 per cent.
4. Number of all farms in Florida, 61,019, an increase in five years of 22 per cent.
5. Number of farms mortgaged, 8,543.
6. Number of farms not mortgaged and operated by owners and managers, 52,467.
7. Value of all farm property in Florida, $261,595,677, an increase in value in five years of 82.7 per cent.
8. Value per acre of farms, $45.50, an increase of $18.25.
9. Per capita wealth of all farmers in Florida, $425.70.
10. Acreage cultivated, 1,294,847.
11. Value of products per acre, including all kinds of crops, $35.10.

12. (Which corresponds with No. 15 in your letter regarding demonstration work.) The amount expended by the State for all purposes connected with agriculture is about $10,000 per year, but this does not include any of the appropriations of the National Government—we mean principally the Lever bill—nor do we include the appropriations made for the State experiment stations and branches.

The two questions 13 and 14 in your letter can not be answered by this department. We have time and again made effort to get this information, but have never been able to do so. We can only suggest that it might be possible for you to obtain this information through the Interstate Commerce Commission. If that commission can not supply it, we do not know how it can be obtained, even approximately.

Trusting that what we have gotten together may be of some real service to you, and regretting any delay that may have been occasioned, I am, with best regards,

Yours, very truly,
W. A. MCRAE,
Commissioner of Agriculture.

The rate of interest and amount of commissions in other States are mentioned in this statement, appearing in the report on this bill. My correspondence would indicate a considerably higher average than that given.

Let me here quote from an address delivered by Hon. John Skelton Williams, Comptroller of the Currency, October 6 last. This comes ex cathedra and is no mere estimate. It is entitled to weight accordingly. Speaking of interest exactions by banks, he says:

Naturally, the highest and most startling rates have been charged in portions of the West and South, where money is known to be scarcest, but the records show more or less numerous instances in the East and North and the Northwest where the hand of the spoiler has also been active.

One thousand and twenty-two banks in different sections of the country, out of the total of 7,615 banks, admitted that they were receiving an average of 10 per cent or more—some an average of 18 per cent—on all their loans.

Those receiving an average of 10 per cent and upward included 2 banks in Illinois, 6 in Minnesota, 2 in Missouri, 23 in Georgia, 6 in Florida; 1 in Alabama, 2 in Louisiana, 317 in Texas, 17 in Arkansas, 3 in Tennessee, 90 in North Dakota, 25 in South Dakota, 18 in Nebraska, 5 in Kansas, 38 in Montana, 14 in Wyoming, 37 in Colorado, 25 in New Mexico, 300 in Oklahoma, 12 in Washington, 10 in Oregon, 13 in California, 2 in Utah, 1 in Nevada, and 33 banks in Idaho.

The statistics tell us that in large sections of this country the farmer—the very foundation of our commerce, the inspiration of our enterprise, the greatest producer and the greatest consumer—instead of being the most settled and firmly established member of the community has become almost the most migratory and unstable of our citizens. The census figures gives us good ground for believing that the farmer, in many sections of the country, has been driven from his home from year to year by the rapacity of the unscrupulous money lender, who charges him for the use of money for one year as much as he ought to pay for its use for 10 or 15 years. He endures and pays as long as he can and then sells his live stock and disposes of such other property as he may have—or lets the sheriff dispose of it—and moves on to start life anew.

The money lender collects his principal as well as his extortionate interest, for I am informed that the farmers' paper nearly always is paid, however great a sacrifice the farmer may have to make to meet these obligations.

He further says:

The list shows that there were a total of 1,206 banks charging 12 per cent or more, of which 9 were in New York State, 6 in Pennsylvania, 2 in Maine, 3 in Massachusetts, 5 in Virginia, 7 in West Virginia, 6 each in Florida and Louisiana, 66 in Georgia, 62 in Alabama, 168 in Texas, 7 in Arkansas, 17 in Kentucky, 28 in Tennessee, 4 in Ohio, 8 in Indiana, 40 in Illinois, 7 in Iowa, 19 in Missouri, 69 in North Dakota, 48 in South Dakota, 21 in Kansas, 46 in Montana, 20 in Wyoming, 63 in Colorado, 33 in New Mexico, 287 in Oklahoma, 25 in Washington, 30 in California, 45 in Idaho, 18 in Utah, and 8 in Nevada; 3 each in Michigan, Oregon, North Carolina, and Arizona. In New Jersey, District of Columbia, Nebraska, Minnesota, and South Carolina only 2 banks in each reported 12 per cent or higher and only 1 in Maryland.

The banks in Mississippi, New Hampshire, Vermont, Rhode Island, Connecticut, Delaware, and Wisconsin denied having charged as much as 12 per cent on any loan since June 23, 1915.

In Maine, Massachusetts, Rhode Island, New York, Montana, Colorado, California, and Nevada high rates may, under the law, be charged in special contracts. The only other States in which, even by contract, a rate as high as 12 per cent is permitted are Pennsylvania, the Dakotas, Idaho, New Mexico, Washington, Wyoming, and Utah, and wherever in these States rates in excess of 12 per cent are charged they are usurious.

The 771 banks in the 27 remaining States were charging 12 per cent and upward in defiance of the usury laws of their respective States.

I am pleased to note the comptroller recommends a system of rural credits in these words:

A well-thought-out, carefully constructed, conservative system of rural credits for the development of agriculture and the increase of our wealth and resources by offering encouragement and opportunity to the ambitious farmer will come presently. When it comes all of us will share the splendid results.

But not the least difficulty at present is that farmers in various portions of the country are unable to obtain for improvements and for development of their business any loans at all. The national banks, although the Federal reserve act—in that respect changing the law which prohibited them from making loans on real estate, thus striking down the chief asset of the farmer as security for loans, under the only financial system we had—now authorizes them to loan on farm lands, are making no such loans, for the very reason they can employ

their funds to better advantage by turning them over in commercial transactions.

Farm lands, under our laws establishing our financial system in 1864, have been discredited as security. Besides, commercial banks are not in position to tie up their funds in time loans. Hence it is that no commercial system can meet the needs of the farmers of the country, and even as amended by the Federal reserve act our banking system is purely a commercial system. It serves those engaged in commerce, manufacturing, and enterprises other than agriculture. Hence the necessity of supplying a system supplementary to our commercial system by which this fundamental, necessary industry can be reasonably served.

The next effect will be to correct the dangerous tendency of to-day toward an increase in tenants on the farms and a diminution of occupying owners. The facilities for acquiring a home will be provided for those now tenants and for those desirous of making agriculture their business in life.

The next effect will be skilled farmers throughout the land will be enabled to enlarge their operations, increase their net earnings, develop their property, make permanent improvements, beautify their homes, and better the conditions of and make more attractive country life.

By obtaining financial accommodations for such purposes, on such terms as will then be available to them, the transaction will become an investment rather than the creation of a debt.

Outside, permanent capital will be attracted and devoted to productive uses in communities where fresh capital is needed. The securities will be so guarded and protected as to make them absolutely safe. This will induce a low interest rate. The holder of the bond has no relations with the mortgagors. He looks to the bank issuing the bond. His coupons will be sent through his local bank for collection, and finally the bond itself, just as checks or drafts are handled and credited.

The fact that the investment will be safe and will remain for a period of years without further trouble or loss of interest caused by changing loans will favorably impress those who have fixed capital from which they wish to derive an income. The bonds will have back of them: (a) The personal obligation of the borrower; (b) the real estate mortgaged, carefully appraised to be worth twice the amount of the loan; (c) the indorsement of the local association or agent of the Federal land bank; (d) the capital—not less than $500,000—and surplus of the Federal land bank; (e) the guaranty of all the Federal land banks (12); (f) the approval of the bond issue by the Federal Farm Loan Board; (g) the protection of Government supervision similar to that of the national banks; (h) the amortization payments which the borrower is obliged to make at every interest-paying period, thereby increasing the security, or rather diminishing the debt, constantly toward the vanishing point.

It is important to make the market as certain and extensive for these bonds as possible in order that the borrowers may reap the full advantages of the undoubted security behind them. To further promote that, the bonds and the mortgages will be exempt from taxation.

It is well understood that if the bonds and mortgages are to be taxed the amount thereof will be reflected in the interest they must be made to bear.

It is therefore essential that, in order that the borrowers may get the benefit of the lowest possible rate of interest, the mortgages and the bonds must be made exempt from taxation.

CONSTITUTIONALITY.

As to the constitutionality of the provision for tax exemption and all other provisions of the bill I have no question.

The encouragement of agriculture may be stated as a broad, general purpose of the proposed measure.

Congress is just as fully authorized to create a system whereby those engaged in that industry can properly finance their operations as it can create the Department of Agriculture itself.

Certainly legislation of this character, intended to accomplish such a purpose, is not more open to objection on constitutional grounds than are the various acts of Congress respecting the work of that department.

Again, Congress has power to create a system supplemental to our commercial banking system, which we may designate as a rural financial system, just as complete as in the case of commercial banking. This may be implied from the first and last paragraphs of section 8 in Article I of the Constitution.

It is made clearer by the decision in McCulloch *v.* Maryland (4 Wheat., 316). This opinion, often cited, discusses very fully the powers of Congress in matters of this kind. I can see no real distinction between the power of Congress in the creation of the bank discussed in that opinion and its power in the creation of the suggested Federal land banks.

See also note to section 5133, volume 5, page 79, Federal Statutes Annotated.

On the same subject may be cited Talbott *v.* Silver Bow Co., Commissioners (139 U. S., 438); Owensboro National Bank *v.* Owensboro (173 U. S., 664); also Federal Statutes Annotated, volume 5, page 157, note to section 5219.

This argument might be applied to the various features of the bill, including stock subscription by the Government, fiscal agency, depositing of public funds, embracing postal savings and others, and extended to great length, but it would seem unnecessary to dwell on that feature unless serious contention is urged that there would be doubt as to the constitutionality of the legislation.

Mr. President, permit me to quote from a few of the many letters I have received from various portions of the country by way of indicating the demand for this legislation. I ask leave to include these extracts in my remarks.

Extract from letter of F. T. Lockhart, Parkersburg, W. Va., under date of November 18, 1915:

I have noticed in the papers that you are interested in the rural-credit law, and I am also, and having given the matter much attention, I beg to inclose you my ideas of what that law should be. * * * I hope Congress may see its way clear to pass this law, for I know the farmers need it, and for the further reason it will not cost the Government one cent to do so, and it will assist the farmers so much.

Extract from letter of Mr. R. W. Winston, of Raleigh, N. C., under date of October 23, 1914:

I believe if Congress will turn its attention to agriculture the wealth of our country will be vastly increased, and that the stability of our Government will be preserved.

Extract from letter of L. L. Sutton, Bushnell, Fla.:

I own and operate a very good farm near Bushnell, and, as a farmer, I feel the need of some kind of a system that will place the farmer where he can get money to develop and carry on his business at a less rate of interest and give him longer time to pay his loans.

Extract from letter of W. C. Brown, of 5056 Woodlawn Avenue, Chicago, Ill., under date of November 21, 1914:

Will you kindly have sent to me at the above address one dozen copies of Senate Document No. 380, Parts 1 and 2. * * * The report seems to me to be an admirable one, and the legislation suggested will, in my opinion, be one of the most beneficial and far-reaching pieces of constructive legislature in the history of the Government.

Extract from letter of G. R. Gant, of Webster, Fla., under date of November 27, 1914:

We farmers are looking to you for relief. We must have it.

Extract from communication of Adolph Hinkelman, secretary-treasurer Idaho County Union of the Farmers' Education and Cooperative Union of America, Greencreek, Idaho, under date of December 24, 1915:

My organization, however, the 28th day of March, 1914, has adopted the following resolution:

"Whereas the greatest menace to the American farmer of to-day is the exorbitant, unfair rate of interest which he is charged for money necessary to carry on his business; and believing that this can be remedied only by cooperative methods of borrowing: Therefore be it

"*Resolved*, That we are heartily in sympathy with the effort being put forth at Washington to establish a rural-credit system, and we hereby direct our secretary to communicate with our Representatives in Congress to use their influence in getting such a law enacted."

My organization will hold their annual convention the 22d day of January, 1916, and it is very likely they will again pass on this matter.

Extract from communication of Benjamin C. Marsh, executive secretary the Society to Lower Rents and Reduce Taxes on Homes, 320 Broadway, New York City, under date of December 3, 1915:

The commendable effort of the President and of your commission to better the financial and economic status of the farmers deserves heartiest support.

Extract from letter of John Sprunt Hill, of Durham, N. C., under date of November 26, 1915:

I hope now * * * that the whole matter can be so arranged that the Senator from Florida will be able to bring forth a bill along the lines advocated in your recent interview, which will meet the situation in the great Southland and prove one of the greatest blessings ever brought to the doors of our people.

The following letter, under date of December 4, 1916, was received from Greenville, Fla., bearing the signatures of the following farmers: E. W. Beasty, M. S. Clark, Owen Glenn, J. E. Shepard, S. J. Clark, W. F. Proctor, B. E. Chester, W. H. Woodland, W. B. Shepard, Rev. S. A. McLeand, J. N. Earnest, Simon P. Garner, and E. W. Beasly:

I am still expecting you to support rural credits and to use your influence to have enacted into law the rural-credits measure indorsed by the Farmers' Union, the American Society of Equity, and the Southern Commercial Congress.

Letter from Pine Grove Local Union, No. 397, Farmers' Education and Cooperative Union of America, under date of December 4, 1915:

President Wilson and Congress have promised the American farmers a rural-credits measure. We are expecting you to support the best *rural-credits measure* brought before Congress and see that it becomes law at once.

Extract from letter of F. C. Neel, Cornelia, Ga., under date of January 13, 1916:

First let me say that, in my judgment, no measure is more important to the vital interests of our rural population. In Georgia two-thirds of the farmers are tenants, who must remain tenants until by some means they may escape the supply merchant and the landlord. * * * A failure to enact a practical rural-credits law will be fatal to the Democratic Party at the next election, while I believe in its previous enactments it has done more to help the average man than any other administration. May I add that land is the best basis of value, because the prosperity and wealth of a country depend upon agriculture?

Extract from letter of Charles E. Christ, Sleepy Hollow Farm, Cabery, Ill., under date of January 12, 1916:

Your letter of October 20, 1915, with inclosure, received. In reply will say we would favor very much any legislation that would bring about such a system of rural credits and marketing organization.

As money is taxed about half of its income in Illinois, a large number of loans are kept secret, thus withholding considerable aid to such a system if it were adopted. A uniform and revised tax on money throughout the United States is needed very much.

Extract from communication of Mr. James H. Parrish, of Gainesville, Fla., under date of August 26, 1915:

I am glad to know you think Congress will enact a law making rural credits supplementary to our present banking system. From my viewpoint our present excellent system has hampered rather than helped our farmers by raising the standard of paper to meet the approval of regional banks. Before the farmer only had to get the approval of his local bankers, but now the cry is that our paper must be liquid assets.

Extract from letter of Mrs. M. S. Potter, Van Landt, W. Va., under date of August 12, 1915:

I have looked over the pamphlet on marketing organization and rural-credits system. * * * Hoping to see some such measure taken in this matter, etc.

Extract from letter of Mr. P. A. L. Ferguson, Minneapolis, Minn., under date of July 19, 1915:

I can scarcely think of any legislation that would contribute a greater impetus to the development of unimproved lands and agricultural industry in general than the establishment of a system of financing that will enable all farmers, rich and poor alike, to procure money at a low rate of interest for the conduct of farm business.

Extract from letter of Holmes Conrad, jr., of Cleveland, Ohio, under date of March 23, 1915:

For some years I studied the German Landschaften and feel that the adoption of some similar system in this country will be of incalculable benefit to the American farmer.

Extract from letter of J. M. Wells, of Little Rock, Ark., under date of April 16, 1915:

I certainly hope to see you succeed in the passage of the Moss-Fletcher bill now pending in Congress. It is the most needful legislation of the day. The farmers of the United States are in the hole, put there by the banks and speculators. They are the very rock and foundation upon which we all exist. They are entitled to very quick consideration from Congress. They are not asking Congress to give them anything. Only give them a credit system such as they are entitled to, and then they will work out their own salvation.

Extract from letter of A. O. Murphey, Little Rock, Ark., under date of December 7, 1915:

I am very much interested in some national legislation that will give the agricultural interests of our Nation banking facilities equal to those enjoyed by other interests. * * * And until the National Government recognizes agriculture upon the same basis as any other interests of our Nation the wonderful resources of the South will never be developed as they should. We want landowners and not land tenants, and this class will never become landowners under an interest rate of 15 to 20 per cent, and that, too, upon short-term loans.

Extract from letter of Charles W. Barrick, New Martinsville, W. Va., under date of December 31, 1915:

Your valued favor of the 28th instant received, together with bill S. 1106, for which please accept my thanks. You have an admirable bill, and I hope it may become a law. * * * With your bill and incontestable mortgages and titles and Government supervision unlimited success is sure.

Extract from letter of Lycurgus Burns, Winterhaven, Fla., under date of November 29, 1915:

The rural credits and marketing are two vital factors in getting for the farmer his just dues to enable him to get his share of the profits of his business and make it possible to enjoy the financial success necessary to make the farm attractive and keep the boy on the farm. * * * If there is anything necessary to insure the success of the farmer, it is marketing conditions that will get the products to the consumer at reasonable prices and give the man who grows the produce his share of the price the consumer pays.

Extract from letter of H. R. Mosnat, of Lake Hamilton, Polk County, Fla., under date of December 28, 1915:

I notice that the rural-credits matter is making steady and rapid progress at last. The newspapers stated a few days ago that the bill is almost ready and will be introduced early when Congress reassembles after the holidays. It will be a great help, I am sure.

Letter from J. R. Gant, of Webster, Fla., under date of December 11, 1914:

Please hurry up and get your rural credit banks or farm loan banks in operation. We thought the reserve banks would help us—we need assistance. There is not one farmer in ten here that can finance for next year's crop. I never saw such a time. No money to buy seed, fertilizer, or pay for labor. Let us have assistance.

Extract of letter from S. F. Hardin, of Chipley, Fla., under date of January 27, 1915:

The laws have helped everybody and everything but the farmer. Yes, the farmer. He has had no help. We certainly hope you will get busy in our behalf now.

Extract from letter of J. H. Stoltzfus, Tuleta, Tex.:

The farmers in States where the interest charges are from 8 to 12 per cent can see no logical reason for the delay in the passage of this bill, as it was presented last year. Am anxious to see it in its revised and corrected form.

Extract from letter of James Harrison, Micanopy, Fla., under date of January 30, 1915:

We do hope and pray that the present session of Congress will pass some form of law which will enable the farmers of the South to borrow money from the national banks on long time at a low rate of interest with farm property as security.

Letter from J. C. Carson:

OCEAN VIEW, OREG., *December 20, 1915.*

Mr. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.:

It occurs to me that the Landschaft system would be all right if made a national institution. Something of the kind must be done. I am paying 9 per cent on $1,000, secured by my 160 acres, as many other farmers are doing because they can't do better. Wishing you success in the movement, I am,

Yours, truly, J. C. CARSON.

Extract from letter of H. R. Mosnat, of Lake Hamilton, Polk County, Fla., under date of February 5, 1916:

I trust that the bill is making good progress and that it will soon be passed.

Extract from letter of William N. Mebane, proprietor of Kenton Stock Farm, Dublin, Va., under date of December 23, 1915:

We need a bill enabling a farmer to borrow money on long time at a low rate of interest. Now, we have to pay 6 per cent interest annually with 2 per cent additional brokerage for five years plus much additional expense for examination of titles, etc., making an additional expense of $25 or $50. We need the Torrens system badly, and the same provisions for borrowing money for 10 to 20 years at a low rate of interest—say for 3 to 6 per cent. Can we not get some such bill as that through Congress?

Extract from communication of O. M. Tillis, of Havana, Fla., under date of February 9, 1916:

As I see it the farmers in the agricultural counties of this State are in dire need of some legislation that will enable them to borrow money at a nominal rate of interest, say 6 per cent, and they now pay from 12 to 20 if they have chattel mortgage collateral, and can not borrow at all on their land.

Extract from communication of Col. I. E. Barwick, Palmetto, Fla., R. F. D. No. 1, under date of January 15, 1916:

Your first proposed bill came much nearer fulfilling requirements of the American farmer, especially southern farmers. Why walk before crawling? The great majority of poor southern farmers to-day are in bondage to supply stores and other capitalistic and speculative agencies and are living from hand to mouth at the will of such agencies. How can the one-horse cotton farmer diversify so long as the supply store says he must plant a money crop—cotton? How can we poor devils in Florida plant other than such vegetables exclusively as the northern merchants dictate, and to whom we are already in debt and must depend on for our daily bread and to whom we must each season turn over our crops to return results of sales as may suit him?

Extract from communication of F. C. Neel, Cornelia, Ga., under date of January 13, 1916:

Knowing that you are interested in the bill before Congress relating to rural credits, I venture to write you in regard to the same. First, let me say that, in my judgment, no measure is more important to the vital interest of our rural population. In Georgia two-thirds of our farmers are tenants, who must remain tenants until by some means they may escape the supply merchant and the landlord. Space and your time forbid that I elaborate this feature of the situation, with which you are probably familiar.

Extract from communication of Charles E. Christ, of Cabery, Ill., under date of January 12, 1916:

We would favor very much any legislation that would bring about such a system of rural credits and marketing organization.

As money is taxed about half of its income in Illinois, a large number of loans are kept secret, thus withholding considerable aid to such a system if it were adopted.

Mr. President, no finer thing can be done by any man or set of men than to articulate in a workable measure this demand. No greater service can be rendered by any man or set of men than to interpret this demand in terms of law adequately covering the subject.

There are no more important problems pressing for solution than those which have to do with agriculture and agricultural products.

TWO IMPORTANT ECONOMIC PROBLEMS RESPECTING THE PRIME NECESSITIES OF LIFE.

The prime necessities of life we may designate as food and clothing. The raw materials for these are obtained by the labor and intelligence of those who devote their lives to producing them. It must be a great satisfaction to feel that as a result of one's energies things worth while are created, things which one's fellow man needs are produced, things are made to grow, develop, and mature which are necessary to the existence of man and beast.

The people who do this live nearest the fountain of life in the divine economy, and ought to be encouraged rather than discouraged by laws and by every other means which may be properly employed. The lives of those who never produce anything, who are dependent on the energies of others, who are simply consumers, are nearly empty as compared to those creators of the countryside.

The occupation of the producer of a nation's foodstuff ought to be regarded as a rare privilege. Its satisfactions should be commensurate with its importance. Intelligence of a high order, good judgment, executive ability, persistent industry, and capacity for growth are the characteristics of the genuine and successful farmer.

It is not an easy, care-free life, and he does not ask that it be so. It is a most useful life and ought not to be embarrassed by hard conditions imposed for the benefit of others. It is supposed to be and ought to be an independent life, but, generally speaking, it has become quite otherwise. It offers a modest profit and a wholesome living to conservative people engaged in a permanent, conservative business.

There are difficulties to be overcome and chances to be taken at every stage from the preparation of the ground to the disposition of the crop. The general impression that the producer requires no capital is entirely erroneous. It is the lack of capital, or, when obtainable, the onerous terms exacted of him, that constitute his chief handicap. He must wait on the seasons to prepare and to cultivate the land. If it rains too much or too little he is injured. After his crop matures storms may destroy it. His cattle may be attacked by foot-and-mouth disease, his hogs by cholera, his fruit trees by rust, blight, scale, insects, white fly, citrus canker, or other pests. He has to fight diseases of horses, sheep, poultry, and enemies of everything that grows. Nothing he can plant or produce or raise but has its destroyer in waiting. Not only great diligence and ceaseless labor are required, but some capital is necessary. He overcomes all obstacles, but it is no easy task or one free from expense. Dean Hunt, of the University of California, says, "American farms must be recapitalized at least three times in a century."

After he has grown his crops the surplus goes to market, and if, for one reason and another, the returns yield him nothing of consequence, he is likely to feel that all his exertions have been in vain and his sons and daughters begin to look toward the cities and for other fields of endeavor. A little reflection will show what a failure of the crops for one year means to a country. Experience of other countries furnish numerous instances of famine and ruin. Imagine what would be the consequence if our farms were untilled or our crops fail but for one year.

Nothing more need be said to emphasize the importance of doing whatever we properly may to keep in prosperous condition our agricultural interests and in good spirits those who produce our foodstuff. The truth is, that nation which produces a surplus of the prime necessities of life which other nations must have or go hungry and unclothed is in position of supreme power.

The United States is in that position in large measure and can be completely so. We must maintain that position "without compromise and at any cost." To do this we must solve two problems:

First. What will increase production?

Second. What is the best possible plan of distribution?

There are various factors entering into these problems, but we are now dealing with what I conceive to be the one chief factor in each case, not yet given attention, which, when worked out and put in operation, will afford a solution, with what is being done respecting the other factors, of both of these problems.

Our Department of Agriculture has done and is doing invaluable work of the most beneficial and scientific kind in promoting production and in helping to equip the farmer with the proper weapons with which to wage the battle against the enemies and obstacles heretofore referred to.

OUR EXISTING FINANCIAL SYSTEM.

The Federal reserve act removed that express discrimination against the farmer in our only financial system—the prohibition against loan on farm land by national banks. But the reserve act created a coordinate system of banking and established for the use and protection of banks already in existence 12 additional banks, but so far as the public is concerned, it does not provide any new banks of deposit or discount.

Our financial system, even as revolutionized by the Federal reserve act, merely embraces commercial transactions. In section 24 it provides, however, that any national banking association, not situated in a central-reserve city, may make loans on farm lands, improved and unincumbered, not for a longer time than five years, in an aggregate sum not exceeding 25 per cent of its capital and surplus, or one-third of its time deposits.

If every national banking association so authorized took advantage of this privilege there would only be available for farm loans not exceeding $450,000,000 for the entire country, whereas the outstanding farm mortgages now amount to over two billion dollars. The fact is, however, that national banks will do nothing of the sort. They will not tie up their funds in fixed loans for five years or one year when they can turn these funds over every 90 days in commercial business to much better advantage to themselves.

To be sure, there is provision for discount, in section 13, by Federal reserve banks, upon indorsement of a member bank, of notes, drafts, bills of exchange, issued or drawn for agricultural, industrial, or commercial purposes, or the proceeds of which have been used or are to be used for such purposes.

Such notes, drafts, and bills, "drawn or issued for agricultural purposes or based on live stock and having a maturity not exceeding six months, may be discounted," etc.

But in these instances the farmer must have warehouse receipts or other security to satisfy the member bank or furnish such protection as will warrant its guarantee.

This provision is of great help so far as it goes. It does not, however, afford the farmer permanent capital, nor does it furnish adequate means of supplying him with cash to enable him to produce and market his crop.

LONG-TERM, LOW-INTEREST, AMORTIZATION LOANS.

The legislative action required therefore is to supply such a system as shall meet the needs of agriculture.

When this is done the tenant will be able to acquire a home. People will be enabled to become owners of farms. Occupying owners will increase. Production will increase. Capital can be had to develop the farms and make productive improvements. Some $200,000,000 a year will be saved to farmers in interest on existing mortgages which will be taken up and substituted by contracts at lower rates of interest and on terms which will avoid renewal charges, commissions, and expenses, now most burdensome.

The general principle is to place the resources of the farmer in such position that he can command what he needs of the permanent capital of the country seeking an income at a rate of interest as low as any organized industry can obtain it and on terms of amortization he can readily meet out of his earnings. His security is the very basis of all wealth and therefore the best that can be offered. The plan is to make that security available for his use. This is done by establishing institutions under the law and Government supervision, authorized to issue bonds against collective mortgages on farm lands. The investor will turn to this character of investment because it possesses the features he likes, safety, reasonable income, and long time or permanency.

Such bonds will find a ready market when mortgages would not be considered. The market will be local and national.

In Germany such bonds sold more readily than the Imperial bonds at 3 to 3½ per cent.

There is ample permanent capital; the idea is to put the security in such form as will call it into service for the mutual advantage of the mortgagor and the investor. By putting farm mortgages on an investment basis we can obtain the capital and finance the business and create a sound and permanent agriculture.

When this system is in operation production will increase surely and permanently. It simply means applying the well-tried system of world-wide finance to agriculture.

DISTRIBUTION.

But what is the use to increase production if the producer does not get cost out of what he sends to market?

The number of consumers increases faster than production. Consumers are ready to and do pay fair prices, which if the producer received would give him a good profit. But the consumers pay billions of dollars every year for farm products which the producers do not get.

It is no exception, but rather the rule, that products go to market without yielding any net returns of consequence to the grower.

There is waste all along the lines.

There is no scientific or sound method of marketing farm products. The present practice is all haphazard and uncertain, with the chances against the shipper. The Government can not undertake to handle his products for the farmer. But the Government can create a bureau or commission which will help to establish reliable markets, keep in daily touch with market conditions, domestic and foreign, and be able to furnish prompt and reliable information upon which shipments may be intelligently directed, and generally work out a national system whereby the producers of the country can be fully advised from day to day in such way they can determine when and where to ship to best advantage. This service might extend to procuring transportation rates and can easily be made more comprehensive as the situation developed.

Congress should also enact a law which would require all distributing agents to keep such detailed accounts and make such returns as would enable the shipper to trace every transaction and its correct results, and make it a criminal offense to give a false or fraudulent report and accounting.

With a marketing system properly established the problem of distribution will be solved.

Before we can have good agriculture the grip of the factor, the merchant and the banker, the inevitable outcome of our past financial system, on the credit of the farmers must be loosened. This will be accomplished when the supplemental system to serve the needs of agriculture shall go into effect, to the vast relief and good of all. This present control of credit interferes with, if it does not make impossible, wise diversification of crops and the conservation of the soil, and it limits and narrows the opportunities of the farmer.

Organization and cooperation—not necessarily on the basis of joint and several liability—for the purpose of forming societies or associations by which supplies can be purchased and products handled and disposed of to better advantage, by the exercise of the combined purchasing and selling powers of the producers, would be most helpful.

When the farmer gets a larger control of his credit in his own hands and out of the hands of the banker and the merchant and the factor where it is of necessity now lodged, and must remain, in the operation of existing methods, and when he is in position to intelligently and economically market his products so as to get the best out of what he markets, agriculture will be on a sound economic basis and the country on a sure footing for all the future.

A proper system of finance for agriculture, call it rural credits, and a national marketing system, both in effective operation, will give better agriculture, better rural conditions, and make American rural life what it should be.

If we persist in promoting a burdensome and inadequate system of finance and land development, and a total lack of system in blind, haphazard, wasteful distribution, such as now obtains, we will not need a colossal and ghastly disaster such as Europe is experiencing to bring about our extinction.

Let me, in conclusion, bring home to you by concrete illustration, precisely what it is hoped will be accomplished by the establishment of such a financial system as the commission strongly urges and this bill would provide. Take the actual experience under the Danish Mortgage Society law. Members of the company—farmers—under that law, on loans made by them, respectively, pay a yearly amount of 4 per cent interest, three-fourths of 1 per cent amortization—that is, in reduction of principal—and one-fourth of 1 per cent for expenses, making, altogether, 5 per cent per annum, with the result that in 47 years their debt, principal and interest, is paid in full. Whatever the amount of the loan, whether $1,000 or $10,000, they have the use of the money; they pay 5 per cent per annum for that use, and at the end of 47 years the entire debt, principal and interest, is paid in full. Contrast that with the experience of the American farmer. If he borrows $1,000 or $10,000, he will have to, in the first place, agree to pay it back within three to five years. He will pay 8 per cent per annum interest for the use of it, and at the time when it becomes due he must pay the entire principal as well. Can there be any question about the advantages of the Danish system? The same principle applies under the German system. Take another illustration. Under the system practiced in these European countries, we will suppose that a farmer borrows $1,000. Suppose he wishes to liquidate the entire indebtedness in 18 years. The first year he would pay $40 on the principal and $40 on the interest. The second year he would pay $41.80 on principal and $38.40 on interest, and so on, until in 18 years he would have paid $1,440 and the entire debt, principal and interest, would be paid in full. Under our present system only the interest of 8 per cent would be paid, $80 per annum, and the principal at the end of the 18 years of $1,000 would still be due. In this case the borrower would pay 4 per cent interest on his money and the other 4 per cent would go toward the principal, and his debt under the European system would be canceled.

Take another illustration: Suppose a farmer wishes to borrow $1,000, and he was willing to pay as much as 6 per cent annually for the use of it. Under the European system he would pay 4 per cent as interest, and 2 per cent toward a sinking fund amortization. In 28 annual payments he would have paid $1,680, the interest which he would pay would be at the rate of 2.43 per cent per annum. In 28 years he would have paid the entire debt by paying $60 per annum, which would be 6 per cent on $1,000. Under existing conditions in this country he would have paid that amount, if he could get his money at 6 per cent, and at the end of 28 years he would still owe $1,000. Almost any farmer could make more than $60 a year, by the use of $1,000, but the farmers of this country could rarely afford to borrow money or incur indebtedness on the terms and at the rates which they are obliged to meet now, under our existing financial system, and no commercial banking system alone can afford them the proper accommodations. I want to see the farmers organize in their various communities, establish their local cooperative societies, and, in this way, take charge of their business matters, buy their supplies on the best possible terms, market their products in the best way, and finance their affairs in the most advantageous manner. They can do it. The two great words which should summon them to meet the situation are "organization" and "cooperation."

It is our duty to provide the machinery whereby these two forces may be set to work. The American commission with the United States commission called on the governors of the various States to appoint committees of three to prepare a brief statement as to the agricultural needs of the State, and the result is shown in part 3 of Senate Document 214. Referring to that document, I quote from the statements furnished—extracts to follow my remarks.

This measure will make it possible for those engaged in Agriculture to put into operation the business principle which it is necessary to apply to the farm, to wit:

First. The money needed to be borrowed at a reasonable rate.

Second. This money to be used in permanently bettering the farm and the home.

Third. It is to be borrowed for a long time.

Fourth. It can be gradually paid back.

Some people who have slept all these years; some who have a fixed habit of holding back and never pulling forward; some who always criticize any proposal they do not originate, and who neither have the capacity nor the energy to originate anything worth while; some who devote their lives to faultfinding and scolding; some who never lift, but always lean, and have no encouraging word for the lifters, are already engaged in impugning the motives and purposes of the supporters of this measure and falsely representing its provisions.

They are claiming that under it the tenant can get no relief; that every farm owner must become responsible for the obligations of every other and each member in the system must pledge his land as security for his neighbor; that only the owner of a farm now free and unincumbered can avail himself of the provisions of the bill, each one of which statements is wholly untrue.

If any man wants to purchase a home costing $1,000, and he has or can raise, independent of the property, $500, he could get the other $500 from the Federal land bank.

If a farmer owns a home and farm worth $10,000, and he owes on it $5,000, he could obtain that amount on first mortgage from the Federal farm-land bank and use it to pay off and discharge the existing lien.

Under the bill it is entirely optional with the borrower whether he will help organize and join a cooperative society with unlimited liability on the part of its members, or whether he will become a member of a local association with liability limited as they chose, or whether he will join no association at all and deal with the joint-stock institution provided for in the bill.

The purposes for which loans can be had are clearly set forth to be—

(a) To provide for the purchase of a farm for a home.

(b) To provide for the purchase of equipment, fertilizers, and live stock necessary for the proper and reasonable operation of the farm, the term "equipment" to be defined by the Federal Farm Loan Board.

(c) To provide buildings and for the improvement of farm lands.

(d) To liquidate indebtedness of the owner of the land mortgaged existing at the time the loan association is established or incurred for one of the aforementioned purposes.

It would be very unwise to create by law a system that would simply promote or make easy speculation in lands. The loans are intended to be for productive not speculative purposes.

The whole subject has been thoroughly considered and I trust the bill now submitted will be speedily enacted into law.

THE LANDSCHAFT.

It is contended by some that what is wanted is the Landschaft—"an association of borrowers, in contradistinction to the joint-stock mortgage banks, which are associations of lenders."

Mr. David Lubin, American delegate to the International Institute of Agriculture, an ardent and able advocate of rural credits, says, in Senate Document No. 123, Sixty-third Congress, first session, which ought to be read by all interested in this question, referring to the Landschaft:

All it asks of the borrower is to hand in the interest and amortization on his bond. If he does not do this, the Landschaft takes possession of his land, has it sold to the highest bidder, and returns to the borrower any balance left over above the amount for which he was given a bond, and the costs. The Landschaft can do this in Prussia without any recourse to a lawsuit. Substantially, the Landschaft in all this has the power of final decision vested in a supreme court. If no such power can be granted, then it would be unsafe to have a Landschaft in the United States; in fact, we could not have it, for the purpose of the Landschaft is to secure long-time loans with amortization at 3, 3½, and 4 per cent, and this interest rate would double or treble itself as soon as doubt as to the validity of titles and other questions between borrower and lender would be considered admissible. The Landschaft in Prussia has no such questions to contend with. The Landschaft directors foreclose without recourse to lawsuits. Their decision is final.

Of course, to bring this procedure about it would be necessary to change many State constitutions and the laws of the various States respecting the enforcement of mortgage liens on real estate. We in this generation would never live to see the day when such a system could be put into operation throughout this country.

Mr. Lubin further says, page 5:

So, then, we must either have the Landschaft system safeguarded in the United States by State and by National law and administered as rigorously as in Prussia, or we can have no Landschaft system operating safely in the United States.

Such a system is impossible in this country. Why discuss or consider it further? A law, even if it could be passed, providing for such a system would be a dead letter. It would never be workable because of our various State laws respecting registration of title, homestead and exemptions, foreclosure proceedings, rights of redemption, and the like, which no Federal law can change.

The bill now on the calendar offers a practical, workable plan for the establishment of a system which will enable the farmer to finance his enterprise at a low rate of interest and on terms he can readily meet out of his earnings. While it intends to have the bonds issued against collective mortgages, amply secured and perfectly safe, this is primarily in the interest of the borrower, because only in that way can he get the benefit of the lowest possible rate of interest and easy terms. These bonds in the older countries have afforded a safe investment for the funds of widows and orphans, and that would be found to be the case here, and that furnishes another reason why they should be thoroughly safeguarded.

This bill furnishes a sound basis for financing the farm. It will bring real to take the place of fancied independence to the farmer. It will enable him to increase the productive capacity of his farm; to cooperate with other producers and coordinate supply with demand; to standardize products, both as to quantity and quality; to establish a voice in determining the market price of his products.

It will make farming pay. That is a much-needed assurance. Boiled down to the last analysis, that is what we come to—there must be found a way to secure remuneration or compensation in some just proportion to the labor, hardships, and sacrifices the farmer must endure. Put into operation the financial system which the Senate bill now pending provides for and you will accomplish this redemption of agriculture in this country.

Especially will this be true if this legislation is followed, as it must be, because this step will lead to the next, to wit, by the establishment of a plan for more honest and equable economic distribution.

It is necessary not only to have our farms cultivated and cared for and farmers successful as producers, but to be happy and prosperous they must be able to count with certainty on fair returns for what they send to market. Organization among the farmers themselves will follow the changed conditions brought about by the operation of a rural-credit system such as proposed, and this will express itself in a better marketing system, to the benefit of both producer and consumer.

In some respects I feel the bill might be improved, and I intend to offer some amendments, if an opportunity offers, with that end in view, and whether such amendments are or are not agreed to I shall cordially support this bill.

That it will prove to be efficacious and most beneficial to agriculture and productive of immense general good I have no doubt.

ARIZONA.

"The rates of interest on agricultural loans in Arizona may safely be stated to be from 2 per cent to 4 per cent higher than in the case of business men in the same districts."

The principal needs are given, among them:

"Better credit facilities in connection with the marketing of crops and the conduct of general farming operations" (p. 14).

CONNECTICUT.

Mortgages on real estate are free from both State and local taxes. The mortgage note is usually a demand note. Among the needs mentioned are:

2. "Intelligent cooperation among farmers," etc.

4. "Such modification of both law and custom as will make possible long-time loans on land with amortization," etc. (p. 16).

DELAWARE.

Agricultural needs are:

1. More capital for the farmer.

2. Cheaper and better transportation for farm products.

It is hoped "the country will be able to establish an adequate system of rural credits that will do for the farmers of America what the rural-credit systems are doing for the farmers in Europe" (p. 17).

GEORGIA.

"No greater blessing could come to the farmers of Georgia than the installation of a system of land mortgages or land bonding that would bring money to our farmers and landowners for a long period of years at a low rate of interest upon the amortization plan of the Old World countries, with the privilege of paying a part or all of the loan as soon as they desire." (P. 18.)

"With long-term credits upon farm lands, short-term credits on personal securities, and a proper marketing system our farmers will not only produce wealth more abundantly but they will have more money in hand at the end of the year for church and school support, for better roads, for more attention to public health and sanitation, and for more home comforts and conveniences for our wives" (p. 20).

"1. We find that credits cost farmers too much.

"2. We believe that some system of rural-credit banking, based on European models but adapted to American conditions, should be devised for our farmers.

"3. There is great need for short-term credits to enable farmers to make their crops, and lower rates of interest whereby they can work on a cash basis and escape from our present ruinous credit system.

"4. Also we need a long-term land-credit system, with a low rate of interest, under an amortization plan, in order to extend and improve our farm operations."

IDAHO.

The agricultural needs of Idaho are:

"2. Some means provided whereby the agricultural interests may secure long-time loans at reasonable rates of interest."

"At the present time it is absolutely impossible for the new settlers in Idaho, either in the north or the south, to purchase live stock to consume their raw products of hay and grain at the exorbitant rates of interest that is charged them, and also upon the short-time loans that are required by all banks. No farmer can afford to buy dairy cows or other stock, no matter how favorably he is situated, if he has to borrow money at 12 per cent interest, with notes running three to six months. He is doomed to failure under such conditions, though otherwise very favorably situated" (p. 22).

ILLINOIS.

We feel that better business on the farm can be brought about by the establishment of improved rural-credit facilities and the organization of societies for cooperative distribution and cooperative purchase. To this end we recommend the passage of a State or National law, permitting of the organization of mortgage banks to handle farm mortgages on the long-time amortization basis and in accordance with the principles developed by European mortgage banks. We further suggest the passage of a general State cooperative-societies act, which will permit of the organization of pure cooperative societies for distribution and purchase (p. 23).

IOWA.

Notwithstanding many advantages, the agriculture of the State has needs of very far-reaching character.

The most obvious of these needs is the recasting of the present system of land tenancy. At present 40 per cent of the farms of the State are occupied by tenants. Most of the leases run for but one year; a few are for three years, and some for five years. This system of short-term tenancy is bad for the landlord, worse for the tenant, and worse for the land.

Another very serious need of the farmers of the State of Iowa is to learn more generally the advantages of cooperation. The advantages of cooperation and concentration in all business activities are certain and bring sure reward.

Another very great need of the farmers of the State is cheaper working capital. Not only is much capital needed to purchase the land but much is needed to stock the land with the necessary live stock, with buildings, with machinery, with many appliances of various devices, looking to more economic and efficient production. It is high time that on Iowa farms the buildings and other improvements partook more of the character of permanency. This would lead to great economy in time. The investigations of the Department of Agriculture show that for the year 1912 the farmers of the country paid an average of 7.75 per cent interest for short-time loans. In the division of States, of which Iowa is a part, the average rate was 8.05 per cent. These rates ought to be and could be nearly cut in half. The census of 1910 shows that the farms of the United States are encumbered to the extent of one-seventh of their value, or a little over 14 per cent. This proves that farm wealth is a very safe foundation for a system of farm credits, if it could only be made possible by some legal au-

thorization. A system of rural credits similar to the Raffeisen system would prove a great factor in more economic farm production.

As agriculture is the mainstay of our Nation, leading all vocations or pursuits, it seems to us that our National Government should foster and encourage by substantial aid the formation of organizations among farmers.

KENTUCKY.

We feel that some farm-loan system should be worked out and adopted by the Government. It is estimated that the annual interest charges upon all farm indebtedness amounts to $510,000,000, while the entire wheat crop in the United States in 1911 was $543,000,000. Agriculture bears the heaviest average interest rate (8.5 per cent) of all business enterprises, and is the least able to stand it for the following reasons: It is estimated that every 12 years the value of all farm buildings is absorbed by interest charges, that interest charges absorb the value of live stock every 9 years, and every 2½ years the value of all farm implements and machinery.

The farmers should thoroughly organize and have community centers for buying and selling and distributing; have a central marketing bureau in close touch with each community, agency, or exchange, using the parcel post as a medium of exchange and distribution to the large centers of population.

MAINE.

[P. 31.]

Our State is about to awaken to an era of cooperation among its rural population, but a wider and more liberal cooperation is needed. The success of the banks and stores of the rural communities is just as essential as the success of our farms.

Our needs are for more extensive farming and orcharding. Our needs are to build up instead of to deplete the fertility of the soil. We need to build up our live-stock industry; to raise the meat to feed our own people, to market our feed, and keep our soil productive.

We need simpler and cheaper plans to borrow money, but let us first look for security and safety in any new reform.

We need good roads, which will be to us as capital invested. We need to keep more accurate and better accounts of our crops and expenses.

MINNESOTA.

[P. 33.]

Of 160 Minnesota farms reported in 1913, 78 are reported mortgaged. Of this number 33 report the mortgages decreasing. The average rate of interest paid on the mortgage is 6.4 per cent. This rate per cent corresponds fairly well with that reported in 1912 (see Exhibit A)—6.8 per cent for the State average.

Our study of credit conditions shows a marked variation in rates in different parts of this State, with rates varying from a minimum of 5.5 per cent in the southern part to 10 per cent in the northern part.

The rates on long-time loans vary not only in different sections of the State but to a surprising extent even in any given section.

The variation in interest rates on short-time loans is even more marked than in the case of long-time loans. In general the rate of interest varies from 6 per cent in the southern part of the State to 12 per cent in the northern part. Although there is no such dire need of cheaper credit facilities in Minnesota as there was in European countries before cooperative credit organizations developed, yet lower rates of interest would undoubtedly be an advantage to the farmers in many parts of the State. We believe that under the present conditions of high land values it is difficult for the industrious and efficient tenant to acquire ownership of land, and that a system of long-time loans with an amortization feature would be a distinct benefit to such renters.

MISSISSIPPI.

[P. 38.]

The Department of Agriculture has estimated that the average profit on farming amounts to 5 per cent. If this be true the average farmer who pays more for his capital than 5 per cent is doomed to bankruptcy sooner or later as a mathematical certainty. When has it ever been that agriculture could be financed for 5 per cent or less in the United States? This, in part, accounts for the increase in tenantry and the decrease in home ownership. We believe the farmers should have a system of finances and credits adapted to agricultural needs. First, we believe that farmers need a time exchange extending for a year or so, so as to help him perform the carrying function in the marketing of his crop. Second, he needs system of long-time loans and the payment of same by amortization. He also needs long-time loans to enable him to go into the live-stock business without having to pay all the profits for the use of the capital. Third, he should have provision made for the sale of debentures based on land investments that will furnish investments for those who are now absentee landlords and allow the purchase of their land by the tenants. Fourth, he should have the short-time loan, based on the principle of the open account, whereby the individual farmer may have a rating the same as commercial men, the loan to be provided for productive purposes.

MONTANA.

[P. 40.]

2. Improved farm loan facilities. Farmers should be able to get money for longer periods and at lower interest rates.

NEW JERSEY.

[P. 41.]

In order to provide for the needs already existing and for the expansion of our agricultural industries that is bound to come, we must devise ways and means for hastening the more rapid development of our agricultural resources. In considering these ways and means we can not fail to agree that our problem concerns both the production of farm crops as well as the transportation and distribution of farm products. The feeling has been growing among us and has been voiced in the agricultural and general press of the country, that we have done much for better and larger production, but that we have neglected to help the farmer with his problems of transportation and distribution.

NEW MEXICO.

[P. 44.]

Possibly no State in the Union presents more of complexity in its rural credits, its farming production, distribution, and rural social conditions than does New Mexico. At least 50 per cent of its people are native or Mexican people, finding their origin at once in the aborigines and the conquistadores, while the other half of our people are drawn from every State in the Union and every country in Europe.

There are two general classes of farmers—the so-called dry farmers, in the northeastern portion of the State, who endeavor by skillful and scientific methods to conserve the rainfall, ranging from 16 to 22 inches annually, and the irrigator, who applies his water artificially.

When the farmer becomes a borrower conditions harder than those imposed by nature surround him. It is perfectly safe to say that the average rate of interest paid by the farmer on short-time loans exceeds 12 per cent, and he has great difficulty in getting money sufficient for his needs. I do not know of any section of the country where farmers can prosper and pay 10 to 14 per cent on the money they borrow.

NEW YORK.

No report, but New York recognizes by State action the need of a rural credit system.

NORTH CAROLINA.

[P. 49.]

It is clear that there is something radically wrong with the facilities for borrowing money on farm lands in North Carolina. From general inquiry in many parts of the State the fact is revealed that few banks in North Carolina lend on farm lands, and that the average farmer desiring to borrow money on his land is compelled to deal with the land-loan shark, and is compelled to pay from 6 to 20 per cent on money borrowed.

Hardly any greater blessing could befall the farmers of North Carolina than the institution of a system of land-mortgage credit that will bring money to the farmers and landowners at a low rate of interest and by the process of amortization or annual installments extend to them the privilege of repaying this money over a long period of years. There is pressing need in North Carolina of a great State land-mortgage institution (or some institution rendering similar service) with proper capital and proper equipment for mobilizing individual land mortgages and issuing bonds against these aggregated individual land mortgages controlled by the farmers.

While the greatest need of the farmer is probably long-time credit, yet there is a great and pressing need of short-term credit.

Our farmers need to develop a complete system of cooperation in (1) getting credit; (2) in buying supplies; (3) in buying and using machinery; (4) in converting raw products into more finished forms, as in ginning cotton, grinding grain, converting cottonseed into meal and oil, milk into cream, butter and cheese, etc.; and (5) in marketing the finished product directly to the consumer.

NORTH DAKOTA.

[P. 54.]

OREGON.

[P. 59.]

Interest rates are too high and in general terms of repayment are not adapted to farm conditions. The State and National Governments should take a hand in securing a system which will provide loans for the farmer upon mortgages and other collateral at rates and upon terms which insure the promotion of the great fundamental industry.

RHODE ISLAND.

[P. 60.]

We could place as first and most difficult in advancing the status of agriculture among us the creation of a mental attitude as to its possibilities and consequent dignity.

To create this new mental attitude three things are necessary: (1) Financial success in farming in Rhode Island; (2) the minimizing of hand labor on the farm and in the home; (3) the enlargement of social life and opportunity through better transportation facilities.

Now, the conditions necessary for success in these specialized lines of farming are three: (1) Thorough knowledge of the application of science in these pursuits, combined with individual initiative and energy; (2) credit facilities of the same kind and extent as are available for the manufacturer and the merchant; (3) organization for cooperative marketing.

SOUTH CAROLINA.

No report.

SOUTH DAKOTA.

[P. 62.]

The committee on rural credits appointed by the governor passed a resolution which was unanimous indorsing the proposition of rural credits and cooperation.

I believe that if rural credits could be secured for the farmer, enabling him to borrow his money for longer time and without a commission, that it would do more for the farming industry than has been done for it in the last 50 years, and that it would enable a lot of men who are now renters to own farms, which would materially increase the production.

TENNESSEE.

[P. 63.]

If some method can be devised and put into operation by which the farmers of the State can obtain money on longer time and at a lower rate of interest than they are now having to pay, agriculture in the State will receive an impetus that will result in increased acreage and production under the better methods which would be adopted.

About 45 per cent of the farmers of Tennessee, according to the Federal census of 1910, are tenant farmers. How to decrease this number by increasing the number of farm owners is a problem worthy of as much study as that of making it easier for the landowner to borrow money with which to operate his farm.

TEXAS.

[P. 64.]

The State needs improvement in the credit and financial facilities now at the command of the farmer. There should be inaugurated a system whereby the tenant may secure long-time credit at a low rate of interest for the purpose of purchasing a homestead and making permanent improvements thereon.

In addition to securing a system providing for putting homes within the reach of the present tenant, there should be established a system for financing the production and marketing of farm crops, the loans secured under this provision being for a short time, in contrast to the long-time credit mentioned above.

UTAH.

[P. 64.]

Agricultural needs of Utah are: (1) More expeditious and economical land-transfer system; (2) a quicker and cheaper supply of money for farm loans.

VIRGINIA.

No report.

WASHINGTON.

[P. 65.]

In Washington, as elsewhere, the farmers are undercapitalized. A system of very long time farm loans is needed on the amortization plan. This can best be secured on the landschaften system of collective security. This State has extended this system from cities and counties and school districts to port districts, diking districts, drainage districts, irrigation districts, and agricultural development districts. It should be extended to provide collective security for loans for 30 years or longer to farmers, payable by amortization. Short-time personal loans are also needed at a very greatly reduced rate of interest and much more easily to be obtained.

WEST VIRGINIA.

[P. 67.]

It is the hope of the committee that the foregoing pages will call to the attention of our governor and the American commission the need and opportunity for cooperative action among farmers in West Virginia, the proof that such organizations succeed when properly managed, and that this branch of the business of the State is exceedingly small when compared with what might be done if the State should enter with earnestness upon a campaign for better farming, better farm business, and better country life.

Needed—more organized effort among farmers of West Virginia. Our farmers need special facilities for long-time credit. This form of credit is needed by purchasers of farms and builders of homes who are not able to make the payments in the times generally stipulated under the present business system. By what is called the amortization plan a poor young man could buy a farm and borrow the money to pay for it on 25 years' or even 50 years' time. He would be charged for the entire time a rate that would amount to an annual payment sufficient to pay the interest, a small amount for bank administration, and for amortization. In Europe many such loans are made for 54 years at an annual rate of about 4½ per cent.

WISCONSIN.

[P. 79.]

The very progressive character of its people has made possible the development of a keen body politic. Legislation in the State is in an advanced condition and the beneficent results have attracted the attention of many other Commonwealths. The last legislature provided for the establishment of land-mortgage associations to meet the demand for long-time agricultural loans payable on the installment or amortization plan. The purpose of this act is to help those desiring to purchase farms or to improve those already owned. The long-term loan feature is provided for by a bond issue, which enables the borrower to pay off a small percentage of the principal each year. Under the plan outlined in the act 15 or more persons, adult residents, freeholders of Wisconsin, may incorporate with a capital stock of not less than $10,000 for the purpose of making loans secured by first mortgages on Wisconsin real estate. The State treasurer and the association may then issue bonds up to the amount of the mortgage so deposited. The bonds issued are the direct obligation of the association and shall at no time exceed the amount of securities on deposit with the State treasurer. The granting of loans is safeguarded, first, by a provision imposing a double liability upon the stockholders and the obligation of the association which issued the bonds; second, by a requirement that the assessor of income shall certify that the value placed upon any property for the purpose of a loan shall not exceed its market value; third, by a provision that no loan shall be made unless the committee on loans shall first be satisfied that a loan for the purpose specified by the applicant promises to benefit him, and by other provisions for soil conservation, the payment of taxes, insurance, special assessments, etc.

In numerous instances the local bankers and business organizations have instituted cooperative arrangements to enable farm loans to be secured for the purchase of live stock and other direct agricultural improvements at very reasonable rates of interest.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 37 minutes p. m., Saturday, March 4, 1916), the Senate took a recess until Monday, March 6, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 4 (legislative day of March 3), 1916.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

Joseph H. Shea, of Indianapolis, Ind., to be ambassador extraordinary and plenipotentiary of the United States of America to Chile, vice Henry P. Fletcher, appointed ambassador extraordinary and plenipotentiary to Mexico.

UNITED STATES MARSHALS.

Nathan H. Boswell, of Dunnellon, Fla., to be United States marshal for the southern district of Florida, vice J. Clifford Brown, resigned.

Joseph A. Wessel, of Crookston, Minn., to be United States marshal, district of Minnesota, vice William H. Grimshaw, whose term has expired.

PROMOTION IN THE ARMY.

COAST ARTILLERY CORPS.

Second Lieut. Henry N. Sumner, Coast Artillery Corps, to be first lieutenant from February 28, 1916, vice First Lieut. Nathaniel P. Rogers, jr., who died February 27, 1916.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 4 (legislative day of March 3), 1916.

ASSISTANT APPRAISERS OF MERCHANDISE.

Daniel E. Finn to be assistant appraiser of merchandise in customs-collection district No. 10.

Nathaniel G. Schlamm to be assistant appraiser of merchandise in customs-collection district No. 10.

COAST GUARD.

Charles A. McAllister to be Engineer in Chief in the Coast Guard.

POSTMASTERS.

ALABAMA.

W. T. McCord, Alabama City.

CALIFORNIA.

R. A. Berry, Berkeley.
Cary D. McNeil, Corona.

IDAHO.

R. L. Pennell, Lewiston.

KANSAS.

Everett G. Gillidett, Plains.

MASSACHUSETTS.

John S. Powers, Millers Falls.

MINNESOTA.

C. H. Day, Albert Lea.

NEBRASKA.

Reginald H. Kloppel, Leigh.

NORTH CAROLINA.

M. F. Bond, Edenton.
Lamuel B. Wynne, Williamston.

OKLAHOMA.

C. O. Berry, Vinita.
George H. Overbeck, Buffalo.

PENNSYLVANIA.

Ephraim A. Swanson, Youngsville.

SOUTH DAKOTA.

T. M. Simmons, Huron.

TENNESSEE.

A. C. Bowers, National Soldiers' Home.
Mary B. Buford, Lynnville.
Robert E. Cullom, Hartsville.

WASHINGTON.

R. P. Turnley, jr., Rosalia.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 4, 1916.*

(Legislative day of March 3, 1916.)

The recess having expired, the House met at 10 o'clock a. m.

The SPEAKER. Under a special order of the House, 1 hour and 55 minutes is set apart for the consideration of bills on the Private Calendar not objected to.

Mr. POU. Mr. Speaker, I ask unanimous consent that the Private Calendar be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the Private Calendar be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

LETITIA W. GARRISON.

The first business on the Private Calendar was the bill (H. R. 6181) for the relief of Letitia W. Garrison.

The Clerk read the bill, as follows:

A bill (H. R. 6181) for the relief of Letitia W. Garrison.

Whereas Letitia W. Garrison, of London, England, was on April 15, 1912, and is now, the owner of fifty 3 per cent bonds of the United States issued under the authority of an act of Congress entitled "An act to provides ways and means to meet war expenditures," approved June 13, 1898, of the denomination of $500 each, numbered 2579, 6419, 9852, 13395, 13411, 21313, 23728, 23729, 25003, 29518, 33594, 37694, 38529, 39129, 39130, 39131, 39132, 43642, 44060, 44998, 44999,

45000, 45001, 45378, 47312, 48799, 48953, 50078, 53172, 53508, 53725, 53726, 56517, 56518, 57400, 61749, 65500, 65639, 67082, 68246, 68937, 73816, 74967, 74968, 74969, 75027, 75028, 77640, 78938, and 79517; and

Whereas the said Letitia W. Garrison did, prior to April 15, 1912, detach from the said bonds the coupons due on February 1, 1912, and on May 1, 1912, to wit: One hundred coupons for the amount of $3.75 each, and through her agents, Messrs. Morgan, Grenfell & Co., of London, did deposit the same in the mail at London in two registered letters addressed to Messrs. Drexel & Co., Philadelphia, to be sent by the steamship *Titanic;* and

Whereas the said steamship *Titanic*, on April 15, 1912, by reason of a collision, sank, whereby the said letters containing the said coupons were irrevocably lost: Therefore

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $375 to the said Letitia W. Garrison or her duly authorized agent: *Provided*, That before paying the same the said Letitia W. Garrison shall deliver to the Secretary of the Treasury a good and sufficient bond, with the surety to be approved by the Secretary of the Treasury, to indemnify the United States against all losses, costs, or damages incurred by reason of making the said payment.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

HECTOR M. M'DONALD.

The next business on the Private Calendar was the bill (H. R. 6758) for the relief of the legal heirs of Hector M. McDonald, deceased.

The Clerk read the bill, as follows:

A bill (H. R. 6758) for the relief of the legal heirs of Hector M. McDonald, deceased.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to M. J. Haynes, public administrator of the city and county of San Francisco, State of California, as administrator of the estate of Hector M. McDonald, deceased, for and on account of the legal heirs of said deceased the sum of $261.50, taken from the body of said Hector M. McDonald, deceased, and deposited to the credit of the Treasurer of the United States with the First National Bank of Juneau, Alaska, on May 16, 1908, and subsequently covered into the Treasury of the United States by miscellaneous warrant No. 2083, fourth quarter of 1908.

With the following committee amendment:

Line 8, strike out "$261.50" and insert "$261.20."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

ROBERT B. PEARCE.

The next business on the Private Calendar was the bill (H. R. 3447) for the relief of the legal representatives of the estate of Robert B. Pearce.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $149.50, to pay the legal representatives of Robert B. Pearce, late of Sevier County, Ark., for amount due for carrying the mail from Fulton, Ark., to Rocky Comfort, in said State, in the year 1861.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I want to say that there are a number of these bills on the calendar to-day. I do not intend to object to them, but I would like to call the attention of the committee again to the report of the Postmaster General of 1903. These bills as to amounts are all based upon the report of the auditor, which was transmitted with the report of the Postmaster General. In no case in the bills reported on this calendar is there any evidence shown on behalf of the claimant as to whether the amount had been paid to the claimant by the Confederate Government. The Postmaster General, quoting from the auditor, makes this statement in submitting the report of the amounts that are apparently due on the records of the Government:

Particular attention, however, is invited to that part of the letter from the Auditor for the Post Office Department to the Secretary of the Treasury, dated January 14, 1903, which reads as follows:

"It should be noted, however, that the Confederate records now in the custody of this office are mutilated and many of the accounts reported on the inclosed statement may have been settled by the Confederate States Government, of which no evidence appears, but as far as can be ascertained these records show individual payments to contractors prior to June 1, 1861, of $457,541.15. This amount differs, however, from the amount reported by the postmaster general of the Confederacy, in his reports of December 7, 1863, and November 7, 1864, from which it appears that out of an appropriation of $800,000 which was made by that government—'under an act approved September 27, 1862, to pay the amounts due to citizens of the Confederate States for postal service rendered prior to the 1st of June, 1861, under contracts and appointments made by the Government of the United States'—claims aggregating $564,544.22 were paid.

"It is evident, therefore, that there was paid by the Confederate States Government $107,003.07 more than is shown by their records of individual payments, and hence it is believed that the statement submitted herewith is to that extent in excess of the amount actually due as shown by the records of this office unless, as indicated in the appropriation act of the Confederate Congress above referred to, the amount paid was made to persons under appointment in the postal service, other than mail contractors, of which this office has no record."

It therefore appears from the itemized statement of the amounts due as reported by the Postmaster General to Congress that there is probably an excess of $100,000 more than is really due. It seems to me that in reporting these cases there ought to be an affidavit from the claimant, or some one who represents him, that that claimant was not paid by the Confederate Government. I think the committee ought to require that on all of these claims hereafter, so that we will not pay the claims twice, as we might readily do.

It is very apparent that the bills in a number of cases reported here were drawn by claim attorneys. Of course, the claim attorney takes this record, which apparently shows on our records that this amount is still due, although it might have been paid by the Confederate Government. But we ought to know from the claimant whether the claimant had been paid by the Confederate Government, because none of us desire to pay it twice.

Mr. POU. Mr. Chairman, I think the suggestion of the gentleman from Illinois is a good one. I have no doubt that the Committee on Claims will take such precautions as may be necessary to see that there is no duplication in the payment of these claims. We made a considerable investigation. We had the Auditor for the Post Office Department before us, and he predicted that a very large portion of these claims would never have to be paid. As a matter of fact, we have reported a few bills in which there is no evidence that the claims were not paid by the Confederate Government, but hereafter I think the gentleman from Illinois will find that we will fully protect the Government against any duplication in payment.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

After line 9, insert the following: "*Provided*, That the Secretary of the Treasury shall require, before making payment, from all attorneys having contracts with said legal representatives of Robert D. Pearce for attorneys' fees, a waiver of all fees in excess of 20 per cent."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JOSEPH A. BUCKHOLDT.

The next business on the Private Calendar was the bill (H. R. 2536) for the relief of Joseph A. Buckholdt.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph A. Buckholdt, of San Antonio, Tex., the sum of $10,000, in full compensation for injuries received by him by reason of an accident which occurred on January 26, 1914, while in the employ of the United States Government on the Panama Canal.

With the following committee amendment:

Line 6, page 1, strike out "$10,000" and insert "$3,000."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

NABOR AND VICTORIA LEON.

The next business on the Private Calendar was the bill (H. R. 5096) for the relief of Nabor and Victoria Leon.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $780, and said sum of $780 is hereby appropriated, to be paid in such portions and under such regulations as the Secretary of Labor may prescribe to Nabor Leon and Victoria Leon, being, respectively, the father and mother of Rumaldo Leon, an employee of the United States, who was drowned in the course of his employment on construction work in the reclamation of arid lands at Granite Reef, on Salt River, Maricopa County, Ariz., on February 17, 1909, such sum being the amount to which the above relatives would have been entitled under the provisions of the act of Congress of May 30, 1908, but which they did not receive because the required affidavit of claim was not filed on their behalf within 90 days after the death, as required by section 4 of the said act.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

F. W. SCHULTZ.

The next business on the Private Calendar was the bill (H. R. 3895) for the relief of F. W. Schultz.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to cause the account of F. W. Schultz, postmaster at Junius, State of South Dakota, to be credited with the sum of $244.78, and that he cause said credit to be certified to the Auditor of the Treasury for the Post Office Department, being on account of loss by robbery of said post office on the 17th of October, 1909, it appearing that said loss was without fault or negligence on the part of said F. W. Schultz, postmaster.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, I object.

Mr. DILLON. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. FOSTER. I will withhold the objection for a time.

Mr. DILLON. Mr. Speaker, I think that the gentleman possibly does not fully understand the facts back of this bill. The evidence shows that the claimant has complied with the rules and regulations of the department. There are three affidavits which show that the first statement made to the inspector is not correct, and it seems to me that a man ought to be permitted to correct any misapprehensions or misunderstandings in a statement made to an inspector. This being true, it seems to me there ought to be no objection to the passage of this bill.

Mr. FOSTER. Mr. Speaker, I beg to say to the gentleman from South Dakota that this is a case in which the postmaster did not comply with the regulations of the department—that is, to properly safeguard the funds of the Government—by securely locking his safe, as he should have done, but that he put on what is called a day lock at night, and some man went in there and easily opened the safe and took the valuable that were in it. I think that all of these cases ought to be paid where the postmaster is not negligent, but in this case it occurs to me that the postmaster was negligent in not putting on a proper lock.

Mr. DILLON. Mr. Speaker, the gentleman overlooks the fact that the assistant postmaster states that he did not intend to be understood in any statement made to the inspector that the safe was on the day lock only, and he makes three affidavits that this safe was securely locked, that he turned it to the left and to the right, and he says that the statement that the inspector makes is erroneous. Anyone ought to have a right to correct his own statement. A witness upon the witness stand in a court has the right to correct his statement, and I want to call the gentleman's attention to another fact, suppose there was no safe at all in the building, then, under the rules and regulations he would have been permitted to keep his postage stamps and funds in a drawer. In this case he took the funds and put them in the bank. There was no loss except that of the postage stamps, and if there had been no safe there at all, under section 351, subdivision 3, he could have kept them in a drawer. That subdivision provides that where funds or postage stamps are left in offices unprovided with iron safes they must be kept in strong drawers or other receptacles, which must be securely fastened with good locks; also, that the doors and windows of the office should be made as secure as possible, and that the same precaution should be taken when the post office is closed temporarily during the day. These burglars broke open that drawer by force with an iron bar, and if there had been no safe there this man would have been entitled to a refund for these postage stamps. Certainly there is no negligence in this case in any form. This assistant is a citizen whom everybody knows is honest—as honest as any man who ever trod the prairies of South Dakota—and yet the gentleman from Illinois [Mr. FOSTER] says he will not allow him to explain a statement made to an inspector.

Mr. FOSTER. Mr. Speaker, I have read these statements, I will say to the gentleman.

Mr. DILLON. I trust the gentleman will not insist upon his objection.

Mr. FOSTER. I know that there is a habit of turning the lock instead of locking the safe securely at night. They turn on what is called the day lock, because it is so much easier to unlock the safe the next morning. I object.

The SPEAKER. The gentleman from Illinois objects.

R. U. DELAPENHA & CO.

The next business on the Private Calendar was the bill (H. R. 2184) providing for a refund of certain additional duties collected on pineapples.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to R. U. Delapenha & Co., of New York, the sum of $782.31, being the amount of additional duties collected from them by the collector of customs at the port of New York, on four shipments of pineapples imported in January, February, and March, 1913; and the said sum of $782.31 is hereby appropriated for this purpose from any moneys in the Treasury of the United States not otherwise appropriated.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CIVILIAN EMPLOYEES, ENGINEER DEPARTMENT, UNITED STATES ARMY.

The next business on the Private Calendar was the bill (H. R. 5079) for the relief of certain civilian employees of the Engineer Department at Large, United States Army.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

GEORGE S. CLARK.

The next business on the Private Calendar was the bill (H. R. 7817) to validate the homestead entry of George S. Clark.

The Clerk read the bill, as follows:

Be it enacted, etc., That the homestead entry of George S. Clark, No. 029961, made October 22, 1914, for the southeast quarter northwest quarter, east half southwest quarter, and southwest quarter southeast quarter of section 34, township 7 north, range 13 east, of the Black Hills Meridian, in the State of South Dakota, be, and the same is hereby, validated.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

NEW ENGLAND COAL & COKE CO.

The next business in order on the Private Calendar was the bill (H. R. 7862) for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Bruusgaard, Kiosterud Dampskibsaktieselskab, owner of the Norwegian steamship *Hesperos*.

The Clerk read as follows:

Be it enacted, etc., That the claim asserted by the New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and the claim asserted by Bruusgaard, Kiosterud Dampskibsaktieselskab, owner of the steamship *Hesperos*, for injuries alleged to have been suffered in collisions which occurred in Elizabeth River, Va., on October 18, 1915, between the *Arethusa* and said barges and *Arethusa* and *Hesperos*, for and on account of the damages resulting to said barges and said steamship *Hesperos*, respectively, by reason of said collisions, may be submitted to the United States Court for the Eastern District of Virginia, the district in which said collisions occurred, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the damages, including interest, sustained by reason of said collisions, if any shall be found to be due, either for or against the United States, upon the same principles and measure of liability, with costs as in like cases in admiralty between private parties, with the same rights of appeal.

SEC. 2. That should damages be found to be due from the United States to said New England Coal & Coke Co., as owner of said barges *Emilie* and *Cassie*, or to Bruusgaard, Kiosterud Dampskibsaktieselskab, as owner of said steamship *Hesperos*, or either of them, the amount of the final decree or decrees therefor, including interest and costs, shall be paid to those entitled thereto or their proctors of record out of any money in the United States Treasury not otherwise appropriated: *Provided*, That appropriate proceedings to determine such liability and damage shall be brought and commenced within four months after the passage of this act.

SEC. 3. That the mode of service of process shall conform to the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

The committee amendment was read, as follows:

Amend by striking out sections 1, 2, and 3, beginning with line 3, page 1, and ending with line 6, page 3, and insert the following:

"That the claim of the New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and the claim of Bruusgaard Kiosterud Dampskibsaktieselskab, owner of the steamship *Hesperos*, for injuries alleged to have been suffered in collisions which occurred in Elizabeth River, Va., on October 18, 1915, between the U. S. S. *Arethusa* and said barges and U. S. S. *Arethusa* and the *Hesperos*, for and on account of the damages resulting to said barges and said steamship *Hesperos*, respectively, by reason of said collisions, may be submitted to the United States court in the district in which suit shall be filed by the United States to recover damages and losses by said collision, under and in compliance with the rules of said court sitting as a court of admiralty; and the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the damages sustained by reason of said collisions, if any shall be found to be due either for or against the United States, upon the same principles and measure of liability, with costs as in like cases in admiralty between private parties, and with the same right of appeal.

"SEC. 2. That should damages be found to be due the said New England Coal & Coke Co. as owner of said barges *Emilie* and *Cassie*, or to Bruusgaard Kiosterud Dampskibsaktieselskab as owner of the steamship *Hesperos*, or either of them, the amount of the final decree therefor shall be paid out of any money in the United States Treasury not otherwise appropriated: *Provided*, That said suit shall be brought and commenced without four months from the date of the passage of this act.

"SEC. 3. That the mode of service of process shall conform to the provisions of the act of March 3, 1887, entitled 'An act to provide for the bringing of suits against the United States.'"

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I move to amend the committee amendment by striking out section 2.

The SPEAKER. The gentleman from Illinois [Mr. MANN] moves an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the substitute by striking out section 2, on page 4.

Mr. MANN. Mr. Speaker, there is no use of section 2 in the bill, as far as that is concerned. Where a decree is entered it is made through an appropriation brought in by the Committee on Appropriations. This only provides that it shall be paid without any further action of Congress. All of these judgments ought to be paid on appropriations. Then it provides suit shall be brought within four months. Suit has already been brought and is now pending. There is no occasion for putting that provision in the bill. This only authorizes the defendant to file a cross libel. Section 2 ought not to be in the bill.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois to the substitute.

The question was taken, and the amendment was agreed to.

Mr. MANN. Section 3 should be changed to section 2.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Change section 3 to section 2.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the substitute as amended.

The substitute as amended was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

OSCAR R. HOWARD.

The next business on the Private Calendar was the bill (H. R. 7804) to authorize the issuance of patent to Oscar R. Howard, and for other purposes.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, in consideration of improvements and payments made for and residence upon the land, authorized and directed to issue patent to Oscar R. Howard for lot 3, section 10, and lots 15, 16, and 17, section 15, township 13 north, range 8 west, Indian meridian, Oklahoma, containing 87.78 acres of land, more or less, without payment of the balance of purchase price due under the sale heretofore held, pursuant to act of Congress approved June 17, 1910, entitled "An act to open to settlement and entry under the general provisions of the homestead laws of the United States, certain lands in the State of Oklahoma, and for other purposes."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

EDWARD B. CRAIG.

The next business in order on the Private Calendar was the joint resolution (H. J. Res. 87) authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue of the collection district of Tennessee, in the sum of $2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit the stamp account of Edraw B. Craig, as collector of internal revenue of the collection district of Tennessee, in the sum of $2,034.89, being the representative value of certain internal-revenue documentary stamps which, on the night of June 23, 1915, were, by an act of burglary, taken from the safe in which the same had been properly deposited while in the custody and care of said collector.

The committee amendments were read, as follows:

Page 1, line 5, strike out "Edraw" and insert "Edward."
Line 5, strike out the word "of" and insert "for."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendments were agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue for the collection district of Tennessee, in the sum of $2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary."

PAYMENT FOR CERTAIN SERVICES, NAVY DEPARTMENT.

The next business in order on the Private Calendar was the bill (H. R. 6651) providing for the payment for certain services arising under the Navy Department.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the following sums of money to the respective claimants enumerated herein, the same being the amount due said claimants for service rendered under the Navy Department as certified to the House by letter from the Secretary of the Treasury March 25, 1914: To W. F. Durand, Stanford University, Cal., $228.05; to Burton McCullom, Bureau of Standards, Department of Commerce, $325; to Pay Director J. S. Phillips, United States Navy, $70; to Pay Inspector Z. W. Reynolds, United States Navy, $529.93; to R. P. Andrews Paper Co., Washington, D. C., $21.15.

The SPEAKER pro tempore (Mr. BYRNS of Tennessee). Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

M. KONDO FISHERIES CO.

The next business in order on the Private Calendar was the bill (H. R. 9172) for the relief of the M. Kondo Fisheries Co.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the M. Kondo Fisheries Co., of San Diego, State of California, out of any money in the Treasury not otherwise appropriated, the sum of $7, the same being value of rope and anchor which was loaned to the officers in charge of the launch *Cape d'Ano*, belonging to the United States Immigration Service, and was lost at sea when that vessel was wrecked on April 30, 1915.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

FRANK P. SAMMONS.

The next business in order on the Private Calendar was the bill (H. R. 9082) for the relief of Frank P. Sammons.

The Clerk read as follows:

Be it enacted, etc., That there be, and there is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $782.50, the same to be paid to Frank P. Sammons, of Davenport, Iowa, as compensation for injuries received by the said Frank P. Sammons while an employee of the United States Government at the Rock Island Arsenal, on August 24, 1904.

The committee amendment was read, as follows:

Page 1, line 5, strike out "$782.50" and insert "$100."

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The question was taken and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

CYNTHA RAMEY.

The next business in order on the Private Calendar was the bill (H. R. 9377) for the relief of Cyntha Ramey.

The Clerk read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Cyntha Ramey, of Praise, Pike County, Ky., widow of Marion Ramey, who, while in the discharge of his duties as a posseman, having been duly summoned by and acting with J. M Potter, a deputy United States marshal, was murdered on April 4, 1913, by violators of the United States internal-revenue laws, the sum of $1,000, on account of the murder of her said husband.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

DR. E. E. JOHNSON.

The next business on the Private Calendar was the bill (H. R. 5729) for the relief of Dr. E. E. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Dr. E. E. Johnson, of Cortez, Colo., out of any money in the Treasury not otherwise appropriated, the sum of $512, for expenses incurred and services rendered as physician and surgeon to injured members of deputy marshals in the arrest of renegade Indians at Bluff City, Utah.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

J. M. POTTER.

The next business on the Private Calendar was the bill (H. R. 9375) for the relief of J. M. Potter.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to J. M. Potter, of Pikeville, Pike County, Ky., the sum of $140, as a reimbursement for expenses incurred for surgical and medical aid and hospital fees in having wounds treated which were received while in the discharge of his duties as deputy United States marshal, and for loss of time, suffering, and permanent disability resulting from said wounds.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ELLA SLONE.

The next business on the Private Calendar was the bill (H. R. 9378) for the relief of Ella Slone.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ella Slone, of Pikeville, Pike County, Ky., widow of John Slone, who, while in the discharge of his duties as a posseman, having been duly summoned by and acting with J. M. Potter, a deputy United States marshal, was murdered on April 4, 1913, by violators of the United States internal-revenue laws, the sum of $1,000, on account of the murder of her said husband.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

UNION OIL CO.

The next business on the Private Calendar was the bill (H. R. 9173) for the relief of the Union Oil Co.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Union Oil Co., at San Diego, State of California, out of any money in the Treasury not otherwise appropriated, the sum of $10, the same being value of 1 barrel, No. 40467, which was loaned to the officers in charge of the launch *Cape d'Ano*, belonging to the United States Immigration Service, and was lost at sea when that vessel was wrecked on April 30, 1915.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN R. MONTEITH.

The next business on the Private Calendar was the bill (H. R. 1685) for the relief of John R. Monteith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $304.54 to John R. Monteith, of San Diego, Cal., as full compensation for the loss of his improvements by reason of the inclusion of his claim within the Navajo Reservation by Executive order dated January 6, 1880.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, I shall not object, although there is no information contained in the report of the department on this bill except the fact that they drew the bill.

Mr. KETTNER. Mr. Speaker——

Mr. MANN. I do not ask the gentleman to take the time of the House to explain it. I am going to assume it is correct, although I am afraid it will create a precedent that will bother us. We are acting rather blindly on the subject, so far as the House is concerned.

Mr. FOSTER. Why, I do not know who drew this bill. It came to the Committee on Claims. My recollection is that, while there is not very much information, it is a fact. This is a case where a man was permitted to go onto a piece of land and take up a claim which had been reserved, as I remember it, and permitted to put on his improvement.

Mr. MANN. There is no reason why the Government should pay such claims unless there should be some exceptional circumstances. I am going to guess that there may be very exceptional circumstances, but they are certainly not disclosed by the department in its letter. If it was not for the fact that the Committee on Claims has been so extremely careful in this Congress, I would not think they were justified in having this bill passed.

Mr. FOSTER. As I remember it, this man puts this amount of improvements on this land. Of course, there is a question whether we ought to pay any of those claims or not. I will agree with my colleague on that subject; but that was the reason why the claim was allowed, as I remember it, because he was permitted to put those improvements on there, and it only provided for the actual expense.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

OSCAR FROMMEL & BRO.

The next business on the Private Calendar was the bill (H. R. 2241) for the relief of Oscar Frommel & Bro.

The bill was read in full.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

Mr. SWIFT. Will the gentleman from Illinois withhold his objection?

Mr. MANN. I am sorry I can not do that. I object because the bill ought to be discussed, and there is no time for it to be discussed this morning. It will be reached some time for consideration.

ESTATE OF THOMAS J. MELLON.

The next business on the Private Calendar was the bill (H. R. 9291) for the relief of the estate of Thomas J. Mellon.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Jennie E. Mellon, of St. Louis, Mo., executrix of the will of John S. Mellon, deceased, brother and sole heir at law of Thomas J. Mellon, deceased, the sum of $456.76, said amount being due and unpaid on the contracts of said Thomas J. Mellon with the United States Government for carrying mails on routes Nos. 7861, 7866, and 8014, in Arkansas, in 1861, and any additional amount due and unpaid on said contracts, and a sum sufficient for said purposes is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Also the following committee amendment was read:

Amend, on page 1, by striking out, in line 12, and in lines 1, 2, and 3 on page 2, the following: "In 1861, and any additional amount due and unpaid on said contracts, and a sum sufficient for said purposes is hereby appropriated, out of any money in the Treasury not otherwise appropriated" and insert "From January 1, 1861, to March 31, 1861, and a sum sufficient for said purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MILLER of Delaware. Mr. Speaker, as a further amendment to this bill, in view of the fact that the Committee on Claims is inserting amendments to cut off excessive attorneys' fees from these bills for carrying the mail, I move to add an amendment at the end of line 7, page 2.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Delaware.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Delaware: Page 2, line 7, at the end of the bill add the following:

"*Provided*, That the Secretary of the Treasury shall require, before making payment, from all attorneys having a contract with the legal representatives of Thomas J. Mellon for attorney's fees a waiver of all the said fee in excess of 20 per cent."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Delaware.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

WIDOW AND HEIRS OF PATRICK J. FITZGERALD.

The next business on the Private Calendar was the bill (H. R. 2235) for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to the widow and heirs at law of Patrick J. Fitzgerald, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $2,000, in full compensation for the death of said Patrick J. Fitzgerald on January 3, 1907, caused by injuries received on December 31, 1906, while employed as a chain maker, fourth class, in the navy yard of the United States at Boston, Mass.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

HEIRS OF JOHN HOWARD PAYNE, DECEASED.

The next business on the Private Calendar was the bill (H. R. 2960) for the relief of the heirs of John Howard Payne, deceased, late United States consul at Tunis.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $205.92 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in payment of the amount found to be due John Howard Payne, late United States consul at Tunis, and that the same be paid to his heirs.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOSEPH A. JENNINGS.

The next business on the Private Calendar was the bill (H. R. 6732) for the relief of Joseph A. Jennings.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joseph A. Jennings the sum of $5,000, on account of the amputation of his left arm, incurred while employed in the gun carriage shop of the United States navy yard at Washington, D. C., and a sufficient sum for the payment of the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

With a committee amendment, as follows:

Amend, line 5, by striking out "$5,000" and inserting "$2,500."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

WILSON M. DENT.

The next business on the Private Calendar was the bill (H. R. 8093) for the relief of Wilson M. Dent.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to Wilson M. Dent, of Chamberlain, S. Dak., for the damages caused by the castration of two young stallions owned by said Dent in 1910, said animals being then and there upon leased lands in Lower Brule Indian Reservation and castration of said animals being accomplished under the direction of the Government farmer and the superintendent of the live stock for the Lower Brule Indian Reservation, without any notice to Wilson M. Dent, the superintendent of the Lower Brule Indian Reservation having ascertained that William M. Dent has suffered a loss of $1,000 by reason of such unlawful action.

With a committee amendment, as follows:

Amend, line 5, page 1, by striking out "$1,000" and inserting "$800."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend the bill by striking out on page 2 all after the word "Dent" in line 2.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend, on page 2, by striking out all after the word "Dent" in line 2.

Mr. STEPHENS of Mississippi. That is entirely satisfactory to the committee.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

THOMAS P. SORKILMO.

The next business on the Private Calendar was the bill (H. R. 5864) for the relief of Thomas P. Sorkilmo.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,848.38 to Thomas P. Sorkilmo, of Dell Rapids, S. Dak., for the balance due him for the construction of a brick hospital at the Canton Indian Insane Asylum under his contract of August 1, 1913, there being no dispute about the said sum being due thereon.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CERTAIN SETTLERS IN SHERMAN COUNTY, OREG.

The next business on the Private Calendar was the bill (H. R. 2534) to adjust the claims of certain settlers in Sherman County, Oreg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the following several sums of money to the respective claimants, their heirs, assigns, or legal representatives; the amount to be paid to each settler, his heirs, assigns, or legal representatives:

To Harry Hill, $1,255.
To Hiram E. Powell, deceased, $2,000.
To Otis B. Messinger, $2,000.
To David W. Huff, deceased, $1,440.
To Eliza J. Powell, $1,265.
To Luther B. Hill, $800.
To Alva B. Craft, $1,290.
To Benjamin E. Dougherty, $1,600.
To Theron S. Hill, deceased, $2,000.
To James H. Clements, $1,360.
To Absalom B. Allison, $1,375.
To Edgar Lewis, $1,180.
To Elizabeth A. Bates, $1,385.
To Lena Wegener, $1,280.
To Rufus H. King, $2,000.
To Charles K. Huff, $1,600.
To Grace T. Hill, $1,625.
To John B. Coon, $1,426.41.
To Merit F. S. Henton, $1,500.
To Robert L. Allison, $1,618.
To Clark E. Brown, $1,515.
To Reuben D. Allison, $1,450.
To Adolph Perrault, $2,000.
To Lester A. Heath, $1,830.
To Warren D. Marshall, $1,970.
To Anastasse Perrault, $1,460.
To John Willet, $1,190.
To John W. Willis, $800.
To Diedrich Patjens, deceased, $850.
To Ellen E. McLeod, now Ellen E. Somer, $800.
To George M. Simpson, $800.
To Henry Nachand, $800.
To Cascious W. Fairchild, $855.
To Frank Watkins, deceased, $560.
To William Daugherty, deceased, $1,039.
To Alice M. Coats, deceased, $570.
To Thomas J. Farra, deceased, $1,760.
To Edgar G. Messinger, $1,760.
To Louisa M. Clements, $1,600.
To George D. Clements, $1,605.
To William Krusow, $1,899.72.
To Thomas F. Cochran, $300.
To George Meader, $2,000.
To William H. Andrews, $2,000.
To Charlie W. Barzee, $1,900.
To Joel H. Reed, deceased, $1,370.
To John O. Powell, $1,400.
To Abrahan C. Huff, $1,400.
To John D. Wilcox, $1,200.
To Eugene W. Garlick, $1,400.
To Goodrich D. Boardman, $700.
To Elisha T. Vallandingham, $1,080.
To Frank A. Sayrs, $1,900.
To William S. Powell, as transferee of George W. Mark, $1,400.
To Thomas Macken, $1,120.
To James Macken, $1,200.
To Joeb M. Powell, deceased, $2,000.
To Leon V. Moore, $1,400.
To Fred Krusow, $1,255.
To Uriah Serviss, $2,000.
To Alexander Scott, $1,350.
To Thomas Walsh, deceased, $480.
To Johan Janssen, $1,550.
To Elmer F. Heath, $1,600.
To John Fulton, $1,200.
To Carl Peetz, $2 000.
To John W. Messinger, $2,000

In all, $94,318.13, which amount is hereby appropriated, and the Secretary of the Interior is authorized and directed to make the payments to the claimants herein named and provided for by his warrant upon the Treasury of the United States: *Provided*, That no agent, attorney, firm of attorneys, or any persons engaged heretofore or hereafter in preparing, presenting, or prosecuting this claim shall, directly or indirectly, receive or retain for such service in preparing, presenting, or prosecuting such claim, or for any act whatsoever in connection therewith an amount greater than 5 per cent of the amount allowed under this bill to the person for whom he has acted as agent or attorney: *Provided further*, That no purchaser or assignee of the claims of any of the said claimants shall receive therefor a greater amount than was paid to the claimant for his assignment.

With the following committee amendments:

Page 4, line 3, strike out "$1,400" and insert "$1,590."
Page 4, line 7, strike out "$1,400" and insert "$1,540."
Page 4, line 17, strike out "$94,308.13" and insert "$94,684.13."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STEPHENS of Mississippi. I object.

Mr. SINNOTT. Will the gentleman withhold his objection?

Mr. STEPHENS of Mississippi. Certainly.

The SPEAKER pro tempore. The gentleman from Mississippi reserves the right to object. The gentleman from Oregon.

Mr. SINNOTT. This claim is one that has been before Congress for nearly 20 years. It involves a number of settlers, who made cash and homestead entry by virtue of an erroneous

ruling of the Secretary of the Interior, who held that the land was public domain; many of them received patents. That ruling of the Secretary of the Interior was upheld by the Federal court in Oregon. The case was taken to the Supreme Court of the United States, which reversed the lower court, reversed the Secretary of the Interior, and held that the land belonged to a wagon-road company; but in the meantime these settlers and homestead entrymen, relying upon the decision of the Secretary of the Interior and the lower court, made entry upon this land. They lived there the required length of time, five years, under the homestead law. In addition some of them lived there five years longer, until the case was reversed by the Supreme Court of the United States.

Many of these settlers spent from $250 to $6,000 upon their entries. Many of them were absolutely ruined by the decision of the Supreme Court of the United States. The Senate has twice passed a bill appropriating for their relief $250,000; this bill only appropriates about $94,000. It is certainly a matter that merits consideration by the House. If the gentleman's objection is solely on account of the lateness of the hour, I would ask to have the matter passed over.

Mr. STEPHENS of Mississippi. I am perfectly willing that the matter may be passed over. I think it ought to have the consideration of the House, as the gentleman says. That is why I am objecting now. I want it to be considered more at length than it can be now by unanimous consent. That is the purpose of my objection. I ask that the bill be passed without prejudice.

The SPEAKER pro tempore. If there be no objection, the bill will be passed without prejudice.

FRANCES L. LLEWELLYN.

The next business on the Private Calendar was the bill (H. R. 4297) for the relief of Frances L. Llewellyn.

The bill was read, as follows:

A bill (H. R. 4297) for the relief of Frances L. Llewellyn.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to allow Frances L. Llewellyn to enter, under the homestead law and subject to the terms, conditions, and limitations of the reclamation act and acts amendatory thereof, lots 1, 4, 5, and 6 and the southeast quarter of the northeast quarter of section 15, township 21 south, range 1 west of the New Mexico principal meridian, New Mexico, Las Cruces, N. Mex., land district: *Provided*, That the entry and patent therefor shall expressly reserve to the United States the right to take for use, without compensation to entryman, patentee, or her assigns, and or all of the said lands which may be actually needed for or in connection with the construction, operation, and maintenance of the Rio Grande reclamation project.

With the following committee amendment:

Page 2, line 2, strike out "and" and insert "any."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

CERTAIN INDIANS IN THE STATE OF WASHINGTON.

The next business on the private calendar was the bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington.

The bill was read as follows:

Be it enacted, etc., That the patents heretofore issued in the name of Mary Seaples, June 12, 1907, for the east one-half of the southwest quarter, and lots 3 and 4, section 18, township 23 north, range 20 east of the Willamette meridian; and a similar patent in the name of Silico Saska, September 6, 1902, for lots Nos. 3 and 4, section 16, and lots 1 and 2, and the northeast quarter of the northeast quarter, section 17, township 25 north, range 21 east, of the Willamette meridian; and a similar patent in the the name of Theressa Klate, August 1, 1904, for the south half of the southwest quarter, section 29, and lots 2 and 3, section 32, township 28 north, range 22 east of Willamette meridian; and a similar patent in the name of Osella, August 1, 1904, for the southwest quarter of the northeast quarter, and lots Nos. 2, 3, 4, 5, and 6, section 25, township 28 north, range 21 east of the Willamette meridian; and a similar patent in the name of Felix, July 13, 1904, for the southeast quarter, section 13, township 23 north, range 19 east of the Willamette meridian; and a similar patent in the name of Mesil, March 7, 1902, for the southwest quarter of the southeast quarter, and the southeast quarter of the southwest quarter, section 33, township 24 north, range 19 east of the Willamette meridian; and a similar patent in the name of Louis Judge, September 16, 1904, for the southwest quarter, section 24, township 24 north, range 18 east of the Willamette meridian, all situated in the State of Washington be, and the same are hereby, ratified and confirmed as fee simple patents without restrictions against alienation as of their dates of issuance.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill.

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

LEGAL REPRESENTATIVES OF NAPOLEON B. GIDDINGS.

The next business on the Private Calendar was the bill (H. R. 8057) for the relief of the legal representatives of Napoleon B. Giddings.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to cause to be invested the circumstances of the alleged taking from Napoleon B. Giddings, in January, 1847, at Santa Fe, N. Mex., and depositing with A. B. Dyer, lieutenant of ordnance, United States Army, by order of Sterling Price, colonel commanding the Army in New Mexico at that time, of 140 kegs of gunpowder, and to ascertain and determine the reasonable market value of such powder at that time and place, not to exceed the value of $1,950, and whether the same or any part thereof was ever returned or delivered back to said Giddings, and the final disposition of such powder; and if the same, or any part thereof, was never returned to or delivered back to said Giddings, then to certify to the Secretary of the Treasury the amount of the reasonable market value at that time and place of the powder so never returned or delivered back to said Giddings; and the Secretary of the Treasury is hereby authorized and directed to cause to be paid to the legal representatives of said Napoleon B. Giddings the said amount so certified by the Secretary of War to be the reasonable market value of such powder as aforesaid.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, when this bill was up in the last Congress I suggested an amendment which I think ought to go in the bill, on page 2, after the word "Giddings," the following language:

And in the opinion of such Secretary the circumstances of the case render the United States liable for the value of such powder.

That would practically turn the matter over to the Secretary, with authority to adjudicate it.

Mr. BOOHER. Does not the gentleman think the bill does that now, without that amendment?

Mr. MANN. I do not think so.

Mr. BOOHER. It seems to me it does. It says that the Secretary of War is hereby authorized and directed to cause to be investigated the circumstances, and so forth. That is at the very beginning of the bill.

Mr. MANN. Yes; but it directs him to do a certain thing. Now, it is a long time since this happened. I am willing to take the judgment of the Secretary after he makes this investigation. Ordinarily we would require a claimant to go into court——

Mr. BOOHER. I have no objection to that course being taken.

The SPEAKER pro tempore. Will the gentleman from Illinois send his amendment to the desk?

Mr. MANN. I do not object. I offer the following amendment.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN:

"Page 2, line 4, after the word 'Giddings,' insert the words 'and in the opinion of such Secretary the circumstances of the case render the United States liable for the value of such powder.'"

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

GEORGE H. HAMMOND.

The next business on the Private Calendar was the bill (H. R. 5185) for the relief of George H. Hammond.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George H. Hammond, of Dekalb County, Ga., for injuries received in the performance of his duties under the postmaster and in the post-office building in the city of Atlanta, Ga., the sum of $5,000.

With the following committee amendment:

Page 1, line 9, strike out "$5,000" and insert "$1,200."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

AUSTIN G. TAINTER.

The next business on the Private Calendar was the bill (H. R. 2638) for the relief of Austin G. Tainter.

The bill was read, as follows:

Be it enacted, etc., That there be paid, out of any money in the Treasury not otherwise appropriated, the sum of $10,000 to Austin G. Tainter, of Los Angeles, Cal., to compensate him in full for all claims he

may have against the United States arising out of injuries received by him while in the Government employ in the United States Railway Mail Service on the Chicago & North Western Railway in December, 1902.

With the following committee amendment:

Page 1, line 4, strike out "$10,000" and insert "$1,650."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, there seems to be no statement from the Post Office Department, as disclosed by the report. It seems to me that the House ought to have bills of this character referred to the department in charge of the work where the injury was incurred; and while we are not required to follow the opinion of the department, it is perfectly competent that we should have the opinion of the department. Where a man is injured in the Government service, in a department, we ought to know what the department says, and not rely simply upon somebody's affidavit. Is it not the custom of the committee to refer these bills to the department?

Mr. STEPHENS of Mississippi. I will say to the gentleman that it is the custom of the committee to refer all matters of this kind to the department. Just whether or not it was done in this case I could not say. The report was not made by myself.

Mr. YOUNG of North Dakota. Was not this case before Congress in the last session, and was there not a letter from the department filed at that time?

Mr. MANN. I can answer the question that if there was, it was not filed with the report, because I hold in my hand the report made in the last Congress. The gentleman may have thought I would not have it, but I have it, and the letter is not in the report.

Mr. STEPHENS of Mississippi. I can not say what the fact was about that.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

C. S. BARBEE.

The next business on the Private Calendar as the bill (H. R. 8592) for the relief of the heirs of C. S. Barbee.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Claude B. Barbee, Mildred F. Myatt, and Edward Barbee, sole heirs of C. S. Barbee, deceased, late of North Carolina, the sum of $896.63, said sum being due on the contract of said C. S. Barbee with the United States Government for carrying mails on route No. 5,096 in North Carolina in 1861, and any additional amount due and unpaid on said contract, and a sum sufficient for said purposes is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The following committee amendment was read:

In lines 10 and 11, strike out the words "and any additional amount due and unpaid on said contract."

The committee amendment was agreed to.

Mr. STEPHENS of Mississippi. Mr. Speaker, I offer the amendment which I send to the desk.

The Clerk read as follows:

Provided, That the Secretary of the Treasury shall require, before making payment, from all attorneys having a contract with the said heirs of C. S. Barbee for attorney fees, a waiver of all said fees in excess of 20 per cent.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

J. LAWRENCE LATHAM.

The next business on the Private Calendar was the bill (H. R. 8466) to relieve J. Lawrence Latham, postmaster at Eupora, Webster County, Miss., of the payment of cash and funds stolen from the post office.

The Clerk read the bill, as follows:

Be it enacted, etc., That J. Lawrence Latham, postmaster at Eupora, Webster County, Miss., be, and he is hereby, relieved of the payment of $3,098.78, or any part thereof, the same being the amount of cash and funds held due from him to the United States Government for moneys and stamps and other property stolen from the post office of Eupora, Webster County, Miss., on November 15, 1914, by unknown persons.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, a little while ago we had up a bill to which my colleague from Illinois objected, and I thought with considerable justice, where there was a dispute as to whether the safe was properly locked or whether the combination had been thrown. Here in this case, although there is no report from the Post Office Department on the bill at all, the statement is made by the committee that only the day combination of the safe was thrown on. It is not as strong a case for relief as the case presented by the gentleman from South Dakota, and that was of doubtful propriety.

Mr. SISSON. Mr. Speaker, there is no objection on the part of the Post Office Department to the payment of this sum.

Mr. MANN. I would rather have that in writing from the Post Office Department, not doubting at all the gentleman's statement; the Post Office Department is not bound by anything the gentleman says on the floor of the House.

Mr. SISSON. This matter has been held up by the Post Office Department for action by Congress for several months. The facts in the case I suppose the gentleman from Illinois is familiar with, except the report is not altogether as full as it ought to be.

Mr. MANN. I am inclined to think that the fuller this report is the less justice there would be for the payment of the claim, and that is one reason why it is not very full.

Mr. SISSON. I will make a statement of facts as they occurred.

Mr. MANN. How is the gentleman going to get around this statement in the report:

It is very probable that the fact of the safe being on the "day combination" simply relieved the burglars of a little work, and that these burglars, who were evidently experts, would have taken the money if the full combination had been on, as was done in several instances about that time.

The Post Office Department lays down a rule that it will not pay any of these claims unless the full combination is turned on and the safe is properly locked. It will not pay claims where only the day combination is thrown on. Here is the action of the committee recommending that it be the policy of Congress to pay no attention to the requirement of the Post Office Department, and to pay them, although the safe was left so that anybody with no skill at all could unlock the safe from the day combination simply by listening.

Mr. SISSON. Will the gentleman permit an explanation? The postmaster in this case——

Mr. MANN. I think I can make it shorter, as far as I am concerned, by saying that I am not going to object to this bill this morning. But I will give notice that I am going to object to any bill hereafter that does not present a statement of the department in reference thereto. We are entitled to know what the department says the facts are, without leaving it to the guess of some gentleman, however able he may be, on the committee, who may be influenced more or less by good fellowship.

Mr. JOHNSON of Washington. If the gentleman from Illinois will permit, how does this differ from the case presented by the gentleman from South Dakota?

Mr. MANN. It is not so strong a case for relief as the one presented by the gentleman from South Dakota, but I do not make objection because some one else has objected to another bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

PETER DEEL.

The next business on the Private Calendar was the bill (H. R. 5986) for the relief of the heirs of the late Peter Deel.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs of the late Peter Deel, $164.47, for services rendered in carrying mail on route No. 7487, Mississippi, from January 1, 1861, to May 31, 1861.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

Mr. STEPHENS of Mississippi. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

At the end of the bill insert the following proviso:

"*Provided*, That the Secretary of the Treasury shall require, before making payment, from all attorneys having contracts with said heirs of Peter Deel for attorneys' fees, a waiver of all those fees in excess of 20 per cent."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

HUNDLEY V. FOWLER.

The next business on the Private Calendar was the bill (H. R. 8787) for the relief of the heirs of Hundley V. Fowler, deceased.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs of Hundley V. Fowler, deceased, the sum of $2,202.83, for services rendered in carrying mail on route No. 8697, in the State of Texas, from January 1, 1861, to May 31, 1861.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I notice this bill is introduced by the distinguished gentleman from Mississippi [Mr. STEPHENS], and relates to the payment of a claim originating in the State of Texas. I think it is a fair inquiry as to whether this bill is introduced in behalf of constituents of the gentleman from Mississippi?

Mr. STEPHENS of Mississippi. Yes.

Mr. MANN. Are any of these claimants residents of the district of the gentleman from Mississippi?

Mr. STEPHENS of Mississippi. Yes; they are. I am intimately acquainted with Capt. John Fowler, one of the claimants, who resides in my district. I will say further that I understand another bill has been introduced by a gentleman from Texas. It seems part of the family resides in one State and part in the other. My bill was introduced first, and considered by the committee and favorably reported.

Mr. MANN. We just passed a bill for the claim of one Deel.

Mr. STEPHENS of Mississippi. Yes.

Mr. MANN. I am looking at the report of the department with reference to this claim. That was for carrying mails in the State of Mississippi. I do not happen to see his name in the list reported by the department from Mississippi.

Mr. STEPHENS of Mississippi. Mr. Speaker, I will say to the gentleman that his name does not appear in the list, but that I wrote a letter on April 12, 1912, to the Auditor of the Post Office Department and received a reply from him in which it was stated that on the books this amount was carried as being due Peter Deel, and that letter appeared in the report upon that bill, beginning at the bottom of page 1.

Mr. MANN. There is nothing whatever to show whether his claim has been paid by the Confederate States.

Mr. STEPHENS of Mississippi. I will say further that there is a supplementary statement furnished, and this amount is carried in that statement.

Mr. MANN. Then this statement of the department which was submitted in 1903, dated I think in 1902, is not supposed to be correct?

Mr. STEPHENS of Mississippi. It was supposed to be correct at that time.

Mr. MANN. It is not now supposed to be correct?

Mr. STEPHENS of Mississippi. No. I understand that a revised list shows 25 or 30 names left off.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. STEPHENS of Mississippi. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of the bill insert the following proviso:

"*Provided*, That the Secretary of the Treasury shall require, before making payment, from all attorneys having a contract with the said heirs of Hundley V. Fowler for attorneys' fees, a waiver of all the said fees, in excess of 20 per cent."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WILLIAMSON PAGE.

The next business on the Private Calendar was the bill (H. R. 9635) for the relief of the estate of Williamson Page.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of the estate of Williamson Page, deceased, the sum of $675.11, said amount being due on the contract of said Williamson Page with the United States Government for carrying mails on route No. 5126, in North Carolina, in 1861, and any additional amount due and unpaid on said contract; and a sum sufficient for said purposes is hereby appropriated out of any money in the Treasury not otherwise appropriated.

With the following committee amendment:

Page 1, line 10, strike out the comma after the word "one" and the following language: "and any additional amount due and unpaid on said contract."

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. STEPHENS of Mississippi. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of the bill insert the following proviso:

"*Provided*, That the Secretary of the Treasury shall require, before making payment, from all attorneys having a contract with the said heirs of Williamson Page, for attorneys' fees, a waiver of all the said fees in excess of 20 per cent."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

FARMERS' STATE BANK, EUREKA, ILL.

The next business on the Private Calendar was the bill (H. R. 8630) for the relief of the Farmers' State Bank of Eureka, Woodford County, Ill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to the Farmers' State Bank of Eureka, Woodford County, Ill., the sum of $200, in full compensation for claims on account of the loss of revenue stamps purchased and paid for by said bank and which were lost in the United States mails in transmission of the same from the office of the collector of internal revenue at Springfield, Ill., to Eureka, Woodford County, Ill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ESTATE OF THOMAS N. AARON.

The next business on the Private Calendar was the bill H. R. 9555, for the relief of the estate of Thomas N. Aaron.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of Thomas N. Aaron, deceased, the sum of $142.50, said amount being due on the contract of said Thomas N. Aaron with the United States Government for carrying mails on route No. 8798 in Texas, in 1861, and any additional amount due and unpaid on said contract; and a sum sufficient for said purposes is hereby appropriated our of any money in the Treasury not otherwise appropriated.

With the following committee amendment:

Line 9, after the word "sixty-one," strike out the comma and the following language: "and any additional amount due and unpaid on said contract."

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. MILLER of Delaware. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 1, at the end of the bill, add the following:

"*Provided*, That the Secretary of the Treasury shall require, before making payment, from all attorneys having a contract with the said legal representatives of said Thomas N. Aaron for attorneys' fees a waiver of all the said fees in excess of 20 per cent."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

PAUL A. SWINK.

The next business in order on the Private Calendar was the bill (H. R. 10933) for the relief of the estate of Paul A. Swink.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of Paul A. Swink, deceased, the sum of $437.99, said amount being due on the contract of said Paul A. Swink with the United States Government for carrying mails on route No. 8727 in Texas in 1861, and any additional amount due and unpaid on said contract; and also the further sum of $110.18, said amount being due on the contract of said Paul A. Swink with the United States Government for carrying mails on route No. 8235 in Louisiana in 1861, and any additional amount due and unpaid on said contract; and a sum sufficient for said purposes is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The committee amendment was read, as follows:

Page 1, line 9, strike out the comma after the word "one" and the following: "and any additional amount due and unpaid on said contract."

Page 2, lines 3 and 4, strike out the comma after the word "one" and the words "and any additional amount due and unpaid on said contract."

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The question was taken, and the committee amendments were agreed to.

Mr. MILLER of Delaware. Mr. Speaker, I send the following amendment to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, at the end of the bill, add the following:

"*Provided*, That the Secretary of the Treasury shall require, before making payment, from all attorneys having a contract with said legal representatives of Paul A. Swink for attorney's fees a waiver of all of said fees in excess of 20 per cent."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

JOHN FAULKNER.

The next business in order on the Private Calendar was the bill (H. R. 9556) for the relief of the heirs of John Faulkner.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Lulu Faulkner Crook and Martha J. Thomson, sole heirs to John Faulkner, deceased, the sum of $158.85, said amount being due on the contract of said John Faulkner with the United States Government for carrying mails on route No. 8,740, in Texas in 1861, and any additional amount due and unpaid on said contract; and a sum sufficient for said purposes is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The committee amendments were read, as follows:

Page 1, line 10, strike out the comma after the word "one" and the words "and any additional amount due and unpaid on said contract."

Page 2, line 1, strike out the word "purposes" and insert the word "purpose."

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The question was taken, and the committee amendments were agreed to.

Mr. MILLER of Delaware. Mr. Speaker, I send an amendment to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, at the end of the bill, add the following:

"*Provided*, That the Secretary of the Treasury shall require before making payment, from all attorneys having a contract with the said heirs of John Faulkner for attorney's fees, a waiver of all of said fees in excess of 20 per cent."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

WINTU TRIBE OF INDIANS, CALIFORNIA.

The next business in order on the Private Calendar was the bill (H. R. 6371) to cancel allotments made to three members of the Wintu Tribe of Indians on the public domain in California.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cancel three trust patents issued to Frank Clare (or Pisa), Lizzie Clare, and Great Bill (or Nomel Yuptal), deceased Wintu allottees, Nos. 275, 276, and 277, respectively, on the public domain, Redding land district, California.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

G. B. DICKSON.

The next business in order on the Private Calendar was the bill (H. R. 8067) to quiet the title to certain lands in the possession of G. B. Dickson, and for other purposes.

The Clerk read as follows:

Be it enacted, etc., That the title to all the unsurveyed parts of section 16, township 14 north, range 6 east, situated in the county of Craighead, State of Arkansas, be, and the same is hereby, divested out of the United States of America and vested in G. B. Dickson.

SEC. 2. That all laws and parts of laws in conflict herewith are hereby repealed.

The committee amendment was read as follows:

Strike out the matter just read and insert as a substitute in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to that portion of land, the title of which is now in the United States of America, comprised in section 16, township 14 north, range 6 east, in the county of Craighead, State of Arkansas, to G. B. Dickson, the present occupant of the land, upon proof by him that there are no adverse claimants and that he has continuously occupied the land since January 1, 1882."

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

OCCUPANTS OF TUTTLE TOWN SITE, OKLA.

The next business in order on the Private Calendar was the bill (H. R. 10791) for the relief of the occupants of the Tuttle town site.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to effectuate a compromise settlement of the suit of the United States *v.* E. Dowden and others decided adversely to the Government on January 4, 1915, by the United States Circuit Court of Appeals for the Eighth Circuit and now pending on appeal in the Supreme Court of the United States, and for said purpose to purchase whatever right, title, and interest that said E. Dowden may have in or to the land involved in said suit, said land being situated within the area segregated for town-site purposes at Tuttle, Okla., and to take such other action as may be necessary to quiet the title in the Choctaw and Chickasaw Nations to said land and in the purchasers from said nations at the Government sale of the town lots, and for the above purpose the sum of $57,500, together with interest thereon at the rate of 6 per cent per annum from February 24, 1916, to date of settlement is hereby appropriated.

The committee amendment was read, as follows:

At the end of the bill, on page 2, line 9, add the following: "out of any money in the Treasury of the United States not otherwise appropriated: *Provided*, That the United States is to be reimbursed to the extent of the proceeds heretofore derived, or which may hereafter be derived, from the sale of the town lots within the area affected by such compromise settlement."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MADDEN. Mr. Speaker, reserving the right to object——

Mr. MANN. Mr. Speaker, I object.

Mr. STEPHENS of Texas. Mr. Speaker, I hope that the gentleman will not object to this bill.

Mr. MANN. It is a vain hope this morning.

Mr. STEPHENS of Texas. It has been carefully worked out——

Mr. MANN. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

Mr. STEPHENS of Texas. The gentleman has the right arbitrarily to object if he so desires.

Mr. MANN. The matter will come up later.

The SPEAKER pro tempore. The gentleman from Illinois objects.

FARMERS AND MERCHANTS BANK, OF HEADLAND, ALA.

The next business in order on the Private Calendar was the bill (H. R. 10823) for the relief of the Farmers and Merchants Bank, of Headland, Ala.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of $34.50 to the Farmers and Merchants Bank, of Headland, Ala., which sum was paid for internal-revenue stamps that were lost by the United States mail in transit from Birmingham, Ala., to Headland, Ala.

The committee amendment was read, as follows:

Page 1, line 4, after the word "authorized," insert the words "and directed."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, I would like to inquire of the committee what its policy is. Under the law, a man who buys revenue stamps buys them at the office of the collector, and if he wants them transmitted by mail they are transmitted by mail. He can insure them if he wants to pay the cost of registering the package. But the Government does not guarantee that the stamps will not be lost in the mail. If the purchaser desires to be protected from the ordinary risks of loss in the mail, all he has to do is to furnish the cost of registration, and if he declines to do that why should the Government insure it? We do not insure ordinary mail packages. Now, this is the second bill on the calendar this morning where somebody has purchased internal-revenue stamps. However, in the other case they did pay the cost of registration, and we allowed that claim. Here is a case where they did not pay the cost of registration. Is it to be the policy of the committee wherever people buy internal-revenue stamps, and they are lost in the mail, that that is to be at the expense of the Government, although the people by the payment of the registration fee can have security? In other words, are we to insure everything that goes through the mails?

Mr. STEPHENS of Mississippi. Mr. Speaker, I think this is the first case of this exact character that we have had. It is true that this bank did not pay the registration fee, but the committee looked at it in this light, that an order was sent to the Collector of Internal Revenue for the amount of stamps, a check on the bank was forwarded, that check was accepted and cashed, and the money went into the hands of the collector; and it was shown beyond any doubt that the stamps were lost, and the bank got no benefit of them, but the Government got the benefit of the money.

Mr. MANN. Suppose the bank had put money in the mail in an ordinary envelope without registration, and it had been lost, would the gentleman think that we ought to pay the bank for their neglect?

Mr. STEPHENS of Mississippi. I think not.

Mr. MANN. What is the difference between money and stamps?

Mr. STEPHENS of Mississippi. I do not know that I can draw a very clear distinction, Mr. Speaker.

Mr. MANN. I think the bill ought to be discussed before it is passed by the House, and for the present I object.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects, and the Clerk will report the next bill.

HEIRS OF SANTOS BENAVIDES.

The next business on the Private Calendar was the bill (H. R. 9458) for the relief of the heirs of Santos Benavides.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Juan V. Benavides and Lazaro G. A. Benavides, only heirs of Santos Benavides, deceased, the sum of $886.60, said amount being due on the contracts of said Santos Benavides with the United States Government for carrying mails on routes Nos. 8594 and 8607, in Texas, in 1861, and any additional amount due and unpaid on said contracts; and a sum sufficient for said purposes is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Also the following committee amendments were read:

Page 1, lines 10 and 11, strike out "and any additional amount due and unpaid on said contracts."

Page 2, line 1, strike out the word "purposes" and insert the word "purpose."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendments.

The question was taken, and the committee amendments were agreed to.

Mr. STEPHENS of Mississippi. Mr. Speaker, I offer the following amendment.

The SPEAKER resumed the chair.

The SPEAKER. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of the bill insert the following proviso:

"*Provided*, That the Secretary of the Treasury shall require before making payment from all attorneys having a contract with the said heirs of Santos Benavides for attorneys' fees a waiver of all the said fees in excess of 20 per cent."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

HEIRS OF S. P. H. WILLIAMS.

The next business on the Private Calendar was the bill (H. R. 9459) for the relief of the heirs of S. P. H. Williams.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary J. Beedy, Lizzie Tuttle, Sallie Flowers, Nannie Tuttle, and Viola Hendrix, sole heirs of S. P. H. Williams, deceased, the sum of $110.87, said amount being due on the contract of said S. P. H. Williams with the United States Government for carrying mails on route No. 8557, in Texas, in 1861, and any additional amount due and unpaid on said contract; and a sum sufficient for said purposes is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Also the following committee amendments were read:

Page 1, line 10, strike out the words "and any additional amount due and unpaid on said contract."

Page 2, line 2, strike out the word "purposes" and insert the word "purpose."

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The question is on the committee amendments.

The question was taken, and the committee amendments were agreed to.

Mr. STEPHENS of Mississippi. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from Mississippi [Mr. STEPHENS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of the bill insert the following proviso:

"*Provided*, That the Secretary of the Treasury shall require, before making payment, from all attorneys having a contract with said heirs of S. P. H. Williams for attorneys' fees, a waiver of all said fees in excess of 20 per cent."

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Mississippi.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. MANN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. MANN. I think there is half a minute more. I suggest to the gentleman from Mississippi [Mr. STEPHENS] that he ask unanimous consent that on each of the bills passed a motion to reconsider may be entered and laid on the table.

Mr. STEPHENS of Mississippi. I ask unanimous consent, Mr. Speaker, that a motion be entered, with respect to each of these bills that have been passed this morning, that the votes whereby they were passed be reconsidered and that those motions lie on the table.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

ADJOURNMENT.

The SPEAKER. Under the special order of the House, the House stands adjourned until 12 o'clock noon to-day.

Thereupon (at 11 o'clock and 55 minutes a. m.) the House adjourned until 12 o'clock noon, Saturday, March 4, 1916.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 4, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God Almighty, so move, we beseech Thee, upon the hearts of the American people that a patriotism so profound shall manifest itself and leave no doubt in the mind of any that we stand as one man for American rights, American honor, American liberty; that the President, his advisers, and others in authority may succeed in solving the great problems which confront us in accordance with the highest conceptions of right and justice, remembering that no problem is ever solved until it is solved in consonance with the eternal fitness of things. And all praise shall be Thine, through Him who taught us the way of truth and righteousness. Amen.

THE JOURNAL.

The SPEAKER. The Clerk will read the Journal.

Mr. KITCHIN rose.

The SPEAKER. For what purpose does the gentleman from North Carolina rise?

Mr. KITCHIN. To ask unanimous consent that we dispense with the reading of the Journal this morning.

Mr. MANN. To postpone the reading.

Mr. KITCHIN. Yes; to postpone the reading until Monday.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent that the reading of the Journal be postponed until Monday. Is there objection?

There was no objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12207, the legislative appropriation bill.

The SPEAKER. The gentleman from Tennessee [Mr. BYRNS] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12207, the legislative appropriation bill. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12207, the legislative appropriation bill, with Mr. CRISP in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12207, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

The CHAIRMAN. When the committee rose yesterday, the pending question was an amendment by the gentleman from Missouri [Mr. RUCKER], which, without objection, the Clerk will now report.

The Clerk read as follows:

Amend, on page 95, in line 4, by striking out the word "eleven" and inserting "thirteen."

Mr. RUCKER. Mr. Chairman, that amendment was offered after some conference with the chairman having the bill in charge, thinking some adjustment would be made without detaining the House. I ask unanimous consent to withdraw that amendment and offer another amendment.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to withdraw the pending amendment. Is there objection?

There was no objection.

Mr. RUCKER. I move to amend, page 94, line 4, by striking out "eleven" and inserting "fifteen."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Amend, on page 95, by striking out, in line 4, the word "eleven" and inserting "fifteen."

Mr. RUCKER. Mr. Chairman, I want to explain to the committee the necessity for the adoption of this amendment. In the last legislative bill reductions were made in the force of the Bureau of Pensions. Let me call the attention of the committee to this: In the bill appropriating for the year 1915 the legislative bill made the following reductions: Ten clerks at $2,000, 10 at $1,800, 15 at $1,600, 25 at $1,400, 40 at $1,300, 35 at $1,200, 6 at $1,000, and 4 at $900, or a total of 145 clerks. In the appropriation bill for the fiscal year 1916 the committee made a further reduction of 93 clerks—7 at $2,000, 16 at $1,800, 10 at $1,600, 20 at $1,400, 5 at $1,300, 25 at $1,200, 9 at $1,000, and 1 at $900.

That is existing law. Now, I believe I am justified in saying that the committee, in preparing and reporting this bill, thought and believed that the bureau could still stand a reduction of one assistant messenger, which is the item under consideration. Can the chairman of the committee tell me how many there are in that place at the present time?

Mr. BYRNS of Tennessee. No; I can not.

Mr. RUCKER. I can tell in a moment. Here it is. There are 16 messengers appropriated for in the existing law. The department says it can stand a reduction of one more, but ought to have 15. Now, I believe I quote the committee correctly, or its attitude correctly, when I say that one reason why the committee does not want this amendment adopted is because the committee thinks the bureau has become top-heavy by promoting clerks from lower to higher places and filling the higher places to the exclusion of the lower places.

Now, I want to say a word in explanation. I call your attention to the fact that there has been a very radical reduction in the higher clerkships of this bureau in the last two legislative bills. Under provisions contained in the last two bills clerks had to be demoted, not for inefficiency, but because Congress failed to appropriate for clerks then in the bureau in certain grades; and hence they had to be shifted to the lower places, not on account of inefficiency, but because there was no appropriation made to pay them.

The policy of the bureau has been, when compelled to demote efficient clerks, to promote them again as vacancies occur higher up; and I want to say to this committee I am informed that in every case where there has been a promotion to the higher grade, it has been a promotion of a man who had previously been demoted, not for inefficiency, but because under the act of Congress he had to be gotten out of that class. The bureau has merely restored men of long service and efficiency to places that they formerly occupied, by using them to fill vacancies occasioned by death or resignation. It does seem to me that it is all right to do so. I submit to any gentleman here, that if there is a vacancy in class 4, from what class should the man come to fill that place—from the lowest grade, or the next lower grade? If the Pension Bureau had adopted the custom of going to the bottom or the lowest grade and taking a $660 or $720 clerk and promoting him over the heads of higher classes, there would be just cause for complaint, but that has not been the practice. I sincerely hope this amendment will carry.

Mr. GOOD. The committee reporting this bill have given considerable attention to the question of giving the Commissioner of Pensions an adequate force with which to carry on the business of that office. It is a great department. On December 1 there were 1,182 persons employed in the commissioner's office. I have located in my district a soldiers' home, and I have had a good deal of correspondence with this department by reason of that fact; and I have an interest in seeing that the department shall have an adequate force to perform all of the service, and perform it promptly. I would not intentionally become a party to a movement that would in the slightest degree hamper or interfere with the work of administering the pension laws.

Mr. RUCKER. Will the gentleman yield for a question?

Mr. GOOD. I yield to the gentleman.

Mr. RUCKER. If the amendment which I have offered should be adopted, it would still mean a reduction of one in that particular class, would it not?

Mr. GOOD. I understand that; but the gentleman has a number of amendments, and I think we must treat this matter as an entire proposition, because many of these men who are employed there are old soldiers, and these positions that are provided for as skilled laborers and messengers are to some extent, as the gentleman understands, largely to pension the persons who hold these positions. That is not true of all of them, but that enters largely into the consideration. The gentleman understands that.

Mr. RUCKER. Will the gentleman yield for another question?

Mr. GOOD. Yes.

Mr. RUCKER. Is it not true that in some of these lower grades, where there is no necessity for a clerk, the department has not put in a clerk, and hence it has not cost the Government one cent?

Mr. GOOD. That is true. Unquestionably the commissioner has a big job on his hands, and we are only trying to help him—to relieve him.

Mr. RUCKER. May I ask the gentleman one other question?

Mr. GOOD. Yes.

Mr. RUCKER. Is the gentleman prepared to say that in any class or in any division of this bureau a single clerk has been kept on the rolls who was not needed?

Mr. GOOD. Yes.

Mr. RUCKER. The gentleman is prepared to show that?

Mr. GOOD. Yes; I am prepared to show that.

Mr. RUCKER. I would be glad if the gentleman would do so.

Mr. GOOD. If the gentleman will turn to page 619 of the hearings, he will find that the Commissioner of Pensions has carried on his rolls 27 persons who are detailed to do other work in other departments of the Government. Some of them have been detailed since 1911 to the solicitor's office and to the Secretary's office, and in violation of the spirit of the law.

Mr. RUCKER. I do not wish to annoy the gentleman with questions, but will he yield still further?

Mr. GOOD. That is all right. I yield to the gentleman.

Mr. RUCKER. I will ask if that is not a condition over which the Commissioner of Pensions has absolutely no control? In other words, under Twenty-ninth Statutes at Large, page 177, is it not the express law that the Secretary, and not the commissioner, absolutely controls that matter?

Mr. GOOD. Yes.

Mr. RUCKER. I agree with the gentleman that it ought not to be done.

Mr. GOOD. As a matter of fact, it is done and practically——

Mr. RUCKER. The Pension Bureau ought not to be victimized in this way.

Mr. GOOD. The gentleman knows that in practice the Commissioner of Pensions makes his estimate for his department to the Secretary of the Interior, and then the Secretary of the Interior certifies that estimate, together with other estimates of the heads of departments under the Secretary's office. Of course, the Secretary can revise and change as he desires. Now, if I recall the testimony of the commissioner, it is to the effect that in making these estimates for the Pension Department it was with the thought in view that some of these persons for whom we were making appropriations would be detailed to other departments under the Secretary of the Interior. I say that is contrary to the spirit of the law, and in reporting this measure the committee believe that we have dealt liberally with this department, where the business of the Government is falling off. If the Senate passes certain bills that have passed the House, increasing the work of the Pension Office, I have no doubt that the Senate will amend this bill and give additional employees to perform that work; but I submit that it is not required of the House to make provision for the employment of men to do work that is not authorized by law. It will be plenty of time to take up these provisions when Congress shall have passed those bills.

Mr. MANN. That can be done in the general deficiency bill.

Mr. GOOD. Yes; if not otherwise provided for that can be taken care of in the deficiency appropriation bill. We have dealt liberally with this bureau of the Government, and I am sure no one on the committee desires to hamper the work of the Commissioner of Pensions.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GOOD. I ask unanimous consent that I may have two minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. GOOD. From July 1, 1915, to December 31, 1915, there were vacancies created in the Pension Office, largely by death of employees, amounting to 36. At that time there were detailed to other departments of the Government 27 clerks, and considering these vacancies and details we have given them practically every position that they had. Yet the work of the department is diminishing very rapidly, as the gentleman knows.

Mr. RUCKER. Will the gentleman permit me?

Mr. GOOD. I yield to the gentleman.

Mr. RUCKER. The bill provides for a reduction of 68. If the amendment which I have in mind carries, there will still be a net reduction of 50 from the force of this office.

Mr. GOOD. Yes; but there were 36 vacancies and there were 27 detailed, which practically equals the number of the reduction as reported in the bill.

Mr. RUCKER. The gentleman ought not to charge up this bureau with these details. That is a matter for the Secretary of the Interior.

Mr. GOOD. If this bill passes, the Secretary will then be obliged to get along with the force that he has estimated for, for the departments under him; and it is not fair and it is contrary to law for any department of the Government to ask any bureau to make an estimate for more men than will be necessary to do the work of that office.

Now, what is the result? In the past there has been charged up to the Pension Department of this Government about 35 men more every year than was necessary to perform the work of that office, men who were working in some other department. That is not fair to the Pension Department.

Mr. SISSON. And it is a violation of the law to detail men for longer than three months, and yet in this department the same details have been continued for five years.

Mr. GOOD. They have been renewed; there is no technical violation, but when the Secretary estimates for it he overlooks the plain provision of the statute.

Mr. SISSON. The spirit of the law is that they must be detailed for short periods of time, and in this case the details have been renewed for five years, showing that the department did not need them.

Mr. GOOD. Yes; and the gentleman knows that it is impossible for the Appropriations Committee, or for this House, to make appropriations for departments of the Government with any intelligence unless the law is strictly observed in regard to details. We do not want to cripple the department, we want to give them every clerk necessary, and we believe we have done that.

Mr. RUCKER. Who must decide how many are actually needed, the gentlemen in committee or those who administer the office?

Mr. GOOD. We have to determine that after we hear the evidence, and the Congress must eventually decide the question.

Mr. RUCKER. I am trying to present some evidence to the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. RUCKER) there were 17 ayes and 54 noes.

So the amendment was rejected.

Mr. RUCKER. Mr. Chairman, I have another amendment to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 5, page 95, strike out the word "two" and insert the word "twelve."

Mr. RUCKER. Now, Mr. Chairman, I suppose—because I am not so entirely stupid that I can not see some things—I suppose that here again the Pension Bureau must receive another chastisement at the hands of this committee. Under existing law the department is given 17 skilled laborers, and this appropriation committee which realizes the importance and justice of allowing $240 a year to buy oil and gas to run a motorcycle has determined in its wisdom that the Pension Bureau can get along with a reduction from 17 skilled laborers down to 2. I care no more about it than any other gentleman.

Mr. MANN. Will the gentleman yield?

Mr. RUCKER. Certainly.

Mr. MANN. What on earth can this department do with 17 skilled laborers in the Bureau of Pensions?

Mr. RUCKER. Will the gentleman permit me to answer him by asking another question—why on earth did the Appropriations Committee appropriate for 17 if they were not needed?

Mr. MANN. I should say that they appropriated for 17 under a misapprehension of facts, and now that they have got the facts, they cut them out.

Mr. RUCKER. I think they cut the number down to two under a misapprehension.

Mr. MANN. Well, I asked the question for information. I have frequently been in the Pension Bureau, and although my imagination is vivid at times, I can not imagine what they could do with 17 skilled laborers.

Mr. RUCKER. I am not well versed in the work of the bureaus and I can not tell the gentleman.

Mr. BYRNS of Tennessee. Is the gentleman aware of the fact that on February 11 they only had 2 skilled laborers in the Pension Bureau, and there were 15 vacancies which they could have filled, but did not, and, as a matter of fact, in addition to the 2 skilled laborers they have 23 other laborers and 10 female laborers?

Mr. RUCKER. I do not see the female laborers in the bill, though I have tried to find them since the gentleman referred to them.

Mr. BYRNS of Tennessee. If the gentleman will examine the bill which he holds in his hand he will see that they are provided for.

Mr. RUCKER. Mr. Chairman, I take it that I am consuming the time of the House, and I believe I can indulge in a more pleasing pastime by proceeding along other lines; so I am going to consume no more time. I ask the House to adopt this amendment because I believe it is right. I want to say that while I have as much deference for committees in this House as any man, and generally attempt to follow them, I am not going to allow them to do all my thinking for me, not even the great Appropriations Committee.

Mr. BYRNS of Tennessee. Mr. Chairman, I simply wish to say that the committee has no intention to do the Pension Bureau any injustice or to deprive the Pension Bureau of any necessary help in the administration of the bureau. The committee has allowed to the Pension Bureau in its judgment every clerk and employee that is necessary. As a matter of fact there were 15 vacancies in the position of skilled laborers on February 11, and these vacancies had continued that length of time. The Pension Bureau on February 11 only had two skilled laborers, although it had authority to fill these vacancies, and the committee felt that it was not good administration to continue in this bill positions and appropriations for positions when the bureau of itself by its policy and inaction had admitted that the positions were not necessary in the proper administration of the duties of that bureau. As I stated awhile ago, they not only have two skilled laborers, but this bill provides for 23 ordinary laborers and 10 female laborers. I can not understand why the Pension Bureau should require such a great number of laborers. I hope the amendment will be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

Mr. RUCKER. Now, Mr. Chairman, I move to amend the bill, on page 95, by striking out the word "twelve," in line 5, and inserting "sixteen."

The Clerk read as follows:

Amend, on page 95, line 5, by striking out the word "twelve" and inserting the word "sixteen."

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Appointments shall not be made to any of the positions herein appropriated for in the classified service of the Bureau of Pensions not actually filled June 30, 1916, nor shall more than 25 per cent of other vacancies actually occurring in any grade in the classified service of that bureau, during the fiscal year 1917, be filled by original appointment or promotion. The salaries or compensation of all places which may not be filled as hereinabove provided for shall not be available for expenditure but shall lapse and shall be covered into the Treasury.

Mr. RUCKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, on page 95, by striking out all of lines 12 to 22, both inclusive, and inserting the following:

"During the fiscal year 1917 not more than 25 per cent of the vacancies occurring in the classified service of the Bureau of Pensions hereinabove provided for shall be filled except by promotion or demotion from among those in the classified service in said bureau, or by exchange. The salaries or compensation of all places which may not be filled as hereinabove provided for shall not be available for expenditure but shall lapse and shall be covered into the Treasury.

Mr. RUCKER. Mr. Chairman, I want to attract the attention of the chairman having the bill in charge, and I should like to have the attention of every gentleman here. The provision which I propose to strike out reads as follows:

Appointments shall not be made to any of the positions herein appropriated for in the classified service of the Bureau of Pensions not actually filled June 30, 1916, nor shall more than 25 per cent of other vacancies actually occurring in any grade in the classified service of that bureau, during the fiscal year 1917, be filled by original appointment or promotion.

I would like to ask the chairman of the committee a question. There is one chief clerk. Suppose that chief clerk should die. Under this legislative provision, what would the office do for a chief clerk?

Mr. BYRNS of Tennessee. Mr. Chairman, the commissioner could detail some clerk in the office to perform his duties.

Mr. RUCKER. There would be no authorization to appoint a chief clerk, because the bill says expressly that he shall not be appointed. Then, to carry the inquiry further, suppose the assistant chief clerk should die. There is just one in that class. How would that place be filled? Under the legislative provision no appointment can be made to any class in that whole bill until there are four vacancies in the class, and if there is only one place in the class there never can be four vacancies. Then, again, suppose the medical referee should die, what power would the Commissioner of Pensions have to fill that place? Suppose the assistant medical referee should die, you could not fill his place because there is only one man in the class, and this legislative provision says there must be four vacancies before you can put in one man. Suppose the two qualified surgeons should die, how could their places be filled? If they should both die, the department would have to get along without any, under this legislative provision. Suppose the three stenographers should die, suppose the disbursing clerk or the assistant disbursing clerk should die, suppose the three supervising clerks in the disbursing division should die, what provision is there to fill the positions? None, but the express legislative provision that they shall not be filled. That these gentlemen are intelligent and wise and have given great study and reflection to this, no one doubts, but it does run through my mind that somewhere there has been not that kindly feeling in the breasts of men that ought to exist in every man's bosom in reference to the people that this great bureau deals with.

Mr. AUSTIN. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. Certainly.

Mr. AUSTIN. May I ask the gentleman if this is a new provision?

Mr. RUCKER. A new provision.

Mr. AUSTIN. Never carried before?

Mr. RUCKER. Never carried before. Not only that—and I am glad the gentleman asked the question, because I want to say to the Members of this House that this is not only a new provision, but that it applies only to the Pension Bureau and to no other bureau in this entire Government. Why should it apply to this bureau alone? Why should it be said that this bureau must be handicapped, bound hand and foot, by legislative bands which these gentlemen have forged and put upon it? Mr. Chairman, if two qualified surgeons were not needed, these astute gentlemen, so careful in guarding the Treasury of this great Republic, would not appropriate for them.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. RUCKER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RUCKER. Mr. Chairman, if a board of review was not needed, these gentlemen would not appropriate for one.

Mr. AUSTIN. May I ask the gentleman if the Commissioner of Pensions recommended this legislation?

Mr. RUCKER. No; of course not. The Commissioner of Pensions does not want to have his office absolutely stripped of power and so tied that when fatality comes, as it will come to some of those old men in the bureau, the bureau must simply go into retirement, because this Congress, following the lead of the Committee on Appropriations, who know nothing about it, says so, and the moving spirit, so far as this provision is concerned, comes from a section of the country where there is not the same consideration given to this bureau that there is in mine. You are asked and will be asked, gentlemen on that side and gentlemen on this side, to stand up and sustain the committee.

The lash and whip of authority will be cracked around the forms of men, and it will be said to them that they must bury their judgment, if they have any, and follow the committee. Let me ask this membership why this stringent provision with reference to this one bureau, and this bureau alone, should be adopted? They have told you that they took away from them such help as they did not believe the bureau needed. I have appealed to you to restore that help, and you have followed the committee. You believe the committee's action is right; that they have left the bureau enough clerks and laborers; and now this committee asks you to go one step further and say that when the final summons comes and when some of those old men answer to the last roll call, the places they occupy now, which carry gladness and pleasure and joy into the homes of millions of people throughout the country, shall not be filled. Why? Because gentlemen in their wisdom say that this bureau, this bureau of all the bureaus of this Government, must be handicapped in this way. The amendment that I have offered is existing law. I want to substitute for the legislative provision which this committee has injected into the bill the existing law. That is good enough. It handicaps the department as it is, and provides that no appointment shall be made until four vacancies occur. What more do these gentlemen want? What more ought they to want? It provides in the language I have offered that before a single additional man can be taken into the bureau there must be four vacancies. That ought to satisfy them; but no; they say in this legislative provision which I want to strike out that before a single man can be taken, in any class, by appointment or promotion, there must be four vacancies in that class. In other words, suppose there are 10 classes there—and I do not know the number—and there are three vacancies in each one of those 10 classes, under this provision the bureau would have to do without the services of 30 men, which the committee say are needed, because before you can put a single man in, even as a messenger boy, there must be four vacancies in that very grade. I hope the gentleman will consider this as I believe this great question merits.

I said a while ago that this amendment is existing law. I want to be entirely accurate. It is existing law with the exception of one clause, the words "or by exchange," and they are put in here to meet the conditions. There are men in the Pension Office to-day, let me say to the committee, who do not and can not perform the work necessary to hold their positions, but who, to draw bread and meat from their services, and who desire to go to some other department where their service would be acceptable and efficient, and another clerk from some other department would be glad to go to the Pension Bureau, and that exchange could be made without costing the Government one penny, a mere exchange from one department to another department, agreed to by the Secretaries and the clerks affected, and not involving a particle of expense in any way to the Government. Therefore, I say, as I said before, I sincerely hope this amendment will be agreed to.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BYRNS of Tennessee. Mr. Chairman, the Committee on Appropriations does not desire to do the Pension Bureau or any other bureau in this Government any injustice. The gentleman, my distinguished friend from Missouri [Mr. RUCKER], was a little unkind, although I am sure he did not intend to be, when he made allusion to the fact that some members of the committee are from certain sections of the country where they do not have so many pension claims, and I want to assure the gentleman——

Mr. RUCKER. Let me say to the gentleman if I made any remark that in anywise was susceptible to the construction of the gentleman as being unkind I want to exonerate myself. I would not do it, because I think the gentleman is as fair as he can be, biased as he is in this case.

Mr. BYRNS of Tennessee. I want to say to the committee, and I am sure I can speak for every member on the Committee on Appropriations, when I say that we have endeavored in reporting this bill to provide every employee that is necessary for the Pension Bureau.

Mr. RUCKER. Will the gentleman let me ask him a question there?

Mr. BYRNS of Tennessee. I will.

Mr. RUCKER. The committee believes that every one provided in the bill is necessary, does it not?

Mr. BYRNS of Tennessee. No; we do not. Now, if the gentleman will pardon me I will get to that.

Mr. RUCKER. Then the committee has appropriated for men they do not think ought to be there?

Mr. BYRNS of Tennessee. If the gentleman will pardon me I will get to that. A number of years ago Commissioner Warner suggested to the Committee on Appropriations that a provision such as has been carried in this bill be adopted. At first a provision was adopted that there should be no vacancies filled, and subsequently the present provision was adopted providing that only 25 per cent of the vacancies should be filled. Now, the gentleman from Missouri asks me whether or not I believe that the Pension Bureau needed all of these employees for the next fiscal year. I say to him frankly I do not; but your committee and the past Congresses have never been willing deliberately and arbitrarily to cut that force down so as to deprive any employee of that bureau—any old soldier who works in that bureau—of his position, but they have adopted the more merciful method of providing that whenever a vacancy shall occur in the bureau it shall not be filled, or, at least, not more than 25 per cent of the vacancies shall be filled. That is the attitude of Congress. That is what Congress has adopted in the past, simply, as I say, with a view of not depriving any old soldier in that bureau of his position; but when a vacancy occurs by death or resignation the place shall not be filled, and I submit to the gentleman if that is not a proper, fair, and merciful method? Your committee has not undertaken in this bill to cut out a single employee of the bureau, but it has endeavored to bring an amendment here which will prevent the filling of unnecessary vacancies whenever they occur.

Mr. HAMLIN. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. HAMLIN. Does the gentleman from Tennessee agree with the gentleman from Missouri that in the construction of the language in the bill in order to fill vacancies there must be at least four vacancies in each particular class?

Mr. BYRNS of Tennessee. That is true; and I will tell the gentleman why the committee has recommended that provision. Heretofore the Commissioner of Pensions was authorized to fill 25 per cent of the vacancies in all classes.

Mr. HAMLIN. Yes.

Mr. BYRNS of Tennessee. Now, what has been the result? The result has been that whenever a vacancy occurred, say in the fourth class or in the $1,800 grade, the commissioner would immediately fill the vacancy by promotion from lower grades and leave a vacancy in the lowest grade unfilled. Then, of course, when four vacancies occurred, why, he would fill one of them. The result has been that all or nearly all of these vacancies in the Pension Bureau have been in the lowest grade, by reason of the fact that whenever these vacancies in the higher grades occur the Commissioner of Pensions promotes from a lower grade. We say that is not what Congress intended.

I am not reflecting on the Commissioner of Pensions, because he is a splendid gentleman and a man whom I admire and respect, and who I know is attempting to do and is doing his duty as he sees it. He has only acted within the law, and I am sure the pressure on him was great, no doubt from Members of Congress, and this provision really operates for his protection and will save him from annoyance. But what has been the result of that action? It has resulted in the filling of these higher grades with an extraordinary percentage of employees.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I would ask for five minutes additional.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

Mr. HAMLIN. Now, right along the line the gentleman has been talking, I am somewhat in sympathy with his idea there; but suppose there are not four positions in the grade where there may come a vacancy, how are you going to fill it if this provision is enacted into law?

Mr. BYRNS of Tennessee. If this provision is enacted into law, of course, no vacancy in the grade can be filled unless there are four vacancies.

Mr. HAMLIN. But suppose there are not four places in the grade and one of them becomes vacant, how are you going to fill that if this becomes a law?

Mr. BYRNS of Tennessee. You can not fill it until there are four vacancies.

Mr. HAMLIN. Suppose there are but two places in that grade and one becomes vacant?

Mr. BYRNS of Tennessee. You can fill that by detail under those circumstances. Take the case of the medical referees to which the gentleman referred; we have a number of medical examiners who can be detailed to fill those places. I want to say this to the gentleman, that there is not a bureau or department of this Government to-day that is going to suffer because some particular man may die or resign in the department. Why, we have not had a Secretary of War or an Assistant Secretary of War for more than a month, and yet the business of that department is not suffering by reason of that fact.

We have a gentleman detailed and appointed Secretary of War ad interim, who is performing those duties, no doubt, in an acceptable manner, and the same would be true in such a case as that to which the gentleman alludes.

Mr. HAMLIN. Then, why could not all of these cases be filled by detail? And, then, would not this provision of the law become absolutely valueless?

Mr. BYRNS of Tennessee. They might be detailed, but they would be detailed at the salaries they are now drawing.

Mr. HAMLIN. Does the gentleman think it would be fair to take a man drawing, say, $1,000 a year and detail him to do the work of the chief clerk at that salary?

Mr. BYRNS of Tennessee. I think a case would not arise where a man at $1,000 a year would be detailed to perform the duties of a chief clerk. The gentleman takes an extreme case.

Mr. HAMLIN. But does the gentleman think that a man drawing the salary of a low grade ought to do the work of a man of a high grade?

Mr. BYRNS of Tennessee. I wish to say that there are 99 clerks of class 4 in the Pension Bureau to-day, and I take it if the position of chief clerk was to, unfortunately, become vacant, one of those clerks would be detailed and the work would go along in a proper manner. Then, as the gentleman from Mississippi [Mr. SISSON] has suggested to me, there is an assistant chief clerk, who would, of course, perform the duties; and then, if necessary, an $1,800 clerk would be detailed to perform the duties of assistant clerk.

Now, the total number of clerks in all of the four classes in the Pension Bureau is 786. The total number of clerks in class 4, the highest-paid class of clerks in any of the departments, is 99, which is more than 10 per cent of the whole number of clerks in the Pension Office in this higher class.

Now, let us take the Census Office for comparison. We know that the work in the Pension Bureau is not of a technical nature. It does not require any particular mathematical ability to perform the duty of a clerk in that bureau, but it is somewhat different in the Census Office. And let us see what the condition is in the latter office. The total number of clerks of the four classes in the Census Office is 323, and the total number of clerks of class 4 is 15. Thus less than 5 per cent of the whole number of clerks in the Census Office are of this higher grade.

Now, I want to submit to you, gentlemen, in all fairness, under the operation of the law which has been carried upon this legislative bill we are gradually building up a top-heavy condition of affairs in the Pension Bureau, because, as I stated, under the amendment proposed by the gentleman from Missouri [Mr. RUCKER], the Commissioner of Pensions frankly states in these hearings that it is his custom and his policy when a vacancy occurs in one of these higher grades to promote all up and down the line, and in a few years, if that kind of condition continues to exist, you will have in your Pension Bureau no clerks of the lower grades; and certainly Congress does not desire to bring about any such condition of affairs. And that is the reason your committee, in the effort to equalize promotions and to keep this bureau as nearly as we could on an equality with other bureaus in the other departments of this Government, proposed this amendment.

Mr. RUCKER. Will the gentleman yield?

Mr. BYRNS of Tennessee. Just for a moment.

Mr. RUCKER. Suppose a medical referee should die, does the gentleman think he could get a $1,000 clerk to act in his place?

Mr. BYRNS of Tennessee. As I said a while ago, this bill provides for 11 medical examiners, who have technical knowledge, and who could be detailed to that position for the time being, any one of them, and it would not be necessary to detail a clerk for that purpose.

Mr. RUCKER. Suppose they should all die, what are you going to do about it?

Mr. BYRNS of Tennessee. The gentleman is submitting a question that he knows is far-fetched and can not happen under any circumstances.

Mr. RUCKER. It is not any farther-fetched perhaps than the fact that he is making appropriation for services that he knows are not needed.

Mr. BYRNS of Tennessee. If I can show the gentleman from these hearings that these positions are not needed, will he vote to cut these old soldiers out?

Mr. RUCKER. No; I will not.

Mr. BYRNS of Tennessee. Certainly the gentleman would not; and yet the Commissioner of Pensions in his hearing states that the Efficiency Division advised him that by the installation of certain machinery he could dispense with 100 clerks in one division alone.

Mr. FESS. Will the gentleman yield?

Mr. BYRNS of Tennessee. And the gentleman will find that on page 628 of the hearings.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. BYRNS] has expired.

Mr. BYRNS of Tennessee. I hate to impose on the committee, but I have a statement which I desire to make, and I would like five minutes more.

The CHAIRMAN. The gentleman from Tennessee [Mr. BYRNS] asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. And it was for that reason, gentlemen, that I stated I believed, without any injustice to the Pension Bureau, we could safely have adopted a provision upon this bill, such as was carried years ago, to the effect that no vacancies should be filled during the next fiscal year.

We know that the work is decreasing, and your committee, without any intention of doing injustice to anyone, desired, if it could, to correct this injustice that was being done by these promotions to which I have alluded; and this was the only plan which the committee felt could be properly devised to prevent it.

Now, I want to call your attention to some of the past history of that bureau. For the fiscal year 1883 Congress increased the working force of the Pension Office from 439 persons, with total pay of $591,010, to 1,559 persons, with total pay of $1,957,150, an increase of 1,120 employees, with total pay of $1,366,140.

This remarkable increase at that time was on account of the great flood of pension claims filed under and because of the arrears of pensions act passed in 1879.

Before any appreciable reduction was made in the Pension Office force another considerable increase of 455 persons was added to its number of employees and $488,060 to its annual pay roll because of the passage of the pension law of 1890.

Substantially all of the claims under the arrears act of 1879 and under the general law of 1890 have been adjudicated.

The more recent act of May 11, 1912, basing Civil War pensions on age, entailed little clerical labor on the Pension Office beyond the work which was done by temporary clerks under a special appropriation of $300,000 made for the purpose.

Practically no reductions have been made in the Pension Office since the great increase provided for in 1883, except to the extent that vacancies might occur from year to year; consequently there are now 1,182 persons, with annual pay amounting to $1,518,650, provided for in the office, or nearly three times the normal force and annual pay existing at the time the great addition was made in 1883 for the express purpose of clearing up the work of accumulated claims for arrears that long since have been disposed of.

At the time of the increase made in the Pension Office force because of the pension laws of 1879 and 1890 commensurate increases were made in the office force of The Adjutant General of the War Department in order to supply the military records of claimants under those laws, but all of those additional employments have been dropped from the pay rolls. Yet, as I say, there have been no reductions in the Pension Office except from year to year as vacancies occur.

Mr. RUCKER. Oh, the gentleman does not mean that, if I understand him correctly. The gentleman recollects that in the bill for the fiscal year 1915 there were 145 dropped, and that in 1916, 93 were dropped, and this bill drops 67.

Mr. BYRNS of Tennessee. No one was dropped in those cases. Those represented transfers to other departments. This bill, I will say to the gentleman, does not contemplate the dropping of a single employee in the Pension Bureau.

Now, what are the facts? There were forty-odd vacancies occurring in the first six months of this fiscal year. There were 33 vacancies existing at the end of the first six months of the fiscal year. There were, as the gentleman from Iowa stated, 27 details from that office to other bureaus in the department, including the Secretary's office. This bill proposes to reduce 67. I take it, necessarily and in all probability, judging the future by the past, there will be a like number of vacancies to occur between December 31 and June 30 of this year. But whether that should prove true or not, as I state, these vacancies exist down there, and we have simply dropped from the Pension Bureau a sufficient number to take care of those vacancies and those various details.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman from Ohio.

Mr. FESS. When a vacancy is filled by a promotion, that creates a vacancy below. Is that filled then?

Mr. BYRNS of Tennesssee. That is filled all up and down the line until they reach the lowest paid copyist in the bureau, according to the hearings.

Mr. FESS. Is this legislation looking to a reduction of force by virtue of a reduction of the amount of work in the department?

Mr. BYRNS of Tennessee. There are too many employees now in the Pension Bureau who are really not needed. That is my firm conviction.

Mr. FESS. I am asking purely for information. I want to vote right on it. Is the purpose of the legislation to look forward to the time when the work in the Pension Office will grow less and less constantly?

Mr. BYRNS of Tennessee. Oh, yes. The gentleman knows that the work in the Pension Office is growing less and less. It is constantly decreasing. As a matter of fact, those pensioners under the Sherwood law have all been placed on the roll and the work is necessarily decreasing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. AUSTIN. Mr. Chairman, I am going to support the amendment offered by the gentleman from Missouri [Mr. RUCKER].

There is no request for this legislation from the Commissioner of Pensions, who is charged with the responsibility of administering that bureau. Why should the Committee on Appropriations take such a step without consulting the head of that bureau about this new legislation? It seems to me he, of all men, ought to be asked about how this change is going to work, whether for good or detriment to the public service.

Mr. BUCHANAN of Texas. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman yield?

Mr. AUSTIN. In a moment. In addition to that, Mr. Chairman, this is an effort to prevent the head of that bureau from promoting clerks in that bureau who are entitled to promotion when a vacancy occurs in the higher grade.

Mr. RUCKER. Mr. Chairman, will the gentleman yield there?

Mr. AUSTIN. Yes.

Mr. RUCKER. There has not in the last fiscal year been a single promotion, except in those cases where worthy men had to be demoted.

Mr. AUSTIN. I know the policy of the Commissioner of Pensions, where a vacancy occurs in a higher grade, is to examine the efficiency record of the clerks in the bureau to determine who is entitled to the vacancy. Now that is right; it is just; and this body ought not by this proposed change of the law to attempt to deprive a worthy, competent, and efficient clerk in that bureau of a well-earned promotion.

The clerks in that bureau, as far as obtaining deserved promotions, ought to be treated precisely like the clerks in every other department of this Government, and it is unfair to discriminate in this way against them. We were discussing this question a day or so ago as to promotions in the various departments, and the statement was made that clerks in the four classes had the opportunity of being promoted at some time, but here is an attempt to deny promotion where a vacancy occurs. Now, while perhaps the work in this department is decreasing, we have passed in this House a bill to pension the dependent widows and orphan children of Spanish-American veterans, which will mean additional work for the bureau. The Committee on Invalid Pensions have reported out a general pension bill affecting the widows of Union soldiers who married between 1890 and 1905, which will mean additional work. It is unfair to detail a clerk on a salary of $1,200 a year to perform the duties of a clerk on a salary of $1,600 or $1,800 or $2,000, and not give that clerk additional compensation for the extra work or more important work in a different class. This legislation means to force a clerk drawing a salary of $1,200 a year to be detailed to perform the work of a clerk at $1,800 a year and to receive no additional compensation for it, which is unjust and unfair.

Mr. RUCKER. And applies only to this bureau.

Mr. AUSTIN. And, as the gentleman from Missouri well says, it will apply only to this bureau.

Mr. GOOD. Mr. Chairman, the reason why this provision applies only to this bureau is that this is a disappearing bureau. The time is rapidly approaching when but few of the Civil War veterans whose names are now on the pension roll will be drawing pensions from the Government. Our sympathy goes out to those soldiers who for years have been performing services in

the Pension Department, and the Commissioner of Pensions and his able assistants have the sympathy not only of the Appropriations Committee but of this House in trying to arrive at some plan whereby not a single man will be thrown out of his position.

The fact is, as was stated by Commissioner Warner when he was commissioner, that we could well write into the law a provision that where vacancies occur in the Pension Department no one should be appointed to fill those vacancies. Now, what have we done? The present law provides that in cases of vacancies in the department only 25 per cent of the vacancies shall be filled. Now, what happens under the law? We have clerks of various grades—clerks of class 4 receiving $1,800, of class 3 receiving $1,600, of class 2 receiving $1,400, of class 1 receiving $1,200, and clerks receiving $1,000, messengers receiving $840, and assistant messengers receiving $720. Suppose under the existing law there are 60 vacancies caused by deaths in that department, covering all these various grades; what has been the practice of the commissioner in filling these vacancies under the law? If there are 60 vacancies in the department, as a general rule the commissioner fills the vacancies by appointment to the highest grade. The result is that that office is becoming top-heavy with these higher salaried positions. This, too, notwithstanding the fact that as to many of them we provide for their salaries largely as a pension. It is not because we need the services of all these clerks, but because we have not the heart to throw any of them out of a job. Now, these are the real facts of the case.

Mr. RUCKER. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. RUCKER. The gentleman does not mean to be understood to say that there is any promotion to class 4 unless there is a vacancy in class 4?

Mr. GOOD. Under the present law the commissioner can fill all the vacancies in classes 2, 3, and 4, up to the 25 per cent of the total vacancies in the bureau, and he has done this largely, leaving the lower salaried places vacant.

Mr. RUCKER. But he can not fill any vacancy until it occurs.

Mr. GOOD. Of course not. I do not mean to say that he has attempted to fill any vacancy not existing. I mean to say that where there are 60 deaths or vacancies, covering various classes, the commissioner then can fill 15 places, under the present law, by appointing only clerks of class 4, and he fills the vacancies largely by appointing the clerks receiving the higher salaries. Now, that ought not to be.

Mr. RUCKER. He can only fill a vacancy when there is a vacancy to fill.

Mr. GOOD. This provision in this bill simply means that where there are four vacancies in class 4, he can appoint one clerk of class 4. When there are four vacancies in class 3 he can appoint 1 to class 3, but he can not, contrary to the wishes of this House and of Congress, make this bureau topheavy, when we are trying as best we can to work out some plan whereby we can reduce the force so that it will not be necessary to discharge a single man. Now, we all know that in this department there are many more clerks than are necessary to do the work, yet we are not reporting a bill here that will throw a single man or woman out of his or her position. We are trying to take care of them all, every one, and our efforts ought to have the approval of the House.

Mr. SISSON. Mr. Chairman, I am absolutely sure there is not a single member, either of the subcommittee or of the full committee, who has the least desire on earth to do any human being any injustice; but as has been stated by the gentleman from Iowa [Mr. GOOD], a member of the committee, who has just taken his seat, we have endeavored to draw this amendment so that no human being in the Pension Department will lose his place. We have also drawn the amendment so that when a man dies in class 4 there shall not be a promotion from 3 to 4, thereby creating a vacancy in 3, and then a promotion from 2 to 3, creating a vacancy in 2, and a promotion from 1 to 2, filling the vacancies thus made in 2, and a man promoted from $1,000 to $1,200, thus pushing every man up. The committee inquired as to that, and the Commissioner of Pensions stated that he did that and that that was his rule. Therefore that is really saving no money to the Treasury by that operation, but every man gets a promotion every time a man in the highest grade does. Now, as to any vacancy occurring in a chief clerk's position, it is just as if a man takes his 30 days' annual leave or his 30 days' sick leave, or if he is sick for a current 12 months. An $1,800 clerk in every department of the Government is detailed, at his salary, to perform the duties of the position of chief clerk. All of the clerks are glad to get that particular detail, because when the time comes that the position of chief clerk has to be filled, the man who has been detailed to do the work ad interim has had the experience that will justify his promotion, and the clerks all look upon it as a matter of honor. And really they do not have as much hard service while acting as chief clerk as they do in class 4.

Mr. AUSTIN. May I ask the gentleman a question?

Mr. SISSON. Certainly.

Mr. AUSTIN. If there is a vacancy in the $1,800 class in any other bureau of the Government, are not the clerks promoted up?

Mr. SISSON. That is not the general rule. On the contrary, in reference to all other departments of the Government they frequently fill that appointment by promotion, as suggested by the gentleman from Tennessee, or by detail from another office, but they do not fill the vacancy with the express purpose of causing an increase of salary all along the line and then fill the one in the lower grade. The reason that this is a peculiar case is because back in 1882 they had a little less than 500 men in this department. Two or three years after that, owing to a change in the law, the whole department was congested and behind.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. I would like five minutes more.

The CHAIRMAN. The gentleman from Mississippi asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. SISSON. They then were given about a thousand clerks in order that they might catch up with the work. Later, in 1890, they were given 400 clerks, and then they were given $300,000 to catch up with the work in 1893, 1894 and 1895—along there.

Then the work became current. They had an oversupply of clerks with the expenditure of $300,000. So at that time, 15 years ago, they had about 2,200 clerks in the Pension Office. Every Commissioner of Pensions has been careful not to discharge them, and especially old soldiers. They desired to keep them on the roll, and they desired that even though they might not be up to the standard efficiency, that some scheme should be devised so that they should not lose their places.

Now, the passage of the Sherwood pension bill only required that a man shall be so old to get a pension status, and during the discussion of the law it was urged that the reduction in the Pension Office in the city of Washington would be very great.

Now, we have not done anything radical. We have provided here that the surplus service of employees shall retain their places until by death it is gradually decreased, but for fear that we might do some injustice, we did not continue the practice that once prevailed that no vacancy should be filled, but we say that 25 per cent might be filled, for fear we might do some portion of the Pension Office an injustice.

But we found that when the present law was in operation the very thing resulted that the gentleman from Iowa [Mr. GOOD] spoke of. The men were arbitrarily promoted, and when the Commissioner of Pensions was asked about it he smiled and said, "When you get a vacancy in a high grade, when you get a vacancy in class 3, somebody in class 4 wants it, and in order to keep peace it becomes necessary to fill the vacancy in the higher grade." In order to protect the Commissioner of Pensions from clamor and dissatisfaction we have put in the law a provision that until four vacancies occur not more than one vacancy shall be filled in that class.

The CHAIRMAN (Mr. HAY). The question is on the amendment offered by the gentleman from Missouri [Mr. RUCKER].

The question was taken; and on a division (demanded by Mr. RUCKER) there were 20 ayes and 32 noes.

Mr. RUCKER. Mr. Chairman, I make the point of order that no quorum is present.

The CHAIRMAN. The gentleman from Missouri makes the point that no quorum is present. The Chair will count. [After counting.] One hundred and fifteen Members present, a quorum.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to return to the bottom of page 93 for the purpose of offering an amendment to the paragraph providing for the printing of State maps.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to return to page 93 for the purpose of offering an amendment with reference to State maps. Is there objection?

Mr. RUCKER. Reserving the right to object, the amendment would necessarily involve a change of the language of the bill, and that would presuppose that the committee had made a mistake. I can not admit that, and I therefore object.

Mr. MONDELL. I hope the gentleman will reconsider——

Mr. RUCKER. I withdraw the objection this one time.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. MONDELL. Now, Mr. Chairman, I offer the amendment, which I send to the desk.

The Clerk read as follows:

Page 93, strike out lines 22, 23, and 24, and insert in lieu thereof the following: "For separate and State and Territorial maps of public-land States, including maps showing areas designated by the Secretary of the Interior under the enlarged homestead acts prepared in the General Land Office, $3,000."

Mr. MONDELL. Mr. Chairman, my amendment follows the language of the current law, but it does not increase the appropriation to the amount of the estimate by $300.

Mr. RUCKER. I understood the gentleman to say that the language of the amendment is the same as the current law.

Mr. MONDELL. With one exception.

Mr. RUCKER. That was the case in the amendment I had, but it does not signify anything.

Mr. MONDELL. I hope the gentlemen of the committee will be more favorably inclined to my return to the current law than they were to the gentleman's proposition.

Mr. RUCKER. I hope the committee will not go back to last year's law but will progress and make new law.

Mr. MONDELL. Mr. Chairman, I want to say that this is a matter I am reasonably familiar with. The Chairman will recall that I had something to do as an official of the Land Office with the issuance of State maps years ago, and I know that this appropriation is absolutely essential to the transaction of the public business.

The committee, I think, was misled or got an erroneous impression from the statement made by the commissioner, that in the recent past they had printed maps of Alabama, Louisiana, and Arkansas, and it seems to have occurred to the committee that it was not wise or necessary to print maps of those States where the public surveys were complete, and the lands all entered. It was necessary, it was essential, to print final public-land maps of those public-land States. In the case of Iowa the old map was 37 years old. There has been a considerable amount of change of survey lines in the interval. This was a map that shows Iowa on the basis of the public-land records, and it is the complete and final map of the State of Iowa. That is the case with Alabama and, I think, the case with Arkansas. These maps of Arkansas were necessary, I want the gentleman to remember, by reason of the fact that some years ago we passed a law authorizing a resurvey of a large part of the St. Francis Basin in Arkansas, and it was necessary to have a new map in order to present those surveys as they appeared on the records of the General Land Office. I assume that completes Arkansas so far as land maps are concerned. In the public-land States where they are disposing of lands all of the time and extending surveys all of the time, the changes occur to such an extent that it is necessary once in every 5 or 10 years, depending upon the rapidity with which the surveys are extended, to publish a new map, and it is under this appropriation that those maps are published. This is not the appropriation, let me remind the committee, under which the maps are prepared. It is the appropriation under which they are printed.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. The maps will be prepared; they must be prepared. As the surveys are extended the map of the State in the land office is kept current with the conditions as they exist, so that this map is prepared for printing under other appropriations. It costs about six or seven hundred dollars to print a State map, and under this additional sum of fifteen hundred dollars it may be possible to print three State maps the coming year—two at least—and there are a number of States where a new State map is needed. This is an appropriation that has been carried many years, and is as much needed now as it ever was. I hope the gentleman from Tennessee [Mr. BYRNS] will accept the amendment. I do not care to take up the time of the committee. The matter is so essential that it does not seem to me that there ought to be any question about it. Let me make this further suggestion to the gentleman in charge of the bill. The provision which we make in the bill as it is before us is for a map which is not nearly so important or essential as the regular State map. This colored enlarged homestead map is quite a new thing, and we have been printing them for a few years, and we could not well get along without them. They are wholly a matter of convenience, but the State map is much more than a matter of convenience, although the Commissioner of the General Land Office rather through a slip I think suggested that some of them were largely a matter of convenience. They are the record of the fact of the Government surveys; they are absolutely essential to a knowledge of conditions. If we do not print them this year, we will have to print them next.

Mr. RAKER. Mr. Chairman, I wish to insert in the RECORD as part of my remarks a letter from the Commissioner of the General Land Office upon this subject which was issued yesterday. I wish to say in this connection that taking the State of California as an example there are many, many demands for these maps. They have been exhausted for the last six or nine months, so far as the Representatives being able to obtain them is concerned, in order to distribute them for actual requests by those who are directly interested in the public lands of California, and, of course, that applies to the rest of the public-land States. The department in its last letter states it will be hampered in this work, that it will not be able to distribute the maps as it has been heretofore, although the appropriation heretofore allowed has not been sufficient to provide a sufficient number of those maps for distribution to those actually interested and who actually use them, and we believe they are actually necessary. I trust the gentleman from Tennessee [Mr. BYRNS], having charge of the bill, in the interest of a proper administration of the public-land law, as well as giving the public proper information to which it is entitled, may see his way clear to withdraw his objection to this amendment. The amendment should be adopted by the committee. It is a proper expenditure and the amount asked is very reasonable.

The letter of the Commissioner of the General Land Office, which I read, is:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, March 3, 1916.

Hon. JOHN E. RAKER,
House of Representatives.

My Dear Mr. RAKER: By reference to the legislative bill now before Congress you will note that the item of appropriations for State and Territorial maps and for enlarged homestead maps has been cut in two, leaving only an appropriation of $1,500 for the enlarged homestead maps.

I call your attention to this matter as you are well aware of the use and demand for these State maps in the Western States.

Yours, very truly,

CLAY TALLMAN.

Mr. RUCKER. Mr. Chairman, I want to take the floor in opposition to the amendment, because I think it ought to pass, and I believe I can secure its passage in that way. The gentleman from Wyoming [Mr. MONDELL] speaks of his ancient knowledge on the question pertaining to maps, and it is conceded that he has great knowledge upon the subject. He makes other interesting statements with reference to the necessity for agreement to this amendment, but he forgets that to-day he is a good deal like the Irishman I heard of who fell from a 10-story building. After being taken away on a truck to some junk shop, a surgeon was called in and pronounced him dead. But Pat had survived, and he said, "By gorra, you are a liar"; when his wife who was present said, "Keep still, Pat, the doctor knows best." I want to say to the gentleman from Wyoming that the doctor—the Appropriations Committee—knows best. The only reason I am opposing the amendment of the gentleman from Wyoming [Mr. MONDELL] is because I think by opposing it I may help it to be carried.

Mr. SMITH of Idaho. Mr. Chairman, I do not think there is anyone in this House who appreciates more than I do the efforts of the Committee on Appropriations to practice economy in expenditures. I do very seriously object, however, to all of their economies being applied to the Western States. It seems to me that they evidently are not informed in regard to the necessity for this appropriation, and, as I remarked yesterday, instead of getting information from the people who really have it regarding the West, the committee depends upon the suggestion of some officer of the Government, in this case the Commissioner of the General Land Office. I happen to know that the Commissioner of the General Land Office is very anxious to have this appropriation restored to what it is under the present law. We have been expending a great deal of money in opening up the West; we have given land to the railroads to encourage railroad building; we have sent expeditions out into that country from time immemorial, almost, to open up the West; and why not make these maps available to the intending settlers in order that they may know what land is open to settlement.

Mr. RAKER. Does not the same condition apply to the gentleman's State as it does to California, that these maps are exhausted, and that we have been unable to get them to send to

those who actually want to become settlers in the West, and need them for their information?

Mr. SMITH of Idaho. That is absolutely true, excepting this, Mr. Chairman, that since the map of Idaho was made three years ago five additional counties have been created and the few maps of Idaho yet remaining in the Land Office do not show those additional counties.

Mr. BORLAND. Will the gentleman yield?

Mr. SMITH of Idaho. No; I have only a few minutes. We have laws passed defining the different kinds of land in the West. Some of it is withdrawn for forest reserves, other lands have been withdrawn for coal reserves, others for phosphate reserves, and when the intending settler goes out into that country, or those living there desire to locate on the public land, they naturally go to the official map issued by the General Land Office to see under which law they should enter.

Mr. GOOD. Will the gentleman yield?

Mr. SMITH of Idaho. Yes.

Mr. GOOD. Will the gentleman state to the committee where they found these five additional counties?

Mr. SMITH of Idaho. They got them by dividing up some other counties.

Mr. GOOD. Was it not land shown on maps previously made?

Mr. SMITH of Idaho. Yes; but the present map does not show the location of the boundaries of those counties nor the county seats.

Mr. MONDELL. Will the gentleman yield?

Mr. SMITH of Idaho. I will.

Mr. MONDELL. The gentleman is aware of the fact that there are a number of land laws that can only be complied with through a knowledge of county boundaries?

Mr. SMITH of Idaho. That is correct.

Mr. MONDELL. For instance, certain affidavits must be taken in a county, and if the land-office map is misleading in that respect, a man may lose all of his rights by reason of the lack of knowledge?

Mr. SMITH of Idaho. That is very true.

Mr. BORLAND. Will the gentleman yield?

Mr. SMITH of Idaho. I yield to the gentleman from Missouri.

Mr. BORLAND. Do I understand the gentleman to say that these maps are largely for railroad excursions?

Mr. SMITH of Idaho. No; I made no mention of railroad excursions.

Mr. BORLAND. Did not the gentleman say a little while ago they were used for the purpose of getting up railroad excursions?

Mr. SMITH of Idaho. The gentleman was evidently thinking of something else when I referred to railroads. I said the Government has been giving public land to the railroads in the western country to encourage the settlement of the country. Now, we want to open up that country; we want people to come there, and when they do come there we want them to learn something from the official records as to the character of the land in the various localities.

Mr. BORLAND. I call attention to the fact that all the money for enlarged homestead maps has been provided.

Mr. SMITH of Idaho. Yes.

Mr. BORLAND. The gentleman spoke about the advantage of large State maps.

Mr. SMITH of Idaho. They have cut out the provision for State maps. These enlarged homestead maps are only about 2 feet square and are on such a small scale that all you can observe on them, as a matter of fact, is the land that has been designated for entry under the enlarged homestead, which is shown by a deep red coloring.

Mr. BYRNS of Tennessee. Mr. Chairman, the committee allowed all that is necessary for enlarged homestead maps. In view of the statement made by the Commissioner of Public Lands, the committee thought it was not warranted in making an appropriation for the purpose of printing State maps.

Mr. SMITH of Idaho. Why, Mr. Chairman——

Mr. BYRNS of Tennessee. Now, I want to call the attention of the committee to the expenditure which was made under this appropriation in 1915. There were published in 1915 under this appropriation maps for four States only—6,500 copies of a map for Nevada, costing $320; 4,500 copies of a map of Arkansas, for $360; 4,500 copies of a map of Alabama, for $360; 6,000 copies of a map of Utah, $480. Now, the gentleman says that he does not think the committee ought to put in a proposition which would take from the great West this opportunity that they have had to get these maps from the National Government. I want to say to the gentleman——

Mr. RAKER. Will the gentleman yield?

Mr. BYRNS of Tennessee. That the General Land Office published maps of Arkansas and Alabama, and, as the gentleman from Wyoming [Mr. MONDELL] said, they are now proposing to publish one in the State of Louisiana; so it is not a proposition which applies alone to the West. In other words, wherever there are a few acres of public land the Land Office can go ahead under this appropriation and, at the expense of the taxpayers all over the country——

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee (continuing). Publish a lot of maps for the use of that particular State.

Mr. RAKER. Does the gentleman propose, because the Commissioner of the General Land Office made a mistake, if it was a mistake, that the people of the western country should be punished for it? The reason we need maps out there is because we want to settle up and develop that country, and——

Mr. BYRNS of Tennessee. The Commissioner of the General Land Office, as I remember the hearing, stated that the only real purpose and object in printing these maps was for the convenience, as he stated, of the people of those States, and that they would be very much disappointed if they were not supplied with those maps. Now, the committee felt, under those circumstances, that there was not any necessity for printing those maps, that it was a waste of public money to make an appropriation for the printing of those maps.

Mr. RAKER. Does the gentleman propose——

Mr. BYRNS of Tennessee. I do not blame the gentleman of those States. Of course, they would like to have those maps and send them out to their constituents, but I do think that under all the circumstances and in view of the statement of the Commissioner of the General Land Office that it would be a useless and unnecessary appropriation and expense.

Mr. RAKER. Within the last two days, yesterday evening, I took this matter up with the Commissioner of the General Land Office, and he sends a letter up hoping that this will be put in so that these maps can be furnished and people have the use of them.

Now, the money that will be appropriated this time will go to printing maps for a part of the Western States, at least, to take the place of those that have been exhausted. The people have been in the habit of having them; they are wanting them; they are valuable. In addition to what the gentleman referred to, these land districts have been and are changed, and the rights of the people depend upon their certain conduct within the limits of a land-office territory.

Mr. BYRNS of Tennessee. I concede, of course, that the people would like to have them. They will be very much disappointed if they do not get them. For my part, I would like to have the National Government print maps of Tennessee, and the people of Tennessee would like very much to have me, as their Representative, and the other Representatives from Tennessee send them these maps; but I do not think it would be fair to the taxpayers of this country for the National Government to undertake to publish maps of Tennessee.

Mr. RAKER. If the State of Tennessee had public land and wanted to sell it and get revenue from it, these maps ought to be published.

Mr. BYRNS of Tennessee. That is the proposition, as I said a moment ago. The distribution of these maps is not confined to those States where there is so much public land.

Mr. RAKER. Does not the gentleman know that one of the most important bills before the Public Lands Committee during the session was as to public lands in his State?

Mr. BYRNS of Tennessee. There are no public lands in my State. The gentleman states that the General Land Commissioner has changed his opinion. I insist upon the statement he made before the subcommittee and that appears in these hearings. And if my distinguished friend, and doubtless other distinguished gentlemen, has gone down and has been able to open his eyes so as to cause him to take another position in the matter, of course the committee is not to be held responsible for that. But the fact remains that the Commissioner of the General Land Office in his statement before the committee gave no reason, and undertook to give no reason, why these maps should be published.

Mr. SMITH of Idaho. I wish to ask the gentleman from Tennessee whether or not he would rather have the opinion of the Commissioner of the General Land Office about a proposition of this kind than the opinion of the Representatives in Congress from the public-land States? I have a letter from the Commissioner of the General Land Office stating that this appropriation should be restored.

Mr. BYRNS of Tennessee. Yes; and I have here, in the hearings, statements made by the General Land Commissioner, in which he failed to give any reason why they should be printed.

Mr. SMITH of Idaho. He was not informed. That was the reason.

Mr. BYRNS of Tennessee. He has been in the office for several years, and I am very much surprised to hear the gentleman state he is not informed.

Mr. SMITH of Idaho. He was not acquainted with that particular question and the great demand for these State maps and the useful purpose they serve.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, we appropriate, in the preceding item, $20,000 for a United States map, not really for use, but just for ornament and instruction, we having control of them and sending them out. And I dare say it is very seldom one of those maps falls into the hands of a man who uses it to obtain positive information about something that he wants to know. Out in the schoolhouses and in public places throughout the country they are undoubtedly somewhat useful. We appropriate very large sums of money every year for publishing the maps issued by the Geological Survey, and which we have great difficulty in getting rid of. I usually send mine to the department. I suppose they manage to dispose of them. I used to give my quota away years ago, sending the maps to people who did not want them and who probably threw them in the waste basket. I quit that.

Now, here is a proposition where people want maps to use. If a man wants to take up a homestead in the western country or in any way enter upon the public domain, if he happens to be a resident of the city of Chicago or some other place in the country, the first thing he wants is a map. He wants to know something. He can acquire that information only from a map of some kind. And it seems to me that while we appropriate $20,000 for maps for our own use and very large sums of money for a geological map we might properly and without the charge of extravagance appropriate $1,500 for the printing of maps which people want to use in order to enter upon the public domain with the intention of cultivating the soil and adding to the productivity of our country. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. BYRNS of Tennessee. Division, Mr. Chairman.

The committee divided; and there were—ayes 42, noes 14.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Patent Office: Commissioner, $5,000; first assistant commissioner, $4,500; assistant commissioner, $3,500; chief clerk (who shall be qualified to act as principal examiner), $3,000; 5 law examiners, at $2,750 each; examiner of classification, $3,600; 5 examiners in chief, at $3,500 each; examiner of interferences, $2,700; examiners of trade-marks and designs—1, $2,700, first assistant $2,400, 6 assistants at $1,500 each; examiners—43 principals at $2,700 each, 86 first assistants at $2,400 each, 86 second assistants at $2,100 each, 86 third assistants at $1,800 each, 86 fourth assistants at $1,500 each; financial clerk, who shall give bonds in such amount as the Secretary of the Interior may determine, $2,250; librarian, who shall be qualified to act as an assistant examiner, $2,000; 6 chiefs of divisions, at $2,000 each; 3 assistant chiefs of divisions, at $1,800 each; private secretary, to be selected and appointed by the commissioner, $1,800; translator of languages, $1,800; clerks—9 of class 4, 9 of class 3, 17 of class 2, 130 of class 1, 91 at $1,000 each; 3 skilled draftsmen, at $1,200 each; 4 draftsmen, at $1,000 each; 90 copyists; 50 copyists, at $720 each; 4 messengers; 25 assistant messengers; laborers—14 at $600 each, 42 at $540 each; 40 messenger boys, at $420 each; in all, $1,375,040.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I judge from an examination of the paragraph the committee followed exactly the recent law that was passed in reorganizing the office?

Mr. BYRNS of Tennessee. We did.

The CHAIRMAN. The gentleman withdraws his pro forma amendment, and the Clerk will read.

The Clerk read as follows:

For purchase of professional and other reference books and publications and scientific books and expense of transporting publications of patents issued by the Patent Office to foreign Governments, $3,000.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in my time I ask that the following editorial from the Baltimore Sun of March 1, 1916, be read.

Mr. MANN. Why do you not ask that it be inserted?

Mr. LINTHICUM. I ask unanimous consent that it be inserted rather than to take up the time of the committee to read it.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to insert the editorial referred to in the RECORD.

Mr. FOSTER. It ought not to go into the body of this RECORD.

Mr. LINTHICUM. Let it go. It applies right here.

Mr. MILLER of Delaware. Mr. Chairman, reserving the right to object, the other day I made a similar request about a newspaper article, which was objected to, and I would like to couple my request with that of the gentleman from Maryland.

Mr. LINTHICUM. Make your request separately. I did not object to it.

Mr. MILLER of Delaware. I did not say the gentleman did. I would like to get my newspaper article into the RECORD, too, but I am not objecting to his request. I reserved the right to object in order to make that statement.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland [Mr. LINTHICUM]? [After a pause.] The Chair hears none.

The Clerk read as follows:

For professional and scientific books, law books, and books to complete broken sets, periodicals, directories, and other books of reference relating to the business of the department, $1,000, of which sum $250 may be used "orthef" Civil Service Commission.

Mr. SISSON. Mr. Chairman, I offer the following amendment.

Mr. MANN. Mr. Chairman, I ask to have the language corrected. There is a typographical error.

Mr. SISSON. I offer an amendment in order to correct it.

The CHAIRMAN. The gentleman from Mississippi offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 101, in line 15, in lieu of the word "orthef," insert the words "for the."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Contingent expenses, $600; in all, $16,100.

Mr. JOHNSON of South Dakota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Dakota.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of South Dakota:
On page 103, line 10, after the figures "$16,100," insert "South Dakota, surveyor general, $2,000; clerks, $3,100; contingent expenses, $500; in all, $5,600."

Mr. JOHNSON of South Dakota. Mr. Chairman, in former appropriation bills an appropriation of $5,600 for the surveyor general of the State of South Dakota has been included, and without much discussion before the committee it was omitted from this bill.

My amendment would appropriate the same amount that has hitherto been appropriated. The hearings are not very complete and give little information, although the estimates provided for this appropriation. A very short statement was made by Mr. Tallman when he appeared before the committee. In response to a question by Mr. STAFFORD——

Do you look forward to some of these offices being discontinued in the near future?—

Mr. Tallman stated:

There is one in South Dakota that could be discontinued now, except for the fact that there is a good deal of mineral surveying work to be done there, which is paid for by the applicants themselves. It costs for the maintenance of that office only about the amount of the surveyor general's salary. You understand that mineral surveys are made at the cost of the applicant, but the work is handled through this office.

Mr. STAFFORD. Who provides the field force in those instances?

Mr. TALLMAN. For mineral surveys?

Mr. STAFFORD. Yes.

Mr. TALLMAN. The United States deputy surveyors constitute the field force. They are appointed by the surveyor general, but they are paid entirely by the person whose survey is made.

Mr. Tallman finally stated that there was not a great deal of necessity for this office in South Dakota, but that there was some necessity. Mr. BYRNS of Tennessee, a little later in the Committee hearing, asked Mr. Tallman, with reference to the office in South Dakota:

Mr. BYRNS. With reference to the office in South Dakota, I understood at the hearings last year or the year before that there was very little work being done in that office, and it was expected that it would be discontinued?

Mr. TALLMAN. That is true. I have looked into that somewhat. I was just telling one member of your committee during your absence that there is quite a large amount of mineral surveying being done through that office that the Government does not have to pay for, except as it has to pay for the maintenance of the office. It is quite useful to the public out there to have that office maintained for a time longer, I think. There is considerable mineral surveying arising in the Black Hills.

Now, the nearest surveyor general's office to South Dakota would be that of Wyoming, and it would be practically impossible to take the office from South Dakota to Wyoming. If this office in South Dakota is abolished and this appropriation, only $5,600, is not made, it will be necessary to transfer the records

to the city of Washington, and anyone having mineral survey work will be compelled to send here and be subjected to great inconvenience. There is a great deal of unsurveyed land in South Dakota, 513,000 acres, and there is practically no expense connected with the office. It is located at Huron, S. Dak., in the Federal building. There is no expense for office rent or janitor service. There are not many general employees, only one, a draftsman, and one chief clerk; just enough to carry on the work and make it a convenience to the people.

No showing for the discontinuance of this office has been made in the hearings. No fight was made for it or against it. It was just one of those things that was passed by without an argument being made. We feel that the appropriation should be continued. It is small. The settlers in that State who wish to file on unsurveyed public lands or who want mineral surveys should be cared for without their having to come or send to Washington. They should receive the same treatment that the people in other States receive.

There are six land offices in that State, and I will concede that as those land offices approach the completion of their work it might be advisable to abolish this office; but there is land still left, and mineral surveys must be made, and we think the appropriation should be continued.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. SISSON. Mr. Chairman, I will state that the office referred to by the gentleman was considered last year when the matter was before the committee, but the statement was made at that time that it would be only a short time when they would complete the work. The committee came near to abolishing the office at that time, but decided to leave it, because if there was any necessity for it at all we did not want to inconvenience anybody with reference to the matter. Now, if you will read the hearings, you will find that Mr. Tallman says there is but little use for the office. On page 606 of the hearings you will find that he states that when this office is abolished the records will be turned over to the State and all the records will be kept in the State. He says the records they are now keeping there would be largely duplicates of the land records of the State, so that when the office is abolished the records will be turned over to the State.

As the gentleman from South Dakota stated, there are several land offices now in the State. The land has practically all been surveyed. As a matter of fact, there is still a small quantity of land down in my State of Mississippi that has never been taken, and there are a number of other States in the Union where they have small quantities of public land that has not yet been taken. The only excuse for keeping this office is the fact that they have mineral surveys going on there, but it is not necessary that the State should have the records and surveys kept there. The mineral surveys can continue and the result of the surveys can simply be turned over to the department here and duplicates kept in the State. Mr. Tallman says those records are almost entirely duplicates of what they have in his office, so that it makes a permanent record for the State. The land records have been about completed, and but for the mineral surveys the commissioner would recommend the abolition of the land offices.

Mr. DILLON. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. DILLON. Has the gentleman considered the fact that in hundreds of mineral claims there is no record in Washington in relation to them, because the rights are mere possessory rights? When these records go to the secretary of state's office——

Mr. SISSON. They do not go to the office of the Secretary of State. They would go to the office of the Secretary of the Interior.

Mr. DILLON. The land records go to the office of the secretary of state in the State. He has no power in reference to these mineral claims. Is not that true?

Mr. SISSON. Except to keep the record.

Mr. DILLON. These records are not kept in that way. There are hundreds of mineral entries where there is not a scrap of paper in the city of Washington in reference to them.

Mr. SISSON. So far as I am concerned, I am not familiar with the exact method of making mineral surveys, because we do not have them in my State and I have no experience with them. But here we were basing our conclusions on the testimony of Mr. Tallman, who is in charge of this work, and upon the testimony of last year.

Mr. DILLON. I think the committee has entirely overlooked the possessory rights of claimants, and to discontinue this office will bring chaos into the situation, so far as mineral claims are concerned.

Mr. SISSON. This examination was pursued with some degree of interest by the gentleman from Wisconsin [Mr. STAFFORD] and other members of the committee, and I am sure that if the discontinuance of this office would bring the chaos of which the gentleman speaks the commissioner would have stated to the committee that there would be chaos and confusion, but he did not state that.

Mr. DILLON. I do not think the matter was brought to his attention.

Mr. SISSON. He did not urge upon us the absolute necessity of keeping it. He said there was a certain amount of mineral surveying going on, and we suppose that gentleman knows what he is talking about. He has charge of the work. He did not speak of any chaos and confusion. On the contrary, he rather intimated that it would not be any serious disadvantage if the office should be discontinued. The year before he said the work would be cleaned up out there perhaps during the fiscal year, and now it looks to us as if it was a mere excuse to keep the thing going to say that the mineral surveys are going on.

Mr. DILLON. Mr. Chairman, I want to call the attention of the members of the committee to the confused conditions that would exist in case this office is abolished. No Secretary of the Interior and no Commissioner of the General Land Office has recommended the discontinuance of this office. In fact, they have made estimates for the continuance of the office, and this motion of my colleague puts into effect those estimates.

As many of you know, South Dakota ranks fourth among the States of the Union in the production of gold. It produces five times more gold than Oregon, five and one-half times more than Idaho, eleven times more than Washington, double the amount of Montana, and forty times more than Wyoming. It produces more gold by $500,000 than all of these States combined. The Black Hills country, a radius of 100 miles, has produced one-twentieth of all the gold produced in the United States and Territories since Columbus discovered America.

Mr. QUIN. Then, why are they trying to do away with this office?

Mr. DILLON. That is what I am trying to find out. South Dakota has produced one-eightieth of all the gold in the world since the discovery of America. Our people are very much interested in the mineral industry in the Black Hills, and I trust that this committee will not abolish this office without hearings upon this question. The commissioner, in a letter addressed to me, states that there are 513,000 acres of unsurveyed land in South Dakota at this time. Now, suppose you abolish this office, where do the records go? They are not sent to Washington. They are not deposited in the General Land Office at Washington. These mineral surveys rest upon possessory rights. A man stakes out his claim, takes possession of it, and makes proof that he has expended $100 a year. He may keep that going for 20 or 30 years. There is no limitation in these possessory rights, so far as he is concerned, except that he must make proof that he has expended $100 a year. He is not required to make final proof until he gets ready, and the General Land Office at Washington has no part of the records involving his possessory rights; the claimant may take out millions of dollars of gold without applying for a patent.

The records are in the surveyor's office and in the office of the register of deeds. Now, I want to call the attention of the committee to the Federal statute providing when and how this office may be discontinued or abandoned, to show you that you would violate the statute in your attempt to abandon this office.

Section 2218 of the Revised Statutes of the United States provides as follows:

The Secretary of the Interior shall take all the necessary measures for the completion of the surveys in the several surveying districts for which surveyors general have been or may be appointed at the earliest periods compatible with the purposes contemplated by law; and whenever the surveys and records of any such district are completed—

Are they completed when there are 513,000 acres unsurveyed? Are they completed when there is a demand for hundreds of mineral claims in that region of country?

And whenever the surveys and records of any such district are completed the surveyor general thereof shall be required to deliver over to the secretary of state of the respective States, including such surveys, or to such other officer as may be authorized to receive them, all the field notes, maps, records, and other papers appertaining to land titles within the same, and the office of surveyor general in every such district shall thereafter cease and be discontinued.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DILLON. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. DILLON. I want to say to the members of the committee that under this section the field notes, the records, and the files do not come to Washington for administration. They go to the secretary of state of the State, and the office of Surveyor General is absolutely abolished so far as the National Government is concerned. The administration then comes to the Commissioner of the General Land Office. Under section 2219 he becomes the Surveyor General, but without records, except as to such claims as have been filed upon for purchase or where there have been patents issued. But that covers only a small fraction of the interests of those who have possessory rights upon those lands. Now, section 2220 provides:

Under the authority and direction of the Commissioner of the General Land Office any deputy surveyor or other agent of the United States shall have free access to any such field notes—

Not in the office at Washington, but in the office of the secretary of state of the State—

maps, records, and other papers for the purpose of making extracts therefrom or making copies thereof, without charge of any kind.

Now, I submit that when you abolish this office you put into confusion the mineral records in that section of country, a State that stands fourth in the production of gold in the United States.

These records remain there. Is it in the interest of economy to send your special agents there to make extracts and to make copies? I trust that this amendment may be allowed, and that if there is any effort to eliminate the Surveyor General's office in the State of South Dakota we will be given an opportunity to present our side of the case and to have hearings upon it in order that we may protect our rights. We want to protect those rights, even if it is without a cent of compensation from the National Government.

Mr. GANDY. Mr. Chairman, there are three classes of work that come before the surveyor general's office in South Dakota; and in speaking of this work I speak advisedly and from personal knowledge, because for nearly two years I was one of the land-office officials in that State.

First, we have mineral entries, and that has been gone into quite thoroughly. A surveyor—or, we might say, a deputy surveyor—does the actual field work and certifies the record to the surveyor general. The cost of the field work is paid by the claimant, so that there is no expense to the Government from that. After the record is complete the surveyor general certifies the map or plat of this land to the land office, and thus we get the record into the land office. That is the way an official map or plat of the land embraced in a mineral entry gets into the land office. Under our practice mineral locations are not filed with the Federal Government. Mineral locations are filed in the register of deeds' office in the county in which the mineral location is, and only when the final survey is made under the surveyor general does the Land Department get the plat.

Then we have forest-reserve homesteads, and if you will consult the general forest-reserve homestead act you will find that forest-reserve homesteads are by metes and bounds, and there is in South Dakota a distinct survey for each homestead entry within a forest reserve. I can well understand why the Commissioner of the General Land Office did not have much to say with relation to the forest-reserve homesteads—in fact, nothing to say—because forest reserves are under the Department of Agriculture, and the Department of the Interior never hears of or sees a plat in connection with the forest-reserve homestead until the surveyor general certifies that plat to the Land Office.

Then we have a third kind of business for the Surveyor General. We still have in South Dakota a number of townships of unsurveyed land.

I say to you in all fairness, in all seriousness, this office ought not to be abolished—first, because of the mineral entries in the State; second, because of the forest-reserve homesteads in the State; and, third, because of the unsurveyed land in the State.

Gentlemen, the amendment is just the existing law, and it ought to remain as it is. South Dakota ought not to be deprived of an officer within her borders who can certify to these maps and plats without delay; we ought to be given the privilege of doing business as we have in the past, and not be compelled to wait three, four, five months, perchance a year, in sending these maps and plats down to the bureau in Washington to have them certified from here. Gentlemen, I hope for the best interest of the people of South Dakota, for the best interest of the public-land service, that this amendment will be adopted. [Applause.]

Mr. MONDELL. Mr. Chairman, I think I am reasonably familiar with the situation in South Dakota. South Dakota is our neighbor, and when I am at home I live within 7 miles of the South Dakota line, and from my home I can look over into some unreserved, unsettled lands in South Dakota. Last year the Commissioner General of the Land Office referred in an offhand way that some time in the future it might be proper to abolish the office of surveyor general of South Dakota. A committee economically inclined, and properly so, recalled that statement and called the commissioner's attention to it, whereupon the commissioner said, "Well, by the way, when I said that I had evidently"—I am not quoting his exact words, but the substance—"overlooked the matter of the mineral surveys."

It so happens that in South Dakota the mineral-survey work is tremendously important. The Black Hills are growing, expanding, developing mineral regions where surveys are constantly being made. The commissioner seems also to have overlooked the forest reserves in South Dakota. A large amount of work must be done in connection with surveying out by metes and bounds the homesteads in the forest reserves.

There is a method provided by law for abolishing the office of surveyor general. I think the gentleman from South Dakota [Mr. DILLON] referred to a section of the Revised Statutes. It provides that the Secretary, when such conditions shall obtain as to the completion of surveys and settlements that the office may be properly closed, it may be closed and the records sent to the secretary of state. There should, of course, be a duplicate of these records sent to the General Land Office at Washington; or, in other words, there must be a transcript made of a large volume of the record. It is the duty of the Secretary, instead of suggesting the cutting off of the appropriation, when the time came, to abolish the office in a regular, logical way.

Now, it has not been closed. Why? There are four land offices in the State of South Dakota.

Mr. GANDY. If the gentleman will permit me, there are six.

Mr. MONDELL. Six; and never, so far as I can recall, have we ever closed a surveyor general's office in a State until the last land office had been closed, except in one or two cases in the South, where we have abolished the surveyor general's office by legislation and placed the duties on the officers in a land office in the State.

Section 2228 of the Revised Statutes provides that the President is authorized, in any case where he thinks the public interests may require it, to transfer the duties of the register and receiver in any district to the surveyor general of the State, and that is done until only one officer remains. And then we close the last land office, and later, after transfer of the records, making such transcripts as are necessary, close the office of the surveyor general. But to close the office of the surveyor general in this way is unheard of. If gentlemen will read through the statutes they will find in almost every case we have closed the surveyor general's office by statute. That is not essential; but the fact that we have done it indicates that after the Secretary had determined that the time had arrived which warranted the closing of the office, after securing sufficient appropriation to make the transfer, he generally suggested that the office be closed by statute. That is not necessary, but it has been the ordinary way. It would be utterly impossible in the remainder of this fiscal year to bring the work of this surveyor general's office to a close. The amendment should be adopted.

Mr. BYRNS of Tennessee. Mr. Chairman, this is but another illustration of the fact that once an office is created it is a mighty hard thing to get rid of it, even though it may appear that there is possibly some reason for eliminating it. In the case of the assay offices a good many Members of the House have felt that they could be easily abolished without any injury or injustice to the service, but it has never been done. What is the situation here? A year ago the General Land Commissioner stated to the committee that he believed he would be in a position to recommend the abolishment of the office of surveyor general in South Dakota this year. When asked about that he stated that he did make that statement, but that he did not think of the mineral surveys, but he made no contest of the matter and no earnest insistence, and stated that the work could be performed from the General Land Office here in the city of Washington without any injury to the service. It is just a proposition for the committee as to whether they will reestablish this office at an expense of $5,100 or will permit the work to be done from the General Land Office here and save that amount of money to the taxpayers.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

The amendment was agreed to.

The Clerk read as follows:

The use of the fund created by the act of July 2, 1864 (13 Stats., 365), and the act of March 2, 1895 (28 Stats., 937), for office work in the surveyor generals' offices and in the General Land Office is extended for one year from June 30, 1916: *Provided*, That not to exceed $25,000 of this fund shall be used for the purposes above indicated.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Here is a fund that was created by act of 1864.

Mr. BYRNS of Tennessee. It consists of deposits made by the railroads for surveying their land grants.

Mr. MANN. If they deposited the money, why is there any limitation on the amount to be expended?

Mr. BYRNS of Tennessee. This is a limitation on what might be called the surplus of the fund now in the Treasury paid in by the railroads.

Mr. MANN. It is not a current deposit?

Mr. BYRNS of Tennessee. Not a current deposit.

Mr. MANN. What is the fund up there?

Mr. BYRNS of Tennessee. It is a fund that was deposited by the railroads for the purpose of having their land surveyed. There is a surplus on hand.

Mr. MANN. To whom does the fund belong?

Mr. BYRNS of Tennessee. To the Government.

Mr. MANN. Of course, the Government has possession of it. Is it a fund that the Government holds in trust?

Mr. BYRNS of Tennessee. It was paid to the Government for the purpose of having these lands surveyed, and I think I properly stated it when I said it belongs to the Government. There will be on hand June 30 about $16,000 of that fund remaining, and for the last few years Congress has been authorizing an expenditure of $25,000 from the fund for the purpose of providing for office work in the Land Office here.

Mr. MANN. I remember about the item last year, but I did not ask about it then because I thought probably there would be no one who would know anything about it, and I am confirmed in that opinion now.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Legislative expenses: For salaries of members, $21,600; mileage of members, $9,250; salaries of employees, $5,160; printing of laws, $4,000; rent of legislative halls and committee rooms, $2,000; stationary, supplies, printing of bills, reports, etc., $4,000; in all, $46,010, to be expended under the direction of the governor of Alaska.

Mr. MANN. Mr. Chairman, I move to strike out the last word. As I recall it, there is a law fixing the expenditures that can be made in connection with the meeting of the legislature in Alaska. Does this strictly follow the provisions of the law?

Mr. BYRNS of Tennessee. It does. It is in accordance with the law.

Mr. MANN. I notice the language—

be expended under the direction of the governor of Alaska.

Does that mean that when he approves the voucher that ends it?

Mr. BYRNS of Tennessee. No; it has to be audited here in the Department of the Interior. The accounts are audited in the Department of the Interior. While expended under the direction of the governor——

Mr. MANN. Of course they are paid upon his approval.

Mr. BYRNS of Tennessee. Paid upon his approval, and the accounts are sent here for final audit and approval.

Mr. MANN. That is what I supposed.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Office Postmaster General: Postmaster General, $12,000; chief clerk, including $500 as superintendent of buildings, $4,000; private secretary $2,500; disbursing clerk, $2,250; bookkeeper and accountant, $1,800; 2 stenographers, at $1,600 each; appointment clerk, $2,000; assistant to chief clerk, $2,000; confidential clerk to Postmaster General, $2,000; chairman, board of inspection, $2,000; printing clerk, $1,800; clerks—4 of class 4, 5 of class 3 (1 transferred from Fourth Assistant's Office, 1 submitted as telegrapher at $1,400), 7 of class 2 (1 transferred from Division of Postmaster's Appointments and 1 from Second Assistant's Office, 2 transferred to First Assistant's Office and 1 to Third Assistant's Office, and 1 submitted as typewriter repairer at $1,200), 6 of class 1 (1 transferred from Second Assistant's Office and 1 submitted as telephone operator at $720), 1 $1,000 (1 transferred to Solicitor's Office), 8 at $900 each (1 transferred from Division of Inspectors, 1 from Solicitor's Office, 1 submitted as telephone operator at $720); telegrapher, $1,400; typewriter repairer, $1,200; 3 telephone switchboard operators; assistant telephone switchboard operator; messenger in charge of mails, $900; 3 messengers; 3 assistant messengers; pages—2 at $480 each, 3 at $360 each; engineer, $1,400; 8 assistant engineers, at $1,000 each; electrician, $1,400; 2 assistant electricians, at $1,200 each; 3 dynamo tenders, at $900 each; fireman, who shall be a blacksmith, and fireman, who shall be a steam fitter, at $900 each; 10 elevator conductors, at $720 each; 15 firemen; carpenters—1 $1,200, 1 $1,000, 2 at $900 each; captain of the watch, $1,000; additional to 2 watchmen acting as lieutenant of watchmen, at $120 each; 22 watchmen; foreman of laborers, $800; 43 laborers; plumber, $900; awning maker, $900; female laborers—1 $540, 3 at $500 each, 5 at $480 each; 43 charwomen; in all, $191,450.

The CHAIRMAN. The Chair will call attention to the fact that the word "typewriter" is wrongly spelled in line 23, page 106, and without objection the Clerk will correct the spelling.

There was no objection.

The Clerk read as follows:

Division of Purchasing Agent: Purchasing agent, $4,000; chief clerk, $2,000; clerks—1 of class 4, 3 of class 3, 2 of class 2, 2 of class 1, 2 at $1,000 each, 1 $900; 2 assistant messengers; actual and necessary expenses of the purchasing agent while traveling on business of the department, $500; in all, $22,640.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. My attention has been called to some language, beginning on page 106 and following along, which I think is surplusage and should not be in the permanent law. I question whether it is the intention to retain in permanent law such phraseology as is found in the parentheses. For instance, on page 106 we find the first instance, on line 18:

One transferred from Fouth Assistant's office, one submitted as telegrapher at $1,400.

One transferred from Division of Postmasters' Appointments and one from Second Assistant's office, two transferred to First Assistant's office and one to Third Assistant's office, and one submitted as typewriter repairer at $1,200.

That is merely explanatory, and I question whether it should be retained in the permanent act.

Mr. BYRNS of Tennessee. The only object of putting it in this bill is that Congress may keep track of these transfers, which are made this year for the first time. In the next bill, for the next fiscal year, it will be dropped out as permanent law, but it is always thought wise and has always been the custom when there have been reorganizations such as this, changes made from one bureau to another, to put it into the first bill, in order that Congress may have permanent record of the changes and that the committee may have before it next year exactly what was done. That has been the custom.

Mr. STAFFORD. Of course, the chairman will agree that it is mere surplusage?

Mr. BYRNS of Tennessee. Yes.

Mr. STAFFORD. And encumbers the permanent statute?

Mr. BYRNS of Tennessee. It is surplusage in the sense to which the gentleman refers, but it is done in order to keep track of these various changes.

Mr. STAFFORD. I question whether it is good policy to pursue such a course in framing a permanent appropriation act. The members of the committee could be informed of these various provisions in the report and not in this way, but it is scattered through this item and I only call attention to it in view of the fact that it was called to my attention by another Member of the House. I question its propriety.

Mr. BYRNS of Tennessee. This department is in the process of reorganization. This is not intended for the present committee, but for the committee and clerks that may come afterwards in order that they may know exactly what has been done in reference to this reorganization and how it was brought about.

Mr. STAFFORD. I have been asked by the gentleman from Massachusetts, who first directed my attention to these numerous insertions, as to the meaning of the clause in lines 2 and 3, on page 108, "one submitted at $1,000." Of course, that is not illuminating to me, but it may be to the clerk of the committee. However, I question whether it is very illuminating even to the members of the committee without further explanation being made. It is clearly explanatory of the purpose of the Postmaster General, but I question whether it should be incorporated in the permanent enactment.

Mr. BYRNS of Tennessee. It means a new place. The gentleman will notice on the page to which he refers that in the parentheses it is stated that one is transferred to the Postmaster General's office, one in lieu of one at $1,200, and one submitted at $1,000.

Mr. STAFFORD. That item is in explanation of the eight at $900 each. One of these is transferred to the Postmaster General's office and one in lieu of one at $1,200, which is comprehensible, and one submitted at $1,000.

Mr. BYRNS of Tennessee. It simply means, as I stated, it is a new position. Under the old law there were 12 at $900 each. In this bill it is proposed to provide for eight at $900 each. Now this is simply placed in this bill to show what became of the other places; one to the Postmaster General's office, one in lieu of a clerk at $1,200, and the one submitted has been transferred to a new position at $1,000.

Mr. STAFFORD. That is the point. The two previous clauses are understandable but "one submitted at $1,000," when you are only paying $900 and we are following the recommendation of the Postmaster General. However, I do not wish to press the matter; I thought perhaps I might get some explanation. It certainly is not understandable to me.

Mr. BYRNS of Tennessee. Well, it simply means it is a transfer to another position at the salary specified.

Mr. STAFFORD. Why should you say one at $1,000 when we are only authorizing them at $900. If we are authorizing eight at $1,000 each it would be understandable, but here we authorize eight at $900 and allow one at $1,000 where the Postmaster General estimates in toto. I will not press the inquiry further, as I do not desire to take up the time of the committee unless the gentleman has the information right at his finger's end.

Mr. BYRNS of Tennessee. If the gentleman will look at the bottom of page 107, it will be made plain to him. There are 13 clerks at $1,000 each. Then it is stated in parentheses "one in lieu of one at $900." He is dropped over here on page 108, and this is simply to explain that he has been dropped here and submitted at $1,000 and included in the 13 at $1,000 each.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

Division of Solicitor: Assistant attorneys—1 $2,750, 1 $2,500, 2 at $2,000 each; bond examiner, $2,500; law clerk, $1,800; clerks—3 of class 4, 2 of class 3, 4 of class 2, 5 of class 1 (1 transferred from Division of Postal Savings), 2 at $1,000 each (1 transferred from Postmaster General's office), 1 $900 (1 transferred from Division of Postal Savings and 1 transferred to Postmaster General's office); assistant messenger; in all, $37,370.

Mr. MANN. Mr. Chairman, I move to strike out the last word. There are a great many changes that have been made in the office of the Postmaster General running all through these items. My understanding from the gentleman is that these are made in accordance with the report of the Bureau of Efficiency. Is the gentleman from Tennessee able to say what is the total increase or decrease in the administration under the Post Office Department growing out of these changes? I notice that some items are very materially different. The Fourth Assistant Postmaster has a reduction from $397,560 to $311,070, while the Assistant Postmaster General has a decided increase, as I recall, from $82,250 to $163,210. There are various changes. What I would like to know, if I can, is whether under the changes which the Bureau of Efficiency and Economy have proposed, that being a very able bureau, there results a decrease in appropriation or, as is usual, an increase in appropriation?

Mr. BYRNS of Tennessee. I will say to the gentleman that as a result of this reorganization of the Post Office Department there is a reduction of 37 employees in the clerical force and a total reduction in the expense of the department of $42,615.

Mr. MANN. Now, does the gentleman say that commencing in this bill with the Post Office Department and running down to and including page 114, which carries the Fourth Assistant Postmaster General, there is a reduction in appropriations in this bill below current law to the amount of $42,000?

Mr. BYRNS of Tennessee. Yes; and to the number of 37 employees.

Mr. MANN. Well, I am going over the figures again, because it does not look to me that way, although I do not doubt the gentleman's statement when he makes it.

Mr. BYRNS of Tennessee. The gentleman will find if he will refer to the report submitted by the committee a detailed statement of these reductions on page 8 of the committee's report.

Mr. MANN. Oh, well, I do not think that is intelligible unless you go through the bill. What I want to know is whether the bill carries that much less money in the same items combined than the existing law.

Mr. BYRNS of Tennessee. It actually carries that much less, and I am sure the gentleman will——

Mr. MANN. It is a mere mathematical computation.

Mr. BYRNS of Tennessee. It actually carries a reduction from the present appropriation of $42,615 for the next fiscal year.

Mr. MANN. Well, that is from the present appropriation. A great many of these places were not filled at any time during the present fiscal year, but we frequently find we have made appropriations larger than necessary and the Post Office Department never has employed all the persons in that department that it is authorized by law to employ.

Mr. BYRNS of Tennessee. Well, the Postmaster General states that it has not been his policy to fill any vacancies where they were not needed.

Mr. SISSON. I think, if the gentleman will permit, the gentleman from Illinois wants to know how much the force has been reduced.

Mr. MANN. No; I beg the gentleman's pardon. I did not make any such inquiry.

Mr. SISSON. I beg your pardon, then. I totally misunderstood the gentleman's question.

Mr. MANN. I wanted to know how much the appropriation had been reduced, and then I wanted to know how many of the force theoretically reduced have not been employed at all during the present fiscal year.

Mr. SISSON. I can answer that question partially here. The Postmaster General in his testimony said that "for 1916 we made a further reduction of 80 employees." Now, the——

Mr. MANN. Well, statements like that are just "glittering generalities," you know.

Mr. SISSON. Then he submits here, which the gentleman will find in the statement of the Postmaster General, an itemized list of the employees and the number that were deducted; but it is all at one place here in the testimony, and that is the reason I called attention to the 80 employees. Now, the Postmaster General in his testimony said, in reply to the following question:

What is the total reduction in expense?—

That is, for this year.

The total reduction is $144,940 a year by this reorganization.

Mr. MANN. That plainly is not the case as to the items carried in this bill, whatever the Postmaster General may have said.

Mr. SISSON. I have not verified that statement.

Mr. MANN. I have verified it enough to know that there is no reduction of $100,000 in the appropriations that we make for the Post Office Department, the clerical force, in the different offices of the Postmaster General and the four Assistant Postmasters General.

Mr. SISSON. Now, for this year——

Mr. MANN. For instance, suppose the Postmaster General says this is one of the results. I do not know, but I do not think it is. For contingent expenses they reduced the appropriation from $25,000 to $20,000. That reduction is made because they find they have not spent $25,000, and has nothing more to do with the reorganization of the service than the man in the moon. They have a reduction in the appropriation for the purchase, maintenance, hire, and exchange of horses, horse-drawn passenger-carrying vehicles from $3,425 to $2,500. It has nothing to do with the reorganization of the service. Possibly they do not want to buy any team this year. Whom they buy teams for, I know not. They have a reduction in the appropriation for telegraphing of from $5,000 to $4,500.

I commend the committee for cutting these off, if they have found they did not spend the money, but it has nothing to do with the reorganization. I am perfectly willing to give the Postmaster General credit, and anybody else credit, if they effect a reorganization that saves any money up there, and I have no doubt that has been the case. And I thought it might be interesting to know whether there was any saving in the department, and how much it was at least.

Mr. SISSON. The total saving, as I understand from the testimony of the Postmaster General, in his office, not in the total department, from the time he took charge of it down to the present time, is about $144,000. Now, for this year on this reorganization the Postmaster General says there is a net saving of $42,615 by virtue of the reorganization of this department under the recommendations of the Efficiency Board.

Mr. MANN. That of itself is a very creditable saving, I will say.

Mr. SISSON. And I am taking it for granted, of course, that the figures of the Post Office Department are correct, namely, $42,615.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Office First Assistant Postmaster General: First Assistant Postmaster General, $5,000; chief clerk, $2,500; Division of Salaries and Allowances—superintendent $4,000, assistant superintendent $2,250; superintendent Division of Dead Letters, $2,500 (transferred from Fourth Assistant's office); Chief Division of Correspondence, $2,000; clerks—11 of class 4 (2 transferred from Fourth Assistant's office), 6 of class 3 (1 transferred from Fourth Assistant's office and 1 submitted at $1,400), 22 of class 2 (1 in lieu of 1 at $1,600, 2 transferred from Postmaster General's office, 9 from Fourth Assistant's office, and 1 submitted at $1,200), 31 of class 1 (1 in lieu of 1 at $1,400, 26 transferred from Fourth Assistant's office, 3 submitted at $1,000 each, and 1 at $900), 22 at $1,000 each (3 in lieu of 3 at $1,200 each, 16 transferred from Fourth Assistant's office, and 3 submitted at $900 each), 15 at $900 each (3 in lieu of 3 at $1,000 each, 1 in lieu of 1 at $1,200, 6 transferred from Fourth Assistant's office, 2 submitted at $840 each, and 3 at $720 each); two messengers (2 in lieu of 2 at $900 each, 1 transferred from Division of City Delivery, and 1 submitted at $660); 6 assistant messengers (3 in lieu of 3 at $900 each, 2 transferred from Fouth Assistant's office); 7 laborers (1 in lieu of 1 at $840, 6 transferred from Fourth Assistant's office); 3 pages, at $480 each (3 transferred from Fourth Assistant's office); in all, $163,210.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent that this paragraph be considered in connection with

the two following paragraphs, in order that I may offer an amendment which applies to all three of them.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that this paragraph be considered in connection with the two succeeding paragraphs. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Division of Postmasters' Appointments: Superintendent, $3,000; 2 assistants, at $2,000 each; clerks—4 of class 4, 11 of class 3 (1 submitted at $1,200), 9 of class 2 (1 transferred to Postmaster General's office), 7 of class 1 (1 in lieu of 1 at $1,600), 4 at $1,000 each, 2 at $900 each; 2 messengers; in all, $60,280.

Division of City Delivery: Superintendent, $3,000; assistant superintendent, $2,000; clerks—3 of class 3, 2 of class 2, 7 of class 1 (1 submitted at $1,000), 5 at $1,000 each (1 in lieu of 1 at $1,200), 2 at $900 each (1 transferred from Division of Postal Savings and 1 submitted at $720); assistant messenger (in lieu of clerk at $900); in all, $28,520.

Mr. BYRNS of Tennessee. Mr. Chairman, I have an amendment which I wish to offer.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 109, strike out lines 4 to 26, inclusive, and on page 110, strike out lines 1 to 17, inclusive, and in lieu thereof insert the following:

"First Assistant Postmaster General, $5,000; chief clerk, $2,500; division of post-office service—superintendent, $4,000 (formerly superintendent of Division of Salaries and Allowances); assistant superintendent, $3,000 (formerly superintendent Division of City Delivery); assistant superintendent, $2,250 (formerly assistant superintendent Division of Salaries and Allowances); 2 assistant superintendents, $2,000 each (1 formerly assistant superintendent Division of City Delivery, 1 formerly superintendent Division of Miscellaneous Transportation, Second Assistant's office); Division of Postmasters' Appointments—superintendent, $3,000; 2 assistant superintendents, at $2,000 each; superintendent Division of Dead Letters, $2,500 (transferred from Fourth Assistant's office); chief Division of Correspondence, $2,000; clerks—17 of class 4 (2 transferred from Second Assistant's office, 2 transferred from Fourth Assistant's office); 23 of class 3 (3 transferred from Second Assistant's office, 1 transferred from Fourth Assistant's office, and 1 submitted at $1,400); 37 of class 2 (1 in lieu of 1 at $1,600, 2 transferred from Postmaster General's office, 4 from Second Assistant's office, 9 from Fourth Assistant's office, and 1 submitted at $1,200); 50 of class 1 (1 in lieu of 1 at $1,400, 5 transferred from Second Assistant's office, 26 transferred from Fourth Assistant's office, 3 submitted at $1,000 each, and 1 at $900); 34 at $1,000 each (3 in lieu of 3 at $1,200 each, 3 transferred from Second Assistant's office, 16 transferred from Fourth Assistant's office, and 3 submitted at $900 each); 20 at $900 each (3 in lieu of 3 at $1,000 each, one in lieu of 1 at $1,200, 1 transferred from Second Assistant's office, 6 transferred from Fourth Assistant's office, 2 submitted at $840 each, and 3 at $720 each); 4 messengers (2 in lieu of 2 at $900 each and 1 submitted at $660); 8 assistant messengers (3 in lieu of 3 at $900 each, 1 transferred from Second Assistant's office, 2 transferred from Fourth Assistant's office); 7 laborers (1 in lieu of 1 at $840, 6 transferred from Fourth Assistant's office); 3 female laborers at $480 each (formerly pages in Fourth Assisstant's office); in all, $278,630."

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. MANN. First, may I ask what is the reason for making this change? Did the Clerk correctly report this total of $278,620?

Mr. BYRNS of Tennessee. The total is $278,630.

Mr. MANN. What two paragraphs is this supposed to take the place of?

Mr. BYRNS of Tennessee. This amendment is intended to put under one division the Division of Postmasters' Appointments and the Division of City Delivery, and also it is proposed to merge the Division of Miscellaneous Transportation, now under the Second Assistant Postmaster General, and place them all under one general division, known as the Division of Post Office Service.

Mr. MANN. Does not the gentleman think he is asking a good deal of the House to agree to a proposition that changes totals and transfers everything around? So far as I know, I take the gentleman's statement for it that it does not increase the appropriation.

Mr. BYRNS of Tennessee. While it increases the appropriation under the First Assistant, it decreases the appropriation under the Second Assistant a corresponding amount.

Mr. MANN. It does not decrease it yet.

Mr. BYRNS of Tennessee. I was going to say to the gentleman that I have another amendment that I wish to offer, which will decrease the Second Assistant's appropriation by $26,620.

I want to say to the gentleman, and also to the House, that this amendment was sent up to the committee on yesterday. I conferred with the members of the subcommittee in regard to it, and the clerk of the committee has been through it very carefully. It does not increase the appropriation at all. It does not add to anyone's salary or make any changes whatever, except by merging these two divisions that I have mentioned into one. I realize, of course, that it has been suddenly sprung here under the circumstances I have stated, and if there is to be any controversy in regard to it, then, in view of the circumstances, I am willing to withdraw it.

Mr. MANN. I am only trying to get information. It is an unusual thing, and of course the gentleman does not take exception to one asking for information under the circumstances.

Mr. BYRNS of Tennessee. No; on the contrary, I am glad to have the gentleman ask for it if I can give it.

Mr. MANN. Under this item, as the gentleman offers it, all will come under the office of the Postmaster General in one paragraph?

Mr. BYRNS of Tennessee. That is correct.

Mr. MANN. That will include, then, the Postmaster General's office, as carried in the bill, and also the Division of Postmasters' Appointments and the Division of City Delivery?

Mr. BYRNS of Tennessee. Yes.

Mr. MANN. And what is now in the Second Assistant's office?

Mr. BYRNS of Tennessee. It includes the Division of Miscellaneous Transportation.

Mr. MANN. Where is that carried in the bill?

Mr. BYRNS of Tennessee. On page 110, at the bottom of the page, the third line from the bottom.

Mr. MANN. That is "Miscellaneous transportation, $2,000; clerks—13 of class 4, 22 of class 3 (one submitted at $1,200), 14 of class 2," and so forth.

Mr. BYRNS of Tennessee. All those clerks are not under that division.

Mr. MANN. That is what I am trying to find out. That is what it says in the bill.

Mr. BYRNS of Tennessee. Those clerks are all under the bureau of the Second Assistant Postmaster General.

Mr. MANN. I want to ascertain where those clerks are employed.

Mr. GOOD. The second amendment that the gentleman proposes to introduce will show how many clerks are intended to be carried.

Mr. MANN. I have no doubt it will show how many are to be appropriated for.

Mr. BYRNS of Tennessee. The next amendment that I propose to offer will show the gentleman the clerks who are to be transferred.

Mr. STAFFORD. If the gentleman will permit, while he is examining his data, I will say that when this matter was first presented to my attention this morning I was under the impression that it was to provide for a consolidation of various divisions.

Mr. MANN. It seems to me it is separating them.

Mr. STAFFORD. But on closer scrutiny of the amendment I find that the purpose is not to consolidate divisions so much as to consolidate under one item the clerical force in respective divisions and to give a new title to the Superintendent of Salaries and Allowances by calling him the "Superintendent of Post Office Service." Of course, as the gentleman knows, the department, under authority of law, transferred certain services which were heretofore performed by the Second Assistant Postmaster General—that is, the screen-wagon service, so far as city delivery is concerned—to the jurisdiction of the First Assistant Postmaster General.

Mr. MANN. I can not see where it has been improved any by the transfer. We have never had such poor service in my town as we have had of late. It may be different out in Milwaukee.

Mr. STAFFORD. Inasmuch as that relates to the field service rather than to the departmental service, I do not want to go into it, except to admit that we have a service in Milwaukee that is much superior to that in Chicago.

Mr. MANN. Of course, they are really satisfied with poor service in Milwaukee. [Laughter.]

Mr. STAFFORD. Of course, the people of Chicago are not contented, even when they have a good thing.

Mr. MANN. We know when we have it, and we do not always get it in Milwaukee, either.

Mr. STAFFORD. As I look at the proposed amendment, there is no other increases of salary except those provided in the bill submitted to the House. There is merely a change of terminology as to one office and the bulking under one item of the various clerks, rather than dividing them under each division head.

Mr. MANN. We will get it so that we can not tell as well where the clerks are employed, of course.

Mr. BYRNS of Tennessee. It involves a transfer of clerks drawing $26,620 from the Second Assistant to the First Assistant, and then the appropriation under the Second Assistant, under the amendment I will offer if this is accepted, will be reduced to that extent.

Mr. STAFFORD. Is the gentleman aware of the fact that the Postmaster General by this amendment is seeking to have all the clerical force attached to these three divisions—Salary and Allowances, and Postmasters' Appointments, and Dead Letters—bulked together under one item, so that he can transfer the clerical force to the respective divisions as the service requires, without being limited to the number assigned to any respective division?

Mr. BYRNS of Tennessee. Precisely. It is proposed, and the order has already been signed by the Postmaster General, merging the work performed by this Division of Miscellaneous Transportation with the work performed by the Division of City Delivery.

The Division of Miscellaneous Transportation has now to do with the screen-wagon service, with the mail-messenger service, and with the pneumatic-tube service. The gentleman, of course, is aware that the Division of City Delivery has to do with the vehicle service of the Post Office in the various cities.

Mr. MANN. There is absolutely no relation between the two services.

Mr. BYRNS of Tennessee. On the contrary, I think they are closely related.

Mr. MANN. The gentleman does not speak from experience; I do.

Mr. BYRNS of Tennessee. Then, in addition to that, the Division of Salaries and Allowances—I am sure the gentleman from Illinois will concede this—and the Division of City Delivery are closely related. While one has to do with the clerks and employees within the post offices, the other has to do with the clerks and employees and business outside of the various post offices.

Mr. MANN. They are both under the First Assistant's office now. You do not change anything up there. Here is a division—I do not think it will make any special difference whether it is called a division in a separate paragraph or lumped in with something else, except that where it is carried as a separate paragraph you can tell what the cost is. They want to hide it, so that we can not tell what the cost is; and nobody will know what the cost is if the gentleman's amendment goes through.

Mr. BYRNS of Tennessee. The business performed by these divisions has to do with the post offices over the country, and communications have to be had with the postmasters from all these three divisions. Now, it is thought that by placing them here under the First Assistant, who necessarily has to sign all these communications, it will result in a more compact and a more efficient organization.

Mr. MANN. Of course, I do not think the gentleman from Tennessee would intentionally deceive himself. Certainly he will not be able to deceive me about it. The First Assistant Postmaster General, a very clever gentleman, wants to extend his authority. He has a little better pull with the Postmaster General than the Second Assistant. They are all grasping for authority. The First Assistant says, "I would like to have control of that thing." He has already got an increased appropriation of nearly $100,000 over last year by extending his authority, but still he is not satisfied. He wants to take something else, about which he knows nothing, and about which the Second Assistant Postmaster General in the past has had pretty fair knowledge. I am not disposed to stand in the way of the reorganization asked by the Post Office Department, but I have no doubt that I shall be criticizing them next year for a lot of mistakes which they will make in this way, just the same as gentlemen from the country districts have been criticizing them this year for a lot of crazy, foolish, insensate things they have been doing up there. If they insist upon a reorganization and we concede it to them because they ask for it and say that it is necessary, and the result is that because of their grasping disposition to get authority they injure the service, they ought not to have too tender hides when they are criticized for the foolishness they are going to commit, and which they are now committing, under the office of the First Assistant Postmaster General. [Applause on the Republican side.]

Mr. BYRNS of Tennessee. I can only say to the gentleman that I hold in my hand a letter from the First Assistant Postmaster General, which I desire to place in the RECORD, which is explanatory of these amendments that he has asked. The Postmaster General has asked this, and has requested him to present the matter on the ground that, if it is adopted, it will make a more compact, economical, and effective organization within the department, and will work for better efficiency. Now, the gentleman realizes that it would be a rather anomalous thing—the merging of this division of miscellaneous transportation having already been accomplished—to have one superintendent in the department reporting to another.

Mr. MANN. Here is this Division of Miscellaneous Transportation handling the things that it does, which has been in the Second Assistant Postmaster General's office ever since I have been a Member of Congress. Without any hearing, without any discussion of the subject, without any consideration at all by the committee, merely at the whim of one of the officials up there, it is proposed to change that service. No one here knows anything about it, not even the distinguished gentleman from Tennessee [Mr. BYRNS], who has charge of it.

Mr. BYRNS of Tennessee. I confess to the gentleman that I have no particular knowledge, save the information furnished by this letter.

Mr. MANN. The gentleman has had no opportunity to have it. It has not been before him.

Mr. BYRNS of Tennessee. But I will state to the gentleman that the order merging this Division of Miscellaneous Transportation has been made already, to take effect July 1.

Mr. MANN. They have no authority to change the way that we make these appropriations. I do not think they can do it.

Mr. BYRNS of Tennessee. Of course, it will be carried under that appropriation, but I take it that the Postmaster General can shift his force from one bureau to another.

Mr. MANN. Oh, it may be that the Postmaster General could and would——

Mr. BYRNS of Tennessee. And he has undertaken to do it, effective July 1.

Mr. MANN. It may be that the Postmaster General could and would violate the law, and that the auditing officers would permit it, but it would be a violation of the law nevertheless. That is the reason they are asking for this. If they could violate the law with impunity, they would not care how we made the appropriations.

Mr. STAFFORD. Will the gentleman yield right there?

Mr. MANN. I yield the floor.

The CHAIRMAN. Does the gentleman from Illinois withdraw his point of order?

Mr. MANN. I withdraw the point of order.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to insert the letter of the First Assistant Postmaster General on this subject as a part of my remarks.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by printing a letter of the First Assistant Postmaster General. Is there objection?

There was no objection.

The letter is as follows:

POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
Washington, March 3, 1916.

Hon. JOSEPH W. BYRNS,
House of Representatives.

MY DEAR MR. BYRNS: The Postmaster General has signed an order, effective July 1, 1916, transferring from the bureau of the Second Assistant to that of the First Assistant the Division of Miscellaneous Transportation, comprising the screen wagon, mail messenger, and pneumatic-tube services. The reorganization of the bureau of the First Assistant, due to the absorption of these services, makes it necessary to request certain changes in the designations of the supervisory positions mentioned in the two amendments attached hereto.

It is not contemplated that after July 1 the Division of Miscellaneous Transportation will remain an independent division, but be merged with that portion of the work of the Division of City Delivery that pertains to the handling of the vehicle service in cities and towns having city delivery service. It is quite apparent that the work of the Division of Salaries and Allowances and of the Division of City Delivery in the bureau of the First Assistant is very closely correlated; in fact, certain work of these two divisions is so interwoven that it has been found impracticable to separate same without loss of time and efficiency. These divisions handle the work of the service in post offices, the Division of Salaries and Allowances dealing with the work in the post office proper, including all clerks and supervisory employees, while the Division of City Delivery handles the work at post offices, so far as it relates to the treatment of the mails outside of the office, including special-delivery mail. Inasmuch as this work at post offices is all under one postmaster and communications from either division are necessarily addressed to him and signed by the First Assistant, it has been thought, after a careful study, that the only proper and effective way to handle the work is to consolidate them into one division, to be known as the Division of Post Office Service. The present superintendent of the Division of Salaries and Allowances would become superintendent of this new division at the same salary now received, the present superintendent of the Division of City Delivery would become assistant superintendent of the new division at his present salary, and the assistant superintendents of the Division of Salaries and Allowances and City Delivery would become assistant superintendents in charge of branches or sections of the work of the new division, as would also the present superintendent of the Division of Miscellaneous Transportation.

The two memoranda herewith in the form of proposed amendments to the bill would correct the complications to which attention is called and make a more compact, economical, and effective organization without any increase over the present amounts carried by the bill. The changes do increase the appropriation of the bureau of the first assistant from $252,010 to $278,630, an increase of $26,620, but the suggestions decrease the appropriation for the bureau of the second assistant from $141,910 to $115,290, effecting a corresponding decrease of $26,620.

The work of this bureau would be materially assisted through the adoption of these amendments, and I thank you in advance for your careful consideration of the same.

The suggestions contained in this letter meet with the approval of the Postmaster General.

Very truly, yours,

DANIEL C. ROPER,
First Assistant Postmaster General.

Mr. STAFFORD. Mr. Chairman, I rise merely to say that under the law the Postmaster General has the authority to depute to the various divisions and bureau heads such character of work as he believes will be for the best interests of the Postal Service. The gentleman from Illinois [Mr. MANN] may be right in his position that the Postmaster General has not the authority to transfer a whole clerical force from one bureau to another, but there is no question as to his right and authority to transfer the work that is being performed by one bureau to another bureau, or to that of another Assistant Postmaster General.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. BYRNS].

The amendment was agreed to.

The Clerk read as follows:

Office Second Assistant Postmaster General: Second Assistant Postmaster General, $5,000; chief clerk, $2,500; Division of Railway Adjustments—superintendent $3,000, assistant superintendent $2,250; Division of Foreign Mails—superintendent $3,000, assistant superintendent $2,000; superintendent, Division of Miscellaneous Transportation, $2,000; clerks—13 of class 4, 22 of class 3 (1 submitted at $1,200), 14 of class 2 (1 transferred to Postmaster General's office and 3 submitted at $1,200 each), 15 of class 1 (1 in lieu of 1 at $1,600, 3 in lieu of 3 at $1,400, 2 submitted at $1,000 each, and 1 at $900, 1 transferred to Postmaster General's office), 13 at $1,000 each (2 in lieu of 2 at $1,200 and 1 submitted at $900), 9 at $900 each (1 in lieu of 1 at $1,200 and 1 in lieu of 1 at $1,000); messenger in charge of mails, $900; 5 assistant messengers (1 in lieu of clerk, $900, transferred from Division of Railway Mail Service); page, $360; in all, $141,910.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 110, strike out lines 19 to 25, inclusive, and on page 111, strike out lines 1 to 11, inclusive, and insert in lieu thereof the following:

"Second Assistant Postmaster General, $5,000; chief clerk, $2,500; Division of Railway Adjustments—superintendent $3,000, assistant superintendent $2,250; Division of Foreign Mails—superintendent $3,000, assistant superintendent $2,000; clerks—11 of class 4 (2 transferred to First Assistant's office), 19 of class 3 (3 transferred to First Assistant's office and 1 submitted at $1,200), 10 of class 2 (1 transferred to Postmaster General's office, 4 transferred to First Assistant's office, and 3 submitted at $1,200), 10 of class 1 (1 in lieu of 1 at $1,600, 3 in lieu of 3 at $1,400, 1 transferred to Postmaster General's office, 5 transferred to First Assistant's office, 2 submitted at $1,000 each, and 1 at $900), 10 at $1,000 each (2 in lieu of 2 at $1,200, 3 transferred to First Assistant's office, and 1 submitted at $900), 8 at $900 each (1 in lieu of 1 at $1,200, 1 in lieu of 1 at $1,000, 1 transferred to First Assistant's office); messenger in charge of mails, $900; 4 assistant messengers (1 in lieu of clerk, $900, transferred from Division of Railway Mail Service, 1 transferred to First Assistant's office); page, $360; in all, $115,290."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Office Fourth Assistant Postmaster General: Fourth Assistant Postmaster General, $5,000; chief clerk, $2,500; Division of Rural Mails—superintendent $3,000, assistant superintendent $2,000, chief clerk $2,000; Division of Equipment and Supplies—superintendent $2,750; assistant superintendent $2,500 (formerly assistant superintendent, Division of Supplies), chief clerk $2,000; clerks—12 of class 4 (2 transferred to First Assistant's office), 24 of class 3 (1 transferred to Postmaster General's office, 1 to First Assistant's office, and 2 submitted at $1,200 each), 35 of class 2 (9 transferred to First Assistant's office and 3 submitted at $1,200 each), 53 of class 1 (3 in lieu of 3 at $1,400 each, 2 in lieu of 2 at $1,600 each, 3 submitted at $1,000 each, and 26 transferred to First Assistant's office), 40 at $1,000 each (3 in lieu of 3 at $1,200 each and 16 transferred to First Assistant's office), 17 at $900 each (6 transferred to First Assistant's office); skilled draftsmen—4 at $1,800 each, 6 at $1,600 each (2 in lieu of 2 at $1,400 each), 7 at $1,400 each (3 in lieu of 3 at $1,200 each and 2 submitted at $1,600 each), 4 at $1,200 each (2 in lieu of 2 at $1,000 each and 3 submitted at $1,400 each); map mounter, $1,200; assistant map mounter, $840; mechanic, $1,000; map copyists—4 at $1,000 each (2 submitted as skilled draftsmen at $1,200 each); 4 messengers; 8 assistant messengers (1 submitted at $660, 2 transferred to First Assistant's office); 21 laborers (1 in lieu of assistant messenger, 6 transferred to First Assistant's office, and 2 omitted); in all, $311,070.

Mr. TOWNER. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee if this is not a considerable reduction from the appropriation of last year? As I understand, the appropriation of last year was about $397,000.

Mr. BYRNS of Tennessee. Three hundred and ninety-seven thousand five hundred and sixty dollars.

Mr. TOWNER. This constitutes a reduction, then, of about $86,000?

Mr. BYRNS of Tennessee. Yes; but it is brought about through transfers to the First Assistant's office.

Mr. TOWNER. I understood the gentleman to say the entire reduction in the Post Office Department under the bill was about $42,000.

Mr. BYRNS of Tennessee. A little more than $42,000.

Mr. TOWNER. All the reduction that is made is in the Fourth Assistant Postmaster General's office, and a great deal more.

Mr. BYRNS of Tennessee. No; there has been a rearrangement or a reorganization throughout the entire department. Much of the work has been transferred to the First Assistant, and some to the Third. As a result of the reorganization this saving of $42,000 has been made.

Mr. TOWNER. The saving in the Fourth Assistant's department alone is $86,000.

Mr. SISSON. Mr. Chairman, it may not mean that there has been a reduction of duties heretofore performed of $42,000, because the duties performed in the Fourth Assistant's office would be transferred. In other words, where two departments have jurisdiction over the same matter it is transferred so that the jurisdiction will be under one man instead of two. So it appears on the face there has been a reduction in the Fourth Assistant's office, but as a matter of fact, the clerk and the service rendered is transferred to some other, and the duties that devolved upon him now devolve upon somebody else.

Mr. TOWNER. Is there not a reduction in the force in the Fourth Assistant Postmaster General's office because of the transfer of the men? I understand there has been a considerable reduction. Is it not true also that because of the reorganization and dismissal and changes that have been made in regard to the rural service that this large reduction in the Fourth Assistant Postmaster General's office has been made?

Mr. BYRNS of Tennessee. No; I do not think this change has had anything to do with the rural service—not in the sense the gentleman speaks of.

Mr. TOWNER. Can the gentleman say that from personal knowledge?

Mr. BYRNS of Tennessee. I think I can. I do not think this has anything to do with the changes of the rural service. Such could not possibly be the case. It could not have anything to do with it.

The gentleman asked how the reduction was made in the Fourth Assistant's office. The report shows that it was brought about in this way: One salaried position of $1,800 was created in order to equalize one of the clerks with the other clerks performing similar services. There are six salaries omitted, aggregating $6,410.

Mr. TOWNER. There are a good many more than that.

Mr. BYRNS of Tennessee. I am talking about the Fourth Assistant's office. There are eight salaries increased, aggregating $1,520. There are nine salaries reduced, aggregating $2,060. There were no transfers to the Fourth Assistant's office, but there were 73 transfers of clerks and employees out of the office, amounting to $81,340. That tells the whole story and history of this particular reduction in the Fourth Assistant's office.

Mr. TOWNER. I understand that; but this we do not know, and I do not think the gentleman can tell us, whether these numerous transfers of clerks from the Fourth Assistant's office to the First Assistant's office was because they were needed in the First Assistant's office and because they were not needed in the Fourth. It is a singular thing that the totals in the three other departments were increased $44,000 and that a reduction was made in the Fourth Assistant's division of $86,000. It is a singular thing that all these changes are made in the Fourth Assistant's office, which has charge of the rural service. It seems to me that it is a legitimate inference to draw that these reductions are all made in the Fourth Assistant Postmaster General's office because the Post Office Department and the Fourth Assistant Postmaster General himself does not think that he needs as much money or as many men in this constantly increasing department of the Government's service as is really needed in order to insure to the patrons of the rural routes satisfactory service.

Mr. MANN. Mr. Chairman, I was very much interested in the statement made by the gentleman from Iowa, but he is slightly in error as to where all of this decrease comes, although from the figures given from the Fourth Assistant's office it might readily be assumed that the whole reduction was in that office. However, the Postal Savings Department reduction in the appropriation is from $210,740 to $161,120, a reduction in the neighborhood of $50,000, which is more than the total reduction in the bill for the various offices. My understanding is that from the Fourth Assistant Postmaster General's office they have made some transfer of work to the First Assistant, but

have they transferred any work from the Postal Savings System Division to any other division?

Mr. SISSON. No.

Mr. MANN. All the work that has been done in the Postal Savings Division is still to be done. How was the reduction in the Postal Savings System from $210,000 to $160,000 accomplished—by the introduction of machinery?

Mr. SISSON. By the introduction of machinery and by the reduction of the force and transfer to other departments.

Mr. MANN. The reduction of force has nothing to do with the decrease in the work.

Mr. SISSON. It might have something to do with the cost of the work.

Mr. MANN. We were assured by the gentleman who controls the bill that the whole amount carried in the bill was $42,000 over the amount carried in the current year; that was the result of good work done by the Bureau of Efficiency, which resulted in reorganization of the service. When we examine it, we find that $50,000 is cut off from the Postal Savings System and no transfer of any work and no reorganization of any work under *that system*, so that the balance of the reorganization, instead of effecting a practical reduction of $42,000, effects an increase in the appropriation of $10,000. I wondered whether it was possible under anyone to effect a reorganization in the interest of economy that did not add to the appropriations. I never have known it to be done, and it has not been done in this case.

Mr. SISSON. As a matter of fact, there has been a net reduction in the office in Washington of forty-two thousand and odd dollars from the last year's appropriation.

Mr. MANN. Undoubtedly; and more than $50,000 reduction in the Postal Savings System caused by the introduction of machines in order to do automatic clerical work, and not a particle of that work taken out of the office and done by any other office. All that was done before and is still done there. They do it with fewer men, because they have introduced, very properly, the machines, but the balance of the office is increased in cost, and I am not saying that in criticism. The wonder to me is that the Post Office Department here does not increase more rapidly than it does in its expenses. I have no doubt that the very excellent Postmaster General endeavors to hold down the expenditures in his department as much as possible; but when even so good a bureau as the Bureau of Efficiency and Economy starts out to tell us how we have saved money by reorganization, and we examine into it and find that the reorganization has resulted in an increase instead of a decrease in the appropriations, the committee ought to be frank enough to tell us so.

Mr. SISSON. Mr. Chairman, I want to say to the gentleman from Iowa [Mr. TOWNER] that one entire service transferred from the Fourth Assistant Postmaster General's office was the dead-letter office. I am not able to tell him what the dead-letter office costs and how many persons are there; there is no showing that I have been able to find here as to the exact number; but that work has been transferred. As to the net saving of the $42,000 due to this reorganization of the service, we ought to take into consideration the fact that the Postal Service is gradually increasing and the parcel post is increasing at great rapidity, and, notwithstanding the fact that the duties of the office have increased, instead of increasing the force and the expense this reorganization has resulted in a net decrease in the appropriation of forty-two thousand and odd dollars. Owing to the increased duties devolving upon the Postmaster General's office, by virtue of the increased business in mail matter, and especially the parcel post, he has been able by this reorganization to save $42,000, and if he had not made the reorganization, instead of having a saving of $42,000 in his office he might have had an increase of many thousand dollars in new employees to take charge of the increased work. So it does not matter in the administration of the service if a net result in reference to the postal savings bank should be fifty thousand and odd dollars by a reorganization of the service, if all that service is done and the people get the benefit of the increased amount of service rendered by the Post Office Department at a saving of $42,000.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For miscellaneous items, including purchase, exchange, and repair of typewriters, adding machines, and other labor-saving devices; street car tickets not exceeding $200; plumbing; floor coverings; postage stamps for correspondence addressed abroad which is not exempt under article 11 of the Rome convention of the Universal Postal Union, $30,000, of which sum not exceeding $3,985 may be expended for telephone service, and not exceeding $1,500 may be expended for law books, books of reference, railway guides, city directories, books necessary to conduct the business of the department; and repairs to department buildings, $30,000.

Mr. MANN. Mr. Chairman, I move to strike out, on page 115, line 23, the figures "$30,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 115, line 23, strike out "$30,000."

Mr. MANN. I would like to know whether that is necessary. It seems to be covered twice.

Mr. BYRNS of Tennessee. That is an inadvertence; yes.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The Clerk read as follows:

The Attorney General is authorized to enter into a contract for the lease of a modern fireproof office building for the use of the Department of Justice for a period not to exceed five years, renewable, at the option of the Government, for an additional period not exceeding five years, at an annual rental not exceeding $36,000 and at a rate per annum per square foot of available floor space not to exceed 36.3 cents.

Mr. MANN. Mr. Chairman, I make the point of order against the paragraph.

Mr. SISSON. Mr. Chairman, will the gentleman reserve it?

Mr. MANN. I will reserve the point of order at the request of the gentleman from Mississippi.

Mr. SISSON. Mr. Chairman, I will state to the gentleman from Illinois [Mr. MANN] that this is less than it will be necessary to conduct this department for during the next year. Anyone who has been down to this department will realize that the Attorney General's office is scattered around in three different buildings, and they came to the committee and wanted us to fix up an old stable, which, by the way, is of brick, in which they have stored many of the very valuable records and filed papers that are most valuable to litigants and to the Government. We did not feel that we ought to expend the $4,000 which I believe they asked for the repair of that stable, but we asked the department if they could have a building erected by some private individual which would give them ample floor space and enable them to concentrate their office in one building. They made the investigation. They have propositions which were presented to them, tentatively, that a building would be erected in accordance with plans and specifications satisfactory to the department for the money which we are now paying on their entering into a contract for five years at that amount of money. I do not believe any member of this committee who will go down to the Attorney General's office and go through that office will fail to find a most deplorable condition, both as to space and as to the condition of the building and of the records. Your committee felt that by entering into this contract it would not cost the Government a cent more, but would give them all the room they need and would provide a building suited to the conduct of the law business of the Government. In view of the fact that it would not cost the Government any more, and in view of the fact that they are in such a horrible condition—and I believe any of you who will go down there will find that is the condition—we favored the item. There is a proposition to construct a building for the Department of Justice, but in the nature of things it will take five or six years or longer than that before that building will be erected, in which will be housed all the legal departments of the Government.

So your committee felt it was in the interest of the right sort of economy to put these people in a sanitary building, in one suited to their business. A portion of this department is around on another street. There is a little cubby-hole that you have to go through in order to get into that residence that faces on a different street to that in front of the park, and in that portion of the building where they are keeping the records, which was formerly an old stable attached to this residence. There is great danger of fire, and your committee was unanimous in the thought that this was in the interest of good administration and economy.

Mr. MANN. Mr. Chairman, I do not think the housing of the Department of Justice is entirely satisfactory; far from it. At one time I lived in the house where the Attorney General's office is, and I am quite familiar in it.

Mr. SISSON. When was that?

Mr. MANN. The first time I was in Congress——

Mr. SISSON. That has been a long time ago.

Mr. MANN. Oh, well——

Mr. SISSON. And the gentleman has made a distinguished career since then.

Mr. MANN. It does not seem so long. The housing of the office is not satisfactory; it has been increased in size. The

Attorney General's office I know was not very much of an office even when I first came here, which is not so long ago.

Mr. SISSON. The gentleman is aware, of course, that the residence that faces on Fifteenth Street, I think it is, is separate and apart and there is an alley between that and the balance of the office.

Mr. MANN. Where?

Mr. SISSON. Fifteenth Street; part of the department faces on Fifteenth Street. There is a residence in there that is not connected at all with the balance of the building, and everything there is in two places——

Mr. MANN. I do not see that that cuts any special ice in the matter. I am not saying this is an ideal place. Every new Attorney General——

Mr. SISSON. I am sure the gentleman would not say that if he would go through it——

Mr. MANN. I expect I have been through there a great many more times than the gentleman from Mississippi.

Mr. SISSON. Undoubtedly the gentleman has, but the gentleman did not go through with the idea of looking at the whole proposition at one time with a view of determining whether or not it would be economy and whether or not it would add to the efficiency of the department to get it all together where they would be in contact with each other.

Mr. MANN. I have no doubt my friend knows better how I went through it than I do, but I did not go through it with the determination in advance——

Mr. SISSON. Neither did I.

Mr. MANN (continuing). As to what I would do. Well, I think the gentleman probably did.

Mr. SISSON. I am sure if the gentleman will not make that statement, if he would go down and go through that now with the idea in his mind that he is the Attorney General and that he wants a more efficient service and good offices and good light. That building was not intended as a public——

Mr. MANN. One of the troubles with my friend from Mississippi is that he will not let anybody else make a statement that he is interested in.

Mr. SISSON. I am sure I will yield to the gentleman because he has the floor. I will not interrupt him until he has finished.

Mr. MANN. I have not had a chance to make a statement yet at all. I have no doubt the gentleman is full of this information; I have no doubt he is full of indignation after going through the Attorney General's office. Each new Attorney General for a good many years when he first gets into the office has had a spasm, insisting that he must have a new building, and maybe that is the reason they go on the Supreme Bench, I do not know. Several of them have gone on the Supreme Bench from that office. Maybe they quit the Attorney General's office because they did not like the surroundings. The surroundings are not the best. Each new one thinks that it is awful down there. Well, it is pretty bad. Now, if they have to store their records in a stable that is a very good reason why the Committee on Public Buildings and Grounds should provide in this city a proper hall of records where public records can be stored with safety.

Mr. SISSON. Will the gentleman yield?

Mr. MANN. In just a moment. They will not build any new building where the records will be safe from fire. The private buildings that we have had put up are not safe from fire and the records in them are not safe from fire. If you want a building where the records can not burn, build a fireproof hall of records. This is not the only item in this bill of this kind. There is one here and one for the Department of Labor.

Mr. STERLING. Will my colleague yield to me?

Mr. MANN. Why, doubtless in each case they want a fine, new building. There are a lot of Members of the House here now who a few years ago considered themselves mighty lucky indeed to have the Government provide an office for them who now want two or three rooms. They have not got space enough. When we provided the House Office Building in the first instance Members held their breath for fear the country would condemn them for providing an office at public expense. Now they are insisting that they ought to have more room; everybody gets the habit.

Mr. STERLING. Will the gentleman yield?

The CHAIRMAN. To whom does the gentleman yield?

Mr. MANN. I will yield to both gentlemen if I get the time, but I will now yield to the gentleman from Illinois.

Mr. STERLING. I would like to ask my colleague if he knows what the status of the movement is for this new building for the Law Department, and what it is intended to include?

Mr. MANN. Well, it is intended to include the Department of Justice; but as to the exact status at the present time I can not tell my colleague.

Mr. STERLING. The Supreme Court?

Mr. MANN. No; not the Supreme Court.

Mr. STERLING. The law library?

Mr. MANN. Not the law library.

Mr. STERLING. It does seem to me there ought to be something done on behalf of the Department of Justice. I agree with the gentleman that the place is not fit for an office of that kind.

Mr. MANN. Why, it is a private dwelling turned into an office. The people thought they were millionaires who lived in this building a few years ago. There is nothing the matter with that building; it is one of the finest mansions in Washington. Wealthy people built the building and lived in it; but, of course, it is not an ideal place for an office. The rooms are not entirely suitable. In one place you have got to go up a few steps to get from one level of the floor to the same level on the same floor, and that is an awful thing to do. I now yield to the gentleman from Mississippi.

Mr. SISSON. Mr. Chairman, I want to make a statement, if the gentleman will permit me.

Mr. MANN. I will yield the floor.

Mr. SISSON. Mr. Chairman, a great many records are in this office, in what they call the stable, which is a brick building—it is not an undesirable sort of a building to look at, I will state; a very nice building—but it was formerly used as a stable. Now, I want to call the attention of the gentleman from Illinois, as I am going to address my remarks to him——

Mr. MANN. I am listening to my friend.

Mr. SISSON. In order to see if I can not get him to withdraw his objection.

Now, this will not cost the Government a penny more than we are now paying. We are now paying $36,000 a year rent on these old buildings. Now, we will be compelled to keep the Department of Justice there in these buildings at least for five years longer, because you can not possibly have a public building authorized and completed and ready for occupancy within the five years. But in addition to that the chances are that within the five years we will still have to be in the same quarters or have some new building. Now, the department wanted $4,000, and asked the committee for $4,000 to make some repairs on the building, and especially to repair the department there in which they have these records, which is the old stable, and those records could not be put in a department of records if you had it ready, because those are the live records in the office, in which litigants are interested, and live records on the various dockets in the various courts, that have found their way in the process of litigation into the office of the Attorney General. Those records are alive, and when they are useless they might be put into a department of records and classified properly. But those records they have now are the records of litigants or records of criminal prosecution, and are valuable for present and ready use, and are kept there at the Attorney General's office for that purpose. Now, it is unquestionably true that those people are suffering great inconvenience. Many of those rooms are poorly lighted. The department is scattered in three different residences there and in the stable where they keep the records.

Now, for $36,000, the amount of money carried in this bill, they are informed, in reply to a proposition they had made to a reliable concern, they will erect a building convenient to the Capitol, convenient to the department, convenient to the public, so that for $36,000 within the next current year they will have a building ready for occupancy, and they will move out of their present quarters and not cost the Government one penny more than we are now paying. And, in addition to that, we will save what will be compelled to be put on, either here or in the Senate, some three or four thousand dollars to improve these old structures in which they are now doing business.

Mr. STERLING. I would like to ask the gentleman if there has been any authorization for an appropriation for a new building for the Department of Justice?

Mr. SISSON. There was an authorization for the Department of State, but I am not sure whether there was any for the Department of Justice in the public buildings bill or not. My impression is that there was not.

Mr. STERLING. Has any site been selected for it?

Mr. SISSON. I do not know.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. SISSON. I will.

Mr. COOPER of Wisconsin. The Government for several years has owned and still owns the property in which the Poli Theater

is located, and from there straight through to the Mall, down Fifteenth Street. Plans were advertised for and received for a Department of Justice building, to be located on the square next south of the square on which the Poli Theater is located, and to be erected on a line parallel with the front of the District of Columbia Building. Those plans I saw in the Treasury Department. That site was bought for the express purpose of putting up a Department of Justice building and other departments, which the gentleman from Illinois will recall——

Mr. MANN. The State and Commerce Departments.

Mr. STERLING. Is there any provision for a Supreme Court building?

Mr. SISSON. I thought the gentleman's question was whether it had been authorized by the Committee on Public Buildings and Grounds.

Mr. STERLING. By Congress.

Mr. SISSON. I do not think so. There has been no authorization for this building.

Mr. COOPER of Wisconsin. Will the gentleman permit a further interruption?

Mr. SISSON. Yes.

Mr. COOPER of Wisconsin. As I understand it—and I think the gentleman from Illinois will know the facts—the Committee on Public Buildings and Grounds is now considering the proposition to build a Department of Justice building.

Mr. SISSON. That is true, I think. I hear that from the members of the committee.

Mr. COOPER of Wisconsin. And that will include the Attorney General's office?

Mr. SISSON. Of course. But it will be five or six years before it is completed. If you would authorize that building in this bill—I mean this year—until the time you got your plans and specifications prepared and the building erected the Department of Justice here would have to continue to transact business, and it is absolutely necessary for this Congress either to appropriate something like $40,000 this year in order to do the necessary and needed repairs there, or we will have to take the $36,000 to pay the rent next year of a new building. Now, they have proposed to get this building ready for occupancy if the bill passes within the next two or three months within a month or six weeks or two months after the 1st of July, so that in the latter part of the summer or the first of the fall the Department of Justice could occupy the building.

Mr. MANN. Will the gentleman yield for a question?

Mr. SISSON. I will.

Mr. MANN. What rent do we pay now for those buildings that are now occupied there opposite the square?

Mr. SISSON. Thirty-six thousand dollars.

Mr. MANN. Does the gentleman mean to say that we pay $12,000 a year almost for each of the three buildings there?

Mr. SISSON. That was the appropriation last year.

Mr. COOPER of Wisconsin. That is 4 per cent on $900,000.

Mr. MANN. That is a good deal more than I would want to pay for the rent of those buildings.

Mr. SISSON. And all the offices are not in those three buildings. They have some offices in the Southern Building and in the Bond Building. In other words, the Department of Justice is scattered all over town pretty generally.

Mr. MANN. Their work is scattered around, but lots of their work has no correlation with other work of the department.

Mr. SISSON. They do not have the room, and so they have been asking the Appropriation Committee to give them additional sums of money to rent additional quarters in other portions of the city.

Mr. MANN. Now, I have great confidence in my friend from Mississippi, and I would like to ask him a question and would like a square answer if it will not embarrass him. Does the gentleman from Mississippi think that if we provide for this building we will get a new Department of Justice Building in the next generation?

Mr. SISSON. The gentleman means the new building?

Mr. MANN. Yes.

Mr. SISSON. I do. I do not believe that you are necessarily preventing Congress——

Mr. MANN. Well, while the gentleman has expressed his opinion, I do not so believe.

Mr. SISSON. I think if this building is left alone you simply punish the people who occupy it. You have the department scattered all over the town, and for that reason I feel that with the same amount of money that we are now paying for rent for the three residences that we have there and for the other two or three office buildings we have in the city elsewhere, if we could get it all together under one roof we would have greater economy, they would have better office room and be able to do more efficient work, and you could reduce your messenger force to go from one part of the department to another, and the amount, of course, that you could necessarily reduce would certainly be more than would compensate us for the $4,000 that we will have to pay as additional money to improve the buildings in which they are now located.

Mr. STERLING. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. STERLING. I do not think I understand the gentleman. Are we paying $36,000 for the three residence buildings north of the square, or for all the space occupied by the Department of Justice?

Mr. SISSON. For all the space occupied by the Attorney General's Office. Now they propose to concentrate all the floor space they need in one building.

Mr. OGLESBY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield?

Mr. SISSON. Yes.

Mr. OGLESBY. In the accounts I have seen about erecting the new building for the Department of Justice the cost has been placed at $3,000,000, if my recollection is correct. The interest on $3,000,000 would be only 1.2 per cent to get the amount of rent we are now paying.

Mr. SISSON. I will state to the gentleman that that building is to be a building in which the supreme court, as well as all other courts in the District, will be located. That will concentrate all the legal department, including the Supreme Court and the other courts, in one building.

Mr. MANN. Oh, the gentleman is mistaken. It has never been contemplated that the Supreme Court would be located in that building.

Mr. SISSON. There is a proposition to build a Supreme Court building over here——

Mr. MANN. There was a proposition some years ago to build a Supreme Court building across from the Library of Congress, but the members of the Supreme Court indicated their desire not to be separated from the Capitol Building.

Mr. SISSON. Everything is tentative up to date, until the Committee on Public Buildings and Grounds brings in its bill. I hope the gentleman will not make his point of order.

Mr. MANN. That is a natural hope.

Mr. SISSON. Because I do not believe the gentleman's good judgment will dictate to him that we will in five years get a Government building for the department, and I do not believe the Congress will be in the least particle deterred from building this Department of Justice structure if you let these people have what they ought to have for six years.

Mr. OGLESBY. Viewed from the standpoint of economy, it would be better if the erection of the new Department of Justice building were deferred and we continued to pay rent.

Mr. SISSON. I have nothing further to submit, Mr. Chairman, except that we thought that if we could get the department into one building without added expense it would commend itself to the entire membership of the House.

Mr. MANN. Mr. Chairman, will the gentleman yield for a moment?

Mr. SISSON. Yes.

Mr. MANN. Mr. Chairman, I sympathize with all these gentlemen who want better quarters, and I do not defend the quarters which the Department of Justice now has. I occupy an office myself in the Capitol Building, by the grace of the minority and the provision of the majority, and no one has ever heard me complain about it. If I wanted to complain I would leave it instead of talking about it. I have to shrink in order to get between the wall and my desk, to get behind my desk, but I do not complain of it. My room, if it were in the Department of Justice, would be one of the poorest rooms they have. I am mighty glad to have what I have got. I am perfectly willing to stay there until we have a majority in the House. [Laughter.] Then I hope some gentleman on that side of the House will be equally satisfied with the room. I am not complaining. Gentlemen frequently say to me, "Why, is this all the room you have got?" I say, "I am thankful to have this. There is plenty of room here to do business. That is all I want."

Mr. SISSON. Mr. Chairman, in fairness to the Department of Justice, I wish to say that they were asking for $4,000 to improve the stable, and the proposition came from the committee, because we could get for $36,000 the quarters that they have there now and save the $4,000. The proposition came from the committee and not from the department.

Mr. COOPER of Wisconsin. Mr. Chairman, I am very glad that the gentleman from Illinois [Mr. MANN], with his usual alertness, has reserved a point of order on this proposition, and I hope he will make it. I feel quite sure that he will.

The proposition is to pay for the accommodation of the Attorney General's office a yearly rental of $36,000. That is at the rate of 4 per cent on $900,000. Now, there is far from a $900,000 investment represented in the quarters for which we pay $36,000 rent.

But this is not all. I call attention also to a provision on page 143 of the bill, as follows:

The Secretary of Labor is authorized to enter into a contract for the lease of a modern fireproof building for the use of the Department of Labor for a period not to exceed five years, renewable, at the option of the Government, for an additional period not exceeding five years, at an annual rental not exceeding $24,000, and at a rate per annum per square foot of available floor space not to exceed 36.3 cents.

That is at the rate of 4 per cent on $600,000, to accommodate the Department of Labor.

Now, Mr. Chairman, I want to tell the committee about a little experience that I had two or three years ago in one of the departments in this city. I was consulting with a bureau chief about the bureau, and suddenly to my surprise he mentioned the name of a well-known lobbyist in this city, who, he said, had been in his office several times urging the chief to go before a committee of Congress and set forth the necessity of a new building for his bureau. He said, "I will put it up, or have it put up, and rent it to the Government." He named the sum at which he would rent it. I said to the bureau chief, "Was there anything in it for you if you had made the recommendation?" He laughed, and replied, "Mr. COOPER, he did not make an out-and-out proposition, but knowing the man, and observing the way he looked and talked, I think there would have been something if I had agreed to it."

Why are we paying 4 per cent on $900,000 for quarters for the Attorney General's office? I want to ask here if there is anything else in the Department of Justice except the Attorney General's Office?

Mr. SISSON. The Attorney General's office and the Assistant Attorneys General. They are scattered all over the city.

Mr. COOPER of Wisconsin. Are these all that are included in the Department of Justice?

Mr. SISSON. I think that is all that is provided for in this particular item of the bill.

Mr. COOPER of Wisconsin. Then, I will ask the gentleman from Illinois [Mr. MANN], who knows everything about the Government of the United States——

Mr. MANN. I do not plead guilty to that at all. Of course, it is all under the Attorney General; but there is a detective bureau, and there are a great many bureaus under the Attorney General. There is an Assistant Attorney General in charge of claims, who has no relation with any other work of the office.

Mr. COOPER of Wisconsin. What was to be included in the Department of Justice building on the site now owned by the Government and purchased for that express purpose?

Mr. MANN. All the work of the Attorney General's office except these solicitors of the various departments, who are required to be in the departments.

Mr. COOPER of Wisconsin. Yes.

Mr. MANN. But they are under the Attorney General.

Mr. COOPER of Wisconsin. Now, of course, I acquit the committee of even the slightest complicity in any scheme of that kind, but this whole arrangement is in keeping with the well-known system in this city, which succeeds in keeping the United States Government paying about $700,000 a year rent for buildings—a system which has obtained here altogether too long. The distinguished gentleman from Illinois [Mr. MANN] only two or three years ago called attention to the fact that one of the employees in the Department of Commerce was interested in one of the buildings put up for and rented to that department.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I ask unanimous consent that I may proceed for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. The gentleman from Illinois called attention to that on the floor of the House. The statement which I am about to make is in reply to the statement of the gentleman from Mississippi [Mr. SISSON]. He says that unless we pass this appropriation for $36,000 the Department of Justice must stay in the quarters which it now occupies. But I observe that there is no time specified for the completion of the building which it is proposed to rent. This would authorize the Attorney General to enter into a contract for the erection of a building, would it not?

Mr. SISSON. It would.

Mr. COOPER of Wisconsin. With no date set for the beginning or the completion of the building. He could enter into a contract for its completion two or three years from now.

Mr. SISSON. He would have no place to go if he did not get it completed.

Mr. COOPER of Wisconsin. He could stay where he is now.

Mr. SISSON. He has a right to discontinue that contract on 30 days' notice.

Mr. COOPER of Wisconsin. But this new building is not to be completed within five years. That is, there is no requirement of law that it shall be.

Mr. SISSON. The one that we authorize here?

Mr. COOPER of Wisconsin. Yes.

Mr. SISSON. Oh, this building that we authorize here is to be completed within this fiscal year—this office building.

Mr. COOPER of Wisconsin. There is no requirement of law to that effect, is there? There is no such limitation in this bill?

Mr. SISSON. There is no such requirement in this bill, except that he is authorized to enter into a contract; and if the Attorney General, having no place to go, is cut out of the quarters where he now is, his only recourse will be to get this building completed.

Mr. COOPER of Wisconsin. Exactly; but does the gentleman say that a building that would bring, and ought to bring, a rental of $36,000 a year could be completed in one year?

Mr. SISSON. That is the report that is given to the subcommittee by the chief clerk of the Attorney General's office, who conferred with the gentlemen who made the proposition to him. I do not even know who they are.

Mr. COOPER of Wisconsin. Does the gentleman think that $900,000 is going to be expended on any building for that purpose?

Mr. SISSON. I do not think so.

Mr. COOPER of Wisconsin. No?

Mr. SISSON. I do not think $900,000 will be expended. And another thing, I have no more sympathy with what is going on in this respect than has the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. I believe that.

Mr. SISSON. But we are not confronted with a theory. We are confronted with a fact—a condition.

Mr. COOPER of Wisconsin. Yes; and the fact is that we are paying an outrageous rental to house the office of the Attorney General.

Mr. SISSON. If the gentleman will permit me, we will have to do that anyway. We can not get away from it.

Mr. COOPER of Wisconsin. I know, and the Government never will in this way—never so long as you propose to have a building constructed and agree in advance to pay $36,000 rental a year.

Mr. SISSON. On the contrary, I am trying to save $4,000 a year.

Mr. COOPER of Wisconsin. Does the gentleman from Illinois make the point of order? If he does not, I will.

Mr. MANN. I make the point of order that it is not authorized by law.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Office of Solicitor of the Treasury: Solicitor, $5,000; Assistant Solicitor, who shall also act as chief clerk, $3,000; 1 law clerk, $2,000; 2 docket clerks, at $2,000 each; clerks—2 of class 4, 2 of class 3, 2 of class 2; assistant messenger; laborer; in all, $24,980.

Mr. GOOD. Mr. Chairman, I make a point of order to the language in line 17—

Who shall also act as chief clerk.

The CHAIRMAN. What is the gentleman's point of order?

Mr. GOOD. That it is new legislation, that it changes existing law, and adds new responsibilities.

The CHAIRMAN. Does the gentleman from Tennessee desire to be heard on the point of order?

Mr. BYRNS of Tennessee. By virtue of this language the salary of the chief clerk has been eliminated. That was $2,000. That has been cut out of the bill through the transfer of the duties to the assistant solicitor. I think under the Holman rule it is in order.

Mr. GOOD. It is true that you drop out the chief clerk, but it was not necessary to prescribe what officer should perform the duties of the chief clerk. That might be performed by any other clerk.

Mr. STAFFORD. Mr. Chairman, I think the proposition recommended by the committee is clearly within the purview of the Holman rule, clause 21, which provides:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order except as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States.

What does the provision do? We eliminate and combine an office with that of the solicitor. It is within the clause that I have just read, and I contend that it is in order.

Mr. MANN. Mr. Chairman, I always come to the discussion of the Holman rule with a good deal of uncertainty. There is a precedent that seems to me might be in point.

The Chair will find on page 96 of the bill, under the Patent Office, "chief clerk, who shall be qualified to act as principal examiner." It is almost the identical proposition with the one now before the House, which is "assistant solicitor, who shall also act as chief clerk."

Two or three years ago my colleague from Illinois, Mr. Fowler—I think it was; I am not sure—but somebody made a point of order on that provision, "who shall be qualified to act as principal examiner," and the point of order was sustained. I made a point of order on the whole language, which was also sustained. That accounts for the language still being in the bill. I struck out the office entirely; but after this language had been stricken out it was all restored through a Senate amendment. But to the extent it goes, it seems to me, it is a precedent.

The CHAIRMAN. The Chair would like to ask the gentleman from Illinois a question, for he has great respect for the gentleman's opinion on matters touching parliamentary law.

Mr. MANN. And, I hope, on some others——

The CHAIRMAN. And some others. Under the Holman rule it is in order to legislate on appropriation bills by adopting germane legislation, and one of the ways is by reducing the number of employees and persons paid out of the Treasury of the United States. The Chair would like to ask the gentleman's opinion as to whether the abolition of the office of chief clerk, doing away with the office and putting the duties on the assistant solicitor, comes within the purview of that rule?

Mr. MANN. That is a matter, Mr. Chairman, which I suggested when I first addressed the Chair, because I did not have a decided opinion upon it. But there was this precedent, and I thought I ought to call the attention of the Chair to it. I confess that I would not know how to rule if I was in the chair.

Mr. TOWNER. Mr. Chairman, it seems to me that it is proper for the Chair to consider this language, not in connection with the other items of the bill, but as it stands alone. The question the Chair must pass upon is whether the adoption of this particular language would result in the reduction of expenditures or cause the elimination of some of the offices. It must appear clearly to the Chair that the insertion of this language can not of its own force bring that result. We will not reduce expenditures by providing that the assistant solicitor shall also act as chief clerk. In and of itself the putting upon the assistant solicitor the duties of chief clerk does not eliminate the chief clerk, and how is it possible for the Chair to determine from this language that the chief clerk will be eliminated? In other words, this language of itself will not result in a reduction. It must afterwards be decided whether a chief clerk will be eliminated.

The law is changed here by the imposing of additional duties upon the assistant solicitor. Certainly there can be no question but that this is new legislation. There is no authority which sanctions the claim that because you impose additional duties on one officer you will necessarily eliminate another. In order to be within the rule the new provision must go out unless it, on its face and in and of itself, will result in a reduction. There is no authority for believing or guessing that it is probable that if this language is adopted other action will be taken that will effect a reduction.

Mr. MADDEN. Mr. Chairman, I think the point of order is so vital to this section of the bill that the Chair ought to have until Monday to consider it. I make the point of order that no quorum is present.

Mr. BYRNS of Tennessee. Mr. Chairman, I regret very much to do it, but in view of the fact that this is Saturday afternoon, that it is 20 minutes of 5 o'clock, that it will take half an hour to call the roll, and that we have been in session since 10 o'clock this morning, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12207, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

FINANCIAL RELATIONS OF DISTRICT OF COLUMBIA AND UNITED STATES.

Mr. ROUSE. Mr. Speaker, the gentleman from Kentucky [Mr. JOHNSON] is sick, and has asked me to ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on the District of Columbia, or any subcommittee thereof which the chairman of the committee may appoint, be, and the same hereby is, empowered to investigate and inquire into the condition of the financial relations between the District of Columbia and the United States, as well as to the correctness of the books and accounts relative thereto, whether those books or accounts be kept by the United States or by the District of Columbia.

Said committee hereby is empowered, further, to examine and investigate the books and accounts of any officer or employee (past or present) of the District of Columbia, or of any other person having business dealings or transactions with the District of Columbia.

And said committee hereby is empowered, further, to inquire into and investigate the official conduct, acts, omissions, and doings of any officer or employee (past or present) of the District of Columbia.

And said committee hereby is empowered, further, to inquire into and investigate the books, accounts, and affairs of any public utility or common carrier doing business or operating in the District of Columbia, including any ice manufacturer, any market-house company or corporation, any market company, any taxicab or motor-vehicle company, the Washington Terminal Co., any cold-storage or warehouse company, and any person, company, or corporation dealing in meats or other provisions in the District of Columbia.

For the purposes above set out the said committee is hereby empowered, in its discretion, to send for and compel the attendance of persons and the production of books and papers before it; and the chairman, or acting chairman, may administer oaths or affirmations.

The sum of $10,000, or so much thereof as may be necessary, hereby is appropriated out of the contingent fund of the House in order that this resolution may be put into effect. Said committee or subcommittee, as the case may be, is empowered to sit during the sessions of Congress, or during the recesses between sessions of Congress, and may employ stenographers and accountants, who shall be paid out of said $10,000 upon vouchers signed by the chairman or acting chairman of said committee and approved by the Committee on Accounts.

The SPEAKER. Is there objection?

Mr. LLOYD. Mr. Speaker, reserving the right to object, I do not understand anything about this proposition. It is one of those things that properly goes to the Committee on Accounts, and it seems to me the right thing to do would be to refer this resolution to the Committee on Accounts.

The SPEAKER. It appears that this resolution was introduced in the Sixty-third Congress.

Mr. ROUSE. That is the same resolution under which the committee is now working.

Mr. MANN. It has not been introduced in this House at all?

Mr. ROUSE. No; it has not been introduced.

Mr. LLOYD. All the gentleman needs to do is to introduce it and refer it to the Committee on Accounts. We can have a meeting on Monday morning, and there will be no time lost by having it so referred.

The SPEAKER. Is there objection?

Mr. RAINEY. Mr. Speaker, reserving the right to object, what committee is to make that investigation?

Mr. ROUSE. The Committee on the District of Columbia.

Mr. STAFFORD. Has this resolution come from any committee of the House?

The SPEAKER. It has not.

Mr. STAFFORD. I do not see any reason why it should not be dropped into the basket and take the ordinary course.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

The SPEAKER. The Chair suggests to the gentleman from Kentucky that he put it into the basket, and it will be referred.

RAILWAY MAIL PAY.

Mr. MORIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from the Chamber of Commerce of the City of Pittsburgh, addressed to me.

Mr. BORLAND. What is the subject of the letter?

Mr. MORIN. It is an answer to some remarks made by the gentleman from Tennessee [Mr. MOON] when the Post Office appropriation bill was under consideration.

Mr. MANN. It is not harmful nor long.

The SPEAKER. Is there objection?

There was no objection.

The letter referred to is as follows:

CHAMBER OF COMMERCE,
Pittsburgh, February 24, 1916.

Hon. JOHN M. MORIN,
House of Representatives, Washington, D. C.

DEAR SIR: Chairman JOHN A. MOON, of the Committee on the Post Office and Post Roads of the House, in connection with the hearing of the railway-mail pay bill is reported to have expressed himself to the effect that the resolutions sent in on this subject by commercial organizations were of a stereotyped nature and adopted through railroad influence.

This is certainly not true in regard to the expression of the action of the Chamber of Commerce of Pittsburgh. Our resolutions were presented by the committee on postal affairs, composed of 15 members, but 1 of whom is connected with a railroad.

At the meeting of the chamber at which they were adopted, December 23, 1915, our record of attendance of 125 members present shows not more than a half dozen men connected with the railroads present.

This chamber is a deliberative body. All the subjects upon which action is proposed are bulletined to the membership in advance, so that there is full opportunity for study and the exercise of the best judgment.

Yours, very truly,

LOGAN MCKEE, *Secretary.*

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER, by direction of the Committee on Agriculture, reported the bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year 1917, and for other purposes, which was read a first and second time, and, with the accompanying report (No. 296), ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois reserves all points of order.

ARMED MERCHANTMEN.

Mr. PLATT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Upon what subject?

Mr. PLATT. By inserting a brief statement made by the gentleman from Massachusetts [Mr. ROGERS] on international law.

The SPEAKER. Is there objection?

Mr. GARRETT. Mr. Speaker, reserving the right to object, does it have reference to the particular matters that are now agitating the House?

Mr. MANN. They are not agitating the House.

Mr. PLATT. I will say to the gentleman from Tennessee that it is a statement by a Republican member of the Committee on Foreign Affairs in support of the position taken by the President of the United States.

Mr. GARRETT. The gentleman refers to matters that are now occupying public attention?

Mr. PLATT. Yes.

The SPEAKER. Is there objection?

There was no objection.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4026. An act authorizing and directing the Secretary of War to abrogate a contract lease of land and water power on the Muskingum River, Ohio; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 44 minutes p. m.) the House adjourned until to-morrow, Sunday, March 5, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War ad interim, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of cut between Baileys Cut of the Satilla River and the head of Dover Creek, Ga. (H. Doc. No. 834); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War ad interim, submitting an additional and supplementary estimate of appropriation for the construction of military and post roads, bridges, and trails in Alaska (H. Doc. No. 835); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War ad interim, submitting estimate of appropriation for the construction of certain buildings, etc., for ordnance depot at the Fort Shafter Reservation, Honolulu (H. Doc. No. 836); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, recommending the repeal of section 2 of the act of Congress approved June 25, 1910 (36 Stats., 694), authorizing the construction of a building for the United States subtreasury and other Government offices at New Orleans, La. (H. Doc. No. 837); to the Committee on Public Buildings and Grounds and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 529) creating an additional land district in the State of California, and for other purposes, reported the same with amendment, accompanied by a report (No. 295), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 9353) for the relief of Ira G. Kilpatrick and Guy D. Dill, reported the same without amendment, accompanied by a report (No. 294), which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII,

Mr. FLOOD, from the Committee on Foreign Affairs, to which was referred the resolution (H. Res. 147) requesting the President to warn all citizens of the United States to refrain from traveling on armed merchant vessels, etc., reported the same adversely, accompanied by a report (No. 293), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 2977) for the relief of Andrew Browning Atwell, alias Andrew Browning, and the same was referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FERRIS: A bill (H. R. 12710) to limit the right of entry under the desert-land law to 160 acres; to the Committee on the Public Lands.

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 12711) to amend an act entitled "An act to distinctively designate parcels of land in the District of Columbia for the purpose of assessment and taxation and for other purposes," approved March 3, 1899; to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 12712) to amend an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes"; to the Committee on the District of Columbia.

By Mr. HAYDEN: A bill (H. R. 12713) authorizing the Secretary of the Interior to appoint competency inspectors and making an appropriation for their salaries and expenses; to the Committee on Indian Affairs.

By Mr. WICKERSHAM: A bill (H. R. 12714) to appropriate the sum of $100,000 for further construction and maintenance of military post roads, bridges, and trails in Alaska, and for other purposes; to the Committee on Military Affairs.

By Mr. LINTHICUM: A bill (H. R. 12715) to appropriate $300,000 for the improvement of Baltimore Harbor, Md., and the approaches thereto; to the Committee on Rivers and Harbors.

By Mr. OGLESBY: A bill (H. R. 12716) amending sections 4898, 4906, 4921, 4934, and 4935 of the Revised Statutes of the United States; to the Committee on Patents.

By Mr. LEVER: A bill (H. R. 12717) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917; committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

By Mr. ELLSWORTH: Resolution (H. Res. 155) declaring certain armed merchantmen of nations at war to be warships or auxiliary cruisers and directing manner of dealing with same; to the Committee on Foreign Affairs.

By Mr. JOHNSON of Kentucky: Resolution (H. Res. 156) authorizing the Committee on the District of Columbia to investigate and inquire into the condition of the financial relations between the United States and the District of Columbia; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 12718) for the relief of the legal heirs of James I. Donegan; to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 12719) granting an increase of pension to Mary L. Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12720) granting an increase of pension to William H. Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12721) granting an increase of pension to Albert Slusser; to the Committee on Pensions.

Also, a bill (H. R. 12722) granting an increase of pension to Valentine B. Farquhar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12723) granting a pension to Curtis Hull; to the Committee on Pensions.

Also, a bill (H. R. 12724) to remove the charge of desertion from the military record of John McLaughlin; to the Committee on Military Affairs.

By Mr. BEAKES: A bill (H. R. 12725) for the settlement of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue to use in the Postal Service Marcus P. Norton's combined postmarking and stamp-canceling hand-stamp patents, and directing him to determine upon a fair, just, and equitable compensation for the use of said inventions; to the Committee on the Post Office and Post Roads.

By Mr. BORLAND: A bill (H. R. 12726) granting an increase of pension to Alice Klesius; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12727) granting an increase of pension to Priscilla M. Baker; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 12728) granting an increase of pension to Butler Bond; to the Committee on Pensions.

By Mr. CAMPBELL: A bill (H. R. 12729) granting an increase of pension to Rebecca J. Shippee; to the Committee on Invalid Pensions.

By Mr. DALE of Vermont: A bill (H. R. 12730) granting an increase of pension to Calvin L. Stevens; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 12731) granting an increase of pension to Nathan H. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12732) granting a pension to Leo J. Emery; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 12733) granting an increase of pension to John C. Ball; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 12734) granting an increase of pension to John W. Wiemeyer; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 12735) for the relief of William O. Mallahan; to the Committee on Military Affairs.

By Mr. FERRIS: A bill (H. R. 12736) granting a pension to Mary K. Lewis; to the Committee on Invalid Pensions.

By Mr. FREAR: A bill (H. R. 12737) granting an increase of pension to Milton F. Barry; to the Committee on Invalid Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 12738) granting a pension to Matilda Delisle; to the Committee on Pensions.

By Mr. HELVERING: A bill (H. R. 12739) granting a pension to Alida A. Marshall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12740) granting an increase of pension to Charles W. Stowe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12741) granting an increase of pension to Jacob Brenner; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 12742) for the relief of Gottlob Schlect and Maurice D. Higgins, and for the relief of the heirs and legal representatives of Valentine Brasch, to the Committee on Claims.

By Mr. JACOWAY: A bill (H. R. 12743) granting a pension to Rebecca E. Skaggs; to the Committee on Invalid Pensions.

By Mr. KEISTER: A bill (H. R. 12744) granting a pension to Simeon D. Morrison; to the Committee on Pensions.

Also, a bill (H. R. 12745) granting a pension to William J. Jackson; to the Committee on Pensions.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 12746) granting an increase of pension to Etta F. Mountain; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 12747) granting a pension to Cynthia A. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12748) granting an increase of pension to Ezra McIntyre; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12749) granting a pension to Hester M. Watkins; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 12750) to correct the military record of William H. Gill; to the Committee on Military Affairs.

Also, a bill (H. R. 12751) to correct the military record of Clark W. Cottrell; to the Committee on Military Affairs.

Also, a bill (H. R. 12752) granting a pension to Martin W. Westbay; to the Committee on Pensions.

By Mr. MUDD: A bill (H. R. 12753) granting a pension to James E. Howard; to the Committee on Pensions.

By Mr. PADGETT: A bill (H. R. 12754) granting an increase of pension to Samuel Bridgeforth; to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 12755) granting an increase of pension to William H. Thomas; to the Committee on Invalid Pensions.

By Mr. RAYBURN: A bill (H. R. 12756) for the relief of the heirs of Robert H. Burney and C. J. Fuller, deceased; to the Committee on Claims.

By Mr. REAVIS: A bill (H. R. 12757) granting an increase of pension to Samuel S. Frankfather; to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 12758) granting a pension to Anna F. Poore; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 12759) granting a pension to David Hartman; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 12760) granting a pension to Ottilla H. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12761) granting an increase of pension to Franklin Keen; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 12762) granting a pension to Joseph L. Bostwick; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 12763) granting a pension to Roger G. Wearne; to the Committee on Pensions.

Also, a bill (H. R. 12764) granting an increase of pension to Polly Spalding; to the Committee on Invalid Pensions.

By Mr. YOUNG of Texas: A bill (H. R. 12765) for the relief of the estate of John N. White; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of Dr. V. L. Fisher and 147 other citizens of Knox County, Ohio, against House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of Henry Cole and 23 others, of Plymouth; P. S. Kelser and 44 others, of Mount Vernon; C. E. Gardner and 16 others, of Powell, all in the State of Ohio, in favor of House joint resolutions 84 and 85; to the Committee on the Judiciary.

By Mr. AYRES: Petition of 300 people of Wichita; 600 people of Newton; and 49 people of Newton, all in the State of Kansas, favoring national prohibition; to the Commitee on the Judiciary.

By Mr. BRUMBAUGH: Papers to accompany House bill 12430, for relief of the legal representatives of Nicholas Schwartz; to the Committee on Claims.

Also, papers to accompany House bill 12429, for the relief of Lawrence Bart; to the Committee on Claims.

By Mr. BYRNS of Tennessee: Petition of sundry citizens of Nashville, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CHARLES: Memorial of Schenectady County (N. Y.) Sunday School Association, citizens of Schenectady, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of various residents of Amsterdam, N. Y., favoring warning American citizens against traveling on armed vessels of belligerent nations; to the Committee on Foreign Affairs.

Also, petition of various residents of Fulton, N. Y., against the enactment of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of various residents of Schenectady, N. Y., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of John D. Carrigan and other residents of Schenectady, N. Y., favoring the reprinting of additional copies of the report on industrial relations; to the Committee on Printing.

By Mr. COLEMAN: Petition of 47 citizens of Wilkinsburg, Pa., for national prohibition; to the Committee on the Judiciary.

Also, petition of 35 citizens of Wilkinsburg, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. COOPER of Ohio: Petition of sundry citizens of Warren and Orwell, Ohio, in favor of national prohibition; to the Committee on the Judiciary.

By Mr. CURRY (by request): Petition of Rev. S. K. Skinner and First Baptist Church of Richmond, Cal., for national prohibition; to the Committee on the Judiciary.

By Mr. DIXON: Petitions of 33 citizens of Hanover, Jefferson County; J. B. Garritt Society of Christian Endeavor, of Hanover; Christian Endeavor Society of Acton; the congregation of the First Methodist Episcopal Church, Greensburg; Hanover Presbyterian Church, Hanover; Sharon Hill Presbyterian Church; Lexington Railroad; Methodist Episcopal Sunday School of Nashville; 26 citizens of Jefferson County; 43 voters of Greensburg; and 45 citizens of Medora, all in the State of Indiana, for passage of House joint resolutions 84 and 85, for national prohibition; to the Committee on the Judiciary.

By Mr. DYER: Memorial of Captain Alfred E. Hunt Camp, No. 1, United Spanish War Veterans, favoring preparedness; to the Committee on Military Affairs.

Also, petition of millers of Missouri, opposing passage of Rainey flour bill; to the Committee on Agriculture.

By Mr. ELLSWORTH: Petitions of 29 citizens of Storden and Windom, Minn., and Methodist Church of Ceylon, Minn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Memorial of Chamber of Commerce of the State of New York, favoring a nonpartisan tariff commission; to the Committee on Ways and Means.

Also, petition of Tri-County Convention, American Society of Equity, for Clark, Marathon, and Wood Counties, Wis., protesting against the passage of a rural-credits bill that will result in the incorporation of joint land banks; to the Committee on Banking and Currency.

Also, petition of Tri-County Convention, Clark, Marathon, and Wood Counties, Wis., American Society of Equity, protesting against Senate bill 901 and House bills 26, 677, 6823, and 6871, regarding prison-made goods; to the Committee on Labor.

Also, petition of Peter Giusette and 16 other residents, of Black River Falls, Wis., protesting against the passage of Senate bill 901 and House bills 26, 677, 6823, and 6871, regarding prison-made goods; to the Committee on Labor.

By Mr. FLYNN: Petition of Zacharias Frankel Lodge, No. 242, of Galveston, Tex., protesting against literacy test in immigration bills; to the Committee on Immigration and Naturalization.

Also, petition of Chamber of Commerce of the State of New York, in reference to exemption of steam-towed barges from pilotage; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Chamber of Commerce of the State of New York, in reference to a nonpartisan tariff commission; to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles Fremont Taylor, of Philadelphia, in reference to foreign relations; to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of East St. Louis (Ill.) Commercial Club, for readjustment of postage rates; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Streator, Ill., for a tax on mail-order houses; to the Committee on Ways and Means.

Also, petition of Ohio Association Volunteer Retired List, for the volunteer officers' retirement bill; to the Committee on Military Affairs.

Also, petition of Meat, Food, and Sanitary Service Inspectors' Association, Local 12912, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. GALLIVAN: Petition of Louis Henlein, of Boston, in favor of reporting embargo resolution from the Foreign Affairs Committee; to the Committee on Foreign Affairs.

Also, petition of United States Rights League of New York, in reference to travel on armed vessels of belligerent nations; to the Committee on Foreign Affairs.

Also, memorial of Appalachian Mountain Club of Boston, indorsing the Kent National Park service; to the Committee on the Public Lands.

By Mr. GARNER: Petition of citizens of San Benito (Tex.) Methodist Church, of San Benito, Tex., for national prohibition; to the Committee on the Judiciary.

Also, petition of Maby Local, No. 211, in reference to cotton-futures act; to the Committee on Agriculture.

By Mr. GUERNSEY: Petition of Rev. E. K. Smiley and H. H. Bishop, both of Caribou, Me., for national prohibition; to the Committee on the Judiciary.

By Mr. HADLEY: Petition of Pens (No. 52) Lodge, International Order of Good Templars, of Anacortes, Wash., for national prohibition; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of Charles McAfee and 69 others, members of Local Union 73, A. F. G. W. U., Ironton, Ohio, opposing contract convict labor; to the Committee on Labor.

Also, petition of Methodist Episcopal Sunday School of Smithfield, 200 citizens of East Palestine, Rev. A. M. Flax and 53 members of the Christian Church of Bellair, Rev. John Sharpe, and Presbyterian Church of Reyland, Rev. J. J. Wagner and 26 other citizens of New Rumley, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of S. W. Hart and 38 other citizens of Glencoe, Ohio, in favor of Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. JAMES: Petition indorsing the Griffin bill (H. R. 6915); to the Committee on the Post Office and Post Roads.

By Mr. KEISTER: Petition of sundry citizens of Suterville, Pa., and vicinity, in reference to our international relations; to the Committee on Foreign Affairs.

Also, petition of voting citizens of Latrobe, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 16 residents of Suterville, Pa., and vicinity, protesting against the national prohibition resolution; to the Committee on the Judiciary.

Also, petitions of Christian Endeavor Society and Presbyterian citizens of Avonmore, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Memorial of Gesang Verein Einklang, of Providence; Ladies' Dramatic Club, of Providence; Germania Society, of Crompton; German-American Club, of Pawtucket; American Independence League, of Pawtucket; and Germania Lodge 268, D. O. H., of Providence, all in the State of Rhode Island, favoring passage of resolution warning Americans not to sail on belligerent ships; to the Committee on Foreign Affairs.

Also, petition of 30 voters of Providence and 9 voters of Cumberland, R. I., for national prohibition; to the Committee on the Judiciary.

Also, petition of Samuel W. Irwin, president East Greenwich (R. I.) Academy, favoring stand of President on international affairs; to the Committee on Foreign Affairs.

Also, petition of Providence (R. I.) Building Trades Department, American Federation of Labor, favoring preparedness program of National Security League; to the Committee on Military Affairs.

Also, petition of Local Union 245, Brewery Workmen of Providence, R. I., favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. KONOP: Petition of Pere Marquette Line steamers, in favor of amendment of seamen's act; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of Brown County (Wis.) Agricultural Experiment Association, against bill permitting coloring of oleomargarine in imitation of butter; to the Committee on Agriculture.

Also, petition of Rev. Paulus W. Weber, of Crivitz, Wis., for an embargo on arms and ammunition; to the Committee on Foreign Affairs.

By Mr. McFADDEN: Memorial of Lock Haven Business Men's Association, relative to dyestuffs legislation; to the Committee on Ways and Means.

Also, resolutions adopted by Central Methodist Episcopal Church of Honesdale, congregation of First Methodist Episcopal Church of Hawley, and Big Bridge Bible Class of Methodist Episcopal Church of Nicholson, all in the State of Pennsylvania, favoring the passage of the Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

Also, resolution adopted at tabernacle meeting, Canton, Pa., favoring passage of Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

By Mr. MAPES: Resolution of the members of the Berean Baptist Church, Grand Rapids, Mich., petitioning the House of Representatives to take early and favorable action on resolutions Nos. 84, by Mr. WEBB, of North Carolina, and 85, by Mr. SMITH of Idaho, proposing an amendment to the Constitution of the United States for nation-wide prohibition; to the Committee on the Judiciary.

Also, resolution of the members of the Grand Rapids Ministers' Conference, Grand Rapids, Mich., petitioning the House of Representatives to take early and favorable action on resolutions Nos. 84, by Mr. WEBB, of North Carolina, and 85, by Mr. SMITH of Idaho, proposing an amendment to the Constitu-

tion of the United States for nation-wide prohibition; to the Committee on the Judiciary.

By Mr. MILLER of Pennsylvania: Petition of citizens of Warren, Pa., and citizens of Cornplanter, Pa., against the passage of House bills 491 and 6481; to the Committee on the Post Office and Post Roads.

Also, petition of Cigarmakers' Local Union, No. 122, of Warren, Pa., for passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of Lamdin Methodist Episcopal Church, of Russell, R. D. 2; Men's Bible Class of Jamestown; citizens of Mercer; 30 people of Nebraska; 300 people of Tionesta; P. S. S., 125 people, of Tionesta; 156 people of Greenville; 118 people of Nebraska; citizens of Sandy Lake; citizens of Tionesta; citizens of Cornplanter; voters and citizens of Dagus Mines; Methodist Episcopal Church of New Virginia; and citizens of Farrell, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of Epworth League; Methodist Episcopal Church; and Methodist Episcopal Brotherhood, all of Emlenton, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of Second United Presbyterian Church of Mercer; citizens of Farrel; 50 people of Youngsville; 125 people of Youngsville; 500 people of Youngsville; 42 people of Youngsville; 150 people of Youngsville; citizens of Sharpsville; 200 people of Sugar Grove; 35 citizens of Irwin Township; citizens of Rouseville Borough; citizens of Corydan; citizens of Marienville; Methodist Episcopal Brotherhood and citizens of Emlenton, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Emlenton, Pa., for an amendment to the Constitution forbidding polygamy in the United States; to the Committee on the Judiciary.

By Mr. MOORES of Indiana: Petitions of the Schwaebische Unterstuetzungs Verein of Indianapolis; German Beneficial Union of Indianapolis; and sundry citizens of Indianapolis, all in the State of Indiana, indorsing House joint resolutions 14 and 81, Senate bills 3033 and 3034, Senate joint resolutions 73 and 74, and House bill 6828; to the Committee on Foreign Affairs.

Also, petition of 33 members of Methodist Episcopal Sunday School of Acton; the Irvington Methodist Church, of Indianapolis; Brightwood Sunday School of Indianapolis; and Union Chapel Sunday School of Nora, all in the State of Indiana, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 30 citizens of Indianapolis, Ind., for national prohibition; to the Committee on the Judiciary.

Also, petition of 24 residents of Indianapolis, Ind., for adoption of House and Senate resolutions favoring an embargo on arms and ammunition; to the Committee on Foreign Affairs.

By Mr. MURRAY: Petition of Coalgate (Okla.) Baptist Sunday School, favoring national prohibition; to the Committee on the Judiciary.

By Mr. NOLAN: Petition of A. D. Porter, of San Francisco, Cal., favoring passage of House bill 6915, providing for indefinite leave of absence for postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of Mendocino Chamber of Commerce, Mendocino, Cal., favoring passage of House bill 3667, for acquisition, construction, and maintenance of a national defense highway; to the Committee on Military Affairs.

Also, indorsements of the Niles Chamber of Commerce, Niles; Venice Chamber of Commerce, Venice; Pacific Kissel Kar Branch, Los Angeles, all in the State of California, favoring legislation to establish a national park service and adequate appropriations for the Yosemite National Park; to the Committee on the Public Lands.

Also, petitions of Vallejo Trades and Labor Council, Vallejo, Cal.; Toledo Central Labor Union, Toledo, Ohio; Glass Bottle Blowers' Association, Philadelphia, Pa.; Illinois State Federation of Labor, Chicago, Ill.; Alliance-Sebring Central Labor Union, Alliance, Ohio; International Seamen's Union, Chicago, Ill.; and Building Trades Council, Santa Barbara, Cal., favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Peacemakers' Committee of Pacific Coast Churches, Los Angeles, disapproving of any increase in the Army and Navy of the United States at this time beyond that provided for in the normal appropriations, and protesting against the introduction of Eastern-Asiatic problem into the discussions concerning increased armament in this country; to the Committee on Military Affairs.

Also, petitions of International Union of United Brewery Workmen of America; International Brotherhood of Electrical Workers; Cooks' Union, Local No. 44; International Union of Steam and Operating Engineers, Local Union, No. 64, all of San Francisco, Cal., favoring adequate appropriation for the publication of at least 200,000 copies of the report of the Commission on Industrial Relations, also 10,000 copies of testimony taken by that commission; to the Committee on Printing.

By Mr. PAIGE of Massachusetts: Petition of 51 citizens of Clinton, Mass., in support of the London resolution; to the Committee on Foreign Affairs.

Also, petition of citizens of Fitchburg, Mass., in support of House bill 5792; to the Committee on Agriculture.

By Mr. PRATT: Petition of Horwitz Bros., mill agents and wholesalers of paper, paper bags, and stationary, twine and cordage, of Elmira, N. Y., opposing the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. RIVERA: Letter from the Porto Rico Distilling Co., protesting against national prohibition, with opinion of the Resident Commissioner; to the Committee on the Judiciary.

By Mr. ROGERS: Petition of Young People's Society of Christian Endeavor of Tyngsboro, Mass., for national prohibition; to the Committee on the Judiciary.

By Mr. SCULLY: Petition of Deutsch-Amerikanischer Centralverein of New Brunswick, N. J., favoring the Gore bills, S. 3033 and 3034, and Senate joint resolution 74; to the Committee on Foreign Affairs.

Also, four petitions of sundry citizens of the third congressional district of New Jersey, for national defenses; to the Committee on Military Affairs.

Also, petition of Deutsch-Amerikanischer Centralverein of New Brunswick, N. J., in reference to mail communication with foreign countries; to the Committee on Foreign Affairs.

By Mr. SHOUSE: Petitions of citizens of Stafford County; 12 citizens of Sterling, 37 citizens of Sterling, 7 citizens of Alden, 68 citizens of Sterling, 18 citizens of Sterling, 55 citizens of Sterling, 32 citizens of Saxman, 83 citizens of Sterling, 12 citizens of Sterling, and 84 citizens of Sterling, all of Rice County, Kans., for a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. SLAYDEN: Petition of citizens of Texas, for the adoption of the resolution forbidding the sale and export of munitions of war to the belligerent powers of Europe; to the Committee on Foreign Affairs.

By Mr. SMITH of Texas: Petition of sundry citizens of Anson, Tex., indorsing the Tillman bill; to the Committee on Pensions.

By Mr. SNELL: Petition of Mrs. Mary A. Cromie, Mrs. John Bassett, Mrs. Emma Lyons, Mrs. Kate Picket, Mrs. James H. Gregory, Mrs. Sarah Cane, Mrs. J. B. Parsons, Mrs. John Nappier, Mrs. Albert Bruce, James White, W. Carroll Stevens, Mrs. W. Carroll Stevens, W. S. White, F. C. Eveleth, Mrs. D. H. Kirk, J. J. Kimball, Leon Kimball, and Mrs. J. Kimball, all of Saranac, N. Y.; Mamie Coolow, of Cadyville, N. Y.; and C. B. Tillotson, of Plattsburg, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Lydia E. Wardner, in behalf of the Woman's Christian Temperance Union of Bloomingdale, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Rev. John Roberts, in behalf of the Free Methodist Society, representing about 30 people, of Gouverneur, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SNYDER: Memorial of German-American Alliance of Utica, N. Y., favoring a proclamation of warning to Americans against traveling on armed belligerent vessels; to the Committee on Foreign Affairs.

By Mr. TAYLOR of Arkansas: Petition of Edward Pettit, Harry Haywood, and many others of Stuttgart, Ark., favoring House joint resolutions Nos. 84 and 85, relative to national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Stuttgart, Ark., favoring national prohibition; to the Committee on the Judiciary.

By Mr. WASON: Memorial of the Concord Woman's Club, of Concord, N. H., representing 325 people, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Albert L. Farr and 15 others, all residents of Littleton, N. H., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the Ministers' Conference of Concord, N. H., representing 25 people, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the Christian Endeavor Union of Concord, N. H., representing 400 people, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the Dummer Woman's Christian Temperance Union, of Milan, N. H., representing 14 people, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WATKINS: Petition of sundry citizens of Shreveport, La., on war policies; to the Committee on Foreign Affairs.

HOUSE OF REPRESENTATIVES.

SUNDAY, *March 5, 1916.*

The House met at 12 o'clock noon and was called to order by Mr. CANDLER of Mississippi, as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord, our God and our Father, Infinite source of life and its far-reaching purposes, we thank Thee that when our souls are overwhelmed with grief at the passing of our loved ones from the now to the then that time assuages our sorrows, but that their memory still lives in our hearts. We are met on this holy Sabbath day in memory of one who finished the work Thou gavest him to do, and who has passed on into the realms of the great beyond. We thank Thee for his activities, and the deeds he wrought, for the confidence he inspired which gave him a well-earned place in the hearts of his countrymen, the place he made for himself on the floor of this House; a wise counselor, an earnest advocate of what seemed best for his people, his State, and his Nation; for the affection he inspired in his home. May we cherish his memory and strive to emulate his virtues. And now, O God, our Father, let the peace which passeth understanding possess our hearts and the hearts of his many devoted friends; especially let that spirit abide with the bereaved wife and loving children, that they may look forward with us to the larger life, where we shall dwell with our loved ones forever, and we shall praise and glorify Thy name in the spirit of Him who taught us the life everlasting. Amen.

THE JOURNAL.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the reading of the Journal be postponed until to-morrow.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the reading of the Journal be dispensed with. Is there objection? [After a pause.] The Chair hears none.

THE LATE REPRESENTATIVE SAMUEL A. WITHERSPOON.

The SPEAKER pro tempore. The Clerk will report the special order for to-day.

The Clerk read as follows:

On motion of Mr. VENABLE, by unanimous consent, ordered that Sunday, March 5, 1916, be set apart for tributes upon the life, character, and public services of Hon. SAMUEL A. WITHERSPOON, late a Representative from the State of Mississippi.

Mr. VENABLE. Mr. Speaker, I offer the following resolutions, which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 157.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. SAMUEL A. WITHERSPOON, late a Member of this House from the State of Mississippi.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The question was taken, and the resolutions were unanimously agreed to.

Mr. VENABLE. Mr. Speaker, on Wednesday, November 24, 1915, there died in the city of Meridian, Miss., the Hon. SAMUEL ANDREW WITHERSPOON, formerly a Member of this body.

We have met to-day to bear some tribute to the excellences of his character and the merits of his work.

It is a pity doubtless, but it is nevertheless true, that during the life of any man the conflict of views, partisanship of opinion, and the emotionalism aroused by warring contentions often obscure the view and cover worthy qualities with a veil. But how different is death. This wonderful magician with the same wand that calls the spirit home removes the veil and we see clearly as never before the noble lineaments of a worthy character and the nobility of a great heart. In the presence of death differences of opinion take a minor rôle and we stand uncovered before the great truth that truly achievement consists in character; that truth, courage, honor and honesty, and kindliness are the primary things and that the positions that these qualities led one to assume are of secondary importance. In view of this truth, I am sure that every Member of this body can and does bear sincere tribute to his memory, regardless of whether his views upon public questions were in accord with theirs or not.

Mr. WITHERSPOON was the son of Dr. Elias Bourdenot and Mrs. Elizabeth Dowd Witherspoon and was born in Lownes County, Miss., near the town of Columbus, on May 4, 1855. He lost his father in early youth, and his mother removed with the family to Oxford, Miss., in 1872 in order that she might place her sons in the State university at that place.

He graduated in 1876 from this institution with the degree of bachelor of arts, also taking afterwards the degree of master of arts and bachelor of laws. After his graduation he was a member of the faculty for some time in the capacity of tutor of Latin and it was during this time that he pursued his further literary and law courses. In 1879 he removed to Meridian, Miss., where he continued to reside until his death and where he pursued his profession until his election to Congress, at which time he retired from the practice of law and devoted all of his time and thought to this service.

Mr. WITHERSPOON was one of the foremost lawyers of his State and his learning, with his remarkable powers of analysis and his rare gift of clear and lucid statement, won him a reputation second to none in his own State and one which extended beyond its borders.

For 30 years he labored in his profession and there manifested the qualities of mind and heart that made him respected by all and beloved by those who were so fortunate as to be placed in a position to learn the real kindliness of his spirit.

His was the philosophic mind and he labored day and night with unflagging zeal to master the great principles upon which the law is founded. He constantly searched for reasons and he did not rest until he felt that he had discovered one sufficient to support his conclusion or the conclusion of the writer of opinion or text, as the case might be. This course of study constantly pursued made him a resourceful and powerful debater at the bar, and his wonderful gift of lucid and logical statement made him most formidable before the jury. This gift of logic together with his remarkable memory enabled him to marshal his facts in such an orderly way and with such natural sequence, real or apparent, depending upon the merits of his case, that his conclusions seemed to follow often as an inevitable consequence.

As a lawyer I can pay him no higher compliment than to say that when he was right his positions were impregnable and when he was on the wrong side of a question, as all lawyers will be at times, he could well-nigh force reason to adopt the wrong. If there was error in his position or conclusion it was rarely found in his processes of reasoning but was found lurking in some premise, which he himself believed in and which he had persuaded others to admit by a clearness and plausibleness of statement that I have rarely seen equaled and I believe never excelled.

He was a man of strong feeling and any cause he espoused became his from the standpoint of personal feeling as well as that of relation, with the result that his whole mind and heart and emotions became involved. He believed his causes just, and hence each contest became a contest between the right and the wrong, and the battle was to him a crusader's fight to snatch the Holy Grail of Truth from the impious hands of Error. From this cause and from the inherent honesty of the man which would not let him be false to his best efforts, he spared no labor in his researches for material with which to barricade against the assaults of what he believed to be Error, and he toiled indefatigably forging the weapons with which to destroy it.

He had the strong man's confidence in his own powers, and having once assumed a position he clung to it and defended it with all the gallantry and fervor of a knight errant, never admitting defeat until the last recourse of the warrior had been exhausted.

He sprang from a distinguished American family as his name indicated, but with this went no hauteur. He was never heard to mention anything which would indicate a false pride in anything. He was most democratic in spirit. Human values to him were measured in terms of service and character. He was most successful in his later professional life. He must have been conscious of his powers and his achievements. His practice yielded him handsome returns for his efforts and honors came to him with the years, but the fundamental democratic

character of his character remained. His sympathies went out to the poor and the lowly, and manhood and not dollars excited his admiration.

He believed in the old-time simplicity of things and viewed with real alarm certain modern social tendencies which are the outgrowth of wealth and leisure which has come to certain of our people.

He believed that there was a virtue in the soil of honesty, strength, and simplicity which was infused in those sons of earth who relied directly upon her for support, and he desired to promote the interests of the farm, making it attractive and prosperous not only because he had a real sympathy and kindly feeling with and toward the farmers of the Nation as a class, but also because he felt that the farm was the great-man factory of the Nation, the great reservoir from which the Nation must in the future draw its man power. As I have heard him say, he loved the man of the fields, who rendered an honest equivalent to Nature for her store; who learned patience in waiting and toiling from the planting in the spring until the reaping in the fall; whose wants were the simple ones of Nature and not the accretions of perverse habit.

He was democratic in spirit and a lover of humankind. He looked upon his fellows as his brethren and felt that they should share with some degree of equality in a common inheritance. He believed that the great differences that he perceived in the situations of men were largely due to dishonest practices and unjust laws, and toward these he manifested the greatest indignation. His nature was intense and his indignation at what he thought was wrong or unjust found its natural expression in strong terms. The casual acquaintance might have drawn the conclusion that his nature held a degree of bitterness. His intimates knew that it held only sweetness and a love of mankind and his vehemence arose not from gall but from goodness, not from the littleness of spite but from the bigness of a great indignation toward what he believed to be the wrong.

Independence of character was a predominant characteristic. Conscious of his own powers and self-reliant to a degree, he followed his mental conclusions with conduct based thereon. There was nothing of the Hamlet in him. His mental processes were not for mere subjective pleasure or profit but were designed as the predicates for action and according to them he shaped his course. Having reached his conclusions, he cared but little who opposed and still less for the possible results upon his personal, professional, or political fortunes. He never learned "to bend the pregnant hinges of the knee that thrift might follow fauning." The poor and lowly received at his hands more earnest services in the courts, if such was possible, than did the powerful and influential and this, too, regardless of the influence of the persons who opposed. Both in his professional life and in politics he was independent in conduct and in character.

The qualities that I have described are peculiarly those of the advocate and in this department of work he especially shone. With a broad knowledge of the principles of law, a perfectly trained mind and memory, simplicity of style, and a thorough knowledge of the facts of his case, combined with ardency of feeling, he was a dangerous antagonist to encounter and a pillar of strength to those associated with him.

Mr. WITHERSPOON was at heart a very affectionate man. No other could have won the affectionate title of "Uncle Sam" from his associates in this body.

When preparing for battle, as he was most of the time, with his energies concentrated upon the advocacy of what he believed to be correct and his mental powers concentrated upon the mastery of the question in hand, he may have, at times, seemed impatient or harsh with those who invaded with outside matters the domain of his thoughts or retarded the movements of his reasoning with things he deemed immaterial, yet always at heart he was genial and kind and in those moments when cares were cast aside he reflected both in speech and manner the real kindliness of his spirit.

I can not describe this quality of the man better than by quoting an excerpt from the address of Hon. E. H. Dial of Meridian, Miss., delivered before the Lauderdale County Bar Association in respect and tribute to his life-long friend. Mr. Dial said:

> Only a very short time before he entered the sleep of death—his condition supposed at the time to be greatly improved—a cooing babe, his infant grandson, of whom he was passionately fond, was taken into his room and held near him that he might feast his soul a while in communion with this innocent loved one of his heart. The two there, each the idol of the other, held love's sweet converse in language of their own—almost the last earthly communion of his soul with soul; for in an incredibly short time thereafter the Great Reaper came. Thus, this strong man, who never quailed from fronting in fierce combat giants full panoplied and worthy of his steel, found his last sensation of earthly joy in drinking love-light from a baby's eyes.

He was great in his mental strength, great in his moral courage and great in his honesty, and great in his services. He achieved much and exampled more. He received nothing in life as a gift of capricious fortune or fortuitous chance, but with courage and faith he lived in accordance with the laws of the cause and result of achievement and paid the price for what he gained to the last farthing. He bought mental strength and culture with labor, the respect of men with honesty, the admiration of men with a kind of desperate courage, and lastly the love of men with a love for them and grief for his death with all of these.

Mr. ESTOPINAL. Mr. Speaker, it was with deep sorrow that I heard of the sudden death of the splendid man and useful legislator to whose virtues of life and able services in this body we have to-day met to pay tribute.

Mr. WITHERSPOON and I were fellow members of the Committee on Naval Affairs during his two terms of service in this body—the Sixty-second and Sixty-third Congresses; and as we were in almost continuous session during these two Congresses, I saw a great deal of him during those four years. I thus had an opportunity to know him well and to appreciate his many sterling qualities.

A warm feeling of regard grew up between us. He was by instinct a gentleman, courteous to everyone, true and loyal, high-minded and sincere. He was one of those staneh, steadfast men who tread the paths of duty with unfaltering step. Quiet of manner, calm of speech, but with the spirit of the bonne camaraderie fully developed—the very soul of kindliness and gentleness in his personal relations—there is small wonder that he made friends in every walk of life.

He seemed to care nothing for that flattery which stirs the blood of the small and swells the pride of the little. He was a scholar by education and inclination, and pursued his chosen profession of the law without seemingly a thought of holding office until called to service in this body.

He was wholly devoted to the interests of his constituents and to his work in Congress. He had the courage of his convictions and the talent to stoutly defend them with force, logic and eloquence. In debate he was terse and vigorous, yet fully regardful of the amenities.

Mr. Speaker, two men may differ—very widely differ—even reaching to the extremes of thought and action on national policies, both wholly sincere, prompted by the purest patriotism, each eager for service in pressing his belief to success in legislation, yet they may entertain for each other the warmest personal friendship and the sincerest appreciation. This was the position in which Mr. WITHERSPOON and I found ourselves. We differed widely in our views regarding the appropriations for the Navy, and in fact in the naval program generally. But in our personal relations that difference of opinion never had the slightest effect.

Mr. Speaker, I believe it was Plutarch who said:

> Man is a plant, not fixed in the earth, not immovable, but heavenly; whose head, rising as it were from a root upward, is turned toward Heaven.

Mr. CANDLER of Mississippi. Mr. Speaker, at a special meeting of the Lauderdale County Bar Association held in the city of Meridian, Miss., Friday, November 26, 1915, a committee, composed of E. H. Dial, W. E. Baskin, and F. V. Brahan, was appointed to prepare and report resolutions on the life and character of Hon. SAMUEL A. WITHERSPOON, deceased, Representative in Congress at the time of his death from the fifth congressional district of Mississippi and a member of the above-named association, who died at his home in the city of Meridian, Wednesday, November 24, 1915. The resolutions prepared by the committee were submitted to a called meeting of the bar association Saturday, December 11, 1915, and were unanimously adopted. Pending the motion to adopt, Hon. E. H. Dial, chairman of the committee, formerly a law partner of Mr. WITHERSPOON, delivered an exhaustive eulogy on the life and character of the deceased, which, together with the resolutions, were ordered spread upon the records of the association.

The following are the resolutions by the Lauderdale County Bar Association, adopted Saturday, December 11, 1915:

> Whereas, on Wednesday, November 24, 1915, there died in the city of Meridian, Miss., a distinguished member of this association, the Hon. SAMUEL ANDREW WITHERSPOON, a man widely esteemed both as a public and private citizen; and
>
> Whereas, we, his neighbors and personal friends, desire to place on record our estimate of his worth: Therefore be it
>
> *Resolved*, by the Lauderdale County Bar Association, that we, through this means, give expression to our appreciation of his admirable char-

acter and to our sorrow at the loss his family, his friends, and the public have sustained by reason of his untimely death.

SAMUEL ANDREW WITHERSPOON, son of Dr. Elias Bourdenot Witherspoon and Elizabeth Dowd Witherspoon, was born in Lowndes County, Miss., near Columbus, May 4, 1855, and in his early youth attended the common schools of the country neighborhood in which he lived. His father died when he was quite young, after which his mother, with a determination to educate him and two other younger sons, moved to Oxford, Miss., in 1872, where she could secure for them the educational advantages afforded by the State University at that place. He entered the University of Mississippi as a student in the preparatory department in October of 1872, and was graduated with second honors from that institution in June, 1876, with the class at that time known as the Centennial Class.

After his graduation he was for a while tutor of Latin in the university, during which time he pursued the study of law. He moved to Meridian in 1879, where he that year began the practice of law. By close application and earnest effort he advanced steadily, through a period of 36 years, to a foremost place among the lawyers of Mississippi, his reputation as an able lawyer having, some years before his death, come to be recognized in circles far beyond the limits of his native State. He was a bold and skillful advocate, honest and reliable, and throughout his whole career eminently successful in the conduct of his causes.

To his preeminent ability as a lawyer was added the profound learning of the scholar. He adorned all things that he touched. All subjects that engaged his attention received new light, and his penetration discovered new and hidden truths. Too often the lawyer is learned only in his profession, but he garnered a full store of useful learning in the wide and varied field of intellectual endeavor, and brought to the dry and prosaic learning of the law the refreshing graces of belles-lettres.

His eloquence was "logic on fire." He was the John C. Calhoun type of orator, indulging rarely in metaphor or flights of fancy; but the statement of a proposition clear as crystal and the inexorable demonstration of its correctness was his peculiar forte. Concede his major proposition and the conclusion was inescapable. He may have been wrong in his premises, but his conclusions were always logically drawn.

He was elected to represent the Fifth Congressional District of Mississippi in the lower branch of the Federal Congress in 1910, and was serving his third term at the time of his death. He proved himself to be in this new sphere that same indefatigable worker he had always been in his pursuit of the legal profession. He grasped readily the great and essential elements of statecraft and came to be recognized as one whose thoughts and ideals were worthy of the traditions of his party and of the nation. Intensely democratic, unquestionably loyal to his State and his constituents, yet his intense patriotism carried his vision to the greatness of the Nation as a whole.

Champion of the ideas of State rights, he felt that the safety and perpetuity of the Nation were assured only through a veneration of and an unimpaired adherence to the Constitution. He revered that Constitution, and any attack upon it was an attack upon the very heart and vitals of our institutions. It was largely his championship of the principles of that great instrument that won for him his nation-wide reputation. His oration on the flag is a classic.

He was never a timeserver. Tenaciously loyal to principle, he never deviated from the path which the light of his own convictions illumined. His abhorrence of every kind of graft or double-dealing was so pronounced that its very presence was a challenge to combat. He believed that men should be true to their political trusts, and nothing went unchallenged with him that did not carry the password of rectitude, truth, and sincerity. His honesty and integrity might well be the ideals for every public servant. These are his enduring monuments.

He was emphatically at war with all measures that seemed to him conceived or likely to operate in the interest of the few against the many. His sympathies were at all times with those classes that fall apparently of a fair deal in the hurrying, ever-moving, ever-changing conditions of life, and as their champion he never shrank from dashing into the fiercest part of any fight that involved their interests and their happiness.

The influence of his life was ever on the side of morality and religion. He was a sincere and practical Christian. Since his early manhood he had been a church officer, and gave no small share of his time and thought to work of the church to which he belonged.

He was a good friend and neighbor, beloved by those who knew him well and with whom he had formed intimate relations of friendship, recognized by them as one whose life had been of value to this community, a joy to those whom it closely touched, a benediction to his family and friends.

He was a faithful, gentle, and loving husband, a devoted and indulgent father. To the grief-stricken wife who had walked hand in hand with him since his early manhood, to his son, an honored member of this association, to his two daughters, and to a devoted brother, surviving loved ones, we beg leave to tender our sincere sympathies.

Resolved further, That the presiding officer of this meeting appoint a committee of three to present these resolutions to the circuit court of this county at its next sitting, with the request that they be spread upon the minutes of the court, that they be recorded upon the record book of this association, a copy of them presented to the family of the deceased, and that the newspapers of this city be requested to publish them.

E. H. DIAL, *Chairman*,
W. E. BASKIN,
F. V. BRAHAN,
Committee.

In presenting the resolutions the following is the memorial address delivered by E. H. Dial before the Lauderdale County Bar Association Saturday, December 11, 1915:

Mr. President and members of the bar association, in presenting these resolutions in behalf of the committee, I beg the privilege of adding a few remarks expressive of my own personal estimate of the man whose life and character the resolutions are to commemorate.

SAMUEL ANDREW WITHERSPOON, son of Dr. Elias Bourdenot Witherspoon and Elizabeth Dowd Witherspoon, was born in Lowndes County, Miss., near Columbus, May 4, 1855, and died in Meridian, Miss., November 24, 1915, aged 60 years, 6 months, and 20 days.

He lived heroically the three score years allotted him and filled that span of time with thoughts and acts that made for the enrichment of his own soul and the good of human kind. He was an extraordinary youth, an extraordinary young man, an extraordinary character in middle life, a man of marked and transcendent ability in his riper years. In one of the stages of his career was his a genius that blazed with meteoric light. What he was at every step along his triumphant march from the country shoolhouse in the county of his birth to the National Capitol in the city of Washington was the product of a brave heart and of mental toil honestly and intelligently applied for life's noblest ends.

At no point in his career did he enjoy advancement through influence derived from some other's success before him or through favoritism of another in whom was lodged some temporary power; but toward his goal, which at the outset lay beyond a wilderness of difficulties, he, step by step, patiently and laboriously hewed his own way.

From his boyhood days he exhibited an intellect of exceptional strength, a mind of rare logical bent, of almost amazing analytical powers, a disposition and determination to master every subject that claimed his attention, a devotion to principle and loyalty to his own convictions that marked him, even in early life, as one of adamantine courage. These were predominant elements in his character from his youth up—throughout his whole life, from the days when he was a shoolboy to the years when he was a lawyer in his office, in the courts, and in the councils of the Nation.

I had known him longer than any member of this bar—longer than any person in Meridian, except one or two. I was intimately associated with him in quite a number of relations since he was 17 years old. We were companions before either of us was grown. We were college mates at the State University from 1872 to 1876, and were graduated together from that institution in the latter year in the class known at that time as the "Centennial Class." It was during these four years that a mutual friendship was formed between us that lasted unbroken interrupted by none of life's jars and conflicting interests, through a period of 44 years.

When I was married in another city in 1879 he, according to custom, accompanied me and stood with me, an interested participant as "best friend," during the ceremony. We were associated as partners in the practice of law in this city nine years, from 1879 to 1888. In all the political aspirations indulged by either of us neither ever asked the other for his support and influence. It was simply claimed as a matter of course without the asking, and neither of us ever thought of doing otherwise than contributing in fullest measure possible what aid he could to the advancement of the other's interest. We were officers in the same capacity in the same church for at least 30 years and have worked together with others many an hour, day and night, in furtherance of those particular church interests that claimed our time and efforts. We were boys together, young men together, middle-aged men together, and, though of late with no business associations to unite us, have nevertheless remained together in intimate friendship since time commenced to touch our locks with gray, until the hour his spirit quit its earthly tenement and went to rest.

Knowing him thoroughly, knowing his weaknesses and his strength, I testify to you that he was always all that he pretended to be, all that his friends and admirers thought he was—a high-born, honest man, strong, self-reliant, brave, reliable, learned, conscientious, religious, sincere, friendly, unostentatious, in sympathy always with humanity's common mass, whose knee bent to no being but his God.

His was a lovable nature, marred by only one defect that glared, of which he seemed to be oblivious—a disposition to irritableness, an abruptness of manner, that displayed itself sometimes, more strikingly in later years, without due cause, toward those he liked and even loved, as well as toward those he had no special interest in. Rub this out, and there was left little else than virtues on virtues piled by which to measure him. In conversation yesterday, a friend who had known him a long time, remarked that his nature was so open, transparent, and sincere that it might be likened to clean, clear glass held up, through which the sunlight pouring revealed alike its perfections and its flaws.

As a student at college he showed the same studious traits that characterized him in his maturer years as a lawyer and statesman under your own observation. He was always a hard student. He studied every subject thoroughly. He was thorough in his college textbooks just as he was thorough in his law books. He stood high in his class, graduating second in a class of 16, and with a notable record for his full course of four years. He was anniversarian in 1876 of the literary society of which he was a member, in that day one of the highest and most coveted of the college honors. The oration he delivered on that occasion bore the same marks that have characterized all the other addresses you have heard him deliver—logical in the flow of its thoughts and extremely metaphysical. I have heard discourses often since then from minds much maturer than his was at that time on practically the same subject—"The Pursuit of Happiness, the True Object of Life"—and have as often thought that none presented with greater force and convincing clearness than did his the truth which his subject announced. In the last year of his college course, 1876, he was winner of the prize offered by the Shakespeare Society of London for excellence in examination in Shakespeare's plays.

For two or three years after his graduation he was a member of the university faculty as tutor, or assistant professor of Latin. On completion of a post-graduate course pursued during these years he was awarded the degree of Master of Arts. Later, in 1908, the honorary degree of LL. D. was conferred upon him by the university.

In June, 1880, he was married in the city of Memphis to Miss Sue E. May, of Springfield, Ky., who survives him. Of the children born to them, three are living and grown to manhood and womanhood—Samuel A. Witherspoon, jr., a practicing lawyer at this bar, at one time his father's partner, an honored member of this association; and Misses Letitia and Fannie May Witherspoon, two of Meridian's most cultivated women.

In pursuance of a wish indulged by both of us during our college days, Mr. Witherspoon in 1879, prior to his marriage, came to Meridian to live and to join me in the practice of the law. He arrived here a total stranger in a town that was strange and new to him, but one or two persons in it whose names he knew. Often have I heard him describe the forlorn feeling that possessed him on the hour of his arrival as he looked about him at his unfamiliar surroundings and at the unfamiliar forms and faces that passed him by unnoticed, and how he wondered if it were possible for him ever to get a client out of that hurrying, indifferent mass of humanity at that hour so oblivious of his existence. His description of that memorable hour when he was so painfully conscious of his obscurity, and when his life's work lay untouched all before him came vividly back to my memory week before last, 36 years later, after that work was finished, when his cold, pulseless body, untenanted by the spirit that once had animated it, lay underneath a mound of flowers wet with the tears of scores of friends and admirers whom he, by his own intrinsic worth, had won and made to love him.

Well do I remember his first appearance in the circuit court. It was in a murder case. Almost any time lawyers already initiated, waiting about the court room, likewise spectators, will listen for a while through curiosity, or through some sort of interest and sympathy as well, to the first efforts of a novice in the law. The same sort of indifferent interest gained him attention at the outset in the trial of this case. Before it ended, lawyers, judge, jury, and spectators were amazed at the immaculate skill with which he was handling the witnesses and listening with wonderment at the masterful reasoning and powers of analysis being displayed before the jury in his disposal of the facts and his application of the law which the court had given in charge. The word went round, in effect, that a young David was in the Valley of Askelon, and the Goliaths of the bar, after that occasion, took most respectful notice always of the new stripling and his sling.

He was a most laborious student during all the years of his practice at the bar. When his practice was small he studied hard all the time. He studied the law night and day as a science. He toiled to master its fundamental principles. He studied, in season and out of season, the textbooks, the State code and legislative acts, and the decisions of the courts, especially the decisions of our own supreme court—not merely on the subjects applicable to cases immediately in hand, but he studied all these systematically without reference to any immediate need he had for them. He was satisfied with nothing short of thoroughness. He did not follow the law as a trade, an occupation out of which to make money, but pursued it as a high and honorable profession calling for the noblest powers of the mind and soul.

We all know, without rehearsing them, the results of this thorough, systematic, early preparation. We know he was a profound lawyer, whose accurate knowledge of the law had come to be, nearly two decades before his death, universally recognized and conceded by the profession, by the courts, and by the general public, and that he commanded a large and lucrative practice.

A predominant quality of his mind was its analytical powers. He was severely analytical and logical. Everything in his way seemed to go down before the logical sweep of his reasoning; and the bulwark he could build in support of a proposition he was endeavoring to establish seemed impregnable, whether in the argument of a point of law before a court, in the assembling of facts and law before a jury, or in the presentation of a subject, political, literary, or otherwise, before a promiscuous audience.

Another mental quality that characterized him was his sincere conviction of the rightfulness of the cause in which he was enlisted. He believed sincerely and strongly always that his side of a case was the right side. Thoroughly convinced as he always was of the righteousness of his client's claims, he would, even in the preparation of a case, grow impatient of a suggestion from any source that any flaw could possibly be found in it. He himself could see so readily a way around every possible opposition the moment it was suggested that he sometimes could not withhold a show of impatience that a mind less acute than his own would permit itself to be disturbed by a thing which to him seemed so unsubstantial. I doubt not that many who have been associated with him in the preparation of causes have noted this disposition of his mind.

A few years ago he abandoned law for politics. At the time of his death he was Member of Congress from the fifth congressional district of Mississippi, serving his third term. He went into politics, I think, because he had a laudable ambition to serve his country in a sphere the law did not afford. Besides being a good lawyer, he was a man of culture and general scholarly attainments. He had thought and studied a great deal on the theory and history of governments, and entertained deep-set convictions with respect to our national affairs. He was a lover of liberty, a friend of the oppressed. He despised favoritism in any garb. Having himself begun his life work with no help but his own native resources, his sympathies were all with people who labor and toil, with that vast multitude of the human family who live and move and have their being in life's humbler walks; and when he died, these, all these—all who do not bask in the light of fair Fortune's smiles, whoever and wherever they may be in this broad land—these all lost an advocate and a friend who longed for opportunities to battle for the removal of what he deeply believed to be unequal burdens. If he could have lived 10 years longer and continued his congressional career, he, by the expiration of that time, would have won the country's undisputed recognition of himself as one of the nation's great men—so his friends sincerely believe.

Elements of the stateman were in him that bid fair of development to a preeminent degree. He knew but little of the arts of the politician. He spurned the demagogue and the low level on which the demagogue crawls and flounders.

He was courageous in defense of any position he held. He knew not how to desert a principle that he believed in, or how to run away from his own convictions to follow, because popular, some other's lead. What was said by a distinguished Mississippian in public eulogy of Henry Clay soon after that great statesman's death, aptly describes the courage of our own deceased friend: "He never feared to take ground upon any question, and in doing so he never waited and watched for some gleams of light to break out from the mass of the people to show him the probable path of political safely. Fears, misgivings, uncertainty as to his personal interests never kept him silent and still. He received his inspirations from his own clear head and dauntless heart, and stood by them with unquenchable courage."

These qualities in Mr. Witherspoon were put to the test when the ship purchase bill was before Congress, also on the President's suggestion for greater preparedness for national defense, to each of which he was opposed. He had already become a target for criticism because of his stand on these two questions especially; but, had he lived, he was ready to defend his convictions with a courage that would have won at least the admiration of such as he might not have been able to convince.

"Honor to him who, self-complete and brave,
In scorn can serve his pathway to the grave,
And, heeding naught of what men think or say,
Make his own heart his world upon the way."

Dominating his qualities as scholar, lawyer, and statesman were his high moral character, his genuinely religious faith, and his exalted ideals. In all my intimate associations with him I never detected a disposition of his mind to descend toward a low and groveling thought. Some of the sublimest sentiments I ever heard him utter were uttered in the privacy of our own friendship in common conversation. I know he was sincere in all the public utterances he has been known to make in the interest of morality and righteousness.

His old-fashioned rugged honesty is illustrated by the habit he had of refusing to receive pay for the days he was absent from his seat in Congress—a habit referred to by the Washington Star in its recent notice of his death, and which that newspaper says would never have been known had not the Underwood resolution to "dock" absentees brought it out.

The social side of his nature was highly developed, especially in so far as the enjoyment of the society of congenial friends was concerned. Whenever he was his very best self, he was extremely genial and companionable. He enjoyed flashes of wit and clean, droll humor, and nobody could laugh more heartily than he could. In ordinary conversation he not infrequently was more instructive and entertaining than in the elucidation of the same matter in formal discourse. His favorite diversion was hunting and fishing, camp life, roughing it in the open. He loved dog and gun and rod and line, the woods and fields and streams, and, with it all, the jolly, care-free companionship of congenial friends.

Mr. WITHERSPOON never boasted of his ancestry—in fact, rarely referred to it, and then only when it found its way into a conversation naturally. It is nevertheless a fact that fine blood was in his veins. His mother was of a distinguished Mississippi family. She was a sister of Hon. Wm. F. Dowd, who in his lifetime was one of the State's greatest lawyers. He was not directly descended from the Revolutionary patriot, John Witherspoon, signer of the Declaration of Independence, but was of the same stock. He was, however, a descendant in direct line from John Knox, the great Scotch preacher and reformer of the sixteenth century. Although these are facts, yet he put no dependence upon them—though, quite likely, without showing it, he valued them. All this, however, notwithstanding his apparent disregard for it, may have had much to do in the molding of the spirit that dominated him.

A familiar incident related of Oliver Cromwell is, that when about to sit for his portrait he directed the painter preparing to enter upon the work: "Paint me as I am; leave not out one wrinkle, scar, or blemish." In my efforts to portray the character of our lamented friend, I have tried to be sufficiently true to let my brush at least suggest his chiefest scar. I have preferred not to follow with severest strictness the great Englishman's directions. Blemishes that might be worked into a sketch, yet which do not change materially the subject to be drawn, need not necessarily be painted into a picture. A rule in sketching from the object, is to draw nothing you do not see, even though you know that a part not seen exists. I do not wish to try to paint from memory motes I once thought I saw in my good friend's eye. I'd rather "seek his merits to disclose" than "draw his frailties from their dread abode." He was not without some faults, not without defects of disposition and manner at times which those who esteemed him most often wished had not been a part of his nature, but he had qualities of mind and heart that towered so high into the sunlight that these blemishes, like minor imperfections of symmetry to be noted sometimes in the rise of a sky-reaching mountain, were lost to view in contemplation of the magnitude and loftiness of his character.

Only a very short time before he entered upon the sleep of death—his condition supposed at the time to be greatly improved—a cooing babe, his infant grandson, of whom he was passionately fond, was taken into his room and held near him that he might feast his soul awhile in communion with this innocent loved one of his heart. The two there, each idol of the other, held love's sweet converse in language of their own—almost the last earthly communion of his soul with soul; for in an incredibly short time thereafter the Great Reaper came. Thus, this strong man, who never quailed from fronting in fierce combat giants full panoplied and worthy of his steel, found his last sensation of earthly joy in drinking love light from a baby's eyes.

Our friend has passed behind the veil that shuts the Great Beyond from mortal view. To him the mysteries have been revealed.

"Thou, friend of ours, whose spirit's gone,
Thou, whose life on earth is done,
Tell us, 'in what realms afar,
In what planet, in what star,
In what vast aerial space,
Shines the light upon thy face?
In what gardens of delight
Rests thy noble soul to-night?'"

Tell us the answer to the question which you, while here, pondered on and deemed the greatest to engage the thoughts of man.

If from beyond the dark waters a response could come to us from him, it, in substance, we believe, would be:

"I the upward way have trod;
Basking in the smile of God,
Read I on th' unfolded scroll:
'Life Immortal for the Soul.'"

Mr. Speaker, I fully concur in everything said by Mr. Dial in this beautiful and accurate address. He knew my good friend SAM WITHERSPOON as well as it was possible for one man to know another, and hence I thought it fitting and proper to incorporate his address, as well as the resolutions adopted by the Lauderdale County Bar Association, in my remarks in full as the testimony of those who knew him best, and hence could bear witness to his noble and manly traits from actual knowledge and intimate personal association. I loved SAM WITHERSPOON, and in his death I have lost a sincere, generous, noble, and kind friend; this House a painstaking, hard-working, brilliant, and most useful Member, and the country a patriotic citizen, highly cultured scholar, and a great statesman. No man rose more rapidly in this House from the time he entered it until his departure, and in his death the people, this House, and the country have sustained a very great loss. With tears in my eyes and genuine sadness in my heart I say to him good-by, but not forever, for by the grace of Him who loves us with an everlasting love and died that we might live, we shall meet again on the golden shore.

Mr. PADGETT. Mr. Speaker, I shall not attempt in detail to analyze or refer at length to the character of Mr. WITHERSPOON. Those who have preceded me have spoken so eloquently, so correctly, and so truthfully of his many attributes, of his generous and noble character that I feel that it would be a

useless repetition for me to attempt in a less able way to rehearse those attributes of his character.

When Mr. WITHERSPOON came to Congress he was assigned to service upon the Committee on Naval Affairs, of which I was a member. It was the good fortune of the committee to have Mr. WITHERSPOON a member of that committee and as a member of the Committee on Naval Affairs he was respected, beloved, honored, and highly esteemed by every member of that committee. It is useless for me to say that in the Committee on Naval Affairs, as well as every other committee, there exist differences of opinion. A committee would be useless if there were not. It would fail to serve its rightful purpose and to discharge adequately and efficiently the duties and the responsibilities of a committee of this House if there were not men upon the committee who, in the independence and vigor of their own thoughts and the execution of their purposes, did not assert their individual opinions and maintain their own ideas of right and of public policy. And Mr. WITHERSPOON maintained in a high-minded able way his ideas of appropriate policies of legislation.

I wish to say, Mr. Speaker, that there existed between us a very warm personal friendship and an association that will be to me through the remainder of life an oasis of memory. It shall always be to me a pleasure to bear in mind the association that I had with him and the cooperation as well as the disagreements that we had in our work in the committee and in this House. While we often disagreed it was that difference that begot respect; it was that difference which men can entertain and still cherish a high reverence and regard for each other, and I call to mind at this time that in the last session of Congress, after we had finished the contest upon the floor of the House over the naval appropriation bill, and when his contention had failed to receive the indorsement of the House, that just here, at the front of the center aisle, we placed our arms around each other and walked out of the House to the cloakroom, each entertaining for the other a friendly feeling. I know I entertained for him a high and generous respect for the manliness of the man, the integrity of his purpose, and the vigor of his character and his intellect. He was a man of affable manners, a man whom we could love, and I believe that the affability of his manners begot for him in this House the warm and cordial friendship of all who knew him. He was a man of generous disposition. In all my associations with him I was always pleased and gratified at the generosity that he always manifested in his disposition toward everyone.

But, Mr. Speaker, the generosity of his disposition did not detract from the positiveness of his convictions. He was a man of very positive convictions. He believed something. Conviction to him was not milk and cider. Conviction with him was the truth. He believed in the reality, in the genuineness, and in the sincerity of what he believed, and I always respected and admired him for his positive convictions. Not only, Mr. Speaker, was he a man of positive convictions, but he was a man of courageous honesty with reference to his convictions. He studied questions. I do not think he jumped to his conclusions; I think he worked them out as best he could from the premises as they presented themselves to him honestly, sincerely, and courageously, and no man, whether he agreed with him or disagreed with him, failed to admire the courageous honesty of his positive convictions. He was warm in his attachments. Friendship with him was real, was sincere, was honest, was earnest. Friendship was not a superficial vaporous thing with him. Friendship with him was in his heart, was in his affections, was resting upon and prompted by generous, high-minded love of soul. He loved his friends and he wanted his friends to love him, and they did, and everyone who was thrown intimately with him I believe was impressed with the sincerity and genuineness of his friendship and the warmth and reality of his affections.

He was a man of keen intellect. I have often thought of his intellect as a keen, sharp sword, and, as I stated in the outset, while we often differed, I always had a great admiration for the keenness and the perception of his intellect. How quickly he would catch a question and how narrowly he could divide one contention from the other. He had a cultured intellect, a logical training. He was a man strong and powerful in debate.

His, Mr. Speaker, was a premature death. In the very prime of manhood, when it was not expected, death came to him. As we see it, as we believe it, it was a premature death, and that brings to us the thought of three great manifestations, birth, life, and death, all of them surrounded by a veil of mystery. We can not understand them. And as we think of death we so often think of it in its horrors. We are separated from our friends and our loved ones, we are deprived of their association and their company. It is a deprivation that comes with great horror to us, and we think almost exclusively of the horrors of death.

Mr. Speaker, should we not sometimes think of the opportunities and the privileges of death? I have my loved ones who have gone before, as all of us have. As we stand at their grave, whether it is a sunken hole or a grassy mound covered with flowers, still it is a grave. Or if we in our solitude, alone with ourselves, meditate over the loved ones who have gone before, there comes the recollection of one instance that I think has more of comfort, more of light, than any other recorded in history.

There comes to us the thought that early in the morning of the first day of the week, when the women hurried to the new-made tomb, and, as they looked in, found Him not. And then it was that the angel said, "He is not here. He is risen." Ah, Mr. Speaker, when we meditate around the graves of our loved ones, whether it be the sunken hole or the flower-covered mound, there is a comfort and a joy and a consolation to realize that they are not there; that they are risen—risen not in imagination, risen not in a dream, but risen into life, into that higher, grander, better life, where the opportunities shall be the opportunities of eternity, and where the privileges are the privileges of the infinite.

If in this life we have studied and been interested in the sceinces, what shall be the opportunities and the privileges over there? If here we have been interested in law and government, what shall be the privileges and opportunities of eternity and infinity in the development of the studies and the ambitions of life along those lines? Here we are hampered by the limitations of the flesh. I think we have good illustrations of it. I can see around me in a limited way, but if I take the telescope my vision is far extended. I can hear around me for a limited distance, but if I catch the telephone to my ear, how many thousand, thousand, thousand times it is multiplied.

The limitations of the flesh are many and they prescribe the spheres of our activities. When the habiliments of the flesh are rift away, and we are brought into communion and fellowship with eternity, with the privileges of the infinite, then we shall have opportunity to receive the dividends upon the investments that we have made in this life and have their continual enjoyment forever.

Mr. Speaker, when we mediate over the death of our friend, let not the horror of death alone possess us, but let us think of the opportunities and the privileges of that higher, nobler, better life in which to-day we can say of our friend, "He is not here. He is risen."

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I believe that few men indeed with whom I have served in Congress during the past 14 years have so impressed their character upon the minds and consciences of their colleagues as did my distinguished friend. He was a scholar and a man of great industry, and therefore rose to eminence in the profession which he chose and became a leader of his people. Later in life than most men who enter this Hall, he was selected as a Representative of his people on this floor. There were two elements in his character which distinguished him above his fellows. First, he was honest. I mean he had intellectual integrity developed to a degree far beyond that possessed by the average man. He brought all the processes of that scholarly intellect to bear upon the solution of all questions that he was called upon as a public servant to solve. He never approached any question except with an open mind, with an honest and an earnest desire to arrive at the very truth. And in that endeavor I believe he was deflected from his course as little by the petty considerations that sometimes influence men as any man I have ever known.

He desired to know the right, that which was best for those whom he represented; and his constituency, as he understood it, were the people of these United States. To say to him when he was studying any question that "this is the course which the political organization to which he belonged preferred," or that "this was the view of the administration of the party to which he owed allegiance," or that "that was certainly the course which would meet with the popular approval"—I say to suggest such considerations to him was to idly waste the breath. He brushed those aside without one moment's consideration.

When he took the oath of office at this desk he did it seriously, for he was a serious man. He took this life and all of its duties and responsibilities seriously. And when he entered here upon the discharge of his public duties, he did it without mental reservation and with the full understanding that he was to sacrifice all that meant his personal advancement and preferment to the good of those he was called upon to serve.

And then there was another quality which he possessed—courage. Having arrived at the conclusion to which his mental processes had led him after study and research, he never fal-

tered for one moment in the advocacy of that which he had determined to be right. I believe that no man with whom I have served could more truthfully have said, "Place honor in one eye and death in the other, and I will look on both indifferently. For let the gods so prosper me as I love the name of honor more than I fear death."

I have spoken of two elements in his character. There was another. It was gentleness; that gentleness which enkindleth nobleness. I believe in all my acquaintance I have never known a man fuller of the milk of human kindness than SAM WITHERSPOON. He and I were intimate and devoted friends, yet, perhaps, in our study of political and economic questions we arrived at the same conclusion about as rarely as any other two men in the House; but in spite of that, I never failed to get a cordial, kindly, and affectionate greeting from him.

Mr. Speaker, it occurs to me peculiarly appropriate that the memorial services should be held over SAM WITHERSPOON at this particular time, at this particular crisis in the affairs of our Government, when to-day, as much as ever before in the long history of the Republic, men should be courageous, men should look the situation squarely in the face and render the verdict of their conscience, serving their country and serving their country's good with utter disregard for the minor considerations of personal interest or of political advantage. And in this crisis, when so much is required of every representative of our people, if the contemplation of the character of our departed brother, who was to all of us the very embodiment of honor and courage, if the contemplation of that great character at this particular time can furnish us inspiration to be true to ourselves and, therefore, false to no man, we can say of him, although departed, as Brutus said on that fateful night before Phillipi, "Oh, Julius Caesar, thou art mighty still."

Mr. WITHERSPOON was in all particulars a manly man. He was as gentle as a woman, and as brave as Julius Cæsar. He was strenuous, he was aggressive in the advocacy of what he conceived to be right, and yet we all recognize that though he was persistent, though he was insistent, though he was in advocacy of what he believed to be right radical and aggressive, he was, nevertheless, gentle, "and the elements so mixed in him that nature might stand up and say to all the world, this was a man."

Mr. HENSLEY. Mr. Speaker, Judge WITHERSPOON and I entered the Sixty-second Congress together. If I mistake not, we met at the Democratic caucus held in January, 1911. It was my good fortune that we were given the same committee assignment—that of Naval Affairs. I say, it was my good fortune, as indeed it was, for so long as I am blessed with life and reason I shall cherish in the fondest way my association with Judge WITHERSPOON upon the committee here in the halls of Congress and where our duties called us while Congress was in session, which was almost continuously for four years; for, Mr. Speaker, as you will recall, Congress was in session the greater part of that time. I firmly believe that Judge WITHERSPOON was one of the rarest specimens of true American manhood, combining genius, statesmanship, and integrity and great industry, together with the enthusiasm of a patriot, who has ever occupied a seat in this historic hall. I never have seen a person fonder of children than he appeared to be. He seemed not to overlook an opportunity to give attention to them. I have often said that I would rather offend a grown person than a child, because the impressions made upon their little minds are more lasting than we sometimes think. Only a few evenings ago I was reading in the hearing of my 10-year old boy the address made in Judge WITHERSPOON'S memory by his lifelong friend and law partner—which, by the way, is a most complete story of the life of Judge WITHERSPOON, told in a very beautiful way. When I had concluded it I looked up and found my boy in tears. I asked him, "Robert, did you like Judge WITHERSPOON?" And he replied, "Yes, daddy; I loved him."

Great men often are so different from others that they are frequently misunderstood. He appeared not to be understood by some and because of this misunderstanding, real or feigned, he was sometimes assailed and criticized. I desire here and now to give expression to this fact, so it may go into the RECORD in cold type, that, in my opinion, there is no person who entertained a higher regard for, or warmer appreciation of, the professional men in the department with which his committee had to do than did Judge WITHERSPOON. He was a real friend of the service, and the men in the service of that Department of Government. Yet, Mr. Speaker, he believed that it was a department of Government and that it existed for the good and the glory of the Government. His courage stood out in bold relief here in these Halls where we see so much sidestepping. I shall never forget how appalled I was on that morning when meeting two reporters down on Pennsylvania Avenue they announced to me the death of Judge WITHERSPOON. It seemed to me that of all times we needed his service most now. We need his courage as an example to us. We need him now, with his words of wisdom, upon these questions that are fraught with such consequences to the country, because, Mr. Speaker, as his colleague from Mississippi [Mr. HUMPHREYS] has so eloquently said, he was prompted by the highest motives in all his utterances and was not fearful that something that he might say here would get back home and affect him personally to his disadvantage. He did not quake or tremble when questions, however trying, came up for decision, nor did he weigh them with the mathematical precision with which a chemist weighs his compounds, observing with the closest scrutiny possible the effect his decision or vote would have upon his personal fortunes, but with a burning ambition to serve the great body of people who entrusted him with authority, devoid of selfishness and sophistry, he took his stand as a manly man.

Let it be said to his credit that no person ever heard him refer to his home people in other than the most affectionate terms. His love for his people and his State approached a passion. If this trait was equaled by any other, it was his zeal and candor, backed up by his persistent determination to promote the welfare of his State and Nation by protecting, as he believed, every inherent right that belonged to the individual in the face of great opposition and sometimes vile abuse directed at him by those whose schemes he interfered with. It is so easy for one to go with the current, but it takes superior courage and manhood for a man to stand by the right, as God has given him to see the right, in spite of great influences which sometimes resort to abuse and slander.

There are many incidents I could relate that would give those here who did not know him as well as I did, and those who may peruse the RECORD and these facts, a better insight into his nature and to the man himself. On the many trips taken by the Committee on Naval Affairs, whether we were visiting navy yards or other points of interest to the Government, he was at all times giving his closest attention to the things about him.

I shall not take up more of the time of the House, excepting to say that on one occasion while in Philadelphia, when several committees of the House and other citizens were visiting that city, there was a scene that I shall always recall in the old Continental Hall, the chief attraction, of course, in that great city of Philadelphia. It was along in the afternoon of the day when it so happened that a number of us were present in that almost sacred precinct. Among those present were Members of the House, as well as others, and if my memory serves me correctly it was Congressman Donohoe who called out to the crowd, "Gentlemen, here in this presence and on this occasion we have a number of Members of Congress from several States of the Union, and it would be fitting, it seems to me, if some of those present would say something to this body of people gathered here." I do not recall the number of Members who talked on that occasion, or who they were, excepting Judge HARDY, of Texas, and some two or three others, including Judge WITHERSPOON. A more impressive occasion, it seems to me, would be hard to imagine. Standing there among the old furniture and chairs occupied by the fathers of our country and near the table upon which the Declaration of Independence and the Constitution of the United States were signed, and with the portraits of those great men apparently looking down upon us, and among those portraits was that of his kinsman, John Witherspoon, was an experience that I shall never forget. I think it was the most impressive occasion of my life.

Mr. Speaker, I am reminded that we too frequently put off making references to those qualities we admire in our friends until occasions of this kind. It seems to me that it would be better if we could occasionally say a word of cheer to our friends while we are with them than to wait until they are gone and then say it in the presence of others; and on this occasion it affords me pleasure that I recall that during one of the fights which were being waged on the naval appropriation bill I took occasion to use the following language upon the floor of the House during the lifetime of Judge WITHERSPOON:

> Mr. Chairman, I hope to get great pleasure later in life out of things incident to my service in Congress. Chief among them are friendships formed while here, and among all the friendships formed here I count as one of the rarest and sweetest the friendship for and my association with one whom I regard among the ablest and most patriotic, as well as the purest in mind and soul—Judge WITHERSPOON, of Mississippi.

I am not rebellious against that power that "doeth all things well" because of the taking off of those whom I love, though I sometimes am compelled to confess that I can not understand these purposes, and it is well, perhaps, that I do not understand them. I felt, and there are many others, no doubt, who felt as

I did, that we needed Judge WITHERSPOON. As said of Saul, "He stood a head above his brothers." He was a towering oak in the forest. In my opinion, not only his district and his State but the Nation in his death sustained an irreparable loss.

Life: We've been long together,
Through pleasant and through cloudy weather;
'Tis hard to part when friends are dear;
Perhaps 'twill cause a sigh, a tear.
Then steal away, give little warning;
Choose thine own time;
Say not good night, but in some brighter clime
Bid me good morning.

[Mr. CALLAWAY addressed the House. See Appendix.]

Mr. BAILEY. Mr. Speaker, it seems to me that I would be untrue to the memory of that splendid soul which in the zenith of its power and in the very flower of its usefulness to humanity was called to join the choir invisible if in some small way, at least, I did not remind those who are gathered here to-day of the sentiment which swayed the life of the friend who has gone before, and therefore I shall speak a word or two regarding the tie which bound me to the lamented dead. It was a tie of brotherhood, of common sympathy, of like purpose. When I became a Member of this great body in the Sixty-third Congress it was but natural that I should cast about me for men who felt as I feel touching some of the great questions with which we were called upon to deal; and it was not long before I discovered in the late Judge WITHERSPOON a soul responsive to my own in one of the most vital matters which have ever confronted the American people.

Judge WITHERSPOON drew me to him by his hatred of war, by his hatred of the war spirit, by his merciless antagonism to that sham patriotism which finds expression in the doctrines of force, by his masterful opposition to the propaganda of jingoism masquerading under the guise of preparedness. Perhaps there has never been a Member of Congress more thoroughly equipped than Judge WITHERSPOON for combating the monstrous false pretense against which he waged ceaseless battle. And just a few days before his death he wrote me from his home in Meridian to say that he was ready to renew the fray the moment the new Congress should enter upon its work. He had mastered the technique of ships and guns. He knew more than the experts concerning these matters. He was able to confound all their arguments. Every plea they set up was a challenge to him which he was able to meet with an unerring answer. His value to this House and to the country it would be impossible to overestimate. The loss to us and to the United States, which his death has caused, I shall not attempt to set forth. Yet I feel certain that were he alive to-day his influence in checking the tremendous movement toward militarism would be felt from shore to shore.

The man in whose memory we are gathered to-day had a dream—a dream of peace. And—

He whom a dream hath possessed knoweth no more of doubting.
For mist and the blowing of winds and the mouthing of words he scorns;
Not the sinuous speech of schools he hears, but a knightly shouting;
And never comes darkness down, yet he greeteth a million morns.
He whom a dream hath possessed treads the impalpable marches.
From the dust of the day's long road he leaps to a laughing star,
And the ruin of worlds that fall he views from eternal arches,
And rides God's battlefield in a flashing and golden car.

Yes; SAMUEL WITHERSPOON was possessed by a dream. And it was a splendid dream—a dream of a world at peace; of a world forgetting its old rancors, its old jealousies, its old prejudices, its old blood lust; a world given to high ideals, to quiet labors, to constructive activities, to education, to the inculcation of love, to the upbuilding of all that is sweet and noble and fine in human life.

He has gone before his dream has come true. But it will come true in God's good time; and all the sooner for this man having lived and having possessed it and been possessed by it. In all tenderness of affectionate regard for the memory of one who wrought nobly while it was permitted him to work, I lay my humble tribute on his grave and join with all who knew and loved him in garlanding his tomb.

Mr. FARR. Mr. Speaker, I did not intend to speak on this occasion, but I shall not forego the opportunity to indorse the splendid tributes paid to Judge WITHERSPOON as just in every respect, handsome as they are. I early came in contact with Judge WITHERSPOON as a new Member of this great body and that feeling of sentiment which goes out to first-term men, one to the other, enhanced our relations. The announcement of his death was a great shock to me and I felt that a splendid, good, useful, honest, patriotic man had been taken from our midst. He was strong, able, kind, gentle, loving, and lovable. He gave from the bottom of his heart the best that was in him for humanity and he got the best from humanity. A combative force, powerful, strong, he realized the great truth in this life that the empire we possess is within us and the responsibility is upon us to develop the powers which God has given us for the good of mankind. He was an honest man and I know that he was a kindly man. We served on the Committee on Naval Affairs. We disagreed, I very materially from him, but he was tolerant and kind, as all strong, capable men are.

We disagree frequently on this floor, but through those differences, clearer distinctions arise and better results follow to the people.

Personal misconceptions arise in this large body through lack of opportunity to really know each other. In this connection it is pertinent to recall a colloquy said to have taken place between Samuel Johnson and Oliver Goldsmith. They were walking along the street one day, and Johnson, looking across the highway, said, "I hate that man over there." The genial, warm-hearted Goldsmith, turning to Johnson with much surprise, said, "Johnson, you do not known that man. Why should you hate him?" Johnson replied, "That is the reason. If I did know him I would love him."

Many of us had the great privilege of knowing Judge WITHERSPOON and I do not think any man in this House had ill feeling toward him. Indeed in my time here no Member had more warm, earnest, understanding friends than he.

Mr. BRUMBAUGH. Mr. Speaker, while in attendance at church this Sabbath morning a colleague informed me that memorial exercises were being held in the House of Representatives in memory of our late departed friend, Judge WITHERSPOON. As soon as I could conveniently do so, I left that place of worship and came to this Hall, which to us all on this occasion carries with it all the sacred feeling that a place of worship could signify. I wanted to attend these exercises simply in order that by my presence here I might pay my tribute of love and respect to my friend's memory, whose friendship I enjoyed and whose character I admired. Since coming into the Hall I have been requested to speak a word on this occasion. It is a pleasure and labor of love to comply with this request, although I regret greatly that I did not know of these exercises before coming, so that I might have had time to prepare some remarks that, in a feeble way at least, would be partly indicative of my high regard and warm personal esteem for Judge WITHERSPOON.

In life Judge WITHERSPOON was a likable, lovable character. To those who did not enjoy the pleasure of his acquaintance he may have seemed stern and severe, but to those whom he gave his confidence and friendship, while he was always all that a true man should be, yet he was as gentle as a child. I had the pleasure of living with him for almost two years. We both resided at the same hotel in the city, and I came to know him well and to admire and love him greatly. It was always a pleasure to me after a hard day's work to have the opportunity to draw my chair up by his side and to enjoy the rare pleasure of his society, wisdom, and scholarship. Judge WITHERSPOON was an exact man and a finished scholar. We used to love to exchange quotations on Shakespeare, the poets, and the old masters. I soon observed that when he quoted from Shakespeare or the classics that he would not quote something about like the masters wrote it, but he quoted it in the exact words they used, and this was characteristic of his information on all lines. It was exact, precise, and thorough.

Judge WITHERSPOON was a man of striking personality, a personality that left its impress upon all whom he met. From my boyhood days I have carried in my mind certain pictures such as we all love to carry, certain pictures of unique characters of whom we have read but never seen. I had read much in books about one delightful character commonly termed the typical old southern gentleman, but I never met in the flesh a man who just filled that picture in my mind until I met Judge WITHERSPOON.

No one could know Judge WITHERSPOON without feeling that here was a man who filled to overflow the great measures of life, honor, faithfulness, and loyalty to a principle. I once said to him when he was relating some of his law experiences, "Judge, were I friendless, a stranger, innocent, and in trouble I should ask no greater favor than to have you either for the prosecutor or for the attorney in charge of my defense." As prosecutor I believe that justice would be mingled with mercy and that nothing could induce him to go beyond that limit. His nature was tempered with sincere love for his fellow men and he could look at their frailties with an eye of pity.

Everyone who knew Judge WITHERSPOON had the most profound regard for him in every way, because he possessed all the great elements that go to make up true character, and at last, gentlemen, character is the one real essential of life. All other attainments fade and perish, but character shines on. When the greatest positions and attainments are forgotten character still survives. It is the one thing that is immortal, that lives on bathed in immortality.

When I first heard of his sudden death I could not have been more surprised and shocked to hear of the death of anyone outside of a near relative than I was when I heard of the death of Judge WITHERSPOON. I said of him and about him to a friend, here was a man like a tall oak in the forests that has fallen that towered above the ordinary man among his fellows, and I said of him and about him, he has so left the noble traits of his character impressed upon his fellow men that his influence will be like that of the shepherd of King Admetus:

And after he was dead and gone,
And e'en his memory dim,
Earth seems more sweet to live upon,
More full of love, because of him.

So shall we think of him in loving remembrance as having left to us a rich heritage of faith and courage for all the years to come,

Death takes us by surprise
And stays our hurrying feet;
The great design unfinished lies,
Our lives are incomplete.

But in the dark unknown
Perfect their circles seem,
Even as a bridge's arch of stone
Is rounded in the stream.

So when a great man dies,
For years beyond or ken,
The light he leaves behind him lies
Upon the paths of men.

Garlands upon his grave,
And flowers upon his hearse.
And to the tender heart and brave
The tribute of this verse.

Mr. LOBECK. Mr. Speaker, I realize that the colleagues of the late Judge WITHERSPOON, of Mississippi, wish to take more of the allotted time to-day, and so I shall ask that I may have the privilege of inserting in the RECORD at an early day a tribute of my love and affection for him.

During this last year many of my friends have gone away to the land beyond, but for no one of the public men or men in public service that I have known have I felt the loss more than for my genial friend, Judge WITHERSPOON.

So, without taking more time now from his dear colleagues from his State who have served with him and have known him for a lifetime, I shall ask to extend my remarks in the RECORD.

Mr. RAINEY. Mr. Speaker, I gladly accept this opportunity to pay my last tribute of respect to the memory of my friend.

I knew Judge WITHERSPOON better than most men. Early during his career as a Member of this House I learned to respect his sterling honesty and his conscientious adherence to duty as he saw it. In all his acts, whether as a Member of this body or as a practicing lawyer, as a citizen, as the father of a family, he consulted first of all his conscience. He was in all the emergencies of this life an honest man. And I have often thought that if after I passed through the doors of this life into the great beyond men could say this of me, they would be paying me the highest possible compliment. He was splendidly endowed by education, by inherited tendencies, and culture for the duties of the life which it seems to our human minds has been closed all too soon. In all the circumstances of this life he discharged his full duty to his district, to his State, to his community, to his family, to himself. To-day over his grave in the far-off Southland warm breezes of spring are blowing. May the winds of winter blow soft and low where he lies, may the earth rest lightly always upon the heart of SAMUEL A. WITHERSPOON, of Mississippi.

His was a busy, active life. In this world of men he was a man, brave, honest, true, in all the activities of life consulting first of all his conscience.

The stars do not go down—they only rise on another shore; they shine somewhere always, bright jewels in the great dome of heaven.

The flowers fade and pass away, the leaves fall, but they are not dead; they only wait through cold wintry months the coming again of the sun and the sweet, warm breezes of spring.

There came a time in his busy career, the time which sooner or later comes to all of us, when the tide is low—the time when the night comes down and covers with its dark curtains the day, while from far out on the cold waters of the unknown sea is heard the call of voices. In the silent hush of the pale twilight he sailed away through the purple shadows out on the ebbing tide of the unknown sea on toward the far-off mystic isles where in a safe anchorage lie the craft of those who have gone before.

Our friend is not dead; he has but passed through the clouds and the mists which envelop the day; he has entered into the newer and larger life on the unseen shores beyond the unknown sea.

Mr. COLLIER. Mr. Speaker, we have assembled here to-day to pay a tribute of love and respect to the memory of our departed colleague, the late lamented SAMUEL ANDREW WITHERSPOON.

It was my good fortune to become intimately acquainted with Mr. WITHERSPOON, we both having lived at the same hotel for several years. My acquaintance with our late colleague began when he first came to Congress and it soon ripened into a sincere friendship which lasted until his death. Judge WITHERSPOON was a unique figure, an able lawyer, possessing a keen, discriminating, analytic mind, he yet was in some respects a dreamer and a poet. He was one of the closest reasoners I have ever known. Once the premises were admitted he would irresistibly reach a conclusion. In arguing with him, to admit a single one of his premises was to court defeat. The safest plan was always to enter a general denial. His moral courage was superb. I have never known anyone in public life possessed of more courage than he, and as fearless in expressing his opinion on the floor of the House. Whether a measure was popular or not was a question that never entered Mr. WITHERSPOON'S mind. He never paused for a moment to reflect what consequences his vote might have upon his own political fortunes. Having decided views on every public question, there was no middle course that he ever traveled. What he believed to be right was the only standard by which he measured his expressions in the House and to the country.

When there was a great clamor for Federal appropriations for good roads, and a bill to appropriate aid to nearly every rural route in the United States came up for final passage in the House of Representatives, Mr. WITHERSPOON, standing upon his ideas of local self-government, cast prudence to the winds and voted against the appropriation.

Perhaps the strongest advocate of prohibition in a delegation, where all are in favor of State and National prohibition, he again stood upon his ideals of local self-government and opposed the Hobson amendment, though none knew better than he how his position, both at home and abroad, would be misconstrued.

Powerful in debate, subtle in argument, rich in information, and analytical in his conclusions, he always had an audience when he addressed the House, commanding alike the respect and interest of all who heard him. I have frequently made the statement, and I still believe it to be true, that Judge WITHERSPOON knew more about the details connected with the American Navy than any man in public life. Though a Member of the House for less than five years and coming here with perhaps the only information on naval subjects that a busy man, engaged in a lucrative practice of law, who spent his leisure hours in study, could have obtained, his information was marvelous. Whether it was about the number of guns on a battleship, the thickness of the armor plate of a dreadnaught, the speed of a cruiser, the number of officers or men, the size of the various guns, the distance they could effectively shoot, the intricacies of target practice, the comparative strength of the different navies of the world, the formation of a fleet in battle, the cost of the ships and their equipment, the time when they were built, their tonnage and displacement, the amount of work in different navy yards, or any other detail connected with naval affairs, he was thoroughly familiar and could answer any question asked him.

It seems almost incredible that in the short space of five years Mr. WITHERSPOON should have become an acknowledged authority on such matters.

Mr. WITHERSPOON was an orator of no mean attainments. There has seldom been in the House of Representatives a greater demonstration of approval than that which followed his speech for the preservation of the captured flags. Not only was there a stupendous burst of applause at the conclusion of his tribute, but Members on both sides of the House rushed over to him and extended their congratulations. I am going to read you a few sentences from that speech:

When these flags were exhibited to the committee and I saw their torn and tattered fragments struggling, as it were, to hold together and apparently breaking asunder, like the sunlit shreds of a cloud whose glory is about to depart forever, I was unwilling to say by my vote that those fading emblems of the national glory, those neglected tokens of a splendid heroism, those sacred rags of an unconquerable

Navy, were not worth the cost of their preservation. If it be difficult to justify this expenditure, it is impossible to excuse an assent to the impending destruction of these flags. Written all through their precious folds there are lessons which we can not afford to forget, there are memories which we can not afford to dim, and there are hopes which we can not darken without shutting out the very sunlight of our future. These flags tell us of a day when the public good was held high above private gain, of a day when American heroes hastened to surrender and to sacrifice position, place, property, reputation, and life itself for the public good, and when they were never seen rushing with open hands into the open Treasury when the value of noble deeds and public victories were not measured in dollars and cents.

They tell us of a day when the essence and the glory of the Union were that all the States were equal and when geography, but not sentiment, divided our country into sections.

Equally beautiful was the tribute he paid the American flag before the Society of the Sons of the American Revolution. He said:

And no further discussion or argument is needed to-night, for all that I have said or could say is more beautifully and eloquently written and expressed in the precious folds of the glorious flag presented here in your presence. The white stripes, said to be bleached with the Nation's tears, teaches mankind that peace on earth and good will to all men is the policy of our Government, while the red bars are the sacred emblem of the heroic blood which the fathers of the Revolution shed from Canada to Georgia as the purchase price of our liberties and happiness.

The stars of the flag mark the number of sovereign States, and in the sublime language of heaven itself gives us the assurance that no more will the people of any community in our country ever be deprived of the blessings of local self-government, while their glorious cluster in the corner of our emblem of liberty teaches the lesson that the American States are bound together in a Union established for the preservation of liberty. And if you want to know how long those stars will continue to shine with the stars of heaven and how long that union will fill the object of its formation, the flag answers back that those stars are clustered together in the background of blue which never changes. The tints on the cheeks of the flowers disappear in the withering of the petals; the crimson glow of the sunlight in the frowning cloud is fleeting and short; the beautiful green with which nature robes her leaves and grasses must soon change to the colors of decay and death; but when God created the heavens he painted the sky with his own fadeless blue, and the paintbrush, dropping into the deep, wide sea, gave it the same immortal hue, and the blessed song of the flag is that so long as the skies above us and the seas around us refuse to change their fadeless color so long will the Stars and Stripes wave in triumph over the land of the brave and the home of the free.

These lofty thoughts and patriotic utterances conclusively demonstrated Mr. WITHERSPOON's capacity as an orator. The world is better off that Mr. WITHERSPOON lived. He has passed away and his voice will be heard no more upon the floor of this House. His gentle smile and friendly handshake are gone, never to return, but his winning personality, his rugged honesty, and his sterling worth will long be remembered by all who knew him. He lived a good life and trod with unfaltering steps the paths that lead to rectitude and honor. His faith was sublime; it was founded upon the rock of ages, and when the dread messenger appeared to Mr. WITHERSPOON he "went not like the quarry slave scourged to his dungeon, but sustained and soothed by his unfaltering trust, approached his grave like one who wraps the drapery of his couch around him and lies down to pleasant dreams."

It was my melancholy privilege to be present at his funeral. The business houses of the city of Meridian closed their doors in respect to his memory, and the sorrowful crowd which gathered in the Presbyterian Church, the funeral cortege which accompanied his remains to the cemetery, the wilderness of flowers laid upon his bier, and the look of sorrow and distress upon the faces of all who gathered in that silent city of the dead to pay last tribute of respect and love to the memory of this good man attested the real esteem and worth in which our colleague was held by his fellow townsmen.

Judge WITHERSPOON was my friend. I was a frequent visitor to his office, and we have had many discussions over public questions. While we widely differed in our views upon many of these questions, yet on the great subject of Federal taxation he and I were kindred spirits. We thought alike about this question, and I feel indebted to him for the many valued suggestions that I received from him, who had a thorough understanding of the subject.

Grateful people have throughout the ages erected lofty and imposing monuments commemorating the life, the character, and virtues of their illustrious dead. These monuments are inspirations to generations yet to come, lifting them to a higher plane and leading them to a better life, but greater than memorials of marble and bronze, more than fame and wealth, is the example of one who bequeathed to his family and his friends the priceless legacy of an honored name and the memory of a life filled with earnest deeds.

[Mr. KITCHIN addressed the House. See Appendix.]

Mr. STEPHENS of Mississippi. Mr. Speaker, my acquaintance with Mr. WITHERSPOON was limited to his term of service in the House. Each of us came to this city as a new Member of Congress at the beginning of the Sixty-second Congress. Coming from the same State, it was but natural that we should soon meet. We became friends and spent much time together. I learned to admire, respect, and love him.

I shall speak briefly of those things in his life and character that inspired the sentiments to which reference has just been made.

SAMUEL ANDREW WITHERSPOON was truly a great man, a rare man—rare in intellect, in courage, in nobleness and strength of character.

His was a giant intellect. A student all his life, his mind was trained and stored with information on many subjects. Indeed, the fullness and maturity of his intellectual powers were the admiration of all who knew him.

Having the faculty of graphic clearness and strength of statement, having a power of analysis and logical force rarely found, and being able to center all his forces upon the question at issue, he was a power in any cause that he championed. These things, together with a sincere earnestness, made him an interesting and entertaining speaker, whether one agreed with him or not. His powers of logical analysis were so great that if his premises were admitted his conclusions were well-nigh irresistible.

Although he was not much given to speaking here—I think he made only about a half dozen speeches on this floor—he was recognized as one of the strongest men in this body. He was always listened to with great interest, for everyone knew that he never spoke unless he had something to say that was worth the saying.

I shall not dwell longer upon this phase, because indisputable proof of his intellectuality are written on the pages of the law books of his State, where he practiced law for many years; and in the records of Congress, in speeches, in reports prepared in the course of his committee work, and in the examination of witnesses before the Naval Affairs Committee where he displayed a most wonderful grasp of the details of all matters relating to the Navy. Then, there are other elements in his character that are higher, nobler and more important than mere intellect.

A great intellect is a priceless possession, the ability to clothe thoughts in burning words, winged as it were with lightning, is worthy of admiration; but these things are of little real worth unless the man possessing them have a soul which loves truth and accepts it.

I never knew a man who adhered more closely to a high standard. He loved Goodness because it was good and Truth because it was lovely. To every question he applied the straight-edge of Truth, of Righteousness, of Justice.

His conduct was always actuated by the loftiest motives. The love of duty was stamped upon his soul as an eternal truth. He may have believed in the old maxim that "Honesty is the best policy"; but this was not what caused him to be honest. He was so from principle and habit.

With a soul enkindled with enthusiasm for what is good and noble, a mind aglow with truth, a heart filled with love for mankind, an eye that shone bright with honor, a look that bespoke freedom, manliness and veracity, and a bearing that declared him brave, frank, generous and true, anyone who saw him could tell that he was a man. Everyone was impressed that, though he might make mistakes through error of judgment, it was absolutely impossible for him to be mean or little.

Although he differed, violently at times, from many of his associates, yet his sincerity was never questioned, but all admired his candor and courage of conviction.

If he had lived in the days of the Knights of the Round Table, he could have subscribed to the oath that Tennyson represents them as taking.

To reverence their conscience as their king,
To break the heathen and uphold the Christ,
To ride abroad redressing human wrongs,
To speak no slander, no, nor listen to it.
To honor his own words as if his God's,
To lead sweet lives in purest chastity,
To love one maiden only, cleave to her,
To worship her by years of noble deeds,
Not only to keep down the base in man,
But teach high thought and amiable words
And courtliness and the desire of fame
And love of truth and all that makes a man.

He had caught the vision of true greatness—that it lies in nobility of mind and goodness of heart, as well as in illustrious deeds. Greatness without goodness is a myth. Position, place, power, all dwindle into insignificance when compared with the emotions of a heart filled with love of justice, mercy, and truth. Back of everything great must be a heart, a conscience, a conviction.

If a Christian is one who is restoring God's likeness to his character, our friend was one. No dishonorable act detracts

from his fame; his hands were clean and his integrity incorruptible.

It was the dying boast of Pericles that he never made an Athenian weep. It should be a matter of pride to his family that no friend of Mr. WITHERSPOON ever blushed or hung his head in shame because of an ignoble word or deed of his; that no one can be found to reproach him for ingratitude or who can say that he ever failed to discharge in full measure any obligation.

He locked his lips too close to speak a lie;
He washed his hands too white to touch a bribe.

One thing that impressed me as much as anything in his character was his love for humanity. His great heart went out to the poor, crushed to earth by privation and sorrow. The tides of love for his fellow man ran with mighty pulsations through his soul.

The greatest ambition of his life—and no man can have a nobler ambition—was to be of real service to mankind, and he was never passive or indifferent when some legislative wrong was about to be committed, as he believed, against the interests of the people.

His was a genuine affection for the common people; and he was always ready to aid them in the passage of legislation which their conditions demanded. Although thus active in their interest, no one ever heard him utter a word of flattery or ever knew him to do any act that in the remotest degree approached the appeal or the conduct of a demagogue.

Frequently we hear men declaim in eloquent words about the rights of the people and their great love and affection for them, and we doubt their sincerity. But when Mr. WITHERSPOON spoke in the interest of the masses, no one doubted him. I have talked with him frequently in the privacy of his office about matters of legislation and its effect upon the people of the nation; and when he would remark upon the condition of those who did not have even the necessities of life, I have seen his eyes fill with tears and his voice choke with emotion. Many men may have accomplished more to relieve the poor, the distressed, the down-trodden, the heavy-burdened of earth, but no man ever possessed greater sympathy for such.

Although it does not relate exactly to the subject that I have just been discussing, I shall refer to an incident that came under my observation. Mr. WITHERSPOON had defeated Hon. Adam Byrd, who had been a Member of Congress for several years. They had engaged in a heated campaign, into which the bitterness of factional and partisan politics had entered. Two years later Mr. Byrd announced as a candidate against him.

One day, a few months prior to the election, Mr. WITHERSPOON came into my office with a telegram in his hand. I noticed that he was very much distressed. Coming up to me, he said "I have just received bad news." I asked him to tell me about it. Hesitating a moment because of emotion, he then said, while tears were flowing from his eyes, "Poor Adam Byrd is dead."

Reference has been made to this as illustrative of the great, tender heart that throbbed in his bosom. Ready a few minutes before to go out and do battle with his political enemy with all the vigor that he possessed, now that he was still in death the strong man was overcome and any feeling that he might have had against Mr. Byrd was instantly forgotten, and such a feeling of sympathy and sorrow swept over him that it caused him to weep. To me it was the strongest evidence of a kind, sympathetic, and great heart.

Mr. Speaker, the philosophy of life entertained by him has been splendidly expressed by one who said: "The end of all worthy struggle is to establish morality as the basis of individual and national life, to make righteousness prevail, to make justice reign, to spread beauty, gentleness, wisdom, and peace, to widen opportunity, to increase good will, to move in the light of higher thoughts and larger hopes, to encourage science and art, to foster industry and thrift, education and culture, reverence and obedience, purity and love, honesty, sobriety, and disinterested devotion to the common good—this is the patriot's aim, this his ideal."

He was intensely patriotic. A Democrat believing in the great fundamental principles of Thomas Jefferson, he struggled all his life for their exemplification, believing that only in the working out of those great principles could our nation measure up to its highest destiny and the people receive the highest good.

If he failed to keep step with many of the so-called progressive movements of the day, if he refused to align himself with the political fads and "isms" that seem to be the order of the day, it was not from any lack of patriotism. It was because he believed in the Constitution and was convinced that if the principles of Democracy as set out by Jefferson, which he had taken as the rule and guide of his political faith, were put into practical operation and effect, within the limits of the Constitution, that was all that the functions of government could do to make a people happy, contented, and prosperous.

He was jealous of any encroachment of rights under the Constitution, and especially in regard to the powers of the States. The doctrine of "State rights" was sacred. He believed that under the Constitution this is a union of sovereign, indestructible States, with the right in each to control all domestic questions and conditions, such as labor, education, domestic relations, preservation of order, good morals, encouragement of industry, and the protection of people in the pursuit of happiness and the enjoyment of life, liberty, and property; and that the only duty of the Federal Government was, under a strict construction of its delegated functions, to perpetuate an indissoluble union for the general good.

A tribute to the memory of Mr. WITHERSPOON would be wholly incomplete unless reference was made to one of his most striking characteristics, his courage. I do not refer to physical courage, although he had an abundance of it. However much we may admire physical courage, it is not comparable to moral courage. Men may fight for various reasons, out of pride, out of necessity, out of meanness of spirit. Moral courage is that boldness to do right, to do that which ought to be done, without any regard to the effect upon one's self.

He possessed courage of conviction in the highest degree. I never knew a man who was so willing to sacrifice himself for his convictions. It has been said that "God hates a coward." If this be true, then He must have loved S. A. WITHERSPOON with an overwhelming love, for a more courageous man never lived. His courage was of the kind that caused the martyrs of old to suffer death for their convictions.

Love of power and position is a controlling force with many. It was not so with him. He would have surrendered his office in a moment rather than vote for any measure that he did not believe to be right. He loved his party, but he did not worship it to the extent that he was willing to follow it whether it was right or wrong.

He was not a good party man in the sense that he was willing to follow the dictates of so-called party leaders. He reserved the right to think for himself. Loving his party as he did, he believed that it was an agency through which just laws could be enacted and governmental affairs administered for the common good; but when, in his judgment, it failed to serve this purpose he never failed to decline to follow its behests.

After earnest, thoughtful consideration of a question he would make up his mind, and he always exercised his judgment, never yielding to the command of a caucus, or any other authority. By many this was considered a fault; but calm, cool reflection will lead us to the conclusion that independence of thought and courage of conviction are virtues to be admired, if not always commended.

Andrew Jackson once said:

I would not dance before the Throne of Power for the Throne itself.

This was the spirit of our lamented friend. The waters of political oblivion might have been surging around him and threatening to overwhelm and engulf him as the waters of the Red Sea the Egyptians, and he would have voted his convictions without any regard to those conditions. An effort by any man to change the revolutions of the sun would be no more futile than an effort to cause him to act contrary to his convictions. Mr. Speaker, I loved him for his magnificent courage.

In all my acquaintance with him I never detected but one defect in his character. He was impatient of contradiction and sometimes spoke too harshly. This was not due to egotism, stubbornness, or a desire to offend; but was due simply to a quick temper, a strong will, and the fact that his own opinions were so thoroughly fixed and, to him, were so clear and apparent that he had no doubt as to their correctness; and he simply failed to make proper allowance for the opinions of others. Everyone knew his gentlemanly and generous impulses. Therefore no one took offense at his outbursts of temper, as they knew that no offense was intended. His fault was single, his virtues many, so the fault was easily excused.

Mr. Speaker, it will always be a matter of pleasure to me that I had the opportunity to become so intimately acquainted with such a man. One whose passion was the love of his fellow men, whose eloquence was the inspiration of justice, whose hope was human freedom, and whose logic fixed its steady gaze upon the star of truth; one who did right with compelling insistence and who was not afraid that he might do wrong—a malady none too seldom found among those who are not sure of their approaches, who distrust themselves and stand with reluctant

feet, holding action in subjection, on the very threshold of duty; one who, amid all the trials and tribulations, the vexations and vanities of a long life,

Had kept
The whiteness of his soul.

[Mr. HARRISON addressed the House. See Appendix.]

[Mr. SISSON addressed the House. See Appendix.]

Mr. QUIN. Mr. Speaker, our deceased colleague, Mr. WITHERSPOON, was almost a father to me. When I came to Washington, about the 20th of February, 1913, he and my friend SISSON, the gentleman who last addressed you, took me under their wings. All my other colleagues from Mississippi were kind to me, but these two Members made me feel at home. I had no office until late in March and Mr. WITHERSPOON and Mr. SISSON gave me the privileges of their offices and the use of their secretaries. I had an office assigned me next to Mr. WITHERSPOON'S. We boarded at the same hotel until October of that year. After I brought my wife to the city of Washington he was a constant visitor at my home; a welcome always awaited him there. He dined with us many Sundays and evenings in the week. I learned to love the man. I realized that he was a real friend and a champion of the plain people of this Republic.

The last time I ever saw him was at the State fair at Jackson, Miss., on the 26th day of last October. We went through the fair and looked at all the farm exhibits. He had dinner with me on the grounds that day. He discussed the fact that while the farmers were producing all of those splendid products from mother earth they were being robbed by the special interests and through different forms of taxation. The man out on the hillside with a small farm and a little box house was always first in the thoughts of Mr. WITHERSPOON. The poor, the wealth-producing masses of this Republic, had a stanch champion in the distinguished gentleman from the fifth district of Mississippi, and when I was called as one of his colleagues to be at that sad funeral late in November of last year I could not help weeping like a woman when I saw his bier in front of me. And I feel that same heavy heart here to-day, because I know that in the loss of SAMUEL A. WITHERSPOON the plain people of this Republic, of his district, and of his State have lost a good man, a great champion, a strong gladiator who always fought in their behalf. Christianity has lost a potential exponent, the world has lost a great statesman, a profound thinker, a philospher, and a true patriot.

SAMUEL A. WITHERSPOON is not dead; he has simply gone to meet his God. His influence will live for centuries in this Republic; yes, so long as the United States Government shall stand. Who is he who will read the CONGRESSIONAL RECORD who can fail to be impressed with the great patriotic utterances of SAM WITHERSPOON? To-day his work in the Committee on Naval Affairs is ringing around the entire world. Every newspaper that discusses the subject at all refers to SAMUEL A. WITHERSPOON. He proved as a member of that committee as conclusively as any mathematician ever proved a problem in mathematics that we have the second navy in the world. No man who studies the subject and who will accept SAMUEL WITHERSPOON'S questions to the experts before that committee at the last session of Congress can fail to reach the same conclusion that SAMUEL WITHERSPOON reached, and his great speech on the floor of this House, demonstrating his understanding on that proposition, will live as a classic and will be read a hundred years from now. In him Mississippi and the Nation had a champion. In Mr. WITHERSPOON the producing masses of America had a stanch champion whose place is hard to fill. Whether one agreed with the man or not, all loved him and admired him. SAM WITHERSPOON stood out as a strong, singular character. Every man has his fault, but for one, I new saw any faults, because I loved the man. Oftentimes he would say to me, "Percy, excuse me", and he would not let me interrupt him in his process of reasoning.

I sometimes thought I could reach a conclusion or interject something in his argument, but he would always say "Excuse me." I sat still and listened and I always knew more at the end of his conversation than I did when he started. He had the most analytical mind I ever listened to or read after. In my judgment he was the greatest reasoner who ever stood on the floor of this House since I have been here. Mr. WITHERSPOON did not make many speeches on this floor, but he made them in the Democratic caucuses and in his office; he made them in the cloakroom, and what democracy there is in this House to-day is bound to have a real veneration and admiration for the memory and teachings of our departed colleague. Men from every State in this Union so soon as I returned to Washington a few days before Congress assembled expressed their deep regret and sorrow at the death of Mr. WITHERSPOON. Irrespective of party, Republicans who fought every inch of the ground on which Mr. WITHERSPOON stood absolutely admired and loved the man. They knew his character; they knew that he stood out a giant oak almost alone in his position. I could not follow Mr. WITHERSPOON'S reasoning on all of these great questions, but there never was a question that came before this House that I did not go into his office and argue it out with him. The important ship-purchase bill which was before the Senate for weeks before it came over to the House Mr. WITHERSPOON and I discussed in his office and in my office and in the little car when I would carry him out to my house, and there in my home in the presence of my wife we would argue. It was the same way on every deep question confronting the American people, and when it came for him to vote he voted his conscientious convictions, regardless of party whip, regardless of the effect of his vote so far as his popularity might be concerned in his district or in the State or in the Nation; he voted his honest convictions and voted, as he understood it, for the best interests of the American people.

He had a horror of the special-privilege legislation that had been in vogue in this Republic. He wanted to see all the American people put upon the same footing. He wanted equal justice to the poor, the rich, the high, and the low alike. A natural-born aristocrat, adorned with culture and refinement and deep learning, yet he was an absolute democrat in his manner, modes of life, conduct, and thought. No man had a deeper feeling for the toiling masses of this Republic than did Mr. WITHERSPOON.

And I for one know that my State, the State of Mississippi, has lost a great man, a great statesman, a philosopher, a Christian gentleman. I know that he is a loss to this body and a loss to the American people.

EXTENSION OF REMARKS.

Mr. VENABLE. Mr. Speaker, I ask unanimous consent that any Member of the House who wishes to do so may be given the privilege of printing his remarks in the RECORD on the life, character, and work of the late Mr. WITHERSPOON, and also that any Member who has spoken shall have the privilege of extending his remarks in the RECORD.

The SPEAKER pro tempore. The question is on the motion by the gentleman from Mississippi [Mr. VENABLE].

The motion was agreed to.

ADJOURNMENT.

And then, in accordance with the resolution previously agreed to, the House (at 2 o'clock and 58 minutes p. m.) adjourned until Monday, March 6, 1916, at 12 o'clock noon.

SENATE.

MONDAY, *March 6, 1916.*

(Legislative day of Friday, March 3, 1916.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The Vice President being absent, the President pro tempore took the chair.

PRINTING OF SENATOR KENYON'S SPEECH ON CHILD LABOR.

Mr. NORRIS. Mr. President, on the 24th of February the junior Senator from Iowa [Mr. KENYON] made an address here in the Senate on the child-labor question, and it included a great many documents bearing on that subject. It seems to me his address becomes very valuable to one who wants to study the question. I ask unanimous consent that the address be printed as a Senate document.

Mr. SMOOT. Mr. President, it has always been against the rule of the Senate to make a public document of an address delivered by a Senator in the Senate. I will say to the Senator from Nebraska of course it can be printed at the Government Printing Office just as it is, by itself, and distributed by any Senator who wishes to send it out.

Mr. NORRIS. I know it can, but the Senator will appreciate this fact. I presume every Senator is getting a great many requests for copies, and no one Senator would have a sufficient number nor would he feel justified in going to the expense of having it printed. The printing would be quite expensive.

Mr. SMOOT. Any Senator can have as many copies printed as he wants. If the Senator from Iowa desires to have it printed in pamphlet form by itself——

Mr. NORRIS. I do not know.

Mr. SMOOT. I say if he does, he can have just as many copies printed in that way as if it was printed as a public document.

I will say to the Senator it has been the universal rule, understood not only by the members of the Joint Committee on Printing upon the part of the Senate but also by the members on the part of the House, that the course proposed by the Senator shall not be adopted. I sincerely hope the Senator——

The PRESIDENT pro tempore. Does the Senator from Utah object?

Mr. SMOOT. On that ground I shall have to object, Mr. President; but——

The PRESIDENT pro tempore. No matter about the ground. The Senator objects.

Mr. SMOOT. I do not want to be placed in a false position.

The PRESIDENT pro tempore. The Senator from Utah objects. The Senate resumes the consideration of the unfinished business, and the Secretary will report the pending amendment.

DEVELOPMENT OF WATER POWER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the use of interstate and foreign commerce.

The PRESIDENT pro tempore. The pending amendment is that proposed by the Senator from Montana [Mr. WALSH]. It will be read.

The SECRETARY. On page 10, at the end of line 23, after the word "granted," it is proposed to insert:

Nor for the diversion or generating works or appurtenances or the land on which the same may be situated beyond the cost of the same, with all proper deductions for depreciation; nor shall more than the cost be claimed or allowed for any water rights or rights of way used in connectios with the property to be acquired.

So as to read:

In the determination of the value of said property for any purpose as between such grantee and the United States or any State no value shall be claimed by or allowed to the grantee for the rights hereunder granted nor for the diversion or generating works or appurtenances or the land on which the same may be situated beyond the cost of the same, with all proper deductions for depreciation; nor shall more than the cost be claimed or allowed for any water rights or rights of way used in connection with the property to be acquired.

Mr. SMOOT. Mr. President, I know there are a number of Senators interested in this amendment who are not in the Chamber. As there are very few Senators present, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Nelson	Smith, Ariz.
Bankhead	Hughes	Norris	Smith, Ga.
Brandegee	Husting	Oliver	Smith, Mich.
Chamberlain	Johnson, Me.	Overman	Smoot
Chilton	Jones	Owen	Sterling
Clapp	Kenyon	Page	Stone
Clark, Wyo.	Kern	Pittman	Swanson
Clarke, Ark.	Lane	Poindexter	Thompson
Colt	Lea, Tenn.	Ransdell	Tillman
Culberson	McCumber	Robinson	Vardaman
Cummins	McLean	Shafroth	Walsh
Curtis	Martin, Va.	Sheppard	Warren
Fall	Martine, N. J.	Shields	Williams
Gallinger	Myers	Simmons	Works

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of illness.

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is unavoidably absent from the Senate because of serious illness in his family. I desire this announcement to stand for the day. He is paired, however, with the junior Senator from Florida [Mr. BRYAN]. I should like that announcement to stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY], who is paired with the Senator from Maine [Mr. BURLEIGH]. I also desire to announce the unavoidable absence of the Senator from Delaware [Mr. SAULSBURY]. This announcement may stand for the day.

Mr. RANSDELL. I have been requested to announce that the Senator from North Dakota [Mr. GRONNA] and the Senator from New York [Mr. WADSWORTH] are absent on business of the Senate.

Mr. CHILTON. My colleague [Mr. GOFF] is absent on account of illness. He is paired with the the Senator from South Carolina [Mr. TILLMAN]. I should like to have this announcement stand for the day.

The PRESIDENT pro tempore. Fifty-six Senators having answer to their names, a quorum of the Senate is present. The question is on the amendment of the Senator from Montana [Mr. WALSH].

ARMED MERCHANT SHIPS.

Mr. McCUMBER. Mr. President, I desire to have read an editorial from the New York Times of Sunday, March 5, bearing upon the subject which was under consideration last Friday, which, it seems to me, it would be very appropriate to answer in a very few words.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Dakota? The Chair hears none. The Secretary will read.

Mr. McCUMBER. The subject is under the heading "The flag on the Capitol."

The Secretary read as follows:

THE FLAG ON THE CAPITOL.

For some days, thanks to the multitudinous lies radiated over the country from the central source at Washington, Americans have been boiling with anger at the thought that not an American but a German Congress was sitting there. They knew that foreign intrigue and domestic malice were doing their worst to set the legislative branch against the Executive, to filch from the latter one of his constitutional powers, to weaken the President in a grave moment of international difficulty, to create the impression abroad that the United States Government was divided in opinion, that the people were on one side and the President on another.

They saw Senators and Representatives eager for a cowardly surrender of the right of Americans to travel on the high seas. They read the concocted tabulations showing a majority in Congress—in the House a majority of two to one—in favor of that surrender. They saw, with shame and anger, a Senator in the Senate Chamber rolling out unctuously a falsehood, which he took good pains not to inquire into, about the President's wish for war. They heard from the American ambassador to Germany of the erroneous or sophisticated opinion prevailing in Germany, of the injury done to the United States by replication in Berlin of the studiously propagated report that Congress was hostile to Mr. Wilson's submarine policy.

Not even in the days when earlier aliens and fomenters of sedition were making the United States the football of foreign interests has the United States seemed so pitiable. Then it was young, weak, unconsolidated, full of generous recent friendships and enmities. Now, in its height of power, had it become the puppet of a foreign influence, a child in the hands of a foreign master? Was its Congress not its own, but that master's? Dark days for Americans.

It seemed as if the Congress was ready to haul down the American flag from the Capitol, spit on it, run the black, white, and red up in its place. But Tuesday the President called on the Germans in Congress to stand up and be counted. They stood up in the Senate Friday, 14 in all, a sorry lot. The Senate stamped on the counsel of division and dishonor. The Senate was American. The German flag was not going up on the Capitol. There was still an America, instinct with national patriotism, hot to resent and prevent the sacrifice of the least tittle of American rights, calm and majestically strong in upholding the President, who was striving in stormy times to maintain peace, but with no diminution of national right, no stain upon national honor.

The Senate is American. It is for the House to prove amply and unmistakably by its vote on the McLemore resolution that it is also American. The cloud of lies is not yet wholly scattered. The German flag will still seem to be dangling from the Capitol staff until the House has acted.

Mr. McCUMBER. Mr. President, I have always read with a great deal of interest the editorials of the New York Times. They are always aggressive, always strong. In this particular instance I must say, however, the editorial does not fairly represent the sentiment and the basis of the vote of those 14 Senators in the Chamber who believe that it is a high patriotic duty of the American people to do no act that would needlessly force this country into armed conflict.

Whenever we get ready for war, Mr. President, the editorial writer for the New York Times will find no divided sentiment in the Senate of the United States, and in my opinion very little division of sentiment among the people of the United States. But, Mr. President, if the writer of this article thinks for a single moment that the American people are hunting for an excuse to get into this European war, that they want Americans to expose themselves and to be killed so that we may be compelled to assert ourselves by armed conflict, he is sadly misinformed.

No, Mr. President; the country, while ever ready to defend our undoubted rights, does not want its citizens to needlessly lead it into this war. The sentiment of the people is patriotic, but it is not jingoistic. And, Mr. President, if this country is ever forced into war its victories will be achieved not by the bully or braggart, not by the jingo declaimers, but by the great army of true American patriots who are more concerned that their cause shall be a just right, approved by their hearts and their consciences, than a mere naked legal right.

Mr. President, no American has ever condoned or will condone the sinking of an unarmed indefensible merchant ship without first signaling for surrender, and without adequate protection of the lives of passengers and crew. That has now been conceded by all belligerents. The controversy has now narrowed down to a question as to whether an armed merchant vessel or a submarine should be permitted to shoot first. And without passing judgment on that question, but leaving it in the hands of the President, I insist that true American patriotism demands that so long as that disputed question has not been

settled, so long as it is the subject of diplomatic negotiation and conference, no American citizen should by his needless act jeopardize the peaceful settlement of the question or precipitate a crisis, and no American who purposely does so, and no one who advises him to do so can claim to be governed by real, true patriotic motives toward his own country. The highest patriotism of the American people to-day is to prevent precipitating the country into an armed conflict during the negotiations concerning this most delicate question.

Mr. JONES. Mr. President, when I heard the editorial read that the Senator from North Dakota sent to the Secretary's desk I wondered whether the writer of it belonged to a certain league that seems to be organized in the city of New York for a certain purpose, which is sending out documents urging that all means be taken possible to bring about a diplomatic rupture between this country and some of the belligerent nations.

This league is called "Citizens' League for America and the Allies," and one of its purposes is thus expressed:

> This league is formed to use all lawful means to put this Nation in a position of definite sympathy with the allies, and in an equally definite position of moral disapprobation of the purposes and methods of the Central Teutonic Empires.

Then it gives the names of the members of the committee, which I will ask may be printed in the RECORD.

The PRESIDENT pro tempore. In the absence of objection, it will be so ordered.

The names referred to are as follows:

> Holker Abbott; Rev. W. H. van Allen, D. D.; William D. Austin; Gaspar G. Bacon; Philip Cabot; Richard C. Cabot, M. D.; Stephen Chase; William T. Councilman, M. D.; Raply Adams Cram; Rev. H. R. Deming; James V. Donnaruma; Rev. P. R. Frothingham; Henry Copley Greene; William Ernest Hocking; Charles C. Jackson; F. F. McLeod; Joseph B. Millet; Ralph Barton Perry; Arthur Stanwood Pier; Edgar Pierce; Chandler R. Post; Morton Prince, M. D.; George Haven Putnam; Josiah Royce; Alexander Sedgwick; Frederick C. Shattuck, M. D.; William Roscoe Thayer; George B. Upham; H. Langford Warren; Leo Wiener.

Mr. JONES. Mr. President, this document which this league sends out is an address delivered at Tremont Temple, Sunday, January 30, 1916, by Josiah Royce, LL. D., professor in Harvard University. He closes with these words—and I simply ask the people to judge whether or not he is working in the interest of the United States and of the people of the United States and of the neutrality which our President so wisely and patriotically urged us all to maintain some time ago:

> Let us do what we can to bring about at least a rupture of all diplomatic relations between our own Republic and those foes of mankind, and let us fearlessly await whatever dangers this our duty as Americans may entail upon us, upon our land, and upon our posterity. We shall not thus escape suffering, but we shall begin to endure as Belgium to-day endures, for honor, for duty, for mankind.

Mr. President, the 14 Senators referred to in this editorial have no other desire and no other purpose than to promote the welfare, the happiness, the peace, and the prosperity of the American people. They are not interested as citizens of this country in either side of this great controversy, but are trying to keep their country out of just what this league is trying to get us into.

Mr. OLIVER. Mr. President, as one of those not numbered among "the immortal fourteen," I wish to say that in my opinion the editorial which was read at the request of the Senator from North Dakota [Mr. MCCUMBER] does not reflect the views and was not written by a legitimate champion of the men—the sixty and odd Senators—who voted with the majority a few days ago. I am satisfied, Mr. President, that every Senator who then voted, no matter on which side, voted in accordance with what he thought was best for the American people.

I voted as I did because I think the Congress is not the proper forum at this time for the discussion of this question. The Constitution places in the hands of the President the responsibility for dealing with our foreign affairs; and I, as a Member of the Congress, no matter how I may differ from the President and from his administration on domestic questions, feel that it is not up to me to interfere in any way with his conduct of foreign affairs in accordance with the dictates of the Constitution and of the duties which the people have called upon him to perform.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from New Hampshire?

Mr. OLIVER. I shall be through in one moment, Mr. President.

The PRESIDENT pro tempore. The Senator from Pennsylvania declines to yield.

Mr. GALLINGER. I simply wanted to ask the Senator from Pennsylvania a question at that point.

Mr. OLIVER. In one moment I shall yield to the Senator.

Mr. President, I deprecate such utterances as are contained in that editorial, and I decline to acknowledge that the men who give utterance to such expressions represent me in any way whatever. I now yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I am gratified to hear what the Senator from Pennsylvania has stated, because I believe it is the honest feeling of every Senator, no matter how he voted on that misunderstood resolution; but I wanted to ask the Senator this question: Does the Senator feel that in voting an opinion that the Executive might well warn American citizens not to travel on armed merchantmen is interfering with the President's constitutional prerogative in any way?

Mr. OLIVER. Not at all, Mr. President, if a Senator feels that it is his duty to give expression to that opinion. For my part, I do not feel that it is my duty to give expression to any opinion upon the subject at this time.

Mr. GALLINGER. Mr. President, the question I have propounded arose from the fact that the Senator from Pennsylvania seemed to intimate that in some way we were trying to encroach upon the prerogatives of the Executive. I have been utterly unable to see—I may be dense on the subject—how we were doing that in any way, if we simply felt and expressed the view that a warning of this kind might well be given to our people. That is all. That is the only thing I want to vote on. I believe such warning ought to be given, just as Sweden has given it, just as the President practically gave it in reference to Mexico; and I certainly would be one of the last Senators to take from the Executive any right that belongs to him or to hamper him in the discharge of his duty in trying to keep the country out of war. I do not want war, Mr. President. I want peace, and any vote I cast will be cast in that direction.

Mr. OLIVER. I realize that fully, Mr. President. I believe that that is the feeling of every Senator and of every Member of the House of Representatives. As to whether we should give expression to our views on this subject, as I said before, that simply marks an honest difference of opinion between the Senator from New Hampshire and myself.

Mr. GALLINGER. That is all.

Mr. POMERENE. Mr. President, about 10 days ago I received a letter from a constituent urging me to support the resolution of the Senator from Oklahoma [Mr. GORE] and giving as a reason for making that request a precedent which had been set by the British Government during the war between Russia and Japan. I at that time made some investigation in the State Department and satisfied myself that no such order had ever been issued by the British Government; at least, that was the information which was given to me. I should not have referred to this subject but that on Saturday the Senator from Massachusetts [Mr. LODGE] referred to it and discussed it at some length, presenting some documentary evidence showing that no such order had been issued. I then took the matter up again with the State Department in order that the Senate might have the benefit of such knowledge as the State Department had had upon the subject, and I now have from the Secretary of State a letter, which I send to the desk and ask that it may be read for the information of the Senate.

The PRESIDENT pro tempore. Unless there is objection, the Secretary will read as requested. The Chair hears none.

The Secretary read the letter, as follows:

> DEPARTMENT OF STATE,
> *Washington, March 6, 1916.*
>
> The Hon. ATLEE POMERENE,
> *United States Senate.*
>
> MY DEAR SENATOR: Referring to your oral inquiry on Saturday last in regard to an official order reported to have been issued at Hongkong or Shanghai by British authorities warning British subjects not to travel on belligerent ships during the Russo-Japanese War, I am advised that no such order or warning has been published in the British official organ or in the North China Herald, of Shanghai, and that British representatives and consular officers were expressly instructed to abstain from giving any advice to merchants, etc., by a circular of February 15, 1904. It is understood that if any such warning was issued it was without the authority of His Majesty's Government and contrary to their instructions.
>
> Very sincerely, yours, ROBERT LANSING.

DEVELOPMENT OF WATER POWER.

Mr. SHIELDS. Mr. President, the unfinished business was temporarily laid aside on Saturday last. Is it necessary again to have it laid before the Senate?

The PRESIDENT pro tempore. The so-called unfinished business is still under consideration.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the use of interstate and foreign commerce.

The PRESIDENT pro tempore. The pending question is on the adoption of the amendment offered by the Senator from Montana [Mr. WALSH].

Mr. SHIELDS. Mr. President, I ask for a vote on the amendment.

Mr. WALSH. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is the demand for the yeas and nays seconded?

Mr. HUSTING. Mr. President, will the Senator from Montana please explain his amendment?

The PRESIDENT pro tempore. What is the request of the Senator from Wisconsin?

Mr. HUSTING. I request the Senator from Montana to explain the amendment now before the Senate.

The PRESIDENT pro tempore. That is rather an unusual request. Evidently a sufficient number have seconded the demand for the yeas and nays. Let the Secretary call the roll.

Mr. CLARK of Wyoming. Mr. President, may the amendment be read?

The PRESIDENT pro tempore. The amendment will be stated by the Secretary on the request of the Senator from Wyoming.

Mr. WALSH. Mr. President, I shall be glad briefly to respond to the request made by the Senator from Wisconsin, if the parliamentary situation permits.

The PRESIDENT pro tempore. The parliamentary situation is such that the Senator can address the Senate if he sees proper to do so. However, let the amendment be stated, in compliance with the request of the Senator from Wyoming.

The SECRETARY. On page 10, line 23, after the word "granted," it is proposed to insert:

Nor for the diversion or generating works or appurtenances or the land on which the same may be situated beyond the cost of the same, with all proper deductions for depreciation; nor shall more than the cost be claimed or allowed for any water rights or rights of way used in connection with the property to be acquired.

So as to read:

In the determination of the value of said property for any purpose as between such grantee and the United States or any State no value shall be claimed by or allowed to the grantee for the rights hereunder granted nor for the diversion or generating works or appurtenances or the land on which the same may be situated beyond the cost of the same, with all proper deductions for depreciation; nor shall more than the cost be claimed or allowed for any water rights or rights of way used in connection with the property to be acquired.

Mr. WALSH. Mr. President, briefly the bill provides that after the expiration of the period of the permit, 50 years, the Government of the United States may, if it sees fit to do so, take over the property useful for or used in connection with the permit which is granted under the provisions of the bill upon paying the then fair value of the property. The amendment proposed by me is to the effect that the amount which is then to be paid by the Government, should it take over the property, shall be the cost of the same; that is to say, the cost of the dam, the diversion works, the generating works, and any water rights or rights of way; in other words, that the unearned increment, so to speak, shall accrue to the benefit of the people, instead of to the benefit of the corporation, which is granted the privilege under the bill.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. The Senator from Missouri.

Mr. REED. Would the Senator from Montana object to amending his amendment by putting in the word "reasonable" before the word "cost"? I have this in mind: Sometimes money is expended which is foolishly expended, yet it enters into the cost.

Mr. WALSH. Of course, that is true, Mr. President, but I have endeavored to be as reasonable as I could be in framing the amendment. The objection is made to the amendment that it is utterly unfair to the permittee. I want to give him what he has actually put in. However, if the amendment would be accepted by the Senator from Tennessee with the modification, I should be very glad to accede to it, but I apprehend it would not be.

Mr. SHIELDS. Mr. President, I did not hear the suggestion made by the Senator from Missouri.

Mr. REED. I suggested that the phrase employed be "reasonable cost," instead of "cost"; having this in mind, that it sometimes happens that money is improvidently expended in constructing a plant, and that money so expended should not be considered a part of the reasonable cost.

Mr. SHIELDS. Mr. President, the Senator's point fully illustrates the impropriety of adopting the amendment. For instance, I am informed there were mistakes made in connection with engineering problems involved in the Keokuk Dam, in Iowa, and in the Hales Bar Dam, in Tennessee, by reason of which the dams cost several million dollars more than originally estimated. Under this amendment the Government would have to pay for such mistakes several million dollars because of unwise and unskillful construction; but under the bill as it is drawn the idea of the Senator from Missouri would be carried out, because the bill now provides that the fair value of the property as it stands shall be paid when the Government or a new lessee or permittee takes it over. The amendment would also allow the Government or a new permittee to take it over for less than its then fair value, to the prejudice of the old company and its bondholders.

This amendment has been very elaborately debated. The principle involved in it is the same contained in one offered by the Senator from Nebraska [Mr. NORRIS] and in one offered by the Senator from Iowa [Mr. CUMMINS], both of which were rejected by decided majorities. This is the third time it has been presented, although it is now in somewhat different language.

Mr. WALSH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. Certainly.

Mr. WALSH. I think that the Senator ought to say that this was the first amendment that was offered upon this point.

Mr. SHIELDS. Does the Senator mean in point of time?

Mr. WALSH. In point of time.

Mr. SHIELDS. I rather think it was; but the others involved the same principle and have been voted down. I do not know which one of these three Senators is entitled to the honor of the suggestion.

Mr. WALSH. Mr. President, the Senator ought to give the Senate the benefit of the facts. This amendment was proposed by me before any of the other amendments were offered.

Mr. SHIELDS. I have said so.

Mr. WALSH. The vote was not taken on it at that time at the request of the Senator from Tennessee that it go over. When a vote was to be taken on the amendment offered by the Senator from Iowa [Mr. CUMMINS] I suggested that it would be more logical and appropriate that a vote be taken on this amendment first, but the Senator from Tennessee objected to that. Now, it does not occur to me that the vote on this amendment ought to be prejudiced by the statement that the proposition has been voted on three times.

Mr. SHIELDS. Mr. President, the amendment of the Senator from Iowa which the Senator from Montana desired to have voted on, after a vote on his amendment, was a different amendment entirely from the one that I referred to in my first statement. The amendment to which I refer contained the principle of excluding certain values. The one to which the Senator refers, as I recall, did not have that in it, but provided for a review of all the rates for power allowed by the public-service commissions of the States and the Interstate Commerce Commission after the expiration of the permit.

Mr. CUMMINS. Mr. President——

Mr. SHIELDS. Now, I want to say that under this bill, as now written, the matter will be referred to the courts. It provides that the United States on taking over the property, or that the new permittee in taking it over, will pay the fair value to be agreed upon, and if not agreed upon then the district court in the district where the property is located is given jurisdiction to determine the fair value. The "fair value" means the just value; so that the rule would be just as it is now applied under the Constitution to property when taken over in the exercise of the right of eminent domain for a public purpose. Certainly that is just and fair, and that is what the bill provides; and the amendment provides for payment of less than that fair value or just value. The bill expressly excludes the value of the permit granted by the Government; and if it did not exclude it, it would be the same thing, because the permit would have expired by its own limitation. But it does expressly exclude it, and the rights acquired under the bill are not to be considered at all in estimating the fair value.

Mr. CUMMINS. Mr. President, I am moved to say a word because there is a misapprehension with regard to the amendment which I offered, which the Senator from Tennessee says is somewhat similar to or practically like the amendment now pending and which was offered by the Senator from Montana. The amendment which I presented, and upon which a vote was had, provided that the property which related to the development of power or the use of water for other purposes than navigation should be valued as physical property; that is, that the value of the physical property should be ascertained. That, of course, would exclude all intangible values, or values that were created by the business and by other franchises or grants. It is not quite the same. The Senator from Montana proposes to ascertain the cost of the property. While I intend to vote for

the amendment offered by the Senator from Montana, I do not think it is quite as fair to the public as the one which I offered, because the cost of the property may be greater than its value as physical property. But it is still, I think, to be preferred as compared with the provision that is now in the bill and to which it is offered as an amendment.

Mr. REED. Mr. President, speaking on this bill for a few moments, I frankly state that I do so with a great deal of hesitancy and with considerable regret. The bill has been discussed here until the Senate is out of patience with it. No one has been more derelict than myself in giving attention to the measure. I happen to have been so situated that it was impossible for me to be here during the early hours of the discussion. In addition to that the bill has had the careful thought of the Senator from Tennessee [Mr. SHIELDS], for whose opinion as a lawyer and for whose judgment as a lawmaker I entertain the very highest regard. But, Mr. President, I am afraid we shall make a serious mistake, and one the consequences of which we shall not escape for many years, if we pass this bill in its present form.

There is a technical side to nearly all legislation and there is a practical side to nearly all legislation. Technically this bill may be said not to deprive a State of the rights it now possesses. Technically it may be said that this bill does not grant a perpetual franchise; and yet I believe that the practical effect of the bill, if passed in its present form, will be to deprive every State of this Union of the right to control the water powers within its borders and that practically it will result in the creation of perpetual franchises granted by the Government of the United States. If it does either one of those things, then it certainly needs some radical amendment.

Let us follow it a moment as a practical problem. Here is a river in a State, technically a navigable stream; practically it is not navigable, but it is a great water power. The State can not grant the privilege of building a dam, and consequently the State is powerless to grant the right to build a great plant of any kind to be operated by the dam, for whoever controls the right to build the dam controls the entire proposition.

Mr. SHIELDS. Mr. President, I just want to get the Senator's position. Does he mean that under the bill the State can not grant the right to build a dam?

Mr. REED. Yes.

Mr. SHIELDS. Or under existing law?

Mr. REED. I am stating the situation as it is now, and I propose to follow it on and show how this bill affects it. The moment this bill is passed—and I am going to use the State of Iowa for an illustration—a lot of gentlemen can go down to Delaware or to New Jersey or to Arizona or to any other State having liberal corporation laws and they can organize a corporation to construct a dam and put in a dam on a river in the State of Iowa. They can go to the Secretary of War and obtain from the Secretary of War a permit to build that dam. They are not obliged to come to the State of Iowa for anything. They can thereupon proceed to construct their dam upon that stream without the let or the hindrance of the State of Iowa, and they can absorb completely to themselves that great water power situated within the State of Iowa; and the State of Iowa is as powerless from the practical standpoint to protect itself as it has been powerless to protect itself in matters of interstate commerce, which come distinctly within the purview and authority of the Federal Government.

I do not desire to go into any technicalities about that or any slight variations. There are certain States whose laws provide that a foreign corporation must file its articles of incorporation in that State, and so forth; but the great, broad problem stands before us that if you pass this bill a corporation desiring to absorb the water power of a State can gain its permit from the Secretary of War to build a dam. Having built that dam, no other person can build a dam within such distance as will interfere with it, and the entire water power of a State can be taken over by one or more corporations without coming to the State authorities for any grant or permit or privilege. It is the most far-reaching, the most sweeping proposition touching matters of this nature that has been presented to Congress since I have had the honor to sit in the Senate.

I want to suggest to the learned author of this bill—and I do it because I want to see something done that will release these great water powers—an amendment providing that no such corporation shall be thus authorized until it has obtained the consent of the authorities of the State to build the dam and to construct the works incident to it. That will keep within the power of the State the ability to control.

Mr. SHIELDS. Mr. President——

Mr. REED. I yield to the Senator from Tennessee.

Mr. SHIELDS. The laws of the States upon this subject may be entirely different. I have been struck with section 13 of the bill for the development of water power on public lands. I can not agree to the conclusions of the Senator from Missouri in regard to this bill. I know he can grasp and analyze the provisions of the bill as well as any Senator in the Chamber; but, as he says, he has not given it very great consideration.

The present law does prohibit the States or anyone else from building dams or other structures in navigable waters. This bill liberalizes the present law, and such is the intention of it. But here is the section to which I want to call the attention of the Senator in the bill for the development of water power on public lands to which I referred:

That nothing in this act shall be construed as affecting or intending to affect or to in any way interfere with the laws of any State relating to the control, appropriation, use, or distribution of water.

What does the Senator think of that?

Mr. REED. I do not think it covers the case.

Mr. SHIELDS. What does the Senator think, then, of the clause providing that the companies making the developments shall be subject to the laws of the States—an express provision to that effect—that they shall be subject to taxation by the States, and that their rates and business shall be regulated by the State public-utility commission? There are express provisions in this bill covering all those things.

Mr. REED. But there is not, as far as I have read the bill—and if I am in error the Senator will correct me; no one will more gladly yield the point——

Mr. SHIELDS. If the Senator will read the bill, he will find those provisions in it broadly and clearly.

Mr. REED. Oh, I understand that what the Senator says is in the bill; but is there in this bill a provision that before a dam can be built across a stream within a State the State authorities shall give their express consent?

Mr. SHIELDS. There is an express provision that all these permits shall be subject to the laws of the States where the property is located. Now, Congress can not enact a law that the States shall examine these permits and give their consent, but the States can enact such laws. Some of them have such laws, and all of them can have them, so the laws can be enacted by the only legislative bodies empowered to do so. Congress can not enact a law requiring States to grant permits to develop the water power in streams or to exercise any other police power.

Mr. REED. But will the Senator call my attention to the clause to which he has just referred, because I am very sure there is not in this bill the idea that I think ought to be put in it?

Mr. SHIELDS. I will try to do. The power of the States over the companies making these developments does not all appear in any one clause, but it appears in different clauses of the bill. All that I stated, however, is expressly provided for. Let me read one of the clauses to which I referred. It is to be found on page 11, line 22.

Mr. REED. Of the reprint?

Mr. SHIELDS. No; of the first print.

And provided further, That nothing in this act shall be construed to prevent any State in which such dam with its appurtenant property is located, or in which such business is to be conducted, from making and enforcing any lawful regulations, with respect to the property or business of such grantee.

Mr. REED. Mr. President, I know that provision is in the bill, but that provision does not reach the point I have in mind. Understand, I am discussing the proposition that the dam can be built within the borders of a State without the permission of the State, and that we propose to grant to the proprietors of that dam what I regard as a perpetual charter. So the question is presented in this way: Without the consent of the State, the dam can be built, and it can be maintained forever, the State having a right of regulation. That is quite a different thing from giving the State the right in the first instance to say whether the dam shall be built, and, when the grant is made, to insist upon conditions being placed in the grant for the protection of the citizens of the State and the State itself.

Let us take a plain illustration of it. Here is a city having control of its streets, having the authority and right to permit a street car company to build its tracks over the streets or to withhold that privilege. That city when it makes a grant can then impose such conditions in the grant as will fully protect the city. It can impose conditions that are not found in the general law, that do not come within the principles of regulatory power. But if the State should take away from the city the right to grant the franchise in the first instance, and the State itself grant the franchise, and grant a perpetual franchise, and thus give the company the right to take over and absorb the streets, a very different question will be presented to that city in handling that corporation and in getting justice done to the public from that which would be presented if it had the right to refuse permission to come at all, or, when it

did come, to impose the conditions upon which it should come. Now, I say to the Senator that is a very grave question.

Mr. BANKHEAD. Mr. President, will the Senator from Missouri allow me to interrupt him for a moment?

The PRESIDING OFFICER (Mr. WILLIAMS in the chair). Does the Senator from Missouri yield to the Senator from Alabama?

Mr. REED. I do.

Mr. BANKHEAD. Does not the Senator from Missouri believe that the Government of the United States can authorize the construction of a dam in a navigable river for the purpose of improving the navigability of that river without the consent of the State?

Mr. REED. I do think we can do it; but when you ask me whether I think we ought to do it, whether we ought to give to private corporations the right to absorb all the water powers there are in the United States upon navigable streams, whether we ought to grant them what I shall undertake to demonstrate is in effect a perpetual franchise, whether we ought to deprive the States within which the streams are located of any right to say that they shall or shall not build, with the terms and conditions upon which they shall build—when we come to that question, Mr. President, we ought to pause, and simply because we have a right to say that a dam shall or shall not be built we should not undertake to deprive the States of this country of what is their legitimate power and function.

I am afraid we are taking action here that may result in every great water power in this country going into the hands of two or three concerns. I am afraid we are taking action here the effect of which will be felt long after we are all in our graves. Now, why will not the sponsors of this bill consent to put into it a plain simple statement to this effect?—

Provided, however, That no such dam shall be constructed within the borders of a State unless and until the proper authorities of that State shall grant the permission of the State.

Mr. SHIELDS. Mr. President, although the bill has been subjected to great scrutiny and almost every line of it attacked here during the last month there has been no suggestion of the kind ever made. The Senator has offered no amendment proposing such a provision.

Mr. REED. I am offering it now.

Mr. SHIELDS. If the Senator will prepare one, I have no doubt we can agree. I can not speak for the committee, but I think the bill means what he wants, and I have no objection to an express statement of it.

Mr. REED. Very well; if I have made that much by this 5 or 10 minutes' talk it is the most valuable 5 or 10 minutes' talk, in my judgment, I have every perpetrated, and I will prepare the amendment.

Mr. SHIELDS. If the Senator had made the suggestion in advance, doubtless we would have arrived at an agreement.

Mr. REED. I hope the Senator does not take it as an unkindness on my part that I made it in that way, because I would not have the Senator——

Mr. SHIELDS. Certainly not; but the Senator and I have discussed the bill several times and he made no such objection to it. I had thought it covered the very proposition he is now advocating.

Mr. WALSH. I inquire of the Senator from Missouri if he thinks there is any reason why the vote on the pending amendment should be delayed?

Mr. REED. Not at all.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Montana [Mr. WALSH], on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLARK of Wyoming (when his name was called). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator I withhold my vote.

Mr. JOHNSON of Maine (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. In his absence I withhold my vote.

Mr. NORRIS (when his name was called). Upon this question I am paired with the junior Senator from Mississippi [Mr. VARDAMAN]. If he were present, he would vote "nay," and if I were permitted to vote I would vote "yea."

Mr. MARTINE of New Jersey (when Mr. O'GORMAN's name was called). I desire to state that the senior Senator from New York [Mr. O'GORMAN] is unavoidably absent. He is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I do not know how the senior Senator from New York would vote upon this question.

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Arkansas [Mr. CLARKE], but knowing his views upon this matter I feel at liberty to vote, and I vote "nay."

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from California [Mr. PHELAN] and vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. OVERMAN], but as I am informed he would vote as I intend to vote I vote "nay."

The PRESIDING OFFICER (when Mr. WILLIAMS's name was called). I have a pair with the Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and vote "yea."

The roll call was concluded.

Mr. JAMES. I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Tennessee [Mr. LEA] and vote "yea."

Mr. LODGE. I desire to state that my colleague [Mr. WEEKS] is unavoidably absent. He is paired with the Senator from Kentucky, as has just been stated. If my colleague were present, he would vote "nay."

Mr. BORAH. I wish to state that my colleague [Mr. BRADY] is absent on account of illness. He is paired with the Senator from Florida [Mr. FLETCHER]. I desire this statement to stand for the day.

Mr. FLETCHER. I have a general pair with the Senator from Idaho [Mr. BRADY]. I transfer that pair to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. HOLLIS. My pair with the junior Senator from New York [Mr. WADSWORTH] I transfer to the junior Senator from Indiana [Mr. KERN] and vote "yea."

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote "nay."

Mr. GALLINGER (after having voted in the negative). Before the announcement is made I desire to say that I have a pair with the Senator from New York [Mr. O'GORMAN], but I am privileged to vote on matters connected with this bill in his absence, and I have voted "nay."

I wish also to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Indiana [Mr. SHIVELY];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Illinois [Mr. SHERMAN] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN];

The Senator from Kansas [Mr. CURTIS] with the Senator from Georgia [Mr. HARDWICK];

The Senator from Vermont [Mr. DILLINHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY]; and

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS].

The result was announced—yeas 21, nays 32, as follows:

YEAS—21.

Ashurst	Hitchcock	La Follette	Reed
Borah	Hollis	Lane	Walsh
Chamberlain	Hughes	Martine, N. J.	Williams
Chilton	Husting	Myers	
Cummins	James	Newlands	
Gore	Kenyon	Poindexter	

NAYS—32.

Bankhead	Gallinger	Oliver	Smith, Ariz.
Beckham	Jones	Page	Smith, Ga.
Brandegee	Lee, Md.	Pomerene	Smoot
Broussard	Lodge	Robinson	Sutherland
Clapp	McCumber	Shafroth	Swanson
du Pont	McLean	Sheppard	Thompson
Fall	Martin, Va.	Shields	Tillman
Fletcher	Nelson	Simmons	Warren

NOT VOTING—43.

Brady	Gronna	Overman	Smith, S. C.
Bryan	Harding	Owen	Sterling
Burleigh	Hardwick	Penrose	Stone
Catron	Johnson, Me.	Phelan	Thomas
Clark, Wyo.	Johnson, S. Dak.	Pittman	Townsend
Clarke, Ark.	Kern	Ransdell	Underwood
Colt	Lea, Tenn.	Saulsbury	Vardaman
Culberson	Lewis	Sherman	Wadsworth
Curtis	Lippitt	Shively	Weeks
Dillingham	Norris	Smith, Md.	Works
Goff	O'Gorman	Smith, Mich.	

So Mr. WALSH's amendment was rejected.

Mr. WALSH. I have another amendment to offer, to be inserted at this point, and I have no doubt it will be acceptable to the Senator from Tennessee.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 10, line 23——

Mr. SHIELDS. Of the new print or the old print?

The SECRETARY. Of the old print, page 10, line 23, after the word "granted," insert:

Nor for any rights which the grantee may have acquired gratuitously from any State or subdivision thereof.

Mr. SMOOT. It is to be inserted in what part of the bill?

The SECRETARY. At the end of section 6, after the word "granted."

Mr. SHIELDS. I will ask the Senator from Montana if he means franchises that may have been granted the permittees?

Mr. WALSH. Any rights of any kind. I had particularly in mind water rights; and rights of way as well.

Mr. SHIELDS. If the amendment applied merely to franchises, I would have no objection; the company then goes out of business; but if it is intended to include property rights, as I understand the Senator to say it does——

Mr. WALSH. Yes, Mr. President.

Mr. SHIELDS. Then I object to it because it is identical with the amendment just rejected.

Mr. WALSH. If the Senator from Tennessee will give me his attention for a minute——

Mr. SHIELDS. I certainly will.

Mr. WALSH. I think I shall be able to dispossess him of that idea.

The amendment just voted down proposed to provide that for the cost only of the diversion works, the generating works, the land on which the same is situated no value shall be allowed; also, the cost of the right of way and the cost of water rights. That was voted down; that is disposed of; so that it is "the value" under the bill.

The present amendment has no reference to those things at all, but as I explained the other day, under the laws of all the States where the doctrine of appropriation prevails the States accord the right gratuitously to anyone to appropriate the water of the stream. It costs him absolutely nothing. The State gives it to the party gratuitously. Now, those rights in the course of time, although they were originally acquired gratuitously, grow enormously valuable. It did not occur to me that the Senator wanted the permittees under the grant to get the value of those rights as they shall be after 50 years from now. That would give to them a free gift from the State just the same as we are giving them the free gift of the right to dam the stream. All the States have secured great grants of land from the Government of the United States. They give gratuitously the right to all these enterprises to construct ditches over these lands wherever necessary, to erect their transmission lines over the lands. They do not ask them a cent for it; they give them the privilege to do so, but in 50 years from now those privileges will be in many instances of great value.

Those are the things that I thought the Senator would be quite willing should go back to the State when the permit of the grantee expires at the end of the 50 years—that they should go back to the people without the necessity of paying for them—and I feel very sure that if the Senator understood the situation I should not make this appeal to him in vain. For instance, I will read from section 33 of the act of our eleventh legislative assembly, enacted in the year 1909, touching the disposition of our State lands, as follows:

RIGHT OF WAY FOR PUBLIC USE.

SECTION XXXIII.

The State board of land commissioners may grant the right of way across or upon any portion of State lands, upon such terms as may be agreed upon, for any ditch, reservoir, railroad, private road, telegraph or telephone line, or for any other public use, as defined in the code of civil procedure: *Provided*, That this section shall not be construed to grant authority to convey any such land except for the purposes above set forth: *And provided further*, That whenever lands granted for any of the purposes mentioned in this section shall cease to be used for such purposes, said lands shall revert to the State, upon notice to that effect to the person to whom such grant was made, served at his last known post-office address.

So that so long as this is used the State does not claim it. It is only when it is no longer used that it goes back to the State. If it is continued to be used at the end of the 50 years, I simply want to have it provided that in taking over the property from the grantee you would have to pay him for these things that the State gave him as a perfectly free grant, just the same as we grant him the privilege accorded in this proposed act.

Mr. SMOOT. Mr. President, the bill provides how the determination of the value of the property shall be arrived at in these words:

In the determination of the value of said property for any purpose as between such grantee and the United States or any State no value shall be claimed by or allowed to the grantee for the rights hereunder granted.

Mr. President, if a valuable grant of any kind is given to the grantee by the Government of the United States, no such grant is to be taken into consideration in determining the value of the property at the end of the lease.

The Senator from Montana [Mr. WALSH] has offered an amendment which goes beyond the acquiring of property by grant from the Government and undertakes to determine that no property granted by a State shall be taken into consideration, and he cites the question of a State water right.

Mr. President, a water right in the Western States can only be secured by the beneficial use of the water. It is beneficial use that counts, and it is beneficial use that gives title to the water. If it is not used by the grantee, a right is worthless; and it seems to me it would be out of place to inject into this bill a proposition of that kind.

I think the States themselves can take care of any question affecting any right that may be granted to a person applying for a lease under the provisions of this bill. It is enough for the Congress of the United States to pass laws affecting the action of the Government of the United States and the lessee, and I think it is improper and out of place to undertake to inject into this bill provisions that relate to matters which are wholly within the jurisdiction of the State. I therefore sincerely hope that the amendment will not be agreed to.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Montana [Mr. WALSH].

Mr. WALSH. Mr. President, I should like to hear from the Senator from Tennessee, now that I have made an explanation of the amendment.

Mr. SHIELDS. I was proceeding to answer the Senator from Montana.

Mr. President, this bill provides for the payment of the fair value of the property when it is taken over by the United States or a new permittee, to whom the Secretary of War may grant a permit. There is much talk about taking rights from the people, and of turning them back to the people. This amendment does not propose to turn them back to the people of the States where the navigable waters flow, if such a thing could be accomplished by the amendment, but to deduct so much from the fair value of the property when it is taken over under the provisions of the bill, either for the benefit of the United States—which means the people of the whole Union—taking over something that belongs, say, to the people of Tennessee, along the Tennessee River, and giving it to every man in the United States, or to deduct it from the value of the property for the benefit of the new permittee, to whom the Secretary of War may transfer it. Where you take something from the value of the property when it is taken over and thus depreciate it, that value never reaches the people of that community or the State where it belongs.

Take the difference between what the Senator from Montana is advocating here and what he advocates in the Ferris bill for the rent of the public lands. The one half of the rent of the lands goes into the treasury of the State where the water power is located and the other half goes into the reclamation fund—which is the same thing—in the public-land States, and they get the benefit of the whole of it.

The Senator from Montana remembers the address he made at the Portland conference, when he said he never would agree to charges upon developments in his State to go to the whole people of the United States, and called attention to the fact that the rents for the public lands provided in that bill would go into the State treasury or the reclamation fund; but here he wants a different principle engrafted upon this bill, that which applies to other than public-land States.

Mr. President, I do not think that this is fair or that it is just. I think that these people ought to be paid the fair value for their property. If this is a property right which was acquired, the companies are entitled to be paid for it, regardless of the source or of the title of the right. If it is something for which they should not be paid, the court will disallow it. In one case it was held that the property had greatly appreciated in value; in fixing the rates—which is substantially the same rule which would be followed in taking over the property—the court would not consider an increase so great as to be unconscionable. The machinery and power of a court of equity is broad enough to do justice between these companies,

the Government, and the new permittee in all cases, dependent upon the particular facts of each case and the conditions existing at the time the property is taken over. We ought to leave it to the courts; and these little provisions hampering the courts in doing justice between the parties ought not to be placed in this bill.

Mr. WALSH. Mr. President, it is quite obvious from the remarks of the Senator from Tennessee that he has not yet grasped the purport of my amendment. I am not able to make it any clearer, however, than I have done.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Montana [Mr. WALSH].

Mr. WALSH. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I am paired with the Senator from New York [Mr. O'GORMAN], but, for the reason stated on the previous vote, I will take the liberty of voting. I vote "nay."

Mr. NORRIS (when his name was called). On this amendment I am paired with the junior Senator from Mississippi [Mr. VARDAMAN] who is unavoidably absent. If he was here, he would vote "nay"; and if I were permitted to vote, I should vote "yea."

Mr. KERN (when Mr. SHIVELY'S name was called). My colleague [Mr. SHIVELY] is unavoidably absent. He is paired with the Senator from Maine [Mr. BURLEIGH].

Mr. WALSH (when his name was called). I make the same transfer of my pair as was announced on the preceding vote and vote "yea."

The PRESIDING OFFICER (when the name of Mr. WILLIAMS was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Not knowing how he would vote if present, I withhold my vote.

The roll call was concluded.

Mr. COLT. Although I have a general pair with the junior Senator from Delaware [Mr. SAULSBURY], I am at liberty to vote and vote "nay."

Mr. TILLMAN. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote "nay."

Mr. FLETCHER. I wish to announce that I have a general pair with the Senator from Idaho [Mr. BRADY], which I transfer to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. JAMES. I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. JOHNSON of South Dakota. I desire to announce my pair with the Senator from Illinois [Mr. SHERMAN]. On account of that pair I withhold my vote.

The PRESIDING OFFICER (Mr. WILLIAMS). I am just informed by the colleague of the Senator from Pennsylvania [Mr. PENROSE] that I am at liberty to vote upon the amendment, and I vote "nay."

Mr. POMERENE. I am requested to announce the necessary absence of the junior Senator from Delaware [Mr. SAULSBURY] because of illness. He is paired with the junior Senator from Rhode Island [Mr. COLT].

Mr. GALLINGER. I was requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Kansas [Mr. CURTIS] with the Senator from Georgia [Mr. HARDWICK];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN]; and

The Senator from Wyoming [Mr. WARREN] with the Senator from North Carolina [Mr. OVERMAN].

The result was announced—yeas 23, nays 33, as follows:

YEAS—23.

Borah	Hollis	La Follette	Pomerene
Chamberlain	Hughes	Lane	Reed
Chilton	Husting	Lee, Md.	Sterling
Cummins	James	Martine, N. J.	Thompson
Gore	Kenyon	Myers	Walsh
Hitchcock	Kern	Poindexter	

NAYS—33.

Bankhead	Clarke, Ark.	Fletcher	Jones
Beckham	Colt	Gallinger	Lodge
Brandegee	du Pont	Gronna	McLean
Clapp	Fall	Johnson, Me.	Martin, Va.
Nelson	Sheppard	Smoot	Williams
Oliver	Shields	Sutherland	Works
Page	Simmons	Swanson	
Ransdell	Smith, Ariz.	Tillman	
Shafroth	Smith, Ga.	Wadsworth	

NOT VOTING—40.

Ashurst	Goff	O'Gorman	Smith, Md.
Brady	Harding	Overman	Smith, Mich.
Broussard	Hardwick	Owen	Smith, S. C.
Bryan	Johnson, S. Dak.	Penrose	Stone
Burleigh	Lea, Tenn.	Phelan	Thomas
Catron	Lewis	Pittman	Townsend
Clark, Wyo.	Lippitt	Robinson	Underwood
Culberson	McCumber	Saulsbury	Vardaman
Curtis	Newlands	Sherman	Warren
Dillingham	Norris	Shively	Weeks

So Mr. WALSH'S amendment was rejected.

Mr. HUSTING. Mr. President, I desire to offer a substitute amendment to the pending bill. I will not have the Secretary read it, because it is long; but I propose to discuss it at this time, if that is proper.

Mr. NELSON. Mr. President, as I understand, that is a substitute for the entire bill.

Mr. HUSTING. Yes, sir.

Mr. NELSON. I do not think it is time to offer that amendment until the friends of the bill have perfected it.

Mr. HUSTING. I understand that the friends of the bill have perfected the bill in so far as they propose to do so.

Mr. NELSON. Oh, no. There are several important amendments yet; one, at least.

The PRESIDING OFFICER. The Chair understands that the Senator from Wisconsin is not offering his amendment to be voted upon now, but is sending it to the desk in order that notice may be given of the fact that at the proper time he will offer it. Is that correct?

Mr. HUSTING. My proposition was to discuss it at this time and to offer it later.

The PRESIDING OFFICER. The Senator can discuss almost anything.

Mr. NORRIS. Mr. President, if the Senator from Wisconsin will permit me, I should like to suggest to him that he discuss his amendment at the time he expects it to be voted upon. I was not aware that the committee had any further amendments they wanted to offer. I had a consultation with the Senator from Tennessee [Mr. SHIELDS] and the Senator from Wisconsin [Mr. HUSTING] in regard to offering an amendment providing for the development of the Great Falls proposition. I had an understanding with those Senators that I would not offer that amendment until after the substitute had been voted upon. If the Senator from Minnesota insists, I suppose he can require that we offer amendments to the bill with a view of perfecting it before the substitute is voted upon, but I would rather——

Mr. NELSON. Mr. President, if the Senator will allow me, I think his amendment is of such a character that it would come in just as well after the vote on the substitute.

Mr. NORRIS. The Senator refers to my amendment?

Mr. NELSON. Yes.

Mr. NORRIS. I did not want to have any misunderstanding; that was all. I think I have a right to offer it either before or afterwards. I had that understanding with the Senator from Wisconsin and also with the Senator from Tennessee, and it was satisfactory, and I should like to have it understood that we are to do it in that order, unless somebody else objects.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Iowa?

Mr. HUSTING. Certainly.

Mr. CUMMINS. I do not want to interrupt the Senator from Wisconsin if he desires to present his substitute at this time. I have an amendment to offer that is intended to perfect the bill and which I have been holding until other amendments of the same general character have been disposed of. I should like to offer it before the Senator from Wisconsin technically offers his substitute, but I have no desire to postpone any discussion that he may desire to present on his substitute.

Mr. SHIELDS. Mr. President, for the committee I prefer that all amendments be offered before the substitute of the Senator; but I have no objection whatever to the Senator from Wisconsin proceeding to discuss his substitute, as I understand he desires to do so.

Mr. NORRIS. Mr. President, if the Senator from Wisconsin will permit me, I should like to make an inquiry of the Senator from Tennessee.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. HUSTING. Certainly.

Mr. NORRIS. Does the Senator from Tennessee mean the amendment that I have proposed to offer, providing for the development of the Great Falls?

Mr. SHIELDS. No.

Mr. NORRIS. The amendment that I will propose will only add a new section to the bill, and I wish to avoid having to offer it twice.

Mr. SHIELDS. It does not affect the remainder of the bill.

Mr. NORRIS. If the substitute of the Senator from Wisconsin should be agreed to, I will offer it then. If it is defeated, I will offer it anyway.

Mr. SHIELDS. I shall offer no objection.

Mr. NORRIS. If I were required to offer it first, I might be under the necessity of offering it the second time.

Mr. SHIELDS. There will be no objection to the Senator taking the course he desires.

Mr. HUSTING. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin has the floor. The Senator from Wisconsin has a substitute which he desires to offer. Any amendment which goes to perfecting the bill would, of course, take precedence of the substitute; but as there is no amendment pending at this moment, the substitute offered by the Senator from Wisconsin is in order. If any Senator has an amendment whereby to perfect the bill, he can offer it at this time.

Mr. POINDEXTER. Mr. President, I offer the amendment which I send to the desk, for the purpose of perfecting the bill, or, rather, improving it. I do not think it will perfect it.

The PRESIDING OFFICER. Meanwhile, the Senator from Wisconsin has the floor. He can not be taken off his feet for the purpose of offering an amendment; and under the rules of the Senate he can discuss almost anything.

Mr. HUSTING. Mr. President, I should like to address a question to the Senator from Tennessee [Mr. SHIELDS], as to whether the committee desires to propose further amendments to be voted upon in order to perfect the bill.

Mr. CHILTON. I propose to offer an amendment.

Mr. SHIELDS. The committee is wholly unable to answer the question. It is impossible to foretell what a suggestion from some Senator might cause the committee to do.

Mr. HUSTING. Mr. President, I shall proceed to discuss the proposed amendment at this time, and propose a vote upon it at such time as it may be in order.

This debate has been a protracted one, and I would well hesitate to occupy the floor and the time of the Senate for any length of time were it not for the fact that the importance of the subject, in my opinion, justifies it and demands it.

As has been said by a number of Senators who have addressed the Senate upon this subject, the importance of the bill can not be overestimated. The country is greatly interested in it. The political parties have adopted resolutions in their platforms bearing on it, and the country is aroused about it. I might add that the Democratic Party, in its last platform, adopted a plank calling attention to the importance of this great subject; and for that reason, it having challenged the attention of the people and of the various political parties, it is a matter not to be lightly decided or lightly cast aside.

There are two lines of thought on this subject. There are those who believe that licenses should be issued to promoters and to those companies who desire to develop our water powers on terms so generous, so oblivious to the interests of the people, for the purpose, they say, of causing immediate development. To them, time is of the essence; and if they can get anybody on any terms to step in and develop and take over a water power, they will hand it to them, and there will be no questions asked. In other words, these men believe that it is for the best interest of the country to develop these water powers immediately and expect the public in a general way to content themselves with reaping some benefit as an incident to such development. They belong to that school of thought which teaches that if you look out for the captains of industry of a country, if you look out for capital, as it were, the benefits will trickle down and through to those below. The other line of thought, and the one that I try humbly to follow, is that when you take care of the just measures of the people first, that when justice is done to them, that when they prosper then capital will profit and the captains of industry prosper. That, I believe, is good Democratic doctrine, and therefore I believe that in disposing of a great natural resource it should be disposed of in such a way that the benefit to the people shall be made certain; that it shall not be left to those who engage in this business to give the public benefits from it, but that they should be secured in these benefits by the Government itself.

Mr. WALSH. Mr. President, I desire to make an inquiry of the Senator from Wisconsin.

The PRESIDING OFFICER (Mr. WILLIAMS in the chair). Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. HUSTING. Certainly.

Mr. WALSH. Is the substitute which he is now canvassing the one that was offered on February 25?

Mr. HUSTING. Yes, sir; February 25.

Mr. WALSH. Or is it another substitute?

Mr. HUSTING. No, sir. It is the one of February 25.

Mr. WALSH. I was laboring under the impression that the Senate had taken a vote on the substitute offered by the Senator on February 25.

Mr. HUSTING. No, sir; not on the substitute amendment. No vote was ever taken on that, to my knowledge. At least, no vote was taken while I was here.

Mr. SHAFROTH. Mr. President, there was a suggestion that the Senator offer it at one time, but some one asked him to lay it aside. There has been no vote on the substitute, as I understand.

Mr. HUSTING. There has been no vote on this substitute that I know of.

It seems to me this great question should be decided primarily with the interests of the public in mind. Their interests should be paramount. Their interests should be first considered; and then such benefits as may incidentally flow from the proper administration of this sort of an enterprise should be given to those who are made the agencies of the Government in carrying out this policy.

The primary object of this improvement ought to be decided upon. What are we doing this for? What is the object? What is the primary purpose?

I was greatly interested in the bill proposed by the Senator from Nevada [Mr. NEWLANDS]—a waterways proposition—and I was truck with the general scheme proposed. It shows a great and proper conception of what the waterways mean or may mean to this country when properly handled. His bill calls for a very large appropriation, an appropriation that may or may not be made at this time. I am not holding a brief for that bill now, but I do want to point out a few of the features of that bill, because I think this subject of water power should be approached from that angle.

I have here a map illustrating the scheme of the bill of the Senator from Nevada. This map divides the country into the several districts in which the bill proposes to make improvements and apportions the appropriation provided for. These improvements are for the purpose, as is stated there, of preventing floods and of regulating the flow of water, building dikes, piers, and improvements of that kind, and various other things. It shows the great waterways of the country. It shows the great watershed known as the Mississippi Valley, which practically drains the entire country between the ranges of mountains. All of the tributaries of that great stream have their rise between the east and west mountain ranges, and from the Great Lakes down, east and west, the waters gather from almost every State and pour themselves into and down the Mississippi River into the Gulf.

It is proposed to enter into this work primarily to protect the lower Mississippi States from floods, to build dikes and things of that kind. You may build dikes as high as you please and as strong as the hills, and yet you can not prevent floods if you have more water coming into your river channel or bed than will flow through without piling up. There is only one way in which floods can be prevented, and that is by treating the trouble in the right kind of way. You can not cure floods by treating the symptoms; you have got to treat the causes of the trouble. You can not prevent floods by building dikes and building works of that kind. I think you have got to go to the headwaters of the streams, into the lakes, into the basins, the natural reservoirs, the reservoir regions, and build your dams there, and check the waters so that they may be held there in times of freshets, and released in the drier season, when they are needed.

I went into this matter a little at length the other day, but I think it is worth while to discuss it further, because it has a bearing on this whole matter. In the large rivers in the North, in Minnesota, in Wisconsin, and, as was shown here, in Maine, there are a great many lakes—thousands of them. These lakes are natural reservoirs and constitute the headwaters of all the streams that flow from the northern United States into the Mississippi Valley. These lakes have small outlets. I have in mind a lake in northern Wisconsin that is 7 miles long, 3 miles across, and has a depth in some places of 60 and 70 feet and even 100 feet. Its outlet, known as the upper branch of the Manitowish River, is narrow, probably not over 15 or 16 feet. A dam could be built across that outlet in such a way as to raise the waters several feet and impound those waters in this lake at a very little expense—a few hundred dollars. Now, what you could do to that lake you can do to every lake in northern Wis-

consin that has an outlet and whose waters finally find their way to the Mississippi River. You can do that in Minnesota. You can do it in the case of any lake within the Mississippi watershed that has an outlet and whose waters are tributary to the Mississippi River.

If you do that, what do you accomplish? In the first place, you increase the storage capacity of these lakes millions and billions of cubic feet. You take the waters and impound them and prevent them in time of high water from going down the Mississippi River to flood the southern part of the United States. You conserve the water fully for your use later on for water powers and for navigation just when needed, and you are regulating the stream flow in such a way that you prevent all the harm it can do and save all the good it can do with a minimum of expense. What causes a flood? A panic of waters, as it were? Too many people in a crowded theater madly trying to get out of a narrow door at one time jams the passageway, and too much water gathered together at a given outlet and piling up over the bed or the banks of the river or channel causes a jam of water—a flood. To impound the waters at their respective sources, to check them at intervals down the stream, to control them from source to mouth, to make every stream tributary to the main stream a part of one great system controlled by one centralized power, have continuous and permanent control and jurisdiction of the whole waterways system and thus provide for a steady and orderly exit of the waters through a proper channel, is the the way and, in my opinion, the only way, to prevent and cure floods in the great Mississippi River.

The system must be so constructed and managed that when water is too plentiful it can be held back in reserve, thus permitting the ordinary run-off down the stream to operate the water wheels and to permit navigation and also thus preventing floods; and then when the water in the flood region begins to recede and goes down below the needs of navigation and below the needs of the water power above operated, then to permit the release of the waters, waters that would otherwise have gone over or through water-power dams and have been wasted and what would have come through by floods. By holding them you help the water power and you help navigation. Thus it would work nothing but good. There is nothing inconsistent or incompatible in purposes or in the arrangement with the construction of a system designed to prevent floods, to promote water-power operation, and to permit navigability, and to save water for irrigation. All these things can be harmoniously operated under the same system to the advantage of all and scarcely to the disadvantage of any.

I am only making this statement to show the angle from which I think this matter of water-power development ought to be approached, not as the end in itself, but as the means to an end, because when you impound the waters in these navigable reservoirs and go down below the stream and erect dams for further storage reservoirs along the navigable line of the stream, you increase the poundage of the water, so that you add to the efficiency and capacity of your headwater reservoirs, and every dam that you put in as a potential water power.

This can only be done efficiently and wisely by looking at it from the standpoint of the whole country. I, for one, believe that the paramount jurisdiction over the improvement of navigation and over the development of water power should be in the hands of the United States Government, and that every bill pertaining to water-power development, pertaining to irrigation, pertaining to navigation, should be a link in the chain of development that sooner or later must come if we are going to capitalize and make our great water power an asset and an instrument of good and advantage to the whole country. Any water-power bill that checks, hinders, interferes, obstructs, or is out of harmony with this scheme, in my judgment, is a bill that should be defeated.

Every dam that is put in and turned over to private individuals purely for private property is something that does not fit in and is out of order with the system that sooner or later this country will have to construct, devise, and will have to build and maintain. I claim that the committee bill is entirely incompatible in its provisions for any such control or management as outlined above, and contend, on the other hand, that the substitute I offer is in entire harmony with such a system.

Instead of taking these up section by section I desire to point out the differences in the two bills and endeavor to show the advantages of this substitute amendment and what I consider the dangerous features of the bill proposed by the committee.

The bill proposed by the committee, in my judgment, is a bill that has for its purpose primarily the promotion of water-power development, with practically no provision of an adequate nature for preserving the public rights or the Government rights in these waters. I think it was framed upon the plan and upon the theory that the people have little, if any, interest in navigable streams except their navigability and that the water powers incident to their improvement should be given to whomsover we may choose to favor for as much as they can get out or make out of them and that the future will take care of itself, as far as the people's interest therein is concerned.

This substitute amendment is drawn with a theory of preserving the right of the Government and the people of the United States as the primary consideration and keep, in so far as possible, the control of such powers in the Government and States and upon such advantageous terms to the public as may reasonably insure the timely development of such power. We attempt to control the rates, the service, the business, and eventually the power itself. In other words, we do not think that time is the essence in this matter. We think the value of this resource is the thing of essence in the matter; that it would be better to develop these water powers even slowly than that every interest that the public has therein shall be preserved. We believe that this tremendous system of waterways should be conserved, this tremendous force that is just about getting on its feet, the hydroelectric power, a power which is most assuredly going to revolutionize the industries and business and commerce of this country, which is the very juice, the essence, from which industrial development must spring and must receive its activity, which is the heart of the whole industrial and economic system of this country, and which is going to send out its energies into every field of business activity and endeavor. This energy, this essence, that is soon going to move every wheel of industrial and economic progress in this country and propel every conveyance, both on land and sea. We have this power within our very grasp, within our control, and the question is, What are we going to do with it? Are we going to delegate this thing of great value to men to use primarily for their own business and let the public get whatever incidental benefits may flow from it, or are we going to insist that that thing of value shall never slip out of our fingers, but shall be kept within our grasp, within our control, so that if we make any mistakes in the details of this delegation of power it will be only temporary and we still retain the power to remedy it in time?

There is another feature to this. Have we any right, as trustees of the people of the United States to tie up these resources forever? Have we any right to surrender powers that we have, powers that have been delegated to us as the representatives of the people of this country, so that they will be beyond the reach of posterity? In other words, have we the right to legislate for all eternity or should we legislate in such a manner that some time in the future the representatives of the people may be able to legislate in the light of those times and their then necessities?

Now, I wish to take up some of the details of this substitute bill in their order. I may say that the substitute provides that licenses may be issued to public utilities. The committee bill, by adding the word "individuals," permits the development of these water powers by individuals, political subdivisions of States, municipal corporations, and corporations, companies, and associations—that is, for private purposes.

But for public-utility purposes the following applies:

Provided, That when the power to be developed by the project and improvement of the stream for navigation is used or to be used for a public utility purpose or purposes the grantee must be a municipal corporation, or a political subdivision, or other agencies of a State, or a public-service agent of a State, or a public-utility corporation created and organized under the laws of a State or the United States.

So you see the committee bill allows the development and divides those who are permitted to make the development into two classes—first, for private use; secondly, for public-utility purposes.

A great deal of the discussion here on the part of the friends of the bill has been on the line that they have adequately taken care of the public by regulating rates. Under this bill, however, there is nothing to prevent every water power in the United States from getting into the hands of individuals or corporations for private use and private profit. There is nothing in the bill that would prevent an individual from engaging in any business he desires and from receiving a license under this act for the whole term of 50 years and longer or until his license is revoked by conditions that I think are impossible or almost impossible of meeting. He has gotten this privilege and you can not get it away from him, and you can not regulate his rates, you can not regulate the product, you can not regulate him at all. You turn over to him a weapon with which he can kill every competitor he has without making any return at all to the people who gave him the weapon.

How are you going to regulate a man who goes into the business of manufacturing nitrates or explosives or boots and shoes

or paper or anything else? If he wants to go into it, or if he gets into one business, what is going to prevent him from going into another business under this proposed act? Nothing. As to individuals he has just the same right to this license as anybody else, and he can go into any business, as I said, that he wants to; he can use his power for any purpose that he wants; he can go into one business and then can stop that and go into another business; and unless he goes into the public-utility business—and there is no guaranty that he shall; there is no request or requirement that he shall—you have as to him and as to every such development absolutely put the enterprise entirely out of your control and in the hands of one to be used by him purely for private purposes and profit. You can not even regulate the price of his product. I say, you have given him a weapon by which he can absolutely put his competitor who does not enjoy those privileges out of business. You have helped one man and have injured another, and the one you have helped at the expense of his competitor gives nothing by way of compensation for your help.

If you hook them up, enough of them under one head—and I will come to that a little later—if you get enough of these manufacturers together to hook up their powers, there is nothing by which you can control their joint product. There is nothing by which you can hold them from fixing their price for their own products and of absolutely ruling the market; not to the advantage of the people, because they can drive their competitors out of business, and they can fix a price for that product such as they see fit, subject, of course, only to the antitrust laws.

The second class is that of public utilities, and the bill describes those to whom these rights are given. The chairman of the committee and other Senators who have spoken on this matter said the municipalities have a preference. I want to point out that in the substitute which I have proposed the municipalities do have a preference. They are given a preference in so many words. The State is given a preference in the water power if they wish to develop it, and a municipality is given a preference if the development is under the State. But under the committee bill a municipality has no preference. A private utility has the same preference as a municipality has, no more and no less. So I do not think a municipality has a preference under the bill proposed by the committee. As I said before, they are given no preference but are put on the same plane as utilities.

The bill I have proposed also makes the distinction in regard to the size of the development. All dams whose capacity shall be less than 1,000 horsepower shall be developed under State regulation, and subject, of course, to such regulations as the United States shall provide. That provision is put in for the reason that smaller developments should be made and the steps for making the smaller developments should be made easy. If a person desires to develop 500 horsepower he should not be compelled to come down here to Washington to get a permit, but should be able to go to some State agency and get it.

That is the first distinction, in that respect, between the bill proposed by the committee and the substitute, because the committee bill gives Congress every license for a water power, no matter how small it may be, to go to Washington to get it.

Now, I want to talk about the difference in certain essential features of this bill. Among the essential features, I place the period in which it is going to run, the question of compensation, the recapture clause, and some other features of the bill.

Before going any further I want to state another provision in the substitute that does not appear in the committee bill. It is a provision by which any developer or any licensee under the act makes a contract with the United States that he accepts his license with the conditions attached. In other words, the basis for the license is a contract, and the whole transaction is a contractual one. This is important because it eliminates some of the arguments made by the friends of the bill.

It is my contention that the right of the United States to impose certain conditions is based, first, on a contractual right, the United States having the right to prohibit the building of dams across navigable streams, and having a right to prohibit it entirely has a right to permit it under such conditions as it sees fit to impose. If it has the right to prohibit it entirely certainly it can permit it under certain conditions which it lays down. When anyone comes to the Government and wants a license to build a dam across a navigable stream he recognizes the right of the United States, in the first place, to prohibit him from building that dam without permission, and, in the second place, he recognizes that it may lay down certain conditions upon which he may receive this right. He comes, furthermore, asking for a certain privilege, a valuable privilege, which the United States can give to any one of a number of citizens but as a matter of fact can not give to all.

Now, you have a certain water-power site that is particularly adapted to this business; but, as a matter of fact, every riparian owner has a potential water power of some kind. It is only a question as to whether it is a good one. One riparian owner has just as much right to build a dam across his land, or where he owns both shores across the stream, as any other riparian owner has, but none of them can exercise it without authority from the Government; and only one of them can exercise it, if you are going to accomplish anything, because, necessarily, when you give a permit to one in order to store up water to create a reservoir for running his water-power plant, necessarily he has got to overflow the land of others and take away their flow and their right. Of course he has got to pay them for their land what it is worth, but he gets the water-power privilege, and he gets it in derogation of every other riparian owner's right to some privilege who lives upon that stream and is affected by the flowage. So he is asking for something that he does not want his neighbor to get and which his neighbor can not get if he gets it. When the Government gives him that privilege it gives him the right of eminent domain to take and seize his neighbor's land and to convert it to his own use. It gives him the right to harness the river. It gives him a right to create a dangerous situation, dangerous to life and property. It gives him other rights that the ordinary citizen does not enjoy. So the right also depends somewhat upon that.

The right of the United States to legislate on this subject and to provide conditions rests upon these several things, but primarily it rests on the constitutional right under the commerce clause which gives it the right to prohibit or permit under conditions to be agreed upon. It is not a question then of justice in the matter of giving anybody a privilege of this kind. It is not a matter of just how many years you ought to let him have it. It is not a question of just how much you ought to pay him for it when he gives it back. It is a question of policy, pure and simple, how we are going to let him use this power, this right, that belongs to all of the people primarily, but which all can not enjoy personally. So we must delegate the right to some or else in order to induce other people to come in we must make it worth while for them to come in and develop these resources for us. We can do it ourselves as a Government or we can delegate it to a governmental agency.

Then the question is, What terms are you going to put into this bill? Such terms as we can agree on. Of course if these terms are made so harsh that no one will accept them, you are doing nobody an injustice except the Government itself, because you can not get anyone to do the work and it seems that public sentiment will not yet permit the Government to engage in the work.

If, on the other hand, you make terms that are compatible with the public interest and which will induce men to come in and make these improvements, everybody is happy and the water power is turned to some good use, helping the public on the one hand and pouring profit into the pockets of the others who operate it.

So, I say, it is a question of terms and not a question of confiscation of property after the 50-year limit. This talk of unfairness, this talk of equity, in my judgment, does not belong to the discussion, but it is a question pure and simple of what you will give, and how much you will take for what you will give.

Now, passing on to these terms, the angle I desire to discuss it from is the question of policy. It is a question of the policy that we are going to adopt, and that is the thing to be considered in the bill. Whatever is the best policy for the people of this country as a whole is the policy that I think we ought to adopt. I do not think a great governmental policy should be based upon a primary consideration of profit to individuals. It should be a question pure and simple of benefits bestowed upon the people at large through a national or governmental agency.

Now, as to the terms. The committee bill provides that unless revoked for cause, as provided in a certain section, these rights shall continue for a period of 50 years, and after the expiration of the term such rights shall continue until revoked, as provided in the bill.

The amendment I have proposed provides a term of 30 years, with two additional terms of 10 years each, at the option of the licensee, the two 10-year periods to be upon such terms not incompatible with the bill or repugnant to the terms of the bill, as may be prescribed by the commission.

In connection with that, I want to call the attention of the Senate to the proposition that while each measure provides that there may be a renewal after the 50-year period, under

the committee bill it continues right along until certain conditions have been complied with. In other words, there is no interruption of the term at all, and they do not have to come to the United States to renew their license.

It is up to the United States to come in and interfere with or interrupt the running of their license. It is true that there are certain conditions provided in this committee bill under which the United States can recapture the property; but, as I shall try to show a little further on, those conditions are of such a nature that it does not seem reasonable, and it is scarcely possible, that the United States shall ever avail itself of a privilege which in effect is no privilege at all. As was argued by the Senator from Montana [Mr. WALSH], why put anything in a bill which purports to give a privilege but which is a privilege of which the United States may avail itself without such provisions in the bill?

In the recapture clause in this bill you provide for the payment of such a sum of money, or, rather, as a basis for the payment of money, that is exactly identical with values fixed by the courts in condemnation proceedings. If that is all there is to it, why burden this bill with such a provision? Why not let it run right along; and if the United States ever wants to get it let them go in and take it and pay just compensation under condemnation proceedings? You are adding nothing to this bill by putting in such a provision as that.

There is another distinction between a provision that continues until it is revoked and one that revokes it absolutely. What is the difference? It is a difference between being in and being out. It is the difference expressed in that old saying that possession is nine points in law. As to the corporation, if the future may be judged by the past, when it requires some affirmative action on the part of the Government to do something, and somebody has got a privilege that is continuous unless it is stopped, every effort will be made to stop the action, to prevent any interruption; and instead of their coming here and asking us or asking our successors here to give them a license, they will have the Government trying to treat with them, trying to regulate them, but unable or impotent to do so; in other words, they have what amounts to a perpetual license, subject only to the condition that the United States do something that it probably will never do.

Mr. REED. And something that it can do without the provision.

Mr. HUSTING. And something it can do without coming and asking for it in this bill.

Now, I desire to discuss the reversion clause or the recapture clause. In the reversion or recapture clause the so-called Shields bill provides that the fair value of said property shall be paid—I will read the part that I wish to call attention to:

> That at any time after the expiration of said 50 years the United States may terminate the rights hereunder granted upon giving the grantee—
>
> A certain notice—
>
> and upon the taking over by the United States of all the property of the grantee dependent in whole or in part for its usefulness upon the rights hereunder granted, which are necessary and appurtenant, or acquired and valuable or serviceable in the distribution of water, or in the generation, transmission, and distribution of power, and upon paying to the grantee the fair value of said property, together with the cost to the grantee of the lock or locks, or other aids to navigation, and all other capital expenditures, required by the United States, and assuming all contracts entered into by the grantee which have the approval of the duly constituted public authority having jurisdiction thereof, or which were entered into in good faith and at a reasonable rate, in view of all the circumstances existing at the time such contracts were made.

Then it goes on and provides that "the fair value of the property and reasonableness and good faith * * * shall be determined by agreement," if not by the courts.

And here is an amendment to the bill which perhaps some of the Senators have not read:

> When the permit expires by limitation, or is terminated under the provisions of this act, the United States may take over, acquire, occupy, and use all the property of the grantee herein described, and upon the terms herein provided, for such purposes as may be authorized by then existing laws; or the Secretary of War may grant a permit to any person or persons defined in sections 1 and 10 of this act, upon the same terms and with the same restrictions and preferences provided in this act, and as may be authorized or required by the existing laws, who shall take over the property of the original permittee upon the payment of its fair value in all things as the United States is authorized and required to do; or the Secretary of War may renew the permit to the original permittee upon the same terms and with the same restrictions and preferences and as may be authorized and required by then existing laws.

Mr. President, this amendment gives the United States three options: First, either to take over all the plant or any part thereof affected by this franchise and to pay a fair price for all the property that it takes. What has the United States got to take? As I understand it—and if I am wrong I should like to have some one correct me—it means all the property, not only the power sites, the dam, and the machinery for the generation of electricity, but it means the entire transmission plant wherever it may go. If we can foresee something that is going to happen, and there is a pretty good indication on that diagram as to what is going to happen in the way of interlocking directorates and the combination of these plants, it is not unreasonable to suppose that in a few years from now one concern, or at most a few, will have transmission lines running all over the State, and for that matter running all over the United States, and it is not unreasonable to presume that they will run along certain valleys in certain regions, and that the transmission lines will grow into great systems like our telephone lines and our telegraph lines. If the United States ever wants to get back or to recapture one water power, if any municipality wants to acquire one water power, or if any State wants to acquire one water power, what has it got to do? It has got to buy out the whole business; it has got to take over the entire transmission lines. Who is going to do it? Is it reasonable to suppose that the United States will do it? In other words, to get hold of the thing that of itself was only a unit, by the operation of assignment and otherwise, in the course of 50 years it becomes only one little speck in a great system of transmission lines, and so involved and tied up that you can not take the one unit without taking the whole system. I submit that that is not a fair proposition to the people; and, as I said before, we could do that without having such a provision in the bill. If we ever want to go into the transportation business or if we ever want to go into the electric-lighting business or the electric-heating business, we can do so anyway without availing ourselves of any rights given in the pending bill.

But if we want to take over a water-power plant we should be able to do so, and the proper kind of bill would give us the right to do so without compelling us to take over a whole light, power, and heating system with transmission lines annexed. So I say that the provisions of the bill concerning the taking over of the property do not mean anything; they do not add anything to our rights; they only appear to concede something which upon reflection we know we have without such alleged concession. Not only that, but you have got to assume the then existing contracts; you have got to pay them a fair value for all the property they have, and you will have to pay consequential damages for loss of profits and whatever else the courts may hold is within the definition of the term "fair value."

While I am on that subject I want to say another thing. Not only have you got to buy up all of their transmission lines, their power sites, and their dam sites, but, as pointed out by the Senator from Montana, you have got to pay them for the unearned increment. As the Senator from Montana also pointed out a little while ago the States will probably give rights of way to transmission lines across public lands without cost, and if you want to get them back 50 years from now the people of the United States will have to pay the then full value of that property which they got for nothing. In other words the people will have to pay for property which they gave to these transmission lines plus the unearned increment.

I want to say that the substitute I offer proposes that before the issuing of a license the lands shall be valued by the commission at the price paid for them, if it is a bona fide price. The commission is composed of the Secretary of War, the Secretary of Agriculture, and the Secretary of the Interior.

The substitute provides that before receiving a license the applicant must show what he paid for the land. He must also file his plans and specifications before receiving a license. The value is fixed by the commission at that time. The applicant must also file his plans and specifications for the power plant and things of that kind, so that the commission will be fully advised of the amount of money that has been put into the investment. Then at the expiration of 50 years the license comes to an end. If the United States want to, it can take it over by paying the cost of the land as fixed by the commission, and the improvements shall be fixed at their valuation, taking into consideration their deterioration at the end of the 50-year period.

So under the amendment which I propose the so-called recapture clause means that the United States shall take that property without the unearned increment, without the raw water-power right, and shall pay for the improvements what they are worth.

The owners will be paid under their contract what they paid for their lands and what their improvements are worth; and the profits which they have enjoyed for the period of 50 years will be their recompense.

Now, there is another thing in the Shields bill I want to call your attention to. Suppose the United States does not choose—and it probably will not choose—to exercise its option; what are the alternatives? Let me read:

Or the Secretary of War may grant a permit to any person or persons defined in sections 1 and 10 of this act upon the same terms and with the same restrictions and preferences provided in this act and as may be authorized or required by the existing laws who shall take over the property of the original permittee upon the payment of its fair value in all things as the United States is authorized and required to do.

What does that mean? If we do not take it over ourselves, then the Secretary of War—

May grant a permit to any person or persons, defined in sections 1 and 10 of this act, upon the same terms and with the same restrictions.

If I understand that correctly, it means upon the same terms as in the original lease, and not upon new terms that may be then proposed. In connection with that, you will find that section 13 of the Shields bill provides:

SEC. 13. That the right to alter, amend, or repeal this act is hereby expressly reserved: *Provided*, That in case any grantee hereunder shall, at the time of such alteration, amendment, or repeal, have exercised rights in accordance with this act, such rights and the property used thereunder shall be deemed property rights of such grantee, of which such grantee shall not be deprived by such alteration, amendment, or repeal, except upon the conditions provided in case of termination by section 6 of this act.

I read that in connection with this proposition because, as I construe the two together, the meaning is that if we do not take the plant over ourselves, then the Secretary of War may lease it to somebody else upon the same terms as those contained in the original lease. While the words are added "and as may be authorized or required by the existing laws," the meaning is that the rights which become vested under the original contract can not be altered or repealed or amended. Therefore, as I understand it and read it, the old lease is perpetuated, so that if the United States does not take over the plant the development will have to run along on the same terms on which the original lease was granted, and the property rights of the grantee can not be interfered with.

The next alternative is that—

The Secretary of War may renew the permit to the original permittee upon the same terms and with the same restrictions and preferences as may be authorized and required by then existing laws.

That in effect merely makes conditions under which the United States will never take it over, or, if it does take it over, will give it to somebody else under the same old terms or give it to the permittee under the same old terms, but interfering with no vested right in the license. Somebody else may be allowed to come in under the original terms of the lease so far as property rights are concerned, but if the plant is taken away from the original permittee there will have to be paid all the consequential damages and all that comes within the definition and meaning of "fair compensation." So, I say that in effect a license under this bill means a perpetual license, or even in the event it is recaptured at all, it will have to be recaptured under such terms that the initial permittee will have to be not only compensated for his property, but will have to be compensated for it upon a basis of a perpetual right to use the water, and the people will eventually have to pay for such prices in the rates charged by the last licensee.

The amendment which I propose as a substitute for this bill provides that the Government may at the expiration of the lease take over the plant by paying for the land what it was valued at in the beginning, and by paying for the improvements what they are worth at the time of the taking, and if the United States does not desire to take it over, it can renew the permit to the same licensee or to a new one upon such terms and conditions as it may then think proper. So that there is a finality to this 50-year proposition; the United States is put in control, and the United States is kept in control of the property, and when it renews or issues a new license it is free from so-called equitable claims and can control on a new and free basis.

Now we come to the rental charge. There has been a great deal of discussion here to the effect that the Government has no right to charge a rental, and one of the most persistent arguments against any other kind of bill than the committee bill is that capital will not invest; that capital will not enter into these enterprises. That, if true, would be bad; but how do we know whether or not capital will go into a proposition of this kind. We can not take the word of capital for it. We can only know by observing what other countries are doing, under what terms these concessions are granted in other countries, or by considering the reasonableness of the terms we make. If all legislation is going to be defeated upon this subject merely because somebody comes in and says, "If you put those conditions in we will not develop the water power; we will not do this and we will not do that," then, of course, we might just as well quit, because some people will never fail to say that; they never have yet; and it does not make any difference what you do or what reasonable terms or conditions you put into a license of this kind, unless it is written just exactly as they dictate it they will say that capital will not come in. Now, we are not bound to believe that statement. Surely we must assume that reasonable men will accept reasonable conditions.

At the present time the United States has a monopoly of water-power control and can exercise that right. I say that it is a fair criterion as to the value of the argument to ascertain what other Governments are doing in this respect. The Senator from Nebraska [Mr. NORRIS] went into that somewhat the other day; but I wish to go into it perhaps a little more fully than he did, and may travel over some of the same ground. Take Switzerland, for instance. Switzerland charges a compensation; Switzerland does not give her water powers away without requiring something in return.

Federal legislation will make regulations dealing with the disposal and character of water-right concessions, as well as with the transmission and delivery of electrical energy, so far as the protection of public interests and the proper development of these resources require such legislation.

Wherever Federal legislation does not regulate the terms of the water-right concessions the disposal of these concessions, as well as the fixation and collection of charges and imposts for their use, are under the jurisdiction of the Cantons. This regulation by the Cantons must not seriously embarrass the development of the water powers.

I will show what the French do in this regard. I am going to quote from these pages so that anyone who is sufficiently interested can look the matter up. I am reading from hearings before the Committee on Public Lands, 1914, on water-power bill, House bill 14893, where in an appendix the facts and figures are given.

The French charge a rental, fix a term or period, and provide for recapture.

ART. 3. Authorized power plants shall be governed by laws and regulations now in force. All authorizations are subject to cancellation, and they shall not in any case be granted for a period longer than 50 years. At the expiration of that period the grantee shall, if the authorization is not renewed, restore the premises to the condition previously existing or deliver the power plant to the nation without indemnity therefor, as the nation shall elect.

ART. 4. In the case of power plants now in existence the 50-year period fixed by the preceding article shall begin from the time of the passage of this act.

ART. 11. At the expiration of any concession for a power plant the nation shall immediately take possession of the plant and appurtenances constituting a part of the public domain, as defined in the preceding article, without liability for indemnity.

ART. 15. The rental accruing to the nation from authorized power plants or those under concession shall conform to article 44 of the law of April 8, 1898, and to regulations made or to be made in execution of that law. By such regulations shall be fixed the special conditions governing rentals applicable to plants established on the canals of the public domain.

Norway imposes similar terms, provides for the payment of a certain amount per horsepower, fixes the term of years, and provides for a recapture at the end of the period.

10. The concessions are granted for the following terms: For at least 60 years and not to exceed 80. The time is reckoned from the publication of the announcement of the concession. Where the concession has expired the waterfalls with improvements and works revert to the Government. Likewise it is agreed that the power station with all the machinery reverts to the Government. That which does not go to the State can be bought at its appraised value, or ordered to be removed within a certain time by the department.

4. By the concession there can be assessed a yearly tax of 1.25 crowns for every horsepower over 500 horsepower. Such a tax can not be collected where the power is obtained from a waterfall as described in paragraph 2. The tax has to be paid at the end of the calendar year. If it is not paid when due, that is added interest at the rate of 5 per cent per annum recovered by an execution, and in case of bankruptcy it has the right of preference like taxes.

I want to say that in almost every one of these instances at the end of the period the plants revert absolutely to the Crown—to the Government. There is a certain permission given to certain officers to reimburse the owners when the plants are taken over, but it is not a vested right; it is a matter of choice on the part of the Government.

There has been a gread deal said here about it being unjust and unfair to make these men lose anything by way of prospective profits, or by depriving them of the unearned increment, or in some way imposing unjust and harsh conditions, and yet in all these countries, or in almost every one of them, it is provided that when the period is over the plant, with the exception of certain machinery, shall become the property of the Crown, the property of the Government, without compensation, or such compensation, if any, as the Government feels like paying.

These countries are laying the foundation for a real Government ownership. They make long-term leases, and their proposition is substantially like this: "We will put you in control of these concessions; we will let you operate them for 50 years, or other terms, under certain restrictions; you have got to serve the public upon such and such terms; and when you get through with it the property belongs to us." Of course that enables the concessionaires to amortize their plant, but I presume the Government takes it upon that theory, in the first place, because they have a contractual right to do so, and, secondly, because, if the sinking fund is large enough, and they are permitted to make it large enough, to pay for the replacement of the plant, when the public has once paid for it why should it pay for it over again? Why should it pay for it twice? In other words, under a limited period license there is no doubt that every licensee under this bill will amortize his plant; that he will add to the overhead expenses a sufficient amount which, placed at interest, will pay for his plant when his privilege expires, and he will take his profits on that amount over and above what the ordinary cost and running expenses of his business would be.

The courts will allow that and the States will allow it, and he will charge the public accordingly; so that at the end of 50 years he will have taken out of the public, over and above his actual running and necessary expenses, a sum sufficient to pay for the plant. After the public have paid for it, why should it not belong to the public? In the bill which we are discussing at the present time, if I dared, I would have liked to put in a provision which would have provided for that very thing, something similar to the amendment suggested by the Senator from Iowa. There is no sense in making the public pay twice for the same thing.

While I am on that subject I want to refer to something else which the public will be paying on under this bill. They will be paying a return on the investment under the Shields bill, not only on the money put into the plant but on the value of the plant, upon the unearned increment as it goes along; so that the public will pay interest on the speculative value and will be obliged at last to pay the speculative value besides, and, in addition to that, the sinking or amortization fund that will be taken out of the public over and above ordinary running expenses.

I say that foreign Governments do these things differently than is here proposed. Is not capital just as timid over there as it is here? Is it not more timid? Is it not getting to be more timid over there? And yet no one raises the question that they are not getting all the development they want under the terms imposed by them.

Norway has taken the lead in this thing and her legislation pertains to the same thing there that it does here—navigable streams where the banks have passed into private ownership, and they insist that at the end of a certain period of time the properties shall revert and become the property of the Government upon such terms as they may see fit to make.

But there are some instances that are closer home than that. Not long ago the Senator from Alabama, Mr. BANKHEAD, made the statement that certain men down in his State, because of the harsh terms imposed by our Federal law, refused to develop there and went over into Canada and developed powers there. I assumed from what the Senator said that the Canadian law must be much milder there than it is in our country in order to lure American capitalists over there. I looked it up. I have some Canadian laws here. I do not know the name of the company that the Senator from Alabama claimed went over to Canada, but I presume it was one of these that I am about to refer to. But even if it is not, nevertheless the terms of its lease must have been similar if not identical.

Here is what the Ontario water-power law says. Let us see whether or not our water-power law as the Senator from Alabama says compares with the Canadian law in severity. Here is the Canadian law:

No such lease shall be granted for a longer term than 20 years, but the lessee shall have the right of renewal of such lease for two further and successive terms of 10 years each, upon such terms and conditions as may be agreed upon or may be fixed by the minister.

Here is the expiry provision:

At the expiration or sooner determination of the lease the water-power privilege shall revert to and become the property of the Crown as fully as if no such lease had been granted, together with all dams, weirs, tunnels, races, flumes, etc.; but the lessee shall be allowed a reasonable time, to be fixed by the minister, to remove all machinery, etc., failing which removal such machinery shall become the property of the Crown: *Provided*, That where any such buildings or structures are of a permanent character and necessary or useful for the proper development or utilization of the water-power privilege the lieutenant governor and council may, upon a report in that behalf by the state hydroelectric-power commission, pay the lessee, by way of compensation therefor and purchase thereof, such sum or sums as he may deem proper upon the same being appropriated by the council.

The lessee is to be paid such sums as Canada may see fit to give. The amount to be paid by way of compensation is fixed by the minister and council.

I have some further instances that I should like to read, but I will only refer to one other, which is the power plant of the Ontario Power Co. It is very similar in terms to the lease of the Toronto Power Co. I presume that perhaps this is one of the companies referred to by the Senator from Alabama, who said that the people did not like the terms of our Federal law, so they went to Canada. Here are the terms of the license under which they take. This is a special grant:

The license is granted for the term of 50 years, commencing April 1, 1900. The company has the option of three renewal periods of 20 years each, bringing the total period under option to 110 years. It then has the further right to continue to operate for a further term, making in all 130 years. The company is to pay a clear yearly rental of $30,000, payable half yearly. In addition, for each electrical horsepower generated and used and sold or disposed of over 20,000 and up to 30,000, $1 per annum; over 30,000 and up to 40,000, 75 cents per annum; and over 40,000, 50 cents per annum.

So the minimum is 50 cents and the maximum $1.

Here is the Canadian Niagara Power Co. They have a similar agreement, where the maximum is $1 per horsepower and the minimum is 50 cents per horsepower. I could go on and cite a great many more similar cases, but these will serve for the purpose of illustration, and show that Canada is receiving now $1 per horsepower per annum in addition to a flat sum mentioned here of $30,000. And yet the Senator complains of our harsh law and also tells us that we will frighten capital away.

I know of one instance—I forget just which one it is, but one instance, at least—where the incorporators were nearly all American capitalists. They went right over into Canada, bound themselves by the terms laid down by the Canadian law, and were glad to get the power and pay the price. I have similar instances, but it would take me too long to read all of them. I have the laws of British Columbia and New Brunswick and other Canadian Provinces, and I have the laws of other countries, but they are all along the same line.

For example, the general Canadian land act which is in force in Manitoba, Saskatchewan, Alberta, Yukon, the Mackenzie country, and the Peace River district in British Columbia.

(a) The term of the license shall be 21 years, renewable for three further consecutive terms of 21 years each, at a fixed fee payable annually, and to be readjusted at the beginning of each term, as hereinunder provided.

(b) At the expiry of each term of 21 years the governor in council may, on the recommendation of the minister, order and direct that the license and any lease granted in connection therewith be canceled: *Provided*, That the minister shall have given at lease one year's notice to the licensee of intention so to cancel.

(c) If the licensee shall refuse to pay the license fee as readjusted by the governor in council, or as fixed by the arbitrators chosen as provided in paragraph (e) hereunder, then in such case the minister may renew the license at the former fee, or the governor in council may, on the recommendation of the minister, order and direct that the license and any lease issued in connection therewith be canceled.

(d) In either of the above cases, compensation shall be paid to the licensee as provided for in paragraph (e) under.

(e) On termination of the third renewal of such license, except in case of default on the part of the licensee in observance of any of the conditions thereof, or of any lease granted in connection therewith, compensation shall be paid for the works to the amount fixed by arbitration, one arbitrator to be appointed by the governor in council, the second by the licensee, and the third by the two so appointed; if the licensee fails to appoint an arbitrator within 10 days after being notified by the minister to make such appointment, or if the two arbitrators appointed by the governor in council and the licensee fail to agree upon a third abritrator within 10 days after their appointment or within such further period as may be fixed by the minister in either such cases such arbitrator or third arbitrator, as the case may be, shall be appointed by the judge of the exchequer court of Canada. In fixing the amount of compensation, only the value of the actual and tangible works and of any lands held in fee in connection therewith shall be considered, and not the value of the rights and privileges granted, or the revenues, profits, or dividends, being or likely to be derived therefrom.

* * * * * * *

(k) That a schedule of rates and prices to be charged to the public for the use of power shall first be submitted by the licensee to the Board of Railway Commissioners of Canada for adjustment and approval before being put into effect, and that no rates or prices for power shall be legal or enforceable until such schedule has been so adjusted and approved, nor if they shall exceed the amount fixed by such schedule; and that such schedule shall be readjusted and approved by the board every seven years during the term of the lease and license, and all renewals thereof.

These Canadian laws provide a certain limited period; they provide for compensation, and they provide for recapture, by which the property eventually goes into the possession of the Government giving the lease.

As another instance to show what our capitalists might be willing to do, I understand that in the case of the Connecticut River bill, which was before this body a year or two ago, I think it was Stone & Webster who asked for the permit. They were willing to pay, as I understand, a certain sum of money

every year, and they came here to the Congress of the United States, asking to pay the price named in that bill and get the privilege. I am sorry I have not that bill here, but the older Senators will no doubt have it in mind. It was stated upon this floor that it was killed because it established a bad precedent. A bad precedent for what? Why, a bad precedent because the United States was to be paid some money for a rare and valuable privilege granted them. Because somebody had to pay part of the expense of running this Government for a valuable concession that was being made, it was considered a bad precedent, and the bill was defeated here upon this floor. I mention it only for the purpose of showing that the capitalists are ready to come in and pay the price. They only want to be given permission to do so.

That does not bear out the "timid capital" argument. It proves to my mind that it is not capital that is timid in this matter. It seems to me that the Congress of the United States is timid and afraid to make some of the men who receive these valuable privileges pay something into the United States Treasury to help run the Government.

In Canada they have used the moneys that they have been getting out of these concessions for public improvements and have built the fine roads through Victoria Park. In a visit there I was informed—and while it was only hearsay, yet I do not doubt the truth of it—that out of the moneys and rentals that Canada is getting from its water powers near the Falls it has beautified that park and made the roads and all the improvements in that park.

It is not a sordid proposition to demand a money consideration in payment for a valuable franchise. It costs money to run a government, and somebody has got to pay it. Nobody donates anything, and hence we must ask our citizens to contribute their just share. It is inevitable that if we do not get it in one way we must raise it in another way. Indeed, we have got to go to every man every year by way of a tariff tax, in fact every day, and tell him: "We have got to separate you from a part of your money to help run the Government." We have to go to the man with a little house and lot, and you hold him up, and he has to pay so much money a year—in the States, at least—for having a house. You go to the farmer, you go to the merchant, and you make him pay every year so much to help run the Government. Now, every dollar that you get from a concession of this kind would go to lower that man's taxes; it would go to lower somebody's taxes, because you have to raise the money in some way, and if you do not get it in that way you will have to get it in some other way.

Now, what is wrong about requiring a money payment in return for a license if the United States wants to create waterways, wants to go into this immense project that I spoke of at the beginning of my argument here? They could provide for a payment in the case of lost water-power development, and it would go to defray the cost of such improvement, and I believe, in the end, in that way you could raise enough money so that you would not have to call upon the Congress of the United States for an appropriation, but I believe that the thing would pay for itself, if properly handled. The United States, in promoting irrigation and in promoting navigation and in the building of reservoirs, would not only prevent floods but by making proper contracts with the users of these resources we could exact enough profit out of the water power that would be developed on these streams to pay in a short time for the entire cost of the system.

Why not do that? Why not start such a fund? I have got it here in this substitute amendment. It provides for the payment of not less than 10 cents a horsepower; it is a nominal sum now, but at the end of 30 years it may be raised. Why not start in on a scheme by which the thing will pay for itself out of itself? If we ever want to create a waterway system here, I say that by the establishment of reservoirs and by building dams or permitting others to build dams across the streams for irrigation and water-power purposes, and exacting a charge for them, we will be able to get enough money out of it to pay for those improvements without its being necessary for the Congress of the United States to make an appropriation; and not only that but the very money that is put in will increase the value of the water powers themselves to the licensees, it will help the irrigation, and will stop the floods. I think that is justification, if any were needed, enough for imposing a license fee or charge, under the committee bill, if passed; and if it is not imposed now, it never will be, because these companies will be getting the power out of our control and getting it away from us, so that we can never get it back again.

As long as the United States keeps this matter within its control it will be in a position to use this great power for the benefit of the people. Why not keep the control? I have seen farmers in my community come into the office and want to distribute their property to their children during their lifetime in trust so that the children would take care of them. I have seen some of them, against my own advice, do it, and I have seen them find that in their old age they had deprived themselves of everything that was worth anything to anybody; they lost the support as well as the affection of their children and went to the poorhouse; and I say the Government can make the same mistake. It can deprive itself of everything of value that it has to give, so that its favored citizens, having no further funds to furnish will lose their respect and the love for a country that has so little sense in taking care of itself. From every point of view, with due regard to all of its citizens' rights, in justice to all of our people, this country should not permit this last resource to get out of its hands; and it ought to keep in its hands the right to tax, the right to charge, and all these other rights that are vital and necessary for a complete and adequate control of this great power and its business.

There is another thing I desire to point out here, and that is section 10. If anything more were necessary to convince anyone that this bill ought to be defeated, I should say that this alone is enough. I invite the attention of Senators to this provision.

Section 10 says:

> The Secretary of War may lease to any applicant having the capacity of grantee as herein defined, and having complied with the laws of the State in which a dam is constructed or to be constructed by the United States, the right to utilize the surplus water power over and above that required for navigation at any navigation dam now or hereafter constructed, either with or without contribution by the applicant, and owned by the United States, and on such terms as may be deemed by the Secretary of War for the best interests of the United States, and reasonable and fair to both parties, and in awarding such lease preference shall be given to a municipal corporation, a political subdivision of a State or a public-service agent of a State, or any part thereof.

A public-service agent is put on the same plane with States and municipalities all the way through this bill.

The section continues—

> Provided the plans of the same are deemed by the Secretary of War to be adapted to conserve and utilize in the public interest the navigation and water resources of the region; and in contests between other applicants the Secretary of War shall likewise give preference to the applicant whose plans he finds and determines are best adapted to develop, conserve, and utilize in the public interest the navigation and water resources to be affected.

In the first place, they struck that provision out of the other parts of the bill, but they leave it in the bill in so far as it pertains to water powers owned by the United States. In other words, they are going to be more liberal with the applicant who wants to get the possession of the power of the United States than they would be in cases where there is private ownership of the shores. But here is an amendment which has been put onto this bill which, in my opinion, absolutely takes it out of our own hands and makes it just as impossible to get it back again as where the property is owned and developed by the licensee himself. This is the amendment:

> The provisions of sections 3, 5, 6, 7, 8, 9, 11, 12, and 13 of this act shall, in so far as applicable in each case, apply to structures erected, maintained, or operated under and in pursuance of the provisions of this section.

That amendment, in effect and in terms, makes this whole law apply to power already owned by the United States, property built up by the United States, dams maintained and owned by the United States, as in other cases, and omits only two sections from that proviso—that is, the section in which it appears, and section 2, which provides for the building of dams, which, of course, is not necessary in this, because this applies to dams that are already built. Aside from that, all of this bill applies to dams and power owned and paid for by the United States.

What is it proposed to do? It is proposed that the United States shall go and build a dam and create a water power and then shall turn it over to a permittee, so that this permittee can take it over and hook it up with his own business as a transmittee of power, and at the end of 50 years we can not get our property back without buying all of his with it and paying him the same price for the property as though he were not using our property. If he owns the land and he builds the dam, in order to get his dam we have got to take all of his property with it. But when we build our dam and let him use this dam, and he hooks it up with his property, in order to get our property back we have got to do the same thing. We have got to take all of his property with it.

It simply means that we have got to go in there and spend the money of the United States for the improvement of navigation, and then we have got to make somebody a present of that property without any consideration at all; because it is no consideration, as I pointed out before, in my judgment, if it only

permits a recapture under conditions we are already subject to under general condemnation proceedings.

There is another thing. You may think, perhaps, that the thing is impossible, but I might relate a little thing that happened in Wisconsin a great many years ago, which, aside from this proposed bill, is the worst bargain that I ever heard that Uncle Sam made.

About 1852, or something like that, the United States turned over the Fox River into the hands of the State of Wisconsin, and gave it either 400,000 acres or 4,000,000 acres—I forget which. It was not any less than 400 000 acres, according to my recollection. The United States turned over the water-power rights in the Fox River of Wisconsin, which is one of the largest streams in that State, and provided that it should improve navigation and should erect and maintain locks, in consideration of which it should have this grant of land and should have all the water-power rights. The State of Wisconsin went in there and started to build some dams, but for some reason or other got tired of the bargain. Then the legislature gave birth to a corporation by the name of the Fox & Wisconsin River Improvement Co., to which they turned over the 400,000 acres of land and the improvements for what they cost and took back a mortgage for that amount.

In a comparatively short time the Fox & Wisconsin River Improvement Co. confessed its inability to carry out the proposed works, and the State had to foreclose its mortgage. It foreclosed the mortgage and sold it to three men well known in public life at that time—men from the East—and these three men, with others, incorporated the Green Bay & Mississippi Canal Co., and took over the 400,000 acres of land, took over the improvements, and paid a certain amount—I do not know just how much they paid, but a couple of hundred thousand dollars of something like that—assuming all the things that the State had to assume. Then, after they had done that, they came to Congress, and Congress passed an act which provided, in effect, that the United States might take over all of the improvements providing it paid the company for them. I am informed that in the meantime the 400,000 acres were parceled out among the stockholders of the company. Most of what I am relating can be found in the reports of the United States Supreme Court, perhaps in a little different terms, but in effect what I have said. Then Congress passed an act, as I say, by which the United States took over all of the improvements, which, of course, included the locks and dams and all these things that were necessary for the improvement of navigation, and all that the grantees reserved were the water-power rights! So to-day in Wisconsin the Green Bay & Mississippi Canal Co. draws all the income from the water-power rights. They have just got the intangible water-power revenues or rights. They get the revenues out of it, and the improvements belong to the United States; and the United States to-day is paying for the upkeep of that dam, paying the lockkeepers, paying for the locks, and everything else.

That, in short, is the history of what has been done in Wisconsin in at least one instance. So it is not a violent assumption to assume that others will do that if they get a chance; and I do not see but that they get the chance right here to do substantially the same thing; not only that, but there seems to me to be a standing invitation to come in and help themselves.

Of course the United States may make a charge to suit; the United States Government may make a charge, but—

> The charges and rents arising from such lease or leases are hereby reserved and appropriated as a special fund in the Treasury to be expended for maintenance of said dams and the further improvement of waterways in which the same may be situated, under the direction of the Secretary of War.

So here we go in and spend a million or two millions of dollars for a dam. Under this bill we may charge rents and tolls, but these rents and tolls shall pay for the upkeep of our dam. What do they have to do except to draw the revenues from it under that act—to take the income and let the United States continue, as they are doing in the Fox River Valley, to pay for the improvement, pay for the lock keepers, pay for the dredging, and pay for everything else?

Is that a just bargain? Where do we come in?

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. HUSTING. I do.

Mr. NORRIS. The effect of that section and that law, as I understand it, simply is that the charge that is made there must be used for the purpose of keeping up the property that the grantee uses.

Mr. HUSTING. Yes.

Mr. NORRIS. In other words, he pays a rental, but it is only for the purpose of keeping in repair the property of which he is getting the benefit.

Mr. HUSTING. Yes; the property that he is using—the property of the United States.

Mr. NORRIS. Yes.

Mr. HUSTING. In other words, the United States Government builds a dam for a million or two million dollars, or whatever it may cost. Some man comes in and wants a permit to use the water power created by that dam. Without any compensation whatever, except agreeing in effect to keep that dam in repair, he steps in there and gets this valuable concession.

Mr. NORRIS. The effect of it really is that he gets the dam for nothing, but for the use of it he keeps it in repair.

Mr. HUSTING. That is the effect of it. Not only that, but he gets a vested right in that dam, because at the end of 50 years, when he has this hooked up with his transmission lines and other dams that he owns, we can not pry it loose without taking over the whole business, the whole transmission lines, the whole works. He merges it into his property, and it becomes connected up so that the United States can not get its own property back from him without paying him for all these elements of value.

Mr. NORRIS. That is what I was going to suggest. At the end of the period the United States can not even get back its own property, that it built with its own money, without taking over his property.

Mr. HUSTING. That is my understanding. There is another thing on page 17 of the reprint, that preference shall be given——

Mr. WALSH. Mr. President, I really have not been a particularly pronounced champion of the bill, but in the absence of the Senator from Tennessee I do not like to have the comments now made pass as accepted at all by the Senate. I hope that no mistaken impression will arise about this matter. The section to which the Senator is addressing his remarks is section 10, and the concluding portion thereof reads as follows:

> The charges and rents arising from such lease or leases are hereby reserved and appropriated as a special fund in the Treasury to be expended for the maintenance of said dams and the further improvement of waterways in which the same may be situated under the direction of the Secretary of War.

So the charges are by no means restricted to, nor are they applied exclusively to, the repair of the dams.

Furthermore, I should like to say to the Senator from Wisconsin, if there is any such provision that provision relates to a dam that is constructed exclusively by the United States, and they lease it to one who desires to operate it, and the Government gets it back on such terms as are prescribed in the lease. The provisions of section 6 have nothing at all to do with a plant such as is contemplated in section 10.

Mr. HUSTING. In the first place let me say that I am glad the Senator corrected me on that point. I meant to say for this improvement. Now, it is not only for the Government dam, but it includes also a further improvement of waterways in which the same, this dam, may be situated; in other words, for the benefit of that particular dam or other dams situated on the same stream. The United States might, I insist, go to this extent——

Mr. WALSH. That is not the language. It is not the dam of which I was speaking, but the waterways or the improvement of the waterways.

Mr. HUSTING. The improvement of the waterways in which the same—that is, the said dam—may be situated.

Mr. WALSH. That is to say, from a dam in the Mississippi River the money derived can be used in building levees down at New Orleans; it can be used for dredging purposes; it can be used in any way.

Mr. HUSTING. Well, whatever it may be used for, I merely wish to say that the argument will be made, and it will be made with force, that the money that is taken from the operator of any dam must be used in such a manner in the improvement of waterways as will improve his water power. In effect, it simply means that he is to get the use of the dam for little or nothing, and the little he pays shall go to the upkeep of the dam and for the improvement of his water power.

I further say, in reply to the statement of the Senator that section 6 has nothing to do with this, that I will refer him to the amendment I have just read:

> The provisions of sections 3, 4, 5, 6, 7, 8, 9, 11, 12, and 13 of this act shall, in so far as applicable in each case, apply to structures erected, maintained, or operated under and in pursuance of the provisions of this section.

Mr. WALSH. Where is that?

Mr. HUSTING. It is in the reprint on page 15.

Mr. WALSH. Has such a provision as that been incorporated in the bill?

Mr. HUSTING. Yes, sir.

Mr. NORRIS. That is an amendment which was adopted since the bill was under consideration, an amendment offered by the committee.

Mr. WALSH. What does the Senator say?

Mr. NORRIS. I understand that is an amendment to the original bill put in by the committee.

Mr. WALSH. And it has been adopted?

Mr. NORRIS. Yes.

Mr. WALSH. I thought I had been paying a good deal of attention to the bill and I confess that it escaped my notice.

Mr. NORRIS. I do not mean that it was offered by anyone outside of the committee. I will ask the Senator from Wisconsin if I am mistaken. I should like to be corrected if I am.

Mr. HUSTING. I take this exactly from the original bill on file, but it is in the reprint.

Mr. SHAFROTH. What is the line on page 17?

Mr. HUSTING. From line 22, on page 17, to line 2, on page 18, inclusive. It is in the reprinted bill. Perhaps the Senator has not the reprint. It is there, and it says that it shall "apply to structures erected, maintained, or operated." It means simply that if you want to lease you have got to comply with section 6, and the measure of damages paid there must be paid back. I mean the same measure of damages applies to taking over on the cancellation of that lease as applies to any lease or license for a dam built by the parties, and let me again point out to you that all the other clauses of this bill applies to dams of the kind where applicable.

I want to point out another thing in that same section:

and in awarding such lease preference shall be given to a municipal corporation, a political subdivision of a State or a public-service agent of a State, or any part thereof, provided the plans of the same are deemed by the Secretary of War to be adapted to conserve and utilize in the public interest the navigation and water resources of the region.

Those words were stricken out of one part of the bill, but they are left in here in relation to dams owned by the United States. The "water resources of the region." Of course, it contains the words "municipal and State," but public-service corporations are put on the same plane with them and are affected by the same provisions. What is to prevent under this clause, or even under the general clause in the bill, anyone from taking advantage of the situation in this country, a situation which is already marked, as the diagram on the wall shows. It shows the alacrity with which this coming together and joining together is going on, and there is a reason for it.

It is true that to a certain extent that tacking of powers one on the other is a good thing. It tends to increase the total output, and it has its advantages; but the question is, Do you want to permit this thing to go on and let the only thing you have to prevent it slip out of your hands? Under the substitute proposed every unit is seizable, if you want to seize it and take it out of that clause.

As I said before, all the Government will have to pay back for it at the end of 50 years under my proposition is enough money to keep those people whole and harmless of any damages or cost and give them the value of these properties. I mean we give them the full value of the property, so that they are nothing out on their investment, and although they get nothing allowed for deterioration, they have had the use of this property. My amendment does not require the United States to reserve all of its transmission lines, but it makes and keeps it a severable unit; it cuts the unit off at the transmission lines. Senators have said that is unfair, it is unjust; that the transmission line is standing high and dry. Why? They say because their premises would be worthless; they would be cut off from their power.

I would sooner trust the United States to furnish power to light my State or business house than those who are liable to get hold of a franchise of this kind and subject us to their tender mercies. If the United States ever becomes possessed of the developed water powers, if it is ever going to build your dams, it will put them to use. Uncle Sam does not intend merely to use one of these developments for a watch charm. He is going to use it for the benefit of the people, and the prices he will give to the public will be such that no one can complain of the service any more than we complain about the cost of carrying our letters and parcels.

The United States does not desire, nor does anyone desire, that the United States shall merely take the power away in order to deprive somebody of the property. If it takes it over—and it does not need to take it over if it does not want to—but if it does take it over, it will take it over for the good of the people.

It does seem to me that in the discussion of this question there is a tendency to hold up the United States as an ogre, as a bad man, as a bogy man, who will exercise its power against the good of the people. That is begging the question on the part of those who object to interference with State powers by the United States, as though the United States wants to do something to injure a State or one of these municipalities. Do we fear ourselves? Our people trust their lives, their welfare, and everything to the Congress of the United States, which legislates for the United States. They are intrusting everything in the Government every day. If it is such an ogre, why not abolish the United States and turn it into the hands of those who want to run our business for us? I say there is no justice, and I do not think there is much logic, in that argument.

Now, getting back to the question of these combinations in the substitute that has been proposed here and which we are now discussing, the United States can step in at any time at the end of 50 years and seize one of the units, by paying, as I said, fair and just compensation, in the sense that whatever the unearned increment is shall inure to the benefit of the people. There are no raw water-power rights or anything of that kind that constitute a stop or check on this system of centralization. So while they might be able to get hold of it at some time, I mean that they might gradually get it, we have in our hands that which absolutely prevents a perpetual saddling on us of great powers like the hydroelectric powers, which if not checked in the law will be concentrated in a few hands.

Under the bill, both as to Government dams and dams built by private parties, there is one tendency, and that only, and it seems to me to be inevitable that in a short time, as quickly as the conditions will permit, there will be a consolidation of the great transmission lines of the country, so that another great institution will sit astride the necks of the people of the United States like the Old Man of the Sea, and we can not shake him off.

Now, another thing; under the original bill as printed on page 3 of the old bill it is provided:

No transfer of any such permit or of the rights thereunder granted, except by trust deed or mortgage issued for the bona fide purpose of financing the business of such grantee, shall be made by any grantee without the approval of the Secretary of War.

The words "Secretary of War" are stricken out by amendment.

There was some check on it, and now that is stricken out there is absolutely no restriction on the right of an assignment, as will appear in the reprint on page 3, line 11. After the word "granted," the assignments are left without any check, without any control, and there is absolutely nothing to prevent one company from getting every franchise that is obtained in the United States. Under the amendment that I propose no assignment shall be valid unless it is first submitted to and approved by the commission, which I propose.

SEC. 18. (a) That no transfer or assignment of any license granted under this act shall be valid or of any effect whatsoever unless the same shall have been submitted in writing to and approved in writing by the commission. No license granted hereunder shall be transferred or assigned to anyone except a qualified licensee under this act; nor shall any license granted hereunder to a State or municipality be assigned or transferred to any person, firm, or corporation otherwise than as security for a loan made in good faith and concurrently with and as consideration for such transfer or assignment; nor shall any person, firm, or corporation have power to acquire title to a license granted to or acquired by a State or municipality otherwise than in the enforcement of such security; and in no case shall any such person, firm, or corporation hold title to or operate for a period longer than three years any license so acquired.

Mr. NORRIS. I agree with the Senator fully——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nebraska?

Mr. HUSTING. Yes, sir.

Mr. NORRIS. I agree with the Senator fully that no transfer ought to be made without the consent of the Secretary of War or such governing body as may have control of it, but I think the Senator misapprehended the words "without the approval of the Secretary of War," on page 3. Unless the Senator reads it in connection with the balance of that section it is very misleading. Prior to that there were certain qualifications made in that section; that is, that a permittee must have certain qualifications. It is at the bottom of page 2. Then it is said in the bill as it was originally drawn, commencing at line 4, page 3, at the end of the line:

And no transfer of any such permit or of the rights thereunder granted, except by trust deed or mortgage issued for the bona fide purpose of financing the business of such grantee, shall be made by any grantee, without the approval of the Secretary of War, to any transferee not having the qualifications herein specified for a grantee hereunder.

I think the Senator will agree with me that the approval of the Secretary of War ought to have been stricken out. It was stricken out on the motion of the Senator from Montana and supported by——

Mr. HUSTING. As the section now stands, and that is the main point in the matter——

Mr. NORRIS. It was that way before, I will say to the Senator, but with those words the grantee or the permittee, whatever you call him, would have the right to transfer to some one who did not have the qualifications provided to become a grantee if he would get the consent of the Secretary of War to it. Does the Senator see that point? I remember when it was under consideration——

Mr. HUSTING. I understand the Senator that by reason of putting in the word "individual" it left nothing to be approved by the Secretary of War.

Mr. NORRIS. I do not know that I quite understand the Senator, but as it was originally drawn, with those words there, the Secretary of War had no authority to make a grant to a person or corporation not having the qualifications mentioned at the bottom of page 2, but if that grantee could get the consent of the Secretary of War he could transfer his rights to somebody who did not possess those qualifications. That is the reason why the words "without the approval of the Secretary of War" were stricken out.

Mr. HUSTING. I will say to the Senator I have read a different meaning to it, that no grant was made without his approval, but the point is this, as the Senator knows: Under this bill is there any check on the assignment of a license or franchise? That is the main point.

Mr. NORRIS. I am not finding fault with the Senator's argument that the transfer ought not to be made without the consent of the Secretary of War, but when those words were stricken out in the particular place where they were used it was thought that they would permit a man or a corporation to get a license from the Secretary of War, and they would have to have certain qualifications, and if the Secretary of War consented they could transfer to some one who did not have the qualifications.

Mr. HUSTING. This may be assigned to anybody, whether he has the qualifications or not? Is that the idea?

Mr. NORRIS. No; with those words left in the assignment could have been made regardless of the qualifications, if the Secretary of War would consent.

Mr. HUSTING. I wish to ask the Senator whether by striking that out there is anything to prevent any assignment to anybody, whether an individual or not?

Mr. NORRIS. Those words did not hinder it. If the Senator will just read it, he will see that they apply only to an assignment to somebody who did not have the qualifications of a grantee and that could be made if left in without the assignee having those qualifications.

Mr. HUSTING. I understand, but now that the words have been stricken out the check is no longer there.

Mr. NORRIS. It was not a check.

Mr. HUSTING. As I understand it, perhaps I am wrong and perhaps the Senator is right.

Mr. NORRIS. I think I see what the Senator means. I think his point is a good one. There was a provision in the bill that no assignment could be made applying to anything without the consent of the Secretary of War. The assignment we are talking about here in this particular clause of the bill refered only to an assignment to be made to somebody who did not have the qualifications to become an original grantee under the law. Does not the Senator see?

Mr. HUSTING. Yes.

Mr. NORRIS. Now, by striking that out it made it stronger, I think, and better, and it had the effect of providing that no grantee should have a right to transfer to anyone who did not have the qualifications.

Mr. HUSTING. I understand that.

Mr. NORRIS. It would be well, I think for a provision to be inserted in the bill that no transfer should be made without that consent.

Mr. HUSTING. I only saw these amendments late in the afternoon, and I must say I have misunderstood the purport of this one. But, going to the point, there is nothing in the bill I know of that prevents or prohibits or regulates or controls the assignment of licenses to any other corporation, except so far as it applies to the qualifications to take any license.

Mr. NORRIS. I think the Senator is right in that respect.

Mr. WALSH. I suggest that section 12 has some bearing upon that subject.

Mr. HUSTING. Well, that may have some bearing and it may not. Section 12 is what is known as the antitrust clause. But that does not prevent these combinations unless they shall be in restraint of trade. Besides that, that clause has been of very little real value or benefit, although I believe something of that kind appears in our statutes. Besides, if it means what it ought to mean it is inconsistent with the privilege of tying up, without any check whatever, the water-power privileges in the country, if those directly engaged in it see fit to do so, directly or indirectly.

In the first place, they may come and apply for an original franchise, or anyone else may apply for them. An individual may apply for them, and they may apply for it for the purpose of some private business, and they may the next day assign it over to a company. It is not only entirely possible, but I want at least to express it that in my judgment, if it is passed, it will result in a few years in a tying up of all the powers with a few or one great transmission hydroelectric institution. I want to repeat that this is all the more important because there is every tendency that way. I have the statistics here as given out by the department showing that already they have gravitated into certain hands, and everyone believes that what now is going on will continue unless checked as suggested.

In the report which was filed here lately on electric power development in the United States the Department of Agriculture there gave on pages 58 and 59 the figures showing how these powers are getting into a few hands. It shows here on page 58 that—

> At the end of the summary tables is given a list of the 87 corporations each of which, according to the data given in the detailed sheets, controls not less than 30,000 horsepower of primary power. Two companies contained in the list, the International Paper Co. and the Union Carbide Co., are engaged in manufacturing. The remaining 85 are public-service corporations. These 87 corporations control 3,521,423 water horsepower and 6,275,092 steam and gas horsepower, a total of 9,796,515 horsepower, or 65.9 per cent of the total listed for the United States. If the two manufacturing concerns are eliminated and the amount of manufacturing power contained in the tables is subtracted from the total, the 85 concerns remaining control 68.6 per cent of the total public-service power in the United States. Thirty-five of the 85 control one-half of this total; 16 control one-third and 10 control one-fourth. Of the 85 corporations shown in the table 59 have water-power developments and control 65.9 per cent of the total water power listed. If the two manufacturing concerns are eliminated from this number and the water power used in manufacturing is subtracted from the total water power, the remaining 57 concerns control 72.3 per cent of the total water power in the United States used in public-service operations.

And of these, 18 are named, as follows:

1. Stone & Webster.
2. Montana Power Co.
3. Utah Securities Corporation.
4. E. W. Clark & Co. Management Corporation.
5. Southern Power Co.
6. Hydraulic Co. of Niagara Falls.
7. Pacific Gas & Electric Co.
8. Pennsylvania Water & Power Co.
9. Pacific Light & Power Corporation.
10. H. M. Byllesby & Co.
11. The Niagara Falls Power Co.
12. Washington Water Power Co.
13. Georgia Railway, Light & Power Co.
14. New England Power Co. of Maine.
15. Western Power Co.
16. Alabama Traction, Light & Power Co.
17. Commonwealth Power, Railway & Light Co.
18. United Railways Investment Co.

> These 18 together control 2,356,521 water horsepower, more than one-half (51.1 per cent) of the total water power used in public-service operations in the United States. Of the 18 corporations named, the first 9 control more than one-third (33.7 per cent) of the total and the first 6 more than one-fourth (25.3 per cent).
>
> Stone & Webster, through their management of operating companies, control more water power and more total power than any other corporation, having under their direct management 340,211 water horsepower and 529,854 total horsepower.
>
> Twenty-nine of the 87 companies listed control operating plants in more than one State. Three of these—H. M. Byllesby & Co., the Doherty Operating Co., and Stone & Webster—operate in 17, 14, and 13 States, respectively. The Middle West Utilities Co. has the largest number of stations under its control—118 in 9 different States.
>
> Attention is again called to the fact that the character of control which has been discussed with reference to the several States is definite and complete. It consists either in actual ownership of properties, in majority stock ownership, in lease, or in direct management. The relation between the various operating companies and the controlling or holding companies is best shown upon the organization charts, presented in part 2 of this report. The figures of amounts of power controlled as given upon these charts do not agree in all respects with the data given in the preceding pages. The detailed figures for the several States had not been completed when the organization charts were prepared and it was necessary to secure such information as could be obtained from corporation manuals without the opportunity of checking the information so secured against detailed data. Wherever discrepancies are found the data contained in the preceding pages should be given preference.

Now, those 18 concerns control 51 per cent of the total water power used in public-service corporations in the United States under these difficult laws, under these laws that the friends of this bill claim have been so harsh that no one wants to begin any work, that everyone is afraid to go into it. Also under our antitrust laws, by the way, the 18 concerns now have over 51 per cent of the total water power used in operation in the public-service corporations.

It is to be made still more easy now, and there is to be no check either on the number of horsepower or on the number of developments that any one concern may have, but the bill is

framed so as to facilitate in every way, shape, and manner the consolidation of hydroelectric power in the United States.

I submit that that is a very unwise thing to do, if we want to remain our own masters. The United States has the choice of ways. It can so harness its horsepower—from thirty to sixty million horsepower—that may be developed in the United States and place it under such management and control that it will be a great industrial and economic benefit to the United States, or it can, if it chooses, do the other thing, turn these forces out to run wild, to run their own way, and give just so little good as it chooses and do just so much damage as it may be pleased to do in the premises.

Mr. MARTINE of New Jersey. Will the Senator from Wisconsin permit me?

Mr. HUSTING. Certainly.

Mr. MARTINE of New Jersey. I copied from Harper's Weekly of March 4 some of that which the Senator has just read. But, further than that, I find that together the 18 companies control 29 per cent and over. It goes on to say:

These companies control 2,356,521 water horsepower—51.1 per cent. The first six control more than one-fourth, the first nine more than one-third. This control is definite and complete.

Says the report:

A study of the interrelation of the various public-utility electric corporations with each other through common directors or principals leads one into an almost endless maze.

Then it goes on to say further:

It is claimed that the Stone and Webster Association and concerns with which it is connected control 29.4 per cent of the water horsepower of the United States. As to the undeveloped power, 120 companies claim to own or control unused nearly 4,000,000 horsepower.

The cost of construction by private companies per horsepower cost $301 per horsepower, whereas in municipal installation it costs only on an average $138—

Nearly three times as much.

If the argument is sound that has been pressed forward by the friends of this bill, that we must not add to the cost; that the cost is immediately reflected to the consumer; then, I would ask why, in heaven's name, they stand for a proposition that costs, as a rule, $301 per horsepower, and by Government ownership or by municipal ownership it will cost $138.

Mr. HUSTING. Mr. President, what the Senator from New Jersey has read is entirely in line with all the information upon that subject. In fact, from what I understood from the Senator from Tennessee, it is contended that it is desirable that this shall be done; that there shall be large combinations and great concentrations of this energy; and that this shall be encouraged rather than discouraged. We have had in this country an experience such as I would think would be valuable to us now in considering this question; and while a plausible argument can always be made in favor of the great concentration of business and of capital, yet we have invariably learned and found out that when we permit institutions to become so large and so powerful that we can no longer regulate or control them, then they are not a source of good to the country, but are a source of positive menace and danger to us.

Sometimes people have been mistaken. We have been mistaken in not properly conserving our national resources in the past. We will say we have acted mistakenly in not conserving a number of things that we might well have conserved, as we are trying to conserve the water power of this country now, but we too late found our mistake; but here now, with our eyes open, in the light of our experience, we should not permit a law to be passed which will eventuate in a consolidation of these powers, and which, unless we have it within our immediate control to prevent harm from being done, may grow so great and so strong as to constitute a great menace rather than a blessing; that may become a bond master instead of a good and faithful servant.

Mr. President, there are a number of other items in respect to this bill which I should like to have discussed, but I have taken so much time that I do not feel like trespassing further on the Senate for a much greater length of time.

One of the main arguments made by the friends of this bill is the argument that if these rates are regulated we should not care about anything else. I want to say that it is more important to control the thing itself than to control its rates. But I want to call the attention of Senators to two propositions, so that they may understand the difference between one kind of regulation and another kind of regulation. In the committee bill there is nothing to determine the value of the plant at the time of its development. No means is provided to ascertain what the land is worth at the time or to ascertain how much money is put into the improvement; in fact, there is nothing in the bill to ascertain anything about it that amounts to anything. There is no basis fixed for rate making, except such as any public utility may make that has been organized and put into operation without governmental supervision. Men who have given their attention to the subjects—and I do not count myself one of them by any means—men who have done great work along this line, all admit that, as a basis for rate making, there must be a physical valuation of the property; that you can not prescribe reasonable rates unless you know upon what basis of valuation the returns are to be estimated.

Here is the danger of this proposition, as found in the committee bill: They may go on and take land for power sites and for dam sites on which they will develop water power; that some one may come, and probably will come, and demand an exorbitant price for a water-power site, organize his own company, and turn in this water site for what he thinks it is worth or what they think it is worth, or what they are willing to consider between themselves that it is worth. When that is done, of course, the capitalization of that company is thereby inflated. It is watered right then and there. Not only that, but in the course of 50 years land values will increase all the time, as they have heretofore increased around water-power sites all over the United States, for, I will not say inevitably, but generally speaking, when water-power developments are made towns spring up around them and the value of the land becomes greatly enhanced. There are water powers in the State in which I live where great and populous cities have grown up around them, where it would be practically impossible to buy the lands back, except by the payment of a most exorbitant sum of money.

Not only that, but if they were valued to-day under the existing laws of to-day, the value of the land, the value of the water-power right, the value as a going concern, the value of the amount of the prospective profits—all these matters that go into the question of what would be just and fair compensation would raise the price of those power sites above what they were originally worth if they had been value at the proper time, and so it may be 50 years hence.

Under this amendment, which has been proposed, such a thing could not happen, and such a thing ought not to happen under any bill, for the value given the land is from the United States; the license is what makes the thing valuable which otherwise would be of little value, or rather gives its owner the opportunity which makes it valuable. The lands being valued and the value fixed by the commission provided in the amendment which I have proposed, that valuation would be kept on record, and at the time for the taking over 50 years hence, all that would remain to be valued would be the then physical value of the improvements, in the light and positive knowledge of what their original cost was and what the cost of repair was; so that there would be no ground for dispute as to original cost of the plant.

Even almost more important than that is this: The basis for rate making in the 50 years in which this franchise is going to operate in the case of a public utility would be absolutely established and, of course, there could not be any variation from it; it would be an admitted fact before they started, instead of being left to the opinion of a commission or a jury later on. The very permit itself would be based upon that valuation, and the public would not have to pay returns on watered water-power stock. They would pay the returns on the actual investment, and under such conditions it would mean something. What is the value to the people of a power regulation if you do not care what the basis of value is? Physical valuation of the plant is the key to the control and regulation of rates. The rest is a mere matter of computation, and the fixing of the rate results from the computation.

I desire particularly to refer to the personnel of the commission proposed by my amendment. The proposition of my amendment is that the commission shall consist of the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture. There has been a great deal of discussion here as to who is the proper officer to supervise this entire matter. There has been some insistence here that this important matter should not be intrusted to one department, because other departments are interested in it. I have adopted that suggestion and put it into my amendment that the commission shall consist of these three Secretaries, any two of whom will be competent to act and to pass upon all matters of importance:

I might add here that this is no new idea. I take it from the final report of the Waterways Commission, of which former Senator Burton was chairman and of which Senators GALLINGER of New Hampshire, SMITH of Michigan, SIMMONS of North Carolina, and CLARKE of Arkansas were members. They state:

An executive board: The commission has also considered the desirability of creating some executive authority, perhaps preferably an ex-officio board to consist of the Secretary of War, Secretary of the Interior, and the Secretary of Agriculture, which shall be authorized, under such conditions as Congress may impose, to grant permits for

the construction of dams and appurtenant structures for power and other purposes in navigable streams and upon the public domain. Such a plan would give to Congress full opportunity to determine the general policy of such grants and make such changes from time to time as conditions might suggest, but would relieve it from the necessity of passing a special act for each grant, which to all intents is an executive function. A board so constituted would have the utmost facility for securing the most reliable engineering and other expert information necessary for an intelligent determination of the facts. Such a board would also most readily coordinate the activities of the departments having to do with the public domain, and would facilitate the promulgation of uniform rules for the use of public land.

Besides granting permits for dams in navigable streams and establishing uniform rules for the use of the public domain, such a board could most readily perform certain other administrative functions which Congress could not very conveniently or properly undertake, but for which every franchise should provide. One such provision has already been suggested, that of valuing and taking over or transferring to a third party the property of a grantee on the expiration of a grant, in case such a course were found necessary in order to protect the public interest. Such a board should also, in the first instance, be authorized to institute an examination to determine, in each case, whether a proposed development would be consistent with the utilization of the entire power possibilities of the stream as well as with the maximum beneficial use of its waters for all other purposes.

Now, I want to quote the same commission on the question of assignment:

Another important administrative necessity is that of approving or forbidding the assignment of franchises. The securing of franchises for water-power development for purely speculative purposes, where there is no bona fide intention of making the development on the part of the original grantee, is one of the most evident dangers to be guarded against. The combining of competitive plants by assignment of grants for the purpose of eliminating competition and raising rates of service is another possible abuse of the privilege granted. The evils which might result in either of the above-described cases can be prevented by making franchises transferable only with the approval and consent of some public authority. Under other circumstances the assignment of a franchise might be in the public interest and highly desirable. The commission would, therefore, recommend that it be made a condition of every grant that it is not assignable except with the consent of the proper Government authority.

While I am on that subject, I should like to quote something more from that report:

Charges and regulation: That a grant for water-power development constitutes a special privilege, for which the Government is entitled to proper compensation, is a principle which should be clearly established. The actual value of such privilege will, of course, vary greatly under different conditions. Every grant of the Government should, however, be dependent on the payment of such reasonable charges as may be determined by the circumstances and equities involved in each case. The commission does not suggest or advise that this right or power of Congress should be invoked as a means of raising revenue for general purposes, but only to reimburse the Government for the cost of surveys, inspection, and similar expenses, and for the purpose of controlling the use of streams in the interest of the public.

There would be another function for this commission to perform, namely, that of rate making.

The substitute amendment, I think, is in sound accord——

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to his colleague?

Mr. HUSTING. Certainly.

Mr. LA FOLLETTE. I was much interested in the report the Senator was reading, as I have been in his entire speech this afternoon. The report from which he has just quoted indorses so many of the suggestions the Senator has made for the improvement of this bill in the public interest that I wish he would give us again the names of the members of that commission.

Mr. HUSTING. Senator Theodore E. Burton, Senator Jacob H. Gallinger, Senator Samuel H. Piles, Senator William Alden Smith, Senator F. M. Simmons, Senator William Lorimer, Senator James P. Clarke, and Representatives D. S. Alexander, Frederick C. Stevens, Irving P. Wanger, S. M. Sparkman, and John A. Moon.

I feel that the amendment which I have proposed is in its terms a very conservative one. When the Senators whose names I have just read propose important features such as I have indicated from their report the amendment, I think, should not be considered as in any way impracticable or visionary. I venture to say that two or three years ago the people of the United States were unanimously in favor of a measure of this kind. It was then generally conceded that the United States should take care of these resources in a proper and effective manner.

We have had some fighting about this matter in our State. I am fairly familiar with the contentions of the men who represent the water-power interests there; I am familiar with the views of members of the Wisconsin Legislature who took the attitude in regard to water-power development that friends of the committee bill did; but I venture to say that no one of these ever has proposed or submitted a bill in which the regulatory features were so conspicuous by their absence as in the committee bill. I believe that there is nothing in this committee bill to which anyone who desires to go into the business of water-power or hydroelectric development can take the slightest exception; nor does there appear to be anything omitted from it which would give him the free and unhampered control of this development. That may be all right from the point of view of the man who desires to engage in this business and from the point of view of those who believe that, at any cost to the public in the way of depriving them or waiving any rights of control that they may have, that is the proper way to get the thing moving. But I for one—and I believe I am voicing the sentiments of most of the people of this country—feel that something more than mere perfunctory regulations should be had, something more than mere rate making, such as would be within the jurisdiction of the State, any way, is needed in a bill of this kind.

There is just one more thing I want to say about the question of regulation. In the committee bill regulation is left to the States. I have a statement made by Secretary Lane in 1915 on House bill 16673, from which it appears that there are only 13 States in the United States that have provided for such regulation. The States named by him are Arizona, Wisconsin, Michigan, Missouri, New Mexico, Kansas, Oklahoma, Montana, Idaho, Nevada, California, Oregon, and Washington.

Statement of Secretary Lane:

The States of Arizona, Wisconsin, Michigan, Missouri, New Mexico, Kansas, Oklahoma, Montana, Idaho, Nevada, California, Oregon, and Washington have provided public-service commissions or bodies vested with more or less authority to regulate and control public-service corporations. The other States containing public lands and reservations do not appear to have provided for such control or regulation, nor has same been provided for the Territory of Alaska. In some of the States named as having public-service commissions it is represented that the control and supervision is entirely inadequate. Be that as it may, legislation to be enacted should provide for appropriate control and regulation, either by the States or by the Federal Government where the States do not act, where the development is of such a nature and extent as to pass beyond the jurisdiction of a single State. Water-power transmission does not stop at State lines. Power development and long-distance transmission connect widely separated localities and communities. The public interest requires that there be no hiatus. Where State control ceases or does not exist, Federal control is essential to protect the people.

If the committee bill becomes a law, I do not know of any instrumentality or commission which the other States have to see that the people of the United States and the citizens of the respective States get just rates. So that, even in that feature, it does not appear to be very broad or to be of any great amount of service. What the people of the United States must pay in rates is some part of the business of the Government, and how even in that respect under the pending bill the people can derive any benefit, except in the particular States named, by the regulation of prices by public utilities is something that I can not see or understand.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Colorado?

Mr. HUSTING. Certainly.

Mr. SHAFROTH. The statement which the Senator has quoted from the Secretary of the Interior must have been made some time ago, because we have had a public-utility commission in the State of Colorado for the last six years at least, and the Senator did not name Colorado as one of those that had a public-utility commission.

Mr. HUSTING. I can only say to the Senator that I quoted from the statement of Secretary Lane in 1915 before the Senate committee on House bill 16673.

Mr. SHAFROTH. I will state that the Colorado commission has just filed a report showing to what extent it has regulated the electric-light companies and also the railroad companies in the State of Colorado.

Mr. SHIELDS. When was that report made?

Mr. SHAFROTH. That report was made for the year 1915, and was filed, I think, about January 10 last. I should like to ask the Senator from Wisconsin, while I am on my feet, inasmuch as he has referred to combinations in connection with this bill, how can a company organized under the provisions of this bill obviate this clause:

SEC. 12. That the works constructed and maintained under authority of this act shall not be owned, leased, trusteed, possessed, controlled, or operated by any device or in any manner so that they form part of or in any way effect any combination in the form of an unlawful trust or monopoly, or form the subject of any unlawful contract or conspiracy to limit the output of electric energy or in restraint of trade with foreign nations or between two or more States or Territories, or within any one State or Territory, in the generation, sale, or distribution of electric energy.

It seems to me that when the Senator speaks of combinations that might be formed under the provisions of this bill he is not clearly holding in mind that provision which absolutely prohibits such combinations, for violation of which they are made subject to the penalty of the forfeiture of their rights, and under which, therefore, they will be under the complete

control of any action that might be brought by the United States Government.

Mr. HUSTING. Let me ask the Senator is not that almost the identical provision of the present law on the statute books of the United States?

Mr. SHAFROTH. Oh, no; that is not the law on the statute books.

Mr. HUSTING. We have an antitrust law, have we not?

Mr. SHAFROTH. That is quite aside from this provision.

Mr. HUSTING. In what respect do the two differ?

Mr. SHAFROTH. I will tell the Senator how this provision came about. There was considerable contention about combinations of coal lands in the Territory of Alaska. This provision is similar to the provision which was incorporated in the bill in regard to leases of Alaska coal lands, which was made for the purpose of preventing any combinations as to coal lands. It does not apply, however, to coal lands in the United States proper; in fact, does not apply to any part of the United States; but I can not conceive how a corporation organized under the pending bill can in any way form a combination with any other company whatever. If it does so, it will be in plain violation of the law of the United States.

I will state that this very section was formulated for the prevention of combinations by what are called the conservationists, and for that reason it has been incorporated in this bill. It seems to me that ought to be a complete answer to the charge that corporations organized under this bill can combine with other corporations.

Mr. HUSTING. Mr. President, the effect of that argument is that, according to the law, we can not have any combinations, we can not have any trusts, but the fact is that we have them.

Mr. SHAFROTH. This is not the law yet; that is the trouble. We have no law on water powers or anything else that prevents combinations.

Mr. HUSTING. I am speaking now generally, if the Senator will permit me, and I say that we have antitrust laws, but we have trusts; we have anticombination laws, but we have combinations.

I want to say further that the Senator's argument is entirely at variance with the argument of the Senator from Tennessee, if I understood him correctly. The Senator from Tennessee said it was a very desirable thing to have these combinations hooked up together—to afford an easy way for a region to be developed by one concern. It is true the provision was taken out of the bill; but the argument was made, and I think the Senator supported that argument by saying that in the very nature of things it was desirable to have these combinations and these powers all tacked together for the best development of the public good. You have it so in this bill now in regard to publicly owned dams. You provide there——

Mr. SHAFROTH. From what page is the Senator reading?

Mr. HUSTING. Page 17.

> In awarding such lease preference shall be given to a municipal corporation, a political subdivision of a State, or a public-service agent of a State, or any part thereof, provided the plans of the same are deemed by the Secretary of War to be adapted to conserve and utilize in the public interest the navigation and water resources of the region.

The antitrust laws will have to be construed with these provisions. If you open the doors and make it easy for combinations to be formed, you can not very well contend on the other hand that another clause forbids the very thing that you are attempting to promote.

Mr. SHAFROTH. Mr. President, I should like at least to state to the Senator my interpretation of that provision, which seems to me to be a very wise one, because it is the object and the purpose of the Government that every possible drop of water that falls shall be utilized, and you can not utilize it if you are going to let a small concern come in and divide the water.

In other words, suppose that a municipal corporation has a town of 5,000 people to supply with electricity, and suppose the water that comes down there will furnish enough for a town of 100,0000. It is not right that that little municipal corporation shall go and file on the water, and thereby spoil the use of electricity for 95,000 people. On that account, under this bill it is attempted to cluster and make these developments as large as possible; and when it is regulated and controlled by the utility commissions of the States, the people who are interested, and who buy this electricity, are the ones that are going to be protected.

Mr. HUSTING. I will ask the Senator a question. Is he in favor of municipal ownership of utilities?

Mr. SHAFROTH. I am to a certain extent; yes, sir. I voted for the Alaskan bill.

Mr. HUSTING. Then I will ask the Senator, why could not a municipality, if it were given the power, dispose—as it no doubt now has the power to dispose—of the surplus power not needed for its own use?

Mr. SHAFROTH. It could; and no doubt the Secretary of War would prefer, and it is natural that he should prefer, a municipal corporation, for instance, that would say: "We can generate a million horsepower. Our town does not need more than 100,000 horsepower"; but I have no doubt that under this preference clause he would give the right to the municipal corporation to do it. This is intended for a case where a corporation only wants to supply a town of 5,000 population or to furnish, say, 5,000 horsepower, and yet the region will supply power to the extent of ten or twenty times that amount, and it ought not to be spoiled, because it might destroy the entire possibility of the power plant for the large amount.

Mr. HUSTING. Let me ask the Senator, since he is in favor of municipal control, and the object of this bill is to give them a preference, what a municipality will do if it once permits its water-power site to get into this grouping together, and your bill provides that he can not take one without taking it all?

Mr. SHAFROTH. I do not understand the situation. A municipal corporation has not any less rights than an individual under this bill. That is certain.

Mr. HUSTING. No; but the point I want to ask the Senator about is, How he thinks a provision for municipal ownership of public utilities will be of any value to a municipality when the provision in the bill is such that there may be a large grouping together of power, and that the municipality can not take part of it without taking over the whole business?

Mr. SHAFROTH. The answer to that is that if the municipal corporation can use only, say, 5,000 horsepower, and can not afford to construct any more than a plant of 5,000-horsepower capacity, it would be absurd to let it do so when the same water power developed on an enlarged scale could furnish 100,000 horsepower. That is the reason. It is for the benefit of the use of the water, and inasmuch as it is controlled by a public-utility commission you would find that no citizen would be deprived of any rights.

Mr. HUSTING. I can not follow the reasoning of the Senator in saying at one moment that there is a clause here to prevent combinations, and then, on top of that argument, that it is a good thing to have combinations. I can not follow his line of reasoning.

Mr. SHAFROTH. No; this is not a combination that I have been referring to. I have been referring to a large filing upon waters by one company. It is not a combination, because this bill is wholly prohibitive of combinations.

Mr. HUSTING. It is prohibitive of combinations that may, nevertheless, under the terms of this bill, find legal warrant under it. I say that in construing a bill even with an antitrust clause, when it is apparent from the wording of the bill that that is what you are after, that you want a grouping of these powers, that you want a combination of these powers, and the very object of your bill is to get a combination of these powers, you must take the two things together. It is not sufficient to say that you have a provision in there that will make impossible something that you are intending to make possible in another provision of the bill. They must be construed together.

Mr. SHAFROTH. I submit that that is not fair as to my interpretation of it, anyway.

Mr. HUSTING. I will say right here that in this antitrust clause, as suggested by the Senator from Maryland [Mr. LEE], you use these words:

> That the works constructed and maintained under authority of this act shall not be owned, leased, trusteed, possessed, controlled, or operated by any device or in any manner so that they form part of or in any way effect any combination in the form of an unlawful trust or monopoly, or form the subject of any unlawful contract or conspiracy to limit the output of electric energy or in restraint of trade with foreign nations or between two or more States or Territories, or within any one State or Territory, in the generation, sale, or distribution of electric energy.

You have got in this bill a provision that anybody may get a license on public lands. You even want to give the license to some one who appears to the commission to be best able to develop the resources of that region and have no restriction in the way of assignments. So it is clearly apparent that a combination under this act would be a lawful combination and not in contravention of section 1.

Mr. SHAFROTH. Mr. President, I will state to the Senator that the words "unlawful trust or monopoly" are the very words that are used in the Sherman Antitrust Act, and that this very clause was put in by the people who were supposed to be in favor of conservation, to prevent any kind of a combination that

would be against the public interest in the Alaskan matter. That is why they are in the bill now.

Mr. HUSTING. I can only say, in reply to that, that this clause standing alone might be construed as the Senator wants it to be construed; but when it is put into a bill like this it must be construed at least together with the other provisions of the bill. I say it clearly does not contemplate that any combination under this act will be an unlawful combination. But be that as it may, what I want to reiterate is that I understand from the Senator's own argument that he thinks these combinations are desirable.

Mr. SHAFROTH. No; I have not so stated.

Mr. HUSTING. My understanding of what the Senator said is that in discussing whether a municipality should get the power to develop a site, the Senator says it might be better developed by some one having a grouping of powers.

Mr. SHAFROTH. Not a grouping, but an enlarged capital, for the purpose of having one enterprise.

Mr. HUSTING. Yes; and then there may be another combination that can develop it still better than that combination.

Mr. SHAFROTH. That is not a combination at all.

Mr. HUSTING. And I want to say to the Senator that there is no limit fixed in this bill, at any rate, upon the size or the amount of the power. There is no restriction on it; and it will inevitably lead, and must lead, to the final control and management of these things getting into one hand.

In conclusion, I just want to say that the substantial difference between these two bills is not so much a matter of the language in which they are clothed. The entire purpose of the two bills is different. As I said in opening, one of these bills is founded on the theory that time is of the essence of the development; that capital should be induced to come in and make these developments without any regard which combinations are the result or anything else; and the other bill is founded upon the theory that this important right should not get out of the hands of the people without the proper safeguards around it. The two bills differ in this essential respect: That in the first place in the substitute the Congress has a check on it, because every power must be authorized by Congress, and if it sees any tendency toward a combination we can check it by refusing to grant the franchise. We also provide for a 50-year clause in the contract, which stops the running of the franchise at a particular time. The committee bill, on the other hand, permits it to run on and on until the United States must do something affirmatively to stop the running of the contract.

Secondly, the amendment provides for physical valuation, cuts out the unearned increment, and provides only for the payment at the end of the 50-year period of so much as shall be required to keep the company, the license holder, free from any loss or damage. The amendment also provides that they may segregate one unit and pay for that. The committee bill, on the other hand, provides no basis for rate regulation, and provides for the payment of fair compensation, not on the basis of the value of the land at the time of obtaining the license, but at the time of taking it over. If the Government ever takes it over. Not only that, but it provides—and there is another evidence of what may be expected—that if it shall become a part of a transmission line, every part of that plant, every part of the transmission line, must be taken and paid for before you stop the running of the contract, and then, if you renew it, you must renew it on the terms of the contract. In other words, you make conditions that are impossible of fulfillment, and, in effect, give a perpetual lease.

Not only that, but your theory of valuation means nothing, because under those terms we can get the plant at any time, whether it is put in the bill or not; and if we can not get it at any time, then we can not get it under the bill. It provides further not only for payment for the property, but it provides for those consequential damages which courts allow in taking over property.

The substitute provides for a charge of not less than 10 cents a horsepower, and provides that this money shall be used in establishing reservoirs upon the headwaters of the streams, and in every way would fit in with any scheme of waterway improvement that this country ever sees fit to undertake. The committee scheme will absolutely kill and prevent a comprehensive development of our inland waterways at any time, because private vested interests will intervene and interfere and obstruct any attempt on the part of the United States to take them over.

Not only that, but in the committee bill we are surrendering governmental control of the stream because by putting it in the hands of private individuals and corporations for private purposes we are putting in their hands the control of the great waterways of the United States. Vested interests will grow up in such a way that we will have lost forever jurisdiction over the great waterways of the United States. Our substitute bill provides for a charge and for practical readjustment of controls. It provides for a real rate control and for physical valuation as a basis for that control. Those are some of the chief differences between these bills. There are others that I have gone over in the argument, to which I need not refer again at this time; but all of these essential differences between the bill and the substitute have been indorsed by men who are considered good business men and of a conservative turn of mind.

It is up to the Congress of the United States—the Senate at this particular time—to decide upon the policy and decide whether it wants to align itself with those who believe in disposing of this great resource without adequate return to the public and without proper safeguards and beyond all control or whether they believe that these things should be looked at from the viewpoint of the future and in the light of what these things may possibly mean for us 50 years from now. I repeat that we are now in a position where we have not only the power but the right to declare what shall be done with these great water powers and these great waterways. The time will come if we pass a bill such as the committee bill here when "all the king's horses and all the king's men" will not restore our rights to us over power rights again. Vested rights once interfering, intervening, and obstructing Government control or management of these waterways will forever prevent—except at the expenditure of untold billions of dollars—the putting to beneficial use of the people these things which belong to the people as a whole.

I know that the argument that is made, especially to new countries and new States, that they want development, now is a potent one. But it does seem to me as though the people of the United States at large, looking at this matter from the standpoint of all the people of the country, want it so hedged about with safeguards and want the United States so to retain its control over these things that they can be controlled by our Government; that they shall not be handled with a view merely to the business or to the profit of those who have been fortunate enough to get a license, but that they shall be handled from the standpoint of what is for the best public interest.

I do not care to inject any politics into this matter; but I do not feel that in opposing the committee bill I am committing any offense against the party to which I have the honor to belong.

Mr. MARTINE of New Jersey. I think the Senator is doing God's service and the country's service.

Mr. HUSTING. I am trying to, at least. I am trying to carry out what I think the party conviction and feeling is upon this matter.

We had a plank in the last Democratic platform, at Baltimore, which pledged our party to pass a conservation measure which should be in the interest of the people, and which should prevent any "trustification" or combination of the resources of this country. We have been preaching it over the country for years, and saying that if the Democratic Party were intrusted with power we would pass conservation measures in the interest of all the people. Not only that, but we have been more specific than that. We have talked about "water-power grabbers"; we have talked about the "timberland thieves"; we have talked about the "pirates of industry"; and we have talked about all those things. Now we have an opportunity to make good on that or to make bad on it. I, for one, say that if this bill is passed as proposed by the committee, in my humble judgment it will not satisfy the people. It will be difficult—nay, impossible—to get up before any American audience and defend that bill as a proper conservation water-power measure.

For that reason I say that I feel justified, although a new Member, in expressing what I understand to be the attitude of the Democrats of the country in this respect, without being thought at all discourteous to the committee, or feeling that I am doing something inimical to the welfare of the party. I believe we should keep our platform pledges. I feel that in accordance with the traditions and the professions of the Democratic Party this matter ought to be solved and settled in such a manner that when we have to go before the people, as we soon will have to do, we can point with pride to a bill which carries out the pledges of our party.

The record of the Democratic Party in carrying out the pledges of the Baltimore platform, in my judgment, has been a splendid one. The Democratic Party will have to pass a good conservation law if it wants to keep up its good record. I simply want to say that we can not go before the public and justify a measure concerning this subject, of such vast importance, unless we can show that we have kept it within our control and within our power. I do not care so much what the

charge is or what the revenue is that we are going to get out of it right away, or what taxation can be put upon it; but the vitally important provision that must be in any bill that we pass is the retention of the power to manage and control that power and to get it back at some time when we want it and need it.

If we do not do that, if we let this thing slip out of our hands, and permit it to get tied up with private interests in such a way that no one can disentangle them, it will be impossible for the United States or a State or a municipality ever to get back this resource or take it over; but we will have added one more to those forces of selfishness and greed that are launched out into the world to saddle and sit astride the necks of all mankind.

It is sometimes difficult for us to realize or appreciate, I think—at least it is for me—that these things are new things in a new country; that the problems that are coming to us are problems that have never before come to anybody in this hemisphere. I presume 75 years ago it was difficult to understand that these riches lying around us loose, as it were—our property, our heritage—were anything unusual for a people to have and enjoy. We thought, I presume, that they just happened to be there; that was all, just the same as a rich man's son in drawing his check on the bank does not concern himself much with where it came from, but simply draws on it. I say it was difficult, I think, to understand that these things were coming to us but once, and that if we ever let go of them we never could get them back again.

In other words, we were a people that started in with a new slate, wiped clean. We could have put upon that slate such laws that all these riches, all this natural wealth that seemed to have been put here as though for a favored people, would have been used and distributed in such a way that it would not have interfered in the slightest with the development of the country, but would have been distributed in such a way that all the people would have benefited by it. Then we would have had no poverty in this land, and every man would have had a competence in his own right.

We did not do that. Undoubtedly the same argument then as now was used. The same argument was used with the coal, the same argument with the pine forests, the same with the iron mines, and the same with the public lands. "Develop! Develop! Give it to somebody! Throw it away! Try to get it into action in some way!" I say it must have been that argument that swept away the coal; that swept away and cut down all our forests; that disposed of empires of land for sometimes a couple of streaks of rust, without any particular care or concern as to what became of it or where it went. But there were those who did concern themselves as to what would become of it, and they were ready, anxious, and eager, of course, to take hold of it and turn it to their own use and thus the money lords came into our patrimony. But I am not talking about them now. I am merely talking in regard to the public, from the public standpoint. As I said the other day, but I want to repeat, we could have taken those coal lands; we could have taken those oil lands, and the iron-ore lands, and the forests, and we would not have needed to obstruct progress. We would not have needed to obstruct business. We could have leased out our coal lands for less than the owners to-day are getting from them. We could have leased them out for a song, if we had wanted to, in the way of a royalty per ton. We could have done the same way with the stumpage. Then we would have encouraged instead of hindered development, because of the fair and easy terms; and from those sources the revenues could have been received, which would have built our railroads, built our highways, built our canals, built our water powers. We could have built everything from the revenue that we could have derived from it. But we did not do it. What did we do? Why, we turned lands loose. To whom? To anybody—Tom, Dick, or Harry.

And what did Tom, Dick, or Harry do with them? They turned them over to somebody else, until finally some one discovered something on them that the first men were not looking for, and instead of paying a royalty to the Treasury of the United States—or, in other words, instead of capitalizing these resources in favor of the interests of the people—they are simply paying Tom, Dick, or Harry so much a ton for coal and so much a barrel for oil and all these other things.

That may seem an old-fashioned notion; it may seem impracticable, but I can only say that my idea of practicability is the use the men have made of them who now own them and who obtained them from us. There the men are making a practical use of them, because they are not going to do and will not do what the Government that granted it to them did, and their posterity will receive their benefits from them from the heritage. It was our heritage; it belonged to the people of the United States, and if wisely administered, and if these resources had been husbanded in the proper way and in a just way, in a way the people had a right to expect and demand of us, I say these things would be operated now in an entirely different way, and we not only would get the revenues from it but we would have the power over it to control it. We could tell what they could charge for coal. We could tell what they could charge the public if they were licensed by us. We could tell how much they could charge for oil. We could tell them how much they could charge for lumber. We could tell them how much they could charge for anything they produce, and if we never received a dollar of revenue out of it, if we had kept control but had used it with a license, we would not have any trust, because no trust could exist under such control.

I am only mentioning this again, not because it has any particular relevancy to this question, but I am mentioning it because here is the very same thing over again. It is not a question now what has been done in the past, but the question is are we going to profit by the experience of the past, and are we going to commit the same stupid blunder that we have committed in the past, or are we going to pass a water-power bill here that means something, that is not merely sound but is substance? The question is what policy are we going to pursue? Are we going to go and follow the lead of our thoughtless, perhaps perfectly honest, forbears and turn these things loose?

There is another thing to be considered. It is only a few years ago since the art of power transmission, light transmission, was discovered, especially that of the transmission of power, but by the discovery of the art of the transmission of power at distant points from the place where it is generated, and as suggested by one of the Senators, with the possibility that soon this power will be transmitted wirelessly to distant points, perhaps from ocean to ocean, from lake to gulf, you have made absolutely available every water power in the United States.

The American people are not slow to understand a good thing like that. It is only a question of a few years when electricity will be running our railroads, turning the wheels of all our mills and all our factories, and it will be the kind of power that will rule absolutely in this country the industrial and economic realm of the country.

We are self-regulating, we are self-governing now. I say, if we want to abandon this, have we any right to abandon it? Could we not in passing a bill at least see to it that we retain absolute control over a power which no man now living, no matter how wise he may be, can fully comprehend or understand?

Mr. POINDEXTER. I offer the following amendment.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Senator from Washington offers an amendment, which will be read.

Mr. SMOOT. Is it an amendment to the bill or to the substitute?

Mr. POINDEXTER. An amendment to the original bill.

The SECRETARY. In the bill as originally printed, on page 4, line 22, after the word "preserve" insert the words "and improve," so that if amended it will read:

That such grantee shall, to the extent necessary to preserve and improve navigation facilities.

Mr. POINDEXTER. Mr. President, at the point where the dams to be erected under permits granted by this act are put in the streams are generally obstructed by the waterfalls or rapids where it is possible to develop water power. It will not be sufficient, of course, in the interests of navigation merely to preserve the present status so far as navigation is concerned. So I move to insert the words "and improve" at that point. I hope the Senator from Tennessee will accept the amendment.

Mr. SHIELDS. I offer no objection to the amendment.

The amendment was agreed to.

Mr. POINDEXTER. I offer the following amendment.

The PRESIDING OFFICER. It will be stated.

The SECRETARY. On page 11, line 7, after the word "rendered," at the end of the line, insert:

By the grantee or by any subsidiary corporation any of whose stock is owned or controlled, directly or indirectly, by such grantee or by any person, corporation, or association purchasing power from such grantee for sale or distribution.

Mr. SHIELDS. I offer no objection to that.

The amendment was agreed to.

Mr. POINDEXTER. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 5, line 11, after the words "right of way," insert:

And such right of passage through its dams or other structures.

So that if amended it will read:

Whenever the United States shall deem such navigation facilities necessary, the grantee shall convey to the United States, free of cost, such of its land and its right of way, and such right of passage through its dams and other structures, and permit such control of pools as may be required for such navigation facilities—

And so forth.

Mr. SHIELDS. I offer no objection to the amendment.

The amendment was agreed to.

Mr. POINDEXTER. I offer the following amendment.

The PRESIDING OFFICER. It will be stated.

The SECRETARY. On page 11, line 9, after the word "public," insert the words "to the ultimate consumer," so that if amended it will read:

Provided, That where the said power, or any part of it, shall enter into interstate or foreign commerce, the rates, charges, and services made and rendered shall be reasonable, nondiscriminatory, and adequate to the public and to the ultimate consumer.

Mr. SHIELDS. I offer no objection to the amendment.

The amendment was agreed to.

Mr. SHIELDS. On page 3 of the old print, line 6, after the word "by," I move to insert the words "tax sales or," so as to read:

Tax sales or trust deed or mortgage issued.

The amendment was agreed to.

Mr. SHIELDS. In line 8 I move to strike out the words "by any grantee."

The amendment was agreed to.

Mr. SHIELDS. I ask unanimous consent that the Senate take a recess not later than 6 o'clock, and that when it does recess it be until 12 o'clock to-morrow.

Mr. CUMMINS. I was unable to hear the motion of the Senator from Tennessee.

Mr. SHIELDS. That the Senate take a recess not later than 6 o'clock, and when it does recess that it be until 12 o'clock to-morrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 1685. An act for the relief of John R. Monteith;

H. R. 2184. An act providing for the refund of certain additional duties collected on pineapples;

H. R. 2235. An act for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased;

H. R. 2536. An act for the relief of Joseph A. Buckholdt;

H. R. 2638. An act for the relief of Austin G. Tainter;

H. R. 2960. An act for the relief of the heirs of John Howard Payne, deceased, late United States consul at Tunis;

H. R. 3447. An act for the relief of the legal representatives of the estate of Robert B. Pearce;

H. R. 4297. An act for the relief of Frances L. Llewellyn;

H. R. 5096. An act for the relief of Nabor and Victoria Leon;

H. R. 5185. An act for the relief of George H. Hammond;

H. R. 5729. An act for the relief of Dr. E. E. Johnson;

H. R. 5864. An act for the relief of Thomas P. Sorkilmo;

H. R. 5986. An act for the relief of the heirs of the late Peter Deel;

H. R. 6181. An act for the relief of Letitia W. Garrison;

H. R. 6371. An act to cancel allotments made to three members of the Wintu Tribe of Indians on the public domain in California;

H. R. 6651. An act providing for the payment for certain services arising under the Navy Department;

H. R. 6732. An act for the relief of Joseph A. Jennings;

H. R. 6758. An act for the relief of the legal heirs of Hector M. McDonald, deceased;

H. R. 7804. An act to authorize the issuance of patent to Oscar R. Howard, and for other purposes;

H. R. 7817. An act to validate the homestead entry of George S. Clark;

H. R. 7862. An act for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Bruusgaard, Kiosterud Dampskibsaktieselskab, owner of the Norwegian steamship *Hesperos;*

H. R. 8057. An act for the relief of the legal representatives of Napoleon B. Giddings;

H. R. 8067. An act to quiet the title to certain lands in the possession of G. B. Dickson, and for other purposes;

H. R. 8092. An act confirming patents heretofore issued to certain Indians in the State of Washington;

H. R. 8093. An act for the relief of Wilson M. Dent;

H. R. 8466. An act to relieve J. Lawrence Latham, postmaster at Eupora, Webster County, Miss., of the payment of cash and funds stolen from the post office;

H. R. 8592. An act for the relief of the heirs of C. S. Barbee;

H. R. 8630. An act for the relief of the Farmers' State Bank, of Eureka, Woodford County, Ill.;

H. R. 8787. An act for the relief of the heirs of Hundley V. Fowler, deceased;

H. R. 9082. An act for the relief of Frank P. Sammons;

H. R. 9172. An act for the relief of the M. Kondo Fisheries Co.;

H. R. 9173. An act for the relief of the Union Oil Co.;

H. R. 9291. An act for the relief of the estate of Thomas J. Mellon;

H. R. 9375. An act for the relief of J. M. Potter;

H. R. 9377. An act for the relief of Cyntha Ramey;

H. R. 9378. An act for the relief of Ella Slone;

H. R. 9458. An act for the relief of the heirs of Santos Benavides;

H. R. 9459. An act for the relief of the heirs of S. P. H. Williams;

H. R. 9555. An act for the relief of the estate of Thomas N. Aaron;

H. R. 9556. An act for the relief of the heirs of John Faulkner;

H. R. 9635. An act for the relief of the estate of Williamson Page;

H. R. 10933. An act for the relief of the estate of Paul A. Swink; and

H. J. Res. 87. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue for the collection district of Tennessee, in the sum of $2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary.

PETITIONS AND MEMORIALS.

Mr. WILLIAMS presented a petition of sundry citizens of Belzoni, Miss., praying for national prohibition, which was referred to the Commiteee on the Judiciary.

Mr. WARREN presented a petition of sundry citizens of Cheyenne, Wyo., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Business Men's Association of Mansfield, Pa., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

He also presented a petition of Captain Martin H. Smith Camp, No. 67, United Spanish War Veterans, of Wrightsville, Pa., praying for the enactment of legislation to provide pensions for the widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of New Brighton, Windber, Emlenton, and Oil City, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Cheltenham and Cornplanter, in the State of Pennsylvania, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. BURLEIGH presented petitions of sundry citizens of the State of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the Rochester Woolen Co., of New Hampshire, praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

He also presented a telegram in the nature of a petition from Charles W. Green, secretary of the Socialist committee of Portsmouth, N. H., praying for the enactment of legislation to warn Americans off armed merchant ships, which was ordered to lie on the table.

He also presented petitions of Squamanagonic Lodge, No. 36, International Order of Good Templars, and of Lewis Dexter and 12 other citizens of Gonic, N. H., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of C. E. Gale & Son, proprietors of the Eagle Mountain House, of Jackson, N. H., remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. POINDEXTER presented the petition of H. A. McGowan and sundry other citizens of Ferry County, Wash., praying for a conference of neutral nations to offer mediation to the warring nations of Europe, which was referred to the Committee on Foreign Relations.

He also presented petitions of the Washington State Branch of the German-American National Alliance and the Deutsch-Amerikanischer Zentral Verein, of Spokane, Wash., praying for the placing of an embargo on munitions of war, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Commercial Club, of Seattle, Wash., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented memorials of the German-American Central Verein, of Spokane, Wash., and of the Washington State Branch German-American National Alliance, of Washington, remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented memorials of the Deutsch-Amerikanischer Zentral Verein, of Spokane, Wash., and of the Washington State Branch, German-American National Alliance, of Washington, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the Deutsch-Amerikanischer Zentral Verein, of Spokane, and of the Washington State Branch German-American Alliance, of Washington, praying for a revision of the naturalization laws, which were referred to the Committee on the Judiciary.

He also presented a memorial of Mount Pleasant Grange, No. 186, Patrons of Husbandry, of Carrolls, Wash.; and a memorial of Wide West Grange, Patrons of Husbandry, of Wenatchee, Wash., remonstrating against the passage of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, which were ordered to lie on the table.

He also presented a petition of North Star Grange, Patrons of Husbandry, of Brewster, Wash., praying for the adoption of certain amendments to the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, which was ordered to lie on the table.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the City Council of Minneapolis, Minn., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Minnesota, praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Minnesota, remonstrating against the enactment of legislation making Sunday a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. WADSWORTH presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. CLARK of Wyoming presented petitions of sundry citizens of Big Horn and Cheyenne, in the State of Wyoming, praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Basin, Wyo., praying for an increase of armaments, which was referred to the Committee on Military Affairs.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHILTON:

A bill (S. 4841) granting an increase of pension to George W. Sherrard (with accompanying papers); to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 4842) for the relief of Edward J. Fisher; to the Committee on Claims.

THE JUDICIAL CODE.

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the bill (H. R. 8033) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary approved March 3, 1911, which was referred to the Committee on the Judiciary and ordered to be printed.

AMENDMENTS TO LEGISLATIVE APPROPRIATION BILL.

Mr. FLETCHER submitted an amendment proposing to appropriate $500 for reprinting 1,000 extra copies of the annual report of the Superintendent of the Coast and Geodetic Survey for the fiscal year 1915, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 12207), which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $2,526 for the reprinting of 10,000 extra copies of the report of the Medico-Military Aspects of the European War, by Surgeon A. M. Fauntleroy, United States Navy, intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 12207), which was referred to the Committee on Appropriations and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Post Offices and Post Roads:

H. R. 3447. An act for the relief of the legal representatives of the estate of Robert B. Pearce;

H. R. 5986. An act for the relief of the heirs of the late Peter Deel;

H. R. 8466. An act to relieve J. Lawrence Latham, postmaster at Eupora, Webster County, Miss., of the payment of cash and funds stolen from the post office;

H. R. 8592. An act for the relief of the heirs of C. S. Barbee;

H. R. 8787. An act for the relief of the heirs of Hundley V. Fowler, deceased;

H. R. 9291. An act for the relief of the estate of Thomas J. Mellon;

H. R. 9458. An act for the relief of the heirs of Santos Benavides;

H. R. 9459. An act for the relief of the heirs of S. P. H. Williams;

H. R. 9555. An act for the relief of the estate of Thomas N. Aaron;

H. R. 9556. An act for the relief of the heirs of John Faulkner;

H. R. 9635. An act for the relief of the estate of Williamson Page; and

H. R. 10933. An act for the relief of the estate of Paul A. Swink.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 1685. An act for the relief of John R. Monteith;

H. R. 2235. An act for the relief of the widow and heirs at law of Patrick J. Fitzgerald, deceased;

H. R. 2536. An act for the relief of Joseph A. Buckholdt;

H. R. 2638. An act for the relief of Austin G. Tainter;

H. R. 2960. An act for the relief of the heirs of John Howard Payne, deceased, late United States consul at Tunis;

H. R. 5096. An act for the relief of Nabor and Victoria Leon;

H. R. 5185. An act for the relief of George H. Hammond;

H. R. 5729. An act for the relief of Dr. E. E. Johnson;

H. R. 5864. An act for the relief of Thomas P. Sorkilmo;

H. R. 6181. An act for the relief of Letitia W. Garrison;

H. R. 6651. An act providing for the payment for certain services arising under the Navy Department;

H. R. 6732. An act for the relief of Joseph A. Jennings;

H. R. 6758. An act for the relief of the legal heirs of Hector M. McDonald, deceased;

H. R. 7862. An act for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Bruusgaard, Kiosterud Dampskibsaktieselskab, owner of the Norwegian steamship *Hesperos;*

H. R. 8057. An act for the relief of the legal representatives of Napoleon B. Giddings;

H. R. 8093. An act for the relief of Wilson M. Dent;

H. R. 8630. An act for the relief of the Farmers' State Bank of Eureka, Woodford County, Ill.;

H. R. 9082. An act for the relief of Frank P. Sammons;

H. R. 9172. An act for the relief of the M. Kondo Fisheries Co.;

H. R. 9173. An act for the relief of the Union Oil Co.;

H. R. 9375. An act for the relief of J. M. Potter;

H. R. 9377. An act for the relief of Cyntha Ramey; and

H. R. 9378. An act for the relief of Ella Slone.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 4297. An act for the relief of Frances L. Llewellyn;

H. R. 6371. An act to cancel allotments made to three members of the Wintu Tribe of Indians on the public domain in California;

H. R. 7804. An act to authorize the issuance of patent to Oscar R. Howard, and for other purposes;

H. R. 7817. An act to validate the homestead entry of George S. Clark;

H. R. 8067. An act to quiet the title to certain lands in the possession of G. B. Dickson, and for other purposes; and

H. R. 8092. An act confirming patents heretofore issued to certain Indians in the State of Washington.

The following bill and joint resolution were severally read twice by their titles and referred to the Committee on Finance:

H. R. 2184. An act providing for the refund of certain additional duties collected on pineapples; and

H. J. Res. 87. Joint resolution authorizing and directing the Secretary of the Treasury to credit the stamp account of Edward B. Craig, as collector of internal revenue for the collection district of Tennessee, in the sum of $2,034.89, being the representative value of certain internal-revenue documentary stamps which were taken from the office of said collector by an act of burglary.

EXECUTIVE SESSION.

Mr. SMITH of Arizona. At the request of the chairman of the Committee on Foreign Relations I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m., Monday, March 6, 1916) the Senate took a recess until to-morrow, Tuesday, March 7, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 6 (legislative day of March 3), 1916.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

David R. Francis, of Missouri, to be ambassador extraordinary and plenipotentiary of the United States of America to Russia, vice George T. Marye, resigned.

APPOINTMENT IN THE ARMY.

CORPS OF ENGINEERS.

Col. William M. Black, Corps of Engineers, to be Chief of Engineers, with the rank of brigadier general, from March 7, 1916, vice Brig. Gen. Dan C. Kingman, to be retired from active service March 6, 1916.

PROMOTIONS IN THE NAVY.

Ensign Henry B. Cecil to be a lieutenant (junior grade) in the Navy from the 7th day of March, 1915.

Ensign Charles G. McCord to be a lieutenant (junior grade) in the Navy from the 7th day of March, 1915.

Ensign Carroll B. Byrne to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1915.

Ensign James A. Saunders to be a lieutenant (junior grade) in the Navy from the 8th day of June, 1915.

The following-named gunners to be chief gunners in the Navy from the dates set opposite their names:

Gustav C. Tanske, December 21, 1915,
Leroy Rodd, December 21, 1915,
Louis M. Wegat, December 21, 1915,
Harry E. Stevens, December 21, 1915,
Herman Kossler, December 21, 1915, and
Oscar E. Anderson, December 21, 1915.

The following-named machinists to be chief machinists in the Navy from the dates set opposite their names:

Harry Champeno, December 23, 1913, and
Carl H. Markham, December 30, 1915.

POSTMASTERS.

ALABAMA.

Claud Harper to be postmaster at Guntersville, Ala., in place of S. R. Kennamer.

ARIZONA.

Charles Metcalfe to be postmaster at Kingman, Ariz., in place of E. F. Thompson, resigned.

ARKANSAS.

John W. Pinnell to be postmaster at Walnut Ridge, Ark., in place of Mrs. C. C. Cate.

CALIFORNIA.

John H. Bacon to be postmaster at Fellows, Cal., in place of E. L. Blanck, resigned.

George B. Finnegan to be postmaster at Nevada City, Cal., in place of J. F. Colley.

James Myers to be postmaster at Live Oak, Cal. Office became presidential April 1, 1914.

CONNECTICUT.

Harry E. Slocum to be postmaster at Madison, Conn., in place of H. R. Norton.

FLORIDA.

D. L. Thorpe to be postmaster at Manatee, Fla., in place of C. H. Stebbins.

IDAHO.

John F. Brown to be postmaster at Kendrick, Idaho, in place of Harry G. Stanton.

ILLINOIS.

Edward C. Fahy to be postmaster at New Berlin, Ill., in place of John W. Foutch.

Elmer H. Murphey to be postmaster at Cuba, Ill., in place of Allen H. Webster.

William H. Smith to be postmaster at Apple River, Ill., in place of J. S. Lamont.

INDIANA.

Charles Bates to be postmaster at New Carlisle, Ind., in place of E. L. Maudlin.

Nicholas Volz to be postmaster at Batesville, Ind., in place of Charles V. Hirt, deceased.

IOWA.

Clarence E. Adamson to be postmaster at Tabor, Iowa, in place of Ulysses G. Mauk.

William M. Bausch to be postmaster at Ashton, Iowa. Office became presidential January 1, 1916.

J. W. Blake to be postmaster at Atlantic, Iowa, in place of W. C. Williams.

Robert A. Donahoe to be postmaster at Griswold, Iowa, in place of W. C. Bryant.

Manford C. Evans to be postmaster at Thompson, Iowa, in place of James Ellickson.

S. Paul Figi to be postmaster at Renwick, Iowa. Office became presidential January 1, 1916.

D. F. Kirkpatrick to be postmaster at Wellman, Iowa, in place of Ezra Bradford, resigned.

William Neese to be postmaster at Stratford, Iowa, in place of F. E. Lundell.

L. Harold Neville to be postmaster at Orient, Iowa, in place of Edwin Le Roy Neville, resigned.

D. J. Rhoads to be postmaster at Woodward, Iowa, in place of S. W. Shutes.

James B. Thompson to be postmaster at Casey, Iowa, in place of Edward B. Gundrum.

KANSAS.

Nell Bevans to be postmaster at Mulberry, Kans., in place of C. H. Kurtz.

Catherine T. Butler to be postmaster at Glasco, Kans., in place of James H. Cleaver.

P. J. Hendrickson to be postmaster at Columbus, Kans., in place of W. E. McGhie.

J. H. Hostetler to be postmaster at Belleville, Kans., in place of R. T. Jellison.

J. D. Stevenson to be postmaster at Claflin, Kans., in place of J. H. Weltmer, resigned.

KENTUCKY.

W. A. Dickinson to be postmaster at Trenton, Ky., in place of Eugene C. Stockwell.

LOUISIANA.

Susie Jones to be postmaster at Glenmora, La., in place of Edward A. Andries, removed.

MAINE.

James M. Haley to be postmaster at Cornish, Me., in place of H. P. Jameson.

Charles H. Leland to be postmaster at Ellsworth, Me., in place of J. W. Nealley.

MARYLAND.

Rose C. Foreman to be postmaster at Emmitsburg, Md., in place of J. McC. Foreman, deceased.

G. E. Williamson to be postmaster at Preston, Md., in place of W. T. Kelley.

MASSACHUSETTS.

Robert M. O'Donnell to be postmaster at Medway, Mass., in place of C. P. Harding.

MICHIGAN.

W. H. Blashfield to be postmaster at Hartford, Mich., in place of F. G. Marriman.

E. S. Dyckman to be postmaster at South Haven, Mich., in place of S. H. Wilson.

George H. Roblyer to be postmaster at Fennville, Mich., in place of M. J. Orr.

Harry M. Royal to be postmaster at Shelby, Mich., in place of George E. Dewey.

William O. Van Eyck to be postmaster at Holland, Mich., in place of Alle Toppen, deceased.

MINNESOTA.

E. J. Butler to be postmaster at Hector, Minn., in place of William B. Strom.

Julius Fischer to be postmaster at New York Mills, Minn., in place of Andrew Lind.

John Friedl to be postmaster at Gibbon, Minn. Office became presidential January 1, 1916.

Fred Gay to be postmaster at Moose Lake, Minn., in place of S. Swanson.

W. A. Huntington to be postmaster at Paynesville, Minn., in place of M. S. Elliott.

MISSISSIPPI.

Mary C. Booze to be postmaster at Mound Bayou, Miss., in place of Mary C. Booze.

Wiley W. Brashears to be postmaster at Gunnison, Miss., in place of W. W. Brashears.

Maggie Josephine Hill to be postmaster at Ellisville, Miss., in place of William C. Hill, resigned.

Robert W. Magruder to be postmaster at Port Gibson, Miss., in place of R. W. Magruder.

George K. Smith, jr., to be postmaster at Indianola, Miss., in place of G. K. Smith, jr.

MISSOURI.

Carrie E. McCandless to be postmaster at Downing, Mo., in place of Alexander McCandless, deceased.

Peter McKee to be postmaster at Knox City, Mo. Office became presidential January 1, 1916.

William P. Spillman to be postmaster at Grant City, Mo., in place of J. W. S. Dillon.

MONTANA.

Tilda R. Stageberg to be postmaster at Westby, Mont. Office became presidential January 1, 1916.

NEBRASKA.

Cecilia M. Coleman to be postmaster at Newcastle, Nebr., in place of O. A. Butler.

J. H. Grosvenor to be postmaster at Aurora, Nebr., in place of Joseph G. Alden.

Frank Haworth to be postmaster at Elwood, Nebr., in place of Charles F. Smith, deceased.

J. W. Henthorn to be postmaster at Blue Springs, Nebr., in place of D. N. Wonder.

Samuel Hinkle to be postmaster at Havelock, Nebr., in place of G. W. Anderson.

J. B. Leach to be postmaster at Beaver City, Nebr., in place of Thomas A. Boyd.

NEW HAMPSHIRE.

K. M. McLaughlin to be postmaster at Salem Depot, N. H., in place of Frank P. Woodbury, deceased.

Frank E. Merrill to be postmaster at Hillsboro, N. H., in place of J. C. Parker.

Thomas Smith to be postmaster at Exeter, N. H., in place of Daniel Gilman.

NEW JERSEY.

Joseph A. Brady to be postmaster at Caldwell, N. J., in place of George B. Jacobus, deceased.

Thomas M. Ferrell to be postmaster at Glassboro, N. J., in place of L. W. Sickler.

Frank N. Hughes to be postmaster at Florence, N. J., in place of Thomas F. Watson, removed.

D. S. Pancoast to be postmaster at Pitman, N. J., in place of P. H. Focer.

NEW YORK.

Girdell V. Brower to be postmaster at Rockville Center, N. Y., in place of Oliver H. Tuthill, resigned.

NEVADA.

William H. Murray to be postmaster at Carson City, Nev., in place of R. D. Goode.

NORTH DAKOTA.

W. T. Campbell to be postmaster at Goldenvalley, N. Dak. Office became presidential January 1, 1916.

S. K. Kringlie to be postmaster at Portland, N. Dak., in place of James Power.

Gladys Thompson to be postmaster at Kensal, N. Dak., in place of Gladys Thompson.

OHIO.

L. G. Barton to be postmaster at Millersburg, Ohio, in place of C. R. White.

Theresia M. Beacham to be postmaster at Williamsburg, Ohio, in place of George B. Beacham, deceased.

G. M. Galbraith to be postmaster at Lexington, Ohio, in place of M. M. Carey, resigned.

Homer G. Hansel to be postmaster at Logan, Ohio, in place of J. F. White.

Karl H. Sherman to be postmaster at Minster, Ohio, in place of Bernard Sherman, deceased.

J. D. Smoots to be postmaster at Fredericktown, Ohio, in place of W. B. Johnson.

OKLAHOMA.

Lura Williams to be postmaster at Manitou, Okla., in place of G. B. Williams, deceased.

OREGON.

Chester Noland to be postmaster at Creswell, Oreg., in place of O. E. Parsons.

PENNSYLVANIA.

George D. Arner to be postmaster at Weissport, Pa., in place of J. A. Fenner.

Elmer D. Buckey to be postmaster at Littlestown, Pa., in place of Luther M. Alleman, resigned.

F. E. Burke to be postmaster at Great Bend, Pa., in place of William Williams.

George N. Grumbein to be postmaster at Palmyra, Pa., in place of F. E. Hartz.

John V. McFadden to be postmaster at Summithill, Pa., in place of W. H. Clewell.

Thomas E. Tierney to be postmaster at McKees Rocks, Pa., in place of J. H. McDermott.

SOUTH CAROLINA.

Charles J. Shannon to be postmaster at Camden, S. C., in place of C. J. Shannon.

SOUTH DAKOTA.

Frelen Riley to be postmaster at Parker, S. Dak., in place of C. M. Hackett.

TENNESSEE.

James S. Pritchett to be postmaster at Jonesboro, Tenn., in place of J. S. Byrd.

James C. Walker to be postmaster at Monterey, Tenn., in place of B. P. Allison.

UTAH.

Richard T. Fry to be postmaster at Morgan, Utah. Office became presidential January 1, 1916.

VERMONT.

John Layden to be postmaster at West Pawlet, Vt., in place of Anna M. Allen, resigned.

D. R. Stetson to be postmaster at Newport, Vt., in place of H. G. Blanchard.

WASHINGTON.

William L. Adams to be postmaster at Zillah, Wash., in place of Andrew J. Shaw, removed.

Charles L. McKelvey to be postmaster at Cosmopolis, Wash., in place of J. O. Wilson.

Eli P. Marsolais to be postmaster at Sultan, Wash., in place of T. J. Atwood.

S. F. Patton to be postmaster at Waitsburg, Wash., in place of Grover C. Houtchens, resigned.

William Sample to be postmaster at Roslyn, Wash., in place of James Lane.

George H. Watrous to be postmaster at Bellingham, Wash., in place of Hugh Eldridge.

WEST VIRGINIA.

Fred Amick to be postmaster at Richwood, W. Va., in place of E. E. Deitz.

Ira J. Partlow to be postmaster at Keystone, W. Va., in place of H. P. Graham.

WISCONSIN.

Charles H. Farley to be postmaster at New Lisbon, Wis., in place of J. D. Strickland.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 6 (legislative day of March 3), 1916.

AMBASSADORS EXTRAORDINARY AND PLENIPOTENTIARY.

D. R. Francis to be ambassador extraordinary and plenipotentiary to Russia.

Joseph H. Shea to be ambassador extraordinary and plenipotentiary to Chile.

POSTMASTERS.

MONTANA.

Thomas Dowen, Chinook.

PENNSLYVANIA.

A. D. Colegrove, Corry.
Denny D. Goshorn, Cambridge Springs.
Thomas McCobb, Cochranton.
Preston L. Peters, Saegerstown.
James A. Platt, Spartansburg.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 6, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our heavenly Father, let Thy spirit possess our souls with all its quickening power that we may cast out the devil, our besetting sin; and when we have cast him out, swept and garnished the house, help us to repel the devil of self-complacency, self-adulation, self-aggrandizement; the devil of intolerance and bigotry in party and creed; the devil of exclusiveness, which checks the flow of magnanimity; that the better angels of our nature may do their perfect work and lead on to nobility of soul; that we may be followers of Him who said, "I am the way and the truth and the life; no man cometh unto the Father but by me"; that there may be fewer surprises when the mists have rolled away. Amen.

The Journals of the proceedings of Friday, Saturday, and Sunday were read.

ORDER OF BUSINESS.

Mr. GARDNER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. GARDNER. Mr. Speaker, before the Journal is approved I wish to propound a parliamentary inquiry in reference to the correctness of the Journal.

The SPEAKER. Which Journal is it?

Mr. GARDNER. The Journal of Saturday, March 4. I find that the McLemore resolution has been laid on the table under clause 2 of Rule XIII on the ground that it was reported adversely by the Committee on Foreign Affairs. As I understand it, the report was a recommendation that the resolution should lie on the table. My parliamentary inquiry is this: Is that report recommending that the resolution lie on the table a report recommending adverse action?

The SPEAKER. The Chair thinks it is.

Mr. GARDNER. Then, Mr. Speaker, may any Member of the House demand that this bill be transferred to the calendar?

The SPEAKER. He may.

Mr. GARDNER. Within how many days?

The SPEAKER. Three days.

Mr. GARDNER. Three legislative days?

The SPEAKER. Three days.

Mr. GARDNER. Would it mean three legislative days or would Sunday be included?

Mr. MANN. The Speaker does not have to decide that now.

The SPEAKER. It happened that Sunday was a legislative day.

Mr. FOSS. Mr. Speaker, I demand that the resolution be placed on the House Calendar in accordance with the rule.

The SPEAKER. Is there objection? It does not take any objection, the gentleman has the right to do it, and it goes on the calendar. Without objection the Journals for Friday, Saturday, and Sunday are approved.

There was no objection.

THE MILITARY ESTABLISHMENT.

Mr. HAY. Mr. Speaker, I am directed by the Committee on Military Affairs to ask unanimous consent to report a bill (H. R. 12766) to increase the efficiency of the Military Establishment. (H. Rept. 297.)

The SPEAKER. The gentleman from Virginia asks unanimous consent to report a bill for the increase of the Military Establishment. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, as I understand the gentleman desires that the committee should have the right to report the bill notwithstanding the bill has not been referred?

Mr. HAY. Yes.

Mr. MANN. It is not with the intention that it shall give it any special privileged status?

Mr. HAY. No; it will be referred, as I understand, if this request is granted, to the Committee of the Whole House on the state of the Union.

Mr. MANN. Well, it would be referred just as though it were dropped in the basket.

Mr. HAY. Just as though it were dropped in the basket.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HAY. Now, Mr. Speaker, I ask unanimous consent that 20,000 copies of this bill be printed, the usual number to go to the document room and the balance to be distributed through the folding room.

The SPEAKER. The gentleman from Virginia asks unanimous consent that 20,000 copies of the bill be printed, the usual number to go to the document room——

Mr. HAY. And including the report.

The SPEAKER. Including the report, and the rest to go to the folding room.

Mr. MANN. Mr. Speaker, the first part of the request as to the document room is imperfect. Wherever we order a certain number printed of a document the usual number is printed in addition——

Mr. HAY. Mr. Speaker, I ask unanimous consent that 20,000 copies be printed and distributed through the folding room, together with the report.

The SPEAKER. The gentleman from Virginia asks unanimous consent that 20,000 additional copies be printed and distributed through the folding room. Is there objection. [After a pause.] The Chair hears none.

Mr. MANN. Has the gentleman an estimate to know whether the document will come within the $500 provision?

Mr. HAY. I spoke to the gentleman from Indiana [Mr. BARNHART] in regard to it, but I do not know whether it does or not; but I should not think it would cost $500.

Mr. BARNHART. Mr. Speaker, if it should not come within the $500, and there is no way to ascertain that until the bill is printed—of course we can not get an estimate——

Mr. MANN. I take it the bill is printed.

Mr. HAY. The bill is printed; yes.

Mr. BARNHART. The matter of cost has not been referred to the Committee on Printing, except that in a conversation with the gentleman from Virginia, the chairman of the committee, he impressed me with the idea that we ought to have 20,000 of these printed; but I gave no attention to the matter of cost. However, I think it is safe to say that unless it is an unusually large bill—and I will ask the gentleman from Virginia how many pages has the bill?

Mr. HAY. Eighty-five pages.

Mr. BARNHART. Well, the bill and the report—had we not better let this go over and investigate it?

Mr. HAY. I have no objection; but I have only to say I have a great many demands for the bill, and understand that other Members of Congress have, and I am pretty sure it would not cost $500.

Mr. BARNHART. Mr. Speaker, to get rid of this I propose to the gentleman from Virginia that he withdraw his request and let the matter go over a day so that it can be investigated, so we can present it intelligently to the House.

Mr. MANN. Why not make the request that 20,000 copies be printed, and if that does not exhaust the limit of $500 there shall be copies printed up to the amount of $500?

Mr. BARNHART. That is satisfactory.

Mr. HAY. Well, Mr. Speaker, I make that request.

The SPEAKER. What is the request?

Mr. HAY. That the 20,000 copies of the bill and the report be printed, and that if it goes beyond the $500 that it still be printed.

Mr. MANN. Up to the limit of $500?

Mr. HAY. Up to the limit of $500.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent that 20,000 copies of the bill be printed, unless it exceeds the $500 limit, and it shall stop at that limit. Is there objection? [After a pause.] The Chair hears none.

Mr. HAY. Mr. Speaker, I want to say that this is a unanimous report from the Committee on Military Affairs.

The SPEAKER. The gentleman from Virginia announces that the report is a unanimous report from his committee, a very remarkable transaction.

EXTENSION OF REMARKS.

Mr. DAVENPORT. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD upon the question of whether or not our Government should warn American citizens not to travel upon armed merchantmen.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD upon the subject of whether American citizens should be warned off British warships.

Mr. DAVENPORT. Armed merchantmen, Mr. Speaker—not British warships.

The SPEAKER. Armed merchantmen. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of armed merchantmen and the American policy.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent to extend his remarks on the subject of armed merchantmen and the American policy. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Colombian treaty and the rights of the House.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD on the Colombian treaty and the rights of the House. Is there objection? [After a pause.] The Chair hears none.

WITHDRAWAL OF PAPERS.

Mr. GARD, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, papers in the case of Francis P. McCue, H. R. 10607, Sixth-third Congress, no adverse report having been made thereon.

EXTENSION OF REMARKS.

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a report of The Hague conference findings of 1907 on the matter of neutral rights.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing a report of The Hague conference findings of 1907 on the matter of neutral rights. Is there objection? [After a pause.] The Chair hears none.

Mr. SCHALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of shorter labor hours.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD on the subject of shorter labor hours. Is there objection? [After a pause.] The Chair hears none.

UNANIMOUS CONSENT CALENDAR—AQUEDUCT BRIDGE.

The SPEAKER. This is the day for the consideration of the Unanimous Consent Calendar, and the unfinished business is the Aqueduct Bridge bill.

Mr. ADAMSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 759.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 759.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 759, the Aqueduct Bridge bill, with Mr. CRISP in the chair.

Mr. ADAMSON. Mr. Chairman, when the bill was last under consideration in the committee the committee rose, with the gentleman from North Carolina [Mr. PAGE] entitled to the floor. It was then agreed in committee that general debate should end in one hour, the understanding with the gentleman from North Carolina being that when he and the gentleman from South Carolina [Mr. RAGSDALE] had consumed some time the gentleman from Illinois [Mr. MANN] or I might again have the floor if we desired it; and when these gentlemen have finished, then I desire to produce certain documents in answer to suggestions made when the bill was under consideration before touching the bill and certain correspondence between the officers of the War Department and the committee. I believe the gentleman from Wisconsin [Mr. LENROOT] and his colleague [Mr. COOPER] made such a suggestion.

The CHAIRMAN. The Chair will state that, as the gentleman from Georgia [Mr. ADAMSON] has just stated, the agreement was that there would be one hour general debate on this bill, and the gentleman from North Carolina [Mr. PAGE] is recognized.

Mr. PAGE of North Carolina. Mr. Chairman, I do not know whether or not the Members of the House are interested in so prosaic and utilitarian a matter as the construction of a bridge, but I would like their attention for a few moments, inasmuch as they will all be called upon to vote on this measure, which is a matter of real importance, so far as the traffic across the Potomac River between the District of Columbia and the Virginia side is concerned. I do not recall whether I said on a former occasion, or not, that my own personal views relative to the need at this particular time for legislation on this subject might very well be confined to an appropriation of sufficient amount and an authorization to the War Department to prepare plans for the construction of such a bridge as Congress might determine to construct at this place. And I say this for the reason that, in my judgment, and that judgment based upon past experience and observation, by the time the plans are prepared for the construction of this bridge it will be some time in the future and we will possibly be in a better position to know just what amount of money to appropriate than we know at present. But in consultation with the gentleman from Georgia [Mr. ADAMSON], who introduced this bill and from whose committee it came and who has charge of it, with the adoption of certain amendments, to which he has agreed and to which the House has agreed, it is thought a satisfactcry solution may be reached.

There can be no question but that there is necessity for the construction of a new bridge at or near this point on the Potomac River, and I say this because the evidence coming to the Committee on Interstate and Foreign Commerce from the War Department and to other committees from those who have had in the past the supervision and regulation of the traffic over this bridge indicates that it is unmistakably true that the present structure is not sufficient either to carry the loads or to carry the traffic that is demanded at this place.

A few years ago, because of the unsafe condition of some of the piers of this bridge, there was an appropriation made, and three of the eight piers were replaced by the construction of new ones. These cost about $60,000 each, and of course they are now in good condition; but the five old piers, by the report of the engineers who have examined them very carefully and repeatedly, are without question deteriorating very rapidly, and there can be no question but that the bridge in its present condition is not safe for the maximum loads that have been carried over it. In fact, only recently, at the suggestion of the War Department, the Commissioners of the District of Columbia have issued a regulation reducing decidedly the tonnage that can be carried at any one time over this bridge, and I believe that only one street car can cross at a time.

I do not know myself, of course, what the ultimate cost of a proper and sufficient bridge at this place may be, but I do know that the engineers of the War Department have given reports to Congress on several occasions fixing the sum at less than a million dollars; the cost in no case, I believe, to exceed $1,000,000. The committee reporting this bill fixed in it a limitation of cost at a million dollars—not to exceed that amount.

There are appropriations also made in this bill for the acquiring of certain land and rights for abutments, and an appropriation of $150,000 is carried for that purpose, and an appropriation for the maintenance of the old bridge during the time of the preparation of these plans and the construction of the new bridge.

The gentleman from Pennsylvania [Mr. MOORE] asked that an amendment be placed in the bill so that it would be constructed in such manner as not to obstruct navigation. The chairman of the committee having charge of the bill has agreed and has inserted in a copy of the bill, and will offer as an amendment, a provision meeting these requests and views. He will also offer as an amendment a proviso to the effect that as soon as the plans and specifications are approved by the Secretary of War there shall be public notice of the specifications and competitive bids invited.

This is a matter of more than passing interest.

Mr. KINCHELOE. I understood the gentleman to say that there was $150,000 appropriated for the purpose of buying lots and easements. Is not that $300,000?

Mr. PAGE of North Carolina. Yes; it is $300,000 in the bill, but the gentleman will offer an amendment reducing the amount to $150,000 at the proper time in the consideration of this bill.

Mr. CARLIN. Mr. Chairman, will the gentleman yield there a moment?

Mr. PAGE of North Carolina. Yes.

Mr. CARLIN. I did not catch the suggestion as to the last amendment.

Mr. PAGE of North Carolina. Competitive bids will be asked for the construction of the bridge. That was the requirement, with these amendments that I have noted, and that will be

offered at the proper time; if adopted I shall raise no objection to the passage of the bill.

I do not care to detain the House longer, and I yield such time to the gentleman from Georgia [Mr. ADAMSON] as he desires. Is the gentleman from South Carolina [Mr. RAGSDALE] here?

Mr. RAGSDALE. I am here.

Mr. PAGE of North Carolina. I yield 15 minutes to the gentleman from South Carolina [Mr. RAGSDALE] and I reserve the balance of my time.

The CHAIRMAN. The gentleman from South Carolina [Mr. RAGSDALE] is recognized for 15 minutes.

Mr. RAGSDALE. Mr. Chairman, at this time, in view of certain conditions that have arisen since this matter has been under consideration and because at a later time I prefer to use my time in addressing the House on that matter, I shall not now consume the time that has been yielded to me, but I will yield it to the gentleman from Georgia [Mr. ADAMSON], who, I understand, states that if he can find any time that is left here after the gentleman from North Carolina and the gentleman from South Carolina have finished speaking, he hopes he can have some time; and therefore, knowing that he can enlighten the House better on this question than I can, I yield him all my time.

Mr. ADAMSON. Mr. Chairman, the gentleman's gracious words and conduct on this occasion but continue what we have long known about the lovely character of the distinguished gentleman from South Carolina [Applause.] But I would not permit his generosity to do violence to his merit or his virtue, or deprive the House and the country of the wisdom with which I know he can illumine the subject. I had no idea of intimating to the gentleman that I was coveting his time.

I have tried to state, as an answer to the request of the gentleman from Wisconsin, that I wish to produce certain documents here. I have them here and will place them in the RECORD, unless the gentleman asks me to read them.

Briefly, to make a résumé, my attention was first called to the Aqueduct Bridge in 1910, when Maj. Hannum made a report, stating that he had made soundings and investigations, and submitting three alternative recommendations about this bridge. That was six years ago. One was to repair certain of the piers in a certain way. Another was to reinforce and restore the piers with concrete, which would cost $350,000. The third was to build an entirely new bridge, which they estimated at $950,000.

In 1911 Col. Langfitt made a similar investigation, and he calculated that the bridge would cost $975,000, on account of some expense at the approaches.

In 1912 another report was made by Col. Langfitt, or through him—I have them all here—and another one in 1913. In all of these reports the absolute necessity of something being done was emphasized. Up to 1912 the question of repairing was considered, but in 1913 the condition had become so critical that a new bridge was the only thing demanded. In all of these reports, however, it was stated that at that place sufficient soundings and investigations had been made to satisfy them about the bridge.

In 1913 Col. Langfitt wrote me a letter, which I shall put into the RECORD—which the gentleman from Wisconsin asked for—in which he repeated these recommendations. He recommended that the bridge should land on the north side of the river at Thirty-fourth Street, at a cost for concrete of $1,100,000, but if erected at the present site the estimate cost was $1,000,000; but if a steel bridge, $975,000. The next day after receiving that letter I visited him, with the subcommittee, and he repeated all this statement and went through the entire case about building that bridge and emphasized its necessity. Afterwards the subcommittee examined the proposed bridge sites, and they were unanimous in concurring with Col. Langfitt that the bridge should be built at or near the present site. We considered all the questions of the approaches and landings and the possible condemnation of property. We have had a great deal of correspondence with the War Department, but that department discussed the whole proposition of solving all future questions of bridges on the Potomac. We did not think we could wait for that. This bridge has gotten into such condition, and the local interests and demands are such, and there are such vested rights up at Georgetown, that we concluded finally, with the concurrence of the War Department itself that this bridge should be rebuilt at the present site.

The gentleman from Wisconsin [Mr. COOPER] asked what sort of a bridge this is to be. It is to be a bridge to cost a million dollars and no more, and the amendment that I propose to offer will provide that in making the plans it shall be borne in mind, and that certainly shall be secured, that the plans will build a million-dollar bridge. Having the reports and estimates of the department and the officers in charge for six years, we have no doubt that it can be done.

Mr. ESCH. I understand that three of the eight piers have been wholly reconstructed during the last 10 or 15 years. If the bridge is built on the present alignment, can those three piers be utilized?

Mr. ADAMSON. That has not been decided definitely, but if the bridge is built on the present alignment that will be considered, and those piers will be saved if possible.

Mr. ESCH. That would make a material reduction in the cost of the structure.

Mr. ADAMSON. Yes; possibly it would. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has used seven minutes. That would leave eight minutes.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. MOORE of Pennnsylvania. The criticism I offered when the bill was under consideration last week was that it made no specific provision for protecting the interests of navigation. Have the committee given that matter any thought?

Mr. ADAMSON. The committee, in compliance with the suggestion of the gentleman from Pennsylvania, will offer the following amendment:

At the end of section 1, line 2, page 3, strike out the period and insert a comma and add the words "and so constructed as to protect the interests of navigation."

Mr. MOORE of Pennsylvania. That amendment will be offered by the committee?

Mr. ADAMSON. Yes.

Mr. STAFFORD. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. STAFFORD. The gentleman from North Carolina [Mr. PAGE], chairman of the subcommittee preparing the District appropriation bill, stated that the gentleman from Georgia [Mr. ADAMSON] had prepared some amendments that met with his approval. Will the gentleman kindly inform the committee what is the purport of those amendments?

Mr. ADAMSON. The first amendment I will propose is the one referred to a moment ago in the colloquy with the gentleman from Pennsylvania [Mr. MOORE]. The second amendment is in line 19, page 3, reducing the amount from $300,000 to $150,000, because after investigation we have concluded that will be ample.

We propose, in line 23, to strike out all after the word "property" and to insert: "That the plans and specifications herein authorized shall be so drawn and prepared as to insure the construction of a bridge and approaches thereto within the limit of cost of $1,000,000, as fixed herein," and so forth.

Then, after line 3, page 4, after the word "conditions," we propose to ask that you amend by inserting the words "and for such compensation."

In line 21, page 4, we propose to strike out the words "or that may be hereafter chartered by Congress."

In line 22 we propose to strike out the word "cross" and insert the word "use."

We propose to strike out lines 23 and 24 entirely.

On page 5 we propose to strike out, in lines 2 and 3, the words: "Including the said Washington & Old Dominion Railway"; those words being unnecessary.

In line 5, page 5, we propose to strike out the words "prescribed by charter," because there may be other charges not prescribed by charter.

In line 18, page 5, we propose to strike out "$50,000," and insert "$25,000," as being amply sufficient.

Mr. STAFFORD. Will the gentleman yield further?

Mr. ADAMSON. Certainly.

Mr. STAFFORD. I should like to inquire why the committee were called upon to provide here authorization for having freight carried across this bridge by the railway companies utilizing it?

Mr. ADAMSON. We debated that. Some people said that was a question entirely for the Interstate Commerce Commission to decide. That is true as to the rates of freight charged by the railroad; but the bridge will be our property, and the railroad company ought to pay something for using it for freight as well as for passengers.

Mr. STAFFORD. This bridge is to be designed architecturally in keeping with the surroundings and for the beautifying of Washington. Does the gentleman think that freight should be allowed to be carried across it?

Mr. ADAMSON. We do not say that it shall, but that it may. These electric-car lines accommodate the people very much by carrying some freight; and if they carry much freight they ought to pay for the use of the bridge.

Mr. STAFFORD. In my opinion, freight should not be permitted to be carried across this passenger bridge. In cities like Detroit, where freight is permitted to be carried on the

electric cars through the public streets, it presents an objectionable appearance; and it is not in keeping with the purpose of this highway that freight cars should be allowed to go across this bridge.

Mr. ADAMSON. We do not insist that they shall use it in that way, but I understand there is some light freight that it is convenient for the people of Washington as well as the people of Virginia to carry across this bridge, and perhaps we ought not to prohibit it.

Mr. STAFFORD. I should think that freight should be unloaded on the other side of the bridge, and let the railway companies then utilize such means as they see fit, by electric truck or otherwise, to bring it over to the District side.

Mr. MANN. They bring freight across both the Highway Bridge and the bridge at Anacostia.

Mr. STAFFORD. The Highway Bridge is specially designed for freight purposes.

Mr. MANN. Not at all. The Highway Bridge is not specially designed for freight purposes.

Mr. ADAMSON. This will be a better bridge than the Highway Bridge, in my judgment.

Mr. MANN. They will use it for bringing in milk and things of that kind.

Mr. STAFFORD. If there is anything I abhor, it is to see freight on a highway which is used principally for other purposes.

Mr. MANN. It is not proposed to bring in freight trains. I am informed that the gentleman from Georgia proposes to offer an amendment to section 5, providing that after the plans are drawn the Secretary of War shall advertise for bids, and if no bid is received which is satisfactory the Secretary of War shall proceed to construct the bridge.

Mr. ADAMSON. That is the amendment I was going to offer.

Mr. MANN. I am very much opposed to that proposition, I will say to the gentleman. I do not believe the Secretary of War ought to build this bridge by day labor.

Mr. ADAMSON. The gentleman objects to the last part of the amendment?

Mr. MANN. Yes. If the Secretary of War advertises for bids, and can not get satisfactory bids, it may properly cause some action by Congress, either increasing the limit of cost or preparing new plans.

Mr. ADAMSON. Under the well-accepted theory that in the multitude of counsel there is wisdom, I conferred with gentlemen who are interested in the subject, and this was a sort of a compromise.

Mr. MANN. I can not see that there is any compromise about it in having the Secretary of War construct a bridge if he can not get satisfactory bids.

Mr. ADAMSON. If the committee wishes to strike out that part of the amendment, it will not be objectionable to me.

Mr. MANN. I want to say that if that provision is to stay in the bill I shall do all I can to defeat it.

Mr. CARLIN. What suggestion would the gentleman from Illinois offer?

Mr. MANN. Strike out the provision that in case no acceptable bids are received the Secretary of War shall at once commence the construction. Everybody knows when you get to it that you may have to increase the limit of cost. Here is a direction to prepare plans within the limit of cost of a million dollars, but when they really prepare the plans it may require more money than that or it may require a readjustment of the plans to bring it within that amount.

Mr. ADAMSON. I suggest to the gentleman that I will omit the last part of the amendment and let the Clerk read the bill.

Mr. MANN. Mr. Chairman, there was an agreement to give time to the gentleman from Kentucky [Mr. JOHNSON], who is detained at home by illness, and also time to the gentleman from South Carolina [Mr. RAGSDALE].

Mr. STAFFORD. Mr. RAGSDALE has waived his time.

Mr. COOPER of Wisconsin. Mr. Chairman, I have not clearly in my mind the amendment which the gentleman from Georgia refers to. The other day I spoke about the indefinite character of the plans.

Mr. ADAMSON. I have brought the documents here and have exhibited and explained them to the committee while the gentleman was out.

Mr. COOPER of Wisconsin. The proposition now is to advertise for bids?

Mr. ADAMSON. Yes.

Mr. COOPER of Wisconsin. And for plans and specifications?

Mr. ADAMSON. No; we have sufficient plans and specifications. The trouble that arose in regard to the plans was the fact that the War Department wanted to consider this bridge and other possible bridges at the same time; they wanted to take the whole length of the river and dispose of it.

Mr. COOPER of Wisconsin. The gentleman says that they now have sufficient plans?

Mr. ADAMSON. We have plans in four different reports that have been made of soundings and investigations, and they say they can build the bridge at Thirty-fourth Street of concrete reinforced for $1,100,000, or at the present site for $1,000,000, or of steel for $975,000.

Mr. COOPER of Wisconsin. Has the design of the bridge been submitted to the Committee on Interstate and Foreign Commerce?

Mr. ADAMSON. No detailed statement; just what each item shall be——

Mr. COOPER of Wisconsin. No; but has there been any sketch of the bridge submitted to the committee?

Mr. ADAMSON. We have not had a picture of the identical bridge, but we have documents describing the bridge, and it will be either of steel, a two-span bridge, or a reinforced concrete bridge. The difficulty about these plans was that Col. Langfitt stated what he thought could be done, and the War Department, when it makes specifications, is compelled to protect its reputation by making estimates high enough to do so. What we want is to make plans and specifications inside of a million dollars at that place, because we do not want to foreclose all the length of the river and take it for granted that no other bridge will ever be built below.

Mr. COOPER of Wisconsin. The gentleman feels, as we all do, that we would not willingly permit the erection of a structure here that would in anywise detract from the beauty of the National Capital. We can combine utility with beauty. We do not want to indulge in extravagance and do not want to be negligent enough to permit the erection of a thing that by and by will constitute an eyesore.

Mr. ADAMSON. I am satisfied that a two-span steel bridge, or a concrete bridge with 250 feet span, as described by Col. Langfitt, will look a great deal better than anything else in that vicinity. The plans and specifications which we have are for the bridge at this place, but the War Department was trying to include consideration of a bridge from here to Arlington and all possible bridges. We do not want that, but we want a bridge built where it is now, a good bridge of its size, and leave open the building of a larger and better bridge down the river.

The documents referred to above are as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, March 2, 1916.

Hon. W. C. ADAMSON, *House of Representatives.*

MY DEAR SIR: In reply to your letters of February 26 and March 2, 1916, requesting information as to whether an estimate of less than $1,000,000 for the reconstruction of the Aqueduct Bridge was submitted during the Sixty-second Congress, I have the honor to state that no special communication to any committee of Congress from this department presenting such an estimate has been found. It is thought that you may have in mind statements found in the Annual Report of the Chief of Engineers of 1910 and subsequent, copies of which are sent to you herewith.

It will be seen by reference to the report of 1910, page 2624, that Capt. W. T. Hannum, Corps of Engineers, estimated that a new bridge could be built for about $950,000. This estimate was repeated in the reports of 1911 and 1912, but it will be seen by reference to page 3178 of the report of 1913 that on further study by Col. W. C. Langfitt, Corps of Engineers, he thought that estimate too low. On December 1, 1913, he reported the estimated cost of rebuilding the bridge on the present site as $975,000, and on the Thirty-fourth Street site as $1,100,000, but these figures do not appear to have been communicated to Congress.

In using these estimates it should be considered that the price of steel and other bridge-building materials has increased materially since the estimates were made.

Very respectfully,
DAN C. KINGMAN,
Chief of Engineers, United States Army.

WAR DEPARTMENT,
UNITED STATES ENGINEER OFFICE,
Washington, D. C., November 4, 1913.

From: Col. W. C. Langfitt, Corps of Engineers, United States Army.
To: Hon. WILLIAM C. ADAMSON, House of Representatives, Washington, D. C.
Subject: Bridge across Potomac River.

DEAR SIR:

* * * * * * *

AQUEDUCT BRIDGE.

The following estimates and suggestions are entirely informal and, necessarily, only roughly approximate.

The situation of this bridge is complicated by the existing heavy traffic over it and the necessity for interfering therewith to the minimum possible degree. The best way to do this is to build on a different site and then remove the old structure complete, including piers, etc.

Two possible sites suggest themselves: A, at Thirty-fourth Street, and B, just above the existing bridge.

A. Thirty-fourth Street site. Elevation of roadway 77 feet, or 22 feet higher than present Aqueduct Bridge. Affords easy grades and greater area for passing of floods. Approach, from either Thirty-

fourth Street or M Street, the former to be graded, perhaps widened, and all necessary property on south side of M Street to be purchased, to give a wide, easy approach from either direction. The axis of the bridge is more nearly at right angles to undercurrent than at present site or above it.

The style of bridge suggested is concrete (reinforced) arches of 250 feet span; width of roadway, 60 feet, with two 10-foot sidewalks, or 80 feet altogether. Estimated cost, $1,100,000.

B. Site just above existing bridge. Elevation of roadway, 55 feet, as in existing bridge. The axis of the bridge to strike existing Government land at Virginia end and existing roadway is necessarily oblique to current, giving skew arches. The only approach is over M Street in front of car barns, and the conditions for making a suitable approach or entrance are not so good as either present site or Thirty-fourth Street site. Estimated cost, $1,000,000.

If the present site is to be retained, the solution that occurs to me as offering the least interference with traffic during erection is that of a two-span steel bridge, the main trusses of which can be erected outside the existing bridge. The erection of this bridge will necessarily at times interefere with traffic, its materials are not of the enduring nature of those proposed for the others, and its cost of maintenance will be greater. To give a proper entrance from M Street some property will have to be acquired. M Street is very congested and, while better than for the site just above, the entrance can not be made as good as for the Thirty-fourth Street site. Estimated cost, $975,000.

As I understood your request for information, this is a personal letter to you, and I am very glad, indeed, to give my views as now held. Of course, with authority and money for a thorough investigation, things might develop that would alter them materially. If you care to do so, I would be glad to have you come to the office, where I can show the layout on the maps.

I leave Thursday, the 6th, for Arizona, but hope to be back by the 24th or 25th.

Very respectfully,

W. C. LANGFITT,
Colonel, Corps of Engineers.

After a good deal of correspondence with the War Department the chairman of the committee received letters recommending the Carlin bill, but insisting that the State of Virginia and the District of Columbia share in the expense, and one of the letters concluded as follows:

If the committee has already decided upon the limits within which it desires to have the bridge built and should conclude to introduce a measure providing for immediate construction, it is suggested that the wording of the bill be sufficiently flexible to permit the department to select the best possible site within the limits designated.

Very respectfully,

LINDLEY M. GARRISON,
Secretary of War.

Mr. A. R. Serven, of the Washington Board of Trade, presented these resolutions to the Committee on Interstate and Foreign Commerce:

1. That the present Aqueduct Bridge be replaced at the earliest possible date with a modern commercial bridge of ample capacity to meet the requirements of the present and those of the future.
2. That this new bridge be placed at or as near the location of the present bridge as is practical and, at all events, not east of Thirty-fourth Street in Georgetown.
3. That any railway company or companies which may use said bridge be required to pay its or their proper proportion of the cost of said bridge, together with its or their proper proportion of the cost of the maintenance of same.

Very truly, yours,

J. HARRY CUNNINGHAM,
Secretary.

FEBRUARY 16, 1916.

The CHAIRMAN. If no one else wishes to address the committee, the Chair will announce that general debate is closed. The Chair would like to call the attention of the chairman of the committee to the fact that the Chair understands the Committee on Interstate and Foreign Commerce has reported a bill in the nature of a substitute, striking out all after the enacting clause and inserting a new bill. Without objection, the Chair will ask the Clerk to read the substitute and not read the original bill unless some Member wishes it.

Mr. MANN. I suggest that the gentleman from Georgia ask unanimous consent that the Clerk read the substitute as though it was the original bill.

Mr. ADAMSON. Mr. Chairman, I was going to suggest that the substitute and not the original bill be read, section by section, subject to all the rights and privileges that would prevail if it were the original bill.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that in the consideration of the bill the substitute be read, section by section, and treated as an original bill with the right of amendment that the original proposition would have. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause to be constructed a bridge across the Potomac River at or near what is now known as the Aqueduct Bridge, replacing said bridge with a substantial structure, at a cost of not more than $1,000,000.

Mr. ADAMSON. Mr. Chairman, on behalf of the committee I move to amend by striking out the period after "$1,000,000" and inserting a comma and also the words "and so construct it as to protect the interests of navigation."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 3, by striking out at the end of line 2 the period, inserting a comma, and adding the words "and so construct it as to protect the interests of navigation."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. STAFFORD. Mr. Chairman, I would like to inquire of the chairman of the committee anent the amendment that he has just submitted. I desire to inquire whether he believes that amendment will require the installation of a drawbridge?

Mr. ADAMSON. That is in the discretion of the department.

Mr. STAFFORD. If I thought for one minute that it would result in the installation of a drawbridge, I would oppose this amendment, and for this reason——

Mr. ADAMSON. I have no idea that they will put in a draw.

Mr. STAFFORD. For this reason: I do not believe it should be the policy of this Government to encourage manufactories to be located along the beautiful shores between the rapids of the Potomac and the Aqueduct Bridge, which is in the nature of highlands along the shores, and that they should be preserved for their scenic beauty and not for any purpose of exploiting manufacturing along those banks. I listened to the argument made two weeks ago by the gentleman from Pennsylvania [Mr. MOORE], and then could not agree with him that there was any impairment or danger of impairment of the rights of navigation.

Mr. ADAMSON. I will say to the gentleman from Wisconsin that in none of the hearings, correspondence, plans, or specifications during the six years of continuous consideration has anyone ever suggested that the plans did anything else than to contemplate a bridge without a draw, and the amendment is put in simply to satisfy the gentleman from Pennsylvania, who is very cautious.

Mr. STAFFORD. I think if the gentleman from Pennsylvania will consider the situation for a moment that he will not press this amendment.

Mr. ADAMSON. It will not do any harm.

Mr. STAFFORD. It might do some harm.

Mr. ESCH. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. ESCH. The bridge will probably have a clearance of 30 feet above high water, and no craft that uses that section of the river would need a higher clearance. Whatever transportation of freight there is is now carried by the canal, which is alongside the river.

Mr. STAFFORD. Then what is the need of putting this provision in it at all, because in all the plans that have been recommended heretofore there is nothing that would impede the motor moats that now ply the river.

Mr. CARLIN. Mr. Chairman, there is no draw in the bridge at all.

Mr. STAFFORD. And why should we encumber this bill with a direction as if to say to the Secretary of War that we want to have it so provided that it is capable of future uses of navigation?

Mr. ADAMSON. Mr. Chairman, while I differ with the gentleman from Pennsylvania as to the necessity for it, it is on a different ground. I differed on the ground that the department would do it without this amendment, but it is necessary that the Secretary of War shall so build it as to protect the interests of local navigation. It is right at the head of the harbor, and all sorts of little boats are running around there, and the Secretary of War, if he did not have any better sense, might so construct it as to interfere with the present harbor arrangements.

Mr. STAFFORD. There is no navigation, in a commercial sense, above this bridge.

Mr. ADAMSON. No; but right at the bridge there is. I have landed in little boats all around there.

Mr. STAFFORD. If we are going to despoil that mile and a half of water between the Highway Bridge and the rapids of the Potomac above by saying that one day it shall be dredged and manufactories placed on either shore, then I am strenuously opposed to this amendment. I can not see any necessity for putting this amendment in this bill. The present navigation of pleasure boats will be amply protected, because no bridge could be built that would impair that navigation.

Mr. ADAMSON. Does the gentleman think that changes the present law at all? Does he not think the Secretary of War would do that without any such amendment?

Mr. STAFFORD. No; I think the Secretary of War might take that as a direction that he should so construct the bridge that it would be possible to use it with subsequent development of navigation on the upper river. I am opposed to that because I do not believe that beauty spot should be ever changed by the establishment of manufacturing plants along the sides of

the river. It is a delightful camping ground for the people of Washington, and I do not wish to have it despoiled by manufacturing sites.

Mr. MOORE of Pennsylvania. Mr. Chairman, referring to what my friend from Wisconsin [Mr. STAFFORD] has suggested, I would like to remind him that the million dollars that is to go into this bridge is not the money of the people of Washington; it is not the money even of the people of Wisconsin. They have the same interest in it and they have the same right to be considered in a matter of this kind as they would have with respect to a bridge being built over any other stream in this country. I am surprised that the gentleman from Wisconsin should show some little feeling against the manufacturing interests of the United States. I had no thought that the manufacturing interests were going to locate anywhere between this bridge and the Falls of the Potomac, the beauty of which he seems anxious to protect for those who are able to visit that vicinity and obtain some pleasure out of the construction of this bridge. I have been informed that the construction of this bridge is a matter of utility, that it is to be constructed for the convenience of the people of the Nation, although practically for the benefit of those who come from Virginia across the line into the District of Columbia and return therefrom. Why we should make an exception of this bridge, costing a million dollars of the people's money, or take it out of the purview of that legislation which controls all bridge construction in this country I do not know.

I wish to say that the interests of navigation, if there are any, ought to be protected. The gentleman seems to think that this is a special instance that ought to be taken out of the general rule. I do not think so. Whatever is navigable in fact, according to the decisions of the Supreme Court of the United States, is navigable in law, and here is a statement that boats are coming and going under this bridge. What would the gentleman want even for the pleasure seekers whom he now delights to refer to? Does he want a bridge solidly built across this stream, so the water can not pass through? Does he want the engineers of the United States to be so awkward and foolish in their plans and specifications that they will build a solid structure, attempting to dam up the water between the bridge and the Great Falls of the Potomac? Does the gentleman desire that the engineers of the United States Government shall build a bridge in such manner that neither the water nor the boats can pass through? I think the gentleman's objection to this provision is very far-fetched. As the gentleman from Georgia [Mr. ADAMSON], says, it is simply a reiteration of existing law, and gives specific direction where none was given in the bill. There can not be any objection to putting in this saving clause directing the Secretary of War that the interests of navigation, whatever they may be, on a navigable stream at this point, shall be protected. To dam up the waters, as the gentleman seems to think they want to do, would lead to the flooding of property, which would cause a great deal of trouble to the people of the Capital. I think this amendment is right, and hope it will be permitted to stand.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes? Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Mr. Chairman, I regret I have not been able to subscribe to the policy advocated consistently by the gentleman from Pennsylvania [Mr. MOORE] of making navigable little fishing creeks and streams, that sometimes in the dry season you can spit across, and improving the inland waterways which are along the Atlantic coast and which are designed largely for pleasure purposes and not really for commercial navigation purposes.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. STAFFORD. Not at the present moment. I do wish to say to the gentleman that it has been the policy of this Congress for a decade in the past not to encourage the development of manufacturing establishment in the District of Columbia. The District has a direct interest in safeguarding and protecting the banks along the Potomac above the Aqueduct Bridge to the Potomac rapids. Those banks on the Maryland side are exclusively in the District of Columbia. They could be developed for the purposes of manufacturing, and I can conceive of manufacturers who might desire to locate there.

The engineers of the War Department are not so foolish as to regard any direction from Congress in their authorization of a bridge to misconstrue it into the authorization of a dam, as the suggested fantasy of the gentleman from Pennsylvania. We are carrying out the policy here of not wishing to have this stream made navigable to any depth, so as to preserve it in its present state, and that is my purpose in opposing this amendment. The gentleman in his advocacy two weeks ago submitted that it was desired to have the river there dredged for navigation purposes. I am seeking to retain that stream for pleasure purposes for the denizens of Washington who go there in large numbers during the summer, canoeing and the like, and who enjoy the outer life along its banks. Mr. Chairman, I can not see any real reason for this amendment, and I hope it will not be adopted.

Mr. MOORE of Pennsylvania. Has the gentleman any time left?

Mr. STAFFORD. I will yield to the gentleman now.

Mr. MOORE of Pennsylvania. Will the gentleman yield to me now?

Mr. STAFFORD. For a question.

Mr. MOORE of Pennsylvania. How much time has the gentleman remaining, Mr. Chairman?

The CHAIRMAN. The Chair does not understand the gentleman can yield time.

Mr. STAFFORD. I only yielded to the gentleman for a question. I thought the gentleman wanted to ask me a question.

Mr. MOORE of Pennsylvania. Does the gentleman think that the expenditure of a million dollars for the construction of this bridge is solely for "the denizens of the city of Washington," as he has defended them in this instance?

Mr. STAFFORD. It is not only for them but for the residents on the Virginia side; but I am trying to conserve and protect the pleasure grounds above the bridge, which are utilized largely by the residents of Washington. I do not want to see those beautiful shores despoiled by the building of any manufacturing establishments located along the banks of the stream.

Mr. MOORE of Pennsylvania. Is the gentleman arguing that the expenditure of this million dollars is merely to create a bridge for pleasure purposes?

Mr. STAFFORD. I am arguing for the construction of this bridge so that the people of Washington and visitors to Washington may have a safe means of going to visit the environs of Washington and Virginia, and especially Fort Myer, Arlington, and Mount Vernon.

Mr. MOORE of Pennsylvania. May I ask the gentleman this: So long as the gentleman has a prejudice against factories being built along this site because of the possible water power, would the gentleman object to the construction of breweries along that site?

Mr. STAFFORD. I am as much opposed to the establishment of a brewery as to any other manufacturing establishment.

Mr. MOORE of Pennsylvania. Does the gentleman have such an innate, inborn prejudice against water——

Mr. STAFFORD. Not for good, pure water; but for such water as that of the Schuylkill River, which the people in Philadelphia are sometimes compelled to drink.

Mr. MOORE of Pennsylvania. It is about the purest you can get, purer than the Milwaukee brand. [Laughter.]

Mr. MANN. Mr. Chairman, I move to strike out the last word of the amendment. The gentleman from Pennsylvania [Mr. MOORE] is always alert and active in the interests of navigation, and we often owe very much to his attention to such matters. I think possibly he may be slightly mistaken as to the effect of the amendment, however. The term "interests of navigation" is a term which we have constantly used in legislation, and it has usually been taken as implying all the interests of navigation which are on a river or which may possibly get on a river or a stream.

So now if we say that this bridge shall be constructed so as to preserve the interests of navigation the bridge must be so constructed that a steamboat or a sailing vessel can pass up the river beyond this bridge. That necessarily will require either a draw in the bridge or else that the bridge shall be located so high that the masts of a sailing vessel or the smokestack of a steamboat may pass beneath. The War Department has no other construction which it can put upon it, because wherever we use that term in the law the engineers are directed to protect the interests of navigation either by requiring a draw or by requiring a bridge constructed so high, as is the case at a number of places on the Ohio River, that vessels can pass beneath the bridge.

Mr. ADAMSON. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. ADAMSON. Does not the gentleman from Illinois concur with me that in constructing a bridge by the Government under the Government direction and supervision the Secretary of War would do under existing law what would be right and proper in the premises?

Mr. MANN. I have no doubt that the Secretary of War, if authorized to construct this bridge, will of his own volition, and

necessarily, protect the interests of navigation as navigation now exists on the river, because that is no difficulty at all. In fact, I know of no way that the Secretary of War could construct this bridge where he did not protect the interests of existing navigation.

Mr. ADAMSON. Does not the gentleman think I was correct in maintaining there would be no necessity for this amendment?

Mr. MANN. I think the gentleman was incorrect in offering the amendment.

Mr. ADAMSON. I was trying to please my friend from Pennsylvania [Mr. MOORE].

Mr. MANN. I was seeking to reason with the gentleman from Pennsylvania [Mr. MOORE] that if this provision goes into the bill either the Secretary of War must require a draw or a very high bridge or else must lie down on the construction of the term which we usually put in bills where we do desire a draw or a very high bridge. If we authorize a bridge across the Ohio River, it requires a draw or a bridge under which any vessel that can operate upon that river can pass. I want that construction to remain. I do not want the Secretary of War to let down on a construction of the language which we use in order to protect the interests of navigation.

Mr. MOORE of Pennsylvania. Mr. Chairman, does not the general bridge and dam act provide that the Secretary of War shall protect the interests of navigation in the construction of any bridge?

Mr. MANN. It does. That would not apply to this one.

Mr. MOORE of Pennsylvania. That is the reason I raised the question that this was being taken out of the general rule; that a bridge was to be constructed here which was not to come under the provisions of the general bridge law.

Mr. MANN. Now, that is the very thing——

Mr. MOORE of Pennsylvania. The gentleman raises the point, and it is a very interesting one, that steamboats or sailing vessels, although sailing boats are rapidly going out of existence——

Mr. MANN. Lots of them come up the Potomac River.

Mr. MOORE of Pennsylvania. They are fast declining along the coast, I will say to the gentleman. If it is true that these vessels would have to be taken care of, then account would have to be taken of the depth of the stream leading up to the bridge, and I would ask the gentleman whether the depth of the water leading up to the bridge is sufficient to have us now regard the necessities of steam vessels or sailing vessels of a commercial nature?

Mr. MANN. If you put in this bill that the Secretary of War may preserve the interests of navigation, the presumption is that he must take notice of that; that it is the intention of Congress to deepen the water so that navigation can be actually carried on in the river. There is no navigation in the ordinary sense on this river up there now. There is no freighting business up there.

Mr. MOORE of Pennsylvania. The boats that are going back and forth are boats of small dimensions.

Mr. MANN. They are pleasure boats.

Mr. MOORE of Pennsylvania. The bridge would have spans to accommodate those boats?

Mr. MANN. I know of no way they could construct a bridge without them.

Mr. MOORE of Pennsylvania. My point was that it would not be a solid bridge.

Mr. MANN. It can not be a solid bridge there. There is no way of constructing a dam up there to put a bridge over. You could not do it for $10,000,000.

Mr. MOORE of Pennsylvania. Would not this amendment protecting the interests of navigation be construed by the War Department to pertain to those vessels that pass back and forth under the present bridge?

Mr. MANN. I think there is no way of constructing a bridge without taking care of those vessels. I think the Secretary of War would take cognizance of that fact. It seems to me it would be a direction to the Secretary of War to construct a bridge under which steamboats coming up the river might pass; under which excursion steamers coming up the river might pass. That would require a draw or a very high bridge.

Mr. MOORE of Pennsylvania. If the gentleman is right as to our ignoring the provisions of the general bridge and dam act, then those of us who vote against this amendment vote that the interests of navigation shall not be cared for in the construction of this bridge?

Mr. MANN. Well, I do not think that follows at all.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Chairman, I would like to arrange to have the debate end on this section.

Mr. COOPER of Wisconsin. I would like to have a few minutes.

Mr. GREEN of Iowa. And I would like to have a little time.

Mr. ADAMSON. I ask unanimous consent, Mr. Chairman, that the debate on this section and amendments thereto end in five minutes, that time to be divided equally between the gentleman from Wisconsin [Mr. COOPER] and the gentleman from Iowa [Mr. GREEN].

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] is recognized for two minutes and a half.

Mr. GREEN of Iowa. Mr. Chairman, I think both my friend from Pennsylvania [Mr. MOORE] and my friend from Wisconsin [Mr. COOPER] are unduly exercised over this matter. As a question of fact, in the ordinary sense there is no navigation above this bridge, except of the character that was at one time referred to in this House by the gentleman from Georgia [Mr. ADAMSON], being that carried on by love-sick individuals who were gazing mostly at the moon, and were likely to run upon shoals and sand bars, in any event. [Laughter.]

There are, of course, a few craft a little larger than rowboats—those launches that carry several passengers—and I would not have traffic of that kind interfered with, because I at one time participated in it myself with a great deal of pleasure. In fact, it would be impossible, as the gentleman from Illinois [Mr. MANN] very well said, to construct a bridge such that these craft could not pass under. But no sailing vessel carrying cargo could possibly navigate the channel above this bridge, so that it seems to me that the fears of the gentleman from Wisconsin are not well founded. On the other hand, the gentleman from Pennsylvania [Mr. MOORE] seems to fear that manufacturing will in some way be interrupted or interfered with.

Mr. MOORE of Pennsylvania. I was merely making a general defense against the view of our friend from Wisconsin.

Mr. GREEN of Iowa. If there is any place any distance above the bridge where a factory could be located, I do not know where it is. There would be no need of a draw. That region is not at all suited for the construction of such establishments. It has not the necessary railway facilities. It is not sufficiently near to available labor, and therefore it seems to me that the bill as it originally stood was in the best form that it could be.

Mr. COOPER of Wisconsin. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] commented upon the fact and rather complained that it is proposed by this bill to make an exception in legislation relating to the construction of bridges over navigable streams.

That may be true, but the circumstances are exceptional. There is but one National Capital. There are a thousand navigable streams, but there is only one National Capital City of Washington. Thus far it has been kept a residence center and the seat of Government. Upon grounds of high public policy it has been deemed best not to have Washington become a center of manufactures. Gentlemen will understand why.

The objection made by my colleague from Wisconsin [Mr. STAFFORD] is, I think, perfectly good, that there can not be any reason for this anxiety to have navigation above this bridge, unless it is to accommodate manufacturers who may hereafter desire to locate there; and the argument of the gentleman from Illinois [Mr. MANN] strikes me as being absolutely unanswerable against this proposed amendment. We ought to make an exception in this case, because there is but one National Capital, and we wish it to retain the character that it has had from its foundation.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That the sum of $300,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of securing proper plans and for the payment of any lands, easements, rights, or property, and for the removal of the present structure, and immediately to commence the construction of said bridge and the approaches thereto.

Mr. ADAMSON. Mr. Chairman, I desire to offer two amendments to that section. First, I move that, in line 19, page 3, "$300,000" be stricken out and "$150,000" be inserted in lieu thereof.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 19, strike out "$300,000" and insert in lieu thereof "$150,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ADAMSON. Mr. Chairman, I desire to ask the Clerk if he has a copy of those amendments there?

The CHAIRMAN. The Chair will answer the question. There is no copy of any amendment at the desk.

Mr. ADAMSON. Then I offer an amendment which I send to the Clerk's desk. Strike out all after the word "property" and insert in lieu thereof the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia.

The Clerk read as follows:

Page 3, line 23, strike out all after the word "property" and insert in lieu thereof the following:

Mr. ADAMSON. That is all of the section after the word "property."

The Clerk read as follows:

Strike out all of section 5, after the word "property," and insert in lieu thereof the following:

"*Provided*, the plans and specifications herein authorized shall be so drawn and prepared as to insure the construction of a bridge and approaches thereto within the limit of cost of $1,000,000 as fixed herein. As soon as the plans and specifications are approved the Secretary of War shall give public notice of the specifications and invite competitive bids for the construction of the bridge and approaches thereto according to the specifications, reserving the right to reject any and all such bids."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. I would like to inquire whether that means that $150,000 will be added to the million dollars for construction?

Mr. ADAMSON. The purpose of the committee was to provide $1,000,000 for the building of the bridge. Part of the $150,000 may be used to prepare for building the bridge. It will not cost that, unless they condemn some property, and we do not expect they will condemn much property, because I think the idea is to build the bridge near the old site.

Mr. MOORE of Pennsylvania. If the item passes, the bridge stands to cost $1,150,000.

Mr. ADAMSON. The bridge stands to cost $1,000,000. If the entire $150,000 is not all expended in preparing for the bridge, the balance will remain in the Treasury.

Mr. MOORE of Pennsylvania. Then what is spent of the $150,000 will be in excess of the $1,000,000.

Mr. ADAMSON. Yes; because it does not go for the building of the bridge.

The CHAIRMAN. The question is on the amendment of the gentleman from Georgia [Mr. ADAMSON].

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. That the said bridge shall be used as a highway for traffic, and for gas and water mains, power, telegraph and telephone wires or cables upon such conditions as may from time to time be prescribed by the Secretary of War: *Provided*, That the Washington & Old Dominion Railway, now using the Aqueduct Bridge, shall be permitted, with the approval of the Secretary of War, to change its location so as to cross with a double track the new bridge and approaches herein provided for, and to connect its railway, located in Alexandria County, Va., and in the District of Columbia, with the tracks of said new bridge; and that all plans for such change are to be approved by the Secretary of War: *And provided further*, That a standard system of electric propulsion shall be installed by said railway on said new bridge, and no dynamo furnishing power to this portion of the road of said railway shall be in any manner connected with the ground, and that the cost of paving and maintaining in good condition between the tracks and 2 feet outside thereof shall be paid by said railway: *And provided further*, That any electric railway chartered or that may hereafter be chartered by Congress shall have the right to cross said new bridge upon terms mutually agreed upon with the said Washington & Old Dominion Railway, or, in case of disagreement, upon terms determined by the Secretary of War, who is hereby authorized and directed to hear the interested parties and to fix the terms of joint trackage. And all electric railways, including the said Washington & Old Dominion Railway, using said new bridge shall, in addition to taxes and other charges prescribed by charter, pay monthly into the Treasury of the United States the sum of one-half of 1 cent for each passenger transported each way over said new bridge, and just and reasonable rates or charges on all freight transported thereon, and of these sums, when paid into the Treasury, one-half shall be credited to the District of Columbia.

Mr. ADAMSON. Mr. Chairman, I move to insert, after the word "conditions," in line 3, page 4, the words "and for such compensation."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 3, after the word "conditions," at the end of the line, insert the words "and for such compensation."

The amendment was agreed to.

Mr. ADAMSON. I move to strike out entirely line 21, on page 4.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, strike out all of line 21, which line reads as follows: "chartered or that may hereafter be chartered by Congress."

Mr. STAFFORD. Mr. Chairman, I should like to inquire whether it is the purpose of this amendment, and others that the chairman of the committee intends to offer, to grant to any railway company the right to use the trackage over this new bridge without getting any authorization from Congress, but to leave it entirely to the discretion of the Secretary of War.

Mr. ADAMSON. We are providing that after the Washington & Old Dominion Railway places its tracks on this bridge, then any electric railway shall have the right to use such new bridge upon terms determined by the Secretary of War, who is hereby authorized and directed to hear the interested parties and fix the terms of the joint trackage.

Mr. STAFFORD. Then that would grant the right to any railway company which has charter rights at present to approach the termini, to use the tracks, upon the approval of the Secretary of War, without any further authorization from Congress.

Mr. ADAMSON. We are striking out anything about charters. We are going to provide, following exactly the terms of the general bridge act, that all electric railways shall have equal rights to use the tracks on the bridge. We are striking out anything about charters.

Mr. STAFFORD. Then any electric railway company that has the right to reach the termini of the bridge would, without obtaining any further authorization of Congress, have the right to use the tracks?

Mr. ADAMSON. It would have to apply to the Secretary of War to adjust the terms, unless there was some satisfactory arrangement between the companies.

Mr. STAFFORD. It would not have to come to Congress to get the authorization.

Mr. ADAMSON. No; and that is true as to other bridges authorized by Congress.

Mr. MOORE of Pennsylvania. If the general bridge act will apply as to railways, and so forth, under this bill, why will it not apply in the matter of navigation?

Mr. ADAMSON. The general bridge act provides for such bridges as are built by private capital, and the Secretary of War simply watches that private capital and makes it build the bridge exactly in the way that the Secretary of War would build it if he was doing it with public money. This is not a question of navigation. This is a question of how you will treat the instrumentalities of commerce which are expected to accommodate the traffic of the District of Columbia and the balance of the country, and we make the same wise provision for equality that prevails wherever any railroad wishes to cross any bridge. We provide that they must all be treated just alike; that is all.

Mr. MOORE of Pennsylvania. This section, as printed, provides that all electric railways, including the said Washington & Old Dominion, and so forth, shall pay so much for the use of the bridge. It also provides, at the beginning of the section on page 4—

That the said bridge shall be used as a highway for traffic, and for gas and water mains, power, telegraph, and telephone wires or cables upon such conditions as may from time to time be prescribed by the Secretary of War.

Mr. ADAMSON. Yes.

Mr. MOORE of Pennsylvania. Where is provision made for these concerns to pay for the privilege of using the bridge?

Mr. ADAMSON. Section 6, as just amended, provides—

and for gas and water mains, power, telegraph, and telephone wires or cables upon such conditions and for such compensation as may from time to time be prescribed by the Secretary of War.

Mr. MOORE of Pennsylvania. That amendment as to compensation is new.

Mr. ADAMSON. Yes.

Mr. MOORE of Pennsylvania. That was not in the bill as printed?

Mr. ADAMSON. No; it has just been adopted.

Mr. MOORE of Pennsylvania. Then the matter of charging for the use of the bridge for gas and water companies and power, telephone, and telegraph companies is now covered by the amendment offered by the gentleman?

Mr. ADAMSON. That is true.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. ADAMSON].

The amendment was agreed to.

Mr. ADAMSON. I move to strike out the word "cross," in line 22, page 4, and to insert the word "use."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 22, strike out the word "cross" and insert the word "use."

The amendment was agreed to.

Mr. ADAMSON. I move to strike out all of lines 23 and 24 on page 4.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, strike out lines 23 and 24, which read as follows: "mutually agreed upon with the said Washington & Old Dominion Railway, or in case of disagreement, upon terms," so that it will read "That any electric railway chartered or that may hereafter be chartered by Congress shall have the right to cross said new bridge upon terms determined by the Secretary of War."

The amendment was agreed to.

Mr. ADAMSON. Mr. Chairman, I move that, beginning with the word "including," in line 2, page 5, and all of line 3, the words "including the said Washington & Old Dominion Railway," be stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, lines 2 and 3, strike out the words "including the said Washington & Old Dominion Railway."

The amendment was agreed to.

Mr. ADAMSON. Mr. Chairman, I move to amend further by striking out the words, on page 5, line 5, "prescribed by charter."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 5, strike out the words "prescribed by charter."

The amendment was agreed to.

The Clerk read as follows:

SEC. 8. That the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the purpose of maintaining and repairing the present Aqueduct Bridge until the new bridge herein provided for is completed.

Mr. ADAMSON. Mr. Chairman, I move to strike out, on page 5, line 18, the figures "$50,000" and insert "$25,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 18, strike out the figures "$50,000" and insert in lieu thereof "$25,000."

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Georgia about section 7, whether that is a permanent or continuing appropriation, or whether that question has been considered by the committee. It reads as follows:

SEC. 7. That one-half of the entire expense of constructing said bridge, and its maintenance when constructed, including the amount appropriated in section 5 of this act, shall be paid by the District of Columbia and shall be set aside and deducted by the Secretary of the Treasury from any funds in the Treasury belonging to the District of Columbia and not otherwise appropriated.

Do I understand from that that one-half of the cost of the maintenance of the bridge is hereafter to be paid by the Secretary of the Treasury out of the District funds, without appropriation by Congress?

Mr. ADAMSON. I understand that we are not appropriating at all, and that that will have to come from another committee.

Mr. MANN. Why do you say "not otherwise appropriated"? You use language which may be considered as a permanent appropriation.

Mr. ADAMSON. We expect the appropriation to be made at every session of Congress.

Mr. MANN. The only place that I know of in bills where you use the term "not otherwise appropriated" is where you are making an appropriation of funds in the Treasury.

Mr. ADAMSON. I understand that we are building a bridge and prescribing a policy for operation, and our idea was that as the District of Columbia was to receive one-half of the benefits of the revenues it should also pay one-half of the upkeep as well as for the construction, and we use the words "not otherwise appropriated" as applying to the time when any repairs are necessary to be made.

Mr. MANN. The gentleman certainly does not mean that. "Not otherwise appropriated" has nothing to do with the time. The intention is plainly that the cost of the bridge and the maintenance shall be paid one half by the District of Columbia and the other half from the funds of the Treasury. When we say that we say enough.

Mr. ADAMSON. The gentleman's idea is to strike out the words "not otherwise appropriated."

Mr. MANN. I was trying to get the gentleman from North Carolina [Mr. PAGE], sitting beside the gentleman from Georgia, to see that proper language was used. He is the chairman of the Subcommittee on the District of Columbia, and plainly we do not want to make a permanent continuing appropriation.

Mr. PAGE of North Carolina. Mr. Chairman, I will say to the gentleman from Illinois that the matter to which he calls attention escaped my notice in reading the paragraph. I have no hesitation in saying to the chairman of the committee having charge of the bill in the Committee of the Whole that, in my judgment, the last four or five words ought to be stricken from section 7. It ought not to be made in that form, but left to the appropriation bill when the appropriation is made.

Mr. MANN. It seems to me it would be safer, and fully accomplish the purpose, to strike out all after the word "Columbia," in line 14.

Mr. PAGE of North Carolina. I agree with the gentleman.

Mr. ADAMSON. Mr. Chairman, I do not think the words are necessary, and therefore I move to strike them out.

The CHAIRMAN. We have passed section 7, but if there is no objection the amendment will be considered.

There was no objection.

The Clerk reported the amendment, as follows:

Page 5, line 14, strike out, after the word "Columbia," the following language: "and shall be set aside and deducted by the Secretary of the Treasury from any funds in the Treasury belonging to the District of Columbia and not otherwise appropriated."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The amendment was considered and agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Georgia to line 18, page 5, striking out "$50,000" and inserting "$25,000."

The question was taken, and the amendment was agreed to.

Mr. ADAMSON. Mr. Chairman, I move that the committee do now rise and report to the House the bill, recommending that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 759) to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. ADAMSON. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

There was no demand for a separate vote.

The amendments were agreed to.

Mr. ADAMSON. Mr. Speaker, I call the attention of the Chair to the fact that a substitute was read for the bill reserving all the privileges of the original bill, and that substitute is one amendment.

The SPEAKER. That has all been taken care of in the adoption of the amendments.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS ST. LOUIS RIVER, MINN. AND WIS.

The next business on the Calendar for Unanimous Consent was the bill H. R. 3032, authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin.

The SPEAKER. Is there objection?

Mr. LENROOT. Mr. Speaker, I object.

The SPEAKER. The gentleman from Wisconsin objects, and the bill is stricken from the calendar.

Mr. MILLER of Minnesota. Mr. Speaker, will not the gentleman withhold his objection for a moment?

Mr. LENROOT. If the gentleman desires that it be passed over without prejudice I am quite willing, otherwise not.

Mr. MILLER of Minnesota. Will the gentleman kindly indicate to the House if there is any likelihood of his failing to object to the bill at some subsequent date if it is not passed over without prejudice? There is no use of passing it over from time to time if he is ultimately going to object to it.

Mr. LENROOT. I hope an adjustment of that controversy will be made at some time, but I can not give the gentleman any assurance now.

Mr. MILLER of Minnesota. Can the gentleman indicate what adjustment will be sufficient to cause him to change his attitude respecting this bill?

Mr. LENROOT. That would involve a statement of 15 or 20 minutes in length, and I do not believe the House cares to go into that matter. I am willing to either let the matter go over without prejudice or to object.

Mr. MILLER of Minnesota. I do not think it is fair to the House to have this bill constantly at the head of the calendar if the gentleman is going to object. I can not see, and no one else can see, why he should object——

Mr. LENROOT. Mr. Speaker, I object.

The SPEAKER. The gentleman from Wisconsin objects, and the bill is stricken from the calendar.

ASSISTANT INSPECTORS, STEAMBOAT-INSPECTION SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 4786) to provide for the appointment of certain assistant inspectors, Steamboat-Inspection Service, at ports where they are actually performing duty, but to which they are at present detailed.

The SPEAKER. Is there objection?

Mr. GARDNER. Mr. Speaker, I understand that this bill is upon the Union Calendar.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, do I understand from the remarks of the gentleman from Massachusetts that he expects to take up the rest of the day in debating the bill?

Mr. GARDNER. No; I want to speak for only about 15 minutes.

Mr. ALEXANDER. Mr. Speaker, will the gentleman be willing to waive that privilege until a little later in the evening? My engagements are such that I am compelled to leave in a few moments, and if the gentleman will wait until some time later in the day it would be a very great accommodation to me. This bill has already been debated.

Mr. GARDNER. I have no objection.

The SPEAKER. The bill is on the Union Calendar.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The gentleman from Missouri asks unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the eighth paragraph of section 4414, Revised Statutes of the United States, be, and the same is hereby, amended so as to read as follows:

"And in addition the Secretary of Commerce may appoint, in districts or ports where the exigencies of the service require, assistant inspectors, at a salary for the port of New York of $2,000 a year each; for the port of New Orleans, La., the districts of Philadelphia, Pa., Baltimore, Md., the port of Boston, Mass., and the district of San Francisco, Cal., at $1,800 per year each; and for all other districts and ports at a salary not exceeding $1,600 a year each; and he may appoint a clerk to any such board at a compensation not exceeding $1,500 a year to each person so appointed. Every inspector provided for in this or the preceding sections of this title shall be paid his actual and reasonable traveling expenses incurred in the performance of his duties, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce."

Mr. ALEXANDER. Mr. Speaker, the bill was discussed the other day thoroughly, and I do not care to detain the House further at this time.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill amending the eighth paragraph of section 4414 of the Revised Statutes, so as to authorize the Secretary of Commerce to appoint assistant inspectors in districts or ports where the exigencies of the service require."

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

BOY SCOUTS OF AMERICA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 755) to incorporate the Boy Scouts of America, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Colin H. Livingstone and Ernest P. Bicknell, of Washington, D. C.; Benjamin L. Dulaney, of Bristol, Tenn.; Milton A. McRae, of Detroit, Mich.; David Starr Jordan, of Berkeley, Cal.; F. L. Seely, of Asheville, N. C.; A. Stamford White, of Chicago, Ill.; Ernest Thompson Seton, of Greenwich, Conn.; Daniel Carter Beard, of Flushing, N. Y.; George D. Pratt, of Brooklyn, N. Y.; Lee F. Hanmer, Jeremiah W. Jenks, Charles P. Neill, Frank Presbrey, Edgar M. Robinson, Mortimer L. Schiff, Lorillard Spencer, and James E. West, of New York, N. Y.; G. Barrett Rich, jr., of Buffalo, N. Y.; Robert Garrett, of Baltimore, Md.; John Sherman Hoyt, of Norwalk, Conn.; Charles C. Jackson, of Boston, Mass.; William D. Murray, of Plainfield, N. J.; and George D. Porter, of Philadelphia, Pa., their associates and successors, are hereby created a body corporate and politic of the District of Columbia, where its domicile shall be.

SEC. 2. That the name of this corporation shall be "Boy Scouts of America," and by that name it shall have perpetual succession, with power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to hold such real and personal estate as shall be necessary for corporate purposes, and to receive real and personal property by gift, devise, or bequest; to adopt a seal, and the same to alter and destroy at pleasure; to have offices and conduct its business and affairs within and without the District of Columbia and in the several States and Territories of the United States; to make and adopt by-laws, rules, and regulations not inconsistent with the laws of the United States of America, or any State thereof, and generally to do all such acts and things (including the establishment of regulations for the election of associates and successors) as may be necessary to carry into effect the provisions of this act and promote the purposes of said corporation.

SEC. 3. That the purpose of this corporation shall be to promote, through organization and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in scoutcraft, and to teach them patriotism, courage, self-reliance, and kindred virtues, using the methods which are now in common use by boy scouts.

SEC. 4. That said corporation may acquire, by way of gift, all the assets of the existing national organization of Boy Scouts, a corporation under the laws of the District of Columbia, and defray and provide for any debts or liabilities to the discharge of which said assets shall be applicable; but said corporation shall have no power to issue certificates of stock or to declare or pay dividends, its object and purposes being solely of a benevolent character and not for pecuniary profit to its members.

SEC. 5. That the governing body of the said Boy Scouts of America shall consist of an executive board composed of citizens of the United States. The number, qualifications, and terms of office of members of the executive board shall be prescribed by the by-laws. The persons mentioned in the first section of this act shall constitute the first executive board and shall serve until their successors are elected and have qualified. Vacancies in the executive board shall be filled by a majority vote of the remaining members thereof. The by-laws may prescribe the number of members of the executive board necessary to constitute a quorum of the board, which number may be less than a majority of the whole number of the board. The executive board shall have power to make and to amend the by-laws, and, by a two-thirds vote of the whole board at a meeting called for this purpose, may authorize and cause to be executed mortgages and liens upon the property of the corporation. The executive board may, by resolution passed by a majority of the whole board, designate three or more of their number to constitute an executive or governing committee, of which a majority shall constitute a quorum, which committee, to the extent provided in said resolution or in the by-laws of the corporation, shall have and exercise the powers of the executive board in the management of the business affairs of the corporation, and may have power to authorize the seal of the corporation to be affixed to all papers which may require it. The executive board, by the affirmative vote of a majority of the whole board, may appoint any other standing committees, and such standing committees shall have and may exercise such powers as shall be conferred or authorized by the by-laws. With the consent in writing and pursuant to an affirmative vote of a majority of the members of said corporation, the executive board shall have authority to dispose in any manner of the whole property of the corporation.

SEC. 6. That an annual meeting of the incorporators, their associates and successors, shall be held once in every year after the year of incorporation, at such time and place as shall be prescribed in the by-laws, when the annual reports of the officers and executive board shall be presented and members of the executive board elected for the ensuing year. Special meetings of the corporation may be called upon such notice as may be prescribed in the by-laws. The number of members which shall constitute a quorum at any annual or special meeting shall be prescribed in the by-laws. The members and executive board shall have power to hold their meetings and keep the seal, books, documents, and papers of the corporation within or without the District of Columbia.

SEC. 7. That said corporation shall have the sole and exclusive right to have and to use, in carrying out its purposes, all emblems and badges, descriptive or designating marks, and words or phrases now or heretofore used by the Boy Scouts of America in carrying out its program, it being distinctly and definitely understood, however, that nothing in this act shall interfere or conflict with established or vested rights.

SEC. 8. That on or before the 1st day of April of each year the said Boy Scouts of America shall make and transmit to Congress a report of its proceedings for the year ending December 31 preceding, including a full, complete, and itemized report of receipts and expenditures, of whatever kind.

SEC. 9. That Congress shall have the right to repeal, alter, or amend this act at any time.

Mr. MANN. Mr. Speaker, I understand that there is to be an amendment offered to the bill.

Mr. CARLIN. Mr. Speaker, that is correct. It is to strike out the name of one of the proposed incorporators.

Mr. MANN. Who is not an American citizen.

Mr. CARLIN. That is correct.

Mr. MANN. Mr. Speaker, I offer to amend by striking out, on page 1, line 8, all after the word "Illinois," down to but not including the word "Daniel," in line 9.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 8, after the word "Illinois," strike out all of the language down to but not including the word "Daniel," in line 9.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CARLIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE TO HOMESTEAD SETTLERS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9691) authorizing leave of absence to homestead settlers upon unsurveyed lands.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. GARDNER. Mr. Speaker, this is a bill that is on the Union Calendar.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Colorado asks unanimous consent to consider the bill in the House as in the Committee of the Whole. Is there objection?

Mr. GARDNER. I object.

Mr. TAYLOR of Colorado. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9691.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9691, with Mr. MURRAY in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9691) authorizing leave of absence to homestead settlers upon unsurveyed land.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, I am going to avail myself of the rules of the House which enable us to speak on any subjects which we choose when the House is in the Committee of the Whole House on the state of the Union.

The House of Representatives for several days has been engaged in one of those exasperating performances which make the average man in the street itch to strangle every one of us. Half of us have been embarked in a maneuver to escape the cold hillside of a yea-and-nay vote on the question of American passengers on armed merchantmen, and the other half have been jockeying over the precise nature of the rule under which we are to take up the McLemore resolution.

If I came from a district where the sentiment was half pro-German and half proally I have not much doubt that I should follow suit and execute every kind of a skirt dance rather than let the pestiferous question come to a vote. Fortunately for me there are very few, if any, Germans in my district, so it is not difficult for me to support the President.

Mr. SIMS. Will the gentleman yield for an inquiry?

Mr. GARDNER. Certainly.

Mr. SIMS. As the gentleman is an authority on parliamentary law, this being the first Monday of this month, being individual suspension day, can not any gentleman get up and move to pass the McLemore resolution, to suspend the rules and pass it, and have a direct record vote on it at this time regardless of the Committee on Foreign Affairs or the rules of the House or anything else except, of course, the Speaker's recognition?

Mr. GARDNER. The gentleman has to have the recognition of the Speaker.

Mr. SIMS. Of course he has.

Mr. GARDNER. And he has to have a two-thirds vote to pass it.

Mr. SIMS. Yes; to pass it; but I am talking about a record vote. He can also move to suspend the rules and pass the resolution, with an amendment which he may have striking out everything after the enacting clause and putting in anything else he wants to, so if the gentleman wants a record vote on the McLemore resolution, or a substitute to it, all he has to do is to get recognition from the Speaker in order to have it.

Mr. GARDNER. And a two-thirds vote.

Mr. MANN. It is like saying that all a man has to do to go to heaven is to die; one is just as ridiculous as the other.

Mr. GARDNER. I think what the gentleman from Tennessee says is absolutely true as a matter of theory, but as a matter of practice there is only one way to get the McLemore resolution before the House, and that is by a report from the Committee on Rules.

As you all know full well, neither the McLemore resolution nor any other resolution dealing with this armed-merchantmen question can come before this House unless a majority of the Committee on Rules can come to an agreement. A majority must agree both on the nature of the resolution which is to be proposed for our consideration and likewise on the method under which we are to consider it.

The Committee on Rules, practically speaking, can bring in to the House any rule which it wishes. That is to say, the committee can propose or, as we call it, report to us a rule providing for the consideration of any measure under the sun in any way under the sun. It is for us to say whether we adopt or whether we reject the rule proposed. If we adopt the rule proposed, we then proceed to consider the measure to which it relates. On the other hand, if we beat the rule proposed, that ends the matter, and the measure, whether it is the McLemore resolution or some other resolution, does not come to a vote at all. That is precisely what many gentlemen are aiming at.

Now, the maneuverers who want no record vote on this awkward question hope to secure the assistance of those Members of the House who may be dissatisfied with the particular form which the rule for the consideration of this resolution may ultimately take. They likewise count on the votes of those Members—and there are a few—who sincerely believe that the President has no business to ask us to act on the McLemore resolution. Of course they can count on the votes of many Members who are afraid that their side will be beaten if the main question comes to a vote. The maneuverers are sanguine that this combination of forces may result in a majority against the adoption of any rule proposed by the Committee on Rules, and thus a yea-and-nay vote on the main question may be avoided.

To say, as many persons do, that the Republicans are practically a unit against the adoption of a rule is absolutely untrue as will conclusively appear before long.

A few of us Republicans had a meeting in my office this morning and immediately afterwards seven or eight petitions were started out on the Republican side of the House asking the Committee on Rules to report a rule so that we might have a vote on the McLemore resolution. Those petitions, by the way, have been very extensively signed and there will be more signatures unless, as is rumored, the Committee on Rules has already come to an agreement to report a rule such as we seek.

Mr. Chairman, while I deny that the Republican side of the House is overwhelmingly against a rule for the consideration of the McLemore resolution, nevertheless it can not be gainsaid that some of the Republican leaders are against it, and at this identical moment are working tooth and nail to defeat it.

Mr. MONDELL. Will the gentleman yield?

Mr. GARDNER. Not at present. I will when I get through.

Now, Mr. Chairman, if this House wishes the respect of the country there are two things which we must not do. We must no longer delay a record vote on the armed merchantmen question and we must vote for or against a real resolution of warning, not for or against a humbug resolution of warning, which would mean nothing and would still leave our attitude a matter of doubt.

What I mean by a real resolution of warning is a resolution notifying American citizens, through the President or otherwise, that if they travel on the armed merchantmen of belligerent nations we shall abandon them to their fate. What I mean by a humbug resolution of warning is a resolution merely expressing the sapient opinion of this House, or of both Houses, that to travel on an armed merchantman belonging to a belligerent is an unpatriotic thing to do. Everyone of us knows at heart that a resolution of this latter sort is an adroit evasion of what the people of the country believe to be the issue. The McLemore resolution, with all its faults and vices, is a genuine proposal.

Personally I should prefer to see the vote come directly on the adoption or the rejection of the McLemore resolution, without dotting an "i" or crossing a "t," and my reason for that preference arises from the fact that it has been heralded to the world that the fate of the McLemore resolution is the test by which the attitude of this House is to be judged.

Moreover, I am not unmindful of the fact that the McLemore resolution was considered plenty good enough by its supporters when they thought that they had sufficient votes to carry it.

Any difficulty which we have with the parliamentary situation and any ambiguity which may surround our action will be entirely our own intentional handiwork or that of the Committee on Rules.

The parliamentary tangle can easily be straightened out if the Committee on Rules wishes to straighten it out, and our action can be made as clear as crystal unless we purposely confuse it.

Mr. SIMS, Mr. MANN, and Mr. COLEMAN rose.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. GARDNER] yield to the gentleman from Tennessee [Mr. SIMS]?

Mr. GARDNER. Yes, sir.

Mr. SIMS. If the gentleman from Illinois [Mr. MANN] wants to talk, I have no objection to it.

Mr. MANN. The gentleman from Massachusetts [Mr. GARDNER] resumed his seat.

Mr. GARDNER. If the gentleman from Illinois [Mr. MANN] will pardon me a moment, the gentleman from Pennsylvania [Mr. COLEMAN] wants to ask me a question.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] has the floor.

Mr. MANN. The gentleman from Massachusetts [Mr. GARDNER] yielded the floor, and I asked for recognition. The gentleman from Massachusetts has not the floor. I yielded to the gentleman.

Mr. GARDNER. I did not yield back the balance of my time. I asked the gentleman from Illinois [Mr. MANN] to allow the gentleman from Pennsylvania [Mr. COLEMAN] to ask me a question.

Mr. MANN. Certainly. I will yield for that purpose. The Chair erroneously was trying to take me off my feet.

The CHAIRMAN. The Chair will ask if the gentleman from Massachusetts yielded the floor?

Mr. GARDNER. I did yield the floor.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] will then take his seat.

Mr. MANN. And I yielded to the gentleman from Massachusetts some time.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] yields to the gentleman from Massachusetts.

Mr. COLEMAN. I would like to ask if the gentleman from Massachusetts [Mr. GARDNER] will yield to me?

Mr. TAYLOR of Colorado. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. TAYLOR of Colorado. I thought I had an hour on this bill which is pending before the committee, and I yielded 15 minutes to the gentleman from Massachusetts [Mr. GARDNER]. How can you take the time away from me?

The CHAIRMAN. The Chair will state that you had an hour, and you will get the rest of your time later.

Mr. MANN. I do not desire to ask for recognition as against the gentleman from Colorado [Mr. TAYLOR], who was entitled to the floor, although he did not rise to take it.

Mr. TAYLOR of Colorado. Somebody was talking.

Mr. MANN. That was not my fault. The gentleman ought to have been attending to business. But I do not desire to take the balance of it.

Mr. TAYLOR of Colorado. I will reserve the balance of my time.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] has the floor.

Mr. COLEMAN. I will ask the gentleman from Massachusetts, if the House is to pass upon the McLemore resolution, should it not have ample time to discuss the measure on its merits?

Mr. GARDNER. I understand, Mr. Chairman, that the rule provides for four hours' discussion. I should think that was reasonable.

Mr. LONGWORTH. May I ask the gentleman from Illinois [Mr. MANN] if he will yield, so that I may ask the gentleman from Massachusetts [Mr. GARDNER] a question?

Mr. MANN. Yes.

Mr. LONGWORTH. The gentleman spoke of having an answer as clear as crystal on this proposition. Would he say that the action of another body on this matter was as clear as crystal?

Mr. GARDNER. Certainly not. The Senate was the victim of its own rules. Even if Senator GORE had warned the Senators six months beforehand of what he was going to do, they could not have helped themselves. Under their own rules they could not come to a vote excepting on the question of tabling the Gore resolution in whatever final form the Oklahoma Senator chose to present it. The Senate had to vote on the motion to table the Gore resolution just as it stood. The Senate could not amend it. So the Senate did the proper thing and tabled the whole business. The Senate was helpless. But we are not at the mercy of any individual Member. We are only at the mercy of the Committee on Rules, but we are not at its mercy one moment after it has reported a rule to the House. We can not force the committee to present a report, but once a report is presented we can do what we choose with that report.

Mr. MANN. Mr. Chairman, the gentleman from Massachusetts [Mr. GARDNER] has charged the membership of the House, in the consideration of the matters to which he referred off the floor, with having been actuated, first, by partisan reasons, and, second, by fear of how their constituents might treat their votes in the House. The gentleman from Massachusetts, in such matters, is entitled to speak for himself, but for no one else in the House. [Applause.]

I do not believe that either side of the House, in giving private consideration and discussion to the questions at issue to which the gentleman has referred, has been actuated either by partisan motives or by fear of votes at home. If there is anything to the question at all, it is too grave and great for the patriotic men of this House to determine how they shall act by base methods, as is suggested by the gentleman from Massachusetts. [Applause.]

I have not been in favor of bringing the matter before the House at all. I have been quite content to let the House attend to its constitutional duties [applause] and to let the President attend to his constitutional duties [applause], thinking that if at any time the President desired the action of the House he would come before the House or Congress and say so. [Applause.] There has been no complaint to speak of—at least voiced on the floor of the House—in criticism of what the President has done; certainly not from the Republican side of the House, and I think not from the Democratic side of the House. But gentlemen now insist that we shall record our views—upon what? Upon a grave question of international complications, or upon a resolution which somebody dropped in the basket, and which resolution no one in the House had ever heard of or read until the matter was urged to be adversely acted upon. Nobody was asking that the resolution be passed. Some people suppose that when a bill or resolution is introduced into the House it is matter of great moment. Anybody who is a Member of the House, and nearly anybody who is not, can secure the dropping into the basket of a formal matter, a bill or resolution, relating to anything under or above the sun, and the House does not treat these things too seriously. I dare say there are few Members of the House who would say that the McLemore resolution, so called, expressed his sentiments or his position; and I undertake to say that a majority of the Members of this House, if they expressed their opinions, are of the opinion that American citizens at this time ought not to complicate the situation by traveling in armed merchant vessels. [Prolonged applause.]

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Massachusetts?

Mr. MANN. I yield.

Mr. GARDNER. Is the gentleman of the opinion that a majority of this House thinks we ought to abandon those American citizens if they do disregard that warning that the gentleman has given them?

Mr. MANN. I think that when that question arises we ought to meet it [applause]; but I hope that our citizens may be so advised that we shall never be put to the test whether we have to fight because some fool had entered upon a joy ride or voyage. [Applause.] If we leave the matter as it is, we have expressed no opinion. We have left the situation to the wisdom and the discretion of the President. But if we are forced to vote simply and solely upon the proposition to table the McLemore resolution, which is the proposition which the Committee on Rules will submit to the House, and we vote to table the resolution, we have voted that we invite American citizens to travel on armed merchant vessels, with the assurance that we will go to war if they do. [Applause.]

I am in favor of keeping out of war, if it is possible. [Applause.] Who is it that proposes that we have a square vote? Not the gentleman from Massachusetts. He thinks that we ought to have a square vote on the McLemore resolution, but that we ought not to have a square vote on what we think ought to be done. [Applause.]

Now, gentlemen may say in denunciation of those with whom they do not agree that certain propositions are "fake" propositions. My idea of a "fake" proposition usually is one that I do not agree with. [Laughter.] Is the gentleman from Massa-

chusetts, or anyone else in the House who is going to vote with him, willing that the House shall have a chance to amend the McLemore resolution? [Applause.] Putting up a man of straw and knocking him down is a favorite device, but it gets no one anywhere. If the President of the United States, for whom I have respect, desires to know what the Members of the House think upon a proposition, he certainly must desire to know what they honestly think upon it. [Applause.] If we take no action at all in the House, to that extent we do not endeavor to bind the hands of the President or to influence his conduct; to that extent it is a vote of confidence. But if we insist, or the Committee on Rules or the House insists, that we shall vote upon a question of grave international importance, I do not propose to register the will of anybody else, but to register my own judgment. [Prolonged applause.]

The CHAIRMAN. The gentleman from Colorado [Mr. TAYLOR] is recognized.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Chairman, I never did believe in crossing a bridge until I came to it, or in anticipating trouble which may never arise, and especially when it is a matter which certainly is not now our concern, and I hope never will be.

The gentleman from Massachusetts [Mr. GARDNER] was mistaken in saying that the Senate was the victim of its own rules. It was no victim at all. It did the right thing, to kill whatever proposition came up under which Congress assumed without invitation to meddle with the diplomatic affairs of the country, which are peculiarly and constitutionally in the province of the President. [Applause.]

It makes no difference what the merits, what the substance of the resolution, or which side of any proposition the resolution favors, it ought to be defeated in the shortest and quickest and best possible way.

The question now, however, is not what the language or substance of our action should be, whether for or against the President's position; that is immaterial. It is none of the business of Congress to interfere with diplomatic relations at all.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. ADAMSON. I have not time to yield. I am trying to tell the gentleman some truths, but he does not listen. I agree that if an American citizen has not sense enough to keep off of a belligerent ship—if he thinks advice will be more impressive than torpedoes—I am willing that we should continue our warnings in thunder tones, as has been done; and that warnings should come from the President and his Cabinet and Members of Congress, all the way down, but it is not necesary that Congress should do everything. The notice given, however, should not be for the illogical reason assigned by some gentlemen, that if these people are warned of their danger this Government will not be responsible if they are destroyed, but because their presence on such ships may involve this country in complication with other nations.

If you pass a resolution now to warn them off these belligerent ships and say we will not be responsible, it would be regarded as a wholesale license to murder American citizens on any ships.

It is an international right of any neutral or noncombatant to ride on any merchantman or liner which is a ship of commerce hurrying from port to port and seeking no fight, whether armed or unarmed, and is not a battleship nor, like a battleship, carrying no commerce but seeking a fight. [Applause.] I do not care to discuss pro or con an international proposition that is now in the province of the President. I do not care to decide now whether I will vote to go to war or not. I do say it would require a very grave situation to induce me to involve my country in war. It may not be, as some Member has said, that I would not do it until an enemy actually invaded the district I represent here, but there would have to be danger of invading that or some other district in the United States. I certainly would not vote to go to war on account of anyone like the fellow who was proud and comforted that he saved his bulldogs, although he had allowed his mother to drown, in case of a ship torpedoed. The proper course for us to pursue here is to perform our constitutional duties and let diplomatic affairs alone and allow the President, who has managed them so successfully and gloriously for the last 18 months, to continue to do so, and I believe that with equal skill and wisdom he will continue to save us from trouble.

INTERMEDDLING OF CONGRESS.

The intermeddling of Congress is as liable to produce international complications as is the folly of the citizens in riding on ships of the belligerents. The point is, which all patriots ought to see plainly, that it is the President's business to manage diplomacy concerning our foreign relations and that Congress ought to do and say nothing until the situation should assume such shape that the President would be compelled to call on Congress for action. It is not necessary for Congress to become nervous and try to anticipate that sort of a situation and try to take action before the necessity arises. If we attend to our own business, that crisis may never come. The President has steered us clear of trouble pretty well for the last 18 months, and if Congress will let him alone he will so continue, in my judgment. [Applause.]

The thing for us to do is, whether by tabling, by direct vote, or in one way or another way, to put the death stroke as soon as possible on any resolution, no matter what it is, no matter whose views it conforms to, which affects the business of the President and means the assumption of a task which does not really rest upon us. [Applause.]

The gentleman from Illinois erroneously contends that the course pursued by the Committees on Rules and Foreign Affairs with regard to the McLemore resolution is ridiculous and farcical. He insists that the resolution was already dead and as securely nailed on the table as it will be after the proposed action under the rule to lay it back on the table; but the gentleman remembers that under the rule it was taken from the table, where the Committee on Foreign Affairs placed it, on the request of the gentleman from Illinois [Mr. Foss] and placed on the calendar in conformity with a rule of the House. Now, when the action of the House to-morrow votes the McLemore resolution back on the table, it will not be competent for any Member to have it taken from the table and have it placed on the calendar again, so it was certainly not nailed as fast to the table under the report of the Committee on Foreign Affairs as it will be when voted back there to-morrow under the rule reported by the Rules Committee.

What would have been thought of us and what would have become of our commerce and our infant Republic if during the Napoleonic wars Congress had been craven enough to warn American citizens that if they undertook to sail the high seas and were injured by the warring nations our Government would not be responsible? What would have been our aspect and the plight of our commerce if instead of cleaning out the pirates in the Mediterranean and the buccaneers in the Caribbean Sea Congress had passed a resolution warning our people to avoid ships in those waters, as this Government would not be responsible for outrages inflicted on American citizens? Our duty is plain and clear. Stick to our business and as quickly and emphatically as possible drop or kill all interference with the President's prerogatives, and let the world know that Congress is squarely behind the President in his diplomacy. Then, in my honest judgment, it will never be necessary for Congress to act on these questions at all. [Applause.]

Mr. TAYLOR of Colorado. I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Chairman, I take the floor simply because I made an inquiry of the gentleman from Massachusetts [Mr. GARDNER] when he was on his feet. To-day is the first Monday in this month, and under Rule XXVII is suspension day for individuals. The third Monday in the month is suspension day for committees. To-day any Member of this House can rise in his seat and move to suspend the rules and pass the McLemore resolution just as it is, or he can move to suspend the rules and ask for the passage of the McLemore resolution with any amendment that he may offer, even to the extent of striking out all of the resolution except the resolving clause, and then putting in anything that he may see proper, with his motion to suspend the rules and pass it as amended.

Mr. MANN. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. MANN. The gentleman from Tennessee has the same privilege of moving now that the McLemore resolution be laid upon the table. Why does he not try it?

Mr. SIMS. Wait a moment and I will tell you. The gentleman from Illinois will not contend that I am stating the rule incorrectly.

Mr. MANN. The gentleman has not stated it correctly at all, according to my notion.

Mr. SIMS. Let me inform the gentleman that it is within the rules of this House to move to suspend the rules and pass the resolution just as it is, or with such amendments as any gentleman may offer in his motion to suspend.

Mr. MANN. If the gentleman will pardon me, what the gentleman said was that any Member of this House, this being the first Monday in the month, could rise and move to suspend the rules and pass the resolution. Now, the gentleman knows that is not a correct statement.

Mr. SIMS. Why is it not correct?

Mr. MANN. Because he can not; that is the reason.

Mr. SIMS. Tell why.

Mr. MANN. In the first place, a man in order to move to suspend the rules must have the recognition of the Speaker.

Mr. SIMS. That is provided in another rule.

Mr. MANN. The Speaker does not recognize gentlemen for motions to suspend the rules on Mondays until late in the afternoon. Then he has the calendar on his desk for suspension of the rules; and the gentleman knows as well as I do that a great many Members of this House are already promised recognition by the Speaker for the suspension of the rules on other matters and that the Speaker would have no moral right to do this. Now, if the gentleman believes what he says, why does he not move to suspend the rules and dispose of the McLemore resolution? [Applause on the Republican side.]

Mr. SIMS. Mr. Chairman, of course I did not think that any Members of this House would for a moment suppose that he could make a motion without recognition. Of course, I knew he had to have recognition. I do not know what is on that calendar. Personally I have not said a word to the Speaker. I do not know whether he would recognize me or anybody else to make this motion; but when the gentleman from Illinois stood up there and described this question as one of the most momentous and one that may be fraught with such interest to our country as he has pictured, I will never assume, until I know I have to assume it, that the Speaker of this House would not recognize him to make a motion in order that he might offer an amendment that would express the feelings and real motives of the Members of this House. I do not know whether the Speaker would recognize the gentleman, for I have not said a word to him about it; but no little unanimous-consent matter and no ordinary bill should get in the way of taking the proper action in the right way, as described by the gentleman from Illinois, on a matter so important as this; and I want to say to him, without having said a word to the Speaker, I do not believe, if he believes as the gentleman from Illinois does as to the great importance of having a direct vote, that he would decline to grant recognition for such reasons as the gentleman from Illinois has suggested.

Mr. GARDNER. Will the gentleman yield to me?

Mr. SIMS. Yes.

Mr. GARDNER. Does not the gentleman know that the Speaker himself had decided that he can leave the Unanimous Consent Calendar when he gets ready, and recognize gentlemen for motions to suspend the rules even if the Unanimous Consent Calendar is not exhausted?

Mr. SIMS. I really do not know whether the Speaker has taken that position or not.

Mr. GARDNER. The Speaker has so ruled.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. I would like one minute more.

Mr. TAYLOR of Colorado. I yield to the gentleman one minute.

Mr. SIMS. I am not in favor of the resolution. That is the reason I have not risen to make the motion to suspend the rules.

Mr. MANN. The resolution has been laid on the table, and being on the calendar where it is impossible under the rules to reach it, the gentleman is going to vote to lay it on the table again.

Mr. SIMS. If the gentleman from Illinois wants a real test, let him offer an amendment which he now has an opportunity to offer in the way I have pointed out.

Mr. MANN. I will offer the amendment if I have a chance.

Mr. TAYLOR of Colorado. I yield, Mr. Chairman, 10 minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Chairman, I believe that every man in this House is agreed upon the one proposition that he regrets the situation should have arisen which requires expression on the part of the membership of this House touching an international matter that is more or less acute at this time, but that regret has no practical bearing now. There has arisen a situation which makes it essential that the House of Representatives express its view. Now, why? It is true that the dropping in the basket of a resolution means nothing, but after a resolution is dropped in the basket and such agitation is had informally, it is true, not on the floor, but elsewhere, as to cause the newspapers of the country to carry it out as one of the matters that was imminent in the House, and when, following that, statements are made by men in high and responsible positions in the House that such a resolution—and mark you, the resolution was not only a resolution of warning but a resolution of repudiation of responsibility in case the warning was disregarded—I repeat that when men in high and responsible positions in the House carry to the world the statement that such a resolution would, if it came up, pass by a 2 or 3 to 1 vote, and the effect of that information or misinformation is to paralyze the Executive arm in dealing with international affairs, he has to use that common sense that should always characterize a man in his position in coming here and saying to the House, "I ask of you such action as will go to show what I consider the rights of America, represents the will of the American people or does not." Here is the position. It is not whether we shall go to war because some fool sees fit to travel when he ought not. Oh, no; there is a great controversy touching sea warfare. One of the belligerents insists that because of facts that have developed touching that warfare that it is entitled to change the rule of international law as it existed when the war broke out so as to affect the rights of neutrals. America stands to-day as the one great Nation that can defend the rights of neutrals, and the day is coming in this world in the time of progress when the belligerents will learn that they are the outlaws, that they have only such rights as a peaceful world is willing to give them [applause], and that peaceful world has not simply such rights as it can take away from the outlaws of the world.

Now the President is standing for a great international issue. It may be that men conscientiously think that they are voting a warning simply as an indication of caution, but that is not the effect of it. The logical effect of it is that this Nation is not prepared to protect men in this right, and that right means more than in my time I can go into. It means much more than the approval of foolhardiness in traveling on a ship. Since the war broke out I have arranged for more than 20 Americans to come back to their country, and many of them had to travel on merchant vessels belonging to belligerents. Is America going to say that they are not to be protected in their right not to be killed, not to have a peaceful ship sunk without warning? If that be true, what need for dispute over the *Lusitania?* If the right is only to be upheld when it can be upheld without any risk to us, God pity this country. [Applause.]

I am for my country, and I believe in standing for its real rights, let the risk be what it may. And men by foolish talk, by forcing an issue, giving aid, not intentionally but actual aid and comfort to the nation we are in controversy with, have made it necessary that this House shall say to the world that the President does not speak for himself alone but for all the people of America. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield five minutes to the gentleman from West Virginia.

Mr. NEELY. Mr. Chairman, I avail myself of this opportunity to speak to the McLemore resolution, which will come up to-morrow under a rule that will probably admit of no general debate.

It was written long ago, in language so clear, concise, and simple that the wayfaring man could not misunderstand it, that "Every city or house divided against itself shall not stand," and "Every kingdom divided against itself is brought to desolation." To-morrow we shall subject ourselves to the crucial test that will determine whether this House shall stand or fall. Our action on the resolution will proclaim to the world that we will either stand together and support our Chief Executive in his supreme struggle to maintain the honor, the dignity, and the prestige of this Nation, or that we have divided our House and caused it to fall in utter ruin and as an impassable barrier across the perilous pathway in which the President is successfully leading his people in peace while all the rest of the world is bleeding to death from the ghastly wounds of war.

The passage of the resolution would bind the President's hands, annihilate his authority, and silence his tongue. It would be a confession that we have abandoned the right of making the law of nations to the international outlaws on the other side of the water; that we have repudiated the Declaration of Independence, and bowed the knee in fear and trembling before the brutal belligerents of the old world.

Some say that the rejection of the resolution will mean war. On the contrary, it will mean continued peace; for when the war-crazed nations of Europe once know that this country is united, from the White House to the Capitol and from the Capitol to the firesides of a hundred million patriotic people, then our rights will be respected in every land and our flag will be honored on every sea. But if the rejection of the resolution should mean war—and no one shall go before me in opposing war or in confidently believing that we shall have none so long as we refrain from meddling with the President's business—but if the rejection of the resolution should mean war, were it not a thousand times better that we should all die in the trenches and national honor live than that we should all live to see the honor of this Nation ignominiously die?

This is a contest between European empire and the American Republic; a contest between might in the Old World and right in the New; a contest between military despotism and the

peace-loving President of the United States. In such a contest I, for one, am against every foreign potentate, prince, and power—the world, the flesh, and the devil—and with the President of my country.

In God's name, let the resolution die and let the honor of the Republic live in unsullied grandeur forever and forever. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. FLOOD].

Mr. FLOOD. Mr. Chairman, this is a broader question than whether Americans shall be warned not to travel on armed merchant vessels of belligerents. It is a broader question than whether Congress has the constitutional power to warn American citizens not to exercise what is their undoubted right. It is a broader question than what has been the practices and the precedents of this country. The issue we are to vote upon to-morrow presents a question of whether in diplomatic negotiations going on between the Executive of this country and a foreign Government we shall stand with our President or with a foreign Government. [Applause.] It is whether you are going to stand with America or a Government with which America is negotiating; and when that time comes, Mr. Chairman, when that issue is presented, I believe that every patriotic Congressman—and I believe we have none here but patriotic Congressmen—will be found standing behind the President and behind this country. [Applause.]

I regret that this matter has had to come before Congress, but it is not the first time that the House of Representatives during my service here has had to deal with a question of this kind. In the Sixty-first Congress the gentleman who now so ably represents a New York district, Mr. BENNET, introduced into the House a resolution requesting the President to enter into negotiations with Great Britain for the annexation of Canada to the United States. At that time "our President" was negotiating a reciprocity treaty with Great Britain, and I recall that he sent for Mr. FOSTER, chairman of the Committee on Foreign Affairs and myself, and said to us that the Bennet resolution, although it had just been dropped into the basket and was quietly resting in the Committee on Foreign Affairs, was hampering his negotiations, and he asked us to report it out with an adverse report; and we took it up, and every Democrat and every Republican upon that committee, except Mr. BENNET, voted to carry out the wishes of the President of the United States. [Applause.]

Mr. BENNET. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. If I have the time.

Mr. BENNET. And when the committee had reported it adversely, and it had gone on the table under the rules of the House, the House left it there, did it not?

Mr. FLOOD. Mr. Chairman, in that instance we took the action that the President of the United States, in his wisdom and with the knowledge he had of the diplomatic situation, asked us to take. A more serious question confronts us to-day. We know that we have talked in this House about warning resolutions, and it has gotten in the newspapers, and the impression has gone abroad that the House of Representatives favored the McLemore resolution warning Americans to stay off armed merchant vessels and disavowing responsibility for their safety if they traveled upon them. That impression has hampered the President in negotiations with the German Government, and he asks action just as President Taft did, though he desires us to go further than was deemed necessary in the case of the Bennet resolution, because the situation is more serious. Action now in the way the Foreign Affairs Committee has recommended would do more to keep us out of war than to pass the warning resolution in any shape. [Applause.]

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. No; I have not the time.

Mr. GOOD. For just a question?

Mr. FLOOD. If I can have a minute or two in which to finish.

Mr. TAYLOR of Colorado. I will grant the gentleman one minute more.

Mr. GOOD. Does the gentleman think, then, that under the present circumstances the House, irrespective of the convictions of the Members, ought to vote with the President, whether they think the President is right or wrong in this emergency, especially when the President, in a letter to the chairman of the Committee on Rules, asked us for a vote upon this question?

Mr. FLOOD. I think in this emergency, in this crisis, it is the duty of patriotic Congressmen to stand with their President and with their country. [Applause.]

The President asks for this action. We recognize his constitutional right to deal with these matters, to carry on these negotiations unhampered. He knows how he has been hampered and how much he has been hampered.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. Will the gentleman yield me another minute?

Mr. TAYLOR of Colorado. I yield one more minute to the gentleman from Virginia.

Mr. FLOOD. He knows, and we do not know, the extent to which he is and has been embarrassed by exaggerated reports of what has taken place in the cloakrooms, and we should give him this vote.

Mr. HOPWOOD. Will the gentleman yield?

Mr. FLOOD. No. There is no man in this country who has tried so hard to keep this country out of war as Woodrow Wilson. [Applause.] I do not see how a patriotic American can take the slightest action that will prevent the success that has so far characterized his efforts in that direction from reaching full fruition. [Applause.] To-day we are the only great Nation upon the face of the earth throughout whose borders peace and prosperity walk hand in hand, and we owe that to the cool, calm, courageous man at the other end of the Avenue. [Applause.] I believe in this crisis it is our duty, when the rule comes up to-morrow, to vote for the adoption of that rule, and, when the McLemore resolution is submitted to this House, to vote to lay it on the table. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, in view of the prevailing excitement I will, in an effort at self-restraint, begin with the reading of a resolution which I introduced a few days ago, and which I believe meets the situation.

Joint resolution (H. J. Res. 170) constituting a declaration by Congress of the policy and intention of the people of the United States toward the belligerent nations.

Whereas the President of the United States has called upon Congress to uphold him in his view of the rights of Americans traveling in armed merchantmen carrying the flag of a belligerent nation; and

Whereas the belligerent nations, in their struggle to survive in the contest, have disregarded vital interests of neutrals in comparison with which the claim of the right to travel in armed merchantmen sinks into insignificance; and

Whereas the prevailing apprehension among the people of the United States that an attempt may be made to enforce American rights and claims by means of war, makes it imperative that a definite and unequivocal declaration of the policy and intentions of the United States toward the belligerents be made by Congress: Therefore be it.

Resolved, etc., That Congress solemnly declares its unalterable opposition to war as a means of enforcing the claim that Americans may travel in armed merchantmen of belligerents.

That Congress solemnly declares that, except when repelling an enemy invading the territory of the United States, there can be no justification for a resort to arms.

We are discussing in advance a rule which the Committee on Rules is to report to-morrow, and which will prevent any action on the McLemore resolution except that of tabling the resolution. The McLemore resolution proposes to warn Americans off armed merchantmen flying the flag of a belligerent nation. The Committee on Foreign Affairs recommends that the resolution be tabled. It will be made impossible to amend or improve the resolution. All discussion will thus be choked off. A matter of unprecedented magnitude, involving the gravest problem which can present itself in the life of a nation, will be disposed of, if the judgment of the committee prevails, without any discussion whatever. What a dangerous mistake; what a serious blunder! We are advised to refuse to consider on its merits a proposition which forms the subject of obstinate contention between our Government and that of another nation; a proposition which, we are told, involves the rights of neutrals under international law; a proposition the dispute about which threatens to bring this country to the brink of war.

The President asks that Congress declare itself on the subject. In his letter to the acting chairman of the Committee on Rules he says, in substance, that his ability to negotiate a settlement of the controversy relating to the rights of Americans to travel in merchantmen armed for defensive purposes is being destroyed by reports that Congress does not indorse his views.

What does the committee recommend? It recommends that we lay on the table the McLemore resolution. Will that be an approval of the President's attitude? Will that mean that Congress believes there is no distinction between an armed and an unarmed merchantman? Will that mean that Congress seriously thinks that a merchantman armed for defensive purposes will resist the temptation to destroy a submarine on sight and before the submarine has accomplished its intended harm? Or shall we assume that an armed merchantman will carry guns for the purpose of offering friendly salutes and offering courtesies to the enemy submarines? Why, the captain of an armed ship who will permit a murderous submarine to come

within striking distance has a mighty poor conception of his obligations.

The difficulty lies with the permission to use the submarine at all. The submarine is a thievish sort of a thing. It works quietly. It works stealthily.

Will our vote here mean that Congress is determined to go to the extent of permitting a rupture of diplomatic relations with the Government of a friendly nation? And after diplomatic intercourse has been severed, then what? War? Wholesale murder? Death and destruction? Chaos? The most powerful neutral Nation engulfed in the maelstrom?

I refuse to treat the subject lightly. I can not treat the request of the President as a command to agree with him. We should rather welcome his invitation of action by Congress as an offer to cooperate with the Chief Executive in determining the foreign policy of the Republic. We are, after all, some kind of a democracy. I am almost inclined to offer a vote of thanks to the President for the opportunity to extend the principle of democracy to international relations. The President asks for an expression of opinion. In order to obtain a collective expression of opinion we must have a thorough discussion and exchange of views.

Had the nations of Europe been given the opportunity which is now offered to Congress by the President there would have been no war in Europe. I insist that we must defeat the motion to lay on the table. Let us face this big problem as men should face a big problem. The motion to lay on the table is a subterfuge. We can not follow the method of the Senate, which acted first and debated afterwards.

What is really in the minds of the people is the fear and apprehension of war. We have been going the way of the other nations. The great masses of the people are not interested in the quibbles of international law. After all, international law is more or less of a myth. It exists principally in textbooks. There is not a nation which has not disregarded fundamental principles of international law whenever it suited its purpose, either in times of peace or in time of war. There seems still to prevail in international law "the good old rule, the simple plan, that they should take who have the power, and they should keep who can."

Between wars the nations of Europe have been amusing themselves by more or less forcible invasion and occupation of territory of small nationalities and small peoples. In war times nations powerful enough to disregard a rule relating to the game of war have not hesitated to do so.

This is a titanic struggle. The very nations that helped frame this code of so-called international law are participants in the contest. Each contesting party interprets the law as best suits its interests.

We owe an answer not only to the President but to the people of the United States and the rest of the world.

We are in a dispute with one of the belligerents. Disputes between nations have recently been terminating in war. What the people fear is that we are driving toward war. We have had resignations of members of the Cabinet. We have our war party as the countries of Europe had which joined in the war after August, 1914. There are here those who now talk, as of a simple business proposition and as a matter of course, about our need of participating in the war.

First of all it is this apprehension that must be allayed. It is this fear that must be dispelled. That can not be done by a motion to lay on the table.

An appeal is being made in the name of international law. The great masses of the people are under the impression that international law means a code of rules which prescribes the conditions under which war is justifiable. Now, we all know that is not so. The conception of international law which exists in the minds of the masses is superior to the international law which we find in the textbooks. So far as war is concerned, the textbook international law deals primarily with the rules of the game of war and does not attempt to formulate a moral code for the guidance of nations in their mutual intercourse. We should utilize this opportunity to lay down a rule of conduct for the guidance of this Nation and for the enlightenment of others. We owe it to the world to declare that we will not waive any right of neutrals, but that we will not resort to the use of physical force; that we will not employ the Army and the Navy to compel compliance with our view of international rights. What we should do is not to table the McLemore resolution, but permit a free and full discussion of the entire subject; and, above all, we should adopt a clear and unequivocal declaration to the effect that, first, we have no quarrel with the people of any European nation; second, that any dispute which we may have with the government of any of the belligerents shall be submitted, after the passions of the war have subsided, to the determination of a board of arbitration; third, that we refuse to resort to physical force as a means of compelling respect for our rights.

In its report the Committee on Foreign Affairs submits that—

> In the practice and precedents of this country the conduct of diplomatic negotiations has been left to the President, and with this practice the committee does not feel it proper to interfere. We know that if the President reaches a point in any negotiations with foreign Governments at which he has exhausted his power in the premises he will, in the usual way, report all facts and circumstances to Congress for its consideration.

The committee evidently fails to grasp the full meaning of its own words. The committee leaves open the question whether it is within the power of the President to terminate diplomatic negotiations. This should not be left open. An emphatic answer should be given not only to the President but to the people. Not only to the people of the United States but to the rest of the world.

Secret diplomacy and the absence of democracy in international relations which secret diplomacy involves has been the curse of mankind.

Diplomacy had its origin among the small Italian States and developed to its present importance when most of the nations of Europe were monarchies, in the government of which the people had no voice. The sovereigns, on the theory that they were anointed by God to rule over the respective nations, exchanged diplomatic agents.

The people had no voice in determining the internal policy of the States, and much less in determining the policy toward other nations. Diplomacy became an art. Had diplomacy consisted in telling the truth it is doubtful whether it would ever have become an art. The diplomat was supposed to play the part of a spy and was regarded as one. While theoretically representing the nations, the diplomats in fact represented the sovereigns, their intrigues, their designs, their schemes. Strangely enough, this notion of personal diplomacy, representing the person of the sovereign, has survived in our great democracies.

A few days before the war the peoples of Europe had no notion that calamity was so near.

This Government is founded on the idea that only such governments may exist as have the consent of the governed; that only those laws are to be obeyed in the making of which the people have had a part. How strange that simultaneously with these theories of government within the geographical limits of the Nation the people should permit their international relations to be determined by secret diplomacy!

The United States has no secret designs against any nation. We can afford to say openly and to the world all that we have to say.

The extent to which this one-man diplomacy is untenable appears in the very complaint of the President, in which he says that it has been reported in European capitals that there is divided opinion on a certain subject in America. Why, there is only one way in which to prevent a division of opinion, and that is to prevent the people from thinking or giving expression to their thoughts. This course has been pursued in several countries of Europe by sentencing to imprisonment those who dared to attack monarchical institutions. Why should we, the 435 Representatives of the people, elected by the people, permit the question of war and peace to be determined by an individual? And why should any individual undertake the task?

The fact that the Constitution vests in Congress the power to declare war would necessarily imply that it also vests in Congress the power to determine those conditions which, if not controlled by Congress, would lead to war.

Is there any doubt that with the generally prevailing notions of national honor and with friendly intercourse interrupted and diplomatic negotiations terminated, with the patriotic fervor aroused, Congress may be put in a position where it will vote a declaration of war in spite of the innermost convictions of its individual Members?

The diplomacy which has been playing one nation against another and working havoc with all of them should not be ours. Diplomacy which gives one man the opportunity to make war inevitable can not be ours.

I intend no reflection upon the President of the United States. He has had an extraordinarily difficult task imposed upon him. It is not against his theories that I raise objection. It is with Congress that I am having my quarrel.

We can not long exist as a Republic within the limits of our own territory and permit monarchical notions to survive in the realm of international policy. And as we have inherited from the days of monarchism our notions of diplomacy, we keep on repeating, without analysing their meaning, the phrases coined by that very diplomacy.

We speak of fighting for national honor. What is national honor? I contend that there is only one people that can violate the honor of the United States, and that is the people of the United States. A nation, like an individual, must faithfully observe its obligations. And to the extent to which a nation meets its obligations to the rest of the world it is honorable.

There can be no such thing as offending national honor. One may offend national pride or injure national interest. Let us not confuse national honor either with national pride or with national interest. If a nation had failed to carry out its obligation to us, an obligation which it has assumed either by implication or in explicit terms, it has not offended our honor, but it has injured our interests.

If the injury is of a serious character, the practical problem that will present itself to the people will be to determine the extent of the injury that has been inflicted or that is threatened to be inflicted upon us. To what extent are our interests threatened? To what extent is our welfare adversely affected? Is the injury irreparable? Can we forego the advantage which would have been ours had the obligation not been violated? Thus presented, the people of the United States would be able to intelligently determine whether the advantage they lose by reason of an injury to their national interest is of a nature which would warrant the people in resorting to arms. Then each man would be able to search his own conscience and answer to himself the question whether he was ready to shed the blood of a fellow man in order to retrieve a possible financial or economic loss. And there is not any doubt that the great majority of every enlightened people would rather forego many economic advantages than destroy one human life.

There may be an injury to national pride. The attempt to punish a nation for an injury to national pride always assumes the character of a war for revenge. We can not accept the code of honor of revenge. We can not accept "vendetta" as our moral law. Unfortunately, we are victims of the very phrases which we coin. We talk about international law while in truth the difficulty with international law is that it has no international sanction; that the great nations have been defying it in times of peace and in times of war; and that there has not grown up among the masses of the people a definite conception of what the relation of one nation toward another should be.

We talk about national honor, forgetting that in almost all cases national honor is either national interest or national pride.

The people of the United States abhor war and tremble at the very suggestion of it. Let us allay their fears. A fear to do a wrong is not an ignoble fear. There is no glory in bloodshed. There is no glory in modern warfare. Secret diplomacy decides upon war, and men who have been forced into the armies by conscription are marched against one another. The men in the front ranks are not always the bravest. They are very often placed in the front ranks because they have offended against army discipline. The men in the second line are instructed to shoot the men in the first line as soon as the latter turn their backs. The men in the third line are instructed to shoot the men in the second line under the same circumstances. And so from the beginning to the end, we have the human machine driven by the threat of destruction—forced into destroying his fellow man.

How long will we be slaves of meaningless phrases? How long will we permit combinations of words which long ago lost their significance to act as substitutes for thought?

Modern war eliminates the necessity for physical courage. It does not require any particular bravery to hide in trenches or to shoot at an invisible enemy with long-range guns.

THERE IS SOME TALK ABOUT COWARDICE.

The American people can certainly not be charged with cowardice in this instance as there is no particular bravery required in joining 10 nations in attacking one.

Let us preserve the opportunity to be the peacemaker in this contest. It may involve some humility. The peacemaker is always kicked about by those whom he seeks to restore to their senses.

Whatever difference of opinion we may have with the Governments of some of the European powers we have no quarrel with any of the peoples of Europe. The average American will shrink from the thought of shedding the blood of a German or Austrian, of an Englishman or of a Frenchman, as he would shrink from shedding the blood of his brother. We underestimate the humanity of the American people.

Let us give notice to the world that the code which justifies the use of physical force to settle international disputes has been repudiated by the American people. Such a declaration will be a greater boon to mankind than the Declaration of Independence which laid the basis of this Republic.

The Socialist movement, in the name of which I speak, has in all countries and at all times opposed war and anything that would lead to war. It has opposed oppression of nationalities. It has resisted imperialism and colonial conquest. It has opposed the maintenance of armies and navies. It has everywhere demanded that international relations should be conducted in the open and by the representatives of the people, and it has insisted that every nation, no matter how small, be given full scope to develop its genius. It has not hesitated to tear away the mask of hypocrisy which in the name of law enables the strong of each nation to grind its own weak. It brands as hypocrisy the international law which permits the crushing of the weak nations by the stronger. It has always contended for an international code of morality which would enable the nations of the world to live in peace and to settle their disputes through international arbitration and not through the arbitrament of war.

In season and out of season I will urge the need of a higher code in our international relations. In season and out of season I will repeat the warning of the Socialists—the warning which has been disregarded by the nations of Europe, and for the flouting of which Europe is paying a heavy penalty to-day; the warning that there is no civilization worth while which is not based upon free men within each nation and upon free nations in the brotherhood of nations.

I submit that House joint resolution 170, which I read in the beginning of my address, is the proper resolution to be adopted in lieu of the McLemore resolution.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield two minutes to the gentleman from South Carolina [Mr. RAGSDALE].

Mr. RAGSDALE. Mr. Chairman, it was no feeling of party loyalty nor desire to pay a tribute to the present occupant of the White House that was responsible for my action as a member of the Committee on Foreign Affairs. To my mind the broad question was, How far shall the President of the United States be interfered with in this crisis? How far shall we go in interfering with him? You gentlemen of this body, do you know the facts that are under consideration by the State Department? Are you conversant with the facts that are there in the archives? How far will you go in interfering to-day with that department in dealing with other Governments?

Mr. MADDEN. Will the gentleman yield for a question?

Mr. RAGSDALE. I have only two minutes. I do not know the situation that confronts us to-day. I think few men in America know. I do know that we are in one of the worst crises that this country has ever been called upon to face and in which the President of the United States has preserved the peace of this country. I believe there are few men could have preserved that peace with the dignity and honor that has been maintained. [Applause.] Feeling this way, Mr. Chairman, realizing conditions that are almost intolerable across the water, knowing that we have from time immemorial vested the right of conducting foreign affairs in the President of the United States, I ask this House to stop and consider before any action is taken for which we may repent too late. The President has not exceeded his authority, he has not transgressed our powers in this matter. This is our flag, our country, and our Executive. Let no personal or party consideration influence any Member against that which is due them in this crisis.

I beg this House will stop and consider whether we shall palsy the hand of the man into whose keeping we have placed the power of directing our foreign affairs. A blow at that power now is a blow against our flag and our country.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman from Illinois [Mr. MANN] desire to reserve the remainder of his time?

Mr. MANN. I first yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I think the American people understand very well what the situation is. They know the character of armament now being carried on the merchant ships of certain great powers. They know the orders given to the masters of those vessels. They know that, without regard to what treatment they may be accorded by the attacking enemy, there is bound to be a fight when they meet and some one is certain to get hurt; that is likely to bring about international complications leading to war. And, knowing this, the American people are in favor of having our citizens warned to keep off these powder ships. [Applause.]

Further than that, the American people will not be fooled by any fake appeals to patriotism or any buncombe appeals for loyalty to the President when the question of loyalty to the President is not involved. The question is, Shall we be loyal to our convictions and loyal to our country? That is the ques-

tion before us. It is not true that the warning of American citizens from armed merchant ships is an international question. No one dreamed that it was an international question until it was suggested from certain quarters. It is not true that action by Congress warning Americans from armed ships will in any way embarrass this Government in its negotiations with foreign States. The question is a purely domestic one, and it is one for us to determine.

It is true that if this House voted squarely on the question of warning our people from armed merchantmen and voted its convictions, such a warning would have the vote of at least two-thirds, if not three-quarters, of the Members of this House. That is so true that certain gentlemen who know it is true are trying to dodge the issue and, to a certain extent, they have been able to dodge the issue by presenting this matter to the House in a way making it impossible to have a square vote on a simple, plain proposition of warning.

The gentleman from Massachusetts and those who agree with him do not, in my opinion, want a square vote on the simple proposition of warning. There are people in this country who insist that American lives shall be sacrificed and American honor shall be put in jeopardy to insure the cargoes of certain American exporters. That is the proposition contained in a refusal to warn our people off these armed ships. The question is not one of diplomacy; it is not one coming wholly within the purview of the duties and responsibilities of the President. It is a duty and responsibility resting on us as representatives of the people to say, that in the condition of affairs now existing relative to the merchantmen of the world, armed to fight, purposed to fight, intending to fight, we warn our people to keep out of that kind of danger imperiling their lives and the peace of their country. [Applause.]

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. It seems to me, Mr. Speaker, that in world affairs we have come to a juncture when we might well exclaim with Mark Anthony, "Oh, judgment, thou art fled to brutish beasts and men have lost their reason." The people of the United States expect us to maintain our sanity. They do not expect the Members of this House to lose their reason, even though madness stalks abroad on the other side of the Atlantic. [Applause.]

I have heard several gentlemen to-day speak of our national honor. I yield to no man in love of country or in a feeling of pride for the honor of the United States. To me our national honor should be maintained pure, unsullied, stainless. But it seems to me, Mr. Speaker, that we have come to a condition under which we have established a double standard of national honor. I remember a few weeks ago when 18 American young men—money earners, if you please—went into Mexico to find employment in the mines of that country. They were massacred in cold blood while en route to the place of employment by a band of Mexican insurgent soldiers. The people of the United States were horror-stricken when they heard the awful news. The relatives of the murdered men appealed to our Government to endeavor to have something done to bring the murderers to justice and prevent a repetition of such an outrage. It seems to me that our national honor was involved in that instance. But the relatives of these men were told that their loved ones had gone into Mexico at their own risk. That they had been warned not to go into Mexico, and having refused to accept the warning they virtually took their lives into their own hands. That is one standard of national honor that has been set up by this administration.

And now, because some American wants a thrill, because some money spender, some blasé, foolhardy citizen wants to do something in order to spur his jaded appetite, we have another standard, a second standard of national honor; a standard that possibly might bring us into war because of some willfully foolish act of some reckless American citizen. Mr. Speaker, the American people do not want war. The American people do not propose to get into this European conflict. They look to us to keep them out of it. And the Congress and the President will find, if anything is done to bring this country into this European war, that, in the final analysis, the consequences, if war should come, will be placed upon the shoulders of those who will be responsible for forcing the country into war. I for one am satisfied that the Congress will do its duty; it will gladly take its share of responsibility. But it should also leave to the Executive his share of responsibility. [Applause.]

Mr. MANN. Mr. Chairman, I yield five minutes to my colleague from Illinois [Mr. STERLING].

Mr. STERLING. Mr. Speaker, it seems to me that some gentlemen are seeking to evade the very question upon which the President of the United States desired that this House should vote. A week ago he wrote a letter to the chairman of the Committee on Rules asking that Congress express its views on one of these several resolutions that have been pending in the committees since the opening of the session, and, so far as I know, those resolutions would be pending there still if it were not for the fact that the President of the United States insisted on the House voting on one of the resolutions with the hope that it might be defeated.

The newspapers for a week have set it out in the headlines that the President of the United States was demanding a "show-down." I for one believe that the President is entitled to a "show-down." I believe that he is entitled to know whether the Members of this House favor a resolution giving warning to American citizens or whether they are opposed to it. Under this proposed plan this House intends to deny him that which he has asked for. It seems to me it would be far better and more manly to vote on the resolution to the end that the President may know what our convictions are. Presumably that is what he wants, and that is what he will not get under this plan to lay on the table.

When we have voted on this question to lay this resolution on the table, the President will not know how a single Member of this House stands on that question, except those who may have an opportunity to express themselves in debate on the floor. He will not know from the vote that is taken to-morrow on the motion to lay the resolution on the table where any Member stands on this proposition. The people of the country, our constituents, will not know where we stand on that question. The people in the capitals of foreign nations, if it makes any difference what they think about it, will not know, when we have taken this vote to lay on the table, whether the Congress of the United States approves the course of the President in his diplomatic negotiations or whether it disapproves that course.

And so I submit to you that that is the situation, whether or not we ought to take a vote to lay this resolution on the table, or vote on the resolution itself, and let not only the President but the people of the country know just where the House of Representatives stands.

Now, I say to you frankly that I am in favor of a resolution to warn American citizens to stay off armed vessels. I would not vote to deduct from the rights of Americans on the high seas, but a plain resolution of warning does not take away any right. It has for its sole and only end the high patriotic purpose of saving life and insuring peace. It does not involve any international question at all. It is a question between the Government of the United States and the people of the United States, and the purpose, or at least the purpose that I will have in mind when I come to vote on the resolution, and I dare say the purpose of the Members who have introduced resolutions of warning, was to save the lives of American citizens and to avoid complications with foreign nations that tend to involve us in war. [Applause.]

Is not that a worthy motive, if warning the American people of the dangers of ocean travel in armed vessels would tend to save the lives of American citizens and to avoid complications with the belligerent powers of Europe? Then the President ought to gladly make this warning. Suppose the President when the war began had warned American citizens of the dangers of ocean travel and called to their mind that the death of American citizens on the high seas might engulf this country in serious complications, it would doubtless have saved some of the lives of those which have been sacrificed, and might have avoided some and maybe all of the incidents that have arisen by the sinking of ships carrying American citizens.

The President came nearly doing so in August, 1914. The President did issue a warning to the American people urging neutrality. Neutrality in thought as well as in action, and his purpose in that warning, the only purpose that he could have had, was to keep our country free from complications that might involve us in that awful struggle.

Let me read you a part of what he said in that warning:

> I venture, therefore, my fellow countrymen, to speak a solemn word of warning to you against that deepest, most subtle, most essential breach of neutrality which may spring out of partisanship, out of passionately taking sides. The United States must be neutral in fact as well as in name during these days that are to try men's souls. We must be impartial in thought as well as in action. We must put a curb upon our sentiments as well as upon every transaction that might be construed as a preference of one party to the struggle before another.

Might we not consider that if it is our duty as American citizens to curb our thoughts and our actions, to curb our sentiments and our transactions, it is equally our duty to curb a desire to travel the high seas, a thing that will much more likely

involve the Nation in difficulties and in international disputes than anything we might say or do at home.

When the President made that utterance a year and a half ago I felt that it was a wise and patriotic utterance. To curb our words and deeds in order to maintain a national neutrality is no sacrifice of American rights. To desist traveling the high seas in armed ships is no surrender of the rights of an American. A warning to the thoughtless and to those who travel the seas in time of danger to satisfy the spirit of adventure is not a denial of their rights to do so. It is a precautionary step which the President, Congress, and the press of the country ought to take in the interests of patriotism and peace.

Gentlemen who will vote to lay this resolution on the table will not be able to fool the country by making them believe that it is a vindication of the President or that it will strengthen his hands in his negotiations with foreign powers. It will not do so. The country will understand that it is a pure evasion by the House of the question, and instead of being a help to the President it will be seized upon as a hindrance. It will have no tendency to curb the acts of those who want to sail the seas. It may multiply instead of lessen the difficulties which arise in our foreign affairs.

These gentlemen can not say that a vote to lay the resolution on the table means a vote against the resolution. Gentlemen may try to satisfy their consciences and their constituents by saying that when they voted to lay the resolution on the table they voted against the resolution. But the President and the country want to know how they would have voted on the resolution if it had been submitted to this House. If a vote to lay on the table is a vote against the measure, then why this parliamentary fluke of laying it on the table? Why not submit the resolution itself to a yea-and-nay vote, so that every Member will show the country just where he stands, and that the country, the President, and the world may know the attitude of this House on the proposition.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. STERLING. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MANN. Mr. Chairman, I yield two minutes to the gentleman from Pennsylvania [Mr. FOCHT].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FOCHT] is recognized for two minutes.

Mr. FOCHT. Mr. Chairman, it has been well said by the leader of the Republican side of the House that there has been nowhere any intimation of interference with the prerogatives of the President of the United States, or any suggestion that this House meant in any way to curtail his constitutional rights.

But we find a demand made upon this Congress to give an expression of its opinion in regard to what has been characterized or denominated here as a great crisis. We have heard of the President himself in public declarations saying that war was only at arm's length, that it might occur to-morrow or in a week. And now we have Members on this floor to-day stating that there is information in the archives of the State Department that would make us tremble if we knew of it.

I say to you, Mr. Chairman, if war is as near as that, and there is information in the possession of this Government of that character, I would like to know what patriotic citizen, be he President or anybody else, would withhold it from the sovereign body of Congressmen, the Representatives of the people, to whom, as the designers of the Constitution well provided, is intrusted the power to declare war, as a direct expression from the people, and to whom we are accountable. While the makers of the Constitution curtailed the powers of the President, they gave an unlimited sway in that regard to the Members of Congress. [Applause.]

Therefore, wherein is Congress subordinate or subservient to the President, and why instead is it not our duty to call on the Chief Executive to make a show-down by dignified message or some agency of mutual confidence than to submit to his attempt to "big stick" the death of a resolution that is vague and obscure and which can only confound and confuse as to its purpose and effect? This resolution and the method of attempting to kill it is unworthy of this great body, and especially at this time. If the President wants the resolution to be lifeless, it is that now; then why the absurdity of bringing it back to life only to kill it again? The action to-morrow on this question will prove no man's patriotism nor will it detract from any Member as to his love for his country. When I speak I do so for a section of Pennsylvania, seventeenth congressional district, which gave Lincoln his first troops, the Logan Guards, when followed thousands of men as brave as any, including Gen. John P. Taylor, Gen. Hulings, Gen. William McCall, Col. Gilbert Beaver, and that heroic student-captain of Bucknell University, Andrew Gregg Tucker, while the unspeakable tragedy of death and flame when Chambersburg was devastated by war's cruel hand, are all a token of that burning patriotism that will again be unloosened if ever a foe dishonors that sacred flag. [Applause.] There will be no faltering and no failing if war comes, which the record of history guarantees. But the people do not want this country to become involved in war as the result of the madness of the enthroned bosses of Europe, and history will wonder and marvel, then condemn this Congress if we accept the challenge as to our patriotism based upon such a rayless, obscure, and beclouded document as this resolution. If a call were to come from the President ringing true with confidence and the worthy assurance that Congress will back him in every patriotic purpose he makes clear to this body, there would be a unanimous response, but he can not expect concert of action on this sort of table juggling and shuttlecocking of a resolution which may be fraught with peril to the country.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FOCHT. I ask unanimous consent, Mr. Chairman, to extend my remarks and print in the RECORD as part of these remarks my personal observations regarding this subject made in an editorial in the Lewisburg (Pa.) Saturday News of March 4.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

WAR'S FEARFUL FLAME.

There is much said these days about "standing by the President" in the matter of the resolution suggested for congressional action with respect to warning Americans to keep off of armed ships or merchantmen of belligerent nations. There is no contention on the part of the President's bitterest opponent that his assertion as to boarding these armed ships bound for ports in the war zone where submarines are operating is not technically right or correct according to international law, even though the law is by no means clear on account of the appearance of the submarine as a recognized instrument of warfare since any treaties or understandings on the subject have been had with the warring nations. The President has so constantly changed his mind on public questions that many members of his own party have expressed themselves as weary following his somersaults and political gymnastics, and the measure of warning was designed as a method of precaution to keep the country out of any possible rupture and conflict with any other country. It has been shown that the American flag has not yet been fired upon by any belligerent, and it is not likely that it will be, so the President seems to be beating up a straw man to answer his political purposes and excite the people into a cry of "stand by the President." The ships the much-discussed resolution was meant to sound a warning against are armed vessels ordered to repel attacks and to attack. They were armed by the belligerent Governments, and expert gunners are in charge of the 6-inch guns they carry. Unprejudiced opinion can not regard these so-called merchantmen flying the flags of belligerent nations, and in many instances heavily laden with war material, as anything other than auxiliary cruisers.

In any event, the country is not going to back the President in any slam-bang war propaganda when the nations at war are not bothering us and will not bother us, and the great common sense of the people calls for sanity about traveling on armed ships and under foreign flags when there are plenty of ships flying the American flag crossing the seas which have not and will not be molested. Common prudence would dictate what we ought to do and thereby keep out of the other fellow's fight, which England would no doubt rejoice to see us become a party to.

Right, wrong, or even foolish, the people will "stand by the President" and the flag and the rights of nations on land and sea if we get into a mix up, but to prevent such a contingency would it not be better to stand off a bit while the world is in flames instead of trotting around with a chip on our shoulder when the other fellows are in a fighting mood? The war can not last much longer, hot heads will cool and normal conditions must sooner or later prevail, and the American people are not going to applaud any act of the President that will lead us into war just because of some diplomatic red tape and a condition not yet made clear as an international proposition due to the coming of the submarine as a new force and factor in warfare.

A little while ago the President declared this Nation "is too proud to fight." Whether merely a fanciful expression or not, it is not so. For our rights, for our flag and country we will fight only too quickly, and the Germans, the British, and the rest know all about this, hence their great caution to keep away from ships flying the American flag. But the President has suddenly changed from being "too proud to fight" to bullying Congress and setting himself up as the whole Government, forgetting the precedent established by President Cleveland in the Venezuelan affair and President McKinley in the Cuban situation. In both cases Congress was called upon to solve the problems. The people rule directly through Congress and not through the President, hence the President gets beyond his business when he attempts to drive the people's representatives to do his will now that he seems to have changed from proud complacency to a warlike attitude.

Commenting on the question of Americans going on or staying off of armed foreign vessels flying foreign flags, the Pittsburgh Leader of recent date says:

"It is a misfortune that President Wilson has used the party club on Congress and forced his foreign policy, if it may be called a policy.

"It is unfortunate, because Americans who trust to the protection of President Wilson are reasonably certain to lose their lives on belligerent ships.

"It is unfortunate, because President Wilson is actually inviting Americans to run grave risks, trusting his promise of protection which he can not deliver.

"It is unfortunate, because governmental warning would save lives that are now quite certain to be lost.

"The world is in flames, and it is childish to stand around and make speeches about the rights of people to be protected from fire.

"His wishes and desires cut no figure. However much he may want to protect the technical rights of Americans, he can not save them if endangered, or avenge their deaths if killed. He can't do anything, and it is unfortunate that he continues to pretend he can.

"All his diplomacy has not brought back one life lost. For months he wrote and wrote, threatened and threatened, and all the while the conditions he threatened punishment for kept right on. Neither England nor Germany has swerved a hair's breadth.

"Lives would be saved and all danger of war averted by the simple expedient of ordering Americans to stay off belligerent ships."

Mr. ADAMSON. I make the same request, Mr. Chairman.

The CHAIRMAN. The gentleman from Georgia makes the same request. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I yield two minutes to the gentleman from Pennsylvania [Mr. MOORE].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] is recognized for two minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, what is it the President of the United States wants? Gentlemen have indicated that he has been hampered in the performance of his constitutional duty. In what respect has the House of Representatives, which has been severely criticized throughout the country, hampered the President of the United States? Has the President of the United States come to the House of Representatives with a message upon a subject of world-wide interest involving any possible catastrophe to the people of this Nation?

I well remember, Mr. Chairman, when asked, along with my fellow Members, to stand by the President in another instance. We were told that the honor of the flag was at stake in Mexico. I voted to stand by the President then, in the war upon Huerta, the provisional President of that country. Did we sustain the honor of the people of the United States in that controversy? Was my vote to stand by the President in vain?

What is it that the President wants now? This House has constitutional privileges and prerogatives. Have they been consulted at all in this transaction up to date? Has the President exercised his constitutional right of calling upon this House to confer with it in a matter pertaining to the honor of the Nation?

What are we expected to vote upon? Is this House informed as to the conditions that seem to be familiar to the Committee on Foreign Affairs? If report be true, the President sought to smother the McLemore resolution in the Committee on Foreign Affairs. Ten days thereafter, if report be true, he sought to have the resolution voted upon. How can we vote upon that resolution in its present form and satisfy the President? Please tell us where the President stands, and what he wants the Representatives of the sovereign people to do. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] is recognized for five minutes.

Mr. LENROOT. Mr. Chairman, the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Virginia [Mr. FLOOD], I think, fairly stated the situation that will be before this House to-morrow; and the effect of their statements was that this House would to-morrow determine whether it will sustain the present policy of the President of the United States upon the international question of law concerning armed merchantmen to any extent that may be necessary to maintain the position which he had taken.

Now, Mr. Chairman, Germany or any other belligerent nation is interested in the attitude of this House only in one respect, and that is how far will the House of Representatives and the Congress of the United States go in sustaining the President. And we have only one constitutional duty to perform in that respect, and that is the making of a declaration of war.

Now, Mr. Chairman, I am not prepared, as a Member of this Congress, to decide that question now. I am not willing either to vote to sustain the President of the United States to the extent of war upon this question nor ready to vote that under certain circumstances I would not so vote; and so, Mr. Chairman, when the proposition comes before the House to-morrow I shall vote against the rule bringing up the matter for consideration, as I voted against it in committee to-day, because I want to keep myself free and untrammeled to vote upon that question when the question properly comes before the House. [Applause.] Those who are in favor of declaring war if Germany will not yield will, of course, vote to adopt the rule and table the resolution.

I do not want any inferences to be gathered that this House has committed itself one way or the other upon that most serious and important question, but I want to leave it in the hands of the President of the United States, where it now is, until the time shall come—which I hope never will come—when the House must consider it in the performance of its constitutional duty. On the other hand, if the President of the United States desires the advice of this House upon the attitude that he shall take with reference to this question, then let him come before the House with a message to the Congress, giving the reasons for his action, asking for affirmative action; and I, as a member of the Committee on Rules, whether I believe in the policy proposed or not, will gladly vote for a rule that will permit this House to express itself upon that affirmative proposition. But until that time comes, Mr. Chairman, this House ought not to commit itself either for or against war, ought not to commit itself upon these very grave problems, but ought to leave them where they now are, in the hands of the President of the United States. [Applause.]

Mr. MANN. I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, I think there can be little doubt in the mind of any man that if this McLemore resolution had been called up for action in the committee it would never have been reported favorably to this House as it stands. I think there can be little doubt that if it had been reported favorably it never could have passed the House in its present form. The reason is not far to seek, because the resolution contains a lot of matter that would not meet with the approval of gentlemen of this House, both in its numerous preambles and in the body of the resolution itself.

Mr. FLOOD. Will the gentleman allow me to interrupt him?

Mr. TOWNER. I have only five minutes, but I will yield to the gentleman.

Mr. FLOOD. I will say that so far as I am concerned, and I think I can speak for the members of the committee, the reason we voted against amending the McLemore resolution so as to put it in more artistic form was because the McLemore resolution has become known abroad, and some foreign capital might say that the McLemore resolution was torn to pieces, and that the President of the United States was not indorsed.

Mr. TOWNER. Ah, Mr. Chairman, I am very much afraid that the gentleman is acting upon the suggestion of somebody else rather than upon his own judgment.

Mr. FLOOD. Well, I am not.

Mr. TOWNER. I will submit to the gentleman that I do not know upon what ground he is acting. However, Mr. Chairman, I think I am justified in saying that there is no man on the floor of this House who has examined the McLemore resolution—unless it is the author himself—who would approve of it. Yet, Mr. Chairman, there is in that resolution a sentiment and an idea that has gone abroad throughout the country as the McLemore resolution, which sentiment gentlemen in this House do approve. I am not qualified to speak for others, but, Mr. Chairman, from what I know of the opinion on both sides of this House there is a very general opinion among the Members that we ought to warn American citizens not to travel on armed merchant belligerent vessels. And that is the view of the people of the country. But if now we are going to have this McLemore resolution presented to us, we must believe that it is presented in its present form because some gentlemen who desire to have it voted down believe there are things in it that will cause men to vote against it who would not vote against the principal idea for which it stands and by which it is known. Now, that is just what we ought not to allow. It is as much the duty of gentlemen on the other side of the House as it is our duty to see that this question, if it is to be decided by the House at all, shall be decided fairly and squarely upon the only vital question which it stands for, and that these extraneous matters ought not to be allowed to become reasons why gentlemen may justify themselves in voting to table it and put it out of the way. So I say that these assertions that are made here, that we must stand or fall by the McLemore resolution without any amendment, are made, in my judgment, for the purpose of discrediting it if possible in the view of some gentlemen. As it stands some Members will doubtless vote to table the resolution, not because they believe or do not believe in its vital principle, but because of some extraneous matter, and that ought not to be allowed. [Applause on the Republican side.]

Mr. MANN. I yield five minutes to the gentleman from Pennsylvania [Mr. HOPWOOD].

Mr. HOPWOOD. Mr. Chairman and gentlemen, I feel that the President has put up to us a question that he had no right to put up to us to begin with. It was not a question of

such magnitude and importance as to demand solution by anyone except himself; and when he did put it up to this House, he ought to have put it up to us in a very different way. He ought to have sent to Congress what information he had and what correspondence he had, and to have given us such information as would have enabled us to act intelligently in regard to all the circumstances of the case. That is the way the President has put it up to Congress before. In the War of 1812 and for five or six years prior thereto Jefferson and Madison put questions up to Congress time after time, about the insults to our flag, and about the impressment of our seamen, and about the killing of men on our vessels, and other matters of that kind, but they never put them up to Congress without presenting to Congress all the information they had in regard to the matters at issue.

So I say the President has been unfortunate in putting this up to us in this way. I yield to no man in my loyalty to the Government, but I do not yield to the President of the United States or to anybody else my judgment. I think the Members of Congress have as much right to their judgment, and that they represent the people of the country perhaps as much as the President does, in the capacity in which they are sent here.

The President was also very unfortunate in his speech that he made to the club the other night, when he said he would rather hear from the people at their firesides than from Congress in the cloakrooms. About 435 of us here represent firesides ourselves. Each of us represents probably 250,000 people on an average—that is about the number in my district—and there are a good many firesides in each district. I visit a great many of the firesides of my district when I am at home, and I know the people intimately who live there, because I have lived there 59 years. So I have known many of them, and I know many of their firesides. The President can not know as many firesides as 435 Members of this House can know. So I think he was very unfortunate in making that declaration.

The President wants a vote of confidence here. What does he want? It is pretty hard to tell just what he wants. At first he wanted this resolution kept in committee, and now he wants it out of the committee. Well, it is out, and I am willing to vote on the square on that resolution or any other resolution; and my theory is that this country will never go to war and our people back home will never allow us to vote to go to war upon any foolish right of some foolhardy people traveling on these armed vessels. I do not care whether you call them war vessels or what you call them, they are armed with heavy guns, at least, and they can shoot a long distance, and the submarine, which is a new instrument of warfare, can not hope to cope with them in the open.

So if the submarine is any good in this war it has to do its work in the way it is doing it. I am not saying that laws are to be changed during the time of war, but I do say that this instrument of warfare is to be used in a different way from any other instrument, and the old rules and precedents do not apply. Laws are changed. International laws are not settled things. Who knows what international law is? It is changed with the years just as the common law has changed in centuries from the beginning or the inception of the common law down to this minute. The courts have ruled and ruled, and under new conditions and the common law changes. Under new conditions international agreements and international law has changed. So I say that this House ought never to vote for such a doubtful and nonessential right as they are claiming, and if Americans insist on traveling on armed vessels it should not make it a cause of war if that vessel be sunk. I will never go to war, nor will I allow my three sturdy sons, sturdier and stronger that I am, to go to war because some foolhardy person goes upon a vessel and loses his life.

I am free to vote on the question, however it may come up. I am not acquainted with the rules of the House. As soon as I learn one a new one comes up that I had not found out, and it will be a good while before I do know about them. [Laughter.] I do not know yet just how this question will come up; but what I do know is that if I can find out the question I know how I want to vote on it, and when I do vote I am going to vote against Americans traveling on armed vessels and bringing us into war by their foolishness. [Applause.]

I referred to the fact of Jefferson and Madison presenting important questions to Congress in the stormy times just prior to the War of 1812, when the conditions of the world were much the same as they are now. I desire to read two messages, one from Jefferson and one from Madison, to supplement my argument that our President in presenting this matter might have followed the precedents established by them and presented to Congress all the correspondence and information in his possession for the guidance of Congress in determining their action in this matter. Secret diplomacy is not popular in America, and should never be.

Message of Thomas Jefferson to Congress, dated March 22, 1808:

> Although I have heretofore and from time to time made such communications to Congress as to keep them possessed of a general and just view of the proceedings and dispositions of the Government of France toward this country, yet in our present critical situation, when we find that no conduct on our part, however impartial and friendly, has been sufficient to insure from either belligerent a just respect for our rights, I am desirous that nothing shall be omitted on my part which may add to your information on this subject or contribute to the correctness of the views which should be formed. The papers which for these reasons I now lay before you embrace all the communications, official or verbal, from the French Government respecting the general relations between the two countries which have been transmitted through our minister there or through any other accredited channel since the last session of Congress.

France had, on December 17, 1807, promulgated a decree which, in the words of Jefferson—

> amounted to a declaration that every neutral vessel found on the high seas, whatsoever be her cargo, and whatsoever foreign port be that of her departure or destination, shall be deemed lawful prize.

Message of James Madison, June 1, 1812:

> I communicate to Congress certain documents, being a continuation of those heretofore laid before them on the subject of our affairs with Great Britain. Without going back beyond the renewal in 1803 of the war in which Great Britain is engaged, and omitting unrepaired wrongs of inferior magnitude, the conduct of her Government presents a series of acts hostile to the United States as an independent and neutral nation, * * * violating the American flag on the great highway of nations, * * * seizing and carrying off persons sailing under it. * * * Thousands of American citizens, under the safeguard of public law and of their national flag, have been torn from their country and everything dear to them; have been dragged on board ships of war of a foreign nation and exposed under the severities of their discipline to be exiled to the most distant and deadly climes, to risk their lives in the battles of their oppressors.
>
> British cruisers have also violated the rights and the peace of our coasts. They hover over and harrass our entering and departing commerce. To the most insulting pretensions they have added the most lawless proceedings in our very harbors and have wantonly spilt American blood within the sanctuary of our territorial jurisdiction. * * * When called upon to punish those who committed these offenses her Government has bestowed on their commanders additional marks of honor and confidence.
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> * * * Our commerce has been plundered in every sea, the great staples of our country have been cut off from their legitimate markets, and a destructive blow aimed at our agricultural and maritime interests. * * * We behold, in fine, on the side of Great Britain a state of war against the United States and on the side of the United States a state of peace toward Great Britain. * * *
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> Whether the United States shall remain passive under these progressive usurpations and these accumulating wrongs, or opposing, force to force, in defense of their national rights, shall commit a just cause into the hands of the Almighty Disposer of events, is a solemn question which the Constitution wisely confides to the legislative department of the Government. In recommending it to their early deliberations I am happy in the assurance that the decision will be worthy the enlightened and patriotic counsels of a virtuous, a free, and a powerful nation.

On June 18, 1812, Congress declared that war existed between the United Kingdom of Great Britain and Ireland and the dependencies thereof and the United States of America and their Territories.

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Chairman, I have listened with very much interest to the remarks of the gentleman from Kentucky [Mr. SHERLEY] and the remarks of the gentleman from Virginia [Mr. FLOOD] upon this very grave and important question. It seemed to me that the force of the argument contained in their remarks was that any Member of Congress who opposed the tabling of the McLemore resolution was unpatriotic. Now, I do not believe that all the patriotism in this country lies with the gentleman from Virginia or with the gentleman from Kentucky or altogether with the gentlemen on that side of the House. Nor do I believe, Mr. Chairman, that in this Nation the sum total of patriotism and love of country lies alone with the President of the United States. We have here a very simple question to meet. The President has seen fit to ask the membership of this House their judgment on a very plain question, on the question as to whether the membership of this House desires to have him warn Americans not to travel upon armed ships of belligerents.

Mr. KEARNS. Will the gentleman yield?

Mr. NORTON. Certainly.

Mr. KEARNS. If we vote to table the resolution, would that advise the President of our attitude on the question?

Mr. NORTON. I must say to the gentleman that I do not think it would. A vote to table the resolution the way the resolution is going to be presented to the House, or at least the way certain Members of the House are going to try to have it presented to the House, certainly would not inform anyone of the real attitude of the House on the question at issue. I trust that the House will vote to-morrow against the rule that is to be offered and that the House will vote to-morrow instead

to put the McLemore resolution before the House so that it can be amended and so that a full and free opportunity will be given to vote squarely on the question to warn or not to warn American citizens to refrain from traveling on armed vessels of belligerents during the continuance of this terrible world war.

To no man do I yield in the love and veneration which I bear for my country. I feel fully as patriotic and fully as zealous for the honor of my country and for the welfare of its people as any man who has spoken here to-day or as the President of the United States can feel. When the President asks me as a Member of the Congress for my judgment on any question presented to the Congress, I am going to give him that judgment freely, frankly, and honestly. I am not going to endeavor to dodge behind some technicality of parliamentary procedure. I am not going to change any honest opinion I may have on the question merely to be in accord with the views the President may entertain. The President should not expect Members of Congress to do this. No man is worthy of being a Member of this great forum who is so puerile, weak, and suppliant as to yield in a question of this character and in times like these his honest opinions and convictions to any mere whim or dictum of the President.

This question fairly presented does not involve a question of restricting, denying, or repudiating any of the authority or powers any President of these United States has had in the past or rightfully and properly has to-day. The President's opinion and conclusion on this question is not the only opinion and conclusion that should have weight in determining the right policy to be pursued. A few nights ago the President said, in addressing a banquet in this city, that he wanted more to hear from the firesides of the country than from the halls of Congress. If to-morrow a proper procedure is adopted, and he hears squarely and honestly from this House on this question, he will have heard from the firesides of the country. The firesides of the country—of the East and of the West, of the North and of the South—to-day, by an almost unanimous voice, are in favor of urging and warning all American citizens to refrain from traveling upon armed vessels of belligerents during the continuance of this world war.

Not one good reason has been advanced why such warning should not be issued. None can be advanced. In this debate other questions than the real one at issue can be raised and have been raised. Arguments based on these questions are beside the real issue as to whether American citizens should or should not be warned and urged to keep off of armed vessels of belligerents during this war, and are arguments that have no proper place in this debate.

I have wondered how much the desire and influence of the powerful banking, manufacturing, and shipping corporations of this country that are carrying on a superlatively profitable trade with the allies to-day is responsible for the newspaper expressions and sentiment in opposition to a direct and decisive vote on this question by the Congress. I have wondered if the sentiment in some quarters against the adoption of the proposed resolution arises so much from a spirit of national honor and patriotism as from a spirit of private gain and profit.

Why was it right a short time ago to warn Americans not only to keep out but to get out of Mexico, and why is it now weak and dishonorable to warn Americans to keep off of armed vessels of belligerents? Do we hold that Sweden has been weak and dishonorable in warning her citizens to keep off of armed vessels of belligerents during this war? I think not. [Applause.]

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. MANN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has six minutes.

Mr. MANN. I yield three minutes to the gentleman from New York [Mr. PLATT].

Mr. PLATT. Mr. Chairman, I do not understand how a Member of this House, especially a Republican Member, can criticize the President of the United States for warning people out of Mexico instead of protecting them and then in the same breath turn around and ask him to warn Americans off belligerent ships on the high seas. It seems to me that that is the apex of idiotic inconsistency. [Laughter.] And several Republicans have made speeches of that kind. Mr. Chairman, this is not a question of the rights of some blatant fool from New York or Brooklyn who says when he gets aboard a ship that he enjoys the "thrills" of going through the war zone. It is not a question of that kind at all. That sort of braggart would not travel on a ship where there were not a lot of other Americans where he would feel well protected. It is not a question primarily of trans-Atlantic travel. There are American men and women all over the world, many of them missionaries or engaged in errands of mercy or engaged in business, in building up American trade. They must travel sometimes, and they are compelled to travel on such ships as they can find. I was talking with old Gen. Prime down here in the House restaurant the other day. He said he had a daughter in Syria; that she could not get out of there; and that he only heard from her occasionally, and then the censor cut off the letter just as she got to the most interesting part when she tried to say something. Mr. Chairman, in every country there are Americans, men and women, in missionary work or in business, who want to come home here to America. Suppose they are in South Africa or in China or in India? They will have to go to London and will have to travel on such ships as are bound for England. Now, some of these ships may carry a 6-inch gun or a machine gun of some kind, may be armed for defense. Are we going to serve notice on a foreign nation which is using submarines against merchant ships that she can torpedo any of those ships on sight, without warning? Are we going to serve notice that we do not propose to protect our American citizens if traveling upon such ships? We have not any ships of our own upon which they can travel. If we are going to stop them entirely from traveling, if we are going to be so cowardly as to say in advance that we are not going to give them any protection, I for one feel as though I would like to renounce my American citizenship. I do not like to belong to a country of such cowards. [Applause.]

Mr. MANN. Mr. Chairman, if this were not serious, it would seem to me like an opéra bouffe. On Saturday the Committee on Foreign Affairs reported the McLemore resolution with the recommendation that it lie on the table. That is the usual form of an adverse report upon a bill, and, under the rules of the House, thereupon it was laid on the table. Nobody who favored the resolution asked to have it placed on the calendar, as was in order under the rules within three days; but, unfortunately, my colleague from Illinois [Mr. Foss], who, I understand, is opposed to the resolution, this morning asked to have it placed on the calendar. Being on the calendar, there is no way under the rules of the House, under our procedure, by which it can be reached for consideration. On Saturday it was on the table. This morning it was lifted from the table under the rules and placed on the calendar, hanging in the air, where nobody can reach it. To-morrow the Committee on Rules proposes to bring in a rule under which any gentleman will have priority and right of recognition to move to lay it back on the table, where it was Saturday and this morning. For Heaven's sake, how does that method of procedure settle any grave international complication? [Applause.] It is a silly procedure. Those who favored laying the resolution on the table are going to vote that way to-morrow. Why do they not leave it on the table to-day? They say they want a vote of the House. It will be no more tightly attached to the table if the House tables it than it was when the committee tabled it under the rules; but if gentlemen are on the square, if they really want to know the opinion of the House, then there ought to be an opportunity to amend the resolution so as to express the opinion of the House.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield?

Mr. MANN. I would if my time were not expired.

Mr. TAYLOR of Colorado. Mr. Chairman, how much time is there left?

The CHAIRMAN. The time of the gentleman from Illinois has been exhausted. The gentleman from Colorado has three minutes remaining.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield three minutes to the gentleman from Georgia [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, I shall not attempt a detailed discussion of this important question, but, as an advocate of peace, will discuss what the McLemore resolution proposes and its effects. If the President did not already have in hand the delicate foreign diplomatic issues touched upon by this resolution, it would, to a great extent, present a different case, but we are confronted with a condition and not a theory. It is a matter upon which there is an honest difference of opinion. Others who are sincere are entitled to their opinions, and I, equally as sincere, am entitled to mine. Some one is mistaken in the correctness of their views, and, of course, I think the gentlemen of a contrary idea to mine are mistaken. There is no need for feeling. We are all Americans and interested in the welfare and glory of our great common country. I agree that Americans should stay off armed merchantmen flying belligerent flags and should do all in their power not to involve us, but the handling of the matter should be left with the President.

What does this resolution propose? It proposes to take from the executive branch of our Government the right and duty to handle questions affecting our foreign relations. Its result would be an insult to the President and a direct repudiation of him in all questions relating to our foreign policies. Whether so intended or not, it would operate along this line, and, if passed, will not only humiliate our President and the Nation in every country of the world, but will lead us into complications that

unquestionably mean war. The President is earnestly seeking to avoid war. The country does not want war.

In this I am with the President, and hope he will be permitted, without handicap or interference, to work out this situation to the end that war will be averted and our national honor preserved. International law is our only safeguard against war, and the consequences will unquestionably be serious if we interfere at this time with the President, whose work is in the interest of "peace with honor."

Since the birth of our Republic, which gave liberty a new and hopeful meaning to all mankind, it has been the unquestioned right and duty of the executive branch of our Government to deal with and manage the delicate questions affecting our foreign affairs and relations. Our forefathers, who christened this young Republic with their blood that liberty might live and that America's honor might rise above expediency and cowardice, saw the wisdom of leaving these intricate foreign questions to the President, and all these years it has been the law and the custom.

Why the change at this time? Why should Congress come in and do that which the President now has the right to do if he considers it wise that it should be done? The custom that has obtained since the birth of our Nation has proven satisfactory, and, whether under Republican or Democratic administrations, the ship of state has been, to this good hour, wisely guided in foreign issues and kept off the rocks of ruin. To make a change in the custom of handling our foreign affairs in this serious crisis would engulf and embroil us in war in a short time. To adopt this resolution would mean to surrender American rights and forfeit our national self-respect. No man respects another who has no respect for himself, and the same is true with nations.

This country has been neutral, and properly so, during the awful war that has raged like the fury of an inferno in Europe. Ours is comparatively a new country, and our citizenship is made up of blood from nearly all the other nations of the world.

President Wilson has thus far handled, with the hand of a master and the wisdom of a sage, the hundreds of confusing and complexing questions that have arisen since the European war began, and he has had one great aim, "peace with honor." Who can ask for less? In this war we have "played no favorites," but have sought to keep out of the conflict, and the only hope for success in this regard is to firmly demand a strict observance by all countries of the rules of international law. To do less is to "give up the ship" and run up the white flag of surrender in the most serious crisis and the greatest hour of need that has confronted this country in half a century.

Unwise and unjust comment, through the press and otherwise, has sought to arouse suspicion and prejudices against those American citizens of the German blood. For one I resent this on the part of those people. Such suspicions are not well founded and do a grave injustice to millions of true Americans. A small percentage of German blood courses through my veins, and in the district I have the honor to represent are hundreds of people of German blood, and there are no truer Americans than those people. They, like our great President, even in a conflict with Germany, are for "America first," and in the unfortunate and regrettable event of war with Germany, or any other country, would be found, to a man, fighting for the Stars and Stripes.

In this connection I wish to call to the attention of Congress and the country the fact that no section of the country has stood more loyally by the President in this crisis for the preservation of our national honor, respect, and liberties than have the Representatives and Senators from the South. I mention this in answer to slanderous insinuations that have been made in certain quarters that the South could not be depended upon in a crisis. No section of our great common country will ever contribute, proportionately, more of its men and means for the preservation of America and its free institutions than has and will the South.

This, my friends, is not a partisan question. We should rise above parties and sections on this occasion like the sun rises above a settling fog, and high above party or personal interest we should be actuated only by patriotic motives and vote for our country and its welfare.

No greater man has been President of these United States since Jefferson's time than Woodrow Wilson—a peace advocate, wise, patriotic, patient, liberty-loving, God-fearing, and a slave in the performance of his duties. He has borne great burdens for months, sustained and encouraged by the sympathies and prayers of millions of loyal Americans that he might continue to pilot our Nation in the waters of peace, and now, like a bolt from a clear sky, comes this resolution to discredit and humiliate him. The American people will countenance nothing of the kind, and to-day millions of Americans are praying that Congress will act wisely and bravely in sustaining our customs and laws in order that Congress will not take these functions from the Executive.

To pass this resolution is to upset old and valuable customs and bring ridicule and shame upon our country and possibly shed the innocent blood of her sons in a useless and preventable war. May God guide us in our deliberations as He has guided our fathers in perils that confronted them in days gone by, and may He, in His wisdom and goodness, keep us in the paths of peace, that our country might lead other nations and other people into a higher and nobler civilization, and that we might yet be of aid in bringing peace to the bleeding and tottering countries of Europe. [Applause.]

Mr. ADAMSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ADAMSON. If we succeed to-morrow in taking up this resolution and laying it on the table, can any Member then call it up again and put it upon the calendar?

The CHAIRMAN. The present occupant of the chair is the Chairman of the Committee of the Whole House on the state of the Union, and does not care to pass upon such a parliamentary question.

Mr. MANN. Anyone can reintroduce it.

Mr. ADAMSON. The gentleman from Illinois has already said that the McLemore resolution was as tightly nailed to the table as it could be.

Mr. MANN. The gentleman will find that there are methods by which it can be brought up again.

Mr. TAYLOR of Colorado. Mr. Chairman, I desire to have the debate closed and proceed with the consideration of the bill.

The CHAIRMAN. Does the gentleman desire to consume the remaining time that he has?

Mr. TAYLOR of Colorado. No.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That any qualified person who has heretofore or shall hereafter in good faith make settlement upon and improve unsurveyed unreserved unappropriated public lands of the United States with intention, upon survey, of entering same under the homestead laws shall be entitled to a continuous leave of absence from the land settled upon by him for a period not exceeding seven months in each year after establishment of residence: *Provided*, That he shall have plainly marked on the ground the exterior boundaries of the lands claimed and have filed in the local land office notice of the approximate location of the lands settled upon and claimed, of the period of intended absence, and that he shall upon the termination of the absence and his return to the land file notice thereof in the local land office.

With the following committee amendment:

Page 1, lines 7, 8, and 9, strike out the words "continuous leave of absence from the lands settled upon by him for a period not exceeding seven" and insert the language "leave of absence in one or two continuous periods not exceeding in the aggregate five."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. TAYLOR of Colorado. Mr. Chairman, I introduced this bill—H. R. 9691—for the relief of a large number of settlers upon the unsurveyed public domain of the West. The act of Congress of May 4, 1880, Twenty-first Statutes, page 140, reads as follows:

RIGHTS OF SETTLERS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

* * * * * * *

SEC. 3. That any settler who has settled, or who shall hereafter settle, on any of the public lands of the United States, whether surveyed or unsurveyed, with the intention of claiming the same under the homestead laws, shall be allowed the same time to file his homestead application and perfect his original entry in the United States Land Office as is now allowed to settlers under the preemption laws to put their claims on record, and his right shall relate back to the date of settlement the same as if he settled under the preemption laws.

Approved, May 14, 1880. (21 Stat., 140.)

Ever since the passage of that act the rights of homestead settlers upon unsurveyed public lands have been recognized as equally legitimate with those of settlers upon surveyed lands. But there never has been any system of protecting those rights, and during the 35 years since that law was enacted whenever a settler went away from his claim, even to obtain necessary work to support himself and family, or whenever he left his home for the purpose of educating his children, or on account of illness, or for any other necessary purpose, he thereby jeopardized his right to hold the place. The justice of a bill allowing him the same right to leave of absence that the settlers upon surveyed lands have has never been questioned and never can be questioned by anybody. But, strange to say, Congress has never enacted any law to specifically recognize and protect that right.

A bill of this kind was passed by the Senate in the last Congress and it was favorably reported to the House by the Public Lands Committee, of which I am a member, but owing to the large volume of business ahead of it it was never acted upon by the House. This bill was submitted for report to the Interior

Department, and Secretary Lane has made the following report upon it to the chairman of my committee:

DEPARTMENT OF THE INTERIOR,
Washington, February 1, 1916.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I have the honor to acknowledge receipt of your request for a report on H. R. 9691, to grant an absence privilege during each year to homestead settlers upon the unsurveyed public lands. The bill is identical in its provisions with S. 2316, Sixty-third Congress, as reported to the House of Representatives by your committee March 20, 1914, except that the maximum absence is now fixed at seven months instead of five.

We had recommended passage of S. 2316, and the committee's amendment was made at the suggestion of the Department of Agriculture, in order to remove ambiguity which might have resulted to the detriment of the public interests in the national forests. I repeat here the reasons for my recommendation of the enactment, set forth in my report on S. 2316.

By section 3 of the act of May 14, 1880 (21 Stat., 140), settlers upon unsurveyed public lands are allowed a preference right to make entry for the tracts claimed by them within three months after the filing of the plats of survey; their rights relate back to the time of settlement, and they are, consequently, on submission of final proof, allowed credit for residence and cultivation had before the dates of their entries. In a general way these settlers are required to keep up a substantially continuous residence in order to maintain their preference right of entry and in order to entitle themselves to credit for compliance with the homestead laws prior to the dates of their entries. However, there is no statute law as to the extent to which they may absent themselves without forfeiting their preference rights, nor is there such a law to allow them to absent themselves without forfeiting their credit for residence.

As stated, the law expressly grants these settlers the right to initiate their homestead claims by settlement, and no good reason appears why they should not be allowed the same periods of absence from the land as are, by the three-year act of June 6, 1912 (37 Stat., 123), allowed to persons who have actually placed their entries of record.

However, no reason exists why the settlers should be accorded the privilege of longer absence than is granted persons who have made entries, and the homestead law does not allow credit for a year's residence unless there has been actual stay upon the land for at least seven months thereof. Therefore the word "seven" (relating to absences) should be changed to "five."

On the other hand, the act of August 22, 1914 (38 Stat., 704), permits the entrymen to divide the allowable absences in each year into two periods; and I see no reason why the same privilege should not be given to settlers on unsurveyed land. Therefore I recommend the enactment of the bill, provided the allowable absence be limited to five months, but that it be amended before its enactment by striking out "continuous" in line 7, all of line 8, and "period not exceeding seven" in line 9, page 1, and inserting in lieu thereof "leave of absence in one or two continuous periods not exceeding in the aggregate five."

Cordially, yours,

FRANKLIN LANE, *Secretary.*

In order to give the House some idea of the importance of this measure and of the extent of territory to which it will apply, I will insert a table taken from the last report of the Commissioner of the General Land Office, showing the amount of unsurveyed land in the various States and the Territory of Alaska at the present time, from which it will be shown that there are over 600,000,000 acres of remaining unsurveyed lands. The table is as follows:

Public lands surveyed and remaining unsurveyed.

State or Territory.	Land area.	Surveyed during fiscal year ending June 30, 1915.	Surveyed to June 30, 1915.	Unsurveyed to June 30, 1915.	Resurveyed during fiscal year ending June 30, 1915.
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Alabama	32,818,560		32,818,560		
Alaska	378,165,760	221,177	411,718	377,754,042	
Arizona	72,838,400	2,010,012	25,272,762	47,565,638	76,593
Arkansas	33,616,000	23,149	33,616,000		
California	99,617,280	642,871	79,944,663	19,672,617	126,595
Colorado	66,341,120	78,476	63,349,063	2,992,057	1,149,171
Florida	35,111,040	6,678	30,919,249	4,191,791	
Idaho	53,346,560	1,342,179	31,274,427	22,072,133	134,963
Illinois	35,867,520		35,867,520		
Indiana	23,068,800		23,068,800		
Iowa	35,575,040		35,575,040		
Kansas	52,335,360		52,335,360		
Louisiana	29,061,760		27,181,384	1,880,376	
Michigan	36,787,200	64	36,787,200		
Minnesota	51,749,120	4,948	49,827,895	1,921,225	
Mississippi	29,671,680		29,671,680		
Missouri	43,985,280		43,985,280		
Montana	93,568,640	2,719,075	68,510,463	25,058,177	45,201
Nebraska	49,157,120		49,157,120		165,235
Nevada	70,285,440	1,046,641	41,748,315	28,537,125	1,727
New Mexico	78,401,920	1,607,953	56,840,655	21,561,265	14,397
North Dakota	44,917,120	206,155	42,975,347	1,941,773	
Ohio	26,073,600		26,073,600		
Oklahoma	44,424,960		44,424,960		
Oregon	61,188,480	479,587	51,672,099	9,516,381	5,742
South Dakota	49,195,520	4,573	48,694,173	501,347	
Utah	52,597,760	1,351,245	29,784,558	22,813,202	
Washington	42,775,040	172,838	34,090,420	8,684,620	
Wisconsin	35,363,840	43	35,363,840		
Wyoming	62,460,160	70,723	58,577,041	3,883,119	631,338
Total	1,820,366,080	11,988,387	219,819,192	600,546,888	2,350,962

In Arkansas, Illinois, Iowa, Michigan, and Wisconsin the lands surveyed were not regarded as public when the surrounding lands were originally surveyed.

There are in every State in the Union, where there is any appreciable quantity of unsurveyed land, a large number of homestead settlers who have been living upon their lands for a great many years without being able to obtain title thereto, because of the Government being unable to extend the survey to such lands. It was shown before our committee, and I personally know of instances, where men have been living on land for 25 years without being able to induce the Government officials to survey their claims. These settlers have been extended authority under the act of Congress above quoted, which law is still in full force, to settle upon these unsurveyed lands and initiate a preference right thereto. But there is no law or authority that allows them the five months leave of absence that is allowed to all other homestead settlers every year upon surveyed land, nor is there any proceeding whereby he can obtain any leave of absence without jeopardizing his rights.

Moreover, after a homestead entryman on surveyed land has resided upon his claim for three years and complied with the law in relation to cultivation, he is given permission to remove from his claim, if he so desires, or if it becomes necessary for his business, or to support or educate his family, while no such privilege has ever been granted to the settlers on unsurveyed lands at any time. Many of them will have to continue residence upon their lands, even under this proposed legislation, for probably many more years in the future, waiting the Government survey before they can obtain any leave of absence, or safely remain away from their land for any period exceeding the five months in any one year, notwithstanding they may have complied with all the requirements of the law as to residence two or three times over.

The amendment suggested by the Secretary of the Interior and adopted by your committee is in conformity with the act of August 22, 1914 (38 Stat., 704). The settler upon surveyed land knows when he can make final proof, while the settler upon unsurveyed land has no assurance as to when, if ever, he can make final proof, and there certainly is no reason now, and never has been during the past 35 years that that law has been on the statute books allowing settlement upon unsurveyed lands, for requiring any stricter rule as to continuous residence than is required of settlers upon surveyed lands.

The bill as recommended by the Public Lands Committee, and as now adopted by the House, reads as follows:

Be it enacted, etc., That any qualified person who has heretofore or shall hereafter in good faith make settlement upon and improve unsurveyed unreserved unappropriated public lands of the United States with intention, upon survey, of entering same under the homestead laws shall be entitled to a leave of absence in one or two continuous periods not exceeding in the aggregate five months in each year after establishment of residence: *Provided*, That he shall have plainly marked on the ground the exterior boundaries of the lands claimed and have filed in the local land office notice of the approximate location of the lands settled upon and claimed, of the period of intended absence, and that he shall upon the termination of the absence and his return to the land file notice thereof in the local land office.

Mr. Chairman, I desire to offer another amendment, which I am authorized by the Public Lands Committee to present to the House for its consideration. This amendment is to afford the settlers upon unsurveyed land the same relief that is given a settler upon surveyed land after he has fully complied with the law in relation to three years' residence and cultivation, which amendment I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 7, after the word "office," insert:

"*Provided further*, That after the expiration of three years' residence upon and improvement of the land as provided by law the entryman may submit to the local land office proof of such residence and improvement, including a description of such land, which proof shall be corroborated by the sworn statement of the entryman supported by the verified statements of two disinterested witnesses, and thereafter such entryman shall not be required to maintain residence upon such land, but shall be required to continue the improvement and cultivation thereof and make final proof thereon as required by law within one year after said land is surveyed."

Mr. MANN. Mr. Chairman, I make a point of order against the amendment. I do not know what it is, but evidently it has no place here. Is this a new proposition entirely?

Mr. TAYLOR of Colorado. Why, no; this is not a new proposition.

Mr. MANN. Is this a substitute for the bill?

Mr. TAYLOR of Colorado. No. It is an amendment offered at the end of the bill.

Mr. MANN. Does the gentleman mean to say that having obtained unanimous consent for the consideration of this bill he is going to tack on another proposition, because if that is the case there will be no more of these bills considered by unanimous consent.

Mr. TAYLOR of Colorado. Let me say to the gentleman from Illinois that if this is not a proper amendment, why, I, of course, do not at all want to jeopardize the bill by offering it.

By way of explanation I want to say that after the committee had reported the bill in this form a number of the members of

the committee from the West, and I will say several Members from that side of the House also, suggested that we really ought to allow settlers who have complied with all the requirements of the homestead law as to three years' residence and cultivation and improvement on the public domain in places where the Government has not yet extended a survey to that land. There are people living on unsurveyed lands in the West up creeks, in gulches, and isolated places, where they have been living for many years waiting for the Government to extend the official surveys to their land, and they can not prove up on them until the survey is extended to their land.

The Government does not feel justified in extending the surveys and expending a large sum of money for the purpose of accommodating only a few, and, in some cases, only one or two settlers. The result is that these men are compelled to live there indefinitely. They can not safely go away to obtain work or educate their children or for any other purpose, and it is for the purpose of according to those settlers on the unsurveyed public domain, who are bona fide settlers, to give to them identically the same rights that the man has on surveyed land. That is all.

Mr. MANN. That is the original bill; what has that got to do with the amendment?

Mr. TAYLOR of Colorado. That is this amendment.

Mr. MANN. It is the original bill; here is the original bill.

Mr. TAYLOR of Colorado. I know what the original bill was, but this amendment does what I say, it allows a leave of absence after final proof. The bill as now approved allows a leave of absence before final proof.

Mr. MANN. Oh, yes; but the gentleman is describing the original bill and I am talking about this amendment. What the gentleman states applies to the original bill.

Mr. TAYLOR of Colorado. I think the gentleman from Illinois misunderstands me. Under existing law when a man proves up on a homestead claim on surveyed land and complies with the law he has the right to leave that homestead claim, if he wants to, and go where he pleases. This amendment gives to the settler on unsurveyed land who has proved his three years' residence and cultivation the same right. Of course if there is any serious objection to this amendment I do not insist upon it, as I do not want to jeopardize the bill. The bill without this amendment will be of very great benefit throughout the West. There are nearly 3,000,000 acres of unsurveyed lands in Colorado, and there are hundreds of people living on those lands.

Mr. MANN. I do not think where we hear a long amendment read like this, which we do not understand, and dealing with a technical subject like this——

Mr. TAYLOR of Colorado. I will say to the gentleman from Illinois that the gentleman from Wisconsin [Mr. LENROOT], the ranking minority member of our committee, has a copy of the amendment there.

Mr. MANN. He may have; I do not know when he got it.

Mr. TAYLOR of Colorado. He has got it and knows what it is, and many other members—in fact, all the members of the Public Lands Committee—fully understand this amendment.

Mr. MANN. I say I do not know when he got it. However, that would not make any difference——

Mr. TAYLOR of Colorado. I had this amendment ready to present two weeks ago to-day, at the last call of this calendar, but we did not reach the bill at that time. Since then I brought the matter up before the full committee, and, after consideration, I was formally authorized to present this amendment at this time as a committee amendment.

Mr. MANN. Does not the gentleman think that the Members of the House ought to have a chance to understand this bill? This bill was up in the last Congress.

Mr. TAYLOR of Colorado. Certainly; I thought this matter was understood. It was passed by the Senate and is a very simple and plain matter.

Mr. MANN. As a Senate bill; it was passed in the Senate. It was reported to the House, but not passed by the House.

Mr. TAYLOR of Colorado. No. It was never formally considered by the House, but the Public Lands Committee of the last Congress favorably reported the bill.

Mr. MANN. And it was introduced again in this House as a House bill. Now at the last minute the gentleman discovers that he wants a long lot of other stuff in the bill.

Mr. TAYLOR of Colorado. It is not a long lot of other stuff; it is a short and plain amendment that every Member from the West wants to have go in the bill, and every one of them will tell the gentleman that is right.

Mr. MANN. That is all right as to Members from the West, but this is not the first time they all wanted something I thought ought not to be granted.

Mr. TIMBERLAKE. Mr. Chairman, the amendment proposed by the gentleman from Colorado [Mr. TAYLOR] is really to accord to settlers on unsurveyed land the same privileges that are now enjoyed by settlers on surveyed land.

Mr. MANN. Mr. Chairman, I make the point of order against the amendment.

Mr. TIMBERLAKE. Will the gentleman reserve it?

Mr. MANN. I will reserve it if the gentleman desires me to do so, but only for a few minutes.

Mr. TIMBERLAKE. If the gentleman will look, he will see that the same provisions are sought to be given to the entryman on unsurveyed land, and none other, that are to-day accorded to settlers on surveyed land. A man on surveyed land takes a homestead. He may prove it up in three years and get a title. He may reserve that proof for five years, but at the end of three years he is not required to live there. Now, this amendment simply gives the same privilege to entrymen on unsurveyed land as to the settlers on surveyed land, and they are entitled to it. That is the full purport of the amendment offered by the gentleman from Colorado.

Mr. MANN. Mr. Chairman, I submit that the amendment is subject to the point of order. It goes way beyond the subject matter of this bill and provides, as I understand, methods in regard to proof of homestead entry, and so forth, which is not the subject matter of this bill at all.

Mr. TAYLOR of Colorado. Well, let the Chairman rule.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. MANN. I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. TAYLOR of Colorado. Mr. Chairman, I move that the committee do now rise and report the bill with the amendment that was adopted by the Committee of the Whole, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MURRAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9691, and directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. TAYLOR of Colorado, a motion to reconsider the vote by which the bill was passed was laid on the table.

JUDGMENTS AND DECREES, UNITED STATES COURTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11416) to repeal an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888."

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 11416) to repeal an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888."

Be it enacted, etc., That an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1 1888," be, and the same is hereby, repealed.

SEC. 2. That this act shall take effect on and after January 1, 1917.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. DUPRÉ, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS PEND OREILLE RIVER, WASH.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8248) to authorize the construction of a bridge across the Pend Oreille River, between the towns of Metaline and Metaline Falls, Wash.

Mr. DILLON. Mr. Speaker, I ask the present consideration of the bill S. 3144, it being the same as the House bill.

Mr. MANN. I object. We should first consider the House bill, the Senate bill being the next one.

The SPEAKER. Is there objection to the consideration of the bill H. R. 8248?

Mr. MANN. I object.

The SPEAKER. The Clerk will report the next bill.

Mr. MANN. The House bill ought to lie on the table.

Mr. DILLON. Mr. Speaker, I move to lay it on the table, and ask that we take up the bill S. 3144.

Mr. MANN. Dispose of the next bill, and then we will go back to it.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 3144) to authorize the construction of a bridge across the Pend Oreille River, between the towns of Metaline and Metaline Falls, in the State of Washington.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk reads as follows:

Be it enacted, etc., That Pend Oreille County, in the State of Washington, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Pend Oreille River at any point suitable to the interests of navigation, between the towns of Metaline and Metaline Falls, in the county of Pend Oreille, in the State of Washington, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Also the following committee amendment was read:

Strike out all of section 1 after the enacting clause and insert in lieu thereof the following:

"That Pend Oreille County, State of Washington, and the towns of Metaline and Metaline Falls, Pend Oreille County, Wash., their successors and assigns, be, and they are hereby, authorized, jointly or separately, to construct, maintain, and operate a bridge and approaches thereto across the Pend Oreille River, at a point suitable to the interests of navigation, between said towns, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read a third time, and passed.

On motion of Mr. DILLON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. DILLON. Mr. Speaker, I move that the bill H. R. 8248 be laid on the table.

The motion was agreed to.

DIVERSE CITIZENSHIP IN FEDERAL COURTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8028) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, this is an important bill relating to the jurisdiction of the United States courts, and I think there ought to be some explanation as to its real purpose before the bill is taken up for jurisdiction as to just what it accomplishes.

Mr. GARRETT. Mr. Speaker, all the new law that is contained in this bill is in the last proviso, beginning in line 23, on page 4, and which reads:

And provided further, That no suit against a corporation or a joint-stock company brought in a State court of the State in which the cause of action arose shall be removed to any court of the United States on the ground that the parties are citizens of different States if the suit is brought in the county where the cause of action arose or within the county where the defendant is served with process and the plaintiff resides.

Mr. STAFFORD. Now, it is purposed that in any suit brought in the local court where the plaintiff can obtain jurisdiction on a nonresident defendant or on an official of a corporation that has its citizenship in another State. In that instance it can not be removed to the United States court on the ground of diverse citizenship.

Mr. GARRETT. That is the purpose. That a foreign corporation, where service can be had as indicated by the bill, shall not be permitted to remove simply on the ground of diverse citizenship. It does not take away any other right of removal under the general statute.

Mr. STAFFORD. In the report it is stated that this amendment will not prevent the defendant setting up the ground of prejudice of the trial court—of the initial court?

Mr. GARRETT. It is not designed to do it.

Mr. STAFFORD. Where is the limitation that will extend that privilege to the defendant?

Mr. GARRETT. The general law carries it. It is not in this particular section, but in another section of the Revised Statutes.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 28 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

"SEC. 28. That any suit of a civil nature, at law or in equity, arising under the Constitution or laws of the United States or treaties made or which shall be made under their authority, of which the district courts of the United States are given original jurisdiction by this title, which may now be pending or which may hereafter be brought in any State court, may be removed by the defendant or defendants therein to the district court of the United States for the proper district. Any other suit of a civil nature, at law or in equity, of which the district courts of the United States are given jurisdiction by this title, and which are now pending or which may hereafter be brought in any State court, may be removed into the district court of the United States for the proper district by the defendant or defendants therein being nonresidents of that State. And when, in any suit mentioned in this section, there shall be a controversy which is wholly between citizens of different States and which can be fully determined as between them, then either one or more of the defendants actually interested in such controversy may remove said suit into the district court of the United States for the proper district. And where a suit is now pending or may hereafter be brought in any State court in which there is a controversy between a citizen of the State in which the suit is brought and a citizen of another State, any defendant being such citizen of another State may remove such suit into the district court of the United States for the proper district at any time before the trial thereof when it shall be made to appear to said district court that from prejudice or local influence he will not be able to obtain justice in such State court, or in any other State court to which the said defendant may, under the laws of the State, have the right, on account of such prejudice or local influence, to remove said cause: *Provided*, That if it further appear that said suit can be fully and justly determined as to the other defendants in the State court without being affected by such prejudice or local influence, and that no party to the suit will be prejudiced by a separation of the parties, said district court may direct the suit to be remanded, so far as relates to such other defendants, to the State court to be proceeded with therein. At any time before the trial of any suit which is now pending in any district court, or may hereafter be entered therein, and which has been removed to said court from a State court on the affidavit of any party plaintiff that he had reason to believe and did believe that from prejudice or local influence he was unable to obtain justice in said State court, the district court shall, on application of the other party, examine into the truth of said affidavit and the grounds thereof and, unless it shall appear to the satisfaction of said court that said party will not be able to obtain justice in said State court, it shall cause the same to be remanded thereto. Whenever any cause shall be removed from any State court into any district court of the United States and the district court shall decide that the cause was improperly removed and order the same to be remanded to the State court from whence it came, such remand shall be immediately carried into execution, and no appeal or writ of error from the decision of the district court so remanding such cause shall be allowed: *Provided further*, That no case arising under an act entitled 'An act relating to the liability of common carriers by railroad to their employees in certain cases,' approved April 22, 1908, or any amendment thereto, and brought in any State court of competent jurisdiction shall be removed to any court of the United States: *Provided further*, That no suit brought in any State court of competent jurisdiction against a railroad company, or other corporation, or person, engaged in and carrying on the business of a common carrier, to recover damages for delay, loss of, or injury to property received for transportation by such common carrier under section 20 of the act to regulate commerce, approved February 4, 1887, as amended June 29, 1906, April 13, 1908, February 25, 1909, and June 18, 1910, shall be removed to any court of the United States where the matter in controversy does not exceed, exclusive of interest and costs, the sum or value of $3,000: *And provided further*, That no suit against a corporation or joint-stock company brought in a State court of the State in which the cause of action arose shall be removed to any court of the United States on the ground that the parties are citizens of different States if the suit is brought in the county where the cause of action arose or within the county where the defendant is served with process and the plaintiff resides."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GARRETT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

PUBLIC PARK, COLUMBIA RIVER GORGE, NEAR PORTLAND, OREG.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 4746) granting to the city of Portland, Oreg., for a public park, a tract of land within a Government reserve.

The SPEAKER. Is there objection?

There was no objection.

Mr. McARTHUR. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oregon [Mr. McARTHUR] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Whereas the Interior Department has heretofore withdrawn from sale the hereinafter-described tract for the purpose of protecting the waters of Multnomah Creek, forming Multnomah Falls, in the State of Oregon; and

Whereas the city of Portland, Oreg., has acquired said Multnomah Falls and surrounding lands adjoining said tract for a public park, and can better conserve and improve said tract along with said park: Therefore

Be it enacted, etc., That there is hereby granted to the city of Portland, Oreg., the northeast quarter and the north half of the northwest quarter of section 18, township 1 north, of range 6 east, of the Willamette meridian, Oregon, for public park purposes, and a patent for same is hereby authorized to be issued by the proper officers to said city of Portland.

With a committee amendment, as follows:

Amend by striking out the preamble and also striking out line 4, page 1, and lines 1 to 3, inclusive, and the words "by the proper officers to said city of Portland," on line 4, page 2, and inserting the following: "the right to purchase the northeast quarter and the north half of the northwest quarter of section 18, in township 1 north of range 6 east of the Willamette meridian, Oregon, for public park purposes, and the same are hereby conveyed to the city of Portland, Oreg., upon payment of $1.25 per acre by the said city to the United States: *Provided*, That the lands hereby authorized to be purchased as hereinbefore set forth shall be held and used by or for the said grantee for the purposes herein specified, and in the event the said lands shall cease to be so used they shall revert to the United States, and this condition shall be expressed in the patent to be issued under the terms of this act."

Mr. MANN. Mr. Speaker, I offer an amendment to the amendment.

The SPEAKER. The gentleman from Illinois offers an amendment to the amendment, which the Clerk will report. This is an amendment to the amendment of the preamble?

Mr. MANN. No. That is to be stricken out, but that is after the bill passes. This is an amendment to the committee amendment.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Strike out in the committee amendment the words "and the same are hereby conveyed to the city of Portland, Oreg.," and insert "and a patent for the same is hereby authorized to be issued by the proper officers to the said city of Portland, Oreg."

Mr. MANN. Of course the gentleman from Oregon [Mr. McARTHUR] does not want to convey it by this act, because they may never do it.

The SPEAKER. The question is on agreeing to the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The SPEAKER. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on agreeing to the committee amendment to strike out the preamble.

The committee amendment to strike out the preamble was agreed to.

The SPEAKER. The question is on the passage of the bill as amended.

The bill as amended was passed.

The SPEAKER. Without objection, the title will be amended to conform to the text.

There was no objection.

On motion of Mr. McARTHUR, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

FORT M'HENRY MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 68) to cede to the State of Maryland temporary jurisdiction over certain lands in the Fort McHenry Military Reservation.

The SPEAKER. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent that the joint resolution be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] asks unanimous consent that the joint resolution be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read the joint resolution, as follows:

Whereas the Secretary of War is authorized by an act of May 26, 1914 (Public, No. 108, 63d Cong.), to grant to the city of Baltimore permission to use a certain portion of the Fort McHenry Military Reservation as a public park; and

Whereas the Secretary of War, under the authority in him vested by the said act, did, by an instrument dated June 1, 1914, grant permission to the said city to use said portion of the said military reservation for the said purpose; and

Whereas the United States now has exclusive jurisdiction over the said military reservation; and

Whereas it is desirable that the power to preserve order on the said portion of the said reservation during its use by the city of Baltimore be vested in the authorities of the State of Maryland: Therefore be it

Resolved, etc., That the United States hereby cedes to the State of Maryland such jurisdiction over the said portion of the Fort McHenry Military Reservation as the State now possesses elsewhere within its territory, such cession to be coextensive territorially with the said permit of June 1, 1914, and to terminate upon its expiration: *Provided*, That jurisdiction to try and punish all crimes committed within said portion of the military reservation prior to the date that this cession becomes effective is reserved to the United States: *Provided further*, That the cession of jurisdiction made by this resolution shall not take effect until the same is accepted by the Legislature of the State of Maryland or its duly appointed representative clothed with such authority: *And provided further*, That when the United States shall resume possession of the said lands, or any part thereof, the jurisdiction herein ceded over lands so repossessed shall revest in the United States: *And provided further*, That until the cession of jurisdiction shall be accepted by the General Assembly of the State of Maryland or its representative aforesaid the Secretary of War is authorized to adopt as regulations for the government of the said Fort McHenry Military Reservation the rules and regulations promulgated by the board of park commissioners of Baltimore City for the government of other parks of the city of Baltimore, so far as they may apply to the said Fort McHenry Military Reservation: *And provided further*, That the United States marshal for the district of Maryland is authorized to appoint as his deputies such members of the police force under the government of the said board of park commissioners of the city of Baltimore as may be designated by the said board, and that such deputy marshals shall have power to enforce the said regulations.

With a committee amendment, as follows:

On page 2, after the word "States," in line 19, strike out all down to the end of line 21, and on page 3 strike out lines 1 to 13, inclusive.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. MONDELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. If this resolution is adopted, will the whereases and preamble become a part of the law?

The SPEAKER. That is not a parliamentary inquiry. That might take a Philadelphia lawyer to tell, for all that the Chair knows. [Laughter.] It might require a lawyer of first-class attainments to decide that question.

Mr. MONDELL. I want to call the attention of the gentleman from Maryland [Mr. LINTHICUM] to the fact that if the preamble does not become a law and is stricken out and only the body of the resolution goes into the statute, it would be impossible, except by hunting up this preamble, to determine what the act meant.

The gentleman will notice that the preamble under the first head refers to the act of May 26, 1914, which granted to the city of Baltimore permission to use a certain portion of the Fort McHenry Military Reservation as a public park, and in the body of the resolution the language is that "the United States hereby cedes to the State of Maryland jurisdiction over the 'said portion' of the military reservation," and so forth. If the preamble goes out and does not become a part of this law, then the language of the act is not intelligible.

Mr. LINTHICUM. I think the gentleman will find the whole act harmonious. There was a permit issued by the War Department, and in the body of the bill it refers to that portion of the land covered by the permit. The entire Fort McHenry Reservation is not given to the city of Baltimore, but the major part of it. The other part of it is used as an immigration station, and is not included in this jurisdiction.

Mr. MONDELL. I do not think the gentleman understands me. There is a certain portion of the Fort McHenry Military Reservation with regard to which it is proposed to legislate, giving the State jurisdiction over it. Now, query: What is that portion of the Fort McHenry Military Reservation? It is the portion described in the first whereas of the preamble. But if that goes out and does not become a part of the law, then there is nothing in the resolution itself to indicate what portion is referred to.

Mr. LINTHICUM. I will say to the gentleman that the first whereas refers to the same property that is mentioned on the second page of the bill and mentioned as being in the permit.

Mr. MONDELL. I understand that it does.

Mr. MANN. But the preamble is no part of the law.

Mr. MONDELL. The gentleman is assuming that the preamble is going to be a part of this law. I understand that is not the case, but that, as a matter of fact, we do not legislate in preambles. I understand that when this bill becomes a law it will contain only the language beginning with line 1, on page 2, after the words "Be it enacted." Now, that being true, it would be impossible for anyone reading the act to understand what portion of the Fort McHenry Military Reservation was referred to or what Congress intended to legislate in regard to. What is needed is to strike out the words "such portion," in line 4, and insert a description of that portion referred to in the language in the first section of the preamble.

Mr. LINTHICUM. I would have no objection to striking out the preamble, were it not for the fact that I should like to have the Senate know the full history of this legislation.

Mr. MONDELL. Of course, I have no interest in the matter at all, except as a Member of the House, desirous of assisting my friend in securing the legislation he wants; but it seems to me that unless he does amend his bill, no one will know, except by inference, what is meant.

Mr. LINTHICUM. I said this bill was drawn by the attorneys of the War Department, and is entirely in harmony with their wishes, and I assume that they knew just what they wanted in this matter.

Mr. MONDELL. The War Department understands matters pertaining to war, but is not presumed to understand all the rules relating to legislation.

Mr. LINTHICUM. When I said the War Department, I meant the Judge Advocate General's office of the War Department. The bill was drawn by the attorneys of the War Department, and is, I understand, entirely in harmony with the previous bills which have been passed in this matter, and with the records of the War Department.

Mr. MONDELL. It may be in harmony with the previous bills, but not in harmony with the rules pertaining to legislation; and when the preamble is stricken out, as it will be, no one will be able to tell from anything in the act what portion of the Fort McHenry Military Reservation is intended to be referred to or legislated on.

Mr. LINTHICUM. I think the gentleman is mistaken. I appreciate what he suggests, but the whole matter is a part of the records of the War Department and is easily referred to.

Mr. MANN. Mr. Speaker, I take it that the preamble will not be stricken out, though it ought to be. If the preamble was stricken out, there would not be anything left of the law. The part that comes after the enacting clause is the law, not the preamble that precedes it. The preamble is used wholly and only as a matter of reference, and while the preamble is occasionally left in a bill as it passes and is printed in the statutes the preamble itself is not the law, but is only a matter of reference. I am very much surprised that the Judge Advocate General's office does not know any more about such things than to draw a bill the essential facts of which are stated in the preamble and not in the body of the bill itself. They ought to know enough to know, and they do know enough to know, that the part that comes after the enacting clause is the law, and that it ought to contain the essential provisions of the law, and not expect us to pass long preambles, which ordinarily we strike out, in order to have brevity in the statute.

Mr. LINTHICUM. Has the gentleman read the words "such cession to be coextensive territorially with the said permit of June 1, 1914"? That is a part of the War Department record. This bill is identical with the one that ceded jurisdiction to the Presidio, Cal.

Mr. MANN. Yes; I have read that.

Mr. MONDELL. If the gentleman from Maryland will pardon me, it will not be at all difficult to amend the bill so as to be perfectly clear, and that can be done by striking out the word "said," in line 4, and insert, after the word "reservation," in line 5, the words "permission to use which was granted to the city of Baltimore by the act of May 26, 1914."

Mr. LINTHICUM. I have no objection to that amendment.

Mr. MONDELL. I am not insisting on it, but I think it is necessary in order to make it clear.

Mr. LINTHICUM. If the gentleman will offer the amendment, I shall be glad to agree to same.

Mr. MONDELL. Mr. Speaker, I move to amend by striking out the word "said," in line 4, page 2, and after the word "reservation," in line 5, page 2, insert the words "permission to use which was granted to the city of Baltimore by the act of May 26, 1914.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 2, line 4, by striking out the word "said," and in line 5 by inserting after the word "reservation" the following: "permission to use which was granted the city of Baltimore by the act of Congress May 26, 1914."

The SPEAKER. The first question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question now is on the amendment offered by the gentleman from Wyoming.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment of the bill.

The bill was ordered to be engrossed.

The preamble was stricken out.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LINTHICUM, a motion to reconsider the vote whereby the bill was passed was laid on the table.

INVESTIGATION AND RESEARCH DEPARTMENT OF COMMERCE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 4724) authorizing the Department of Commerce to make original investigation and research concerning forms and processes of manufacture, and for other purposes.

The SPEAKER. Is there objection?

Mr. STAFFORD. I ask, Mr. Speaker, that the bill be reported first.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized, through the Bureau of Standards, or any other bureau now under the Department of Commerce, or which may be hereafter created in said department, to make original investigation and research concerning forms and processes of manufacture and needs and methods for improvement in manufacture, both generally and specially; but no process or device which may be discovered or invented by any person while employed in or by said department in accordance with the provisions of this act shall be patented for the use or special benefit of any person, but the same shall be open for the general use of all. For the purposes herein indicated the Secretary of Commerce may employ such experts, special agents, clerical assistants, and other help as may be authorized from time to time by law.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object——

Mr. FOSTER. I think we ought to have some explanation of this.

The SPEAKER. What gentleman has charge of this bill?

Mr. ADAMSON. The gentleman from Illinois [Mr. MANN] is the author of the bill, although it is reported from the Committee on Interstate and Foreign Commerce, and I yield to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, if there is anything which we are short of in the world of competition for trade, it is scientific work in our own manufacturing institutions. I think it is highly desirable that we should have an enabling act under which we can make from time to time, as the occasion requires, some appropriation for the purpose of carrying on scientific research work through the Department of Commerce, which is a department dealing with manufacturing establishments, to the end that we may first learn something ourselves for the benefit of all concerned, and, secondly, encourage those who are engaged in manufacturing to themselves study and put into practice scientific methods. It is the one thing that we need more than anything else to-day. We have the money, we have the men, we have the mind, but we do not have scientific knowledge and application with which to enable us to meet, as we ought to, competition from abroad. That is the purpose of the bill. I do not think it is going to revolutionize the world, but I think it is a step that we ought to take.

Mr. FOSTER. As I understand, this is to take up original research work along certain lines which the Department of Commerce may conclude ought to be made.

Mr. MANN. If they so conclude, they would submit to Congress what they wanted, and Congress would determine in the way of appropriation, not by legislation, whether the money should be granted for that purpose.

Mr. FOSTER. Is that intended to take up the improved methods of manufacture that are in existence now or is it to study up some original matters in reference to manufacture?

Mr. MANN. I suppose to a certain extent both. If they learn through original research, as they do occasionally learn now in the Bureau of Standards, that information ought to be given to everyone alike. This bill would require that to be done, and in whatever direction they acquire the information, which is the result of scientific research work, it would be made public for the benefit of all alike. In other words, great corporations like the Standard Oil Co., the United States Steel Corporation, and many others employ a very large number of trained scientists in their own work, but the ordinary manufacturing concern, with a small factory, has nothing of that sort. I made an investigation some years ago, by order of the House, of the

pulp and paper factories throughout the United States, with other Members of the House on the committee. We went from one pulp factory to another and visited a great many. The one thing that most strongly impressed me was the utter lack of scientific methods generally in use in these concerns, and a very little help from the Government would have been then, and doubtless would be now, of very great value, where each individual concerned does not, probably can not afford to, employ proper scientific people in order to learn the proper scientific methods.

Mr. LEVER. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. LEVER. As I take it from the gentleman's explanation, he is seeking to do here for commerce and manufacturing in a broad way about what has been accomplished under the fundamental law creating the Department of Agriculture.

Mr. MANN. Not to the same extent.

Mr. LEVER. I would not think so, but in a general way, the same purpose.

Mr. MANN. Yes.

Mr. LEVER. It seems to me it is a very good undertaking.

Mr. FOSTER. I think, Mr. Speaker, the gentleman from Illinois [Mr. MANN] has stated this proposition very clearly, and I believe we ought to have more investigations along the lines suggested by him, and we ought to do something that will help commerce as well as manufacturing in every way that we can. As he says, there are probably a few manufacturing concerns with large capital that do a large business that are able to take up this work, while many others that might be just as important are unable to do so, and this would give the information to the entire country without reserving any rights for any particular manufacturing concern who might be specially interested.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. MANN. I yield to the gentleman from Ohio.

Mr. FESS. I want to ask the gentleman from Illinois whether without this authority the department can not proceed to do just exactly this thing?

Mr. MANN. Without this authority any appropriation for this purpose would be, under the rules of the House, subject to a point of order.

Mr. FESS. I see. I certainly think this is one of the most essential things that could be done, but I supposed that we could do it without such a law.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I believe, if this bill becomes a law, that in a very short time we will be launching out very extravagantly in the expenditure of public funds for the benefit of private manufacturers. The Bureau of Standards at the present time is indulging in some of this work covered by this authorization, work that I may say the members of the Committee on Appropriations having the authorization in hand question the propriety of having done as a Government function. For instance, during the past year the Bureau of Standards has been sending its experts to different parts of the country to study electrolysis of rails connected with electric railway systems. Up to the present time the bureau has been limiting its work, except in one or two exceptional cases, to one of which I have just referred, to only those instances where the Government had some special work to be performed as, for instance, the examination of the quality of cloths or of materials in use in the construction of its buildings. Personally I am in sympathy with the general purpose of having investigations made, but if we are going to proceed along this line it means the expenditure of hundreds and hundreds of thousands of dollars. In 10 years we have seen the Bureau of Standards grow until it now occupies three large buildings and one other projected, with an annual expenditure of several hundred thousand dollars, engaged in very commendable work, which we are limiting alone, except in one or two instances, to functions connected with the Government establishments.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Wisconsin yield?

Mr. STAFFORD. I do.

Mr. MOORE of Pennsylvania. The gentleman seems to think this might be in the interests of private manufacturers?

Mr. STAFFORD. There is no question but the bill is for that purpose.

Mr. MOORE of Pennsylvania. I have been reading the bill and have been wondering whether it was not for some other purpose. The manufacturers generally have about as much inspection and investigation on the part of the Department of Commerce now as they can stand and this might add to their difficulties rather than aid them.

Mr. STAFFORD. Oh, no; it is not intended to embarrass any private manufacturers. It is intended to amplify the work that is now being carried on by the Bureau of Standards, and instead of limiting that work to matters which exclusively pertain to governmental functions and governmental matters, to broaden their activities so that it will cover the whole wide field of commercial manufacturing.

Mr. MOORE of Pennsylvania. The Bureau of Standards is a valuable adjunct to our Government system, and it is being very worthily conducted just now, but this bill proposes that it shall be authorized "to make original investigation and research concerning forms and processes of manufacture, and needs and methods for improvement in manufacture, both generally and specially," and so forth. Now, suppose the power thus conferred upon the bureau took the form of inspection, inquiries, reports, and other details that manufacturers must return to the Bureau of Standards. Does not the gentleman think in that case it would rather increase the burdens of the manufacturers than assist them?

Mr. STAFFORD. Under this phraseology the representatives of the Department of Commerce might have the right, if the Committee on Appropriations grant the appropriation, to go into private establishments and investigate their processes of manufacture; but I do not believe they would indulge in that method. I believe they would continue along the lines that they are doing at the present time——

Mr. MANN. Where would they get their right?

Mr. MOORE of Pennsylvania. It is important to know whether it is compulsory, because that raises a very serious question. There is nothing in the bill that seems to make it compulsory.

Mr. STAFFORD. It says to make research concerning processes of manufacture.

Mr. ADAMSON. Mr. Speaker, will the various gentlemen engaged in colloquy permit me to say just one word. I can not find any room for apprehension as to inspection or anything in that respect. It is confined purely to the question of learning something so as to educate our own people how things are done and the best way for them to do them. It will promote production and to-day, under existing circumstances, we can not have too much information. The time is coming more and more rapidly, and even now absolutely demands that we produce not only everything our people are going to need in this country, but also produce something to exchange with other countries for things we can not produce. [Applause.] And I do hope there will be no objection to this most meritorious bill. The committee considered it well at two sessions of Congress, and there can not be any harm in it as I understand it, and with the Bureau of Standards already in existence we would just as well give it something to do.

Mr. STAFFORD. Mr. Speaker, the Bureau of Standards has plenty to do under its present authorization.

Mr. MANN. Will the gentleman yield?

Mr. STAFFORD. I will be glad to do so.

Mr. MANN. Does not the gentleman from Wisconsin know that nearly every item in the legislative bill, which the gentleman helped to report to the House, under the Bureau of Standards is subject to the point of order under existing law?

Mr. STAFFORD. No; I did not; and I can not agree with the gentleman to the full extent of his statement.

Mr. MANN. That is certainly the case.

Mr. STAFFORD. There are some items in the bill subject to the point of order, but there is an authorization under existing law for most of the items reported.

Mr. MANN. I beg the gentleman's pardon; some might be held in order as being a continuation of work in progress for which we have already made a partial provision, but nearly every one was subject to the point of order when it first appeared in the bill.

Mr. FESS. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Ohio.

Mr. FESS. The objection made is that it would entail the expenditure of a lot of money. Does not the gentleman think that the expenditure of money will multiply itself in good results that will more than pay for many, many fold the expenditure?

Mr. STAFFORD. I am not questioning the utility of the work of the Bureau of Standards. I am only questioning whether it is a proper governmental function, and whether we should at this time launch out into this new field, in view of some work that has been done, which has not been to the benefit of the people generally, but has been to the benefit of certain localized communities and industries. I fully approve of the work of the Bureau of Standards so far as it relates to investigations as to materials used by the Government, as to stand-

ardization and the like; but when it is proposed to launch out into a new field and create an agency here, without limit, why it is going to involve an expenditure ultimately of millions and millions of dollars.

Mr. FESS. If the gentleman will permit, he will remember last year there was carried in all of the papers an account of Dr. Rittman's discovery down here in the Bureau of Mines, by which he claims he can treble the production of gasoline out of a given quantity of crude oil. Now, would not this give an opportunity for that sort of investigation, the results of which would be very, very many times more than the expenditure?

Mr. STAFFORD. I am frank to say to the gentleman that under this bill such work of investigation could be accomplished.

Mr. WALSH. If the gentleman will permit, I would like to ask if under the provisions of this bill a manufacturer had some secret process for producing goods, which for some reasons of his own he did not see fit to patent, an investigator from the Department of Commerce would have authority to go into his plant, look over the process of manufacture, and then come out and make it public and open it to other manufacturers and competitors?

Mr. STAFFORD. That authority has been denied, and it is a mooted question whether under this phraseology an investigator would have that right. Of course, if he would have that authority, I would feel compelled to object to the bill, but I question whether this language will bear that particular construction.

Mr. FOSTER. The gentleman does not think the Government would have any right to go into a private factory and steal their process? We would have no power to do that, it seems to me, at all.

Mr. ESCH. Mr. Speaker, I think this bill would have pertinency in connection with the act of 1910, whereby we gave to the Interstate Commerce Commission the power to investigate railroad wrecks. Among the powers granted there was the power of having an inspector go to a wreck and investigate the causes. Many of these wrecks have been found due to defective rails and defective flanges of wheels. These rails have been sent to the Bureau of Standards for investigation by the scientists of that bureau, also some of the defective wheels. The bureau has not now the equipment necessary to make a thorough test of those rails and wheels.

Mr. STAFFORD. Will the gentleman permit right there?

Mr. ESCH. Yes.

Mr. STAFFORD. I would like to take issue with that statement, for on a recent visit to the Bureau of Standards we were shown by the director ample instruments for determining that very matter.

Mr. ESCH. My information comes direct from the division of inspection of the Interstate Commerce Commission, with a further statement that that commission has sent many defective rails and wheels to be investigated and tested by the private plants and workshops of the different railroads of the United States. The Bureau of Standards has not the full equipment.

Mr. STAFFORD. I am not questioning that private establishments have not, but I am maintaining that at the present time the Bureau of Standards is equipped with machinery to determine the tensile strength and the quality of the steel in rails and wheels. In fact, they have issued a bulletin, they have samples which they distribute to the public generally, showing the character of mixtures of steel that should be used in furnaces and the like and in the manufacture of steel.

Mr. ESCH. They have made recommendations that the open-hearth process of steel manufacture is better than the Bessemer, and I think they recommended that the electrical furnace product is even better than the open-hearth product, but nevertheless they have not the full equipment to meet the demands of the Division of Safety of the Interstate Commerce Commission. This bill would grant them those added facilities.

Mr. STAFFORD. Mr. Speaker, though I fear this bill will result in having the Government launch into many fields of activity which I question it should, I am not going to interpose an objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4724) authorizing the Department of Commerce to make original investigation and research concerning forms and processes of manufacture, and for other purposes.

Be it enacted, etc., That the Secretary of Commerce is hereby authorized, through the Bureau of Standards or any other bureau now under the Department of Commerce or which may be hereafter created in said department, to make original investigation and research concerning forms and processes of manufacture and needs and methods for improvement in manufacture, both generally and specially; but no process or device which may be discovered or invented by any person while employed in or by said department in accordance with the provisions of this act shall be patented for the use or special benefit of any person, but the same shall be open for the general use of all. For the purposes herein indicated the Secretary of Commerce may employ such experts, special agents, clerical assistants, and other help as may be authorized from time to time by law.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. I would like to inquire of the gentleman who framed the bill whether it is his purpose to restrict the granting of a patent only to this country? Does he wish to prohibit the inventor of any device from taking out foreign patents?

Mr. MANN. I think that anyone who learns anything through research under this bill should give that information for the benefit of the world.

Mr. STAFFORD. Of course, if our Government is paying men for the benefit of our own manufacturers, I can not see any objection to allowing the inventor to take out foreign patents, if he so wishes, so as to give him protection, and which would not embarrass the users in this country.

Mr. MANN. Well, I do not see how it is practicable for the Government itself to own foreign patents. I do not think it is desirable that the officials whom our Government selects to make investigations should be allowed to make anything on the side by means of patents.

Mr. STAFFORD. While I can see some objections to their taking out patents in this country on their inventions, yet I do not see any objection to allowing them to take out patents in foreign countries.

At the Bureau of Standards a recent graduate of one of our universities has invented a device during the time of the Government, whereby he can detect by just moving a screen the air waves, no matter how many thousands of miles removed, in wireless telegraphy. That man, being paid by the Government, is giving his invention to the United States free; but why should he not have the benefit of that invention, so far as foreign countries are concerned?

Mr. MANN. Oh, if you give a man a patent on these things, that will be what he will be looking for all the time. If he can get any special benefit out of it, that is the way he will conduct his work. He ought to feel that he should attend to his work, regardless of finding some patentable device which can be sold to foreign countries. Most of these things ought not to be patented anyway, in my opinion.

Mr. STAFFORD. The gentleman is aware of the fact that foreign Governments are very jealous of their processes, and that they do not open their doors to the inspection of their secret processes. But here we are proposing to employ experts and give the foreigners the value of these inventions.

Mr. MANN. I do not know that this Government or the Government of any other country obtains any information which it can keep secret.

Mr. STAFFORD. I propose to allow the inventors to get the benefit of their inventions only so far as foreign countries are concerned.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] withdraws his pro forma amendment. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MANN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

BRIDGE ACROSS FLINT RIVER, GA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9225) granting the consent of Congress to Georgia Lumber Co. to construct a bridge across Flint River, Ga., between Dooly and Sumter Counties.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to Georgia Lumoer Co., a corporation chartered under the laws of the State of Ohio, with principal place of business in the city of Akron, Ohio, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Flint River, at a point suit-

able to the interests of navigation, at or near De Vaughn's Siding, in the county of Dooly, in the State of Georgia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CRISP, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. TILSON. Mr. Speaker, I would like to have the right to extend my remarks in the RECORD on the subject of the national defense.

The SPEAKER. The gentleman from Connecticut [Mr. TILSON] asks unanimous consent to extend his remarks in the RECORD on the subject of the national defense. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

BRIDGE ACROSS THE OHIO RIVER, PITTSBURGH, PA.

The next business on the Celandar for Unanimous Consent was the bill (H. R. 10032) to authorize the construction of a bridge across the Ohio River from a point on its banks in the city of Pittsburgh, Pa., at or near the locality known as Woods Run, to a point on the opposite shore of said river within the borough of McKees Rocks, Pa.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the county of Allegheny, in the State of Pennsylvania, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto over the Ohio River, at a point suitable to the interests of navigation, from a point on its banks in the city of Pittsburgh, Pa., at or near the locality known as Woods Run, to a point on the opposite shore of said river within the borough of McKees Rocks, Pa., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and also an act entitled "An act to authorize the construction of bridges across the Ohio River, and to prescribe the dimensions of the same," approved December 17, 1872, as amended by the act approved February 14, 1883.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment, as follows:

On page 2, line 5, after the word "six," strike out the comma and the remainder of the line down to and including line 10.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. The Clerk will report the next one.

BRIDGE ACROSS SNAKE RIVER, IDAHO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9920) granting the consent of Congress to the counties of Minidoka and Cassia, State of Idaho, to construct a bridge across Snake River.

The SPEAKER. Is there objection?

Mr. DILLON. Mr. Speaker, Senate bill 3873 is of the same tenor, and I ask unanimous consent for the present consideration of that bill.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that Senate bill 3873, of identical tenor, be considered in lieu of the House bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read the bill (S. 3873) to authorize the counties of Minidoka and Cassia, State of Idaho, to construct a bridge across Snake River, as follows:

Be it enacted, etc., That the counties of Minidoka and Cassia, State of Idaho, are hereby authorized to construct, maintain, and operate a bridge, and approaches thereto, across the Snake River, at a point suitable to the interest of navigation, in sections 7, 8, 17, and 18, township 9 south, range 25 east, Boise meridian, in the counties of Minidoka and Cassie, in the State of Idaho, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, the printed copy of the Senate bill, as we have it, contains a typographical error in line 9, where the word "Cassia" is misspelled, but I have examined the enrolled copy of the bill, which is the one that we go by, and find that that is correct.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. DILLON, a motion to reconsider the vote by which the bill was passed was ordered to lie on the table.

By unanimous consent the corresponding House bill was ordered to lie on the table.

MILITARY SCHOOLS.

Mr. McKELLAR. Mr. Speaker, I ask unanimous consent that 5,000 additional copies of report 243, on the military school bill, be printed.

The SPEAKER. The gentleman from Tennessee [Mr. McKELLAR] asks unanimous consent that 5,000 extra copies of report 243 be printed. Is there objection?

Mr. MANN. Mr. Speaker, has the gentleman conferred with the gentleman from Indiana [Mr. BARNHART]?

Mr. McKELLAR. I have. This is a very short report, and the gentleman from Indiana [Mr. BARNHART] told me I might say to the House that he had no objection.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, how is it proposed that these reports shall be distributed?

Mr. McKELLAR. Through the document room. The print of the report is exhausted, and more copies are desired.

The SPEAKER. Is there objection?

There was no objection.

BRIDGE ACROSS MERRIMACK RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11628) granting the consent of Congress to the city of Lowell, county of Middlesex, State of Massachusetts, to construct a bridge across the Merrimac River.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the city of Lowell, county of Middlesex, State of Massachusetts, a municipal corporation, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Merrimac River, at a point suitable to the interests of navigation, to replace the present Pawtucket Bridge, so called, and at or near the point at which said Pawtucket Bridge crosses said river, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. ROGERS. Mr. Speaker, I move to amend the bill by adding the letter "k" to the word "Merrimac," in line 7, page 1. I will say to the chairman of the committee that when I introduced the bill the name was correctly spelled, with the letter "k," but in printing it the "k" was dropped.

Mr. ADAMSON. I am sure the committee had no desire to mutilate the orthography of the distinguished gentleman from Massachusetts, and as far as I am concerned, I have no objection to the amendment.

Mr. MANN. The Government Printing Office say that the gentleman is wrong, and that is the reason why they changed it, I suppose.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 1, strike out "Merrimac" and insert "Merrimack."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

Mr. MANN. The title ought to be amended.

Mr. ROGERS. I ask unanimous consent that the title be amended in the same way.

The SPEAKER. If there be no objection, the title will be amended to conform to the spelling of the text of the bill.

There was no objection.

On motion of Mr. ROGERS, a motion to reconsider the vote by which the bill passed was laid on the table.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until Tuesday, March 7, 1916, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the chairman of the Federal Trade Commission, submitting a supplemental estimate of appropriation in the sum of $100,000, being additional to the estimates submitted by the commission beginning on page 855, of the annual Book of Estimates for 1917, for salaries and expenses of the Federal Trade Commission (H. Doc. No. 838), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 10307) authorizing the Secretary of the Interior to pay and to distribute the balance now in the Treasury to the credit of the Alsea and other Indians on the Siletz Reservation, reported the same without amendment, accompanied by a report (No. 298), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DANFORTH, from the Committee on the Judiciary, to which was referred the bill (H. R. 12195) to amend section 17 of the United States bankruptcy law of July 1, 1898, and amendments thereto of February 5, 1903, reported the same without amendment, accompanied by a report (No. 299), which said bill and report were referred to the House Calendar.

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill (H. R. 7619) to repeal section 3 of section 1342 of the Revised Statutes of the United States, enacted July 27, 1892, reported the same without amendment, accompanied by a report (No. 300), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MURRAY, from the Committee on Indian Affairs, to which was referred the bill (H. R. 11939) for the relief of William Guy, reported the same with amendment, accompanied by a report (No. 301), which said bill and report were referred to the Private Calendar.

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 11400) for the relief of the heirs of Isham Butterworth, reported the same with amendment, accompanied by a report (No. 302), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 6770) for the relief of Ellen B. Monahan, reported the same without amendment, accompanied by a report (No. 303), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAY: A bill (H. R. 12766) to increase the efficiency of the Military Establishment of the United States; to the Committee of the Whole House on the state of the Union.

By Mr. NEELY: A bill (H. R. 12767) to create a United States tariff commission and provide for the readjustment of the rates of duty on imports, and for other purposes; to the Committee on Ways and Means.

By Mr. HOOD: A bill (H. R. 12768) providing for a survey of Trent River, N. C., with a view to deepening the channel along that portion of the river known as "Foys Flats"; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12769) providing for a survey of Smith Creek, in Pamlico County, N. C., with the view to making the same navigable; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12770) providing for a survey of Broad Creek, Pamlico County, N. C., with a view to making same navigable; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12771) providing for a survey of Queens Creek, in Onslow County, N. C., with a view to making the same navigable; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12772) providing for a survey of Northeast River, in Duplin County, N. C., with the view to making same navigable; to the Committee on Rivers and Harbors.

By Mr. GUERNSEY: A bill (H. R. 12773) to provide for holding sessions of the United States district court in the district of Maine and for dividing said district into divisions and providing for offices of the clerk and marshal of said district to be maintained in each of said divisions, and for the appointment of a field deputy marshal in the division in which the marshal does not reside; to the Committee on the Judiciary.

By Mr. KING: A bill (H. R. 12774) establishing an armory plant for the purpose of manufacturing firearms at or near the city of Quincy, Ill.; to the Committee on Military Affairs.

By Mr. COPLEY: A bill (H. R. 12775) granting the consent of Congress to George Fabyan to construct a bridge across the Fox River; to the Committee on Interstate and Foreign Commerce.

By Mr. GUERNSEY: A bill (H. R. 12776) to increase the pension of those who have lost limbs or have been totally disabled in the same in the military or naval service of the United States; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 12777) authorizing allotments to members of the Pine Ridge Sioux Tribe from surplus unentered lands in Bennett County, S. Dak., formerly a part of the Pine Ridge Reservation; to the Committee on Indian Affairs.

By Mr. BUTLER: A bill (H. R. 12778) to provide for the authorization of money to be used in the grading and terracing of the grounds around and adjacent to the memorial arch at Valley Forge; to the Committee on the Library.

By Mr. BRITTEN: A bill (H. R. 12779) for the conservation of the products of oil lands and to regulate the price of gasoline; to the Committee on Ways and Means.

By Mr. POU: Resolution (H. Res. 158) providing for consideration of House resolution 147; to the Committee on Rules.

By Mr. FINLEY: Resolution (H. Res. 159) directing the printing of 1,250 additional copies of the soil survey of Chesterfield County, S. C., for the use of the House document room; to the Committee on Printing.

By Mr. MOORES of Indiana: Joint resolution (H. J. Res. 172) providing for a commission to make investigation and report to the Congress emergency legislation enacted by the several countries now engaged in war; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARY: A bill (H. R. 12780) granting a pension to Phillip Stokes; to the Committee on Pensions.

By Mr. CLINE: A bill (H. R. 12781) to correct the military record of Charles Rassett; to the Committee on Military Affairs.

By Mr. DEWALT: A bill (H. R. 12782) granting an increase of pension to John Kane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12783) granting an increase of pension to Cecilia McCullough; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 12784) granting a pension to Rebecca Rozell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12785) granting an increase of pension to James F. Pickett; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 12786) granting an increase of pension to Maria A. Murat; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12787) granting an increase of pension to Charles A. Morrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12788) granting an increase of pension to Philip H. Leach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12789) granting an increase of pension to Ellen Jines; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 12790) granting an increase of pension to Jeduthian Weller; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 12791) granting a pension to Cynthia A. Snell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12792) granting a pension to James Cassidy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12793) granting a pension to William S. Head; to the Committee on Pensions.

Also, a bill (H. R. 12794) granting a pension to Mary C. Heller; to the Committee on Pensions.

Also, a bill (H. R. 12795) granting a pension to Callie Oberer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12796) for the relief of Lewis Hall; to the Committee on Military Affairs.

Also, a bill (H. R. 12797) granting an increase of pension to John Golden; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 12798) for the relief of the estate of Abram M. Matthews; to the Committee on Claims.

By Mr. GORDON: A bill (H. R. 12799) granting a pension to Martha H. Randolph; to the Committee on Invalid Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 12800) granting a pension to Matilda Delisle; to the Committee on Invalid Pensions.

By Mr. HELGESEN: A bill (H. R. 12801) granting a pension to Clara May Armstrong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12802) granting an increase of pension to Elizabeth Hummelbaugh; to the Committee on Invalid Pensions.

By Mr. HERNANDEZ: A bill (H. R. 12803) for the relief of the estate of Juan Martinez y Sanchez; to the Committee on Claims.

By Mr. HUDDLESTON: A bill (H. R. 12804) granting an increase of pension to Patrick Gillin; to the Committee on Invalid Pensions.

By Mr. KALANIANAOLE: A bill (H. R. 12805) granting an increase of pension to Frank Godfrey; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 12806) granting a pension to William A. Vice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12807) for the relief of the Citizens Savings & Loan Association Co., of Portsmouth, Ohio; to the Committee on Claims.

By Mr. KEATING: A bill (H. R. 12808) granting a pension to Milford Lady; to the Committee on Pensions.

Also, a bill (H. R. 12809) granting an increase of pension to James O. Cotman; to the Committee on Pensions.

Also, a bill (H. R. 12810) granting an increase of pension to William J. Love; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 12811) granting an increase of pension to Charles B. Daniel; to the Committee on Pensions.

Also, a bill (H. R. 12812) granting an increase of pension to Preston Campbell; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 12813) granting an increase of pension to Creed F. White; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 12814) granting a pension to Nancy Shryock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12815) granting an increase of pension to William A. Wilson; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 12816) granting an increase of pension to William Reynolds; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 12817) granting an increase of pension to John Fuller; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 12818) granting an increase of pension to Bridget M. Fauls; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12819) granting an increase of pension to John Hale Larry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12820) granting an increase of pension to Mary M. Drake; to the Committee on Invalid Pensions.

By Mr. SCOTT of Michigan: A bill (H. R. 12821) granting an increase of pension to Una Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12822) granting an increase of pension to Mariett Geer; to the Committee on Invalid Pensions.

By Mr. SCOTT of Pennsylvania: A bill (H. R. 12823) granting an increase of pension to Samuel I. McPherron; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12824) granting an increase of pension to Julian Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12825) granting an increase of pension to Zachary Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12826) granting an increase of pension to Alexander Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12827) granting an increase of pension to Mary E. Wolf; to the Committee on Invalid Pensions.

By Mr. HELGESEN: A bill (H. R. 12828) granting an increase of pension to Susan Forney; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 12829) for the relief of Mary Hayden; to the Committee on Claims.

By Mr. SLAYDEN: A bill (H. R. 12830) granting a pension to F. R. Ramsdell; to the Committee on Pensions.

By Mr. STEPHENS of Nebraska: A bill (H. R. 12831) granting an increase of pension to Kate V. Williams; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 12832) for the relief of James Cahoon; to the Committee on War Claims.

By Mr. THOMPSON: A bill (H. R. 12833) granting a pension to William J. Givins; to the Committee on Pensions.

Also, a bill (H. R. 12834) granting an increase of pension to John N. Jackson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of Everyman Class of Vermont Avenue Christian Church, in support of the Hughes-Smith bill for a dry District; to the Committee on the District of Columbia.

Also (by request), resolution of Everyman Bible Class of the Vermont Avenue Christian Church, against the Cary bill, authorizing prize fighting in the District; to the Committee on the District of Columbia.

Also (by request), memorial of Sons of American Revolution in Hawaii, urging more adequate Army; to the Committee on Military Affairs.

By Mr. BROWNING: Petition of New Jersey Society of Sons of the Revolution, that steps be taken for the erection of a national archives building; to the Committee on Public Buildings and Grounds.

Also, petitions of 500 people of Camden; First Baptist Church, of 650 people, of Haddenveld; Y. P. B., 20 people, of Mullica Hill; and W. C. T. U., of 20 people, of Westville, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CHIPERFIELD: Petition of John M. Taylor and other residents of Brainerd, Minn., praying for the repeal of the Indian treaty of 1855; to the Committee on Indian Affairs.

Also, petition of John M. Taylor and the Iron Molders' Union of Brainerd, Minn., praying for the repeal of the Indian treaty of 1855; to the Committee on Indian Affairs.

By Mr. COLEMAN: Petition of 18 citizens of St. John's Evangelical Lutheran Church, of Swissvale, Pa., and St. John's Evangelical Lutheran Church, of Swissvale, Pa., for national prohibition; to the Committee on the Judiciary.

By Mr. CURRY (by request): Petition of C. E. Johnson and Ripon Brethren Church, of Ripon, Cal., for censorship of picture films; to the Committee on Education.

Also, petition of C. E. Johnson for Brethren Church of Ripon, Cal., for national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of mass meeting in the capitol of New Mexico, against postponement of report on suffrage resolution; to the Committee on the Judiciary.

By Mr. DANFORTH: Petition of F. C. Atherton, of Honolulu, and Antisaloon League of Hawaii, favoring prohibition in Hawiian Islands; to the Committee on the Territories.

By Mr. DARROW: Memorial of Retail Grocers' Association and Chamber of Commerce of Meadville, Pa., favoring tax on dyestuffs; to the Committee on Ways and Means.

Also, petition of 20 citizens and Men's Bible Class of Methodist Episcopal Church of Philadelphia, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Keystone Council, No. 55, Junior Order United American Mechanics of West Philadelphia, favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. DILLON: Petition of 100 citizens of Mitchell, S. Dak., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of South Dakota Irrigation Association, favoring Jones bill relative to irrigation in Western States; to the Committee on Irrigation of Arid Lands.

Also, petition of citizens of Parkston, S. Dak., favoring resolution warning Americans to keep off armed ships; to the Committee on Foreign Affairs.

Br. Mr. DIXON: Petition of First Baptist Church of Aurora; 48 voters of Dearborn County; 33 voters of Aurora; 25 citizens of Brown County; 14 voters of English Luthern Church, of Columbus, Presbyterian Sunday School of Hanover; U. B. Church of Medora, Jackson County; 500 people of Seymour; Ault Bible Class, Presbyterian Church, Hanover, all in the State of Indiana, for passage of House joint resolutions 84 and 85, for nation-wide prohibition; to the Committee on the Judiciary.

By Mr. DYER: Papers to accompany House bill 11188, for relief of Fritz Hintermein; to the Committee on Pensions.

Also, papers to accompany House bill 3915, for relief of Robert L. Johnson; to the Committee on Pensions.

Also, papers to accompany House bill 3912, for relief of William L. Woesterdick; to the Committee on Pensions.

Also, papers to accompany House bill 10510, for relief of Asa B. Ecoff; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 3921, for relief of Walter S. Reese; to the Committee on Pensions.

Also, papers to accompany House bill 10861, for relief of George Fredericks; to the Committee on Pensions.

Also, papers to accompany House bill 3909, for relief of Jos. Mitchell; to the Committee on Pensions.

Also, papers to accompany House bill 3910, for relief of Joseph Glass; to the Committee on Pensions.

By Mr. FLYNN: Petition of William B. Hill, of New York, favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of General M. Emmet Urell Camp, No. 9, Department of District of Columbia, United Spanish War Veterans, against Borland amendment to the appropriation bill; to the Committee on Appropriations.

Also, petition of F. C. Atherton, Honolulu, Hawaii, favoring prohibition in Hawaii; to the Committee on Territories.

By Mr. FOCHT: Petition of voters of Mercersburg, Mount Union, Milroy; Christian Endeavor Society of the Brethren Church, Duncannon; members of the United Evangelical Church, Merryville; citizens of Duncannon; and Sunday School of Miller Township, Huntingdon County, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. FULLER: Petition of Charles T. Taylor, in favor of warning Americans against traveling on armed ships; to the Committee on Foreign Affairs.

Also, petition of Local Union No. 33, of Peru, Ill., International Union United Brewery Workers, favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, papers to accompany a bill granting an increase of pension to Jeduthian Weller; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: Petition of North Atlantic Oyster Farms, of Boston, Mass., protesting against passage of House bill 6801, to amend motor-boat law; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Massachusetts Commandery, Military Order of the Loyal Legion of the United States, for preparedness; to the Committee on Military Affairs.

Also, petition of Voters' League of Massachusetts, favoring resolution to warn Americans against travel on armed ships; to the Committee on Foreign Affairs.

By Mr. GORDON: Petition of C. G. Knapp and 13 other citizens of Cleveland, praying for the enactment of legislation guaranteed to keep all citizens of the United States from taking passage on the armed vessels of the belligerent nations; to the Committee on Foreign Affairs.

Also, petition of Carl Faller and 27 other citizens, of Cleveland, praying for the enactment into law of House bill 6915; to the Committee on the Post Office and Post Roads.

Also, resolution of the Cleveland Slovak Alliance, pledging support to the President in the position he has taken for the protection of American rights on the high seas; to the Committee on Foreign Affairs.

Also, petition of C. W. Johnson and 64 other citizens, of Cleveland, praying for the adoption of a policy guaranteed to keep the United States out of war; to the Committee on Foreign Affairs.

By Mr. GUERNSEY: Petition of citizens of Patten, Me., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. HAMLIN: Papers to accompany House bill 4237, for relief of Henry H. Snyder; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 12235, for pension for Lydia A. McKnight; to the Committee on Invalid Pensions.

By Mr. HEATON: Petition of Junior Order of Honor and Temperance, Shenandoah, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HELVERING: Petitions from sundry citizens of Concordia, Glasco, Miltonvale, Oak Hill, Falun, Palmer, Manhattan, Idana, Ashton, Cuba, Norway, Home City, Junction City, Minneapolis, Brookville, and Hollenberg, all cities of Kansas, protesting against the proposed stamp tax on bank checks; to the Committee on Ways and Means.

By Mr. HILL: Petition of Woman's Christian Temperance Union, of 20 people of Darien, and citizens of Rowayton, Conn., for national prohibition; to the Committee on the Judiciary.

Also, memorial of Iowa Retail Clothiers' Association of Des Moines, Iowa, in favor of House bill 702—the dyestuff bill; to the Committee on Ways and Means.

By Mr. HOLLINGSWORTH: Memorial of Local Union No. 73, A. F. G. U. N., Toronto, Ohio, in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Presbyterian Church of East Springfield, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KALANIANAOLE: Memorial of Hawaiian Society, Sons of the American Revolution, in favor of preparedness; to the Committee on Military Affairs.

By Mr. KENNEDY of Rhode Island: Memorial of Providence (R. I.) Lithograph Co., favoring House bill 10845; to the Committee on Military Affairs.

Also, petition of Turns Club, D. T. S., of Providence, R. I., and Karl Wendt, of Providence, R. I., favoring passage of resolution warning Americans not to sail on belligerent ships; to the Committee on Foreign Affairs.

By Mr. KIESS of Pennsylvania: Petition of sundry citizens of Wellsboro, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KING: Petition of D. Genneff, president, and E. Lindsey, secretary, of the Soldiers and Sailors' Christian Temperance League, composed of members of the Illinois Soldiers and Sailors' Home situated at Quincy, Ill., and numbering about 300 members of said home, in support of bills pending to prohibit saloons in the District of Columbia and also a bill barring from the mails all alcoholic liquor advertisements; to the Committee on the District of Columbia.

By Mr. McCLINTIC: Petition of Chamber of Commerce of Elk City, Okla., in reference to legislation affecting oleomargarine; to the Committee on Agriculture.

By Mr. MEEKER: Petitions of Franke Korte, Otto Kaemmerer, Leo Burkart, and Gus Freuh, all of St. Louis, Mo., praying for the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of 11 citizens of St. Louis, Mo., in favor of the bill to increase the efficiency of the Dental Corps of the Army; to the Committee on Military Affairs.

Also, petitions of Hofman Bros. Produce Co., St. Louis County Producers' Market Co., the Federation of Evangelical Brotherhood of St. Louis, and 14 other citizens, all of St. Louis, Mo., favoring passage of a resolution warning Americans not to sail on belligerent ships; to the Committee on Foreign Affairs.

Also, petition of the Millers of Missouri, of St. Louis, Mo., protesting against the passage of the Rainey bill; to the Committee on Agriculture.

By Mr. NEELY: Petitions of Thompson Methodist Episcopal Church, of Wheeling, and 350 people, of Wheeling, W. Va., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NOLAN: Petition of Northern California Counties' Association, Redding, Cal., favoring appropriations for the lower Pit River project; to the Committee on Appropriations.

Also, petition of Chamber of Commerce, Santa Ana, Cal., urging national and Pacific coast defense; to the Committee on Military Affairs.

Also, petition of Northern California Counties' Association, Redding, Cal., indorsing House bill 348, proposing the creation of Lassen volcanic national park; to the Committee on the Public Lands.

Also, petitions of Typographical Union No. 21 and Cooks' Union, Local No. 44, both of San Francisco, Cal., favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of the Ladies' Improvement Club, Sisson, Cal., favoring the building of a wagon road from Sisson to the wagon camp on Mount Shasta by the Federal Government; to the Committee on Military Affairs.

Also, petition of Executive Board of the Woman's Christian Temperance Union, San Francisco, Cal., indorsing national constitutional prohibition; to the Committee on the Judiciary.

Also, petition of the Ebell of Los Angeles, Los Angeles, Cal., indorsing the movement to take the administration of Indian affairs out of politics and to establish in lieu administration of Indian affairs; to the Committee on Indian Affairs.

Also, petition of Shasta County Promotion & Development Association, Redding, Cal., favoring appropriations for the lower Pit River project; to the Committee on Appropriations.

Also, petitions of Central Federated Union of Greater New York and vicinity, favoring House bill 9820, limiting the activities of certain officers and employees of the Government; House bill 38, proposing to create peace abroad and stop the awful human slaughter; House bill 8352 and Senate bill 3202, fathered by the State Board of Health of California; to the Committee on Foreign Affairs.

By Mr. OAKEY: Petition of the Talcott Co. and leading druggists of Hartford, Conn., and vicinity, favoring the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of United Presbyterian Church of Thompsonville, Conn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. PADGETT: Petitions of sundry citizens of the seventh congressional district of Tennessee, in support of a bill to provide a tax on persons, firms, or corporations doing a mail-order business; to the Committee on Ways and Means.

By Mr. PETERS: Petitions of 25 citizens of Clinton, sundry citizens of Jeupils, Methodist Episcopal Church of Kents Hill, 14 citizens of Clinton, 25 citizens of Clinton, the Baptist Church of Clinton, 24 citizens of Clinton, and the Methodist Episcopal Church of Clinton, all in the State of Maine, in favor of national prohibition; to the Committee on the Judiciary.

By Mr. PRATT: Petition of James A. Shepard and F. A. Hatch, of Montour Falls, N. Y., urging action by Congress for proper recognition of the rights of American citizens whether traveling on belligerent ships or at home; also from Earnest Merritt, of Ithaca, N. Y., favoring support of President's foreign policies; to the Committee on Foreign Affairs.

Also, petition of 100 members of the Northern Tioga Sunday School Association, B. C. Rawley, chairman, Newark Valley, N. Y., favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Corning Saengerbund, Corning German-American Alliance, and sundry citizens of Corning, N. Y., favoring the passage of sundry bills and joint resolutions, viz, to prohibit the sale and export of arms, ammunition, and munitions of war to any of the belligerents of the present European conflict; to prohibit the issuance of passports for use on the vessels of a belligerent country; and to prohibit belligerent vessels from transporting American citizens as passengers to or from ports in the United States, and prohibit American and neutral vessels from transporting American citizens as passengers and contraband of war at one and the same time; and to authorize and direct the President by proclamation to prohibit any national banking association to make any loan to, or to act as agent for, any of the signatory powers to the declaration of London which shall be ascertained to be obstructing the neutral commerce of the United States in noncontraband articles as defined in such declaration; to the Committee on Foreign Affairs.

Also, petition of Martin Link, Christian Link, H. Kaufman, and Andrew Link, of Cohocton, N. Y., favoring the passage of either the Gore or McLemore resolutions, warning Americans from traveling on armed merchant vessels; to the Committee on Foreign Affairs.

Also, petition of German-American Alliance of Corning, N. Y., Wilhelm H. Warns, president, and G. S. Seibel, secretary, opposing prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. RANDALL: Petition of Shub Avenue Christian Church, of Watts, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWLAND: Petitions of 67 citizens of Kane and citizens of Huston Township, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RUSSELL of Ohio: Petition of the Church of the Brethren, of Adams Township, Ohio, in favor of national prohibition; to the Committee on the Judiciary.

By Mr. SIMS: Petition of citizens of Malesus, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SLAYDEN: Petition of citizens of Texas, protesting against censorship of the press; to the Committee on the Judiciary.

Also, petition of citizens of Texas, protesting prohibition legislation, and asking that passports be denied citizens of the United States who take passage on armed vessels of belligerents, and in relation to other international relations; to the Committee on Foreign Affairs.

Also, petition and protest of citizens of Texas, against proposed legislation for nation-wide prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: Papers to accompany House bill 8897, for relief of Teresa M. Graham; to the Committee on Pensions.

Also, petition protesting against further preparation for national defense; to the Committee on Military Affairs.

Also, memorial of 500 members of the Douglas Memorial Methodist Episcopal Church, favoring prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Farmers' Union Convention, urging rural credit legislation; to the Committee on Banking and Currency.

Also petition of commissioned officers of the National Guard of Idaho, favoring the federalization of the National Guard; to the Committee on Military Affairs.

Also, memorial of Idaho Society, Sons of the American Revolution, favoring preparedness; to the Committee on Military Affairs.

Also, petition of 67 citizens of Tuxedo; Methodist Episcopal Church South at Canyon School House, New Lubbock; citizens of Rule; and First Christian Church of El Paso, all in the State of Texas, for national prohibition; to the Committee on the Judiciary.

Also, papers to accompany House bill 12763 for relief of Roger G. Wearne; to the Committee on Pensions.

Also, papers to accompany House bill 12764, for relief of Polly Spalding; to the Committee on Invalid Pensions.

Also, memorial of the Boise Commercial Club, for preparedness; to the Committee on Military Affairs.

By Mr. SNELL: Petitions of First Methodist Episcopal Church of Gouverneur; First Presbyterian Church of Gouverneur; Baptist Church of Gouverneur; and Hailleboro Methodist Episcopal Church, of Gouverneur, all in the State of New York, in favor of national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of California: Petition of San Francisco & Portland Steamship Co., of San Francisco, Cal., favoring the supervising inspector at San Francisco having jurisdiction over certain inspection service; to the Committee on the Merchant Marine and Fisheries.

Also, petition of American Art Leather Co., of Los Angeles, Cal., indorsing House bill 702, the dyestuff bill; to the Committee on Ways and Means.

Also, petition of Granite Manufacturers' Association of California, favoring a bill for an increase of duty on rough and finished granite; to the Committee on Ways and Means.

Also, petition of Labor Council of San Francisco, indorsing an equitable Federal income tax; to the Committee on Ways and Means.

Also, petition of the Ebell, of Los Angeles, Cal., indorsing desert signposts; to the Committee on the Public Lands.

Also, petition of C. F. Morgan and 26 others, of Los Angeles, Cal., against the Fitzgerald bill (H. R. 6468) and Siegel bill (H. R. 491); to the Committee on the Post Office and Post Roads.

Also, petition of Carl L. Koster, of San Francisco, Cal., favoring an appropriation of $25,000,000 for protection against fire in the Oregon and California grant lands, also from C. A. Smith, of Oakland, Cal.; to the Committee on Appropriations.

Also, petition against preparedness from A. Van Schultz and 24 other citizens of Los Angeles, Cal.; to the Committee on Military Affairs.

Also, petition of S. D. Porter, of Pasadena, Cal., indorsing the Penrose-Griffin bill; to the Committee on Immigration and Naturalization.

Also, petition of California State Branch, No. 16, U. N. A. P. O. C., favoring House bill 6915, indefinite leave of absence bill, and House bill 7616; to the Committee on the Post Office and Post Roads.

Also, petition of Anti-Jap League, of San Francisco, favoring exclusion of Asiatic immigration; to the Committee on Immigration and Naturalization.

Also, petition of M. J. Bradenstein & Co., of San Francisco, Cal., favoring Alexander bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of California Corrugated Culvert Co., of West Berkeley, Cal., favoring Senate bill 1922; to the Committee on Irrigation of Arid Lands.

Also, communications favoring an appropriation of at least $300,000 for improvements for Yosemite National Park from Monterey Chamber of Commerce, Monterey; Coffin Redington Co., Sa Francisco; California Barrel Co., San Francisco; Merchants and Manufacturers' Association of Los Angeles; Down Town Association, San Francisco; Chamber of Commerce, San Gabriel; Merchants and Manufacturers' Association, San Francisco; Chamber of Commerce, Long Beach; the Pacific Kissel Kar Branch, Los Angeles; Niles Chamber of Commerce, Niles; and Merchants' Association of Stockton, all in the State of California; to the Committee on Appropriations.

Also, petition of International Brotherhood of Electrical Workers, San Francisco, Cal., in favor of printing 200,000 copies of Industrial Relations Commission's report; to the Committee on Printing.

Also, petition of International Union of the United Brewery Workmen of America and Union Liberty League of California; to the Committee on the Judiciary.

Also, petition of the Ebell, of Los Angeles, and the California Club, of San Francisco, Cal., favoring nonpartisan administration of Indian Affairs; to the Committee on Indian Affairs.

Also, petition of Farmers' Union of Campbell, Cal., favoring rural-credits legislation; to the Committee on Agriculture.

Also, communications favoring the Burnett immigration bill from Bricklayers, Masons, and Plasterers' International Union No. 2 of California, the Central Labor Council, and Brotherhood of Teamsters, all of Los Angeles; Journeymen Barbers of San Francisco; Building Trades Council of Santa Barbara; the Granite Cutters' International Association of America, International Brotherhood of Electrical Workers, Bartenders' Union, Carpenters and Joiners of America, Bakers' Union No. 37, Operative Plasterers' International Association, all of Los Angeles; Vallejo Trades and Labor Council, of Vallejo; International Brotherhood of Stationary Firemen, Journeymen Barbers, and Jack Fernald and 24 other citizens, all of Los Angeles; San Francisco Labor Council; San Francisco Typographical Union, No. 21; Electrical Workers of Long Beach; Cigarmakers' International Union of America of San Francisco; Bridge, Structural, and Ornamental Iron Workers and Pile Drivers' Union, Sheet Metal Workers' International Alliance, Bottlers' Union No. 293, and W. O. Smith, all of Los Angeles, all in the State of California; to the Committee on Immigration and Naturalization.

Also, letters and petitions favoring national prohibition amendment from First Methodist Church, of Pasadena; the Benson Woman's Christian Temperance Union, of Pasadena; First Baptist Church, of Hermosa Beach; Donald B. Porter and 22 other members, all of Hermosa Beach; Woman's Christian Temperance Union of California, of San Jose; First Baptist Church, of San Pedro; Church of the Nazarene, of Rivera; Presbyterian Church of Moneta; East Santa Monica Methodist Episcopal Church, of Santa Monica; Jewell Memorial Methodist Episcopal Church, of Colton; Methodist Episcopal Church of Redondo; Methodist Episcopal Church of Gardena; Pilgrim Congregational Church, Florence Avenue United Presbyterian Church, Elysian Garden Methodist Episcopal Church, Second Presbyterian Church, St. Paul's Ply. Church, Echo Park Methodist Episcopal Church, South Park Presbyterian Sunday School, St. James Methodist Episcopal Church, Young People's Society of Christian Endeavor of Lincoln Memorial Congregational Church, First Reformed Church, Rev. J. A. H. Wilson and Mrs. E. B. Wilson, and East Lake Methodist Church, all of Los Angeles, in the State of California; to the Committee on the Judiciary.

Also, petition of Michael Stepan, president of St. Anthony's Benevolent Society, and 13 other citizens, all of Los Angeles, Cal., in reference to immigration laws; to the Committee on Immigration and Naturalization.

Also, petition of W. H. Blee and 9 other citizens of Los Angeles, Cal., favoring House bill 9814, land-grant bill; to the Committee on the Public Lands.

Also, petition of Stockton Merchants' Association, of Stockton, Cal., favoring House bill 11077, a tax on trading stamps and various coupons; to the Committee on Ways and Means.

Also, memorial favoring adequate defense of Pacific coast with suggestions for defense from Security League and 43 citizens of California; to the Committee on Military Affairs.

Also, petitions against preparedness from Jesse R. Townsend and E. R. Townsend, of Pasadena, Cal.; P. B. Maxson, of Emporia, Kans.; J. S. Allison, of Monrovia, Cal.; W. G. Boyce, Fullerton, Cal.; Newell E. Wood and 11 other citizens, D. S. Harrison, N. A. Denning, and Alfred Hoddell, all of Los Angeles, Cal.; to the Committee on Military Affairs.

Also, petition of E. C. Walker and 13 other citizens of Los Angeles, Cal., favoring embargo on munitions of war; to the Committee on Foreign Affairs.

Also, petitions favoring House bill 6971 and Senate bill 901, in re convict-made goods; to the Committee on Interstate and Foreign Commerce.

By Mr. STINESS: Petition of Christian Endeavor Union of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of Adeline Ulbrich and Local No. 245, United Brewery Workmen, of Providence, R. I., and Rhode Island State Board of Health, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Providence Building Trades Council, favoring plans of National Security League for national preparedness; to the Committee on Military Affairs.

Also, petition of Robert Emmet Literary Association, of Providence, R. I., favoring resolution relative to travel on armed merchantmen; to the Committee on Foreign Affairs.

Also, petition of sundry citizens of Kent County Brotherhood of the First Baptist Church, of South Kingston, and 30 voters of Providence, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Centerville Savings and Centerville National Banks, of Rhode Island, relative to permitting interlocking directorates in noncompeting banks; to the Committee on the Judiciary.

By Mr. SULLOWAY: Petition of Robert V. Sweet and others, of Rochester, N. H., favoring preparedness; to the Committee on Military Affairs.

Also, petitions of sundry citizens of the State of New Hampshire, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TAYLOR of Arkansas: Petition of Edward J. Hall and many other citizens, praying for the passage of the Tillman bill regarding payment of the cotton tax and for the relief of Confederate soldiers, their widows, and children; to the Committee on Claims.

Also, petition of Otto Nebling and a great many others of Alexander, Ark., to place an embargo on munitions and other war supplies; to the Committee on Foreign Affairs.

By Mr. TEMPLE: Resolution adopted by the members of Christ Lutheran Church, of Charleroi, Pa., favoring the adoption of the Webb-Smith national prohibition resolutions (H. J. Res. 84 and H. J. Res. 85), proposing an amendment to the Constitution of the United States prohibiting the beverage traffic in intoxicating liquors; to the Committee on the Judiciary.

Also, resolution adopted by citizens of Charleroi, Pa., favoring the passage of the Webb-Smith national prohibition resolutions (H. J. Res. 84 and H. J. Res. 85), proposing an amendment to the Constitution of the United States for nation-wide prohibition of the beverage traffic in intoxicating liquors; to the Committee on the Judiciary.

Also, resolution adopted by Portersville United Presbyterian Church, favoring adoption of an amendment to the Constitution prohibiting the sale of intoxicating liquors for beverage purposes in the United States; to the Committee on the Judiciary.

Also, resolution adopted by the Central Presbyterian Church, of New Castle, Pa., numbering 1,000 people, favoring adoption of an amendment to the Constitution prohibiting the sale, manufacture for sale, transportation, importation, and exportation for sale of intoxicating liquors for beverage purposes in the United States; to the Committee on the Judiciary.

Also, resolution adopted by Daniel Commandery, No. 474, Ancient and Illustrious Order Knights of Malta, protesting against enactment of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, resolution adopted by citizens of New Brighton, Pa., favoring antipolygamy amendment to the United States Constitution; to the Committee on the Judiciary.

Also, resolution adopted by the Italian Methodist Episcopal Church of New Castle, Pa., numbering 84 people, favoring the adoption of an amendment to the Constitution prohibiting the sale, manufacture for sale, transportation for sale, importation and exportation for sale of intoxicating liquors for beverage purposes in the United States; to the Committee on the Judiciary.

By Mr. TILSON: Petition of H. P. Helwig and others, of Mulford, Conn., in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Rev. J. W. Musson and others and Meriden Christian Endeavor Union, of Meriden, Conn., for prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. TIMBERLAKE: Memorial of citizens of Ellicott, Colo., opposing appropriations for increase of armament; to the Committee on Military Affairs.

By Mr. WASON: Resolutions adopted by the United Garment Workers of America, Local No. 179, of Whitefield, N. H., favoring the passage of a resolution providing for a committee to investigate the sanitary condition of dairies; to the Committee on Rules.

By Mr. YOUNG of North Dakota: Petition of K. A. Shawhem and 259 others, protesting against the passage of House bill 6468, a bill to amend the postal laws of the United States; also House bill 491, with the same title; to the Committee on the Post Office and Post Roads.

SENATE.

TUESDAY, *March 7, 1916.*

(Legislative day of Friday, March 3, 1916.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Senator from Utah suggests the absence of a quorum. The Secretary will please call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Norris	Smith, Ga.
Bankhead	Husting	Oliver	Smith, Md.
Beckham	James	Overman	Smith, Mich.
Borah	Johnson, Me.	Owen	Smoot
Brandegee	Johnson, S. Dak.	Page	Sterling
Broussard	Jones	Phelan	Stone
Chamberlain	Kenyon	Pittman	Sutherland
Clapp	Kern	Poindexter	Swanson
Clark, Wyo.	Lane	Pomerene	Thompson
Clarke, Ark.	Lea, Tenn.	Ransdell	Tillman
Culberson	Lee, Md.	Reed	Vardaman
Cummins	Lodge	Robinson	Wadsworth
Curtis	McLean	Shafroth	Warren
Fall	Martin, Va.	Sheppard	Williams
Gallinger	Martine, N. J.	Shields	
Harding	Myers	Simmons	
Hardwick	Nelson	Smith, Ariz.	

Mr. PAGE. I wish to announce the necessary absence of my colleague [Mr. DILLINGHAM] and to state that he has a general pair with the senior Senator from Maryland [Mr. SMITH]. I desire to have this announcement stand for the day.

Mr. SHAFROTH. I wish to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of illness.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired with the Senator from Maine [Mr. BURLEIGH]. This announcement may stand for the day.

I also desire to announce that there are absent on official business the Senator from West Virginia [Mr. CHILTON], the Senator from Florida [Mr. FLETCHER], the Senator from Montana [Mr. WALSH], and the Senator from California [Mr. WORKS]. This announcement I ask may stand for the day.

The PRESIDENT pro tempore. Sixty-five Senators having answered to their names, a quorum of the Senate is present.

Mr. SUTHERLAND obtained the floor.

Mr. OLIVER. Will the Senator from Utah yield to me for a moment?

Mr. SUTHERLAND. I yield to the Senator.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. OLIVER. Out of order, I ask leave to submit on behalf of myself a proposed amendment to the legislative, executive, and judicial appropriation bill (H. R. 12207).

The PRESIDENT pro tempore. The proposed amendment will be referred to the Committee on Appropriations and printed.

Mr. OLIVER. On behalf of my colleague [Mr. PENROSE], who is necessarily absent, I submit an amendment intended to be proposed by him to the Post Office appropriation bill (H. R. 10484). I ask that it be printed and referred to the Committee on Post Offices and Post Roads.

The PRESIDENT pro tempore. Unless there is objection, the request of the Senator from Pennsylvania will be granted, without displacing the unfinished business.

TREATMENT OF TUBERCULOSIS.

Mr. NORRIS. I ask leave to introduce a bill.

There being no objection, the bill (S. 4843) to provide Federal aid in caring for indigent tuberculous persons, and for other purposes, was read twice by its title and referred to the Committee on Public Health and National Quarantine.

NAVAL RESERVE.

Mr. NELSON. Mr. President——

Mr. SUTHERLAND. I yield to the Senator from Minnesota.

Mr. MARTINE of New Jersey. Out of order, or in order, I ask leave——

The PRESIDENT pro tempore. The Senator from Utah is entitled to the floor. Does he yield?

Mr. SUTHERLAND. I yield to the Senator from Minnesota [Mr. NELSON] first.

Mr. NELSON introduced a bill (S. 4844) to create a United States naval reserve, which was read twice by its title and referred to the Committee on Naval Affairs.

ORDER OF BUSINESS.

Mr. POMERENE. Mr. President——

Mr. BRANDEGEE. Mr. President, I shall object to any further morning business.

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Ohio?

Mr. BRANDEGEE. Whether the Senator yields or not, I object.

The PRESIDENT pro tempore. Objection is made.

Mr. SUTHERLAND. That prevents me from extending the courtesy I would be glad to extend.

Mr. NELSON. Will the Senator from Utah yield to me? I think before the Senator begins his remarks the unfinished business ought to be laid before the Senate.

Mr. SUTHERLAND. It is before the Senate.

The PRESIDENT pro tempore. It is the pending business, having been before the Senate when the recess was taken.

Mr. NELSON. If it is the unfinished business, very well.

The PRESIDENT pro tempore. It is pending now. The Senator from Utah is entitled to the floor.

ARMED MERCHANT SHIPS.

Mr. SUTHERLAND. Mr. President, what I shall have to say this morning will be not immediately connected with the unfinished business.

Mr. President, it is quite natural in a great war such as now involves almost the whole of Europe that individual American citizens should sympathize with the cause of one side or the other, and this is particularly to be expected in the case of those of foreign birth or of recent foreign ancestry. There is nothing in such a sentiment to condemn or even deplore. For a citizen of German birth or descent to sympathize with or look forward with anxious hope to the success of Teutonic arms, or for a citizen of English or French or Russian birth or descent to sympathize with and pray for the victory of the allies, is precisely what might be anticipated, and constitutes no breach of civic duty as far as this Government is concerned. Such an attitude of mind is entirely consistent with unimpaired loyalty to this country and readiness to bear arms in its defense, if need be, against even the land of one's birth and ancestry. To say that the individual citizen, in the face of the passionate and titanic struggle which holds the foremost nations of Europe in the very shadow of destruction, should remain neutral in thought and speech is to talk nonsense and to ask an impossibility. But, Mr. President, the question with which we are now confronted is not one of sympathy as between outside contending parties, but it is one which threatens or at least gravely affects American rights. Confronted by such a question every sentiment must be merged in the common duty of presenting a firm and united front in support of this country as against the world. Neutrality, as determined by international law, is not an individual obligation. It is a duty which one nation owes to other nations which are at war. A *citizen* may not only freely indulge his sympathies for one of the belligerents as against the other, but he may within certain limits extend direct aid, as, for example, the sale of munitions of war, the loan of money, and so on. The *Government*, however, is bound to rigidly maintain an attitude of strict impartiality between the belligerents. For the Government to commit a breach of neutrality is to put itself in a very serious position—one which may justify a declaration of war upon the part of that belligerent who may be injured by the breach. It is the custom of this Government, though not of all Governments, to issue a proclamation of neutrality at the beginning of a war, setting forth with more or less particularity the general principles by which it will be bound. In accordance with this policy, at the beginning of the present war the President issued such a proclamation, in the course of which certain rules were definitely stated as among the principles by which we should be governed. Among others, I quote the following:

> And I do hereby warn all citizens of the United States, and all persons residing or being within its territory or jurisdiction, that, while the free and full expression of sympathies in public and private is not restricted by the laws of the United States, military forces in aid of a belligerent can not lawfully be originated or organized within its jurisdiction; and that, *while all persons may lawfully and without restriction by reason of the aforesaid state of war manufacture and sell within the United States arms and munitions of war and other articles ordinarily known as "contraband of war,"* yet they can not carry such articles upon the high seas for the use or service of a belligerent, nor can they transport soldiers and officers of a belligerent, or attempt to break any blockade which may be lawfully established and maintained during the said wars without incurring the risk of hostile capture and the penalties denounced by the law of nations in that behalf.

On September 19, 1914, in the early days of the war, Mr. Lansing, then Acting Secretary of State, in a circular relating to armed merchantmen, which was sent to representatives of

all foreign powers, among other things announced this general rule: "A merchant vessel of belligerent nationality may carry an armament and munitions for the sole purpose of defense without acquiring the character of a ship of war." My understanding is that this correctly states the rule recognized by substantially all the authorities who have spoken upon the subject. In the great struggle which is now raging our position is one of extreme delicacy. The belligerent nations are engaged in a war for what they believe to be their very existence. What they do is done in hot blood; what we do should be done in cool blood. It may not always be possible for us to determine as between conflicting claims what is precisely the wise and impartial thing to do, but there is one general policy that we can creditably follow, and that is to ascertain definitely what were the rules of international law affecting the question of neutrality in force at the opening of hostilities, and then adhere to them strictly and impartially, whatever may be the incidental effect of our adherence upon any of the belligerent powers. If we do that, we shall at least preserve our attitude of neutrality. It is possible that we may modify our position and still preserve that attitude, but we are more likely to be guilty of unfairness to somebody, and indeed, as I shall presently show, to be guilty of a breach of neutrality or a distinctly unfriendly act, which may involve serious and perhaps disastrous consequences.

These general observations have a bearing upon the two questions that have led to much recent discussion: First, that relating to the arming of merchant vessels for defensive purposes and the use of such vessels by our citizens for travel; and, second, that relating to the trade of our citizens in munitions of war. I desire very briefly to discuss both of these matters, and first that of the right of a merchant vessel of a belligerent nation to carry arms for defensive purposes only. That such right exists is clearly laid down in the circular of the State Department from which I have already quoted. The general rule is established by substantially all the authorities and has nowhere been more clearly stated than by Mr. A. Pearce Higgins, in a recent article, from which I quote as follows:

> The right of a merchant ship to defend herself and to be armed for that purpose has not, so far as I am aware, been doubted for two centuries, until the question has again become one of practical importance. The historical evidence of the practice down to the year 1815 is overwhelming. Dr. Schramm, in his elaborate denial of the right fails to distinguish between the position in which a belligerent warship stands to an enemy merchant ship, and that in which it stands to a neutral merchant ship. This failure is important and goes to the root of the matter, for whereas the visit of a belligerent warship to an enemy merchant ship is, under existing law, merely the first step to capture and is itself a hostile act, and is undertaken solely in order to enable the captor to ascertain that the ship is one which is not exempt by custom, treaty, or convention from capture, the visit to a neutral ship, though justified by the fact of the existence of war, is not a hostile act. By long custom a belligerent warship has a right of visit and search of all neutral merchant vessels, and this right is exercised in order to ascertain whether a vessel is in fact neutral and not engaged in any acts such as attempting to break blockade, the carriage of contraband, or the performance of any unneutral service which would justify its detention and condemnation. "It has been truly denominated a right growing out of and ancillary to the greater right of capture. Where this greater right may be legally exercised without search (as in the case of enemy ships) the right of search can never arise or come into question." A belligerent warship has a right to capture an enemy merchant ship, and the latter is under no duty to submit; it has a corresponding right to resist capture, which is an act of violence and hostility. By resisting, the belligerent violates no duty, he is held by force, and may escape if he can. But forcible resistance, as distinct from flight, on the part of a neutral merchant ship is universally admitted as a just ground for the condemnation of the ship, for a neutral is under a duty to submit to belligerent visit. (S. Doc. No. 332, 64th Cong., p. 32.)

It is said, however, that the advent of the submarine, a new weapon, weak in defensive power, has brought about an alteration of the rule, upon the principle embodied in a very old and respectable maxim of the common law, *cessante ratione legis cessat ipsa lex*—the reason of the law ceasing, the law itself ceases. No one doubts the wisdom of the maxim, but does it apply? We must not confuse the *reason* which gives life to the law with the *incidental circumstances* which may accompany the operation of it, but do not condition the law itself. The crime of murder was never dependent upon the character of the instrument by which it was committed. The crime itself antedated the invention of gunpowder, but the advent of that substance in no way altered the constituent elements which characterized the crime. When the gun took the place of the knife and the bludgeon as the implement of assassination, these constituent elements were not in any manner affected. The rule of international law was that a belligerent merchant ship might arm for defense and might forcibly defend herself against the attack of an enemy—not an enemy armed in a particular way, but an enemy armed in any way. It is true that a merchant vessel so armed seldom, if ever, resisted the attack of a warship, but that was not because it had no right to resist, but because resistance was futile. The rule was, further, that the merchant ship could not lawfully be sunk until after warning and an opportunity given to crew and passengers to escape in safety. The claim that the submarine is a war vessel of such weak defensive ability that a merchant vessel may not defend against its attack, and that it is absolved from giving warning because to do so might invite its own destruction, does not, in my judgment, present a case that calls for the application of the maxim. The rule allowing defensive armament upon and requiring previous warning to a merchant vessel was not based upon the reason that a ship of war was in no danger from the slight defensive armament that was carried, but it was based upon the supreme right of self-defense, and upon the consideration that it was not in accordance with the principles of civilized warfare that the lives of civilian crews and passengers should be destroyed without previous warning and full opportunity to save themselves. That reason, founded upon the dictates of humanity, is not affected in the least because a vulnerable submarine may be used in place of an invincible man-of-war. This humane rule has heretofore existed without qualification. If it could not be complied with for any reason, it was not admissible to destroy the ship and jeopardize the lives of her crew and passengers.

The proposition now insisted upon, baldly stated, is simply this, that when a new engine of destruction is invented that can not be made entirely effective without violating the law, the law is *ipso facto* automatically modified. Under these circumstances my own view of the matter is that the new weapon must yield to the law and not that the law must yield to the new weapon. What would be thought of a similar claim made by a citizen with reference to a domestic law, namely, that if new and unforeseen conditions arise rendering it highly inconvenient to comply with the law compliance must be dispensed with? It seems to me a far more logical conclusion is that if the submarine can not be utilized effectively without violating this long-established and humane rule of international law that fact constitutes persuasive ground not for repudiating the law but for holding that the submarine, since it can not be used in accordance with the law, may not be used at all against merchant shipping, but must be confined to operating against vessels of war alone. However this may be, according to all fundamental principles and rules of logical construction, the invention and use of a new weapon of warfare should not be considered as depriving the noncombatant civilian of long-established and heretofore universally recognized rights. If we concede that the rule no longer applies to ships armed for defense alone we must be prepared to face a probable condition much more serious than that involved in the destruction of an armed vessel without warning. To concede the right of a submarine to sink a vessel so armed without giving warning and opportunity for crew and passengers to escape in safety will be to invite the sinking of unarmed vessels without warning as well, since it is well-nigh impossible for the officers of a submarine, under the conditions which surround them, to determine in advance whether a given vessel is armed or not. They will, therefore, be tempted to act upon conjecture or suspicion. It is said that the ship can not be halted in order to make an inspection, for that would be to risk the destruction of the submarine if it turned out that the merchant ship was in fact armed. Indeed, that is the basis of the claim that an armed vessel may be sunk without warning. It is a general rule that if one is authorized to do a thing upon the existence of a particular condition he is justified in acting upon the reasonable belief that such condition does in fact exist.

If, therefore, the commander of a submarine claims to act upon appearances, we shall never be able to determine whether these appearances justified his conclusion until after the vessel and her crew and passengers have gone to the bottom of the sea, and in some cases not even then. The result will be that unarmed vessels, while possessing immunity in theory, will have none in fact; and while ostensibly conceding the right to sink armed vessels only, we shall in fact have conceded the right to sink unarmed vessels as well, since if the submarine possess the right to sink an armed vessel, the claim of justification will be difficult to meet whenever the commander, sinking any vessel, insists that he had reasonable ground for the belief that it was armed.

The question next arises—and, indeed, it is really the crucial question—shall our citizens be officially advised to forbear from traveling upon belligerent merchant vessels armed for defense only? Or, indeed, shall we go further, as some people insist, and forbid their doing so under penalty for disobedience? If I am correct in what I have already said, namely, that these merchant ships have the right to carry defensive armament, it follows that such a ship has the same status as though unarmed and that the right of a neutral citizen to transport his goods or

travel upon either is the same, and not a different right; and that, in fact, is the decision of our own Supreme Court in a great case decided many years ago and never since overruled or modified. (The *Nereide*, 9 Cranch, 388.) The decision was rendered by Chief Justice Marshall, and in the course of it he said:

A belligerent has a perfect right to arm in his own defense, and a neutral has a perfect right to transport his goods in a belligerent vessel. These rights do not interfere with each other. The neutral has no control over the belligerent right to arm—ought he to be accountable for the exercise of it? * * * The object of the neutral is the transportation of his goods. His connection with the vessel which transports them is the same whether that vessel be armed or unarmed. The act of arming is not his; it is the act of a party who has a right to do so. He meddles not with the armament nor with the war. Whether his goods were on board or not, the vessel would be armed and would sail. His goods do not contribute to the armament further than the freight he pays and freight he would pay were the vessel unarmed. It is difficult to perceive in this argument anything which does not also apply to an unarmed vessel. In both instances it is the right and the duty of the carrier to avoid capture and to prevent a search. There is no difference except in the degree of capacity to carry this duty into effect. The argument would operate against the rule which permits the neutral merchant to employ a belligerent vessel without imparting to his goods the belligerent character. The argument respecting resistance stands upon the same ground with that which respects arming. Both are lawful. Neither of them is chargeable to the goods or their owner where he has taken no part in it. They are incidents to the character of the vessel, and may always occur where the carrier is belligerent. *If the neutral character of the goods is forfeited by the resistance of the belligerent vessel, why is not the neutral character of the passengers forfeited by the same cause?* The master and crew are prisoners of war; why are not those passengers who did not engage in the conflict also prisoners? That they are not would seem to the court to afford a strong argument in favor of the goods. *The law would operate in the same manner on both.*

Nothing, Mr. President, it seems to me, could be more clear and more conclusive than that statement made by the great Chief Justice.

If, therefore, a citizen take passage upon a ship so armed and lose his life by the sinking of the ship without warning, what must be the contention and claim of this Government? To my mind, clearly this: That the citizen in the exercise of a clear right has been deprived of his life by the deliberately illegal act of the belligerent Government which sent the submarine on its mission of death. Others are welcome to their own opinions, but I can conceive of no other position for this Government to assume; and unless it is willing to forfeit the respect of mankind by becoming a craven thing, it must be prepared to sustain that position at whatever cost or consequence. However desirable it may be that our citizens for their own sakes should refrain from traveling upon defensively armed ships, it is quite another matter for the Government to advise or order them to do so. So long as he violates no law an American citizen may pursue his business in his own way, even though it may be a dangerous business or a dangerous way. It is not to be presumed that he will recklessly or needlessly put his life in danger—indeed, all presumptions are to the contrary—and no resolution of Congress can possibly advise him of any danger of sea travel which he does not already fully understand. But, Mr. President, what of the American citizens scattered about the world engaged in lawful pursuits who are from time to time obliged to travel upon the sea from and to ports between which neutral ships do not ply? What is the citizen so placed to do? Is he to indefinitely maroon himself, however imperatively his presence may be required elsewhere? If not, and he be entitled to the protection of his Government in the exercise, and perhaps in the vitally necessary exercise, of his lawful right of travel upon a belligerent merchant vessel armed for defense, upon what theory consistent with national courage and self-respect can Congress or the Executive interfere with or forbid the use of his own discretion in the matter? I am one of those who desire peace. I detest the bully and the brawler among nations as I do among individuals. I would sacrifice much to avoid war—pride of opinion, money, property, comfort—I would fight over no wrongs which money could compensate—but a nation, when all other means fail, that will not resent a flagrant and illegal attack upon the lives of its own citizens is only less detestable than a man who will not fight for his wife and children. And so, sir, believing as I do about that, satisfied as I am that—advice or no advice—if the life of an American citizen be again taken by the illegal and deliberate sinking without warning of a merchant ship, unarmed or armed only for defense, that this Government should hold the offending nation to a stern reckoning, I shall never give my consent to the issuance of a formal and official notice such as has been proposed, which, if not heeded, would, without minimizing our duty in the least, have the effect of embarrassing and weakening our moral standing if we should once more be under the sad necessity of seeking reparation for the destruction of the lives of our people. I repeat, sir, that I do not want war at any time, and I pray God that it may not come now; but I would rather have war with all its sacrifices and suffering than that this Nation, with its long history of heroism and glory, should play the poltroon when confronted by a supreme national duty, because it places a greater value upon its ease than upon its honor.

Nothing in the long run can be more certain to bring trouble upon us than a policy of timidity and vacillation. Such a policy is not in keeping with American traditions or spirit. It is the duty of a self-respecting Nation to stand, and to stand firmly, for the rights of every citizen however humble against foreign aggression from any source however powerful. That is what the Federal Government is for, since the State in which the citizen lives protects him in his domestic rights. The doctrine that the citizen exists for the sake of the Government has never found place in our political philosophy. If ours is a government of the people and for the people, it exists for the sake of the citizen. If the individual owes the duty of support and obedience to the Government, surely the Government owes him the reciprocal duty of protection.

If we shall ever again have a war with another country, it is more likely to result from some deprivation of rights suffered by our citizens than from any other cause. In Mexico they have been unspeakably outraged—insulted, robbed, murdered—and this series of Mexican outrages has been interspersed with maritime horrors involved in the sinking of the *Lusitania*, the *Ancona*, and the others, with their shocking loss of American life; and we have borne it and are bearing it all with a patience which begins to have a suspicious look of pusillanimity. We have demanded reparation, and have kept on making such demands, with decreased rather than increased insistency. The offenders have not been held to accountability, strict or otherwise, and we are now confronted with the proposal not that we shall insist upon reparation for wrongs already suffered but that we shall restrain our citizens from the further exercise of their rights for fear we may be put to the trouble and perhaps the danger of vindicating them. Mr. President, I for one am becoming sick and tired of the spineless policy of retreat and scuttle—the policy that, among other things, has ordered our people to abandon their rights in Mexico and that has made us flee our plain duty in the Philippines. Instead of forever telling our citizens to run, I should like for once to hear somebody bid them stand, with the assurance that their Government will stand with them. Instead of warning our own people to *exercise* their rights at their peril, I would like to see issued a warning to other people to *interfere* with these rights at *their* peril. The danger of it all is that by this policy of always backing down instead of backing up we shall encourage an increased encroachment upon our rights until we shall finally be driven into a crisis from which nothing but war can extricate us.

I come now to a brief discussion of the second question. There is a demand on the part of a good many people that we shall prohibit the exportation of munitions of war. I am opposed to any such embargo for two reasons: First, because it would clearly constitute a breach of neutrality; and, second, it would inaugurate a policy from which the United States itself in the future might become the greatest sufferer, since if we should be attacked by a great nation possessing overwhelming military strength we might be dependent upon neutral countries—at least in the early stages of the conflict—for a supply of munitions with which to repel the attack. The rule of international law, recognized almost universally, is that citizens of a neutral country have a lawful right to sell and deliver to belligerent powers arms and munitions of war, without limit as to character or quantity. This has been the rule laid down by the responsible officials of the United States from the beginning of our history to the present day. As early as 1793 Mr. Jefferson said:

Our citizens have always been free to make, vend, and export arms; that it is the constant occupation and livelihood of some of them. To suppress their callings—the only means, perhaps, of their subsistence—because a war exists in foreign and distant countries, in which we have no concern, would scarcely be expected. It would be hard in principle and impossible in practice. The law of nations, therefore, respecting the rights of those at peace has not required from them such an internal derangement in their occupations. It is satisfied with the external penalty pronounced in the President's proclamation—that of confiscation of such portion of these arms as shall fall into the hands of any of the belligerent powers on their way to the ports of their enemies. To this penalty our citizens are warned that they will be abandoned; and that the purchases of arms here may work no inequality between the parties at war, the liberty to make them will be enjoyed equally by both.

Alexander Hamilton the same year said:

The purchasing within and exporting from the United States by way of merchandise articles commonly called contraband, being generally warlike instruments and military stores, is free to all the parties at war and is not to be interfered with.

President Pierce in 1855, in his third annual message to Congress, said:

In pursuance of this policy the laws of the United States do not forbid their citizens to sell to either of the belligerent powers articles

contraband of war or take munitions of war or soldiers on board their private ships for transportation; and although in so doing the individual citizen exposes his property or person to some of the hazards of war, his acts do not involve any breach of national neutrality nor of themselves implicate the Government. Thus, during the progress of the present war in Europe, our citizens have, without national responsibility therefor, sold gunpowder and arms to all buyers, regardless of the destination of those articles. Our merchantmen have been, and still continue to be, largely employed by Great Britain and by France in transporting troops, provisions, and munitions of war to the principal seat of military operations and in bringing home their sick and wounded soldiers; but such use of our mercantile marine is not interdicted either by the international or by our municipal law, and therefore does not compromit our neutral relations with Russia.

Mr. Marcy, Secretary of State, declared to Mr. Molina, minister from Costa Rica, Guatemala, and Salvador, on March 16, 1854, that—

The mere exportation of arms and munitions of war from the United States to a belligerent country has never, however, been considered as an offense against the act of Congress of the 20th of April, 1818. All belligerents enjoy this right equally, and a privilege which is open to all can not justly be complained of by any one party to a war.

The Supreme Court of the United States has announced the same doctrine. Mr. Justice Story, in the Santissima Trinidad (7 Wheat., 283), says:

But there is nothing in our laws or in the law of nations that forbids our citizens from sending armed vessels, as well as munitions of war, to foreign ports for sale. It is a commercial adventure which no nation is bound to prohibit, and which only exposes the persons engaged in it to the penalty of confiscation.

The neutrality proclamation issued by our Government at the beginning of the war, as I have already shown, contained the following language:

All persons may lawfully and without restriction, by reason of the aforesaid state of war, manufacture and sell within the United States arms and munitions of war and other articles ordinarily known as "contraband of war."

Would a change in this rule made now constitute a breach of our neutrality? Clearly I think it would. It will be conceded by everybody that to now forbid the sale and exportation of arms to the nations at war would be to the great advantage of Germany and the powers cooperating with her and to the great disadvantage of the entente allies. It is probably safe to say that it would be equivalent to adding a half million men to the German Army. A nation, like an individual, is presumed to intend the consequences resulting from its actions. In Hall's International Law, fourth edition, page 80, it is said:

An act of the State which is prejudicial to the belligerent is necessarily done with the intent to injure.

If we now put an embargo on arms and war munitions we could not escape the conclusion, therefore, that we intend thereby to aid one of the belligerents and injure the other, since that would be the inevitable and clearly foreseen result. The allies would be justified in regarding it not only as a breach of neutrality but as a deliberately unfriendly act. This is the effect of all the authorities. Mr. Webster, in a letter to Mr. Thompson, dated July 8, 1842, says:

The trade in articles contraband of war is carried on at the risk of those engaged in it, under the liabilities and penalties prescribed by the law of nations or particular treaties. If it be true, therefore, that citizens of the United States have been engaged in a commerce by which Texas, an enemy of Mexico, has been supplied with arms and munitions of war, the Government of the United States nevertheless was not bound to prevent it, *could not have prevented it without a manifest departure from the principles of neutrality*, and is in no wise answerable for the consequences.

Westlake, page 190, says:

Neutrality enjoins abstinence from taking part in any operation of war and from interfering with any operation of war which is legitimate as between the belligerents, but not abstinence from anything merely because it strengthens a belligerent.

Hall states the rule as follows:

If, therefore, a people desires not to be an enemy of either belligerent, its amity *must be colorless* in the eyes of both; in its corporate capacity as a State it must abstain altogether from mixing itself up in their quarrel.

Mr. John Bassett Moore, in a recent speech delivered before the American Academy of Political and Social Science, at Philadelphia, says:

What we call neutrality is a system of conduct regulated not by the emotions nor by the individual conceptions of propriety but by certain well-defined rules, and it is synonymous with impartiality only in the sense that *those rules are to be enforced with impartial rigor upon all belligerents.*

The question was considered by the second Hague conference under the heading, "Rights and duties of neutral powers in naval war" (sixth paragraph of preamble to convention):

Seeing that it is desirable that the powers should issue detailed enactments to regulate the results of the attitude of neutrality when adopted by them;

Seeing that it is, for neutral powers, an admitted duty to apply these rules impartially to the several belligerents;

Seeing that, in this category of ideas, these rules *should not, in principle, be altered in the course of the war* by a neutral power except in a case where experience has shown the necessity for such change for the *protection* of the rights of that power.

Attorney General Charles Lee, of Virginia, rendered the following opinion (1 Op. Atty. Gen., 61):

That an enemy may come into the territory of a neutral nation and there purchase and thence remove any article whatsoever, even instruments of war, is a law of nations long and universally established. Horses are, and for a long time have been, an article of commerce from the United States; and though they are by certain treaties an article of contraband, as by the treaty with France, yet, according to the above principle, they may be purchased and exported by the enemies of France. To deny a right to either of the belligerent powers to carry on this trade without denying to both would be a departure from that line of perfect neutrality which the United States have invariably observed. It is true this right may be denied to all nations by a law to be passed for that purpose at this time; *but if the reason for passing such a law be to impede the military operations of either belligerent power and to favor the other*, it is manifest that such conduct would be a breach of neutrality; consequently, while the French and the British are equally permitted to purchase horses and export them from any of the States, as they heretofore have been and now are permitted, neither have any just cause of complaint.

See statement of Secretary Pickering (1 American State Papers, p. 649), as follows:

It is well known that a considerable portion of the exports of the United States consists of articles contraband of war. It is well known that these have, during the whole of the present war, been freely exported to the dominions of France as well as to those of the other belligerent powers. It seems, then, too late (agreeably to Galliani's fourth position) for France to desire that the citizens of the United States should now abandon a commerce of which she has availed herself during the several years of the war at this time; and still less ought she, while continuing to enjoy an otherwise unrestrained trade in contraband goods, to expect such an abandonment of only a particular article of contraband of which she may have no need, and is therefore willing to renounce, because it may chance to be very useful to her enemy. Under these circumstances a compliance on the part of the United States *would compromit their interests as well as their neutrality.* The wants of two or more belligerent powers may together embrace the general objects of the commerce of a neutral nation, but if each were possessed of a right to require the neutral nation to renounce that portion of its commerce which was peculiarly useful to its enemy, the entire commerce of such neutral nation might be annihilated.

Finally, the views of an eminent German writer, Paul Einicke, may be quoted:

The opinion of Liepmann that a neutral State by forbidding contraband trade assists one of the belligerents and influences the chances of war consequently impairs neutrality is not founded on practice. Belligerents have never objected to the issuance of prohibitions. However, such prohibitions may be regarded as impairing neutrality, or even as unfriendly acts, *if they ensue during hostilities and unexpectedly dam the sources upon which one party had until then relied.* (Rights and Duties of Neutrals, p. 99.)

It is plain, therefore, that if a change in the rule with respect to the sale of munitions of war or with respect to the arming of belligerent merchantmen for defense is to be made by our domestic law, such a change can not be made now, since it would constitute a serious breach of neutrality, which would be tremendously emphasized when our action in the midst of the conflict was contrasted with our proclamation of neutrality and our circular of instructions of a diametrically opposite character issued at the opening of hostilities. But even if peace prevailed, a change in the rule is, to say the least, of doubtful wisdom and doubtful morality. There are many nations, like our own, who do not customarily maintain great military establishments in time of peace, while there are other nations who have adopted a contrary policy. If, then, the rule which permits the citizens of a neutral country in time of war to sell and furnish arms and munitions to the belligerents should be abolished and every country engaging in war be compelled to rely upon its own resources, we should probably be putting a premium upon extravagant military preparation, because one nation, knowing that it must depend wholly upon its own resources in case of war, would look with increased alarm upon great military preparation on the part of another nation with which it might come into armed conflict and would increase its military strength accordingly. Such a change in the rule would be to the disadvantage of every real democracy and to the advantage of every autocracy in the world, because democracies are notoriously weak in military preparation in time of peace. Under the rule, however, by which the whole neutral world in time of war becomes a market place in which the belligerent democracies may purchase their weapons of defense the military superiority of the autocracy is, in a large measure, offset. If we should now take the first step which would finally result in the establishment of a general rule prohibiting the sale of munitions of war by citizens of neutral countries to belligerents, it is not at all unlikely that we might ourselves become the first victims of the new dispensation. It has been our custom, in accordance with the usual practice of democracies, to delay serious military preparation until war was declared. Thus far we have sometimes creditably gotten through, and sometimes muddled through; but suppose at no far-distant day some great military power with a vast army,

vast military resources, dissatisfied with something we have done, or pretending to be dissatisfied, should take advantage of our defenseless condition and set in motion its tremendous instruments of war against us. If in that situation there should be added to our lack of a trained army a lack of arms and munitions, and if the neutral markets of the world should be closed to us, none of us, I think, would care to contemplate the unhappy and humiliating fate which we might be compelled to face.

DEVELOPMENT OF WATER POWER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the use of interstate and foreign commerce.

The PRESIDENT pro tempore. The bill is in Committee of the Whole and open to further amendment. The substitute offered by the Senator from Wisconsin [Mr. HUSTING] is open to amendment.

Mr. CUMMINS. Mr. President, I offer an amendment that happens to be at this moment in the possession of the Senator from Tennessee, but I should like to have it sent to the desk.

The PRESIDENT pro tempore. Either proposition is open to amendment.

Mr. SHIELDS. Mr. President, the substitute of the Senator from Wisconsin was not offered. He discussed it, but I do not understand that it was offered.

The PRESIDENT pro tempore. The Chair understood it had been formally offered. What is the pleasure of the Senate? What is before the Senate? What have we to do?

Mr. SHIELDS. I ask for a vote on the bill.

The PRESIDENT pro tempore. The Senator from Iowa offers an amendment to the original bill, which will be stated by the Secretary.

The SECRETARY. It is proposed to add to the bill the following section:

SEC. 14. The term "navigable waters" as used in this act and as applied to streams shall be construed to include only such streams or parts of streams as are in their ordinary, natural condition used for the transportation of persons or property in interstate or foreign commerce, or which, through improvement heretofore or hereafter made, have been or shall become usable in such commerce. As to all other streams or parts of streams over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States, permission is hereby given to construct dams therein, subject, however, to removal or reconstruction, without expense to the United States unless utilized by the United States, whenever the United States enters upon the improvement thereof for the purpose of making the same usable for interstate or foreign transportation: *Provided*, That any person who proposes to construct a dam in any such last-mentioned stream or part of stream may make application to the Secretary of War, and thereupon may receive a permit under the conditions with all the rights and privileges herein provided for streams or parts of streams used for the transportation of persons or property in interstate or foreign commerce in their ordinary, natural, or improved condition. Nothing in this section shall be construed to grant any right to occupy or use any public land.

Sections 7 and 10 of an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved September 19, 1890, and sections 9 and 10 of an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March 3, 1899, so far as they conflict with the provisions of this act, are hereby repealed.

Mr. SHIELDS. The committee offers no objection to the amendment proposed.

The PRESIDENT pro tempore. The amendment offered by the Senator from Iowa has been accepted by the committee. Is there objection?

Mr. JONES. Mr. President, I desire to ask the Senator from Iowa a question. I read the amendment over hurriedly, and my recollection is that it says "streams or parts of streams used for interstate or foreign commerce." I wish to ask the Senator about a case like this: Take, for instance, the Columbia River. It is navigable up to Priest Rapids. Then come the rapids. Above that it could be navigated, but there is no interstate or foreign commerce on that part of the river, simply because of this obstruction. We want to get that obstruction removed, and that is a part of the river that is not now used for interstate or foreign commerce. Could we improve that under the language of the Senator's amendment?

Mr. CUMMINS. Certainly; the very moment that the improvement was determined upon or entered upon then it would fall within the general purview of the bill.

Mr. JONES. I merely wished to make that suggestion. Of course the matter can be looked into very carefully in conference. I am in favor of the general provision of the Senator's amendment and I would not want, and I know the Senator would not want, to exclude an improvement in a case like that.

The PRESIDENT pro tempore. The question is on the adoption of the amendment. Is there objection? The Chair hears no objection, and the amendment is agreed to.

Mr. HUSTING. Mr. President, I do not exactly understand the purport of this amendment, but if I do understand it correctly I think it means to a certain extent the abandonment by the United States of its jurisdiction over certain portions of rivers which empty into navigable rivers or form a part thereof. If such is the purpose and intent I wish to record my objection to this amendment.

I do not believe that the Government ever has intended to utilize its waterways in the United States so as in any degree to abandon jurisdiction over those waters which it now has the right to exercise a jurisdiction, whether by a construction which might be placed upon this act or by interpretation given it defining the rights or the extent of a right which heretofore has been claimed to be somewhat in doubt. That is to say, even though we may not have the power by an act of Congress to abandon a constitutional jurisdiction, yet, as I understand it, an act of Congress may in a case involved in doubt be interpreted as having for its purpose the settling of that, and in a practical way find the facts, the exact limitations of which have not been precisely therefor defined, and in this method do something which in effect would curtail our authority and our jurisdiction over all the waters of the country.

I say if that is to be the case, and private rights are to be interjected between the reservoirs of rivers and the lower reaches or the navigable portion of our rivers, or if State rights are to be interjected so as to constitute an obstruction in the future to works which the United States may desire to undertake, then we might as well abandon any idea as to the future development of the waterways of the United States.

I referred yesterday in my argument here to the proposition of the Senator from Nevada [Mr. NEWLANDS], that some time the United States will have to make it its business to do work such as has been proposed by the bill of the Senator from Nevada, even though it may not be ready to do it now, and with that possibility in mind anything in the way of legislation that is going to make that difficult or impossible I think is ill-advised.

I, for one, feel that whatever water-power act is going to be put through Congress, if any, should be of such a character that in no event can it ever interfere legally or otherwise with the consummation of a great work which we will certainly find some day we will have to undertake or establish in this country.

I am afraid if we abandon temporarily, either directly or by innuendo, or leave the inference that we abandon the jurisdiction of the United States over any of these waters, there will be particular portions of the streams themselves navigable, whether these particular portions of the streams are navigable in a commercial sense or not, but which certainly must be an integral part of the system of waterways which makes it absolutely necessary that we keep control and jurisdiction over it.

Mr. President, I feel that this amendment ought to be defeated.

Mr. CUMMINS. Mr. President——

Mr. SHIELDS. I wish to make a parliamentary inquiry of the Chair. Has the amendment been adopted?

The PRESIDENT pro tempore. It has not been. Objection was made by the Senator from Wisconsin, and it is necessary to take a vote on it.

Mr. CUMMINS. Mr. President, I have discussed this matter three or four times during the progress of the debate, and I intend to be very brief in my reference to it at this time.

If the Senator from Wisconsin believes that there is any effort here to abandon any part of the jurisdiction of Congress over the streams of the country, he is in error, as I view the bill. We could not abandon it if we would, and we ought not to abandon it if we could.

The amendment has for its principal object the limitation of the operation of the bill—I mean the general bill before the Senate—to those streams that are in fact navigable. With regard to all the other streams or parts of streams over which Congress has power under the constitutional provision there is no requirement that one who desires to build a dam shall come to the Secretary of War and be compelled to build it in the way and for the purposes which the Secretary of War might prescribe, but it is definitely and clearly stated that with respect to all such streams the obstructions which might be caused by the building of a dam shall be removed without expense to the United States whenever the Federal Government enters upon the stream for the purpose of improving it for navigable uses.

I may as well say here—and I think I ought to say it in order to be candid—that even if this amendment is added to

the bill, and no others are added, I will not be able to support it. I can not support the bill unless the franchise or permission given to build dams in navigable streams ends at a definite period without further action upon the part of the Government; and I can not support such a bill so long as it contains provisions which I think require the United States to pay an unfair, unjust, and exaggerated value for the property that may be built up around the dam or dependent upon the dam for usefulness.

Nevertheless, I assume the bill will pass, and I am exceedingly anxious that the development of little streams in my own State that are under development now shall not be retarded, shall not be prevented by the provision of requirement that those who desire to put dams in them shall come to the Secretary of War and build these improvements not only with reference to the development of power but the development of navigation, even though it is perfectly well known that for 50 years to come, or longer perhaps, these streams or some of them will not be used and can not be used for purposes of commerce.

That is all I desire to say about the amendment I have offered.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Iowa.

Mr. SHIELDS. Without reading it, I desire to place in the RECORD the definition of navigable streams as described in the decisions of the Supreme Court of the United States.

The PRESIDENT pro tempore. Such will be the order, without objection.

The matter referred to is as follows:

THE DANIEL BALL V. UNITED STATES (77 U. S., 557–566).

(Michigan Grand River.)

Mr. Justice Field, delivering the opinion for the court, said:

"Two questions are presented in this case for our determination.

"First, whether the steamer was at the time designated in the libel engaged in transporting merchandise and passengers on a navigable water of the United States within the meaning of the acts of Congress.

* * * * * * *

"Upon the first of these questions we entertain no doubt. The doctrine of the common law as to the navigability of waters has no application in this country. Here the ebb and flow of the tide do not constitute the usual test, as in England, or any test at all as to the navigability of waters. There no waters are navigable in fact, or at least to any considerable extent, which are not subject to the tide; and from this circumstance tidewater and navigable water there signify substantially the same thing. But in this country the case is widely different. Some of our rivers are as navigable for many hundred of miles above as they are below the limits of tidewater, and some of them are navigable for great distances by large vessels which are not even affected by the tide at any point during their entire length." (*Genesee Chief*, 12 How., 457; *The Hine v.* Trevor, 4 Wall., 555; 71 U. S., XVIII, 451.)

"A different test must therefore be applied to determine the navigability of our rivers, and that is found in their navigable capacity. Those rivers must be regarded as public navigable rivers in law which are navigable in fact. And they are navigable in fact when they are used, or are susceptible of being used, in their ordinary condition as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water. And they constitute navigable waters of the United States within the meaning of the acts of Congress, in contradistinction from the navigable waters of the States, when they form, in their ordinary condition by themselves, or by uniting with other waters, a continued highway over which commerce is or may be carried on with other States or foreign countries in the customary modes in which such commerce is conducted by water."

UNITED STATES V. THE MONTELLO, ETC. (87 U. S., 430–445).

Mr. Justice Davis delivered the opinion of the court:

"The question for decision in this case is whether the Fox River in Wisconsin is a navigable water of the United States. When the case was here before (11 Wall., 414; 78 U. S., XX, 192), the libel was defective and the evidence insufficient to determine the question, and it was remanded for further proceedings, to enable the parties by new allegations and evidence to present the exact character of Fox River as a navigable stream. This has been done, and there is therefore nothing in the way of a correct solution of the inquiry.

"This court held in the case of the *Daniel Ball* (10 Wall., 557; 77 U. S., XIX, 999), that those rivers must be regarded as public navigable rivers in law which are navigable in fact. And they are navigable in fact when they are used or are susceptible of being used in their ordinary condition as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water. And a river is a navigable water of the United States when it forms by itself, or by its connection with other waters, a continued highway over which commerce is or may be carried with other States or foreign countries in the customary modes in which such commerce is conducted by water. (*The Montello*, 11 Wall., 411; 78 U. S., XX, 191.) Apply these tests to the case in hand, and we think the question must be answered in the affirmative."

UNITED STATES V. RIO GRANDE DAM AND IRRIGATION CO. (174 U. S. REPTS., 698–699).

The mere fact that logs, poles, and rafts are floated down a stream occasionally and in times of high water does not make it a navigable river. It was said in *The Montello* (20 Wall., 430, 439) "that those rivers must be regarded as public navigable rivers in law which are navigable in fact. And they are navigable in fact when they are used or are susceptible of being used in their ordinary condition as highways of commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water." And again, page 442, "It is not, however," as Chief Justice Shaw said (21 Pickering, 344), "every small creek in which a fishing skiff or gunning canoe can be made to float at high water which is deemed navigable, but in order to give it the character of a navigable stream it must be generally and commonly useful to some purpose of trade or agriculture."

Obviously the Rio Grande within the limits of New Mexico is not a stream over which, in its ordinary condition, trade and travel can be conducted in the customary modes of trade and travel on water. Its use for any purpose of transportation has been and is exceptional, and only in times of temporary high water. The ordinary flow of water is insufficient. It is not like the Fox River, which was considered in *The Montello*, in which was an abundant flow of water and a general capacity for navigation along its entire length; and although it was obstructed at certain places by rapids and rocks, yet these difficulties could be overcome by canals and locks, and when so overcome would leave the stream in its ordinary condition susceptible to use for general navigation purposes. We are not, therefore, disposed to question the conclusion reached by the trial court and the supreme court of the Territory that the Rio Grande within the limits of New Mexico is not navigable.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Iowa [Mr. CUMMINS].

Mr. HUSTING. I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The question is on the adoption of the amendment.

The amendment was agreed to.

Mr. KENYON. Mr. President, I have offered several amendments to the bill. The principles involved in the various amendments I have presented have been passed on in other amendments, and I am not going to ask for any vote upon the various amendments save one. As to this amendment, I think the principle involved in it has not so far arisen in the debate or been presented in any amendment. Under the terms of the amendment as originally proposed I provide, on page 12, for the striking out of certain words after the word "for" in line 10. I wish to change that and have the proposed amendment follow the word "included" in line 14, page 12.

The PRESIDENT pro tempore. The Secretary will report the amendment of the Senator from Iowa.

The SECRETARY. At the end of section 7, page 12, line 14, following the word "included," insert:

The Secretary of War shall have the right to provide rules and regulations for uniform accounting, to examine all books and accounts of grantees under the terms of this act, to require them to submit statements, representations or reports, annual or special, including full information as to assets and liabilities, capitalization, cost of project, cost of operation, the production, use, transmission, and sale of power. All such statements, representations, and reports shall be upon oath unless otherwise specified, and in such form and on such blanks as the Secretaries may require, and any person making any false entry, statement, representation, or report under oath shall be subject to punishment as for perjury.

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to. The Chair hears none, and it is agreed to.

Mr. HUSTING. I should like to propose my substitute amendment at this time.

The PRESIDENT pro tempore. The Senator from Wisconsin proposes a substitute for the bill as amended. The Secretary will read the substitute.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

Terms used in this act are defined as follows:

First. "Commission" shall mean the Secretaries of War, Interior, and Agriculture, or any two of them, acting jointly as commissioners for the purposes of this act.

Second. "Navigable waters" shall include all waters whereon interstate or foreign commerce is, or can be wholly or in part, carried on by any method whatsoever, with or without transshipment and portage of goods and passengers, and including log driving and pleasure boating, as well as all other forms of transportation; also all other waters designated by lawful authority as suitable to be improved to that measure of commerce carrying capacity, with or without other objects in view.

Third. "Tributary waters" shall include all streams flowing or discharging into navigable waters.

Fourth. "Designated dam site" shall mean all lands under, in, and along navigable waters designated by the commission as necessary or useful for the construction, maintenance, and operation of a dam for the improvement of navigation and the development of hydraulic and hydroelectric power or for the improvement of navigation and for other purposes.

Fifth. "Designated power site" shall mean all lands, including such designated dam site, if any, which are located in, under, and along navigable waters and designated by the commission as suitable to be flooded by, or to be occupied and used for the construction, maintenance, and operation of reservoirs, dams, and other structures, works, or equipment necessary or convenient for improving navigation, and in connection therewith developing hydraulic or hydroelectric energy, and so located as, in the judgment of the commission, to secure the efficient improving of navigation and the complete utilization of the available flow of water, consistent with economic construction, development, and use for hydraulic or hydroelectric power.

Sixth. "Corporation," unless otherwise specified, shall mean a corporation organized under the laws of the State wherein lies the designated power site for which a license is sought by it under this act, and competent to carry on in such State the business of developing, transmitting, or distributing hydraulic or hydroelectric power, and all other business necessary to effect the purpose of the license; or if the designated power site lies in two or more States, a corporation organized under the laws of one of them and competent to carry on such business in each of them; or a corporation organized under the laws of the

United States to carry out the purposes of this act. It shall not include a municipality as defined in this act.

Seventh. "Municipality" shall mean a city, county, irrigation district, or other political subdivision of a State competent under the laws thereof to carry on the business of commercial power development, transmission, or distribution.

Eighth. "State" shall include any organized territory of the United States on the Continent of North America.

Ninth. "License" shall mean a grant of authority by the commission under this act to construct, maintain, and operate a dam in or across navigable waters for the improvement of navigation and for the development of hydraulic or hydroelectric power for sale to the public or for the improvement of the navigation of navigable waters, and for other lawful purposes.

Tenth. "Licensee" shall mean the original recipient from the commission of a license under this act, or any subsequent lawful holder of such a license.

Eleventh. "Works" shall mean dams, storage, diverting and fore-bay reservoirs, conduits, power houses and other physical structures, machinery and equipment within a designated power site which are used and useful or appropriate for improving navigation and in connection therewith developing hydraulic or hydroelectric power.

SEC. 2. That the engineering duties imposed by this act upon the commission shall be performed, upon request of the commission to any one of the said Secretaries, by the engineers of his department and in conformity with the laws fixing, at the time of performance, the powers and duties of such engineers, respectively.

SEC. 3. (a) That the commission shall cause to be gathered, collected, and recorded all such information about navigable waters, river improvements, dam sites, and power sites, as they may deem necessary or useful for the purposes of this act: *Provided*, That such gathering, collection, and record is at the time otherwise authorized by law.

(b) That the commission shall investigate all existing dams in navigable waters and tributary waters having, as determined by the commission, at ordinary stage of water a capacity of 1,000 horsepower or more, and hydraulic or hydroelectric power generating or transmitting plants of like capacity within designated power sites, and, among other things, shall ascertain what authority is claimed or exists for the construction, operation, and maintenance of each. The commission shall report thereon to Congress from time to time, with such recommendations as they deem to be in the public interest.

(c) That the commission may, when practicable, secure the assistance and cooperation of States, municipalities, corporations as above defined, other corporations, associations, and individuals in the performance of its duties.

SEC. 4. (a) That the commission may, from time to time, locate and establish by metes and bounds or otherwise, and make record of, designated dam sites and designated power sites. Hereafter no dam shall be located or constructed in navigable waters at any place other than a designated dam site, or at any place where its maintenance would materially interfere with any other duly authorized dam.

(b) That hereafter no dam shall be built in navigable waters forming the boundary of two States, and no dam having at ordinary stage of water a capacity of 1,000 horsepower or more, shall be built in any navigable waters without the consent of Congress by special act, nor with such consent until thereafter licensed by the commission under this act. But this shall not apply to dams built by the Government in pursuance of general authority given by Congress: *Provided*, That dams heretofore authorized by a State legislature to be built in rivers navigable in but a single State, whereof the plans and specifications have not yet been approved by the Chief of Engineers and the Secretary of War, as required by law, shall be deemed, for the purposes of this act, to have received, at the date of this act, the consent of Congress in this subsection required, but shall in all other respects be subject to the provisions of this act.

SEC. 5. (a) That the maintenance and improvement of all navigable waters, and the construction, maintenance, or operation of dams now or hereafter constructed therein for any purpose whatsoever; also the construction, maintenance, and operation of all hydraulic or hydroelectric power generating or distributing works now or hereafter constructed within any designated power site shall be under the supervision of the commission. Such commission or any member thereof, or any person appointed by it for such purpose, shall at all times have free access to any and all parts of any such dam or power works, or of any other structures, works, or premises maintained in connection therewith.

(b) That the commission in the interest of navigation and of the public welfare and safety shall have power to regulate and control the level and flow of water in all navigable waters, and may order or require monuments or bench marks to be erected or may cause to be erected monuments or bench marks on which shall be designated the maximum and minimum level of water that may be maintained in any navigable waters by any dam whether constructed or maintained under this act or otherwise, and may order any unlawful encroachments to be removed. But nothing in this subsection shall affect any water right heretofore or hereafter duly acquired by appropriation beyond what may be necessary in the interest of navigation and public safety alone.

SEC. 6. (a) That the commission shall have power, authority, and jurisdiction to investigate, ascertain, and determine all reasonable methods of construction, equipment, maintenance, and operation of any dam, hydraulic, or hydroelectric generating or distributing work or improvement so as to conserve and protect all public rights in navigable waters and designated power sites, promote the improvement of navigation, and protect life, health, and property. No dam shall be constructed until the location, plans, and specifications therefor have been approved by the commission, and the commission shall at any time, in the interest of public safety or public rights, order and require anything reasonably necessary therefor and within the authority of the Government of the United States to order. No license granted under this act shall limit the authority of the commission to protect and conserve all public rights. The commission shall have power to adopt and enforce all necessary and reasonable rules and regulations and prescribe all forms for the conduct of its business and for securing information as it may deem necessary or convenient for the administration of this act.

(b) That the owner of any dam heretofore or hereafter constructed in navigable waters shall keep and maintain the same and all duly required piers, booms, weirs, tunnels, races, flumes, sluices, pits, fishways, locks, boat hoists, marine railways, and other structures and works necessary for the improvement of navigation and for the proper maintenance of any dam or structure in good repair and condition, and shall not willfully or otherwise injure or destroy the same or any part thereof, or remove the same or any part thereof, unless such removal be first approved in writing by the commission.

(c) That except when emergency shall require for the protection of life, health, or property no substantial alterations or additions shall be made to any dam except dams of 1,000 horsepower or less on nonboundary line navigable waters without obtaining an order therefor from the commission. Such order shall be issued by the commission after an investigation and a finding that the proposed alterations or additions will not impair the efficiency or sufficiency of the dam.

SEC. 7. That upon receipt of information in writing from the proper authorities of any State or municipality that any dam, maintained in or across navigable waters, or any reservoir wholly or in part within a designated power site, is in an unsafe condition, or from any person that his property or any property under his control is endangered by such dam or reservoir, the commission may cause such dam or reservoir to be examined or the commission may, upon its own motion, examine or cause to be examined any dam or structure maintained in such waters or any such reservoir, and if it shall find that the same is not sufficiently strong to resist the pressure of water upon it, or if it shall find that any such dam or reservoir is in any manner unsafe and dangerous to life and property it shall determine what alteration, addition, or repairs are necessary to be made in order to make the same safe, and on notice and hearing may order the owner or person having control of such dam or reservoir to cause such additions, alterations, or repairs to be made within a time to be limited in such order; and the commission may, in case of emergency, without notice cause to be drawn off in whole or in part the water in such reservoir or impounded by such dam, when it shall determine that such action is necessary to prevent impending damage to persons or property.

SEC. 8. That all dams in or across navigable waters shall be constructed, equipped, maintained, and operated so as to conserve and protect the navigability of navigable waters and other public rights in such waters as the commission may deem necessary and so as not to endanger life, health, and property. Upon a finding of necessity therefor, the commission shall order and require any such dam to be equipped and provided as follows, according to the specifications made by the commission:

First. With a good and sufficient fishway or fishways.

Second. With spillways or floodgates capable of permitting the safe passage through, around, or over the same of freshets and floods during all seasons of the year.

Third. With booms, piers, or other protection works ample to safeguard from brush, timber, ice, or other floating material.

Fourth. With two permanent bench marks at every such dam marking the minimum and maximum height or head of water that may be maintained in accordance with the license authorizing the construction and maintenance thereof.

Fifth. With slides and chutes for the passage of logs and timber products.

Sixth. If such waters are navigable for commercial or pleasure boats and crafts, with a lock, boat hoist, marine railway, or other devices of a size and construction sufficient to accommodate such navigation: *Provided*, That the equipment named and described in subsections (e) and (f) last before written shall be at the expense of the United States, except in so far as specifically required by the commission as a condition when approving and issuing the license.

SEC. 9. That for the purpose of defraying the expense of inspecting and supervising dams in navigable waters and of acquiring, constructing, and maintaining reservoirs and other works for the improvement of navigation, every owner of a dam now or hereafter constructed in and across navigable waters, except States and municipalities, and except as to dams constructed by the United States or constructed under or in connection with leases or permits from the proper department or officer of the United States for the development of hydraulic or hydroelectric power, wholly or in part on land of the United States, shall pay to the commission an annual charge in July of each year for 30 years after the license becomes effective of not less than 10 cents per theoretical horsepower capacity of such dam at ordinary stages of water as ascertained by the commission. All proceeds of such fees shall be paid into the Treasury and shall constitute a special fund which is hereby appropriated and made available until expended as the commission may direct for the purpose specified in this section.

SEC. 10. (a) That no person, firm, association of individuals, corporation as hereinbefore defined, other corporation, municipality, or State shall construct, maintain, operate, or use any dam in or across any navigable waters from and after six months after the passage of this act, without authority of law, or without legislative permission heretofore granted, or without obtaining a license as hereinafter provided, authorizing such maintenance, operation, and use.

(b) That any dam constructed, maintained, operated, or used in violation of the provisions of this section is hereby declared to be a public nuisance, and such use may be enjoined or its maintenance abated at the suit of the United States and the Attorney General is authorized to institute proper proceedings therefor upon request of the commission. The provisions of this subsection shall not, however, apply to any dam constructed under a license granted under this act during the continuance of the license.

SEC. 11. (a) That licenses under this act authorizing the construction, maintenance, and operation of any dam in boundary line navigable waters or a dam or other structure in navigable waters where, as determined by the commission, there may be developed at ordinary stage of water more than 1,000 horsepower of hydraulic or hydroelectric power, may be granted only to States, municipalities, or public-service corporations, and for the purpose of improving the navigation of navigable waters and of developing hydraulic or hydroelectric power for sale to the public: *Provided*, That preference shall be given to States and municipalities.

(b) That authority for the construction, maintenance, and operation of dams or other structures in nonboundary line navigable waters where, as determined by the commission, there can not be developed at ordinary stage of water more than 1,000 horsepower of hydraulic or hydroelectric power, may be granted by any State to any municipality, corporation, or person for the purpose of improving the navigation of navigable waters, and for such purpose together with any other lawful purpose, subject, however, to such general rules, regulations, and conditions as the commission may prescribe for safeguarding and promoting navigation, for the protection of all public rights therein, and for public safety: *Provided*, That preference shall be given to municipalities.

SEC. 12. That every license granted pursuant to the provisions of this act shall be accepted, taken, and held subject to the terms, provisions, and conditions of this act applicable thereto and of such license, and shall be so accepted, taken, and held in consideration of the powers, privileges, and prerogatives conferred by this act and by such license.

SEC. 13. (a) That any State, municipality, or corporation as hereinbefore defined, desiring to secure a license under this act for the construction, maintenance, and operation of a dam or other structure as set forth in subsection (a) of section 11 of this act, and for the purpose therein mentioned, shall, after obtaining the consent of Congress by special act, apply to the commission in writing, setting forth the following:

1. If the applicant is a municipality or a corporation, due proofs of its corporate powers and authority to receive, use, and enjoy the license.

2. The name of the navigable waters sought to be improved and a description of the power site suggested for designation under this act in connection therewith and satisfactory evidence that the applicant will acquire title to all lands not owned by the United States within the power site, to be held subject to the provisions of this section.

3. The extent to which the navigation of such waters will be improved and the nature, scope, and manner of making the proposed improvement.

4. The names, as far as ascertainable, of all riparian owners who will be affected by the proposed improvement, also a description of lands of the United States and of any State that will be so affected.

5. A general description of the dam proposed to be constructed, of the material to be used therein, of all booms, piers, and other protection works to be constructed in connection therewith, and a particular description of the proposed designated dam site.

6. The name of the nearest city or village above and below the site of the proposed dam.

7. The location of the nearest existing dam above and below the site of the proposed dam, and the extent, if any, to which the same will be affected by the proposed improvement.

8. A map of the proposed designated power site on a scale of not less than 4 inches to the mile, showing the lands that may be affected by the construction, maintenance, and operation of the proposed dam or by any flowage that may be caused thereby and approximately the outline of such flowage.

9. The approximate amount of hydraulic and hydroelectric power that is proposed to be developed and generated and a description of the territory within which such power is proposed to be sold.

10. Such additional information as the commission may require.

(b) In addition to the foregoing, such application shall be accompanied by the following proposals:

1. To install and maintain a complete system of accounting as prescribed from time to time by the commission, and to authorize and empower the commission to audit all revenues and to approve prior to the expenditure thereof all outlays for property, except that acquired under section 19, and all outlays for the construction of the dam, buildings, and other structures and works constructed, maintained, and operated and used and useful under the license applied for.

Second. To fully develop the available water power at the dam site, and to install auxiliary power upon a finding of convenience and necessity therefor by the commission; that every contract entered into by the licensee with any person, firm, or corporation, private or public, for the sale or delivery of power developed by any dam licensed under this act and generated in connection with such dam, shall expire not more than 30 years from the date upon which the license became effective and in force.

Third. That the commission shall, before the license is granted, designate the dam site and power site, and shall value the power site exclusive of any rights of water power or the use of water power whether such power site is owned by the applicant or not; but lands of the United States, if any, shall not be included in such valuation.

Fourth. No such license shall be granted for a longer term than 30 years, but the licensee shall have the right of renewal of such license for two further and successive terms of 10 years each upon such reasonable terms and conditions as may be agreed upon or may be fixed by the commission.

Fifth. Upon expiry of the license the works and the lands of the license within the designated power site shall become the property of the United States upon payment for the lands at the prices approved by the commission under section 16, and for the works at a reasonable price to be fixed by the commission as of the time of such expiry: *Provided*, That in the event that Congress fails to make the necessary appropriation for such payment, the commission may renew the license to the then licensee upon terms and conditions to be fixed by the commission, or the commission may issue a license to a new licensee upon terms and conditions then so fixed and upon such new licensee's paying for such lands and works at the prices so approved and fixed by the commission: *Provided, however*, That no renewal of licenses, or new licenses, shall be for a longer period than that herein limited for initial licenses.

SEC. 14. That the licensee, the holders of stocks and bonds to be issued by such licensee, and all creditors and others in interest shall be bound by the proposals, consent, and undertakings of the applicants as so set forth.

SEC. 15. (a) That upon receipt of an application under section 13, the commission may, in its discretion, order a public hearing thereon at such time and place, upon such notice and before such officer or officers of the Departments of War, Interior, and Agriculture, or all or any members of the commission, as the commission may order. The commission shall provide for the representation of the interests of the United States at such and all subsequent hearings by competent and proper officers of any or all of the said departments. Notice shall be given by the commission to the governor of each State wherein lies any part of the power site proposed to be designated.

(b) That the application may be considered at such hearing or any adjournment thereof, and evidence taken in support thereof or in opposition thereto.

(c) That the commission shall investigate by such hearings, if any, and otherwise, all matters pertaining to such application and the proposed license and may require that the application be amended in such manner as they deem best to carry out the purposes of this act and safeguard the interests and rights of the United States, the State or municipality or corporation, and the public.

(d) That if the commission shall determine that the granting of a license pursuant to the original or amended application will result in the improvement of navigation, will promote and safeguard the interests and rights of the United States, the State, the municipality or corporation, and the public, the commission shall so find, and shall designate the dam site and power site and such finding shall be deemed and taken to be a license containing the provisions of such original or amended application, and shall take effect upon the filing with the commission, in such form as it may prescribe, of a wrtten acceptance thereof by the applicant. The commission shall issue to the applicant a certificate evidencing the authority conferred by the license.

SEC. 16. That the price to be paid by the licensee for any property acquired and used under the license, except that acquired by condemnation, if any, and the price to be paid for any construction work under the license shall be reasonable, and shall be subject to the approval of the commission: *Provided*, That the commission shall approve the prices fixed by the courts in condemnation proceedings: *Provided further*, That in such condemnation proceedings the Attorney General may intervene to protect public interests against the payment of an unreasonable price.

SEC. 17. (a) That all licenses granted to corporations as herein defined are granted subject to the right of the United States, or any State or municipality duly authorized thereto, upon at least one year's notice thereof, at any time prior to the expiration of 50 years from the date when the license becomes effective, to acquire all of the property of the licensee constructed or maintained and used and useful in carrying out the purposes for which such license was granted, by paying just compensation therefor as determined by the commission at the time of taking: *Provided*, That in ascertaining what is just compensation for any such property taken under such subsection no allowance shall be made for the value of any license granted under this act.

(b) That if the United States or a State or municipality exercises its option to acquire the property of a corporation operating under a license granted under this act, then and in such case the United States, the State, or municipality, as the case may be, shall give a preferential right of service to those using water power or electric power developed or generated by the corporation at the time of such acquisition, and the service to such persons shall be continued upon such terms and for such period of time as may be found reasonable by the commission, but in no case shall such preferential right continue for a period longer than 10 years from the date of acquisition by the United States, State, or municipality under this section.

(c) That nothing contained in this act shall be construed as conferring, creating, or admitting on the part of the United States the existence of any private property as to navigable waters or the use of navigable waters in the owners of lands riparian thereto, nor as requiring the United States or any licensee under this act or any other authorized agent of the United States to pay any compensation at any time for navigable water or the use of navigable water taken or used under this act, or to pay any compensation on account of any value which any land riparian to navigable water may have by reason of its availability in connection with water power or the use of water power if such water or the use thereof is required or taken for the purposes contemplated in this act.

SEC. 18. (a) That no transfer or assignment of any license granted under this act shall be valid or of any effect whatsoever unless the same shall have been submitted in writing to and approved in writing by the commission. No license granted hereunder shall be transferred or assigned to anyone except a qualified licensee under this act; nor shall any license granted hereunder to a State or municipality be assigned or transferred to any person, firm, or corporation otherwise than as security for a loan made in good faith and concurrently with and as consideration for such transfer or assignment, nor shall any person, firm, or corporation have power to acquire title to a license granted to or acquired by a State or municipality otherwise than in the enforcement of such security; and in on case shall any such person, firm, or corporation hold title to or operate for a period longer than three years any license so acquired.

(b) That no State or municipality shall make or execute any lease or any contract with any person, firm, or corporation for the sale or use of hydraulic or hydroelectric power developed or generated by such State or municipality under a license granted under this act for longer than a period of 15 years, nor unless the same shall be first approved by the commission.

SEC. 19. That any licensee under this act may acquire the right to use or damage any private lands or property necessary to the construction, maintenance, or operation of any dam or works within the designated power site by condemnation in the district court of the United States for the district in which the lands are located or in the State courts. The practice and procedure in the United States courts under this section shall conform, as nearly as may be, with the practice and procedure in like cases in the State courts: *Provided*, That compensation awarded in any condemnation proceeding under this section shall be in accord with the principles expressed in subsection (a) of section 17.

SEC. 20. That if any improvement, maintained under any license granted pursuant to the provisions of this act, shall be owned, leased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever so that the same form part of or in any way effect any combination, or shall be in any wise controlled by any combination in the form of an unlawful trust, or form the subject of any contract or conspiracy to limit the output of any hydraulic or hydroelectric power derived therefrom, or in any manner or degree in restraint of trade in the generation, sale, or distribution of hydraulic or hydroelectric power derived therefrom, the United States may take possession by appropriate proceedings wherein the members of the commission shall be appointed to act as receivers during such period as the court may determine.

SEC. 21. (a) That no license granted under this act shall become effective and in force unless within 90 days after notice from the commission that the same has been granted, the licensee shall file with the commission a written acceptance thereof.

(b) That any license granted under this act shall be null and void unless the dam and works thereby authorized to be constructed be completed within three years from the time when such license becomes effective and in force. The commission may, however, upon good cause being shown, extend such time for an additional period of two years.

SEC. 22. (a) That any person, firm, or corporation violating any of the terms, provisions, or conditions of this act, or any rules or regulations duly made thereunder, or any order of the commission made pursuant to the provisions of this act, shall forfeit for each such violation not more than $2,000.

(b) That the forfeitures provided for in this act shall be payable into the Treasury and shall be recoverable in a civil suit in the name of the United States brought by the Attorney General or any United States attorney in any court of competent jurisdiction within the State wherein the designated power site or any part thereof is located.

SEC. 23. That nothing in this act contained shall be so construed as to exempt or release any person, firm, or corporation owning or operating any dam and appurtenant works under the provisions hereof from any common law or statutory liability for damages resulting from or growing out of the construction, maintenance, or operation of

such dam or works, or as in any manner affecting such liability of any person, firm, or corporation, or as in any manner creating any liability on the part of the United States for damages resulting from or growing out of the construction, maintenance, or operation of any dam not owned by the United States.

SEC. 24. That whenever in the opinion of the President of the United States, evidenced by a written order addressed to the holder of any franchise, permit, or lease hereunder that the safety of the country demands, the United States hereby reserves the right to enter upon and take possession of any power plant developed under a permit, lease, or franchise held under the provisions of this act, for the purpose of the manufacture of nitrates, explosives, or for any other purpose concerning the safety of the country and retain possession, management, and control thereof for such length of time as may appear to the President to be necessary to accomplish the said purposes, and then to restore possession and control to the party or parties entitled thereto: *Provided*, That the United States shall pay to the party or parties entitled thereto such fair and just compensation for the use of said property, calculated upon the basis of a normal, fair, and moderate profit in time of peace, as may be agreed upon between the licensee and the commission: *Provided further*, That such fair and just compensation shall not be in excess of a sum which will hold the party entitled to such compensation harmless of any loss or damage or damages by reason of such taking over, holding, using, and the restoring of the said properties in substantially the same condition as at the time of the taking thereof to the party or parties entitled thereto.

SEC. 25. That all charges and rates for and service of hydraulic and hydroelectric power made or rendered by the licensee or by any seller or distributor taking such power from the licensee shall be subject to regulation by the State commission or other authorized agency of the State wherein the service is rendered. And in the event that any State shall not have provided a commission or other authority for the regulation and control of such charges, rates, and services, such regulation within such State shall be made and enforced by the commission: *Provided*, That all charges, rates, and services by the grantee hereunder shall be nondiscriminatory, reasonable, and adequate to the public in view of the cost of production; and in computing such cost of production there shall be taken, first, the actual cost at the prices approved by the commission under section 10 for lands or interests in lands within the designated power site purchased and used by the licensee in the generation and distribution of power, and the actual cost paid in good faith for other lands or interests in lands purchased and used by the licensee in the generation and distribution of power; second, the actual cost to the grantee of a lock or locks or other aids to navigation required by the United States; third, the fair value of all other property of the grantee necessary or useful for the generation, transmission, and distribution of power, including property beyond the initial point of distribution. Such actual cost and fair value shall be determined by agreement between the commission and the grantee, and in the event of their failure to agree, then by said regulating authority. In determining the fair value of the property other than lands or interests in lands, allowance shall be made for deterioration, if any, of the existing structures, transmission lines, and distribution system, and no value shall be claimed or allowed for the rights hereby granted, for good will, going concern, profit in pending contracts for electrical energy, or for other conditions of current or prospective business, or for any other intangible element.

SEC. 26. That licenses granted under the foregoing provisions of this act and authorization by States under subsection (b) of section 11 shall affect only the jurisdictional interest of the United States in navigable waters, and nothing in this act shall be construed to authorize the occupancy or use of any lands owned by the United States except as otherwise authorized by law.

SEC. 27. That the commission is hereby authorized, in its discretion, to lease, for the development of hydraulic and hydroelectric power, any lands of the United States at the sites of dams and works constructed wholly or in part by the United States in the interests of navigation, together with the right to use surplus water disposable by the United States and not deemed by the commission from time to time necessary for navigation. Such leases of lands and water rights shall be at such rates, on such terms and conditions, and for such periods of time, not to exceed 50 years, and with such provision for the periodical readjustment of rentals as may seem to the commission just, equitable, and expedient, subject, however, to the provisions of this act governing licenses and the use and disposition of power so far as the same may be applicable, and all such leases, the parties thereto, and the terms and conditions thereof shall be reported annually to Congress.

SEC. 28. That all appropriations heretofore or hereafter made to be expended by or under the Secretary of War, the Secretary of the Interior, or the Secretary of Agriculture for any of the purposes of this act shall be available to be expended by them, respectively, and for said purposes, respectively, upon the order of commission.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Wisconsin [Mr. HUSTING].

Mr. SHIELDS. Mr. President, the substitute now offered by the Senator from Wisconsin [Mr. HUSTING], after five weeks' discussion of the bill, is so absolutely different from it in every respect that the committee, of course, objects to it, and, unless further discussion of the amendment is desired, I ask that it may be voted on.

Mr. LA FOLLETTE. Mr. President——

Mr. MARTINE of New Jersey. Mr. President, I raise the point that there is no quorum present.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clark, Wyo.	Harding	Johnson, S. Dak.
Bankhead	Clarke, Ark.	Hardwick	Jones
Beckham	Colt	Hollis	Kenyon
Broussard	Cummins	Hughes	La Follette
Chamberlain	du Pont	Husting	Lane
Chilton	Gronna	James	Lea, Tenn.
Lodge	Page	Shields	Sutherland
McCumber	Pittman	Smith, Ariz.	Thompson
Martine, N. J.	Poindexter	Smith, Ga.	Tillman
Nelson	Pomerene	Smith, Md.	Wadsworth
Norris	Ransdell	Smith, Mich.	Walsh
Oliver	Reed	Smoot	Warren
Overman	Shafroth	Sterling	Williams
Owen	Sheppard	Stone	Works

Mr. CHILTON. I desire to announce the absence of my colleague [Mr. GOFF] on account of illness. I ask that this announcement stand for the day.

Mr. SMITH of Michigan. I desire to announce the unavoidable absence of my colleague [Mr. TOWNSEND] on account of serious illness in his family. I should like to have this announcement stand for the day.

Mr. STONE. I desire to announce the unavoidable absence of the Senator from Delaware [Mr. SAULSBURY].

The PRESIDENT pro tempore. Fifty-six Senators have answered to their names. A quorum of the Senate is present.

Mr. HUSTING. Mr. President, I argued this matter at length yesterday, and I have no disposition to reargue it. For the information of Senators who were not present yesterday when this matter was discussed, however, I desire to point out very briefly the objections to the committee bill, and very briefly the general provisions of the substitute bill offered by me, which, I think, are nearly the opposite of the committee bill.

I am opposed to the committee bill, first, for the reason that it provides for no charge of any kind; secondly, because, while it purports to limit the franchise to 50 years, in effect it is a perpetual franchise—perpetual because of the conditions annexed to the recapture, which makes it improbable, if not impossible, that the United States could take it back unless it wants to go into the business of transmitting power, heat, and light. In fact, the conditions are so onerous that they practically nullify the privilege. Furthermore, the recapture provisions are of such a nature that they, in effect, amount to nothing. These give no new privilege. These merely recognize the privilege that the United States or a State has to take by condemnation and pay the price fixed by a court or jury. While these purport to give the United States the privilege to take over, as I say, they add nothing to the privilege which may be ours any time we determine to enjoy it, because when the United States wants to go into the transportation business or the business of transmitting light, heat, and power it can always do so by passing the proper law and by condemning the property and taking it and paying the price that courts ordinarily fix in condemnation cases.

This bill instead of fixing the contract price now leaves it up in the air, and instead of concluding and making definite this contract the bill merely says that at the end of the period we may take it over for a price that we would be obliged to pay in condemnation cases; whereas we could, if we wanted to, fix at the present time the conditions of recapture, so that it would not need to be left for any court or jury to determine. Courts and juries in condemnation proceedings must necessarily pass upon the value of property that is seized, and a fair price must be paid for it; but there would be nothing left for a court or a jury to determine if in issuing the license the conditions of the contract were put in the license.

I am opposed to the committee bill further because, while it purports to control rates, it in effect leaves the control of rates in the States, which may or may not have a commission or other body to control the rates. In fact, according to the statement of Secretary Lane, there are only 12 States that control or fix the rates of public-service corporations; so that as to the rest of the States where there are no commissions in existence to fix these rates—36 of them, I am told—the people of the United States are entirely without protection.

So, in fact, this bill does not regulate rates. It merely says that they may be regulated by the States when they get ready to do it, and in so far as they are not ready there is no regulation. In fact, in the main the United States may not regulate rates at all. This the States can do without permission from the United States, because each State can pass its own laws and regulate any public service within that State. So this law adds nothing to that; and the claim that this measure is to take care of the interests of the ultimate consumer falls to the ground, because it leaves this function to the States, which can do it anyway, and only in case the States can not agree does this bill provide that the Interstate Commerce Commission shall take charge of the matter.

It further provides that Government-owned dams shall be under the same provisions of recapture as those authorized under this bill; in fact, the dams built and paid for by the United States are practically subject to the same provisions as those dams paid for by private capital. In other words, it provides that if the United States contracts and expends its money for

a dam, and permits third parties to come in and take possession of that dam and water power, and merge it or hook it up with their own private business, the United States can not get back the property for which it gave the permit without buying all the property with which it may become merged or to which it is connected. In other words, the United States can not take it unless it takes all the transmission lines. That means that dams already operated, already owned, or which will be constructed and owned in the future by the United States shall be put in such a position that they also can be tacked to a perpetual franchise, and we can not get our power back again without buying the business of those to whom we have surrendered our valuable property.

Not only that: This bill provides that those who have already made contracts with the United States, and who are now in possession of licenses, may come before the Secretary of War, surrender their old licenses, and take out new licenses under this bill. So, no matter how advantageous the terms may be for the United States under which they are now operating, the United States will surrender those advantageous licenses, and in lieu thereof issue a new license which provides nothing for protection of the people of the country and nothing to protect the interests of the United States.

There is nothing in the way of rate making or rate control in the bill which is definite or certain. Everyone knows that you can not control rates unless you have a physical valuation at the bottom of it. If you have nothing upon which to compute a rate, your rate making does not amount to anything; and under this bill valuations can be made as they will, or not made at all. Instead of having an accounting as to the value of the land or proposed improvement made before the license is issued, and a show-down as to what the cost is going to be, the question of value is left up in the air; and no doubt licensee will be permitted to compute his rates upon whatever valuation it may make, with all its speculative values, and the rate making will be based upon such figures as it may make and present to the rate-making power.

Not only that, but section 13, which purports to give the right of amendment, alteration, or repeal, only applies to this act, which, of course, can be amended or repealed at any time; but it is careful to provide that any action of the licensee under this act will vest in him certain rights that can not be altered, amended, or repealed. In other words, while you can amend the act you can not amend the license, and rights that are vested under the licenses given by the United States can not be changed by law; and for that reason the bill will substantially vest in perpetuity any license that is issued to the licensee.

Not only that, but while this purports to be a law primarily for the benefit of municipalities, primarily for the benefit of the States, and primarily for the benefit of the United States, there is in effect no preference to municipalities in this bill. It puts a municipality on the same plane as a public-service corporation; and in view of that, can there be any doubt what will happen? While councils are taking under consideration the advisability of taking out a license, any public-service corporation can go in there and get it. If any State wants to take out a license, of course, any public-service corporation can step in and take it and get ahead of the State, and the bill provides that they shall have first choice.

Not only that, but under this bill licenses are to be issued not only to those I have named, but to individuals and private corporations for their own benefit. This bill leaves the individual or the private corporation absolutely without any restriction, absolutely without any authority or control by the United States, by the State, or by any municipality, either over his dam or over his charges of any kind, or of any authority or control over the use to which his power may be put.

In other words, under this bill any individual or private corporation can go and condemn property and take it and keep it, not only for 50 years but forever, unless the United States chooses to pay for a plant that is hooked up with it. Under the provisions of this bill it makes the power private property. I repeat the power is private property, and the owner can manufacture commodities of any kind, and the United States does not reserve any right to control either the price, the product, or the use of the water, even though the people may need it and ought to have the use of it. While it purports to be, as I say, a bill for the benefit of the United States, the State municipalities, in my judgment it is a bill that can only have one end and that is to turn the water powers of this country into the hands of private individuals, private corporations, and public utilities for private use and profit.

The tendency of interlocking these interests is shown by that diagram. Everybody knows it; in fact, it is conceded, and there is no need to demonstrate it. I say that this bill is framed in such a way and in such terms that it does not require any imagination at all to feel certain that 50 years from now all the water powers in this country, all the hydroelectric powers in this country, will be in the hands of perhaps only one, at least in the hands of only private citizens and corporations, and these interests will practically have in the hollow of their hands the industrial and economic welfare of this country.

That is the reason why I am opposed to the committee bill. On the other hand, the amendment that I propose provides for an absolute 50-year franchise that shall be cut off at the end of 50 years. It may be renewed to that corporation or to another; but the measure is framed so that it automatically vests in the United States, subject only to an appropriation to pay for it if the United States then sees fit to make it, and if the United States sees fit to appropriate the money, what does it pay? It pays the cost of the land and the value of the improvement at the time of taking it over. The cost of the land and the cost of construction are in the hands of the commission before the license is issued. The commission consists of the Secretary of War, the Secretary of Agriculture, and the Secretary of the Interior. Before the dam can be built the plans and specifications and the figures as to the cost of the plant and of the land are in the hands of the commission, so that for purposes of rate making the facts are before it and the rates can be made upon known and ascertained facts. Not only that, but it will cut out the unearned increment and will cut out speculative values or the watering of water stock. Not only for rate making will the cost be ascertained, but for purposes of recapture. The United States knows what it will have to pay for the land, and the value of the improvements can be ascertained by the commission.

So that we have a 50-year franchise, we have a commission to perform the duties of this office, and we have a termination of the lease. We provide here that this permit is a contract; that when this contract is accepted it is accepted with all the terms and conditions; and not only that, but we have a check on the right of assignment, because we make it subject to approval by the commission. Under the committee bill there is absolutely no check on assignment of franchises, and consequently there is nothing to prevent a tieing together such combinations of power.

The substitute offered by me provides for a fixed term of 30 years, with the option of two additional periods of 10 years each.

It provides further for the payment by the licensee of a charge of not less than 10 cents per horsepower, the commission in each instance to fix the charge at that or a higher amount. At the expiration of the 30-year period there may be a readjustment of the charge by the commission, and at the end of the first 10 years after the first 30-year period the commission may again adjust the charge to be paid by the owner or holder of the license.

Here, then, in this proposed substitute bill, there is a check on it to prevent—to prohibit—an undue or unwise enlargement of these combinations. Not only that, but if it shall appear that the great valuable water powers may fall into the hands of a few combinations, the substitute provides that the United States Congress can check it. I have not touched on all of the important features of the substitute, but most of these are the main features, the essential things, in the substitute, and that are recognized by those who have given this matter any attention as the essential features of a proper water-power bill.

I wish to mention merely one more matter which I forgot to mention yesterday. Whenever in the opinion of the President of the United States, evidenced by a written order, we need this water power in time of war, or probable war, the United States may, if it sees fit, step in and take possession of these water powers and use them in the national defense, and in advance of the need provide against being held up in time of stress and against the payment of war profits.

Mr. President, this is a provision which is merely precautionary, a provision put there for the purpose of accomplishing things that we may sometimes feel the need to accomplish; of accomplishing by a stroke of the pen something, as a matter of right, that may be of incalculable value to this country when, if ever, the need is here.

We are engaged now in trying to pass preparedness measures. In the preparedness scheme there is the necessity of building battleships and manufacturing armor and buying powder and ammunition. We must deal on the basis of the men who control the factories and can fix the price. Here is a provision which will forever secure to the United States a ready means to manufacture its own explosives if it desires to procure its ammunition in a manner and at a price which will, and at best may, prove of immeasurable value.

What objection can any Senator have to that? Not only that, but the United States can without any proceedings whatever in a summary way take these plants over.

Reverting now to the substitute, which is now to be put to a vote, it does seem to me, Mr. President, that it should be adopted. It should be adopted because it is framed in the interests of the people, not in the interests of water-power developers. The committee bill as framed on its face, whatever the intention may be, is a matter calculated to satisfy the demands only of the water-power developers, and it takes no care of the people's interest in this great resource. There is not one thing that is in the committee's bill that amounts to anything in taking care of the public interest in these potential water powers and streams. It is formed upon the theory that they must be developed at any cost to the people's interest, and even when it is doing that it is not insuring development. There is no guarantee in the bill, if passed, that we shall have water-power development. In fact, Mr. President, we shall not have the development until there is a market for the power that is going to be used. We have now in a number of States, according to the report of the Agricultural Department, overdevelopment of water power, and in those States there will be no further development until the demand catches up with the supply and passes it. Then we shall have development, and only then.

The committee bill gives them everything and the people nothing. The substitute which I have proposed gives the people at least something, not all that they ought to have, but at least a portion of what they are entitled to, and not only that, but it leaves the control of the power itself with the United States and within the hands of the people, and no matter what mistakes there might be in this amendment when the 50 years are over, at least time will cure the mistake. But time will never cure the mistakes if the bill proposed by the committee is passed, because these mistakes are not only irremediable but fatal. It contains the last word, practically, on the subject which the people can or will ever have the opportunity to speak.

We can do as we please about these things. I presume we have the power to do it. We can waive these rights, ignore them, give them away, throw them away; but the people are entitled at least to know when thrown away that those who are helping to throw them away do it advisedly, with full knowledge of what it means, and do it nevertheless and notwithstanding that they are fully aware what it means or may mean to the people of our country and to posterity. However, I say that no one who has his eyes open and looks but a short distance into the future can fail to realize that in throwing these away, that in cutting the tie that binds this power to us, and that in letting go of our jurisdiction and in letting this great resource slip out of the hands of the people, they are losing the most potent power, the most effective instrument for economic and industrial development ever placed in the hands of a people; we are losing the most potent power and instrument for good or evil ever tossed away by the representatives of a great people.

The PRESIDENT pro tempore. If no amendment be offered to the substitute, the question is, Shall the substitute offered by the Senator from Wisconsin [Mr. HUSTING] be adopted?

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I announce my pair with the Senator from New Mexico [Mr. FALL] and withhold my vote in his absence.

Mr. JAMES (when his name was called). I transfer my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. JOHNSON of Maine (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. In his absence I withhold my vote.

Mr. JOHNSON of South Dakota (when his name was called). I desire to announce my pair with the senior Senator from Illinois [Mr. SHERMAN], and I withhold my vote.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. He being absent from the Chamber, I withhold my vote.

Mr. MARTINE of New Jersey (when Mr. O'GORMAN's name was called). I desire to announce that the Senator from New York [Mr. O'GORMAN] is unavoidably absent. He is paired with the senior Senator from New Hampshire [Mr. GALLINGER].

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. Inasmuch as he would vote, as I am informed, on this question as I am about to vote, I vote "nay."

Mr. LODGE (when Mr. WEEKS's name was called). My colleague [Mr. WEEKS] is unavoidably absent. He is paired with the Senator from Kentucky [Mr. JAMES]. If my colleague were present, he would vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], but I understand that if he were present he would vote as I am about to vote. I vote "nay."

Mr. BANKHEAD (when Mr. UNDERWOOD's name was called). I wish to announce the absence of my colleague [Mr. UNDERWOOD]. If he were present, he would vote "nay." He is paired with the Senator from Ohio [Mr. HARDING].

The roll call was concluded.

Mr. McCUMBER. I am informed by the colleague of my pair that if he were present he would vote the same as I would on this question. I therefore vote "nay."

Mr. GALLINGER. Notwithstanding I have a pair with the Senator from New York [Mr. O'GORMAN] I am privileged to vote, and I vote "nay."

Mr. HARDWICK. I have a general pair with the Senator from Kansas [Mr. CURTIS], which I transfer to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. OLIVER (after having voted in the negative). I discover that the senior Senator from Oregon [Mr. CHAMBERLAIN] has not voted. I have a pair with that Senator, which I transfer to my colleague [Mr. PENROSE] and allow my vote to stand.

Mr. GALLINGER. I wish to announce that the Senator from Idaho [Mr. BRADY] is paired with the Senator from Florida [Mr. FLETCHER];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Indiana [Mr. SHIVELY];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN].

Mr. SMITH of Maryland. I have a pair with the Senator from Vermont [Mr. DILLINGHAM], which I transfer to the Senator from Arkansas [Mr. ROBINSON] and vote "nay."

The result was announced—yeas 13, nays 44, as follows:

YEAS—13.

Gore	Kenyon	Martine, N. J.	Reed
Hollis	La Follette	Newlands	
Husting	Lane	Norris	
James	Lea, Tenn.	Poindexter	

NAYS—44.

Ashurst	Hardwick	Page	Smoot
Bankhead	Hughes	Pittman	Stone
Beckham	Jones	Pomerene	Sutherland
Borah	Lodge	Ransdell	Swanson
Clapp	McCumber	Shafroth	Thompson
Clark, Wyo.	McLean	Sheppard	Tillman
Clarke, Ark.	Martin, Va.	Shields	Wadsworth
Cummins	Myers	Simmons	Walsh
du Pont	Nelson	Smith, Ariz.	Warren
Gallinger	Oliver	Smith, Ga.	Williams
Harding	Overman	Smith, Md.	Works

NOT VOTING—39.

Brady	Curtis	Lee, Md.	Shively
Brandegee	Dillingham	Lewis	Smith, Mich.
Broussard	Fall	Lippitt	Smith, S. C.
Bryan	Fletcher	O'Gorman	Sterling
Burleigh	Goff	Owen	Thomas
Catron	Gronna	Penrose	Townsend
Chamberlain	Hitchcock	Phelan	Underwood
Chilton	Johnson, Me.	Robinson	Vardaman
Colt	Johnson, S. Dak.	Saulsbury	Weeks
Culberson	Kern	Sherman	

So Mr. HUSTING's substitute was rejected.

Mr. WORKS. I ask that the amendment I have proposed be now laid before the Senate, and I move its adoption.

The PRESIDENT pro tempore. The Senator from California has a pending amendment to the original bill.

Mr. WORKS. Offered as a substitute.

The PRESIDENT pro tempore. It will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

That the Secretary of War is hereby authorized to allow any municipal or private utility corporation to construct and maintain, in any actual navigable stream useful for transportation and commerce, a dam or other structure for the impounding and diversion of the waters of such stream or the development of power, or both, for public use, and to issue a permit therefor under such rules, regulations, and conditions as may be necessary to protect and preserve the navigability of such stream to be prescribed by the Secretary of War.

SEC. 2. That such permit shall not be issued to any such corporation until it shall first have acquired the right, under the laws of the State in which the dam is to be located, to construct such dam and use the waters of such stream for beneficial purposes and the disposition of such water or power shall be regulated and controlled by the State; and the rates therefor to consumers shall be regulated and controlled by the State authorities: *Provided*, That if the water or

power shall be distributed in two or more States, the rates to be charged therefor shall be fixed by the Interstate Commerce Commission.

SEC. 3. That if it shall be necessary for such corporation to acquire any of the public lands in order to make the dam or other structures available for the purposes for which such permit is granted, the Secretary of the Interior is authorized to sell so much of the public lands as may be necessary and available for such purpose, at a price to be agreed upon between them; and if the price can not be agreed upon, then such corporation is given the right to bring suit in any court having jurisdiction against the United States to condemn such lands for the uses and purposes covered by such permit.

Amend the title so as to read: "A bill to authorize the Secretary of War to permit municipal and private utility corporations to construct dams and other structures in navigable streams for the purpose of diverting water from such streams and the development of power."

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Before the Senator from California proceeds, the Chair desires to make an announcement in connection with the pendency of the substitute. The more regular course would have been to have proposed it as a substitute for the amendment offered by the Senator from Wisconsin [Mr. HUSTING]. The Chair was not advised that it was pending and it did not take that course. For that reason the Chair does not suppose that the Senator from California should not have an opportunity to invite the judgment of the Senate as to whether his substitute shall be adopted or not. The question is on the substitute proposed by the Senator from California.

Mr. WORKS. Mr. President, my position has been throughout that the Secretary of War has no jurisdiction to deal with this question except in so far as it affects navigation, and that no such power or jurisdiction can be imposed upon him by Congress. The Government has no interest in the development of power. That is a matter which rests entirely with the States. The only jurisdiction that the Government has over the streams in the States is to promote and protect navigation. It has no right to the use of the stream for any other purpose. It can not confer that right upon anyone else, directly or indirectly. The argument which has been made here in support of proposed amendments that the Government should have some compensation for the interest it has in these power plants and the development of power is entirely beside the question for the simple reason that the Government has no such interest to protect.

In this very simple substitute I have provided that the Secretary of War may grant a permit to any municipal or other utility corporation to construct a dam in the stream, and that he may impose any conditions which may seem necessary to him to promote and protect navigation. That is just as far as he has any right to go, in my judgment. He has no right to impose any condition that affects the use of the water for power purposes. That is a matter which rests with the States.

I have provided that before the construction of the dam by any corporation it must first have the consent of the State that has a right to control the construction of the dam or the use of the water in a navigable stream just the same as in one that is not navigable. If the Government desires to promote navigation or to construct any dam in the stream for that purpose it has a perfect right to do so. It does not have to ask permission of the States to do anything of that sort, but when it proposes to authorize some private corporation to construct a dam in the stream for the purpose of developing power, then the matter comes within the jurisdiction of the State, and consent should be given by the State before any dam should be constructed for any such purpose.

The Government in justice has a right to receive a reasonable compensation for any of the public lands that may be used for this purpose. Therefore I have provided in the amendment that, if any such lands are needed, the Secretary of the Interior, who has control over the public lands, may sell the land to the corporation if a price can be agreed upon, and if not, that then the corporation may bring its action to condemn the land the same as a private individual and against the National Government.

The friends of this bill claim that it has two objects in which they are interested. One is to promote and improve navigation; the other to bring about the development of power. The bill is not going to accomplish anything worth while so far as the improvement of navigation is concerned. The real object the bill has, the real object that is in the minds of the friends of the bill, is to bring about the construction of power plants and the development of power. The mode that I have provided for in the amendment I now propose is the simplest means of reaching that object. It will do more to bring about the development of power and do it more speedily than any legislation that has been offered here up to this time.

If I believed that the Government was giving away any property that belongs to it, I should insist, as other Senators do, that the Government should be compensated for whatever of its property is taken. I insist, Mr. President, that the Government has no interest in the waters of these streams whatever for the purpose of developing power. It has no interest in it except for purposes of navigation, and the bill I offer does not propose in any way to interfere with or obstruct navigation but to promote it. Therefore it is not in antagonism to any rights of the United States. It could not by any possibility have the effect of depriving the Government of any of its rights or any further interest it has unless it is proposed in connection with it to take public lands, and I have provided in that case that the Government shall be paid and the means by which the value of the land shall be arrived at.

I make a further provision, but I think it is hardly necessary, because it is the law now. It is necessarily so under the Constitution of the United States. I provide that within the States they shall have power to govern and control the rates to be charged; but if it becomes interstate business that then the rates shall be fixed by the Interstate Commerce Commission. I appeal to Senators to know what more can be asked, what more is necessary in order to bring about the very object which is sought through this legislation?

Mr. President, the chief argument against it, as far as I have heard it mentioned here by Senators who are familiar with this question and know what the effect of it will be, is that legislation of this kind can not pass the House. That is not a very forceful argument against a just and fair piece of legislation. I think we ought not to assume, if this is the right sort of legislation, that the House will oppose it.

Mr. President, I have discussed the general features of the pending bill. I have tried to point out my objections to it that I think are vital. I think it is an unwarranted attempt to take over the power of the States and to interfere with their sovereignty over what in our section of the country is one of the greatest and most important rights and interests, namely, the control and flow and use of the waters of these streams.

I am not going to go into any further discussion of the merits of the bill. I only desired to explain in this brief way what I am seeking to do by the amendment I have proposed. I am just as much in favor of developing power as any other Senator can possibly be. I am not objecting to the bill that is now pending before the Senate, because I do not want to see power developed. I am glad to help to bring it about in any way I can; but my own judgment about it is that the bill that is pending will not only not promote the development of power but it will be an obstruction to it.

Mr. NEWLANDS. Mr. President, the amendment offered by the Senator from California [Mr. WORKS] is a very logical statement of his contention, namely, that the United States has no proprietary right in the waters of our rivers; that its control is that of sovereign over interstate commerce and over rivers as instrumentalities of interstate commerce. I am not sure but that the position assumed by the Senator from California is a correct one from a legal point of view. If that position is correct, it follows that all the National Government can do is not to permit structures in or upon a river which might be obstructions to interstate commerce, and to so regulate those structures whilst granting the permit as to promote and not obstruct interstate commerce.

But, Mr. President, I do not like the machinery which the Senator has chosen for the exercise of this power of the national sovereignty to grant a permit to construct what otherwise might be an obstruction to interstate commerce. I do not believe that so important a matter should be trusted to the judgment of any one man, and particularly to the judgment of an official who changes politically with every administration and who frequently changes within an administration. I should much prefer the composite judgment of three men rather than the judgment of one man: First, because I think three men would be likely to have more information on the subject than would one man, and, if they did not have it, that they would acquire it; and, second, because the clash of intellect involved in hearing the facts and in the decision upon the facts will be more likely to produce an intelligent judgment from three men than it will from one man. I should, therefore, like to see the amendment which the Senator suggests changed by adding to the Secretary of War, the Secretary of the Interior and the Secretary of Agriculture.

Mr. WORKS. Mr. President, I propose to invest this power in the Secretary of War because that jurisdiction has always been accorded to the War Department, and, of course, the subject will be investigated by the engineers of the War Department. The Secretary of War has a right to impose any conditions that are necessary to protect the Government. The department may require plans and specifications, bond, or anything else that is necessary in order to protect the Govern-

ment. I am unable to see how the matter would be benefited in the least by adding two other heads of departments under the circumstances.

The Senator will notice that, so far as the disposition of the public lands is concerned, I have provided that that shall be taken care of by the department under which Government lands are disposed of, which I think is the appropriate thing to do; in other words, I vest in the Secretary of War the power to deal with the matter that is within his jurisdiction and in the Secretary of the Interior the power that belongs to him.

Mr. NEWLANDS. And I should prefer, Mr. President, to coordinate them in one body.

The PRESIDENT pro tempore. Does the Senator from Nevada make a motion to amend the pending substitute?

Mr. NEWLANDS. I wish first to discuss the amendment.

It is true, as the Senator from California [Mr. WORKS] observes, that thus far the Secretary of War has had the exclusive control over our navigable rivers, but I have for years contended that that jurisdiction should not be confined to the Secretary of War, but should be extended to other members of the Cabinet, who have jurisdiction over various parts of the water question, without the full consideration of which it is impossible to solve the water problem satisfactorily. The Interior Department has jurisdiction over the public lands, the public domain, so called, and the sources of many of these rivers are in the public domain. The Secretary of the Interior has under his control the whole question of irrigation. The withdrawal of waters from the source streams of navigable rivers for the purpose of reclaiming arid land is a matter that may relate——

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from California?

Mr. NEWLANDS. Certainly.

Mr. WORKS. The Senator does not mean to say that the Secretary of the Interior has control of the irrigation of lands except under the reclamation law? He has no general jurisdiction or power over the irrigation of land.

Mr. NEWLANDS. No; he has no general power over the irrigation of land. He has the power under the reclamation act.

Mr. WORKS. Yes.

Mr. NEWLANDS. The withdrawal of these waters for the reclamation of arid lands may seriously affect navigation, either to its advantage or its disadvantage. If that withdrawal is so accomplished as to turn out from the stream the waters during the period of flood, and then to allow them to sweep back during the period of drought, thus maintaining a more equal flow of the stream, that, of course, is to the advantage of navigation; but if these flood waters are withdrawn and never return to the stream, and they are essential to the maintenance of the stream for purposes of navigation, their withdrawal may operate to the disadvantage of navigation.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from California?

Mr. NEWLANDS. I do.

Mr. WORKS. The amendment is intended to meet that situation. It provides in so many words that the Secretary may impose such conditions as will protect and preserve navigation. I presume he could guard against anything suggested by the Senator as endangering navigation.

Mr. NEWLANDS. But I should prefer, Mr. President, not to leave the matter to his sole judgment. I should prefer that the Secretary of the Interior should be included in all the hearings and inquiries relating to so important a subject matter and that he, as well as the Secretary of War, should participate in the determination. So also with the Secretary of Agriculture. The Secretary of Agriculture has jurisdiction over agriculture generally, and we have given him jurisdiction over a division called the Drainage Division of the Agricultural Department. The purpose of that division is to study all the problems that relate to the drainage of land and to the reclamation of swamp lands. That service has an intimate relation to the rivers. Just to the extent that you prevent the natural overflow of waters over the swamp lands, to that extent it is absolutely necessary that you provide flood reservoirs elsewhere, or else raise the levees upon the banks of the streams. Thus far the natural outlet of the great floods has been not only the gulfs and the oceans into which the rivers finally empty, but the very vast areas of so-called swamp lands adjoining the rivers over which the flood waters spread themselves and thus lose their violence, and just to the extent that they flood adjoining lands, to that extent the height and the violence of the flood below is diminished; so that the treatment of drainage becomes an important element in navigation.

If navigation depends, as I insist it does, upon making the river a perfected instrumentality of transportation, with a flow made as permanent and as equal and as sustained as possible during the entire period of the year—not a raging flood at one time and a diminished attenuated flow at another—and inasmuch as the reclamation of these swamp lands means the prevention of the spread of flood waters over them, to that extent you must deepen the channel of the stream itself in order to accommodate the increased flow, and to that extent the maintenance of these waters in the accustomed channel raises the height of the stream and increases the danger of that stream to adjoining cities and towns and cultivable areas.

So all these questions are interrelated and they have an intimate connection with navigation itself, for the treatment and the development of all these incidental purposes to which water is put have a direct effect upon the volume of the stream itself and its steadiness of flow, a steadiness which is essential, within certain limits, to the promotion of interstate transportation.

That is one of the difficulties I have with the pending bill, that it makes the Secretary of War the sole guardian of our navigable rivers—an official whose experiences do not reach out at all to these problems that relate to the reclamation of arid lands and to the reclamation of swamp lands, whose experience is a narrow one by reason of that fact; and who has not the information upon which he can act with wisdom regarding so important a matter as the regulation of stream flow.

I would add to the Secretary of War, the Secretary of the Interior and the Secretary of Agriculture, also the Secretary of Commerce, for one reason, because he has jurisdiction over commerce. The promotion of interstate and foreign commerce is particularly within his domain. That department has been engaged for years in the study of many of the problems that relate to water, and particularly to the problems that relate to water transportation, both foreign and domestic. It has, as one of its divisions, the Coast and Geodetic Survey, a scientific division that is engaged in the study of water, not only of our coasts, but of the rivers themselves, and which has charge of the lighting of rivers and the warnings of shoals and sand bars, and so forth. It has had until recently a Bureau of Corporations, which, some years ago, made a most exhaustive study of the whole question of waterway transportation. It also has the Bureau of Fisheries, a very important division, relating to our rivers, for we all realize that scientific dealing with the question of the fisheries has much to do with the daily life of our people, so far as the food problem is concerned.

Mr. President, when we propose to authorize the executive department of the Government to grant a permit regarding the obstruction of our navigable rivers I can not understand why all the departments which have jurisdiction over any of the uses that relate to the waters, to their regulation and control, or the increase or diminution of their volume, should not be consulted. If we are to give this power to one man, I believe in giving it to the President of the United States only, who is in himself the executive department of the Government; but if we are going behind the President of the United States and seeking out for executive officials charged severally with the exercise of a part of his powers, I believe that we should organize into one commission, or a board, all the officials who divide responsibility relating to waters.

There is another matter upon which I wish to comment, and that is regarding the permit. The substitute of the Senator from California provides in section 2:

> That such permit shall not be issued to any such corporation until it shall first have acquired the right, under the laws of the State in which the dam is to be located, to construct such dam—

And so forth.

Does the Senator contemplate under this section that it will be necessary for the State to have developed by law some proper system of control over public utilities before this permit shall be granted? The Senator will understand that in some of the States it is quite possible that no such control has been exercised, and, therefore, the permit may go to a corporation which will be absolutely free of all control.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Does the Senator from Nevada yield to the Senator from California?

Mr. NEWLANDS. Certainly.

Mr. WORKS. I do not know of any State which has not a public-utility commission or other organization which controls matters of this kind, except Utah, which, I think, has not provided any means of controlling the distribution of water; but Utah should have something of that kind, and probably would

have under this bill if it became necessary. I think it would be one inducement to the State to do what I think all of them should do, namely, provide proper means for the control of rates for the use of water.

Mr. NEWLANDS. But the Senator does not make the grant of this permit contingent upon the fact that a State has organized a system of control, as I understand.

Mr. WORKS. No.

Mr. NEWLANDS. Well, that is the only defect that I find in section 2, and I admit that that is not a very serious matter, because I dare say the fact is, as the Senator has stated, that almost all of the States have devised a system of control over public utilities.

Now, Mr. President, I move as an amendment that wherever the words "the Secretary of War" occur, immediately after those words there be added the words "the Secretary of the Interior and the Secretary of Agriculture," and that the verb "is" be changed to "are."

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Nevada [Mr. NEWLANDS] to the amendment in the nature of a substitute offered by the Senator from California [Mr. WORKS].

Mr. RANSDELL. Mr. President, I wish to address myself to one or two features of this bill. I can not agree with the distinguished Senator from California [Mr. WORKS], who seems to think that this measure is not in any way in the interest of navigation. I believe that it is very distinctly in the interest of navigation. It is my firm conviction that, if this bill is enacted into law, a great many dams will be constructed in the rivers of this country where there is now practically no navigation, and that many stretches of the rivers which can not be used at this time will become navigable. Let me refer the Senate to a case which came up in Congress about 10 or 12 years ago, and with which I was quite familiar. A permit was asked by the city of Chattanooga to construct a dam for power purposes at a place called Hales Bar on the Tennessee River about 30 miles below the city of Chattanooga. After very considerable trouble and delay, the matter being considered for at least two years, Congress finally passed a law authorizing the construction of that dam. It was thought that it would cost about $3,000,000; but when the attempt was made it was found that the foundation was very defective, and the cost ran something over $9,000,000. The dam was built by private persons, and the result of its construction was that navigation was extended not only up to the city of Chattanooga, a distance of 30 miles, but 8 or 10 miles beyond.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from California?

Mr. RANSDELL. Yes, sir.

Mr. WORKS. Mr. President, I think the Senator's statement is a very strong argument in favor of my amendment, because the amendment provides, without limitations or conditions, that the Secretary of War may grant permits to construct dams, as the Senator is so desirous of having them constructed, and therefore carries out precisely what he is seeking. The bill that is now pending throws all sorts of conditions around the construction of such dams. Those conditions my amendment eliminates. I am not opposed to the Senator's view that this bill may be beneficial to navigation, but I am trying to open the way so that navigation may be improved and water power developed.

Mr. RANSDELL. Mr. President, possibly, if we had reached the ideal in this life, or ever could reach it, the views of the Senator from California might be the wisest—I am not prepared to say that under such circumstances they would not be—but I do not think it practicable nor advisable to pass a measure of this kind unless it contains proper restrictions and safeguards, just as I understand this bill does.

Now, Mr. President, there are, if I am correctly informed, about 30 rivers in the United States on which power dams will very probably be constructed, and these dams will become links in the chain of improvements for the navigation and complete development of these rivers which the Government is very apt to undertake some day. I have mentioned just one of them, and I will call the attention of the Senate to several other rivers where we will probably have a very marked improvement as the result of this legislation. The Susquehanna River, possibly up to the city of Harrisburg, can be improved; the Roanoke, a distance of 110 miles, I believe, can be improved; probably 518 miles on the Cumberland will be improved by power dams; and some additional dams will doubtless be constructed by the United States Government to close the links in the chain. Navigation can also be improved by the construction of power dams on the Kentucky River for probably 90 miles, on the Santee for 30 miles, on the Wateree for 67 miles, on the Congaree for 51 miles, and on the Savannah for 106 miles. On the Tennessee River above Chattanooga for 188 miles there are several sites where power dams may be constructed. On the Coosa River in Alabama, from Montgomery, for 300 miles there are several very valuable sites. On the Connecticut River from Hartford at least up to Holyoke; on the Kanawha and New Rivers in West Virginia; possibly on the Des Moines; on the Wisconsin from its junction with the Mississippi; on the Osage in Missouri; on the St. Croix in Minnesota and Wisconsin; and on the White River in Arkansas and Missouri. I mention just a few of these rivers.

Mr. President, in my long experience on the Rivers and Harbors Committee of the House of Representatives and the Commerce Committee of the Senate I have come to the conclusion that there are a number of rivers in this country which ought to be improved, but the cost thereof would in some cases be so great that it will be many years before the improvement will be undertaken by Congress. In many instances links in the great chain of improvements, just as at Hales Bar, on the Tennessee River, will be undertaken for power purposes; and such a large percentage of the respective rivers will be improved for navigation as a result of this work undertaken for power development that the cost to finish the remainder would be very small. So I am convinced, sir, that under this bill there will be a tremendous impetus given to the improvement of the rivers of this country for the purpose of navigation.

Mr. President, the distinguished Senator from Nevada [Mr. NEWLANDS] made a very interesting address several days ago in support of his amendment proposing to appropriate $60,000,000 a year for the next 10 years for certain purposes described therein, and to give immediately $10,000,000 for the improvement of the Mississippi River below Cairo. I do not think the Senator intends seriously to press that amendment to a vote on the pending bill, but he desired merely to bring it before Congress. I shall not attempt to discuss the provisions of his amendment in detail, but I wish to call the attention of Congress to one very important feature thereof, which is illustrated by the floods now passing down the Mississippi River.

I have been a victim of overflows from that river, a personal sufferer from the floods, and I claim to speak from personal information. A few days ago I asked the Weather Bureau to prepare for me some maps showing on what portions of the country the rains which caused the present flood fell and how much water was precipitated, so that, with the maps before us, we might determine for ourselves what means of relief could be adopted for the control of these floods.

Now, if the Senate feels interested enough to follow me for a moment, I should like to call its attention to this map [indicating], a map of the United States. I ask Senators to notice this dotted line here [indicating], which is drawn to show the watershed of the Mississippi River. You will see that it extends into the State of New York on the east, coming southward through Pennsylvania and a portion of old Virginia, taking in all of West Virginia, some of North Carolina, a portion of Georgia, a portion of Alabama, the greater part of Mississippi, and then descends to the Gulf. Going from New York you will notice here that it follows along the rim of Lake Erie; then, a little south of Lake Michigan, follows up along the west shore of Lake Michigan to within a short distance of Duluth, at the extreme western end of Lake Superior; then, in its long journey westward, it goes into the Dominion of Canada; then turns south again between Idaho and Montana, down through Wyoming, Colorado, New Mexico, and Texas to the Gulf. A very large portion of the United States is within the drainage area of the Mississippi.

But what I wish particularly to invite the attention of the Senate to is the portion of the map which is colored. As I have just stated, we have a big flood now passing down the Mississippi River. From the mouth of the Arkansas River to a point below Vicksburg it is the greatest flood on record. Never before has the water attained such a great height as this year. Now, where did the rains fall which caused this great flood?

If you will look on this map, you will notice in the red area that there was a big fall of rain, from 1 to 2 inches, in Tennessee, Alabama, Mississippi, Kentucky, Missouri, a small part of Kansas, a portion of eastern Oklahoma, and a very small part of Texas. The blue area, which indicates a rainfall of from 2 to 4 inches, shows that the water fell in Alabama, Tennessee, Mississippi, Arkansas, a small portion of Missouri, and in the eastern part of Oklahoma and Kansas. Then there is a very small area marked in yellow where the rainfall was over 4 inches; this area was exclusively in Oklahoma. These rains fell for the

two days January 21 and 22 of this year. There was a little lull in the rain after that; this second map [indicating] shows the rainfall from January 26 to January 31, 1916, a period of six days. Notice on the map where these rains fell—in the States of Ohio, Indiana, Illinois, Wisconsin, Iowa, Nebraska, Kansas, Missouri, Oklahoma, Arkansas, Mississippi, Tennessee, and Kentucky. The red area show a precipitation of from 1 to 2 inches; the blue indicates a rainfall of from 2 to 4 inches, and it is, as you will notice, in the interior of those same States. The yellow indicates a rainfall of from 4 to 6 inches, still in the interior of those States, the blue being the outer border. That yellow part, where the very heavy rain fell, was in Illinois, Missouri, Arkansas, and a small part of Tennessee and Kentucky. The brown area indicates a rainfall of over 6 inches, which was in Arkansas.

Senators, you have heard a great deal on this floor, and doubtless many of you have read much, about the means of controlling the floods of the mighty Father of Waters. You have heard about reservoirs at the sources of these streams, and all sorts of schemes have been suggested. But I wish to ask any Senator within the hearing of my voice to look on these maps and then to rise in his place and tell me if he knows a single available reservoir site where these recent flood-producing rains fell. These rains, Senators, fell in the very richest portion of the United States, the highly developed parts of Ohio, Indiana, Illinois, Wisconsin, Iowa, Missouri, Kansas, Arkansas, Tennessee, and Kentucky. Where could reservoirs be located in any of these States in the construction of which it would not be necessary to use land a great deal more valuable than the lands along the lower Mississippi which are sought to be protected?

The only way in which you can construct a reservoir is to build a dam, levee, or work of some kind entirely around the place where the water is to be impounded. It is usually done by constructing a big levee from one hill to another hill and holding the water within the valley. There are practically no valleys in this area; these are level regions. It is true that in Tennessee and Kentucky there are some small valleys, but no available sites for reservoirs. The land in those valleys is very rich and thickly dotted with many villages, towns, and cities. It would cost an enormous sum to construct a reservoir big enough to do any good.

Senators, the overflowed area of the Mississippi River is 29,000 square miles, which is larger than a great many of the States of the Union. It is as large as the combined area of Massachusetts, Connecticut, Delaware, New Jersey, and Rhode Island and comprises some of the richest sections of the country, and when the water breaks the bounds of the levees it flows over this enormous area. If you are going to hold back the water, you must have an area relatively as large as the area you propose to protect. Your ordinary common sense will tell you that. Now, where will you find that area?

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Missouri?

Mr. RANSDELL. I shall be delighted.

Mr. REED. The Senator has told us the number of States draining into the Mississippi—a very large number. The territory indicated on his map embraces a considerable portion of the United States. Has the Senator computed, or had computed, the amount of rainfall within that district and the size of a reservoir that it would take to hold it?

Mr. RANSDELL. Does the Senator mean the rainfall that is causing the present flood, now passing down the Mississippi?

Mr. REED. No; the floods—the severe floods which we have. I mean to get at this: The proposition has been put before us on a number of occasions that we ought to build a series of reservoirs sufficiently large so that the surplus waters could be impounded and gradually released, utilizing them for irrigation or other purposes, but always to have a reservoir large enough to hold these surplus waters, to the end that they might not flow down and create these great floods. Now, of course, that involves the building of a reservoir big enough to hold the surplus waters. Has the Senator had the size of that reservoir calculated?

Mr. RANSDELL. No; I have not; and I do not believe it would be very easy to calculate that. One of the calculations made in regard to the flood of 1913 was to the effect that Lake Erie—which is, I believe, about 10,000 square miles in area—would be filled by one day's flow of the Mississippi, if I mistake not, to a depth of several feet. Assuming that all the water were taken out of Lake Erie, one day's downpour of the water through the valley would, as I recall the figures, fill that lake to a depth of several feet, and, as the floods usually last for four or five weeks, it is evident that Lake Erie, with its 10,000 square miles of area, would have been filled over and over again. It would not have been, to use a slang expression, "a drop in the bucket" as a reservoir to hold back the awful volumes of water which pour down the Mississippi in time of great floods.

Now let me call your attention to another big flood, that of 1913. I am glad that the Senator from Ohio [Mr. POMERENE] is present, because that flood did enormous damage in Ohio and Indiana, destroying millions of dollars' worth of property and sacrificing many human lives.

You will notice on this third map [pointing] that the red portion, which indicates a rainfall of from 2 to 4 inches, extends over quite a large area. It even gets up into the Dominion of Canada, crosses Lake Erie at this point, and goes into New York. Of course a portion of that water did not go down the Mississippi; certainly not that part which was on the northern side of the Lakes; but, with the exception of this little area which I am indicating with the pointer—the northeastern end of it, so to speak—all the remainder of that great rainfall had to pass down the Mississippi.

You will notice here that this is the precipitation for the five days from March 23 to March 27, 1913, the time when Indiana and Ohio suffered so heavily from floods. The red portion indicates a fall of from 2 to 4 inches, the yellow a fall of from 4 to 6 inches, the green a fall of from 6 to 8 inches, the brown a fall of from 8 to 10 inches, and the blue a fall of over 10 inches. This blue part is right in the heart of the State of Ohio. The brown part is in Ohio and Indiana. The flood not only did enormous local damage to the people of these States, but it played havoc on the lower Mississippi, destroying property and lives in its terrible sweep to the Gulf of Mexico.

Senators, my only purpose in calling your attention to these facts is to ask you and to ask the distinguished Senator from Ohio whether there are any available reservoir sites known which could have held back any appreciable part of this flood? Note that the greater portion of the water was in Indiana and Ohio and that the rains were very extended. They lasted for five days and covered a vast area, and even if you could have had some reservoirs to hold back a part of the water in those States you could not have impounded enough to have saved us on the lower river.

My understanding is that the people of those communities in Ohio and Indiana, brave and independent, have not waited for Congress to help them, but have gone on in a most energetic manner studying the problems presented there as carefully as engineering skill could and trying to devise some means to prevent a repetition of the awful disaster. So far, if I am correctly informed, about the only practical thing that has been suggested is to remove some of the bridges in the river which amounted almost to dams and to clear the obstructions which, in front of some of the towns, have been built out into the streams; in other words, to restore the streams just as nearly as possible to the condition in which nature had placed them. I believe that is all that has been worked out up to date.

Mr. POMERENE. Mr. President, I think the Senator is in part mistaken.

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Ohio?

Mr. RANSDELL. I shall be glad to have the Senator from Ohio enlighten me.

Mr. POMERENE. It is true that the plans contemplated that to some extent; but we have what we call our conservation law, and under the provisions of that law dams can be constructed across a stream so as to keep the water back, and there has been a great deal of thought given to the subject. The constitutionality of the law was attacked, but it has been sustained by our courts, and I think these improvements will gradually go on. Of course they are so extensive that they can not be made in a year nor in two years, but there will be much done along that line, I think.

Mr. RANSDELL. Before the Senator takes his seat will he kindly tell us whether or not the study of flood conditions in Ohio indicates that any very large quantity of that water might be impounded in reservoirs; and if so, where could the reservoirs be built?

Mr. POMERENE. I can not speak with exactness on that subject. There are plans under consideration for the Miami River Valley above Dayton and Hamilton, two sections of the State that were most severely injured by the great floods.

Mr. RANSDELL. Those plans would probably impound some portion of the water?

Mr. POMERENE. Yes, sir; I think so.

Mr. RANSDELL. Can the Senator tell us the character of the land and improvements in those valleys?

Mr. POMERENE. In the western part of the State the land is practically level, and particularly is this true in the northwesterly portion. Probably 50 years ago much of that was

swamp land; but now it has been drained out, and it is the garden spot of the world.

Mr. RANSDELL. It is very highly developed land, is it not?

Mr. POMERENE. Undoubtedly so.

Mr. RANSDELL. And of very great value?

Mr. POMERENE. Undoubtedly so.

Mr. RANSDELL. What would the Senator say that land is probably worth per acre?

Mr. POMERENE. From $150 to $200 or $250 an acre, most of it.

Mr. RANSDELL. How does the Senator think the value of that land would compare with the undeveloped lands on the lower Mississippi?

Mr. POMERENE. I have no knowledge at all of the values below.

Mr. RANSDELL. The Senator would not suppose that those undeveloped woodlands would begin to compare in value, however, with the highly improved portion of the Senator's own State, would he?

Mr. POMERENE. No; I should think not.

Mr. NEWLANDS. Mr. President, will the Senator permit me to make an observation right here?

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Nevada?

Mr. RANSDELL. I shall be very glad, indeed, to have the Senator do so.

Mr. NEWLANDS. The Senator has alluded to the fact that in Ohio the energies of the people have been mainly directed, thus far, to clearing the streams themselves of obstructions in the shape of ridges, and so forth.

Mr. RANSDELL. That was my information.

Mr. NEWLANDS. Yes. Now, I will ask the Senator whether the clearing of those streams of obstructions in that way, and thus permitting that entire area to shed its water quickly to the Ohio and thence to the Mississippi River below, will not have the effect of increasing the height of the flood in the rivers below?

Mr. RANSDELL. Beyond question. That has been the result of all the splendid system of drainage which has been carried on for many years in States like Ohio, Indiana, Illinois, and some Northwestern States. Some years ago, I am told, there were a great many natural reservoirs in those States in the shape of shallow lakes scattered around everywhere. The Senator from Ohio has just told us that in northwestern portion of his State there were swamp lands. Undoubtedly in the spring the rain fell on those swamp lands and the water got pretty high. A considerable quantity of it was held there in the natural reservoirs; but when these lands were drained, and splendid canal ditches and tiled drains of every kind put in, which carried the water into the various rivers, it immediately rushed down with much greater velocity and force than ever before into the Ohio, increasing the problem for every one living along the Ohio as well as on the lower Mississippi.

Mr. President, it may be said, and said truly, that those improvements which benefit the people in these Western and Northern States, namely, the best possible drainage of their lands, has added tremendously to the problems on the lower Mississippi. The water gets to the lower river with much greater rapidity than ever before. I remember some years ago hearing Mr. Stuyvesant Fish, then president of the Illinois Central Railroad, in testifying before the Rivers and Harbors Committee of the House of Representatives, make this statement: "When I was a young man," he said, "I traveled extensively, especially in Illinois and Indiana, and there were a great many shallow lakes at that time. When the rains fell those lakes all filled up, and in the aggregate they held a very large quantity of water." He mentioned the East St. Louis Flats, just across from the city of St. Louis. "Now," said he, "you can travel for hundreds of miles over Illinois, Indiana, and other States and where the shallow lakes once existed you now see the most magnificent farms. You see canal ditches, tiled drains, improvements of every kind and sort; and the East St. Louis Flats, once a marsh, is now land worth $250 an acre, producing the most magnificent crops." And that splendid improvement, which has added so much to the wealth of the United States, has, again let me say, added to the problem on the lower river, because the water gets there now with much greater velocity and in much greater volume. In these shallow reservoirs a great deal of it was evaporated by the sun and winds. Now there is no chance for evaporation. It goes with a rush down to the lower river. The process by which the country above is relieved, is the process by which the country below is destroyed.

Mr. VARDAMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Mississippi?

Mr. RANSDELL. I shall be delighted to do so.

Mr. VARDAMAN. If the Senator will pardon my making an observation just at this point, the process of drainage which has been commenced up there is practically in its infancy. Last year I had the pleasure of traveling through a good deal of the State of Iowa, and a gentleman showed me a magnificent body of land, embracing something like three or four thousand acres, which a few years before that was a lake from 2 to 6 feet deep of water during the dry season in the summer. When he showed it to me it had growing on it the most magnificent crop of corn that I have ever seen; and he told me that the owners bought it for $2.50 an acre when covered with water, and that it could not be purchased at that time for $250 an acre.

Mr. RANSDELL. I thank the Senator for this very enlightening and helpful observation. I am sure that what he says about that particular case is true in perhaps hundreds or thousands of others throughout this vast drainage area, which constitutes more than 40 per cent of the whole area of the United States.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Nevada?

Mr. RANSDELL. With pleasure.

Mr. NEWLANDS. I quite agree with the Senator from Louisiana that the rapid drainage of these States in the upper Mississippi Valley has had the effect of increasing the flow in the lower Mississippi and increasing the violence of these floods. I presume he agrees with me, however, that the reclamation of the lands in the lower Mississippi, constituting the Mississippi Delta, by the construction of levees, has also the effect of preventing those flood waters from spreading out over the areas that they have been accustomed to spread over, thus concentrating the flow in the stream itself, thus raising its height and imperiling the towns and cities along its banks, as well as the levees that have been raised for the protection of the reclaimed areas.

Mr. RANSDELL. Mr. President, that is entirely correct. May I elaborate for just a moment on what the Senator is saying now?

Mr. NEWLANDS. Certainly.

Mr. RANSDELL. In corroboration of what the Senator says, not so very many years ago there was a big area in the valley known as the St. Francis Basin, a portion of it being in Missouri and a portion in Arkansas. In round numbers it aggregated 7,000 square miles. The levee system did not begin in that section until about 25 years ago, as I recall, and whenever the Mississippi River rose out of its normal banks the water would flow into that vast area, fill it up, and get very deep in places. This basin of 7,000 square miles held a colossal volume of water. About 18 years ago the levees were practically completed, though not up to the splendid grade that they are at present, but still pretty good levees. When the floods came they could not flow out over that area, being held within the banks of the river by the levees. Thus the river rose higher and higher, and every now and then a break would occur. The same kind of development has been continued along the lower river, toward the mouth, for instance, of the White River and the Arkansas River, toward the mouth of the Yazoo, in the State of Mississippi, and down toward the mouth of the Red River, in my own State. The area which was formerly a reservoir, a great holding basin for the floods of the river, is now very much restricted, and those waters are compelled to stay within the banks of the river—or, rather, within the artificial boundaries formed by the levees.

Mr. NEWLANDS. As I understand, in most cases the levees are quite far back from the banks.

Mr. RANSDELL. That is true.

Mr. NEWLANDS. They serve in that way to enlarge the superficial area of the river in periods of flood.

Mr. RANSDELL. That is true of the upper river but not of the lower. On the Mississippi River from the mouth of the Red River to the Gulf of Mexico the levees are very close to the banks of the river; and there is practically no caving on the river in that section. But on the upper river, all through the northeastern portion of Louisiana, the northwestern portion of Mississippi, the eastern portion of Arkansas, and the southeastern portion of Missouri, in many cases the levees are a considerable distance back from the bank. It is not customary to build a levee nearer than 300 or 400 yards, normally, and in many instances they are put as much as half a mile back. That is done for two purposes—to widen the channel and give a greater space to hold the waters, and to prevent those levees from caving into the river; because the Mississippi is a great, winding,

tortuous stream flowing down through a loamy, sandy soil, and in those big bends it comes with such a terrible rush that it cuts the soil away, caves away vast quantities of it, and in many instances caves a levee into the river, and a new levee has to be built back of it. In order to avoid that, we build the levees a long distance back.

Perhaps I may be permitted to narrate a very simple story in connection with that. I went to Lake Providence in 1882 and lived with my sister, Mrs. Montgomery, whose home then was close to the river bank. One could stand on the front gallery and throw a rock into the river. Since 1882 I have seen that home moved back twice because of the caving banks. It now sets fully a half mile back of where it was when I went to Lake Providence in 1882. The story is that the home was built about 1844 by Mr. William Gleason, and it was so far back from the river, fully a mile and a quarter, that his neighbors came to him and laughingly said, "Mr. Gleason, what do you mean by building your home so far back; you can not see the boats that pass up and down the river." Said he, "That is all right. I can see their smoke; and I want to live in this house while I live. I do not want to see it cave into the river, but my children will see it cave into the river." That was about 1844. When I went to Lake Providence in 1882, the river had moved until, as I said, you could stand on the front gallery and throw a rock into it. Since then I have seen it cave back fully half a mile.

Now, those are some of the problems which require us to build levees back from the river. But, thank heaven, we are beginning to solve that problem, and solve it wisely, by revetting the banks of the river, so that when we construct levees now they are permanent. It costs a good deal of money, but it can be done, and it is being done rapidly.

Mr. VARDAMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Mississippi?

Mr. RANSDELL. I do.

Mr. VARDAMAN. I suggest to the Senator that the economy in the revetment of the banks is not only a saving of the banks of the river but in the prevention of the caving of the levees and an enormous saving in land.

Mr. RANSDELL. That is absolutely true.

Mr. VARDAMAN. For that reason there ought not to be any sort of objection to the Government taking this great problem in hand. It would be a wise economy if it should do it now and do it adequately.

Mr. RANSDELL. I think the Senator is entirely correct.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Nevada?

Mr. RANSDELL. I do.

Mr. NEWLANDS. I thoroughly agree with the Senator that both bank revetment and levee building are essential on the lower Mississippi, but I wish to question him particularly with reference to the drainage that is constantly going on, and which it is demonstrated has occurred in Indiana, Ohio, and other States in the upper Mississippi Valley, and that is also going on in the delta of the lower Mississippi, thus transferring the flow into the channel of the river itself, overflowing that channel and causing the destruction of towns and large areas. I wish to question the Senator as to the value of the land in Ohio reclaimed, or the value of the land that has been reclaimed in the St. Francis Basin, to which he refers. What is the present value of that land?

Mr. RANSDELL. I can not give you accurate figures on that, but I can tell you something about the value down in Louisiana where it has been reclaimed. It is not over from $25 to $50 per acre for the best improved lands and not over $8 to $10 per acre for the unimproved lands. The lands are nothing like as valuable as those in Ohio and other States.

Mr. NEWLANDS. I imagine if there would be a proper and complete system of reclamation the value of this land would be very much greater, would it not?

Mr. RANSDELL. It would enhance enormously. In the upper portion of the Yazoo Delta in Mississippi there has not been a break in the levees for many years. The lands are more than twice as valuable there as they are in Arkansas and Louisiana, where occasional breaks occur, though the soil is of the same character.

Mr. NEWLANDS. I suppose the Senator's view is that they have not approached as yet the full development of the lands in the Mississippi Delta as compared with the development of lands in Ohio and Indiana and in other States where they have been reclaimed?

Mr. RANSDELL. That is entirely true. Only a small percentage of those lands there have been put under cultivation. A very large percentage is still in virgin forest. It is all as fertile land as exists anywhere on earth. The famous Judge Robert Taylor spoke of it as the geological cream of the American Continent. He said that the Mississippi Valley was made up of the richest washings of the hillsides and valleys of 31 States of the Union.

Mr. VARDAMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Mississippi?

Mr. RANSDELL. I do.

Mr. VARDAMAN. I wish to ask the Senator from Louisiana if an estimate ever has been made by any authorities at his suggestion as to the amount of land that would be required to impound the waters that fall within the area marked on the map so as to hold it back and save the lower Mississippi from inundation?

Mr. RANSDELL. No accurate estimate has ever been made. Some one said that if you will take the whole State of Illinois and make a reservoir of it, it would perhaps hold water enough. Others question that. I have already mentioned the estimate made in regard to Lake Erie.

Mr. VARDAMAN. Am I correctly informed that Col. Townsend, president of the Mississippi River Commission, made an estimate in which he stated that it would cost seventy-odd million dollars to build a reservoir sufficiently large to hold the water that passes the city of Memphis down the Mississippi River at high tide within 24 hours?

Mr. RANSDELL. I have understood that Col. Townsend made that statement. I am not sure.

Mr. VARDAMAN. That is about half of the total cost of completing the whole project of leveeing and revetting the banks of the river, is it not?

Mr. RANSDELL. About that. It would cost, according to the estimate of the Mississippi River Commission, in round numbers, $60,000,000, to make the levees so strong that they will hold a flood as great as any which has ever passed down the river. We have records of floods since 1844, and if we put $60,000,000 in the levees we will be safe against any flood that has reached that valley since 1844.

In further answer to the Senator's question, it will cost a very considerable sum to revet the banks of the river so as to prevent the levees from caving in. It would probably cost $80,000,000 to $100,000,000, but the appropriations would cover a long period of years. You can not do the work rapidly. You can not advantageously expend more than three or four million dollars a year on the work of bank revetment. One reason is that the weak places in the banks of the river do not develop very rapidly, but only appear from time to time.

Another trouble is that the revetment is made by small pliable willows, and there is only a limited growth of them on the river. Three or four million dollars a year through a period of 25 or 30 years will probably be necessary to completely finish the revetment of the banks, but not exceeding $60,000,000 need be expended altogether, in the next six or seven years, for the purpose of building proper levees to hold back all the awful flood waters which come from 31 States of the Union, and which come on all the more quickly because of the splendid system of drainage developed in many of those States, as I have attempted to show.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Nevada?

Mr. RANSDELL. I do.

Mr. NEWLANDS. If the Senator will permit me, I wish to say that I agree with all he has said with reference to the necessity of bank revetments and levee building on the lower reaches of the Mississippi below Cairo, but I must say I take exception to the line of reasoning in which the Senator seems to be indulging, that the lands are so valuable in the upper Mississippi Valley that it will be impossible to secure, without vast expenditures of money, proper reservoir sites, and that therefore the scientific study of this question and the scientific development of river regulation should be applied mainly to the lower reaches of the river.

Mr. RANSDELL. Mr. President——

Mr. NEWLANDS. If the Senator will permit me, I will just complete my sentence, and then I should like to hear from him.

The Senator seems to assume that those who favor a full development of the river with all its tributaries and source streams and a full regulation and control of river flow hold that it can only be accomplished by the construction of reservoirs in the mountains and valleys of the upper Mississippi. I wish to say that that is only one form of obstructing the flow of the waters to their ultimate destination in the Gulf of Mexico; and that among other devices is the increase of the forest areas which

are the natural reservoirs of moisture which hold it; that is, the scientific soil cultivation in such a way as to absorb instead of shedding moisture, and in addition to that the seeping of these waters and taking them out upon the arid lands, whence they will sink back gradually to the stream, and not in the period of flood when you only add to your difficulty below; but in a period of drought they will serve simply to make a safe flow of the stream for navigation.

What I insist upon, and I am going to be a little personal in this matter, is that the men of the South have had their eyes only upon that kind of development which relates to their immediate neighborhood and that they have not acknowledged the necessity of so addressing curselves to the question of the flow of waters from the sheds on which they fall as to gradually obstruct the flow and thus prevent their addition to the flow of the river below during the period of floods. To the extent that we slow the progress of the waters above by putting them to some useful purpose, to that extent we greatly serve the region which the Senator represents by diminishing the crest of the flood. The danger comes from the extra 1, 2, or 3 feet of water, which if checked in its flow would vastly serve large areas above and at the same time, by the check, save the country below from devastation.

Mr. RANSDELL. Mr. President——

Mr. NEWLANDS. All these illustrations about the size of the reservoirs that will be necessary to hold great floods of the Mississippi River are entirely out of place, because—recollect we are dealing now with the Mississippi River, which at New Orleans is, I believe, about 150 feet deep, and it is only the upper 2 or 3 or 4 feet of that great depth that threaten destruction and devastation to that region. If you can only prevent that extra number of feet from accumulating by obstructing the flow above and putting that water to useful purposes, you serve a great, useful purpose below.

I wish to complain of the entire southern region that has been absolutely without any conception of the necessary work that should be applied to the water control above, and have their eyes only to their limited areas, and have insisted on bank revetments and levee building.

Mr. RANSDELL. I ask leave to go ahead with my speech. I wish to answer the Senator as well as I can. I do not think that the people of the South have that very limited vision which the Senator seems to attribute to us. Certainly the people of that section, and the honored Presiding Officer of the Senate [Mr. CLARKE or Arkansas in the chair] as one of them, would be delighted to have any means of relief that any human being could give them.

Mr. VARDAMAN. Mr. President——

Mr. RANSDELL. I will yield in just one moment, if you please.

Mr. President, more than a third of a century ago, in 1879, a great commission was created by Congress to study the flood problems of the Mississippi River. That commission was composed of three engineer officers of the Army, generally with the rank of colonel, two engineers from civil life, one of them being the great James B. Eads, one engineer from the Coast and Geodetic Survey, and one civilian—seven in all. The first civilian was Benjamin Harrison, afterwards President of the United States. The next civilian was Robert S. Taylor, of Fort Wayne, Ind., who lives two or three hundred miles from the Mississippi and is one of the greatest men in America to-day, in my judgment. He was for 33 consecutive years a member of that commission, and resigned voluntarily at the end of that time. He was succeeded by Mr. Edward A. Glenn, of the State of Missouri.

Sir, that has been as fine a body of engineering experts as it was possible to secure. They have studied the flood problem of the Mississippi from every point of view. They have sent their men to the Old World to study floods on the Po, the Nile, the Danube, the Volga, and on every river of the Old World where there are floods. They have done everything which human intelligence, backed by plenty of money, could do to find out the best means of controlling the Mississippi River floods. As a result of more than a third of a century of continuous study, that great commission, with entire unanimity of opinion, without a single dissenting voice, say there is one way, and one alone, to control floods on the Mississippi River, and that is by building the levees so strong, so high, with such a wide base, such a wide crown, that the waters which come will not break them. It is a simple business problem of so much dirt. If those levees are made that strong they will hold the water back.

Now, Mr. President, the people down there would be delighted to have other means of relief. The people down there are not a narrow, contracted set of people. I remember well a few years ago when the people of the arid West were asking Congress to come to their relief. It was my pleasure at that time to join with the Senator from Nevada [Mr. NEWLANDS] and others in passing that original legislation. I was one southerner to make a speech in favor of it, taking the ground that I was begging Congress to keep the water off my lands, and it was just as much the duty of Congress to put water on land where there was none as it was to keep it off land where there was too much.

We would be delighted, sir, to have reservoirs built wherever they can be constructed; to have them built for irrigation, if that can be done. We would be delighted, sir, to increase the porosity and absorbent qualities of the soil which the Senator from Nevada so eloquently speaks about, if that can be done. Here and now I pledge myself as one southern Senator, as one who lives on the Mississippi River, to join, by my voice and my vote, in any measure of relief which looks to the reasonable protection of our friends in Ohio, in Pennsylvania, in Indiana, in Kansas, in any portion of the country from the awful floods which devastate them, whether my section is going to be benefited by it or not. If Federal problems are presented—and I believe they will be—they can get my assistance.

But here is what I do insist upon, Senators, and I believe you will admit I am reasonable: Until the problems of these various localities have been worked out in the same way that the problem of the lower Mississippi has been worked out, then do not hold back the appropriations for the lower Mississippi, waiting for the others. Let us appropriate the necessary money to finish these levees, and let us create the commission which the Senator from Nevada wants to have created. I will join with him now in asking that we create a commission to study all the waterways problem and see if we can not get some greater, some better measure of relief even than the levees are going to be.

But as this great engineering commission working for more than a third of a century has found the only means of relief for the lower Mississippi, in God's name, I say, give us that relief, and give it to us now. Do not keep us waiting forever for it.

Mr. NEWLANDS. Mr. President, I wish to say I am in hearty sympathy with what the Senator has said with reference to the progress of the work on the lower Mississippi. Whilst I have been intent upon a full and comprehensive treatment of this whole subject I have never sought in any way to accomplish it by obstructing any works in the lower Mississippi. On the contrary, I have voted for every increase in appropriations for that purpose. I think it would be a great mistake to halt in any way the development of the levee and revetment work that is now going on there until this other problem can be met and solved.

Mr. RANSDELL. I thank the Senator for that, Mr. President, from the bottom of my soul.

Mr. NEWLANDS. I wish to say further that I recognize fully the Senator's breadth of view when he favored the reclamation act, and I know he acted with full national spirit then. There was nothing personal in my criticism, and I would be sorry really to indulge in any criticism with reference to my southern friends. But I have had the view that the danger there was so pressing and the consequences of neglect so dreadful that they naturally had their eyes opened and their energies absorbed by the difficulties in their immediate neighborhood, and that those very conditions prevented them possibly from accepting with hospitality views that were entertained by men who had not only had experience down there but in other parts of the country, and whose minds were directed toward the full control of the waters from the time they fall from the heavens in such a way as to slow their progress to the ocean and Gulf, and in the meanwhile putting them to every beneficial use in the creation of wealth as well as preventing the destructive application of these waters.

Mr. RANSDELL. Now, Mr. President——

Mr. NEWLANDS. I am glad to know now that the Senator is disposed to enter with enthusiasm into this new field. The work I am sure will be productive of results.

Mr. RANSDELL. I am very sure of that. Now, just a word or two more in answer to the Senator. Even if the people of that valley, yourself, Mr. President, and myself and all the balance there are biased, and we naturally would be biased by the interest of ourselves and our people, how could men like Col. C. McD. Townsend, the president of the Mississippi River Commission, be biased? He is a citizen of New York, and other members of that commission are Col. Lansing H. Beach, born somewhere in New England; and another is Col. James G. Warren, born and reared in Detroit. Judge Robert S. Taylor, of Fort Wayne, Ind., was a member for 33 years. Another member is Maj. John A. Ockerson, who lives in St. Louis. It is not the southern people who have had the working out of these problems.

It is this splendid commission of great men from other sections of the country, entirely divested of local interest.

Mr. VARDAMAN. Only one was from the remote South.

Mr. RANSDELL. Only one was from the remote South. The balance were all from the North, East, and West.

Mr. VARDAMAN. If the Senator will permit me just at this point——

Mr. RANSDELL. I will be delighted to yield.

Mr. VARDAMAN. There is much merit in the great comprehensive plan proposed by the learned Senator from Nevada. He is one of those far-seeing dreamers who stand within the shadow of night and look beyond it toward the coming light and see far off with trance-prophetic eyes the consummation of the centuries.

I should like very much to see this great plan of his consummated; but it occurs to me, Mr. President, that it would require some modern Pharaoh, with the American people as his slaves, to consummate that undertaking within the next generation or two, and were the South to wait until we put it into operation those magnificent lands in the lower Mississippi Valley will be *laid waste* by the devastating floods, and the people will be driven out of the most fertile section of God's footstool.

Now, let us go ahead and perfect the system now in course of construction, and I am sure the extra cost will be so very slight that it ought not in the least to impede or retard the great work which the Senator from Nevada has in mind. I am hopeful that the campaign of education which the able Senator from Nevada is now conducting will bring forth an abundant harvest in the years to come.

Mr. RANSDELL. The Senator from Mississippi is quite correct in that. I think all the southern Senators, and I hope all those of the Union, are going to assist the Senator from Nevada in creating a machine which will work out, if possible, plans which the Congress may some day adopt to carry out these other things, but in the meantime, again let me say, do not ask us on the lower river to wait any longer. Give us what we need now.

Mr. NEWLANDS. Mr. President, if the Senator will permit me, I wish to reiterate that I believe in giving the money that is necessary to press this work in the lower Mississippi vigorously, and my vote will be with him. But the Senator has alluded to the fact that a great engineering commission composed of Engineers of the United States Army have been engaged in this work for years, and that the only method which they have pointed out of controlling the flow of the Mississippi River has been to take hold of it below Cairo, at the point of greatest flood, and construct reservoirs—practically one reservoir from Cairo down to the Gulf—by using the banks of the river on one side and levees upon the other, so that these reservoirs into which the water from above empty will empty gradually through the Passes of the Mississippi River.

I wish to say with reference to the Engineers of the United States Army that I have the greatest respect for that organization, for its capacity, its intelligence, and, above all, for its integrity; but I believe, and those who believe in this great work also believe, that the Engineers of the Army are not brought into contact with the great engineering problems of the day to the extent that engineers in civil life have been. I also believe——

Mr. RANSDELL. I do not object to a question, Mr. President, but I really think I ought to be allowed to finish my remarks.

Mr. NEWLANDS. If the Senator will permit me just to add one word more, I will quit.

I also believe that Congress itself has put the Engineer Corps of the Army in a strait-jacket. I can show numerous instances in the legislation of Congress where they have absolutely forbidden the Engineer Corps of the Army to suggest an idea, to take the initiative. So jealous has Congress been of its powers that it has always claimed the initiative in the Members of Congress of every project and has absolutely prevented by law the Engineers of the Army from the consideration of anything beyond it.

Mr. RANSDELL. I decline to yield further.

The PRESIDENT pro tempore. The Senator from Louisiana declines to yield further to the Senator from Nevada.

Mr. RANSDELL. Now, Mr. President, I am not an apologist for the Corps of Engineers of the Army. I do not know that they need any defense at my hands. I think it is one of the most remarkable services we have in the Government. There is not another that has a better record——

Mr. NEWLANDS. What I contend is——

Mr. RANSDELL. I decline to yield further.

Mr. NEWLANDS. Just let me say a word.

Mr. RANSDELL. I decline to yield. I have yielded to the Senator, and I decline to yield further.

Mr. NEWLANDS. Congress has placed the engineers in chains.

Mr. RANSDELL. No matter what the Senator says about the Engineer Corps of the Army, that can not be applied to the Mississippi River Commission. The Engineer Corps of the Army has never controlled the Mississippi River Commission. The Mississippi River Commission is composed of seven men, only three of whom are engineers, and it is a matter of comment and talk down in the Mississippi Valley that when there has been a difference of opinion four generally outvoted three. There were three engineers and four civilians. There have occasionally been differences of opinion among them, and the four civilians generally voted together, although, I may say, there has been splendid harmony in that great commission; they have worked together.

Mr. President, I do not think I could add any more to the subject, and I sincerely thank the Senate for the patience and attention which they have given me; but let me ask those of you who believe that any means could be adopted, except the levees, for the control of the present flood and the flood in 1913, to come and look at these maps which are on the wall of the Chamber. I shall leave them there until to-morrow night, and I ask you to come and look at them and see if you can find where any reservoir could have been constructed that would have held back these floods. I thank the Senate.

Mr. NEWLANDS. Mr. President, I should like to add a single word to my remarks regarding the Engineer Corps of the Army. I meant no reflection whatever upon that corps, but I hold Congress itself responsible for putting the Engineer Corps of the Army in chains by its instructions. Congress itself has been devoted for over a hundred years to what has been termed the "spoils system"—the system of initiative regarding these great engineering works not by a competent and well-trained Engineer Corps, but initiative in Members of Congress—political, not engineering initiative. The result has been that the whole system has been scandalized and is now in such disrepute that it is falling to pieces.

The idea of taking hold of the great Mississippi River, with its tributaries and source streams in a detached way, obedient to the demands of a representative of the State of Missouri or of Mississippi and digging a channel here, or removing shoals and sand bars, and then taking hold of another section of the river a thousand miles away and dealing with that, when the avowed purpose, of course, of any intelligent body of men must be to make the entire river a perfect instrument of commerce, just as perfect as a railroad itself, with continuous rails, with side tracks, with stations, with all kinds of transfer facilities and conveniences, whereas the eyes of the Engineer Corps of the Army have been directed by Congress simply to detached portions of these great rivers, and works have progressed upon its detached portions without relation to each other. Think of improving the channel of the Mississippi River without providing transfer facilities! Think of providing for a river as an instrumentality of commerce without also providing for coordination with rails!

One reason for that possibly has been that the railroads themselves have dominated the policy of the country in these matters, Congress doubtless being ignorant of their purpose. There was often a demand for economy created. I remember one that was created with reference to the Missouri River, which led to the abandonment of revetment work and levee work that was being prosecuted below. I warrant that if you ask for the true source of the policy of economy then inaugurated, you will find that it was in the railroads themselves which were running along the banks of that river, and which feared that a competitive rival would be created by that great engineering work. So we have never been able to pursue a consecutive and continuous policy, having in view the completion of a river, artificializing it so as to make it a perfect instrumentality of commerce.

To-day we are told by the enemies of river regulation and development that interstate transportation by river is an utter failure. Having conducted the development of these rivers in such a way as to make it impossible to have any continuous navigation upon them, we are pointed to the large sums of money that we have uselessly spent upon them in inefficient work, and then are told, "See the large amount expended; not a steamer or a boat is upon the river. River transportation is an utter and entire failure." The reason of the failure is that the work has not been scientifically conducted with a fixed, determined plan to make these rivers as perfect as possible in all their conveniences and arrangements for the transportation of products.

Have we, then, to make the demonstration over again that rivers can be used for transportation? Can we not point to the Rhine, where they have the most perfect system of river trans-

portation, dovetailing with rail and ocean transportation? Can we not point to the Danube and the Volga? And yet, to a large proportion of the American people to-day we have to demonstrate that river transportation is a possibility. We have to demonstrate that the reason the rivers are not being used is because they have never been scientifically developed or regulated.

I remember we had to go through the same thing with the irrigation propaganda. When we began that propaganda I believe that nine-tenths of the American people did not know that irrigation has been practiced from the earliest dawn of civilization. We had to demonstrate to them that it was practicable to take the flood waters out of the rivers and spread them over the deserts and to make those deserts productive. That propaganda had to be conducted for years before the intelligence of the American people was instructed; and I am afraid that we are going to have to go through the same process now to demonstrate to the American people that rivers can be used, although they have been used throughout all history, and are being used most effectively in Europe and on other continents to-day.

Mr. WORKS. Mr. President, my attention has been called to the fact that there are at least two places in this country where surplus water has been developed and structures erected on navigable streams by the Government, which might be used for the purposes of developing power, and that, as the law is now, the Government has no authority to dispose of that water in any way. As that situation is covered at least in part by the pending bill, I ask leave now to amend the amendment which I have presented by adding an additional section, to be numbered 4, including section 10 in the pending bill from the beginning down to the word "region," in line 5, on page 16.

The PRESIDENT pro tempore. That privilege will be accorded to the Senator without objection.

Mr. SHIELDS. Mr. President, I do not propose to debate the substitute offered to the pending bill by the Senator from California [Mr. WORKS]. I did not debate the substitute offered by the Senator from Wisconsin [Mr. HUSTING]. I regret that I was able to hear but little of the discussion of the amendment upon yesterday, as circumstances compelled me to be out of the Chamber most of the time. I had hoped to see the Senator's speech in the RECORD this morning, but, of course, it was not convenient for him to have it appear.

Mr. President, this bill has been before the Senate for about five weeks. Every possible feature of it, I think, has been discussed and considered. The arguments advanced in support of the amendment of the Senator from Wisconsin and the amendment which is now pending of the Senator from California have been presented at various times during the discussion within the last five weeks, and I have answered them all. I do not intend to impose upon Senators by repeating those answers.

I wish to say merely, as to the substitute of the Senator from California, that everything in it is provided for in the bill which is now pending. For the committee, I hope that the amendment will be rejected.

The PRESIDENT pro tempore. The question is, first, upon the amendment offered by the Senator from Nevada [Mr. NEWLANDS], which will be stated.

The SECRETARY. On page 1, line 1, it is proposed to strike out the word "is" and to insert the words "the Secretary of the Interior and the Secretary of Agriculture are," so that if so amended it will read:

That the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture are hereby authorized to allow any municipal or private utility corporation, etc.

The amendment was rejected.

The PRESIDENT pro tempore. The question now is on the adoption of the amendment in the nature of a substitute offered by the Senator from California [Mr. WORKS].

Mr. WORKS. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Georgia [Mr. HARDWICK] and therefore withhold my vote.

Mr. McCUMBER (when his name was called). I have a pair with the senior Senator from Colorado [Mr. THOMAS]. He being absent, I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. WALSH (when his name was called). I am paired with the Senator from Rhode Island [Mr. LIPPITT]. I am advised, however, that if present he would vote "nay" on this amendment, and as I intend to vote the same way I feel at liberty to vote and vote "nay."

Mr. LODGE (when the name of Mr. WEEKS was called). My colleague [Mr. WEEKS] is unavoidably absent. He is paired with the Senator from Kentucky [Mr. JAMES].

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I understand that upon this question he would vote as I am about to vote, and so I feel at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. JAMES. I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. In his absence I withhold my vote.

Mr. JOHNSON of Maine. I have a general pair with the junior Senator from North Dakota [Mr. GRONNA], which I transfer to the junior Senator from Indiana [Mr. KERN] and vote "nay."

Mr. HARDWICK. I have a general pair with the Senator from Kansas [Mr. CURTIS]. I transfer that pair to the Senator from South Carolina [Mr. SMITH] and vote "nay."

Mr. CHILTON. I wish to announce my pair with the Senator from New Mexico [Mr. FALL] and withhold my vote.

Mr. MARTINE of New Jersey. I desire to announce the unavoidable absence of the senior Senator from New York [Mr. O'GORMAN] and to state that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I have no knowledge as to how the Senator from New York, if present, would vote on this question.

Mr. GALLINGER. I have a general pair with the Senator from New York [Mr. O'GORMAN]. Being in great doubt as to how that Senator would vote on this amendment, I decline to vote.

Mr. COLT. I have a general pair with the junior Senator from Delaware [Mr. SAULSBURY], but I am at liberty to vote on this amendment and vote "nay."

Mr. REED. I have a pair with the Senator from Michigan [Mr. SMITH]. In his absence I withhold my vote, unless it becomes necessary for me to vote in order to constitute a quorum.

Mr. LEWIS. I desire to announce the absence of the junior Senator from South Carolina [Mr. SMITH], who has been called out of the Chamber on official business.

Mr. HOLLIS. I wish to announce the absence of the junior Senator from Delaware [Mr. SAULSBURY] on account of illness. He is paired with the junior Senator from Rhode Island [Mr. COLT]. This announcement may stand for the day.

Mr. GALLINGER. I am requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Indiana [Mr. SHIVELY];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Illinois [Mr. SHERMAN] with the Senator from South Dakota [Mr. JOHNSON]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN].

The result was announced—yeas 9, nays 49, as follows:

YEAS—9.

Borah	Jones	Smoot	Wadsworth
Clark, Wyo.	Smith, Mich.	Sutherland	Works
Hollis			

NAYS—49.

Ashurst	Husting	Nelson	Smith, Ariz.
Bankhead	Johnson, Me.	Norris	Smith, Ga.
Beckham	Kenyon	Oliver	Sterling
Broussard	La Follette	Overman	Stone
Chamberlain	Lane	Page	Swanson
Clapp	Lea, Tenn.	Pittman	Thompson
Clarke, Ark.	Lee, Md.	Poindexter	Tillman
Colt	Lewis	Pomerene	Vardaman
du Pont	Lodge	Ransdell	Walsh
Gore	McLean	Robinson	Williams
Hardwick	Martin, Va.	Sheppard	
Hitchcock	Martine, N. J.	Shields	
Hughes	Myers	Simmons	

NOT VOTING—38.

Brady	Fall	McCumber	Shively
Brandegee	Fletcher	Newlands	Smith, Md.
Bryan	Gallinger	O'Gorman	Smith, S. C.
Burleigh	Goff	Owen	Thomas
Catron	Gronna	Penrose	Townsend
Chilton	Harding	Phelan	Underwood
Culberson	James	Reed	Warren
Cummins	Johnson, S. Dak.	Saulsbury	Weeks
Curtis	Kern	Shafroth	
Dillingham	Lippitt	Sherman	

So the amendment of Mr. WORKS was rejected.

Mr. REED. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Missouri proposes an amendment, which the Secretary will state to the Senate.

The SECRETARY. It is proposed to amend section 2 of the bill by inserting, after the word "engineers," at the end of the section, in line 21, page 7, the following:

Provided, however, That before the permit shall be granted under this act the permittee must first obtain, in such manner as may be required by the laws of the States, the consent of the State or States in which the dam or other structure for the development of the water power is proposed to be constructed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Missouri.

Mr. SHIELDS. Mr. President, the committee offers no objection to the amendment proposed.

The PRESIDENT pro tempore. Unless there is objection, the amendment will be considered agreed to. The Chair hears none, and it is so ordered.

Mr. CHILTON. I offer an amendment to strike out certain words after the word "applicant," on line 15, page 7, and to insert what I send to the desk.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. On page 7, line 15, after the word "applicant," it is proposed to strike out:

Which has first acquired the right to divert the water of the stream by means of the dam, to erect which the permit is sought, and otherwise complied with the laws of the State or States in which the dam or diversion structure is to be constructed, or if there are no State laws to be complied with, the preference shall be given to the first applicant—

And to insert:

Which offers in good faith to the United States the most favorable terms for taking over the property at the end of the franchise and the lowest rates for public service under the franchise under the provisions of this act.

The PRESIDENT pro tempore. The amendment proposed by the Senator from West Virginia strikes out an amendment which has already been adopted, and unless the vote whereby the amendment was agreed to is reconsidered, the Chair thinks the amendment can hardly be offered at this time unless by unanimous consent. Is there objection to the presentation of the amendment offered by the Senator from West Virginia? The Chair hears none.

Mr. CHILTON. Mr. President, that is not entirely a correct description of my amendment. It strikes out an amendment in part, but it relates to matters that are not stricken out. The bill as it is framed prescribes certain rules by which the Secretary of War may determine in case of a contest which one of the contestants shall be preferred. I think all of that is improper and that we ought not to go into that. I think the true criterion is to select the one who will offer the most favorable terms and will give the best public service for the least money. I hope the chairman of the committee will not object to the amendment.

The PRESIDENT pro tempore. The amendment must be put in some concrete form before it can be submitted to the Senate for adoption. At the present time the Chair thinks that it is not in that condition.

Mr. CHILTON. Mr. President, I understand that unanimous consent has been given to——

The PRESIDENT pro tempore. To present the amendment; yes, sir.

Mr. CHILTON. Then I offer the amendment as read by the Secretary.

The PRESIDENT pro tempore. The Secretary will locate the amendment in the bill and will read the text as it will stand in the event the amendment is adopted.

The SECRETARY. On page 7, beginning in line 14, the bill reads:

Preference shall be given to that applicant—

The proposed amendment begins at that point, so as to read:

Preference shall be given to that applicant which offers in good faith to the United States the most favorable terms for taking over the property at the end of the franchise and the lowest rate for public service under the provisions of this act.

The PRESIDENT pro tempore. The question is on the adoption of the amendment.

The amendment was agreed to.

Mr. NORRIS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Nebraska offers an amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of the bill as a new section, to stand as section 15, the following:

The Secretary of War is hereby authorized and directed to construct or cause to be constructed on the Potomac River the power plant outlined in project No. 3, House Document No. 1400, Sixty-second Congress, third session, including each and every detail and plan outlined and specified in said document or any of the exhibits, plans, and specifications attached thereto. And for such purpose the Secretary of War is hereby authorized to construct said project under his direct supervision or to enter into contracts for materials and labor for the construction of the same or any part of the same as, in his judgment, may be the most practical and economical, not exceeding a limitation of cost for all the items connected with and mentioned in said project, of the sum of $15,021,600: *Provided*, That the Secretary of War may, from time to time, modify or change any of the plans or specifications in said document as he may deem advisable or practicable for the better carrying out of the purposes of this legislation, and if in the judgment of the Secretary of War the object to be attained by said project can be better or more economically brought about he is hereby authorized to change the location of said dam or to build two or more dams instead of the one specified in said document.

And the Secretary of War is hereby authorized and directed to acquire by purchase, condemnation, or otherwise, a suitable site for said dam or dams and for all other real estate necessary to the carrying out in detail of said project, including all real estate that will be overflowed by the formation of the lake mentioned in said project. And whenever in any case the Secretary of War is unable to acquire by purchase at a fair value any land, property, or property rights necessary to be acquired in the carrying out of said project, he is hereby authorized and directed, in the name of the United States, to begin and prosecute to final adjudication all necessary suits for the acquisition of such property in any court having jurisdiction.

In the construction of said project a separate account shall be kept of the expenditure necessary on account of the increased water supply for the city of Washington, and the expenditure on account of the power development, and one-half of the amount expended for the increase of the water supply of the city of Washington is hereby appropriated from the revenues of the District of Columbia.

Mr. NORRIS. Mr. President, this amendment has for its object the construction of a dam on the Potomac River at or near the west line of the District of Columbia. The objects to be attained are two: First, to provide electricity for the use of the Government and the District, and also to provide an increased water supply for the city of Washington. The need and the practicability of the development of this great power, located 9 or 10 miles west of the city of Washington, I think, are apparent to all who have visited the scene and observed the possibilities.

Mr. President, between the District line and the Great Falls of the Potomac River there are great power possibilities. The water supply for the city of Washington costs the Government a great deal of money. It was recognized several years ago that if the city continued to increase in population the present supply of water would be inadequate for the needs of the people. This particular part of it is not so necessary now, because in the last few years the officials have been putting in meters, and have thereby decreased to a very great extent the consumption per capita of water in the District. But that an increased water supply will be necessary at some time in the not very distant future is acknowledged by everybody who has made any investigation of the subject. By combining these two projects the amount of money necessary to carry them out can be greatly reduced.

Congress had this in mind several years ago, when it passed, on the 26th day of June, 1912, an act containing this provision of law:

The Secretary of War is authorized and directed, through the Corps of Engineers of the United States Army, to investigate and report to Congress at the beginning of its next session on the questions of the present water supply in the District of Columbia and the sufficiency of its source at the Great Falls of the Potomac River to supply the present and future needs of the United States and of the District of Columbia for water; also the availability of the water power at said Great Falls or vicinity on the Potomac River, or between Great Falls and the District of Columbia, for the purpose of supplying light and power for uses of the United States and of the government of the District of Columbia, and to prepare complete plans, maps, specifications, and estimates for the production, distribution, and utilization of the maximum electrical power that can be economically created and employed for such uses, including street lighting in the District of Columbia; said plans, maps, and specifications shall be sufficient in detail to form the basis of a contract or contracts for the execution of the work, and the map, supplemented, if necessary, by a report, shall indicate all of the lands that are required to be taken or flowed and the water and water rights that are required to be taken for the purpose of the execution of the project. For expenses of this investigation and report, including all necessary expert and other personal services, there is appropriated the sum of $20,000, or so much thereof as may be necessary.

Senators will notice that that became a law on the 26th day of June, 1912. In accordance with that provision of law the Secretary of War proceeded to carry out the instructions of Congress. I presume that in all investigations that have been made anywhere by the Government or other persons in regard to the examination of any stream for the development of power or any other project there never has been an instance where a more complete and detailed examination was made than was made in this case. In other words, the Government of the

United States used $20,000 for the investigation of the development of power and the increase of the water supply at this point in the Potomac River. Some of the best hydraulic engineers of the world were employed. The engineers of the War Department made a very careful and minute survey of everything in detail, and made a very voluminous report. The document referred to in the amendment is the pamphlet I hold in my hand. In connection with it, however, detailed plans and specifications were made, as the law provided they should be made, in such detail that they could be used as a basis for persons to bid upon the project, if it were let to bidders. It is upon that report and the judgment of those engineers upon that investigation so made under the instructions of Congress that I have drafted this amendment and ask for its adoption.

The engineers examined, as far as the water supply was concerned, several different projects—three in number—made detailed surveys, and unequivocally recommended the one known in the document as No. 3, and the one referred to in the amendment. They made, as I have said, a very detailed examination of the power possibilities, and without hesitation recommended in the strongest terms that Congress should by law provide that the Secretary of War should begin this work. I will not have the time, and I do not suppose it would be desired even if I had the time, to go into all the details that have been gone into by these engineers.

The Potomac River, under prior laws, has been measured carefully as to its flow for a great many years; and that is the only feature of this report that casts any doubt upon its practicability. The river is not constant in its flow. Under the project as developed by these engineers there is a maximum of 99,500 horsepower. The figures that I have here indicate a minimum horsepower of 15,400. In this report on page 18 the engineer gives us a table. As I understand, this table is deduced from examinations and measurements made during a space of 15 years' time. Out of that 15 years he gets the average year, and then out of the average year he gives us the power possibilities of every day in the year.

In the average year, averaging the 15 years, there would always be developed a minimum horsepower of 15,400. There would be 300 days in the average year when there would be 27,500 horsepower developed. For 250 days in the average year there would be 37,000 horsepower. For 220 days there would be 47,700 horsepower. For 182½ days there would be 66,300 horsepower. For 159 days there would be 78,100 horsepower. For 128 days there would be 99,500 horsepower. For 105 days there would be 98,200 horsepower. For 58 days there would be 95,400 horsepower. For 32 days there would be 92,000 horsepower. For 20 days there would be 90,000 horsepower. For 14 days there would be 87,000 horsepower. For 2 days there would be 70,600 horsepower. For 1 day there would be 70,200 horsepower.

The particular project recommended provides for a dam across the Potomac River at or near the west line of the District of Columbia to a height, as I remember, of 115 feet. I know that when this project has been agitated there have been those who have opposed it because they supposed that the development of power out there would destroy the beauty of the falls. This particular project does not develop all of the power possibilities, but the engineers thought all that was necessary now and for quite a number of years. But in order to obviate any difficulty or objection that might come from those who deemed that the beauty of the falls ought to be maintained—because everybody knows that it is quite a beauty spot and is visited every year by many thousands of people—the particular project that they have outlined does not interfere with the falls proper, the dam being 9 miles from the falls, creating a lake 9 miles long running to the foot of the falls.

The engineers point out in the report that should Congress decide to do so they could get an additional fall of something over 30 feet by utilizing the falls, either by another dam or by constructing a small dam across the falls and conducting the water around and letting it drop into this lake through a water wheel. So that the figures I have given and all the figures given in the report could be increased in round numbers about a third if Congress desired to destroy the falls themselves. Between the foot of the falls and the District line there is sufficient fall in the river—enough rapids in the river—so that by building the dam as I have stated they could get the power I have indicated.

Now, the project—and it is included in the amount that is authorized in the amendment—provides for taking the water out of this lake, using part of the energy that is developed there to generate electric power for pumping the water over into a reservoir and conducting it through several reservoirs and some tunnels until it gets over north of the city to the present filter beds, through which all the water used in the city is filtered.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Michigan?

Mr. NORRIS. I yield to the Senator.

Mr. SMITH of Michigan. I notice in the amendment of the Senator that certain figures are used, in the fourth line on page 2—$15,021,600. I presume that that is the estimate of the approximate cost of the improvement which he has outlined.

Mr. NORRIS. It is; yes.

Mr. SMITH of Michigan. Can the Senator tell us from that report or from his own information just what power would be produced by this investment?

Mr. NORRIS. That I have already indicated. There would be, as I remember now, an average horsepower developed there of about 67,000.

Mr. SMITH of Michigan. That is, a daily average?

Mr. NORRIS. A yearly average. It would sometimes be below that and sometimes above it.

Mr. SMITH of Michigan. Does the report indicate what percentage of this output would be used by the Government in the ordinary transaction of their business at the present time?

Mr. NORRIS. Yes; it goes into the minutest detail. At the time the report was made—that is, a couple of years ago—Congress had authorized the construction of three buildings down on Pennsylvania Avenue just opposite the New Willard Hotel. We condemned three blocks there. They included the lighting and the power necessary to operate the elevators in those three buildings.

Mr. SMITH of Michigan. And the report concludes that it is an economical investment?

Mr. NORRIS. Oh, yes; without any hesitation. They give their figures in every case, showing upon what their estimates and their conclusions are based.

Mr. ROBINSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. NORRIS. I yield to the Senator from Arkansas.

Mr. ROBINSON. I should like to ask the Senator from Nebraska whether this proposition, which he submits as an amendment to the pending bill, has been considered by a committee of the Senate?

Mr. NORRIS. In answer to the Senator I will say that I do not remember just how long ago, but somewhere in the neighborhood of two years ago I introduced a bill on the subject, which was referred to the Committee on the District of Columbia, and I think they will consider it whenever they have a meeting. They have not yet had one, as I understand. It was referred to a subcommittee, but no hearings were ever had on it.

Mr. ROBINSON. And no report or recommendation has ever been made by a committee of Congress upon the subject?

Mr. NORRIS. No committee of Congress has ever recommended this particular amendment.

Mr. SMITH of Michigan. Mr. President, if the Senator will permit me, I will say right there that I have an impression that the report which the Senator holds in his hand was based upon an authorization of the Committee on Commerce.

Mr. NORRIS. I do not know whether or not the Senator from Arkansas was here when I stated it, but this report was made under instructions of a law of Congress.

Mr. ROBINSON. It contemplates, if I correctly read the amendment, an authorization of more than $15,000,000 for the construction of this dam and ancillary works.

Mr. NORRIS. Yes.

Mr. ROBINSON. I wish to ask the Senator if he thinks it practical or advisable to undertake to determine this question, relating to the advisability of authorizing the expenditure of that amount for the construction by the Government of a particular dam, upon a general bill of this character, without first having the matter considered and reported upon by a committee of Congress?

If the Senator will permit me a further statement, explanatory of my question, he can readily understand that it would seem to those of us who have not had an opportunity of studying the question as no doubt he has—his investigations of it having extended, as I take it from his statement, over a period of some years—that the matter should be considered and passed upon as an independent proposition and determined after very careful attention by the Congress. It does seem to me, if the Senator will permit a further statement, that it is not desirable to undertake to determine this matter at this time and either to preclude it or to adopt it as an amendment to this general bill.

I wanted to make that suggestion to the Senator, and to hear what he has to say upon that point. The bill now under consideration has been before the Senate for a great many days, to the exclusion of many other important matters pressing upon Congress for attention; and I wanted to ask the Senator if he does not think it would be better to let a committee of Congress investigate this proposition and report it in the regular way, rather than to seek to place it upon a bill of the character of that which we are now considering?

Mr. GALLINGER. Mr. President, will the Senator yield to me at this point?

Mr. NORRIS. First, I should like to answer the question of the Senator from Arkansas. Then I shall be glad to yield to the Senator from New Hampshire.

Mr. GALLINGER. Very well.

Mr. NORRIS. The Senator asked me a question at the beginning and I will answer it categorically. I say "yes" to his question. I think it is proper, under all the circumstances, to offer this amendment here and to put it on the bill without an investigation by a committee.

I recognize that there is force in what the Senator from Arkansas says, that what we ought to do in cases of this kind is to introduce an independent bill and have it referred to a committee, but the Senator will also recognize that sometimes we can not get a hearing. I am not particularly finding fault with the Committee on the District of Columbia, because during the last two years the business upon which Congress has been engaged has been of such a nature that it was almost impossible to get a hearing on anything of this kind. I asked for a hearing many, many times. I also asked for reports. The District Commissioners have reported on it often, and always favorably. The recent Secretary of War, as I understand, was not in favor of making a recommendation that Congress should pass this kind of a law now, because of the money involved in it.

In my humble judgment there is not any committee, either of the House or of the Senate, that can give to this question the investigation that these experts gave, and gave under our instructions. I do not know whether or not the Senator from Arkansas was here when I read the law that authorized this investigation, but we have appropriated $20,000 for the purpose, and the Secretary of War has employed experts and made an investigation which, in my judgment, is as careful and as full and as complete and as exhaustive as it would be possible for anyone to make.

I will say to the Senator from Arkansas that, of course, I have no expert knowledge. I have been out to the falls, and I have seen the vast quantity of water running away there. It seems to me like a sin not to have it do something for humanity while it is tumbling down that channel there, and it always appealed to me that Congress ought to do something in regard to it. I think it appealed to Congress in that way, and we passed that law. Now, after we have spent the money, after the best experts in the world have investigated the question and have said to us that the project was practical, and that it meant a great saving, I have no other recourse in my own mind, as long as the reports of all of these officials are the same, than to follow their judgment. I believe that a committee that might have this bill under consideration could not do much else than to get the opinion of experts.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska further yield to the Senator from Michigan?

Mr. NORRIS. Yes.

Mr. SMITH of Michigan. If the Senator will permit me, I should like to suggest that improvements of our rivers and harbors are all predicated upon the reports of expert engineers.

Mr. NORRIS. Yes.

Mr. SMITH of Michigan. And the only question is whether this or that one shall be adopted at the time the appropriation is made. We never go into the technicalities of the situation at all.

Mr. NORRIS. No.

Mr. SMITH of Michigan. We rely upon experts; and experts have blazed the way for this improvement, if it is considered desirable.

Mr. NORRIS. This report was made, of course, to Congress by the Secretary of War. Gen. Bixby, the Chief of Engineers, reported to him upon it. Lieut. Col. Langfitt had immediate charge of the investigation. One of the best hydraulic engineers in the United States, Mr. Hershel, was employed, and made a complete survey and a complete examination of every detail. As far as I am able to see, at least, there is not a possible place where they have not gone to the bottom of everything.

Mr. ROBINSON. Mr. President, if the Senator from Nebraska will permit me to make a further brief statement, the Senator from Michigan [Mr. SMITH] has suggested the thought that was in my mind, and which I think I did not clearly state.

Any proposition which the Senator from Nebraska advances here is, of course, worthy of careful consideration by the Senate; but there are perhaps hundreds of recommendations that have been made for improvements the relative importance of which, as compared with this, Congress ought not to be required to determine under the circumstances under which we are called upon now to pass upon the amendment offered by the Senator from Nebraska.

I have understood for a long time that the Senator from Nebraska had devoted especial attention to this subject, and that he had decided views as to what action should be taken by Congress concerning it, and his views are strongly persuasive with me, as no doubt they are with every other Senator. But still, before embarking upon an enterprise which contemplates the expenditure in one local improvement of fifteen or twenty million dollars, I should think that Congress would want to consider the matter independently of the important general questions involved in this proposed legislation. I still think that the Senator from Nebraska should present a bill and let it takes its usual course, and that there can be no such circumstances surrounding this case as would warrant the Senate in authorizing this expenditure and at the same time excluding the many other recommendations, some of which may be relatively more important to the general interest of the country than the one now presented by the Senator from Nebraska.

Mr. NORRIS. Mr. President, as I said before, I think the only possible objection urged to this is the one the Senator from Arkansas has made. That is a question of procedure. I confess there is a good deal in what he says and that ordinarily it ought to be true. I would not offer the amendment here if I were basing it on my information, but I am basing all I say upon the report of experts, not only ordinary experts but experts who were employed by the Federal Government under a law of the Government.

Mr. ROBINSON rose.

Mr. NORRIS. Just permit me to proceed for a moment. I think that at the time we provided for this investigation we practically put the Government of the United States on record as favorable to it if the investigation was favorable, and that no one can doubt if he will examine this report; there is not any question but that this is something the Government ought to undertake. If it was only my opinion, and I was offering it as my own judgment, I think the suggestion of the Senator from Arkansas would be supreme, and that the matter ought not to be taken up yet, but I can not conceive——

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Nebraska yield to the Senator from Ohio?

Mr. NORRIS. I promised a while ago to yield to the Senator from New Hampshire [Mr. GALLINGER]. I had forgotten it. I beg his pardon. I yield to the Senator from New Hampshire, and I will yield to the Senator from Ohio later.

Mr. GALLINGER. Mr. President, I simply want to say that this matter was before the Committee on the District of Columbia long prior to the time when the Senator from Nebraska offered a bill, and there were conflicting opinions about the advisability of going into this great project on the part of that committee at the time when I was a member and the chairman of the committee.

Personally I have been greatly impressed with the report of Lieut. Col. Langfitt, who is a very competent officer and who made a very careful examination of this project. There were other projects, one known as the Layton project, I know, that were investigated. I think the general view has been that at some time the Government might well control that great power for the purpose of supplying water for the District of Columbia and for lighting and for other public uses.

Whether or not it is desirable to go into it at the present time and make it a part of this bill I myself will not undertake to offer an opinion. I have not taken any part in this discussion, and really I would not want to embarrass the bill, if this would embarrass it, on its final passage. But I think the Senator from Nebraska is engaged in a laudable work in connection with this matter, and at some time, and I hope during the Senator's membership in this body, this matter will be more seriously considered than it has been in the past. It is a great water power. It is a beautiful spot. Personally I should dislike exceedingly to have the beauty of it destroyed. I do not know whether this would do it or not.

Mr. NORRIS. This would not do it, I will say to the Senator.

Mr. GALLINGER. I am not quite sure that there is a constant flow of water. I have been at Great Falls when it has

been as turbulent as Niagara. I have been at Great Falls when the stream was pretty low.

Mr. NORRIS. I will state to the Senator that I said, probably before he came in, that, in my judgment, the only weak proposition in it all was that the Potomac River is not very constant. There are times when it comes down low and there are times when it gets too high.

Mr. GALLINGER. As I said, I have seen it when it was very low and when I should think an adequate supply could not be obtained unless there was some auxiliary method.

Mr. NORRIS. There would be an auxiliary power. We already have a steam auxiliary plant provided for, but in ordinary times it would be very seldom used. As I said, there will be a minimum of 15,400 horsepower.

Mr. GALLINGER. All I wanted to say, and I thank the Senator for giving me the privilege of saying it, is that the Committee on the District of Columbia had this matter under consideration to a greater or less extent covering a considerable period of years.

Mr. NORRIS. I should like to ask the Senator if it was not out of that consideration that came the passage of the law to which I have referred?

Mr. GALLINGER. Undoubtedly so. The committee were not satisfied in their own minds and decided then——

Mr. NORRIS. They wanted to have expert knowledge?

Mr. GALLINGER. They wanted expert knowledge, and the committee were quite willing and desirous that an appropriation should be made for the investigation. It looks to me as though it is a mere question as to whether this matter ought to go on the bill or not, and on that point I will not offer an opinion.

Mr. POMERENE. Mr. President——

Mr. NORRIS. I yield to the Senator from Ohio.

Mr. POMERENE. Mr. President, I have in the past given some attention to the development of this proposition, and I confess I am one of those who would like to see that power plant established there, but I do not think it is quite right to ask the Senate to attach it as an amendment to a general bill. I can not conceive of any other project anywhere in the United States which ought to be attached to a general bill of this character. I do not believe that Senators generally have given to this project that attention which would justify them in voting for an authorized expenditure of $15,000,000. I certainly hope that the Senator from Nebraska will present this in the form of a separate bill at some time when it can be considered upon its own merits, but I doubt the wisdom of trying to amend the bill by attaching this project to it.

Mr. NORRIS. Mr. President, since the Senator from Ohio has made practically the same suggestion as that made by the Senator from Arkansas, and I have great respect for opinions of that kind, I wish to say just a few words along that line.

I think it is apparent to every Senator that if this were in a separate bill it would be impossible to get it up for consideration, for large bills like this one and appropriation bills and so-called administration measures and all such things as that are going to take up more time than Congress is going to be able to devote to them. We are going to fall short with such measures, and while you can get some little bill through that has no authorization or appropriation when you come to one as great as this, unless it would be a part of what is ordinarily known as an administration program, it has been impossible in the last two years and it will be impossible in this session and the next to get it through. As I said before, if all the committees of Congress put together started into the consideration of this proposition, unless they happened to have, and probably some of them would have, some good engineers, we would not be able to go to the bottom of it. Like the Senator from New Hampshire said, they would have to seek expert advice. As he stated, this project was before the committee, it has been argued some in Congress occasionally for a good many years, and the committee thought, and wisely thought, that it is a question which will require the advice and the opinion of experts, and even those experts will not be qualified to give an opinion until they have made exhaustive surveys and examinations.

So in 1912 or 1913 Congress passed the act providing for the submission of the question to such experts, and for the giving of the opinion on behalf of the experts, and this opinion which we have now before us cost the Government of the United States $20,000. I do not know of anything in my experience and examination since I have been in public life where Goverment officials more zealously and honestly and fairly went into the details of a proposition to get the exact truth.

Now, Senators say we ought not to tack it on this bill. For practical purposes, unless it is put on some bill like this, it means a delay of a good many years before we will get to it. Senators know at the time this examination was begun it was apparent, and I had various reports showing it to be true, that the water supply of the District was getting low and that something must be done to get more water; that the present source of supply, the means of getting it from above Great Falls, where we get the present water supply, was not sufficient. At that time there were very few meters in use. Since that time we have provided for the use of meters, and meters are installed now, I think, in all residences and business houses, practically, of the city. That immediately brought about the saving of a large quantity of water that before had gone to waste. So, as far as the water supply is concerned in the District, it is not urgent, but, in my judgment, until we get to a time when we find the people suffering for water we will not get legislation of this kind unless we put it on some one of the great bills that must go through Congress.

Now, why should it be on this bill? Let us see how appropriately it can be applied here. This is a bill providing for the building of dams in navigable streams. We are providing in this bill that private corporations may build dams for the purpose of irrigation and for the purpose of power, for manufacturing or anything. Here is the Government of the United States, the Capital itself, within sight of a water supply—I believe one of the finest power propositions in the United States. It is not near as large, it is true, as a good many others, but it is a magnificent power site. The Government of the United States is using immense quantities of electricity for light and power in all the great Government buildings.

Mr. WADSWORTH. Mr. President——

Mr. NORRIS. I will yield in just a moment. Here right at our door lies the possibility, as our own men following our own laws have told us, of cutting the expense in two, besides being a great proposition of conservation. I think if the expense were the same we ought to develop this power. I am not sure but what it would be a good object lesson even if it cost more to develop it.

Now, this is the Government. We are dealing with the Government's property. We are dealing with a franchise here on navigable streams to private corporations. Why in that kind of a bill should we not, if we ever intend to do it, say, "Let the Government here construct this particular dam and install this power"? It seems to me very appropriate that it should be done on this bill.

I now yield to the Senator from New York.

Mr. WADSWORTH. When I sought to interrupt the Senator he was referring to the power in large quantities which is used by the Government in the city of Washington. I was going to ask the Senator if he has any information as to how much power the Government of the United States uses in the public buildings and how much power is used in the city for lighting purposes and for running street cars.

Mr. NORRIS. I think I can give the Senator the information. I tried to find that out at the time I was investigating the subject. This information is nearly two years old. I tried to find out exactly how much power is used in the city of Washington for all purposes, and I itemized it as much as I could.

We have, as you all know, two street car companies here, the Capital Traction Co. and the Washington Railway & Electric Co. At the time that I made my investigation the Capital Traction Co. was using 10,400 horsepower.

Then the city is lighted by the Potomac Electric Power Co. The ownership of the Potomac Electric Co. and the Washington Railway & Electric Co., I understand, is practically the same. I think the stock of one owns the other, or, at least, they are very closely connected. If not owned that way, then the individuals who own the stock in one own it in the other.

The Potomac Electric Power Co. used for street lighting in the District 4,000 horsepower.

The power supplied to the United States at that time by this company was 1,040 horsepower.

Electricity supplied for commercial light and power, 12,760.

The power for street railways, 24,600 horsepower.

The United States itself was generating at that time 5,700 horsepower.

So at that time there was a total horsepower used by the United States Government of nearly 7,000. I think I can give it accurately. It is 6,740 horsepower. I think that answers the question of the Senator from New York.

There was a total maximum power used in the city of 58,100. So that I may not afterwards be accused of making any misrepresentations, I will state that this does not include private corporations or parties who are generating power for elevators or for light for themselves. I understand some of the larger establishments in this city as well as in a good many other

cities have a little power plant of their own, and they make their own electricity and operate their own elevators. Nothing of that kind is included here.

I could go on, Mr. President, at almost any length. I do not want to weary the Senate with this matter. I do not know that it would be valuable if I undertook to give details in regard to the various propositions involved.

Briefly, in round numbers, one-third of this $15,000,000 is what the engineer estimates it will cost for the additional water supply. So, in round numbers, there are about $10,000,000 that will be properly chargeable to the power proposition and about $5,000,000 to the increase of the water supply of the District. The engineers detail just how much the cost will be. For instance, they estimate the spillway dam, $2,502,000; intake dam and power house, $4,163,000; relocation of Chesapeake & Ohio Canal, Baltimore & Ohio Railroad, and electric railway, $1,849,025; land and water rights, $1,500,000; engineering and omissions, $585,975.

Col. Langfitt in his report analyzes the cost per kilowatt hour, and he estimates it in various ways. I do not believe I will take the time to read it all in detail, but he takes the amount invested and assumes that money is worth 6 per cent. Then he cuts the price nearly in two that we pay, and it pays back, as I remember it now, somewhere in the neighborhood of 47 or 50 years, every cent we have invested of the total cost.

Then he says:

> If interest and sinking-fund charges are omitted, as seems to be the case in some of the costs given by Lieut. Bain, the cost per kilowatt hour is at once reduced from 8.04 to 3.1.

Even counting the interest in at 6 per cent, the cost per kilowatt hour of this electricity is less than 1 cent. If you do not take in 6 per cent interest, it is reduced to 3.1 mills; in other words, in round numbers, one-third of a cent per kilowatt hour.

> It is evident that no steam plant can approach this figure in cheapness of production.

This estimate includes the building and everything that is necessary to the building of fine substations in the city, all fireproof, and all of them of the most modern possible construction.

Mr. JONES. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield to the Senator.

Mr. JONES. Probably in that connection it might be well to say that I have been informed by persons who claim to know that the present rate per kilowatt hour here is 10 cents.

Mr. NORRIS. To the private consumer and the private residence it is 10 cents.

Mr. JONES. Do I understand from that that it can be reduced under this power plant to less than a cent?

Mr. NORRIS. To less than a cent. That, however, does not include the cost of distribution. That produces the electricity and brings it down to the substations located in different parts of the city. I have not from this report, but from reports from other cities, a great deal of information about the distribution of electricity. There is no doubt but what it could be sold, and sold at a profit, at 3 or 4 cents per kilowatt hour to the private consumer.

Mr. President, as I said before, it is mainly a question that is expert in its nature. The opinion is here of the men whom we employed to make the investigation. While I could go into detail at great length as to every particular phase of this subject, I doubt whether the Senate would care for me to discuss a technical proposition, as to which I could give only the opinion of the engineers, when I have already briefly given in every case the opinion of the men who made the investigation and have stated that the engineers recommend, without hesitation, that the Government should undertake the work and should carry out the proposition that is outlined in the document.

Mr. BANKHEAD and Mr. NEWLANDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. BANKHEAD. It seems to me, Mr. President, that this amendment ought not to be adopted. Here is a general bill, dealing generally with the question of the development of navigation in connection with power. There has been no attempt in this bill to select any particular place for improvement; there has been no attempt in this bill to appropriate or to authorize the appropriation of a cent for any purpose. The bill is general in its character and applies equally to every section of the country.

Mr. President, I know of a number of places where appropriations have been authorized and made by Congress where the Secretary of War has had the investigation made, where the Board of Engineers have made their report, with estimates of cost, and so forth, and recommended the improvements for adoption. Now, I would ask the Senator from Nebraska if he would like to have all of those put into this bill?

Mr. NORRIS. I should like to have the Senator give me an instance now.

Mr. BANKHEAD. I shall be glad to do so.

Mr. President, four years ago Congress made an appropriation and appointed a special board to investigate the Muscle Shoals of the Tennessee River. They devoted three years to the work under that provision. The last Congress made an additional appropriation of $150,000 for that investigation, it being one of the greatest projects perhaps in this country. They have made a most thorough investigation; they have spent that money investigating the foundations and making surveys of overflowed land. They have unanimously made their report to the Secretary of War, strongly urging that the appropriation be made. Now, would the Senator let that come in this bill?

Mr. NORRIS. Let me ask the Senator——

Mr. BANKHEAD. First, answer my question.

Mr. NORRIS. I am going to answer the Senator's question, but I want to get a little more information. The Senator will not object to giving me information, will he?

Mr. BANKHEAD. Surely not.

Mr. NORRIS. If he remembers, the Senator said the other day that he could give me information.

Mr. BANKHEAD. I think I could on this question.

Mr. NORRIS. I think the Senator can on this question, and I am trying to get that. Mr. President, I ask the Senator if that was not on a river and harbor bill?

Mr. BANKHEAD. What?

Mr. NORRIS. The money which was appropriated.

Mr. BANKHEAD. Of course.

Mr. NORRIS. Exactly; that was for the purpose of making these streams navigable, was it not?

Mr. BANKHEAD. Yes; and in connection with power, just as this general bill provides for power.

Mr. NORRIS. But that was not a power bill?

Mr. BANKHEAD. Well, it was not specifically a power bill; and neither is this. This is a bill to provide for the improvement of navigable rivers and to build dams for that purpose.

Mr. NORRIS. But the real object of this bill is to develop power. Now, I will answer the Senator's question. I was of the opinion that the Senator would refer to Muscle Shoals. I do not have the information that he has about it, but in a general way I understand it is one of the greatest power possibilities in the world.

I had a letter from one of the constituents of the Senator from Tennessee [Mr. SHIELDS] in charge of this bill calling my attention to the particular proposition while this debate was going on. He suggested that I offer an amendment such as the Senator now suggests, that we make this development for the purpose of making nitrates by the Government in order to prepare ourselves for war. The proposition that I have made has not anything to do with navigation, except that it will make a nice lake, probably, for pleasure boats.

Mr. BANKHEAD. I hope the Senator will answer my question.

Mr. NORRIS. I am going to answer the Senator. The Senator's reference is to an improvement where they were proposing to increase navigation. If the Senator will offer an amendment to this bill providing that the Government shall develop the power possibilities at Muscle Shoals for the purpose of making nitrates and thus helping the great preparedness scheme, I will vote for it most heartily.

Mr. BANKHEAD. Mr. President, I am glad to hear that declaration of the Senator.

The PRESIDENT pro tempore. If the Senator from Alabama thinks that this amendment is completely out of place in this bill, why does he not take the judgment of the Senate by moving to lay it on the table?

Mr. BANKHEAD. Mr. President, I want to say that under no circumstances would I vote to add Muscle Shoals to this bill; but I promise the Senator from Nebraska that before this Congress adjourns he will have an opportunity to vote for just such a proposition as he has suggested.

Mr. NORRIS. Now, let us get it right. The Senator will probably come in here with a proposition to make a stream navigable and have the Government develop it and build a dam. I am willing to build a dam for the purpose of developing power and to let the Government use it.

Mr. POMERENE and Mr. KENYON addressed the Chair.

The PRESIDENT pro tempore. The Senator from Ohio.

Mr. POMERENE. I move to lay the amendment on the table.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Ohio.

Mr. NORRIS. On that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I announce my pair as on the former vote, and will not vote unless my vote is necessary to make a quorum.

Mr. HARDING (when his name was called). Because of my pair with the Senator from Alabama [Mr. UNDERWOOD] I withhold my vote.

Mr. JAMES (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. In his absence I withhold my vote.

Mr. McCUMBER (when his name was called). Announcing my pair with the senior Senator from Colorado [Mr. THOMAS], I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. WALSH (when his name was called). I have a pair with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

The roll call was concluded.

Mr. KERN. I desire to announce that the junior Senator from Louisiana [Mr. BROUSSARD] is necessarily absent from the Chamber.

My colleague [Mr. SHIVELY] is also unavoidably absent. He is paired with the Senator from Maine [Mr. BURLEIGH].

The Senator from Florida [Mr. FLETCHER] is absent on official business. He is paired with the Senator from Idaho [Mr. BRADY].

Mr. GALLINGER (when his name was called). I have a general pair with the Senator from New York [Mr. O'GORMAN]. Not knowing how he would vote if present, I withhold my vote.

Mr. JOHNSON of Maine. I transfer my general pair with the junior Senator from North Dakota [Mr. GRONNA] to the junior Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. SMITH of Georgia (after having voted in the affirmative). I notice that the senior Senator from Massachusetts [Mr. LODGE] has not voted. I transfer my pair with him to the junior Senator from New Jersey [Mr. HUGHES] and will let my vote stand.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Illinois [Mr. SHERMAN] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 30, nays 28, as follows:

YEAS—30.

Bankhead	Lea, Tenn.	Robinson	Sutherland
Beckham	Martin, Va.	Shafroth	Swanson
Clark, Ark.	Nelson	Sheppard	Thompson
du Pont	Oliver	Shields	Tillman
Hardwick	Phelan	Simmons	Vardaman
Hitchcock	Pomerene	Smith, Ariz.	Walsh
Johnson, Me.	Ransdell	Smith, Ga.	
Kern	Reed	Stone	

NAYS—28.

Ashurst	Curtis	Lane	Page
Borah	Gore	Lewis	Pittman
Brandegee	Hollis	Martine, N. J.	Poindexter
Chamberlain	Husting	Myers	Smith, Mich.
Clapp	Jones	Newlands	Sterling
Clark, Wyo.	Kenyon	Norris	Wadsworth
Cummins	La Follette	Overman	Works

NOT VOTING—38.

Brady	Fletcher	Lodge	Smith, S. C.
Broussard	Gallinger	McCumber	Smoot
Bryan	Goff	McLean	Thomas
Burleigh	Gronna	O'Gorman	Townsend
Catron	Harding	Owen	Underwood
Chilton	Hughes	Penrose	Warren
Colt	James	Saulsbury	Weeks
Culberson	Johnson, S. Dak.	Sherman	Williams
Dillingham	Lee, Md.	Shively	
Fall	Lippitt	Smith, Md.	

So the amendment of Mr. NORRIS was laid on the table.

Mr. NEWLANDS. Mr. President, I have presented as an amendment to this bill 20 additional sections, comprising the river-regulation bill which I have been urging for many years. That bill would admirably fit in with this bill, provided the bill was so modified as to make the waterway commission consisting of the President and the Secretaries of War, Interior, Agriculture, and Commerce, provided for in the amendment, the granting power of the permits in place of the Secretary of War alone, as contemplated in the pending bill. It would provide a complete scheme of legislation covering every waterway in the country and every watershed, not only the main rivers but their tributaries and their source streams. It would provide for coordination of the scientific services which now have jurisdiction over the various phases of the water question, including navigation; it would provide for cooperation between the National sovereignty and the State sovereignties so as to secure the union of their forces in plans and works, thus avoiding the contradictions and the antagonisms of the present system; it would take care of work in each watershed, so that the work in the various watersheds would proceed contemporaneously, and no particular watershed would be favored over another; it would develop the river not only for water power, as in the pending bill, but for navigation, reclamation of arid and swamp lands, development of forests, promotion of intensive cultivation, and so arrest and restrain the waters falling from the heavens and making their destructive way to the oceans and gulfs as to mitigate the floods and turn them, as the President so aptly remarked, from a menace into a blessing; it would provide an ample fund for continuous work—$60,000,000 annually for a period of 10 years. This amendment is entirely germane to the bill, and, in my judgment, ought to be adopted; and it would be a speedy consummation of the desires of all those who are now working upon detached portions of this great question.

For instance, with reference to the Potomac River, the project which the Senator from Nebraska [Mr. NORRIS] has presented: There the engineers have applied themselves simply to two phases of the water question on the Potomac River. One relates to the water supply of Washington and the other to the development of water power, the former costing about $10,000,000 and the latter $5,000,000. The amendment which I urge would not only provide for that, but would provide for much more. The inquiry into the water supply of Washington and the electric light and power supply of Washington is only one phase of the Potomac question. The real way to take hold of the Potomac River is to regard it as a unit, from its sources to its mouth, and provide not only for the water-supply development and the water-power development contemplated by the amendment offered by the Senator from Nebraska, but every phase of the water question, including the purification of the river itself, the general development of the water power, the use of the water for intensive cultivation, as well as the supply of towns and cities along its banks.

As it is Washington expends an extraordinary sum every year in the purification of water. All the inhabitants along this river are permitted under present conditions to empty anything into the river, and the filth comes down to Washington, and there it has to be taken hold of by a filtering process and purified at an enormous expense. It would be a much cheaper and a much better way to take hold of the question of the purification of the river right at the very sources of these streams, by cooperative legislation with the various States, and prevent the river from being thus defiled.

As it is, a very large proportion of the water which is thus filtered in Washington—one seventy-fifth of the entire amount, amounting to 2,000,000 gallons daily—is used simply in condensing steam at the great Government Printing Plant. In other words, we take the dirty water, which would be perfectly useful for this purpose, and go through the enormous expense of filtering it in order to apply it to the plant of the Government Printing Works for purposes of condensation. And so it goes. All along the line we have this improvident, inefficient, insufficient method of control, increasing expense and producing a condition out of which we will perhaps gradually blunder over a period of years at a cost far exceeding the cost of taking hold of the river in its entirety and, with the cooperation of the States affected, treating it for every beneficial and profitable purpose as well as for navigation.

Mr. President, I am aware that the appropriation sought by this amendment staggers a great many. All I have to say upon that subject is that we must accustom our minds to big sums if we ever intend to enter upon constructive work. We have been passing through a period of correctional legislation for years—beneficial, I have no doubt, but temporarily disturbing—and it is about time that we were entering upon some constructive work.

Mr. SHIELDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Tennessee?

Mr. NEWLANDS. I do.

Mr. SHIELDS. I simply wish to inquire if the Senator's amendment has been offered?

The PRESIDENT pro tempore. The Senator's amendment is pending. The adoption of that amendment is the pending question.

Mr. NEWLANDS. I was saying that it would be necessary for us to enter upon constructive work; and the great constructive works that are reaching out before us are those relating to the regulation of rivers and the full conservation and development of our water resources, as well as the construction of public buildings and works.

We ought to expend about $30,000,000 annually in public buildings under some plan other than the present spoils system. We ought to expend at least $60,000,000 annually upon our rivers, and it hardly seems that that is a big sum when we contrast it with the sums that are spent in other directions. Sixty million dollars annually for rivers and $30,000,000 annually for public works and buildings are not very large sums in comparison with the total revenue of the Government, reaching over a billion dollars. We are contemplating with equanimity an increase in our military expense from $250,000,000 annually to $350,000,000 or $400,000,000 annually. It seems to me that if we can make so large an advance in our expenditures intended for destruction we can at least provide for the expenditure of $60,000,000 or $100,000,000 annually for construction. We are viewing with calm the one expenditure, and yet are alarmed about the other; and the very men who are full of caution regarding this expenditure are talking with confidence of taking over the entire railway system of the country, involving an expenditure of over $15,000,000,000 and necessitating an annual expenditure, probably, in the development of our railroads of about $1,000,000,000—that being the estimate of Mr. Hill.

Before we enter upon this great work of Government ownership of our railways, which some think is impending, and which has so generally been adopted elsewhere, is it not wise for us to convince the country that we can take hold of a moderate public work and conduct it ably and with profitable financial results? If we treat the water question comprehensively, we will turn water from a liability into an asset. The flood waters of the country are now destroying about $200,000,000 in value annually. They inflicted a couple of years ago losses of about $50,000,000 upon the State of Ohio alone, and last year $25,000,000 upon the State of Kansas. Just to take hold of and control these waters with a view to saving or mitigating that loss would be a profitable undertaking. When, in addition to that, we provide a perfect instrumentality for interstate transportation, coordinating with rail and ocean carriers; when we use this water in a compensatory way for the development of water power, for the reclamation of arid lands, for the reclamation of swamp lands, and direct it and control it for intensive cultivation and for the development of forests we are adding just so much to the great wealth of the country, and we are adding every year to the income of the country, and we are adding a sum far in excess of the interest upon the investment which we propose; and yet my friend from Mississippi calls this suggestion the suggestion of a dreamer.

Why, Mr. President, I insist that I am the most practical man in this body. The expenditure of $60,000,000 annually, with reference to this great constructive work, does not stagger me for a moment. The expenditure of $100,000,000 annually would not stagger me. The expenditure of $150,000,000 annually would not stagger me. The prospect that this work is to go on forever would not stagger me. The judgment of a practical man should view this question just as it would view the development of our rail carriers, just as it would view the development of our ocean carriers—the latter two, in my judgment, being of course adequately taken care of by private capital; but it is utterly impossible for private capital to take hold of the regulation of our rivers. No one would tolerate the idea of turning over the absolute ownership and control of our rivers, and the waters flowing in them, to any private corporation. It is essentially a public work; and when the country is seriously considering acquiring property that does not partake of this character and utilizing it in the public interest, certainly those who view with equanimity such acquisition ought not to be staggered by the proportions of this amendment.

Mr. President, I do not intend to take up the time of the Senate upon this subject. I should have been glad to have had a vote upon my amendment, but I am sure, from the votes already had, that there is no disposition upon the part of the Senate to amend this bill materially. The Senate is intent, just as Congress has always been intent, upon taking hold in a detached way of a great problem and pushing it through without even dovetailing it with the bigger problems beyond. When the Senate has absolutely refused to enlarge the granting power here so as to cover not only the Secretary of War but the Secretary of the Interior and the Secretary of Agriculture and the Secretary of Commerce, who also have jurisdiction over important parts of the great water question, I can hardly expect that it will add this amendment to the bill, comprising, as it does, 20 sections.

I can only hope that the debate we have had upon this subject has been in some degree educational and instructive. I am aware—and it is perhaps best that it should be so—that long agitation is required, both in Congress and out of Congress, before a great measure can be adopted. Not only must the congressional mind be accustomed to the consideration of the measure, but the public mind itself must be, for it is probably to the credit of Congress that it follows public opinion, rather than controls it.

I do hope, however, that the illuminating exposition made by the Senator from Louisiana [Mr. RANSDELL]—who has been for years contending that this great volume of water precipitated on the lower Mississippi from the mountains and plains of the upper Mississippi, the Ohio, and the Missouri should be treated as a national question—will have the attention that it deserves. I am sure that his demonstration was a perfect one, and I am glad to know that he has released himself from the very narrow and contracted view which he has hitherto held, and which it was probably necessary for him to hold in order to meet the demands of his constituents, for I do not believe that the people of the South have yet loosened their belts for action.

They have been so intent upon the black question that they have not had vision for the larger problems that involve the entire Nation; and they have been so overwhelmed with difficulties in their local conditions, arising out of the race question and the problems growing out of it, that it is not to be wondered at that their vision has not extended beyond their own boundaries. But they are now appealing for national help, and we of the mountains and of the great plains insist that they should enlarge their horizon; that if the National Government is to be called upon to take care of the lower Mississippi, it is called upon to take care of the upper Mississippi, the Missouri, the Ohio, and the Arkansas to their remotest sources, for these waters are elusive things. Drunk up from the ocean, carried by the clouds over the mountains and plains, precipitated there, forcing their way through the small streams and the small tributaries into the large streams, making their way to the destruction of communities and large cultivable areas, yet it is the greatest asset that the American people have, an asset which, if developed, will be productive of the largest wealth. So we insist upon it that as to the lower Mississippi River the problem is not simply to hem in that stream by the erection of levees upon both sides and by protecting the banks through bank revetment, but that one part of the problem is to delay and obstruct the waters in getting down to that point, and the real beneficial use of the waters as an asset of the country is above and not below. The destructive application of the water is below; the beneficial use of the water is above; and we insist upon it that it is just as much a national problem to protect the beneficial uses of the water above as it is to mitigate the terrors of the application of the floods below.

Now, Mr. President, I wish to say one thing with reference to the Democratic Party. It has been in power now for three years. Look over its platform and see what it says regarding the waterways——

Mr. SHIELDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Tennessee?

Mr. NEWLANDS. I yield for a question.

Mr. SHIELDS. If the Senator will yield for the purpose, I wish to make a motion to take a recess.

Mr. NEWLANDS. Certainly.

Mr. SHIELDS. I move that the Senate take a recess until 11 o'clock to-morrow; and I wish now to announce that when the Senate does meet I shall ask that it remain in continuous session until the bill under consideration is disposed of. I shall insist on that course.

The PRESIDENT pro tempore. There is executive business on the table that ought to be disposed of this afternoon.

Mr. SHIELDS. I withdraw the motion for a recess, and move that when the Senate does take a recess it shall be until 11 o'clock to-morrow.

The motion was agreed to.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The Senator from Missouri moves that the Senate proceed to the consideration of executive business. [Putting the question.] The ayes have it.

Mr. LA FOLLETTE. Mr. President, I ask the Senator from Missouri to withhold that motion for a moment to permit me to make a statement.

The PRESIDENT pro tempore. The Chair will withhold the announcement of the result. The Senator is always in order. The Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, during the session to-morrow, if the opportunity presents, I desire to submit some observations raised by the introduction of resolutions here pertaining to travel upon armed ships of belligerents which have not heretofore been discussed.

EXECUTIVE SESSION.

The PRESIDENT pro tempore. The ayes have it. The motion is agreed to. The Seargeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 3873) to authorize the counties of Minidoka and Cassia, State of Idaho, to construct a bridge across Snake River.

The message also announced that the House had passed the bill (S. 3144) to authorize the construction of a bridge across the Pend Oreille River between the towns of Metaline and Metaline Falls, in the State of Washington, with an amendment, in which it requested the concurrence of the Senate.

The message further transmitted resolutions of the House on the death of Hon. S. A. WITHERSPOON, late a Representative from the State of Mississippi.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 755. An act to incorporate the Boy Scouts of America, and for other purposes;

H. R. 759. An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof;

H. R. 4724. An act authorizing the Department of Commerce to make original investigation and research concerning forms and processes of manufacture, and for other purposes;

H. R. 4746. An act granting the city of Portland, Oreg., the right to purchase certain lands for public park purposes;

H. R. 8028. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 9225. An act granting the consent of Congress to Georgia Lumber Co. to construct a bridge across Flint River, Ga., between Dooly and Sumter Counties;

H. R. 9691. An act authorizing leave of absence to homestead settlers upon unsurveyed lands;

H. R. 10032. An act to authorize the construction of a bridge across the Ohio River from a point on its banks in the city of Pittsburgh, Pa., at or near the locality known as Woods Run, to a point on the opposite shore of said river within the borough of McKees Rocks, Pa.;

H. R. 11416. An act to repeal an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888";

H. R. 11628. An act granting the consent of Congress to the city of Lowell, county of Middlesex, State of Massachusetts, to construct a bridge across the Merrimack River; and

H. J. Res. 68. Joint resolution to cede to the State of Maryland temporary jurisdiction over certain lands in the Fort McHenry Military Reservation.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of Local Union No. 179, United Garment Workers of America, of Whitefield, N. H., praying for an investigation into the manufacture and sale of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the New Hampshire State Equal Suffrage Association, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented the petition of George W. Paty, secretary of the Anti-Saloon League of Hawaii, and the petition of R. H. Lowrie, of Honolulu, Hawaii, praying for prohibition in the Territory of Hawaii, which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of Willard K. Cobb Relief Corps, No. 4; the congregation of the Free Baptist Church; and of sundry citizens, all of Pittsfield, in the State of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Medical Society of the District of Columbia and the Association for the Prevention of Tuberculosis, favoring adequate provision by Congress for the widow of George M. Sternberg, late Surgeon General United States Army, which were referred to the Committee on Pensions.

Mr. PHELAN presented a petition of the Building Trades Council of Santa Barbara, Cal., and a petition of Local Union No. 31, Cooks and Waiters' Alliance, of Oakland, Cal., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of Local Union No. 44, Cooks' Union, of San Francisco, Cal., praying for the printing of the report of the Commission on Industrial Relations, which was ordered to lie on the table.

He also presented a petition of the City Letter Carriers' Association, of Anaheim, Cal., praying for the enactment of legislation to grant pensions to superannuated employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

Mr. WARREN presented petitions of sundry citizens of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Minnesota, praying for the placing of an embargo on munitions of war, which were referred to the Committee on Foreign Relations.

He also presented a memorial of Lieutenant H. L. McCorkle Camp, No. 2, Department of Tennessee, United Spanish War Veterans, of National Soldiers' Home, Tennessee, remonstrating against the enactment of legislation to turn over to ex-Confederate veterans and their widows the National Soldiers' Home in Tennessee, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Minnesota, praying for the enactment of legislation to provide military training in colleges, which were referred to the Committee on Military Affairs.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented petitions of sundry citizens of New Haven, Branford, Stony Creek, Cheshire, Hamden, Chester, Greenwich, Danbury, and Warehouse Point, all in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Grange No. 159, Patrons of Husbandry, of Salisbury, Conn., and a petition of the Presbyterian Ministers' Association, of New York City, N. Y., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Central Labor Union of Danbury, Conn., and a petition of the Trades Council of New Haven, Conn., praying for the enactment of legislation to grant pensions to civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Central Labor Union of Danbury, Conn., praying for an investigation into the manufacture and sale of dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the National Security League of New Haven, Conn., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of New Haven, Conn., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Young People's Society of Christian Endeavor of Ellington, Conn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. WADSWORTH presented petitions of sundry citizens of the State of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of the State of New York, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

PENSIONS AND INCREASE OF PENSIONS.

Mr. JOHNSON of Maine submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3518) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same.

That the House recede from its amendments numbered 1, 2, 3, 4, and 6.

CHARLES F. JOHNSON,
P. J. MCCUMBER,
Managers on the part of the Senate.

ISAAC R. SHERWOOD,
M. E. BURKE,
C. A. SULLOWAY,
Managers on the part of the House.

The report was agreed to

PEND OREILLE RIVER BRIDGE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 3144) to authorize the construction of a bridge across the Pend Oreille River between the towns of Metaline and Metaline Falls, in the State of Washington, which was to strike out lines 3 to 11, inclusive, and insert:

That Pend Oreille County, State of Washington, and the towns of Metaline and Metaline Falls, Pend Oreille County, Wash., their successors and assigns, be, and they are hereby, authorized, jointly or separately, to construct, maintain, and operate a bridge and approaches thereto across the Pend Oreille River, at a point suitable to the interests of navigation, between said towns, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Mr. POINDEXTER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 759. An act to provide for the removal of what is now known as the Aqueduct Bridge, across the Potomac River, and for the building of a bridge in place thereof;

H. R. 9225. An act granting the consent of Congress to Georgia Lumber Co. to construct a bridge across Flint River, Ga., between Dooly and Sumter Counties;

H. R. 10032. An act to authorize the construction of a bridge across the Ohio River from a point on its banks in the city of Pittsburgh, Pa., at or near the locality known as Woods Run, to a point on the opposite shore of said river within the borough of McKees Rocks, Pa.; and

H. R. 11628. An act granting the consent of Congress to the city of Lowell, county of Middlesex, State of Massachusetts, to construct a bridge across the Merrimack River.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 755. An act to incorporate the Boy Scouts of America, and for other purposes;

H. R. 8028. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and

H. R. 11416. An act to repeal an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888."

The following bills and joint resolution were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 4746. An act granting the city of Portland, Oreg., the right to purchase certain lands for public park purposes;

H. R. 9691. An act authorizing leave of absence to homestead settlers upon unsurveyed lands; and

H. J. Res. 68. Joint resolution to cede to the State of Maryland temporary jurisdiction over certain lands in the Fort McHenry Military Reservation.

H. R. 4724. An act authorizing the Department of Commerce to make original investigation and research concerning forms and processes of manufacture, and for other purposes, was read twice by its title and referred to the Committee on Agriculture and Forestry.

EULOGIES ON THE LATE REPRESENTATIVE WITHERSPOON.

Mr. VARDAMAN. Mr. President, I desire to give notice that on Saturday, the 25th instant, at the conclusion of the routine morning business, I shall ask the Senate to suspend its business that fitting tribute may be paid to the life and public services of the Hon. SAMUEL A. WITHERSPOON, late a Representative from the State of Mississippi.

RECESS.

Mr. STONE. I move that the Senate take a recess until tomorrow at 11 o'clock a. m.

The motion was agreed to; and (at 6 o'clock and 8 minutes p. m., Tuesday, March 7, 1916) the Senate took a recess until tomorrow, Wednesday, March 8, 1916, at 11 o'clock a. m.

NOMINATIONS.

Executive nomination received by the Senate March 7 (legislative day of March 3), 1916.

SECRETARY OF WAR.

Newton D. Baker, of Cleveland, Ohio, to be Secretary of War.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 7 (legislative day of March 3), 1916.

SECRETARY OF WAR.

Newton D. Baker to be Secretary of War.

UNITED STATES MARSHAL.

Nathan H. Boswell to be United States marshal for the southern district of Florida.

POSTMASTERS.

ILLINOIS.

J. H. Bumsted, Carpentersville.

MICHIGAN.

Harry F. Brainard, Elsie.
Ephraim S. Reist, Ashley.
R. E. Vickers, Gobleville.
John G. Watson, Colon.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 7, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, our heavenly Father, let Thy blessing descend in all its strength and fullness upon us, that these Thy servants may be profoundly sensible of the great responsibility laid upon them; that with clear perceptions, pure motives, and high resolves they may take up the work of the hour, and grant that the results of their deliberations may be in consonance with the genius of the great Republic whose interests they would serve and whose rights they would preserve, that peace, harmony, and good will may obtain through Him who taught us to avoid strife and live peaceably with all men. Amen.

The Journal of the proceedings of yesterday was read and approved.

CLERK OF THE HOUSE.

The SPEAKER. The Chair lays before the House a communication from the Clerk of the House.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
CLERK'S OFFICE,
Washington, D. C., March 7, 1916.

Mr. SPEAKER: Desiring to be absent for a time from my office, I hereby designate J. C. South, Chief Clerk, one of my assistants, to act in my official capacity during my absence.

Very respectfully,
SOUTH TRIMBLE,
Clerk of the House.

The SPEAKER. As this is liable to be quite an exciting day, the Chair appeals to Members of the House to keep their seats and refrain from conversation, and to the galleries to refrain from conversation, because a very little talk on the part of each one, with the large number of people in the galleries, makes it difficult to conduct the business. Manifestations of assent or dissent in the galleries to what anyone says on the floor of the House is forbidden, and if it is attempted the Speaker will have the galleries cleared.

ARMED MERCHANT VESSELS OF BELLIGERENTS.

Mr. POU. Mr. Speaker, I offer a privileged resolution from the Committee on Rules, which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 158 (H. Rept. 304).

Resolved, That immediately upon the adoption of this resolution the House shall proceed to consideration of H. Res. 147; that there shall be four hours of general debate, one-half to be controlled by the gentleman from Virginia, Mr. FLOOD, and one-half by the gentleman from Wisconsin, Mr. COOPER; that at the conclusion of said general debate the said resolution shall be considered under the general rules of the House.

Mr. POU. Mr. Speaker, by direction of the Committee on Rules I ask unanimous consent that the debate on this resolution be limited to 1 hour and 30 minutes, 45 minutes of that time to be controlled by myself and 45 minutes to be controlled by the gentleman from Kansas [Mr. CAMPBELL].

The SPEAKER. The Chair will inquire of the two gentlemen if it is the understanding that at the end of that hour and a half the previous question shall be considered as ordered.

Mr. POU. I would like to have that agreement.

Mr. CAMPBELL. Mr. Speaker, that was not in the agreement.

Mr. POU. That was not in the agreement. Of course, it is expected that the gentleman who closes the debate on this side will move the previous question. That is the understanding.

The SPEAKER. The gentleman from North Carolina [Mr. POU] asks unanimous consent that debate on this rule be limited to one hour and a half; 45 minutes to be controlled by himself and 45 minutes by the gentleman from Kansas [Mr. CAMPBELL], and at the end of that time the gentleman from North Carolina will move the previous question.

Mr. POU. No, Mr. Speaker; the gentleman from Tennessee [Mr. GARRETT] will close the debate on this side, and move the previous question.

The SPEAKER. Is there objection to the request that debate continue an hour and a half, as stated by the gentleman from North Carolina?

There was no objection.

Mr. POU. Mr. Speaker, on the 22d day of February a resolution was introduced in the House by the gentleman from Texas [Mr. MCLEMORE], requesting the President "to warn all American citizens within the borders of the United States or its possessions or elsewhere to refrain from traveling on any and all ships of any and all powers now or in future at war, which ship or ships shall mount guns, whether such ships be frankly avowed a part of the naval forces of the power whose flag it flies or shall be called a merchant ship or otherwise, and whether such gun or guns or other armament be called offensive or defensive; and in case American citizens do travel on such armed belligerent ships they do so at their own risk." This is, of course, not all of said resolution, but I think I have quoted the most important part. Almost immediately this resolution, known as the McLemore resolution, was telegraphed to the capitals of the nations now at war. At that very moment the President and the State Department were conducting negotiations and engaging in diplomatic conversations with the nations at war for the purpose of settling the question of the rights of American citizens to travel upon the ships described in the McLemore resolution. I think I may even say that a friendly agreement was in sight with the American contention almost agreed to by the central powers. It also developed that telegrams were sent to the capitals of these warring nations expressing the opinion that if the McLemore resolution or any similar resolution ever came to a vote in the House of Representatives the same would be adopted by an overwhelming vote.

It is well known that this Government had insisted and was insisting that Americans had the right to travel upon ships armed for defensive purposes, inasmuch as such right had been exercised for centuries under international law recognized by the civilized nations of the world.

At the time of the introduction of this resolution two of the great powers now at war had informed neutral powers of their determination to attack without warning after February 29 all armed vessels of their enemies, even though such vessels might be merchant ships armed for defensive purposes.

It is well known that the President and Secretary of State insist that no nation has the right to attack merchant ships armed for defensive purposes; that if such attack is made advance warning shall be given and opportunity afforded for escape without loss of life of noncombatants traveling on said ships.

Very industriously the statement was published in foreign capitals that Congress was not with the President in his contention. It was announced that this McLemore resolution would pass this House by a large majority. The result was an immediate paralysis of all efforts of the President and State Department to secure recognition of American rights under international law by some of the nations at war.

On the 29th of February the President, knowing that the McLemore resolution was pending, learning that the charge was being circulated in foreign capitals that Congress would, upon a vote, repudiate the American contention, asked the Committee on Rules to take such action as would insure an early vote. The President believed the charges to be false, but the very fact that they were being industriously published and circulated was the cause of very damaging misunderstandings in our relations with some of the nations at war.

The McLemore resolution has been and is the cause of these misunderstandings. The Committee on Rules has therefore felt justified in reporting the resolution which I have presented in order that this House, after liberal debate, may by its vote let the world know whether we stand with the President or whether it is true that House resolution 147, introduced by the gentleman from Texas, has the support of the majority. A vote on this resolution raises the question. In no other way can this House answer the charges which the President believes to be false. In no other way can the charge be answered that this resolution would pass if a vote is taken.

And, Mr. Speaker, what is the contention of the President? It is that ships not intended to participate in war, ships engaged in peaceful commerce, merchant ships, liners, upon which Americans are traveling shall not be attacked without warning. The President demands of all the warring nations that they shall not endanger the lives of Americans traveling upon ships upon which they have the right to travel. He demands of these warring nations that they shall not murder Americans without warning. He is standing for a right never seriously questioned, but which the McLemore resolution proposes to withdraw, never challenged by civilized men anywhere before the present great war. And, Mr. Speaker, the question is now raised whether the nations at war shall determine what rights the citizens of a neutral nation possess—whether that question shall be determined by the law of nations agreed upon by civilized people everywhere long before this, the greatest of all the nations, was born. Think of the very audacity of the thing, if you please. Shall Americans exercise their rights under the law, or shall Germany or Austria be permitted to say just how and under what circumstances Americans shall travel? If that is to be the conclusion of this controversy, then for God's sake let us tell our own people to get their passports in future from some foreign Government and not from our own State Department. Has the thirst for blood made men crazy? Why slaughter noncombatants at all, and, in the name of a merciful God, why kill them without warning? Why should the submarine be permitted to slip up upon its prey in the dark and take innocent lives—lives of women and children—without a minute's warning? Oh, Mr. Speaker, I shall not discuss the sinking of the *Lusitania*, except to say that, thank God, nothing like it ever happened in civilized warfare before, and all good men pray it will never happen again; but one remark of one American who lost his life because of that crime reminds us of what the President has fought for during all these months—what he is fighting for now. After that ship, loaded with neutrals firm in their faith that the Christianity and civilization of this century would protect them against attack without warning, had received her death wound this American said to a companion, "Let us go and look after the kiddies." But that American went down along with some of the American "kiddies" he was trying to save; and that is the burning issue right now. You may try to escape it as you will, but the plain, unvarnished truth is, it is proposed to commit this *Lusitania* crime over again, and this McLemore resolution would have us say, "All right; kill, murder, by slipping up in the night; they went on these merchant ships at their own risk."

Mr. Speaker, I would be ashamed of my membership in this House if I thought it would indorse such policy.

Just a few things more.

No President save Abraham Lincoln ever occupied such a trying position as Woodrow Wilson. He has been so earnest in his efforts to keep us out of this war that not a few have said he was surrendering too much. He does not want war and he does not expect we will become involved in this war, but if you want to make war probable just throw him down in his fight for this admitted, undisputed right of American citizens. No; he does not want war, and nobody who has watched this man's course ought to say he does. Fools, liars, particularly those who are willing to misrepresent him to gain political advantage, may possibly bring this charge. He does not want war, but he

is not willing to surrender part of the sovereignty of this Nation to prevent it. He will never involve us in war. If war comes, you may be dead sure it will be forced upon us when every honorable alternative has failed. You can bring us a little nearer a break by throwing him down in his efforts to uphold our admitted rights. Let not the American House of Representatives be a party to such a crime. [Applause.]

Is Woodrow Wilson alone in his stand? Thank God, no! I believe the American people are behind him. At least two Americans think he is right in the present controversy. They are both great men and they are both good men. They differ from him upon many questions, but not upon this. Do you think it means nothing that upon this question of warning Americans not to take passage upon merchant ships both Theodore Roosevelt and William H. Taft stand squarely with the President?

The course of Mr. Taft since he laid down the great office of the Presidency has been characterized by the finest taste and the very loftiest patriotism. [Applause.] These three men all agree upon this question. I repeat, does that mean nothing? I believe the American people will sustain the President and these two patriotic ex-Presidents in demanding that all the world, whether at war or at peace, respect the rights of American citizens. Any other course would bring down upon us, and justly bring down upon us, the contempt of all the world. [Applause.]

Just one word in conclusion. Perhaps it is a repetition of what I have already said. I feel that a deep injustice has been done the President—the suggestion that he wants war. No; he does not want war. He does not expect war. He does not expect that diplomatic relations with any nation will be broken off. These things may come; nobody can tell, but the President does not expect either war or the breaking of our diplomatic relations. [Applause.]

The charge that the President wants war is mean and contemptible, and all the imps of hell never devised a bigger lie. [Loud applause.]

Mr. Speaker, I wish I had time to discuss this question in the way it should be discussed. The hour has come when you must decide whether the Stars and Stripes mean anything to Americans—whether it shall mean full protection according to law wherever it flies to all Americans everywhere or whether it shall be lowered at the behest of nations at war.

I predict that the verdict of this House will be rendered before the sun goes down sustaining the President, because his position is right—right under international law and right before Almighty God. [Loud applause.]

Mr. CAMPBELL. Mr. Speaker, the question first to be considered to-day will be upon the previous question on the rule. If the previous question be voted down, I shall offer the following substitute which simply warns American citizens of the danger of taking passage on armed ships of nations at war:

Strike out all after the word "debate" where it last occurs and insert the following:

"The resolution and preamble shall both be open to amendment with the following amendment considered as pending, to wit:

"Strike out both the preamble and the resolution and in sert in lieu thereof the following:

"'*Resolved*, That in the opinion of the House of Representatives citizens of the United States under existing conditions and irrespective of their legal rights ought to refrain from taking passage on armed vessels of belligerent nations,' and the consideration of the resolution and amendments thereto shall proceed under the five-minute rule to a final vote on its passage."

This substitute does not go into all the questions raised by the McLemore resolution, and it brings the House of Representatives to a vote on the propositions upon which the President of the United States has asked the Congress to give full discussion and to express its opinion. If the previous question be not voted down, then, at the end of four hours of general debate, the gentleman from Virginia [Mr. FLOOD] will move to lay the McLemore resolution upon the table, and the House will not be able to express itself upon the main issue. That is the parliamentary situation. The House of Representatives, therefore, will not do what the President has asked, namely, give him its unqualified opinion on the question of warning American citizens not to ride on the armed ships of nations at war.

There is no great question of national right involved at this time. We are not confronted with a great crisis in which the honor of the Nation is involved at this moment. The only question is on the doubtful legal rights of the citizens of a neutral country to ride on armed ships of belligerents.

Mr. Speaker, the President warned American citizens to flee from war-stricken Mexico, and we appropriated money to aid them in their escape. Our Government limits the right of travelers in the war zones by restrictions on the issuance of passports. Citizens are not permitted to visit belligerent countries or pass from one belligerent country to another merely for "pleasure," "recreation," "touring," or "sight-seeing."

It is the undoubted right of an American citizen to remain in belligerent Mexico. It is the undoubted right of an American citizen to visit either or all the belligerent countries of Europe. That is not the question. The question of American rights was not the question involved when the Government issued its warning to those in Mexico and issues passports with restrictions to those purposing to travel in Europe. It is the question of how far American citizens shall exercise their personal rights to their own danger and the possible danger to their country.

It is not less dangerous to take passage on an armed belligerent ship than to remain in Mexico or to travel as a sightseer in the war zones of Europe.

I have here what purports to be the so-called secret orders of the British Admiralty with regard to the orders and instructions to armed merchantmen. They were published a few days ago for the first time in the United States. Merchantmen are directed in these instructions that it is important that submarines are not to be allowed to approach to short range, to which a torpedo or bomb launched without notice would almost certainly be effective. These merchantmen are instructed further that it may be presumed that any submarine that deliberately approaches or pursues a merchant vessel does so with hostile intention, and that in such cases fire may be opened in self-defense in order to prevent the hostile craft from closing to a range at which resistance to a submarine attack by a bomb or torpedo would be impossible.

That gives the order to a merchantman, armed, to open fire as soon as a submarine is seen approaching.

The difference between an armed merchantman, so acting, and an armed cruiser is not apparent to the average layman. The danger of taking passage on this sort of vessel was apparent to the administration as late as the 18th of January, 1916, when the Secretary of State, in a note to the foreign powers, said:

The use of submarines, however, has changed these relations. Comparison of the defensive strength of a cruiser and a submarine shows that the latter, relying for protection on its power to submerge, is almost defenseless in point of construction. Even a merchant ship carrying a small caliber gun would be able to use it effectively for offense against the submarine.

It would therefore appear to be a reasonable and reciprocally just arrangement if it could be agreed by the opposing belligerents that submarines should be caused to adhere strictly to the rules of international law in the matter of stopping and searching merchant vessels, determining their belligerent nationality, and removing the crews and passengers to places of safety before sinking the vessels as prizes of war, and that merchant vessels of belligerent nationality should be prohibited from carrying any armament whatsoever.

In proposing this formula as a basis of conditional declarations by the belligerent Government, I do so in the full conviction that each Government will consider primarily the humane purposes of saving the lives of innocent people rather than the insistence upon doubtful legal right, which may be denied on account of new conditions.

I would be pleased to be informed whether your Government would be willing to make such a declaration, conditioned upon their enemies making a similar declaration.

I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent Government and is seriously considering instructing its officials accordingly.

Does the President say, now, Will Congress to-day say, American citizens may ride upon an armed cruiser of a belligerent nation?

Suppose a German merchant vessel, armed with exactly the kind of equipment with which a British merchant vessel is armed, should sail from the port of New Orleans with a cargo of cotton, and include in her passenger list 100 American citizens. A British merchant vessel, armed just as the German vessel is armed, sails from Liverpool at the same time, carrying 100 American citizens among her passengers. These ships meet in mid-ocean and immediately upon sighting one another are so impressed with the danger of their situation that they open fire instantly for self-defense. The firing continues until both vessels are sunk, with the loss of all on board. Has the United States on this account cause for breaking diplomatic relations with both Germany and England, or has the United States cause for war against both Germany and England?

Mr. Speaker, Congress does not know all the President has done in his negotiations with foreign powers at war on the question before the House to-day; he says the introduction of a resolution in the House on February 22, 1916, warning American citizens not to take passage on belligerent ships has embarrassed him in his negotiations with warring nations on this question.

Mr. Speaker, I fear the President is not entirely frank with Congress. The letter of the Secretary of State to the warring powers dated January 18, 1916, takes the position that an armed merchantman is to all intents and purposes an armed cruiser,

and the Secretary of State on that day advised foreign powers that our Government was contemplating issuing notice to American officials to treat these armed merchantmen accordingly.

What international question has arisen that has caused the administration to change its mind on the true character of an armed merchant ship, a question now so vital to our Republic and to the welfare of mankind? Both England and Germany have armed, and are arming, their merchant vessels ostensibly for defense. The Admiralty of England instructs her merchantmen to fire on approaching submarines before they get within the range of bombs or torpedoes. Those who contend for the niceties of international law must admit that that action on the part of the British Admiralty denies the right of search of merchant vessels and also makes futile international agreements that time shall be given for passengers and crew of merchant vessels to find safety before the ship is sunk.

Mr. Speaker, my fear is that the President is now undertaking to secure from Congress a reversal of the policy the administration laid down in the letter of January 18, 1916, with regard to the character of armed merchant vessels in which they are held to be auxiliary cruisers. The President is responsible for the conduct of international negotiations. Every belligerent power understands this provision of the American Constitution. The President does not hold the war-making power. The warring nations of Europe also understand this provision of our Constitution. If, therefore, even on the request of the President, Congress reverses the President's position on this question, by laying the McLemore resolution on the table, the war-making power assumes the burden of responsibility for the position taken.

Are the Members of this House to-day ready to say that American citizens shall without restraint exercise their doubtful legal right to take passage on the armed merchantmen of the nations at war? If so, are the Members of this House ready to take the next step and make a declaration of war on the nation that sinks an armed merchant ship upon which an American loses his life? To-day the question of national honor is not involved. The question of national rights is not involved.

The three citizens who sailed on Saturday on a merchant ship that is to be armed at Gibraltar said they enjoyed the thrill growing out of the danger. Are Members of Congress ready to declare war that such as these may have the thrills growing out of the danger they assume in taking passage on ships that are to all intents and purposes battle cruisers of nations at war?

For one, Mr. Speaker, I am not ready for war on any such grounds, and if the Executive refuses to warn American citizens of the danger they assume in taking passage on these ships, I shall vote, if I can make the opportunity to-day, to give all our citizens such a warning.

Mr. Speaker, when international differences arise there is a worship of punctilios that in its formality does not fit in with a republic. Reason and common sense are the safeguards of action rather than the observance of the niceties of the strictest punctilios, under which men are sometimes willing to go to war because they have demanded one formality and been offered another. Nations awake from the spell that worshiping these formalities brings over them as soon as bloody war begins.

This Nation, Mr. Speaker, is big enough, and strong enough, and patriotic enough to preserve its honor and at the same time the peace of the Nation, by warning its citizens of the danger of taking passage on armed belligerent ships of Great Britain, of Germany, of France, of Austria, or on the armed ships of any belligerent.

It is easier for this great neutral power to take that action in view of the changed condition of warfare than it is for either of the belligerent powers, fighting as they say they are for their very existence, to change the new methods of warfare in time of war.

England claims the right to arm her merchantmen. Germany claims the right of submarine warfare. It is not for us to decide for either in these particulars what its mode of warfare shall be, and to apply the old rules of international law to the present conditions is like putting new wine into old bottles.

Yesterday, day before yesterday, and for 19 months the belligerent nations of Europe have been sacrificing their citizens in a fury of human passion that is devouring the flower of every family in the warring countries. Hectatomb has followed hectatomb in this awful slaughter, until millions are numbered with the dead. This is the frightful situation of the belligerents, while we parley with them over the right of our citizens to travel for business or pleasure on their armed ships.

Under these conditions, do we not honor ourselves in the face of the world by placing some restraint on our passion for both business and pleasure? While millions die in awful war, we should at least warn our people from traveling on ships that are armed for either offensive or defensive war pending the war.

Let this Congress go on record to-day as issuing a solemn warning to the citizens of this country of the great danger they are in when they take passage on an armed belligerent ship. They owe this precaution to themselves, their families, and to their country. [Applause.]

Mr. POU. Mr. Speaker, I yield eight minutes to the gentleman from Mississippi [Mr. HARRISON]. [Applause.]

Mr. HARRISON. Mr. Speaker, this is not a partisan question. It should not be made a partisan question. We should not meet it simply as members of the Democratic Party or as members of the Republican Party or of the Socialist Party, but we should look at the question from the standpoint of "America first." [Applause.] The issue is clear-cut and well defined although there are gentlemen here who have tried to confuse the issue and muddle the situation. Sirs, by your votes to-day on the rule for the previous question, or on the motion to table the resolution which will follow the adoption of the rule, you will say whether you propose to further embarrass and hamstring the President in the exercise of his constitutional right to conduct the diplomatic negotiations of this country, to the delight of certain foreign governments and their sympathizers in this country, or whether you will rise above the littleness of narrow partisanship and beyond racial influences to the heights of true patriotism and the satisfaction and pride of every red-blooded American. [Applause.] You can not confound the issue in this instance. You may offer your arguments as excuses for voting against the previous question on the rule, or the rule, but you know if the rule to-day is defeated the desire of the President to obtain a vote on the motion to table the McLemore resolution can not be granted, and when you do that, you, sirs, delight and send joy to the hearts of people in certain foreign capitals but you stab your own President in the back. [Applause.]

The President has come to us with a simple and just request. He has said that because of the uprising in this House last week the impression has gone to foreign countries that this House is for the McLemore resolution by a vote of about 3 to 1, and that because of those impressions he is being handicapped and embarrassed in his handling of the diplomatic affairs of this Government, and he requests us, as Americans, to remove those impressions by voting to table the McLemore resolution. Are you going to deny that simple request? Are you going to offer arguments, which are but excuses, over technicalities? He says that he will be satisfied with a vote on the motion to table the McLemore resolution. If that is what he asks for, why parley over details? The question involved here is bigger than that suggested by the gentleman from Kansas [Mr. CAMPBELL]—the warning of our citizens against traveling on armed merchant vessels. It is a question that vitally affects the future policy of this Nation. It is one that not only neutrals of to-day are interested in, but which affects posterity. Let me present it to you as concisely as possible in the few minutes I have allotted to me. Here is Germany, one of the belligerents, contending for certain privileges contrary to international law, namely, to expand for emergency military purposes her submarine warfare. I care not whether these contentions are reasonable or not; they are against international law, and it has been so held for 200 years, not only by the practices of nations but by the decisions of our own courts. To this contention England says no and protests against that military emergency upon the part of Germany. England at the same time, for military emergency purposes, is trying to extend a blockade affecting the trade and commerce of this country contrary to the rights of neutrals and international law. Their contention may appear reasonable, but Germany objects. They are both looking toward expanding the rights of belligerents and restricting the rights of neutrals.

If we concede the point to Germany in her contention, we must concede the point to England in her contention. The only difference is that England, by her violation of international law in carrying out her contention for a blockade, would destroy the property of our people, while Germany, through her contention for submarine warfare, would destroy the lives of American citizens. Sirs, the only safe course for us in this great crisis to pursue is to adhere, and adhere strictly, to the rights of neutrals guaranteed to them under international law. [Applause.] If we waver one way or the other, we are going to be placed constantly in "confusion worse confounded," that will bring about complications more delicate than yet have arisen so long as the war lasts. [Applause.] Sirs, international law now is the only pillar upon which we can securely lean, and when you allow

one column of that structure to be removed you impair the strength and safety of our foundation and destroy the security of our position. [Applause.] Throughout this international crisis it has been the compass by which we steered our course. Let it be the standard by which we will measure our actions through the troubled waters of the future. It is the only safe and correct policy for us to pursue. [Applause.] Ah, but it is said that this contention upon our part will bring us into war. It has been whispered and hinted that the President wants to get us into war. How ridiculous is that assertion. Wants war! That man, who has not only preached peace but who has practiced and maintained peace. [Applause.] Wants war!

If he had wanted war did not Mexico offer sufficient excuse? Mexico practically invited us to war. And many of you on that side of the aisle contended then for intervention in Mexico. You criticized his course, but you could not drive him to war. No; he kept his head, patiently and calmly endured criticism, and remained imperturbed and undeterred, and to-day we are at peace with Mexico. [Applause.] Wants war! Those of you who entertain such thoughts or fears need only recall the sinking of the *Lusitania*, when helpless women, little babes, and strong men went to their graves in a bottomless sea, and humanity stood aghast and shuddered at the horror of that catastrophe. You will remember how the press of the country demanded that something be done to avenge the lives of those Americans. He asked the people to be patient, and just as they had faith and confidence in him then they have it now. [Applause.] It was a godsend that Congress was not in session at that time, because there can be little doubt that the carelessness and recklessness of certain Members here would have provoked a far graver situation than the one that confronts us to-day. [Applause.] The President promised the American people then that he would uphold the honor of the country and preserve peace if possible. He did both, and the people stood by him and approved his course. And to-day the question is whether you will stand by the President or against him. [Loud applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CAMPBELL. Mr. Speaker, I yield seven minutes to the gentleman from Illinois [Mr. CHIPERFIELD].

Mr. CHIPERFIELD. Mr. Speaker and gentlemen of the House, for one I believe in responding fully and with entire frankness to the request of the President as to the attitude of Congress with reference to American citizens traveling upon armed belligerent merchantmen.

With Congress and it alone rests the power to declare war, and upon this diplomatic question submitted by the President to it it is well that we speak with great clearness.

In speaking one should lay aside all partisan, political, or personal feeling and view the situation with an eye single to the best interest of the country and with an honest purpose to best serve those whom he represents.

The true issues that are presented to the minds of the American people at this time, and particularly with reference to the discussion on this floor upon this resolution, are as follows:

First. May a merchantman of a belligerent nation arm purely for defense and be protected by international law from attack by war vessels of an enemy?

Second. If so, what is the status under international law of such vessel upon the seas?

Third. Shall American citizens be permitted, except at their own risk, to embark upon such armed belligerent merchantmen and travel within the zone of war?

Fourth. If injury comes to such citizen while so traveling upon such armed belligerent merchantmen, must it be regarded as a cause of war?

This discussion, Mr. Speaker, can only be fairly conducted while bearing in mind the tremendous consequences to the country if the last question shall be answered in the affirmative.

Within our borders are more than 100,000,000 souls who almost without exception pray to God for peace for their country—not peace at any price, but peace with honor.

The Nation is duly impressed with the horrors of the war being waged abroad, and is oppressed by the terrible gloom and sadness and despair which it causes and which hangs like a pall over the entire world.

Our people hear the cries of the fatherless and the widowed and see the tears and the bruises and the wounds of persons and nations that only the grave or the hands of time can efface.

We contemplate with sadness civilization and humanity lying prostrate and the hand on the dial of progress turned back to the days of savagery.

Religion, arts, industries, education, commerce, and the brotherhood of men are stricken down, until it all but seems that God has forgotten.

Blood and death and destruction and blasphemy and pillage and rapine and arson and murder, have taken the places of these helpful things of life.

The Man of Galilee is forgotten by those who wage war, and His doctrine of peace is scorned, and hatred is substituted for the benediction once given of "Peace on earth to men of good will."

It is these scenes that this Nation has in mind when it prays that no such carnage may desolate this land.

And the man who prays and who works and speaks for peace is neither craven nor poltroon, and many times evidences a courage much greater than would be required to face the cannon's mouth.

To-day I stand upon the floor of this House commissioned by 6,000,000 people of Illinois, and if the message which I deliver be not their thoughts, then I am ready to retire to private life bearing with me the conviction that I spoke my convictions.

I speak that the sons and the fathers and the husbands of those of my State shall not be needlessly exposed to the horrors and to the destruction of war.

The people of Illinois are not intoxicated with the profits that arise from placing in the hands of the battling forces—or at least one side—the fiendish instruments of destruction.

They are not filled with hate against either or any of the contending nations.

They are not frenzied by fear of invasion of their State, but they sit calmly and impartially anxious only that right may prevail, justice may be done, that national honor may be preserved, and that with these safeguarded peace, like the benediction of God, may continue throughout the land.

This, then, is the situation that I have in mind and these are the people for whom I speak in the discussion of this question.

The people of Illinois are desirous of standing by the President, of supporting his hands, of giving him comfort and assistance, and preserving untarnished all the luster of our flag.

The President asks, in substance, that the right of American citizens to travel upon armed belligerent merchantmen within the zone of war may be declared and upheld by the Congress of the United States.

With this request will be inseparably coupled by the American people the question not only of the right but also the question of the expediency of this course of conduct.

Let us consider these issues. The first is:

May a merchantman of any belligerent nation arm purely for defense and be protected by international law from attack by war vessels of an enemy?

There can only be one answer to this question, it seems to me. Under the long-established rule of international law, and that is within certain limitations, that such right does exist.

The Government of the United States, on September 19, 1914, at the commencement of the war abroad, took its position with the plainest declaration possible. It then said:

A. A merchant vessel of belligerent nationality may carry an armament and ammunition for the sole purpose of defense without acquiring the character of a ship of war.

B. The presence of an armament and ammunition on board a merchant vessel creates a presumption that the armament is for offensive purposes, but the owners or agents may overcome this presumption by evidence showing that the vessel carries armament solely for defense.

C. Evidence necessary to establish the fact that the armament is solely for defense and will not be used offensively, whether the armament be mounted or stowed below, must be presented in each case independently at an official investigation. The result of the investigation must show conclusively that the armament is not intended for and will not be used in offensive operations.

Indications that the armament will not be used offensively are:

1. That the caliber of the guns carried does not exceed 6 inches.
2. That the guns and small arms carried are few in number.
3. That no guns are mounted on the forward part of the vessel.
4. That the quantity of ammunition is small.
5. That the vessel is manned by its usual crew and the officers are the same as those on board before war was declared.

(Same to the British, French, and Japanese ambassadors in Washington, and the Belgian minister.)

6. That the vessel intends to and actually does clear for a port lying in its usual trade route or a port indicating its purpose to continue in the same trade in which it was engaged before war was declared.
7. That the vessel takes on board fuel and supplies sufficient only to carry it to its port of destination or the same quantity substantially which it has been accustomed to take for a voyage before war was declared.
8. That the cargo of the vessel consists of articles of commerce unsuited for the use of a ship of war in operations against an enemy.
9. That the vessel carries passengers who are as a whole unfitted to enter the military or naval service of the belligerent whose flag the vessel flies, or any of its allies, and particularly if the passenger list includes women and children.
10. That the speed of the ship is slow.

D. Port authorities, on the arrival in a port of the United States of an armed vessel of belligerent nationality, claiming to be a merchant vessel, should immediately investigate and report to Washington on the foregoing indications as to the intended use of the armament, in order that it may be determined whether the evidence is sufficient to remove the presumption that the vessel is and should be treated as a ship of war. Clearance will not be granted until authorized from Washington, and the master will be so informed upon arrival.

E. The conversion of a merchant vessel into a ship of war is a question of fact which is to be established by direct or circumstantial evidence of intention to use the vessel as a ship of war.

DEPARTMENT OF STATE,
September 19, 1914.

The foregoing was certainly much modified, and an entirely different rule announced by the note of January 18, 1916, issued by the State Department, where it is stated:

It is a matter of the deepest interest to my Government to bring to an end, if possible, the dangers of life which attend the use of submarines as at present employed in destroying enemy commerce on the high seas, since on any merchant vessel of belligerent nationality there may be citizens of the United States who have taken passage or members of the crew in the exercise of their recognized rights as neutrals. I assume your Government is equally solicitous to protect their nationals from the exceptional hazards which are presented by their passage on merchant vessels through these portions of the high seas in which under-sea craft of the enemy are operating.

While I am fully alive to the appalling loss of life among noncombatants, regardless of age or sex, which has resulted from the present method of destroying merchant vessels without removing the persons on board to places of safety, and while I view that practice as contrary to those humane principles which should control belligerents in the conduct of their naval operations, I do not feel that a belligerent should be deprived of the proper use of submarines in the invasion of commerce, since those instruments of war have proved their effectiveness in this practical branch of warfare on the high seas.

In order to bring submarine warfare within the general rules of international law and the principles of humanity without destroying their efficiency in their destruction of commerce, I believe that a formula may be found which, though it may require slight modification of the precedent generally followed by nations prior to the employment of the submarine, will appeal to the sense of justice and fairness of all the belligerents in the present war.

Your Government will understand that in seeking the formula or rule of this nature I approach it of necessity from the point of view of a neutral, but I believe that it will be equally efficacious in preserving the lives of noncombatants on merchant vessels of belligerent nationalities.

My comments on this subject are predicated on the following propositions:

First. A noncombatant has a right to traverse the high seas in a merchant vessel entitled to fly a belligerent flag, to rely upon the observance of the rules of international law and principles of humanity; and if the vessel is approached by a naval vessel of another belligerent, the merchant vessel of enemy nationality should not be attacked without being ordered to stop.

Second. An enemy merchant vessel when ordered to do so by a belligerent submarine should immediately stop.

Third. Such vessel should not be attacked after being ordered to stop unless it attempts to flee or to resist. In case it ceases to flee or resist, the attack should be discontinued.

Fourth. In the event that it is impossible to place a prize crew on board of an enemy merchant vessel or to convoy it into port, the vessel may be sunk, provided the crew and passengers have been removed to a place of safety.

In complying with the foregoing principles, which in my opinion embody the principal rule, the strict observance of which will insure the life of a noncombatant on a merchant vessel which is intercepted by a submarine, I am not unmindful of the obstacles which would be met by undersea craft as commerce destroyers.

Prior to the year 1915 belligerent operations against enemy commerce on the high seas had been conducted with cruisers carrying heavy armaments. In these conditions international law appeared to permit a merchant vessel to carry armament for defensive purposes without lessening its character as a private merchant vessel. This right seems to have been predicated on the superior defensive strength of ships of war and the limitation of armament to have been dependent on the fact that it could not be used effectively in offensive against enemy naval vessels, while it could defend the merchantmen against the generally inferior armament of piratical ships and privateers.

The use of the submarine, however, has changed these relations. Comparison of the defensive strength of a cruiser and a submarine shows that the latter, relying for protection on its power to submerge, is almost defenseless in point of construction. Even a merchant ship carrying a small-caliber gun would be able to use it effectively for offense against the submarine.

Moreover, pirates and sea rovers have been swept from the main trade channels of the sea and privateering has been abolished. Consequently the placing of guns on merchantmen at the present date of submarine warfare can be explained only on the ground of a purpose to render merchantmen superior in force to submarines and to prevent warning and visit and search by them. Any armament, therefore, on a merchant vessel would seem to have the character of an offensive armament.

If a submarine is required to stop and search a merchant vessel on the high seas, and in case it is found that she is of an enemy character and that conditions necessitate her destruction and the removal to a place of safety of persons on board, it would not seem just nor reasonable that the submarine should be compelled, while complying with these requirements, to expose itself to almost certain destruction by the guns on board the merchant vessel.

It would therefore appear to be a reasonable and reciprocally just arrangement if it could be agreed by the opposing belligerents that submarines should be caused to adhere strictly to the rules of international law in the matter of stopping and searching merchant vessels, determining their belligerent nationality, and removing the crews and passengers to places of safety before sinking the vessels as prizes of war, and that merchant vessels of belligerent nationality should be prohibited from carrying any armament whatsoever.

In proposing this formula as a basis of conditional declarations by the belligerent Government, I do so in the full conviction that each Government will consider primarily the humane purposes of saving the lives of innocent people rather than the insistence upon doubtful legal rights which may be denied on account of new conditions.

I would be pleased to be informed whether your Government would be willing to make such a declaration, conditioned upon their enemies making a similar declaration.

I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent Government, and is seriously considering instructing its officials accordingly.

Independently of the note last referred to the reason for the existence of the rule that belligerent merchantmen may arm for defense has almost disappeared.

In the days of predatory and unlawful attacks by pirates and other illy disposed persons on land and sea need existed for such armament.

Upon the entire globe, until the commencement of the struggle across the sea, the situation could only with much difficulty be found where need for defensive arms was required, and certainly at no place contiguous to the theater of war.

I am willing to concede the right of such merchantmen to arm defensively, but call attention to the condition that had made such armament superfluous, as it existed prior to the commencement of hostilities abroad.

This changed condition has now made a great change in the reason of the rule governing the arming of merchantmen, and has also made the actions of such armed belligerent merchantmen subject to much closer scrutiny.

The pirate on the sea and the plunderers on the shore are rarely found to-day, except in the lurid literature that is based more on imagination than on fact.

Prior to the commencement of this war the need for such armament had all but disappeared, and armament was as rare on a merchantman as was the need existent for its use.

Only with the commencement of the war abroad was the armament renewed on merchantmen and again adopted.

It is a maxim of universal application that "when the necessity for the law ceases the law no longer exists."

However, I think that the right of belligerent merchantmen to arm for defensive purposes is sustained by the greater might of reason and can be fairly said to exist.

However, there is much force in the position taken by the Chicago Tribune in its editorial of March 2, and I here quote the same:

The structure of the submarine is and at this stage of its development must be such that the first properly directed shot is virtually certain to be the last in that only one shot, even that of a 1-pounder, is fatal to the submarine.

Put in another form, the issue is whether a merchantman armed sufficiently to destroy a submarine with one shot is defensively or offensively armed.

Under a rule formulated before the creation of the submarine the presence of a relatively small gun is held consistent with the presumption of defensive armament.

That rule was founded on the facts. A small gun could not seriously injure a warship. It could not be made offensive at the will of the commander of the merchantman summoned to surrender.

The rule does not square with the facts of the submarine. The principle upon which the rule was founded does not apply to them. A 1-pounder can destroy a submarine. The presumption that such a gun will be used only in defense must rest entirely upon the will of the commander or his instructions.

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Furthermore, the presence of defensive armament on merchantmen was justified by the facts now nonexistent, namely, the practice of privateering and the existence of pirates. As pirates have disappeared from European waters and privateering is no longer permissible under the international law, no presumption of defense can attach to the presence of guns on merchantmen.

Enemy ships consist of only two kinds—combatant and noncombatant. If a ship is noncombatant, it will not be equipped to combat. If a ship is equipped sufficiently to destroy an enemy warship, as in the case of a merchantman mounting a 6-inch, 4-inch, or 1-pounder gun, such merchantmen having no use for such armament except against the enemy craft, it can not claim the character of an "unarmed" merchantman, but should be held, what in fact it is, a combat ship.

The object of any armament on a ship of the belligerents is one and one only—to use against enemy warships; to be explicit, the submarine. It is therefore an armed ship and the distinction as to the defensive and the offensive armament, founded on the practice of privateering and piracy and having no application to use against enemy warcraft, is not involved.

* * * * * * *

If American honor is involved in this controversy, it calls upon us to look the facts in the face; to apply to them principles, not a mere formula, and to adopt fearlessly the course which justice dictates.

If it is American sympathies or interests that are involved, let us not talk about honor and let us consider sensibly and candidly what those interests are.

While I am not quite able to agree that the right to arm does not belong to a merchantman, still I am impressed by the force of the editorial.

If this right exists only in a dubious manner, then it follows that the need certainly exists for the belligerent to conduct itself with the greater care to avoid the appearance and actions of a hostile vessel of war as against any craft, including an enemy submarine, for no rule of international law is better settled than that an armed merchantman can under no circumstances make an attack on a vessel without losing the protection accorded it and its peaceable capacity by the law of nations.

A word will answer the second query.

2. What is the status under the law of nations of such vessel upon the sea?

(a) It may defend itself against any attack not made by a vessel of war by any evil-disposed force either on land or sea.

(b) A submarine, legally commissioned by an enemy nation, is a vessel of war as much as a dreadnaught, a battleship, or a cruiser, and a belligerent armed merchantman can under no circumstances attack it without forfeiting the protection given armed merchantmen by the law of nations.

(c) Such armed belligerent merchantmen must not have excessive armament, munitions, or crew when its voyage or ports of departure and arrival are considered.

(d) It must submit to search by vessel of war of any enemy.

(e) It must halt upon request or command from an enemy vessel of war.

(f) It must not attempt to escape.

(g) Any attempt to escape or to make an attack upon any other vessel, except in defense from predatory attack, exposes it to attack by an enemy vessel of war without warning.

Thus it will be seen that an armed merchantman of a belligerent nation must act under the rules of international law with the greatest circumspection and caution.

It will also be seen that the justification for an attack by a war vessel upon an armed belligerent merchantman will always be a question of fact based upon the armament, crew, munitions of war, and the conduct of such merchant vessel.

In making answer to the two questions just presented there is not much difficulty, for the rules involved and which have been applied date back several hundred years—and much longer if modern instruments of war are not considered.

Since the use of gunpowder and large guns, the rules, as before announced, have been generally understood, commonly accepted, and usually followed.

It is the third question that causes the perplexity of the situation and which prompts the President's request.

3. Shall American citizens be permitted, except at their own risk, to embark upon armed belligerent merchantmen and travel within the zone of war?

If considered from the standpoint of expediency, there can only be one answer, and that answer must be in the negative.

To so journey exposes the traveler by either the attack of a hostile vessel, or by the accident of a mine, to possible destruction.

For the purpose of the argument and only for such purpose it may be admitted that it would be the technical legal right of an American citizen to so travel on such armed vessel in the zone of war.

There is no more dangerous man or one more detestable than the man who at all times, at all hazards, under all circumstances, insists upon the full technical measure of his rights without regard to the disastrous effects that it may have upon others.

Such a man is either a fool or a knave, and usually both.

He is not desirable as either an individual or a citizen.

If the American people are to go to war, it must be because of some impending danger that threatens the life or the welfare of the Nation, or to redress some grave injury to its national honor, or to draw the sword in behalf of suffering humanity.

While the cry of the alarmist or the jingoist is abroad in the land public clamor is easily aroused and the public mind easily inflamed, but never will the American people in their calmer moments consent to an effusion of blood, except for the gravest cause, and in defense of the highest and most sacred rights and principles.

In the hour of excitement when the passions are aroused, when the blood is hot, a slight cause may be magnified, but when the heat of the moment is past and the blood of our citizens is flowing upon fields of battle, and lives are going out, and the wail of the mother, the sob of the wife, and the cries of the children are heard throughout the land, and the burden of carnage falls heavily upon us all, then those who hasten this country into war by reckless action will be branded by the American people with the deep and lasting brand of Cain, and they will be scourged by the scorpions of public opinion as the faithless trustees of the peace and the safety of the Nation.

Upon an old cannon captured by our soldiers I saw an inscription that should be instructive at this hour as we contemplate this question.

The cannon bore upon its breech this phrase: "Ultimo ratio regnum," or, translated, "The last argument of kings"; and so it must be with us, that war is only possible when sacred rights have been wounded and all other measures have failed.

What can be said of the man so unpatriotic who would want to plunge this Nation into war by taking passage upon an armed merchantman of a belligerent country and traveling into the zone of war?

Shall one man, reckless and indifferent, plunge this country into carnage?

It may be said that our port officers give clearance to such vessels as being armed only for defense purposes and not being of a hostile or warlike character, but all that can be changed in the twinkling of an eye when at sea by the action of the master or captain of such ship.

The peaceful vessel can become actively hostile, and the passengers, who may have embarked with the utmost of good faith, may be put at the mercy of an intemperate and injudicious captain.

It is too dangerous a policy to be lightly undertaken, and certainly too dangerous to meet with the unqualified approval of the Congress of the United States.

It may be urged that such course is within the technical right of the citizen.

If it be so urged, I am not inclined to deny it, but we have in the past few months failed to assert many technical and a number of very substantial rights.

If there is any act of President Wilson's that is more applauded than any other, it is his claim, and the claim of his adherents, that he has kept this country at peace.

My own judgment is that no country on the face of the earth has up to this time sought any conflict with this Nation; but, notwithstanding such fact, the claim that President Wilson has saved us from war is applauded by the American people.

From Mexico we have as a Nation advised our people to withdraw, and Congress has appropriated money for the purpose of assisting them to do so.

Our citizens have been tortured, murdered, robbed, and assaulted by its citizens and soldiers, and every grievance that can be imagined has been inflicted upon them.

Our women have been raped and subjected to the vilest treatment.

Property of our citizens has been destroyed and appropriated, and our flag has been trailed in the dust and insulted, and we have borne it all, because, forsooth, we are "too proud to fight," as was proclaimed by our President.

In the strength of an appeal for protection there is no comparison between the wounded cries of outraged virtue and the noisy vociferation of the reckless adventurer in the search of "thrills" in the theater of war, or of the man mad with lust of gain who would travel there at the risk of thrusting war upon his country.

In a time like this such men place themselves beyond the proper protection of the law, and do not, if injury comes, arouse the resentment of the Nation to the extent that thousands of our sons should be offered up on the altar of their adventure.

In the war abroad we have heretofore failed, times without number, to assert our full measure of rights, and to-day our commerce upon the seas is hampered and prevented and hindered and we remain passive, so far as any hostile action is concerned.

We have not tarnished our honor by being slow to anger, or will we do so by denying to our citizens the right to place themselves in positions of danger with the approval of the Government, when as the result of such action upon their part, the country may be hastened into war, by this Nation seeking to punish those who cause such injury.

The nations engaged in this struggle have lost all sense of proportion, and reason has fled.

We will ever stand upon, and demand for the Nation, every right that is needful for a full national existence, but in the name of humanity let us not seek to create a situation which will bring war as its resultant consequence.

It is said that in the Russo-Japanese War the British Government warned its subjects not to embark upon belligerent armed merchantmen.

This statement is denied by the British Government.

I do not know if it be true.

The Swedish Government of late has taken the same course. In so doing it has not sacrificed national honor, nor will we.

The people of this land will rise as one man to punish the nation, no matter what its name may be, that inflicts any injury upon us in any vital function, and all resources and all names will be placed at the need of that hour.

But for a technical right of a citizen to invade the theater of war upon an armed merchantman demanding protection against injury while doing so, hunting a chance for trouble, seeking to precipiate a land into a deluge of blood and suffering and the horrors of war, there will be neither toleration nor patience upon the part of our Nation.

Here civilization abides to-day, here reposes that balm that must heal the wounds of the earth, when reason has asserted itself with the contending forces.

Should we enter the maelstrom of hate, of bloodshed, of savagery, or of despair in a quixotic effort to protect a reckless traveler who thrusts himself within the reach of the maddened contenders?

And this brings us to the last question, even the consideration of which must make the pulses slow as the consequence of an affirmative answer are noted.

4. If injury comes to such citizens while so traveling upon armed belligerent merchantmen, should it be regarded as a cause of war.

Only one answer is possible, and that is that it would necessarily be a cause of war.

If the Congress of the United States to-day says to the citizen that he may safely travel upon such armed ships, and he accepts the right which we so tender him, and is destroyed, can we imagine that we are poltroons enough to say that our declaration of policy was only a sounding brass and a tinkling cymbal and that action was not intended?

Could we thus stultify ourselves? Could our President with honor do otherwise than diplomatically go to the verge of war?

Could Congress then refuse to act?

For one I am too good a friend of the Chief Executive of this Nation to commit him to such a course in advance of the condition arising that calls for such drastic action.

For one I do not propose in advance to deliver him into the hands of his enemies when the facts that are said to constitute the danger are wholly unknown to this Congress.

For one I do not propose to commit myself to the proposition that this Nation shall enter this war except to redress a substantial injury to the vital rights of the Nation or a distinct affront to its honor.

For one I do not propose to advise action that may possess the greatest consequences without having the facts made plain why such action is necessary or should be taken. [Loud applause.]

Mr. POU. Mr. Speaker, I yield four minutes to the gentleman from Massachusetts [Mr. GARDNER]. [Applause.]

Mr. GARDNER. Mr. Speaker, this whole fight is coming on the vote on the previous question on the adoption of the rule. That is where the fight is coming. The McLemore resolution is as dead as a door nail, if we can get it to a vote. But it is on the previous question that we must win our battle.

I went to two members of the Committee on Rules who want to beat the previous question, and I said, "Gentlemen, what will you do if you beat the previous question on the rule?" That rule proposed is absolutely fair; absolutely. There is not a gag in the whole thing. Those members told me that what they want to do is to alter the rule so as to consider this McLemore resolution in Committee of the Whole House on the state of the Union. Now, what does that mean? In the Committee of the Whole there is no yea-and-nay vote in order. In the Committee of the Whole there is no "previous question" in order. In the Committee of the Whole there is no motion to lay on the table in order. No wonder they want to get the resolution into the Committee of the Whole House. If you mean to stand with the President of the United States and with two ex-Presidents of the United States, and if you want to go clearly on record so that nobody can question where you stand, you will vote for the previous question on the rule. Then you will vote for the rule itself, and then you will vote to table the McLemore resolution. Yesterday the Speaker of this House decided that tabling a resolution constitutes adverse action on that resolution, so there can be no doubt whatsoever of the meaning of our action if we vote to table the McLemore resolution.

I yield back the balance of my time.

Mr. POU. Mr. Speaker, I reserve the balance of my time.

Mr. CAMPBELL. Mr. Speaker, I yield seven minutes to the gentleman from New York [Mr. BENNET].

The SPEAKER. The gentleman from New York [Mr. BENNET] is recognized for seven minutes.

Mr. BENNET. Mr. Speaker, on yesterday the President of the United States did the gentleman from Wisconsin [Mr. LENROOT] and myself the honor—and I esteem it an honor—to confer with us at length in relation to the existing situation. Since the foundation of the Government it can be said, to the honor of this House and our predecessors, that no man similarly honored has broken the confidence of the President of the United States, and no man in this House will break it. But I beg to assure my colleagues and the country, in justice to the President of the United States, in relation to two matters, and I shall do so without violating in any way any confidence.

There have been assertions that the President's attitude and his letter to Mr. POU were dictated by desires connected with party divisions in his own party. It gives me grateful pleasure to be able to assure the House that that accusation is unfounded. [Applause.]

It has been said in some quarters that the letter to Mr. POU was dictated by a desire on the part of the President of the United States for war. Mr. Speaker, with all the solemnity that ought to rest upon all of us on this day and in this place, I declare that the furthest thought away from the mind of the President of the United States is a thought or a desire for war. [Applause.]

But because I know that the President meant every word in the letter to the gentleman from North Carolina, I desire to call the attention of the House to the purpose to be subserved by this rule. I am not surprised that no Member upon the majority side who thus far has spoken has said what the President wants. The President said in his letter to Mr. POU:

> I therefore feel justified in asking that your committee will permit me to urge an early vote upon the resolutions with regard to travel on armed merchantmen, which have recently been so much talked about, in order that there may be afforded an immediate full public discussion and action upon them and that all doubts and conjectures may be swept away and our foreign relations once more cleared of damaging misunderstandings.

In relation to that request of the President of the United States, which we ought to respect, this rule is cowardly, evasive, and treacherous. [Applause.]

The gentleman from Massachusetts [Mr. GARDNER] yesterday said:

> If I came from a district where the sentiment was half pro-German and half proally, I have not much doubt that I should follow suit and execute every kind of a skirt dance rather than let the pestiferous question come to a vote. Fortunately for me, there are very few, if any, Germans in my district; so it is not difficult for me to support the President.

[Laughter.]

Oh, Mr. Speaker, in that speech the gentleman from Massachusetts did himself an injustice, and I hasten to say so to the country. The gentleman from Massachusetts is always fearless, frequently wrong, and never cowardly. [Applause.] If every man in his district believed opposite from him, he would nevertheless, on a question like this, vote in accordance with the dictates of his conscience; and he did himself an injustice when he uttered the words I have quoted and imputed an injustice to the House.

Now, what does this rule do? Why, at the expiration of four hours some Member on that side will rise and move to lay on the table a resolution which, unamended, would not receive four votes in this House. Only four hours is given for public discussion. We gave 18 hours of discussion to the Post Office appropriation bill, while we give only 4 hours to a question of peace and war. We gave 7 hours to the question of immigration, that has been discussed in this House for 40 years, and we give only 4 hours to a request of the President of the United States.

Mr. Speaker, if I get the opportunity—if this House will vote down the previous question and allow us to amend this rule—I will offer a rule which would give us two things; and the gentleman from Massachusetts [Mr. GARDNER] knows it, because he is a good parliamentarian. It gives a vote when you come out of the Committee of the Whole House on the resolution and a vote on the motion to recommit. That is two votes—one one way and one the other.

The gentleman from Massachusetts knows that under this rule there is no such vote practicable in all probability as that on the motion to recommit. This rule cuts off a right that was given to us in the Sixty-first Congress to vote on a motion to recommit, because it says:

> The said resolution shall be considered under the general rules of the House.

Oh, if we wanted a fair vote——

Mr. CRISP. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Georgia?

Mr. BENNET. How much time have I, Mr. Speaker?

The SPEAKER. A minute and a half.

Mr. BENNET. I regret I can not yield. If the gentlemen wanted a fair vote, why did they not put in there the right to recommit? Why did they not give us the right to vote directly?

Mr. GARDNER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. BENNET. I can not yield on account of lack of time.

The SPEAKER. The gentleman declines to yield.

Mr. BENNET. What do we do here? If you adopt this rule, it is to deny the President of the United States; but it is to give every man in this House the right to square himself with his constituents by simply getting up two sets of letters—one to be sent to those who want Americans warned off ships, and the other to those who say we ought to stick by the President, right or wrong. We are voting to ourselves, not to the President. The President asked for full public discussion and a vote on the merits. We do what was done in another body if we adopt this rule. Instead of giving that full public vote and, upon our oath and conscience, our advice to the President, we give ourselves an opportunity to square ourselves with our constituents on the situation.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. POU. Mr. Speaker, I yield six minutes to the gentleman from Kentucky [Mr. CANTRILL].

The SPEAKER. The gentleman from Kentucky [Mr. CANTRILL] is recognized for six minutes.

Mr. CANTRILL. Mr. Speaker, as a member of the Rules Committee, I voted in committee for this rule, and of course I will vote for its adoption by the House. I will vote for the rule and earnestly hope that it will be adopted, because this is the only way in which this House can take a positive stand before the world on the McLemore resolution. In stating my own position in emphatic language, I do not in any way question the patriotism of those who vote differently from me. I concede to them the same love of country and devotion to American principles that I claim for myself. I feel deeply and strongly on this matter, because I believe that the honor and safety and rights of my country are now in the balance. The President of the United States has asked Congress to discuss fully in public the question at issue and then act upon it. This rule provides a full and open discussion and provides the only way possible for action by this House on a question which is to-day the one great question in every capitol of the world. It is known that the defeat of the McLemore resolution is the specific thing that the President asks for in order that he might proceed unhampered in his negotiations with foreign countries in maintaining American rights and international law. The President is the spokesman of the American people in dealing with foreign nations, and in the great crisis which now confronts this Nation I would feel myself untrue to my country and to my flag if I did not comply with his request. This is not the time for divided counsel. It is not fair to this Government that foreign nations should longer be confused as to the position of the Congress of the United States, and I intend by my vote to help wipe out all doubt on the issue. This can be effectively and permanently done by the defeat of House resolution 147, known as the McLemore resolution. I ask for the adoption of the rule and the defeat of the McLemore resolution, because such action, in my opinion, means a lasting peace for this Nation. President Wilson has kept this Nation at peace while all of the other great nations of the world are mad with war. Every true American citizen should thank God that Woodrow Wilson is our President in this great crisis. [Applause on the Democratic side.] There are those among us who say that the action which we wish to take to-day means war.

In my humble opinion it is the only sure way to guarantee peace, and an honorable peace is what we all devoutly pray for. From the day the President went into the White House until this very hour his ears have been filled with the din and horrors of war, and yet through it all he has guided the destiny of this Nation in peace into the greatest prosperity in its existence. The President has proven his worth and his great desire for peace, and therefore I propose to follow him in the course he has mapped out. There can be but one leader in a great crisis such as now confronts the American people, and President Wilson has proven his ability to lead and has demonstrated safety in counsel for the maintenance of peace and the rights of his people. [Applause.] As the spokesman of our people he has taken his stand before all of the nations of the earth, and the question which each Member of this House must decide to-day is whether or not the House of Representatives will support him or desert him in the hour of need of the Republic. As for myself, acting as I believe my people would have me do, I propose to stand by him until the end and render him every aid within my power, because I believe in serving him I am serving the best interests of my country.

Under the leadership of President Wilson this Government has been truly neutral in the great conflict waging across the sea. The defeat of the McLemore resolution at this particular time is the only way this strict neutrality can be continued. In my opinion if there is one question before the American people on which there is absolute unity it is that the United States should remain neutral. This rule provides the only way in which this House can register its will in proving the neutrality of the American Republic.

The American people do not desire peace with dishonor. The rights we enjoy as a free people have been purchased with the precious blood of American soldiers in four great wars. Shall we of this Congress cowardly surrender those rights and force the American people to bow their heads in shame, or shall we rally to the support of our President in his stand for American rights and American freedom?

This is the question we must decide this very day, and I would feel recreant to my oath of office and to my duty to my country if I failed to cast my vote for this rule, and after the adoption of the rule, if I failed to record my vote for the defeat of the McLemore resolution.

Other people have talked peace, but Woodrow Wilson has made peace. The people are behind him because he is a man of action and not of empty promises. What could be asked of him that he has not already done to preserve the peace and happiness and prosperity of the Nation? I will register my vote in his support as he asks, because his work in the past shows his ability to direct safely the destiny of the Nation in the future. I believe his leadership means peace in the future, but if it means war, then all the stronger the reason he should have behind him a united Congress and a solidly united people. God pity this country when its love for ease and gold becomes so intense as to force us to surrender our rights and liberties purchased by the blood of our fathers. To-day you must choose between the request of your President and the desire of foreign emperors and kings. Let us by our vote send the message ringing around the world that the American Congress knows but one flag and but one country, and that flag shall forever be the Stars and Stripes and that country shall forever be the blessed and free United States. [Applause.]

Mr. CAMPBELL. Mr. Speaker, I yield seven minutes to the gentleman from Wisconsin [Mr. LENROOT]. [Applause on the Republican side.]

The SPEAKER. The gentleman from Wisconsin is recognized for seven minutes.

Mr. LENROOT. Mr. Speaker, yesterday in debate I gave my reasons for opposing the adoption of the rule that is now pending before the House. I shall not repeat those reasons to-day, for within the short time allotted to me I wish to discuss another question.

Mr. Speaker, this House should either defeat this rule, leaving the matter where it now is, in the hands of the President, or else it should defeat the previous question and permit an amendment to the rule to be offered that will give this House the opportunity to express its real convictions upon the question before it, if it is to be voted upon at all. [Applause on the Republican side.]

Mr. CRISP. Mr. Speaker, will the gentleman yield for a question?

Mr. LENROOT. I can not, for I have not the time. If I have time later on, I will. Mr. Speaker, in the letter of the President of the United States to Mr. POU, acting chairman of the Rules Committee, he said—

> The report that there are divided counsels in Congress in regard to the foreign policy of the Government is being made industrious use of in foreign capitals. I believe that report to be false, but so long as it is anywhere credited it can not fail to do the greatest harm and expose the country to the most serious risks.

Mr. Speaker, if this House is to deal with this question at all through the adoption of a rule, the President is entitled to know whether or not there are divided counsels upon this question. That can not be determined by a tabling of the McLemore resolution. Vote down the previous question, and I assure you that instead of tabling the McLemore resolution you will have an opportunity to vote upon a resolution of simple warning to the American people, advising them to refrain from traveling upon armed ships of belligerent nationalities. [Applause on the Republican side.]

I want to emphasize this proposition, that any man who believes in that kind of a warning and who votes for the previous question is subject to the charge of being a coward. The gentleman from Massachusetts [Mr. GARDNER] talked yesterday about dodging. The gentleman from Massachusetts usually is one of the bravest and most courageous men in this House, but in the attitude that he takes to-day upon this resolution the gentleman subjects himself to the charge of cowardice. [Applause.] The gentleman said that if this be considered in Committee of the Whole there will be no opportunity for the House to go upon record upon the question. If the gentleman was not such a good parliamentarian I would not refer to this now, but he must have known when he made that statement that, even though this

matter should be considered in Committee of the Whole, the McLemore resolution would be pending. The Committee of the Whole may adopt any amendment that it chooses. It then comes back to the House, where there will be a record vote upon any amendment that the Committee of the Whole chooses to recommend. In addition there will be a motion to recommit, and if it is considered in Committee of the Whole there will be the fullest opportunity for the House to express its will upon this question. Let no man upon either the Democratic side or the Republican side of this House—because it is not a partisan question—feel after these votes are taken that if he votes for the previous question he will be able to say, "I was in favor of a resolution of warning, but I had no opportunity to vote for such a resolution as that."

If you vote against the previous question, and permit an amendment to the rule, I repeat again that you will have the opportunity of voting for just exactly that proposition as a substitute for the McLemore resolution; but if you vote for the previous question, and thereby cut off the opportunity of amending the resolution, if trouble comes in the future, which we all hope will not come, you will have no opportunity to say, "I would have liked to have voted to avoid this crisis if I had had an opportunity; I would have done so, but I was not afforded the opportunity." You can not say that. The responsibility is upon you. If you are not willing to commit yourselves to a declaration of war against Germany if it does not see fit to yield to the demands of the administration, the responsibility is upon you now to vote against the previous question, to permit an amendment to this rule, to permit the House to express its real convictions upon this question, so that the President of the United States may know upon what he can rely. [Applause on the Republican side.]

Mr. POU. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken or who may speak hereafter on the rule may have permission to extend their remarks in the RECORD.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that all gentlemen who have spoken or who may speak on this rule may have leave to extend their remarks in the RECORD. Is there objection?

Mr. HUDDLESTON. Reserving the right to object——

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. POU. I yield four minutes to the gentleman from New York [Mr. FITZGERALD].

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] is recognized for four minutes. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I favor the vigorous assertion and maintenance of every right of every American citizen, and I would go to any extent to express the confidence of this House in the President in his conduct of the present negotiations with other nations. I shall vote for the previous question and for the pending rule. I desire to vote for a resolution which expresses the sentiment of this House that Americans should refrain from traveling upon armed merchant ships of belligerents. It can be obtained as well by adopting this rule as by adopting what is proposed by the minority of the House. This rule is the fairest and most liberal one ever brought into the House to give the Members an apportunity to express their convictions. [Applause on the Democratic side.]

The minority propose to have the McLemore resolution considered in Committee of the Whole House on the state of the Union, where it does not belong under the rules of the House. Under the rules of the House it should be considered in the House itself. When the question comes to lay this resolution upon the table then will come the test of where Members stand, and I apprehend that gentlemen upon that side of the House who are loud in their professions of a desire to vote to warn Americans off armed merchant ships of belligerents are preparing, in anticipation of the adoption of the motion for the previous question, to cover up their retreat by voting to lay the McLemore resolution upon the table.

The President has made this request for a vote. I would not flout such a request at this time, and I shall vote to give the opportunity he requests. But when the opportunity comes I shall vote in accordance with my fixed convictions. I shall vote against laying the McLemore resolution upon the table [applause], because I know that under this rule if that motion fails full opportunity will be given to Members of this House to go upon record upon a simple and direct resolution to warn Americans against traveling upon armed merchant ships of belligerents. Such a resolution would not deny their rights, and it would not be an admission that our Government should not assert every right to the extreme limit. I agree with those gentlemen who have expressed the opinion that this country should not hazard the risk of war because of foolhardy, reckless, or mercenary Americans who persist in jeopardizing the welfare of our country by traveling on these armed ships. [Applause.] I wish to say to Members upon this side who may agree with me in my position that I believe the Committee on Rules have fully complied with the request of the President. They have brought here a rule which gives the fullest and fairest opportunity for Members to express their opinion. It provides for definite and final action. If this particular resolution be laid upon the table, there will be no opportunity during this session of Congress or during this Congress itself to revive the question, because under the precedents to lay this resolution upon the table is a final and complete disposition of the question and precludes further action by this House upon the question during the present Congress.

Mr. CAMPBELL. Mr. Speaker, may I ask the gentleman from North Carolina how many speeches he has remaining?

Mr. POU. There will be three more on this side.

Mr. CAMPBELL. I wish the gentleman would use two of them. I have only one more.

Mr. POU. Mr. Speaker, I yield four minutes to the gentleman from Pennsylvania [Mr. FARR].

Mr. FARR. Mr. Speaker, I shall vote to-day to table the McLemore resolution, because I want to vote in defense of that flag. [Applause.] Any other vote, no matter how conscientiously given under these circumstances when our national honor is imperiled, is to vote to put a yellow streak in it. [Applause.] History will so record it. We can not evade the real issue that confronts us to-day. I shall vote to table the McLemore resolution, which is a vote against it not only to strengthen the hands of the President in his conduct of foreign relations but for a vastly greater and more vital reason—to maintain our national honor and not to yield or abridge the rights of American citizens. [Applause.]

To do otherwise, in my judgment, would be to lower the American flag; to create chaos in international affairs, and result in untold complications, humiliation, and ultimate war.

I disagree with those of our friends to-day who say that the defeat of the McLemore resolution may bring on war with Germany. I contend that it will prevent war with Germany or any other nation or nations now at war, because we shall be living up to our obligations to maintain the freedom of the seas to neutral nations and their citizens, a right that has been recognized and upheld for 200 years. Not to do this would be to violate international law and our neutrality and create conditions that will be fraught with danger to our peace. This is a Nation of peace. No one wants war; and when Congress to-day tables the McLemore resolution, it gives notice to the world that we are standing for a righteous principle and our national rights. We shall then deserve and command respect. [Applause.]

Mr. Speaker, this is a crisis in our national history. Patriotism demands a united front. Let there be no doubt about our position. It must be clear, unmistakable, and positive. [Applause.]

Mr. POU. Mr. Speaker, how much time did the gentleman use?

The SPEAKER. The gentleman yields back one minute.

Mr. POU. I yield four minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, I rise to address the House on this subject most reluctantly. I do so only from a sense of duty. I would wish to have before I spoke upon the question, the real issue clearly outlined. We have had a great deal said about war coming if this resolution is adopted. We have had a great deal said about the merits, whether or not merchant ships belonging to belligerents should be armed. I want to say to you, my friends, that is aside from the issue that is presented to this House to-day. The simple question presented to us is whether or not we will attend to the business that belongs to us and allow the President to attend to his. [Applause.] Here is a negotiation progressing, a diplomatic negotiation, in regard to which there is nothing more delicate or difficult, and in the midst of it a resolution is thrust into this House, and one into the Senate, and in a measure the power of the President is hampered if not destroyed.

Mr. CALLAWAY. Will the gentleman yield?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Texas?

Mr. GRAHAM. No, sir. [Applause.] It gives rise to the opinion in the capitals of Europe that we are a divided House and that there is no unity of purpose or sentiment, and how is the President going to conduct successfully any negotiation? He has requested simply some expression of opinion by this House upon the question whether or not this House will

interfere with the progress of his diplomatic work. By the adoption of this rule, by the adoption of the previous question, by laying resolution No. 147 on the table, we simply say to the President while these negotiations are pending: "You have a free hand to go on and exercise your best judgment in discharging your constitutional duty." [Applause.]

Not for one moment are we advocating giving warning or refraining from giving warning. Many of the sentiments echoed here to-day find a response in my soul and the approval of my judgment. But I do not to-day want to be either pro-German, pro-Austrian, or pro-English, but only an American in favor of the American Nation standing up and facing the world upon its rights. [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. POU. I yield to the gentleman one minute more.

Mr. GRAHAM. Remember, my friends, there is no dispute about the right of an American to travel upon an armed merchant ship belonging to a belligerent. That is not in controversy. That being true, admitted by the central powers, what else could the President of the United States do but to assert the international law on the subject and say that we wish to have that observed? I am giving no bouquets to the President of the United States; I am standing here maintaining that this House shall not interfere with the discharge of his duties, but permit him to go on unhindered and unhampered by us. The time for serious action, such as a declaration of war, or any such like business, is for us to consider when it comes, and then we can act with full freedom, but there is no war between us and either of these countries imminent to-day. [Applause.]

Mr. POU. Mr. Speaker, there will be but one more speech on this side.

Mr. CAMPBELL. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the rule as reported to the House provides that, after four hours of discussion in general debate, the McLemore resolution shall be considered under the general rules of the House. If the rule be adopted in that form, a motion to lay the McLemore resolution on the table will be in order at the end of the discussion, and if the motion to lay the McLemore resolution upon the table shall prevail, all amendment or further consideration of the resolution will be shut off. It is true that the House might refuse to lay the resolution upon the table and might then amend it, but it is difficult, in the opinion of many members, for them then to vote against laying the resolution upon the table, because that appears to be a vote in favor of the resolution. Two gentlemen, the gentleman from Massachusetts [Mr. GARDNER] and the gentleman from New York [Mr. FITZGERALD], have stated what the minority of the Committee on Rules would propose if the previous question should be defeated. How they obtain the information I do not know, but I may say that they are not in this matter in the confidence of the minority of the Committee on Rules.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. MANN. I do not.

Mr. GARDNER. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. The statement was made to me——

Mr. MANN. I do not yield to either gentleman.

Mr. FITZGERALD. The gentleman ought not to make a misstatement in respect to my information.

Mr. MANN. I refuse to yield to either gentleman. If the previous question should be defeated, the gentleman from Kansas [Mr. CAMPBELL], who is entitled to recognition then, will offer to amend the rule, as follows:

Strike out all after the word "debate," where it last occurs, and insert the following:

"The resolution and preamble shall both be open to amendment with the following amendment considered as pending, to wit:

"'Strike out both the preamble and the resolution and insert in lieu thereof the following:

"'"*Resolved*, That in the opinion of the House of Representatives citizens of the United States, under existing conditions and irrespective of their legal rights, ought to refrain from taking passage on armed vessels of belligerent nations, except in case of imperative necessity," and the consideration of the resolution and amendments thereto shall proceed under the five-minute rule to a final vote on passage.'"

If we are correctly informed by gentlemen on the floor, not having been informed directly by the President, either in a message or in person here, as to what he desires, the President desires our opinion on the subject of American citizens traveling on armed vessels of belligerent nations. We do not express any opinion on that subject by laying the McLemore resolution on the table [applause], unless such action shall be construed as an invitation to American citizens to travel on these armed vessels. I am not willing to extend an invitation to American citizens to travel on armed vessels when to do so may bring us into serious complications, and I would not voluntarily offer to inject my own opinion upon this subject while the President is carrying on his negotiations; but when the President seeks to know what the American people may think on the subject as expressed by their Representatives, I think it is our duty, if we are to act at all, to meet the question fairly and squarely and express the opinion such as we have; and if we believe that American citizens, under at least ordinary circumstances, ought not to render this country liable to war, we ought to say so, and leave the President in his discretion and power to take care of the future. [Applause.] We have not sought to bother or annoy the President; we have not sought to interfere with the program of the President; but the President, it is said, asks our beliefs on the subject. Let us tell him frankly and fairly that we do not desire complications which will lead to war [applause]; and the only method by which we can now proceed under these circumstances, if we are willing to meet the question fairly, is to vote down, first, the previous question. I can not conceive how it will be considered that the President is informed through a parliamentary trick, such as is proposed by the Committee on Rules, to give the House no chance to vote on the real question at issue, but only to table a resolution which the House would not agree to under any circumstances. Let us be fair enough to the President, to ourselves, to the country, to meet the issue and express the opinion which we have, and thereby endeavor to prevent war, which we all hope will not come. [Applause.]

Mr. POU. Mr. Speaker, how much time have I remaining?

The SPEAKER. Nine minutes.

Mr. POU. Mr. Speaker, I yield the remainder of my time to the gentleman from Tennessee [Mr. GARRETT]. [Applause.]

Mr. GARRETT. Mr. Speaker, I do not rise to support this resolution because it is asked by Woodrow Wilson the man, great as is my admiration for the man. I do not rise to support it because it is asked by the titular leader of the political party to which I belong, anxious as I am for the continued success of that party. I rise, Mr. Speaker, to support this proposition because it is asked by the President of my country [applause], who, by virtue of that position, without reference to his distinguished personal attainments, is to-day the "foremost man of all the world," and who is carrying the most tremendous responsibilities that have ever rested upon any individual as the head of a neutral nation. It may be, sir, that if I were in a different situation, so far as party affiliation is concerned, the temptation might be strong and might appeal to me with more force than I can now appreciate to endeavor to embarrass the party in power by the humiliation of its leader; but I believe, Mr. Speaker, that even if the President were one of opposite political faith and I desired to embarrass and humiliate him, I should at least try to pick upon some matter that did not involve the honor of my country. [Applause.]

Sir, the President of the United States has communicated to us in an informal manner, it is true, but quite effectively, a situation that has brought gravest embarrassment to the diplomatic branch of the Government. This situation has arisen not because of any technical or official action of the House itself but by reason of the action of individual Members with which we are familiar. Communications have been sent to the responsible authorities of foreign Governments relative to these actions and the agitations resulting therefrom, and those authorities have been brought to believe that sentiment in this country is divided upon the question of whether it shall insist upon the observation of a plain, fixed principle of international law. The President has asked that the House give expression in order that he may be able to know how further to deal with those matters of diplomacy that were the subjects of negotiation at the time the diplomatic arm of this Government was paralyzed by these agitations. The rule upon which we shall shortly vote has been brought here to enable that expression to be given.

Mr. Speaker, I advert for a moment to the merits. When this House shall adjourn after this turbulent session, Members will go across the street to the House Office Building. Should it be communicated to one of us that some person will be lying in the shrubbery along the way with the intention of taking his life, it would be the part of discretion for the Member so warned to go through the subway; but he has the right under the law to travel the usual way, and I should like to know how long a government could exist which, through any of its official authorities that might directly or remotely have to do with the enforcement of the law, indicate even by a suggestion that he should not exercise that legal right, because, forsooth, he might be damaged.

The matter of individual discretion is one thing; the matter of legal right is another. [Applause.] What strength could a government have which, through any one of its official arms,

warned a citizen not to exercise a right which he has under the laws of nature and under the laws of government? We should soon have nothing but a government by mobs or by force. Suppose we admit that there is reasonableness from the standpoint of military necessity upon the side of a belligerent power proposing to engage in certain practices of submarine warfare with reference to merchant vessels armed for defensive purposes. Let us not forget that it is upon the ground of military necessity alone that that nation seeks to bottom its action. If we admit it in the case of one nation we must, of course, admit it in the case of another. If we acknowledge the right of one nation to violate those rights of neutrals that are fixed by the practices and precedents of international law, we must admit the right of any other nation to violate those principles if they choose to declare it a matter of military necessity for them so to do. If we yield to one nation in one instance, we must yield to another nation in another instance, and in the end the matter will resolve itself into a mere question of military expediency as interpreted by the different belligerent nations; and this Nation, the great neutral country of the earth, will be left helpless and hopeless in the effort to protect its citizens, either as to life or property, because we shall have gone away from the fixed, well-established, thoroughly grounded, well-understood, and agreed-upon principles of international law. [Applause.] We shall be at sea without compass or rudder. We will have no influence abroad. We will have no ground upon which to base demand or plea. We will be a hopeless derelict. Under such a condition war would be most probable—certainly more probable than it will be if we stand firmly by the fixed principles of law and say, as has been already said, "We can not accede to a suggestion simply because you believe it to be a matter of military necessity, but must stand by the practices and precedents that are fixed." [Applause.]

Returning to the rule: So far as it is concerned, it is plain and unequivocal in its terms. It gives the opportunity to do under the ordinary rules of the House that which we daily do with reference to all other propositions. It provides, plainly and simply, that we consider this proposition just as we consider all propositions of legislation in the House. Any criticism of the rule proposed is a captious criticism——

The SPEAKER. The time of the gentleman has expired.

Mr. GARRETT. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from Tennessee moves the previous question.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. CAMPBELL. Mr. Speaker, I ask for a division.

SEVERAL MEMBERS. Ask for the yeas and nays.

Mr. POU. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from North Carolina demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 256, nays 160, answered "present" 1, not voting 17, as follows:

YEAS—256.

Abercrombie	Cooper, W. Va.	Gard	Humphreys, Miss.
Adamson	Cox	Gardner	Husted
Aiken	Crago	Garner	Igoe
Alexander	Crisp	Garrett	Jacoway
Allen	Crosser	Gillett	James
Almon	Dale, Vt.	Glass	Jones
Ashbrook	Dallinger	Glynn	Kelley
Aswell	Davenport	Godwin, N. C.	Kennedy, R. I.
Ayres	Decker	Goodwin, Ark.	Kettner
Bacharach	Dempsey	Gordon	Key, Ohio
Barkley	Dent	Graham	Kiess, Pa.
Barnhart	Dewalt	Gray, Ala.	Kincheloe
Beakes	Dickinson	Gray, Ind.	Kitchin
Beales	Dill	Gray, N. J.	Kreider
Bell	Dixon	Greene, Mass.	Lafean
Blackmon	Doolittle	Greene, Vt.	Lazaro
Booher	Doremus	Griest	Lee
Borland	Doughton	Griffin	Lesher
Britt	Dunn	Guernsey	Lever
Brumbaugh	Dupré	Hamilton, N. Y.	Lieb
Burgess	Eagan	Hamlin	Liebel
Burnett	Eagle	Hardy	Linthicum
Byrnes, S. C.	Edwards	Harrison	Littlepage
Byrns, Tenn.	Emerson	Hart	Lloyd
Caldwell	Estopinal	Hastings	McAndrews
Candler, Miss.	Evans	Hay	McClintic
Cantrill	Fairchild	Hayden	McFadden
Caraway	Farley	Heflin	McGillicuddy
Carew	Farr	Helm	McKellar
Carlin	Ferris	Helvering	McLaughlin
Carter, Mass.	Fields	Hensley	Magee
Carter, Okla.	Finley	Hinds	Maher
Casey	Fitzgerald	Holland	Mapes
Church	Flood	Hood	Martin
Cline	Foss	Houston	Mays
Coady	Foster	Howard	Miller, Del.
Collier	Freeman	Huddleston	Montague
Connelly	Gallagher	Hughes	Moon
Conry	Gallivan	Hulbert	Morgan, La.
Cooper, Ohio	Gandy	Hull, Tenn.	Morin
Morrison	Pou	Shallenberger	Thomas
Moss, Ind.	Price	Sherley	Thompson
Mott	Quin	Sherwood	Tillman
Murray	Ragsdale	Sims	Tinkham
Neely	Rainey	Sisson	Treadway
Nicholls, S. C.	Raker	Small	Tribble
Nichols, Mich.	Randall	Smith, Tex.	Vare
Oglesby	Rauch	Snyder	Venable
Oldfield	Rayburn	Sparkman	Vinson
Oliver	Reilly	Steagall	Walker
Olney	Riordan	Stedman	Walsh
O'Shaunessy	Rogers	Steele, Iowa	Ward
Overmyer	Rouse	Steele, Pa.	Wason
Padgett	Rubey	Stephens, Miss.	Watkins
Page, N. C.	Rucker	Stephens, Tex.	Watson, Va.
Paige, Mass.	Russell, Mo.	Stiness	Webb
Park	Sanford	Stone	Whaley
Parker, N. J.	Saunders	Stout	Williams, W. E.
Parker, N. Y.	Scott, Mich.	Sumners	Wilson, Fla.
Patten	Scott, Pa.	Taggart	Wilson, La.
Peters	Scully	Tague	Wingo
Phelan	Sears	Talbott	Winslow
Platt	Sells	Taylor, Ark.	Wise
Porter	Shackleford	Temple	Young, Tex.

NAYS—160.

Anderson	Elston	Konop	Roberts, Nev.
Anthony	Esch	La Follette	Rodenberg
Austin	Fess	Langley	Rowe
Bailey	Flynn	Lehlbach	Rowland
Barchfeld	Focht	Lenroot	Russell, Ohio
Bennet	Fordney	Lindbergh	Schall
Black	Frear	Lobeck	Shouse
Britten	Fuller	London	Siegel
Browne, Wis.	Garland	Longworth	Sinnott
Browning	Good	Loud	Slayden
Bruckner	Gould	McArthur	Slemp
Buchanan, Ill.	Green, Iowa	McCracken	Sloan
Buchanan, Tex.	Hadley	McCulloch	Smith, Idaho
Burke	Hamill	McKenzie	Smith, Mich.
Butler	Haskell	McKinley	Smith, Minn.
Callaway	Haugen	McLemore	Snell
Campbell	Hawley	Madden	Stafford
Cannon	Hayes	Mann	Steenerson
Capstick	Heaton	Matthews	Stephens, Cal.
Cary	Helgesen	Meeker	Stephens, Nebr.
Chandler, N. Y.	Hernandez	Miller, Minn.	Sterling
Charles	Hicks	Miller, Pa.	Sulloway
Chiperfield	Hill	Mondell	Sutherland
Coleman	Hollingsworth	Mooney	Sweet
Cooper, Wis.	Hopwood	Moore, Pa.	Swift
Copley	Howell	Moores, Ind.	Switzer
Costello	Hull, Iowa	Morgan, Okla.	Tavenner
Cramton	Humphrey, Wash.	Moss, W. Va.	Tilson
Curry	Hutchinson	Mudd	Timberlake
Dale, N. Y.	Johnson, Ky.	Nelson	Towner
Danforth	Johnson, S. Dak.	Nolan	Van Dyke
Darrow	Johnson, Wash.	North	Volstead
Davis, Minn.	Kahn	Norton	Watson, Pa.
Davis, Tex.	Kearns	Oakey	Wheeler
Denison	Keating	Powers	Williams, T. S.
Dillon	Keister	Pratt	Williams, Ohio
Dowell	Kennedy, Iowa	Ramseyer	Wilson, Ill.
Drukker	Kent	Reavis	Wood, Ind.
Dyer	King	Ricketts	Woods, Iowa
Ellsworth	Kinkaid	Roberts, Mass.	Young, N. Dak.

ANSWERED "PRESENT"—1.

Taylor, Colo.

NOT VOTING—17.

Adair	Dooling	Henry	Sabath
Brown, W. Va.	Driscoll	Hilliard	Smith, N. Y.
Clark, Fla.	Edmonds	Lewis	
Cullop	Gregg	Loft	
Dies	Hamilton, Mich.	McDermott	

So the previous question was ordered.

The Clerk announced the following pairs:

On the vote:

Mr. TAYLOR of Colorado (for) with Mr. HILLIARD (against).

Until further notice:

Mr. BROWN of West Virginia with Mr. EDMONDS.

Mr. ADAIR with Mr. HAMILTON of Michigan.

Mr. TAYLOR of Colorado. Mr. Speaker, I wish to withdraw my vote of "yea" and vote "present." If my colleague was here, he would vote "nay."

The result of the vote was announced as above ordered.

The SPEAKER. The question is on adopting the rule reported by the Committee on Rules.

Mr. CAMPBELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 271, nays 137, answered "present" 1, not voting 25, as follows:

YEAS—271.

Abercrombie	Beakes	Byrns, Tenn.	Collier
Adamson	Beales	Caldwell	Connelly
Aiken	Bell	Candler, Miss.	Conry
Alexander	Blackmon	Cantrill	Cooper, Ohio
Allen	Booher	Carew	Cooper, W. Va.
Almon	Borland	Carlin	Cox
Anderson	Britt	Carter, Mass.	Crago
Ashbrook	Brumbaugh	Carter, Okla.	Crisp
Aswell	Burgess	Casey	Crosser
Ayres	Burke	Church	Dale, Vt.
Bacharach	Burnett	Cline	Dallinger
Barkley	Byrnes, S. C.	Coady	Davenport

Davis, Tex.	Hardy	Magee	Sells
Decker	Harrison	Maher	Shackleford
Dempsey	Hart	Mapes	Shallenberger
Dent	Hastings	Mays	Sherley
Dewalt	Hangen	Miller, Del.	Sherwood
Dickinson	Hay	Montague	Shouse
Dill	Hayden	Moon	Sims
Dixon	Heflin	Morgan, La.	Sisson
Doolittle	Helm	Morin	Small
Doremus	Helvering	Morrison	Smith, N. Y.
Doughton	Hensley	Moss, Ind.	Smith, Tex.
Dowell	Hicks	Mott	Snyder
Drukker	Hinds	Murray	Sparkman
Dunn	Holland	Nicholls, S. C.	Steagall
Dupré	Hood	Nichols, Mich.	Stedman
Eagan	Houston	Oakey	Steele, Iowa
Eagle	Howard	Oglesby	Steele, Pa
Edwards	Huddleston	Oldfield	Stephens, Miss.
Emerson	Hughes	Oliver	Stephens, Nebr.
Evans	Hulbert	Olney	Stiness
Fairchild	Hull, Tenn.	O'Shaunessy	Stone
Farley	Humphreys, Miss.	Overmyer	Stout
Farr	Husted	Padgett	Sumners
Ferris	Hutchinson	Page, N. C.	Sweet
Finley	Igoe	Paige, Mass.	Taggart
Fitzgerald	Jacoway	Park	Tague
Flood	James	Parker, N. Y.	Talbott
Foss	Johnson, Ky.	Patten	Tavenner
Foster	Jones	Peters	Taylor, Ark.
Freeman	Keating	Phelan	Temple
Gallagher	Kelley	Platt	Thomas
Gallivan	Kennedy, Iowa	Porter	Thompson
Gandy	Kennedy, R. I.	Pou	Tillman
Gard	Kettner	Price	Tinkham
Gardner	Key, Ohio	Quin	Treadway
Garner	Kiess, Pa.	Ragsdale	Tribble
Garrett	Kincheloe	Rainey	Van Dyke
Gillet	Kitchin	Raker	Vare
Glass	Konop	Ramseyer	Venable
Glynn	Kreider	Randall	Vinson
Godwin, N. C.	Lafean	Rauch	Walker
Good	Lazaro	Rayburn	Walsh
Goodwin, Ark.	Lee	Reilly	Ward
Gordon	Lesher	Riordan	Wason
Graham	Lever	Rogers	Watkins
Gray, Ala.	Lieb	Rouse	Watson, Va.
Gray, Ind.	Liebel	Rowe	Webb
Gray, N. J.	Linthicum	Rubey	Whaley
Green, Iowa	Littlepage	Rucker	Williams, W. E.
Greene, Mass.	Lloyd	Russell, Mo.	Wilson, Fla.
Greene, Vt.	McAndrews	Sanford	Wilson, La.
Griest	McClintic	Saunders	Wingo
Griffin	McFadden	Scott, Mich.	Winslow
Guernsey	McGillicuddy	Scott, Pa.	Wise
Hamilton, N. Y.	McKellar	Scully	Young, Tex.
Hamlin	McLaughlin	Sears	

NAYS—137.

Anthony	Fess	Lobeck	Rodenberg
Austin	Flynn	London	Rowland
Barchfeld	Focht	Longworth	Russell, Ohio
Bennet	Fordney	Loud	Schall
Black	Frear	McArthur	Siegel
Britten	Fuller	McCracken	Sinnott
Browne, Wis.	Garland	McCulloch	Slayden
Browning	Gould	McKenzie	Slemp
Bruckner	Hadley	McKinley	Sloan
Buchanan, Tex.	Hamill	McLemore	Smith, Idaho
Butler	Haskell	Madden	Smith, Mich.
Callaway	Hawley	Mann	Smith, Minn.
Campbell	Hayes	Martin	Snell
Cannon	Heaton	Matthews	Stafford
Capstick	Helgesen	Mecker	Steenerson
Cary	Hernandez	Miller, Minn.	Stephens, Cal.
Chandler, N. Y.	Hill	Miller, Pa.	Stephens, Tex.
Charles	Hollingsworth	Mondell	Sterling
Chiperfield	Hopwood	Mooney	Sullaway
Coleman	Howell	Moore, Pa.	Swift
Cooper, Wis.	Hull, Iowa	Moores, Ind.	Switzer
Copley	Humphrey, Wash.	Morgan, Okla.	Tilson
Costello	Johnson, S. Dak.	Moss, W. Va.	Timberlake
Cramton	Johnson, Wash.	Mudd	Towner
Curry	Kahn	Nelson	Volstead
Dale, N. Y.	Kearns	Nolan	Watson, Pa.
Danforth	Keister	North	Wheeler
Darrow	Kent	Norton	Williams, T. S.
Davis, Minn.	King	Parker, N. J.	Williams, Ohio
Denison	Kinkaid	Powers	Wilson, Ill.
Dillon	La Follette	Pratt	Wood, Ind.
Dyer	Langley	Reavis	Woods, Iowa
Ellsworth	Lehlbach	Ricketts	
Elston	Lenroot	Roberts, Mass.	
Esch	Lindbergh	Roberts, Nev.	

ANSWERED "PRESENT"—1.

Taylor, Colo.

NOT VOTING—25.

Adair	Cullop	Gregg	Neely
Bailey	Dies	Hamilton, Mich.	Sabath
Barnhart	Dooling	Henry	Sutherland
Brown, W. Va.	Driscoll	Hilliard	Young, N. Dak.
Buchanan, Ill.	Edmonds	Lewis	
Caraway	Estopinal	Loft	
Clark, Fla.	Fields	McDermott	

So the rule was adopted.

The Clerk announced the following pairs:

On this vote:

Mr. DIES with Mr. HAMILTON of Michigan.

Mr. SABATH (for rule) with Mr. YOUNG of North Dakota (against).

Mr. TAYLOR of Colorado (for rule) with Mr. HILLIARD (against).

Mr. ADAIR (for rule) with Mr. BUCHANAN of Illinois (against).

Mr. CLARK of Florida (for rule) with Mr. SUTHERLAND (against).

Until further notice:

Mr. BROWN of West Virginia with Mr. EDMONDS.

The result of the vote was announced as above recorded.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] is recognized for two hours.

Mr. FLOOD. Mr. Speaker, may we have the resolution reported again?

The SPEAKER. Without objection, the Clerk will report the resolution.

The Clerk read as follows:

House resolution 147——

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Under the rule adopted, is the resolution to be reported?

The SPEAKER. If there is no objection to the reading of the resolution, it will be again reported.

Mr. MANN. I have no objection to the gentleman having it read in his time.

Mr. FLOOD. I do not care to have it read in my time. Mr. Speaker, I yield five minutes to the gentleman from South Carolina [Mr. RAGSDALE].

The SPEAKER. The gentleman from South Carolina [Mr. RAGSDALE] is recognized for five minutes.

Mr. RAGSDALE. Mr. Speaker, I read:

"Sir, I know of only one principle to make a nation great, to produce in this country not the form but real spirit of union, and that is to protect every citizen in the lawful pursuit of his business. He will then feel that he is backed by the Government; that its arm is his arm; and will rejoice in its increased strength and prosperity. Protection and patriotism are reciprocal. This is the road that all great nations have trod."

Just a little over 100 years ago John C. Calhoun, the most illustrious statesman that has yet graced this Hall as a Representative from my State, and who appeared at the time when this country was called upon to face one of the greatest crises that it has ever yet been called upon to face, gave utterance upon the floor of this House to the sentiments I have just quoted, when he maintained the principle that no fear, no lack of preparedness, no question of dollars and cents, should govern our action, but the one great question to which he addressed himself was that the President of the United States should maintain the rights of American citizens on the high seas without regard to results.

Coming here to-day as the unworthy follower of him who represented the State of South Carolina in that crisis, I voice the real sentiment of our people when I declare that I want peace, when I say that I believe the present occupant of the White House will maintain that peace with the same dignity and honor that have characterized all his actions in handling the negotiations on the part of his country with all other countries.

With that conviction, Mr. Speaker, feeling to-day that no condition has arisen wherein it has been demonstrated that the President has gone beyond the authority with which he has been properly vested; feeling that this resolution would merely interfere with the proper discharge of his duties; feeling that no good could be accomplished by it; and that nothing could thereby be gained to this Nation, I hope that the resolution which has been offered here will lie on the table.

There should be, sir, but one consideration moving us, one thought controlling us, and one aim, and it should be that of upholding him who occupies the great position which the President holds and of keeping in view those things which protect the national honor. The one great question ought to be, Is the President of the United States within the proper exercise of his rights in trying to maintain the position that he has taken in upholding the rights of American citizens, in upholding the protection of American business and the proper safeguards of American commerce on the high seas?

If he has transgressed this right, then may the House well reprimand and interfere with him; but until he has interfered with the right of this House, until he has gone further than it was his right and prerogative to go, then at this time every man here is bound to concede that he is absolutely within his rights. No man can say that carrying out the principles he has enunciated will suddenly involve us in war. On the contrary, the best-advised men here believe that to follow his policy will be to maintain peace. Then it seems to me, sir, that at this juncture this resolution should lie upon the table and the President of the United States should be allowed to conduct his negotiations.

But, sir, whatever the result of his conclusions and actions, I shall support him, knowing his actions will maintain the national honor. No question of fear or of expense should enter into consideration of the settlement of our international rights. Again I quote the illustrious statesman from South Carolina:

Sir, I here enter my solemn protest against this low and calculating avarice entering this Hall of legislation. Whenever it touches sovereign power the Nation is ruined. It is too short-sighted to defend itself. It is an unpromising spirit, always ready to yield a part to save the balance. It is too timid to have in itself the laws of self-preservation. It is never safe but under the shield of honor.

[Prolonged applause.]

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. FLOOD. Mr. Speaker, I would like the gentleman from Wisconsin [Mr. COOPER] to consume some of his time.

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] is recognized.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. CHANDLER].

The SPEAKER. The gentleman from New York [Mr. CHANDLER] is recognized for five minutes.

Mr. COOPER of Wisconsin. The gentleman from New York is not here for the moment, Mr. Speaker, and I yield five minutes to the gentleman from Minnesota [Mr. ELLSWORTH].

The SPEAKER. The gentleman from Minnesota is recognized for five minutes.

Mr. ELLSWORTH. Mr. Speaker and gentlemen of the House, I want to start by putting myself on record as saying I will not vote on any matter in this House to abridge a single right of the most humble American citizen.

I want to follow that by making the statement that I believe there is not at this time a question of the national honor at stake.

I say this because to my mind the real question involved, the real impulse in the hearts of the Members of this House, and the real question in the minds of every man is not so much a question of what we shall do as to warning or not warning an American citizen to do or not to do a thing on which there might be a question as to the matter of legal right, founded upon formal international law, but it is purely and solely a matter after all, in its last analysis, of what now international law is as considered by our Nation, as considered by the President, as considered by the State Department, and as considered by the nations and powers of the world. I do not think that the written law existing among nations, as obsolete as the hieroglyphics upon the pyramids of Egypt, can be recognized by any nation as international law. I thoroughly believe there is no such a thing in existence to-day as an "armed merchantman." I say that if you arm a merchantman you have converted that merchantman into an armed cruiser, into a war cruiser, for it can then destroy a submarine; and upon that theory and belief, and that being my judgment, I say that even though this resolution may become a mixed question to some extent, even though it may or may not be a warning, if we would settle the real question a warning would not then be at all necessary.

Following it to its logical sequence, not having an opportunity, as I would like to have, to vote upon the real question, now that it has been injected into this body, of whether or not the particular status is that of a war cruiser and not a merchantman, then I say I will stand for the resolution in this question of warning citizens, because I believe it a step in the right direction and that it takes away no right of any citizen of this country to so warn him.

I have heard the objection that you would change the rules during the playing of the game; that this changes the rules during the game. But I answer, that is what Lincoln did when he signed the Emancipation Proclamation.

After Napoleon the Great had been banished to the island of Elba and came back through France, the old veterans who had surrendered but who followed him to Waterloo, while the Congress of Vienna was in session, changed the rules of the game. When the *Merrimac* steamed out into Hampton Roads she changed the rules of warfare, and when Ericsson's invention, the *Monitor*, steamed in from the north and annihilated her, she changed the rules. I am not afraid to change the rules, and I say to you gentlemen of this House that it takes more courage for America to say to the nations of the world that in these days an armed merchantman does not exist except as a figment of the imagination, but that such a craft is in fact a war cruiser, and one on which no citizen of any nation, in these times when there is no piracy to fight against, should assume for one moment to take passage than to quibble over technicalities. [Applause.]

Mr. FLOOD. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HEFLIN].

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] is recognized for five minutes. [Applause.]

Mr. HEFLIN. Mr. Speaker, at a time like this it is fortunate for the country that there are patriots in the House who can rise above partisanship and stand for America against the world. Let me mention here a few gentlemen on the other side who are measuring up to their patriotic duty to-day—the gentleman from Illinois, Mr. Foss, and the gentleman from Pennsylvania, Mr. GRAHAM, Mr. GILLETT and Mr. GARDNER of Massachusetts, and others.

Mr. Speaker, this is no time for divided loyalty, no time for partisan politics. [Applause.] The American Representative here to-day with divided loyalty is unworthy the name of American citizen. The party that plays partisan politics at a time like this deserves the condemnation of the American people. [Applause on the Democratic side.] I am glad to note that there are Republicans over there big enough and brave enough to break away from the petty partisanship of their leader [Mr. MANN] and take their stand by the President of the United States in his controversy with the Kaiser of Germany. [Applause.] Gentleman, you can not get away from the issue here. This is a diplomatic controversy between Bernstorff and Lansing, the Kaiser and the President. [Applause.] Why, Mr. Speaker, I have seen telegrams here to-day that said to Members on this floor, you can serve Germany best—putting Germany first—and the people of the United States by voting for the McLemore resolution. Ah, gentlemen, this is not the time for partisan politics. This is the time when every liberty-loving and self-respecting American citizen should put his country first. [Applause.] Where does the South stand—God bless her! In this hour when a foreign propaganda stalks through this Capitol seeking to embarrass and discredit the chosen head of our Government, where stands Tennessee, the home of Gen. Jackson, who conquered the flower of the British Army at New Orleans? What will be the answer of the Old North State, with Kings Mountain standing there as an everlasting monument to her patriotism and courage? What says the Old Dominion, the State of Washington, Jefferson, and Madison, who laid the foundations of the Republic? Where stands Kentucky, the home of Beck and Clay, and the birthplace of Lincoln and Davis, the two leaders of the conflict that resulted in cementing the sections in the bonds of an everlasting Union? [Applause.] Where in this critical hour stands the splendid old Commonwealth of South Carolina, the home of Calhoun and Hayne? Where will Mississippi be found, the home of Prentiss, George, Lamar, and John Sharp Williams? [Applause.]

Mr. CANDLER of Mississippi. She will stand by the President. [Applause.]

Mr. HEFLIN. Yes; I know where she will stand. What says Alabama, the home of Admiral Semmes, William L. Yancey, and John T. Morgan. On her soil, Mr. Speaker, stood the first capital of the Confederacy, and here she stands to-day in the glorious sisterhood, loyally supporting the President of the United States. [Applause.] Louisiana, Florida, and all the States in the South will join hands with the patriotic Representatives in other sections and show to the world an undivided country standing solidly behind the great President of the United States. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. DECKER].

The SPEAKER. The gentleman from Missouri [Mr. DECKER] is recognized for five minutes. [Applause.]

Mr. DECKER. Mr. Speaker, in Germany the issue was, Will we stand by the Kaiser? In England the issue was, Will we stand by the King? In Russia the issue was, Will we stand by the Czar, the little Vicar of God? If war comes, we will all stand by the President of the United States. [Applause.] But this, thank God, is a representative Government. [Applause.] And I wish to say to the insinuating gentleman from Alabama [Mr. HEFLIN] the question now is, Will you stand by the American people? [Applause on the Republican side.] You can not dodge the question, gentlemen of the Southland and gentlemen of the Northland. The question is, Will you go to war on what Mr. Lansing says is a doubtful legal right? [Applause.] I am willing to go to war if necessary. My people have borne their part. My father and my uncles fought to preserve that flag. But I say to you, the private citizens of this country, the men who pay the taxes, the men who, if there is war, will die in the trenches, the men who will breathe the asphyxiating gas, the mothers of the boys whose flesh and blood will be spattered on the fields of battle, want to know before war is declared why they have to go to war. [Applause.]

I have stood by the President of the United States. I have stood by him in his efforts to carry out the mandate of the

American people. He has said that if an American citizen on board an armed merchant ship is drowned by a German submarine without warning, he will hold Germany to strict account. Stripped of its diplomatic language it means that if an American life is lost as the result of the sinking of an armed merchant ship without warning—it means war. I am willing to go to war for an American right, but not for a "doubtful legal right," as Mr. Lansing says this is. [Applause.] I am willing to go to war for an American right, but it must be a vital right. [Applause.] Our people had rights down in Mexico. They were valuable rights. They were definite, specific, and certain, based upon treaty obligations. Oh, I know there was no responsible Government down there to call to account for the violation of those rights, but nevertheless we could have sent our Army to maintain those rights. [Applause.] But I believe the President did right when he said, in behalf of the lives and the welfare of the mass of American citizens, "We will not sacrifice the lives of our American boys for the sake of a few Americans in Mexico," and warned those Americans in Mexico to come home. Now, if it is right to warn Americans in Mexico to come home, who have certain definite and established rights there, in the name of God, why am I a traitor and a coward when I stand in the halls where Henry Clay stood and say, "You shall not hurl the miners and the farmers of my district into this hell of war; you shall not take the sons from the mothers of my district and sacrifice them at Verdun or in the trenches of Europe in order to maintain a doubtful right." [Applause.]

Mr. FLOOD. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, it seems a pity to disillusionize the gentleman who has just spoken and who cries out about the danger of war. There is no danger of war in the proposition which the House is considering. The House is confronted to-day by a condition of its own making, and the appropriate committees of this House have undertaken to offer a plan by which that condition may best be remedied.

What was the condition? By the action of this House, through agitation and the introduction of a resolution, the impression has gone abroad among the people of our own country and has spread to the capitals of foreign countries that there is a schism, a division, between the legislative body and the Executive of our country. It is useless to discuss how that impression has been created, but no sane man doubts that it exists. It ought not to exist.

What harm has it done? It has embarrassed the President in the exercise of his constitutional authority in initiating diplomatic negotiations with a foreign power upon a question in which the rights of American citizens are involved. Not only that, but it has stiffened the attitude of the country with which our President was negotiating; it has given the central powers encouragement, and it has palsied the hand of the Executive. If there are hyphenated citizens in the United States—of which I hope none exists—they have derived hope and encouragement from this unhappy condition.

Mr. Speaker, in effect this condition has enabled a foreign embassy in an international negotiation to appeal from the President, whose duty it was to conduct that negotiation, to the Congress of the United States. How shall that appeal be answered? We, as Representatives of the American people, have presented to us the clear-cut issue.

Gentlemen say this involves danger of war. Danger from whom? "At the hands of the President," they say. Forsooth, the hands of the President, who during these two years has been bearing weight and responsibility such as have been borne by few of our Presidents, and who has received criticism from those who have contended that he was not sufficiently rigid in maintaining our rights, that he has not sent armed forces into a neighboring Republic, and that the rights of American citizens on the high seas have not been maintained.

There may be gentlemen in this House who believe in peace, and I am one of them. For that matter, I believe the entire membership of the Congress ardently desires the maintenance of peace, but no one believes in it stronger or will more strenuously strive to preserve peace than the President of the United States. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. CHANDLER].

Mr. CHANDLER of New York. Mr. Speaker and gentlemen of the House of Representatives, it has been repeatedly asserted on the Democratic side of this House that the great issue of to-day is whether we shall support the President of the United States or not. It suggests itself to me that a false issue is being discussed. The question is not whether we shall support the President of the United States but whether in our votes to-day and in our voices in debate we shall represent the overwhelming sentiment of the people of the United States. [Applause.]

For weeks I have been flooded with telegrams and letters. When I found that I was getting 10 telegrams and 10 letters in favor of warning American citizens to keep off armed ships to 1 that proposed to support the President of the United States I began an investigation to see if this was the experience of other Congressmen. I made a trip through the House Office Building and talked with Members, and also with Members on this floor. I found that 9 out of 10 had exactly the same experience that I had. [Applause.] And I say to you—and you know—that the people of the United States are overwhelmingly in favor of the principle embodied in the McLemore resolution. [Applause.]

If this be true, the question is not whether we shall support the President sentimentally or officially; it is a question whether we as honest, loyal American Representatives shall by our votes inform the President of what the people of the Republic think and what they want him to do. [Applause.] If the people desire that Americans be warned to keep off armed merchantmen, it is not for the President to desire something else. If the people desire a certain thing, it is not for you to betray your trust by saying that you will ignore their wishes in order to please the President.

I agree that this is no partisan question. Mr. Wilson is not the President of the Democratic Party. He is President of the entire American people. He is our President and should receive our sympathy and support, regardless of political affiliations, when we can conscientiously give them. But it ought not to be forgotten that Mr. Wilson is only the President. He is not the people, and his request is not equal to their mandate.

If the flood of messages contained in letters and telegrams tell you that the people are in favor of the passage of the McLemore resolution, it is your duty to pass it, regardless of what the President of the United States desires or thinks. And if you yield to the power of presidential blandishments, when you know that his views and wishes are not in harmony with the predominant sentiment of the people of the Republic, you have violated a sacred trust and have shown yourselves to be unworthy Representatives of a great Nation.

If Mr. Wilson can dominate the Congress by a mere request which the sentiment of the people disapproves, and if Congress is cowardly and obsequious enough to be thus dominated by the President, true representative government is at an end. If a single man, however great his talent, righteous his motives, or high his place, can set aside the collective judgment of the people, then this is no longer "a government of the people, by the people, and for the people." It is a benevolent despotism, a monarchy veiled under republican forms.

The mock heroism, the false chivalry of this hour, and of the request of the President are a disgusting exhibition in the American Congress. The Teutonic powers are fighting odds of five to one. Their fleet is bottled up. In case of war with them, it would be impossible for us to reach them or for them to reach us. And yet the President wishes to give an exhibition of national courage in making academic demands upon Germany and her allies. How much better it would look, how much more appropriate the exhibition if he would instruct the Secretary of State to serve notice upon England that he would hold her to a strict accountability for her repeated violations of international law resulting in damage to American commerce and in insult to and outrage upon the rights and privileges of American citizens. England is free and able to fight us. The world would applaud our courage and admire and trust our sincerity, if we were to seriously throw down the gantlet to a foemen worthy of our steel. The world will have only contempt for us when we indulge in the bravado and farce of a mimic war upon Germany, whose army and whose fleet could never reach us.

This Congress should by resolution, if need be, request the President of the United States to tell us why England treats us with the contempt of ignoring completely our notes of ministerial protest, and why she refuses absolutely to give any satisfaction for insults to our citizens, destruction of our commerce, and outrages upon the international mail service. Brave men throughout the world will distrust our sincerity and condemn our cowardice as long as we let England escape and attempt to hold Germany to a strict accountability.

I hold no brief for the German people. I am not pro-German, nor am I pro-ally. I am pro-American, but I do insist that a square deal for all is the only fair test and sure indication of sincere neutrality. Let us make Germany toe the mark if she violates our rights, but let us likewise serve notice upon England that in dealing with her an even-handed justice shall hold the scales. But in no case let us plunge the country into a bloody war upon a mere technicality, upon a plain academic question. Having received more than 500 letters and tele-

grams urging me to support the resolution and fewer than 50 asking me to support the President, I believed that I was reflecting in my vote the overwhelming sentiment of the people of my district. [Applause.]

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Missouri [Mr. SHACKLEFORD].

[Mr. SHACKLEFORD addressed the House. See Appendix.]

Mr. SHACKLEFORD. Objects to what?

Mr. MANN. To all requests for extension; let the truth be told.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. REAVIS].

Mr. REAVIS. Mr. Speaker, I regret exceedingly that this resolution is before the House, and I want it known, so far as I am concerned, that it is not here because of the desire or request of Congress. Had there not been a demand on the part of the President the resolution would still be slumbering in the proper committee. I resent the assertion made upon this floor that by bringing this resolution out Congress is seeking to interfere with the prerogatives of the President of the United States. This resolution is before this body at the instance and at the requset of the President himself. I am frank to say, Mr. Speaker, that I will not support the resolution. It is not expressive of the principle I have in mind. The only reason I will have for voting against tabling it, as I shall vote, will be the statement made upon the floor of this House to the effect that if the motion to table it does not prevail the pending resolution will be subject to amendment. The amendment to be offered was read by the gentleman from Kansas [Mr. CAMPBELL], which amendment is not obnoxious to any principle of international law. [Applause.] It recognizes instead of denying the right of American citizens to travel upon armed merchant ships of the belligerent powers, but it suggests to them that patriotic conduct being their impulse they should refrain from the exercise of that right except in cases of most urgent necessity. It is with the idea of answering the Pfesident's question as to the sentiment of this House that I shall vote against the tabling of the McLemore resolution that I may get an opportunity to vote upon a resolution that is expressive of my sentiments. [Applause.] Under the rules of the House this opportunity will be denied me if the resolution is tabled. I have heard a great deal of talk about standing by the President.

Mr. Speaker, I am thinking, as the time approaches for me to vote upon this proposition, of the carnage over there at Verdun. I am thinking of 3,000,000 boys less than 17 years of age in the trenches on the western front. I am thinking of the hills and the plains of that locality that yesterday were white with snow, the color scheme of which to-day has been changed to red. I am thinking, Mr. Speaker, of the foreign mother who kneels by the empty pillow where lay her little lad before he became a soldier. I am thinking of the mothers of Europe who in the lonely solitude of their homes to-day are listening for the music of a voice that is silent, for the sound of steps that are still. I am thinking not of the President of the United States, but I am thinking of the quiet places out yonder in America. I am thinking of the homes and the firesides from which the President has expressed the desire to hear. I am thinking of the youth whom we are training for the duties of citizenship. Europe is killing hers; we are equipping ours. [Applause.] And I say to you that for no doubtful international right will I sacrifice the lives of the Nation's youth. [Applause.] I will not go to the homes and the firesides of this Nation and deny the right to live to the boys of my country. I will not put grief, anguish, and despair in the homes of America and compel the parents of the land to stand by the graves of buried hopes in order that some man, some irresponsible, crazy man, shall have the right to travel upon the armed ships of belligerent nations when neutral vessels leave our ports every day. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FLOOD. Mr. Speaker, I yield eight minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, I have heard a great deal said for and against the McLemore resolution. It seems to have been discussed from every angle of approach. There are those who contend that Americans should be warned against traveling on armed merchantmen. They contend that it is the duty of Congress to say to our people that it is dangerous, and this resolution even goes so far as to repudiate responsibility should they travel on such armed vessels.

If it were only a question of warning our people, Mr. Speaker, then it would be a very simple matter, because each and every one of us here desires that the traveling public and those who are compelled to cross the waters should be warned against danger by reason of the war now raging in Europe. If it were possible for Congress to do this without relinquishing any rights of the American people, without changing the rules of international law which has protected neutrals for lo these many years, then Congress would not only feel it its duty but its desire to give such warning.

The fact, however, is different. To pass a resolution of this nature is but yielding a point for which the President has been contending almost since the beginning of the war. We can not compel nor persuade nations to disarm their merchant ships. We have tried that. They have the right to so arm for defense under the interpretation of international law. Chief Justice Marshall, in rendering the celebrated opinion in the *Nereide* case (9 Cranch), laid it down as law that merchantmen had the right to arm for defense. We have contended for that decision as the true interpretation, and to waive it by the passage of such a resolution as this, which not alone warns but which repudiates responsibility if they do so travel, we would render null and void the effect of this decision and likewise the principle of international law for which the President has been contending. We would thwart him in this matter and weaken him for future efforts by reason of a division in our Government.

Nowhere in the history of nations can there be found a precedent for a resolution of this nature. The research bureau of the Congressional Library has tried in vain, and none can be found. Shall we, the great American Republic, the only powerful neutral Nation to whom the world can look for strength and support in maintaining the rights of neutrals by the proper interpretation of international law, be the one to show the white feather by yielding to the dictates of any foreign power? [Applause.]

I realize there are many who claim that modern conditions are different; that the invention of the submarine has made a different interpretation of international law essential, by reason of the fact that the submarines are so fragile that they can be pierced at long range by 4 or 6 inch guns carried by merchantmen; and that, therefore, to allow merchantmen to be armed for defense is dangerous to submarine warfare.

Others contend that the necessity for merchant ships carrying arms has long since passed away, because the former reason for this defense—that of pirates—no longer exists, and, therefore, there is no necessity of their being armed for that purpose.

Others tell us that if we stand for this principle we may be sorry for it some day, because we may wish to use submarines in defense of our shores in wars which may come upon us in future years.

These contentions have great weight among many people of our country. They do not look for nor are they sufficiently familiar with the facts to see what we would be yielding if we gave up the great principle for which we are contending. The President has stood firmly for the proper enforcement of international law. He contends that before any merchantman carrying arms merely for defense is molested those on board should have warning from the submarine in order that they may be able to escape destruction.

If we yield this right, then we leave the seas open for submarine warfare under all conditions, and it would become a matter of proof after the destruction had taken place and many American lives perhaps destroyed. It seems to me that the President is not asking too much when he asks the foreign Governments to instruct those in charge of the submarines to give warning to vessels armed merely for defense and who are in no wise on the offensive.

The Constitution of our country has imposed certain duties upon its three branches of Government. That imposed upon the President is executive and the right to negotiate treaties; by long usage and custom the President has had charge of the diplomatic relations of our country. Congress has allowed him free rein in these matters, until the time comes when his authority is exhausted and he submits to Congress the facts and circumstances for their consideration. The President of the United States has been successful in carrying on the diplomatic relations with foreign Governments since the beginning of the War. He has managed to keep us out of entanglements and war. The country has become prosperous and our people are enjoying the great comforts of peace. There is no reason to believe that the President will not succeed in the future as he has in the past and the peace of the country be maintained.

I feel that Congress should accord him a strong vote of confidence in this matter; that we should stand behind him as a united Congress and a united people; that the world may know that the department of the Government charged with the nego-

tiation of foreign matters is backed up by that part of the Government having in charge the legislative functions under the Constitution.

It is no longer a question as to whether we shall pass the McLemore resolution warning the people not to travel on armed merchantmen, and repudiating our responsibilities if they do, but the question has become a greater one—whether or not we will stand by the President or whether we will tie the hands of the Executive not only in this but in future negotiations.

If Congress should step in and grab the reins, with a membership of over 500, nothing but confusion would result. There could be no definite policy because of so many and varied views; in fact, our whole diplomatic relations would be so upset and so subject to change that no country would feel like respecting them nor would they know what to expect because of the confusion.

I have supported the President, Mr. Speaker, from the very beginning of this controversy, not alone because I am against such a preposterous resolution as the McLemore resolution but because I believe the peace, prosperity, and the future welfare of this Nation depends upon the continued confidence in our Chief Executive and in leaving to him the management of those matters which the Constitution and usage have imposed upon him.

I have heard much said about war in the event this resolution was not passed, but I believe, Mr. Speaker, that if we would continue peace we must have a settled policy, as we have had, and that the man who has brought us safely through thus far can confidently be relied upon to carry us to the end without war and without trouble with foreign nations.

I have constituents in my district who are descended from the people of all the great Governments of Europe. I feel that they have every confidence in the Executive who now occupies the White House. There is no better district in this broad land than the one which I have the honor to represent. While the people are derived from all the nations of Europe, they are Americans first; they are not the enemies of any particular nation, but they believe that every nation should respect our flag and those republican principles and precepts for which we stand. Having such a constituency, who understand the question before us and want the President sustained, I sincerely hope that Congress may stand united behind the Executive in the onerous work in which he is engaged.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The gentleman yields back two minutes.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, on account of the condition of my throat.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. RICKETTS].

Mr. RICKETTS. Mr. Speaker and gentlemen of the House, it seems to me that this is one of the most critical and most momentous times in the history of the affairs of this Nation. I frankly confess to you that I was never more serious in my life than I am at this moment. For several days I have been worried over the disposition to be made of this resolution by this House. It is a time for mutual candor and counsel, and the action taken by this House at this time should be so clear, definite, and certain as not to be susceptible to criticism or be left to conjecture. We should settle the question right or not attempt to settle it.

Sometime ago the President suggested that Congress keep its hands off while he was carrying on his negotiations with the great powers now at war. In that suggestion I think he was exactly right. I think he should have a free hand, and it is the duty of each and every Member of this House to stand by him in his diplomatic negotiations with foreign belligerent countries. So far as I am personally concerned, I assure you that I shall stand by the President on that question if I am given the right to do so in a direct and positive manner, but I do not believe in the farcical method of indorsing him by tabling this resolution. To support this motion to table the resolution means nothing.

The President in his recent letter to Representative POU insists that the House take definite action in relation to his right to carry on diplomatic negotiations. He seems to want a definite expression on the part of this House. To express ourselves ambiguously, inferentially, or indefinitely would render him no support, for it leaves the question as to whether or not Congress is backing the President open to further discussion and conjecture and subject to various constructions, inconsistent with our real attitude, and leaves the matter open to dispute. He certainly does not want an indorsement of his diplomatic policy by having this resolution tabled, and for this House to table it at this time would be to evade and side-step the questions involved in this resolution, and such action on the part of this House would be of necessity unsatisfactory to the President and to the country as well. The eyes of the world are fastened and glued upon this House at this time, and the people of this Nation are expecting a clean-cut and candid expression on the part of its representatives in Congress with reference to the questions raised by this resolution. The President surely does not want a half-hearted and lukewarm indorsement. He wants an honest and decisive indorsement.

I want it clearly understood that I am with the President on his constitutional right, as I see it, to conduct the diplomatic negotiations of this Nation according to his best judgment and in such a manner as best subserves and protects this Nation, but I want to express my loyalty to him in a clear, concise, and definite way. I can not do this by voting to table this resolution. I would be untrue to my convictions and disloyal to the people whom I have the honor and pleasure to represent if I should evade what I believe to be my plain duty.

This resolution is so worded as not to be entirely clear. In the main the question raised by it is whether or not Americans should be warned to stay off of armed belligerent merchantmen or armed belligerent ships. It carries with it a sort of a blanket indorsement of the President's diplomatic policy. The real object of the motion to table the resolution is to give an indirect indorsement of the President on his diplomatic policy and to directly refuse to warn Americans to stay off of armed belligerent merchantmen and armed belligerent ships.

The questions raised in this resolution should have been presented separately and in clear, definite, and certain language so that this House could have had the opportunity to meet the two questions fairly and squarely and to express their views upon them, independently of each other.

The motion to table the resolution is a political ruse. This is no time for politics. There is no politics in this question, and it should not be injected into it in this manner. This is a question of patriotism and of an expression of true, loyal American citizenship, and should receive the most candid and most serious consideration, without regard to political affiliation. It is no time for foolishness. It is a time when we should be serious and honest and true to ourselves and to our country. We can not express our loyalty and patriotism to this great country by voting to table this resolution; and that is exactly what the adoption of this rule means.

I am not at all satisfied with the course taken by the Senate with relation to the Gore resolution. I think that the question that was presented to the Senate called for more definite, rational, and courageous action on the part of the Senate. In my judgment the Senate of the United States has, in a manner not creditable to it, relinquished its constitutional authority to be heard concerning questions that affect the peace and welfare of this country. I do not mean to say this discourteously or offensively, but I can not refrain from expressing my opinion that the manner in which this great question was disposed of is not consistent with the dignity and the courage which should characterize public action on the part of the Senate of the United States.

It is now generally understood that even the Senators themselves were not sure as to what the action taken by them really meant or how it would be considered by the public and the world. The matter is still being agitated by the Senate, the people, and the press of this country, and will continue to be agitated by the Senate until the questions involved in the Gore resolution shall have been decided positively. The press of the country is not sure of the meaning of the action of the Senate, and if this House should vote to table this resolution, the same uncertainty will prevail throughout the country, and this matter will have been left practically undecided, and open to discussion and to various constructions inconsistent with decisiveness. We can not dodge this question. The minds of the American people can not be befogged by the indefinite and uncertain action of Congress on this matter.

I take the privilege of quoting, in part, a speech delivered by Mr. CLARKE, a stalwart Democrat of Arkansas, on the floor of the Senate last Friday, in which he said:

> There is no overlooking the fact that all our public acts and declarations have led in a certain direction and have created a distinct impression that official America, at least, is anxiously interested in the success of one of the parties to this great conflict. It will not require any inspired ingenuity to guess which one, because it has almost become a saying that anybody who at this day professes to be neutral must be in sympathy with the Germans, since everybody else occupying an official position seems to have taken his stand on the other side of the controversy. Now, I do not indorse that view; I do not believe that it correctly represents the true spirit of America; I do not believe that it correctly represents the Congress of the United States. I believe that the interests, the history, and the traditions of this Government commit

it to a policy of entire fairness and absolute neutrality, and that this attitude should be reflected by those who assume to speak by authority when they represent this country in connection with this great struggle.

If existing international law and rules seem, by virtue of their attempted adaptation to existing facts, to favor one of the belligerent parties there can be no good reason why we should not make the further inquiry as to whether or not we are compelled to persist in a course that puts us in an attitude of distinct unfairness to the other.

I have thought all along, and I believe now, that the Congress of the United States ought to supplement some existing international rules and regulations with further declarations, which it has ample and undisputed authority to make. No code of laws at this period of the world's history is complete; otherwise there would be no excuse for this Congress and like assemblies remaining in perpetual session. Defects are discovered all the time. Principles are becoming obsolete by reason of the progress of the world in connection with mechanical and industrial arts and sciences. Rules of action applicable to conditions of facts with which we were called upon to deal yesterday will become obsolete to-morrow. New laws will be necessary to meet new conditions.

It is hardly necessary for me to comment upon the fact that Senator CLARKE is one of the most distinguished and capable men of the country. He is a great lawyer, and his advice and counsel are sought by men who are high up in the counsels of the affairs of the Nation. He is at present President pro tempore of the Senate.

Senator CLARKE is not alone in his conclusions. He is supported by Senator CUMMINS of Iowa, Senator HITCHCOCK of Nebraska, Senator CLAPP of Minnesota, Senator JONES of Washington, Senator MCCUMBER of North Dakota, and quite a few other Senators.

SHOULD AMERICANS BE WARNED?

Now, Mr. Speaker, I think I have made myself clear, at least I hope I have, that I favor the unanimous support by this House of the President, with reference to the consideration of diplomatic affairs with other nations. However, I can not agree with the President that Americans should not be warned to stay off of armed belligerent ships. In my judgment, this warning should be given to each and every American citizen, for in this way we may prevent this country from being dragged into the war. This warning to Americans can in no way embarrass, hinder, or disturb the President in his diplomatic negotiations. He is the head of the Diplomatic Service, and if American citizens should be warned to keep off of armed belligerent merchantmen or armed belligerent ships, the President might be saved a most glaring embarrassment in the future. This Nation should not be dragged into war by heedless, foolhardy, and reckless conduct on the part of an American citizen who may take passage on an armed belligerent merchantman or an armed belligerent ship and lose his life. If he should be permitted to take such passage upon an armed belligerent merchantman and lose his life, this Nation of necessity would most certainly be immediately forced to cut off all diplomatic relations with the country whose submarine caused the loss of the life of such an American citizen, and this action on the part of this Government, in my judgment, would finally and most certainly drag us into war with that country. Therefore it seems to me the part of wisdom and of precaution that Americans should be warned not to take passage upon any armed belligerent merchant ship. I feel that it is the sincere and absolute duty of Congress to give this warning, and I have not been able to see wherein or whereby such warning would in any manner embarrass, hinder, or disturb the President of the United States in his diplomatic negotiations. It would not prevent the President from standing firmly for his principles. It does not take from him the right to stand for the principles which he maintains. Wherein could it do harm? It would not be yielding a point or making a concession. It is not even a tentative concession. It is a precautionary measure intended to protect and preserve American citizens and relieve this Nation of embarrassment that would eventually result in war to this country.

So far as I am concerned, I am not in favor of war. I believe in the theory that "an ounce of prevention is worth a pound of cure," and I am sure the American people do not want war; and if I am right in this conclusion, then why not do everything within our power to prevent international entanglements?

I want it distinctly understood, however, that I am not for peace at any price. I believe in upholding the honor and dignity of this Nation, and if there comes a time in the history of affairs when the honor and dignity of the Nation has been disregarded by any foreign nation in the world I believe it to be the duty of Americans to defend that honor and dignity. However, I do not see just how a warning to American citizens to stay off of armed belligerent merchantmen could reflect upon the honor and dignity of this Nation or in anywise jeopardize it.

The American people do not want war; they want peace; and every American citizen who reads and acquaints himself with the facts disseminated through the public press knows that it is unsafe to take passage upon any armed belligerent ship or upon any vessel of any one of the nations at war. We should keep in mind and remember that there are at least four first-class neutral lines in operation between this country and Europe—our own American line, the Holland-American line, and two Scandinavian lines. At least some of those do not carry ammunition, while practically all, if not absolutely all of the belligerent ships carry cargoes consisting chiefly or largely of ammunition. If we were in war we would regard enemy ships carrying ammunition to be used against our soldiers as floating arsenals, and we would destroy them if we could, no difference who was on them; and if these floating arsenals were armed we would unhesitatingly class them as auxiliary naval vessels.

THE DUTY OF AMERICANS.

Now, as to the duty of Americans. With the knowledge that war exists between certain nations in Europe, it is their duty to keep off of ships flying flags of any of these nations at war. Why? Because they know that the flag represents nationalism, and when one nation is at war with another that flag invites attack, and the ship's destruction or seizure, especially when carrying contraband of war; and especially do they know, when any ship carries a cannon, manned by naval representatives of any warring nation, that that cannon is there for warfare, for offense or defense, as occasion calls. Under such a state of affairs, as good Americans they should avoid danger, they should keep out of the line of fight. They are false to themselves and to their country when they jeopardize the peace of their fellowmen.

They all have knowledge of the fact that a fearful war is ravaging Europe. Powerful nations, jealous of their rights on the sea and of their commercial and naval expansion, have plunged almost all Europe into war.

MEXICAN POLICY.

During the great conflict in Mexico Americans were warned not to go into Mexico, because by so doing they might drag this Nation into war with that country, and they were further told that if they did go into Mexico that they went at their own risk and peril. The personal and property rights of American citizens living in Mexico have not been protected by this Nation as they should have been. Many Americans have been slaughtered by the warring forces in that country, and many of them have suffered great loss of property. All of which has been brought to the knowledge of the present administration and to the knowledge of Congress and the people of this country, and yet we have kept quiet. We have refrained from war. We have accepted the fate of the Americans and the loss of their property without making very much fuss about it. I do feel that Americans and American rights should be protected anywhere in the world, but at the same time I do not feel that any one American citizen should jeopardize the peace of his country.

Nearly 50,000 Americans lawfully and peacefully living in Mexico were warned by this administration to abandon their rights and were compelled to leave their homes and property because their Government refused to afford them protection. Many Americans wearing the uniform of their own country were killed. Some of them were killed on our own soil.

The President claims that he is contending for a great principle. If his contention is good now, why should it not have been good as to Mexico? It seems to me that this principle could be maintained by adhering strictly to the principles of neutrality and by taking every reasonable precaution to avoid international entanglement. If we maintain a strict neutrality, we will keep our people out of war. We should be cool, cautious, conservative, and reasonable, and this does not mean that we can not be true, loyal, brave, patriotic American citizens.

The people of the congressional district whom I have the honor to represent expect me to take a decided stand in all matters of legislation, and if I should vote to table this resolution I feel that I would simply be straddling, dodging, and sidestepping the questions involved in the resolution, and that I do not propose to do. I will do my duty under my oath, as I see it, unhesitatingly and fearlessly. I have no faith in a straddler, a dodger, or a side-stepper. I am either for a thing or I am against it. No honest man could be otherwise; and, consequently, I am compelled by reason of the facts and statements hereinbefore made to vote "no" on the question of tabling this resolution. If I was permitted to vote on an amended resolution, I would vote "yes," but I am denied that privilege. [Applause.]

Mr. FLOOD. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. CLINE].

Mr. CLINE. Mr. Speaker and gentlemen of the House, I am in favor of warning American people to stay off belligerent ships that are armed for defense. I do not believe that any citizen of the United States has the moral right to menace the safety and liberty of the United States by taking passage upon a vessel that is liable to be destroyed by submarines without notice. I am not afraid of the sane man's conduct bringing the country into a crisis of that character, but it is the man who has no regard for the rights and liberties of his countrymen of whom I am afraid.

And I say when the question of warning can be squarely presented to the House not associated with any diplomatic problem, I shall vote in favor of it. But that is not the proposition here. My friends, the question presented in this controversy is whether we shall stand by the President in this crisis or not. That is the issue for us to settle, and not whether we want war or whether we do not want war. Gentlemen affirm their patriotism and say that they are in favor of supporting the President not only in the negotiations on diplomatic affairs but in all interests wherever we come in contact with a foreign country. That is not disputed; but what we want to do, gentlemen, is to inform the courts of Europe that you stand by the President, and not inform us. That is the proposition before the House now.

Now, what do we propose to do in our report? The Committee on Foreign Affairs in its report as presented recognizes in the President his exceptional right, or his right established by precedent and practice, to negotiate all diplomatic relations between this country and any other country. We also propose in that report to recognize the rights of Congress as provided in the Constitution and by the precedents and practices established under it. And we state in our report also this other fact, that when the President has reached a period when he can no longer proceed with the diplomatic relationship which we sustain, he shall bring his correspondence to Congress, and then we will take such action as in the premises seems necessary. We will do in this instance just as Mr. Cleveland did in the Venezuela affair. After he had exhausted all his efforts in settling that proposition, he came to Congress and laid all the facts and communications and conditions before it, and Congress acted promptly. Not only in that instance but in all other instances in which the Congress of the United States has been involved it acted unanimously and patriotically in favor of the Chief Executive of the country.

What is the condition? Since September 3, 1914, there have been swept into the great vortex of European war more than two-thirds of the Caucasian race. Every Government of western Europe is participating in the contest now on, and it became the duty of this country to become a conservator of those principles of international law upon which rests the civilization, the prosperity, and the justice of every nation. Let every Member of this House abjure partisanship and be brave enough and patriotic enough to reinforce the President by his vote to continue a condition of peace which he has maintained for 18 months. New and most perplexing problems, intricate and far-reaching in character, have engaged the attention of the Chief Executive. I will not cast my vote to give aid and comfort to any foreign country that we are divided in our support of the President of the Republic. When a problem of international diplomacy is involved every aid and assistance should be American and the peace and happiness of our people our aim. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. ROBERTS].

Mr. ROBERTS of Massachusetts. Mr. Speaker, there is one thing in this discussion that must have been impressed upon the minds of all. Almost without exception every speaker who has been before you to-day has said that he believed the American people should be warned to keep off of armed merchant ships of belligerents, and yet about half of them in the next breath have said, "Stand by the President." How can we stand by the President better than by giving him an honest opinion in this House on that very question of warning American citizens to keep off armed merchantmen? [Applause.] And yet we all know the cards have been so shuffled and dealt that this House will have no opportunity whatever to give to the President that which he has asked of us, to wit, our opinion as to warning Americans to keep out of the danger zone.

Why, we are told that we will give up the inalienable right of American citizens to travel wherever they will, upon any means of conveyance they choose, if we say to them in this time of peril and great crisis, "You must not go into the danger zone expecting the protection of your Government behind you."

Last summer I had an experience that in a measure, it seems to me, is on all fours with the present international complication. I had occasion to travel from the State of Massachusetts, through New Hampshire, into the State of Maine. Now, the Constitution of the United States gives me an inalienable right to travel at will upon the highways of all the States in this country. And yet on a highway in New Hampshire I saw a sign on a fence across that highway saying to me, "Detour. This road is passable, but dangerous. If you go on it it is at your peril."

I wonder if any Member of this House would think his inalienable right of citizenship had been abridged in the slightest by the action of the authorities in New Hampshire? I wonder if any sensible American would for a moment have thought of calling upon the Federal Government to compel New Hampshire to guarantee his safety if he exercised his inalienable right and traveled over that road, which he was told was dangerous? I did not feel that my rights of citizenship has been abridged or taken from me. Rather, I was thankful that the State had warned me that danger lay ahead and had pointed out to me how I could avoid it.

Gentlemen to-day have told what their constituents think of this question of warning Americans. I have been receiving letters for months past from constituents in my district asking me why the President did not notify American citizens to keep off armed ships, and others said, "Why does not this Government compel Americans to keep off these armed merchantmen and not imperil the peace of this great country of 100,000,000 people?" It seems to me, my friends, the situation to-day is well set forth in I Corinthians vi, 12, wherein St. Paul, the evangelist, says:

All things are lawful unto me, but all things are not expedient.

[Applause.]

We can say to-day that without any loss of national honor or diminution of American rights it is not expedient for our people to go into the danger zone, and I can not bring myself, for one, to believe that such a warning issued to the American people surrenders in the slightest degree any American rights. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FLOOD. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Speaker, a resolution adopted by this body warning American citizens not to travel upon armed merchant vessels of belligerents would have no legal effect whatever. It would be merely advisory. It ould not in the slightest degree cut off the right of any American citizen to travel on such ships. The right of American citizens to travel the high seas was not granted to them by our country, but was granted to them under the principles of international law. They do not owe it to the American Government, but they owe it to the practices of the civilized nations of the whole world.

Any resolution which this body might adopt could neither abridge nor could it to the slightest extent extend that right. The only effect that the adoption of such a resolution would have would be as the expression of an opinion, merely, unless we intend to indicate thereby that we will not protect our citizens, that we will not defend them in the exercise of their legal rights. To adopt such a resolution in the setting in which it is presented to us would be to go into bankruptcy upon our international liabilities and say to American citizens by implication, "You have the right. It is yours. We can not take it away, but we serve you with notice in advance that we are too cowardly, too contemptible, too craven, to defend you in its exercise." [Applause.]

I had hoped, Mr. Speaker, to be permitted to make a legal argument upon this question, but it is impossible to do such a thing in the limited time given me. Therefore I am denied that privilege, but I want to say, not as a partisan of the President, not even in my capacity as a patriotic American citizen, but as a lawyer who has given this question much study, that there can not be any doubt that merchant vessels have the right to arm for defense, that they do not thereby change their status as merchant ships, and that neutrals traveling on such vessels retain all their rights and immunities.

I do not doubt that all of us, if interrogated in a private capacity, would say that we did not favor an American citizen taking passage upon one of these ships. It is the duty of our citizens not to take any chances in embroiling our country in war, and we should all of us unhesitatingly say so.

But, on the other hand, when we come here to vote upon this question we must take it in the setting in which it is presented. We must pass upon the question with all the implications and intendments which inhere in the entire situation. We

can not act merely upon the abstract question of whether a citizen should ride or should not ride upon an armed merchant vessel.

Had this matter been presented to the Congress in a time of peace, the vote of warning would perhaps have been carried. Had it been presented in any less unfavorable setting than it is to-day, it would have received a much larger vote. But we must not forget the frame in which this picture is placed. Our country is negotiating with foreign countries. A question which was originally simple is so vastly widened in its aspect as to fill the whole horizon.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. MEEKER].

The SPEAKER. The gentleman from Missouri [Mr. MEEKER] is recognized for five minutes.

Mr. MEEKER. Mr. Speaker, in the first place, I think it might be well to remind the gentlemen who talk about partisanship that this resolution originated on that side of the House. [Applause on the Republican side.]

In the next place, the President either wants a vote on this or he does not. I want a vote. [Applause.] Eighty-five per cent of the men who have talked have said they were in favor of a warning. Do you presume Germany will not hear that? Do you think your talk will not go there, as well as the report of your vote? You talk one way and then propose to table a resolution in order to duck and say it never came to a showdown. [Applause and laughter.]

As I understand it, this is the Congress of the United States and not a rubber-stamp concern like there was a year ago. [Applause.] We have been asked for our opinion. We are given the privilege of expressing it, five minutes at a time, and then are offered the opportunity of voting for or tabling a resolution which you would not permit to have amended and in which you have left the objectionable things, because you knew if you took them out the President would come in about 1 to 10. [Applause.]

We had just as well call a spade a spade. I voted against the rule a while ago because I wanted an opportunity to do what the President has said, by correspondence with a committee—not with the House, but with the members of a committee—that he did not want, and which he now wants; a thing which a few days ago he wanted real badly, but is not sure now whether he wants it or not. [Applause.] The purpose of this whole program this afternoon is to give opportunity for exploitation to a lot of gentlemen who talk loudly and bravely about patriotism, but who never come to a show-down on this vote. [Applause.]

Gentlemen, on the question which we are discussing to-day, according to the letter of our Secretary of State on the 18th of January, and according to the secret orders of the British themselves in regard to armed merchantmen, we are not divided. The English look upon those as a part of the Admiralty. They have given their secret orders as to what is to be done, and we stand here between tweedledee and tweedledum trying to deny both what our own Secretary said and what the English Government recognizes. [Applause.] I do not imagine if instead of that being a warship or a merchant vessel it was a wagon loaded with ammunition, with two armed soldiers on it, traveling between the lines, that we would vote to save the fellow citizen of ours who got his head shot off. These munition boats are trying all the time to use the cheapest insurance they can get, and that is an American citizen aboard. [Applause.]

Now I am not pro-German or pro-ally, but I am pro-United States and have pro-horse sense. [Laughter and applause.] You men on that side of the House do not dare come to a showdown on a vote, and you know it. [Applause.]

Talk about standing by the President. Every speech you have made has undermined him this afternoon. By your words you are condemned out of your own mouths as to what you really believe, and are trying to make a play here solely for the purpose of saying that he was vindicated. How can he be vindicated? If he wants the opinion of this House, let him have it. If he does not, stand up and say so like men, instead of coming in here and talking about patriotism on that side. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. FLOOD. Mr. Speaker, I yield five minutes to the gentleman from Rhode Island [Mr. KENNEDY].

The SPEAKER. The gentleman from Rhode Island [Mr. KENNEDY] is recognized for five minutes.

Mr. KENNEDY of Rhode Island. Mr. Speaker, the Committee on Foreign Affairs, of which I am a member, has reported the so-called McLemore resolution to the House with the recommendation that it lie on the table. I am in accord with the position the committee has taken because I believe that diplomatic negotiations involving momentous questions of international law and of good faith affecting the friendly relations of this Government with other nations and the future welfare of mankind are matters to be conducted by the President with foreign countries through the usual diplomatic channels.

But the Committee on Rules, acting, I presume, in conformity with the expressed desire of the President of United States, now submits to the House a proposition calling for a vote in order to determine the attitude of the Members with respect to the McLemore resolution. Personally I am ready for the test. I shall register my vote against the proposition by voting in favor of the motion to lay it on the table.

The undisguised question, if I correctly understand it, is whether American citizens have the right to travel on belligerent merchantmen that are armed for defensive purposes only. The answer to this question is a matter of international law and not a consideration of sentiment. My own examination of the law and precedents together with the opinions of distinguished lawyers on this question have led me to the conclusion that Americans have this right in accordance with a principle of international law that has been well established for centuries.

Entertaining this view, therefore, I can not lend my support to any proposition of compromise. There are some things which can not be compromised. One of them is an established American right. [Applause.] As a Member of the American Congress I deem it my first duty to uphold and defend the rights of American citizens. Any action which would tend to injure or abridge those rights is not the better part of statesmanship. [Applause.]

More than once since the origin of this debate have I heard it openly averred that a failure at this crisis to warn Americans against traveling on the merchant vessels of belligerents will inevitably lead us into war. Personally I am not ready to yield to such an imitation of prophecy. I hope that war may never come, but if it does come, and as a Nation we are called upon to face it, my own conviction is that it will be less likely to follow from a steadfast enunciation of our rights than from a stupid renunciation of them. [Applause.]

Mr. Speaker, this is a time for genuine and not adulterated patriotism. [Applause.] It is a time when the dominant passion animating the bosom of America should be the protection of her unquestioned rights and the maintenance of her established laws with unabated vigor and virility. Without this, sir, there is no force in our nationality and no meaning in our flag. [Applause.]

The occasion then, it seems to me, has come again when the American people must reassert their conception of the real significance of that flag. If it stands for anything, Mr. Speaker, if it floats with any definite aim or purpose on land or on sea, if it typifies in the glorious colors that make up its graceful folds any principle that loyal Americans must adhere to, I apprehend it must be the expression of American rights as the laws and customs and traditions of this mighty Republic proclaim those rights. [Applause.] Away from that conception, sir; may we never permit ourselves to stray.

It is to that ensign of civil and religious liberty we owe our glorious retrospect as we turn our vision back through the decades that have thus far marked the course of our national honor and distinction.

And, sir, as we stand here to-day and endeavor with our weak human vision to penetrate the glories we hope will be ours to enjoy in the future, let us not commit ourselves to the performance of an action that would anywhere mar our American rights or minimize our American security. Let that flag, the symbol of a Nation's faith, remain forever unstained and unsullied upon the lofty heights of its hitherto undisturbed grandeur representing the full fruition of democracy's triumphs in the past and the everlasting guaranty of its security in the future. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I ask the indulgence of the House for a moment while I depart from the subject now under consideration. It seems to me that it is the graces of life which really make life worth living, and in the midst of a debate of some intensity and importance I beg leave to remind the House that 66 years ago to-day the distinguished, the impartial, the beloved Speaker of the House first saw the light of day. [Prolonged and general applause.]

The SPEAKER. With the consent of the House, I desire to thank the gentleman from Illinois [Mr. MANN], not only for this kindness but for numerous others, and from the bottom of

my heart I thank the House for this splendid demonstration of its affection.

When James A. Garfield was elected to succeed Allen G. Thurman in the United States Senate and some Democrat made a speech very complimentary to Gen. Garfield, he denominated that kind of remarks as the "flowers that grow over the walls of party politics," and so I regard this. This House is to be relied on always to show kind personal regard for its membership, no difference what the politics may be. I am particularly under deep obligations to the Members—Democrats, Republicans, Progressives, and Independents—for innumerable evidences of their love. It is worth 66 years of laborious life to receive such an ovation by the House of Representatives.

There is one other remark I wish to make. If this country is ever in danger, there will be no party divisions here. [Applause.] We are all Americans and we are all patriots, and any man who insinuates anything else simply degrades his intellect. [Applause.] In peace we are "distinct as the billows"; in war we are "one as the sea." [Applause.]

I remember a great day in this House, and the older Members here remember it, when Mr. Speaker CANNON, then chairman of the Committee on Appropriations, on the 8th of March, 1898, brought a bill into this House, and the House of Representatives, without a man missing, Democrats, Republicans, Populists, and Silverites, performed the most stupendous piece of confidence ever seen in this world since the morning stars first sang together for joy, by voting into the hands of the President of the United States, William McKinley, $50,000,000, without strings and without restrictions. As a Democrat of Democrats it gives me pleasure to state that it is my profound conviction that William McKinley never violated that stupendous trust. [Applause.] As an American, proud of my country, I do not believe that any man ever held that great office or ever will hold it who would violate such a trust. [Applause.]

Again thanking you, the debate will proceed.

Mr. MANN. Mr. Speaker, the time had already been allotted, and I promised the gentleman from Wisconsin [Mr. COOPER] to ask unanimous consent that the time consumed by me, which he yielded to me, should not be taken out of his time. [Applause.] I make that request.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time occupied in this proceeding be not taken out of the time of the gentleman from Wisconsin. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker, I deem it a very great honor to have the opportunity of speaking next after the exercises which have just preceded. I want to add my modest words of congratulation and praise to those of our minority leader, in the expressions that he has made toward our beloved Speaker. [Applause.]

We are to-day witnessing and participating in a very remarkable event. It is doubtful whether any procedure in the American Congress has ever been watched with more widespread interest throughout the world. Greater days have been recorded in the annals of Congress, but none of more far-reaching interest. I say this, because it is very evident that the interest of the world is centered here, very largely for the reason that it is generally thought the subject is a much greater and more important one than is actually before us.

I shall vote to table the McLemore resolution. Yesterday my colleague from Massachusetts [Mr. GARDNER] stated that the McLemore resolution is a genuine proposal, and that he would prefer to vote on that resolution without the change of the dotting of an "i" or the crossing of a "t." As frequently happens, I differ with my esteemed colleague. I should not consider that the McLemore resolution was a test in any sense of the sentiment of the House for or against warning the American citizens relative to passage on armed belligerent ships.

Mr. Speaker, if 999 American citizens out of every 1,000 were asked to-morrow what was before Congress yesterday they would reply, "Congress was considering whether it would vote confidence in President Wilson in his desire to offer protection to American citizens on armed vessels of belligerent powers." Vote "Yes; stick up for American rights against any or all foreigners" is the answer shouted back by the American people. [Applause.] How far is this conception from the actual reality? I say this situation has been intentionally brought about for the very purpose of having this sentiment expressed. The exact facts are these:

On February 22 Mr. MCLEMORE, whose congressional autobiography shows an inheritance of "a storm" and a predisposition for adventure and excitement, introduced a now famous resolution. No one reading this resolution would be disposed to accuse its author of having the power of diplomatic expression. It takes up four pages of printed matter, but in only two lines has anything worthy of consideration been stated. These two lines are:

> And in case American citizens do travel on such armed belligerent ships that they do so at their own risk.

This resolution would have gone the way of thousands of other documents and bills—made good waste paper—except for one thing. President Wilson, with his keen insight into English expression, realized that this resolution would be so objectionable that it never could be adopted, so instead of leaving it peacefully slumbering in a dusty pigeonhole of the Committee on Foreign Affairs we are suddenly informed that this resolution must be tabled in order that, by inference, the people will say President Wilson has been indorsed by Congress. What a situation! A few days ago the Democratic leaders were soft-pedalling the resolution, but when the White House passed the word up they jump with special rules and all the Democratic machinery to table the resolution. It was effectively tabled when in committee. Why not leave it there? The committee now having reported it adversely, under parliamentary rules it is still on the table. Why these continued efforts to resurrect a worthless resolution?

If a straight vote on warning or no warning has been wanted, why did not the President and his congressional errand boys bring that question before us? For my part I should consider American citizens had received all the warning needed without action here. The press of the country has been filled for days and weeks with notices of attendant danger in travel. There should be no need of an official warning to any American citizen to keep off of belligerent vessels. Personal safety coupled with common sense ought to warn every American to keep off such vessels at the present time irrespective of the duty every American owes his country by not exposing himself in such a way as to involve the country in war. I am opposed to any official curtailment of the rights of American citizens and therefore am opposed to the warning. I am convinced that it is within the authority of the Executive, who at this time is Mr. Wilson, to protect the rights of Americans at home, abroad, and on the high seas, and that such power is given the Executive by the Constitution itself.

So were the question of warning or no warning actually before us, I should vote "no." The actual question is whether we shall vote to table an impossible and improper resolution. I shall vote "yes"—not at the request of President Wilson, but in spite of his request.

Mr. Speaker, I am a red-blooded American and favor American doctrines and principles against all comers [applause], but I shall not deceive myself or my constituents that by action on this resolution I am doing more than my duty as an American. I shall not lead myself or them to think that I am thereby following the leadership of or in any way giving a personal indorsement to President Wilson.

The McLemore resolution merited no prominence, in my opinion. No good purpose was accomplished by its introduction; nothing was gained by using it as an instrument for congressional action. President Wilson again showed his dictatorial methods in insisting on adverse action upon it. The question the American people think is before us is not here. No answer has been made to the question whether or not warning should be given to Americans on armed belligerent vessels. No vote of confidence in President Wilson personally can be implied or inferred. [Applause.]

Mr. FLOOD. I yield to the gentleman from Massachusetts [Mr. GALLIVAN].

The SPEAKER. The gentleman from Massachusetts [Mr. GALLIVAN] is recognized. [Applause.]

Mr. GALLIVAN. Mr. Speaker, it is true, as the gentleman from Missouri has said, that this proposition originated on this side of the House; but I want to say to the gentleman from Missouri that no one on this side of the House is proud of that fact, with perhaps the single exception of the gentleman from Texas [Mr. MCLEMORE], who has enjoyed the spotlight of notoriety that never would have been his but for this freak resolution of whereases. [Applause.]

Mr. Speaker, these are days for patriotic officeholders as well as for patriotic common citizens, and, regardless of any man's political affiliations, he should place the interests of his country and his flag first. The really traitorous American who in this crisis which confronts America demands his rights upon the seas deserves no sympathy and no protection. While I believe that the President should give his advice to his fellow country-

men to beware of travel on the armed ships of the warring nations, I can not support this resolution for this reason. In my opinion it is an unwholesome mass of conglomerated hodgepodge which, instead of being laid on the table, should be torn into tatters and scattered to the March winds, never to be brought back into these Halls to worry the minds and bother the hearts of you Representatives of the American people. [Applause and laughter.]

In my humble judgment, after a painstaking and careful analysis of this McLemore resolution, I have come to the conclusion that by its adoption there would follow in its wake confusion worse confounded. [Applause.] I want to see the President of the United States take some action which would prevent foolhardly or fortune-seeking Americans endangering the peace, the happiness, the homes, and the lives of 100,000,000 of their fellow countrymen. I believe that to embroil this Nation now, after so many anxious months, in a war in which there is no compelling interest, either of honor or of safety, for our being embroiled will seem to sensible citizens a wicked thing to do. But the whole situation is in the hands of the President, and Congress as yet has no business to interfere with one of the gravest crises in the history of this Republic. [Applause.]

Oh, how true the words of a Boston friend who wrote a few days ago that both country and Congress have learned enough about the results of modern war to realize that it is almost national suicide, that it means untold suffering and brings a nation to the verge of bankruptcy, that its only possible excuse is to preserve national integrity!

When the State Department hinted to the allies that the United States was contemplating adopting the policy of regarding armed merchant ships as auxiliary cruisers, the step which has brought us so near to war was taken. The allies refused to be influenced by the semithreat and Germany took it up. Together with this, the stress which the President repeatedly laid in his *Lusitania* notes upon the fact that that vessel was unarmed did much to bring about the difficult diplomatic position of this country.

Most leaders now question the theory that a nation must go to war merely to save the faces of its clumsy diplomats. In the history of the world anxiety for diplomatic reputations has too often been the cause of war. The notion that a foreign minister, an ambassador, or even an executive can maneuver his country into a position from which war is the only honorable escape is not a democratic ideal. Some of our representatives are sufficiently free from Old World tradition to appreciate this.

Three classes of Americans are traveling through the war zone upon merchant ships. Some of them are bent upon business concerning munitions of war; some of them travel for pleasure; still others are connected with war relief work. Those who have business with foreign armies are in a risky occupation. If the pleasure seekers come to grief, they may be pitied without doing anyone any harm. As for the men and women anixous to bind up the wounds of war's victims, they would be the last to wish anyone to go to war upon their account; but they alone deserve every protection. [Applause.]

No American has his rights abridged when he is warned to keep away from danger, and surely there is no honor in protecting a principle which, carried out, would bring no good to any man, but which would, in fact, fail to perform the task that had called forth such a course—the protecting of life. Would war insure the privilege of traveling the seas in safety? Common sense fails to disclose what of "honor," that is so much talked about, would be left should we sent 10,000 lives after an initial few lost through insistence upon entering the confines of a death struggle, where the law of self-defense is always supreme. We shall have this borne in upon us sooner or later, my countrymen, because it is nature's, not a man-made, law. [Long-continued applause.]

The SPEAKER. The time of the gentleman his expired.

Mr. COOPER of Wisconsin. I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] is recognized for five minutes. [Applause.]

Mr. LENROOT. Mr. Speaker, I feel that I perhaps owe an apology to the House for again occupying the floor on this question, but up to this time I have refrained, and purposely refrained, from expressing any opinion concerning the real question of the rights of American citizens to travel upon armed merchant ships of belligerent nationality. I had hoped that that occasion would not arise in this House, but we have it before us, and I feel that it is my duty, so long as we must vote upon it, to express my views with reference to it.

Now, Mr. Speaker, gentlemen have said repeatedly throughout this debate that this proposition of Americans traveling upon armed merchant ships is an unquestioned right under international law. With reference to that I want to call the attention of the House to the fact that upon January 18, a little over six weeks ago, the present Secretary of State, in a note written to the allied powers, used this language with reference to what is now said to be an unquestioned right. He said:

> In proposing this formula as a basis of conditional declaration by the belligerent Governments, I do so in the full conviction that each Government will consider primarily the humane purposes of saving the lives of innocent people rather than the insistence upon doubtful legal rights, which may be denied on account of new conditions.

"Doubtful legal rights" is what the State Department termed this on the 18th day of January. When since then did it become an unquestioned legal right, concerning which there can be no difference of opinion upon the part of patriotic Americans?

The note concludes with this language:

> I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent Government, and is seriously considering instructing its officials accordingly.

Now, Mr. Speaker, the question that presents itself to us is, Shall we by voting to table this McLemore resolution say that this right which six weeks ago was a doubtful right—that this right which six weeks ago the Government said was so doubtful that it was considering instructing its officials to treat armed merchant vessels as war vessels—shall we say by voting to table the McLemore resolution that that right is now so clear and unquestioned that this House, if called upon, will be ready to vote for a declaration of war against Germany in case an American citizen loses his life upon one of these armed merchant vessels?

Mr. Speaker, I am not ready to so vote, and because I am not ready I propose to vote against tabling the McLemore resolution, because if it is not tabled there will then be an opportunity to amend it, expressing the convictions of the House, giving the House an opportunity to vote for a simple resolution of warning, and thereby give notice to your President and to my President that in the opinion of this House that right is not so clear, is not so unquestioned, as to justify this country in going to war for a violation of it. [Applause.]

Mr. FLOOD. Mr. Speaker, I yield seven minutes to the gentleman from Pennsylvania [Mr. TEMPLE].

Mr. TEMPLE. Mr. Speaker, I can not listen to this debate or take part in it myself without expressing my deep regret that the question has ever been brought before the House under present conditions. There is little of that calm deliberation without which a wise conclusion can not be reached.

On the surface the question seems to be merely whether this Government ought to advise its citizens not to take passage on an armed merchant ship of a nation which is at war. On that question, if it stood alone, if there were no complications, if there were no interference with other things, and if I were to speak the sentiments of my own heart, I would without hesitation advise any man that contemplates sailing on such a vessel, that he had better take a vessel sailing under a neutral flag, preferably the flag of the United States. [Applause.]

But although that may seem on the surface to be the question, it is important that we look more deeply and see what may be beneath the surface. There is a controversy between the United States and Germany on one question, between the United States and Great Britain on another question—delicate controversies, and of great importance, that should make this House hesitate to interfere by passing a resolution that can have no legal effect.

The resolution now before the House is not a bill that would become law if passed, it is not a joint resolution that would have the effect of law, it is not a concurrent resolution that would go to the Senate, it is an expression of opinion of this House only. If passed here by unanimous vote it would have no more legal effect than a similar resolution passed in a chamber of commerce in any American city. [Applause.] Its only conceivable effect would be to embarrass this Government in its negotiations with foreign powers. [Applause.] There is no proposal to give it any legal effect, it is only an expression of opinion about the business of another department of the Government.

What does lie beneath the surface? The question concerning armed merchantmen and their status did not arise in connection with the submarine controversy. It was not until February 4, 1915, that Germany announced her "war-zone" policy, and it was some weeks later when submarine vessels were first used against merchant ships in the war zone. It was five months earlier, in September, 1914, that this Government found it necessary to give its ruling on the status of armed merchant ships of belligerent nations in our ports. Our Government ruled upon it in a memorandum which was handed to the German ambassador. It bears date of September 19, 1914, and the essential part of it reads as follows:

THE STATUS OF ARMED MERCHANT VESSELS.

A. A merchant vessel of belligerent nationality may carry an armament and ammunition for the sole purpose of defense without acquiring the character of a ship of war.

B. The presence of an armament and ammunition on board a merchant vessel creates a presumption that the armament is for offensive purposes, but the owners or agents may overcome this presumption by evidence showing that the vessel carries armament solely for defense.

C. Evidence necessary to establish the fact that the armament is solely for defense and will not be used offensively, whether the armament be mounted or stowed below, must be presented in each case independently at an official investigation. The result of the investigation must show conclusively that the armament is not intended for, and will not be used in, offensive operations.

In reply to that ruling, Ambassador Gerard telegraphed from Berlin, under date of October 15, 1914, a memorandum which he received from the German foreign office. The following is an extract from it:

An official notice appearing in the Westminster Gazette of September 21, 1914, states that the Department of State at Washington has ruled that ships of belligerent nations when equipped with ammunition and armament shall be treated nevertheless, while in American ports, as merchant ships, provided the armament serves for defensive purposes only. This ruling wholly fails to comply with the principles of neutrality. The equipment of British merchant vessels with artillery is for the purpose of making armed resistance against German cruisers. Resistance of this sort is contrary to international law, because in a military sense a merchant vessel is not permitted to defend itself against a war vessel, an act of resistance giving the warship * * * with crew and passengers.

To that statement, under date of November 7, 1914, Mr. Lansing, then Acting Secretary of State, replied:

DEPARTMENT OF STATE,
Washington, November 7, 1914.

Your 515, October 15. The Government of the United States is obliged to dissent from the views of the German Government as expressed in your telegram in regard to the treatment to be accorded armed merchant vessels of belligerent nationality in neutral ports. The practice of a majority of nations and the consensus of opinion by the leading authorities on international law, including many German writers, support the proposition that merchant vessels may arm for defense without losing their private character and that they may employ such armament against hostile attack without contravening the principles of international law.

The purpose of an armament on a merchant vessel is to be determined by various circumstances, among which are the number and position of the guns on the vessel, the quantity of ammunition and fuel, the number and sex of the passengers, the nature of the cargo, etc. Tested by evidence of this character the question as to whether an armament on a merchant vessel is intended solely for defensive purposes may be readily answered, and the neutral Government should regulate its treatment of the vessel in accordance with the intended use of the armament.

This Government considers that in permitting a private vessel having a general cargo, a customary amount of fuel, an average crew, and passengers of both sexes on board, and carrying a small armament and a small amount of ammunition, to enjoy the hospitality of an American port as a merchant vessel it is in no way violating its duty as a neutral. Nevertheless it is not unmindful of the fact that the circumstances of a particular case may be such as to cause embarrassment and possible controversy as to the character of an armed private vessel visiting its ports. Recognizing, therefore, the desirability of avoiding a ground of complaint, this Government, as soon as a case arose, while frankly admitting the right of a merchant vessel to carry a defensive armament, expressed its disapprobation of a practice which compelled it to pass upon a vessel's intended use, which opinion, if proven subsequently to be erroneous, might constitute a ground for a charge of unneutral conduct.

As a result of these representations no merchant vessels with armaments have visited the ports of the United States since the 10th of September. In fact, from the beginning of the European war but two armed private vessels have entered or cleared from ports of this country, and as to these vessels their character as merchant vessels was conclusively established.

Please bring the foregoing to the attention of the German Government, and in doing so express the hope that they will also prevent their merchant vessels from entering the ports of the United States carrying armaments even for defensive purposes, though they may possess the right to do so by the rules of international law.

LANSING.

It should be observed that in this note of November 7, 1914, while recognizing the right of a merchant vessel to carry an armament for defense, this Government nevertheless expressed its disapprobation of the practice. Mr. Speaker, it is not hard with that in mind to reconcile the letter of January 18 with the present stand of our Government. It has been consistent with the stand taken November 7, 1914. [Applause.]

In the memorandum of October 15, 1914, from which I have already quoted, the German Government proceeded to say of armed merchant ships—

It is a question whether or not ships thus armed should be admitted into ports of a neutral country at all. Such ships, in any event, should not receive any better treatment in neutral ports than a regular warship, and should be subject at least to the rules issued by neutral nations restricting the stay of a warship. If the Government of the United States considers that it fulfills its duty as a neutral nation by confining the admission of armed merchant ships to such ships as are equipped for defensive purposes only, it is pointed out that so far as determining the warlike character of a ship is concerned, the distinction between the defensive and offensive is irrelevant. The destination of a ship for use of any kind in war is conclusive, and restrictions as to the extent of armament affords no guarantee that ships armed for defensive purposes only will not be used for offensive purposes under certain circumstances.

So that already on October 15, 1914, we had received from the German Government notification that she would expect us to intern those ships if we recognized them as warships—treat them as we did the German warships at Norfolk. How long do you suppose——

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman from Pennsylvania is a member of the committee, and I promised to yield him five minutes more, and do so.

Mr. BENNET. Mr. Speaker, will the gentleman yield?

Mr. TEMPLE. I can not yield with so little time. If we intern the warships of Germany and refuse to intern those ships that Germany claims are warships of the enemy, after we have taken action that admits that Germany is right, what ground have we to stand on? If we refuse to intern them, we have another serious dispute with Germany and no international law to support us. If, on the other hand, we do intern them, how long can we keep out of serious controversy with Great Britain, France, Italy, Japan, and Russia. These nations may arm more and more of their merchant vessels and insist upon standing on the right which we have recognized.

As a matter of fact, British armed merchant ships are not coming to our ports at present, and have not been coming for more than a year. All this talk about men getting on "powder ships" and defending shipments of munitions of war by the presence of American passengers on board has nothing to do with the case. Germany is not claiming any right to torpedo those vessels. They carry ammunition. They carry contraband, but they are not armed. Germany is claiming the right to torpedo armed merchant vessels and, with the exception of a few of Italian nationality, none are coming to our ports at all. We have citizens in other countries, however, evicted, some of them, by the laws of the country, who must take passage upon armed vessels or none at all. Shall we deny to those people our protection when they have contributed not at all to their own danger? [Applause.]

So far as international law is concerned, the Japanese naval war code of 1904, the Italian code of 1877, the United States code of the year 1900, the case of the *Panama*, an armed merchant ship plying between New York and Spanish ports for three years previous to our Spanish War, and captured as a merchant ship—all these things indicate that the practice of arming merchant ships has not been abolished. It is recognized in the naval code of the United States of 1900, was recognized in the general orders issued in 1898 during the Spanish War, recognized in the Japanese naval war code of 1904. The decision of Chief Justice Marshall in the case of the *Nereide* has been quoted here. It is quite true that Justice Story dissented, but he dissented only from the decision which disposed of the neutral property on board the *Nereide*. In his dissenting opinion Justice Story declared that the right of a belligerent merchant ship to carry arms was unquestioned. There was no dissent on that point. Our own law approved on January 25, 1798, specifically authorized American merchant ships to arm themselves in defense against any vessel, merchant ship, privateer, or warship flying the French colors. That was in the time of our little war that is hardly mentioned in the shorter histories, our naval war with France from 1798 to 1800.

I believe, taking into consideration the naval codes of the nations I have mentioned, there is an unbroken line of decisions and of precedents and of laws from 200 years ago down to 1904, at least. Merchant ships may be taken over and converted into warships. In old times merchant ships might be commissioned as privateers. It is another class that bothers us—that is, merchant ships that remain merchant ships and carry arms. They are not commissioned to make war, they are not licensed to prey on the enemy's commerce, they are permitted to carry arms to defend themselves while they are engaged in their ordinary business—carrying freight and passengers. That is what is meant by defensive armament—that it may be used to protect them in their business. The offensive purpose of a vessel is obvious when the vessel is commissioned, when she carries letters of marque. But when she carries a certificate of registry and gets clearance papers, showing the port she sails from and the port she goes to, and there is proof the vessel is bound upon an ordinary voyage attending to its ordinary business, whatever armament she carries under the old law, still recognized, was considered armament for defensive purposes, the purpose of the ship being shown by her papers, by the evidence in support of those papers, and by other evidence of a character indicated at some length in the memorandum of September 19, 1914, a portion of which I have already quoted. It must be remembered that in every case the burden of proof rests on the owners of the armed vessel. They must show con-

clusively that the armament is not intended for, and will not be used in, offensive operations. [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield four minutes to the gentleman from Missouri [Mr. IGOE].

Mr. IGOE. Mr. Speaker and gentleman of the House, the gentleman from Pennsylvania [Mr. TEMPLE], it seems to me, confuses the issue that confronts this House to-day. We are not concerned with the right of these armed vessels to enter or clear from American ports. We are concerned with the American citizens riding on these vessels, and the only question is between those citizens and this Government, and by taking action upon that question we do not change international law. The gentleman has read some notes of this Government, and I want to read a part of a note from the Secretary of State of this Government to the German Government while this war has been in progress. The concluding sentence of that note to Ambassador Gerard is this:

> Please bring the foregoing to the attention of the German Government, and in doing it express the hope that they will also prevent their merchant vessels from entering the ports of the United States carrying armament even for defensive purposes, though they may possess the right to do so by the rules of international law.

Mr. Speaker, is that asking the great German Government to do a dishonorable thing? If it is not, is this House dishonorable in asking our citizens to remain off of these armed merchant vessels that we asked the great German Government, and by implication other Governments, to keep from the ports of the United States? [Applause.] Gentlemen talk, Mr. Speaker, about this being dishonorable. It may be all right for some gentlemen upon the Republican side to raise that question, but when Democrats upon this floor have approved the course of this administration in warning citizens out of Mexico, how can they stand here to-day and vote against warning our citizens off of these armed merchant vessels? [Applause.] And again, the State Department of this Government is curtailing the rights of American citizens to passports in foreign countries. Here is the rule they have laid down:

> The department does not deem it appropriate or advisable to issue passports to persons who contemplate visiting belligerent countries merely for pleasure, recreation, touring, or sight-seeing.

The gentleman may say that that relates only to pleasure, but if an American citizen has a right to a passport he has a right to it to travel for any purpose that he sees fit.

Mr. FLOOD. If the gentleman will permit, the gentleman does not contend that an American, because he has a passport, has the right to go to a foreign country without the consent of that country?

Mr. IGOE. No; but if we deny an American citizen a passport, we are curtailing a right he has from this Government [applause], a right that he gets from this Government, to which he pays taxes and to whose protection he is entitled. The Government of Sweden tried to protect its citizens, according to all reports, and has called upon them to stay off of these armed merchant vessels, and no one in this House has accused that country of doing a dishonorable thing. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. FLOOD. Mr. Speaker, I yield eight minutes to the gentleman from Pennsylvania [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I shall vote to approve the report of the Committee on Foreign Affairs to lay this resolution on the table, because I believe it is the proper solution of a very ugly matter. These are no times for partisanship.

The President's extraordinary letter to Chairman POU, of the Rules Committee, has created a crisis in the affairs of the Nation that calls upon every Member of Congress to exercise the calm judgment of an exalted patriotism. We should forget that there are such institutions as the political parties to which we belong and consider this matter, so fraught as it is with danger to the peace of the Nation, as Americans, standing shoulder to shoulder, without regard to our political beliefs, in an earnest effort to preserve with honor the peace, the happiness, the prosperity, and the sunshine that now abides in every American home.

The pending measure is in itself simple and easy to understand, but the danger arises from the contents of the President's letter, in which he nowhere states why he desires this resolution defeated; and this failure is the vice of the entire situation, brought about solely by the neglect of the President to recognize the unbroken practice in the Nation of communicating by written or oral message his wishes to Congress, together with the reasons why he desires those wishes complied with. Instead of doing this he writes a letter to Chairman POU, of the Rules Committee, carefully gives it to the newspapers before it is mailed, and probably unintentionally omits to state why he desires the McLemore resolution defeated.

If the President desires the McLemore resolution defeated because a public discussion of it is interfering with our negotiations with foreign Governments, he would receive my support, notwithstanding the fact that the Foreign Affairs Committee was told by him on February 22, the day the McLemore resolution was introduced in Congress, that it was having such an effect, and 10 days later, in the Pou letter, demanded that it be brought out for full and complete discussion. I can not understand why a public discussion is not as dangerous to our foreign negotiations to-day as it was on the 22d of February. Neither can I understand why he should tell us in the Pou letter to do the very thing which 10 days before he said was paralyzing his negotiations with the German Empire. Does the President desire the McLemore resolution defeated because it interferes with the prerogatives of his office? If this be the reason, I will be glad to vote according to his wishes. Does the President desire the McLemore resolution defeated because it has been improperly presented to the House and involves a lot of matters with which none of us are in harmony? If so, I will vote with him. But if he desires the House to pass upon this vital question whether or not American citizens should be warned from armed merchantmen of belligerent nations without sending us a message, as all former Presidents have done under similar circumstances, accompanied by all of the correspondence and other data connected with the matter, then I am against him with all the power that is in me.

A proper determination of our rights in this matter unquestionably involves a careful consideration of both facts and law. The law may be perfectly plain, but what are the facts to which to apply that law? Most of the facts are somewhere on the Atlantic Ocean between Washington and Berlin, and how the United States Senate is ever going to determine the question, as it is attempting to do, without the facts, has very much aroused my curiosity. The President has but to follow the unbroken practices of the former occupants of the White House, and as Mr. Jefferson, Mr. Cleveland, and others did, present to Congress all of the correspondence, together with all data tending to throw light upon the question, by a proper message, and Congress will gladly do its duty, but to have this question, around which revolves the peace of the Nation, sent to us in this loose manner is, to say the least, extremely unfortunate, and if Congress attempted to decide it in the absence of the facts it would not be doing its full duty to the Nation. We have absolutely nothing before us, except hearsay, showing the number, the caliber, and range of the guns with which these vessels are armed. We have nothing before us showing whether that armament has been used offensively or defensively. If used offensively the vessel, under the rules of international law, becomes a pirate and certainly our citizens should remain off of it. If used only for defensive purposes our citizens would probably have the technical right, foolhardy as it is, to travel thereon. All of which are material facts necessary to a proper decision of this important matter. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield four minutes to the gentleman from Illinois [Mr. MADDEN]. [Applause.]

Mr. MADDEN. Mr. Speaker, I am curious to find out what has become of all those men on the Democratic side of the House who for the last three or four weeks have been talking in the cloakrooms about the international situation. [Laughter.] The vote here to-day has not disclosed any of them. They have all faded away.

What is the question before us when it is stripped of the fog? The question is, Shall we speak for the American people? I consider this a domestic question. The question of notifying American citizens not to ride on belligerent armed ships is not an international question, according to my view. We have a perfect right to so advise them; and, in fact, we have a right to enact a law to prevent them. Then, what is the question before us? Does the President want our advice as to what he shall do in the negotiations with the belligerent nations abroad or does he simply want us to lay this resolution on the table? Judging from the vote taken to-day and the attitude of the Democrats upon that question, I think that they construe his meaning to be that he wants no advice.

There is no division of sentiment among the American people as to what shall be done to sustain the President of the United States when the honor of the Nation is involved. Every man upon this floor and every man in the Union will stand as one to protect the rights of America and her citizens. [Applause.]

But there is no question here to-day which calls for that kind of unity of action? The question before us is, Have we the right

to advise our citizens to so exercise their privileges of citizenship as to not involve the rest of the hundred million of people in America? That is the question. [Applause.] And I believe that no man, no matter what his privileges under citizenship may be, has the patriotic right to so exercise that right as to involve the business and the happiness and prosperity of America. We ought to be for America first, last, always. [Applause.] And I believe if we had the opportunity to-day to vote for a simple resolution of warning it would receive almost the unanimous vote of this House. If that question were submitted to the American people, nine out of ten of them would vote to give the warning. And when we vote to-day to place this resolution upon the table we vote to refuse to consider the wishes of the American people. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FLOOD. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. GOODWIN].

Mr. GOODWIN of Arkansas. Mr. Speaker, the great Napoleon once said that the time would come when all of Europe would be either Cossack or republic. I am neither a prophet nor am I the scion of a seer, but if I portend aright the signs all of Europe in the future will be republican and no part Cossack, and thus every European throne will be subverted and overturned.

Sir, if these aspirations, if these hopes of millions of people in Europe are to be finally realized, their freedom attained by this happy event, the question might well be propounded to this Congress, "Shall the American people and the American Republic maintain their independence, their freedom, and their liberty, or be suspended as a mere satrapy and dependency to the belt of some war lord in Europe whose eyes are red with the blood of Mars?"

It seems to me, sir, that we at this moment are about to approach the parting of the ways. We must either stand steadfastly by the traditions of this Republic, the laws of nations, the right of our people and the President, else, taking the other course, be driven and terrorized from the seas, whose highways belong to all the world and upon which are borne annually five thousand million dollars of our foreign trade.

We are not asked to put into concrete law anything by this resolution. As the gentleman from Pennsylvania [Mr. TEMPLE] said a few moments ago, this resolution does not seek to create any law. It is merely, sir, a request directed to the President of the United States to warn American people not to ride upon armed merchantmen of any one of the belligerent nations. Are they not already warned? Has not Germany already made her threat? Could the President's warning be more emphatic or Germany's action any less violative of the rights of neutral or international law? Armed merchantmen are not warships but carriers of passengers and freight with guns to protect them when attacked. This has been the law of nations for centuries.

Now, if by strict observance of international law, by remaining neutral as we are to-day, we are to get into trouble with Germany and the central powers, what might happen to the American people if we violate international law by passing this resolution, and thereby offend another group of powers now engaged in this awful hell of war, this holocaust across the sea? Much has been said in recent times of the so-called yellow peril in the Far East. Might we not become the target of that growing giant over there? Might she not undertake to seize the Philippines and Hawaiian Islands, seek to drive us from the Pacific, attempt to exclude our commerce from the Orient, not to mention the irreparable damage that might be inflicted upon our western coast or the world struggle that would follow? Had we thought, Mr. Speaker, that Japan is an ally of England to-day, and that to offend the allies by our attempt to violate international law as this resolution seeks to do, we might thereby imperil this Nation more than by obeying international law and defeating this resolution? If we are driven from one position by one power, we may expect to driven, sir, from other positions by other powers, until we finally abandon every right guaranteed to us by the law of nations, thus becoming contemptuous in the eyes of all the world.

In common with the great majority of the people of this country I hope that no American will endanger the peace of his Republic by venturing upon an armed merchantman; but it is the unquestioned right of all the people to travel the seas in times of war as well as in times of peace. If we accede to the demands of Germany, may we not likewise be driven to accede to the demands of England and her allies? The latter have rifled our mails, have restricted our commerce, have seized millions and multiplied millions of dollars worth of the products of our fields and factories, but we have not said they have a right to do these things, and these are questions yet to be settled and none of them so far have been settled. The President has sought to settle them all by diplomacy and not by the sword. I am willing to trust him and so are the American people. [Applause.]

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. MCKINLEY].

Mr. MCKINLEY. Mr. Speaker, I voted against the rule just offered because it seems to me cowardly. It seems to me unfair to the President, who represents us in our foreign relations, when we side-step and decline to come out squarely and tell him where we stand. [Applause.] I know that I am voicing the feelings of 100 per cent of the people in the Central West when I say that party politics should be ignored and the President, as our representative, should receive our full support in all proper efforts to maintain the dignity of the United States and the safety of its citizens. I think we should have an opportunity to so vote. Also I am satisfied that 90 per cent of the people in my locality believe with me that American citizens should be requested to travel upon neutral ships and American vessels so far as it is possible to do so.

I think, without a doubt, three-fourths of the membership of this House would so vote if they were given a fair opportunity so to do. It seems to me very unfair to them and to the people they represent that they are prevented by a parliamentary quibble from so voting. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, with the gentleman's permission, I will occupy a little time now.

Mr. FLOOD. All right. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, the situation of the country is grave, if we are to believe the President. The gentleman from North Carolina [Mr. SMALL] says that there is no crisis. But the President asserts that one is imminent, and, pointing to the sparks flying everywhere in Europe, declares that he can not tell when some of these may fall here and the conflagration break out in the United States. Perhaps the possibility of such a conflagration—the threatening possibility that the war may involve this Nation—does not suggest a situation of extreme gravity—a crisis—to the gentleman from North Carolina, but it does to every other man of intelligence in the United States. [Applause.]

Before proceeding further, Mr. Speaker and gentlemen, I trust that I may be permitted a brief personal reference, though I am, of course, aware that, speaking generally, all references to one's self of a mere personal character are unworthy of the dignity of the House of Representatives, and in an especial sense unworthy of an occasion so important as this. And yet the circumstances are such that I feel it my duty—at least a duty to myself—to refer briefly to the charge which is being persistently repeated, that it is the nationality of one element among the constituency whom I am privileged to represent here which is responsible for my attitude on the great question now before the House. Only a few moments ago, in the lobby, a Member of the House called my attention to this morning's New York World, one of the greatest news gatherers in the world, on the front page of which is a copy of a letter ostensibly from a correspondent of some organization, saying that he had interviewed COOPER of Wisconsin and a number of other Representatives in Congress, perhaps 15 or 20, whom he names, and that COOPER was practically in league with the German Alliance to do its bidding and to be relied upon.

Concerning that statement I have no comment to make, except to say that it is a deliberate falsehood. [Applause.] I have not seen either the man who signed that letter or any other person pretending to represent or to be a correspondent or agent of that league or alliance; nor have I ever said or in any way intimated anything of that kind to any person.

But reports have been freely circulated that with me this is all a question of nationality. I have myself more than once heard suggestions to this effect. Yesterday while I was walking through the lobby one gentleman remarked to another as I passed, "Oh, he is that way; they are all Germans in his district." And the other said, "Yes; I understand they are all Dutch." [Laughter.] Both gentlemen, in these statements, gave evidence of their entire lack of information respecting the people of that district, and one of them especially betrayed his ignorance by showing that he was not aware of the difference between Dutch and German. [Laughter.]

Now, the majority of my constituents are not Germans. On the contrary, the Germans constitute a relatively small fraction of the electorate. There are Germans in the district, law-abiding, industrious, honorable, as good people as there are in the world. To be law-abiding, industrious, honorable, is characteristic of the Germans generally throughout the United

States. [Applause.] It is characteristic also of those of my constituents, foreigners, so called, who came from other countries across the sea. They, too, are worthy citizens. In the aggregate they constitute a larger element of the population than do the Germans; and if the letters which I receive are any criterion, a very considerable number of them are strongly pro-ally. But the larger portion of the population are native Americans, people whose ancestors for generations have lived in America. Most of these are descendants of men and women who moved from various eastern States and settled in Wisconsin in an early day. Of the old pioneers only very few still linger. Nearly all have passed away. But their descendants are there. And there, as elsewhere generally throughout the country, it is true that after the lapse of a comparatively few years the children of the poor immigrants from across the sea are indistinguishable from the descendants of the Pilgrims.

I trust that I may be pardoned for adding in this connection that I have no interests of any kind nor any relative in Germany or in any other country of the central powers. But in England there lives one who is very near and dear to me, "dear as are the ruddy drops that visit my anxious heart." She is there at the edge of London with her husband and little daughter. They have heard the roaring crash of the bombs from the Zeppelins. I fear—I fear—for them. But as an American, a Representative in the Congress of the United States, it is my first duty to remember my own country and to vote so as not needlessly to endanger the peace and safety of the great Republic whose welfare I am bound in every honorable way to protect. [Applause.]

This brings us to the question before the House; and I regret, Mr. Speaker, that the special rule governing this debate so limits the time that speakers have no opportunity for full discussion.

We have repeatedly heard it urged here that "we must follow the President"; "we must stand by the President."

Then let us see just what is the President's attitude. Let us have an exact understanding of the facts about it. There have been charges and denials as to his position, but we can get the President's attitude in mind very clearly by examining the letter of Chairman STONE, Senator from Missouri, to the President, which was published in the Washington papers of February 25. The Senator says:

DEAR MR. PRESIDENT: Since Senator KERN, Mr. FLOOD, and I talked with you on Monday evening I am more troubled than I have been for many a day. I have not felt authorized to repeat our conversation.

Something that the President had said troubled Senator STONE "more than he had been troubled for many a day." In the same letter the Senator defines his own attitude. He says:

I think you understand my personal attitude with respect to the subject. As much and as deeply as I would hate to radically disagree with you, I find it difficult for my sense of duty and responsibility to consent to plunge this Nation into the vortex of this world war because of the unreasonable obstinacy—

What had the President said? The Senator wrote that he hated to disagree with him.

Much as I would hate to radically disagree with you, I find it difficult for my sense of duty and responsibility to consent to plunge this Nation into the vortex of this world war because of the unreasonable obstinacy of any of the powers, on the one hand, or, on the other hand, of foolhardiness, amounting to a sort of moral treason against the Republic, of our people recklessly risking their lives on armed belligerent ships. I can not escape the conviction that such would be so monstrous as to be indefensible.

The Senator earnestly declares that he is opposed to war in support of such "foolhardiness," such "moral treason against the Republic." He intimates that in this he disagrees with the President. What did the President say at that Monday night conference? Here is what the President said, as set forth in this letter of Senator STONE:

Furthermore, that you would consider it your duty, if a German warship should fire upon an armed merchant vessel of the enemy, upon which American citizens were passengers, to hold Germany to strict account.

Strict account! How is the President going to hold a belligerent nation "to strict account" in the midst of war except by handing passports to its representative and employing force? How otherwise than by becoming a party to the war can the United States hold a belligerent to strict account? Senator STONE declared that he hated to disagree with the President, but his sense of duty compelled him to oppose plunging into the vortex of war on any such pretext as that. The President said, "I would hold Germany to strict account."

On the next day, Tuesday, the Members of Congress heard all about what was said in that Monday night conversation, through reports emanating from the men who participated in it, and those reports agreed precisely with what Senator STONE understood to be the issue between him in favor of warning Americans not to risk their lives and the President opposed to warning them.

I invite attention now to what the President himself said in his letter in reply to Senator STONE:

If the clear rights of American citizens should unhappily be abridged or denied by any such action, we should, it seems to me, have in honor no choice as to what our own course would be.

"No choice!" Protect the foolhardy people at any hazard! "No choice!" There is but one thing to do when Americans thus risk their lives on armed belligerent ships. Enforce their rights! And Senator STONE would not have this country go to war for such a cause, and he hated to disagree with the President, and he was greatly troubled after that conversation with the President! What was it that the President had said? Answer me, not as partisans. Forget what Hallam called that worship of a party name which makes up the politics of vulgar minds. Do you propose at the call of party to forget your country? Do you say that if the ship which left for the zone of war two or three days ago, having on board an American who said in New York that he had run the blockade three or four times and enjoyed the thrill—do you say that if that ship be sunk and carry that reckless American to the bottom of the sea we will hold one of the belligerent nations to strict account? You have an opportunity to answer that question, and can answer it either as partisans or as patriots.

I digress here to say that the pending resolution was introduced by the gentleman from Texas [Mr. MCLEMORE] on the 22d of February, a considerable time after the Lansing letter of January 18, which I shall a little later read to the House. The resolution could not have been introduced on a better day than the birthday of George Washington, and while it contains in the long preamble and in the body of the resolution itself some features with which, perhaps, I do not agree, nevertheless the intent of the gentleman was worthy of praise. He introduced it for the purpose of having Americans duly warned so that they might not endanger their lives. His purpose was honorable and in strict accord with the spirit of the Lansing letter, and, in my judgment, the gentleman from Massachusetts [Mr. GALLIVAN] would have done well not to hold up to ridicule one so well intentioned and honorable as is the gentleman who introduced this resolution.

Now, the President wished nothing to be done about this McLemore resolution. If I am to believe the chairman of the Committee on Foreign Affairs, and I do believe him, the President urged that no action be taken respecting the resolution, and, to use a common expression, asked the chairman and his Democratic colleagues, constituting a majority of the Committee on Foreign Affairs, to sit on the lid. They obeyed and sat on it. They did not know that the President had changed his mind. They were not notified that he desired them to get off of the lid. [Applause and laughter on the Republican side.] But without warning them the President suddenly wrote a letter to the gentleman from North Carolina [Mr. POU], a member of another committee, and in the opening sentence notified everybody that Mr. HENRY was in Texas. [Laughter.] Then, ignoring the committee which, under the rules of the House, had exclusive jurisdiction of the resolution, he requested the gentleman from North Carolina to have his committee bring the resolution before the House of Representatives. His letter continues:

This matter is of so grave importance, and lies so clearly within the field of Executive initiative, that I wish—

The trouble is that the President wants not only the right to take the initiative, but also the right to issue the ultimatum. [Applause on the Republican side.] Senator STONE, in that letter, betrayed it all—

I dislike to disagree with you, but I can not agree that this would be justification for going to war.

Mr. DAVIS of Texas. Amen!

Mr. COOPER of Wisconsin. Mr. Speaker, the distinguished gentleman from Pennsylvania, Dr. TEMPLE, took much pains to emphasize the word "defense" when speaking of armed merchantmen. He contended that these merchantmen are armed for defense. Let us see whether they are armed exclusively for defense. The London Times of February 10, 1916, contains the following:

Armed liners.
The American note criticized.
Heavier guns needed.
By our naval correspondent.
The P. & O. steamer *Kashgar*, when off Malta on her way to India, saw a submarine periscope and fired at it—

The armed merchantman at once attacked the submarine by firing at it—

obliging the boat to dive. It reappeared on the opposite side of the liner and was again fired at, if not hit, when the submarine dived and was seen no more. The Ellerman liner *City of Marseilles* also had a similar encounter off the Sardinian coast 10 days earlier. In her case the submarine opened fire without any warning, but after two shots the liner's gun got to work and discharged eight shells at the U boat, after which the latter disappeared.

Now follows a striking statement:

The third instance is that of a French ship, the *Plata*, owned by the Transports Maritimes, which, on January 27, sighted a submarine half a mile away. Fire was opened—

I pause here to remark that the gentleman from Pennsylvania, Dr. TEMPLE, has spoken, as also have other gentlemen, about these vessels always having their guns at the stern of the boat and only for defense.

I will read that again:

The third instance is that of a French ship, the *Plata*, owned by the Transport Maritimes, which on January 27 sighted a submarine half a mile away. Fire was opened from the stern of the steamer, and the hostile craft, believed to be struck in a vital part, soon dived and made off.

Armed purely for defense, it immediately attacks with its stern guns and hits the other craft in a vital part!

How conclusively all this shows the change in conditions and demonstrates that as against the submarine these armed merchant vessels are ships of war. This is exactly what was contended for by this Government in the Lansing letter of January 18.

Some day the Government of this United States may wish to use submarines in its own defense.

At this point I will read the letter of January 18 which Secretary of State Lansing sent to the belligerent powers, and demonstrate that it is not only the letter of Secretary Lansing but also the letter of the President of the United States. Let us see what were the views of the President and the Secretary in January upon this vastly important subject. The letter is most interesting:

Prior to the year 1915 belligerent operations against enemy commerce on the high seas had been conducted with cruisers carrying heavy armaments. In these conditions international law appeared to permit a merchant vessel to carry armament for defensive purposes without lessening its character as a private merchant vessel. This right seems to have been predicated on the superior defensive strength of ships of war, and the limitation of armament to have been dependent on the fact that it could not be used effectively in offense against enemy naval vessels, while it could defend the merchantmen against the generally inferior armament of piratical ships and privateers.

POWERLESS IN DEFENSE.

The use of the submarine, however, has changed these relations. Comparison of the defensive strength of a cruiser and a submarine shows that the latter, relying for protection on its power to submerge, is almost defenseless in point of construction. Even a merchant ship carrying a small-caliber gun would be able to use it effectively for offense against the submarine.

The President and Secretary Lansing say that even a small-caliber gun would make a merchantman strong enough to wage successful offensive warfare against a submarine. The letter goes on:

Moreover, pirates and sea rovers have been swept from the main trade channels of the sea and privateering has been abolished. Consequently the placing of guns on merchantmen at the present date of submarine warfare can be explained only on the ground of a purpose to render merchantmen superior in force to submarines and to prevent warning and visit and search by them. Any armament, therefore, on a merchant vessel would seem to have the character of an offensive armament.

In January we hear the President and Secretary saying that any armament on a merchant vessel would seem to have the character of an offensive armament.

If a submarine is required to stop and search a merchant vessel on the high seas, and in case it is found that she is of an enemy character and that conditions necessitate her destruction and the removal to a place of safety of persons on board, it would not seem just nor reasonable that the submarine should be compelled, while complying with these requirements, to expose itself to almost certain destruction by the guns on board the merchant vessel.

Mr. HUDDLESTON. Will the gentleman yield

Mr. COOPER of Wisconsin. No; I have not the time to yield. The letter continues:

It would therefore appear to be a reasonable and reciprocally just arrangement if it could be agreed by the opposing belligerents that submarines should be caused to adhere strictly to the rules of international law in the matter of stopping and searching merchant vessels, determining their belligerent nationality, and removing the crews and passengers to places of safety before sinking the vessels as prizes of war, and that merchant vessels of belligerent nationality should be prohibited from carrying any armament whatsoever.

Here in January was our Government declaring that under present conditions it would be reasonable and just "that merchant vessels of belligerent nationality should be prohibited from carrying any armament whatsoever."

Some of these vessels are armed with 6-inch guns, some have four guns, and one of these inoffensive belligerent merchantmen, armed "only for defense" with 6-inch guns and with shells filled with high-power explosives, could have sunk any battleship of the glorious fleet that Farragut commanded during the Civil War.

I now ask especial attention to what is one of the most important paragraphs of the letter:

In proposing this formula as a basis of conditional declarations by the belligerent Government I do so in the full conviction that each Government will consider primarily the humane purposes of saving the lives of innocent people rather than the insistence upon doubtful legal right, which may be denied on account of new conditions.

The letter urges "the humane purpose of saving the lives of people rather than the insistence on doubtful legal right." And yet this right which was "doubtful" in January is the same right which, if violated, the President indicated to the men who called on that Monday night he would go to war to enforce. If it was doubtful in January, what has made it vital now? If it was honorable to write these views in January, why is it dishonorable to hold them now?

The letter proceeds:

I would be pleased to be informed whether your Government would be willing to make such a declaration, conditioned on their enemies making a similar declaration.

It is the next paragraph which contains the evidence that the President was entirely familiar with the contents of this letter:

I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent Government, and is seriously considering instructing its officials accordingly.

Who was "my Government"? Not the Postmaster General nor the Secretary of the Treasury. Who was "my Government"? Is it to be supposed that the President of the United States would permit Secretary Lansing to write a letter of this tremendous import to the belligerent nations without consulting him? If the President of the United States—and I do not believe it—is so lax in the discharge of his duty that he grants such power to a subordinate he ought not to be President. I acquit him of such neglect of duty, and I acquit Secretary Lansing of being so presumptuous as, upon his own initiative, to have written and mailed that letter. Of course, "my Government" in this letter means the President of the United States.

But it is said that we must not change the rules of the game while the game is going on. Let us see what "my Government" thought about that proposition on the 18th of January.

I should add that my Government is impressed with the reasonableness of the argument that a merchant vessel carrying an armament of any sort, in view of the character of the submarine warfare and the defensive weakness of undersea craft, should be held to be an auxiliary cruiser and so treated by a neutral as well as by a belligerent Government and is seriously considering instructing its officials accordingly.

In January we see that the President was seriously considering instructing our officials to hold armed belligerent merchantmen to be auxiliary cruisers, because he said it would be only just and reasonable so to consider them.

My Democratic friends, do you pretend to believe when the President, through Secretary Lansing, informed those foreign Governments that he, the President, was seriously thinking of notifying our officials that under the changed conditions merchant ships ought not to be armed that he was trying to change the rules wrongfully? No; for he said that it would be right under the circumstances to hold armed belligerent merchantmen to be auxiliary cruisers.

Mr. Speaker, let me recapitulate the argument. The ordinary warship, other than the submarine, has greater offensive and defensive strength than has the armed merchantman. Therefore such merchantman when hailed by such a warship must submit to visit and search or to be captured or sunk.

On the other hand, the submarine is a warship which is weaker in offensive and defensive strength than is the armed merchantman. Therefore the President and Secretary said on January 18 that an armed merchantman ought to be considered as an auxiliary cruiser and be so treated by neutral and by belligerent Governments. Now, if such merchantman ought to be considered as an auxiliary cruiser—a ship of war—then American citizens ought to be warned that if they travel on such auxiliary cruisers into the zone of war they do so at their own risk.

Now, the submarine is a ship of war which we are making and may wish some time to use in our defense. And here is a question for us to meet now: Are we willing that Secretary Lansing or President Wilson, or both together, shall have the power to lay down a rule which will bind the United States in the use of submarines when, God forbid, we may be engaged in war? I pray that our country may never again be party to a war. But it is the duty of statesmanship to be provident of the future.

Suppose that we are engaged in a war with Japan. I speak with all kindness to Japan, because I have warm friends there, as I have warm Japanese friends in the United States; but it is the duty of statesmanship to be provident of the future.

Suppose that we are engaged in war with Japan, and a Japanese liner loaded with ammunition and armed with 6-inch guns should approach our Pacific coast to land that ammunition in Lower California, or elsewhere upon the coast, and suppose that you and I are on a submarine on that ocean, while our brothers,

our friends, are battling, dying on shore in defense of the Nation. Must the rule be what the President and Secretary Lansing contended in January that it ought not to be; and can China demand that you and I, with hearts aching, shall stand back with our submarine because on board of this armed Japanese liner there are two Chinamen, citizens of a neutral State? [Applause.] I am unwilling to give any man—even though he be the President—the power to determine what the policy of the United States Government shall be as to the use of submarines. They are a new weapon. We make them; France makes them; England makes them; they all make them. I do not know what the future has in store for the United States. But if our fleet were driven from the sea our defense on water might depend upon the submarine alone. If war should come to us we will be united in support of the Government. But in time of peace must we stand by the President, who has changed his views so recently on this vastly important question—must we stand by the President no matter what he may do or demand? Is this Russia or is it America? Stand by the President? It is said that some of the ignorant of the Cossacks shout, "Stand by the Czar no matter what he may do." Stand by the President! I have great respect for the office of the Presidency and for the present incumbent of that exalted place, but in order for me to stand by a man it is first necessary that the man shall stand still [laughter] or, at least, be reasonably stationary. Are you going to stand by him as he stood on the 18th of January, when, without consulting anybody, he was seriously thinking of notifying our officials abroad of what, under the changed conditions, he considered the reason and justice of the law to be, in order to safeguard human life, or are you going to stand by him now, on the 7th of March, or will you stand by him in April?

Mr. Speaker, I find in the New York World of February 11 a dispatch, dated February 10, from its distinguished Washington correspondent which is of the utmost importance:

> The intention of the Teutonic allies is considered in official and diplomatic circles here to be a development of the memorandum proposing the disarming of merchant ships which Secretary Lansing recently sent to the entente powers. High officials of the State Department seemed disposed to consider the development broad enough to warrant the claim that the fundamental questions involved in the conduct of submarine warfare have been settled in accordance with the contention of the United States. This is based on the belief that, with Germany and Austria giving notice that they will sink without warning all armed ships, the two Governments can not legally claim the right to sink unarmed vessels. That is the principle for which the United States has so vigorously contended since the beginning of the negotiations over the conduct of submarine warfare.

You who have been called poltroon and coward, as I have, because you voice your honest convictions, listen to the New York World, the President's great newspaper friend:

> In view of this situation American citizens, it is stated by high authority, now may be warned that they will take passage aboard armed merchant ships at their own risk and be entitled to no more protection from the United States than if they had embarked upon a belligerent warship.

Who was the "high authority" that on the 10th day of February last told the distinguished correspondent of the New York World that American citizens may now receive warning that they travel on armed merchant ships at their own risk? There are only two men of "high authority" in the State Department—the President and the Secretary of State—and one or the other of them told the World's correspondent.

Mr. Speaker, we hear much about honor. The word "honor" has been loudly sounded here several times to-day. We have been called dishonorable, forgetful of the Nation's honor, because we wish to have people warned to keep off of armed ships going into the zone of war. The word "honor" is used in many different meanings and frequently without meaning. Like religion, it often sits lightly on the tongues of those whose hearts do not recognize it, and too often do we hear persons pledge their sacred honor who are bankrupt in all that is sacred or honorable. [Applause.] What are we doing that is dishonorable if we believe in the argument made by the President and Secretary of State on the 18th of January? And what is Germany to think? Germany acquiesced in that she agreed not to sink or attack unarmed merchantmen. What is Germany to think of this absolute reversal of the attitude of our Government?

I said in a published interview a few days ago what expressed my views on this general proposition:

> I am opposed to war except it be a war of defense, and then it should be in defense of something worth the sacrifice.

[Applause.]

And the loss of the life of that man who went from New York saying that he had already run the gauntlet of the blockade three times and enjoyed the thrill would not justify me in voting to send this Nation to war. [Applause.]

The gentleman from Illinois [Mr. CHIPERFIELD] and the gentleman from Nebraska [Mr. REAVIS] have this afternoon eloquently depicted war's awful meaning to the soldiers who go to the front to suffer and die and to those they leave to suffer at home—the helpless women and children. War is not all pomp and pageantry. It is well that we be reminded of these things to-day, for the question now before us may at last prove to be one of peace or war. I never think of war but there comes back to me a scene that strongly impressed my youthful imagination.

A company of volunteers was drawn up in line at a village railroad station. Surrounded by a large crowd of relatives, friends, and neighbors, they awaited the arrival of the soon-expected train. There were handshakings, cheering words of encouragement and hope, and weeping good-bys. Amid all this my attention was called to one in the ranks of soldierly bearing and with a face expressive of great resolution, who shook the many outstretched hands and returned the good-bys with a pleasant smile and a cheery voice till the whistle of the train was heard, when a woman, leading a little child, made her way through the throng and reached out her hand to him. She was trying to look brave, but as he drew her to him and her lips met his farewell kiss, the gushing tears that told her heart's sorrow would not be restrained. But though the smile left his face and his eyes had a strange, faraway look, they were dimmed by no tears until she lifted up the little boy, saying, amid choking sobs, "Kiss Johnny." Then as he clasped the little fellow in his arms and pressed his lips to the tender cheek, I saw the strong breast heave, the firm lips tremble, and the tear drops roll down the bronzed cheek and over the rugged beard till they rested like glistening pearls on the fair face of the child. My own eyes refused to see more, and I turned away; but I had seen the last kiss that father's lips ever pressed to the cheek of little Johnny.

Mr. Speaker, I shall not vote to bring again those scenes in the land I love so well because some person insists on traveling on an armed belligerent merchantman into the zone of war. There are other ships on which he can go—American ships under the American flag. He is not obliged to travel on an armed belligerent vessel, nor should the Government be obliged to defend one who deliberately endangers the welfare of his fellow citizens and the peace of the Republic of the United States of America by recklessly insisting upon the exercise of a "doubtful legal right." [Loud applause.]

Mr. FLOOD. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, there is a sharp division of opinion in this House. Of course we all recognize that; but there is no division of opinion upon one point. We are all agreed that peace must be maintained, if peace can be maintained with honor. The gentleman who has just spoken dealt very eloquently with the horrors of war. There is no dissent from the proposition that war is horrible. There is no occasion to voice that sentiment to-day. The only question is, What course should be pursued by this House in order to avoid war and to avoid it honorably?

I maintain, Mr. Speaker, that the surer and the sounder and the wiser way to avoid war is to support the President and not tie his hands. [Applause.] And, Mr. Speaker, I favor, in pursuance of that course, the killing of this McLemore resolution as promptly and as effectively as we possibly can. If in the course of killing it the death be made painless, I have no objection to that. A great deal of stress has been laid upon the floor of this House to-day on the statement that we ought to have a square vote, yes or no, on the McLemore resolution, and that tabling it was an evasion. That can not be so. Every man who has been a member of a debating society, of a fraternal organization, or even of a high school club knows perfectly well from the moment that he joins that institution that tabling a measure kills it. Why, then, should there be so much talk to-day to the effect that there is not to be a square vote on this proposition?

There is a large group in this House, as developed by the speeches to-day, which seems to think it is unfair and almost dishonorable for anyone to insist that the issue be joined squarely, as it will be joined, upon the McLemore resolution, and upon nothing else. But the question before the country to-day is the McLemore resolution. There can be no doubt whatever about that. From the moment leading Members went at the request of the President to the White House and told him, and told the newspapers afterwards, that, in their judgment, the McLemore resolution would pass two or three to one, the issue became the McLemore resolution. It can not be anything else to-day. That report—whether true or not, of course I do not know—went throughout the broad land of the United States and went across the ocean to the German capital. Many

of you are familiar with the text of the article in the Vossische Zeitung [Berlin], which dealt with that statement by certain of the majority leaders of this House. I quote briefly from the article:

It is not without risk—

Speaking of the armed merchantman issue—

It is not without risk, but the risk, perhaps, is smaller since the American Congress shows signs of demanding that the decision in international affairs be taken from the President's hands and placed in those of Congress.

The question of whether we are going to uphold the hands of the President in his diplomatic negotiations with Germany thereupon became the McLemore resolution, and the vote upon that resolution to-day is a square vote of upholding or a square vote of not upholding, as the case may be. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired. The gentleman from Wisconsin [Mr. COOPER] has 10 minutes remaining.

Mr. COOPER of Wisconsin. Mr. Speaker, how much time has the other side?

The SPEAKER pro tempore. Forty-nine minutes.

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. FOSS].

Mr. FOSS. Mr. Speaker, the situation presented here to-day is not of our choosing, but it is here and we must meet it in a patriotic manner.

The framers of the Constitution were wise and farsighted in the establishment of our Government when they provided for three separate branches—the legislative, executive, and judicial. That document gives the President the power, by and with the advice and consent of the Senate, to make treaties and to nominate and appoint ambassadors and other public ministers, and also the right to receive ambassadors and other public ministers. Under these powers is invested in him the right of initiation and control of our diplomatic negotiations with other countries, and whenever he comes to an agreement or conclusion he can report treaties to the Senate for ratification; he can give information at any time to Congress on the state of the Union. The attempt on the part of Congress to pass any resolution upon the present subject matter of diplomatic negotiations in the course of negotiation is clearly an interference and an infringement of the constitutional prerogative of the Executive and fraught with great danger to our country. What a spectacle we would present to the world if the Congress of the United States, composed of two bodies, one with nearly 100 Members and this with 435, oftentimes in disagreement, if it should take out of the hands of the Executive the handling of diplomatic and foreign relations.

The President, in his letter to Mr. POU, states that a report is being circulated in foreign capitals and being made industrious use of that there are divided counsels in Congress in regard to the foreign policy of this Government, and that while he believes the report to be false, yet so long as it is in any way credited it can not fail to do the greatest harm and expose the country to the most serious risks. We all of us must realize that such a condition of affairs necessarily weakens the voice of the President and cripples and paralyzes his hand. There ought to be no question as to the duty of the American Congress in a time like this. [Applause.]

The Constitution further provides that the laws shall be faithfully executed, and that "this Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." In pursuance of his constitutional duty the President is enforcing the supreme law of the land and has demanded in his negotiations with belligerent countries that the rights of American citizens and American commerce on the high seas shall be upheld in accordance with the decisions of the United States Supreme Court, the accepted principles of international law, and the recognized usages of nations. The President's note of May 13, 1915, stated that—

American citizens act within their indisputable rights in taking their ships and in traveling wherever their legitimate business calls them upon the high seas and exercise those rights in what should be the well-justified confidence that their lives will not be endangered by acts done in clear violation of universally acknowledged international obligations, and certainly in the confidence that their own Government will sustain them in the exercise of their rights.

We may doubt the wisdom of their traveling on armed merchantmen, and we individually may warn our friends against it, but for our Government, in its official capacity, to give a warning is another and more serious question, and would be considered a surrender and a yielding up of those rights which have been established by our courts and long since recognized by all the nations. [Applause.]

The submarine is a new type of war vessel. We have them in our Navy. They are in all navies; but for one, my mind revolts at the suggestion that the settled principles of international law should be modified to suit the conditions and conveniences of every new demon of warfare, either in the sea below or in the sky above, in order that it may pursue more effectually its murderous way. [Applause.] Such a position, in my judgment, means a backward step in the development of international law. It means going back to the Dark Ages and to barbarism. If the course of international law is to be changed, I want to see it take the pathway of civilization, humanity, and the progress of the world to the higher headlands of righteousness and justice. [Applause.]

The American people are not for war. They are for peace with all nations, but not for peace at any price. They believe in the freedom of the seas and the right of American citizens to travel on the high seas, which they are justly entitled to, and to these they will hold fast; and if we do not stand for our rights for which our fathers so dearly fought we are unworthy of them. I can not yield to the unpatriotic suggestion that comes from some quarters that we ought to refrain from insisting upon our position, because forsooth of its effect upon one side or the other of the belligerents. Our duty is to stand for what we believe to be right under the accepted principles of international law, and to use a homely expression, "Let the chips fall where they will." [Applause.] We have taken our position upon the high plane of neutrality, and we insist upon our rights as neutrals and nothing more.

Our duty is clear. At the water's edge all politics cease. This is no question of party politics. It rises higher than that. It is a question of American statesmanship, and let us meet it like men "who know their rights and knowing dare maintain." [Applause.]

When the war clouds which are to-day enveloping all Europe shall have passed away, when the last shot shall have been fired, when the trenches shall have given up their dead, and when the mighty armies shall have gone back to the useful pursuits of life, under, I trust, an everlasting peace, then the nations which are now at war, violating the principles of international law which they once held dear, will gaze in grateful appreciation across the sea to that spirit of America, white robed and holding aloft the law of nations as she tells them, "I have held it sacred as between you all, I have held it for you to this brighter day, and I have held it for all mankind and for the coming of international peace, which must rest on international justice."

I appeal to you by all the ties that bind us to a common country that our voice may ring out clear and strong on this day, so that it can be heard around the world, and would that its refrain might be caught up by the American people everywhere, on the hillsides of the North, on the prairies of the West, and on the savannahs of the South, that as American citizens we stand united one and all for our country. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. FOSS. Will the gentleman yield me a few minutes more?

Mr. COOPER of Wisconsin. I regret my time has been taken up.

Mr. CAMPBELL. Mr. Speaker, I yield five minutes to the gentleman from Oklahoma [Mr. THOMPSON].

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. THOMPSON] is recognized for five minutes.

Mr. THOMPSON. Mr. Speaker, before I begin to make the few remarks here in the five minutes that have been allotted to me by the chairman of the Committee on Foreign Affairs I desire to ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. I shall have to object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

Mr. THOMPSON. I desire to serve notice now, Mr. Speaker, that there will be no further extension of remarks in the RECORD by unanimous consent.

Mr. MANN. I hope the gentleman will stick to it.

Mr. THOMPSON. I will stick to it all right. [Laughter.]

Now, Mr. Speaker, I find myself in rather a peculiar position this afternoon in addressing the House in the very few minutes that have been allotted to me to talk about this great question that is before the American Congress. I can not say what is really in my mind and what I want to say in the five minutes that have been allotted to me.

I regret very much that the question has not come before the Congress squarely and fairly, so that the Members of this House

could be put upon record and be permitted to express their honest convictions on the plain and simple proposition as to whether or not foolhardy and madcap or financial American citizens ought to travel on belligerent ships, armed, at this time of peril in our country's history. I had intended, Mr. Speaker, to vote this morning against the previous question on the rule, but when the gentleman from Illinois [Mr. MANN] took the floor and said it was the purpose of the minority to offer this resolution to strike out both the preamble and the resolution and insert in lieu thereof the following:

Resolved, That in the opinion of the House of Representatives citizens of the United States under existing conditions and irrespective of their legal rights ought to refrain from taking passage on armed vessels of belligerent nations except in case of imperative necessity.

And on the consideration of the resolution and amendments thereto the House should proceed under the five-minute rule to a final vote or passage I found myself an orphan and unable to vote for that resolution, because it meant if we refused to adopt the previous question we were compelled to vote for this resolution submitted by the gentleman from Illinois.

I can not vote for this substitute for the reason that it would permit those citizens of this country who have sold arms and ammunition to any of the belligerents to travel in safety on armed ships, while it would warn off those of our citizens who are engaged in agriculture or productive occupations.

Now, if it were left to me, my record is made. I voted in the Committee on Foreign Affairs to substitute, first, the Shackleford resolution, which is well known to the membership of this House, and which requests all citizens to refrain from taking passage on armed merchant ships in this time of peril, and when that was voted down I voted to substitute the Senate provision, which negatively warns them from taking such passage, so that the Members of the House, if they could not be put upon positive vote as to whether or not American citizens should travel upon armed belligerent vessels, they ought at least to be permitted to vote negatively on the question. I submitted the provision that was submitted to the Senate, and when that was voted down I was left an orphan; and when we come in here to-day we find ourselves without the opportunity to express our opinion as to whether or not a foolhardy or any other fanatical citizen of the United States for financial reasons should be permitted to engage 100,000,000 people of the United States in war. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Oklahoma has expired.

Mr. FLOOD. Mr. Speaker, I yield two minutes to the gentleman from Texas [Mr. MCLEMORE].

The SPEAKER pro tempore. The gentleman from Texas [Mr. MCLEMORE] is recognized for two minutes.

Mr. MCLEMORE. Mr. Speaker, as the author of the resolution, I wish to use a portion of the time allotted to me in expressing my gratitude to the gentleman who has the time in charge for this recognition. I could not say anything at all in two minutes, and I can do nothing more than to thank him for what he has done for me. [Applause.]

Mr. FLOOD. Mr. Speaker, I yield half a minute to the gentleman from New Jersey [Mr. HAMILL].

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. HAMILL] is recognized for half a minute.

Mr. HAMILL. Mr. Speaker, I will take advantage of the privilege given by the House and extend my remarks.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. HAMILL] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. I object. [Laughter.] I thought the gentleman from Oklahoma was going to relieve me of that.

The SPEAKER pro tempore. The gentleman from Illinois objects.

Mr. THOMPSON. I will not do it to-day, but I assure the gentleman I will do it hereafter.

The SPEAKER pro tempore. The gentleman from New Jersey has the floor.

Mr. HAMILL. Mr. Speaker, I deeply deplore the necessity which compels me to differ with the President and to vote against the motion to table the McLemore resolution, but I will not become a partner in any proceeding to plunge this country of 100,000,000 of human beings into the European inferno of slaughter and then seek to justify my treachery to America upon the flimsy pretext of party loyalty. [Applause.]

Mr. FLOOD. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. OGLESBY].

Mr. OGLESBY. Mr. Speaker, I believe that nine hundred and ninety-nine out of every thousand people in the United States earnestly desire peace. Of all the men in this peace-loving Republic, I believe there is not one to whom war is more repugnant than to Woodrow Wilson. As proof of this we have only to point to the history of the last 18 months. How many Members of this House would advise running up the white flag as a means of insuring peace? Did you ever see an effort to keep out of a fight succeed by showing the white feather? Any schoolboy will tell you if you make a cowardly backdown and surrender of your rights one day, every coward in school will pick a fuss with you the next day just for the fun of seeing you run.

Voting to table this resolution will not make for war, but for peace.

From the time of the inauguration of Washington our diplomatic negotiations have been conducted by the President. It is fortunate for the country that this is so. Is there one here who has listened to the discussions by the members of the various boards of strategy that assemble daily in the cloakrooms of the House and Senate who believes the handling of this job in these parlous times should be turned over to Congress? God deliver our country from such a fate. The delicate and difficult task of preserving peace with honor which our President is now laboring to perform will, in my judgment, be rendered very difficult, if not impossible, should this effort to hog tie him be successful. I shall never vote to declare a war in which I shall not at the same time stand ready to enlist. [Applause.]

I have had many letters and telegrams from men in my district, whose friendship I prize, urging me to support this resolution. I believe these men are honest in their convictions and that they are patriotic Americans. If they could foresee the result of our interference with the President as it appears to me, I am sure they would urge me just as strongly against doing what they now ask me to do.

There is no profit in being a Member of this House other than the distinction of honorably serving the people of this Nation. If it becomes necessary to surrender this emolument in order to retain the office—for me the choice is not difficult.

I have the utmost confidence in the patriotism and integrity of Woodrow Wilson. His energy and patience have been proven beyond question. In intellect and courage he stands second to no man in this Commonwealth. He is my President, and I trust him and believe he will bring us through this crisis without bloodshed and without a stain on our national honor if we will quit giving aid and comfort to his avowed enemies and his misguided friends, and as loyal, honest American citizens give him that support to which he is entitled. [Applause.]

Mr. FLOOD. Mr. Speaker, I yield 10 minutes to the gentlemen from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, there are two classes of Members who have spoken in favor of a warning resolution. There is that class who believe it desirable to express the sentiment of the Congress that men should not travel upon belligerent ships, because of the risk that might come of involving the country in war, and who would stop there. There is another class, who believe that that warning ought to be issued either with the express declaration or the tacit understanding that if the warning is disregarded America does not propose in any way to uphold the rights of her nationals to so travel. Now, these men in some instances have considered what underlies this proposition, and some of them have ignored it and sought to confine the whole issue simply to that proposal. For my own part I do not believe it possible now to issue a warning so worded that it will not convey necessarily the impression, not in America, but to those with whom we are dealing and with whom we have a controversy, that America is prepared now, if need be, to back down from the position that the President has taken touching the rights of neutrals upon belligerent merchant ships. If my time lasts I shall endeavor to state just what the issue is that is being dealt with between him and the German Empire. The gentleman from Wisconsin [Mr. COOPER], however, consciously or subconsciously, recognized that underneath this proposal was a great deal more than simply the discussion of whether an American should travel upon a belligerent armed merchantman or not, and he proceeded with all of the ability that he possesses to present the contention that Germany is presenting to-day to the United States Government in her controversy over what she proposes to do in connection with the sinking of merchant ships of belligerents.

Now, it is one thing for men to think in their own minds that people ought not to travel. It is an entirely different thing for the Congress of a great sovereignty solemnly to make such a declaration, and it could only be made intelligently with the idea that that sovereignty proposed not to stand for the rights of such nationals so to travel.

What is the situation that has grown up in the world? There has come into use a new weapon of warfare, the submarine, a weapon that is wonderfully effective in an offensive

way and exceedingly fragile in a defensive way. Under the law of nations—and I care not what reference may be made to the note that this country sent, not as a statement of positive position of America, but simply as a suggestion to certain of the belligerents to see if it could be made a medium of an agreement to avoid a subsequent controversy that everyone saw was going to arise—but I repeat, the plain law as it existed when the war broke out was and that now is, a merchant ship thus engaged in the ordinary pursuit of carrying freight and passengers from port to port that is not so armed as to indicate that it will be used offensively, has the right not to be sunk without warning on the part of a warship of a hostile power, but only to be sunk when it elects, as it has the right to elect, not to surrender but to resist. Under the law as it exists it is the duty of the attacking warship to signal a merchant ship engaged in peaceable trade to stop, and if it does, it becomes the duty of the attacking warship to take that merchantman into a port as a prize, or failing in ability to do that, to provide before sinking it, for the safety of both the passengers and the crew, because not even the crew can be treated as belligerents. If the merchantman resists, then it does it at its peril and forfeits that right and may be sunk without any more warning.

Now, this is Germany's argument. She says, "I have a weapon which is very effective if it can be used with surprise, but it is very defective if it has to give warning of the attack. In order for me to successfully use it I have got to attack without warning a ship that is defensively armed, because any ship that has any armament that amounts to anything at all has sufficient armament to put out of business such submarine." And she serves notice on America, "We have no quarrel with you, but if you get in the way, if you insist upon the exercise of the right which exists under international law of having your citizens travel on such ships, we give you notice now that we propose to sink those ships without warning." Who is here to say that the President would have been justified in saying "All right"?

What is the plea made by the gentleman from Wisconsin? He says the time may come when we will cease to be a neutral and become a belligerent, and our exigency may be so great that we in turn shall turn outlaw and disregard the law of nations because it is to our advantage. I do not believe it. This country has always stood for the rights of neutral nations, and, as I said yesterday, and I repeat to-day, the time is coming in this world when belligerents will learn that they are the outlaws, that it is not for them to make the laws to the disadvantage of the peaceful people of the world, but it is for the peaceful nations of the earth to say how far these outlaws may go and how far they shall not.

Now, shall this country with this issue presented abandon its plain rights? It may be, and I think it will be, that international law when the war is over will be so modified by the consent of nations as to change the status of the merchantmen and submarines. But, gentlemen, when that change comes I, for one, hope it will come in the direction that works for humanity and for the sacredness of life rather than for sudden death and murder on the high seas. [Applause.] I, for one, am not willing that this great Nation, the only great neutral left in this world-wide war, shall voluntarily in advance surrender the rights of the neutral under the threat of any nation at any time. [Applause.]

Oh, gentlemen are wonderfully alarmed, and I marvel at the courage of men who advance the idea that the President of the United States is undertaking to bring this country ultimately into war. I know of no way of judging of the future but by the past, and what has there been in the past history of the President of the United States in these trying times that would warrant the most bigoted partisan in accusing him of trying to force America into war. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. COOPER of Wisconsin. Mr. Speaker, how many speeches has the gentleman remaining on the other side?

Mr. FLOOD. Only one more.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, two minutes is rather a short time in which to discuss a question of this importance. I think we all understand what this resolution provides. On this side we did not bring it in, and now that it is brought in on that side you propose to kill it. Much has been said along these lines upon each side. So far as I am concerned, I voted against the previous question on the rule and against the rule. This matter is of that importance, and if it be of that importance that Members claim, with gentlemen differing on both sides, it seems to me that further time might be taken for discussion.

Can we further discuss it if it is not laid upon the table? Yes. Are we confined to the amendment to be offered, as notice was given, by the gentleman from Kansas [Mr. CAMPBELL]? No. If we refuse to kill it by laying it on the table, it is open to the widest amendment or amendments that are germane; and so, under all the conditions and all the circumstances, the President not having appeared and addressed Congress, nor given us full information, nor sent a message to Congress—everything considered—I have made up my mind to register my vote against laying this resolution on the table; not that I am for it without amendment, but the House might well take one day, two days, three days, with freedom of amendment that is germane, to further consider this question. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, I yield eight minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. Mr. Speaker, since this issue arose, now almost two weeks ago, I have endeavored to the best of my ability to learn the real issue involved. There are pending in the Committee on Foreign Affairs of this House several resolutions, the purport of which is to warn Americans from taking passage on certain classes of belligerent ships. That resolution which it was the pleasure of the majority of this House to present here for consideration and vote is the one that they thought by its terms, if brought here in such a way as to prohibit amendment, would be the one to command the least support, and prevent a record of the honest convictions of the membership of the House. [Applause on the Republican side.] If it be the purpose of the Chief Executive of the United States to know whether or not in the judgment of Congress he is right in the position that he and his Secretary of State have taken, that Americans of right may travel upon belligerent ships armed for defense alone, I am free to state that I am with him unequivocably in that contention. From such study as I have been able to give the question, and I have given it some, I believe he is absolutely right. I believe that an American citizen, according to the precedents of our own courts, by the rulings of our Secretaries of State, by the express statutes of our Congress, by the rulings of the civilized nations of the world in general, has the right and could exercise it if he wished to avail himself of that privilege; but, Mr. Speaker, it seems there is something else involved here to-day. I notice in the language selected, no doubt with his customary care and skill, in the letter to the Committee on Rules, the President uses these significant words:

> I therefore feel justified in asking that your committee will permit me to urge an early vote upon the resolutions—

Not the McLemore resolution, not any particular one—

> upon the resolutions with regard to travel on armed merchantmen which have recently been so much talked about, in order that there may be afforded an immediate opportunity for full public discussion and action upon them.

Whatever that may mean to some, it means to me this, that the President of the United States desires to know what we think, we, the House of Representatives, upon the much-discussed question of whether or not he should warn American citizens from taking passage upon this class of boats, irrespective of their technical legal rights. The McLemore resolution is one, if it must be voted upon yes or no, that will command the intelligent support of but few men. It contains a recital that if Americans shall take passage upon such a ship, we abandon them to their fate, and they take that passage at their own risk. No one but a cowardly man, no body but a cowardly Congress would ever indorse any such proposition. [Applause.] But why should we be asked to lay it upon the table? For no purpose but one, namely, that men who here think one way may vote another. [Applause.] The recommendation of the Committee on Foreign Affairs is that we sidestep, table, this resolution, because we have no business to pass upon it, but the President has said that we have business to pass upon it, because he asks it. They tie a fire escape to their own vote. For myself, I ask none such. The President has the right to know and the country wants him to know what the country and what we think of American citizens taking passage upon a ship when taking such passage is likely to embroil us in war. You and I know what the position of the people of the Nation is in that regard. But some say that this is a question of national honor.

Mr. Speaker, to-day when I behold the Stars and Stripes grabbed by some hands, with voices shouting, "Rally 'round the flag," I wondered why the eagle, whose sweeping pinions shelter that matchless banner, did not look down and inquire, "Will somebody please introduce to me the gentleman who is here"?

It is not a question of national honor, it is a question of common sense. It may be that as a Nation we are too proud to

fight, but I do not believe it; whether we are or not, however, we ought to be too high-minded to place a chip upon our shoulder and dare any nation to strike it off.

Mr. Speaker, we have sat here in silence, awed, humiliated, heart-broken silence, while our brethren have been shot and killed and outraged in Mexico, when 18 of our brethren were lined up against the wall and shot. Oh, I have sometimes thought I would rather be one of those bleeding, bullet-pierced, desecrated bodies, still and stark in death, than to be a fellow compatriot of one of them here in the silence, in the self-complacent protection of our home, too big a coward to avenge their deaths! [Applause on the Republican side.]

We have sat here in humiliated silence when American babes and American genius, without warning and without a chance for life, sank beneath the waves of the mighty sea, and to-day are enshrouded in the weeds of the Atlantic. Why, then, do the brethren come here and say that it is a question vital to American national honor?

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. FLOOD. Mr. Speaker, I do not think any Member upon this floor misunderstands the issue that we shall vote upon this afternoon. I do not care for what reason Members oppose the McLemore resolution. In every essential it is as well drawn, as good a resolution, as the one the Republican Members of the Committee on Rules brought into this House to-day. I do not care what excuses a good part of the Republican leadership may make for their partisan fight on an issue involving a great international question. The question which presents itself to this House is whether its vote will be such as to sustain the President of the United States in the diplomatic controversy he has at this time with the German Government. It undoubtedly will. The Senate has taken action that is satisfactory to the country. [Laughter on the Republican side.] I know it is not satisfactory to Republicans who would run the risk of plunging this country into war to make capital for their party, but the action the Senate has taken is satisfactory to the country. I believe the House in a few moments will take action that will be just as satisfactory to the country.

I want to thank those patriotic Republicans who, standing for what they believe to be right, have acted with us on this side and assisted us in bringing this matter before the House. [Applause.]

The law is so clear that the President could not have taken any position than the one he has.

It is a well-established principle of international law that a neutral has the right to transport his person and property upon armed merchant vessels of belligerents.

When, therefore, we give the warning provided for by this resolution, we advise our citizens to give up a right that is undoubtedly theirs; and when we notify such citizens that if they do not take this advice they travel at their own risk, we publish to the world that we will not protect our citizens in rights that are universally recognized as belonging to them.

It is also a well-established principle that merchant vessels have a right to be armed for defense, and this right has been interpreted and applied by the Supreme Court of the United States in cases that stand unreversed and certainly bind this country. We therefore can not deny the right of merchant vessels to arm for defensive purposes.

We can not deny that Great Britain will be within the law when she permits the arming of her merchant vessels.

It is also a well-established principle of international law that no belligerent nation is under any obligation to consent to a change of that law during the continuance of the war. It follows, therefore, that we can do no more than suggest a change in this rule, and if Great Britain declines that suggestion the law remains unchanged. We have made the suggestion and Great Britain has not accepted it. This is what the note of January 18, 1916, was, and that is all it was.

The claim of the right to arm merchant vessels is not the result of a sudden decision on the part of England in order to protect her merchant vessels from capture, but has been for centuries the practice and law of nations. Until this controversy arose this right was not questioned by any nation.

It is just as well established by the law of nations that while the outbreak of the war authorizes a belligerent to capture the private property of his enemy, it does not operate as a confiscation of the property, and that a merchant vessel shall not be sunk or destroyed without first putting in a place of safety the persons on board and, if possible, the property.

The defensive weakness of submarines prevents them from complying with this principle, and the German Government wishes to abrogate this humane rule by an ex parte announcement.

Our Government is unwilling for this and is insisting that the law shall be observed. We recognize that there is strong reasoning in the suggestions of Germany, but Great Britain has also suggested modifications in the law in reference to blockade which are based upon sound reason, and if we yield in one case we would be compelled to yield to the other until, as was said by the President, "the whole fine fabric of international law would crumble under our hands piece by piece."

To warn our citizens not to travel on armed merchant vessels would be to acknowledge Germany's right to destroy these vessels without warning and without provision for the safety of those on board.

It would be an acquiescence in the system which planned and carried out the destruction of the *Lusitania* without regard to the lives or safety of the noncombatants, consisting of innocent men, women, and children on board, an act which the President denounced with such dignity, clearness, and force as to challenge the admiration of the world and awaken anew a respect for the precepts of international law and the instincts of humanity.

If we passed the warning resolution, we would have to yield point after point, until amid the savagery and recklessness which has been engendered by this unprecedented strife in Europe respect for international law will be wholly lost and the principles of that body of law, whose existence and development has been one of the crowning glories of our civilization, will crumble and perish and we will have no chart or compass to guide our course. The only safe course is to stand up strongly for the law. This is the course which the President has pursued, and in doing so he has performed a service to the world and to humanity, and even to the belligerent nations, who, when the passions of this war have subsided, will recognize that their own essential rights and interests have been preserved by his action, and will turn to this country as the mediator of their differences. [Applause.]

The President is embarrassed and thwarted in his negotiations with Germany because that Government has gained the impression that Congress is not in accord with the Executive. The Senate has acted. Let us lay this resolution on the table and, together with the other branch of Congress, disabuse the minds of the leaders of this foreign Government of its erroneous impression.

Gentlemen talk of keeping this country out of war, as if there was danger of war if this resolution is laid on the table. This is a mere excuse for the vote they will cast. We can trust the President. He has kept us out of war so far. He will not by any act of his plunge this country into bloodshed unless the very honor of the Nation demands it. His whole course has shown that he will not lightly take any action that would permit or cause Congress to turn loose the mighty forces which this country could put into the European conflict.

Through the periscope of a submarine an armed ship can not be distinguished from an unarmed ship, and owing to defensive weakness of the undersea craft they will not take the risk of getting near enough to a merchant vessel to ascertain whether it is armed or not; it is doubtful if they will get near enough to determine whether the merchant ship is belligerent or neutral. The danger, therefore, would be almost as great on one class of merchant vessels as on another. The great danger to the lives of American citizens and, therefore, the great danger of involving this country in war would arise from the right the German Government would assume if we passed a warning resolution to take down the bars and order its submarines to fire on any class of merchant vessels without providing for the safety of those on board. It would not be long before the lives of some of our citizens would be destroyed and under circumstances that could not be justified, and we would be face to face with this very trouble those in favor of a warning resolution have tried to avoid.

Under the Constitution the conduct of diplomatic negotiations is one of the prerogatives of the President; under the unbroken precedents and practice in this country our Chief Executive has been allowed to carry on negotiations, without interference from any other branch of the Government. But the question presented to us is broader and deeper than constitutional prerogative or precedent. It is a question of whether this House is standing with its Government or a foreign Government. I have no doubt about what the House of Representatives will do. Let us do it by an overwhelming majority. Let us uphold the hands of the President and the Government. Let us be for our country, because it stands in the light while other nations are groping in the dark, because it stands for law, be-

cause it stands for principles and ideals that will prevail, and because it is our country. [Applause.]

Mr. FLOOD. Mr. Speaker, I move that House resolution 147 be laid on the table.

The SPEAKER. The gentleman from Virginia moves to lay House resolution No. 147 on the table.

Mr. COOPER of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 276, nays 142, answered "present" 1, not voting 15, as follows:

YEAS—276.

Abercrombie	Ferris	Kincheloe	Rauch
Adamson	Fess	Kitchin	Rayburn
Aiken	Fields	Kreider	Riordan
Alexander	Finley	Lafean	Rogers
Allen	Flood	Lazaro	Rouse
Almon	Fordney	Lee	Rowe
Ashbrook	Foss	Lehlbach	Rubey
Aswell	Freeman	Lesher	Rucker
Ayres	Gallagher	Lever	Russell, Mo.
Barkley	Gallivan	Lewis	Sabath
Barnhart	Gandy	Lieb	Sanford
Beakes	Gard	Liebel	Saunders
Beales	Gardner	Linthicum	Scott, Mich.
Bell	Garner	Littlepage	Scott, Pa.
Blackmon	Garrett	Lloyd	Scully
Booher	Gillett	Loud	Sears
Borland	Glass	McAndrews	Sells
Britt	Glynn	McArthur	Shackleford
Browning	Godwin, N. C.	McClintic	Sherley
Brumbaugh	Goodwin, Ark.	McCracken	Sherwood
Burnett	Gordon	McFadden	Sims
Byrnes, S. C.	Gould	McGillicuddy	Sinnott
Byrns, Tenn.	Graham	McKellar	Small
Caldwell	Gray, Ala.	McLaughlin	Smith, Idaho
Candler, Miss.	Gray, Ind.	Magee	Smith, Mich.
Cantrill	Gray, N. J.	Maher	Smith, Tex.
Caraway	Greene, Mass.	Mapes	Snell
Carew	Greene, Vt.	Martin	Snyder
Carlin	Griest	Mays	Sparkman
Carter, Mass.	Griffin	Miller, Pa.	Steagall
Carter, Okla.	Guernsey	Montague	Stedman
Casey	Hadley	Moon	Steele, Pa.
Cline	Hamilton, N. Y.	Moores, Ind.	Stephens, Miss.
Coady	Hamlin	Morgan, La.	Stiness
Collier	Hardy	Morin	Stone
Connelly	Harrison	Morrison	Stout
Conry	Hart	Moss, Ind.	Sumners
Cooper, Ohio	Haskell	Mott	Swift
Cooper, W. Va.	Hastings	Murray	Taggart
Cox	Hay	Neely	Tague
Crago	Hayden	Nicholls, S. C.	Talbott
Crisp	Heflin	Nichols, Mich.	Taylor, Ark.
Crosser	Helm	North	Temple
Curry	Helvering	Oakey	Thomas
Dale, Vt.	Hicks	Oglesby	Thompson
Dallinger	Hinds	Oldfield	Tillman
Danforth	Holland	Oliver	Tilson
Darrow	Hood	Olney	Tinkham
Davenport	Houston	O'Shaunessy	Treadway
Dempsey	Howard	Overmyer	Tribble
Dent	Howell	Padgett	Vare
Dewalt	Huddleston	Page, N. C.	Venable
Dickinson	Hughes	Paige, Mass.	Vinson
Dill	Hulbert	Park	Walker
Dixon	Hull, Tenn.	Parker, N. J.	Walsh
Doolittle	Humphrey, Wash.	Parker, N. Y.	Ward
Doremus	Humphreys, Miss.	Patten	Wason
Doughton	Husted	Peters	Watkins
Dunn	Jacoway	Phelan	Watson, Va.
Dupré	James	Platt	Webb
Eagan	Johnson, Ky.	Porter	Whaley
Edmonds	Johnson, Wash.	Pou	Williams, W. E.
Edwards	Jones	Pratt	Williams, Ohio
Emerson	Keister	Price	Wilson, Fla.
Estopinal	Kelley	Quin	Wilson, La.
Evans	Kennedy, R. I.	Ragsdale	Wingo
Fairchild	Kettner	Rainey	Winslow
Farley	Key, Ohio	Raker	Wise
Farr	Kiess, Pa.	Randall	Young, Tex.

NAYS—142.

Anderson	Copley	Haugen	Lobeck
Anthony	Costello	Hawley	London
Austin	Cramton	Hayes	Longworth
Bacharach	Dale, N. Y.	Heaton	McCulloch
Bailey	Davis, Minn.	Helgesen	McKenzie
Barchfeld	Davis, Tex.	Hensley	McKinley
Bennet	Decker	Hernandez	McLemore
Black	Denison	Hill	Madden
Britten	Dillon	Hollingsworth	Mann
Browne, Wis.	Dowell	Hopwood	Matthews
Bruckner	Drukker	Hull, Iowa	Meeker
Buchanan, Ill.	Dyer	Hutchinson	Miller, Del.
Buchanan, Tex.	Eagle	Igoe	Miller, Minn.
Burgess	Ellsworth	Johnson, S. Dak.	Mondell
Burke	Elston	Kahn	Mooney
Butler	Esch	Kearns	Moore, Pa.
Callaway	Fitzgerald	Keating	Morgan, Okla.
Campbell	Flynn	Kennedy, Iowa	Moss, W. Va.
Cannon	Focht	Kent	Mudd
Capstick	Foster	King	Nelson
Cary	Frear	Kinkaid	Nolan
Chandler, N. Y.	Fuller	Konop	Norton
Charles	Garland	La Follette	Powers
Church	Good	Langley	Ramseyer
Coleman	Green, Iowa	Lenroot	Reavis
Cooper, Wis.	Hamil	Lindbergh	Reilly
Ricketts	Sisson	Stephens, Nebr.	Volstead
Roberts, Mass.	Slayden	Sterling	Watson, Pa.
Roberts, Nev.	Slemp	Sulloway	Wheeler
Rodenberg	Sloan	Sutherland	Williams, T. E.
Rowland	Smith, Minn.	Sweet	Wilson, Ill.
Russell, Ohio	Smith, N. Y.	Switzer	Wood, Ind.
Schall	Stafford	Tavenner	Woods, Iowa
Shallenberger	Steele, Iowa	Timberlake	Young, N. Dak.
Shouse	Steenerson	Towner	
Siegel	Stephens, Cal.	Van Dyke	

ANSWERED "PRESENT"—1.

Taylor, Colo.

NOT VOTING—15.

Adair	Cullop	Gregg	Loft
Brown, W. Va.	Dies	Hamilton, Mich.	McDermott
Chiperfield	Dooling	Henry	Stephens, Tex.
Clark, Fla.	Driscoll	Hilliard	

So the motion was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. BROWN of West Virginia with Mr. HAMILTON of Michigan.

Mr. CLARK of Florida (for) with Mr. CHIPERFIELD (against).

Mr. TAYLOR of Colorado (for) with Mr. HILLIARD (against).

Mr. TAYLOR of Colorado. Mr. Speaker, I would like to ask if my pair shows that I am in favor of the motion, and my colleague [Mr. HILLIARD] is against the motion?

The SPEAKER. It does.

The result of the vote was announced as above recorded.

The SPEAKER. The resolution is on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROWN of West Virginia, for an indefinite time, on account of sickness.

To Mr. LOFT, indefinitely, on account of illness in his family.

To Mr. CLARK of Florida, on request of Mr. SEARS, indefinitely, on account of business.

ADJOURNMENT.

Mr. FLOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 33 minutes p. m.) the House adjourned until to-morrow, Wednesday, March 8, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting an item of legislation for incorporation in the sundry civil appropriation bill for the service of the Bureau of Engraving and Printing for the fiscal year ending June 30, 1917 (H. Doc. No. 839); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War ad interim, transmitting estimates of appropriations for reimbursement of certain officers of the Army for miscellaneous expenses incurred while on special duty (H. Doc. No. 840); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting estimates of appropriations to be incorporated in the sundry civil appropriation bill for continuation of public buildings, alterations, and repairs (H. Doc. No. 841); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting a tentative draft of legislation in relation to the immigration station at Philadelphia, Pa. (H. Doc. No. 842); to the Committee on Public Buildings and Grounds and ordered to be printed.

5. A letter from the Chief Clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Samuel Willard Mann *v.* The United States (H. Doc. No. 843); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TIMBERLAKE, from the Committee on the Public Lands, to which was referred the bill (H. R. 8654) to amend an act entitled "An act to provide for an enlarged homestead," reported the same with amendment, accompanied by a report (No. 305), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAY, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 171) to continue

in effect the provisions of the act of March 9, 1906, reported the same without amendment, accompanied by a report (No. 306), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 11320) granting the consent of Congress to the counties of Twin Falls and Minidoka, State of Idaho, to construct a bridge across Snake River, reported the same with amendment, accompanied by a report (No. 307), which said bill and report were referred to the House Calendar.

REPORT OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ADAIR, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, etc., reported the same without amendment, accompanied by a report (No. 308), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PADGETT: A bill (H. R. 12835) to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes; to the Committee on Naval Affairs.

By Mr. LEVER: A bill (H. R. 12836) to empower certain officers, agents, and employees of the Department of Agriculture to administer and take oaths, affirmations, and affidavits, and for other purposes; to the Committee on Agriculture.

By Mr. STEENERSON: A bill (H. R. 12837) to provide for the establishment and administration of a forest reserve and for the sale of timber within the Red Lake Indian Reservation in Minnesota; to the Committee on Indian Affairs.

By Mr. FOCHT: A bill (H. R. 12838) to provide for the removal of the body of the late Maj. Gen. Winfield Scott Hancock from Norristown, Pa., to the National Cemetery, Arlington, Va., and for other purposes; to the Committee on Appropriations.

By Mr. PARK: A bill (H. R. 12839) to refund amount paid illegally for cotton tax, to be used in pensioning Confederate soldiers and widows of Confederate soldiers; to the Committee on War Claims.

Also, a bill (H. R. 12840) to make it unlawful to appoint as commissioned or noncommissioned officers in the Army or Navy of the United States any person of the negro race; to the Committee on Military Affairs.

By Mr. WICKERSHAM: A bill (H. R. 12841) to appropriate $750,000 for further construction and maintenance of military and post roads, bridges, and trails in Alaska, and for other purposes; to the Committee on Military Affairs.

By Mr. TILSON: A bill (H. R. 12842) to provide for special appliances necessary for the immediate manufacture of arms, ammunition, and equipment in time of war; to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 12844) to provide cumulative sick leave with pay to storekeepers, gaugers, and storekeeper-gaugers; to the Committee on Expenditures in the Treasury Department.

By Mr. HARRISON: Resolution (H. Res. 160) to provide for the consideration of H. R. 12766; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. ASHBROOK: A bill (H. R. 12845) granting an increase of pension to John Dill; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 12846) granting an increase of pension to Marietta Trowbridge; to the Committee on Invalid Pensions.

By Mr. BURKE: A bill (H. R. 12847) granting an increase of pension to William P. Brooks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12848) granting an increase of pension to Silas Buswell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12849) granting an increase of pension to Mary L. Baker; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 12850) granting an increase of pension to William M. Flesher; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 12851) granting an increase of pension to Benjamin F. Eddings; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 12852) granting a pension to William Earle; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 12853) granting an increase of pension to Peter Knepp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12854) granting an increase of pension to Phoebe Cumberledge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12855) granting a pension to Catharine Cocain; to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 12856) granting a pension to Dr. William H. Allen, jr.; to the Committee on Pensions.

By Mr. DOOLITTLE: A bill (H. R. 12857) granting an increase of pension to Sarah Jane Watson; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 12858) granting a pension to Sarah J. Donaghy; to the Committee on Pensions.

Also, a bill (H. R. 12859) for the relief of Julia Klavinski; to the Committee on Claims.

By Mr. FOCHT: A bill (H. R. 12860) granting a pension to John F. De Wire; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 12861) granting a pension to Thomas Whitson; to the Committee on Invalid Pensions.

By Mr. HUSTED: A bill (H. R. 12862) granting an increase of pension to Benjamin F. Crosson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12863) granting an increase of pension to Hubert W. Mealing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12864) granting a pension to Adelaide V. Disbrow; to the Committee on Invalid Pensions.

By Mr. KELLEY: A bill (H. R. 12865) for the relief of Francis A. Lackey; to the Committee on Military Affairs.

By Mr. KENT: A bill (H. R. 12866) for the relief of John Avilla; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 12867) granting an increase of pension to Elizabeth Combs; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 12868) granting a pension to Peter F. Van Auken; to the Committee on Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 12869) granting a pension to Minerva J. Maxwell; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 12870) for the relief of Nancy Weaver; to the Committee on War Claims.

By Mr. NICHOLS of Michigan: A bill (H. R. 12871) granting an increase of pension to Francis H. L. Smith; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 12872) granting a pension to John B. Chamness; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 12873) granting an increase of pension to Permelia A. Wise; to the Committee on Invalid Pensions.

By Mr. SCOTT of Pennsylvania: A bill (H. R. 12874) granting an increase of pension to Joseph Baldwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12875) granting an increase of pension to Joseph E. Wierman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12876) granting an increase of pension to Albert Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12877) granting an increase of pension to Jacob E. Keister; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12878) granting an increase of pension to Jacob H. Wierman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12879) granting an increase of pension to Cassandra E. Hain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12880) granting an increase of pension to John List; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12881) granting an increase of pension to Sarah E. Stoner; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 12882) to transfer Capt. William Brackett from the retired to the active list of the Marine Corps; to the Committee on Naval Affairs.

By Mr. TOWNER: A bill (H. R. 12883) granting an increase of pension to Oliver H. Frink; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 12884) granting an increase of pension to James C. Baker; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of citizens of California, against any increase in the Army or Navy; to the Committee on Military Affairs.

By Mr. ALLEN: Petition of sundry residents of Cincinnati, favoring the establishment of a national leprosarium; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Petition of A. P. Slade and 46 others, of Mount Vernon, Ohio, against House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of Rev. William T. McKinney and 100 other citizens of Johnstown, Ohio, in favor of House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, papers to accompany House bill 12722, for relief of Valentine B. Farquhar; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 6487 for relief of Ralph McMahon; to the Committee on Pensions.

By Mr. AUSTIN: Petition of East Merrill Avenue Methodist Episcopal Sunday School, of Knoxville, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BURKE (by request): Petition of 25 voting citizens of Sheboygan, Wis., for national prohibition; to the Committee on the Judiciary.

Also, resolutions adopted by General M. Emmet Urell Camp, No. 9, United Spanish War Veterans, of Washington, D. C., protesting against the adoption of the Borland rider to the legislative, executive, and judicial appropriation bill, providing for a minimum working day of eight hours for employees in Government departments; to the Committee on the District of Columbia.

By Mr. CRAGO: Resolutions of James S. Hinchman Camp, Sons of Veterans, Somerset, Pa., indorsing House bill 463, introduced by Mr. FULLER, to increase widows' pensions; to the Committee on Invalid Pensions.

Also, resolutions of Corporal Joseph Bittner Camp, Sons of Veterans, Rockwood, Pa., indorsing House bill 463, introduced by Mr. FULLER, to increase widows' pensions; to the Committee on Invalid Pensions.

Also, petition of the Congregational and Methodist Episcopal Churches and of the Christian Service Institute, of Guys Mills, Pa., and of 50 residents of Randolph Township, Crawford County, Pa., favoring the Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

By Mr. COOPER of West Virginia: Petitions of sundry citizens of the State of West Virginia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. CURRY: Petition of Rozelle Edgell, for Women's Christian Temperance Union of Atlanta, and C. B. Sylvester, for citizens meeting, of Vallejo, Cal., for national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of Society of Colonial Wars of New York in favor of preparedness; to the Committee on Military Affairs.

Also, petition of American Federation of Labor, opposing ship subsidies; to the Committee on the Merchant Marine and Fisheries.

By Mr. DAVENPORT: Petition of qualified voting citizens of Hallett, Okla., for national prohibition; to the Committee on the Judiciary.

Also, petition of 17 citizens of Tulsa, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. DIXON: Petition of business men of Seymour, Medora, Brownstown, Ewing, Hope, Westport, and Hartsville, Ind., in favor of House bill 270, providing for a tax upon all persons, firms, or corporations engaged in interstate mail-order business; to the Committee on Ways and Means.

By Mr. DRUKKER: Petition of sundry citizens of New Jersey in support of House bill 4699; to the Committee on the District of Columbia.

By Mr. ESCH: Petition of Methodist Episcopal Church of Elroy, Wis., for national prohibition; to the Committee on the Judiciary.

By Mr. FARR: Petition of citizens of Tyler and the Deutscher Kruger Verein Organization, protesting against the sale and export of arms, ammunition, and munitions of war; to the Committee on Foreign Affairs.

By Mr. FLYNN: Memorial of American Federation of Labor, opposing ship subsidies; to the Committee on the Merchant Marine and Fisheries.

By Mr. FOCHT: Papers to accompany House bill 11190 for relief of William Hockenbroucht; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 10608, for relief of Margaret J. Longacre; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 10607, for relief of William J. Shirley; to the Committee on Pensions.

By Mr. FULLER: Petition of International Seamen's Union of America, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Ottawa (Ill.) Turnverein for an embargo on arms and munitions of war, and prohibiting Americans from traveling on belligerent ships; to the Committee on Foreign Affairs.

Also, petition of Anti-Saloon League of Hawaii, for prohibition in the Territory of Hawaii; to the Committee on the Territories.

Also, petition of Mrs. A. D. Duncan, of Chicago, opposing Senate bill No. 1, the Owen bill, for the creation of a department of public health; to the Committee on the Judiciary.

By Mr. GALLIVAN: Memorial of American Federation of Labor, opposing ship subsidies; to the Committee on the Merchant Marine and Fisheries.

By Mr. GLYNN: Petition of Carl Hein and others, of Torrington, Conn., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of German Benefit Society of Torrington, Conn., protesting against passage of bill prohibiting manufacture and sale of liquors in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of North Stone Lodge, Independent Order of Good Templars, of Bridgeport, Conn., for national prohibition; to the Committee on the Judiciary.

Also, petition of German Benefit Society and other citizens of Torrington, Conn., protesting against the export and sale of arms and ammunition; to the Committee on Foreign Affairs.

By Mr. GRAY of Indiana: Petition of W. T. Hindman and other citizens of Indiana, favoring House bill 13305; to the Committee on Interstate and Foreign Commerce.

By Mr. GRIEST: Memorial of Pennsylvania Commandery, Military Order of Loyal Legion of the United States, favoring adequate national defense; to the Committee on Military Affairs.

Also, petitions of Trinity United Evangelical Church, of Lititz; Christian Endeavor Society of the Presbyterian Church of Chestnut Level; members of Otterbein United Brethren Church, of Lancaster; 9 citizens of Columbia, and sundry citizens of Lancaster, all in the State of Pennsylvania, in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of Galen Wood, of Peach Bottom, Pa., against increased military or naval appropriations; to the Committee on Appropriations.

Also, memorial of Lock Haven (Pa.) Business Men's Association, favoring dyestuffs legislation; to the Committee on Ways and Means.

By Mr. GUERNSEY: Petition of Methodist Episcopal Sunday School of Dexter, Methodist Episcopal Church of Dexter, 20 citizens of Dexter, and 29 citizens of Dexter, Me., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HASTINGS: Petition of L. D. Brenis et al., citizens of Vian, and the Methodist Sunday School of Vian, Okla., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAWLEY: Petition of sundry citizens of the State of Oregon, in favor of embargo on arms and ammunition; to the Committee on Rules.

By Mr. HELVERING: Petitions of sundry citizens and members of local Farmers' Union organizations of Vermillion, Washington, Summerfield, Cuba, Lanham, Marysville, Abilene, and Wakefield, Kans., protesting against an elaborate program of defense; to the Committee on Military Affairs.

By Mr. HOLLINGSWORTH: Petition of G. A. Gangloff and 14 others of Steubensville, in favor of the Burnett Immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Arthur E. Spence and 128 citizens of Steubenville, Ohio, and vicinity, in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. HULBERT: Petition of Tramp and Trail Club, of New York, indorsing House bill 8668; to the Committee on the Public Lands.

By Mr. HUMPHREY of Washington: Petition of Ballard Methodist Episcopal Deacons' Aid Society and 20 people of

Seattle, favoring national prohibition; to the Committee on the Judiciary.

By Mr. JAMES: Petitions indorsing the Griffin bill (H. R. 6915); to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Rhode Island: Memorial of Amalgamated Association of Street and Electric Railway Employees, of Providence, R. I., favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of First Congregational Church, of Chepachet, R. I., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of German Dramatic Society, of Olneyville, R. I.; Deutsche Gesellschaft, of Providence, R. I.; and F. G. Merewether, of Riverside, R. I., favoring passage of the McLemore resolution; to the Committee on the Judiciary.

By Mr. KING: Petition in favor of the adoption of a prohibition amendment to the Constitution, signed by Mrs. Mary C. Pederson, president of the Woman's Christian Temperance Union of Geneseo, Ill., and 130 other signers, citizens of Geneseo, Ill.; to the Committee on the Judiciary.

By Mr. KINKAID: Petition of Sons of Hermaners, Rosecrans Lodge, No. 42, of Atkinson, Nebr., against national prohibition; to the Committee on the Judiciary.

By Mr. LAFEAN: Memorial of Meadville Chamber of Commerce, Meadville, Pa., favoring manufacture of dyestuffs; to the Committee on Ways and Means.

Also, memorial of American Federation of Labor, opposing ship subsidy; to the Committee on the Merchant Marine and Fisheries.

By Mr. LONDON: Petition indorsing House joint resolution 38, calling upon the President to convene a congress of neutral nations to offer mediation to the nations at war, from New Haven Literary and Dramatic Club, New Haven; Fairfield County Lodge, 543, I. O. B. A., Stamford; Workmen's Circle, Branch 493, New Haven, all in the State of Connecticut, and 38 citizens of New York City; to the Committee on Foreign Affairs.

By Mr. LOUD: Petition of Bay City Art Club, remonstrating against the erection of the power plant in the vicinity of Potomac Park; to the Committee on the District of Columbia.

By Mr. McGILLICUDDY: Petitions of High Street Congregational Sunday School, of Auburn; First Baptist Church of Rockland; Woman's Christian Temperance Union of 20 members of West Paris; Woman's Christian Temperance Union of 150 members of Auburn; 39 citizens of North Paris; Baptist Episcopal Advent Congregation of Mechanic Falls; Free Baptist Church of West Paris; Christian Endeavor Society of Damariscotta; 20 members of Woman's Christian Temperance Union of Brownfield; citizens of Damariscotta; Christian Endeavor Society of Auburn; and citizens of Auburn, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. MEEKER: Petitions of 45 citizens of St. Louis County, Rock Spring Turnverein, and students of Concordia Seminary, all of St. Louis, Mo., and F. W. Peters, of Dubuque, Iowa, in favor of passing resolution warning Americans not to sail on belligerent ships; to the Committee on Foreign Affairs.

By Mr. MORIN (by request): Petition of Julius Hertz, of Pittsburgh, Pa., and George Feich, in favor of adoption of policy guaranteed to keep United States out of war; to the Committee on Foreign Affairs.

Also, petition of S. M. Hibb, of Pittsburgh, Pa., in favor of preparedness in national defense; to the Committee on Military Affairs.

Also, petition of Moore Push-Pin Co., of Philadelphia, Pa., in favor of Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of German-American Central Bund of Pittsburgh, Pa., in opposition to constitutional amendment for national prohibition; to the Committee on the Judiciary.

Also (by request), petition of German-American Central Bund of Pittsburgh, Pa., protesting against interference with mail passing between United States and neutral nations; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of Dr. R. W. Pearson, United States Army, Fort Sam Houston, Tex., favoring bill to increase efficiency of Dental Corps of United States Army; to the Committee on Military Affairs.

By Mr. MOSS of West Virginia: Petition of citizens of the fourth congressional district of West Virginia, urging the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of 102 voting citizens of Middlebourne; sundry citizens of the State of West Virginia; 49 citizens of Spencer, W. Va.; Methodist Episcopal Church of Sistersville; citizens of Sistersville; Methodist Episcopal Church South of St. Marys; Edgar P. Billings, of St. Marys; and 7 citizens of Spencer, in favor of national prohibition; to the Committee on the Judiciary.

By Mr. MOORES of Indiana: Petition of officers and 33 members of the South Side Turnverien, of Indianapolis, Ind., of 300 members, opposed to national prohibition; to the Committee on the Judiciary.

By Mr. NEELY: Petition of citizens of Shinnston, W. Va., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NORTH: Petition of Ambrose Grange, of 30 members, of Ambrose; Baptist Young People's Union, of 20 people, of Ambrose; Woman's Christian Temperance Union, of 16 members, of Ambrose; and Sunday school, of 30 people, of Ambrose, Md., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Dixonville, Rev. A. F. Suth, and 126 citizens of Clymer, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. OAKEY (by request): Petition of 100 people of Plantsville, Epworth League of Methodist Church of Warehouse Point, 135 people of Hartford, 150 people of New Britain, 201 people of Southington, and 280 people of Plantsville, all in the State of Connecticut, in favor of national prohibition; to the Committee on the Judiciary.

By Mr. PRATT: Petition of W. D. Taylor and Henry F. Luhrig, of Elmira, N. Y., opposing the passage of the Fitzgerald postal bill (H. R. 6468) and the Siegel postal bill (H. R. 491); to the Committee on the Post Office and Post Roads.

Also, petition of O. O. Laine, George C. Fulton, Lee H. Ingalls, W. A. June, F. C. Laine, and G. H. Bathbin, of Canisteo, N. Y., opposing the passage of the Siegel postal bill (H. R. 491) and the Fitzgerald postal bill (H. R. 6468); to the Committee on the Post Office and Post Roads.

Also, petition of George K. Young, of Ithaca, N. Y., opposing the passage of the Siegel postal bill (H. R. 491) and the Fitzgerald postal bill (H. R. 6468); to the Committee on the Post Office and Post Roads.

Also, petition of Orton O. Laine, George C. Totten, Lee H. Ingalls, G. H. Bathbin, and F. C. Laine, all of Canisteo, N. Y., favoring national constitutional prohibition; to the Committee on the Judiciary.

By Mr. PRICE: Petition of citizens of Talbot County, Md., urging support of the President in reference to the armed-ship controversy; to the Committee on Foreign Affairs.

By Mr. RANDALL: Petition of Benson Woman's Christian Temperance Union, Pasadena, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of Peter Baeder, of Brooklyn, N. Y., and H. J. Hammond, of Brooklyn, N. Y., indorsing House bill 9814; to the Committee on the Public Lands.

Also, petition of National Legislative and Information Bureau, indorsing Senate bill 3194 and House bill 9047; to the Committee on Interstate and Foreign Commerce.

Also, petition of Joseph S. Johnson, of New York, indorsing the Griffin bill; to the Committee on the Post Office and Post Roads.

Also, petition of H. W. Styles, opposing passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, memorials of International Brotherhood of Blacksmiths; Cleveland Federation of Labor; Glass Bottle Blowers' Association; Illinois State Federation of Labor; Bunker Hill Council, No. 104, of New York, Sons and Daughters of Liberty; and Alliance-Sebring Central Labor Union, of Alliance, Ohio, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. SIMS: Petitions of public meeting of 400 people of McNairy, Christian people of Como, 150 people of Henderson, and 75 people of Routon, all in the State of Tennessee, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: Petitions of 35 people of Priest River, 25 people of Elk River, 75 people of Bovill, 100 people of Deary, and citizens of Hope, all in the State of Idaho, favoring national prohibition; to the Committee on the Judiciary.

Also, memoral of farmers' union convention, opposing military preparedness; to the Committee on Military Affairs.

Also, petition of sundry citizens of Texas, favoring the Tillman bill in reference to cotton tax; to the Committee on Claims.

By Mr. SNYDER: Petition of residents of Oneida County, N. Y., favoring a proclamation of warning to American citizens traveling on armed belligerent vessels; to the Committee on Foreign Affairs.

By Mr. STEDMAN: Petitions of 25 citizens of High Point, and 41 citizens of High Point, N. C., in favor of national prohibition; to the Committee on the Judiciary.

Also, six petitions of 87 citizens of High Point, N. C., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEELE of Pennsylvania: Petition of 125 citizens of East Stroudsburg, Pa., for national prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Letter from Fort Pitt Telegraphers' Club, of Pittsburgh, Pa., urging support of House resolution 137, offered by Mr. J. CHARLES LINTHICUM, of Maryland, providing for the appointment of a committee of five Members of the House to investigate the sanitary conditions of dairies and creameries of this country and report to Congress; to the Committee on Rules.

Also, resolution adopted by voters of Hickory, Pa., favoring adoption of the Webb-Smith national prohibition resolutions, House joint resolutions 84 and 85, proposing an amendment to the Constitution of the United States for nation-wide prohibition of the beverage traffic in intoxicating liquors; to the Committee on the Judiciary.

Also, petitions of 80 people of the Methodist Church of Mount Pleasant, Lawrence County; of 150 people of the United Presbyterian Church of Plain Grove; of 35 people of the Woman's Christian Temperance Union of Plain Grove; of 290 people of the Second United Presbyterian Congregation, of New Wilmington, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TILSON: Petitions of A. E. Johnson and others, of Bronford; Mrs. E. M. Yung and 19 others, of New Haven; S. B. Jones and others, of New Haven; Rev. Albert Haylive and 238 other citizens, of Stony Creek; G. W. Pfeilen and others, of Whitneyville; W. H. Bradley and others, of Chesline; and H. L. Daniels and others, of New Haven, all in the State of Connecticut, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Frederick E. Dow and others, of New Haven, Conn., favoring woman-suffrage amendment; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: Memorial of Woman's Club of Colorado Springs, Colo., indorsing the Meyer joint resolution for a congress of neutral nations; to the Committee on Foreign Affairs.

Also, memorial of Memorial Lodge, No. 140, O. B. A., of Denver, Colo., opposing the literacy test in the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Grand Junction Trades and Labor Assembly, Grand Junction, Colo., favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Women's Missionary Society, Le Roy, Colo., favoring prohibition in the District of Columbia; to the Committee on the Judiciary.

Also, memorial of Colorado Midland Railway Employees Federation, No. 43, Colorado City, Colo., favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of United Mine Workers of America, Local No. 2171, Roswell, Colo., favoring the passage of the immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of B'Nai B'rith Lodge, No. 171, Denver, Colo., opposing the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

SENATE.

WEDNESDAY, *March 8, 1916.*

(Legislative day of Friday, March 3, 1916.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

DEVELOPMENT OF WATER POWER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the use of interstate and foreign commerce.

Mr. SMOOT. Mr. President, there are very few Senators in the Chamber, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Norris	Smoot
Catron	James	Overman	Sterling
Chamberlain	Jones	Page	Swanson
Clark, Wyo.	Kenyon	Pittman	Tillman
Clarke, Ark.	Lane	Robinson	Wadsworth
Culberson	McCumber	Sheppard	
Curtis	Myers	Shields	
Gallinger	Nelson	Smith, Ga.	

The PRESIDENT pro tempore. Twenty-nine Sentors have answered to their names. There is not a quorum present. The Sergeant at Arms will notify the absentees to attend. [After a pause.] Several Senators have come in since the roll call. The Secretary will now call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. BECKHAM, Mr. CLAPP, Mr. COLT, Mr. FALL, Mr. GRONNA, Mr. HARDWICK, Mr. HUSTING, Mr. JOHNSON of South Dakota, Mr. MCLEAN, Mr. OLIVER, Mr. POMERENE, Mr. RANSDELL, Mr. REED, Mr. SHAFROTH, Mr. SUTHERLAND, Mr. THOMPSON, and Mr. VARDAMAN answered to their names when called.

Mr. MARTIN of Virginia entered the Chamber and answered to his name.

Mr. HOLLIS. I desire to announce the unavoidable absence of the junior Senator from Delaware [Mr. SAULSBURY] on account of illness. He is paired with the junior Senator from Rhode Island [Mr. COLT].

The PRESIDENT pro tempore. The roll call discloses the absence of a quorum. The Sergeant at Arms will renew the notification to absent Senators.

Mr. HITCHCOCK and Mr. BANKHEAD entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-nine Senators have answered to the roll call. A quorum of the Senate is present. The pending question is the amendment offered by the Senator from Nevada [Mr. NEWLANDS], being a comprehensive amendment with many sections, known as the Newlands waterways proposition.

Mr. SHAFROTH. Mr. President, I have here an article by Charles W. Comstock, formerly State engineer of the State of Colorado. It is not a long one. I should like to have it published as a Senate document. It gives various statistics concerning water power.

Mr. SMOOT. Will the Senator from Colorado allow it to go to the Committee on Printing?

Mr. SHAFROTH. Certainly.

The PRESIDENT pro tempore. The request of the Senator from Colorado will be granted, with such modification as was made by the Senator from Utah. The question is on the adoption of the amendment of the Senator from Nevada [Mr. NEWLANDS].

The amendment was rejected.

Mr. STERLING. I offer the following amendment.

The PRESIDENT pro tempore. It will be read.

The SECRETARY. On page 18, line 22, at the end of the amendment heretofore agreed to, add the following additional sections:

SEC. 15. That the President of the United States is hereby authorized to appoint a commission consisting of seven men, at least four of whom shall be skilled engineers of high repute, which commission shall be known as the national waterways commission.

SEC. 16. That it shall be the duty of said commission to make thorough investigation and inquiry concerning all the practicable means and improvements which may be employed to prevent the loss of property and of life from the flood waters or overflow of the navigable inland streams and waterways of the United States. Such inquiry shall relate—

First. To the sufficiency of existing levees, dikes, embankments, dams, and all other improvements used for protection against such overflow, whether the same have been constructed by a State or by the National Government, and if any such be found insufficient, a determination by said commission of the additions thereto or supervision thereof necessary to furnish adequate protection against such overflow.

Second. Such inquiry shall further relate to the practicability of storing a portion of the waters of any of said streams or their tributaries by means of reservoirs or dams at or near the headwaters or sources thereof, or of diverting the waters of such streams or their tributaries above a particular level into other natural or artificial channels or waterways, thus preventing such accumulation as will result in overflow; and it shall also be the duty of said commission to ascertain to what extent waters stored or diverted as aforesaid may by reason of the proximity of irrigable land be available for irrigation or for the reclamation of arid or semiarid lands, and to ascertain also the extent to which waters stored or diverted may be utilized for power purposes.

Third. Said commission shall also ascertain, as nearly as may be, the losses to agricultural and forest lands caused by the washing away or erosion and submergence of the banks and consequent widening of any of said streams, and shall make thorough investigation as to the means or improvements best adapted to control and regulate the current of such streams, thus preventing the destruction of said lands.

SEC. 17. That in order that said commission may make just estimate of the need, practicability, and probable cost of any improvement of said streams and waterways herein contemplated, it is hereby authorized to

make or cause to be made all necessary preliminary surveys, drafts, and plans, and for the purpose of facilitating its work of investigation and survey said commission is authorized to invite and, if possible, secure the cooperation of the several States, counties, or municipalities the lands and property within the boundaries of which may be subject to damage because of the overflow or washing of the streams herein mentioned or which may be benefited by the use for irrigation or domestic purposes of the waters stored or diverted in the manner hereinbefore mentioned In the prosecution of said work and in making report thereon said commission is authorized to avail itself of all prior surveys and estimates and of existing reliable data in regard to any of the subjects of investigation herein authorized.

SEC. 18. That said commission is hereby authorized and directed to report from time to time to the President of the United States concerning the need, practicability, present exigency, and probable cost of any specific improvement herein contemplated and to make full and complete report of all proceedings hereunder and of the results of the investigations provided for herein, together with such recommendations as may by said commission be deemed advisable, to the President and the Congress of the United States on or before the 1st day of January, 1918.

SEC. 19. That the members of said commission shall be paid a salary at the rate of $7,500 per annum and in addition thereto their necessary expenses incurred in the prosecution of said work, and they are hereby authorized to employ such manual, clerical, and expert assistance as shall be necessary: *Provided*, That the expenditure under this bill shall not, in the payment of salaries and all other expenses, exceed the sum of $200,000.

SEC. 20. That the sum of $200,000 is hereby appropriated to pay the salaries and meet the expenses of the said commission.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from South Dakota [Mr. STERLING].

Mr. STERLING. Mr. President, I have held this amendment in reserve until the text of the bill was perfected or improved, it being an addition to the bill rather than an amendment to any part of the bill as it stands.

A word or two in regard to the history of this amendment. In April, 1913, being somewhat moved by the destruction caused by the Ohio floods, I introduced Senate joint resolution No. 25. This proposed amendment is the same as that joint resolution, except the necessary change in the date on which the commission should make its general report to Congress.

There is this further change, Mr. President, from the original joint resolution; and let me say in passing that I should like to have the attention of Senators to the provisions of this amendment, if I may, because I deem it exceedingly important, and I believe that it is entitled to the earnest consideration of Senators.

There is this in addition to the original joint resolution: I provide that—

In the prosecution of said work and in making report thereon said commission is authorized to avail itself of all prior surveys and estimates and of existing reliable data in regard to any of the subjects of investigation herein authorized.

Primarily the amendment is for the purpose of flood prevention. The commission is authorized to make inquiry first into the "sufficiency of existing levees, dikes, embankments, dams, and all other improvements used for protection against such overflow, whether the same have been constructed by a State or by the National Government; and if any such be found insufficient, a determination by said commission of the additions thereto or supervision thereof necessary to furnish adequate protection against such overflow."

The amendment further covers, Mr. President, the related subjects of irrigation, of the use of water impounded in reservoirs or otherwise for purposes of irrigation or for purpose of the development of water power. It contemplates a study of this further question, a most serious and important one in certain sections of the country; that is, the question of bank erosion and the submergence of the banks in the streams and the loss and destruction of valuable farm and forest lands caused by such erosion.

This amendment, Mr. President, does not propose, as does the amendment offered by the Senator from Nevada [Mr. NEWLANDS], an expenditure of $60,000,000 a year, or a total of $600,000,000 in 10 years, distributed throughout various sections of the United States; but it proposes, in the first place, a commission of inquiry to investigate in a comprehensive way this great question of flood prevention and the incidental questions of irrigation, water power, and bank erosion, and the expenditure under the amendment is limited to $200,000.

As I have said, Mr. President, I was moved to introduce the resolution, in the first place, back in 1913, because of the damage caused by the Ohio flood. The resolution was referred to the Committee on Commerce. Other business, of course, intervened. It was an important session, and I suppose but little consideration, if any, was given to this important resolution. There was great public interest in the question at that time and for some months after the great destruction caused by the Ohio flood; but as July came on, the dry season of the year, the interest in the question seemed to subside just as the flood had subsided.

It seems to me, Mr. President, that in view of the frequent recurrence of these floods, in view, too, of the good that may come to the country and to great sections of the country by reason of the impounding of the waters and their use for irrigation or their use in the development of power, this amendment is now a most important and timely amendment to this bill.

I grant, Mr. President, that it has not, as the amendment of the Senator from Nebraska had not, received the consideration of the committee to which it had been referred, but there is no need to refer to a committee the question of appointing this commission. Every great river flood we have had in this country is an object lesson more convincing than the testimony of all the experts in the country as to the need of a commission to do this preliminary work of making surveys and estimates and reporting, first, to the President in regard to the early need of any specific improvement and, second, reporting to Congress in regard to any comprehensive plan of improvement; and that is what is proposed by the amendment.

We have some recent examples of losses by floods in southern California, in Oklahoma, in the White River in Arkansas, the great loss from the breaking of the levee in the Mississippi at Hickman, Ky., where, it is said, a thousand people were rendered homeless, a flood occurring, I think, not longer ago than January. In the floods of this year already, in southern California, in the San Luis Rey and San Pasqual Valleys, nearly 100 lives were lost.

I merely want to call attention briefly to the figures furnished by the Geological Survey in regard to losses sustained by floods in Ohio in 1913. I say the floods in Ohio, but they are more properly known as the Ohio Valley floods, not having been confined by any means to the State of Ohio. In the States of Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, Tennessee, and West Virginia the estimated aggregate loss of private property caused by those floods is the enormous sum of $180,873,097. Besides, the losses to municipalities, because of loss of municipal improvements and county improvements, aggregated the tremendous sum of $10,662,183. Quoting from the report:

A discussion of flood losses in general follows. That the actual losses resulting from the flood of March-April, 1913, will greatly exceed $200,000,000 there seems to be little doubt. However, any estimate of the total amount of damage, considering all phases, would, especially at this time, be simply a guess.

That is to say, that the losses will reach that tremendous figure in any event—$200,000,000—and then that there are losses that may be said to be of a nature incalculable outside of these direct and tangible losses. In addition to the property loss there was the more grievous loss of human life. Over four hundred lives were lost as a direct result of the Ohio floods, to say nothing of the sickness and deaths caused by insanitary conditions following the flood.

We had a Waterways Commission which made a report in 1912; but, Mr. President, the work of that commission, as contradistinguished from the work of the commission proposed by this amendment, is this: Their work, while very valuable, was largely academic; it referred, of course, to other reports and data. It was not a commission to do the work of surveying and to do the work of making estimates of the cost of this or that particular project or improvement. There is one significant paragraph in that report, which shows and illustrates the need of a commission such as my amendment provides for. On page 27 of the report is found this paragraph:

The lack of adequate information makes it impossible for the commission to specify on what streams the construction of reservoirs would result in benefits commensurate with the cost.

Now, note this:

In most cases little is known concerning stream flow and the physical conditions causing floods, or whether there exist reservoir sites suitable to afford the necessary relief.

And the very intent and purpose of this amendment is to furnish information "concerning stream flow and the physical conditions causing floods, or whether there exist reservoir sites suitable to afford the necessary relief." Reading a little further:

The extent of damages caused by floods on different streams has not, as a rule, been accurately determined, nor have investigations been made to ascertain the relation of the cost to the benefits that would be derived from the construction of reservoir systems. The commission is of the opinion that each case must be considered on its merits, after a thorough investigation of all the facts, and strongly urges the necessity of careful studies such as the one recently made by the Pittsburgh Flood Commission.

I have little more to say, Mr. President, in regard to this proposed amendment. The bill is complete, I grant, without the amendment, and yet the amendment is germane to the bill, for the regulation by reservoirs or by diversion, of the waters of navigable streams or the tributaries of those navigable streams, thus preventing overflows, has a relation, of course, to the regu-

lar and general flow in the navigable streams; and that has its relation to dams and water power throughout the year. Hence, on that account it is a proper amendment to this bill; but, then, there is the other great consideration, and I can not help but think, Mr. President, in view of the tremendous destruction caused by floods and in view of what is likely to happen, that Congress is neglecting a serious duty in not making provision to prevent these great losses, and at the same time making provision for the utilization of the waters that are impounded or diverted for the purposes of irrigation and for water power.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Iowa?

Mr. STERLING. I yield to the Senator from Iowa.

Mr. KENYON. I understand that the Senator's amendment, or practically the same amendment, was before the Senate some years ago with reference to another bill, was it not?

Mr. STERLING. I do not know as to that, I will say to the Senator.

Mr. KENYON. Well, did not the Senator offer substantially this amendment to a bill a couple of years ago?

Mr. STERLING. No; I offered it as a Senate joint resolution.

Mr. KENYON. And what action was taken upon it?

Mr. STERLING. It was referred to the Committee on Commerce, and, so far as I know, no further action was taken upon it.

Mr. KENYON. I should like to ask the Senator if there was any discussion at the time, and, if so, what the argument was against a proposition of this character?

Mr. STERLING. I heard of no discussion nor of any argument against it.

Mr. KENYON. What is the objection now to placing it on this bill?

Mr. STERLING. I do not know of a single objection, I will say to the Senator; indeed, I talked to many Senators at the time I introduced it as a joint resolution and they all approved of it. I remember speaking to the Senator from Iowa [Mr. KENYON] and to the then senior Senator from Ohio, Mr. Burton, in regard to it. I also spoke to the Senator from Nevada [Mr. NEWLANDS] in regard to it, and to a number of other Senators with whom I had become acquainted at that time, and they approved of the principle of the resolution.

Mr. KENYON. It seems to be a proposition of such importance that I wish the Senator might have a hearing upon it and a consideration for it, but I assume he can not get it.

Mr. STERLING. I hardly see why, I will say to the Senator from Iowa, I can not have serious and thorough consideration of this amendment now. Let me say, Mr. President, that we have devoted over four long weeks to the discussion of this bill and to the amendments offered to it. Can we not give a day, if it is required, to the discussion of an important proposition like this?

I want to refer to one matter in which I am immediately interested, though that is not the prime motive at all for introducing the amendment. I refer to the question of bank erosion, which is one of the subjects contemplated by the amendment; and I feel the more free to do so because the Senator from Louisiana [Mr. RANSDELL] yesterday went into the question of damages done by reason of the breaking of the levees on the Mississippi River, and the great work and the great expenditure that will be required to put the lower Mississippi in a safe condition.

We are great sufferers in South Dakota, and right at my home city, from bank erosion of the Missouri River. Let me tell you what I have tried to do. Despairing of any relief through a river and harbor bill or anything that might be reported by the Committee on Commerce, I introduced here early in this session an emergency joint resolution providing for an appropriation of $100,000 to prevent the washing away of the most valuable farm lands in South Dakota, lands that would be worth from $150 to $200 an acre but for the menace of the Missouri River in Clay County and other counties in South Dakota along that river.

What was done with it? It was referred to the Committee on Commerce; referred by the Committee on Commerce to the Secretary of War; referred by the Secretary of War to the Board of Army Engineers; and, at the kind instance of the chairman of the Committee on Commerce, I visited the Board of Army Engineers. They had received the bill a few days before. It was on a Monday that I was there—three weeks ago last Monday—and I was promised a report on the following Wednesday. That report has not yet been made, although I submitted with my request for an early report the affidavits of citizens of Vermilion, the affidavits of farmers living in the valley near the river, and a well-prepared plat, showing the surveys made recently, which surveys showed the inroads made by the river.

Let me give you briefly an account of the damage wrought. In 1881 there was what was called the great flood. Prior to that the Missouri came in near the station on the bottom lands at the city of Vermilion; but when the flood, which was caused by an ice gorge, had subsided the channel of the Vermilion River was 3½ miles away. Now, the river is coming back to its old channel; and the affidavits which I produced before the Board of Army Engineers showed that the water was now within 300 feet of the old channel of the Missouri River, threatening, as it will and as it does, the elevators, the railroads, and the station there, threatening the destruction of many residences yet left on the bottom lands there, and still no report, and still the necessity for some measure of relief.

So, Mr. President, when we consider what this amendment contemplates in the way of the prevention of floods and in the way of study, inquiry, and investigation into these other problems connected with the overflow of our navigable streams and their tributaries, there can hardly be anything more important before the Senate now. It does not pretend, of course, to appropriate money for the improvements, but it does provide for a commission to investigate what specific improvements are now needed in regard to preventing river overflow; and it provides, as I have said, for a report to the President in regard to the need for any specific improvement and for a report to Congress of what may be needed under the general system provided for.

An appropriation of $200,000 only is asked. I doubt if that will be sufficient; but a report can be made and another Congress can and I believe will gladly make further appropriations for this need.

I had hoped that the chairman of the committee, the Senator having this bill in charge, would be inclined, in view of the importance of this amendment, in view of what it means to the country, and in view of the doubt which I think exists in regard to having a separate bill go through the Congress at this session, to accept this amendment to his bill. It interferes in no way with the operations of the system for which the bill makes provision. Indeed, as I said in substance, it is quite germane to his bill in that the work that will follow the work of the commission will have to do with the regulation of the flow of the water in our navigable streams.

Mr. SHIELDS. Mr. President, the committee can not agree with the Senator presenting this amendment that it is germane to the pending bill. It creates a national waterways commission composed of seven members, at salaries of $7,500 each, and appropriates $200,000 to pay their salaries and expenses, and has provisions which make it a miniature of the amendment presented by the Senator from Nevada [Mr. NEWLANDS], and rejected only a few minutes ago.

Mr. STERLING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from South Dakota?

Mr. SHIELDS. I do.

Mr. STERLING. The Senator characterizes this as a miniature of the bill or amendment offered by the Senator from Nevada. Let me say that it is a miniature only in that it makes provision for what will have to be done necessarily under the bill proposed by the Senator from Nevada. It provides for the necessary surveys and estimates. In that sense only can it be said to be a miniature of that bill.

Mr. SHIELDS. The bill pending before the Senate concerns navigation and the development of water power. The amendment proposed by the Senator from South Dakota relates to the storage of waters in case of floods, to irrigation, to reclamation, to forestry, and to flood control generally. It takes in, as does the bill of the Senator from Nevada, almost everything that is known in any way connected with waters, and certainly is very foreign to the special subjects of legislation in the bill under consideration. The committee hopes that the Senate will not embarrass and confuse that bill with a measure of this kind, and that it will be rejected.

Mr. NEWLANDS. Mr. President, I think the Senator from South Dakota [Mr. STERLING] is serving the cause of a broad and comprehensive treatment of all the waterways of the country by the amendment which he has proposed and by his able discussion of it. His contribution to this debate indicates the national importance of the waterway question, for it demonstrates that South Dakota has serious problems that relate to water, just as Louisiana and Mississippi have, and that in national legislation her needs and requirements should be considered as well as those of the lower reaches of the Mississippi River.

I can see no objection to the phraseology of the amendment proposed by the Senator from South Dakota or its purpose. On the contrary, I think it is a very clear statement of certain requirements which should be met. The objection I have to it is that it calls for investigations, whilst for years the country has been demanding action, work, not simply inquiry.

The work of investigation and inquiry has been going on for years. We have had two waterway commissions, both of which made long and exhaustive reports—one a commission called the Inland Waterway Commission, appointed by President Roosevelt, and the other a congressional commission appointed by the President of the Senate and the Speaker of the House, composed of Senators and Congressmen, bearing, by the way, the very name, the National Waterway Commission, which the Senator from South Dakota proposes to give to the commission which he has in view.

Those two commissions differed in character so far as their original authority was concerned. Mr. Roosevelt, without the action of Congress, appointed the Inland Waterway Commission, consisting of two Senators, two Representatives, and the chiefs of the scientific services of the Government that relate to the regulation or investigation of our water resources, such as the Engineer Corps of the Army, the Reclamation Service, the Forestry Service, the Geological Survey, the Bureau of Corporations, and other chiefs of scientific services. The power under which he exercised that authority was the power of recommendation to Congress reposed by the Constitution in the President, and his right to secure information with a view to making such recommendation.

Mr. Roosevelt had been impressed for a long period of time, ever since the irrigation agitation arose, with the necessity of broadly and comprehensively treating the water question; and, desirous of securing definite information upon the subject, he appointed this commission, consisting not only of Members of the Senate and of the House but of scientific experts, with a view to gathering and collating all the information upon the subject and making their recommendations. That commission, of which Senator Burton was the chairman and Senators BANKHEAD, Warner, and myself were members, not only made a reconnoissance of the waterways but had extended hearings and made their recommendations. Those recommendations cover every feature of the bill which I have been urging and which I had previously introduced, except the one as to the amount of the fund that was to be created. Mr. Burton differed with us regarding that, but he agreed with us finally as to every other feature of the work which should be undertaken by the National Government.

Later on, apparently, when we were pressing legislation and action under the recommendation made by Mr. Roosevelt following the report of that commission—a recommendation which he urgently pushed in messages and through personal influence and letters to Senators and Congressmen—another commission was devised as a means, I believe, of shunting action regarding the recommendations of the previous Inland Waterway Commission and securing delay regarding this important matter. That commission consisted of five Senators, I think, and five Representatives, and Senator Burton was also its chairman. That commission covered substantially the same ground that was covered by the previous Inland Waterway Commission, perhaps extending it in some directions, and made recommendations substantially upon the same lines, but not so specific and decisive. It was more scholarly than decisive or constructive.

It will be observed, therefore, that although this movement for investigation was inaugurated in 1907 and has been steadily pursued by the Inland Waterway Commission, which made an exhaustive report comprising numerous volumes, covering perhaps a thousand pages, and although that investigation proceeded later on under the direction of the National Waterways Commission, and it made an exhaustive report covering a number of pages, the consciousness of the Congress of the importance of this great question was not, apparently, aroused. So I insist that the time has gone by for mere investigation; that investigation simply operates to produce delay; and that it is essential that the Congress of the United States should force action which will embrace not only the organization the Senator from South Dakota contemplates, not only surveys but actual work—actual work upon projects upon which reports have already been made by the engineers and with reference to which work can be easily commenced and investigation and surveys with a view to enlarging the sphere of operations and gradually bringing out project after project, which will gradually embrace the larger scope, and work and investigation in every watershed of the country, so that the people of every watershed will feel that the action of Congress and of the administrative department of the Government is not partial or based upon favoritism, but that it applies equally and contemporaneously to every section of the country.

Whilst I regret to say that I was unable to continue my remarks of yesterday at the time to-day to which a recess was taken, because I did not understand that the Senate had recessed until 11 o'clock to-day in the place of the usual hour of 12, and I am given to understand that my amendment was disposed of during my absence without a record vote—I wish to say that my purpose in presenting the amendment has been mainly to develop information and discussion upon this important subject, with a view to action in the future rather than the present. I had hoped, however, that as this debate continued the Senate would come to the consciousness that it might be a wise thing to add to this measure the entire scheme of legislation embraced in my bill, and I was exceedingly gratified to observe, as a step in that direction, that the Senate in its record vote of yesterday upon the amendment offered by the Senator from Nebraska [Mr. NORRIS] as to the inauguration of the approved project for water-power development at Great Falls, had so advanced in the idea of the necessity of fuller and more comprehensive action that that amendment lacked success by only two votes.

I believe that if this debate could be continued for a week or two longer, and such highly educational and instructive speeches should be made with reference to the wants of the different communities, as have been made by the Senator from South Dakota and by others, we would awaken to a realization of the fact that we are delaying most necessary work; that we have now the information necessary for action, and that now is the time for action, and that if we fail to avail ourselves of the present opportunity we will find that the pressure of legislation regarding military and naval matters, regarding the appropriation bills, and numerous other questions that are coming up, will absolutely foreclose any serious consideration of this question at the present session.

Now, as to the urgent necessity of this legislation, I was calling attention when the Senate took a recess last night to our platform declarations and insisting that the Democratic Party had given a pledge to the people which it ought to perform before the next election, and which it is under obligation to perform, and that hence the matter is urgent, because it involves in the highest degree responsibility for pledges made to the people, pledges upon which we won power.

Now, what did the Democracy declare in the platform of 1912 on this subject? Here are the words:

We renew the declaration in our last platform—

Now, recollect we called attention to a declaration made four years before just as full and comprehensive as it could be, calling for action upon this subject and every branch of it, and we renewed that declaration. I shall refer later on to that declaration, for it is much more emphatic than anything contained in the platform of 1912, emphatic as that declaration was. The platform of 1912 declares:

We renew the declaration in our last platform relating to the conservation of our natural resources and the development of our waterways. The present devastation of the lower Mississippi Valley accentuates the movement for the regulation of river flow by additional bank and levee protection below—

What follows?—

and the diversion, storage, and control of the flood waters above—

The diversion, storage, and control of the flood waters above—

and their utilization for beneficial purposes in the reclamation of arid and swamp lands and the development of water power instead of permitting the floods to continue, as heretofore, agents of destruction.

During that very campaign upon that platform President Wilson, then Mr. Wilson, a candidate for the Presidency, in a telegram to me, as the president of the National Irrigation Congress, then holding its session at Salt Lake, declared emphatically that he was for the policy which that congress represented, a policy fully as broad as the bill which I have presented, a policy which adopted and approved that bill. In that telegram he not only declared himself in sympathy with the purpose of that Congress but also declared himself in favor of a policy which would by the use of flood waters for every beneficial purpose turn, as he expressed it, these floods from a menace into a blessing. No one could have more happily phrased the whole character of this agitation than that floods were to be changed from a menace into a blessing, according to Mr. Wilson's utterance. That is all the bill which I have been urging for so many years presents, and that is the purpose which the Senator from South Dakota has in view when he presents the needs of the State and the section which he represents, a State, by the by, which, through its legislature, has indorsed the very bill which I have been urging, a bill which has been indorsed from the great Northwest down to Louisiana by numerous States, the

States of South Dakota, Louisiana, and Wisconsin being included in the number.

This platform goes on and declares:

We hold that the control of the Mississippi is a national problem—

And so forth.

And applies itself to that work, and a work by the by which is going on, a work which, in my judgment, ought to be accelerated, a work which is fully covered in the bill which I have presented and the amendment to the pending bill which I presented, for there the problem of the Mississippi is taken hold of as a great national problem.

Mr. President, this platform goes on further:

We favor the cooperation of the United States and the respective States in plans for the comprehensive treatment of all waterways with a cooperative plan for channel improvement, with plans for drainage of swamp and overflowed lands, and to this end we favor the appropriation by the Federal Government of sufficient funds to make surveys of such lands, to develop plans for drainage of the same, and to supervise the work of construction.

We favor the adoption of a liberal and comprehensive plan for the development and improvement of our inland waterways with economy and efficiency, so as to permit their navigation by vessels of standard draft.

The Democratic Party, true to its instinct, demands here economy, but it also demands efficiency, and yet my Democratic friends, fearful of larger taxes, fearful of the creation of debt, are paralyzed when they view the comparatively small expenditure of $60,000,000 annually for a period of 10 years in the execution of this great work.

Mr. President, we might as well abandon all idea of making this Government the great, efficient Government which it should be if we are embarrassed by the consideration of such figures. France has not been embarrassed by such considerations; Germany has not been. To-day we are holding up Germany as the model of efficiency both in military and industrial preparations. The Government there is an active agent in creating a system of military efficiency, of manufacturing efficiency, of commercial efficiency; and in all these lines has spared no expense and has developed the most complete system of coordinated transportation that exists in the world, a system which has resulted in artificializing every stream, making it over by engineering and art, and making it an efficient ally of ocean transportation and rail transportation in the development of cheap transportation, upon which in the end foreign commerce largely depends.

Now, we have been going along with the idea in this country that individualism is the best agency for securing great results. There is no doubt but that the single individual carries more weight in the United States than in any other country in the world. I would not decry this intense individualism, but I would add to it the spirit of coordination and the spirit of governmental cooperation in matters which are without the reach of individual enterprise and action.

Mr. SMITH of Michigan. Will the Senator permit me?

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Michigan?

Mr. NEWLANDS. Certainly.

Mr. SMITH of Michigan. From what document is the Senator reading?

Mr. NEWLANDS. The platform of the Democratic Party and the unperformed pledge of the Democratic Party, a pledge which it made seven years ago, and which it renewed three years ago, and which is yet unperformed.

Mr. SMITH of Michigan. Why does not the Senator address himself to his associates on the other side of the Chamber? He is looking so longingly over here that we are half of the opinion that that pledge in the Democratic platform is being repudiated, as most of the others have been.

Mr. NEWLANDS. I have been so accustomed in the past to addressing myself to the hardened intellects of the other side that I pursue that custom, but I admit that it is much better for me to turn to my side.

Mr. SMITH of Michigan. This side is not effective when the majority is on the other side of the aisle.

Mr. NEWLANDS. That is true. The responsibility is here, and I propose to address myself——

Mr. SMITH of Michigan. I hope my honored friend will address his associates with his usual fervor and effectiveness.

Mr. NEWLANDS. I beg the Senator's pardon for directing my eyes in his direction.

Mr. SMITH of Michigan. As soon as the distinguished Senator——

Mr. NEWLANDS. I will ask the Senator, however, whether he is in favor of the bill I am urging.

Mr. SMITH of Michigan. Mr. President, if I had been originally opposed to it I would have long since surrendered my views, for I have heard the Senator speak upon it many times since I have been a Member of the Senate. I could not entertain any view opposed to his own. Impressive and serious and detailed arguments have been advanced here year after year by the Senator, and not only on the floor of the Senate, but in committee rooms where I have been fortunate enough to be associated with him, until at last my own views about this subject matter have given way to the powerful argument of the Senator from Nevada. If he will but turn his attention to the conversion of his own party associates upon the other side of the Chamber, after which his task will be easy over here.

Mr. NEWLANDS. May I count on the vote of all the Senators on the other side of the Chamber who are present?

Mr. SMITH of Michigan. To be sure. I pledge all my associates on this side.

Mr. NEWLANDS. All your associates?

Mr. SMITH of Michigan. All my associates on this side.

Mr. NEWLANDS. Then I will turn my attention to my own side.

Mr. SMITH of Michigan. Certainly as soon as the Senator can permanently rally his own party associates to his side I pledge him all my associates here.

Mr. NEWLANDS. Now, I assume that the Senator's assurance is not simply a humorous assurance. Is that true?

Mr. SMITH of Michigan. The Senator can not be misled by my statement, if that side of the Chamber were united this side would, of course, submit cheerfully to the will of the majority. When the honorable Senator succeeded in getting the governors of a number of States to approve his plan and when the very citadel of Democracy, the White House, fell under the fierce bombardment of the Senator and the last Democratic national convention proclaimed its virtue, I felt fully convinced that at last the millennium had finally dawned upon a waiting world.

Mr. NEWLANDS. Mr. President, that is very gratifying. I now turn to the Senator from Connecticut [Mr. BRANDEGEE]. I recall that the Senator was very earnest some years ago in pressing the so-called Appalachian and White Mountains bill, a bill under which a commission consisting of several Secretaries of the Cabinet and several Senators and Representatives in Congress were authorized to expend some millions of dollars in the acquisition of forest lands, or, rather, the denuded forest lands in the White Mountains and in the Appalachian Mountains. New England and the South shook hands over that constructive movement, which proposed that the National Government should take hold of these denuded areas which had been deprived of their timber and which were by a process of erosion being rapidly stripped of their soil and treat them in connection with the scheme of regulating and controlling our rivers.

Now, what was the assumption there? The assumption there was that forests have a direct influence over stream flow; that forests are the natural conservators of moisture, taking it in as it falls from the heavens and absorbing it in the roots of the trees and absorbing it in the mulch of the forests, and then gradually giving it out to the streams themselves, thus insuring a gentle instead of a precipitate flow. They began to realize that as these areas were denuded of the forests, the process of soil erosion was taking place, so that gradually the valuable soil would be transferred through the rivers into our bays and oceans, and that ultimately if this matter were not attended to the condition of our mountain areas would resemble that of the mountain areas of China, where through that entire area of mountain heights you will observe that the mountains first denuded of their forests have later on been denuded of their soil until there for hundreds of miles you will see simply an array of white peaks without vegetation of any kind. The productive soil resting upon them has been washed down into the plains below.

Now, then, my friend the Senator from Connecticut aided by the Senator from New Hampshire [Mr. GALLINGER], one of the most conservative Senators in this body, evolved that bill. Yet it had in contemplation so far as New England was concerned simply the conservation of two small rivers—the Merrimac and the Connecticut Rivers. They deemed it, however, of sufficient national importance to take hold of those lands with a view to conserve the waters of those rivers.

Mr. CLARK of Wyoming. Will the Senator allow me?

Mr. NEWLANDS. Certainly.

Mr. CLARK of Wyoming. I assume the Senator from Nevada is entirely sincere in calling the attention of the Senator from Connecticut to that legislation of three or four years ago, but is it not rather apparent that what the Senator uses in admirable style as a reason for the proposed legislation was used rather as an excuse for the legislation in regard to the Appalachian bill?

Mr. NEWLANDS. Well, I would not attribute any unworthy motive, I am sure, to the Senator from Connecticut, and I believe that he had in view—and that he was correct in taking

the view—that the interest of his region demanded the conservation of the waters of that region. It is true the waters of New England are not very extensive; that is to say, they do not embrace great rivers. The only rivers, I believe, of any importance outside of Maine being the Merrimac and the Connecticut Rivers. Those rivers are of importance. The Merrimac is, in a measure an arm of the sea, the development of whose lower reaches would promote foreign commerce, and hence the necessity that a deep channel, unobstructed by the débris from the mountains above, should be maintained. As to the Connecticut River, that is a river of much greater consequence, and I regret to say that in the extraordinary railroad development of this country a policy was pursued which prevented the full utilization of that river. The railroads have been permitted to put bridge structures over those rivers that are practically obstructive of navigation, and hence it is impossible to reach by large vessels the city of Springfield and the city of Holyoke, both of them towns of considerable manufacturing importance.

If foresight had been exercised then, if we had determined upon a great national policy regarding the development of our waterways in coordination with our railways, those railway structures would have been so made as not to interfere with commerce; but, as it is now, for 10 years Springfield and Holyoke have been clamoring for an outlet to the sea. They are just beginning to realize in Connecticut that if there were no obstructions and if the waters of that river were conserved above by a proper system of natural and artificial storage in the mountains and the channel properly developed they could make a harbor running from the mouth of the Connecticut River up to Holyoke, on whose banks would rest the great factories of the future, which would transfer their goods immediately, without the interposition of rail transportation, to the great ocean steamers that would carry our products to the world.

Mr. BRANDEGEE. Mr. President——

Mr. NEWLANDS. And we have a personal interest in cheapening the cost.

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Connecticut?

Mr. NEWLANDS. Certainly.

Mr. BRANDEGEE. Let the Senator from Nevada finish his sentence, Mr. President.

Mr. NEWLANDS. We have an interest in diminishing the cost of transportation from those great centers of production to the rest of the world, and, permit me to say, that I think the Senator from Connecticut showed the highest statesmanship in insisting that, at all events, that step should be taken in the direction of the development of the Connecticut River.

Mr. BRANDEGEE. Mr. President, the Senator from Nevada is mistaken if he thinks that the railroad system of New England had anything to do with the prevention of the navigation of the Connecticut River. The trouble about the navigation of the Connecticut River above Hartford has been owing to the character of the channel of the river. It is a solid-rock foundation, and to get the depth of water necessary for commercial vessels of any size to go above Windsor Locks—which is the site of one of the dams to be developed into a great water power under this bill—to get a vessel above that point, as the Senator has a vague recollection, though he has forgotten the cause of it, the Massachusetts people for years have been agitating and advocating before the Committee on Rivers and Harbors in the House and the Committee on Commerce in the Senate a program for a great expenditure of money on a project to dredge the river at that point, where it is rocky, to a proper depth. The project has been repeatedly investigated by the engineers of the War Department, and repeatedly reported adversely upon, on the ground that, while it was feasible, it would require such an enormous expenditure that the commercial advantages to be gained would not warrant its being made at the expense of the General Government. That is all there is to the question of the Connecticut River.

I will take occasion to say, however, while I am on the floor, that I have voted for some bills since I have been a Member of Congress the constitutionality of which I wish I could have been more sure of than I was. Among them was the so-called White Mountain Appalachian Forest Reserve bill, the constitutionality of which was seriously questioned.

I was willing to take the chance on that in view of the great public benefit to be achieved. I voted for the so-called migratory-bird bill, which I had some skepticism about as to its constitutionality. The Supreme Court has just divided evenly on the question of the constitutionality of that measure and have asked for a reargument. My conscience and general "uplift" tendencies may compel me to vote for the so-called child-labor bill, which proposes that the central Government, through a commission or some such divinely inspired institution as that, shall invade every State and city in the country and put embargoes upon the commerce of the State, provided they do not conform in the exercise of what have heretofore been considered as their State rights to the tremendously altitudinous standard that we "uplifters" in Congress may set up for their guidance and government. I do not know; I may vote for it; I am afraid I shall, because for one I am pretty nearly getting worn out in standing up for——

Mr. NEWLANDS. State rights.

Mr. BRANDEGEE. Yes: for some local self-government. I think the time has probably come, Mr. President, when it is necessary to put up to the Supreme Court of the United States some legislation which will elicit from that court an expression of opinion, at least, as to whether this Government is a Union of States or whether it is a centralized, federalized Government, in which all the local concerns of the people at home are to be regulated here in Washington by the Congress and largely by the exercise of its strained powers under the commerce clause of the Constitution or under the power of amendment of that document by three-fourths of the States against the will of the other quarter. So I have no apology to make for having skated on very thin ice on the White Mountain Appalachian Forest Reserve bill. I do not know whether the constitutionality of that measure has yet been determined by the Supreme Court or whether it has ever been called in question.

The Senator from Nevada at that time was just as anxious to fasten this octopus, that he is now nursing, onto the White Mountain Forest Reserve bill as he is now to fasten it onto this bill, after his proposition has been rejected. I told him at the time that if he wanted to kill the White Mountain Forest Reserve bill all he had to do was to fasten this millstone, this "old man of the sea" that he has reared and turned loose upon the country, onto that bill. Inasmuch as he really was not so bad a man as he pretended to be, he finally let loose his strangle hold on my bill and it went through; but the Senator has learned a lesson, and he gave notice the other day that he had so raised his standard of determination that no legislation of any character, no matter how beneficial, concerning anything that had a drop of water in it, should be allowed to go through if he could successfully obstruct it.

Mr. NEWLANDS. I said I seriously considered taking such a position.

Mr. BRANDEGEE. I see that the Senator is carrying out his charitable purpose, and I decline further to coordinate with him in that laudable object. [Laughter.]

Mr. NEWLANDS. Well, Mr. President, I ask the Senator from Connecticut whether he is willing to extend the same liberality of view which has distinguished him in his consideration of the White Mountain and Appalachian bill, the child-labor bill, and so forth, to the measure which I have been urging?

Mr. BRANDEGEE. Well, Mr. President, my first name is Frank, and I will be very candid with the Senator. I said to him at the time that I would give serious consideration to his measure whenever he brought it up before the Senate. I hate to incur the Senator's displeasure by admitting that I never have read his measure as yet, and so I would not want to make a hard and fast promise that I shall vote for it; but I agree with him in his general idea that this subject is of vast importance and should be treated in a comprehensive and broad spirit; that there should be some continuous policy inaugurated and carried out, just as I think there should be in the maintenance of our Army and Navy. I think we have pursued very nearly the same foolish program in relation to them as we have in relation to the matter which the Senator is now advocating, and it may result in disaster some day if we continue to decline to look the facts in the face.

All I can say to the Senator is that I believe in the bill which is now before the Senate; I am going to vote for it; I think it ought to pass, and I will give his measure the same consideration that I have given the pending bill, when it comes up, and I think very likely I shall vote for it; but I do not think a great measure like the Senator's ought to be held here in ambush, and whenever a bill comes before the Senate which has the report of a committee back of it and a public sentiment in favor of it and the majority of both parties perhaps wanting to pass it, that he should spring from ambush and seek to ingraft his measure upon it, using everything as a means simply to float his measure through on the back of it. If his measure has merit in it, he ought to let it stand on its merits, discuss it on its merits, and let the Senate vote on it on its merits. I do not believe in passing such great schemes of legislation as mere casual amendments or riders on other bills.

Mr. NEWLANDS. Well, Mr. President, it is very satisfactory, indeed, to receive even the qualified assurance of the

Senator from Connecticut regarding the measure which I have in view. I judge, however, inasmuch as he says he has not read the bill, that it will be necessary for me to inform him regarding it at some stage, and I know of no better opportunity than now.

Mr. BRANDEGEE. I see, Mr. President, that I correctly interpreted the purpose and attitude of the Senator.

Mr. NEWLANDS. Certainly. I am bent upon informing the Senator from Connecticut, for I realize the value of his aid. When, as the Senator says, I withdrew my strangle hold from the White Mountain Appalachian bill some three or four years ago, upon the assurance of Senators as well known for conservatism as the Senator from Connecticut and the Senator from New Hampshire that they would look into this question with a hospitable view at least, I felt that their inquiry would be an early one, and I am exceedingly disappointed to learn that three or four years have passed by and that the Senator from Connecticut as yet has not read the bill. I can assume, therefore, that the only information he has concerning the bill has been the information which he has received upon this floor in the numerous discussions in which I have participated in the Senate regarding it. So I am all the more convinced of the value of these discussions, and the Senator certainly would not have me, zealously guarding, as I am, this measure, withhold any effort to convince his intelligence.

Mr. BRANDEGEE. Why, Mr. President, there is nothing that pleases me more than to listen to the dulcet tones of the Senator's voice. It is like Tennyson's "Brook"; it "goes on forever"; but it is always informing. So the Senator need not withhold any thought that uprises in him on my account. I hope he will take all the time necessary for the full development and coordination of the ideas he is expressing.

Mr. NEWLANDS. Very well, Mr. President. I still find, however, that I can not withdraw my eyes from the other side, much as I would wish to apply them exclusively to my own side.

Mr. BANKHEAD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Alabama?

Mr. NEWLANDS. I do.

Mr. BANKHEAD. I should like to ask the Senator from Connecticut, if he will permit me, if he does not believe that under the provisions of this bill the navigation of the Connecticut River will be improved, and thereby relieve the difficulties to which the Senator from Nevada has referred this morning?

Mr. BRANDEGEE. Why, Mr. President, I do most certainly. I have confidence enough in whoever may occupy the position of Secretary of War to believe that he would not authorize a great dam to be built across that river unless the locks were of the latest modern type, capable of insuring the passage of vessels of tremendously larger tonnage and draft than those which go through the locks as they are at present.

Mr. NEWLANDS. Mr. President, may I ask——

The PRESIDENT pro tempore. Before the Senator from Nevada resumes his remarks the Chair ought to make a statement. Under the rules as they are interpreted, if a Senator yields to more than one question—if he yields a second time—he forfeits the right to address the Senate further on that day on that proposition, since the rules prohibit his right to address the Senate more than twice on the same day on the same question.

Mr. NEWLANDS. I will ask if I have forfeited my right to continue?

The PRESIDENT pro tempore. The Chair is inclined to hold that the Senator has not forfeited his right as yet, but the next time he yields he will have done so.

Mr. NEWLANDS. Very well.

Mr. BRANDEGEE. I hope the President will allow his heart to be softened in this particular case and permit the Senator from Nevada to proceed.

The PRESIDENT pro tempore. Very well, the Chair will give the Senator one more chance.

Mr. NEWLANDS. Mr. President, I am very anxious to proceed in order, and therefore I will not indulge the desire to ask the Senator from Connecticut another question.

Mr. SHIELDS. Mr. President, will the Senator from Nevada yield for a question, not for a speech?

Mr. NEWLANDS. I will inquire of the President pro tempore if by so doing I will forfeit my right to the floor?

The PRESIDENT pro tempore. The Chair would be inclined to hold that if the Senator yields another time he forfeits the floor. The Chair does not think there is anything about this bill, however, the Senator from Tennessee does not already understand.

Mr. NEWLANDS. I regret to say that, under the circumstances, I must decline to yield to the Senator from Tennessee. It is impossible for me to extend him that courtesy.

Mr. SHIELDS. I only wanted to ask the Senator whether, in view of the time the bill has consumed and the many times he has spoken, he will not permit it to come to a vote?

The PRESIDENT pro tempore. The Senator from Tennessee is out of order.

Mr. NEWLANDS. Now, Mr. President, I am very glad to have an opportunity to address myself to the Senator from Connecticut. I would value greatly his support of this measure, as I value greatly the promised support of the Senator from Michigan. I assume that the Senator from Connecticut is supporting the pending measure because he thinks that it will be beneficial not only to the entire country, but to the particular river—the Connecticut—in the State whose interests he in part represents.

The Senator from Alabama [Mr. BANKHEAD] inquired whether this bill will not in the end aid and promote navigation. The answer of the Senator from Connecticut to that was "yes," that it would probably promote navigation on the Connecticut River, for he believes that the wisdom of whoever may be Secretary of War will aid in the proper development of that river. Now, my answer is "yes," provided the work under this bill is done with reference to the dovetailing of that work with a great and comprehensive plan for the full development of our rivers, and "no" if the work under this bill is to be done upon the assumption that the development of our rivers will be as scanty and slow as it has been in the past.

It is one thing to permit an obstruction to a river that is never to be navigated and never made navigable and never artificialized and it is another thing to permit an obstruction in a river with reference to which a public policy has been inaugurated that in the future will lead to the perfect artificialization of that river and its development as an instrumentality of commerce. What I feel is that we are entering into this whole policy at the wrong end. We are viewing this whole subject with the microscope instead of the telescope, and I very much fear that if the operation of this bill is inaugurated during the maintenance of the present policy relating to the development of our rivers the Secretary of War and the engineers operating upon it, when they come to view an obstruction to a river for the purpose of developing water power, will not have in view in any degree the future development and utilization of that river for every purpose, but will simply view that river as it stands to-day—an unorganized and undeveloped possibility for commerce.

My friend from Connecticut [Mr. BRANDEGEE], I think, gave me somewhat stronger assurances regarding my bill when I relieved his bill of the amendment which I proposed; but I am not willing to attempt to hold anyone to an obligation which does not recommend itself to his reason. Hence I shall abandon altogether the obligation regarding past assurances and address myself simply to convincing the judgment of the Senator in the present.

The measure which he proposed was simply a detached portion of a great problem, and the most remote portion of a great problem. Instead of determining in the first instance to develop our rivers upon a broad and comprehensive scale—a policy which never yet has been determined upon by our Government—the Congress of the United States committed itself simply to a detail, which will be entirely without results unless the greater policy and plan are inaugurated. Take the acquisition of large areas of mountain lands in the White Mountains and in the Appalachian Mountains, which have been denuded of their forests: Unless you conclude to make these rivers real instruments of commerce, why should the National Government acquire those lands? Certainly not for agriculture itself, certainly not for forestry itself, but only in aid of interstate commerce. That is the constitutional power under which the Congress of the United States acted. And what relation had these deforested areas to interstate commerce? Why, simply the very remote relation that in order to maintain interstate commerce on a stream it is necessary that you shall have a steady flow, not a fitful flow—not a torrent one month and a drought the next month—and that these waters, constantly flowing to the oceans and gulfs, must be reinforced every month in the year and every day in the year from remote sources, and that the natural storage of water in forests and in the soil constitutes one of the most valuable sources for the maintenance of stream flow throughout the year. Denude the mountains of their forests, deprive them of their soil, strip them to the rock, or cover them entirely with concrete, and you will have a surface that will precipitate the water immediately to the tributary

streams and thence to the great rivers, thus causing these enormous floods that are so destructive. Then, later on, when the period of drought comes, there are no forested areas, no soil areas, the natural reservoirs from which the absorbed water can flow gradually into the tributaries and streams and feed the stream flow, and then you have the period of drought. Either of these conditions is prejudicial to navigation and to interstate commerce; and it is for that remote reason that the United States is justified in acquiring these forested areas at the head of navigable rivers.

The difficulty is that local interests, and perhaps private interests, intervene so as to bring about the speedy action of the Government upon mere detached portions of a great problem, whilst the great problem itself, resting simply upon the general interest for its promotion, receives no attention. Hence it is that projects for the purpose of acquiring forested areas, projects for the erection of water-power dams, projects for the digging of a channel at a particular place, involving an expenditure of money in that locality, receive consideration when a great public policy, involving the general public good, receives no consideration whatever.

So, Mr. President, having acquired, at the instance of Senators representing these various States, in the Appalachian and White Mountain regions, at the cost of millions of dollars, large deforested areas, whose use to the National Government will depend absolutely upon the development of a great water policy, we find that those very representatives, able and conscientious as they are, halt with the completion of the detached portion, and do not energetically pursue action upon the great policy the adoption of which alone would justify their action in the first place. And so my friend from Connecticut [Mr. BRANDEGEE], instead of being an earnest, fighting advocate of a great policy which is the natural outgrowth of the detached, the individual project which he sustained with so much ability and energy, now addresses himself with humor and satire—of which I do not complain—to the consideration of the great policy. I have had no volunteer helpful word from him. I have had no volunteer helpful word from the Senator from New Hampshire [Mr. GALLINGER], who, I am sorry to say, is not here, for I know if he were here I would have a contention out of him in a moment, as he never fails to respond to a challenge. That is what I complain of, and that is the reason why I am persistent in urging this measure whenever I have the opportunity. I regard it as a great public duty; and I believe that this project has only to be presented to the Senate and the Congress of the United States in its fullness and completeness to reach final acceptance.

You ask, "Why does not a Senator who is insistent upon a great policy of this kind content himself with one speech? Is he not addressing himself to men of the highest intelligence, the select men of the Nation?" Yes; but unfortunately he is addressing himself to men of large occupations and varied interests, men overwhelmed with the demands of their constituents in the way of correspondence, men overwhelmed with the responsibilities of committee duties, men overwhelmed with the responsibility relating to certain measures that are in their charge. Hence, except in some condition of excitement, the Senate Chamber is almost empty for the greater part of the time, only 5 or 6 or 8 or 10 Senators being able to stay consecutively in the Chamber at any particular time and listen to what is going on. The result is that if a Senator is intent upon educational work regarding a great policy the only thing he can do is to take up this question at detached times and address the audience that is here, whether it be great or small, and by endless persistency finally reach the intellects of all. In addition to this, with reference to a great policy, it is essential to conduct the discussion in such a way, both in and out of this Chamber, as to arrest the public attention and to create that dominating public opinion which is essential to successful legislation.

So, notwithstanding the satire of the Senator from Connecticut and his fear that "this brook may run on forever," I shall continue, whenever I have the opportunity, the presentation and discussion of this question.

I have referred to the platform of 1912. I have shown how clear and distinct its requirements are. Let us see what the platform of 1908, to which it refers and whose expressions it renews, says upon this subject. There is a plank in that platform on the subject of waterways. It is as follows:

> Water furnishes the cheaper means of transportation, and the National Government, having the control of navigable waters, should improve them to their fullest capacity. We earnestly favor the immediate adoption of a liberal and comprehensive plan for improving every watercourse in the Union which is justified by the needs of commerce, and to secure that end we favor, when practicable, the connection of the Great Lakes with the navigable rivers and with the Gulf through the Mississippi River, and the navigable rivers with each other, by artificial canals, with a view of perfecting a system of inland waterways to be navigated by vessels of standard draft.
>
> We favor—

Here comes this measure that I am urging:

> We favor the coordination of the various services of the Government connected with waterways in one service, for the purpose of aiding in the completion of such a system of inland waterways, and we favor the creation of a fund ample for continuous work, which shall be conducted under the direction of a commission of experts to be authorized by law.

Can there be anything more complete? Can there be anything that covers more fully and completely the provisions of the bill I have been urging?

Not content with that, the platform goes on to declare:

> We repeat the demand for internal development and for the conservation of our natural resources contained in previous platforms, the enforcement of which Mr. Roosevelt has vainly sought from a reluctant party; and to that end we insist upon the preservation, protection, and replacement of needed forests, the preservation of the public domain for home seekers, the protection of the national resources in timber, coal, iron, and oil against monopolistic control, the development of our waterways for navigation, and every other useful purpose, including the irrigation of arid lands, the reclamation of swamp lands, the clarification of streams, the development of water power, and the preservation of electric power generated by this natural force from the control of monopoly; and to such end we urge the exercise of all powers, National, State, and municipal, both separately and in cooperation.

What does this reference to Mr. Roosevelt mean? It declares that Mr. Roosevelt has vainly sought from a reluctant party the establishment of this policy. We all know that after the irrigation bill became a law Mr. Roosevelt became immensely interested in the entire conservation policy. Mr. Roosevelt had the remarkable quality of seeking information everywhere and absorbing it, and absorbing it quickly, and of putting his information into some practical form. Toward the close of his administration he found the majority of his party opposed to him, and opposed to him largely upon the conservation policy, and the reference in this platform is to his failure to obtain support in that policy from a reluctant, not a supporting, party.

So we not only promised ourselves but we indicted the Republican Party for failing to take action upon this important question, and that was seven years ago, let me tell my associates on this side of the Chamber, and we were beaten in that campaign. Four years ago we were fortunate enough to present to the people of the United States a candidate and a platform in which, having upbraided the Republican Party for nonaction, we pledged our party to specific and definite action. We have been in power since that time—three years—with that promise unperformed.

Mr. President, I realize that there have been many disturbing obstacles in the way. We had to take up the tariff question first, the banking question second, and the trust question third. We were engaged in great correctional legislation. Whilst I have indulged in some criticisms as to the speed of our progress, whilst I thought that we went too fast perhaps and too far, I have no doubt that the general direction of that legislation was the right direction. It produced industrial disturbances which might, if continued, have imperiled the party to which we belong in its continuance in power and thus destroyed our very opportunity to do the things which we had promised.

So, in a speech of some months ago, I called attention to the things which we had done in legislation and to the things that we had left undone, and I suggested that, as to certain mistakes that we had made, we should correct them and as to the things left undone we should do them. That speech was misinterpreted by some of my party associates and regarded as an act of unfriendly criticism. On the contrary, it was, in my judgment, the performance of the highest duty that a party man owes to his party, to give to that party, with absolute candor, his conception of the mistaken things they have done with a view to their correction and with a view that the things which they have left undone they should do while the opportunity is at hand.

Now, this is one of the things which you have to do. This is one of the things which the Democratic Party in power has to do. We are considering great things from a military point of view under a condition which devotes nearly one-half of our national revenue to wars of the past or to preparation for war in the future. We propose to increase that expenditure. I do not decry that policy. All that I contend is that before going on to large expenditures we should make the organization which we have not only an efficient one but an economical one, and as it is I believe that it is both inefficient and uneconomical.

I believe we are approaching the question now in an inefficient and a detached way. We have before us the single problem of national defense. That is the unit, divided into two branches—the Army and the Navy. How are we considering this

great question? As a unit? No; in a detached way, as we have always done. Five committees to-day are sitting on this subject which ought to be one subject—the Military Committee and the Naval Committee of the House, similar committees of the Senate, and the subcommittee of the Committee on Fortifications in the House, five in all. Witnesses are moving around from one committee to another giving their statements. The newspaper men are unable to keep up with them, and so they are unable to inform the public, who ought to be informed of the different stages of this investigation.

Congress, one of the most intelligent organizations in the world, is pursuing most inefficient methods. A very simple method would be to bring every one of these committees into coordination through the appointment of a joint subcommittee of from three to five from each, so that they would consider the national defense in its entirety and present to us either a single plan or majority and minority plans for our consideration, thus focusing the attention of the entire country upon national defense as a unit—the part the Army shall have in it, the part the Navy shall have in it, and the total expenditures for both. We are not doing it.

I refer to this because it was referred to by the Senator from Connecticut. We could, if we would trust such a subcommittee, I believe, bring this inquiry to a conclusion. We could ascertain what kind of a military establishment we could get for $250,000,000, what kind of a naval establishment for $300,000,000 and for $350,000,000 and $400,000,000, and then we could make a choice. As it is, we will be involved in confusion when this subject comes before us between the contending opinions of committees upon detached portions of the great question.

It is said that because of these military preparations we should halt our constructive work; that we should attend now simply to the work of destruction and should abandon the promised work of construction. The work upon needed public buildings is to halt, the development of our rivers is to halt, until we can organize our Army and our Navy efficiently; and we are going about the organization of the Army and the Navy in such an inefficient way that it can scarcely fail to secure the disapproval of the country.

Mr. President, I believe in military efficiency, and I believe in industrial efficiency. I believe in taking hold of the question of our military establishment in some vigorous and efficient way, dealing with it as a whole, and not in detached portions. I also believe in taking hold of the commercial problems of this country not in a detached way but in a comprehensive and full way. I believe in performing our obligations to the people, the solemn obligations that were declared in the platforms of 1908 and 1912.

We find that the devastating forces of nature have been operative during this period. Fifty million dollars or more of loss has occurred in the State of Ohio; $25,000,000 recently in the State of Kansas. We find the people of the entire delta of the Mississippi living in a state of apprehension. But just as the development of the northern area improves, just as swamp lands are brought into reclamation there, just as every obstacle to the flow of water is removed in the interest of scientific cultivation and otherwise, just the more rapidly do these waters which ought to be put to more beneficial use move on to their destructive activities in the region below.

I saw only two winters ago the city of New Orleans with a river fronting it 3 miles, I should say, in width, with a depth of 150 feet, swirling waters within a foot and a half of the top of the levees, and upon the other side of the levees I saw a great city 24 feet below the level of the water. The least defect in that levee, a rat hole, might precipitate a crevasse and break and overwhelm that great city. Yet viewing possible complications in the future that may arise from the aggression of the forces of man in Europe, we neglect entirely the present dangers that are facing us every day from the destructive forces of nature.

Mr. President, a responsibility rests upon the Democratic Party which it can not escape. You may say that there is a deficit of revenue. If so, restore and increase the revenue. You may say that a required expenditure of $50,000,000 or $100,000,000 is needed for military defense. If so, increase the revenue, but do not let those necessities prevent you from doing the constructive work which you have pledged to the country, upon which the industrial and commercial activities of the country hereafter depend.

We have expended nearly $500,000,000 upon the Panama Canal. Why? To promote commerce in the main, commerce between the two coasts. Supplementary to that we have had in view always the full development of the entire Mississippi River and its tributaries. One work has been done. The other work is unaccomplished. What is the result of this? The result of the work thus far has been simply to disturb the equilibrium, to give the coast cities of the Pacific coast and of the Atlantic coast the advantages of through waterway transportation in communicating with each other, in which the Mississippi Valley does not share. So the great industries of the Mississippi Valley are compelled to halt until the equilibrium of condition is restored. To-day the Mississippi Valley is feeling the loss of trade with the Pacific coast which it used to enjoy, for when both the Eastern coast and the Mississippi Valley in their trade with the Pacific coast were obliged to rely upon rail the Mississippi Valley had the advantage of the East because of the shortness of the distance.

When you substitute for transportation by rail between the two coasts this cheap waterway transportation through the canal, then the eastern coast and its activities and industries have an advantage over those of the Mississippi Valley. So fairness and justice as between sections means that you should develop the waterway system of the country in all its fullness, and bring the Mississippi River and its tributaries in immediate and rapid and easy coordination with the Panama Canal. They will demand it.

You will find that this matter will be the subject of discussion during the next campaign. In the Mississippi Valley, the great source of political strength in this country, what will be the answer of the Democratic Party? The answer of the Democratic Party will be that we helped the Republican Party to inaugurate and carry through the great Isthmian Canal with an expenditure of $500,000,000. We reproached that party for not fulfilling its pledges regarding the waterway development of the country, with a view of bringing it into coordination with that Isthmian Canal. We promised in two campaigns the fullest and most complete action, involving the creation of an ample fund—that is the term we used—involving cooperation of services and cooperation of sovereignties and immediate work. We have been in power three years and a half and we have done nothing.

I presume many of my friends will regard that as critical of my party, and as perhaps being uttered in an unfriendly spirit, or, at all events, in an indiscreet spirit.

Mr. President, I have no faith in indirection, either in business or in politics. I believe in candor, and that man best serves his friends and his party who deals in candor. The utterance which I make to-day, in friendliness of spirit, with a view to the recovery of our position if we act quickly, is the greatest service that a party man can render to his party at this juncture.

Mr. President, the condition of the Senate Chamber at this moment is indicative of what I referred to, as to the necessity of speaking frequently upon a subject to which any Senator may address himself.

Mr. SHIELDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Tennessee?

Mr. SHIELDS. Mr. President——

The PRESIDENT pro tempore. For what purpose does the Senator from Tennessee rise?

Mr. SHIELDS. I understand that Jefferson's Manual is an authority in the procedure and practice of the Senate.

The PRESIDENT pro tempore. It has a certain degree of influence, but is not a direct authority.

Mr. SHIELDS. A point of order, Mr. President. I find in Jefferson's Manual, at page 95, this rule:

> No one is to speak impertinently or beside the question, superfluously, or tediously.

Mr. President, we have heard the remarks of the Senator now repeated for the third time on this bill, and I insist that this authority is applicable to him. I make the point of order.

The PRESIDENT pro tempore. The Chair can not at this time adopt that view. The point of order will not be sustained, as advised at present.

Mr. NEWLANDS. Mr. President, I quite believe in the rule which the Senator from Tennessee has invoked, and I hope myself to invoke it in the future. I would be very glad to see a system of reasonable limitation of debate evolved in the Senate which would secure the attendance and the attention of Senators. If my remarks are to be regarded as long drawn out and tedious, I will state it is the result of the system which prevails in the Senate, a system which invites long discussion with few auditors, and which compels any Senator who wants to get his idea to more than four or five to repeat himself over and over again, and to respond to new inquiries coming from Senators who did not chance to be in the Chamber when the subject matter already exhaustively treated was under consideration.

As the result of my training in the House of Representatives and my legal training before I went to the House I was able at any time to say all that I had to say upon any subject in an hour. I came to the Senate and I found the process of dilution going on here, and I gradually fell into the habit of the Senate and found its wisdom. If you can not have more than 10 Senators in the Chamber at any one time and you want to get the attention of 90 Senators, it will be necessary for you to repeat your speech nine times.

Mr. President, I shall not longer trespass upon the sensibilities of my friend from Tennessee. I will simply say in closing that if I can receive any substantial indication from a sufficient number of this body that they think this matter is of sufficient importance to require action, I will yet introduce in some modified form the amendment which was under consideration by the Senate this morning during my absence.

I believe that this is the time to act, because the subject is before us. I believe that if we do act now by amending this bill, a complete river-regulation bill, involving every use to which water can be used, will go to the House of Representatives and knock at the door there and demand action; it will be sustained by a public sentiment throughout the country that will force action; and I believe that if we lose this opportunity now we may not be able to recover it.

I urge these considerations not with any unfriendly spirit to the committee that has the pending bill under consideration or with any unfriendly spirit toward the bill itself. I urge it as a means of securing all that the Senator from Tennessee desires, and at the same time securing all that every intelligent friend of waterway development desires.

The amendment to which the remarks of the Senator from Nevada [Mr. NEWLANDS] were addressed is as follows:

Amendment proposed by Mr. NEWLANDS to the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, viz: Insert at the end of the bill the following:

"SEC. 16. That the sum of $60,000,000 annually for each of the 10 years following the 1st day of July, 1917, is hereby reserved, set aside, and appropriated, and made available until expended, out of any moneys not otherwise appropriated, as a special fund in the Treasury, to be known as the "river-regulation fund," to be used to promote interstate commerce by the development and improvement of the rivers and waterways of the United States and their connections with the Great Lakes and with each other, and by the coordination of and cooperation between rail and water routes and transportation, and the establishment and maintenance of adequate terminal and transfer facilities and systems, and their maintenance, improvement, and protection, and by the making of examinations and surveys and by the construction of engineering and other works and projects for the regulation and control of the flow of rivers and their tributaries and source streams, and the standardization of such flow, and by the maintenance of navigable stages of water at all seasons of the year in the waterways of the United States, and by preventing silt and sedimentary material from being carried into, and deposited in, waterways, channels, and harbors, and by the conservation, development, and utilization of the water resources of the United States, and by flood prevention and protection, through the establishment, construction, and maintenance of natural and artificial reservoirs for water storage and control, and the protection of watersheds from denudation, erosion, and surface wash and from forest fires, and the maintenance and extension of woodland and other protective cover thereon, and the reclamation of swamp and overflow lands and arid lands and the building of drainage and irrigation works, in order that the flow of rivers shall be regulated and controlled not only through the use of flood waters for irrigation on the upper tributaries, but also through controlling them in fixed and established channels, in the lower valleys and plains, and by doing all things necessary to provide for any and all beneficial uses of water that will contribute to its conservation or storage in the ground or in surface reservoirs as an aid to the regulation or control of the flow of rivers, and by acquiring, holding, using, and transferring lands and any other property that may be needed for the aforesaid purposes, and by doing such other things as may be specified in this act or necessary to the accomplishment of the purposes thereof, and by securing the cooperation therein of States, municipalities, and other local agencies, as hereinafter set forth, and for the payment of all expenditures provided for in this act; the ultimate purpose of this act being the maintenance at all times of a navigable stage of water in all inland waterways, and flood prevention and protection, and river regulation and the control of the volume of water forming the stage of the river from its sources, so as to standardize the river flow, as contradistinguished from and supplemental to channel improvement as heretofore undertaken and provided for under the various acts commonly known as river and harbor acts.

"CREATION OF THE WATERWAYS COMMISSION AND THE BOARD OF RIVER REGULATION.

"SEC. 17. That a commission is hereby created, to be known as the 'Waterways Commission,' consisting of the President of the United States, who shall be the chairman of said commission, with the power of veto; the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the chairman of the board of river regulation, to be appointed as hereinafter provided. The chairman of the Interstate Commerce Commission and the chairman of the Isthmian Canal Commission shall be ex officio advisory members of said Waterways Commission.

"The waterways commission shall have authority to direct and control all proceedings and operations and all things done or to be done under this act, and to establish all rules and regulations which may, in their judgment, be necessary to carry into effect such direction and control consistent with the provisions of this act and with existing law and with any provisions which Congress may from time to time enact.

"All plans and estimates prepared by the board of river regulation, as hereinafter provided, which contemplate or provide for expenditures from the river regulation fund, shall be submitted to the waterways commission for final approval before any of the expenditures therein provided for or contemplated are authorized or made, or any construction work undertaken or contracts let under or in pursuance of such plans: *Provided*, That in case of an emergency the chairman of the board of river regulation shall have full power to act, and shall report in detail his action in every case to the waterways commission at its next meeting after his action.

"The members of said commission shall serve as such only during their incumbency in their respective official positions, and any vacancy on the commission shall be filled in the same manner as the original appointment.

"A board is hereby created, to be known as the 'board of river regulation,' consisting of the Chief of Engineers of the United States Army, the chairman of the Mississippi River Commission, the Director of the United States Geological Survey, the Director of the Reclamation Service, the Assistant Secretary of Agriculture, the Forester of the Department of Agriculture, the Superintendent of the Coast and Geodetic Survey, the Commissioner of the Bureau of Fisheries, the Secretary of the Smithsonian Institution, one civil engineer, one sanitary engineer, one hydroelectric engineer, one expert in transportation, and a chairman of the board. The last seven shall be appointed by the President and hold office at his pleasure, and they shall each receive an annual compensation of $10,000, except the chairman, who shall receive $12,000, and they shall receive a per diem in lieu of actual expenses when absent from headquarters on official business, to be determined by the waterways commission. Such compensation and per diem, together with all the general expenses of the board, shall be payable out of the appropriation hereinafter apportioned to the Smithsonian Institution. The members of said board, with the exception of the seven members appointed by the President, shall serve as such only during their incumbency in their respective official positions, and any vacancy on the board shall be filled in the same manner as the original appointment.

"The seven members of the board appointed by the President shall constitute an executive committee, of which the chairman of the board shall be chairman, and said executive committee shall have the general executive direction and supervision of the operations of said board of river regulation under rules and regulations to be established by the waterways commission.

"A secretary of the board shall be appointed by the executive committee, and shall hold office at their pleasure, and he shall receive an annual compensation of $5,000 and a per diem when absent from headquarters on official business to be determined by the waterways commission, payable out of the appropriation hereinafter apportioned for the Smithsonian Institution.

"All formal action taken and all expenditures made or authorized by the board of river regulation shall be reported to the waterways commission and shall be by the commission transmitted to Congress annually, or at such more frequent times as may appear to the commission desirable, or at such times as Congress may require.

"Whenever, in their judgment, it may be advisable, in order to expedite construction, the waterways commission may order such construction work as they may determine to be done under the immediate direction, by contract or otherwise, of the executive committee, in which case such work shall be paid for from the apportionment of the service or bureau or organization under which it would otherwise have been done, such transfer and application of any apportionment made by this act being hereby authorized.

"The Waterways Commission may, if at any time it shall be in their judgment advisable, appoint from the public service additional members of the Board of River Regulation; and they may also create and appoint from the public service the members of subordinate boards or commissions to promote the purposes of this act and expedite and facilitate the administration thereof and operations and construction thereunder.

"COOPERATION WITH STATES, MUNICIPALITIES, AND OTHER AGENCIES.

"SEC. 18. That the board of river regulation shall, in all cases where possible and practicable, encourage, promote, and endeavor to secure the cooperation of States, municipalities, public and quasi-public corporations, towns, counties, districts, communities, persons, and associations in the carrying out of the purposes and objects of this act, and in making the investigations and doing all coordinative and constructive work provided for herein; and it shall in each case endeavor to secure the financial cooperation of States and of such local authorities, agencies, and organizations to such extent and in such amounts as the Waterways Commission shall determine to be a just and equitable apportionment of work, costs, and benefits, under all the circumstances, in each case; and it shall negotiate and perfect arrangements and plans for the apportionment of work, cost, and benefits, according to the jurisdiction, powers, rights, and benefits of each, respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce and promote the general welfare, and by reason of its proprietary interest in the public domain, and to the States, municipalities, communities, corporations, and individuals such portion as properly belongs to their jurisdiction, rights, and interests, and with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction, and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and water resources of the United States: *Provided, however*, That the control of the Mississippi River shall be regarded as a national problem, imposing an obligation which alone can be discharged by the General Government for the preservation of the depth of its water for the purpose of navigation, the building of levees to maintain the integrity of its channel, and the prevention of the overflow of the land and its consequent devastation, resulting in the interruption of interstate commerce, the disorganization of the mail service, and the enormous loss of life and property which has resulted therefrom, and that the Mississippi River shall be improved and developed as a national waterway, exclusively under the control of the Federal Government, and all work connected with the creation and maintenance of such a national waterway, including levees, revetments, bank-protective work, floodwater channels, outlets, spillways, and all work thereon herein contemplated or provided for, shall be done exclusively by and at the cost of the National Government.

"The board may receive and use any funds or property donated or subscribed to it or in any way provided for cooperative work, but no moneys shall be expended under any arrangement for cooperation until the funds to be provided by all parties to such arrangement shall have been made available for disbursement.

"ENCOURAGEMENT OF INDEPENDENT INITIATIVE AND CONSTRUCTION.

"SEC. 19. That all things done under this act shall be done with a view not only to constructive cooperation, as herein provided, but also with the definite and specific object of enlarging the field of accomplishment contemplated by the act through promoting and encouraging independent initiative and construction by States, municipalities, districts, and other local agencies and organizations, and creating object lessons and building models and making demonstrations that will have that effect and influence, and induce such supplemental and independent action and construction.

"CONFERENCE AND COOPERATION OF BUREAUS AND STATES.

"SEC. 20. That it shall be the duty of said board to coordinate and bring into conference and cooperation the various scientific and constructive bureaus of the United States with each other and with the representatives of States, muncipalities, public and quasi-public corporations, towns, counties, districts, communities, and associations, and of foreign nations on international streams, in the carrying out and accomplishment of all the provisions, purposes, and objects of this act.

"The board shall have authority to call upon and to bring into cooperation any other Federal department or bureau whose investigations or assistance may be found necessary to the carrying out of the provisions of this act, and the board is hereby authorized to defray the expenses of such investigations or assistance through a transfer of so much of its appropriation as may be necessary to the Federal department or bureau thus brought into cooperation.

"CORRELATION, COMBINATION, AND ADMINISTRATIVE ECONOMY.

"SEC. 21. That the board shall harmonize and unify and bring into correlation and coordination the investigations made and information, data, and facts collected and obtained by the various bureaus or offices of the Government relating to or connected with the matters and subjects referred to and the questions involved in this act, and to print, publish, and disseminate the same, and it shall exercise such general supervision as may be necessary to provide against duplication or unnecessary, inadequate, unrelated, or incomplete work in connection therewith, and shall make such recommendations to the Waterways Commission as it may deem advisable at any time for the accomplishment of that end or in the interest of harmonious cooperation, efficiency, and economy in carrying out the purposes of this act. The special function of the board at all times shall be to promote the adoption of the best and most approved methods and systems of investigation, administration, construction, and operation, in carrying out such specific improvements, works, and projects as are authorized by this act, or which may be from time to time authorized by Congress, if within the scope of the work of the said board as herein set forth; and it shall further be the special function of the board to effect the largest possible saving as the result of the unification, correlation, and coordination of the work of the various bureaus in the investigations and administrative and constructive work provided for in this act in accordance with existing law or with such provisions as Congress shall from time to time impose.

"REPORTS, PLANS, AND ESTIMATES BY THE BOARD.

"SEC. 22. That the functions of the board shall be to obtain full information through its members concerning all proposed expenditures provided for within the scope of this act. Each bureau or service chief member shall report to the board the work proposed by the bureau or organization which he represents and shall present full plans and estimates covering such proposed construction or action. The findings and conclusions of the board and plans adopted by it for construction and action shall be binding upon the members thereof in so far as may be consistent with existing laws.

"REFERENCES TO AND INSTRUCTIONS FROM THE PRESIDENT.

"SEC. 23. That all matters involving apparent conflict with departmental authority, jurisdiction, or procedure, or as to which the board may desire suggestions or advice, shall be laid before the President, who may thereupon call into conference the Waterways Commission, and after consideration of such matters by the commission, suitable instructions shall be issued by the President to heads of departments with a view to securing unity of action along the lines approved by the President and the commission.

"EXECUTION OF PLANS AND WORK BY THE SEVERAL BUREAUS.

"SEC. 24. That in the execution of all plans and duties intrusted or delegated to the several bureaus the respective chiefs thereof, acting under departmental regulations and procedure, shall execute the work according to the methods prescribed by law, the functions of the board of river regulation being those of a consulting and advisory body with power to make recommendations to the President and the Waterways Commission, and through the President to the heads of departments, with a view to effective coordination and cooperation as to all things proposed by this act, and to carry out such work as Congress shall from time to time prescribe or has prescribed in this act.

"COMPREHENSIVE PLANS FOR RIVER REGULATION.

"SEC. 25. That the board of river regulation shall develop, formulate, prepare, consider, and determine upon comprehensive plans for the conservation, use, and development of the water and forest resources of the United States in such manner as will best regulate the flow of rivers and their tributaries and source streams, and the stage of water in inland waterways, and the confinement of all rivers and waterways at all times within fixed and established channels, and embracing, with that object, the construction of levees and revetments and all works necessary for the fixation of channels and flood protection, drainage, and the reclamation of swamp and overflow lands; water storage in natural and artificial reservoirs; the beneficial use of waters for irrigation and for all domestic, municipal, and industrial purposes; the maintenance and development of underground water supplies and the storage of water in the ground and in irrigated lands and underground reservoirs; the enlargement of the areas and raising of the levels of the ground waters; the construction of flood-water canals, by-passes, and restraining dams; the control and regulation of drainage and the replenishment of streams by return seepage; the perpetuation of forests and maintenance of woodland cover as sources of stream flow; the prevention of denudation and erosion; the protection of channels and harbors from eroded soil materials; the clarification of streams; the utilization of water power; the prevention of the pollution of streams and rivers; the sanitary disposal of sewage and purification of water supplies; the best distribution of forests, woodlands, and other growth, and of cultivated and irrigated areas in their relation to river flow; the protection of forested and woodland areas from destruction by fire or insects; the reforestation of denuded areas; the planting of forests and establishment of forest plantations; the preservation and planting of woodlands and any other growth and protective cover on watersheds; the increase and development of the porosity and absorbent qualities and storage capacity of the soil upon which rain or snow may fall; the making and furnishing of plans for flood-water storage and other works for irrigation and power for farms, towns, and villages; the acquisition, subdivision, and settlement in small, intensively cultivated farms of lands for water storage by irrigation; the building of the irrigation systems for such lands, including reservoirs, dams, canals, ditches, and all necessary works; the protection of farms, villages, towns, and municipalities from damage by freshets and overflow; and the impounding of flood waters in artificial lakes and storage reservoirs to prevent floods and overflows, erosion of river banks, and breaks in levees, and to regulate the flow of streams and reenforce such flow during drought and low-water periods, the ultimate object of all such work being to regulate and, so far as possible, standardize the flow of rivers and their tributaries and source streams, and in the accomplishment of that object to induce and secure the cooperation of States, municipalities, districts, counties, towns, and other local agencies and organizations.

"SMITHSONIAN INSTITUTION.

"SEC. 26. That it shall be the duty of the Secretary of the Smithsonian Institution to give especial attention to the acquisition from foreign countries and from all sources of all obtainable knowledge concerning the problems involved in the work of the board and to diffuse and disseminate the same, and to establish and maintain a museum of water and forest resources in which such knowledge shall be placed before the people, with object lessons illustrating the disastrous consequences that have resulted from the neglect of such conservation and particularly the failure to conserve the forest and water resources in other countries of the world, and to utilize the resources of the institution under his charge, which may be available for that purpose, to aid in the education of the public in the elements of knowledge which lead to the successful regulation of water and of the flow of rivers and the use of water in connection with agriculture and the intensive cultivation of land, and in connection with all other industries.

"DEPARTMENT OF AGRICULTURE.

"SEC. 27. That it shall be the duty of the Assistant Secretary of Agriculture to collate and bring together for the information of the board the results of all investigations with reference to soil and the production of crops through the use of water as a fertilizer and stimulant to plant growth, and of the relation of water in excess or deficiency to successful crop production. He shall recommend for the consideration of the board such further investigations as may properly be conducted in connection with the purposes for which the board is created and which shall lead to the largest and most valuable results being obtained through the use of water in connection with successful plant growth and increased crop production, and the establishment of a national system for the information of the people in the intensive cultivation of small tracts of land, with a view to increasing food production and thereby reducing the cost of living and encouraging suburban and rural settlement and home making, and the beneficial use of water in connection therewith as an ultimate influence for river regulation in aid of interstate commerce.

"FOREST SERVICE.

"SEC. 28. That it shall be the duty of the Forester of the Department of Agriculture to present to the board all essential facts bearing upon the relation of forests to the various problems under consideration and the value and importance of forests and woodland and other growth and their proper control and extension and protection from fire; also such facts as may be essential to the proper enlargement of forested areas for the protection of watersheds and the maintenance of the flow of rivers during the low-water season and the prevention of denudation and erosion, with consequent silting up of waterways and harbors, and to prepare and present to the board comprehensive plans for the protection of the forests from fire and other destructive agencies.

"GEOLOGICAL SURVEY.

"SEC. 29. That it shall be the duty of the Director of the Geological Survey to recommend to the board appropriate surveys and examinations, and upon proper approval cause to be executed topographic surveys of each drainage basin, these being planned with reference to the work contemplated by the board and the immediate demands and needs of the board. Such surveys shall include and show, in addition to the topography, the character of all lands embraced therein, and it shall be his duty to classify the same and designate the best use to which said lands may be devoted in carrying out the provisions of this act. The topographic maps shall be of such scale as will bring out the existence of feasible storage or reservoir sites. He shall make such additional surveys of specific localities as may be required by the constructing engineers, and in such surveys he shall establish monuments based on geodetic horizontal and vertical control. The surveys shall be of such nature as to provide adequate bases for geologic investigation and engineering works. He shall also cause measurements to be made of the flow of streams at such places as may be designated by the board as yielding results of largest importance in the discussion of the problems in hand and the execution of proposed engineering works, and shall carry on such studies in river pollution and purification, in water-power possibilities, and other stream investigations as the board may designate. It shall be his further duty to examine all forested lands or lands intended to be afforested or reforested which it is proposed to purchase under this act, and to report whether the control and use of such lands will influence the preservation of water supplies or stream flow or tend to regulate the flow of navigable rivers on whose watersheds they are located.

"RECLAMATION SERVICE.

"SEC. 30. That it shall be the duty of the Director of the Reclamation Service to bring before the board the results attained in the construction of works of irrigation and reclamation throughout the arid and semiarid regions of the United States and the application of the experience thus obtained to the conditions existing in the more humid sections of the United States. He shall extend the surveys and investigations and construction of irrigation works such as are authorized in the act of June 17, 1902, known as the reclamation act, throughout the United States and including reclamation of land by drainage as well as by irrigation: *Provided, however*, That no part of the fund created by the act of June 17, 1902, shall be expended for this purpose. Such

further investigations and construction and operations in States and Territories other than those covered by the original act above referred to and amendments thereto shall be made in accordance with such rules and regulations as shall be established by the Secretary of the Interior, and shall be subject to such of the terms, provisions, and requirements of said reclamation act as the Secretary of the Interior shall determine are to be made applicable thereto, but shall be at the expense of the river-regulation fund created by this act, and expenditures from said last-mentioned fund may be similarly made in any State or Territory. He shall construct, operate, and maintain, until otherwise provided by law, such irrigation and drainage works and systems as the board may determine are needed for the regulation of the streams and rivers and the improvement of agricultural conditions, or for the proper control, disposition, and utilization of sewage or other waste waters which, without such regulation, would pollute the streams or injuriously affect the health or prosperity of the community. He shall also present to the board proposed plans for cooperation with irrigation or drainage projects or enterprises constructed, initiated, or contemplated by States, districts, municipalities, corporations, associations, or individuals, and shall negotiate agreements for coordinating and making more useful works already in existence or proposed through their incorporation into more effective systems.

"CORPS OF ENGINEERS, UNITED STATES ARMY.

"SEC. 31. That the Chief of Engineers of the United States Army shall present to the board all proposed plans for works proposed to be built under this act which the Waterways Commission shall determine are to be built under his supervision, including plans for levees, dikes, revetments, dams, canals, cut-offs, spillways, controlled outlets, floodwater channels, and wasteways, bank-protective and channel-fixation works, reservoirs or basins for the storage of flood waters for flood prevention and river control, or works for which examinations and surveys have been made by or with the cooperation of States, municipalities, or districts, and which it is sought to have constructed under this act, together with such facts and data as may be required for the construction of such works, or any of them, for the regulation of the flow of rivers. He shall also construct, operate, and maintain such levees, flood-protection, channel-fixation, and bank-protective works as are built in accordance with this act and also such reservoirs as are so built for the storage of water to control and regulate the flow of rivers, and to reenforce such flow in seasons of low water and to prevent floods and protect lands and communities from overflow as may be determined by the Waterways Commission: *Provided, however*, That the provisions of this section shall be so administered as in no way to supersede or conflict with any specific provisions which Congress shall from time to time make by way of appropriations other than such as are made by this act for work and improvements to be performed or maintained by the Corps of Engineers, United States Army, but that all work prescribed under this section shall be supplemental to and coordinated with the work as specifically prescribed by Congress in other acts.

"DUTIES OF EXECUTIVE COMMITTEE APPOINTED BY THE PRESIDENT.

"SEC. 32. That it shall be the duty of the members of the board of river regulation appointed by the President and constituting the executive committee of the board of river regulation, as hereinbefore provided, under the direction of the chairman of the board, to consider, prepare, and present to the board comprehensive plans providing for the best utilization of the water resources of the United States in connection with river regulation, flood prevention and protection, and the increase of the flow of rivers in low-water seasons and the maintenance at all times of a navigable stage of water in the waterways of the United States, and providing also for the coordination of and cooperation between rail and water routes and transportation, and the establishment, maintenance, and protection of terminals and transfer sites and facilities for transshipment between rail and water routes, and to adjust all the plans contemplated for the projects constructed under this act to the ultimate purpose of regulating and standardizing the flow of the rivers and inland waterways of the United States, in aid of interstate commerce as aforesaid; and, further, to give expert advice to the board in its consideration of details, problems, and projects; and it shall be their special duty to constantly promote and stimulate harmonious and effective cooperation between the different bureaus and services of the National Government and between the Nation and States, municipalities, and other local agencies in working out constructive plans under this act; and it shall further be their duty to examine and study plans presented to the board for consideration, with the view of promoting the fullest possible measure of efficiency and economy in administration and construction, and avoiding all duplication in the work of the respective bureaus.

"EQUITABLE APPORTIONMENT AMONG WATERWAY SYSTEMS.

"SEC. 33. That in carrying out the provisions of this act regard must be had, as far as practicable, to the equitable apportionment and contemporaneous execution of the works and projects contemplated under this act among the several waterway systems of the United States.

"Not less than $10,000,000 annually for 10 years shall be apportioned to the Appalachian and Atlantic region, including the territory within the drainage basins of all rivers flowing into the Mississippi River below the Ohio River or into the Gulf of Mexico east of the Mississippi River, or into the Atlantic Ocean.

"Not less than $10,000,000 annually for 10 years shall be apportioned to the drainage basin of the Ohio River.

"Not less than $5,000,000 annually for 10 years shall be apportioned to the drainage basin of the Mississippi River above St. Louis and the territory included in the drainage basins of the rivers draining into Canada, or into the Great Lakes, or into the Mississippi River from the east between East St. Louis and Cairo, Ill.

"Not less than $10,000,000 annually for 10 years shall be apportioned to the Mississippi River from St. Louis to the Gulf of Mexico, and the territory lying between the Atchafalaya River, the Mississippi River, and the Gulf of Mexico, and including the Atchafalaya River as a flood-water outlet for the Mississippi River, and including the controlling works necessary for such use of said Atchafalaya River, and all levees and bank-protective works, cut-offs, and auxiliary floodwater channels necessary to control and prevent all overflows from said Atchafalaya River, which shall in this respect be regarded as in the same class with the Mississippi River and entitled to the same recognition in the matter of levee construction and flood protection for adjacent territory as the main Mississippi River.

"Not less than $10,000,000 annually for 10 years shall be apportioned to the territory included in the drainage basins of the Missouri river and of other rivers, bayous, and waterways flowing into the Mississippi River from the west below St. Louis or flowing or debouching directly or through connecting waterways into the Gulf of Mexico west of the Atchafalaya River.

"Not less than $5,000,000 annually for 10 years shall be apportioned to the territory including the drainage basin of the Colorado River, and extending on the west to the crest of the watersheds draining into the Pacific Ocean and on the north to the drainage basin of the Columbia and Snake Rivers; not less than $5,000,000 annually for 10 years to the drainage basins of the rivers flowing through or into the Sacramento and San Joaquin Valleys or into the Pacific Ocean in California; and not less than $5,000,000 annually for 10 years to the drainage basins of the Columbia and Snake Rivers and other rivers flowing into the Pacific Ocean in Oregon and Washington.

"The drainage basin of every river above mentioned shall be understood to include all the tributaries and source streams of such rivers.

"REPLENISHMENT OF RIVER REGULATION FUND BY BOND ISSUE.

"SEC. 34. That the President is authorized, whenever the current revenues are insufficient to provide the $60,000,000 annually appropriated for the river regulation fund, to make up the deficiency in such fund by the issue and sale of United States bonds, bearing interest at a rate not exceeding 3 per cent per annum, payable semiannually, and running for a period not exceeding 30 years.

"APPROPRIATIONS AND APPORTIONMENT.

"SEC. 35. That the moneys hereby annually appropriated in section 1 of this act, unless otherwise apportioned by the Waterways Commission, shall, subject to all the provisions of this act, be apportioned and expended by the services and bureaus herein named in carrying out the purposes and provisions of this act and under the direction of the heads of the respective departments and in accordance with existing laws and regulations or such modifications thereof as may be made from time to time in accordance with the general system or systems proposed by the board and approved by the Waterways Commission in the following sums annually, which shall be available until expended for the following purposes:

"For the Smithsonian Institution, for obtaining information and material relating to the subjects covered by this act in the United States and foreign countries, and publishing and distributing the same to the people of the United States, and for the establishment and maintenance of a Museum of Water and Forest Resources, and for any other purposes mentioned or referred to in section 11 of this act, $1,000,000.

"For the Department of Agriculture, for the increase and development of the porosity and absorbent qualities and storage capacity of the soil upon which rain or snow may fall in order that its run-off may be in that way checked and the water absorbed into the earth, and to that end for the establishment and maintenance of garden schools and demonstration garden farms, and instruction in intensive cultivation and the use of water for irrigation therein and in rural industrial communities, and for investigations and instruction with reference to terracing and methods of cultivation adapted to preventing erosion on hillside slopes, and with reference to the use of water as a fertilizer and stimulant to plant growth in all ways, and the adoption of all methods of agriculture that will increase the porosity and absorbent qualities of the soil and check surface wash or erosion or sudden run-off and thereby tend to prevent the formation of floods, and for the acquisition of lands that may be required for such purposes, and for any other purposes mentioned or referred to in section 12 of this act, $5,000,000.

"For the Department of Commerce, for the work of the Coast and Geodetic Survey and the Bureau of Fisheries, in cooperation with other departments, to promote the objects of this act in such manner as may be directed by the Waterways Commission, $2,000,000.

"For the Geological Survey, for topographic surveys and the measurement of streams and other hydrographic and hydrologic works, and for the examination of lands intended to be purchased under this act, and for any other things required by the board to be done in connection with any investigation or construction done under this act, $3,000,000.

"For the Reclamation Service, for the reclamation of lands by either irrigation or drainage, or both, and for the building of irrigation and drainage systems to aid in the regulation or equalization of the flow of rivers and their tributaries and source streams through the conservation, utilization, and ground storage of waters in irrigated or drained lands, and for the acquisition and improvement by irrigation or drainage of specific tracts of land for intensive cultivation and settlement, and for the building of canals and ditches, and carrying to completion any and all methods of utilizing water for irrigation as a means for water conservation or river regulation, and for any other purpose mentioned or referred to in section 15 of this act, $20,000,000.

"For the Forest Service, (a) for the protection from fire and insect infestation of national forests, where such protection is essential to the preservation and maintenance of water supplies, and for the acquisition of lands within or near existing national forests or other lands which are necessary to the adequate protection of water supplies, and for building the necessary roads, trails, fire lines, fire-protection stations, telephone lines, and for any and all other things required for such fire protection, including the fighting of fires and the employment of forest guards and rangers, $2,000,000.

"(b) For the protection from fire of the forested watersheds of all rivers and streams, and for the organization and maintenance of a system of fire protection on any private or State forest lands situated upon the watersheds of such rivers or streams, in cooperation with any State or group of States, in the manner provided for in an act entitled 'An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of rivers,' known as the Appalachian National Forest act, and also in direct cooperation with cities, counties, towns, villages, and other owners of woodlands and forested areas on watersheds, and wherever essential to the preservation of water supplies and for the protection of such forested watersheds and areas from insect infestation, $1,000,000.

"(c) For the protection, perpetuation, enlargement, maintenance, regulation, and control of water supplies by the establishment and maintenance of forest nurseries, the planting or replanting of forests, the reforestation of denuded areas, the carrying out of silvicultural improvements in the national forests, and the establishment and maintenance of forest plantation and parks and the acquisition of lands therefor to provide instruction in the planting and care of trees and forests for the purpose of awakening and maintaining a local interest in and knowledge of the relation of forests to the preservation of water supplies and stream flow, $1,000,000.

"(d) For the acquisition of forest lands by and through the National Forest Reservation Commission as and in the manner provided for in

the Appalachian National Forest act above referred to, subject to all the conditions and requirements contained in said act, including lands along the Mississippi River which may have been thrown outside the levees or left without levee protection in designing the levee systems, $5,000,000.

"*Provided*, That the provisions of the said Appalachian National Forest act shall, after the expiration thereof by limitation, still continue and be in force with reference to all moneys made available for expenditure thereunder by this act, either for fire protection or for the acquisition of forest lands.

"For the Corps of Engineers, United States Army, for building bank protective works to prevent erosion and cutting of the banks and consequent caving, and to control the river and hold it in a permanently fixed and established channel, and for building and maintaining levees, revetments, dikes, walls, embankments, gates, wasteways, by-passes, cutoffs, spillways, controlled outlets, drainage canals, flood-water canals and channels, weir dams, sill dams, restraining dams, impounding basins, and bank protective works for river regulation, and, as a means to that end, the building of works for reclamation, drainage, and flood protection, and for building reservoirs and artificial lakes and basins for the storage of flood waters to prevent and protect against floods and overflows, erosion of river banks, and breaks in levees, and to regulate the flow of source streams, rivers, and waterways, and reenforce such flow during the drought and low-water periods, and for the operation and maintenance of the same, $20,000,000.

"SEC. 36. That out of funds in the Treasury not otherwise appropriated there is hereby appropriated and made immediately available the sum of $2,000,000 for the organization and operation of the Waterways Commission and the Board of River Regulation provided for by this act, and the sum of $10,000,000 is hereby appropriated for the lower Mississippi River below Cairo, to meet the conditions growing out of the existing floods and to meet similar conditions in the immediate future, the latter sum to be expended under the direction of the Secretary of War."

Mr. MARTINE of New Jersey. Mr. President, I do not want to be placed in the situation of the newly arrived immigrant who came to this land. When he was asked whether he was a Republican or a Democrat he said that he did not know but that he was "agin the Government." I do not want to be "agin the Government," nor am I, but I am unalterably against the bill. Whether it may be termed a Government bill or not, it is a committee bill.

I have stated many times before in this Chamber that I believe the wise system to prevail in this country is Government ownership in this great utility construction and in running great utilities, and I particularly believe that with reference to this great water-power problem. It is a mighty problem and affects every man, woman, and child in the land.

The statement read by the Senator from Wisconsin [Mr. HUSTING] the other day and the little statement I added that I had copied from Harper's Weekly show how rapidly the great water-power resource of our land is being taken up by avaricious and greedy cormorants for their own purposes and their own end. Hence I say if there ever was a time when we should check this step we ought to begin now. To delay it longer will be too late.

I think I can say without question, from that which has been evidenced here in this Chamber, that this bill will pass. I feel that it will be a public disaster, a wrong, almost a crime. It leaves too loose and too free the taking of these privileges by private corporations. Hence I have found myself arrayed against the measure not because of a desire to oppose the Senators who are pressing the bill, the majority of the committee, but, on the contrary, my feelings are so kindly and friendly to them that it would rather lead me the other way. But I have opposed the measure and I have voted for every amendment that has been offered in the Senate in regard to this bill, because every one of them safeguarded the public interest more than did the bill itself and made it more difficult for these great privileges to be frittered away, not for 50 years, but for all time.

Public sentiment is very much aroused, I say, with reference to this matter. I have received many letters from men of prominence in our country, from one end of it to be other, urging that the bill be defeated. I feel personally that it is an unfortunate bill.

Yesterday the proposition to harness the Great Falls on the upper Potomac River came up. Whether or not it was just the fit time or place to put that measure onto the pending bill I am not willing to discuss. I do know the fact, however, that efforts have heretofore been made to get such legislation, and in every instance in which they have been made they have been shunted off. I am much interested in the project. When I first came to this city five years ago, because of curiosity I visited those falls, as I have frequently since done. I have been wonderfully impressed with the stupendous power that is there running to waste at our very door, while we are paying an extravagant sum for lighting and heating in the District, and when this power might be utilized for the City of Washington.

I came in contact with a very prominent engineer within the past month, a man largely interested in affairs, a man whose ability and scientific knowledge are unquestioned in New York and in the country generally. When I brought this project to his attention he said, "Yes; it is wrong to let that power go to waste." I said, "Why is it that it can not be harnessed?" He said, "It can be with the greatest readiness in the world." Then I asked as to the cost. He said he had made a very considerable study of this subject, and his statement was to me: "Why, MARTINE, you do not know at what a low cost electricity could be generated at a falls like this and so close for transmission to the city." I said then, "At how low a cost can that be done?" "Well," said he, "from 3 to 6½ mills per kilowatt hour." Yet here we pay, I think, 10 cents per kilowatt hour. I feel that we are very derelict in our duty if we fail to take this step, and to take some position in this matter. I regretted very much to see the amendment for that purpose rejected on yesterday, and I hope that in some way it may be resuscitated. It would be for the advantage and the welfare of the people of our city, and it would be a step in advance to the people of the country to utilize these great facilities in the public interest.

Opposition has been made when I have favored the proposition of Government ownership. It has been stated that the Government could not enter into such a work—that it would be too stupendous and too great—and yet I have seen some of the same gentlemen whom I have heard advance that argument stand here on this floor and refer to the levees on the banks of the Mississippi River, stating that their construction and maintenance could not be a State operation, that it must be a great Government operation. I appreciate their good sense in taking that position; I appreciate their wisdom; but I say that if their position is good with reference to the levees on the Mississippi River it is quite as good a proposition with reference to these great waterways of our land.

I shall find myself—not from a desire but from a sense of duty to myself and to my country—compelled to vote "no" on the passage of this bill unless it be most signally corrected by other amendments, of which, however, I have no hope, as every amendment, unless it has been one of but minor importance, has been studiously and, I feel, ruthlessly rejected, which I sincerely regret.

Mr. NORRIS. Mr. President, it seems to me that something ought to be said here in regard to the subject that was touched on briefly by the Senator from Nevada [Mr. NEWLANDS]. As he said in his remarks, complaint had been made that he had talked too long and too often on this question; and he very well illustrated that, in order to get the Senate to hear what he had to say, it was necessary for him to repeat several times, because it was very seldom that he could get a very large audience at one time. He explained his training in the House of Representatives, and told us that when he was a Member of that House he could say all he cared to say on any subject in an hour, but that when he came to the Senate he found a different rule prevailing, and that the tendency here was to spread words out, to consume time, instead of, as in the House, to concentrate and to say as much as possible in a short time. Here the rule is, as the Senator has said, to say as much as possible in as long a time as possible.

The Senator has told us what we all know, if we think about it; and I think if he would continue the tactics that he has begun, which has been objected to, he would do his country a world of good, because it will only be by such means that the Senate will be brought occasionally face to face with the fact that interminable and endless debate does not lead to good legislation, but that it leads to empty seats. As the Senator says, Senators come in and often vote on propositions which they do not understand.

I believe this is a good time to call attention to the fact that we ought to have some form of rule in the Senate that would have a tendency not to go, of course, to the other extreme, like the rule of the House of Representatives goes, and as it must necessarily go, because it is a larger body than is this; but in some way to modify the extremes to which the Senate goes.

I want to call the attention of the Senate now to Senate resolution No. 17, in which it is provided that the time that any Senator can use on any bill shall be limited to three hours; and, in addition to that time, he shall have 15 minutes on every amendment that is offered, and that by unanimous consent he may, of course, speak longer on any amendment. If we had a system here of debating amendments as they come up, and when Senators knew they would be called upon to vote several times, perhaps, in one afternoon on various amendments, we would have more Senators present to hear what was being said, with the result, as the Senator from Nevada has so well said, that we would take up less time and legislate much better.

I have taken a good deal of the time of the Senate on amendments to this bill which I favor, and, as I think, others have taken time on amendments in which they believed, acting in good faith, trying, as they conscientiously believed, to improve

the bill, but in no sense has there been on any occasion any attempt on any Senator's part to simply kill time. Senators in speaking have been conscientiously advocating something in which they believe, but they must necessarily repeat often; and as to an amendment once voted on, a Senator, perhaps, may feel it his duty to offer it again in a different form, and to again debate it, in order to reach as many Senators as possible, because under the system of interminable and endless debate Senators can not be expected to stay here. As the Senator from Nevada has said, the tendency is just the reverse of what his training had previously been, and he naturally fell into that tendency, as all of us do, and as all of us must when the time is unlimited; and, so far as talking is concerned, talk itself being almost unlimited, the tendency is to spread the talk out over as much ground as possible.

Mr. President, the Senator from New Jersey [Mr. MARTINE] has called attention to an amendment on which we voted last night in which I have taken a deep interest. I believe that the amendment would have prevailed in the Senate if Senators had all understood what they were voting on. A Senator told me last night, within 15 minutes after the vote had been taken, that he did not understand what the proposition was on which he was voting, and that he naturally felt inclined to go with the committee. This practice results in bad legislation, in my humble judgment. It must necessarily do so. It seems to me that the Senator from New Jersey has well pointed out a failure on the part of the Senate to do something that many Senators believe in, but who were opposed to doing it in the way in which it was offered, when we know that this interminable debate, lasting for weeks and weeks upon one measure, means that such propositions as that involved in the Great Falls amendment can never for practical purposes be reached for consideration in the regular order of business of the Senate. There is not a chance in a thousand, where the Senate is unlimited in its debate and devotes so much time to various bills that are perhaps part of an administration program, to get such a measure considered separately, and the only way is to tack an amendment onto a bill like this. Personally, I think that this bill was a very appropriate place on which to put the amendment; that it was, in fact, the most appropriate bill on which to place it, although everyone must concede in theory that the proper way would have been to have taken the matter up in a separate bill; but in practice there is not one chance in a thousand to get that kind of a proposition up, because there are those who strenuously object to it. It is regrettable to see that such a proposition——

Mr. SHEPPARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Texas?

Mr. NORRIS. I yield to the Senator.

Mr. SHEPPARD. Before what committee is the bill to which the Senator from Nebraska refers pending?

Mr. NORRIS. It is pending before the Committee on the District of Columbia.

Mr. SHEPPARD. Does the Senator know whether that committee has given the bill any special consideration?

Mr. NORRIS. I think it has given the bill no special consideration, although it has been before that committee about three years altogether.

Mr. SHEPPARD. Does the Senator know whether the bill has been referred to a subcommittee?

Mr. NORRIS. In the last Congress it was referred to a subcommittee.

Mr. SHEPPARD. Has it been referred to a subcommittee in this Congress?

Mr. NORRIS. No, sir.

Mr. WORKS. Mr. President, I think the Senator from Nebraska is mistaken. I think all the bills that have been referred to the Committee on the District of Columbia have been referred to subcommittees.

Mr. NORRIS. I am glad to have the Senator from California correct me, if I am wrong.

Mr. SHEPPARD. Has the Senator from Nebraska requested a hearing before the committee?

Mr. NORRIS. I have not in this Congress. I requested a hearing at least a dozen times in the last Congress, but was unable to get it. As I said yesterday, I do not mean any disrespect to the members of the committee. Everybody was extremely busy and measures that were considered of greater importance were pending before our committees. I understand that in the last Congress the District Committee only had one or two meetings. If I am wrong about that, I should like to have the Senator from California, who is a member of that committee, correct me now.

Mr. WORKS. Mr. President, at the last session of Congress the District Committee did practically no business at all except to pass upon appointments to office, and some members of the committee complained of that. There was also complaint made on the floor of the Senate that the committee was not doing its work. At this session of Congress, however, the committee has been doing better. It is holding regular meetings of the committee now, and I hope the bill in which the Senator is interested may be reached very soon. I myself certainly shall be anxious to see that it has a hearing.

Mr. OVERMAN. Why could not the Senator introduce that proposal as an amendment to the District bill? I think it ought to pass.

Mr. NORRIS. Does the Senator mean the District of Columbia appropriation bill?

Mr. OVERMAN. Yes.

Mr. NORRIS. It would be subject to a point of order.

Mr. OVERMAN. It would be; that is true.

Mr. NORRIS. That means that one man could kill it, so the Senator can imagine how far I would get with it in that way.

Mr. OVERMAN. Has it ever been reported on unfavorably?

Mr. NORRIS. No.

Mr. OVERMAN. I think the vote yesterday showed that the sentiment of the Senate is in favor of the proposition.

Mr. NORRIS. I agree with the Senator; and I think the vote of yesterday is going to have a very excellent effect in connection with the project. I do not want the Senator from North Carolina or the Senate to get the idea that the agitation in favor of the Great Falls improvement is going to cease. I feel very much encouraged by the vote which was taken yesterday.

Mr. OVERMAN. I hope the Senator will press the matter. I am in favor of it, and I have never been able to see why the District Committee did not report such a measure. I think the Senate is in favor of utilizing that great water power, which is now going to waste. I have felt there was perhaps some opposition to it on the outside which may have had something to do with the delay in carrying out the improvement.

Mr. NORRIS. Without criticizing anybody, I do not think that the particular reason which I am going to give has been used by any Senator, at least not to my knowledge. I have no intimation of that kind to make. I do not think that those who have not taken the matter up have been animated by ulterior motives. As I said a while ago, the last Congress was a very busy one. The Committee on the District of Columbia is one which does not appeal to Senators who are vitally interested in a great deal of legislation more important to their localities and States.

There are only three reasons, Mr. President, why the power possibilities of Great Falls should not be developed. The first one of these reasons is the Potomac Electric Power Co., the second reason is the Potomac Electric Power Co., and the third reason is the Potomac Electric Power Co. The Senate, in my judgment, whenever it takes the matter up, is going to pass favorably on it. It is only a question of getting the Senate to take it up; that is all. I do not believe there is any Member of the Senate or any Member of the House against it; in fact, I do not know that anybody is against it, except perhaps for the reason that they do not want the Government to go into a development of that kind. A great many people are conscientiously opposed to that; but it seems to me that the objections against the Government making this particular improvement are probably less than can be mentioned in connection with such a development anywhere in the United States, because the Government of the United States will be the greatest one patron and user of electricity to be developed, and the Capital City of Washington, which is under the direct control of the United States, will be the other great patron. We are bound to legislate for the District, so that there is a particular reason why this improvement should be made contiguous to this city, which does not apply to any other project in the United States.

Mr. OVERMAN. Mr. President, when we are appropriating $1,500,000——

The PRESIDENT pro tempore. The Chair will admonish the Senator from Nebraska that the rule is being enforced today which has been established here during the past two years, that when a Senator yields the second time he forfeits the floor for that day on the question under consideration.

Mr. NORRIS. Then I can not yield to the Senator from North Carolina. The Chair will recognize, however, that that rule has not been enforced at any time lately.

The PRESIDENT pro tempore. That is true, but after four weeks of debate the Chair thinks it is time that the rule should be enforced.

Mr. NORRIS. The Senator on the floor will have to take notice of the occupant of the chair.

The PRESIDENT pro tempore. The Chair would not enforce the rule against the Senator without calling his attention to it.

Mr. NORRIS. It has always been my idea, Mr. President, that no Senator ought to be allowed to yield time to another Senator to make a speech. It does not seem to me, however, that the rule ought to operate to take the Senator having the floor off the floor, but that when a Senator interrupts another and occupies the time for the purpose of making a speech himself it ought to be the right of any Member of the Senate or of the Chair to call such Senator to order and to stop him. I recognize that interruptions in the course of discussions on questions under consideration often lead to valuable information being disclosed. It is only by that kind of debate and the asking of questions which are pertinent and proper that we can get all the information that it is possible to secure in the discussion or consideration of any question.

Mr. President, I believe that the Great Falls of the Potomac will be developed. Agitation on the question will be kept up, and I am satisfied that what has happened in the Senate here will be taken notice of by the committee which has under consideration a bill providing for that project, and that action will come out of it. In my judgment, all the Senate has to do is to take it up for consideration, for it seems to me that when that is done it must result in practically a unanimous vote in its favor. I regret that it could not be put onto this bill. I know that, even if the committee reports out a separate measure and it goes to the calendar, it will be very difficult to take up the calendar. With the calendar already clogged, the morning hour has been eliminated temporarily, either because we want to devote more time to the pending bill, which has already taken several weeks, or because of some unpleasant matter which it is feared might arise. At any rate, it occurs that of late we have had no morning hour and no opportunity to get to the calendar. Even if consent were given to consider bills on the calendar, the probabilities are that it would only apply to unobjected bills, which means that, for one reason or another, having a bearing on a bill or otherwise, any Senator could prevent taking up a bill.

The PRESIDENT pro tempore. The question is on the adoption of the amendment of the Senator from South Dakota [Mr. STERLING].

Mr. STERLING. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from South Dakota suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Norris	Smith, Ga.
Bankhead	Hollis	Oliver	Smoot
Brandegee	Hughes	Overman	Sterling
Broussard	Husting	Page	Stone
Catron	James	Poindexter	Sutherland
Chamberlain	Johnson, Me.	Pomerene	Thompson
Chilton	Jones	Ransdell	Tillman
Clapp	Kern	Reed	Wadsworth
Clark, Wyo.	Lane	Robinson	Walsh
Clarke, Ark.	Lea, Tenn.	Shafroth	Warren
du Pont	McCumber	Sheppard	Williams
Fall	McLean	Shields	Works
Gore	Martine, N. J.	Simmons	
Hardwick	Nelson	Smith, Ariz.	

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY], who is paired with the Senator from Maine [Mr. BURLEIGH].

I also desire to announce the unavoidable absence on official business of the senior Senator from Florida [Mr. FLETCHER], who is paired with the Senator from Idaho [Mr. BRADY]. These announcements may stand for the day.

Mr. CHILTON. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness.

Mr. STONE. I wish to announce the absence of the Senator from Delaware [Mr. SAULSBURY] on account of illness.

The PRESIDENT pro tempore. Fifty-four Senators having answered to their names, a quorum of the Senate is present. The question is on the adoption of the amendment proposed by the Senator from South Dakota [Mr. STERLING].

Mr. STERLING. Mr. President, just a word; I will not detain the Senate long. I trust there will be no confusion between the amendment offered by the Senator from Nevada [Mr. NEWLANDS] and the amendment offered by myself to the pending bill. Both of these amendments provide for a national waterways commission, but the amendment of the Senator from Nevada provides for a commission under which will be expended the enormous sum of $60,000,000 a year each year for 10 years. The amendment I propose provides for a commission which will investigate the subject of flood prevention and the related subjects of the storage of waters and the use of those waters for irrigation and power purposes. The amendment carries an appropriation of $200,000 to pay the expenses of that commission.

I want to say, Mr. President, that there is something very attractive about the plan proposed by the Senator from Nevada; it appeals to the imagination; it is a grand scheme, and I think sooner or later we will adopt some such plan; but, as a prerequisite to the adoption of any such plan as that or the appropriation of any such amount of money, there must be the preliminary work of surveys and estimates, and that is just what my amendment provides for.

One word further, Mr. President, in reference to the need for legislation of this kind, as it has been emphasized over and over again by the Waterways Commission which made its report in 1912 and is now emphasized by a report of the Secretary of War dated April 15, 1914. I find in this report of the Secretary of War good ground for the pending amendment. The Secretary goes on to speak of the board especially appointed for these investigations, and says, with reference to that:

> The board has collected a large amount of data, some of which was already available in the various district offices of the Engineer Department, but finds that additional data in the way of rainfall statistics, gauging of streams, and special maps of drainage areas must be obtained before specific plans can be prepared. The board finds that some of these data can be obtained through the regular operations of the United States Weather Bureau, the United States Geological Survey, and of the States, counties, cities, etc., in the areas involved, under the system which has existed in the past, but that a large part of it can best be obtained by field parties organized in each of the engineer districts of the area under consideration—Pittsburgh, Wheeling, Cleveland, first Cincinnati, second Cincinnati, and Louisville. The cost involved in collecting these data and preparing plans will be relatively small in comparison with the benefit to be derived, and this same method can readily be extended as necessary to the drainage areas of all rivers throughout the country which are subject to disastrous floods.
>
> The subject of flood protection and flood prevention is one of great national import, and it is imperative that steps be taken to ameliorate conditions in the most afflicted districts in the various parts of the United States without unnecessary delay.

If this measure does not prevail now as an amendment to the pending bill, when will Congress meet the imperative need of providing against river overflow and destruction?

Mr. JONES. Mr. President, I desire to ask the Senator whether this amendment has been offered as a separate measure and referred to any committee?

Mr. STERLING. It has not been. I will say to the Senator that if he heard my remarks this morning upon presenting the amendment——

Mr. JONES. I heard part of them, but I was called out of the Chamber.

Mr. STERLING. I stated then that it was introduced substantially as it is now, in the form of this amendment, as a Senate joint resolution in 1913.

Mr. JONES. I simply wish to say to the Senator that this is a proposition that is very properly applicable to the river and harbor bill. I think we are very likely to have a bill of that kind considered; and I want to say to the Senator that I feel very friendly disposed to the idea involved in his amendment. I think it ought to be the first step taken in carrying out the grand scheme of the Senator from Nevada [Mr. NEWLANDS].

The PRESIDENT pro tempore. The Chair must admonish the Senator from South Dakota that he is occupying the floor for the second time on this amendment to-day. It is not proposed to cut him off now, because the inquiry of the Senator from Washington was directed to the parliamentary status of the bill; but if he enters upon any discussion as to his policy, that will constitute a sufficient interruption to deprive the Senator from South Dakota of the right to proceed.

Mr. JONES. Of course, I do not want to take away any of the rights of the Senator from South Dakota. This is the first time this rule has been suggested in connection with the four or five weeks of debate upon this bill.

Mr. STERLING. I had intended yielding the floor, Mr. President.

The PRESIDENT pro tempore. Very well. The question is on the adoption of the amendment proposed by the Senator from South Dakota [Mr. STERLING].

Mr. STERLING. On that I ask for the yeas and nays.

Mr. OVERMAN. Mr. President, I have not taken any time at all on this bill during the 21 days that the debate has been going on. I did ask a question of the Senator from Nebraska [Mr. NORRIS], however, and the rule was invoked against me for the first time.

The PRESIDENT pro tempore. The Chair simply admonished the Senator as to the character of his inquiry—that it should be confined to a question.

Mr. OVERMAN. I shall not take much time now; but I am going to say what I had intended to say then, so it will not do any good to invoke the rule against me.

I want to say that we have appropriated this year $1,500,000 for a new power plant. If we had conserved these waters and erected this plant as proposed, we would not have had to appropriate that $1,500,000. Unless we do something of that kind we will have to appropriate more money. We could issue bonds and erect the proposed plant at 4 per cent, and save money on the power plant we are erecting to-day.

The PRESIDENT pro tempore. The Senator must not understand that the Chair has any desire to deprive him of an opportunity to take the floor. The Chair's only criticism is that he does not take the floor often enough.

Mr. JONES. Mr. President, I want to say just a word that I started to say a moment ago.

I feel very friendly toward this proposition, but I think it ought to come up in connection with the river and harbor bill. I think it ought to be considered by a committee. Personally I do not believe the amount provided in the amendment of the Senate from South Dakota is anything like ample to do what ought to be done. Furthermore, I think that whatever report is submitted ought to be required within a definite time. If you provide a commission like this, it will be a perpetual body, and we will have no reports from it that will be of any special benefit or influence with the public.

At any rate, I think the amendment ought to be given consideration by a committee. It has not been reported upon by any committee or by any officials of the Government; and I think the amount ought to be very largely increased, so that ample force can be provided to make whatever survey is necessary, and submit a report to us at least within a year or two.

Mr. STERLING. Mr. President, if I may be permitted a reply——

The PRESIDENT pro tempore. The Chair will be very glad to extend any courtesy he can to the Senator from South Dakota.

Mr. STERLING. I wish to say, Mr. President, partly in answer to the Senator from Washington [Mr. JONES], that I fear the fate of a measure like this attached to the river and harbor bill. We know something of what has befallen river and harbor bills in the past, and I very much doubt whether such a measure would succeed as part of the river and harbor bill.

Further, I want to say to the Senator that I can see no need of referring this measure to a committee. As I stated in my remarks this morning, every great flood is in itself an object lesson; and the bill simply provides for a commission that will make surveys and estimates in regard to the prevention of floods.

As to the amount of $200,000 carried by the amendment, if that is not ample, a succeeding Congress can add to it. I believe myself that it is hardly sufficient to carry out the full work of this commission; but before the $200,000 is exhausted, or as soon as it is exhausted, Congress can make another appropriation for the work of the commission.

The PRESIDENT pro tempore. The question is on the adoption of the amendment of the Senator from South Dakota [Mr. STERLING], on which the yeas and nays have been demanded.

The yeas and nays were ordered.

The PRESIDENT pro tempore. Let the Secretary call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I again announce my pair with the senior Senator from New Mexico [Mr. FALL]. As I have been out of the Senate Chamber on official business and have not heard the discussion, I am very glad that I do not have to vote.

Mr. DU PONT (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM]. As that Senator is not in the Chamber, I withhold my vote.

Mr. JOHNSON of Maine (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. I transfer that pair to the junior Senator from South Carolina [Mr. SMITH] and will vote. I vote "nay."

Mr. HUSTING (when the name of Mr. JOHNSON of South Dakota was called). I have been requested to announce a pair between the Senator from South Dakota [Mr. JOHNSON] and the Senator from Illinois [Mr. SHERMAN]. This announcement may stand for the day.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. Were he present, I should vote "yea"; but as he is absent from the Chamber, I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Texas [Mr. CULBERSON] and will vote. I vote "nay."

Mr. WALSH (when his name was called). I transfer my pair with the senior Senator from Rhode Island [Mr. LIPPITT] to the junior Senator from California [Mr. PHELAN] and will vote. I vote "yea."

The roll call was concluded.

Mr. SUTHERLAND. I desire to announce the unavoidable absence of the senior Senator from Massachusetts [Mr. LODGE]. He is paired with the senior Senator from Georgia [Mr. SMITH].

Mr. CATRON (after having voted in the negative). I am paired with the senior Senator from Oklahoma [Mr. OWEN]. As he is not present and has not voted, I withdraw my vote.

Mr. HARDING. I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD]. As he is not present, I will withhold my vote.

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Alabama [Mr. UNDERWOOD] and will vote. I vote "nay."

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from North Dakota [Mr. McCUMBER].

Mr. JAMES. I transfer my pair with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Nevada [Mr. PITTMAN] and will vote. I vote "yea."

Mr. POMERENE. I have been requested to announce the absence of the junior Senator from Delaware [Mr. SAULSBURY] because of sickness, and to state that he is paired with the junior Senator from Rhode Island [Mr. COLT]. I ask that this announcement may stand for the day.

Mr. MARTINE of New Jersey. I rise to announce the unavoidable absence of the senior Senator from New York [Mr. O'GORMAN], and to state that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER].

Mr. HARDING. I understand that the pair of the junior Senator from Alabama [Mr. UNDERWOOD], with whom I have a general pair, has been transferred, so I will exercise the right to vote. I vote "yea."

Mr. BECKHAM. I vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Indiana [Mr. SHIVELY];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Illinois [Mr. SHERMAN] with the Senator from South Dakota [Mr. JOHNSON]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN].

The result was announced—yeas 24, nays 34, as follows:

YEAS—24.

Borah	Husting	Myers	Sterling
Brandegee	James	Norris	Sutherland
Clapp	Kenyon	Oliver	Thompson
Cummins	La Follette	Page	Wadsworth
Curtis	Lane	Poindexter	Walsh
Harding	Lea, Tenn.	Sheppard	Works.

NAYS—34.

Ashurst	Hardwick	Nelson	Smith, Ariz
Bankhead	Hitchcock	Overman	Smith, Ga.
Beckham	Hollis	Pomerene	Smoot
Broussard	Johnson, Me.	Ransdell	Stone
Chamberlain	Jones	Reed	Swanson
Clark, Wyo.	Lewis	Robinson	Tillman
Clarke, Ark.	McLean	Shafroth	Vardaman
Gore	Martin, Va.	Shields	
Gronna	Martine, N. J.	Simmons	

NOT VOTING—38.

Brady	Fletcher	Newlands	Smith, Mich.
Bryan	Gallinger	O'Gorman	Smith, S. C.
Burleigh	Goff	Owen	Thomas
Catron	Hughes	Penrose	Townsend
Chilton	Johnson, S. Dak.	Phelan	Underwood
Colt	Kern	Pittman	Warren
Culberson	Lee, Md.	Saulsbury	Weeks
Dillingham	Lippitt	Sherman	Williams
du Pont	Lodge	Shively	
Fall	McCumber	Smith, Md.	

So Mr. STERLING's amendment was rejected.

Mr. STONE. Mr. President, I ask the courtesy of the Senator from Tennessee.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Missouri.

ARMED MERCHANT SHIPS.

Mr. STONE. Mr. President, I have a notice standing on the Calendar to the effect that I would on to-morrow address the Senate on the subject of armed merchant ships and on other related subjects. With much care I have prepared a speech which I purposed to deliver, and in which I joined issue with some Senators who have spoken on these questions, particularly as to the law, if indeed there be a law established and recognized, touching the subject of armed merchantmen. There are potent reasons why I would be glad to lay these matured views on this and correlated subjects before the Senate; but some of my colleagues, in whose judgment I have great confidence, a number of them being substantially in accord with my views, have expressed to me their belief that it would be wiser and better in every way if I should defer the delivery of this address for the time being. I recognize the force of what they have said to me, and in fact sympathize with their suggestions.

Last night I had another very frank talk with the President—I say frank talk, for that is the way we talk with each other, when we talk, as we should. I am sure I will not offend if I say that so far from the President desiring to involve this country in this disastrous European war, his supreme wish is to avoid that calamity. I may not be in accord with some of his views; I have already stated on the Senate floor that I am not; but it should be impossible for any Senator to believe that the President has so changed the attitude he has so long maintained as an advocate of peace as to wish now to make this country a party to this conflict.

As Senators well know, I have from the first been earnestly opposed to having any of these questions presented in any formal way to the Senate, and I have been equally opposed to any public discussion of these questions while they were the subject of diplomatic consideration. In view of this situation, I have determined that I could better serve the cause I have at heart—that is, the maintenance of peace in this country—by withholding any expression of my opinions so long as the questions at issue are the legitimate subject of diplomatic negotiations. I profoundly hope that no occasion will arise when I shall feel obliged to take these subjects up in a public way; but if perchance such an occasion should arise I will speak and act as I think. In the meantime, I shall give the President whatever support I can in the discharge of those duties devolved upon him by the Constitution. All through his service as President I have cooperated with him, and with all my heart I wish to continue that cooperation; and so I have concluded not to say anything at this juncture that might be misunderstood, especially in foreign capitals, and which might by any chance contribute to the difficulties with which the President is beset. "Sufficient unto the day is the evil thereof."

DEVELOPMENT OF WATER POWER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3331) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the use of interstate and foreign commerce.

The PRESIDENT pro tempore. The bill is in Committee of the Whole and open to amendment. If there be no further amendments to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. LANE. Mr. President, this bill does not seem to me to guard the rights of the people. It seems to me to interpose an obstacle between the people and their right to the power which would be generated and the use to which the power would be put.

It struck me as significant—I do not know whether it will appeal to the Senate or not—that 67,000,000 people of this country, or about that number, are landless men. They are people without homes, people without a foot of the earth's possessions; and when we go to war, if we do go to war, if it is forced upon us by any other country or we angle for it ourselves, 67 men out of every 100 who will be called upon to fight the battles of this Nation are men who do not have one cent's interest in it. Here we are putting through a bill—and it will go through, despite any protest or any consideration of the rights of the majority of the people—we are putting through a measure which will deprive practically all of the people of the Nation from access to the water of the earth.

The timber has gone or is in the possession of a few people. The coal is in the same situation. The crude petroleum, from which gasoline is made, has risen in price within the last year from 30 cents a barrel to $1.30, according to testimony received by one of the committees of the Senate within a few days. The farmers' traction engine, the farmers' pump, the automobile, and the small, cheaper vehicle of the poor are now being tied up; and here the electric power of the people, the property of all of them, which was given to them by nature, along with the air of the earth, is to go into the hands of a few people, with a provision that at the expiration of 50 years their grandchildren may perhaps be granted the right to recover it, if they can. A 50 years' grant, with the right to recover, if they can, that which already belongs to them!

Such a measure does not appeal to me. I do not like to have a man take a thing which belongs to me and say, "After a while maybe, if you can do so—and we are leaving a fairly good weapon in your hands; we think it is a good one, a most excellent one—you may go out and fight to get it back." I have seen it tried. I have had experience with just such grants as this, and never yet have I seen the people get them back. They may do so in the future, and it may be that it is all right; but it does not look to me like a good obligation for us to place upon the people of this country.

For that reason I am opposed to it. I can understand how men who have not had experience with it might, for expediency's sake, wish to get this property immediately into the hands of private corporations and concerns for immediate development. But every man who looks into the future and wants that power for the people, who has had experience with it, knows that the people pay the price tenfold over for any such immediate advantage. For that reason I am opposed to it.

By the use of water power electricity will be produced at a cost of, say, four-eighths of a cent per kilowatt hour at the plant, on the average; a little bit less than that, if you please. And all down the line where the wires go to the consumer; and the less able to pay for it he is the greater price will he pay for that electricity, a price ranging from 3 cents to 15 cents per kilowatt hour will be collected for it. Those are the things which have happened and which do happen, which I have seen happen, and which I have had to contend with in my experience.

It is no favor to give the people a right to enter upon a fight to secure a title to property which is already theirs. I have offered an amendment. I fear my friends on the committee will consider it a substitute. It grants to the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture, all of whom are interested in this matter equally, but in different ways, to construct these dams and accessory works, and upon their completion to sell them to the States in which they are located, making the cost an obligation on those States, and the States in time to pay back, running through a period of 50 years, in equal annual payments, the actual cost, with interest, on deferred payments at 2 per cent. They will then be in the hands of the people of the States. They can use them for their benefit. The people will not rob themselves. They will not manage their own affairs in a way which will extort high rates for the use of power.

If there is any better way and anyone will suggest it, I am willing to accept it. I am not wedded to this theory; but it was the only way I saw by which I could secure a transference of the power and put it in the hands of the people to whom it belongs, with the General Government aiding them to carry on the work. So I submit it for those reasons, without making further comment upon it. I know objection will be raised to it even by Senators who believe in State rights. It will be scorned for the reason that it gives too much power over their property to the people. There will come a time, and I fear it is not far distant—at times it looks as though it was close at hand—when this country is going to need the help of the people. We are going to need their sympathy as well, and we ought to have their confidence. We are going, it may be, to need their life's blood to help protect us and our property and these vested rights. This is a good time to give them the right to use their own without putting a wedge between them and it.

Mr. President, I now submit the amendment.

The PRESIDENT pro tempore. The Senator from Oregon proposes an amendment, which will be read.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That the act entitled "An act to regulate the construction of dams across navigable waters," approved June 23, 1910, be, and the same is hereby, amended to read as follows:

"SECTION 1. That the United States hereby authorizes the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture to construct a dam or dams or diversion structures and accessory works for the development and improvement of navigation and for water power or other purposes across, in, or along any of the navigable waters of the United States: *Provided*, That when the power to be developed by the project and improvement of the stream for navigation is used or to be used for a public-utility purpose or purposes the

grantee must be a State or a municipal corporation or a political subdivision of a State or a duly constituted commission of said State; but in any case where the State has not made provision for authorizing municipal corporations or political subdivisions of the State to engage in said business, the qualifications of the grantee prescribed in this proviso shall not apply.

"SEC. 2. That the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture may grant a permit or permits for such dam or dams and accessory works upon the following conditions:

"First. The plans and specifications for such dam and all accessory works, together with such drawings of the proposed construction and such maps of the proposed location as may be required for a full understanding of the subject, shall be submitted to the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, and the Chief of Engineers, and when approved shall be made a part of such permit; and thereafter no change in such plans or specifications shall be made except as such change shall be approved and made a part of such permit by the Secretary of War and the Chief of Engineers.

"SEC. 3. That the control of the level of the pools above and below such dam and of the currents developed therein and of the flow of the water over and past such dam and the operation of navigation facilities which shall be constructed as a part of or in connection with any such dam, whether at the expense of such grantee or of the United States, shall at all times be subject to such rules and regulations as shall be deemed by the Secretary of War to be reasonable and necessary in the interests of navigation.

"SEC. 4. That when a grantee hereunder is a State or a municipal corporation or a political subdivision of a State it may acquire the right to use or damage any lands or property of others necessary to the construction, maintenance, or operation of any such dam or diversion structure or of the works appurtenant or accessory thereto by the exercise of the right of eminent domain in the district court of the United States for the district in which such land or other property may be located, or in the State courts. The practice and procedure in any action or proceeding brought for that purpose in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar actions or proceedings in the courts of the State where the property is situated.

"SEC. 5. That this act shall not affect the rights of any person, company, or corporation as to the construction, maintenance, or operation of any structures heretofore constructed or upon which construction has been begun under permit or approval of the Secretary of War and Chief of Engineers or other authority heretofore lawfully granted: *Provided*, That the provisions of this act shall not apply to irrigation or power dams or grants to municipal corporations affecting the use of water or water power for municipal purposes or to other projects approved or erected under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture upon the public lands of the United States.

"SEC. 6. That the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture, on behalf of the United States, shall issue a deed in fee simple to the State or States to such dam or dams and accessory works after the said State or States who have paid into the Treasury of the United States the actual cost of such dam or dams and accessory works: *Provided*, That the said payments by the State or States may be made in 50 equal annual installments, together with the payment of 2 per cent interest on deferred payments.

"SEC. 7. There is hereby appropriated, out of any funds not heretofore appropriated, the sum of $10,000,000 to carry into effect the provisions of this act.

"SEC. 8. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed."

The PRESIDENT pro tempore. The question is on the adoption of the substitute offered by the Senator from Oregon [Mr. LANE].

The amendment was rejected.

Mr. SMOOT. Mr. President, I notice from the CONGRESSIONAL RECORD of yesterday's proceedings that the Senator from West Virginia [Mr. CHILTON] offered an amendment to the bill. There was no discussion upon it and it was agreed to. I now move that the vote by which the amendment was agreed to be reconsidered, and if the Senate will allow me I would like to say just a few words as to the reasons why I make the motion.

Mr. WALSH. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Chair was just going to say that the adoption in gross of all the amendments made as in the Committee of the Whole by the Senate would preclude the consideration of this amendment, unless the Senate will permit the Chair to make an additional statement. It was the intention of the Senator from Utah to reserve this particular amendment, but the matter was not called to the attention of the Chair at the time. The request of the Senator may modify the order heretofore made to the extent of permitting the Senate to consider this amendment in view of that statement.

Mr. WALSH. But the inquiry I was about to make was whether it would not be necessary to move to reconsider the vote by which the bill was reported from the Committee of the Whole to the Senate.

The PRESIDENT pro tempore. It can be dealt with by reserving it. It was the intention of the Senator from Utah to reserve it and it was overlooked at the time. Unless there is objection, the Senator from Utah will be recognized for the purpose indicated by him. The Chair hears none.

Mr. SMOOT. The Senator from West Virginia [Mr. CHILTON] moved to strike out all after the word "applicant," on page 7, line 15, down to and including the word "applicant," line 20, of the reprint, as follows:

Which has first acquired the right to divert the water of the stream by means of the dam, to erect which the permit is sought, and otherwise complied with the laws of the State or States in which the dam or diversion structure is to be constructed, or if there are no State laws to be complied with, the preference shall be given to the first applicant—

And to insert in lieu of those words:

Which offers in good faith to the United States the most favorable terms for taking over the property at the end of the franchise and the lowest rates for public service under the franchise under the provisions of this act.

This has reference to section 2 of the bill, which provides:

SEC. 2. That the Secretary of War may grant a permit or permits for such dam or dams and accessory works upon the following conditions.

Then there are a great many conditions following that declaration. After the conditions are enumerated the bill provides that—

In fixing such conditions, or any of them, the Secretary of War shall also take into consideration the probable cost to such grantee of construction and maintenance and operation and the probable consumers' rate required to produce a reasonable return upon the investment required of such grantee. As between contesting applicants for a permit hereunder having the legal qualifications required by this act, and being equally well qualified to improve or develop waterways for the uses of interstate or foreign commerce, preference shall be given to that applicant—

Now, the Senator from West Virginia desires to have this language inserted:

Which offers in good faith to the United States the most favorable terms for taking over the property at the end of the franchise and the lowest rates for public service under the franchise under the provisions of this act.

The bill as it now reads states that it shall be given to that applicant—

Which has first acquired the right to divert the water of the stream by means of the dam, to erect which the permit is sought, and otherwise complied with the laws of the State or States in which the dam or diversion structure is to be constructed, or, if there are no State laws to be complied with, the preference shall be given to the first applicant—

Mr. President, if the Senator's amendment is adopted, so far as the Western States are concerned, I wish to say that it would open the door to persons who have no other idea except the use of blackmail to extort money from the person who makes the first application for the permit. He may not be financially able to make use of the permit asked for. I know the amendment says "in good faith." Who is going to decide the question of "good faith"? A blackmailer may make it in good faith and do it for no other purpose except to hold up the man or the company that desires to install the electric system.

I know that the Senator from West Virginia had no such idea in offering the amendment. If the condition in his State is such that he thinks an amendment of this kind should be placed in the bill, I have no objection whatever if it is limited to West Virginia; but I certainly do object to having it apply to the States in which the great water powers are to be developed in the future, because I can see no good from it; but there is lurking in it a power for evil that can be used for the retarding of the development of water power in the Western States.

Mr. President, I think the bill as reported and amended covers the question correctly. I care not where the company may be organized; I care not where the power is to be created or the dam to be situated, if within any State, the applicant must have the certain rights granted him by the State in which the dam is to be built. He must have the grant of the State for the water; the United States can not give it to him. I believe that the provision of the bill covering this question is just and stated as plainly as it is possible to be. The applicant is to be given a permit which has first acquired the right to divert the water from the stream by means of the dam. This is a right which is given to him by the State, and I care not how many applicants may apply, but without such a right he should not be able to interfere with that right and can not in my opinion. The bill also provides:

If there are no State laws to be complied with, the preference shall be given to the first applicant.

That is fair; it is just. The terms of the lease are left entirely with the Secretary of War, but there should be an absolute, unqualified statement in the bill that the Secretary of War shall respect the rights of a State in granting a permit.

Mr. President, I sincerely trust the Senate, when this is called to their attention, will reconsider its action and defeat the amendment. As I said, and I say to the Senator from West Virginia now, if there is any condition in his State that his amendment is offered to cure, let the amendment apply to West Virginia alone, and not to the balance of the States of the Union.

Mr. CHILTON. Mr. President, I do not know that there is any situation in West Virginia that is peculiar to this amendment of mine. The amendment was offered in the best of faith to meet what I considered a weak point in the bill.

My amendment deals with that part of the bill which gives directions to the Secretary of War in determining which company shall have preference when there shall be competitors. My amendment would strike out, on page 7, line 15, after the word "applicant," the following:

Which has first acquired the right to divert the water of the stream by means of the dam, to erect which the permit is sought, and otherwise complied with the laws of the State or States in which the dam or diversion structure is to be constructed, or if there are no State laws to be complied with, the preference shall be given to the first applicant—

And to insert:

Which offers in good faith to the United States the most favorable terms for taking over the property at the end of the franchise and the lowest rates for public service under the franchise under the provisions of this act.

Mr. President, we might as well look at the situation as it is. The situation in the United States, so far as concerns water-power legislation, is that there has been a controversy for years as to whether or not the State could regulate water power or control it, or whether that was a matter which, in the end, would be relegated to the paramount power of the Federal Government. That has been offered as a reason why these water powers have not been developed. In fact it has been urged on this floor that the States could not go forward with the development of water power, and money would not be invested in such enterprises for the reason that every investor about to put his money into the enterprise fears that there is a paramount power vested by the Constitution of the United States in the Federal Government to come in at some time and disarrange everything the State might do. It is no use for us to try to evade that. The declaration of no Senator upon this floor can settle that question. It is there; it is a threat; and it is a matter which must hereafter be decided by some tribunal other than the Senate.

It does not make any difference what the State may do; it does not make any difference how much may be the investment under State law, investors will fear that ultimately the supreme power to control these matters under the interstate-commerce clause would be in the Federal Government. All the resolutions and speeches and declarations we may make here will not change it, and all the investments which are made under State laws will not modify it. It is a matter which in the end must be decided by the courts.

I do not charge any Senator, Mr. President, with so shaping this bill as to describe any existing condition. It is beyond the power of any human intelligence to describe what you might term negative conditions and not at the same time describe a condition that might be present in some State. There is no one who can here now write directions to the Secretary of War for choosing between rival applicants and not do an injustice. They might describe a condition in Montana, they might describe one in West Virginia, they might describe one in Maine. It would be certain to describe a condition somewhere. I believe the words of this section describe a condition in West Virginia. I believe they describe a condition in Virginia. I have not a particle of doubt they describe conditions in other States.

The language looks fair. I have no doubt it was intended to be fair by those who drafted the bill. We certainly are not preparing a bill here to suit some corporation already organized. It is not our purpose to say in the bill that we do not expect some kind of competition. When it shall come to the time when an officer of the Government shall make a decision, we want a bill that is fair to anyone who may apply for this great power under the National Government, fair to the people, fair to the States, and just to those who use the power that may be developed by the grant which we are giving.

Mr. President, this bill says that the preference shall be given to that company which has complied with the laws of the State in which the dam shall be located. So far as my State is concerned, you might as well write in there the Virginia Power Co. or the Appalachian Power Co. or some other company. I know from current history that some company has already complied with the laws of my State. I doubt not that some branch of some company has done the same in other States. They have done everything that the laws of the States require, but the public-service commission has not agreed with them about details, and they do not desire or are not willing to put in the immense sum of money required to develop the enterprise. This threat of Federal control and jurisdiction coming in afterwards may be one reason why the development has been delayed.

But when this bill is passed it, taken with the State laws, certainly does make every dollar invested in the enterprise safe, and you will find probably in more States than one that these words describe corporations which have already complied with the laws of the States, which will now, when the right is clear and beyond doubt, perfect organizations to go forward with the work. I therefore object to the language of the bill requiring the Secretary of War to give preference to existing corporations. We should give a free field and invite fair and open competition. Those who have felt that the Constitution gives the paramount power to the Federal Government over navigable streams, and who may have declined to risk their money under State charters, should not be precluded from competing for these valuable franchises.

Mr. CLARK of Wyoming. Will the Senator yield for a question?

Mr. CHILTON. Certainly.

Mr. CLARK of Wyoming. I think it is undoubtedly true, and the Senator will accept it as a fact, that in some of the States where this bill will operate the States have authority and do exercise the right to control the appropriation of water in the streams for power purposes or for any other purposes. In a case of that sort does the Senator think it was right to give the preference right under the bill to a corporation or a copartnership or an association that had not acquired from the State the right to divert the water in opposition to the man or the corporation that had acquired under the State law the right to divert the water?

Mr. CHILTON. With all respect to the Senator, of course not; but if the State did not have the full power to grant the franchise, and if there still be the paramount right under the interstate-commerce clause of the Constitution of the Federal Government to go in, then the fact that a State has claimed the power and has acted does not change the legal status. By passing this bill we concede that wherever and whenever interstate commerce shall be involved the power to control and regulate is a national function.

Mr. CLARK of Wyoming. If the Senator will pardon me just a moment, he precludes the right of the State by this very amendment, because it says, in effect, that the Secretary of War shall disregard the compliance with the law of the State and shall simply sell the power to the party making the highest bid.

Mr. CHILTON. No; I prepared, yesterday morning, an amendment providing that there should be no permit granted hereunder until the authority from the State so to do was first obtained. I found that the Senator from Missouri [Mr. REED] had such an amendment. He was about to present it, and he did present it, and it was adopted yesterday, taking that question entirely out of controversy and fixing it beyond doubt.

Mr. SMOOT. Mr. President——

Mr. CHILTON. I will yield to the Senator.

Mr. SMOOT. The Senator, of course, undoubtedly knows that if the United States itself desires to use the water within a State for any purpose whatever outside of mere navigation it will have to make an application for it just the same as an individual or a corporation. It has to comply with the laws of the State just the same as an individual would, and if it wanted to divert water from any stream in the State it would have to follow exactly the same course as an individual or a corporation.

Mr. CHILTON. I will admit, Mr. President——

The PRESIDENT pro tempore. Let the Chair state to the Senator from West Virginia that we are enforcing the rule today, so that debate may not be abused, and it must be uniformly and fairly enforced. The Senator has submitted to interruptions, which have taken the form of argument, and if he persists it will be necessary for him to surrender the floor under the rule which limits the right to speak twice on the same question.

Mr. CHILTON. I would rather be taken off the floor than be discourteous to a Senator. I should like, however, to present my views. The Senator says that, of course, the Senator from West Virginia knows so and so. The Senator from West Virginia does not know the dividing line under the Constitution of the United States between Federal control and State control, and he has given serious study to it. He has given as continuous study to it as probably any Senators upon the floor who have served no longer in this body. I had the honor of serving upon a subcommittee of the Committee on the Judiciary with the Senator from Minnesota [Mr. NELSON] and the then Senator from New York, Mr. Root, which committee made a report upon the rights of the United States in power developed by its improvement dams. That was one of the first duties which was assigned to me when I became a member of the Judiciary Committee. I did read the decisions, and, aided by the splendid attainments of my two colleagues on that subcommittee and their great ability as lawyers, I learned a great deal about the subject. I have studied the subject since. When we made our final report upon that question I recall that every member of

the committee except us three disagreed from the conclusions to which we came. Our report is Document No. 246, Sixty-fourth Congress, first session. We brought it up in the committee many times and discussed it as long as the time would permit, but the full committee never came to a conclusion. Several distinguished Senators upon the committee filed minority opinions, which were printed. It was probably a year after we filed the report that the Supreme Court of the United States adopted the principles of the report of that subcommittee, which, by the way, was written by the Senator from Minnesota [Mr. NELSON]. Therefore the matter has never been discussed any further in the Judiciary Committee.

But, Mr. President, I do not know, nor, with all respect to the Senator from Utah, does he know, where or how the courts will say interstate commerce shall inhere in navigation upon this part of a river or upon that part of a river. Much less can we say with certainty that we have the power to go as far as this bill goes. Navigation is nothing but floating upon water. You can not have navigation without water, and you do not always have navigation when you have water. We have nothing to do with the subject at all, except as that navigation shall be a part of interstate commerce. Whether or not the power of Congress shall begin at the head of the stream or whether Congress will have any power to deal with it until you get down upon the navigable parts of the river, I confess I do not know with any degree of certainty. I therefore want this bill so that there will be no doubt about it when I vote this power, whatever it is. The right granted by this bill with the power of the State will make a franchise. It gives something that is valuable, and I want to protect it. I want to see that my State is protected. I did not have any local situation in mind at all. I only knew that, in my judgment, it so happened that the description in the bill, not intentionally, seemed to fit certain companies that have already prepared themselves to take advantage of this legislation whenever the Government would make this grant. That is not fair, and you can not get a provision that will come nearer to what we are trying to do than the one I have offered. You might provide that the Secretary of War shall take this into consideration and take that into consideration; and then, when you go to apply that to this State or that, you have failed to meet the local situation. There is no safe way to give directions to the Secretary of War for choosing between competitors except in general language. The only fair way is to make it competitive, and that is what I have tried to do.

Mr. President, you never made competitive conditions in anything where it is not possible to say there was the power in somebody to hold somebody else up or to blackmail him. That is always true; you can not help that; but still you want competition. We in the Committee on Printing have to give notice to dealers and have to receive competitive bids. We do not know but that some man occasionally sells paper for less than it is worth, but fair competition is as near to justice as you can come. Justice, after all, to all kinds of humanity is but an approximation. Suggest a better way. Certainly the one that is in the bill is not as good as this one. That you shall grant the franchise to the company that offers the Government the best conditions for taking over the property and the lowest rate for service will appear to be fair to me till some good reason to the contrary shall be shown. Why is not that just? Why is not that fair to the people and fair to anybody who may want this franchise?

Then, upon the other hand, I can not imagine that any Senator upon this floor would vote that we should not give to a company this franchise if it would offer service, say, at one figure per kilowatt or horsepower or whatever may be the unit, when another would want to charge you a higher sum for it—certainly we would be recreant to our duty as representatives of the people if we did not put this up in some fair, legitimate way and allow that company which offers the best for the Government, the best for the people, and the best for the users of the product of this power to have the franchise.

I would like to vote for a water-power bill which is fair to all interests, and which would leave to the States those powers which, regardless of the granted powers in the Constitution, the States ought to exercise. I therefore voted for the amendment making it a condition precedent to the granting of a Federal permit hereunder, that the consent of the State in which the dam is located shall be first given. It is possible that the courts may finally hold that the jurisdiction of the Federal Government extends to the smaller streams which feed the navigable waters which carry interstate commerce. In that event, the State by this bill, before the amendment was voted, would be shorn of its power to regulate mill dams and sluiceways on the smaller streams. That would have made an unspeakable situation, and the amendment of the Senator from Missouri has prevented any such eventuality.

But the objection which my amendment covers is equally obnoxious to me. How any Senator can vote to compel the Secretary of War to favor a monopoly is beyond belief. This bill, if not amended, forces him to give preference to those who have already prepared, regardless of the rights and offers of competitors. At the end of 50 years the Government can take over the property of any grantee of this right, but the Government must pay for the property. Under my amendment the Secretary of War is to give preference to that company which shall offer, in good faith, the best terms to the Government for taking over the property. In other words, if this bill be not amended, and a company has already secured the right to build from the State, that company is to be preferred notwithstanding another company may offer to give the property to the Government at the end of the franchise. Is that giving the people a square deal? Again, this bill compels the Secretary of War to give preference to a company now ready under State law, although another company might be willing to furnish power at one-half the charge fixed by the public utilities commission. How can anyone vote against a "square deal"? What is a safer standard in granting a franchise than the most for the Government, the most for the public, and that to be ascertained by open competition?

I acquit the author of this bill of intentional favoritism. His high character makes that thought impossible. But it is plain to be seen that this bill does make a favorite of those companies which have already secured a status in a State. Whatever status they have obtained, was secured under State laws, which may or may not be of any lasting force. We come now to the framing of a bill which is to prescribe the terms of Federal consent. We should eradicate anything and everything which looks like favoritism. It is our duty to put every worthy competitor for a permit upon equal grounds. We are not responsible for what has been done by the States; but we have preserved the power of the States to veto any permit. But where the State grants a permit to more than one, this bill leaves us no room to deal with the competitors as to terms. First come, first served, is the rule laid down in the bill, and in many instances we know that we might as well write the names of the companies in the bill. The bill uses general language, but where there is but one which can qualify under the language used, how can we say that the bill is fair?

Mr. President, notwithstanding the platform pledge to develop water power, and my desire to do so, I can not satisfy my conscience to vote for this bill unless my amendment or one similar to it shall be adopted. I will not knowingly vote to fasten a monopoly upon the people of my country for 50 years.

The favoritism, which to my mind is so apparent in the language on page 7, is not an answer to any demand for water-power legislation. Better let the subject go over to another time than to pass this bill in its present form.

Mr. WALSH. Mr. President, I share the concern of the Senator from Utah and the Senator from Wyoming, which prompted the former to again present the matter to the consideration of the Senate. It will be recalled that thinking the bill as it was originally framed did not meet the situation that the Senator from Utah has in mind, an amendment was incorporated upon my suggestion, which specifically gave to the first appropriator of the water the preference right as against a subsequent appropriator or one who had not appropriated. That is the correct principle when the two stand on a perfectly even footing, one having made an appropriation and the other having made no appropriation or having made a later appropriation, the preference, as a matter of course, should go to the one having made the first appropriation; but the amendment offered by the Senator from West Virginia presents the matter in quite a different point of view. He presents the case now of the earlier appropriator being an applicant for a permit and also the later appropriator, or one having made no appropriation at all, the later appropriator offering terms very much better than the earlier appropriator may have offered, both in respect to the charges and in respect to the terms under which the property is to be taken over at the end of the period. For instance, the later appropriator, or the man having made no appropriation at all, offers to furnish power at $20 per horsepower and the earlier appropriator offers to furnish it for $30 per horsepower. In that case the intention of the Senator from West Virginia is that the more favorable proposition shall be taken. Under those circumstances the later appropriator is up against the necessity of acquiring the rights of the earlier appropriator, and the only way he can do so is by a proceeding in eminent domain. It seems to me that that is the way that the matter should be left. It should be presented as a question of which offers the better terms and, of course, the later appro-

priator will be obliged either to purchase from the earlier appropriator or to acquire his rights by eminent domain to make good his proffer.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from California?

Mr. WALSH. I do.

Mr. WORKS. I should like to ask the Senator from Montana whether the later appropriator could maintain an action to condemn the right if he was proposing to use it for precisely the same purpose? As I understand, condemnation can only take place for a higher right, and in that way he would be prevented from maintaining an action of that sort. It seems to me that there could be no choice between two persons, where one of them already has a right under the State laws to appropriate the water and the other party has no right at all upon which he could act.

Mr. WALSH. That was just the proposition that I was going to present. It may be that the later appropriator would not even be able to invoke the right of eminent domain to acquire the right of the prior appropriator; in which case his permit would be useless to him; he could not reduce it to use; he could not have any use of it.

Mr. CHILTON. Mr. President——

Mr. WALSH. I hope the Senator will pardon me for a moment. Of course, a water right may be condemned and utilized for public purposes; that is to say, rights used for agricultural purposes or for irrigation and owned privately may be condemned and utilized for a municipal supply and, doubtless, for other public purposes. Whether one utilizing water rights for purposes of irrigation could be subject to proceedings in eminent domain so that the water might be utilized for the development of power is a matter which, of course, depends upon the local law and regulation.

Mr. CHILTON. Mr. President, I want to ask the Senator from Montana a question. Would not the supposed case presented by the Senator from California [Mr. WORKS] bring up the very question that I suggested a moment ago, which would be whether or not the Federal Government had the right or the State had the right? Surely, no matter what right a man might have or a company might have in the State, if the paramount right to deal with this subject were vested in the Congress, and Congress should under this bill grant the permit, then the later company would have the right to condemn the land. There can be no doubt about that. After all, it is a question of where the jurisdiction is.

Mr. WALSH. If he did not have the right to condemn, his permit would not be of value.

Mr. CHILTON. Certainly not.

Mr. WALSH. I do not think, therefore, Mr. President, that there is just cause for apprehension such as is felt by the Senator from Utah, and which prompted him to offer this amendment. I am myself more concerned as to another possibility here, and that is the possibility of complete monopoly. If a corporation already operating many similar enterprises throughout the country, and in practical control of all like enterprises in a particular region, can offer just a little bit better terms than his rival—and ordinarily he is in a situation to do so—the award must be made to him. That is the only dangerous feature of the amendment offered by the Senator from West Virginia that addresses itself to me, and the more I think about it the more I am disposed to think that it is a peril in the amendment that probably was not contemplated by the Senator from West Virginia. Of course, the great, large company now occupying a position of advantage in this matter, controlling all of the developed power sites within an extensive region, having its transmission lines over an extensive territory, will be in a situation where it can offer better terms with respect to the undeveloped sites than can the ordinary competitor for that particular opportunity for development. There is that danger in the feature of the bill as it now stands, incorporated in it by the amendment offered by the Senator from West Virginia.

Mr. JONES. Mr. President, is the question now on the motion to reconsider?

The PRESIDENT pro tempore. No; a separate vote being desired on this particular amendment by the Senator from Utah [Mr. SMOOT], the question will be on the adoption of the amendment.

Mr. JONES. Mr. President, that is what I thought; but I wanted to be sure about it.

Mr. President, the provision as it is in the bill was adopted after very great consideration, after considerable discussion, and after several suggestions had been made to get the situation covered. It seems to me that the rule laid down in the bill is just about as definite and as certain a guidance to the Secretary of War as it can be, and it is also in the interests of the people. I myself think, as I have before said in the consideration of this measure, that we ought to make the conditions of the bill just as plain and definite as possible. We ought not to leave any more discretion to administrative officers than is absolutely necessary.

This provision which is proposed to be stricken out relates to a certain class of applicants. It goes into effect only "as between contesting applicants for a permit hereunder having the legal qualifications required by this act, and being equally well qualified to comply with the conditions imposed herein." If there are two applicants who come to the Secretary of War who are not equally qualified to comply with the law, then this provision, which it is proposed to strike out, does not apply at all. It is only where the Secretary of War finds that there are two applicants equally well qualified to carry out the purposes of this act that the provision that is to be stricken out applies.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from California?

Mr. JONES. Yes.

Mr. WORKS. I suppose that could only occur where two applicants had an equal right to use the water of the stream. That is necessarily one of the qualifications, else he could not be granted a permit at all.

Mr. JONES. I am not so sure about that. I do not think that he would have to be actually in the possession of such rights in the stream if he could show that he was able to acquire them, not only financially but otherwise. I would think that if there were two applicants they would be considered equally well qualified, if that could be shown to the Secretary of War. At any rate, we have put in here a definite rule under which the Secretary of War is to decide between two equally well qualified applicants. The rule is that the applicant who has first acquired the right to divert the water of the stream, and so forth, and has complied with the laws of the State, shall be given the preference. Now, if there are no State laws to be complied with, then the applicant who is first in point of time is given the preference. Under the amendment suggested by the Senator from West Virginia those provisions are stricken out, and a very wide discretion is left with the Secretary of War in determining the inducements offered by the various applicants as to what they will do 50 years from now.

One may offer better terms than the other with reference to rates to consumers. It occurs to me that under the provisions of this bill the consumers' rights are better protected than with a provision of that sort. In a State having a public-service commission, which would regulate the rates, suppose the company that makes the best proposition to the Secretary of War finds that its rates are too low and that it can not make any profit. It must go out of business and abandon its works, or else it must get some relief from the public-service commission. If the amendment of the Senator from West Virginia should prevail, and that condition of things were to come about, would we find that the public-service commission would not allow that company to change its rates and raise them? I suppose probably the permittee would be bound by his contract with the Secretary of War, and that his right to maintain the dam could be terminated, even though the public-service commission would be willing to allow him to raise his rates and should find that he was actually running his business at a loss, because it must not be forgotten that these terms and these conditions must be determined upon before the permittee starts on the work, even before the construction of the dam is begun.

Mr. CHILTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from West Virginia?

Mr. JONES. I yield to the Senator.

Mr. CHILTON. That is the significance of the words "under the provisions of this act" used in the amendment. The very point which the Senator now makes was thought of and discussed. It does not make any difference what the offer may be, or anything of that kind, the charges can not be higher than fixed by the public service commission of the State. The permit must be granted to the one offering the best terms; but it must be "under the provisions of this act," which provide for regulation and control by the State.

Mr. JONES. Very well. Then I submit that the amendment, so far as that is concerned, is absolutely useless, because the public-service commission will see to it that a permittee does not get any more than fair, just, and reasonable compensation.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. The Chair will admonish the Senator that if he yields another time, he will forfeit his right to further address the Senate to-day on this particular amendment.

Mr. JONES. I do not know that I would care if I should forfeit that right. I have said about all that I care to say. I think it would be unwise to adopt the amendment of the Senator from West Virginia. I think we ought to relieve the Secretary of War just as much as we possibly can from any embarrassment that might come to him in determining between the different applicants for a permit. I have heard frequently in my service here of suggestions against this Secretary and that Secretary that he had favored this man or that man or this company or that company at the instance of some political influence or some improper influence. I do not believe that is the case; but I want to relieve the Secretary from such imputations just as much as I possibly can. I think we have laid down in this bill a clear, certain, definite rule to guide him, and one that will also protect the public interest and the people of the States. Now I yield to the Senator from California, as I have concluded.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. The Senator from California is recognized.

Mr. WORKS. Mr. President, I did not want by any act of mine to take the Senator off the floor, but if he has concluded——

The PRESIDENT pro tempore. The Senator from California has been recognized in his own right. He does not have to ask anybody's permission.

Mr. WORKS. The Senator seems to assume that the Secretary of War may fix the rates at the time of the contract. Does the Senator think so?

Mr. JONES. No; I do not.

Mr. WORKS. Are not the rates subject from that time on to regulation, either to be increased or decreased, by the State authorities?

Mr. JONES. I think so. That, however, was the only basis in favor of the amendment of the Senator from West Virginia. It seemed to me, even if the Secretary did make a contract, that the public-service commission could regulate the rates.

Mr. CHILTON. Mr. President, just one suggestion.

The PRESIDENT pro tempore. The Senator may ask unanimous consent to address the Senate for such time as he thinks he may desire to occupy the floor, but he has addressed the Senate twice on this proposition.

Mr. CHILTON. Twice?

The PRESIDENT pro tempore. Yes.

Mr. CHILTON. Then I ask unanimous consent to address the Senate again.

The PRESIDENT pro tempore. For what length of time does the Senator desire to address the Senate?

Mr. CHILTON. Not exceeding five minutes.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and the Senator is recognized.

Mr. CHILTON. Mr. President, I did not know we were enforcing that rule.

The PRESIDENT pro tempore. It will be enforced until the pending bill is disposed of.

Mr. CHILTON. I am not criticizing the Chair. I think it a healthy sign, and I wish it would be enforced more frequently.

Mr. President, there is one suggestion made by the Senator from Montana [Mr. WALSH] as to this amendment which is worthy of serious consideration, and to which I gave consideration before I offered the amendment, and that is that it may tend to monopoly. You may say that practically about anything that is in this bill. Mr. President, if a large concern will give the people the best service at the lowest figure and will do the best for the Government, shall we say that it shall not be allowed to enter upon this work, or shall we put conditions in the bill that will protect the Government and protect the public service? The power of money and the power of great aggregations of capital can be controlled under the Sherman antitrust law or some other statute; but it would hardly do to say that they shall not bid, because sometimes they will be the only ones who will want to bid; they will be the only ones who will want to make an application for these permits. I have thought over all that, and I do not see anything in the world in this amendment that is not fair to everybody concerned. Monopoly may result from this bill, but my amendment provides its best antidote, which is competition. It seems to me that the Senate was right when, as in Committee of the Whole, it adopted the amendment, and I hope the amendment will be concurred in now.

Mr. BANKHEAD. Mr. President, I desire to say just a few words in connection with this amendment.

I was greatly surprised on looking at the RECORD this morning to see that this amendment had been adopted. I do not recall when or under what circumstances it was adopted and went into the bill; but, Mr. President, I do not think there is any doubt whatever about the fact that, if this amendment remains in the bill as a part of the bill, it will almost entirely revolutionize and almost destroy the purpose for which the bill was framed.

This amendment, if it means anything, takes supervisory power away from the State commissions and from the Interstate Commerce Commission, where the power produced goes into interstate commerce, and reposes it in the Secretary of War. That is its inevitable effect, if it has any effect at all.

Another objection, Mr. President, to this amendment, to my mind, is that it will open the door wide and invite speculators or promoters or men of that class to seek franchises under the provisions of this amendment, although they may have no idea when they receive them that they will ever undertake development work. They simply want to get in, to get a claim, and then hold up some legitimate company that can under the provisions of this bill go on and make the development. They can hold up those who want to make such improvements until they are willing to be blackmailed, if that is a proper expression on the floor of the Senate.

Mr. President, after we have been considering this bill for 30 days, after every provision of it has been carefully examined and discussed by the ablest lawyers in the country, when every provision of it has been construed on the floor of the Senate, when every section of it has been construed with reference to its relation to other sections of the bill, it seems to me that it would ill befit the Senate to have this bill destroyed simply for the purpose of meeting an imaginary condition or situation which the Senator from West Virginia seems to think exists in his State. The amendment, of course, would apply to all the States; it would apply equally to every river in the country that is sought to be improved; it would apply equally to every station where power is sought to be developed, and, in my opinion, if the amendment offered by the Senator from West Virginia remains in the bill, it will mean almost the utter defeat of what we have intended to accomplish by the passage of the bill. I sincerely hope that the Senate will not adopt the amendment.

The PRESIDENT pro tempore. The Secretary will read the text——

Mr. CHILTON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from West Virginia will state his parliamentary inquiry.

Mr. CHILTON. As I understand this provision, this amendment was adopted by the Senate as in Committee of the Whole. I inquire what is the question on which the vote is to be taken?

The PRESIDENT pro tempore. The amendment having been reserved, it comes up de novo, and the question is on concurring in the amendment made as in Committee of the Whole.

Mr. CHILTON. I thought the question was on the motion to reconsider.

The PRESIDENT pro tempore. The Senator from Utah made a motion to reconsider, but under the parliamentary status the question will be "Shall the amendment of the Senator from West Virginia be concurred in?" Those in favor of that will vote "yea" and those opposed will vote "nay." The Secretary will read the text as it will stand without the amendment of the Senator from West Virginia, and then read it as it will exist in the event of the amendment being adopted.

The SECRETARY. Two amendments were inserted at this place on motion of the Senator from Washington [Mr. JONES]. As amended the text reads:

> Preference shall be given to that applicant which has first acquired the right to divert the water of the stream by means of the dam, to erect which the permit is sought, and otherwise complied with the laws of the State or States in which the dam or diversion structure is to be constructed, or if there are no State laws to be complied with, the preference shall be given to the first applicant.

It is now proposed to strike out those words and to insert the amendment following the word "applicant," so as to read:

> Preference shall be given to that applicant which offers in good faith to the United States the most favorable terms for taking over the property at the end of the franchise and the lowest rates for public service under the franchise under the provisions of this act.

The PRESIDENT pro tempore. The question is on the adoption of the amendment.

Mr. SMOOT and Mr. JONES called for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Utah asks for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I announce my pair with the senior Senator from New Mexico [Mr. FALL], and withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN], and withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Texas [Mr. CULBERSON], and will vote. I vote "yea."

Mr. WALSH (when his name was called). I make the same transfer of my pair as on the preceding vote, and vote "yea."

The roll call was concluded.

Mr. JAMES (after having voted in the affirmative). I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Nevada [Mr. PITTMAN], and will allow my vote to stand.

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Alabama [Mr. UNDERWOOD], and will vote. I vote "yea."

Mr. COLT. I am paired, but on this matter I am at liberty to vote. I vote "nay."

Mr. WILLIAMS. I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the junior Senator from New Jersey [Mr. HUGHES], and will vote. I vote "yea."

Mr. REED (after having voted in the affirmative). I desire to change my vote from "yea" to "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Indiana [Mr. SHIVELY];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Illinois [Mr. SHERMAN] with the Senator from South Dakota [Mr. JOHNSON]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN].

The result was announced—yeas 30, nays 32, as follows:

YEAS—30.

Ashurst	Kenyon	Newlands	Stone
Chamberlain	Kern	Norris	Thompson
Gore	La Follette	Owen	Tillman
Hardwick	Lane	Poindexter	Vardaman
Hollis	Lea, Tenn.	Pomerene	Walsh
Husting	Lee, Md.	Robinson	Williams
James	Martine, N. J.	Sheppard	
Johnson, Me.	Myers	Smith, Ga.	

NAYS—32.

Bankhead	Curtis	Martin, Va.	Simmons
Brandegee	du Pont	Nelson	Smith, Ariz.
Catron	Gallinger	O'Gorman	Smoot
Clapp	Gronna	Oliver	Sterling
Clark, Wyo.	Harding	Page	Sutherland
Clarke, Ark.	Jones	Ransdell	Swanson
Colt	McCumber	Reed	Wadsworth
Cummins	McLean	Shafroth	Works

NOT VOTING—34.

Beckham	Fall	Overman	Smith, Mich.
Borah	Fletcher	Penrose	Smith, S. C.
Brady	Goff	Phelan	Thomas
Broussard	Hitchcock	Pittman	Townsend
Bryan	Hughes	Saulsbury	Underwood
Burleigh	Johnson, S. Dak.	Sherman	Warren
Chilton	Lewis	Shields	Weeks
Culberson	Lippitt	Shively	
Dillingham	Lodge	Smith, Md.	

So the amendment, made as in Committee of the Whole, was nonconcurred in.

Mr. REED. Mr. President, I changed my vote for the purpose of being able to make a motion to reconsider. I move to reconsider the vote just taken.

The PRESIDENT pro tempore. The Senator from Missouri enters a motion to reconsider.

Mr. REED. I simply desire to read to the Members who are now present the proposition that has just been defeated. I am sure many voted under a misapprehension. I read:

> Preference shall be given to that applicant which offers in good faith to the United States the most favorable terms for taking over the property at the end of the franchise and the lowest rate for public service under the provisions of this act.

That is to say, when the permit is about to be granted, preference shall be given to that applicant who offers the most favorable terms to the Government and who offers the most favorable terms to the public.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. One moment. The amendment was accepted by the chairman of the committee, and went into the bill. It seems that the committee afterward declined to concur in the decision of the chairman of the committee, with the result that the Senate has now stricken from the bill a provision which simply provided that in giving these permits preference shall be given to that applicant who offers the most favorable terms to the public and to the Government.

Mr. O'GORMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield, and to whom?

Mr. REED. I think I ought to yield to the Senator from New Hampshire [Mr. GALLINGER], who rose first.

The PRESIDENT pro tempore. The Chair sees several Senators present who are not familiar with the rule under which we are working to-day. It is a rule which was established within the last few years, namely, that when a Senator yields for more than a simple question the second time he forfeits the floor.

Mr. REED. I yield for a question.

Mr. GALLINGER. I simply desire to propound a question for information. I will ask the Senator if this language is a substitute for language stricken from the bill; and if so, what it is? I desire to vote intelligently, and I have been forced to be absent during part of the day.

Mr. REED. The bill as it stood before the amendment——

Mr. O'GORMAN. May I ask the Senator from what page he is reading?

Mr. REED. I am reading from the CONGRESSIONAL RECORD, at page 3680.

Mr. SMOOT. Page 7 of the bill.

Mr. REED. The bill as it stood before the amendment read as follows:

> Shall give preference to that applicant which has first acquired the right to divert the water of the stream by means of the dam, to erect which the permit is sought, and otherwise complied with the laws of the State or States in which the dam or diversion structure is to be constructed, or, if there are no State laws to be complied with, the preference shall be given to the first applicant.

The motion was to strike that out and to insert:

> Which offers in good faith to the United States the most favorable terms for taking over the property at the end of the franchise and the lowest rates for public service under the franchise under the provisions of this act.

It will be noted that the substitute affects both the people and the Government—the Government at the end of the 50-year term, the people during the 50-year term.

The substitute having been defeated, I made the motion to reconsider simply in order that I might make this statement and that those who were out of the Chamber and may have voted inadvertently might have the facts before them. I only wanted to say that much.

Mr. CLARK of Wyoming. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Wyoming will state it.

Mr. CLARK of Wyoming. I may have been mistaken, but I understood that the action just taken was upon a motion made by the Senator from Utah [Mr. SMOOT] to reconsider the vote——

The PRESIDENT pro tempore. No; it did not come in that way. The amendment was reserved, and the vote came directly. This is a motion to reconsider the vote by which the amendment was rejected in the Senate.

Mr. CUMMINS. Mr. President, I voted against the amendment proposed by the Senator from West Virginia, and I shall feel constrained to vote against it during the further consideration of the matter.

The great vice of this bill is the unlimited discretion with which it clothes the Secretary of War. When this paragraph was before the Senate I tried very hard to secure an amendment the effect of which was that if the applicants were equally well qualified to do the work the preference should be given to the first applicant. I believe that is an essential. I do not intend by my vote to give the Secretary of War the right to take applications for this permission, hold them indefinitely, and then decide as between them who ought to have the permission. It is too dangerous, as it seems to me.

If the amendment of the Senator from West Virginia had not eliminated that part of the bill, which was adopted by the Senate after considerable discussion, and, I thought, for a very good reason, I might have been tempted to support his amendment, because it announces, generally speaking, a good prin-

ciple; and yet it is very likely to keep the promise to the ear and break it to the hope.

The bill as it is now provides a definite rule for the ascertainment of the value of the property that is to be taken over by the Government at the end of the franchise. There is, in my opinion, no way in which that rule can be avoided unless the bill itself is changed. I tried, as Senators know, very tediously, but unsuccessfully, to secure some change in that rule that would make it more just to the people. So far as the terms of the service are concerned, there is not a Senator here who does not know that no agreement with regard to terms running throughout a period of 50 years can be made. It will be a barren right to the Secretary of War.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I am sorry to say, Mr. President, that under the ruling made by the Chair I can not yield, unless it is for a simple question.

Mr. REED. A simple question.

Mr. CUMMINS. I yield for a question, assuming that it will not deprive me of the floor, although I am about ready to yield the floor.

Mr. REED. Does the Senator mean to say that in making a proposition to the Government with reference to terms it could not be made in the form of a rule or principle by which the rates should be determined?

Mr. CUMMINS. I very much doubt it, Mr. President, under the terms of this bill; but even if there were no doubt with regard to that subject, I am not willing to clothe the Secretary of War with the authority to say what are the most favorable terms as to ascertaining the value of the property 50 years in advance. I find myself differing widely from the Senator from Tennessee with respect to that subject. He thinks that the rule that is in the measure now is the most favorable rule, the fairest rule for the ascertainment of value. I do not; and I am unwilling to say to the Secretary of War that he can agree with the applicant upon a rule for the ascertainment of value, for he may be as blind to reason as I think the Senator from Tennessee is blind to the equities of the matter.

For these reasons, and because where honorable, reputable applicants appear before the Secretary of War equally qualified to discharge the duty that is to be imposed upon them or to develop the enterprise that is involved I think the applicant first in time ought to receive the permission, and that it is far better to guard against excessive charges for service through the constituted authorities of the State and the United States than it is to submit that matter to the Secretary of War for an agreement lasting over a period of 50 years or more, I shall feel constrained to vote against the amendment.

Mr. NEWLANDS. Mr. President, may I ask the Senator from Iowa a question before he takes his seat?

The PRESIDENT pro tempore. Does the Senator from Iowa yield the floor?

Mr. CUMMINS. I had yielded the floor, Mr. President.

The PRESIDENT pro tempore. There is no objection that the Chair can see, then, to the Senator answering the question.

Mr. CUMMINS. I wondered why the President pro tempore asked me the question, inasmuch as I had yielded the floor.

The PRESIDENT pro tempore. The Senator from Nevada desires to address an inquiry to the Senator from Iowa. He can answer it or not, as suits him.

Mr. CUMMINS. Does the Chair allow me to answer the question?

The PRESIDENT pro tempore. It is not a question of the Chair allowing the Senator.

Mr. CUMMINS. I shall be very glad to do it, if I can.

Mr. NEWLANDS. I wish to ask the Senator, who states his objection as to the part of the amendment that relates to the better rate that is to be secured to consumers, whether he applies the same objection to the portion of this amendment which relates to the final terms upon which the property is to be turned over to the Government?

Mr. CUMMINS. Mr. President, I did not attempt to rank in persuasive power or in dignity the two objections that I made to the amendment. I do not believe that either of those things ought to be determined by the Secretary of War—one to be carried out after a period of 50 years and the other to be carried out during the period of 50 years. For the former we have adopted a standard—I think, a very unjust standard. For the latter, the protection to the people against excessive rates, in my judgment, we will be compelled to depend upon the general power of the Government; and I would not want an agreement entered into by the Secretary of War and the applicant to be persuasive or potential upon the public authorities after a period of 25 years had elapsed. I think an agreement of that sort might practically destroy the benefits of control and regulation of the service.

Mr. BORAH. Mr. President, I did not vote upon this last amendment, because I came in too late to understand the purport of the amendment; but the amendment, as I understand, reads:

> Preference shall be given to that applicant which offers in good faith to the United States the most favorable terms for taking over the property at the end of the franchise—

There could not be any objection to that amendment thus far, in my mind—

> and the lowest rate for public service under the provisions of this act.

Do I understand that the Senator who is urging this amendment assumes that the Secretary of War would enter into a contract fixing rates for any particular length of time?

That is a very vital matter to the Western States. In the first place, I do not think we could do such a thing. In the second place, it would be unwise, as a matter of policy, to undertake to do it. The matter of fixing rates ought to be left entirely to the rate-fixing power within the State, unless it is interstate carrying, and then it should be left to the body which is provided for the purpose of fixing such rates.

I do not want to record any vote here which would seem to indorse the proposition that the rate-fixing power can be lodged in any Secretary—the Secretary of War or the Secretary of the Interior—here in Washington. I presume that is what this amendment is undertaking to do. While I do not think, as a matter of law, we could do it, I have no desire to indorse the policy, even if we had the power to do it.

Mr. HARDWICK. Mr. President, I want to say just a word on this matter.

I voted for the amendment of the Senator from West Virginia under a misapprehension. If the Senator's proposition stood alone, and was considered without any reference to the balance of the bill, a vote in the affirmative would be the only vote that any Senator could cast. But when it is recalled that in the bill itself provision is made that these rates shall be controlled by the public-service commissions in each State, and when it is further remembered that in other parts of the bill provision is made that the property shall be paid for at its fair value at the expiration of the franchise, then it becomes apparent that by adopting the amendment of the Senator from West Virginia we would completely destroy the theory of the bill elsewhere. We would set up in the Secretary of War the right to pass on these rates, whereas the bill intended to put that right in each State.

Therefore, having voted under a misapprehension, and having voted for a proposition as to which, standing alone and considered alone, the right would apparently be on one side of it, I think the Senate, when it considers the matter, will vote the other way. I will change my vote, I know.

Mr. WORKS. Mr. President, if any Senator is supporting this amendment under the belief that the Secretary of War can fix or control the rates to be charged for the power, either by contract or by rule, he is laboring under an error. That power belongs absolutely and exclusively to the States. The Secretary of War has no such power, as I have contended heretofore, and Congress can not vest him with any such power. It is a part of the sovereign power of the State.

The Secretary of War may impose conditions that are not satisfactory to the State and thereby defeat the whole project, and the State may do precisely the same thing; but whenever the dam is constructed, and the power is to be supplied, then it comes immediately under the control of the State. The State may not only fix the rates to be charged for the power, but it may determine that the water shall be used for some other purpose, notwithstanding any control that may be made by the Secretary of War; for example, for irrigation.

So I hope Senators will not support this amendment upon any theory or belief that the Secretary of War has any such power.

Mr. SMOOT. Mr. President, if the amendment of the Senator from West Virginia is adopted, it will be at variance with other parts of the bill and particularly with that part which provides that interstate rates are to be fixed by the Interstate Commerce Commission. No one will doubt but that the State has a perfect right to fix the rates charged within the State. The Senator's amendment provides that a preference right shall be given to that applicant "which offers in good faith to the United States the most favorable terms for taking over the property at the end of the franchise and the lowest rates for public service under the franchise under the provisions of this act."

Mr. President, that simply means that there will be a conflict of authority. The Secretary of War has no authority whatever to fix rates within a State, and the bill is so framed. If interstate rates, they are to be fixed by the Interstate Commerce Commission and not by the Secretary of War.

If Senators will consider for a moment the provisions of the bill as reported to the Senate, they will see that the preference right shall be given to the applicant having met the following State requirements: First, the applicant must acquire the right to divert the water of a stream by means of a dam. That right is secured from the State, and the State must grant the right for that purpose.

Mr. POINDEXTER. Mr. President——

Mr. SMOOT. I will yield in just a moment. Next, the applicant must otherwise comply with the laws of the State or States in which the dam or the diversion structure is to be constructed. Those are the two requirements as provided in the bill as reported. But before the Secretary of War is authorized to grant the permit certain State laws must be complied with. The amendment of the Senator from West Virginia authorizes the Secretary of War to grant the preference right to the one which offers in good faith to the United States the most favorable terms for taking over the property at the end of the franchise. If that was all the amendment, nobody would object, but that is not the part of the amendment that is objectionable.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. For a question.

Mr. REED. Does the Senator from Utah want the Senate to understand that if two applicants came before the Secretary of War asking for a franchise and one of them said that it would furnish electric light at 10 cents per kilowatt hour and another said he would furnish it at 5 cents per kilowatt hour, and thereupon the permit was to be given to the man who specified 5 cents as the price, that that would in any manner deprive a public-service board of the power to make a further lower rate? Would it not simply be a limit upon the cupidity of the corporation? Would not the public-service commission be at liberty to go as much lower as they pleased, whereas at the same time the grantee could not go above the rate he had contracted as his maximum?

Mr. SMOOT. Not necessarily, Mr. President.

Mr. REED. Why not?

Mr. SMOOT. For the reason that neither Congress nor the Secretary of War could delegate such power to an individual or a State. The Senator must admit that that power can not be delegated by Congress.

Mr. REED. Mr. President, if the Senator will yield——

Mr. SMOOT. For a question only.

Mr. REED. For a question. Does the Senator mean to say that when we authorize the Secretary of War to make one of these contracts the contract can not contain provisions favorable to the people as a matter of contract, and that those favorable conditions bind the contractor so that he can not violate them and yet enjoy his privilege?

Mr. SMOOT. The binding of the contractor according to any agreement made by the Secretary of War will not release him from the absolute control of a State commission that has that power of control.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. The questions of the Senator from Missouri are growing slightly elaborate. Still the Chair has not insisted upon enforcing the rule.

Mr. REED. I do not want to exhaust the patience of the Senate or trench upon any rule. I will try to make my questions as concrete as I can if the Senator will yield for a further question.

Mr. SMOOT. For a question only, Mr. President.

Mr. REED. Does the Senator mean to tell the Senate that if a man comes to the Government and asks for a permit and in that permit fixes a maximum price, he can not by his contract thus made bind himself not to go above that price?

Mr. SMOOT. Certainly, Mr. President, with the Government of the United States he can; but that is not the question involved here. The question involved, if the amendment of the Senator from West Virginia is adopted, gives the right to the Secretary of War to name rates within a State by agreement with the permittee, and that can not be done, in my opinion. Mr. President, I do not care to take any more time on this question.

Mr. CHILTON. Mr. President——

Mr. SMOOT. Just one moment, if the Senator will permit me. The Senator from Missouri made a statement that the chairman of the committee had agreed to the amendment.

Mr. CHILTON. Mr. President, the position of the Senator from Tennessee [Mr. SHIELDS] was as follows: The Senator from Missouri, as I stated heretofore to the Senate, offered an amendment, and the Senator from Tennessee said that he had no objection to make to that amendment. It was therefore adopted, as in Committee of the Whole. I then introduced the amendment which is now under discussion, and the Senator from Tennessee simply said that he himself had no objection to it, but he was stating his own personal views about the matter and did not pretend to state what the committee would think about it or what might be any action of the committee. I have no doubt the Senator from Missouri overlooked that, and in good faith thought he was stating what had occurred. I do not claim anything for that. I do not want to plead any baby act about it. If it can not stand on two legs and do its own talking, I am sure it will never get through by what its sponsor on this floor can say for it.

But I would like to have the Senate understand what the amendment is and what it means before it votes upon it. I to-day addressed the Senate a little more at length than I am now going to do in trying to explain what it means and the reason I had for introducing it, but of course many Senators were away attending to official business. Then they came here on a roll call and afterwards many of them went away, as Senators generally do, to their committees. So I feel that this proposition of mine has really never been presented to the body that must in the end vote upon it. I therefore should like to have the attention of the Senate to present what the proposition is.

Now, let us see what we are amending. It is a matter of no consequence to me whether the amendment shall be adopted or not. I would not vote for the bill if it has not the amendment offered by the Senator from Missouri and this amendment. That is my own feeling about the matter, and it is fixed. Here is the proposed law as it is without the amendment:

> As between contesting applicants for a permit hereunder having the legal qualifications required by this act, and being equally well qualified to comply with the conditions imposed herein, preference—

Now, recollect "preference"—

> preference shall be given to that applicant which has first acquired the right to divert the water of the stream by means of the dam.

That is, in part, an amendment itself to the original bill. The original bill provided that the permit should be given to the one who first complied with the laws of the State. That was amended as in Committee of the Whole, and the words that preference should be given to that applicant who first acquired the right to divert the water of the stream by means of a dam were inserted. In all candor, tell me what that means. What are we voting for when we command the Secretary of War to give to the contesting applicants which have first acquired the right under the laws of the State, I take it, "to divert the water"? I submit, Mr. President, that that is unintelligible. It is not a direction which can be said to be fair or clear.

Awhile ago, when but few were here, I called the Senate's attention to the fact that there is a condition in some of the States which makes that language absolutely descriptive of the monopoly which has been talked about upon the floor of the Senate. As I explained a few moments ago, I am not going to undertake to disentangle or try to explain here what no one can explain under the decisions as they are now—where a Federal power begins and where State power begins, or where the one ends and the other begins. No one knows so as to satisfy himself on every phase of this legislation. We have studied that question, we have worked on it. Each of us has his own idea. Some of our friends from the West talk about the right to take water. We do not understand that here in the East. Everyone has the right to take water in our part of the country. We do not understand this thing of selling water and appropriating water and water rights like they do in the West; but we do understand the language of monopoly. We do understand, as they do, what is justice. We do understand the danger in using the word "preference" when you give a great permit involving the power of the Federal Government superior, possibly, to the power of the State. Certainly so if the contentions of some Senators be correct.

Mr. President, as I said a moment ago, and I will repeat it, because I have a better audience now than I had then, if the State, as is claimed by our friends in the West, have the right to grant these permits, if the power be in them and not in the Federal Government, what we may do here can not hurt or help any situation; but if, as it seems to me, those who are going to put the money in these propositions suspect, possibly believe, that the paramount power is in the Federal Government under the interstate-commerce clause, and that when we enter upon the exercise of that power by granting rights, ours will be held by the courts to be the superior power. This law will be the

chart rather than the law of the State. If that may be a possibility, we should be careful. I confess I do not know how to describe a "preference." I do not know how to use English that will describe it in a way that will be fair to the Government, fair to the generations that will follow and to this generation, and fair to the users of the product of these public-service corporations. I do not know how to use language that will make a preference that will be fair to everyone, and I do not think it is in the power of any Senator upon the floor to select that language so as to be sure that some one is not lying in wait to get an advantage——

Mr. REED. Preference is an absolute right.

Mr. CHILTON. A preference, as the Senator from Missouri suggests, here means an absolute right.

I said a moment ago this language, in my judgment, would be no plainer and no clearer, so far as some of the States that I know something about are concerned, if instead of saying the first one that "acquired the right to divert the water," it would just say the preference shall be given to the Appalachian Power Co. Why? Because it has already, under the laws of the State, acquired the right to divert the water so far as the State can give it. In others it might as well say the Virginia Power Co. Why? Because it has already, before other investors knew that the Federal Government would act, acquired the right, so far as the States can give it, to divert the water in the streams.

I know that no Senator wants to do this. I absolutely acquit the author of the bill of any such intention, or the committee which reported it of any such purpose. Yet that only shows the vice of trying to describe a preference so as to be just to everybody who has a right to be consulted before you shall give that preference. I know of no way of giving a preference except to give it in the language of the fathers, in the language of justice, by giving the preference to him who gives you the best terms.

Mr. President, the days of angels on earth are past. When you talk about giving a preference somebody must decide it. It must be a human being. It must be the court or Congress or some executive officer. Think what this direction would be to an officer who wanted to do wrong. His directions, upon the one hand, should be to give preference to him who had the "right to divert the water," and then put alongside the broad language of my amendment, which prefers him who shall give the Government the best terms when the time comes that future generations and this Government will be most vitally interested in taking over this property.

Mr. President, there is one other point to which I want to invite seriously the attention of the Senate. When I prepared this amendment I had not been much upon the floor of the Senate while the debate was going on. I was engaged in other duties, in a hearing under the direction of the Judiciary Committee, and I could not stay upon the floor and hear all the amendments. I had to come here when I could and gather the legislative stages as best I could.

I found that there had been an amendment, the one to which I have just called the attention of the Senate, and it was running in my mind to correct it further. I drew my amendment, leaving out the last six words, "under the provisions of this act," so that my amendment read that—

preference shall be given to that applicant which offers in good faith to the United States the most favorable terms for taking over the property at the end of the franchise and the lowest rates for public service under the franchise.

The Senator from Tennessee [Mr. SHIELDS], always, in my judgment, trying to conserve any proper interest and always willing to be fair, suggested the very point which is now being urged by the Senator from Utah. He said that the bill allows the States to control through their public-service commission, and my amendment has put in a direction that possibly might be construed to repeal or to be in conflict with that former provision. He said, "I would not object, so far as I am personally concerned, if you will put in there 'under the provisions of this act,' so that whatever the Secretary of War might do as to rates, whatever proposition might be offered by the permittee as to rates, would still have over it the provisions of this act, which are that the public-service commission shall control in the end." In other words, my amendment was changed to suit the Senator from Tennessee and to meet the objection now made.

Mr. President, I can not think that anyone who considers this matter carefully and seriously can urge the point of the Senator from Utah. Let us see what it means. The Secretary of War shall give preference to him or it which shall offer the lowest rates for public service. That, of course, means a maximum rate still subject, because it is "under the provisions of this act," to be regulated still further by the public-service commission; but always down, of course, because if the public-service commission should make a rate, still you have the agreement of this permittee that it shall be the "lowest rate" that they shall offer. If they would offer 10, say, per unit, still there would be the power of the public-service commission to go to 8 or 9 or 7, but not power to go to 11, 12, or 13. In other words, you have a maximum rate fixed here that prevents a corrupt or an ignorant public-service commission from going above the rate fixed and agreed to.

There is not a single thing that has been urged against this amendment that has not been provided for. It does not take away from the public-service commissions of the States any power they have except the power to go higher than may be provided in the permit. That is all there is to it. It is a simple, plain proposition: Shall the Senate of the United States vote for a preference which no one on this floor, I submit, can define and tell you where it will lead, what it describes or what it does not describe, and vote down this provision to protect present and future generations, to protect the public, and to prevent, if language can do it, a monopoly in this business?

Mr. SHIELDS. Mr. President, the Senator from West Virginia [Mr. CHILTON] has stated what occurred between the Senator from Tennessee and himself correctly. This amendment was never printed. The Senator from West Virginia had one amendment which he presented to me, and we did not reach an agreement upon it. Then the present amendment without the words "under the provisions of this act" was written by the Senator from West Virginia on the floor while other matters were being considered and presented to me and read. I suggested the adding of those words, and they were written in by the Senator from West Virginia. The matter was somewhat hurriedly, so far as I was concerned, disposed of. There were other amendments pending, and of course the amendment was not given that deliberate consideration which it would have received if it had been previously presented to me and examined. I told the Senator from West Virginia, as he has stated, that I would not oppose the amendment. I did not agree to it; I had no authority to agree to it; I had not consulted the committee about it. I construed it at the time as not changing two of the most important provisions of the bill, but which, I understand, it is now insisted it does change; that is, that it gives the Secretary of War a discretion or authority to fix the rates for the power produced at these dams. It was never intended, in my mind, to have that effect.

There is an express provision in the bill that where the power goes into domestic commerce the rates be fixed by the State public-service commissions, and where it goes into interstate commerce by the Interstate Commerce Commission. It was not intended by the bill to give the Secretary of War any authority whatever over rates. The whole frame of the bill is against such an idea. That idea was advanced at one time in the consideration of the bill, but it was stricken out and the present provisions written excluding the Secretary of War from any authority whatever over rates.

The Senator from Missouri [Mr. REED] presented an amendment which was adopted just before this one, and which is in these words:

That before the permit shall be granted under this act the permittee shall first obtain, in such manner as may be required by the laws of the States, consent of the State or States in which the dam or other structure for the development of the water power is proposed to be constructed.

In my opinion, the bill without this amendment, so provided, and in all cases the permittee expressly made subject to the laws of the State in constructing his dam and in conducting his business, which covered and included fixing rates, because that is a matter for State regulation and for State control. This is made prominent in the bill. It was never intended that any other authority should fix rates or have any control over them, except in interstate and foreign commerce.

The bill also contains an express provision for the ascertainment of the value of the property when it is taken over by the United States. It is provided that the fair value shall be paid, excluding any value that might attach to the permit. That section was attempted to be amended by no less, as I now remember, than six proposed amendments, all of which were voted down. It was the intention of the committee at all times that that proviso should control the fixing of the value. It was to be done by mutual agreement between the company and the Secretary of War, or, upon their failure to agree, by resort to the courts.

If, as is argued, the Secretary of War has any authority under this section either to fix rates or to fix the value of the property taken over it is in conflict with the express provisions of the bill to which I have referred and will produce confusion

and conflict of authority, and it was never intended to have that effect.

I like the bill as it is written better than I do the amendment, although it was not written by me. There was another provision in the bill upon the subject, but an amendment was offered by the Senator from Montana [Mr. WALSH] and in the discussion that followed the Senator from Iowa [Mr. CUMMINS] made some suggestions and offered to amend his amendment, and that was followed by a suggestion from the Senator from Washington [Mr. JONES]. Finally, the words stricken out were agreed to upon the floor in that discussion, and were inserted instead of the language of the bill as originally reported; but the words then agreed upon, and now stricken out, were consistent with the other provisions of the bill.

The only agreement—and the Senator from West Virginia very properly corrected a statement made by inadvertence upon the subject by the Senator from Missouri—was that I would not oppose the amendment. I did not oppose it; I did not agree to it. If I had understood the effect now insisted upon that it would override the two provisions of the bill to which I have referred, I would not have made any such agreement, but would have actively opposed it. I then believed and have the belief that the express provisions of the bill concerning the authority to fix rates and the value of property taken are controlling and will not be affected by the amendment of the Senator from West Virginia.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield?

Mr. SHIELDS. I yield the floor.

Mr. REED. I merely wanted to ask the Senator a question, but I can not do so if the Senator sits down.

Mr. BRANDEGEE. Mr. President, it seems to me the amendment proposed by the Senator from West Virginia [Mr. CHILTON] would make it impossible for a company to develop a power plant under this bill. While I am not perfectly familiar with the method by which such a company would operate and fix its charges, it seems to me that an applicant for a permit to maintain a dam and distribute power for 50 years in a given section of the country, in competing with another company for the same privilege, could not make any responsible contract or agreement with the Secretary of War covering all the conditions which would occur during that period. If they put in a dam and develop a plant, nobody can conceive of the territory over which they may deliver hydroelectric power during the next 50 years. Some of it will be sent to points perhaps 10 or 20 miles away, or to whatever distance improved methods of transmission may show to be practicable. The scientific discoveries which may be made in the future in relation to the production and distribution of electricity may be such that the man who now is asked to bind himself for 50 years will be utterly incapable of foreseeing the effect of the contract that he will be called upon to enter into with the Government. I can conceive that, owing to some ingenious invention or device in the distribution of electricity, the process of transmitting electric power for long distances may be so perfected that leakage will practically amount to nothing; and I can conceive that possibly the present rates per kilowatt, or whatever the measure is, would increase or decrease in geometrical ratio according to the distance that the power is carried and the use to which it is to be put. Altogether, it seems to me, the conditions are so complicated that to ask an applicant to bind himself and give bond for the carrying out of an agreement of that kind for the next 50 years would be practically to prevent capital from going into this industry and developing power at all. I may be entirely wrong about that, not being skilled in that line, but I should like to see the power——

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Missouri?

Mr. BRANDEGEE. I yield for a question.

Mr. REED. Does the Senator know of a single franchise that is granted by any municipality or any State where the applicant for the franchise does not bind himself to certain terms and conditions in the contract itself? Is that not true in connection with water, gas, street railway, electric light, and other franchises of every kind? And does not the Senator know that such terms enter into all franchises of that character, unless, indeed, there are a lot of gentlemen representing the municipality who also represent the corporation?

Mr. BRANDEGEE. Well, I am not familiar with any such gentlemen.

Mr. REED. I did not mean that the Senator was. I know the Senator will not take it that way.

Mr. BRANDEGEE. The Senator asks me if I know of a particular case where those seeking a franchise are not required to enter into contracts. I do not know of any instance of that kind. I am not talking about a gas company in a locality where a franchise may be granted by the common council affecting an industry in which the conditions have become established and become known. I am talking about entering upon the development of what is comparatively a new agency, a force of nature. We are entering upon a new policy, and it seems to me, as I said before, that the proposition to throw two competing parties on the judgment of the Secretary of War and his discretion, he not being a particularly technical man in the business and not, perhaps, of a judicial temperament at all, to decide as between two competitors upon the mere assertion of one that he will supply power at cheaper rates than the other would be very unwise.

Furthermore, I do not concede it to be so simple a proposition as would be indicated by an illustration of this kind: One applicant says: "I will furnish it for 5 cents a kilowatt hour, how much will you furnish it for?" The other applicant says, "4 cents," and then the Secretary of War must give the permit to the second applicant, because he has named a lower rate.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Missouri?

Mr. BRANDEGEE. In just a moment. I conceive that the conditions will be so infinitely varied that such a proposition would not control the situation at all. Now I yield to the Senator from Missouri.

Mr. REED. The Senator thinks that the question of who offers the lowest rate is too delicate and intricate a question for the Secretary of War to pass upon?

Mr. BRANDEGEE. No; I do not.

Mr. REED. I understood the Senator to say so.

Mr. BRANDEGEE. No; I did not. I say that is a thing that can practically be determined by the Secretary of War; but the question is not simply one of the lowest rates. The question of the best terms for the General Government and for the public, as I understand, is involved.

Mr. REED. Very well. Now, let me call the Senator's attention to this language which is in the bill——

Mr. BRANDEGEE. I know there is altogether too much discretion granted to the Secretary of War.

Mr. REED. For which the Senator voted and which is not objected to—

> As between contesting applicants for a permit hereunder having the legal qualifications required by this act, and being equally well qualified to improve or develop waterways for the uses of interstate or foreign commerce, preference shall be given to that applicant which is best qualified to expedite and realize the maximum useful development of all the water resources of the region; and as between such contesting applicants which appear equally well qualified in such respect, then preference shall be given to that applicant.

Under the amendment now pending would come in the words "which offers the best terms to the Government and to the people." I want to ask the Senator if the questions put up to the Secretary of War by the bill without amendment, to wit, Which of the applicants is best qualified to improve or develop waterways, which of the applicants is best qualified to expedite and realize the maximum useful development of all the water resources of the region, are not much more intricate and do not require much more technical skill than to find as a fact that one applicant has offered terms which are cheaper to the general public than another may have offered?

Mr. BRANDEGEE. In my opinion, not at all, Mr. President. It would be a comparatively simple matter for any administrator who had any business experience whatever to tell who was the most reliable of the various applicants, who was best adapted and best equipped to carry out the agreement which he had offered to make. The other question is entirely different. The rates may change from day to day or from year to year during the next 50 years, depending upon the cost of the material necessary to maintain the plant and the cost of distribution. To say now that a man must make a contract that during the next 50 years he will not raise the prices per kilowatt-hour so as to pay a fair return upon the capital that he may be required to invest and the new capital that he may be required to put in would be utterly improvident, in my opinion. The public-service commissions of the States are given jurisdiction of the question of making rates. Suppose it is the custom of other companies that are competing with a company operating under this bill to charge higher rates, and suppose the public-service commission finds that the rates ought to be raised, and that the power plant could not keep the agreement it has made with the Government without going into bankruptcy. I say those con-

siderations, in my mind, would operate to defeat the development of our water powers, which this bill is designed to encourage.

Mr. NELSON. Mr. President, when the Senator from Tennessee [Mr. SHIELDS] showed me this amendment at first, I glanced at it casually, and I was under the impression then that it was a bad and vicious amendment; but I made the remark to the Senator: "It is something that we can eliminate in conference. We have had such a long and tedious struggle on this bill that perhaps, to save time, we might let it go in and then dispose of it in conference."

While I am a member of the Committee on Commerce, which has reported this bill, and a member of the subcommittee that has aided in formulating and preparing the bill, I have, as Senators know, avoided, as much as possible, taking up the time of the Senate in this debate. I have been anxious to have the bill passed, because I thought it was one of the most important measures that we could pass at this session.

The bill proceeds on the theory that the States, not the War Department, are to regulate the rates. It is only in a case where it relates to interstate commerce that the Interstate Commerce Commission has jurisdiction.

What is this amendment? It is as follows:

Which offers in good faith to the United States the most favorable terms for taking over the property at the end of the franchise—

That is the first proposition. Now, how in the world can any Secretary of War or anybody else, at the beginning, before it is known what the plant is going to be and what the property is going to be, fix the terms on which the property will be taken over? It is utterly impracticable and out of all reason.

Here comes a company or an individual and says, "I want a franchise to construct a dam here." You never know at the beginning exactly what that plant will be in the end, and it is utterly impossible for the Secretary of War and the applicant to fix or agree upon any price.

Mr. CHILTON. Mr. President——

Mr. NELSON. I decline to yield.

Mr. CHILTON. All right.

Mr. NELSON. I decline because I have taken up very little time, and the Senator has had lots of time on this matter.

Now, as to the other proposition:

And the lowest rates for public service under the franchise under the provisions of this act.

What does that amount to? Are we to be trifled with? The Secretary of War and the applicant have no power to make a binding contract. There is nothing in the bill that would warrant them in doing so; and if the applicant said, "I will furnish it at that rate," the Secretary of War has no authority to agree with him on that rate. So that part of the amendment is simply a Pope's bull against the comet, and nothing else.

I admit that it is rather captivating to men who do not understand it; but it ought to be perfectly plain to anybody who gives the matter clear consideration that the Secretary of War, having no power to make such a contract, the proposition of the man saying "I will furnish the power at such a price" is of no consequence, because he can change the rate at any time if you make him immune from State control. It amounts to nothing at all.

Therefore, for the reasons I have stated—first, because it is impracticable and impossible to adjust, 50 years ahead, the basis on which the property ought to be disposed of at the termination of the franchise, since no one can tell in what condition the property will be or at what rate it ought to be turned over to the Government; and, in the next place, because there is no power in the Secretary of War to make a binding rate, and whatever proposition the applicant might make in respect to a rate would amount to nothing at all—there is nothing in the amendment, and it ought to be rejected.

Mr. REED. Mr. President, I am astonished that Senators advance the argument we have just heard, because a moment's consideration will show that it is unsound.

To begin with, nobody can build a dam across a navigable stream until he gets a governmental permit. We undertake by this bill to vest in the Secretary of War the authority to exact certain terms and conditions upon which such permit shall be granted; yet, if the argument of the Senator from Minnesota is correct, when we undertake to give that power to the Secretary it is null and void, because he has no power to make a contract. Of course, if he has no power to contract, then all the provisions of the bill seeking to vest him with discretion and power are absurd.

What are the facts? The facts are that the Secretary of War is given by the bill, first, permission to grant the permit; second, the power to grant the permit to one person in preference to another; third, the power to exact conditions. In a word, we undoubtedly give him the power to make a contract; and when we give him the power to make that contract the contract will bind the man who accepts it and thereupon builds a dam. The grantee can not accept the benefits of a contract and then repudiate its obligations.

Mr. President, we can confer the power upon the Secretary of War to exact a contract which will safeguard the rights of the public and yet not deprive a State of a single iota of its power of regulation and control. When a city council grants to a street-railway company a franchise to put its tracks in the streets of a city, no matter what terms may be written in that contract, there is still under most constitutions a right on the part of the public to further reduce the charges if they are unjust. But if the builder of the street railway has agreed upon a maximum charge he can not break his contract and charge a higher rate than the maximum he has agreed to take. Accordingly, when these gentlemen come in and ask for a franchise from the Federal Government to put in a dam it can be granted to them upon the condition that they will not charge more than a certain rate. That will bind them; but the State can make a reduction below the maximum whenever it can show that the charges are unjust. The grantee is bound by the maximum he has stated in his contract, but the people of the State are not bound to pay the maximum if it be unjust.

Mr. HARDWICK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I yield for a question.

Mr. HARDWICK. While that is true, what is the necessity of having any such power as that vested in the Secretary of War when full, ample power is vested in every State commission and in the Interstate Commerce Commission to control and regulate the rates?

Mr. REED. I shall answer the Senator. When two parties are bidding against each other for a new franchise, the experience of every American city shows that it can get a better rate under those competitive conditions than you can ever get by regulation. The experience of every American city shows that, and shows it conclusively. I have the utmost respect for and confidence in the Senator in charge of the bill. I ask him to examine the language of the bill as it will stand with the amendment stricken out. I read:

Preference shall be given to that applicant which has first acquired the right to divert the water of the stream by means of the dam, to erect which the permit is sought.

I ask the Senator, What does that language standing alone mean? Surely it means that the man who gets the first right from an authority has the absolute right to demand that the Secretary of War shall issue his permit. And this is true even though he may have under some general statute of a State acquired a right to build a dam. It does not mean anything else than that. It means that if A comes in and offers the most favorable terms to the public, but B has obtained a prior right from a State, preference shall be given to the man who has the prior right, regardless of the proposition the other man may present to the Secretary of War.

Mr. BRANDEGEE. Mr. President——

Mr. REED. Just a moment, until I conclude this thought. I call attention to the fact that a great number of these corporations have already obtained permission from a State to build dams. Sometimes they have failed for years to exercise the right, yet they have nevertheless a prior right already established. In such a case the Secretary of War is robbed of all discretion; he must grant the permit to build a dam to that institution that has first acquired the right to build a dam.

The result is that you have by this bill turned over to the present existing institutions having these rights—and in most instances they are great monopolies, or branches of monopolies tied and interlocked together so as to create a great monopoly—for all time substantially every water power there is in this country. You do this by so drawing the bill as to leave no discretion in the Secretary of War. He must give the permit to the corporation which first obtained a right, no matter whether its hands are black with corruption, no matter whether its oppression of the public has been manifested by years of outrage and extortion.

That is the situation you are creating. Now, what says the Senator from West Virginia by his amendment? "In addition to being there first, the applicant must do something else. It must offer better terms than any other applicant." "Ah, but," say the Senators, "how are you going to fix the terms? How are you going to tell which offer is best? How can you frame

regulations in advance? How are you going to tell so far ahead which rate is the lowest?"

I can answer these questions in two ways. I can answer them first out of the mouth of experience. There is not a single street-railway corporation, there is not a single electric-light corporation, there is not a single gas corporation in the United States that has the temerity to go to any municipality, to any State, or to any branch of the Government and ask for a franchise without stating its maximum rate. They all do it. They do not dare come in any other guise or in any other manner or form than with a proposition of a maximum rate. If all these corporations, at the hour when their franchise is to be granted, and 50 years in advance of its expiration, can specify maximum prices, if they do this in their contracts with every city, town, village, and municipality in the United States, then grantees under this bill can do the same thing when they come to the Secretary of War asking for a grant by the United States. If they do so come, if they do so bind themselves, that fact does not afterwards deprive the State in which they are located of the right to further lower rates, but it places a maximum limit upon the cupidity, the avarice, and the extortion of the grantee. I think I have answered the question of the Senator from Georgia [Mr. HARDWICK].

I call attention to an anomaly. Senators say that the Secretary of War is wise enough, that he is prudent enough, that he is intellectual enough, that he is honest enough, so that we can trust to his discretion and to his wisdom such important questions as this: As between "contesting applicants being equally well qualified," he shall do certain things. We put up to him the duty of passing on the question whether they are equally well qualified. That question involves their capitalization; it involves their management; it involves their experience; it involves their financial power. All these difficult questions, Senators say, can be correctly decided by the Secretary of War.

We put up to him a further question. He is to decide which applicant is "best qualified to expedite and realize the maximum useful development of all the water resources of the region." That question involves the highest technical knowledge. It involves the most complete examination. It involves a degree of skill that only an expert, or one who is advised by an expert, can exercise. The Secretary of War, say Senators, can decide so difficult a problem as that. But when they are asked to put into this bill a provision that will give the Secretary the right to decide whether a certain rate offered by one company is lower than a rate offered by another company, immediately, in the opinion of these Senators, the Secretary of War becomes an idiot, incapable of rendering a decision. Such is the logic of Senators as here to-day expressed.

It is monstrous, it is absurd, to say that the Secretary can pass upon the difficult questions I have called attention to, but that he can not determine so simple a question as whether the rate proposed to be charged by A is greater than the rate offered by B. It will be observed that the intelligence of the Secretary is doubted only when it may be so exercised as to give some protection to the people of the United States. The Secretary becomes a dangerous repository of power only when he may employ that power to break the grip of monopoly or to keep the great natural resources of the country from those who may seek to absorb them for personal gain.

If you do not put this provision in the bill as it is written by the Senator from West Virginia, you will simply say to the Secretary of War, "You can only determine which applicant is the best qualified to furnish power for a district and must grant it the permit." This is only another way of saying that the permit must go to the applicant which is the biggest, which comes the nearest being a monopoly, which is the most powerful, which has the most money. You can not give the permit to another, although he comes offering rates twice as advantageous to the public.

I say that in my humble judgment if we do not reconsider this vote, which I believe was not deliberately taken, then we will have said to the people of the United States, "We propose to grant monopoly a grip upon these great water powers that can not be broken for half a century."

So far as I am concerned, I can not vote for a bill that does not have some such provision as is embodied in the amendment of the Senator from West Virginia. I can not give my support to a measure which says to the Secretary of War "You must grant the permit to the biggest corporation." The qualification regarding the giving of the permit avails little, if anything, if for no other reason than if found in the fact that the big corporation is already on the ground and already has secured the right from States or municipalities to build its dam. The language of the bill "that preference shall be given" means that the applicant shall be preferred, to wit, that he shall be given the privilege. You can not otherwise prefer him.

Mr. President, let me appeal to Senators. I have personally had some experience with these matters. Other men in this Chamber have had experience. I claim no superior wisdom, but I have learned in the bitter school of experience that a line properly written into a franchise grant before it has been granted is worth all the regulation you can get thereafter.

It is said how are you going to fix the price? There are a hundred ways to fix the price. One is for the grantee to agree in its franchise that it will not charge more than a certain fixed sum for the power that is to be furnished. That is one way. Another way is to state in the franchise the amount of the capital investment, and to provide that whenever a certain fixed return has been paid then the rate shall be cut to a point that will only give that return, and that the public shall have the benefit of the reduction. I can stand here for an hour and tell you general rules that can be written into franchises that will protect the people, and it will certainly do no harm to put in some of those rules and then reserve the full and complete right on behalf of the State and municipal and governmental authorities to further regulate the rate.

Mr. CHILTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from West Virginia?

Mr. REED. I do.

Mr. CHILTON. Does not the Senator think it would be most advantageous to add a line in this franchise directed to this point? Here we have been working for days on amendments as to rules under which the Government shall take over the property at the end of 50 years. Does not the Senator think it would be very valuable for the Government to have in this law a provision so that if one contesting company might say when they made the application at the end of the 50 years we will give you the physical property?

The PRESIDENT pro tempore. The Chair is not going at this time to enforce the new rule against unauthorized interruptions very strictly because he is applying it to a very considerable extent by the acquiescence of the Senate. The rule is somewhat new in its practical application except in the case of a filibuster, and the Chair does not want to arrogate any right or privilege that the rule itself clearly does not confer upon the Presiding Officer.

The question must be one that does not bolster an argument but asks for information. Any Senator seeking information from the Senator on the floor addressing the Senate has the right to ask him a question, with the permission of the Senator having the floor, that will elicit information about a matter of fact, but he does not have the right, under the pretense of asking a question, to submit an argument in the nominal form of a question. That is one of the noted methods of instruction and disputation. The Socratic system is based upon arguments advanced in the form of asking questions.

Unless otherwise directed by the Senate, the Chair shall, during his occasional and casual discharge of the duties of the chair, enforce the rule that where a Senator asks a question, if well calculated to elicit information about a matter of fact, it will not be a restraint upon the right of a Senator to continue to occupy the floor; but if he permits another Senator to antagonize his position in the argument or to support it by asking a question that is obviously an argument in fact, although couched in the language of a question, the Senator must understand that he does that at the risk of exhausting his further right to occupy the floor, and that after having thus yielded a second time for an argument of that kind he will be deemed to have voluntarily surrendered the floor.

This rule is being enforced by the acquiescence of the Senate, and if any reasonable number of Senators express a desire not to have it enforced, the Chair will permit matters to proceed as they customarily do in normal times in the proceedings of the Senate.

Mr. CHILTON. I should like to have an answer to my question.

Mr. REED. I will endeavor to answer the Senator from West Virginia. Of course, when you come to the question of the most favorable terms under which a plant might be turned over to the Government, you have a very easy question to answer. One man or one corporation might apply for a franchise and not offer to turn it over at the end of the 50-year franchise to the Federal Government at all except under the terms of the bill, which are, in effect, that the Government shall pay the full value of the plant at the end of the 50 years, not of the dam alone, but, as the Senator from Wisconsin [Mr. HUSTING]

said the other day, the value of the entire plant that is connected up with the dam—every pole and every wire and every dynamo and every manufactory that is connected up with the dam.

Another applicant might come and say at the end of the period of 50 years, "We will turn the dam over to the Federal Government free of any expense, or we will turn it over upon the payment of the cost of the dam itself." Hundreds of beneficial conditions may be easily concerned. Senators see no difficulty in making a contract, I observe, when the Government is granting away things, when the Government is giving that which it has; but there seems to be very grave doubt about the ablity of the Government to reserve any right for itself or for the benefit of the people. The lions roar in the highway only when the people are moving forward and asking for a modicum of their rights.

Mr. President, I thank you.

Mr. SHIELDS. Mr. President, no one has a higher opinion of the ability of the Senator from Missouri [Mr. REED] than I, and no one has greater confidence in his sincerity in any statement or argument that he may make, but I am astonished at the argument the Senator now advances in behalf of this amendment. The arguments he submitted to the Senate the other day in behalf of the amendment offered by himself is directly antagonistic to it. He then said in substance that he could not support this bill if the Secretary of War was to control the business of the developing company.

Provided, however, That before the permit shall be granted under this act the permittee must first obtain, in such manner as may be required by the laws of the States, the consent of the State or States in which the dam or other structure for the development of the water power is proposed to be constructed.

The Senator then wanted no Federal authority over such matters. He wanted it all in the States. Now, according to his argument, he repudiates the State public-utility companies, and wants to vest the power to fix rates in a Federal officer here in Washington, instead of a State public-service commission at his home.

I do not quite see the consistency of these positions.

Mr. REED. Will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Missouri?

Mr. SHIELDS. I yield for a question, but not for an argument.

Mr. REED. Does the Senator not see that a condition——

Mr. SHIELDS. I can not yield for an argument. If the Senator desires to ask a question I will do so, so as to conform to the ruling of the President just made upon this subject.

Mr. REED. I am going to try to put it in the form of a question. Does not the Senator see that as a condition precedent a State might grant its permission and after that the Federal Government might exact further conditions in favor of the people without the two authorities being in conflict?

Mr. SHIELDS. It is absolutely impossible to give the States or their public-utility commission jurisdiction over this matter and at the same time vest it in the Secretary of War. The Senator says the Secretary of War may fix the rate to be charged for the power in the permit and the public utility companies may afterwards reduce it. The Senator has forgotten that this bill has a contractual feature, and that whatever contract is made by the Secretary of War must stand and can not be changed by the State authorities. They could not impair the contract made.

If the rates be fixed by agreement with the Secretary of War the public-service commission would not have the power either to raise or reduce them. It would be a contract; it would be final and binding on all the parties. That shows the absolute impracticability of this proposition contained in the amendment, if it is construed as is now insisted upon by the Senator from Missouri.

You can not construe the whole bill by the provisions of one clause or section. You must consider the whole bill. If this amendment has the effect to require the Secretary of War to give preference to a company "which offers in good faith to the United States the most favorable terms for taking over the property at the end of the franchise and the lowest rate for public service" it will destroy several important provisions of the bill.

The power of Congress to enact this bill into a law depends altogether upon the commerce clause of the Constitution. The improvement of navigable rivers is therefore, in a constitutional sense, the primary object of the bill, although no one will furnish the money for such improvement unless he is allowed the power created by the dams constructed. The bill is so framed that the benefits to navigation must always be paramount. This amendment relates to power exclusively. Now, look on page 4, section 2, at this provision:

Second. The project adopted, including the plans, specifications, and location for any dam and accessory work, shall be such as in the judgment of the Secretary of War shall be best adapted to a comprehensive plan for the improvement of the waterway in question for the uses of navigation and for the full development of its water power and for other beneficial public purposes.

If the amendment insisted upon is to be made, that section is abrogated and the navigation takes a second place. The Secretary of War would be required to contract for rates and the value of the property at the end of the permit. Give this amendment the construction here contended for and it nullifies at least one-half of the provisions of the bill.

Mr. President, it was never contemplated that it would have that effect. I do not think as a legal proposition it can have the effect that the Senators insist it will have. But since they have raised that question and insist so earnestly that it would, the amendment ought not to be allowed.

The object of the bill is to secure the development of water power. If we put a proposition in it susceptible of two constructions, or which is ambiguous, or conflict with the important and vital provisions of the bill, we simply open up the floodgates of litigation and the bill will be in such a form that no sensible man will invest the large sums of money required to make water-power developments.

I feel, Mr. President, that in view of the construction now placed upon this proposed amendment it is my duty to the committee and myself to oppose it and vote against it, and I will do so.

Mr. SUTHERLAND. Mr. President, I do not rise to discuss the amendment but to express the hope that we may have a vote upon this question. We are confronted with this rather singular situation about it. This is the third time the matter has been fully discussed. The amendment was offered yesterday by the Senator from West Virginia [Mr. CHILTON] and it was discussed pro and con.

Mr. NELSON. Did the Senator from West Virginia discuss it?

Mr. SUTHERLAND. Yes; the Senator from West Virginia discussed it, because I heard him. Then to-day the amendment was reserved and was discussed pro and con fully, and we took another vote on it. Now, for the third time, upon the motion of the Senator from Missouri [Mr. REED] to reconsider the vote by which it was rejected, we are again treated to a discussion which has lasted more than an hour pro and con upon the same question. If the motion of the Senator from Missouri should carry, we would have another discussion and the whole subject would be thrashed over again.

I submit to the Senators who are in charge of the bill and who are anxious to have it passed that they themselves ought at least to exercise a little self-restraint in the matter of debate and let us have a vote.

Mr. HUSTING. Mr. President, just a word in answer to the arguments of the Senator from Tennessee [Mr. SHIELDS]. This amendment which has already been adopted has now been eliminated from the bill, and a motion for reconsideration is pending.

The amendment is objected to upon the ground that it gives the Secretary of War too much discretion. If the Secretary has any discretion left in the bill of any importance it is difficult to find it. The discretion has all been taken from the Secretary of War, and if it is placed anywhere it is placed in the hands of a licensee who is going to get the franchise to build a dam. It does seem to me that at least this amendment should be left in the bill. This is one feature in the bill which seeks to give the public something in return for the privilege.

It is claimed now that it is in competition or antagonistic to the provisions governing the duties of the State commission to regulate rates. In the first place, there are a great many States that have not any commission at all. There are but 12, according to Secretary Lane. So commissions in only 12 States can possibly be in a position where they could claim or anyone could claim for them that this is interfering with their duties. I do not know of any railroad commission or rate commission in any State that prohibits a corporation from doing business for less than the rate that they put down. I do not think the people would long tolerate a commission in any State that forbids the public-service commission from doing business for less than the maximum rate.

There is nothing in this amendment that prohibits, as I understand it, the Secretary of War from letting out a franchise for less than the maximum rate of the railroad commission, if they

went above that. It would be repugnant to the provisions giving the regulation of rates to the State commission. All that is left here is for the Secretary of War to get better rates, better conditions, than the State commission.

Now, that is a matter of extreme importance, and it is not at all without precedent in a way. The Secretary of the Interior has now entered an order to lease Indian oil lands upon bonus. An order is entered now in the office of the Secretary of the Interior to let out the Osage Indian lands to the highest bidder and give the privilege to the highest bidder. Here this one small thing, important however in itself, but only concerning one point, is now to be stricken out of the bill, and the bill absolutely stripped of anything that amounts to anything so far, in my judgment at least, as the public interests are concerned.

It does seem to me that the amendment should be permitted to remain in the bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Missouri [Mr. REED] to reconsider the vote by which the amendment made as in Committee of the Whole was nonconcurred in.

Mr. REED called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a pair with the Senator from New Mexico [Mr. FALL], which he has released for the purpose of this vote, and I vote "yea."

Mr. CLAPP (when his name was called). I observe the absence of the senior Senator from North Carolina [Mr. SIMMONS], with whom I have a pair, and unless advised as to how he would vote I shall withold my vote for the present.

Mr. OVERMAN. The Senator from North Carolina, if present, would vote "nay."

Mr. CLAPP. Then I vote "nay."

Mr. JAMES (when his name was called). I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from South Carolina [Mr. SMITH] and vote "nay."

Mr. WALSH (when his name was called). I make the same transfer as announced on the former vote, and I vote "yea."

Mr. WILLIAMS (when his name was called). I have a standing pair with the Senator from Pennsylvania [Mr. PENROSE], but being informed that, if present, the Senator from Pennsylvania on this proposition would vote as I am about to vote, I vote "nay."

The roll call was concluded.

Mr. PAGE. I desire to announce the necessary absence of my colleague [Mr. DILLINGHAM] and to say that he is paired with the senior Senator from Maryland [Mr. SMITH].

Mr. COLT. I have a general pair with the junior Senator from Delaware [Mr. SAULSBURY], but I am at liberty to vote on this amendment, and I vote "nay."

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Alabama [Mr. UNDERWOOD] and vote "nay."

Mr. CURTIS. Mr. President, I am requested to announce the following pairs on this vote:

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Indiana [Mr. SHIVELY];

The Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH];

The Senator from Illinois [Mr. SHERMAN] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN];

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS]; and

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD].

The result was announced—yeas 26, nays 40, as follows:

YEAS—26.

Ashurst	Kenyon	Myers	Sheppard
Chamberlain	Kern	Newlands	Smith, Mich.
Chilton	La Follette	Norris	Sterling
Hitchcock	Lane	Poindexter	Thompson
Hollis	Lee, Md.	Pomerene	Walsh
Husting	Lewis	Reed	
James	Martine, N. J.	Robinson	

NAYS—40.

Bankhead	Broussard	Colt	du Pont
Beckham	Catron	Culberson	Fall
Borah	Clapp	Cummins	Gallinger
Brandegee	Clark, Wyo.	Curtis	Gronna
Hardwick	O'Gorman	Ransdell	Sutherland
Johnson, Me.	Oliver	Shafroth	Swanson
Jones	Overman	Shields	Tillman
McLean	Owen	Smith, Ariz.	Wadsworth
Martin, Va.	Page	Smith, Ga.	Williams
Nelson	Pittman	Smoot	Works

NOT VOTING—30.

Brady	Harding	Phelan	Thomas
Bryan	Hughes	Saulsbury	Townsend
Burleigh	Johnson, S. Dak.	Sherman	Underwood
Clarke, Ark.	Lea, Tenn.	Shively	Vardaman
Dillingham	Lippitt	Simmons	Warren
Fletcher	Lodge	Smith, Md.	Weeks
Goff	McCumber	Smith, S. C.	
Gore	Penrose	Stone	

So Mr. REED's motion to reconsider was rejected.

Mr. HUSTING. Mr. President——

The PRESIDENT pro tempore. The question is, Shall there be any further amendment to the bill? Does the Senator from Wisconsin rise for the purpose of offering an amendment?

Mr. HUSTING. No, sir; I rise to make a motion.

The PRESIDENT pro tempore. Then the Chair will recognize the Senator in a moment. The question is, Shall the bill be engrossed and read a third time?

Mr. HUSTING. I desire to make a motion.

The PRESIDENT pro tempore. The Senator will be recognized for that purpose. This is a formal matter.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. HUSTING. Mr. President——

The PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. HUSTING. Mr. President, while this bill has been debated for several weeks now, it appears from the number of amendments proposed that there has been a great deal of dissatisfaction with the bill. In view of the number of amendments which have been killed and still more dissatisfaction with the bill as unamended, it does seem to me—and I say it with great hesitation—that this bill is not such a bill as should be the last word upon this subject by the Senate. It sems to me that if this bill were referred back to the committee and reconsidered a different bill would be presented to the Senate. I have some reason for saying that I know the bill does not meet with the satisfaction of even some of the members of the committee. For that reason I move that the bill be recommitted to the Committee on Commerce.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Wisconsin.

Mr. KENYON and Mr. REED called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COLT (when his name was called). Making the same announcement as on the last roll call, I vote "nay."

Mr. JAMES (when his name was called). Making the same transfer of my pair as upon the former roll call, I vote "yea."

Mr. SHAFROTH (when the name of Mr. THOMAS was called). I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of illness, and to state that he is paired with the senior Senator from North Dakota [Mr. MCCUMBER].

Mr. TILLMAN (when his name was called). Announcing the same pair and its transfer as on the last roll call, I vote "nay."

Mr. SMITH of Michigan (when Mr. TOWNSEND's name was called). I desire to announce the necessary absence of my colleague [Mr. TOWNSEND] on account of sickness in his family. He is paired with the junior Senator from Florida [Mr. BRYAN]. I desire this announcement to stand for the day.

Mr. BANKHEAD (when Mr. UNDERWOOD's name was called). I desire to announce the unavoidable absence of my colleague [Mr. UNDERWOOD]. If present, he would vote "nay." He is paired with the junior Senator from Ohio [Mr. HARDING].

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. Being advised that he would vote as I am about to vote on this motion, I vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. If he were present, he would vote as I am about to vote. I therefore vote "nay."

The roll call was concluded.

Mr. MCCUMBER (after having voted in the negative). I am informed that my pair, the Senator from Colorado [Mr. THOMAS], would vote the same as I have voted on this question, and therefore I have voted; but fearing there may be some mistake about that I will not allow my vote to stand.

Mr. POMERENE. I have been requested to announce the unavoidable absence of the junior Senator from Delaware [Mr. SAULSBURY]. He is paired with the junior Senator from Rhode Island [Mr. COLT].

The result was announced—yeas 19, nays 49, as follows:

YEAS—19.

Ashurst	Hollis	Lane	Norris
Chamberlain	Husting	Lee, Md.	Poindexter
Chilton	James	Martine, N. J.	Reed
Cummins	Kenyon	Myers	Thompson
Hitchcock	La Follette	Newlands	

NAYS—49.

Bankhead	Gallinger	Owen	Smoot
Beckham	Gronna	Page	Sterling
Brandegee	Hardwick	Pittman	Stone
Broussard	Johnson, Me.	Pomerene	Sutherland
Catron	Jones	Ransdell	Swanson
Clapp	Kern	Robinson	Tillman
Clark, Wyo.	Lewis	Shafroth	Wadsworth
Clarke, Ark.	McLean	Sheppard	Walsh
Colt	Martin, Va.	Shields	Williams
Culberson	Nelson	Simmons	Works
Curtis	O'Gorman	Smith, Ariz.	
du Pont	Oliver	Smith, Ga.	
Fall	Overman	Smith, Mich.	

NOT VOTING—28.

Borah	Gore	McCumber	Smith, S. C.
Brady	Harding	Penrose	Thomas
Bryan	Hughes	Phelan	Townsend
Burleigh	Johnson, S. Dak.	Saulsbury	Underwood
Dillingham	Lea, Tenn.	Sherman	Vardaman
Fletcher	Lippitt	Shively	Warren
Goff	Lodge	Smith, Md.	Weeks

So the motion to recommit the bill to the Committee on Commerce was rejected

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. WALSH. Mr. President, having combatted this bill in a number of its features more or less important, I venture to say just a few words at this time in view of the fact that I shall vote for the passage of the bill. I do so, not because it conforms at all with my ideas of what the country may very properly expect from this Congress in the way of water-power legislation, but as an evidence of my intense desire to see some sensible legislation upon this subject, and in the hope and confident expectation that this bill will be modified materially in the other House, so as more clearly to protect the public interest.

Mr. President, I am the more constrained to take this course because now, since the year 1908, for the long time of eight years, no legislation has passed the Congress authorizing the construction of dams in navigable streams. As my information is, the last act of that kind to become effective was the Rainey river bill in the year 1908. It seems to me not less than a crime that for eight long years it has been impossible to carry on the water-power development in this country, that is going forward with such rapid strides in every other country, simply because there is no adequate legislation.

Mr. President, this bill is seriously defective, in my humble opinion, in two essential respects. First, it makes no provision for any adequate return to the Government for the privileges which are granted by it, which are oftentimes of inestimable value; and, second, because in the recapture clause, by which the property may be taken over by the Government at the expiration of the period of the permit—50 years—there is absolutely no power or privilege granted to the people that they would not have if the bill were entirely silent upon that subject.

It is said that we must take the bill in this way in order to secure any development; that we must hold out these inducements to capital in order that it shall engage in the business of power development. I do not think so at all. Time and again we have been told that we must extend these privileges exactly as they are in the bill or there will be no power development. We are told that there was not any under the act of 1910; that no development has gone forward because of the restrictive features of that act and because of the burdens that it imposed upon investors. What is the truth, Mr. President, about the matter? At an early stage of the proceedings I called the attention of the Senate to the fact that in the year 1912—bear in mind, two years after that act was passed, the act of 1910—an act was passed authorizing the construction of a dam across the Coosa River in the State of Alabama. Another act was debated here at length, and I think received the approbation of the Senate, authorizing the construction of a dam across the Connecticut River. Those two privileges and franchises were applied for by people who were ready to go forward with that development, and if they made the development they were obliged to do it under the provisions of the act of 1910. In other words, capital has been standing here all of these years waiting to go into both of those projects under the provisions of the act of 1910, and subject to all the burdens and the restrictions of that act; but the act of 1910 provided that no development could go on at all, no permit could be granted, unless a special act were passed authorizing the particular improvement, and it was found impossible to get the special act passed by Congress.

The Coosa River bill was vetoed, as you have been told by the distinguished Senator from Alabama. The Connecticut River bill failed in the Congress, and on account of the deadlock that ensued no other applications have been pressed. But in the Fifty-ninth Congress, from 1905 to 1907, 35 special acts authorizing the construction of dams in navigable streams were passed by Congress, and 7 other acts were passed extending the time within which construction might be completed under existing acts. For the last three years—indeed, sir, for the last five years—no one has come here seeking a special act so as to permit operations to go on under the act of 1910, because it was understood that with the division that existed it could not be passed. It is not because of any burdens in that act at all that the development did not go forward.

I am content, however, in the belief that the wisdom of the other branch of Congress, to which, under the Constitution, this bill must go for its approbation, will force the insertion in this bill of provisions that will accord, at least to some degree, with what I believe is the enlightened and the modern sentiment of this country upon this all-important question.

Mr. JAMES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Kentucky?

Mr. WALSH. I do.

Mr. JAMES. I should like to ask the Senator if he does not believe that it would be better for us to defeat an unjust bill, and rely upon the House sending us a just one, than to send over to the House this bill, which is a very unjust one, with the hope that the House might remedy it?

Mr. WALSH. Mr. President, I have thought very seriously about that matter, and I do not mean to say that the consideration which actuates the Senator from Kentucky is not entitled to the greatest weight. It has developed repeatedly that this bill is of immense importance to the northwestern portion of this country, where it will have its greatest application. I do not want to be one to stand any longer in the way of the development of these great resources. If it be true—and I have no doubt it is—that we shall soon have from the House of Representatives a bill upon this subject which conforms much more nearly to my ideas as to what legislation upon this subject should be, I feel sure that the same sentiments will operate to perfect this bill when it goes there. But I submit that it is little less than a crime that the Congress of the United States, for now nearly 10 years, has stood in the way of power development in this country; and we will be participants in that crime unless, during this session of Congress, we dispose of that all-important subject.

Mr. SHAFROTH. Mr. President, the argument which the Senator from Montana has made is against the bill, although he says he is going to vote for it. Let us, just for a minute, see what this bill is.

We passed in 1906 a law for the purpose of producing water-power development. No water-power development took place. Why? Because the terms of the law were too rigid. In 1910 we passed another act so as to let water-power development be made, but no such development took place, because the terms were too severe. Consequently, up to this time nothing has been done in the way of water-power development; and some of the Senators have been putting on amendments, or trying to put on amendments, in this bill so as to make it in the same way, so that there would be no water-power development under this bill.

This bill provides that before a company does anything it must offer to build works to improve navigation to the extent of millions of dollars, which the Federal Government gets for nothing. Is it possible that is such a great monopoly scheme? Is it possible that companies will put up large amounts of money unless they are permitted at least to recoup the amount which they advance?

It seems to me that when we take into consideration the provisions of this bill, and especially the provision that all rates shall be subject to regulation by the utility commissions of the States, we have as nearly perfect a bill of this kind as we can get; and therefore it seems to me, from those views and from the view that we can get development, that this bill ought to pass.

Mr. NEWLANDS. Mr. President, it is with great reluctance that I feel constrained to vote against this bill, for I am reluctant to oppose any form of internal development; but I feel that this bill, operating as it does only upon a detached portion of the waterway development of the country, will, if passed, serve to put the full development of waterways in a strait-jacket in the future.

I think the fault with our legislation heretofore has been that we have taken hold of only detached portions of the waterway

question, instead of treating it fully, broadly, and comprehensively, with a view to developing every beneficial use of water and to mitigating every destructive effect of water. I think the large problem is the one that should be taken first, and logically it includes all these detached portions, and that we should consider the whole first instead of considering the parts first. If we consider the whole problem, we will necessarily include the parts.

I believe that whilst this power is being exercised under the interstate-commerce power of the Constitution, with a view to promoting navigation, action upon detached portions of the waterway question will result in the creation of obstructions to navigation in the construction of costly works, which in time it may be necessary absolutely to obliterate, and we will then pause in such a work of destruction and constructive work in full waterway development for other purposes will be obstructed and delayed.

Mr. President, I am also opposed to this bill, because for years we have been acting upon only detached portions of this subject, although the Democratic Party, now responsible for all legislation, seven years ago indicted the Republican Party in the most vigorous expression for inactivity upon this very question in a platform which unequivocally called for broad and comprehensive treatment of the entire question, the development of rivers from their sources to their mouths, including tributaries and source streams, and specifically including the beneficial uses in addition to the use for navigation for which water can be used, and specifically pointing out the destructive effects which could be averted by scientific development. That declaration was made seven years ago. We lost in that election, and the Republican Party was in power four years without doing anything upon this subject, although its attention was called to it repeatedly, and although there was a report from the former Secretary of War under Mr. Roosevelt's administration—Mr. Taft—indorsing every essential feature of the comprehensive bill which I have been urging so many years, and recommending its adoption by the Committee on Commerce of the Senate.

Three years ago the Democratic Party met in convention again, and not only reiterated the specific pledges of four years before but amplified them. Three years have gone by, and we have had nothing but detached legislation upon this subject—nothing broad and comprehensive, as our platform calls for. We are going into a campaign less than a year hence, and we have now the opportunity of correcting the mistakes we have made in the past and of doing the things which our platform called for and which have been left undone.

This question relates not only to all the watersheds in the country, with their varied activities, but it relates particularly to the development of the great Mississippi Valley, with its numerous tributaries and source streams, embracing nearly two-thirds of the area of the country, which the country is pledged by the platforms of both parties to bring into active harmony and sympathy with the Panama Canal, so that that entire region will be given water transportation down through the Mississippi, through the Panama Canal, to the Pacific coast, and through the Gulf and the Atlantic Ocean to the Atlantic coast. And to-day, as the result of the construction of the Panama Canal and only a partial development of the waterways, we find the great Middle West suffering in competition in its coast markets by reason of the favored competition of the Atlantic coast as the result of unobstructed transportation through the Panama Canal.

Mr. President, as in the past structures have been placed in these streams that have obstructed navigation which have had to be taken out, so in the future you will find the same difficulties; and the trouble will be that a lenient eye will be fixed upon these various water-power developments with a view to cheapening the construction to the promoters of the enterprise; and that inasmuch as the officials in power are not charged as yet by Congress with carrying out a great national policy, they will not be so strict in their requirements of the permittees and grantees of these privileges as to insure an open way for the full development of these rivers for purposes of navigation. The great difficulty with Congress has been that, as I said this morning, it has viewed this entire question through a microscope instead of a telescope. Gimlet eyed, we have been directing ourselves to particular phases of the question, without the breadth of vision that would embrace the entire country and every section of it.

I protest, therefore, against further legislation upon individual phases of this question, upon detached portions of this question, for when the interested parties are secure in what they want, I fear they will obstruct the full legislation for the general good. I call upon the Republican Party to redeem its pledges made under Mr. Roosevelt's administration. I call upon my associates in the Democratic Party to redeem their pledges and to go before the people in the next campaign with one great constructive measure to their credit. Under Republican administrations the great Panama Canal, involving expenditures of nearly $500,000,000, was inaugurated and almost entirely completed. The full development of these waterways for every useful purpose should absorb within the next 10 years at least an equal amount. We are pledged to this great work; and I regard action upon a detached portion as an obstruction to the great policies of the future. I shall therefore vote against this bill.

Mr. REED. Mr. President, I want to say a final word on this bill, and I shall not take more than about three minutes in saying it.

The Senator from Colorado [Mr. SHAFROTH] grows eloquent about depriving the Government of the great benefit and privileges that it is going to get from this bill. This bill is not here for the benefit of the Federal Government. The Federal Government is proposing to grant away a right to private corporations—the right to place obstructions in the navigable streams of the United States. It is not acquiring rights by this bill; it is giving rights away.

It has been said by the Senator from Montana [Mr. WALSH] that this bill is a bad bill, but that he hopes it will be rectified in the other House of Congress. It seems to me that if the bill is bad it is our business to make it a good bill or to kill it here in our own Chamber.

It has been said on this floor that under laws previously passed the conditions were so hard that no private corporation would undertake the construction of dams, and therefore that we are justified in passing this measure. Mr. President, the existence of one bad law never justifies the passage of another bad law. If the old law was bad and ought to be wiped out, it is not necessary for us to put a bad law in its place. We ought to put a good law in its place.

It has been said that the effect of the restrictive legislation of the past was to stop development. That may be true, and by it some injury may have resulted. But at least the old legislation had this virtue. It retained in the Federal Government and in the people the control of these great water powers, and having the control and ownership, the Government still possessed the right at any time to enact laws that would permit their development.

But once you have granted them away, the power of the Government is gone, and it is admitted at least by some Senators who propose to vote for this bill that in thus granting them away we are not properly guarding the interest of the public.

It may be that conservation went wild in this country, and that many great developments were arrested, but I repeat that it at least had this virtue, it retained to our Government its property and preserved intact its rights. But once we have granted them away, they are gone forever.

I say to the Senators with all solemnity, although I do not think my voice will change a vote, but I shall at least have the satisfaction of recording my protest, that the bill proposes, in effect, to grant perpetual franchises to corporations that will enable them for all time to control the water power of this country. The bill proposes to grant a 50-year franchise. That is a long time. Every man in this Chamber will be dead when that period of time has elapsed; yea, and their immediate successors will also be dead. But that is not the end of the matter. When the 50 years have expired, what happens? The Government of the United States can then enjoy the blessed privilege of taking over and paying the full value of the plant, a thing that it can do at any moment and at any time whenever it is necessary to take the property as a public use. But the bill goes further than that. I repeat what has been said and what I have already said: It undertakes to say that when we do resume the control of one of these properties we can not acquire it by simply paying for the structure that is put in the navigable stream, but we are obliged to buy the entire plant that is connected with it. So in order, under the terms of the bill, to acquire the ownership of a dam put into one of the streams of this country we may be obliged to acquire power plants costing millions of dollars, electric apparatus costing millions of dollars, a network of electric wires that may spread for hundreds of miles in as many directions as there are. All of that is loaded on the Government if it takes possession after the 50 years.

I say there never has been such a grant as that passed in the United States of America in the last 25 years, and there is not a man here who can point to a city, a town, or a village that has granted such a right as that.

It is well enough to say we are going to pass it anyway. It is well enough to say there has been obstruction to special bills. What was the obstruction? We passed the Coosa River

bill here in Congress after a long debate. The Coosa River bill was vetoed. Now, instead of being brought forward as a Coosa River bill, we find a bold proposition to pass a bill that will wipe out the control of Congress over all the rivers of the United States to the end, I think, that the Coosa River Dam may be built. I think the power behind this bill is the pent-up energy of the Coosa River Dam project, that remains yet to be built, but that is incubating in the brains and in the councils of some corporation managers.

Mr. SHIELDS. Is the Senator making that charge against the author of the bill?

Mr. REED. I am not making any charge against you, Senator SHIELDS. I could not make that charge, or any other, against you.

Mr. SHIELDS. Nor against anyone connected with the bill, so far as I know.

Mr. REED. I am only saying this, and I am saying it kindly, and I am saying it with that great respect and friendship I have for the Senator who drew this bill. I believe the great potential force that batters and hammers this bill forward is after all that element which exists always and everywhere, which demands that capital shall have whatever capital wants, and that that is a force which exerts itself constantly. I do not mean to say that the Senator from Tennessee is actuated by any motive in the world except his honest judgment in urging this bill.

Mr. BANKHEAD. Does the Senator from Missouri intend to say that the Senator from Alabama is actuated in any way except from pure motives with reference to this measure?

Mr. REED. No; I have not challenged the Senator from Alabama; but I have looked at the map of the Coosa River Dam which hangs on the wall, and I recall the bitter fight made for the Coosa River Dam bill. I believe that the capitalists of this country have determined, if possible, to get a bill passed that will enable them to build their structures without coming to Congress. That is what I believe; and I think they are asking entirely too much in this bill.

Mr. President, after my amendment which required the State governments to first grant their consent had been put in the bill after an amendment had been put in the bill which provided that when the Secretary of War makes the contracts and enters into the contractural relations, which the bill carefully recites shall be property rights on behalf of the corporation, after the amendment had gone in which provided that the Secretary of War should determine which of several contracts was most in the interest of the people, I felt that we could afford to pass the bill. But the bill as it stands now, with the amendment offered by the Senator from West Virginia stricken out, simply means this: That whenever an applicant shall come to the Secretary of War and shall show that he is the most powerful of the applicants and he first filed on this claim—I use that term because I think it covers the case—the Secretary of War shall prefer him, although standing beside the great and powerful applicant there shall be a man offering rates twice as good for the public and conditions twice as good for the Government of the United States.

I say the Senate ought not to pass the bill in that shape. So I propose to vote against the bill, because I agree with the Senator from Montana [Mr. WALSH] that it is a bad bill, and I do not propose to do what I think is a bad job of work in the hope that somebody else may go over my work and rectify my mistakes.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). The question is on the passage of the bill.

Mr. HUSTING. Mr. President, I again ask the indulgence of the Senate for a moment to utter my protest once more against the passage of this bill, a bill which in my judgment disposes, in effect, of all power and authority at the hands of the Government over the national waters of the United States. It is admittedly defective. Senators who are going to vote for the bill and who have fought for the bill admit that it is defective. But it is claimed that notwithstanding that, on two grounds alone the bill should receive the votes of Senators. The first stated is that the House will take care of it. The second is that crime has been committed because no development has been made for the last 5 or 10 years.

Now, in regard to the House of Representatives taking care of a bill that needs taking care of, anyone who so votes on an important subject like this merely delegates the power of rectifying his mistake to another House, which may or may not rectify that mistake. So far as the Senate is concerned, the vote that is about to be cast on the bill and the rights of the people in the water power of this country may have forever passed out of their hands.

It is said that this is a crime. What is a crime? The fact that for five, six, or seven years there has been no development. We are told that we ought to listen to the cry of capital in distress. If it is a crime to keep the use of this power from men with money for a few years, I wonder how you could characterize an act which takes forever from the people their substantial use of all the property. Which voice should be more potent in settling this question, the voice of men with a little money who want to invest it, or the demand of 100,000,000 people? What is entitled to our first consideration, the larger profits of a few men or the sale of a heritage which is an empire for a mess of pottage? If the bill is passed, you have forever surrendered the people's right to these water powers as effectively as if you asked them to make a quitclaim deed for all these things.

Yet it is said that we should only consider the crime against capital, and which is something far more important, which is something more far-reaching in its effect, more important, more solemn, that we shall not consider the rights of 100,000,000 people in the great water-power system or water-power resources of the country.

I for one want to say that whatever harm may come because of the hindrance of development for a few years the important thing to me is that when the powers shall be developed they shall be developed to some purpose, and that these great powers shall be an instrument for good and not for evil.

Therefore as badly as we want development, we want something still more badly than that, and that is to secure the people in those rights which belong to them; and until such a bill is brought on this floor I shall vote against the bill that does not have it.

Mr. CHILTON. Mr. President, a remark made in discussing the bill by the present occupant of the chair, the Senator from Colorado [Mr. SHAFROTH], when he was not presiding, that efforts were made to introduce amendments here for the purpose of killing the bill constrains me to say that I had no such purpose. Those with whom I consulted concerning my amendment know that my purpose was to so amend the bill that I could look the people of my State in the face again, and, as I think, the people of the United States in the face again, after I had voted for it.

That amendment and others which I thought should have gone into the bill have been defeated by the deliberate judgment and vote of the Senate. Therefore, believing with the Senator from Montana [Mr. WALSH] that this bill is in some respects criminal, believing with others that it is one-sided, and believing with practically all the Senate that it is defective, I shall certainly vote against it.

The PRESIDING OFFICER. I will state to the Senator from West Virginia that I did not say it was done for the purpose; I stated that the effect in my judgment would be that; at least that is what I intended to say. No one has a higher regard for the Senator from West Virginia than I.

Mr. CHILTON. I took nothing personal from the Senator's remark.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. JAMES. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COLT (when his name was called). Making the same announcement that I did before in regard to my pair, I vote "yea."

Mr. HARDING (when his name was called). With the consent of the Senator from Alabama [Mr. UNDERWOOD], with whom I am paired, I vote "yea."

Mr. JAMES (when his name was called). I transfer my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. OVERMAN (when his name was called). Understanding that my pair would vote if present as I do, I vote "yea."

Mr. SMOOT (when Mr. SUTHERLAND's name was called). I desire to state that my colleague [Mr. SUTHERLAND] has been called from the Senate Chamber, and that if he were present he would vote "yea."

Mr. THOMPSON (when his name was called). I am paired on this vote with the junior Senator from Utah [Mr. SUTHERLAND], who is in favor of the bill. I am opposed to the bill, and if permitted to vote would vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote "yea."

Mr. BANKHEAD (when Mr. UNDERWOOD's name was called). I wish to announce that my colleague [Mr. UNDERWOOD] if present would vote "yea."

Mr. WALSH (when his name was called). I have a pair with the Senator from Rhode Island [Mr. LIPPITT]. Under an agreement with him, I am permitted to vote on this question, notwithstanding his absence. Accordingly I vote "yea."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE], but being informed that if he were present the Senator from Pennsylvania would vote as I am about to vote, I vote "yea."

The roll call was concluded.

Mr. CATRON. I am paired with the Senator from Oklahoma [Mr. OWEN]. I do not know how he would vote if present, but I transfer that pair to the Senator from Pennsylvania [Mr. PENROSE] and vote "yea."

Mr. LEA of Tennessee. I have been requested to announce the absence of the Senior Senator from Colorado [Mr. THOMAS] on account of illness. If he were present, the Senator from Colorado would vote "nay."

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY], who is paired with the Senator from Maine [Mr. BURLEIGH].

I also desire to announce the unavoidable absence of the Senator from Florida [Mr. FLETCHER], who is paired with the Senator from Idaho [Mr. BRADY].

I also desire to announce the unavoidable absence of the junior Senator from Delaware [Mr. SAULSBURY], who is paired with the Senator from Rhode Island [Mr. COLT].

Mr. CURTIS. Mr. President, I am requested to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Illinois [Mr. SHERMAN] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Florida [Mr. BRYAN]; and

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS].

The result was announced—yeas 46, nays 22, as follows:

YEAS—46.

Bankhead	Fall	Oliver	Smith, Mich.
Beckham	Gallinger	Overman	Smoot
Brandegee	Harding	Page	Sterling
Broussard	Hardwick	Pittman	Stone
Catron	Johnson, Me.	Pomerene	Swanson
Clapp	Jones	Ransdell	Tillman
Clark, Wyo.	Kern	Robinson	Vardaman
Clarke, Ark.	McLean	Shafroth	Wadsworth
Colt	Martin, Va.	Shields	Walsh
Culberson	Myers	Simmons	Williams
Curtis	Nelson	Smith, Ariz.	
du Pont	O'Gorman	Smith, Ga.	

NAYS—22.

Ashurst	Hollis	Lea, Tenn.	Poindexter
Borah	Husting	Lee, Md.	Reed
Chamberlain	James	Lewis	Sheppard
Chilton	Kenyon	Martine, N. J.	Works
Cummins	La Follette	Newlands	
Gronna	Lane	Norris	

NOT VOTING—28.

Brady	Hitchcock	Penrose	Sutherland
Bryan	Hughes	Phelan	Thomas
Burleigh	Johnson, S. Dak.	Saulsbury	Thompson
Dillingham	Lippitt	Sherman	Townsend
Fletcher	Lodge	Shively	Underwood
Goff	McCumber	Smith, Md.	Warren
Gore	Owen	Smith, S. C.	Weeks

So the bill was passed.

ORDER OF BUSINESS.

Mr. TILLMAN and Mr. MYERS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. TILLMAN. I move that the Senate proceed to the consideration of the bill (S. 1417) to erect a factory for the manufacture of armor.

Mr. MYERS. Mr. President, I desire to be heard on that motion.

Mr. TILLMAN. It is not debatable, is it?

Mr. MYERS. I raise the point of order that it is debatable, and I ask to be heard on the point of order. The motion is debatable, Mr. President, and I have the authority here for that statement.

The PRESIDING OFFICER. The Chair thinks the motion is debatable; so the Senator from Montana may proceed.

Mr. MYERS. Mr. President, I oppose the motion of the Senator from South Carolina for a number of reasons. In the first place, while it is not binding, of course, nor determinative, I was the first Senator to give notice that I would call up and ask to have considered a bill after the disposition of what was then the unfinished business of the Senate—the Shields water-power bill. We have been on that subject for now more than a month; I think about six weeks. The subject of water power in all its phases has been debated at great length; every phase of the subject has been covered, not only as to navigable streams but as to unnavigable streams, as to streams on privately owned land, and as to streams on public land of the United States Government. If we depart from that now, we shall get away from the subject entirely.

The bill that I think ought to be taken up at this time, and which I gave notice I would ask to have taken up, is House bill No. 408, Calendar No. 49, known as the Ferris power bill. The bill which has just been passed by this body related to the development of water power on navigable streams, while the bill which I gave notice I would ask to have brought up for consideration relates to the development of water power on the public lands of the United States. There are very few navigable rivers in the West. The Shields bill has very little to do with the West; it has nearly all to do with the streams of the South. We all know that nearly all of the power that is going to be developed under the bill which has just been passed, if it becomes a law, will be developed in the Southern States—in the South—whereas the power that will be developed under the bill which I want to call up will be developed nearly altogether in the West.

I want to say to you Senators from the South that I voted to pass your bill; so did my colleague [Mr. WALSH]. You have gotten what you want. Now, are you going to turn down the West and say that the West does not amount to anything? Does not the West amount to anything on the floor of this Senate? Does it not amount to anything in this country? Does it not amount to anything in the Government of this country? Do you not want to develop our resources as well as your own resources? Do you care nothing for the development of a section of this country which, geographically, occupies one-half of its surface and which is a growing section?

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Georgia?

Mr. MYERS. With great pleasure.

Mr. SMITH of Georgia. Does the Senator's bill apply to the nonnavigable streams limited to Government land, or does it undertake to control nonnavigable streams without reference to Government-owned lands?

Mr. MYERS. It applies only to streams that run through Government lands, where the development will be on Government lands. You have no Government land in the South and we have in the West very few navigable streams.

Mr. SMITH of Georgia. I will say to the Senator, if he will allow me, that I am asking the question because it has been suggested to me that the bill broadly applies to all nonnavigable streams, and that seems to be utterly impossible, so I wanted to hear from the Senator himself.

Mr. MYERS. That is not the case.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Mississippi?

Mr. MYERS. I will yield for a question, but not for a motion to adjourn or to take a recess.

Mr. WILLIAMS. I do not intend to make a motion to adjourn.

Mr. MYERS. I will yield for a question with a great deal of pleasure.

Mr. WILLIAMS. Mr. President, I want to ask the Senator, then, why he singles out the South as the only part of the United States having nonnavigable streams not on public lands? The Senator surely must know that all the nonnavigable streams in New England, in Pennsylvania, in Delaware, in Virginia, in West Virginia, down on the east Atlantic coast, and all the nonnavigable streams in the Middle West—Illinois, Ohio, Indiana, and the balance of those States—are equally subject to the criticism that he has made. I want to ask the Senator why insist upon trying to single out the South as an antagonistic force to the Pacific and Rocky Mountain region of the West? We have never taken any position of that sort; we never knew that we occupied it; and when it comes to considering a bill dealing purely with nonnavigable streams which are not on public lands, I wish to say that the South perhaps owns fewer nonnavigable streams not on public lands than the balance of the United States, leaving out the Rocky Mountain States.

Why does the Senator want to raise a sectional issue in connection with this question? God knows, I have not tried to raise any. I have hardly known whether I was in favor of the last bill or not. There is not a single industry, not an interest in the State of Mississippi, so far as I know, that will be affected by the passage of this last bill.

Mr. MYERS. Mr. President, I yielded for a question.

Mr. WILLIAMS. I merely elaborated the question.

Mr. MYERS. Mr. President, I will answer the esteemed Senator from Mississippi by saying that I will not make any charge of sectional action if southern Senators will vote down the motion which the Senator from South Carolina has made and will vote to bring my bill on next. Then there will be no ground for such a charge. The Senator from Mississippi misunderstood me; he got my statement twisted around and did not state it as I had stated it. I say that I have heard it claimed, and believe it to be true, that the South is richer in water power than any other section of the United States, and that nearly all of the development—at least, most of the development—under the bill which has just been passed, if it becomes a law, will be in the South. That bill was supported by the southern Senators. Now, we have a water-power bill——

Mr. WILLIAMS. Will the Senator pardon another interruption?

Mr. MYERS. For a question.

Mr. WILLIAMS. The bill was passed, was it not?

Mr. MYERS. Yes.

Mr. WILLIAMS. Does the Senator say that it could have been passed by the votes of the southern Senators?

Mr. MYERS. Oh, no; I do not say that.

Mr. WILLIAMS. The Senator must be aware of the fact that we have not even one-third of this body.

Mr. MYERS. I voted for it myself, and I am not a southerner, except by birth; not by present residence.

Mr. WILLIAMS. But the Senator surely does not want to raise a northern and southern sectional question concerning a subject into which no sectional question can enter.

Mr. MYERS. The way to obviate it to let the West have legislation to provide for the development of its water power.

Mr. WILLIAMS. Make it an eastern and a western question, if you please, but do not make it a southern question.

Mr. MYERS. I desire to proceed with my remarks and finish undisturbed, if there is any way of doing it.

The PRESIDING OFFICER. The Senator from Montana has the floor

Mr. MYERS. I believe that a larger part of the development that will be had under the bill which has just been passed, if it becomes a law, will be in the South. We want some water-power development in the West. We have a bill here which will produce it and bring it about. We have passed the bill which will bring about development of water power in the South; and why take a razor or a cheese knife and cut off consideration of the legislation right there and go on with something else? Why not let us have our western water-power developed? Why quit right then and there and proceed to consider armor plate or preparedness or aviation or something else?

Mr. POMERENE. Mr. President, will the Senator yield for a question?

Mr. MYERS. I yield to the Senator from Ohio for a question.

Mr. POMERENE. Does not the Senator think, after we have been discussing the power bill for five weeks, that the Senate ought to have a change of diet?

Mr. MYERS. No; I think it ought to stay on that same diet until it gives everybody what they want?

Mr. MARTINE of New Jersey. Mr. President, will the Senator yield to me for a question?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Jersey?

Mr. MYERS. For a question only.

Mr. MARTINE of New Jersey. I want to ask the Senator if he does not think this proposition is very much like the old fellow's prayer, who prayed "O God, bless me and my wife and my son and his wife, us four and no more"? While the North and the South and the West are being taken care of, in God's name I want to know what is to become of little New Jersey and great New York and Pennsylvania?

Mr. CLARK of Wyoming. They are going Republican.

Mr. MYERS. Mr. President, judging from the frequency of the appeals of the Senator from New Jersey to the Almighty, I believe he knows more about prayer perhaps than I do, and therefore I will leave the question for him to answer.

Mr. MARTINE of New Jersey. The truth is I am afraid my prayers will not avail us as much as those of Senators from the West.

Mr. OLIVER. Mr. President, will the Senator yield to me for a question?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Pennsylvania?

Mr. MYERS. I yield for a question.

Mr. OLIVER. The question I wish to propound to the Senator is this: It is very late this evening and I rather think the debate upon this question may occupy some considerable time. I expect to have something to say upon it at the conclusion of the Senator's remarks, to be addressed to the Senator himself and to our friends on the other side. I ask the Senator now if he will not consent to let this matter go over until to-morrow and yield for a motion for an adjournment or a recess?

Mr. MYERS. I will quit in a couple of minutes, if I am not disturbed any further. I have occupied the floor about 20 minutes, and I have talked only about 2 minutes of the 20, I believe.

We have a bill for the development of water power here, which means a great deal to the Western States. It means more to the West than any other legislation which has been considered or will be considered at this session of Congress. It means the investment of millions of dollars in the West and the creation of billions of dollars' worth of wealth.

I acquiesced in allowing the Senator from Tennessee to call up for consideration first his bill for the development of water power in navigable streams, and I felt implicit confidence at the time I acquiesced in that procedure that, while the Senate was on the subject, the Ferris power bill would follow the Shields bill as a natural, reasonable, logical, fair, and proper thing. Now I see a disposition, having passed that bill, to quit all work on this subject and proceed to something else, and I do not believe that is fair or proper. I move to lay the motion of the Senator from South Carolina on the table.

Mr. BRANDEGEE. Question!

The PRESIDING OFFICER. The question is on the motion of the Senator from Montana to lay on the table the motion of the Senator from South Carolina.

Mr. KERN. Mr. President——

Mr. LA FOLLETTE. Vote!

Mr. SMITH of Georgia. Mr. President——

Mr. KERN. Did the Chair recognize me? If so, I desire to make a motion, but I yield to the Senator from Louisiana [Mr. RANSDELL] to make an announcement.

Mr. RANSDELL. Mr. President, I wish to give notice that immediately after the close of the routine morning business on Friday morning I shall address the Senate in reply to certain phases of the speech made by ex-Senator Root on the 15th of last month.

Mr. BRANDEGEE. I ask for the regular order, Mr. President.

Mr. NEWLANDS. I ask unanimous consent——

Mr. BRANDEGEE. Regular order!

Mr. NEWLANDS. I ask unanimous consent to insert in the RECORD in connection with my remarks the amendment——

Mr. BRANDEGEE. I demand the regular order, which is the motion to lay on the table.

The PRESIDING OFFICER. The regular order is demanded.

Mr. MYERS. I withdraw my motion to lay on the table.

Mr. BRANDEGEE. Very well.

Mr. WILLIAMS. I renew the motion, so as to get a vote.

Mr. KERN. I move that the Senate do now adjourn.

Mr. WILLIAMS. I renew the motion to lay on the table, so as to get an immediate vote.

Mr. KERN. I have made a motion to adjourn.

Mr. WILLIAMS. I withdraw my motion.

Mr. SMITH of Georgia. I think the Chair recognized me. I think I heard the Chair say——

Mr. OLIVER. Mr. President, I call for the regular order.

The PRESIDING OFFICER. What is the motion that the Senator makes?

Mr. SMITH of Georgia. I am not going to make any motion. I simply wish to say a couple of words in reply to the Senator from Montana——

Mr. OLIVER. Mr. President, a motion to adjourn has been made.

Mr. SMITH of Georgia (continuing). And then I will yield for a motion to adjourn.

Mr. President, the Senator from Montana is scarcely justified in saying that the benefits of the bill just passed are in any sense local. They extend all over the United States. I do not desire to go farther upon that subject than the Pacific slope.

Mr. OLIVER. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Pennsylvania will state his point of order.

Mr. OLIVER. My point of order is that a motion to adjourn has been made, and that nothing is in order but to put that motion.

Mr. SMITH of Georgia. No such motion was made.

Mr. OLIVER. The Senator from Indiana made a motion to adjourn, as I understood.

Mr. SMITH of Georgia. The Senator from Indiana was not recognized by the Chair. I had already been recognized by the Chair and was on my feet.

Just a word further and I will yield for a motion to adjourn. I wanted to say this to the Senator from Montana: Before the notice was given by him that he desired to call up his power bill I had called attention to the first active matter on the calendar, which is our court bill—our judicial bill.

Mr. OLIVER. Mr. President, I rise to a question of order.

Mr. SMITH of Georgia (continuing). And I had asked the privilege of bringing it up——

Mr. BRANDEGEE. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Connecticut rises to a point of order, which he will state.

Mr. BRANDEGEE. It is that the Senator from Pennsylvania made a point of order and that the Chair has not ruled upon it. I ask for a ruling.

The PRESIDING OFFICER. The ruling is that no Senator was recognized for the purpose of making a motion to adjourn, and consequently the point of order is overruled.

Mr. BRANDEGEE. I thank the Chair.

The PRESIDING OFFICER. The Senator from Georgia will proceed.

Mr. SMITH of Georgia. Mr. President, notice was given by me that I would bring that matter to the attention of the Senate before the Senator from Montana gave his notice. He did not happen to be in the Chamber at the time. I have given it often; and while the Senate is deciding between the Senator from South Carolina [Mr. TILLMAN] and the Senator from Montana [Mr. MYERS], as to which of these two bills shall be taken up next, I am unwilling that the judicial bill, to which I have called attention, shall be forgotten. Whichever the Senate takes up next, I shall press the judicial bill as the next bill thereafter.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 4786) amending the eighth paragraph of section 4414 of the Revised Statutes, so as to authorize the Secretary of Commerce to appoint assistant inspectors in districts or ports where the exigencies of the service require, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. COLT presented petitions adopted at the annual convention of the Rhode Island State Christian Endeavor Union, and of sundry citizens of Newport and Providence, in the State of Rhode Island, praying for national prohibition which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Lewiston and Auburn, in the State of Maine, remonstrating against reported efforts of Canadian Army officers to secure recruits for the Canadian Army in the United States, which was referred to the Committee on Foreign Relations.

Mr. POINDEXTER presented a memorial of Cloverleaf Grange, No. 520, Patrons of Husbandry, of Okanogan, Wash., remonstrating against the abolishment of the office of the Comptroller of the Currency, which was referred to the Committee on Banking and Currency.

He also presented a petition of the Fraternal Order of Eagles of Centralia, Wash., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of King County, Wash., praying for the enactment of legislation to found the Government of the United States on christianity, which was referred to the Committee on the Judiciary.

He also presented memorials of Cloverleaf Grange, No. 520, Patrons of Husbandry, of Okanogan; of Silver Creek Grange, Patrons of Husbandry, of Silver Creek; and of Happy Hill Grange, No. 513, Patrons of Husbandry, of Conconully, all in the State of Washington, remonstrating against the passage of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, which were ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLIS:

A bill (S. 4845) granting a pension to George L. Aldrich; and

A bill (S. 4846) granting a pension to Mary I. Blaisdell (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 4847) granting a pension to Fred A. Churchill (with accompanying papers);

A bill (S. 4848) granting an increase of pension to Anthony C. Crane (with accompanying papers);

A bill (S. 4849) granting an increase of pension to Phylow A. Heath (with accompanying papers);

A bill (S. 4850) granting a pension to Byron Sherry (with accompanying papers); and

A bill (S. 4851) granting an increase of pension to Victoria Fleischmann (with accompanying papers); to the Committee on Pensions.

A bill (S. 4852) for the relief of Katherine J. Parker (with accompanying papers);

A bill (S. 4853) for the relief of the heirs of Patrick McIntyre, deceased (with accompanying papers); and

A bill (S. 4854) to carry out the findings of the Court of Claims in the case of city of Glasgow, Mo. (with accompanying papers); to the Committee on Claims.

By Mr. MARTIN of Virginia:

A bill (S. 4855) granting an increase of pension to Michael O'Brien; to the Committee on Pensions.

THE JUDICIAL CODE.

Mr. COLT submitted an amendment intended to be proposed by him to the bill (S. 1412) further to codify, revise, and amend the laws relating to the judiciary, which was referred to the Committee on the Judiciary and ordered to be printed.

COLORADO COAL STRIKE (H. DOC. NO. 859).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Education and Labor and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a report made to me by Messrs. Seth Low, of New York City; Charles W. Mills, of Philadelphia; and Patrick Gilday, of Clearfield, Pa., in the matter of the labor difficulties in the coal fields of Colorado during the years 1914 and 1915.

WOODROW WILSON.

THE WHITE HOUSE, *March 8, 1916.*

HOUSE BILL REFERRED.

H. R. 4786. An act amending the eighth paragraph of section 4414 of the Revised Statutes, so as to authorize the Secretary of Commerce to appoint assistant inspectors in districts or ports where the exigencies of the service require, was read twice by its title and referred to the Committee on Commerce.

ARMED MERCHANT SHIPS.

Mr. LA FOLLETTE. Mr. President, I desire to give notice that on Friday next, the 10th instant, when the opportunity offers, I shall address the Senate upon the issues raised by resolutions introduced in connection with warning Americans against traveling on armed merchant ships of the belligerents.

Mr. KERN. Mr. President, I move that the Senate adjourn.

The motion was agreed to, and (at 6 o'clock and 45 minutes p. m., Wednesday, March 8, 1916) the Senate adjourned until to-morrow, Thursday, March 9, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 8, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, source of all our longings, hopes, and aspirations, we pray that the light of heaven may guide the lawmakers of our land, those who sit in judgment upon their validity, and those who have been chosen to execute the laws; that the coordinate branches of our Government may work together in harmony with Thee; that the life of the Nation and the interests of its people may be conserved and brought to the highest conditions of human perfection; that peace may prevail among us and with all the world, to the good of mankind and to the glory and honor of Thy holy name, in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MARKETING OF LIVE STOCK AND MEATS (H. DOC. NO. 855.)

Mr. BORLAND. Mr. Speaker, I ask unanimous consent that there be printed as a House document the conference relating to the marketing of live stock and the distribution of meats, and

related matters, conducted by the Department of Agriculture at Chicago, November 15 and 16, 1915.

The SPEAKER. The gentleman from Missouri asks unanimous consent to have printed as a public document the conference conducted by the Agricultural Department on the marketing of live stock, and so forth. Is there objection?

Mr. STAFFORD. Reserving the right to object, when this matter was proposed some days ago I interposed an objection, because of the temporary absence of the chairman of the Committee on Printing [Mr. BARNHART]. I should like to inquire of the gentleman whether he has submitted this proposal to the chairman of the Committee on Printing in the meantime?

Mr. BORLAND. Yes; I have; and also I have secured a statement from the Public Printer to the effect that it will come within the $500 limit. The cost of printing the usual number of copies will be $447.16.

I will say that while the number to be printed as a public document will not be sufficient, considering the importance of the document, it is the purpose of the agricultural interests concerned in this hearing to order from the Public Printer an additional number of copies. The American Live Stock Association are desirous of ordering a larger number of copies than could be printed under this request for unanimous consent. I have made inquiries at the Department of Agriculture, and have found that they are unable to have it printed, because the number of documents now assigned for printing a little more than exhausted their current appropriation for printing, so it would lie it over for a rather indefinite time. Inasmuch as the number printed by the Government will be comparatively small, and the number printed at private expense will be relatively large, it seems that it is a very important document to have in press at this time.

Mr. STAFFORD. Is the document that the gentleman is seeking to have printed merely the proceedings of some private association?

Mr. BORLAND. Oh, no; it is a conference held under the auspices of the Secretary of Agriculture at Chicago last fall to ascertain the conditions surrounding the marketing of cattle and meat products. At that conference all of the representatives of the live-stock interests and the various associations engaged in live-stock production were heard.

Mr. STAFFORD. It was a hearing under Government supervision?

Mr. BORLAND. Yes, indeed.

Mr. STAFFORD. Does the gentleman expect that after this authorization there will be any further expense to the Government besides what is involved in the printing of the usual number?

Mr. BORLAND. I think not. If we get the impress of a public document, I think that will be all that will be necessary. Additional copies will be ordered by private parties.

The SPEAKER. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3518) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3144) to authorize the construction of a bridge across the Pend Oreille River between the towns of Metaline and Metaline Falls, in the State of Washington.

The message also announced that the President had approved and signed bills of the following titles:

On February 26, 1916:

S. 4308. An act to purchase a site and erect thereon a suitable building for post office and other governmental offices at Sandusky, Ohio, and for other purposes.

On March 1, 1916:

S. 2497. An act to authorize the construction of a bridge across the Mississippi River between Anoka and Hennepin Counties, in the State of Minnesota.

LEAVE TO EXTEND REMARKS.

Mr. KEATING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the resolution which was before the House yesterday.

The SPEAKER. The gentleman from Colorado [Mr. KEATING] asks unanimous consent to extend his remarks on the resolution which was before the House yesterday. Is there objection?

There was no objection.

Mr. KONOP. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Wisconsin makes the same request. Is there objection?

There was no objection.

Mr. BENNET. Mr. Speaker, I make the same request.

Mr. TAGGART. Mr. Speaker, I make the same request.

Mr. STAFFORD. I ask unanimous consent that all Members who voted "yea" on any of the propositions yesterday before the House have leave to extend their remarks in the RECORD.

Mr. ADAMSON. I think that ought to be amended to allow those who voted "nay" to apologize for their recreancy.

Mr. STAFFORD. It is not necessary for them to apologize. Their record is made.

Mr. ADAMSON. That is the trouble with them.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] asks that all who voted "yea" yesterday—the Chair does not know what he is talking about—shall be permitted to extend their remarks in the RECORD.

Mr. ADAMSON. With the amendment that I suggest——

The SPEAKER. As amended by the request of the gentleman from Georgia, that all who voted "nay" be allowed to extend their remarks——

Mr. ADAMSON. To apologize for their action.

The SPEAKER. Is there objection?

Mr. MANN. What is the request?

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] asks unanimous consent that everybody who voted "yea" yesterday be permitted to extend remarks in the RECORD, and the gentleman from Georgia [Mr. ADAMSON] amends it by adding that all those who voted "nay" be allowed the same privilege. There is no statement of what they were voting about.

Mr. MANN. Would that also exclude those who dodged? [Laughter.]

The SPEAKER. Is there objection?

Mr. RAGSDALE. I object to it, coming in that form.

Mr. SLAYDEN. Mr. Speaker, I make the request in a form that I think will be less objectionable to the gentleman from South Carolina [Mr. RAGSDALE]. I ask unanimous consent that Members may be permitted to extend remarks in the RECORD on the subject of the resolutions considered yesterday.

The SPEAKER. The gentleman from Texas [Mr. SLAYDEN] asks unanimous consent that Members may be permitted to extend remarks on the resolutions that were debated here yesterday. Is there objection?

Mr. MANN. For how long?

Mr. SLAYDEN. Any convenient time; 5 or 10 days.

The SPEAKER. For five legislative days. Is there objection?

Mr. SIMS. Does that mean general leave?

The SPEAKER. That means that every Member of the House may print a speech in the RECORD on the resolutions which were considered yesterday within five legislative days. Is there objection?

Mr. JAMES. I object.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent to extend remarks in the RECORD on the resolutions considered yesterday.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend remarks in the RECORD on the resolutions considered yesterday. Is there objection?

There was no objection.

Mr. SLAYDEN. I make the same request.

The SPEAKER. The gentleman from Texas makes the same request. Is there objection. [After a pause.] The Chair hears none.

Mr. SHOUSE. I make the same request.

Mr. BENNET. I make the same request.

Mr. SMITH of New York. I make the same request.

Mr. TAGGART. I make the same request.

The SPEAKER. The gentleman from Kansas, Mr. SHOUSE, the gentleman from New York, Mr. BENNET, the gentleman from New York, Mr. SMITH, and the gentleman from Kansas, Mr. TAGGART make the same request——

Mr. JOHNSON of Washington. I object.

The SPEAKER. The gentleman from Washington objects to these latter requests.

Mr. SMITH of New York. Mr. Speaker, I ask unanimous consent to have inserted in the RECORD an address by the Hon. Martin H. Glynn at the Democratic State convention in New York. I will state that the speech of Senator Root has been printed in the RECORD.

The SPEAKER. The gentleman from New York [Mr. SMITH] asks unanimous consent to extend his remarks in the RECORD by printing a speech of ex-Gov. Glynn, chairman of the New York

convention. Is there objection? [After a pause.] The Chair hears none.

Mr. BROWNE of Wisconsin. Mr. Speaker, I ask leave to extend my remarks in the RECORD on the resolution which was considered yesterday.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD on the resolution of yesterday. Is there objection?

Mr. JAMES. I object.

Mr. MILLER of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the resolution of yesterday. I will state that I have occupied but two minutes of the time of this House this session.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD on the resolution of yesterday. Is there objection?

Mr. JAMES. I object.

RELIEF OF HOMESTEADERS UNDER RECLAMATION ACT.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill H. R. 384. The House automatically resolves itself into Committee of the Whole House on the state of the Union, and the gentleman from Colorado [Mr. KEATING] will take the chair.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, with Mr. KEATING in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 384, of which the Clerk will read the title.

The Clerk read the title, as follows:

A bill (H. R. 384) to amend the act of June 23, 1910, entitled "An act providing that entrymen for homesteads within the reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act."

The CHAIRMAN. The gentleman from California has 37 minutes remaining.

Mr. RAKER. Mr. Chairman, I want to make a short statement and then I will yield to anyone who wants time on the other side. The act of June 23, 1910, permitted an entryman under reclamation projects after he had made proof before the Commissioner of the General Land Office of residence, improvement, and cultivation, and thereafter under the general reclamation law his homestead was conformed to farm usage, that he might sell the remaining part of the homestead that was not held by him, namely, if it was conformed to 80-acre tract he could sell the other 80 acres. The present bill simply extends the relief to this extent, that where the man under the same reclamation project had made proof of residence, improvement, and cultivation, but before that was done it was conformed to the farm unit, and in many instances without his knowledge, that he might thereafter sell the remaining part of the homestead to an applicant who in turn must comply with the law as to the paying all constructive charges as well as maintenance and upkeep.

The assignee is the real party interested. There are not many remaining cases of this kind. The bill only provides for those in the designated time therein specified, namely, between June 23, 1910, and January 1, 1913. The Secretary of the Interior has reported favorably on the bill, and the committee unanimously reported it with two amendments.

Mr. MADDEN. Will the gentleman yield?

Mr. RAKER. Certainly.

Mr. MADDEN. How much territory does this cover?

Mr. RAKER. It will be under the irrigation projects, and there are not many of these claims remaining undisposed of.

Mr. MADDEN. How many?

Mr. RAKER. I would not say definitely; I should say about a dozen. The best information I can get from the department is that there are only a few left. This will give them a chance to adjust the matters and to give to the assignees the value of this land and for which there is no valid adverse interest. In other words, the assignee must be on the land now; there must be no valid adverse claimant interested in the land, and the party believing he had a right to buy all that he did, and believing that the original homesteader had a right to sell it. It gives the assignee the benefit and the right to keep his home.

Mr. MADDEN. This bill is only to quiet the title and adjust the cases where assignments have already been made?

Mr. RAKER. That is all; only those which have already been made.

Mr. MADDEN. It is not to anticipate anything?

Mr. RAKER. No; none whatever. I think we have used all the time, and if there is no objection, Mr. Chairman, I would like to have the bill read.

Mr. STAFFORD. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. STAFFORD. There is one phase in this matter that I have not clearly in mind, and that is the procedure that has followed in cutting down the 160 acres to the smaller unit.

Mr. RAKER. Will the gentleman kindly state his question again?

Mr. STAFFORD. There is one phase of the practical operation of the making of a homestead entry under an irrigation project in having the original 160 acres cut down to 120, 80, or 40 acres. I do not understand the procedure or the reason why the original entry is cut down.

Mr. RAKER. Making a short explanation, I will state that there were many filings made on lands within the reclamation projects before the land was conformed to the farm unit. That is done no more because it has been eliminated. It is all conformed before they are permitted to file. But a man was permitted to file on 160 acres of land within a reclamation project, but he specially provided in the filing application, and stated that when the Government got so far along with the work that it conformed it to farm unit he would relinquish the remainder of his claim over and above what the farm unit was fixed at by the Secretary of the Interior. In other words, when the Secretary fixed the farm unit in that project of 80 acres the man had to yield the remaining 80 acres and he could not get a patent to it.

Now, to obviate that apparent injustice to the man who had made his filing, the act of June 23, 1910, permitted him after he had made proof of five years' residence and five years of cultivation and five years of improvements, that after that five years' final proof the land was conformed to the unit of 80 acres, then he could sell the other 80 acres to any other party, who must in turn comply with the law, pay all charges and reclamation expenses, and then a patent would be issued to the assignee upon his making application to the department accordingly. The conformation was made after he made final proof. In these cases in the present bill where the man made the final proof of five years' residence, cultivation, and improvement, possibly a week or a month before he made the final proof, the department, without knowledge to him or anyone else, conformed it to the farm unit. Therefore his assignee could not get title. The assignee paying full value, after living on the land, was denied the right to obtain patent, and the only purpose of this bill is to grant relief where it was conformed to the farm unit before final proof, although the five-year final proof had been made on it, because the assignee under this bill who acted in good faith is now living on the land, improving it, and paying all assessments to obtain his patent to the remaining 80 acres.

Mr. Chairman, I reserve the remainder of my time.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. IGOE having taken the chair as Speaker pro tempore, a message, in writing, was received from the President of the United States, by Mr. Sharkey, one of his secretaries.

RELIEF OF HOMESTEADERS UNDER THE RECLAMATION ACT.

The committee resumed its session.

Mr. MANN. Mr. Chairman, how much time has the gentleman remaining?

The CHAIRMAN. Twenty-seven minutes.

Mr. MANN. Mr. Chairman, I ask for recognition.

The CHAIRMAN. The gentleman from Illinois is recognized for an hour.

Mr. MANN. Mr. Chairman, I yield 15 minutes to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, the act of June 17, 1902, known as the reclamation act, authorized the Secretary of the Interior to withdraw certain lands from entry, except for homestead purposes, where, in his opinion, the lands were suitable for irrigation. It also authorized the Secretary of the Interior after such a withdrawal to conform the entries made on the project to a farm unit, which might be 48, 120, or 160 acres. As a result of the passage of that act any man who made an entry within the irrigation project was charged with notice that that entry might be conformed to the farm unit, and to that extent, at least, there is no equity whatever involved in this proposition. The entryman, therefore, had notice that the entry might be reduced and was charged with notice that it might be reduced. People went out on these projects and filed homestead entries. Of course they filed for 160 acres, but they knew and were charged with notice that the acreage of their entry might be reduced.

In some instances the project was not begun and not completed within the time at which it was expected to be begun

or completed, and men who had made entry, who had lived on the land for five years, found themselves with a piece of land which was not irrigated and upon which they could not make a living until water was afforded. The act referred to in the report, the act of June 23, 1910, Thirty-sixth Statutes at Large, 592, authorized these entrymen who had made final proof to assign a part of their entry. I do not think this act ought to have been passed. I do not think there was any equity in the case then which justified the passage of that act. There is, in my opinion, even less justification, less equity, in the passage of the act now before the House. This bill now before the House proposes to accomplish two purposes. It affects or will affect, if passed, two purposes. In the first place, it validates assignments of land upon which filings have been made, and which were in excess of the farm unit. In addition, it proposes to validate assignments which were made prior to the making of final proof. Here is an entryman. He goes on an irrigation project and files on 160 acres. He perhaps lives on it one month. He may live on it for a year or he may live on it for five years. But before he is entitled to make final proof, the Secretary, in the exercise of the discretion and power given him under the terms of the act, conforms that land to a farm unit. The entryman gets exactly what he had a right to expect when he entered upon the land; that is, a piece of land, sufficient for the support of himself and his family, but prior to making final proof, anticipating that the Secretary of the Interior was about to reduce his entry from 160 acres to the farm unit, he has made an assignment to some other person of that part of the land which he knows he can not keep under the conformation order. He never had any title to that part of the land, he had nothing to assign, but he has made an assignment, knowing that he did not have title, and knowing that he had nothing to assign. This act proposes to validate that assignment. I can not see any equity in validating an assignment of that kind.

The gentleman from California [Mr. RAKER] stated just a few moments ago that the assignee would be obliged to do just exactly what the entryman would have been obliged to do in the first place. I do not think that statement is entirely accurate. He will not be required to live on the land for five years, but simply to do that which he is required to do under the reclamation act; in other words, make the cultivation and the payments required by that act.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. RAKER. The point I tried to make was that this bill would apply to those who were on the land, the assignee, that he will be compelled to comply with the reclamation act and pay the upkeep and construction charges and his proportion of the entire cost of the irrigation system.

Mr. ANDERSON. Of course that is true, but he has not done what everyone else was required to do—go on the land and live for five years. He gets the benefit of the entry of the man who did actually go and live five years on the land.

Mr. KINKAID. That is correct.

Mr. ANDERSON. That is the situation. He has no equity, he simply bought something which did not exist, and which he knew or ought to have known did not exist. He is a mere speculator, speculating upon the probability that Congress will pass just such an act as is here proposed.

Mr. KINKAID. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. KINKAID. Does the gentleman regard it as fair and just that there should be two homestead compliances in order to secure a patent? When the first entryman lived five years upon the land, why then should another party who buys the right of him live also five years upon the land? Is it not true that five years' residence under the old law and three years' residence now entitles the entryman to a patent, and after he secures his patent then he may transfer it to whomever he shall choose, and the party who buys it may never live upon the land. No other person is required to live five years or three years on the land in order to acquire a patent over again. The patent has been paid for once, and should it be paid for again successively by every man who buys the property? What value is the patent if that be so.

Mr. ANDERSON. Mr. Chairman, I did not yield for a speech. I do not believe that upon a homestead entry on ordinary farm land a man ought to be required to make successive cultivation or successive performance of the requirements of the act.

But that is not the situation here. Here is a man who has filed on land knowing that it might be reduced to a farm unit. He has no right to expect that he is going to get more than the amount of land which is finally fixed as a farm unit. He has no right to expect that he is going to get 160 acres; in fact, he does not expect to get 160 acres. He expects to get a farm unit which on an irrigation project is not ordinarily anything like 160 acres. It is more likely to be 40 or 80 or 120 acres. The gentleman from Nebraska [Mr. KINKAID] and the gentleman from California [Mr. RAKER] must recognize the fact that the man who gets 40 acres or 80 acres or 120 acres of irrigated land, or land which is susceptible of irrigation, has just as much and oftentimes a great deal more than the man who goes out and files on 160 acres of poor farm land somewhere which is not subject to irrigation.

Mr. SMITH of Idaho. Will the gentleman allow me to make an inquiry?

Mr. ANDERSON. I will yield to the gentleman for a question.

Mr. SMITH of Idaho. If this bill is not enacted, does the gentleman realize that the excess land would be restored to the public domain and strangers wandering through the country could enter the land, step into the homes of these people who have taken these assignments and have been living there on the assumption that their title would be confirmed?

Mr. ANDERSON. Well, I do not know. I would not have any objection to giving these gentlemen priority of entry upon these farm units; but what I object to is permitting a man to assign to another something which he has not, and then permitting that assignee, by virtue of the assignment, to acquire land under different conditions and with less residence than the man who originally filed on it. That is the thing to which I am objecting.

Now, I want to address myself just for a moment to the terms of the bill itself. The gentleman from California [Mr. RAKER] and the other gentlemen who are advocating the passage of this bill may know what it means, but I doubt if anyone else does. It provides that at the end of the act of June 23, 1910, to which I have just referred, there shall be added this proviso:

Provided, That in the absence of any intervening valid adverse interests—

I read the amendment of the committee—

any assignment made between June 23, 1910, and January 1, 1913, of land upon which the assignor has submitted satisfactory final proof and the assignee purchased in the belief that the assignment was valid—

Now, stop right there. That applies to every assignment, whether made under the reclamation act or not, whether made under the act of June 23, 1910, or not. The word which follows the portion I have just read is the word "and," and that word separates the clause which I have just read from that which follows, and it reads:

And under the act of June 23, 1910.

Now, I do not know whether the gentleman from California intended that result or not, but the effect of the bill in its present form would be to validate every assignment made between those dates upon land upon which the assignor had submitted satisfactory final proof and the assignee purchased with the belief that the assignment was valid, without reference to whether that assignment was made under the act——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I yield the gentleman five minutes more.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. ANDERSON. Whether the assignment was made under the act of June 23, 1910, or not. If the word "and" was omitted, then it would mean what it seems the gentleman intended it to mean, but with the word "and" in it means exactly what I have said it means. If it is the intention of the gentleman to validate every assignment of land made between those dates under the circumstance stated, without reference to whether they were made under the act of June 23, 1910, or not, the gentleman ought to be frank with the House and say so; but if it is his intention only to validate those assignments which were made in good faith under the act of June 23, 1910, with the belief that they were valid under that act, then he ought to make that statement. The gentleman is not fair to the House if he does not state what he intends by this language. It certainly is not apparent on its face.

Mr. RAKER. There is not any question but that is the purpose and meaning of the act. The gentleman possibly has overlooked—and that is the only difference here in this purported legislation and that of June 23, 1910—that both have made final proof. Under the act of June 23, 1910, the confirmation of the farm unit was made after the final proof and in the present bill where it is conformed to the farm unit they are made before final proof.

Mr. ANDERSON. I do not think it makes any difference whether it was made before or after. I have stated I do not

think the act to which the gentleman has referred ought to have been passed at all, and the mere fact it was passed does not justify the passage of this act, because there are even less equities to justify the passage of this act than the other one. There certainly can be very little justification for permitting an assignment of that part of an entry which has been eliminated by conformation and relinquished to the Government prior to the final proof, and in particular where the assignment was made prior to making final proof.

Mr. RAKER. But there is no contention——

The CHAIRMAN. Does the gentleman yield to the gentleman from California?

Mr. ANDERSON. I yield to the gentleman.

Mr. RAKER. There is no contention of any claims where the assignment was made before final proof, no purpose, and no intent.

Mr. ANDERSON. I am not particularly interested in what the gentleman's contentions are; I am interested in what the bill proposes, and there is nothing in the bill which does provide that the assignment shall have been made subsequent to final proof. The assignment under this act would be just as valid before final proof as if it were made after final proof. The bill itself provides that the assignment may be made prior to final proof. It stands on its own feet. All I have to say about it is this, that if it is the intention to make these assignments valid only where they have been made after final proof, gentlemen ought to say so. I do not see how this can be the intention, because the gentleman admits that he is attempting to reach those cases where conformation was made prior to final proof, and if the conformation was made prior to final proof there is no reason why the assignment should not have been made prior to that time.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MANN. Mr. Chairman, I yield 15 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, the discussion of the gentleman from Minnesota [Mr. ANDERSON] and the suggestion made by the gentleman from California [Mr. RAKER] I think have cleared this matter up so that there will be no great difficulty in so amending this bill that it will be satisfactory to everyone. The gentleman from Minnesota has called attention to the fact that the bill as it stands, as he understands it and as he interprets it, seeks to validate assignments made prior to final proof. I think that is a fair construction of the bill, though the bill might be construed otherwise. Now, if we stop and reflect a moment we will discover that an attempt to do that would be an attempt to validate what is, in fact, a fraud. No man can honestly prove up on a piece of land after he has parted title with it. After a homesteader has made an assignment his right, title, and interest are extinguished. He can not make a legal homestead proof covering land previously assigned. And if anything of that sort has been done we certainly should not attempt to validate it.

I think the entire trouble and misunderstanding, if it is a misunderstanding, can be disposed of by striking from the bill—and I would like to have the attention of the gentleman from California [Mr. RAKER]—on page 2, line 16, the words "prior to the date of assignment and." Now, it is just possible that those words were not intended as a validation of assignments made prior to the date of final proof, but they will bear that interpretation in connection with the words that follow.

The gentleman from Minnesota [Mr. ANDERSON] has called attention to the fact that if we attempted to do that and left the language of the bill otherwise as it stands, that portion of the bill would be without effect, because it is provided in lines 9 and 10 that these assignments shall only be validated in cases where the assignee purchased with the belief that the assignment was valid. Well, the moment that question arose inquiry would be made as to what investigation was made by the purchaser as to the validity of the assignment. The inquiry would be, "Did you read the law?" and, if he said he read the law, it would be discovered that the law stated clearly and specifically that these assignments could not be made until after final proof, and therefore there could be no assignment in good faith. There could be no purchase by an assignee in good faith, assuming he had read the law and informed himself, of a tract which had been assigned prior to final proof. Now, if we strike out the words that I have referred to——

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. RAKER. Just what words?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from California?

Mr. MONDELL. Yes. Lines 16 and 17, the words "prior to the date of assignment and," the act will then provide that assignments will be validated and the rights of the assignee protected, even though prior to the date of final proof the entry had been conformed to farm units and the part assigned canceled and eliminated from the entry. It will be very clear then, beyond a question, that we are not attempting to validate an assignment made prior to the submission of final proof.

Mr. RAKER. Will the gentleman yield there?

Mr. MONDELL. Yes.

Mr. RAKER. I want to say to the gentleman that it is furthest from the committee's mind to make an assignment valid that was made before final proof.

Mr. MONDELL. Well, I will take the gentleman's word for that and have no doubt but that it is true; but this is also true, and that is evidenced by the report of the department, and I know it is a fact, that in some cases assignments were made prior to the submission of final proof and subsequently final proof was made on the entire tract, including the assigned portion.

Now, I can not understand how any homestead settler could have done that in good faith, how anyone could have purchased such an assignment in good faith, but if we strike out the words I have referred to we simply amend the former statute by providing that certain assignments shall be held valid notwithstanding the fact that at the time of final proof a part of the entry had been eliminated from the tract by some action of the department.

Now, it may be suggested that we should not go even that far. But there are many reasons for doing that. There are cases of which I have knowledge, and all of the gentlemen who live in the vicinity of these reclamation projects know, where entries have been conformed to farm units the work of conformation had gone to the point of the elimination on the records of the Land Office of a portion of the entry without that fact being known to the entryman.

These farm-unit surveys were undertaken from time to time and carried along rather leisurely, and in many cases the settler, while assuming that it would be necessary for him eventually to content himself with less than 160 acres, did not know just what the farm unit would be in his case, and he was not informed by letter in every case before proof of the conformation of his tract. While the settler was charged with notice that his area might be reduced, or was likely to be, he did not have that notice officially up to the time he made final proof in all cases.

Mr. SMITH of Idaho. Is it not a fact that when these intending entrymen went upon these projects and made their application for 160 acres the Land Office accepted their application and required them to put up the fees for 160 acres, and not until a lapse of over five years, in many instances, did they know but that they would get the 160 acres, and in the meantime went ahead and made improvements upon the land and fenced and cultivated it?

Mr. MONDELL. That is accurate in a way.

Mr. SMITH of Idaho. That is the truth with reference to the Minidoka project in southern Idaho.

Mr. MONDELL. It can not be entirely accurate in any case, because the reclamation law itself charged the entrymen with notice.

Mr. SMITH of Idaho. That is true, but the Government accepted the application, and the entryman naturally assumed he would be able to hold the entry.

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Idaho?

Mr. MONDELL. If the gentleman will permit me an opportunity to finish one sentence, then I will be glad to yield. The reclamation law charged him with notice of the fact that there was to be a conformation to farm units, and in every case that I know of farm-unit surveys were undertaken rather early in the history of the project.

Mr. SMITH of Idaho. The gentleman is not familiar, then, with conditions on the Minidoka project, where entrymen went in and did not get water until six years later. In the meantime they lived on the land and complied with the law as to residence, and they did not know until after water was obtained and made available and conformation was ordered that they would not, in some cases, get the entire 160 acres of land, as their applications had been made at the Land Office for 160 acres and they put up their entire fees for that amount.

Mr. MONDELL. That is true. Many of those people went on the land immediately after the adoption of the reclamation law. In my State some lands had been taken even prior to the passage of the reclamation law. In those cases the men had no knowledge of the reclamation law, but when the reclamation law

was passed and they came under it they were charged with notice.

Now, it is an unfortunate fact and a sad fact and a regretable fact that under the early practice of the department some men who had largely improved practically all of their land were compelled to accept patent to only a part of them down to 40 acres. There were some cases of that kind in my State, which worked injustice and hardship, but we can not save or help those men. That is a thing done and completed, and no legislation now would remedy that condition.

Mr. McCRACKEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Idaho?

Mr. MONDELL. Not at this time.

The CHAIRMAN. The gentleman refuses to yield.

Mr. MONDELL. But a man, knowing that under the law he had no right to assign until he had made proof, and deliberately doing that, as to such a man I can not understand how he could have done it in good faith.

Mr. McCRACKEN. Will the gentleman yield now?

The CHAIRMAN. Does the gentleman from Wyoming yield?

Mr. MONDELL. Yes.

Mr. McCRACKEN. The gentleman is probably not familiar with the fact that these entrymen went upon those projects under the assumption that they could get 160 acres of land. That had been the custom heretofore, and no one had given them notice that they could do otherwise.

Mr. MONDELL. Well, there are many things that I do not know much about, but I think I am fairly well informed in regard to that particular fact.

Mr. McCRACKEN. I have doubt of it.

Mr. MONDELL. We all know that the general homestead entry has been 160 acres. We all know that the homestead entry under the reclamation law was 160 acres. But we do also know that the reclamation law contained a provision authorizing the Secretary of the Interior to reduce the area.

Mr. McCRACKEN. I agree with the gentleman as to that.

Mr. MONDELL. And while on land subject to the law men were allowed to take 160 acres; they took the 160 acres with the knowledge that they would probably be compelled to accept eventually a patent for a smaller area.

Mr. McCRACKEN. No. I want to disagree with the gentleman on that.

Mr. MONDELL. Do I understand it is the contention of the gentleman that his people went on irrigation projects without any knowledge of the law? That is a fair question.

Mr. McCRACKEN. Yes. I think most of the entrymen went to the Land Office and offered their applications to enter upon these lands, and those applications were received for 160 acres in nearly every case.

Mr. MONDELL. There is not any question about that. No one contends that that is not true.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I would like to have 5 or 10 minutes more.

Mr. MANN. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Wyoming is recognized for five minutes more.

Mr. McCRACKEN. But the gentleman says it was just to these entrymen that their entries should be cut down to 80 or 40 acres. I contend that that would not be just to those people, because they went there and made their proof on the basis of 160 acres.

Mr. MONDELL. We are not discussing that, Mr. Chairman, at all. That is foreign to this discussion. As to that provision in the reclamation law allowing entries to be cut down, or authorizing the Secretary of the Interior to conform the lands to farm units, that is not here for discussion at this time. That is not the subject of discussion at all. The gentleman may hold that it was not wise. But that is entirely beside the question.

The question before us now is this: Shall we validate what was—I will not say clearly a fraud, but what it seems to me, had it been done by a man of ordinary intelligence, would seem at least to be a fraud? The gentleman from California [Mr. RAKER] assures us that the committee has no intent or thought of validating these assignments made prior to the completion of the final proof. That being true, we can easily amend the bill so as to make it clear that we do not intend to do that, by simply striking out the words to which I have referred. But we still leave my friend's constituents who proceeded in good faith under the law in possession of all their rights, and we validate what they did, although it was not in strict conformity of law. The assignment might have been taken in some cases even with official knowledge that part of the entries had been canceled. But whether it was so taken or not, it was taken in a great many cases where the entrymen had put a good deal of time and labor on the entry and improved it, and therefore I think the entrymen should be given the right to assign in the class of cases we treat of.

Now, we are giving them that right, but I think all admit that we should not attempt to validate those cases where assignment was made prior to the submission of final proof. How could any honest, intelligent homesteader go to the land office and swear to final proof of residence on land that he had sold, or on the part of which he had sold? That is a fraud on the face of it, and the gentlemen of the committee tell us that they did not intend to do that.

I think that the bill, amended as I have suggested, will cover all meritorious cases and will validate all of the cases that should be validated. It does relieve quite a considerable number of people who were perfectly honest, I think, in what they did, although what they did did not come within the statute as it was then on the books. I hope the bill will pass with the amendment I have suggested, and at the proper time I shall offer that amendment.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. RAKER. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. THOMPSON] one minute.

The CHAIRMAN. The gentleman from Oklahoma [Mr. THOMPSON] is recognized for one minute.

Mr. THOMPSON. Mr. Chairman, I ask permission to extend my remarks in the RECORD on the resolution which was under consideration yesterday.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks on the resolution that was before the House yesterday. Is there objection?

There was no objection.

Mr. KINKAID. Mr. Chairman, I ask the same privilege.

The CHAIRMAN. The gentleman from Nebraska asks the same privilege. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Tennessee makes the same request.

Mr. ROGERS. I ask, Mr. Chairman, that I have the same privilege.

Mr. IGOE. Mr. Chairman, I make the same request.

Mr. BAILEY. And I make the same request, Mr. Chairman.

Mr. SMITH of Texas. And I wish to make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee [Mr. AUSTIN], and that of the gentleman from Massachusetts [Mr. ROGERS], and that of the gentleman from Missouri [Mr. IGOE], and that of the gentleman from Pennsylvania [Mr. BAILEY], and that of the gentleman from Texas [Mr. SMITH]?

There was no objection.

Mr. RAKER. Does the gentleman from Illinois want to use his time now?

Mr. MANN. How does the time stand?

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] has 20 minutes and the gentleman from California [Mr. RAKER] 27 minutes.

Mr. RAKER. I yield five minutes to the gentleman from Louisiana [Mr. DUPRÉ].

Mr. DUPRÉ. Mr. Chairman, I ask unanimous consent that I may proceed out of order.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that he may address the House out of order. Is there objection?

There was no objection.

Mr. DUPRÉ. Mr. Chairman, I did not have an opportunity to address the House on yesterday; and as I have uniformly made it a practice not to extend my remarks in the RECORD by including any utterances that I have not made on this floor, I am now availing myself of the courtesy of the gentleman from California [Mr. RAKER] and of the House to bring to its attention a matter that I think requires its cognizance. I do not want to indulge in any post mortems, or to reopen the vocal war that we had on yesterday, but it seems to me that this telegram which I hold in my hand, and which most of the gentlemen on this side of the House received, coming from New York, and signed Irish-German Democrats, ought to be exposed. This telegram reads as follows:

NEW YORK, *March 6, 1916.*

Hon. H. GARLAND DUPRÉ,
Washington, D. C.:

The public almost entirely wants peace. Wilson's proposed secret diplomacy and concealment from Congress means war. We are con-

cerned about Democratic success. Your common sense must save the party, which otherwise will be finally ruined by this partisan administration, so offensive to the vast majority of our voters here.

IRISH-GERMAN DEMOCRATS.

Mr. Chairman, I say I believe that this telegram ought to be exposed. If it is a fake, as I believe it is, it ought to be brought to light; and if it is bona fide, I for one want to express the contempt I feel for the anonymous manner in which the telegram has been sent to this House. I do not know any Irish Democrats, any German Democrats, any English Democrats, or any French Democrats. I only know Democrats, and in a crisis in our country's history I know neither Democrats nor Republicans, but only Americans. [Applause.]

I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back three minutes.

Mr. RAKER. I think no gentleman on this side desires to occupy any more time, except such as I reserve to myself in conclusion.

Mr. MANN. Mr. Chairman, there have been three bills introduced upon this subject, reported favorably, two in the last Congress and one in this Congress, all introduced by the gentleman from California [Mr. RAKER]. In the last Congress the gentleman introduced a bill (H. R. 117) on April 7, 1913, which was reported on March 9, 1914. And following the recommendation of the Interior Department at that time the committee reported a substitute bill and provided—

That all entries so assigned shall be subject to the limitations, terms, and conditions of the reclamation act and acts amendatory thereof or supplemental thereto. All of said assignees whose entries are hereby confirmed shall, as a condition to receiving patents, make the proof heretofore required of assignees: *And provided further*, That this act shall not apply to any lands canceled or eliminated from any such entry and which have been embraced in any valid settlement or homestead entry of another.

These provisos are left out of the bill now pending, though there may be a provision which, in a way, answers to them.

In the first bill which was reported it was provided that any assignments made between June 23, 1910, and January 1, 1914, of all or portions of homestead entries upon which the assignors had submitted satisfactory final proof, and the assignees purchased with the belief that the assignments were valid, are hereby confirmed, and so forth. I do not think it has yet been explained how an assignor, after he has made an assignment, can submit satisfactory final proof of a homestead entry; and the committee and the gentleman from California [Mr. RAKER] both apparently recognize the value of that criticism, because in the bill H. R. 16099, introduced by the gentleman from California [Mr. RAKER] on April 28, 1914, and reported to the House on May 23, 1914, that language is left out; and where the original bill provided "or prior to submission of final proof" that language is not found in the second bill which the gentleman from California introduced, and which was reported favorably. That is, it occurs in one place in the bill and in another place it is left out. I do not know just what the purpose was.

The Department of the Interior, reporting upon the first bill, recommended a substitute for the bill as introduced. Now they report upon the pending bill, which leaves out about half of the substitute that the department originally recommended. Now the department recommend or do not object to the passage of this bill.

While there has been considerable ado about the matter, and a praiseworthy persistence by our distinguished colleague from California [Mr. RAKER] the department say that there are probably not over half a dozen cases in the United States which would be affected by the bill at all. Whether they are correct about that I do not know. I think, however, if I have any sort of understanding of this bill—and I am willing to confess that when I read the first bill I could get no understanding at all out of it; probably not for lack of clearness in the bill, but for lack of knowledge on my part of the facts under the reclamation law as that law was applied—my understanding of the situation, right or wrong, is that on these reclamation projects many people made homestead claims for 160 acres or for a lesser amount, and that when the time came under the law for the Reclamation Service to determine, as they had the right to, what should be the unit of a homestead entry, they reduced the amount from 160 acres, or a lesser amount perhaps, to 40 acres, and I do not know but in some cases less than 40 acres. When a man made his final proof, if he had made an entry for more than the lesser amount fixed by the Reclamation Service, the additional amount for which he had made entry was excluded from patent at least, and he was not allowed any more than the amount which the Reclamation Service said should be the unit for the homestead entry, which might be 40 acres, or more or less; and that if that occurred, and the man had not parted with his supposed title, he was then permitted to make an assignment; but that in some cases the claimant or homestead entryman had made an assignment of a part of his supposed land covered by his entry, in advance of his final proof; and, as I recall, it is stated that these assignments were in the main made to bankers, probably as collateral security for the purpose of borrowing needed money. Possibly they were not intended to be real assignments, except merely as collateral security. I do not know as to that. The land having been assigned in that way, a man who may have made some improvements upon it, who may have cultivated it, who certainly thought he was going to get it, finds that perhaps the major portion of his homestead claim is taken away from him, without any authority on his part to obtain any recompense whatever or title for his labor.

Mr. TAYLOR of Colorado. Will the gentleman let me make a suggestion?

Mr. MANN. If it is not too long.

Mr. TAYLOR of Colorado. I want to suggest that in the West it is very expensive to clear this land, and——

Mr. MANN. I have no doubt that is the case; and I have no doubt where they have borrowed money it was for the purpose of putting the money on the land, which in the end the man does not get, although he still owes the money to the bank. The bank may have it as collateral security, but the security is gone. But I would like to inquire, in that connection, how this can do the assignee any good.

The CHAIRMAN. The gentleman has occupied 10 minutes.

Mr. MANN. I will take five minutes more. "The land upon which the assignor has submitted final proof." How can a homestead entryman submit satisfactory final proof, swearing that he has not disposed of the land, if he has made an assignment of it?

Mr. RAKER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. RAKER. The bill does not cover that kind of land. We have eliminated those who made an assignment before final proof.

Mr. MANN. He can make an assignment after final proof, can he?

Mr. RAKER. He can now under the act of 1910 when the Secretary of the Interior conforms it to the farm unit. The only trouble now is if he conformed it to farm unit before final proof the assignee is out.

Mr. MANN. I was under the impression that if he made his final proof then the department made the unit which was less than that covered by final proof that he had the right to make an assignment.

Mr. RAKER. He does under the remedial act of June 23, 1910, but before that act he was helpless. Now, I am going to yield the gentleman more time if I take up too much of his time. A project where land is withdrawn and is for reclamation purposes, and the project may never have been started, the party is permitted to file a homestead, makes final proof, and gets a certificate, but he takes it with the understanding that at any time thereafter the department may conform it to farm unit, and while he might have the whole 160 acres under cultivation, when they did so conform it he will get what they designate, which may be 40 acres, and the other 120 acres can be sold.

Mr. MANN. Let us see how this is.

Mr. RAKER. I will yield to the gentleman five minutes more.

Mr. MANN (reading):

When entries made subject to the provisions of the reclamation act are conformed to the farm units established by this department, in pursuance of said act, prior to the submission by the entryman of proof of residence, cultivation, and improvements required by the ordinary provisions of the homestead law, the areas eliminated from such entries by the conformation thereof to farm units can not be assigned under the provisions of the act of June 23, 1910. The entryman has no interest in the excess land after his entry is conformed to a farm unit, the entry being canceled as to such excess. Where, however, such confirmation to farm units is subsequent to the submission of satisfactory proof of compliance with the ordinary provisions of the homestead law, the entries may be conformed to the farm units thus established by assignment of the areas eliminated.

Mr. MONDELL. Will the gentleman yield?

Mr. MANN. Yes.

Mr. MONDELL. Where the conformation to a farm unit and the cancellation of the surplus is subsequent to the final proof.

Mr. MANN. Where the conformation is subsequent to final proof then he can make his assignment. How could he make an assignment and then afterwards make his final proof on the part which is assigned?

Mr. MONDELL. If the gentleman had listened to my discussion of the bill he would have learned that I propose to amend the bill so it would not provide for such an assignment.

Mr. MANN. That is the gentleman's amendment. I am trying to find out from the gentleman from California whether it ought to be amended.

Mr. MONDELL. I think the gentleman made the statement that it needs to be amended because, clearly, a man has no right to make a final proof on a tract he has assigned and parted title with.

Mr. MANN. The gentleman from California seemed to be under the impression that he had; but it is patent that either the language "has submitted satisfactory final proof" ought to stay in or it ought to go out, and if you make a mistake in regard to it it will spoil the bill.

Mr. MONDELL. If the gentleman will pardon me, those words should remain in. The words that should go out, in my opinion, are the words preceding "prior to the date of assignment and."

Mr. RAKER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. RAKER. Referring to the words the gentleman from Illinois has spoken about, the assignor has submitted satisfactory final proof. That means that he has lived on it five years, that he has cultivated it five years, and improved it five years. When he makes final proof of that it has been conformed to the farm unit before he made the final proof, he not realizing it, his testimony would go to show that he had complied with the law and obtained the 160 acres.

Mr. MANN. Can he make proof that he has lived on the land five years and made application for a patent after he has made an assignment of it?

Mr. RAKER. This bill does not cover that case.

Mr. MANN. Is it not a matter of perjury, if he does?

Mr. RAKER. No; because the department in several cases did issue final patent to the assignee as well as the assignor where the final proof was made after assignment, but we do not provide for that in this bill, and I do not think we ought to.

Mr. MANN. Mr. Chairman, I studied over the two bills in the last House, and concluded that I did not know very much about it, and have studied over this bill in this House and did come to the conclusion that I had a fair idea of what it meant, but I throw up my hands—I have not.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly. I do not mean, by what I have said, any reflection upon the bill.

Mr. MONDELL. I think the gentleman from California [Mr. RAKER] did not mean to say as I understood in answer to the question propounded by the gentleman from Illinois [Mr. MANN] that the assignee in any of these cases made final proof. The only man that has made final proof in any of these cases is the assignor. The assignee will make final proof on his land some time in the future.

Mr. MANN. He said the assignor had made final proof, and that under that the assignee had received a patent, I take it.

Mr. RAKER. Mr. Chairman, there is not any doubt that where the assignee, the original homesteader——

Mr. MANN. Yes.

Mr. RAKER. The original homesteader having 160 acres in his homestead filing, for five years lives upon it, cultivates it, and improves it. He then make final proof, but before he makes that final proof the Secretary of the Interior conforms the land to the farm unit, he not appreciating that fact. Then, after he has made his final proof, he sells it to a bona fide purchaser, or sells 80 acres over and above that to which he is entitled. This bill permits the assignee—and the assignee alone, because the original homesteader, the assignor, gets his patent beyond question—to continue to comply with the law under the provisions and restrictions of the act of June 23, 1910, to obtain a patent for that which he believed he had a right to obtain a patent when he purchased it, although the act of June 23, 1910, permits the assignment if the conformation to the farm unit is made, after the final proof. This bill simply says that perchance the conformation was made before the final proof and the parties both being in good faith, the assignee having paid value for what he obtains, he shall not be deprived of a patent.

Mr. MANN. Let me ask the gentleman a question. Do I understand from the gentleman that an assignor or homestead entryman may not have known that there had been a conformation to the farm unit?

Mr. RAKER. Yes.

Mr. MANN. And he makes his application for patent?

Mr. RAKER. Yes.

Mr. MANN. And then ascertains, after he has made his application in good faith, that there has been a conformation to farm units which cuts down the amount that can be given to him?

Mr. RAKER. Yes.

Mr. MANN. And that then he made an assignment?

Mr. RAKER. He could do that; but I do not say that was so in these particular cases. Evidently, from the information that I can gather, it was after he has made his final proof, and, of course, the information would soon leak out in a community.

Mr. MANN. The act of 1910 clearly authorized him to make the assignment of the excess?

Mr. RAKER. Yes.

Mr. MANN. If the conformation itself is made after the final proof is submitted?

Mr. RAKER. That he can do now under the law.

Mr. MANN. Under the act of 1910?

Mr. RAKER. Yes.

Mr. MANN. So he must have made his final proof or thought he was making it under this bill before he knew there had been a conformation?

Mr. RAKER. That is all there is to it; yes.

Mr. MANN. Well, I do not know. I hope the gentleman will take the time to go over the bill in detail.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. RAKER. I yield to the gentleman from Mississippi.

Mr. SISSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon the subject of the McLemore resolution.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD on the McLemore resolution.

Mr. McLEMORE. Mr. Chairman, I make the same request.

Mr. DECKER. Mr. Chairman, I make the same request.

Mr. GOOD. Mr. Chairman, I make the same request, in order that I may print an article upon that subject.

The CHAIRMAN. Is there objection?

Mr. MADDEN. Mr. Chairman, I am requested by the gentleman from North Carolina [Mr. BRITT] to ask unanimous consent to extend his remarks upon the same subject.

The CHAIRMAN. The gentleman from Illinois makes the same request on behalf of the gentleman from North Carolina.

Mr. ESCH. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Wisconsin [Mr. ESCH] makes the same request. Is there objection to the requests of any of these gentlemen to extend their remarks in the RECORD upon the subject of the McLemore resolution. [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Chairman, in response to the statement of the gentleman from Illinois [Mr. MANN], I believe, while I did not intend to take any more time and, possibly, ought not to do so, that it might be better to take a few minutes of the time of the House to go over in as short a way as I can just to explain the purpose of the bill. Having before me the act of June 23, 1910, which I will read in a minute, it is recognizable as a fact that when a man obtained a filing upon his land or claim of 160 acres, after final proof and final receipt issued, in equity, or, as the courts repeatedly held, he had an inchoate title, which the Government did not attempt to take from him; but when the reclamation act was passed it contained a provision that the man made the filing subject to the right of the Government to reduce the area of his homestead, which was 160 acres, to any number of acres that, in the judgment of the Secretary of the Interior, would be sufficient to support a man and his family. That was in his filing of the application. A good many of them never realized what it meant. The land was thrown open for settlement and filing without any restrictions, except what the law provided. Then when it came to conform to the farm unit he for the first time realized that what he thought he had was 160 acres of land turned out to be, in some instances, 20 acres. The other 120 acres was beyond his control, although improved, fenced, cultivated. In some instances it was conformed to an 80-acre tract, and he found 80 acres of his fenced, cultivated, and improved land, worth a great deal of money, absolutely beyond his control or handling; and for land upon which he had given five, six, or eight years of the best years of his life he could get no return for all of this work.

To relieve that situation to the end that the man who had actually made an improvement and had done the work, Congress, in its wisdom, said that this homesteader, although legally not being permitted to patent this land, he having made the application for it and signed a written statement that he would accept only what the Secretary of the Interior said he should have; notwithstanding this man all these years—and it must have been at least five years—we will permit him to sell out and get some of the proceeds of his labor, and that the assignee, having purchased it from this original homesteader, could then obtain a patent for the land connecting the original five years of the original homesteader with his five years' improvement and his five years' cultivation upon two conditions:

First, the payment of the annual assessment for upkeep and maintenance of the project; and, second, the payment of the proportion of the construction charges. He would then get a patent, provided that the conformation to the farm unit was made after the final proof. Now, this bill finds a number of people who had lived on the land five years, who had cultivated it five years, improved it for five years, and made final proof or submitted satisfactory proof, which is what we contend for in the bill and in the act means the same thing, and is intended to mean the same thing. He has made his final proof, and after he has made that final proof and assigned a part of the entry according to the conformation to the farm unit it turns out that the conformation order was made before he made his final proof. Now, it simply puts these few men, between the 23d of June, 1910, and the 1st of January, 1913, in the same category, relieving the honest, bona fide assignee, who has paid his money, who has been on the land, and against which there is no valid claim—simply recognizes that equity that is brought about by all these expenses and all this work.

Now, Mr. Chairman, I ask for a reading of the bill.

The CHAIRMAN. The gentleman from Illinois has five minutes remaining.

Mr. RAKER. Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman has 10 minutes.

Mr. MANN. Will the gentleman from California inform me why the two provisos that were in the bill in the last House have been left out of the bill in this House, and whether the gentleman thinks the proviso that is in the bill in this House is their equivalent?

Mr. RAKER. The proviso here intends, as I view it and as I think it does, to date back to the act of June 23, 1910, and makes him comply with all the conditions of that act.

Mr. MANN. Was this bill prepared by the department?

Mr. RAKER. The substitute was. I sent it up and introduced the substitute.

Mr. MANN. That was in the last Congress, but this is quite different from that.

Mr. RAKER. I will tell the gentleman how that occurred. The gentleman knows that it was brought up several times in an effort to get unanimous consent and there were suggestions made by the gentleman from Illinois and some other gentleman, and I tried to conform this bill to the views then expressed so as to avoid any possible complication. I then introduced it and sent it to the Interior Department.

Mr. MANN. Does the gentleman know whether or not the Department of the Interior considers this last proviso in this bill as an equivalent of the two provisos which were in the former bill which they recommended?

Mr. RAKER. The only answer I can give to the gentleman is that it was submitted to them and they made a report on it, and it was intended, as I view it, to cover the same subject. May I call the gentleman's attention to the act of June 23, 1910, which reads as follows:

Provided, That all assignments made under the provisions of this act shall be subject to the limitations, charges, terms, and conditions of the reclamation act.

Now, that proviso in this bill that is under consideration is intended to incorporate all those provisions in this act to the end that the assignee must in every particular, except as provided in this bill, comply with the reclamation act and all acts amendatory thereof.

Mr. MANN. Well, there was a second proviso in the last Congress.

Mr. RAKER. Which bill is that; is that the last bill?

Mr. MANN. Well, it is in both of them:

That this act shall not apply to any land canceled and eliminated from any such entry and which has been embraced in any valid settlement or homestead entered by another.

Mr. RAKER. It is intended to be covered by the amendment in lines 5 and 6, page 2, which reads:

In the absence of any intervening, valid, adverse interests.

That covers that proviso. I did not quite get the gentleman's question when he put it.

Mr. MANN. Mr. Chairman, I still have a little curiosity, and I would like to ask my friend what has become of Mrs. Lucy Comoll?

Mr. RAKER. Well, she is hanging in the air; she is holding her claim there.

Mr. MANN. Has not she starved to death?

Mr. RAKER. Oh, I think not.

Mr. MANN. Is she still in possession?

Mr. RAKER. That is my understanding. I will not say it positively.

Mr. MANN. Her husband is still worthless, incompetent, and a burden?

Mr. RAKER. Of that I am not advised at the present time.

Mr. MANN. The gentleman does not want to make that statement, then, as the principal argument in favor of this bill?

Mr. RAKER. Oh, no.

Mr. MANN. That seemed to be the main contention in the last Congress.

Mr. RAKER. The gentleman will notice that this report does not contain that.

Mr. MANN. I have noticed that. That is the reason my curiosity caused me to ask the gentleman the question.

I do not desire to consume the balance of my time.

Mr. RAKER. I do not desire to consume the balance of mine, either.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 384) to amend the act of June 23, 1910, entitled "An act providing that entrymen for homesteads within the reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act."

Be it enacted, etc., That the act of June 23, 1910 (Public, 243, 36 Stat., p. 592), entitled "An act providing that entrymen for homesteads within reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act," is hereby amended by adding the following proviso:

"*Provided*, That any assignment made between June 23, 1910, and January 1, 1913, of which the assignor has submitted satisfactory final proof and the assignee purchased with the belief that the assignment was valid and under the act of June 23, 1910, are hereby confirmed, and the assignee shall be entitled to the land assigned as under the act of June 23, 1910, notwithstanding that said original entry was conformed to farm units and that the part assigned was canceled and eliminated from said entry prior to the date of assignment and prior to the date of final proof: *Provided further*, That such assignee shall in all other respects comply with all of the provisions of the act of June 23, 1910."

Also the following committee amendment was read:

On page 2, line 5, after the word "that," insert the words "in the absence of any intervening valid adverse interest."

Mr. MANN. Mr. Chairman, may I ask the gentleman just what that means? Suppose somebody had made a claim on this property for the purpose of ousting the assignee?

Mr. RAKER. My understanding of the meaning of this language is that if anyone has gone to the land office and made a filing—tendered a filing for this land—it would be an adverse claim.

Mr. MANN. Why can not the assignee make a homestead entry? Have they not the right in nearly every case?

Mr. RAKER. It may be that the assignee is not qualified to make the homestead entry.

Mr. MANN. You put the case of Mrs. Comoll. She can make a homestead entry, can she not?

Mr. RAKER. She might not.

Mr. MANN. Why not?

Mr. RAKER. She might not have the qualifications.

Mr. MANN. A woman who is supporting her husband can not make a homestead claim?

Mr. RAKER. I do not think so. A woman who is unfortunate enough to have a husband who is a scalawag at leisure does not get the benefit of the homestead act.

Mr. MANN. I did not put it that way. I thought the gentleman was going to say a woman who was unfortunate enough to have a husband.

Mr. RAKER. No, sir. I think they are both fortunate.

Mr. MANN. Or a man who is fortunate enough to have a wife.

Mr. RAKER. That is good. I agree with that always.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, line 8, after the word "of" insert the words "land upon."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, lines 16 and 17, after the word "entry," in line 16, strike out the words "prior to the date of assignment and."

Mr. MONDELL. Mr. Chairman, it seems to me there is only one valid objection to this legislation, and that is that the presence of the words which I propose to strike out in the bill may lead to the interpretation by the Land Office of an intent on the part of Congress to validate assignments made prior to the sub-

mission of final proof. I am not certain that the language is fairly susceptible of that sort of interpretation; but, if it is not, it is clearly superfluous, for with this language stricken out the law will provide that assignments may be made subsequent to final proof. That is the original law; and then this proviso following, that an assignment made during a certain period, made in accordance with that law, but made in cases where prior to the assignment there had been an elimination by cancellation of a part of the entry, the assignment would still be valid. I propose to strike out, in lines 16 and 17, the words "prior to the date of assignment and." The proviso will then simply provide for the confirmation of assignments made after final proof in accordance with law, but assignments that are not valid now because at the time of the assignment the land had already been conformed to the farm unit by the department and part of it had been canceled. It would cover such cases, of course, where this had all occurred before the submission of final proof.

Mr. RAKER. Really as it reads here, to construe the words "prior to the date of assignment and prior to the date of final proof"——

Mr. MONDELL. There is no comma there, and that is one phrase.

Mr. RAKER. I think it means the same thing, and I do not see any objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was agreed to.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] asks unanimous consent to extend his remarks in the RECORD. On what subject?

Mr. GARDNER. On some matters of preparedness and a communication from the Navy League—nothing offensive.

The CHAIRMAN. On the question of preparedness and the Navy League, and nothing that is offensive. Is there objection?

Mr. MONDELL. Mr. Chairman, would it be proper to inquire what the gentleman's definition of "offensive" is? It is rather of a new form in which to submit a request.

Mr. MANN. It is very certain that the gentleman's remarks will not be offensive to anyone.

Mr. GARDNER. I merely made that remark because sometimes there are controversial matters between the Navy League and a Member of this House that I prefer to read in the RECORD rather than print in the RECORD. That is all.

The CHAIRMAN. Without objection, the request will be granted.

There was no objection.

Mr. MANN. Mr. Chairman, the gentleman's request was acceded to?

The CHAIRMAN. Yes. The request was granted.

Mr. MANN. The language here is, "notwithstanding the original entry was conformed to farm units and that the part assigned was canceled and eliminated from said entry prior to the date of assignment and prior to the date of final proof." Now, the gentleman proposes to strike out "prior to the date of assignment" upon the ground, as I understood him, that it might let in assignments which were made prior to the final proof and prior to the conformation. On first blush it seems to me that the amendment offered by the gentleman would accomplish directly the reverse of what he seeks to accomplish. He would make the language read, "conformed to farm units and that the part assigned was canceled and eliminated from the said entry prior to the date of final proof."

Mr. MONDELL. Yes; that is true. But if this language is stricken out it would not include claims where there had been an assignment prior to final proof; and that is the class of claims we desire to eliminate.

Mr. MANN. Why not? What is there to show that all assignments made prior to the date of final proof would not be eliminated? That is, if the farm units were conformed prior to the final proof?

Mr. MONDELL. Of course, the gentleman understands that this is a proviso to a former law.

Mr. MANN. Yes; but this law supersedes the other law, so far as it has any effect.

Mr. MONDELL. I understand; but so far as we do not specifically modify the other law, the other law governs. Now, by striking out the words "prior to the assignment and" there is nothing in this proviso or in the original law that would allow the assignment to be made prior to the submission of the final proof, because the original law provides, and would remain in force, that assignment could not be made until after final proof.

Mr. MANN. This language does not relate to final proof. This language relates to the date of conformation of farm units.

Mr. MONDELL. If the gentleman will read that language carefully he will see that the words "prior to the date of final assignment and prior to final proof," as they stand in the bill, without a comma between them, are one common proposition, and that standing in the bill as they do, they would validate cases where conformation of farm units was not only prior to the date of final proof, but the assignment was prior to the date of final proof.

Mr. MANN. Mr. Chairman, the inserting or leaving out of a comma has no effect whatever in making a distinction in language. In the early days, when I was a boy in college, they used to stick in a comma wherever they could; but modern proof readers leave them out now wherever they can, leaving the reader, and properly, to construe. This language relates to the date of conformation, and as it is in the bill, it requires that the conformation must have been prior to the assignment, and also prior to the date of final proof.

Mr. MONDELL. Oh, no; subsequent to the date of final proof. That is the original law.

Mr. MANN. We are not talking about the original law. We are talking about this. It says, "Nothwithstanding that said original entry was conformed to farm units and that the part assigned was canceled and eliminated from said entry," and that is the part of conformation practically prior to the date of final assignment and prior to the date of final proof. That relates to the date of conformation of farm units, and under this bill it requires that conformation must have been made before the date of assignment, and also before the date of final proof.

Mr. MONDELL. So far as I am concerned, I am perfectly willing, if the gentleman from Illinois is, to let in this class of cases. There are probably not more than half a dozen of them. But I would prefer to keep them out. But if the gentleman from Illinois objects to having this class of cases stricken out, I have no particular interest in the matter. If he thinks we ought to let in these fraudulent cases, well and good.

Mr. MANN. Mr. Chairman, I have profound respect for the gentleman from Wyoming, profound respect for his knowledge upon all subjects, and especially respect for his knowledge upon public-land questions. Yet it seems to me the language that he strikes out lets in a lot of cases instead of excluding them.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, the committee amendment that was adopted at the beginning of the proviso, in my opinion, should be amended. I did not notice the amendment at the time. I understand it can only be amended by unanimous consent, but I want to call the attention of the gentleman from California [Mr. RAKER] to this fact, that the language used is, "in the absence of any intervening valid adverse interest." The word "interest" in that connection is an entirely new word, so far as I know, in public-land legislation. The word used universally is "right."

Mr. KINKAID. Or "claim."

Mr. MONDELL. I am not sure just what class of pretended rights or pretended interests might be brought in under this language. What we seek to do is to preserve an intervening adverse right. That is the term that has been used from the beginning of time in connection with our land legislation.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. SMITH of Texas. I will ask if the word used is not "claim"?

Mr. MONDELL. No; not generally, though it is sometimes. We do not set aside one man's claim for another man's claim, but we set aside one man's claim for another man's right; and the word generally used is "right."

Mr. SMITH of Texas. The word used here is "valid." That would apply to a claim.

Mr. MONDELL. What is an "interest"? He might have a mortgage on it. I think, in any event, we should modify that language. I say we should use the word "right," because all we are intending to recognize is a right. The gentleman suggests the word "claim." That is a little broader. That is not the term ordinarily used in such cases, but even that would be better than the word "interest."

The CHAIRMAN. Does the gentleman offer an amendment?

Mr. RAKER. This protects a man where he ought to be protected.

Mr. MONDELL. The trouble is it does not protect the very men whom the gentleman is trying to protect in his bill.

Mr. RAKER. Why not?

Mr. MONDELL. Because it makes their rights subsequent and junior to the interest that some one may assert.

Mr. RAKER. It is pretty hard for anyone to get an adverse interest, because it is an interest in the land. The amendment is suggested by the department, and I think that if a man has actually purchased a claim and is occupying it and using it, it is not intended to let a third party go in there and try to put him out.

Mr. MONDELL. Then, as I understand it, the gentleman does not really want to relieve the people whom his bill seeks to relieve if there is any shadow of an interest asserted by anyone contrary to their claims.

Mr. RAKER. Just the reverse. The words "adverse interest" must mean an adverse interest in the land, and therefore it would be mighty hard for an interloper to get in there and beat the assignee out of his valid claim, and the purpose is to protect him.

Mr. MONDELL. What is the idea, after all these years, in using a word in such a connection as this, which, so far as I can recall, has never been used in this sense in our land legislation.

Mr. RAKER. As I take it, it would really protect the assignee as he ought to be protected.

Mr. MONDELL. But this is not protecting the assignee. It is directly against the interest of the assignee, as the gentleman will see if he will read the language.

Mr. RAKER. I have read it.

Mr. MONDELL. It says that—

In the absence of any intervening valid adverse interest.

Now there is a barrier put up before you do anything for these people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. The gentleman asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Before the gentleman proceeds to do anything for these assignees he places a barrier against them, and says that they may be relieved and their claims validated in the absence of any intervening valid adverse interest. Now, nobody knows——

Mr. RAKER. Let me ask the gentleman, what does this valid adverse interest mean?

Mr. MONDELL. Nobody knows, as far as I am informed, what it would be held to mean; because, so far as I can recall, it is a new word in connection with the guarding of an intervening right. No one knows what the department would hold it to mean, but we know what the department would hold was intended if we used the word "right." We know fairly well what they would hold if we used the word "claim."

Mr. RAKER. Yes; but when you use the word "interest," taking it in its legal meaning, the adverse party himself must have some interest in the land.

Mr. MONDELL. I will say to my friend from California, as I said to the gentleman from Illinois, that having started out to relieve some folks and to validate their claims or rights, if he wants to insert language in his bill that places a barrier against those rights, why, I have no objection.

Mr. RAKER. I think this relieves them.

Mr. MONDELL. I ask unanimous consent—the gentleman may deny it—to amend by striking out the word "interest," in line 6, and inserting the word "right."

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that the word "interest," in line 6, be stricken out and the word "right" inserted. Is there objection?

Mr. RAKER. I do not think we want that. I object.

Mr. MONDELL. That is the language the gentleman wants, if he wants to protect these people.

Mr. RAKER. No; "interests" is what we want.

The CHAIRMAN. Is there objection?

Mr. RAKER. I object.

The CHAIRMAN. The gentleman from California objects.

Mr. MANN. I move to amend by striking out the word "are" in line 11, page 2, and inserting the word "is."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 11, at the end of the line, strike out the word "are" and insert the word "is."

Mr. MANN. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] has endeavored to get our genial friend [Mr. RAKER] to agree to an amendment which he thinks might seriously affect the merits of the bill and what it would accomplish. The gentleman from California has objected. But I am sure the gentleman from California will be quite willing that when the House refers to a single thing it shall use the singular verb instead of the plural.

Mr. RAKER. I think the gentleman's amendment is very appropriate indeed, and the only one that ought to be made.

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out the word "interest," in line 6, page 2, and insert the word "right."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 6, strike out the word "interest" and insert the word "right."

Mr. RAKER. A point of order, Mr. Chairman. We have disposed of that amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. ELSTON. Mr. Chairman, I ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. The gentleman asks unanimous consent to be permitted to proceed out of order for five minutes. Is there objection?

There was no objection.

Mr. ELSTON. Mr. Chairman, I agree that Congress should not invade the prerogatives of the President with regard to international matters. A few days ago, when the President claimed this prerogative, Congress, with the exception of a few Members, showed no disposition to interfere with the President's negotiations. Thus the matter rested, and would have rested for all time.

Suddenly the President demanded from Congress an expression of opinion. He thereby abdicated his right to decide the question and placed the responsibility upon us. In effect it was a referendum to the people on the question of warning.

We were not asked to table or dismiss the issue. We were not asked to say that diplomatic questions do not belong to Congress. We were asked to face the issue squarely upon the merits and say whether it is right or proper to warn.

In this situation I feel impelled to express my honest conviction in favor of warning American citizens from embarking on armed merchant ships.

The graver the issue the more imperative becomes our duty to be fair, considerate, and candid. We can be firm without being imperious. Without loss of honor or prestige Lincoln tempered Seward's haughty message to England and avoided war.

A warning to Americans to keep off armed ships would not undermine the President in his diplomatic controversy. Warning means danger, and the danger is the possibility of war. There could be no war except for the President's avowed determination to maintain the right of Americans to travel on armed ships. Warning therefore implies strict adherence to his contention.

If we do not court war, why should we not reduce this real danger to a minimum by warning? Is it wrong or imprudent or unpatriotic to warn? No. It does not deprive any citizen of his right or deny protection if that right be violated. It merely requests him not to put to sure and certain proof the determination to protect him. It merely cautions him not to involve his country in war by his voluntary act. We do not warn him for his own safety, but for the safety and welfare of his country. We warn him against the possibility of war involved in the President's determination to hold Germany to strict accountability for his death. We say by warning that the President means business in his contention that international law should be upheld, but that we are a peace-loving people, determined by every fair and considerate means to avoid unnecessary acts on the part of our citizens that may lead to conflict. The President himself would have performed a patriotic act if in this situation he had seen fit to issue warning, as he did in the Mexican situation.

Mr. HOPWOOD. Will the gentleman yield a moment?

Mr. ELSTON. I will.

Mr. HOPWOOD. In view of the fact that there is a rumor this morning that the President has changed his mind and has decided to issue a warning, does the gentleman know whether there is any truth in that?

Mr. ELSTON. I have no information on that matter, but I hope it is true. I believe, Mr. Chairman, that the President during his negotiations with Germany on the question of armed

merchant ships might well have coupled with them a declaration of warning to American citizens. The country would have applauded such an act of consideration, and no construction of weakness could have been placed upon it. It was then his duty to warn. Whether or not he performs that belated duty now, he can derive little satisfaction from the inconclusive vote that took place yesterday, which did not meet fairly and squarely the issue as to warning, upon which issue he stated that he wished a full and fair discussion and a conclusive vote on the merits. [Applause.]

Mr. SHOUSE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the subject of the McLemore resolution.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD on the McLemore resolution. Is there objection?

There was no objection.

Mr. RAKER. I yield to the gentleman from Texas [Mr. DAVIS].

Mr. DAVIS of Texas. Mr. Chairman, I asked the privilege yesterday to be heard just to read some questions. I now ask unanimous consent that I may read them now and to further extend my remarks in the RECORD.

Mr. RAKER. How long will it take?

Mr. DAVIS of Texas. About two minutes.

Mr. PLATT. Mr. Chairman, reserving the right to object, I ask unanimous consent to proceed out of order for two minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that he may be permitted to proceed out of order for two minutes, and the gentleman from New York couples with it the request that he may be allowed to proceed for two minutes out of order.

Mr. DAVIS of Texas. Mr. Chairman, out of courtesy to the House I will ask unanimous consent to extend my remarks in the RECORD without reading anything at present.

The CHAIRMAN. The gentleman from Texas withdraws his request as he first made it, and asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. GRAHAM. Mr. Chairman, I do not like to object generally, but so many gentlemen have asked permission to extend their remarks in the RECORD this morning and have had objections made to the requests that I think it is unfair to grant the favor in one case and not in another, and therefore I object.

Mr. STAFFORD. Will the gentleman withhold his objection a minute?

Mr. ANDERSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the word "the," in line 19, page 2, insert the words "act of June 17, 1902, and."

Mr. ANDERSON. Mr. Chairman, I will yield to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM. Mr. Chairman, at the request of several Members, I desire to withdraw my objection to the request made by the gentleman from Texas.

The CHAIRMAN. The gentleman from Pennsylvania withdraws his objection to the request of the gentleman from Texas [Mr. DAVIS]. Is there objection to the request of the gentleman from Texas [Mr. DAVIS]? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Chairman, I have no objection to the amendment offered by the gentleman from Minnesota.

Mr. MANN. Why is that necessary, and what is the effect of it?

Mr. ANDERSON. The gentleman will notice that the provisions with which the assignee must comply, or ought to comply, are in the act of June 17, 1902, and not in the act of June 23, 1910. That act contains no provision whatever with which an assignee must comply. While this part of the bill is in the nature of a proviso to the act of June 23, 1910, as a matter of fact, it is an entirely different act and applies to the assignments made under entirely different conditions.

Mr. MANN. Mr. Chairman, the original language submitted by the department was the correct language, referring to the original reclamation act and all acts amendatory thereto, and I think if the gentleman's amendment goes in it should include the acts amendatory thereof. But it leads me to make a remark about the form of amendments to laws. Here is a law of 1910, and it is proposed to amend that law by adding the following proviso, and then at the end of the proviso it says, "It shall be subject to the act of June 23, 1910," which is the act that is being amended. Of course, an amendment to an act becomes a part of the original act, and when it is finally printed, if it shall be, in the supplement to the statutes it would be printed as one act. You will have the act of June 23, 1910, which says in language that it shall be subject to itself. It is an incorrect method of expression. No amendment to an act ought to say by reference to the act itself that it is subject to that act. It is an amendment of the act, and the correct language is in the bill reported in the last Congress, suggested by the department, making it all subject to the reclamation act and of acts amendatory thereof. We now say, "Here is John Jones," and then we say, "This is John Jones."

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent to modify my amendment by striking out, after the word "the," in line 19, and inserting "act of June 17, 1902, and all acts amendatory thereof or supplementary thereto."

The CHAIRMAN. Is there objection to the gentleman modifying his amendment? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

After the word "the," line 19, page 2, strike out the words "act of June 17, 1902," and insert the words "all acts amendatory thereof and supplementary thereto."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

Mr. BENNET. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the McLemore resolution.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the McLemore resolution. Is there objection?

There was no objection.

Mr. RAKER. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be adopted and that the bill as amended do pass.

The motion was agreed to; accordingly the committee rose, and the Speaker having resumed the chair, Mr. KEATING, Chairman of the Committee of the Whole House on the state of the Union reported that that committee had had under consideration the bill (H. R. 384) for the relief of homesteaders under the reclamation act and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. RAKER. Mr. Speaker——

Mr. MANN. Will the gentleman from California withhold his motion for the previous question?

Mr. RAKER. I will.

Mr. MANN. If the Anderson amendment goes in, it seems to me that it ought to go in in the language that the gentleman had in the former bill, which is quite complete.

Mr. RAKER. That is quite satisfactory. It intended to do the same thing that the gentleman wants accomplished.

Mr. MANN. The amendment of the gentleman from Minnesota, which I think is desirable, was prepared more hastily than that of the department, and I have the language of the former bill, if the gentleman is satisfied with it.

Mr. RAKER. It is satisfactory to me.

Mr. ANDERSON. Mr. Speaker, I offer an amendment as a substitute for the amendment which was adopted in the committee and which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Page 2, line 18, after the word "further," strike out the remainder of the paragraph and insert the following: "That all entries so assigned shall be subject to the limitations, terms, and conditions of the reclamation act and acts amendatory thereof or supplemental thereto, and all of said assignees whose entries are hereby confirmed shall, as a condition to receiving the patent, make the proof required heretofore of assignees."

Mr. RAKER. Mr. Speaker, I am willing to accept that as an amendment, and on that I move the previous question on the bill and amendments to final passage.

The SPEAKER. The gentleman from California moves the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Page 2, line 18, after the word "further," insert the following language: "That all entries so assigned shall be subject to the limitations, terms, and conditions of the reclamation act and acts amendatory thereof or supplemental thereto, and all of said assignees whose entries are hereby confirmed shall, as a condition to receiving patent, make the proof required heretofore of assignees."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] If not, the Chair will put them en grosse. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

LABOR DIFFICULTIES IN COLORADO (H. DOC. NO. 859).

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a report made to me by Messrs. Seth Low, of New York City; Charles W. Mills, of Philadelphia; and Patrick Gilday, of Clearfield, Pa., in the matter of the labor difficulties in the coal fields of Colorado during the years 1914 and 1915.

WOODROW WILSON.

THE WHITE HOUSE, *March 8, 1916.*

The SPEAKER. The message will be referred to the Committee on Mines and Mining, and, without objection, the message and documents will be printed.

There was no objection.

BOISE & ARROWROCK RAILROAD.

Mr. SMITH of Texas. Mr. Speaker, I call up the bill (H. R. 11156) to authorize the Secretary of the Interior to cause to be appraised and to sell the Boise & Arrowrock Railroad, and for other purposes, which I send to the desk.

The SPEAKER. The gentleman calls up the bill H. R. 11156. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11156, with Mr. DAVENPORT in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That whenever in the opinion of the Secretary of the Interior the Boise & Arrowrock Railroad, constructed by the Reclamation Service under the provisions of the act of Congress of June 17, 1902 (32 Stats., p. 388), for use in connection with the construction of the Arrowrock Dam, Boise project, is no longer needed for said construction purpose, the said Secretary of the Interior may cause said railroad, together with the right of way on which the same is located, and such part of the equipment and appurtenances used in connection therewith as he shall deem most profitable or economical to sell in connection with said railroad, to be appraised by three disinterested persons, to be appointed by him, and thereafter to sell the same for not less than the appraised value, at public auction, to the highest bidder, after giving public notice of the time and place of sale by posting upon the premises and by publication once a week for not less than four weeks in a newspaper of general circulation in the vicinity of the railroad, the proceeds of such sale to be covered into the reclamation fund and credited to the Boise project, and such credit applied upon the features of said project against which the cost of the construction of said railroad was charged: *Provided*, That said Secretary may reject any or all bids: *Provided further*, That after said railroad has once been offered for sale at public auction and not sold the Secretary may, in his discretion, sell said railroad, together with the equipment and appurtenances aforesaid, at private sale on such terms and conditions and at such price as he may deem to be to the best interest of the Government. Any sale hereunder shall be subject to the terms and conditions of two certain agreements, one dated March 2, 1911, between the United States and the Barber Lumber Co., and the other dated November 18, 1915, between the Oregon Short Line Railroad Co. and the United States.

Mr. SMITH of Texas. Mr. Chairman, this is a bill to authorize the Secretary of the Interior to sell the Boise & Arrowrock Railroad. This is a railroad 17 miles in length, with 1 mile of siding, which was constructed by the Reclamation Service for the purpose of hauling material to the site of the Arrowrock Dam, in the State of Idaho. The dam is now constructed, and the Government has no further use for the railroad. The Secretary of the Interior undertook to lease the railroad and advertised for bids, but received no bids, and now he reports that he believes it to be to the best interest of the Government to authorize the sale of it, subject to two contracts that the Government entered into in regard to it; one with the Barber Lumber Co., from which the Government obtained certain rights of way and easements out to this dam site, and providing for certain rights on the part of the lumber company to the use of the road, and the other contract was with the Oregon Short Line Railroad, defining their connecting rights, and so forth. As I say, this railroad has served the purpose for which it was constructed, and this bill is simply asking Congress for the authority to sell it. The bill provides, first, that the property shall be appraised by three disinterested persons to be selected by the Secretary of the Interior, and then advertisement of the sale shall be made, and if no bidders are obtained for the amount of the appraisement, then the Secretary is authorized to sell at private sale.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Texas. Yes.

Mr. STAFFORD. I notice from reading the agreement with the Barber Lumber Co. that their rights of operation over this railroad can never be terminated so long as the Government operates it or any of its assignees.

Mr. SMITH of Texas. I think that is correct; that is my recollection of the reading of the contract.

Mr. STAFFORD. In view of that superior claim of the Barber Lumber Co. to operate its trains ad libitum——

Mr. SMITH of Texas. Oh, no; they operate subject to the regulations of the Government.

Mr. STAFFORD. Subject to the regulations of the Government so long as the Government is operating the road, but not subject to the control of the assignees when once the Government surrenders the control, other than the charge that may be levied upon them for the use of the road.

Mr. SMITH of Texas. If the gentleman will examine article 6 of the agreement, he will find that in the event of sale the lumber company shall be entitled to operate trains upon and over said road only for the carriage of logs, lumber, and other freight and employees, incidental to and required by the logging and lumbering operations of the company. Whatever the Government sells the party buying will take; in other words, the purchaser will acquire whatever rights the Government has.

Mr. STAFFORD. But this right of the Government is subject to this superior right of the Barber Lumber Co.

Mr. SMITH of Texas. I would say that the lumber-company right is not superior in any respect to the right of the Government.

Mr. STAFFORD. Certainly the lumber company will always have the right under this agreement to operate its trains, whether the Government owns it or the assignee operates it.

The point to which I wish to direct my inquiry is whether the gentleman can inform the committee as to the extent of the rolling stock of this Government line?

Mr. SMITH of Texas. The Government rolling stock?

Mr. STAFFORD. Yes.

Mr. SMITH of Texas. Mr. Chairman, I can not state to the gentleman definitely the amount of the rolling stock, but it was just such an amount as the Government needed for hauling material out to this dam.

Mr. STAFFORD. It appearing that there is no one who is willing to lease it, and as it is but a spur track of railroad running from Boise City on a spur line of the Oregon Short Line Railroad, 17 miles, to nowhere, to a dam site, it would be most difficult to find any bidder at public sale to take a property which would be subject to the operating claims of a lumber company; therefore I thought it would be better to vest the authority in the Secretary of the Interior at the start, to negotiate a sale privately, rather than put it up at public auction, with no bidder likely to be found, and which would delay the sale.

Mr. SMITH of Texas. Mr. Chairman, I think it is well enough to clothe the Secretary with power to advertise for bidders. I do not think there is anything to be lost by that, but it is a question as to whether or not this property can be sold at its appraised value, and I will state also to the gentleman that in this opinion the Secretary of the Interior agrees with me.

Mr. STAFFORD. Will the gentleman yield in that particular?

Mr. SMITH of Texas. I will.

Mr. STAFFORD. As a general proposition I would assent to the proposal that it is better to submit a property to public sale, but when we take into consideration the fact that this railroad is virtually subject to the claims of a lumber company to operate its trains over this right of way for all time and that there has been no applicant to lease this railroad, would it not be more economical and safe to negotiate for a private sale? When once the Oregon Short Line, which I believe might acquire this, knows that there is no one in the market who wishes to lease or to purchase, why, naturally, the Secretary of the Interior will be obliged to shave off the price and take any price he can get in order to get rid of something that the Government has no use for and does not want.

Mr. SMITH of Idaho. Will the gentleman permit me to make a short statement?

Mr. SMITH of Texas. I will.

Mr. SMITH of Idaho. The Arrowrock Dam is the highest dam in the United States. At the time of its opening last August over 12,000 people visited there during a period of about one week, and I desire to say for the information of the gentleman from Wisconsin that it is quite possible that a very good

price can be secured for this railroad in order that they may run daily excursions up to this great dam, and I do not see the force in the gentleman's argument in asking that a private sale be effected instead of a public sale, as is generally done in the sale of public property.

Mr. STAFFORD. The gentleman realizes that no one wants to lease it because of these superior claims of the lumber company whose rights you can not supplant.

The CHAIRMAN. Does the gentleman from Texas yield the floor?

Mr. SMITH of Texas. Mr. Chairman, I will yield to the gentleman for a question; I desire to be entirely courteous to the gentleman.

Mr. STAFFORD. I do not wish to encroach upon the gentleman's time; I thought I was proceeding with the consent of the gentleman.

Mr. SMITH of Texas. I do not suppose the gentleman would object to having an appraisement made of this property before offering it for sale. I think that is one of the important things.

Mr. TRIBBLE. Will the gentleman yield?

Mr. SMITH of Texas. I will, and reserve the balance of my time.

Mr. MANN. I do not object; I never object to any request made by the gentleman from Georgia.

Mr. TRIBBLE. Mr. Chairman, I desire to thank the gentleman from Illinois—he is uniformly kind to me—and to say, as the gentleman from Texas has so kindly yielded, I will not take much time of the House.

Mr. Chairman, we have reached a crisis in the European war when we are in real danger of participating in the war. The same President who has kept us out of the war up to the present time stands at the helm and guides our ship. Mr. Speaker, the Constitution of the United States shall be my guide and compass in this perilous period of our country. When our forefathers wrote the Constitution the President was charged in that Constitution with the exclusive management of all war questions until negotiations reach the point of a declaration of war. Should the question of a declaration of war be reached, then the responsibility of a Member of Congress begins, and not until then. The President has the confidential correspondence relating to all war questions. He can not give it to the world. He has not given it to Congress on the impending crisis. On him alone rests the responsibility for properly directing the settlement of controversies pertaining to war. He is called upon to construe treaties of nations, and he is called upon to construe international law as to rights of Americans at sea. The question is, shall I support the President or shall I be a party officially to hampering and embarrassing him in his efforts to keep this country out of war. Congress has no constitutional authority to take action on these questions now an issue and pending between our country and belligerent nations. The Constitution places these questions exclusively in the hands of the President. Grave international complications exist and negotiations are in progress. The Constitution directs the President to settle these questions, and Congress has no constitutional authority for intruding upon the prerogative of the President.

Members of Congress have no constitutional authority to hamper the President's diplomatic negotiation on war questions, and the fact that they refuse to handicap him on his war policy does not mean that they are subservient to his will, as some persons have been unkind enough to charge, in this hour of our country's peril. Many Republicans and nearly all of the Democrats are refusing to hamper his efforts to keep us out of war, but that does not mean that they will support all his views on questions pertaining to general and local legislation. Civilized governments have solemnly contracted with each other to maintain specific international laws.

The President informs us that his firm demand for American rights by international law leads to peace—honorable and self-respecting peace. Should the question of war come before Congress, all the facts leading up to the issue to be voted upon by Congress will be placed before us as Members of Congress, and then I shall assume the full responsibility of voting for or against a declaration of war. Until that time is reached, I feel that Congress should not hamper our constitutional leader. The Constitution charges me with the power of exercising my official right to vote for or against war. Congress alone can declare war.

Mr. Speaker, those in the counsel of the President give us to understand that if Congress hampers and embarrasses the President such actions might bring on war instantly, and they give us to understand that if we do not embarrass him he will continue to steer us out of war. I can conceive of nothing so horrible as war; but, Mr. Speaker, there have ever been in the history of nations times when self-respecting governments must assert their rights, and to fail to do so leads to war and tends to the destruction of liberties. We do not belong to the warring class, but we are a brave and fearless people. I am for peace, honorable peace, and all reasonable methods should be exhausted to the very limit before this country should have a breach with any nation.

I do not believe American citizens should travel on any kind of ships owned by belligerent nations. Furthermore, I desire to say I do not believe this country will become involved in war solely on account of the foolhardy recklessness of Americans taking passage on vessels belonging to warring nations. I have been schooled to abhor war and to spare no effort to avert its horrors. Around the hearthstone in a humble country home in my childhood days I heard the story of the awful death struggle between the States from my parents, who lived through that period. From my soldier father I heard the story of the suffering and death in the trenches, and I am against war for my country and my people.

Mr. Speaker, when this European war sprung like a monster of lightning speed from a clear sky upon the entire world, at a time when there were no war clouds visible, I pledged my heart to lend my help to the utmost, in my official capacity, to avert that dreadful calamity for my people. At the present time we behold the world engaged in war, with the exception of part of the American Continent, such as man never conceived. There have been killed in this war nearly twice as many men as were enlisted in both Union and Confederate armies at any period during the War between the States.

We witness a war upon land, under the land, upon sea, under the sea, and in the air. Beneath the waters of the mighty ocean the submarine steals upon the unsuspecting victim, discharges its torpedo, and leaves thousands of helpless men, women, children, and babes floating and screaming for help to no avail. Above the earth, 5 miles in the air, the aircraft drop bombs of destruction upon the peaceful and unoffending inhabitants of the earth. Giant guns belch forth shells, reaching 12 and 14 miles, destroying cities, ships, and fortifications considered impregnable. I refer to no particular nation; they all use these death-dealing weapons; but we do not want to expose our boys, our fathers, and our country to these horrors.

The horrors of this war surpass all ancient or modern civilized or savage warfare. May the Lord, in His mercy, give us a continuation of peace and make this great Nation in America the instrument of leading the warring nations to an early and permanent peace. [Applause.]

Mr. ANDERSON. Mr. Chairman——

Mr. STAFFORD. The gentleman yielded, I understand, to me to answer the question he propounded to me a few minutes ago?

Mr. SMITH of Texas. I yield.

Mr. STAFFORD. I wish to say that my remarks could not be construed to hold that I was opposed to an appraisal. I merely submit that it would be better for the interests of the Government to delegate to the Secretary the authority at the outset to make a sale privately rather than to advertise publicly, and, perhaps, not receive any bids whatsoever, and then authorize it.

Now, as the gentleman was about to yield the floor, I did wish to ask one question further about the bill. I direct his attention to line 3 on page 2, in which the Secretary is deputed to sell such part of the equipment and appurtenances as he shall deem most profitable or economical. I would like to inquire of the gentleman what he considers "most profitable or economical."

Mr. SMITH of Texas. I will state to the gentleman from Wisconsin that that provision is put in to give the Secretary some discretion as to what part of the equipment and appurtenances he will sell and what he shall retain for the use of the Government at other places if he desires to so use it. It is left to the discretion of the Secretary of the Interior as to what he considers profitable and economical.

Mr. STAFFORD. Will the gentleman permit? As I read the bill, I thought it was more of a limitation and restriction upon the Secretary's discretion rather than an amplification of his powers. I think it would have been better to substitute the word "proper" rather than the restrictive terms "more profitable or economical," so as to give the Secretary the widest range.

Mr. SMITH of Texas. I think the gentleman is mistaken in his opinion about that matter, because I think the Secretary ought to be given some discretion to see what equipment ought to be sold and which would be most profitable or economical.

Mr. STAFFORD. I think you are requiring him, if the gentleman will permit, to pass judgment as to whether what he de-

cides to sell will be most profitable or economical, whereas as a business proposition he might say it would be well to get rid of the whole railroad and all its properties at once, and make a bulk sale without any restrictions at all.

Mr. SMITH of Texas. I think he could do that under the provisions of this bill.

Mr. ANDERSON. I understand this Arrowrock Dam is an irrigation dam.

Mr. SMITH of Texas. It is.

Mr. ANDERSON. Is there a settlement there now?

Mr. SMITH of Texas. There is.

Mr. ANDERSON. Of people on the project?

Mr. SMITH of Idaho. The Government has charge of the Arrowrock Dam, and there are very few people there now, because of their being but small opportunity to cultivate land there. Only those connected with the management of the dam are living there.

Mr. ANDERSON. How many people are there now?

Mr. SMITH of Idaho. Probably not over three or four families.

Mr. ANDERSON. How large a tract is it expected this dam will irrigate?

Mr. SMITH of Idaho. About 250,000 acres are now under irrigation from this dam.

Mr. ANDERSON. And it is expected there will be constant increase of settlement in this area?

Mr. SMITH of Idaho. Yes.

Mr. ANDERSON. The Government is operating this railroad at present?

Mr. SMITH of Idaho. Up to the time of the completion of the dam, two or three months ago.

Mr. ANDERSON. How do the people get in and out of there now?

Mr. SMITH of Idaho. By driving up the canyon from Barberton, which is about 8 miles from Boise.

Mr. ANDERSON. Would it not be desirable to operate this railroad so that people can get in and out and take their effects in there and out?

Mr. SMITH of Idaho. The Government?

Mr. ANDERSON. Yes.

Mr. SMITH of Idaho. I should say not. The amount of business would be so small it would not pay the wages of one brakeman.

Mr. ANDERSON. Well, if there is no profit in it, you are not going to be able to sell it to anybody.

Mr. SMITH of Idaho. There is profit in carrying the people in and out on excursions—people coming from the city and wanting to see the dam.

Mr. ANDERSON. I understand the gentleman to take the position that it is cheaper for people to haul their effects in by team than to haul them over this railroad?

Mr. SMITH of Idaho. It would be if they had to pay the expense of running a railroad to carry up the little bit of provisions they use.

Mr. ANDERSON. That may be true; but certainly that is not going to continue to be the case.

Mr. SMITH of Idaho. There is no probability of increasing the population at the Arrowrock Dam.

Mr. MADDEN. May I ask the gentleman who will buy the railroad?

Mr. SMITH of Idaho. That remains to be seen. We want to get a chance to advertise and give people the chance to buy it.

Mr. MADDEN. How much did the railroad cost?

Mr. SMITH of Idaho. I do not know. The report shows that, I presume.

Mr. SMITH of Texas. The report does not show that.

Mr. SMITH of Idaho. It is 18 miles long.

Mr. ANDERSON. Has the gentleman investigated the feasibility of tearing up this railroad and using the material in Alaska or somewhere else, where the Government is carrying on constructive projects?

Mr. SMITH of Texas. The committee did not go into that question.

Mr. ANDERSON. Well, it seems to me the committee ought to have gone into that question.

Mr. SMITH of Texas. Besides, it belongs to the reclamation fund, as I understand it, and the Secretary, without legislation, would perhaps not have the authority to make the transfer for another purpose.

Mr. ANDERSON. There is, if I recall, a suggestion in the bill, and the gentleman himself just made a suggestion, that it might be advisable to use some part of this equipment on some other projects.

Mr. SMITH of Texas. An irrigation project is what I meant.

Mr. ANDERSON. What probability is there that that might be done?

Mr. SMITH of Texas. I do not know the opinion of the Government at this time. The Government will certainly undertake new projects after a while when those which it is now building are completed, and it is impossible for me to say, when these new projects have not been selected, where the Government may need this equipment.

Mr. ANDERSON. As I understand the situation, here is a railroad which is of no value now to the Government. I say no value, but I mean the Government has no use for it now.

It also appears that there is no use for it on the part of the public except such use as might arise from the transportation of a few tourists who might want to go and look at the dam. Now, I can not see what possible chance there is to sell that railroad, as a railroad, under the circumstances. It might be possible to sell the stuff there for junk or to be used in some other place or use it at some other place, but I can not see any possible chance of selling it as a railroad.

Mr. SMITH of Texas. If that is true, would it not be possible to take it up and move it? While the committee has no evidence to that effect, it occurs to me that possibly a sale might be made to this lumber company.

Mr. ANDERSON. I wanted to know what the idea of the committee was. The House is entitled to know what the committee thinks and what the department had in mind with respect to this sale.

Mr. SMITH of Texas. The committee was of opinion that this sale ought to be authorized; that the Government ought to sell whatever rights it has there for whatever it could get.

Mr. BENNET. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from New York?

Mr. SMITH of Texas. I do.

Mr. BENNET. If it is a fair question, are the Members from Idaho in favor of this bill?

Mr. SMITH of Texas. I believe there is only one who is present. He can speak for himself.

Mr. STAFFORD. There is another gentleman from Idaho.

Mr. McCRACKEN. We are certainly in favor of it. I want to say, for the information of the gentleman from Minnesota [Mr. ANDERSON], that this road is only 17 miles long, and it has served its purpose. It would be only proper to give the Secretary of the Interior the right to sell that railroad to the best bidder that he can find. It is possible that the Short Line Railroad might buy it, or it is possible that the Barber Lumber Co. might buy it. I hope that Boise City might be induced to buy and operate it, using it to convey tourists to see this great dam. So far as I am concerned, I am going to urge the citizens of my city to buy the railroad for that purpose.

Mr. ANDERSON. I think it is apparent, if the railroad is continued in its present location, that it ought to be operated by some corporation operating as a common carrier. It ought not to be operated as a mere logging railroad. It ought to be operated as a public common carrier.

Mr. KINKAID. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Mr. Chairman, will the gentleman from Texas yield?

The CHAIRMAN. Does the gentleman yield, and to whom?

Mr. SMITH of Texas. I yield to the gentleman from Nebraska [Mr. KINKAID].

Mr. KINKAID. I would like to have two minutes.

Mr. SMITH of Texas. I yield, Mr. Chairman, to the gentleman from Nebraska two minutes.

Mr. KINKAID. Mr. Chairman, as a member of the Committee on the Irrigation of Arid Lands, which reported this bill, I desire to say that the committee gave it very careful consideration, and reached the conclusion that it was a good business proposition to carry out the request made by the Secretary of the Interior.

Now, the Secretary of the Interior wrote a letter to the chairman of our committee, the gentleman from Texas [Mr. SMITH], asking him to introduce the bill. He wished to dispose of this railroad, for which the Government has no longer any use whatever, and it is an expense to carry it. The Government has no use for it, and the Government had better dispose of it and realize whatever it can.

According to the statements of the gentleman from Idaho, there may be several bidders, and it would be better to offer the property for sale at public auction, after advertisement has been made, than it would to undertake to sell it at private sale. We all know that imputations might be made, or suspicions might arise, if private sale were had. We know what accusations might be made against the Secretary of the In-

terior. He might be accused of not having made the most out of the property, or he might possibly be accused of not having tried to realize the most from the property, so that we owe it to the Government and to the Secretary of the Interior to provide the means whereby he may make it appear to the public that he is disposed to realize the last dollar possible for the property, and certainly by advertising more bidders are likely to be found than by not advertising.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended 10 minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MADDEN. Did Congress ever authorize the Secretary of the Interior to enter into any contract with a private corporation to give them part ownership of a railroad that was constructed by the Government of the United States out of the reclamation fund? That is what I am trying to find out.

Mr. SMITH of Texas. If the gentleman from Nebraska [Mr. KINKAID] will allow me——

Mr. KINKAID. Yes; I yield to the gentleman from Texas.

Mr. SMITH of Texas. I will say to the gentleman that the general reclamation act authorizes the Secretary of the Interior to construct these projects, and there seems to be no question but that the Secretary is authorized to adopt such general means as he shall find necessary to carry out this power. Otherwise he could not carry out his instructions successfully. That is the construction that the Secretary of the Interior probably gives, as I think, to the general law, and that is the law under which he is acting.

Mr. MADDEN. The general reclamation act gives the Secretary of the Interior the power to construct the reclamation projects——

Mr. SMITH of Texas. Yes.

Mr. MADDEN. But it does not give him any power to enter into any contract by means of which any private individual becomes part owner in that project, except in so far as the public-land feature of it is concerned.

Mr. SMITH of Texas. What I was going to say to the gentleman is that this company is not a joint owner, but this lumber company grants the right of way, and in consideration of that the Government gives the company certain rights, subordinate to those of the Government, to use the railroad.

Mr. MADDEN. Does the lumber company own the land over which the railroad was built?

Mr. SMITH of Texas. A part of it, and part of it the company had leased.

Mr. MADDEN. Was it not all public land over which the railroad was built?

Mr. SMITH of Texas. No.

Mr. MADDEN. Was it not all public land upon which the dam was built?

Mr. SMITH of Idaho. Yes.

Mr. SMITH of Texas. I am sure it is.

Mr. MADDEN. May it not be possible that some time in the future this dam may break and have to be reconstructed? And if that should be the case, can not you gentlemen see the possibility of having to build a new railroad; or, if not to build a new railroad, to pay this private individual who may own the railroad, by the Government giving its interest to him, high freight rates in order to be able to transport the material to rebuild the dam?

Mr. SMITH of Texas. I think the contingency to which the gentleman refers is so remote that we would not be justified in retaining a railroad for which the Government has no further use.

Mr. KINKAID. Mr. Chairman, I yield back my time to the chairman of the committee.

Mr. SMITH of Texas. I reserve the remainder of my time.

Mr. MADDEN. Mr. Chairman, I ask the floor in my own right.

The CHAIRMAN. Is the gentleman from Illinois opposed to the bill?

Mr. MADDEN. Surely.

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MADDEN. Mr. Chairman, I can not understand the reason why the committee brings in a report without first having the information as to the amount of money expended by the Government of the United States in the construction of this railroad and then showing in detail what interest the Barber Lumber Co. has in the railroad, how it acquired that interest, whether the railroad company is capitalized, what percentage of the stock is owned by private individuals and what percentage by the Government, what quantity of material has been hauled over the railroad during its existence, what is the population in the territory served by the railroad, what is the prospect of future development which might make the railroad a paying venture, and whether or not there is any danger of this project, on which the Government has spent such a vast amount of money, needing the use of the railroad later on to carry material for its reconstruction. All these things are important and vital, and they ought to be answered definitely and lucidly to the Congress of the United States before any action is taken upon this bill.

Mr. McCRACKEN. For the information of the gentleman, I want to say that there is no danger that the Government will ever be required to reconstruct that dam or any portion of it.

Mr. MADDEN. When the gentleman makes that statement on what does he base his information?

Mr. McCRACKEN. Because it has been stated by the best engineers in the country that that dam will never need any reconstruction.

Mr. MADDEN. But such things have happened, that dams more potential than this one have broken away.

Mr. McCRACKEN. But this is the greatest dam in the world.

Mr. MADDEN. That may be true, but the greatest things in the world have been destroyed. Recently on the other side of the ocean we have had great battles, great armies assembled the like of which were never heard of before.

Mr. SMITH of Texas. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SMITH of Texas. I want to ask the gentleman how long he would retain this railroad while waiting for this dam to break?

Mr. MADDEN. I would retain it as long as I believed there was any opportunity for its use.

Mr. SMITH of Texas. The Secretary of the Interior states that it is no longer needed by the Government in connection with that dam.

Mr. MADDEN. If it was concluded to be wise to sell the railroad, it seems to me that before we authorize the sale we ought to have information upon which to base a clear judgment; that we ought not to decide to sell a piece of property into which the Government of the United States has dumped a large amount of money without first knowing how much money has been put into it, and how much money is to be taken out of it, and the use to which it is to be put; and we ought to have the further information, in my judgment, as to just exactly how the Barber Lumber Co. came to be interested in this road, and what right anybody had to make a contract with the Barber Lumber Co. to give them an interest in the road and whether the contract was a legal contract.

Mr. SLOAN and Mr. BENNET rose.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Nebraska?

Mr. MADDEN. I do; and I will yield to the gentleman from New York later.

Mr. BENNET. I should like to have about 15 minutes of the gentleman's time.

Mr. MADDEN. I will yield to the gentleman later.

Mr. SLOAN. I recognize that the gentleman is looking after the interests of the Government, and that he ought to be termed the watchdog of the deficit. [Laughter.]

Mr. MADDEN. I would rather begin to watch before we have a deficit.

Mr. SLOAN. Speaking of this dam, that may or may not go out, is this one of the continental dams that we read about? [Laughter.]

Mr. MADDEN. It is within the confines of the continent.

Mr. SLOAN. And the gentleman does not care that much about it?

Mr. MADDEN. Not exactly.

Mr. SLOAN. Now, I should like to ask the gentleman another question, because this is a subject that we out West are very much interested in. Is the fact that the terminus of this road is not in the metropolis of the State of Illinois the real basis for the gentleman's criticism and objection to the disposing of the road?

Mr. MANN. All railroads lead to Chicago.

Mr. SLOAN. Yes; they railroad almost everything there.

Mr. MADDEN. On the contrary, I want to say to the gentleman from Nebraska, who is always lucid in every question that he proposes to any Member of the House, that if there is any place in the world where we ought to have a railroad controlled and operated by the Government of the United States, it is at the point where we have a great artificial waterway, in order that we may be able to carry the excursionists who will travel from the arid territory in the valleys of the West to a place

where they will enjoy the luxurious climate tempered by the waters of the great lake created by the Government of the United States at tremendous expense, and the facilities to reach which are now asked by the gentleman from Texas [Mr. SMITH] and the other gentlemen of this great committee to be given away.

Mr. SLOAN. Is this road a means of sanitation or one of commerce?

Mr. MADDEN. I would believe that the commerce of the road could be expedited so that you might reach a point where sanitation would be assured. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Chairman, it seems to me that there are three considerations in connection with the bill that are being neglected by the large attendance here to-day. I realize that after such a strenuous day as we had yesterday there is a natural reaction in the minds of the large number of Members present here, and that their minds are not on this question.

The three questions I have in mind are these: First, the disposition of the proceeds of the sale of this alleged railroad; second, the injury that has been done to the Government rights in this road by the Post Office appropriation bill.

Mr. MADDEN. What connection has this matter with the Post Office appropriation bill?

Mr. BENNET. I will come to that later; and the third is an incidental remark made by the gentleman from Texas, or possibly it was the gentleman from Nebraska—I am not interested in the personality of who made it—that this bill ought to pass because the Secretary of the Interior recommended it.

I propose to address myself to these three points with some little reference to the habit there is in legislative bodies of falling into loose ways in the passing of bills, and the necessity for scrutinizing bills which even seem to be as unimportant as this bill in reference to a railroad.

The first point is as to the disposition of the proceeds. Of course we Members from the East are not so familiar as gentlemen from the West with this mass of legislation as to reclamation and irrigation and all those things, but once in a while we are called upon to concentrate our attention and vote on some matter in connection with it. When I make that statement I am not referring to this bill particularly, because it is comparatively unimportant. I recall that in the Sixty-first Congress this Committee on Irrigation of Arid Lands reported to this House a recommendation which was subsequently concurred in by another committee and by the House, under which we authorized an issue of bonds to the extent, if my memory serves me, of $30,000,000.

Mr. KINKAID. Twenty million dollars.

Mr. BENNET. The gentleman from Nebraska says $20,000,000, and he is accurate, as he always is. The bonds were issued. Is that correct?

Mr. SMITH of Texas. The bill provided for an advance of $20,000,000 from the general fund, and the issuance of certificates should be made, if necessary, to get the money, and while the money has been used, my information is that none of the certificates have yet been issued.

Mr. BENNET. But the gentleman has no doubt that they will be issued and will have to be redeemed. As I read the bill—I may be in error about it, and if I am I should like to be corrected—as I read this bill, the proceeds instead of being segregated as against these bonds, as I think any banker would agree would be a proper thing to do, we cover them into the General Treasury.

Now, I will ask the gentleman from Texas, why is it that when on the very first opportunity when we are getting money back out of the reclamation project there is not a provision that the proceeds shall be subject to this $20,000,000 of bonds?

Mr. SMITH of Texas. If the gentleman will permit, I think I can explain that. The cost of the railroad is charged up as the cost of this particular project, and the entire cost of the project when the land is taken under the project by the water users will be charged up to them, and they will have to pay it back. They will have to pay the cost of the railroad back to the Government, and therefore it is nothing more than fair and just and right and equitable that whatever is gotten out of the sale of the railroad shall be paid back to the reclamation fund, and that it shall come out of that fund and be credited to the water users. In other words, credited as a payment upon the entire cost of the construction of this particular project.

Mr. BENNET. Yes; but, as I understand it, these $20,000,000 of bonds were authorized in the Sixty-first Congress, as against an expected deficit arising out of the failure of men to pay, out of the realization of less for the land than was expected, out of the fact that the cost was more than had been anticipated. All these elements were to be taken care of by the $20,000,000 bonds. Why is it not right and fair that this particular project, when the money comes in from the sale of the lands—what you might call an unearned increment—why is it that it should not be paid into the same fund, to hold against the $20,000,000 issue of bonds?

Mr. SMITH of Texas. The act which the gentleman mentions provided that, at the end of five years from the time the first money is advanced to the reclamation fund, that 50 per cent of the proceeds of the reclamation fund should be paid on this indebtedness, the proceeds coming from all sources—from the sale of public lands and from the payment of construction charges.

Mr. BENNET. Then it was a provision somewhat in the nature of a sinking fund to take care of the $20,000,000 of bonds?

Mr. SMITH of Texas. Yes.

Mr. BENNET. That would seem to explain that portion of the bill. Now I come to the third point, and that is that this railroad is going to be sold on joint account. We can distinctly assume that there are two owners to this property—the Barber Co. and the Government. We are not informed by the Secretary of the Interior or by any other source as to the percentage of ownership of the railroad between the Barber Co. and the Government.

Mr. MANN. Why does the gentleman say "the Government?"

Mr. BENNET. Because some gentleman said that the Government had contributed a portion of the expense toward the cost of the railroad, and therefore I presume the Government was part owner.

Mr. MANN. The Government owns the railroad now. It is the absolute owner of it, with a contract with Barber & Co. and another contract with the Oregon Short Line Railroad Co.; but the Government is the owner of the road. Not only that, but whoever buys the road buys it subject to the two contracts which the Government now has in respect to it.

Mr. BENNET. The gentleman from Illinois [Mr. MANN] may be right, and the gentleman from Nebraska [Mr. KINKAID] may be right, they are both good men.

Mr. KINKAID. Oh, the gentleman from Illinois is right.

Mr. BENNET. Now, I know the gentleman from Illinois is correct.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

Mr. BENNET. Yes.

Mr. SMITH of Texas. The gentleman from Illinois [Mr. MANN] is absolutely correct about this matter. The Government is the sole owner of this property. The Government built it, but in acquiring the right of way and easements and connections with the Oregon Short Line Railroad Co. it had to enter into certain contracts, and if the gentleman from New York had read the report——

Mr. BENNET. It is in such fine print that it is hard to read it all.

Mr. SMITH of Texas He will find that the two contracts are set out in full.

Mr. BENNET. I see that.

Mr. SMITH of Texas. Defining exactly the interests and rights that were granted to those companies by the Government in making the arrangements to build and operate the road. The Government is the owner.

Mr. BENNET. I see that on pages 2, 3, 4, and 5 the two contracts appear, but it is pretty hard to call on a man in the rush of business, especially on a day like this, to stop and construe two abstruse contracts; but in any event that makes no difference with the point to which I was just about to call the attention of the gentleman from Illinois [Mr. MADDEN]. He was one of the distinguished authors of the Post Office appropriation bill, and I want to say to him what I did not have a chance to say in the debate upon that bill, that he and I both being interested in cities very largely, that bill is the best bill for cities that has passed this House in 10 years. There is one provision, however, in the bill that has a direct bearing, if it becomes a law, on the sale of this railroad. Here is a short-line railroad, and I understand that there are about 900 short-line railroads in the United States. It is put up for sale. The gentleman from Illinois [Mr. MANN] has called attention to the fact that there are already two conditions that must be complied with—that is, these two contracts which may be beneficial, may be injurious; I do not know—but I do know that if the Post Office appropriation bill passes the Senate, and is signed by the President in the form in which it passed the House, the man why buys that railroad buys either a lawsuit with the United States Government or faces the probability of losing a great deal of money.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?
Mr. BENNET. Yes.
Mr. MADDEN. In other words, the gentleman contends that if he refuses to comply with the request of the United States Government to carry the mails, he would be likely to be fined $5,000 or be sent to the penitentiary.
Mr. BENNET. Mr. Chairman, I contend a little bit more than that, but the gentleman has started on the right line. I had not stated what provision of the bill it was that affected the railroad, but the gentleman has put his finger upon it.
Mr. MADDEN. Yes; I know what was in the bill. [Laughter.]
Mr. BENNET. And so do I; and the gentleman and I both came to the same conclusion as to the effect it would have on the railroad. I thought the gentleman would tell me what the provision was.
Mr. MADDEN. The gentleman from New York is very adroit, and he always elicits information without asking the question direct. It is his sweet smile that brings it out.
Mr. BENNET. The gentleman and I have nothing on each other in regard to sweet smiles.
Mr. MADDEN. The gentleman from New York as yet has not elicited the conclusions he has reached. He is just getting ready to think about it.
Mr. BENNET. Oh, I have thought about it; and I am getting ready to have the House think about it.
Mr. MADDEN. I am glad that all the Members are here so that they will understand what the gentleman is going to tell about it.
Mr. BENNET. All the Members of the House that are likely to vote on this bill are here. Here is the point. Suppose gentlemen go out from all over the United States, as is one of the purposes of this bill, and bid on this 17-mile railroad, and the Post Office bill becomes a law. Any man who bids knows that he has either got to carry the mail—that is, he knows it, if the law is constitutional—at any price that the Postmaster General fixes, because that is what the bill says, or pay $5,000 fine for the refusal.
Mr. MADDEN. Does the gentleman contend that the Postmaster General would have the right to fix the price at less than that fixed in the law?
Mr. BENNET. I do, because the gentleman reminded me of the law as we were passing, that the rates in the bill were permissive, and that the bill provides—and the gentleman and I both know that is so—that the Postmaster General shall not pay more than a certain amount.
Mr. MADDEN. But the bill also provides that the Postmaster General shall have the right to pay in excess of the rates fixed in the law where the conditions justify it, and that, of course, is intended to apply to just such railroads as this.
Mr. BENNET. But of course it comes right back to my contention, that the man who buys that railroad knows that he will either have to carry the mail at the price fixed by the Postmaster General or pay a fine of $5,000, and I am not sure, under the wording of the bill—and I do not want to be dogmatic about it—but that the Postmaster General could say to that man every day, "You must carry the mail at such a price," and upon his refusal to carry the mail at that price he would have to pay a $5,000 fine for each day that he refused.
Mr. MADDEN. Will the gentleman yield for a question?
Mr. BENNET. Certainly.
Mr. MADDEN. Does the gentleman contend, in the face of the statement made by the gentleman from Idaho [Mr. SMITH], that there were only four people at that place, that any Postmaster General would be so arbitrary as to require the railroad to carry the mails?
Mr. BENNET. Well, I am going to cover that in my third point; this practice we have fallen into in this House of passing bills because some Cabinet officer sends a letter and——
Mr. FESS. Will the gentleman yield before he gets to his third point?
Mr. BENNET. Certainly.
Mr. FESS. Has the railroad no option as to whether they carry the mail or not?
Mr. BENNET. Oh, it can stop running its road. It has this option, that it does not have to run the road. Well, I am not so sure about that. I think it must run the road.
Mr. MADDEN. That is not an interstate road.
Mr. BENNET. Oh, I asked the gentleman from Tennessee [Mr. MOON] that exact question. I said, suppose the railroad is entirely within the State of Tennessee or New York——
The CHAIRMAN. The time of the gentleman has expired.
Mr. MADDEN. Mr. Chairman, I yield the gentleman five minutes more; he is making a very interesting statement, and I am sure the committee will be interested to hear him for five minutes further.
Mr. BENNET. I thank the gentleman.
Mr. FESS. Will the gentleman yield?
Mr. BENNET. Certainly.
Mr. FESS. I want some information. Is it possible that there is a contract here on both sides where the railroad has no part in the contract?
Mr. BENNET. Is the gentleman speaking of this railroad?
Mr. FESS. I am speaking in reference to the Post Office bill, of which the gentleman spoke.
Mr. BENNET. Why, of course, under the provisions of the Post Office bill in the gentleman's State of Ohio, if there is a railroad entirely within the State of Ohio, operating just on a fair margin of profit, the Postmaster General, if the law is valid, can go to that railroad and say, if it does not now carry the mail, "You must carry the mail," and he can fix the price, and if they do not carry the mail he can fine them at least $5,000 and, I think, possibly $5,000 a day. Now I ask the gentleman from Ohio does he think, with that on the statute books, it is not on them yet—the gentleman from Tennessee [Mr. MOON] was very fair, and I complimented him on the character of his legal argument——
Mr. MADDEN. All the members of the Post Office Committee are fair.
Mr. BENNET. Surely.
Mr. MADDEN. Especially the gentleman from New York.
Mr. BENNET. Exactly; they did not give me the pneumatic tube yet, but they will——
Mr. MADDEN. The gentleman would have had his pneumatic tube——
Mr. MOORE of Pennsylvania. Will the gentleman yield?
Mr. MADDEN (continuing). The gentleman would have had his pneumatic tube but for the fact the committee had reported the bill too early for the consideration of it.
Mr. BENNET. I appreciate that.
Mr. SLOAN. Will the gentleman yield?
Mr. BENNET. I yield.
Mr. SLOAN. Just for the purpose of having the record clear, after the gentleman from New York observed that the chairman of the Committee on the Post Office and Post Roads was very fair, and that the members were fair, I just want to state that the gentleman from Illinois [Mr. MADDEN] is a member of the Committee on the Post Office and Post Roads, so that the record may be complete.
Mr. BENNET. Of course; and I have stated that he is one of the best and fairest. The gentleman from Tennessee [Mr. MOON] was absolutely fair. I asked him, in putting my question about that intrastate railroad, where he got his authority, and he said very frankly out of the provision of the Constitution which gave the Postmaster General authority to establish post offices and post roads, but that he himself was not clear in his own mind as to the exact scope of the wording; that it was until now an unused power of the Constitution, and that he thought it was a good thing to test it out.
Mr. FESS. If the gentleman will permit me, would he say the Constitution recognizes the Postmaster General; does it?
Mr. BENNET. Of course, it does not. It must have been under the powers of Congress.
Mr. FESS. Yes; of Congress.
Mr. BENNET. I thank the gentleman for the correction.
Mr. FESS. I would like to have this statement from the gentleman from New York. If the railroad has no part in the making of the contract, how will that law stand when it reaches the Supreme Court of the United States?
Mr. BENNET. Well, the gentleman from Tennessee [Mr. MOON] says, and I do not know whether it will stand or not, but it is one of the unused powers imposed upon Congress by the Constitution, that he thought that power ought to be tested out by an action going to the Supreme Court of the United States so that the power of Congress should be defined.
Mr. STEENERSON. Did not the gentleman from Tennessee also state that there was another provision of the Constitution which provided that private property should not be taken for public use without just compensation, and that the two provisions, the one in reference to the establishment of post offices and post roads and that private property should not be taken without compensation, should be construed together?
Mr. BENNET. The gentleman from Tennessee did call the attention of the House to the Fifth Amendment to the Constitution in his very able argument on that subject, and I would have mentioned it if there was any point to it, but I did not see the point to that observation or any relevancy to this proceeding.

Mr. FESS. If it is exercising the power of eminent domain, such as the gentleman referred to, does that mean the Government is taking over this railroad property for its own use?

Mr. BENNET. I think if the gentleman from Tennessee's argument was followed to its logical conclusion, he must contend that under that power the Government would have the right by the exercise of something akin to eminent domain to take over highways, railroads, and any other property necessary to establish post offices and post roads, and that is why he said it was an unused power. I now yield to the gentleman from Wisconsin.

Mr. STAFFORD. Is it the gentleman's contention that every highway over which the post is carried is thereby constituted a post road?

Mr. BENNET. Mr. Chairman, that is not the contention of the gentleman from New York.

The gentleman from New York is making no contention at all in relation to that, except to call the attention, particularly of the lawyers of this body, to what the provision does for the sale of a railroad under circumstances such as this 17-mile railroad that is to be sold out there in Idaho.

Mr. STAFFORD. Will the gentleman yield further?

Mr. BENNET. Certainly.

Mr. STAFFORD. This 17 miles of trackage now being a railroad that is not engaged in the carrying of the mails, how can the gentleman consider that it could be made a post road without action of Congress and subject it to the conditions and limitations prescribed in the Post Office appropriation bill that recently passed this House?

Mr. BENNET. Why, Mr. Chairman, the proposition is perfectly clear. Let us assume that everything that the gentleman from Wisconsin says is necessary in order to constitute a post road. Let us assume that, but not admit it except for the purpose of the argument. Then the gentleman that bought the railroad would be subjected to the additional uncertainty. As it is to-day, he is subjected to the uncertainty of whether he will be required by the Postmaster General to carry the mail; and I can not say offhand——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BENNET. If I could have five minutes from somebody else I would like to talk about that third point.

Mr. SMITH of Texas. I will yield to the gentleman five minutes, because I want to ask him a question. As I understand, the gentleman makes the point there will be no sale of this railroad because the Postmaster General might require the purchaser to carry the mail?

Mr. BENNET. Not quite that. My point is this, that on the sale one of two things would happen: Either the Government would have to buy it in itself or the purchaser who did buy it would not pay the amount that he would pay but for this restriction, and therefore the price would be low. Every cloud on a title—and that is what this is—reduces the price that is obtained at a sale. And my contention is that on a 17-mile railroad, in particular, the fact that the Postmaster General or Congress can make that a post road and require the mails to be carried at any price to be fixed is a cloud.

Now, I call my friend's attention, before he asks me a further question, to another thing. We ought to protect the reputation of our executive officials. Now, every day we are all assailed from some direction or another, and executive officials are no exception. You pass this $5,000 provision, and put it in the hands of anybody who attends that sale, in the right of anyone who attends that sale, to say as to the successful bidder, "Oh, yes; he bid safely, probably, because he knew under this provision in the Post Office bill he would not be held down to even the maximum price; that he would get the benefit of the provision that the Postmaster General could give him more." In other words, the certainty of the statute that ought to be present in connection with executive officials is gone.

Mr. SMITH of Texas. I will ask the gentleman if he thinks this road ought not to be sold, because of the danger he speaks of and which he has just discussed, that the Government ought to retain the ownership of this railroad and operate it, because there would be some danger to the purchaser from the Postmaster General?

Mr. BENNET. I do not agree with the gentleman from Illinois [Mr. MADDEN]. I think the railroad ought to be sold.

Mr. SMITH of Texas. I want to make a statement to the gentleman to clear up this proposition. This railroad runs out to the dam site, as I understand it. The dam site is some 20 or 25 miles above the irrigable land where the settlements are, and that from the dam site down to the irrigable land where the people live there are no settlers, as I understand it.

Mr. BENNET. You mean not by a dam site? [Laughter.]

Mr. SMITH of Texas. And practically there are no people out along the railroad. There is no post office yet, as I understand it, at the dam site, and therefore there is hardly any probability there will be any mail to be carried.

Mr. MADDEN. There is a summer resort there, is there not?

Mr. BENNET. No; I think not.

Mr. HICKS. Will the gentleman yield?

Mr. BENNET. I will.

Mr. HICKS. I understood him to make the remark that there were four people living up at the end of the railroad.

Mr. BENNET. Those four people live out there by the dam site.

Mr. HICKS. Does the gentleman think that railroad is a going proposition?

The CHAIRMAN. The Chair would like to know whether the gentlemen are discussing the proposition of whether this is a dam or a dam site? [Laughter.]

Mr. HICKS. I would like to ask the gentleman how much he thinks the railroad will be worth as a going proposition?

Mr. BENNET. It is worth a good deal less with this cloud on the title. My friend from New York owns real estate, and he will agree with me that with a cloud on the title at a public sale it tremendously reduces the price that real estate brings.

Mr. HICKS. My lawyer is the best judge on that.

Mr. NORTON. I was not clear whether my friend from New York was going to bid on this railroad or not, but I was very much edified at his remarks. I was particularly interested in the gentleman's statement relative to the fact that the last Post Office appropriation bill provided for the interests of the cities a great deal better than any appropriation bill of that kind that had been passed during the last 10 years. If the gentleman has time, I would be glad if he would take some of it to point out the advantages which that bill affords to the cities.

Mr. BENNET. Oh, Mr. Chairman, I will not attempt to prove that. I will simply admit it. I have read the bill, and it would take a good deal more time than the two minutes that I think I have remaining to explain to the gentleman.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MADDEN. Mr. Chairman, I yield 15 minutes to my colleague [Mr. MANN.]

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized for 15 minutes.

Mr. MANN. Mr. Chairman, this bill comes from the Department of the Interior and was drafted in that department, as is disclosed by the distinguished chairman of the Committee on Irrigation of Arid Lands. The Secretary of the Interior, under date of February 1 last, transmitted a draft of the bill to the gentleman from Texas, with this letter:

> The Reclamation Service has heretofore constructed a railroad between Barber Junction, on the Oregon Short Line Railway out of Boise, Idaho, and Arrowrock Dam. The railroad is standard guage and is 17 miles long, with about 1 mile of spurs and sidings. All equipment necessary for operating the road is available. It was built for use in connection with the Boise project, Idaho, and is no longer needed by the Government. An attempt was made to lease the road, and accordingly advertisements were prepared and proposals were to have been opened at 2 o'clock November 22, 1915, by the senior engineer at Boise, Idaho, but no proposals were received.

Then the Secretary makes the statement that the Government no longer needs the road, and that it is advisable to sell it; and he transmits a bill which authorizes him to have the railroad appraised and then, upon bids, sold to the highest bidder; and then, if there be no bid, he can give it away.

It may be desirable to give it away. I do not undertake to say; but to say that this road is ever to be sold to the highest bidder is the height of humor. No serious man will contend for it. The road was offered for lease and no one would lease it.

Since when will a man who wants to operate a railroad and can obtain it without putting any capital in prefer to have a large capital account upon which he must have a return? Why would a man buy the road who would refuse to lease it at a cent a year? Why should somebody invest in a road who was unwilling to undertake the operation of it without any capital charge at all?

Mr. SMITH of Idaho. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. I yield; but I might reach the point that the gentleman probably will—the point that the gentleman has in his mind. At least, I have a clear-cut argument in my mind.

Mr. SMITH of Idaho. I am wondering how the Government could justify itself in keeping a railroad for lease when the purpose for which it was constructed had been achieved and we had no further use for it.

Mr. MANN. Well, the gentleman has the right to wonder. I would not take away that privilege from the gentleman.

Now, why would anyone lease the road? It is certainly patent to anyone that no one would buy the road if no one would lease it. Why did they get no proposals for the lease of the road? Because there is only one of two concerns that could operate the road, and they have an understanding between themselves. They did not desire to lease the road because they wanted to purchase it for nothing.

The gentleman from North Dakota [Mr. NORTON] asked the gentleman from New York [Mr. BENNET] whether he was contemplating the purchase of the road. No one can operate this road except either the Oregon Short Line or the Barber Lumber Co., or their subsidiary companies, the name of which I do not for the moment recall.

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. I do.

Mr. SMITH of Texas. Does not the gentleman think it possible that there might be a purchaser for this road for the purpose of getting the lumber that is in it and moving it to some other place?

Mr. MANN. I do not. There decidedly could not be. This road is a necessity to the Barber Lumber Co. at present. They made a contract with the Government under which they give to the Government certain rights of way, the Barber Lumber Co. owning part of the land and the Government owning part of the land and the Oregon Short Line Railroad owning part of the land.

Mr. SMITH of Idaho. Mr. Chairman, will the gentleman yield again?

The CHAIRMAN. Does the gentleman yield?

Mr. MANN. Yes.

Mr. SMITH of Idaho. Will the gentleman allow me to suggest that the town of Barberton is 8 miles from Boise, and the Arrowrock Dam is 17 miles beyond Barberton, so that the road beyond Barberton is worthless to the Barber Lumber Co. or to the Oregon Short Line, except possibly for running excursions to the dam. So far as the Barber Lumber Co. is concerned, it could not use the part of the road from Barberton to the dam to any advantage.

Mr. MANN. They do not have to do that until they buy it. If the gentleman will just possess his soul in patience until I make my statement, I think I can make it clear-cut. The land belongs to three concerns—the Barber Lumber Co., the Oregon Short Line, and the Government. The Government made a contract with each of these two companies, and under the contract with the Barber Lumber Co., the Barber Lumber Co., if the Government does not operate the road, is entitled to use the right of way itself. If the contract of sale is not made, the Barber Lumber Co. will still maintain the road. If a contract of sale is made, it is subject to the contract with the Barber Lumber Co., and the purchaser acquires practically no rights, because the only freight that passes over the road is the freight of the Barber Lumber Co., except the little that goes up to the dam. The Barber Lumber Co. operates the road and pays 50 cents a train mile for the maintenance of the right of way or for use.

Now, who is going to buy a railroad under such circumstances? Nobody except the Barber Lumber Co. The Barber Lumber Co. is given a right to build a railroad over this right of way if the Government ceases to operate it, in any event, and I suppose they would pay a dollar for the road. They ought to be made to lease the road. They refused to lease it. Why? Because they thought they would get it cheaper by buying it. Why, how could a man be induced to lease a thing for a year for a hundred dollars if he could buy it outright for $10? Nobody else could bid.

If gentlemen insist that the Government ought to maintain the road, the moment they give it up, it practically belongs to the Barber Lumber Co.; the moment they give it up, the Barber Lumber Co. is the only beneficiary; and if they sell it, the Barber Lumber Co. is the only purchaser.

Mr. BENNET. If this railroad runs up to this dam, why would not the Government have to bid against the Barber Lumber Co. in order to have a railroad to go up to the dam?

Mr. MANN. The Government owns the road, and so it could not put it up for sale and bid for it at the sale. Now I want to accomplish the purpose the gentleman has in mind, by not having the Government sell the road.

Mr. BENNET. The gentleman wants the Government to retain ownership?

Mr. MANN. Yes; let the Government lease the road to the Barber Lumber Co. If the Government refuses to sell the road, the Barber Lumber Co. will be compelled to lease it. Now, the Barber Lumber Co. refused to put in a bid for leasing the road, because they wanted to buy it for less than they could get a lease for.

Mr. McCRACKEN. I do not believe the Barber Lumber Co. have any use for that road beyond the town of Barberton, a distance of 17 miles.

Mr. MANN. That may all be. I am not saying that they have. Nobody has any use for the road beyond the town of Barberton.

Mr. McCRACKEN. Oh, yes.

Mr. MANN. Oh, yes; it runs up to a dam. There may be a little freight that goes up there. It would be cheaper to carry it up on mule back than it would be to maintain a railroad up there to carry it; and as for this fairy tale about thousands of people going up there to see the dam, and paying the Government great sums of money in the way of railroad fare, that is too idle a dream for me to consider seriously.

Mr. McCRACKEN. Will the gentleman yield for just a moment?

Mr. MANN. Yes.

Mr. McCRACKEN. Will the gentleman be willing to come out there and make a trip to this dam?

Mr. MANN. It would be a happy day for me, Mr. Chairman, if I had the power and the possibility of doing it.

Mr. McCRACKEN. I hope we will be able to induce the gentleman to come out there.

Mr. MANN. I hope I will be able to come, and that you will let this matter remain in statu quo until I do. [Laughter.]

Mr. SMITH of Texas. Will the gentleman yield for a question?

Mr. MANN. Yes.

Mr. SMITH of Texas. If I understood the gentleman correctly, he said he would not sell the road, but would compel the Barber Lumber Co. to lease it. How can that be done?

Mr. MANN. By refusing to sell it.

Mr. SMITH of Texas. I understood the gentleman to state a while ago that when the Government ceased to operate it, the road would belong to the company.

Mr. MANN. No; I did not say the railroad would belong to the company. I said the right of way would belong to the company. Of course, we could not compel the Barber Lumber Co. as a legal proposition to lease the road. That is perfectly patent; but the Barber Lumber Co. will keep this road there. It is not going to disappear until the lumber owned by the Barber Lumber Co. is cut off and taken away.

Mr. SMITH of Texas. My recollection is that one of the terms of the contract is that if the Government ceases to operate it, then the lumber company shall operate it, and there is no provision that any sum shall be paid to the Government for the use of it.

Mr. MANN. The gentleman's recollection is not good. The provision of the contract is that if the Government shall refuse to operate the railroad, the Barber Lumber Co. may operate it and charge against the Government the amount that it otherwise would pay to the Government for its trackage rights.

Mr. SMITH of Texas. Yes; I know that. The gentleman is mistaken when he says I do not understand the terms of the contract.

Mr. MANN. The gentleman is mistaken in what he said or else I misunderstood him, and it does not make any difference which. I will read the provision:

ART. 5. It is hereby stipulated and agreed that the United States will maintain said railroad in good operating condition until the completion of the Arrowrock Dam, unless the construction of said dam be hereafter abandoned. If at any time, either before or after completion of the said dam, the said railroad while operated, owned, or controlled by the party of the first part shall not be in proper condition for the safe operation of trains thereover, the party of the second part, its successors, or assigns, in case of failure of the United States to promptly make the necessary repairs after five days from receipt of written demand therefor, shall have the right to put such railroad in safe condition and deduct the expense thereof from any charges due, or to become due, to the United States for trackage rights hereunder, but the United States shall not be liable in case the expense for repairs in any calendar year shall exceed the charges due for the said year.

The Barber Lumber Co. now operates the railroad as far as its own trains are concerned. The Government does not operate the trains for the Barber Lumber Co. Here is a railroad which the Barber Lumber Co. must have, and it is proposed to sell it to them on their own terms, and give as a reason for that the fact that they have refused to lease it. Why, they refused to lease it in order that the Interior Department might say, "We can not lease this road; we must sell it." Nobody else will buy it. Nobody else can buy it under the terms of these contracts. I think we ought to refuse to sell the road, and let the Barber Lumber Co. and the Interior Department make an arrangement about the leasing of the road. There is certainly no possible object in going to the expense of appraising the road and then

advertising for bids, knowing that no one will bid the appraised value of the road for it, and then say that the Interior Department can sell it on the best terms that they can get. It is in the nature of a white elephant. We want to get rid of it. The other fellows want to get it for nothing, but they have got to have it. It is a white elephant on our hands, but it is an asset in their hands. Let them pay for it. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. Will the gentleman from Texas use some of his time now?

Mr. SMITH of Texas. I do not know of anyone on this side who wants to speak.

Mr. STAFFORD. I should like to have some time in favor of the bill.

Mr. SMITH of Texas. How much time?

Mr. STAFFORD. Ten minutes.

Mr. SMITH of Texas. I will yield to the gentleman 10 minutes.

Mr. FESS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the resolution of yesterday.

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] asks unanimous consent to extend his remarks in the RECORD upon the resolutions considered yesterday by the House. Is there objection?

There was no objection.

Mr. BORLAND. I ask unanimous consent to extend my remarks on the eight-hour day.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] asks unanimous consent to extend his remarks in the RECORD on the eight-hour day. Is there objection?

There was no objection.

Mr. BENNET. I ask unanimous consent to extend my remarks in the RECORD on the question of national prohibition.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD on the question of national prohibition. Is there objection?

There was no objection.

Mr. NORTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the McLemore resolution.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to extend his remarks in the RECORD on the McLemore resolution. Is there objection?

There was no objection.

Mr. LA FOLLETTE. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD on the McLemore resolution. Is there objection?

There was no objection.

Mr. SMITH of Texas. Mr. Chairman, how much time is there remaining?

The CHAIRMAN. The gentleman from Texas has 20 minutes and the gentleman from Illinois has 20 minutes.

Mr. STAFFORD. Mr. Chairman, while I agree in part with the position of the gentleman from Illinois [Mr. MANN], I can not agree with his conclusions that it is for the best interests of the Government to retain the road and not sell it. Anyone who has any acquaintance with——

Mr. BENNET. Will the gentleman yield?

Mr. STAFFORD. Not just yet; I want to complete my sentence. Any person who has any acquaintance with a lumber railroad in a mountainous district such as this is knows that when the original purpose of the railroad is fulfilled the road is generally of little value except for the purposes of junk.

Mr. MADDEN. Will the gentleman yield?

Mr. STAFFORD. I can not yield to the gentleman from Illinois; if I did I would have to yield to the gentleman from New York, and I do not want to play favorites. I wish the Chair would kindly protect me for a few minutes until I can make a consecutive statement, because I am limited as to time.

Mr. RUBEY. Mr. Chairman, it is impossible for gentlemen on this side of the House to hear the gentleman from Wisconsin.

Mr. STAFFORD. There are plenty of vacant seats on this side, and if the gentleman wants to hear me he can come over here, as I do not intend to go over there.

Mr. Chairman, this is a practical question confronting the Government. The Secretary of the Interior recommends the sale of this railroad. The Government has no further use of it, and we will have to sell it for a sum very much below the cost of its construction. To retain it and try to obtain a lease from the Barber Lumber Co. or the subsidiary company would be continuing the waste, because under the agreement originally entered into with the company the Government must continue its operation, and it is being operated at a loss. So what is the practical condition confronting the House? It is to get rid of it as soon as possible.

I do not agree with certain provisions of the bill hinted at in some remarks which I made and questions I put to the chairman of the committee. I think it is a waste of time to offer the railroad at public auction at not less than the appraised price, because if there is no settlement at the terminus of this road and the Barber Lumber Co. is the only concern which has any use for it, and that for logging purposes, it can not be expected that there will be any purchaser at public auction or anyone to bid the price appraised. I question whether there is any reason for having the property appraised. The Secretary of the Interior knows what it cost the Government to build the railroad. He knows full well what the depreciation is, and he is in possession of all the facts, and when you prescribe in the bill that there shall be an appraisal and notice given to the public that it will be disposed of at public auction, you are just deferring the time when the road must be sold, and you are also to that extent compelling the Government to waste its funds in its continued operation. The sooner the Government can get rid of something no longer wanted, the better it is for the interest of the Government.

Mr. SMITH of Texas. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SMITH of Texas. I think there is a good deal of force in what the gentleman has said. These provisions were put in the bill by the Secretary of the Interior himself, and I surmise one was for his own protection, that the property should be appraised by a disinterested person, and that he should make the sale with some reference to the value as fixed by the appraisers.

Mr. STAFFORD. I think the gentleman from Texas has surmised the motive back of the Secretary in putting in that provision. I agree that the Secretary thought that he would be open to criticism if he presented a bill asking for a private sale without appraisement and without submitting it to public sale, but if he had come before the committee with a letter stating the conditions as they have been submitted to-day, showing that here is a branch railroad running from Boise City 9 miles to Barbertown, and then a spur further up the canyon to the new Arrow Rock Dam 8 miles, for which there is no use except to a logging company, he would have made a strong case for an exceptional condition of sale by private rather than at public sale.

What is the use of going through the mockery of offering this road for sale at public auction at an appraised value, when we all know that the Government will not receive a bid of one-quarter of the appraisement of this property? It is an absolute waste of time, and will result in a loss to the Government by the railroad being compelled to be maintained by the Government, as provided in the agreement with the Barber Lumber Co.

The terms of the agreement with the Oregon Short Line Railroad Co. are not burdensome, and any purchaser would not refrain from purchasing the railroad because of those terms. They are reasonable, but there are some onerous terms in connection with the agreement entered into between the Government and the Barber Lumber Co. I am surprised that the Government entered into any such agreement as it did with the Barber Lumber Co., because it gave them for all time, so long as it was operated by the Government or by its assignees, the privilege of operating any train for its purpose of logging, and paying only therefor the nominal rate—or you may say a reasonable rate—of 50 cents per train-mile. No person, I think, would be willing to go and bid for this railroad, subject to those conditions, because they would not want to have the operation interfered with by these private parties. The Government, having entered into this contract, with these burdensome terms, as I consider them, it is for the best interest of the Government to get rid of it for the best price that can be secured.

It is of no value whatsoever to the Government to-day. As is suggested by the Representatives from the State of Idaho, if the city of Boise desires to purchase it, I would be almost willing to give it to that city, because it will find out sooner or later that it has a white elephant on its hands. It has served its purpose, and the quicker we get rid of it the better.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MADDEN. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE], who wishes to speak against the bill.

Mr. MOORE of Pennsylvania. Mr. Chairman, this bill, it seems to me, might be amended in certain particulars. In the first place, the Secretary of the Interior indicates in his letter to the chairman of the Committee on Irrigation of Arid Lands that "all equipment necessary for operating the road is avail-

able." In the bill it is proposed to give to the Secretary of the Interior the right to sell the right of way, and "such part of the equipment and appurtenances used in connection therewith as he shall deem most profitable or economical to sell in connection with said railroad."

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. MADDEN. At the back of this dam there is a lake 30 miles long, and I do not know exactly how wide, created by the flood waters of the mountains, and does not the gentleman think that a great summer resort could be created there which would make this railroad very much more valuable?

Mr. MOORE of Pennsylvania. That would depend very largely upon the population of Boise and the population adjacent to the lake. As the representative of a section adjacent to which we have great seaside summer resorts, I should hesitate to stir up a rivalry along this 17-mile railroad on an artificial lake in the State of Idaho. Still I would be pleased to see such an enterprise developed if the capitalists and pleasure seekers cared to indulge in it. It might be that these 17 miles of railroad could be so improved and made so attractive as to induce the swain of the community and the families and their children, to indulge in picnics along the banks of the lake, and to build cottages there in order that their summer months might be more agreeably spent. It would probably depend on weather conditions.

Mr. MADDEN. In a case of that sort, does not the gentleman think that the railroad would have a great value in carrying the excursionists?

Mr. MOORE of Pennsylvania. It probably would, if it did not have to meet an excessive railway mail pay, with which the gentleman from Illinois, of course, is particularly familiar in view of his championship of the recent Post Office appropriation bill.

Mr. MADDEN. The Government pays for the railway mails, the gentleman must know.

Mr. MOORE of Pennsylvania. That might be one reason why the Government wants to get rid of the railroad. I do not know. It did occur to me incidentally that the railway mail pay charges were so heavy on the short lines, as some of us were led to believe during the discussion of the Post Office appropriation bill, that the Government would have too much of a burden to bear in paying the railway mail pay and, therefore, it would be cheaper to get rid of the road and let somebody else pay it. That involves, however, a question that I had not thought of discussing at any length. I agree with my distinguished colleague from New York [Mr. BENNET] that the gentleman from Illinois [Mr. MADDEN] having given careful attention to the Railway Mail Service is entitled to very great credit not only for his intelligent study of that question, but for the remarkable assiduity he has exercised to bring about legislation that is effective. I would not pluck a laurel from his brow in that regard, even though I might think it wise for the Government to relieve itself of the necessity of paying the railway mail pay on this 17-mile railroad, which it seems the Government now desires to abandon.

But I intended to say with respect to the bill that while the Secretary of the Interior indicates that the equipment is available, the bill does not propose to sell the equipment except such part of it as the Secretary may think most profitable or economical to sell. I have been wondering whether there was such equipment of the road as was not to be sold under the provisions of the bill and, if so, why. The bill also provides that the road shall be sold at public auction to the highest bidder at not less than a value to be appraised by three disinterested persons to be appointed by the Secretary of the Interior, and that public notice of the sale is to be given by posting upon the premises and "by publication once a week for not less than four weeks in a newspaper of general circulation in the vicinity of the railroad."

Mr. BENNET. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. That is not a very wide publicity. I yield to the gentleman.

Mr. BENNET. Does the Secretary in his letter say anything about that particular provision, and in connection with that does the gentleman approve of the habit which we have fallen into here of passing bills simply because some Secretary sends a letter, prepared by some clerk, saying that we ought to pass a bill?

Mr. MOORE of Pennsylvania. I think Secretary Lane is one of the most efficient of the Secretaries under the present administration.

Mr. BENNET. I agree with the gentleman.

Mr. MOORE of Pennsylvania. I would assume that he signed this letter himself, but I do not think that he carefully read the bill which has been submitted to the House.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. May I have some more time?

Mr. MADDEN. I am afraid I can not yield any more.

Mr. MOORE of Pennsylvania. I want to discuss the question of Government ownership.

Mr. MADDEN. Very well. In that case, I will be glad to yield the gentleman two minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, of course, any Member of the House who can not fully discuss the question of Government ownership in two minutes is not well qualified for the high and responsible position he holds, but it has occurred to me that while the bill is deficient in some particulars, in that not sufficient public notice is to be given as to the sale by auction, for instance, and in that if the auction sale fails on insufficient notice, then the Secretary is to have exclusive power to sell at private sale; and leaving aside the question of railway mail pay, upon which I do not expect to harp too often, nor to the displeasure of any of my colleagues upon the Committee on the Post Office and Post Roads, the question of Government ownership does enter into this little bill that we have before us. The tendency recently has been to drive the Government into competition with private business in all directions—taking over railroads, taking over the telegraph and telephone lines, taking up the enterprises that ought to be left to individuals—are all freely suggested.

Here is an instance where it is proposed to take the Government out of the railroad business—in which we put it in in Alaska—and let private individuals take the business from the Government. Now, I assume that if this was a profitable railroad the Secretary of the Interior would not care to dispose of it, but I assume it is not very profitable, having only one engine and two cars, as I am informed, and being up against a rather stiff proposition if it is to carry the mail under the more or less compulsory law recently passed, where it might have to pay eight or ten thousand dollars for a steel car to safeguard the carriers of the railway mail. It might be a good thing for the Government to let this railroad go on proper terms and let individual enterprise step in and assume the responsibility if it can be done without prejudice to these agreements which seem to enter into the entire transaction. I do not like to see the Government embark in any enterprises that take away from individual enterprise the incentive to organize and conduct business, and while I think this bill ought to be amended I rather agree in principle with the suggestion that just as soon as the Government can let go of the railroad, whether it be operated upon a profitable, or as in this case it seems to be an unprofitable, basis, it would be well to do so. So if this bill were amended properly and there was sufficient publication, it seems to me just as well to let the Government go out of the business and let some private individual go in. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Texas. Mr. Chairman, I yield five minutes to the gentleman from Idaho [Mr. MCCRACKEN].

Mr. MCCRACKEN. Mr. Chairman, the Arrowrock Dam is located about 25 miles up the Boise River from the beautiful city of Boise, which is the capitol of Idaho. The cost of its construction was $5,500,000, which is $2,000,000 less than the estimate. Six years was the time allotted for its construction, but it was finished in four years. Great credit is due to the United States Reclamation Service for this achievement, and special mention is due to Mr. F. E. Weymouth, supervising engineer of the Idaho district; Mr. Charles H. Paul, construction engineer; and James Munn, superintendent of construction. This is the highest dam in the world, it being 351 feet from the crest of the lowest point of its foundations. It is 1,100 feet long and 240 feet wide at its base, tapering to 16 feet at the top. The table below shows the height of this and other very high dams:

Name of structure.	Height from foundation.	Height from water surface.
	Feet.	*Feet.*
Arrowrock Dam	351	260
Shoshone Dam	328	240
Croton Dam	297	160
Roosevelt Dam	284	240

This great dam forms a reservoir 18 miles long, with a maximum depth of 200 feet, for conserving the water of the Boise River, which will be used, together with water from the Deer

Flat Reservoir, as a late season water supply for the irrigation of more than 240,000 acres of land in one of the most beautiful valleys in the world—the Boise Valley. Climatic conditions in the valley are ideal. The average elevation of the lands which will benefit by the water of this reservoir is 2,500 feet above sea level. The average range of temperature is from 28° to 97°. Zero weather is rare. The soil on the Boise irrigation project is very rich, being a decomposed volcanic ash. The principal crops are alfalfa, of which we have three cuttings, and a large yield of grains, potatoes, and vegetables. Apples of the best varieties are grown with profit, among some of these being the Jonathan, Rome Beauty, and Grimes Golden. The Italian prune is always a sure crop and the price is gradually increasing. The time is not far distant when the prune orchardist will receive $50 per ton for his product on board the car.

In the year 1915 the acreage under cultivation was approximately 93,000 and its valuation in the neighborhood of $2,000,000. Owing to the climatic conditions and the alfalfa yield, the project will soon take its place as one of the great dairy sections of the world.

The policy of the Government in building this great dam has been justified by the saving of crops last year on more than 100,000 acres. Thus, in the very first season of its use its cost was more than repaid to the Government in the output of food supplies from a district which could not have produced without the water which was therein conserved.

This achievement of the Government in the conservation of the water supply for use in arid regions should be followed by many others, and I want to call the attention of the House to two bills which I have introduced which contemplate the construction of other dams for the conservation of the flood waters of the Snake River and its tributaries. House bill 301 contemplates the construction of the Swan Valley Reservoir at an expense not exceeding $300,000; the Teton Reservoir at an expense not exceeding $1,000,000; the Island Park Reservoir at an expense not exceeding $1,000,000; and the Henry Lake Reservoir at an expense not exceeding $100,000.

If this bill is enacted into law and these reservoirs constructed a good supply of water in dry seasons will be available to the farmers in the upper Snake River Valley, so that they will run no risk of losing their crops just about the time of their maturity.

The other bill which I have introduced contemplates the purchase of a reservoir site in the vicinity of American Falls, to be followed by the construction of a great dam which will hold back enough water to supply the Minidoka project and both north and south sides of the Twin Falls tract when they run short and need it.

The need of an abundant reserve supply of water in the dry season was greatly emphasized in the season of 1915. You have the proof that the value of the crops saved on the Boise project during last season would more than offset the cost of the great Arrowrock Dam, and I want to assure you that the value of the crops which can be saved every year by the use of the water it is proposed to conserve in the Upper and Lower Snake River Valleys will more than equal the cost of the investment which I am now urging the Government to make. I regret that this important matter can not be considered now on account of the "preparedness bills," but I hope that you may understand that this country can not take a better step toward preparedness than to increase our food supply. It may not be known to you gentlemen that we have two towns in Idaho which now rank as the largest primary wheat-shipping points in the world; one of these is American Falls, located in Power County, on the Snake River, and the other is Rexburg, Madison County, between the North and South Forks of the Snake River. More than 1,000,000 bushels of grain were shipped from each of these places in the year 1915. All that the other sections of Idaho need to enable them to equal the productions of the localities named is an adequate water supply. I am sure that no one appreciates the future of the great State of Idaho more than the distinguished gentleman from Illinois [Mr. MANN], and I am sure that if he finds time to go out there next summer it will be very difficult to get him back here to attend the session next fall.

Mr. MANN. The gentleman has made it clear to me that Idaho is one of the coming States of the great Northwest, and I will say that I am in full sympathy with his plan to conserve the waters of the great Snake River Basin, to which he has referred, in order that there may be no shortage of water needed for irrigation in dry seasons, and that still greater areas of arid lands may be brought to their highest development. Whenever my time will permit, I hope to visit the gentleman's State and see some of the great things which the brains and energy of that country have achieved.

Mr. McCRACKEN. I am sure that the gentleman will be greatly pleased with his visit to the Gem State.

Mr. SMITH of Texas. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has seven minutes remaining.

Mr. SMITH of Texas. I yield to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Chairman, I ask unanimous consent to extend my remarks by inserting in the RECORD a copy of a letter written to the honorable Speaker of this House by the Hon. Samuel Gompers, touching the Borland rider, so called.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to insert a letter written to the Speaker of the House by the Hon. Samuel Gompers. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Texas. Mr. Chairman, I yield to the gentleman from New York [Mr. HICKS].

Mr. HICKS. Mr. Chairman, I would like to ask unanimous consent to extend my remarks in the RECORD on preparedness.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks on preparedness. Is there objection? [After a pause.] The Chair hears none.

Mr. BUCHANAN of Illinois. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter from the Twenty-eighth Ward Democratic Club, of Chicago, favoring a resolution warning all citizens to keep off of armed belligerent vessels or any other kind of belligerent vessels by which they endanger their lives and endanger the involving of this Government in the present European bloody struggle.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. MADDEN. Mr. Chairman, I yield half a minute to the gentleman from New York [Mr. BENNET].

Mr. BENNET. Mr. Chairman, I ask unanimous consent that my colleague from New York [Mr. SMITH] may have leave to extend his remarks in the RECORD on the McLemore resolution.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his colleague [Mr. SMITH] be granted unanimous consent to extend his remarks in the RECORD on the question of the McLemore resolution. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. I yield half a minute, Mr. Chairman, to the gentleman from Pennsylvania [Mr. MORIN].

Mr. MORIN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on a bill I have introduced in the House on the question of raising revenue.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Mr. Chairman, I yield half a minute to the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the subject of the McLemore resolution.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD on the question of the McLemore resolution. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. MADDEN. Mr. Chairman, I yield half a minute to my colleague [Mr. THOMAS S. WILLIAMS].

Mr. THOMAS S. WILLIAMS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the question of the McLemore resolution.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on the question of the McLemore resolution. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, I yield half a minute to the gentleman from Oregon [Mr. SINNOTT].

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the subject of the McLemore resolution.

The CHAIRMAN. The gentleman from Oregon [Mr. SINNOTT] asks unanimous consent to extend his remarks in the RECORD on the McLemore resolution. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, when the discussion began upon this measure before the committee I was inclined to vote for it. It seemed to me that it was a reasonable proposition, but I have been listening to the debate, and especially to the dis-

cussion of the Member from Idaho [Mr. McCRACKEN], and it convinced me that we ought not to sell this road. He says that this great dam, that cost $5,000,000, has created a great body of backwater, and it gives unusual promise for a great summer resort. It is making already a wonderfully beautiful city—the greatest coming city of the Northwest—and therefore I think we ought not at this time to foolishly part with the railroad.

Mr. BENNET. Will the gentleman yield for a question?

The CHAIRMAN. Will the gentleman yield?

Mr. FESS. I will.

Mr. BENNET. Did not the gentleman from Idaho [Mr. McCRACKEN] say that the temperature there always ranged around 30° above—between 10° below and 30° above? And I will ask the gentleman from Ohio if that is the range of temperature in Boise, and this dam is higher up, where it is presumably colder, what reason will there be for people who live in weather where it never gets warmer than 20° above to have a summer resort?

Mr. FESS. I presume that will be for the purpose of skating facilities.

Mr. BENNET. I admire the agility with which the gentleman can change his mental operations.

Mr. FESS. Well, that is necessary in these days. [Laughter.]

Then I am convinced from another angle, and that was the angle announced by the Member from New York, who just interrupted me by my permission, in his statement that nobody would buy it, because they would be buying a lawsuit. He raised a question that I think is quite pertinent here and has been in the minds of many Members in the discussion of the railway mail pay proposition, in which it seems that a contract has been made where only one party is regarded or consulted in the making of the contract; and I have my serious doubts whether a contract of that sort, especially when applying to a road entirely intrastate, will stand the test if it ever gets before the Supreme Court. And I am not sure that it will ever get there, because it is a question whether any corporation can have such legal process against the Government by which it can go through the regular proceedings of legal procedure to reach the Supreme Court.

Mr. BENNET. Will the gentleman yield?

Mr. FESS. I will.

Mr. BENNET. I can tell him in a minute how it can be done. Take this 17-mile railroad, and it might be well used for a test case. Somebody buys it. Some time in the future the Postmaster General asks it to carry the mail, and it refuses. Then suit is commenced for the $5,000 penalty, and it goes up by regular processes. I will not undertake to say offhand that there is a direct appeal to the Supreme Court of the United States, but under the power frequently exercised—not frequently, but whenever necessary—the matter could be brought by certiorari from that particular circuit, which I think is the ninth circuit, and the case brought up to the Supreme Court of the United States. So, on this 17-mile railroad, if Barber & Co. bought it, as the gentleman from Illinois [Mr. MANN] says they must, the Government of the United States could make a test case right there; and the danger of that—supposing they bought of some man who did not care very much about it and put up only a nominal defense—would be that then the case would go to the Supreme Court of the United States with only one side adequately represented.

Mr. FESS. I yield to the gentleman time to answer my question.

Mr. BENNET. Very well.

Mr. FESS. Can the Federal Government be made a defendant in a suit at law without going to the Court of Claims?

Mr. BENNET. Not under ordinary circumstances. But that would not arise in this case, because the Federal Government would not be the plaintiff. You see the $5,000 fine is imposed on the railroad. The railroad has no interest in the litigation until it is sued, and once it is sued, if it is beaten in the court of first instance, then it has a perfect right of appeal.

Mr. FESS. I accept the gentleman's explanation.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MADDEN. Mr. Chairman, I yield to the gentleman two minutes more.

The CHAIRMAN. The gentleman is recognized for two minutes more.

Mr. FESS. Another consideration which was raised here, which I think important, was the feature of the Constitution which gives the Government the right to exercise the power of eminent domain. Now, if we resort to that, it is a question in my mind whether the title has not passed over from the railroad into the possession of the Government; and if so, is this a method by which we can stop private ownership in railroads and take up Government ownership? And is that one of the plans contemplated by legislation of this sort? I think that is a pertinent question.

Mr. BENNET. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. BENNET. It is a very pertinent question, and it is very serious in relation to the 900 short-line railroads in the United States. If that Post Office appropriation bill becomes a law with this provision in it and the Postmaster General exercises his power and commences suits, it would not be very long before a whole lot of railroads in this country would be in Government ownership by reason of judgments and that kind of buying in of railroads, especially the short-line railroads and the roads that are heavily bonded. Of course that brings in the complications between the bondholders and the Government, but we have not time to discuss that this afternoon.

Mr. FESS. I agree with the explanation offered by the gentleman from Illinois, and I ask now, If it is intended by this policy that the Government shall take charge of the railroads, why sell this railroad? This is pertinent at this time. [Applause.]

Mr. MADDEN. Mr. Chairman, does the gentleman from Texas [Mr. SMITH] wish to use any more of his time? If not, I have no objection to going ahead and having the bill read under the five-minute rule.

Mr. SMITH of Texas. I do not care to use more time.

The CHAIRMAN. The Clerk will read the bill, if there is no further discussion.

The Clerk read as follows:

Be it enacted, etc., That whenever in the opinion of the Secretary of the Interior the Boise & Arrow Rock Railroad, constructed by the Reclamation Service under the provisions of the act of Congress of June 17, 1902 (32 Stats., p. 388), for use in connection with the construction of the Arrowrock Dam, Boise project, is no longer needed for said construction purpose, the said Secretary of the Interior may cause said railroad, together with the right of way on which the same is located, and such part of the equipment and appurtenances used in connection therewith as he shall deem most profitable or economical to sell in connection with said railroad, to be appraised by three disinterested persons, to be appointed by him, and thereafter to sell the same for not less than the appraised value at public auction to the highest bidder, after giving public notice of the time and place of sale by posting upon the premises and by publication once a week for not less than four weeks in a newspaper of general circulation in the vicinity of the railroad, the proceeds of such sale to be covered into the reclamation fund and credited to the Boise project, and such credit applied upon the features of said project against which the cost of the construction of said railroad was charged: *Provided*, That said Secretary may reject any or all bids: *Provided further*, That after said railroad has once been offered for sale at public auction and not sold the Secretary may, in his discretion, sell said railroad, together with the equipment and appurtenances aforesaid, at private sale on such terms and conditions and at such price as he may deem to be to the best interest of the Government. Any sale hereunder shall be subject to the terms and conditions of two certain agreements, one dated March 2, 1911, between the United States and the Barber Lumber Co., and the other dated November 18, 1915, between the Oregon Short Line Railroad Co. and the United States.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to amend, on page 2, lines 9 and 10, by striking out all after the word "in," following the word "weeks," down to the end of line 10, and inserting in place thereof the following: "three newspapers of general circulation in three cities of 50,000 population."

Mr. BENNET. Fifty thousand or over.

Mr. MOORE of Pennsylvania. Yes; "50,000 population or over."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania. Will the gentleman submit it in writing?

Mr. MOORE of Pennsylvania. I will write it out.

Mr. STAFFORD. Mr. Chairman, may we have the amendment reported?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, lines 9 and 10, after the word "in," strike out the words "a newspaper of general circulation in the vicinity of the railroad" and insert "three newspapers of general circulation in three cities of a population of more than 50,000 people."

Mr. SMITH of Texas. Mr. Chairman, I will ask the gentleman if he would not be willing to leave in the bill what he has proposed to strike out there and put the other part of his amendment in also? Does not the gentleman think that the advertisement ought to be inserted in papers in the vicinity of this railroad as well as in three cities elsewhere of larger population?

Mr. MOORE of Pennsylvania. I think so; but the point is this: When in legal matters it is not desired to give very wide publicity to a legal announcement, the paper of least circulation in the most remote place is usually selected, and as this is a Government transaction, involving Government property, it

seems to me there ought to be the widest possible publicity to the advertisement.

Mr. SMITH of Texas. I have no objection to that. I have no objection to advertising in three cities, but it also ought to be advertised in newspapers of the immediate vicinity.

Mr. MOORE of Pennsylvania. Would the gentleman from Texas accept that amendment if there is added thereto, after the word "population," the words "cities nearest the railroad"?

Mr. SMITH of Texas. I suggest to leave in there "a paper of general circulation," following the "four weeks," "in the vicinity of the railroad," and then adding what the gentleman proposes.

Mr. MOORE of Pennsylvania. I have no objection to that. I think it is entirely reasonable to publish the advertisement somewhere in the vicinity.

Mr. SMITH of Texas. I suggest to strike out that and add what the gentleman proposes to add.

Mr. MOORE of Pennsylvania. I accept that.

Mr. BENNET. After the word "railroad," on line 10.

Mr. McCRACKEN. Mr. Chairman, would the gentleman from Pennsylvania object to adding "the city of Boise"?

Mr. MOORE of Pennsylvania. I would follow the word "railroad" with the words "and three cities of a population of not less than 50,000."

The CHAIRMAN. The Clerk will report the amendment as it now reads, so that the committee may understand it.

The Clerk read as follows:

Page 2, line 10, after the word "railroad" insert the words "and in three newspapers of general circulation in three cities of a population of not less than 50,000 people."

Mr. MOORE of Pennsylvania. One of which shall be in the vicinity of the railroad.

Mr. BENNET. That is already provided.

Mr. MANN. It is not necessary to say "a population of not less than 50,000 people." The word "people" is surplusage.

The CHAIRMAN. The question is on the amendment.

Mr. SMITH of Texas. Just a moment, Mr. Chairman. As I understand the reading of the amendment, it reads "three papers in three cities." I do not think it is clear that the publication is to be in only one paper in each of the three cities.

Mr. MOORE of Pennsylvania. My understanding was that the gentleman wanted to leave the original language stand. I think a newspaper of general circulation in each of three cities would be fair.

Mr. SMITH of Texas. What I wanted to leave in was the words that the gentleman moved to strike out. The point I now make is that the expression "three newspapers in three cities" is not clear to my mind, though it may be to the gentleman's mind, that it means only one paper in each of three cities.

Mr. MOORE of Pennsylvania. I had no opportunity to write this amendment, but the purpose of it was to give a wider publicity than the bill provides.

Mr. SMITH of Texas. I understand.

Mr. MOORE of Pennsylvania. But I can perfect the language in a moment, I think, if the gentleman will let me do it in my own time.

Mr. STOUT. Will the gentleman allow me to make a suggestion with reference to the amendment?

Mr. MOORE of Pennsylvania. I yield to the gentleman for that purpose.

Mr. STOUT. Of course I think it entirely right that this should have publicity in some other newspapers, and I am going to suggest as a substitute for the gentleman's amendment the following, if he will have it:

After the word "railroad" add "and in three other publications such as may, in the judgment of the Secretary of the Interior, give adequate publicity to the proposal of the Government."

It is desirable that he publish these advertisements in some large financial papers.

Mr. MOORE of Pennsylvania. May I ask what is the population of Boise City just now?

Mr. McCRACKEN. Twenty thousand.

Mr. SMITH of Texas. Why not state that it appear in one Boise paper and then in three others?

Mr. MOORE of Pennsylvania. That is satisfactory. Such a proposition as this, I think, ought to be published in San Francisco and Omaha and Denver, perhaps.

Mr. FESS. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. FESS. Is the gentleman's purpose limited to one paper in a city?

Mr. MOORE of Pennsylvania. That was the idea.

Mr. FESS. Had you not better say "in each of three cities?"

Mr. MOORE of Pennsylvania. Yes.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. I offer to insert, after the word "weeks," the words—

In a newspaper of general circulation in Boise, and in three newspapers published in cities having a population of not less than 50,000.

The CHAIRMAN. Does the gentleman withdraw his original amendment?

Mr. MOORE of Pennsylvania. Yes; I desire to withdraw the original amendment.

The CHAIRMAN. Does the gentleman ask unanimous consent to withdraw his original amendment and offer this one?

Mr. MOORE of Pennsylvania. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to withdraw his original amendment and offer an amendment which the Clerk will report.

The Clerk read as follows:

Page 2, line 10, after the word "in," insert the words "Boise City, and in one newspaper published in three cities of a population not less than 50,000."

Mr. STAFFORD. Mr. Chairman, did the Chair submit a request for unanimous consent that the gentleman from Pennsylvania could withdraw his original amendment?

The CHAIRMAN. The Chair did, and there was no objection raised.

Mr. STAFFORD. Does the gentleman from Pennsylvania think that is a sufficient designation? Should he not say "City of Boise, Idaho"?

Mr. MOORE of Pennsylvania. The gentleman thinks that that is not sufficiently descriptive?

Mr. STAFFORD. No.

Mr. MOORE of Pennsylvania. I ask that the amendment be reported again.

The Clerk read as follows:

Page 2, line 10, after the word "in," insert the words "Boise, and in one newspaper published in each of three cities with a population of not less than 50,000."

Mr. STOUT. Mr. Chairman, I offer the following amendment as a substitute for the amendment offered by the gentleman from Pennsylvania.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Montana as a substitute.

The Clerk read as follows:

Page 2, line 10, after the word "in," insert "the city of Boise, Idaho, and in three other publications such as may, in the judgment of the Secretary of the Interior, give adequate publicity to the proposals of the Government."

The CHAIRMAN. The question is on the substitute offered by the gentleman from Montana.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have no objection to the substitute except that it gives to the Secretary of the Interior discretion as to the selection of the place, and it might involve the very question that was raised sometime ago, and which seemed to be conceded by the chairman of the committee, as to the selection of remote places in which to place the advertisement. I do not for a moment wish to reflect upon the officer who would exercise discretion under the substitute, but we are to dispose of Government property, the value of which originally was three or four hundred thousand dollars, and there should be the widest publicity by advertisement amongst business and railroad men and others engaged in that kind of business. If you fix a limitation upon the population of the city in which the advertisement is to be inserted you give legislative assurance at least that you are giving the widest possible publicity to your desire to sell. If you leave it to the discretion of the Secretary who has an agreement with other parties in interest, there being two agreements here, it might be that there would be a desire not to give the greatest possible publicity to the sale. It seems to me it would be wise that the advertisement appear in publications in such cities as San Francisco, Chicago, New York, or Philadelphia, where it would be most likely to attract the attention of men who would be inclined to buy.

Mr. STOUT. Mr. Chairman, I think it is a far-fetched presumption on the part of the gentleman from Pennsylvania that the Secretary of the Interior would deliberately place a publication in the newspapers far remote from any possible interested purchaser. Under the amendment of the gentleman from Pennsylvania he could go way over east to Syracuse or Buffalo or Scranton and put it in some little newspaper where it would

be utterly lost. My purpose is that it shall go in some of the great financial papers of the country, where men who read it have money to buy railroads, just as they buy bonds, where they are advertised in that kind of a paper. I think the only way the gentleman's amendment could be effective would be for him to come straight out and designate three cities in which the advertisement should be published.

Mr. MOORE of Pennsylvania. The gentleman will concede that whoever drew the bill may have had it in mind not to give very wide publicity to the fact that the railroad was to be sold when he put in the bill this language:

After giving public notice of the time and place of sale by posting upon the premises and by publication once a week for not less than four weeks in a newspaper of general circulation in the vicinity of the railroad.

That was not going very far.

My point is that while there may have been no design about this, and I do not impute any design, the language of the bill certainly leaves it open to the suggestion that there was no great desire to get much publicity for this sale.

Mr. BARNHART. Mr. Chairman, will the gentleman from Montana yield to me until I can ask the gentleman from Pennsylvania a question?

The CHAIRMAN. Does the gentleman yield?

Mr. STOUT. Yes.

The CHAIRMAN. The time of the gentleman from Montana has expired. The question is on the substitute offered by the gentleman from Montana.

The substitute was agreed to.

The CHAIRMAN. The Chair would call the attention of the gentleman from Montana to the fact that his amendment starts in after the word "in," and it seems that the words "in the vicinity of the railroad" ought to be stricken out.

Mr. STOUT. That is true. I move to strike out the words "in the vicinity of the railroad."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 10, after the substitute just adopted, strike out the words "the vicinity of the railroad."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I suggest to the Chair that the substitute has been agreed to, but that the amendment as amended has not been agreed to.

The CHAIRMAN. The Chair was endeavoring to first perfect the phraseology.

Mr. FESS. Mr. Chairman, a parliamentary inquiry. We have voted for the substitute of the gentleman from Montana. That substitute has been agreed to, and do we not now have to vote for the original amendment, as amended by the substitute?

The CHAIRMAN. That is true. The question now is on the amendment as amended by the substitute.

The amendment as amended was agreed to.

Mr. SMITH of Texas. Mr. Chairman, I move that the committee do now rise and report the bill, with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. DAVENPORT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11156 and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] If not, the Chair will put them en grosse. The question is on the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SMITH of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HAMILTON of New York, for one week, on account of illness in his family.

To Mr. HEFLIN (on the request of Mr. ALMON), indefinitely, on account of sickness in his family.

To Mr. EDWARDS, indefinitely, on account of illness in his family.

ARMED MERCHANTMEN—EXTENSION OF REMARKS.

Mr. BARNHART. Mr. Speaker, during the course of the day a good many Members of the House have called upon me to inquire if there could not be some way arranged by which the ban against the privilege of Members extending remarks in the RECORD relative to the McLemore resolution might be raised. Not having voted for the rule, I believe I am in a situation to suggest that a great many Members on both sides of the House did not agree with the rule, because it did not furnish sufficient opportunity for amendment and debate, as many such were unable to get time to speak. That was the case with myself and with a good many other Members. I think this was one of the most important questions that has come before the House in many years, at least in point of personal interest to Members, and I believe that it is just and right that those who have not been heard because they could not get time to speak should have an opportunity to extend their remarks in the RECORD. It is well known that I am not in favor of padding the RECORD, but I desire now to ask unanimous consent that all Members of the House may have the privilege for five legislative days of inserting in the RECORD remarks touching the McLemore resolution, and which they would have made had there been time to give all an opportunity to be heard when the resolution was considered.

Mr. SMITH of Michigan. Does that include to-day?

Mr. BARNHART. After to-day.

The SPEAKER. Is there objection?

Mr. DAVENPORT. Mr. Speaker, reserving the right to object, I want to ask the gentleman if that is intended to interfere with those who have heretofore gotten permission without limit?

Mr. BARNHART. No. During the day quite a few Members have been given that permission in the Committee of the Whole House on the state of the Union, and those who have not been present and have not been given that permission will doubtless feel that if they do not have that privilege there has been some discrimination against them, and I think they would be duly justified in feeling so and therefore make the request.

Mr. BUCHANAN of Illinois. Mr. Speaker, reserving the right to object, I suppose that some of the Members feel as I do, that the defeat of the McLemore resolution was due to a most vicious influence, and I suppose that in the extension of remarks——

Mr. MANN. Well, it would be only telling the truth.

The SPEAKER. If the request for unanimous consent is granted and gentlemen print speeches in the back of the RECORD, under the rules of the House, they are to use language that is parliamentary and all that.

Mr. MANN. Reserving the right to object——

Mr. BUCHANAN of Illinois. If the gentleman will permit me to continue, I will say I believe that if I express my honest sentiments and convictions some gentlemen may think I was not perhaps keeping within bounds.

The SPEAKER. It does not make any difference what some gentlemen think. They submit the matter to the House and if anybody raises the question that the speech is in unparliamentary language why the House can strike it out, as it has done several times within the recollection of the Chair.

Mr. ADAMSON. There might be just as hard thinking on the other side.

The SPEAKER. Of course. The Chair is not speaking of one side or the other.

Mr. MANN. Mr. Speaker, reserving the right to object, I did object yesterday. One reason I objected was because I was afraid a lot of things would be said in the RECORD which were not said on the floor and which might add seriously to the international complication. Another reason was I wanted the RECORD to show, for once, what actually had taken place on the floor of the House in the discussion of a fairly important proposition. In that hope or expectation I was not successful, for while the temporary RECORD, in the main, shows what did take place on the floor of the House, there were some extensions of remarks without leave, some of them inserted in the body of the RECORD and some at the end of the RECORD, which utterly change the aspect of what really did take place, and looked as though some gentlemen had made some very long speeches on the subject while everybody else was confined to a little time and a few remarks. So under the circumstances, the temporary RECORD showing fairly well but not accurately what took place, I believe I can not persist in the objection, and shall let the permanent RECORD show an awful lie about what did not take place. Mr. Speaker, I shall not object.

Mr. BARNHART. Mr. Speaker, I would like to ask the gentleman from Illinois if the matter of the extension of remarks in the RECORD on this occasion was particularly different from that which occurs from time to time under the gentleman's observation and mine?

Mr. MANN. Oh, I think so; I think it is quite a different situation.

The SPEAKER. Is there objection?

Mr. THOMAS S. WILLIAMS. Mr. Speaker, reserving the right to object, I would like to inquire if this general leave to extend remarks is granted, would it warrant Members who voted on one side of the question in extending their remarks in making an argument on the other side of the question?

The SPEAKER. Of course it would.

Mr. MANN. There was quite a bunch, some on that side who favored both sides of the question.

Mr. THOMAS S. WILLIAMS. Then, Mr. Speaker, out of courtesy to Members on the other side of the aisle, I shall not object.

The SPEAKER. Is there objection?

Mr. FESS. Mr. Speaker, reserving the right to object, in regard to the remark that gentlemen on this side voted on both sides, I would like to have it understood that some of the Members on this side voted against the rule because they did not want it considered in the House, as it did not belong here, and thus many of them who voted against the rule for that reason, facing the situation we found here because the rule was accepted, were compelled to vote consistently to lay the McLemore resolution on the table.

We subject men to the charge that they voted on both sides. The charge is not fair. It is simply a consistent vote not to consider matters of diplomacy in the House of Representatives, but leave them where they belong—with the President. I will not object, because you granted me the leave to insert my remarks; but you did it, I think, because we could not speak yesterday when the issue was before us, the greatest that has confronted the country since I have been a Member of the House of Representatives.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I raise the point of order that there is no quorum present.

Mr. KITCHIN. Will the gentleman withhold that for one second?

Mr. MANN. No. I make the point of order there is no quorum present.

Mr. KITCHIN. I move the House do now adjourn.

Mr. SEARS. One minute, Mr. Speaker——

The SPEAKER. You can not do that after the point of no quorum is made.

The gentleman from North Carolina [Mr. KITCHIN] moves that the House do now adjourn.

ADJOURNMENT.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until Thursday, March 9, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Attorney General submitting estimates of deficiencies in appropriations for the Department of Justice and the courts of the United States, required to complete the service for the fiscal year 1916, and for prior years (H. Doc. No. 856); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Librarian of Congress submitting an estimate of deficiency in the appropriation for public printing and binding required for the Library of Congress for the service of the fiscal year ending June 30, 1916 (H. Doc. No. 857); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Attorney General submitting a supplemental estimate of appropriation for salaries, fees, and expenses of marshals, United States courts, for the fiscal year ending June 30, 1917 (H. Doc. No. 858); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HINDS, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 11254) to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predacious fishes and aquatic animals, reported the same without amendment, accompanied by a report (No. 309), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 2648) granting a pension to Harry N. Gates; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12694) granting an increase of pension to Martha W. Hubbell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WEBB: A bill (H. R. 12885) to authorize the Secretary of Agriculture to permit the prospecting, development, and utilization of the mineral resources of certain national forests; to the Committee on Agriculture.

By Mr. SMITH of Texas: A bill (H. R. 12886) authorizing the Secretary of the Interior to make survey of the Colorado River and Valley, in Runnells, Coke, Mitchell, and Borden Counties, in Texas, to determine the feasibility and cost of an irrigation project thereon and to make appropriation for such survey; to the Committee on Irrigation of Arid Lands.

By Mr. RAYBURN: A bill (H. R. 12887) to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WATKINS: A bill (H. R. 12888) regulating the method of keeping mortality statistics by the Census Bureau and providing for tabulating and rating separately white and colored people, and that the mortality rates of cities be based upon deaths of those residing in the city and nonresident deaths, or deaths of transients, be tabulated separately; to the Committee on the Census.

By Mr. GANDY: A bill (H. R. 12889) authorizing the Secretary of the Interior to convey certain land to the town of Newell, S. Dak., and for other purposes; to the Committee on the Public Lands.

By Mr. WATKINS: A bill (H. R. 12890) providing for an increase in salary of the United States marshal for the western district of Louisiana; to the Committee on the Judiciary.

Also, a bill (H. R. 12891) providing for an increase in salary of the United States attorney for the western district of Louisiana; to the Committee on the Judiciary.

By Mr. KAHN: A bill (H. R. 12892) to provide for the export of foreign merchandise deposited in bonded warehouses to the island of Guam; to the Committee on Ways and Means.

By Mr. SUTHERLAND: A bill (H. R. 12893) granting an honorable discharge to the Independent State Scouts or Guards of West Virginia; to the Committee on Military Affairs.

By Mr. CRISP: A bill (H. R. 12894) to regulate the collection of special taxes now provided for by law against retail dealers in liquors and wholesale dealers in liquors and the issuance of receipts and licenses to such dealers in such manner as to restrict the issuance of such receipts and licenses to persons proposing to engage in such business in localities in which, under the laws obtaining in said locality, such business is not prohibited; to the Committee on Ways and Means.

By Mr. CALLAWAY: Resolution (H. Res. 161) directing the Chief of Engineers to transmit to Congress his reasons for the removal of Lieut. Col. Herbert Deakyne from service on the Missouri River; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 12895) granting a pension to James F. Romines; to the Committee on Pensions.

Also, a bill (H. R. 12896) granting an increase of pension to George R. Weight; to the Committee on Pensions.

Also, a bill (H. R. 12897) authorizing the promotion of J. H. McCall; to the Committee on Military Affairs.

By Mr. BAILEY: A bill (H. R. 12898) granting an increase of pension to Jacob Booth; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 12899) granting an increase of pension to Mary Risser; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 12900) for the relief of Jesse Vaughn; to the Committee on Claims.

By Mr. DILL: A bill (H. R. 12901) granting an increase of pension to Julius E. Wiese; to the Committee on Pensions.

By Mr. EAGLE: A bill (H. R. 12902) for the relief of S. Arai; to the Committee on Claims.

By Mr. ELSTON: A bill (H. R. 12903) granting a pension to Martha K. Bartl; to the Committee on Invalid Pensions.

By Mr. FREEMAN: A bill (H. R. 12904) granting a pension to Mary E. Breen, of New London, Conn.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12905) granting an increase of pension to Albert Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12906) granting an increase of pension to Susan E. Miller; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 12907) granting an increase of pension to Adelbert Price; to the Committee on Invalid Pensions.

By Mr. GARDNER: A bill (H. R. 12908) granting a pension to William H. Brooks; to the Committee on Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 12909) granting a pension to Matilda Delisle; to the Committee on Pensions.

By Mr. GUERNSEY: A bill (H. R. 12910) for the relief of William P. Johnson; to the Committee on Military Affairs.

By Mr. HADLEY: A bill (H. R. 12911) granting an increase of pension to Robert J. Yeoman; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 12912) for the relief of the estate of Thomas Richeson; to the Committee on Claims.

Also, a bill (H. R. 12913) granting an increase of pension to Alexander French; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 12914) granting an increase of pension to Sarah H. Medary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12915) granting a pension to Edna J. P. S. Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12916) for the relief of Lewis H. Noe, alias Lewis Morton; to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 12917) granting an increase of pension to Sallie H. Olmstead; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 12918) granting an increase of pension to Ida Critchell; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 12919) granting an increase of pension to John Creighton; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 12920) granting an increase of pension to Charles H. Edgecomb; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 12921) granting a pension to George E. Metzger; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 12922) granting an increase of pension to Joseph K. Dixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12923) for the relief of George H. Witten; to the Committee on War Claims.

By Mr. McARTHUR: A bill (H. R. 12924) granting an increase of pension to John H. Baker; to the Committee on Invalid Pensions.

By Mr. McKELLAR: A bill (H. R. 12925) granting a pension to Fred M. Jones; to the Committee on Pensions.

By Mr. McKINLEY: A bill (H. R. 12926) granting an increase of pension to Mary E. Winegardner; to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 12927) granting a pension to Maggie Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12928) granting a pension to Mary S. Cooley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12929) granting a pension to Clara Lambert; to the Committee on Pensions.

Also, a bill (H. R. 12930) granting an increase of pension to George W. Story; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12931) granting an increase of pension to John W. Saylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12932) to correct the military record of James McManniman and grant him an honorable discharge; to the Committee on Military Affairs.

Also, a bill (H. R. 12933) to correct the military record of William H. Wyatt and grant him an honorable discharge; to the Committee on Military Affairs.

By Mr. NICHOLS of Michigan: A bill (H. R. 12934) granting an increase of pension to Arthur Robinson; to the Committee on Invalid Pensions.

By Mr. NORTH: A bill (H. R. 12935) granting an increase of pension to John Irvin; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 12936) granting a pension to Thomas E. Tanner; to the Committee on Pensions.

By Mr. PETERS: A bill (H. R. 12937) for the relief of Thomas C. Jones; to the Committee on Military Affairs.

By Mr. RICKETTS: A bill (H. R. 12938) granting an increase of pension to Thomas Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12939) granting an increase of pension to Lamberton Seaton; to the Committee on Invalid Pensions.

By Mr. RIVERA: A bill (H. R. 12940) granting a pension to Amelia Pagan de Rolfes, of San Juan, P. R.; to the Committee on Pensions.

By Mr. SANFORD: A bill (H. R. 12941) for the relief of Tennis W. Wade; to the Committee on Military Affairs.

By Mr. STEELE of Iowa: A bill (H. R. 12942) granting an increase of pension to Hamilton S. Gillespie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12943) granting a pension to Precilla A. Chilton; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 12944) granting a pension to Adolph Lalonde; to the Committee on Pensions.

By Mr. STEPHENS of California: A bill (H. R. 12945) granting a pension to Warren Whiteman; to the Committee on Pensions.

By Mr. TILLMAN: A bill (H. R. 12946) granting an increase of pension to Samuel S. Taff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12947) granting an increase of pension to W. C. Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12948) granting a pension to Margaret Nonamaker; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 12949) granting an increase of pension to Jacob A. Buffington; to the Committee on Pensions.

By Mr. TRIBBLE: A bill (H. R. 12950) granting a pension to Mrs. William Walker Smith; to the Committee on Invalid Pensions.

By Mr. WATKINS: A bill (H. R. 12951) providing for the appointment and retirement of Gordon A. Dennis as a second lieutenant in the United States Army; to the Committee on Military Affairs.

Also, a bill (H. R. 12952) to authorize the transfer of Lieut. Sydney Smith from the retired to the active list of the Army; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the American Federation of Labor, urging the establishment of a Federal merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also (by request), memorial of the Vermont Society of the Sons of American Revolution, urging more adequate national defense; to the Committee on Military Affairs.

By Mr. BAILEY: Petition of voting citizens of South Fork, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BEALES: Petition of A. I. Weinder and 20 other citizens of Arendtsville, Pa., for passage of District of Columbia prohibition bill without referendum; to the Committee on the District of Columbia.

Also, petition of citizens of New Oxford, and St. Paul's Reformed Sunday School, of New Oxford, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, papers to accompany House bill 11643, for relief of John D. Richter; to the Committee on Invalid Pensions.

By Mr. BROWNING: Petition of Broadway Methodist Episcopal Church of 45 people of Salem; Epworth League of Salem; citizens of Camden; young people of Haddonfield; Women's Club of 75 people; Patrons of Husbandry, num-

bering 204 people; Friends Conference Class of 40 people; Junior Order United American Mechanics of 106 people; Young People's Society of Christian Endeavor of 50 people; First Baptist Church of 425 people; and Knights of Pythias, all of Salem, N. J., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CHARLES: Petitions of sundry citizens of the State of New York, in reference to an embargo; to the Committee on Foreign Affairs.

Also, petition of Progressive Lodge, Independent Order of Good Templars, of Niskayuna, N. Y., for national prohibition; to the Committee on the Judiciary.

Also, petition of Concordia Singing Society, of Gloversville, N. Y., for an embargo on arms and munitions of war; to the Committee on Foreign Affairs.

Also, petition of various residents of Schenectady, N. Y., favoring a resolution of warning to Americans traveling on armed vessels of belligerent nations; to the Committee on Foreign Affairs.

By Mr. COPLEY: Petition of citizens of Chicago, Lombard, and Oak Park, Ill., protesting against the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of Charles Ward Hall, of New York, indorsing Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

Also, memorial of New York section of the Appalachian Mountain Club, indorsing the Kent bill to establish a national park service; to the Committee on the Public Lands.

Also, petition of New York State Federation of Labor, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. DARROW: Petition of 80 citizens of West Philadelphia, Pa., in behalf of national prohibition; to the Committee on the Judiciary.

Also, petition of Division No. 477, of Amalagamated Association of Street and Electric Railway Employees of America, of Philadelphia, in behalf of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Concord School Council, No. 600, Fraternal Patriotic Americans, of Germantown, Philadelphia, Pa., in behalf of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. DAVENPORT: Petition of various business men of Broken Arrow, Fairfax, and Bartlesville, Okla., asking that mail-order houses be required to pay taxes in the localities where they sell goods, and indorsing the passage of House bill 5308; to the Committee on Ways and Means.

By Mr. DIXON: Petition of the congreation of the Presbyterian Church of Greensburg, New Pisgah Sunday School, of Needham, and 32 citizens of Johnson County, all in the State of Indiana, in favor of House joint resolutions 84 and 85, for nation-wide prohibition; to the Committee on the Judiciary.

Also, petition of National Federation Implement and Vehicle Dealers' Association, in favor of a nonpartisan tariff commission; to the Committee on Ways and Means.

By Mr. ELSTON: Petition of Woman's Christian Temperance Union of San Leandro, Cal., in favor of a Federal censorship of films; to the Committee on Education.

By Mr. EMERSON: Petition of Robert E. Juse and other residents of the twenty-second Ohio district, urging Americans to keep off armed merchant ships of belligerent countries; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of citizens of Sparta, Wis., favoring national prohibition; to the Committee on the Judiciary.

By Mr. FESS: Petition of 57 citizens of West Liberty, Ohio, for national defense; to the Committee on Military Affairs.

By Mr. FLYNN: Petition of G. J. Waller, of Honolulu, Hawaii, favoring prohibition for Hawaii; to the Committee on the Territories.

Also, memorial of New York section of the Appalachian Mountain Club, indorsing the Kent bill; to the Committee on the Public Lands.

Also, petitions of the Antisaloon League, Rewland B. Dodge, and J. P. Cooke, of Hawaii, favoring prohibition for those islands; to the Committee on the Territories.

Also, memorial of Society of Colonial Wars of New York, for adequate preparedness; to the Committee on Military Affairs.

By Mr. FOCHT: Petition of First Baptist Church of Mount Union; Seventh-day Adventists of Mifflintown; citizens of Mount Union; citizens of Mifflintown; citizens of Mifflin; United Evangelical Church of Mifflin; Methodist Congregation of Waynesboro, all in the State of Pennsylvania, favoring the Webb-Smith national prohibition resolution; to the Committee on the Judiciary.

By Mr. FREEMAN: Petition of Mrs. Mattie S. Fletcher, Helen C. Fletcher, and E. L. Fletcher, all of Somers, Conn., favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Congregational Church of Sprague; Cheton Branch Woman's Christian Temperance Union; voters of Stafford; Young People's Society of Christian Endeavor of Ellington, and Woman's Christian Temperance Union of Mystic, all in the State of Connecticut, favoring Federal censorship of films; to the Committee on Education.

Also, resolutions of Mansfield Center Library Association, of Mansfield; Lillian L. Huntington and others, of Eastford; and M. J. Hadfield and others, of South Windham, all in the State of Connecticut, opposing passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, memorial of Jibboom Club of New London, in favor of adequate preparedness; to the Committee on Military Affairs.

Also, petitions of Hanover Congregation, of Sprague; United Baptist Church of 500 people of Mystic; Clinton Woman's Christian Temperance Union of 107 people, of Clinton; Hanover Woman's Christian Temperance Union of 30 people, of Sprague; mass meeting of East Haddam; Woman's Christian Temperance Union of 70 people of Higganum; Congregational Church of 140 people of Windham; Methodist Episcopal Church of Higganum; and the Methodist Episcopal Church of Vernon, all in the State of Connecticut, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Loyalty Council, No. 52, of Somers, Conn., indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Papers to accompany a bill for relief of Adebert Price; to the Committee on Invalid Pensions.

Also, petition of Society of Colonial Wars, favoring adequate preparation for national defense; to the Committee on Military Affairs.

Also, petition of Chicago Federation of Labor, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. GARDNER: Memorial of Massachusetts Commandery, Military Order of the Loyal Legion, favoring adequate preparedness; to the Committee on Military Affairs.

By Mr. GARNER: Petition of S. H. Cowan, attorney for American National Live Stock Association and Cattle Raisers' Association of Texas, in reference to grazing on public domain; to the Committee on the Public Lands.

Also, memorial of Zacharias Frankel Lodge, No. 242, of Galveston, Tex., protesting against a literacy test in immigration bill; to the Committee on Immigration and Naturalization.

By Mr. GRIEST: Petition from Allentown, Fullerton, and other cities of eastern Pennsylvania, against proposed legislation to abridge the freedom of the press; to the Committee on the Post Office and Post Roads.

Also, memorial of Meadville (Pa.) Chamber of Commerce, urging legislation to protect and maintain the American dyestuff industry; to the Committee on Ways and Means.

By Mr. GUERNSEY: Memorial of Military Order of the Loyal Legion of the United States, favoring preparedness; to the Committee on Military Affairs.

Also, petition of 30 citizens of Dexter and First Universalist Church of Dexter, Me., for national prohibition; to the Committee on the Judiciary.

By Mr. HADLEY: Petition of citizens of Dungeness, Wash., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. HASTINGS: Memorial of Grady County (Okla.) Bar Association, favoring creation of tenth circuit court of appeals; to the Committee on the Judiciary.

Also, resolution of Stigler Camp, No. 701, United Confederate Veterans of Stigler, Okla.; to the Committee on Claims.

Also, memorial of Cleveland County (Okla.) Bar Association, favoring the creation of the tenth circuit court of appeals; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Petition of citizens of Everson, Wash., for national prohibition; to the Committee on the Judiciary.

By Mr. HAYES: Petition of sundry citizens of California, in reference to and indorsing House bill 11081; to the Committee on the Public Lands.

Also, petition of 22 people of Salinas, Cal., for national prohibition; to the Committee on the Judiciary.

Mr. HELVERING presented petitions by sundry citizens of Junction City, Concordia, Kackley, Stockdale, Salina, Randolph, Green, Vermillion, Summerfield, Woodbine, Beattie, Carlton, Scandia, Washington, Mahaska, Marysville and Glasco, all

in the State of Kansas, petitioning against the proposed stamp tax on bank checks; to the Committee on Ways and Means.

By Mr. HILL: Petition of Woman's Christian Temperance Union of Bridgeport and citizens of Greenwich, Conn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. HINDS: Petitions of 102 citizens of Gorham; 23 citizens of North Berwick; Peoples' Methodist Episcopal Church, of South Portland; 7 citizens of South Portland; and 14 citizens of South Portland, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOPWOOD: Petitions of Bible Class of Methodist Episcopal Church of Windber; Methodist Episcopal Church of Star Junction; Woman's Christian Temperance Union, of 45 people, of Waynesburg; Presbyterian Church of Windber; Woman's Christian Temperance Union, of 60 people, of Waynesburg; congregation of Methodist Episcopal Church of Windber; 23 citizens of Meyersdale; 26 citizens of Meyersdale; Perry Township Civic League, of Perryopolis, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Petitions of 98 citizens of Centralia, 22 people of Buckley, Woman's Christian Temperance Union of Washougal, 150 people of Chehalis, 30 people of Chehalis, 171 people of Chehalis, and Dauntless Lodge, of Tacoma, all in the State of Washington, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KEISTER: Petitions of voting citizens of New Kensington; mass meeting of churches of New Florence; the United Presbyterian congregation of New Alexandria; Mount Joy Sunday School, of Mount Pleasant; citizens of Delmont; United Presbyterian congregation of Trafford; First Lutheran Church of New Kensington; citizens of Trafford; Baptist Young People's Union of New Kensington; Mount Joy School, of Mount Pleasant, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of male citizens of New Kensington and vicinity; New Salem Presbyterian Church, of Delmont; Pine Run Presbyterian Church Congregation, of Markle; 25 people of Harmony; 450 people of Mars; 150 people of Zelienople; and First Presbyterian Church of Export; favoring national prohibition; to the Committee on the Judiciary.

Also, petition of union mass meeting of churches of New Florence, Pa., urging passage of a resolution providing for an amendment to the Federal Constitution prohibiting polygamy and polygamous cohabitation; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Benevolent Society of Olneyville, R. I., and American Women's German Aid Society, of Providence, R. I., favoring passage of a resolution warning Americans not to sail on belligerent ships; to the Committee on Foreign Affairs.

Also, petition of United Baptist Sunday School of Providence; Women's Christian Temperance Union of Rhode Island; People's Congregational Church, of Providence; Ruggles Street Church and Brotherhood, of Providence, all in the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KIESS of Pennsylvania: Petition of Redeemer Lutheran Church, United Brethren Sunday School, Christian Endeavor of United Brethren Church, and sundry citizens of Williamsport, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Methodist Church of Proctor, Pa., and sundry citizens of Wellsboro, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. KING: Petition of Mrs. C. W. Williams, president of the Women's Christian Temperance Union of Galesburg, Ill., and numbering 300 persons, for an amendment to the Constitution; to the Committee on the Judiciary.

By Mr. LAFEAN: Memorial of Jackson Chamber of Commerce, Jackson, Mich., favoring national retirement for Federal employees; to the Committee on Reform in the Civil Service.

By Mr. MAPES: Petition of sundry citizens of Kalamazoo, Mich., protesting against House bill 652, a bill to provide for the closing of barber shops in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MORIN: Petition of G. A. Cellar, of Pittsburgh, Pa., in favor of Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

Also, petition of Pennsylvania State College, in favor of Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

Also, memorial of American Federation of Labor, opposing ship subsidy; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Charles Peck and 18 fish dealers, of Pittsburgh, Pa., in favor of House bill 9674; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Michigan State Veterinary Medical Association, in favor of legislation to increase efficiency of veterinary service in the Army; to the Committee on Military Affairs.

Also, petition of Society of Colonial Wars of New York, in favor of adequate preparedness to assure safety and freedom of United States against invasion; to the Committee on Military Affairs.

Also, memorial of B'nai B'rith, District No. 3, of Philadelphia, Pa., opposing passage of Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of William E. Freye and A. H. Schwan, both of Pittsburgh, Pa., in favor of embargo resolution; to the Committee on Foreign Affairs.

Also, petition of G. W. Paty, secretary of Antisaloon League of Hawaii, favoring Federal prohibition; to the Committee on the Judiciary.

Also, petition of William Verbeck, of St. Johns School, of Manlius, N. Y., in favor of House bill 11086; to the Committee on the Judiciary.

By Mr. NORTH: Petition of Rev. Glenn M. Shaffer and 36 citizens of Clarion, Pa., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. OAKEY (by request): Petition of North Methodist Episcopal Church, of Hartford, Conn., in favor of national prohibition; to the Committee on the Judiciary.

Also (by request), memorial of National Security League, New Haven Branch, New Haven, Conn., favoring the passage of bills for enlarging the Army and Navy, favoring a continental Army under Federal control; to the Committee on Military Affairs.

Also (by request), petitions of 385 people of New Britain, Plainville, Bristol, and Southington; Woman's Christian Temperance Union, of 326 people, of Hartford, East Hartford, Manchester, Wethersfield, Windsor, and Newington, all in the State of Connecticut, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PARKER: Two petitions of sundry citizens of the United States, protesting against legislation to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petition of Orm Duncan and others, of Oak, Shasta County, Cal., opposing passage of Senate bill 645, providing for closing of barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

Also, petitions of D. O. Campbell and others, of Oak, Cal., and James Ballinger and others, of Oak, Cal., protesting against passage of law providing for closing of barber shops in the District of Columbia on Sunday; to the Committee on the District of Columbia.

By Mr. RANDALL: Petition of First Friends Church, of Long Beach, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Memorial of Minnesota State Federation of Labor; William Alan Hooten, of Brooklyn, N. Y.; Port Chester Central Labor Union; and International Seamen's Union of America, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Republican county committee, disapproving of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of E. Groeshandler, of New York, indorsing the Lobeck bill, H. R. 5792; to the Committee on Reform in the Civil Service.

By Mr. ROWLAND: Petition of Men's Bible Class of 15 people, of State College; Lutheran Sunday School of 300 people, of State College; 55 people of Bradford; 1,225 people of Osceola Mills; and Epworth League of Osceola, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SIMS: Petition of citizens of Como, Tenn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition in favor of prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, communication from Hon. A. L. Nelsen, members of the Legislature of North Dakota, protesting against the passage of House bills 194 and 6468; to the Committee of the Post Office and Post Roads.

By Mr. STINESS: Petition of Providence Lithograph Co., favoring the bill providing for the extension of military training in civil educational institutions; to the Committee on Military Affairs.

Also, petition of St. Luke's Episcopal Sunday School, of East Greenwich; Patten Hills Sunday School of 60 people, of West-

erly; and L. D. B., of Westerly, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TILSON: Petition of New Haven Branch of the National Security League, for adequate preparedness; to the Committee on Military Affairs.

Also, petition of George M. Stackpole and others, of Wallingford, Conn., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Henry R. Buck and 15 others of Hartford, Conn., favoring the passage of House bill 10845; to the Committee on Military Affairs.

Also, petition of Epworth League of the First Methodist Church, the Young People's Christian Union of St. Paul's Universalist Church, and the South Meriden Methodist Church, all of Meriden, Conn., for national prohibition; to the Committee on the Judiciary.

By Mr. WARD: Petition of James B. Palmer, of Gardner, N. Y. and others in regard to prohibition; to the Committee on the Judiciary.

By Mr. WASON: Petition of Miss Alice L. Searles, of Henniker, N. H., favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Mrs. Ethel M. Searles, of Henniker, N. H., favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Mr. H. W. Searles, of Henniker, N. H., favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, resolutions adopted by the Nashua (N. H.) Council, No. 25, Sons and Daughters of America, favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, resolution of the Congregational Church of Acworth, N. H., representing 200 people, favoring national prohibition; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Memorial of South Dakota State Dairyman, protesting against the passage of House bill 9674 in respect to cold storage of butter, eggs, and poultry; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *March 9, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we call upon Thy name, the true and the living God. The character of our approach into Thy presence is our highest reach toward the attainment of the ideals of our national life. Our larger life has never been written into law. Our highest blessings are not in the form of government. We come that we may realize our citizenship in a universal kingdom and our home amidst a brotherhood that is world-wide. Grant us to carry from Thy throne to-day the influences of Thy spirit and grace in the discharge of the duties that are upon us and guide us according to Thy will. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Friday, March 3, 1916, when, on request of Mr. JAMES, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 384. An act to amend the act of June 23, 1910, entitled "An act providing that entrymen for homesteads within the reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act"; and

H. R. 11156. An act to authorize the Secretary of the Interior to cause to be appraised and to sell the Boise & Arrowrock Railroad, and for other purposes.

The message also communicated to the Senate the intelligence of the death of Hon. WILLIAM G. BROWN, Jr., late a Representative from the State of West Virginia, and transmitted resolutions of the House thereon.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 3144. An act to authorize the construction of a bridge across the Pend Oreille River between the towns of Metaline and Metaline Falls, in the State of Washington;

S. 3873. An act to authorize the counties of Minidoka and Cassia, State of Idaho, to construct a bridge across Snake River; and

S. 3518. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

PETITIONS AND MEMORIALS.

Mr. CURTIS presented petitions of sundry citizens of Kansas, praying for the enactment of legislation to found the Government of the United States on Christianity, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Washington, Kans., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Kansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Lawrence, Larned, Effingham, Wichita, and Burns, all in the State of Kansas, remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented memorials of sundry citizens of Republic, Bennington, Delphos, Dowers, and Mayfield, all in the State of Kansas, remonstrating against a tax on bank checks, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Atchison, Paola, Parsons, and Chanute, all in the State of Kansas, praying for the enactment of legislation to grant pensions to superannuated employees of the Postal Service, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Hutchinson, Fort Dodge, and Pittsburg, all in the State of Kansas, praying for the adoption of certain amendments to the pension law, which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Kansas City, Independence, Horton, Coffeyville, Topeka, and Wichita, all in the State of Kansas, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Kansas, praying for the enactment of legislation to prohibit the use of the names of religious organizations, etc., for commercial purposes, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Sabetha, Kans., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Overbrook, Kans., praying for the adoption of a system of rural credits, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Topeka, Kans., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. ROBINSON presented petitions of sundry citizens of Arkansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LEA of Tennessee presented petitions of sundry citizens of Tennessee, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Tennessee, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Tennessee, remonstrating against prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Tennessee, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Tennessee, praying for the placing of an embargo on munitions of war, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Chattanooga, Tenn., praying for a revision of the naturalization laws, which was referred to the Committee on the Judiciary.

He also presented a petition adopted at the Methodist Preachers' Meeting, held at Nashville, Tenn., praying for the enactment of legislation to prohibit the exportation of intoxicating liquor to Africa, which was referred to the Committee on the Judiciary.

Mr. SHAFROTH presented petitions of sundry citizens of Colorado, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. McCUMBER presented memorials of sundry citizens of North Dakota, remonstrating against the enactment of legisla-

tion to prohibit interstate shipment of convict-made goods, which were referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of North Dakota, remonstrating against the enactment of legislation making Sunday a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. SHEPPARD presented petitions of sundry citizens of Texas, praying for the adoption of certain amendments to the cotton-futures law, which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Schulenburg, Tex., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Texas, remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented a memorial of the Georgetown Woman's Christian Temperance Union, of the District of Columbia, remonstrating against a referendum on the question of prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Texas and of sundry citizens of Poolesville, Md., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of the District of Columbia, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. SIMMONS presented petitions of sundry citizens of North Carolina, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. DU PONT presented petitions of sundry citizens of Milford, Lewes, Seaford, and Middletown, all in the State of Delaware, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Dover and Claymont, in the State of Delaware, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. OVERMAN presented the petition of H. Q. Alexander, president of the North Carolina Farmers' Union, of Matthews, N. C., praying for the adoption of certain amendments to the proposed Federal farm-loan act, which was ordered to lie on the table.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry labor organizations of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the Chamber of Commerce of Meadville, Pa., and a petition of the Retail Grocers' Association of Philadelphia, Pa., praying for the imposition of a duty on dyestuffs, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of New Alexandria, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. HARDING. I present memorials signed by a large number of citizens of Dayton, Ohio, remonstrating against the enactment of legislation to further restrict immigration. I ask that the memorials be received and referred to the Committee on Immigration.

The PRESIDENT pro tempore. The memorials will be referred to the Committee on Immigration.

Mr. HARDING presented petitions of sundry citizens of Ohio, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented petitions of the Woman's Christian Temperance Unions of Stafford and Clinton, in the State of Connecticut, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. VARDAMAN presented petitions of sundry citizens of Mississippi, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. JOHNSON of Maine presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. HOLLIS presented petitions of sundry citizens of Concord, N. H., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. CLARK of Wyoming presented a petition of sundry citizens of Pinedale, Wyo., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. LEE of Maryland presented a memorial of sundry citizens of Havre de Grace, Md., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Fairplay, Md., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of the District of Columbia, remonstrating against the enactment of legislation making Sunday a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. KERN (for Mr. SHIVELY) presented petitions of sundry citizens of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also (for Mr. SHIVELY) presented a memorial of 20 citizens of Brownstown, Ind., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Michigan presented petitions of sundry citizens of Detroit, Grand Haven, Grand Rapids, Owosso, Muskegon, and Cheboygan, all in the State of Michigan, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Hancock, Mich., remonstrating against the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Fenton, Hancock, Houghton, and Colon, all in the State of Michigan, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Woman's Relief Corps, of Coldwater, Mich., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. SMITH of Michigan (for Mr. TOWNSEND) presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also (for Mr. TOWNSEND) presented petitions of sundry citizens of Detroit, Kalamazoo, Grand Rapids, and Jackson, all in the State of Michigan, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also (for Mr. TOWNSEND) presented memorials of sundry citizens of Kalamazoo and Hancock, in the State of Michigan, remonstrating against the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also (for Mr. TOWNSEND) presented petitions of sundry citizens of Houghton County, Mich., praying for the enactment of legislation to grant pensions to superannuated employees of the Postal Service, which were referred to the Committee on Post Offices and Post Roads.

He also (for Mr. TOWNSEND) presented petitions of sundry citizens of Detroit, Jackson, and Grand Rapids, all in the State of Michigan, praying for the enactment of legislation to warn Americans off armed merchant ships of the belligerents, which were ordered to lie on the table.

He also (for Mr. TOWNSEND) presented a petition of the Federation of Labor, of Detroit, Mich., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also (for Mr. TOWNSEND) presented memorials of sundry citizens of Bay City, Mich., remonstrating against a tax on admissions to theaters, which were referred to the Committee on Finance.

He also (for Mr. TOWNSEND) presented a memorial of sundry citizens of Lansing, Mich., remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

He also (for Mr. TOWNSEND) presented a memorial of sundry citizens of Lansing, Mich., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also (for Mr. TOWNSEND) presented petitions of sundry citizens of Michigan, praying for the enactment of legislation to found the Government of the United States on Christianity, which were referred to the Committee on the Judiciary.

He also (for Mr. TOWNSEND) presented a petition of sundry citizens of Ann Arbor, Mich., praying for an increase of armaments, which was referred to the Committee on Military Affairs.

Mr. WADSWORTH presented a petition of the State Hospital Commission of the State of New York, praying for the establishment of divisions of mental hygiene and rural sanitation in

the Public Health Service, which was referred to the Committee on Public Health and National Quarantine.

He also presented petitions of sundry citizens of the State of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Canaseraga, N. Y., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

Mr. MYERS. I present a petition of sundry homesteaders in the vicinity of Trout Creek, in the State of Montana, favoring more liberal legislation for homesteaders on cut-over and timbered lands. I ask that the petition be printed in the RECORD with the name of the first signer, followed by the words "and many others."

There being no objection, the petition was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

TROUT CREEK, MONT.,
February 27, 1916.

The Hon. HENRY L. MYERS,
United States Senate, Washington, D. C.

HONORABLE SIR: We, the undersigned voters of Montana, appreciate your efforts in behalf of the homesteaders on cut-over and timbered lands.

The present letter of the law works an unnecessary hardship on the settler and bars much good farm land from legal settlement.

A law similar to bills introduced by you, or assurance from Secretary of the Interior that leniency will be shown homesteaders on such lands, would be justice and a long step ahead for a poor man who wants to make a home in the wilderness.

Such legislation would not be necessary if the timber was left on the land for the homesteader by the Forest Service.

WM. B. GRAY
(And many others).

Mr. MYERS presented petitions of sundry unit holders of the Flathead reclamation project and of the Chamber of Commerce of Seattle, Wash., praying for an appropriation of $1,000,000 for the Flathead reclamation project in Montana, which were referred to the Committee on Indian Affairs.

Mr. POINDEXTER. I present a memorial of the Religious Liberty Association of Seventh Day Adventists respecting certain legislation. I ask that it be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

Memorial and petition.

To the honorable the Senate of the United States in Congress:

The memorial, representation, and petition of the Religious Liberty Association of Seventh Day Adventists, headquarters in District of Columbia, respectfully represents:

Whereas, through a misunderstanding, we were given no opportunity to present before the Senate Committee on the District of Columbia our objections to Senate bill 645, a bill imposing compulsory Sunday observance upon one special class of workers, we therefore take this means of bringing to your attention several very important reasons why the proposed bill should not be enacted into law:

First. The proposed bill penalizes work done on one day of the week by one class of workers only. Therefore this is clearly class legislation, and as such is unjust and obnoxious and should not be passed by Congress. The Illinois Supreme Court decision on this point is worthy of your consideration:

"How, it may be asked, is the health, comfort, safety, or welfare of society to be injuriously affected by keeping open a barber shop on Sunday? It is a matter of common observation that the barber business as carried on in this State [Illinois] is both quiet and orderly. * * * Moreover, if the merchant, the grocer, the butcher, the druggist, and those engaged in other trades and callings are allowed to open their places of business and carry on their respective avocations during seven days of the week, upon what principle can it be held that a person who may be engaged in the business of barbering may not do the same thing? Why should a discrimination be made against that calling and that alone?" (Ill. Repts., 161, pp. 296–309.)

Secondly, this bill, if enacted, would serve as a precedent for further legislation of a kind never yet enacted by Congress. It would serve to open the door for a flood of religious legislation to follow. It is the first attempt by Congress to penalize honest secular work done on a day considered sacred by most Christians.

Previous Sunday legislation has had the purpose not to penalize honorable work but to make it possible for those who desired to observe Sunday to do so, by not requiring them to work on that day. This is the evident purpose in regulations freeing Government employees from working on Sunday. In some places legislation has been passed such as to make Sunday work by United States revenue officers unnecessary. The closing of courts and Congress on Sunday is of a similar nature. If a local postmaster in a community desiring the post office open on Sunday complies with the popular demand he is not subject to punishment. If Congress desires to hold sessions on Sunday, such an act is neither prohibited nor penalized.

Sunday-closing bills of a temporary nature have been passed concerning Government exhibits in expositions held in certain States out of a deference to local State laws where the exhibitions were held. This is very clear from the fact that at the Panama Pacific Exposition in California, where there are no Sunday laws in the State, the Government exhibits were not closed on that day.

By the proposed legislation Congress would exceed its powers, according to the Senate committee report of January 19, 1829, when a similar question was before the Senate. The position taken in that report was as follows: "The proper object of government is to protect all persons in the enjoyment of their religious as well as civil rights, and not to determine for any whether they shall esteem one day above another or esteem all days alike holy." "American State Papers," Class VII, page 226 et seq.

Hundreds of Seventh-day Adventists have been mercilessly persecuted in the past by being penalized and made to serve in jails and chain gangs because they dared to worship God in harmony with the requirements of the fourth commandment of the Decalogue. There are five indictments of Seventh-day Adventists now pending before the courts in Tennessee and two in Oklahoma for work that was done on Sunday in private and inside of their own premises and to the physical disturbance of no one. Some people are easily disturbed mentally and religiously when they see some practising a dissenting religion. We had hoped that this kind of legislation might remain a relic of the colonial days when there was a union of church and State.

We agree with the official organ of the Knights of Labor—the Journal—that "Any proposition to pass Sunday legislation in the District of Columbia is a direct violation of the Constitution, against the spirit of our institutions, and against the policy heretofore maintained by the Federal Government."

We therefore earnestly protest on grounds of sound American principles against the compulsory Sunday observance bill for barbers (S. 645) as being class legislation, unjust, unconstitutional, partial, religious, and as the first example of a congressional bill to penalize honest and honorable labor done on one specific day of the week, thereby leaving only five working days in the week to anyone keeping another day for religious reasons.

If Congress has the right to close barber shops on Sunday, irrespective of dissenting religious convictions, then it can close schools, sanitariums, publishing houses, etc., where secular duties are performed on Sunday, and thus compel those who observe another day to surrender two days each week. We can not consent to this abridgment of our rights to the free exercise of religion as guaranteed by the first amendment of the Federal Constitution, hence this memorial and petition to each Senator pleading for the preservation of our constitutional rights, as well as those of all the citizens of these United States, earnestly praying, as we are in duty bound, that the Supreme Lawgiver of the universe, by illuminating those to whom it is addressed, may, on the one hand, turn their counsels from every act which would affront His divine prerogative or violate the trust committed to them; and, on the other hand, guide them into every measure which may be worthy of His blessing, redound to their own praise, and establish more firmly the liberties, the prosperity, and the happiness of all the citizens of our favored Republic. And we beg leave to assure you that however earnestly we may contend for the preservation of the free exercise of our religion from the chains and shackles of human authority and the demands of those making opposing claims for spiritual domination by civil powers, we are nevertheless disposed zealously to support the Government of our country and to render a proper and due submission to the lawful exercise of its authority in civil matters.

Signed by the national secretary of the Religious Liberty Association of Seventh-day Adventists; headquarters, Takoma Park, Washington, D. C.

C. S. LONGACRE.

Mr. HUGHES presented petitions of sundry citizens of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of New Jersey, remonstrating against the enactment of legislation to limit the number of persons carried on ferryboats, which were referred to the Committee on Commerce.

He also presented a petition of sundry citizens of Paterson, N. J., praying for the enactment of legislation to provide military training in civil educational institutions, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of New Jersey, praying for an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Morristown, N. J., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Riverton, N. J., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

Mr. JOHNSON of South Dakota presented petitions of sundry citizens of Bowdle, Mitchell, Wessington Springs, McNeely, Hartford, Britton, Deadwood, Sioux Falls, Webster, Rapid City, Redig, Willow Lake, Aberdeen, Plankinton, Goodwin, Bridgewater, Lead, Sisseton, Howard, Spearfish, Miller, Fulton, Faulkton, Corsica, and De Smet, all in the State of South Dakota, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. KENYON presented a petition of the Frances Willard Temperance Union, of Wood, Iowa, and a petition of sundry citizens of Greenfield, Iowa, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Blakesburg, Iowa, and of Eldorado, Enoch, and Fola, in the State of West Virginia, remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented a petition of Robert Anderson Post, Grand Army of the Republic, of Waterloo, Iowa, praying that an appropriation be made to pay the members of the National Guard, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Dubuque, Iowa, praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of Local Branch United Brotherhood of Carpenters and Joiners of America, of Ottumwa, Iowa.

praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. TILLMAN presented petitions of the Massachusetts State Branch of the American Federation of Labor, of the International Brotherhood of Maintenance of Way Employees, of Detroit, Mich.; of the Building Trades Department of the American Federation of Labor; of the National Federation of Post Office Clerks; and of the International Association of Machinists, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. McLEAN presented petitions of sundry citizens of New Haven, Hartford, Bridgeport, and Stratford, all in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of New Haven, Conn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the Drug Clerks' Association, of Waterbury, Conn., praying for the enactment of legislation to fix a standard price for patented and trade-marked articles, which was referred to the Committee on Education and Labor.

He also presented a petition of the American Society of Civil Engineers, of Hartford, Conn., praying for the enactment of legislation to establish a reserve officers' training corps, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of New Haven, Conn., praying for the enactment of legislation to prohibit interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Norwich, Conn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented petitions of sundry citizens of New Haven, Conn., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which were referred to the Committee on Interstate Commerce.

Mr. WEEKS presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Crowell, Mass., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Worcester, Mass., remonstrating against the enactment of legislation to curtail the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Boston, Mass., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented a petition of the Massachusetts State Commandery, Military Order of the Loyal Legion of the United States, praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Natick, Mass., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of the congregation of the Roxbury Presbyterian Church, of Boston, Mass., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented resolutions of the Boston Chapter, Sons of the American Revolution, of Boston, and of Old Salem Chapter, Sons of the American Revolution, of Salem, in the State of Massachusetts, indorsing the stand of the President in the matter of the rights of citizens of the United States, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Massachusetts Society of the Sons of the American Revolution, praying for the erection of a national archives building, which was referred to the Committee on Public Buildings and Grounds.

He also presented a petition of Local Lodge No. 264, International Association of Machinists, of Boston, Mass., praying for an investigation of conditions at the Charlestown Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Fitchburg, Mass., praying for the enactment of legislation to classify the employees of the Bureau of Animal Industry, Department of Agriculture, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Northampton, Mass., praying for the enactment of legislation to provide pensions for superannuated employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying that an appropriation of $313,000 be made for the improvement of the Yosemite Valley, which was referred to the Committee on Public Lands.

He also presented a petition of Local Branch, United National Association of Post Office Clerks, of San Francisco, Cal., praying for the enactment of legislation to grant pensions to superannuated employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 44, Cooks' Union, of San Francisco, Cal., praying for the printing of the report of the Commission on Industrial Relations, which was ordered to lie on the table.

Mr. GRONNA presented a memorial of sundry citizens of North Dakota, remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Flint Manufacturing Co., of Gastonia, N. C., remonstrating against the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the National Legislative and Information Bureau of the Order of Railway Conductors, Brotherhood of Railroad Trainmen, Brotherhood of Locomotive Engineers, and Brotherhood of Locomotive Firemen and Enginemen, of Washington, D. C., praying for the enactment of legislation to further promote safety of travel in interstate commerce, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Evans, N. Dak., praying for Government ownership of the telephone lines and wireless stations, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Atlantic Coast Line Railroad Co., of Wilmington, N. C., praying for a readjustment of the compensation allowed for transporting the mails, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Branch, Ohio Association Volunteer Retired List, of Columbus, Ohio, praying for the establishment of a volunteer officers' retired list, which was ordered to lie on the table.

He also presented a petition of the Norfolk and Portsmouth Cotton Exchange, of Norfolk, Va., praying for the passage of the so-called cotton-futures bill, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce of Missoula, Mont., praying for the enactment of legislation to provide for the construction of roads in the national forests, which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. JOHNSON of Maine (for Mr. SHIVELY), from the Committee on Pensions, submitted a report (No. 217), accompanied by a bill (S. 4856) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 125. Nettie Johnson.
S. 154. John George Bauer.
S. 201. Corda P. Gracey.
S. 253. Elizabeth Propson.
S. 259. Sarah E. Marsh.
S. 265. Cecilia Murphy.
S. 267. Andrew H. Nichols.
S. 269. Mary E. Norton.
S. 270. Ann Odell.
S. 274. William R. Latimer.
S. 283. Rebecca L. Lapaugh.
S. 526. Lide Smith.
S. 563. Alice R. Hutchinson.
S. 686. Mary Pritchard.
S. 695. Henry Brown.
S. 767. Moses Green.
S. 770. George E. Newall.
S. 771. Alice Quigley.
S. 915. Winifred Whitney.
S. 963. Marie A. Smith.
S. 1015. Elizabeth S. Chaplain.
S. 1040. Ellen Edwards.
S. 1044. Francis M. George.
S. 1112. Harvey W. Hoover.
S. 1130. John Fry.

S. 1133. John M. Davidson.
S. 1202. Justine M. Thrift.
S. 1234. Samuel E. Wilson.
S. 1240. John Harper.
S. 1339. Mary J. White.
S. 1455. Elsie A. Platt.
S. 1458. Adelaide M. Tarbox.
S. 1459. Mary Whipple.
S. 1477. Hannah A. Hill.
S. 1489. John C. Brown.
S. 1502. Michael Reuss.
S. 1514. Henry Waltz.
S. 1536. Moses Hull.
S. 1557. Margaret M. Lane.
S. 1561. William Crome.
S. 1590. James C. Green.
S. 1593. John Gowland.
S. 1594. John B. Hammer.
S. 1599. Henry Lichtley.
S. 1604. Malisa A. Sherk.
S. 1605. Fannie M. Carey.
S. 1720. Nathaniel Haskell.
S. 1814. Edwin J. Walton.
S. 1960. Robert N. B. Simpson.
S. 1964. William O'Neal.
S. 1965. Silas Blodgett.
S. 2146. Ella A. Tyler.
S. 2297. Emma J. Beal.
S. 2298. James Beaton.
S. 2312. Mary C. Knowlton.
S. 2319. Sarah C. Greenfield.
S. 2330. James H. Moser.
S. 2335. Adelia C. Macauley.
S. 2341. Barney Sancomb.
S. 2463. William P. Nelson.
S. 2554. Marion Kilborn.
S. 2556. Albert J. Sprinkle.
S. 2620. Thomas White.
S. 2639. James S. Meek.
S. 2670. Michael Demuth.
S. 2680. Benjamin Simpson.
S. 2705. Aaron Benjamin Waggoner, alias Aaron Benjamin.
S. 2830. John Merchant.
S. 2839. Elmira E. Morrison.
S. 2863. Sarah J. Cadle.
S. 2893. Ellen Temperance Smith.
S. 2904. Carrie S. Cross.
S. 2907. James Hawkins.
S. 3015. Martha A. Hodges.
S. 3017. Leora L. Macarey.
S. 3061. Charles Leeder.
S. 3126. John S. Allison.
S. 3149. Ida C. Martin.
S. 3151. Guy Beebe.
S. 3157. Ellen Lambert.
S. 3197. George W. Doyle.
S. 3198. Harvey D. Plummer, alias Harvey D. Picknell.
S. 3199. Benjamin H. Whipple.
S. 3241. William H. Gallup.
S. 3302. Peter Soncrant.
S. 3414. David Moody, jr.
S. 3432. Alphonson W. Longfellow.
S. 3433. Clara P. Boulter.
S. 3438. Christian C. Forney.
S. 3463. Mary A. Moreland.
S. 3465. Rebecca J. Short.
S. 3496. Mary C. Finlay.
S. 3519. Annie P. Marchant.
S. 3546. Sophronia Porter.
S. 3572. Henry C. Pennington.
S. 3583. Edward P. Carman.
S. 3674. Mary E. B. Bruson.
S. 3707. William F. Wiley.
S. 3738. Julia C. Bradley.
S. 3809. Matilda Weger.
S. 3831. Mercy A. Martin.
S. 3881. Mandana C. Thorp.
S. 3856. Mary M. Lose.
S. 3889. Lula S. Knight Bigelow.
S. 3905. Sarah A. Hanson.
S. 3906. Hugh Harbinson.
S. 3963. Nellie S. Nason.
S. 4012. Ruth A. Hazzard.
S. 4024. Celina C. Smith.
S. 4040. Jacob Baker.
S. 4113. Herbert Wadsworth.
S. 4120. Joanna Swander.
S. 4148. James Hanners.
S. 4151. John Stone.
S. 4173. Eva Helena Patten.
S. 4178. Job D. Marshall.
S. 4240. Hiram Stevens.
S. 4241. Louis Badger.
S. 4249. Martha Nutter.
S. 4293. Erastus T. Bowers.
S. 4296. David McLean.
S. 4325. John Kern.
S. 4330. Alonzo E. Martin.
S. 4334. Edwin W. Clark.
S. 4362. Corydon B. Lakin.
S. 4363. Emma J. Wamaling.
S. 4382. Thomas E. Sharp.
S. 4403. Della W. Crane.
S. 4442. Elvira Louisa Kanady.
S. 4444. Lorenzo D. Emory.
S. 4455. Alvin E. Tennant.
S. 4491. Nephi Owen.
S. 4520. Richard H. Bellamy.
S. 4525. James M. Dailey.
S. 4731. Elizabeth Holt.

Mr. JOHNSON of Maine, from the Committee on Pensions, to which was referred the bill (H. R. 4701) to establish in the War Department and in the Navy Department, respectively, a roll, designated as "the Army and Navy medal-of-honor roll," and for other purposes, reported it without amendment and submitted a report (No. 240) thereon.

He also, from the same committee, to which was referred the bill (H. R. 12027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 241) thereon.

He also, from the Committee on Claims, to which was referred the bill (S. 1074) for the relief of the Jefferson Lime Co., submitted an adverse report (No. 238) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 1549) for the relief of Joe Davis, submitted an adverse report (No. 239) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill (S. 4424) to provide for the payment of drainage assessments on Indian lands in Nebraska, reported it without amendment and submitted a report (No. 223) thereon.

He also, from the same committee, to which was referred the bill (S. 3329) for an appropriation of $105,000 to purchase water rights within the West Okanogan Valley irrigation district, and for other purposes, reported it with an amendment and submitted a report (No. 222) thereon.

Mr. ROBINSON, from the Committee on Claims, to which was referred the bill (S. 509) for the relief of the heirs of Joshua Nicholls, reported it with an amendment and submitted a report (No. 224) thereon.

Mr. WADSWORTH, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 5835. An act for the relief of James Stanton (Rept. No. 225);

H. R. 7248. An act for the relief of the United States Drainage & Irrigation Co. (Rept. No. 227); and

H. R. 7862. An act for the relief of New England Coal & Coke Co., owner of the American barges *Emilie* and *Cassie*, and Bruusgaard, Kiosterud Dampskibsaktieselskab, owner of the Norwegian steamship *Hesperos* (Rept. No. 226).

Mr. BORAH, from the Committee on Indian Depredations, to which was referred the bill (H. R. 7502) for the relief of Ellis P. Garton, administrator of the estate of H. B. Garton, deceased, reported it without amendment and submitted a report (No. 228) thereon.

Mr. LEA of Tennessee. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably with amendments Senate resolution 107, submitted by the Senator from Oklahoma [Mr. OWEN], relative to leasing of Osage oil lands.

Mr. OWEN. I ask that the resolution be placed on the table calendar, and that it be considered at 3 o'clock to-morrow afternoon.

The PRESIDENT pro tempore. The Senator from Oklahoma makes a request for unanimous consent. Is there objection?

Mr. SMOOT. Unanimous consent to take up the resolution at what time?

The PRESIDENT pro tempore. To-morrow afternoon at 3 o'clock.

Mr. SWANSON. Mr. President, I object. We expect to take up the armor-plate bill for consideration to-day, and we could not give way for that purpose.

The PRESIDENT pro tempore. Objection is made. The resolution will go to the calendar.

Mr. OWEN, from the Committee on Indian Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 1100. A bill to pay the balance due the loyal Creek Indians on the award made by the Senate on the 16th day of February, 1903 (Rept. No. 230);

S. 4250. A bill for the relief of the Ottawa Indian Tribe of Blanchard Fork and Roche de Bœuf (Rept. No. 232);

S. 4251. A bill to authorize the Ponca Tribe of Indians to appear in and be made parties to any suits filed in the Court of Claims by the Omaha Tribe (Rept. No. 231);

S. 1093. A bill to permit the Denison Coal Co. to relinquish certain lands embraced in the Choctaw and Chickasaw coal lease and to include within said lease other lands within the segregated coal area (Rept. No. 229); and

S. 4722. A bill for the relief of the occupants of the Tuttle town site, Oklahoma (Rept. No. 236).

Mr. OWEN, from the Committee on Indian Affairs, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

S. 1094. A bill conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States (Rept. No. 234);

S. 1096. A bill to provide for carrying into effect of the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901, and supplemental agreement of June 30, 1902, and other laws and treaties with said tribe of Indians (Rept. No. 233); and

S. 1098. A bill to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians (Rept. No. 235).

Mr. GRONNA, from the Committee on Indian Affairs, to which was referred the bill (S. 4526) authorizing the Arikara, Gros Ventre, and Mandan Tribes of Indians, of the Fort Berthold Reservation, N. Dak., to submit claims to the Court of Claims, reported it without amendment and submitted a report (No. 237) thereon.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (H. R. 10385) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1917, reported it with amendments and submitted a report (No. 244) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3251. A bill confirming patents heretofore issued to certain Indians in the State of Washington (Rept. No. 243); and

S. 4371. A bill authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims (Rept. No. 242).

Mr. ROBINSON, from the Committee on Interstate Commerce, to which was referred the bill (S. 3769) to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, reported it with an amendment and submitted a report (No. 245) thereon.

GLENORA G. HARRIS AND OTHERS.

Mr. BRANDEGEE. From the Committee on the Judiciary, I report back with an amendment in the nature of a substitute the bill (S. 3560) to validate certain titles whereon the purchase money has been paid on sales by order of the United States circuit or district court, and I submit a report (No. 221) thereon. It is a small matter, and I ask unanimous consent for the present consideration of the bill.

Mr. SMOOT. Let it be read.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was to strike out all after the enacting clause and to insert:

That the sale of real estate to Glenora G. Harris, made by Charles West, Frank D. Houck, and William C. McConnell, receivers of the American Union Telephone Co., for the consideration of $5,000 in cash, which sum was paid by said Glenora G. Harris to the said receivers, and by them distributed to the creditors of said bankrupt corporation, and the deed made in pursuance thereof, under and by virtue of an order or decree of the United States District Court for the Middle District of Pennsylvania, at No. 83, June term, 1910, sitting in bankruptcy, said deed being dated the 6th of January, A. D. 1913, and being of record in the recorder's office of the county of Clearfield, in the State of Pennsylvania, in deed book 197, page 250, are hereby validated and confirmed, notwithstanding that said order or decree was for a private instead of a public sale.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read:

A bill to validate a certain title whereon the purchase money has been paid on a private sale by order of the United States District Court for the Middle District of Pennsylvania, at No. 83, June term, 1910, sitting in bankruptcy.

Mr. BRANDEGEE. I should like to have the report, which is a very brief one, printed in the RECORD to further explain the measure.

The PRESIDENT pro tempore. Such will be the order, without objection.

The report this day submitted by Mr. BRANDEGEE is as follows:

Mr. BRANDEGEE, from the Committee on the Judiciary, submitted the following report (to accompany S. 3560):

The Committee on the Judiciary, to which was referred S. 3560, entitled "A bill to validate certain titles, wherein the purchase money has been paid on sales by order of the United States Circuit or District Court," begs leave to report that it has had the same under consideration and recommends that the following amendments be adopted and that the bill as so amended be passed:

1. Strike out all after the enacting clause and insert: That the sale of real estate to Glenora G. Harris, made by Charles West, Frank D. Houck, and William C. McConnell, receivers of the American Union Telephone Company, for the consideration of five thousand dollars in cash, which sum was paid by said Glenora G. Harris to the said receivers, and by them distributed to the creditors of said bankrupt corporation, and the deed made in pursuance thereof, under and by virtue of an order or decree of the United States District Court for the Middle District of Pennsylvania, at No. 83, June term, 1910, sitting in bankruptcy, said deed being dated the 6th of January, A. D. 1913, and being of record in the recorder's office of the county of Clearfield, in the State of Pennsylvania, in deed book 197, page 250, are hereby validated and confirmed, notwithstanding that said order or decree was for a private instead of a public sale.

2. Amend the title to read: To validate a certain title whereon the purchase money has been paid on a private sale by order of the United States District Court for the Middle District of Pennsylvania at No. 83, June term, 1910, sitting in bankruptcy.

The object sought in the passage of this bill is to quiet the title to a certain piece of land which was sold and conveyed to the grantee by the receivers of the American Union Telephone Co. under an order of the District Court of the United States for the Middle District of Pennsylvania, made on December 14, 1912, at No. 83, June term, 1910. The decree of the court authorized the real estate in question to be sold at private sale for the sum of $5,000, which had been found by a special master appointed by said court to be its fair market value. Said master had also found that it was for the best interest of the estate "that the said real estate be sold by the American Union receivers at private sale to Glenora G. Harris, for the sum of $5,000, which is a higher and better price than could be procured therefor at public sale." Said report of said master was duly approved and confirmed absolutely by said court. A certified copy of the proceedings of said court in the premises, duly certified by its clerk under date of February 2, 1916, under the seal of said court, substantiating the foregoing facts, is in possession of your committee. The grantee in the deed of conveyance of said property is now advised by counsel that her title to said property is defective in that the sale of said property to her under the decree of said court had been authorized to be made at private sale instead of at a public sale, as required by chapter 225 of the United States Statutes at Large, approved March 3, 1893, as appears in volume 27, at page 751, of the United States Statutes at Large. The grantee has been in possession of said real estate for over three years, to wit, since the delivery of said deed, on the 6th day of January, 1913. She paid the purchase price of $5,000 for said property to the receivers, which was by them paid into court and duly distributed among the creditors of the said insolvent American Union Telephone Co. Unless this bill can receive favorable consideration of Congress the purchaser of this piece of real estate will have no title to the property for which she paid a fair market price. It does not seem just that this purchaser should lose her property because of the mistake made by the court in failing to conform to the provisions of the statute which required that the sale of said property should be made at public sale.

MISSOURI RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 4190) authorizing the Yankton County Bridge Co., a corporation, to construct and maintain a bridge or bridges and approaches thereto across the Missouri River at a point between Yankton County, S. Dak., and Cedar County, Nebr., and I submit a report (No. 219) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE ACROSS FLINT RIVER, GA.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 9225) granting the consent of Congress to Georgia Lumber Co. to construct a bridge across Flint River, Ga., between Dooly and Sumter Counties, and I submit a report (No. 218) thereon. I ask for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REFUND OF EXCESS IMPORT DUTIES.

Mr. LA FOLLETTE. From the Committee on Finance I report back favorably the bill (S. 4398) for the refund of excess duties on steel blooms, and I submit a report (No. 220) thereon. I ask unanimous consent for the present consideration of the bill.

Mr. SMOOT. Let it be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Walston H. Brown, sole surviving partner of the firm of Brown, Howard & Co., the sum of $65,792.53; Philadelphia & Reading Coal & Iron Co. the sum of $26,400.30; and the estate of Henry A. V. Post, deceased, the sum of $50,359.35, as a refund of import duties paid in excess of the duties imposed by law on steel blooms, as found by the Court of Claims.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INVESTIGATION OF AVIATION SERVICE.

Mr. ROBINSON. I ask unanimous consent for the present consideration of the joint resolution (S. J. Res. 65) creating a joint commission of Congress to be known as the Joint Commission of Congress to Investigate the Aviation Service of the United States Army.

Mr. GALLINGER. I think the morning business ought first to be concluded.

The PRESIDENT pro tempore. There is objection. The introduction of bills and joint resolutions is next in order.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OLIVER:

A bill (S. 4857) granting an extension of patent to Thomas A. Dicks; to the Committee on Patents.

A bill (S. 4858) granting an increase of pension to John Eaton (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 4859) authorizing the President of the United States to commission the commanding general and the adjutant general of the Militia of the Territory of Hawaii; to the Committee on Military Affairs.

By Mr. McCUMBER:

A bill (S. 4860) granting an increase of pension to Orlinda A. Edick; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 4861) to create a United States naval reserve; to the Committee on Naval Affairs.

By Mr. STERLING:

A bill (S. 4862) to exclude intoxicating liquors from national parks and national forest reserves; to the Committee on Public Lands.

A bill (S. 4863) granting an increase of pension to Charles B. Clark (with accompanying papers); to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 4864) for the relief of Elam O. Kincaid (with accompanying papers); to the Committee on Military Affairs.

By Mr. WADSWORTH:

A bill (S. 4865) for the relief of the Plant Investment Co., of New York, N. Y.;

A bill (S. 4866) to carry out the findings of the Court of Claims in the case of the Commercial Pacific Cable Co. (with accompanying papers); and

A bill (S. 4867) for the relief of the heirs of F. Z. Tucker; to the Committee on Claims.

A bill (S. 4868) granting a pension to Emma J. Crocker; to the Committee on Pensions.

By Mr. CULBERSON:

A bill (S. 4869) to provide for the purchase of a site and the erection of a public building thereon at Plainview, State of Texas; to the Committee on Public Buildings and Grounds.

A bill (S. 4870) to establish an agricultural, plant, shrub, fruit and ornamental tree, berry, and vegetable experimental station at or near the city of Plainview, Hale County, in the State of Texas; to the Committee on Agriculture and Forestry.

By Mr. WALSH:

A bill (S. 4871) to amend an act approved February 22, 1889, entitled "An act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States"; to the Committee on Public Lands.

By Mr. POMERENE:

A bill (S. 4872) for the relief of Fred G. French; to the Committee on Naval Affairs.

A bill (S. 4873) for the relief of William Mullally; to the Committee on Military Affairs.

By Mr. NEWLANDS:

A bill (S. 4874) to establish experiment stations in engineering and in the other branches of the mechanic arts in connection with the colleges established in the several States and Territories under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto; to the Committee on Agriculture and Forestry.

A bill (S. 4875) granting a pension to Margaret Anne Ede; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 4876) to provide for an increase in the number of cadets at the United States Military Academy; to the Committee on Military Affairs.

A bill (S. 4877) to regulate homestead entries in cases where persons otherwise entitled as heirs or devisees of a deceased applicant are disqualified by reason of alienage; to the Committee on Public Lands.

By Mr. LEA of Tennessee:

A bill (S. 4878) to correct the military record of E. D. Judkins; to the Committee on Military Affairs.

A bill (S. 4879) for the relief of Meredith G. Corlett; to the Committee on Claims.

A bill (S. 4880) granting an increase of pension to Mrs. Matilda I. Nason; and

A bill (S. 4881) granting a pension to Henry Garfield Clemmons; to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 4882) to authorize an investigation of the power possibilities near Polson, Mont., for the purpose of establishing a Government-built power plant in connection with the fixation of atmospheric nitrogen; to the Committee on Public Lands.

A bill (S. 4883) granting an increase of pension to Webster A. Whiting; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 4884) for the relief of the estate of A. B. Denton; and

A bill (S. 4885) for the relief of the heirs of Joseph T. Baker; to the Committee on Post Offices and Post Roads.

A bill (S. 4886) to enable the Secretary of Agriculture to combat diseases that may affect truck crops in the lower Rio Grande Valley; to the Committee on Agriculture and Forestry.

A bill (S. 4887) to supervise the operations of fire-insurance rate-making bureaus in the District of Columbia, provide for their examination by the superintendent of insurance, prohibit discrimination in fixing and collecting fire-insurance rates, require fire-insurance companies to maintain or cooperate in maintaining and operating fire-insurance rate-making bureaus, and provide for inspection and survey by rating bureaus of all fire-insurance risks specifically rated; and

A bill (S. 4888) to prevent and punish the desecration, mutilation, or improper use within the District of Columbia of the flag of the United States of America; to the Committee on the District of Columbia.

Mr. LEE of Maryland. I introduce a bill and ask that it be referred to the Committee on the Judiciary.

The bill (S. 4890) to amend the provision regarding newspapers in clause (b) of section 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909, as amended by an act approved August 24, 1912, and also to amend section 40 of said act, was referred to the Committee on Patents.

Mr. OVERMAN. That bill properly belongs to the Committee on Patents, and I ask that it be so referred.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Patents.

A bill (S. 4891) granting an increase of pension to Josiah F. Staubs; to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 4892) granting an increase of pension to Abraham J. Yoemans (with accompanying papers); to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 4893) making appropriation for erecting a quarantine station at or near New Orleans, La.; to the Committee on Public Health and National Quarantine.

A bill (S. 4894) to regulate the personnel of the Coast Guard; to the Committee on Commerce.

By Mr. BANKHEAD:

A bill (S. 4895) to regulate the hours of service, mileage, and relative seniority rating of employees in the Railway Mail Service; to the Committee on Post Offices and Post Roads.

By Mr. LANE:

A bill (S. 4896) to authorize the establishment of a Coast Guard station on the coast of Curry County, at or near Port Orford, Oreg.; to the Committee on Commerce.

By Mr. THOMPSON:

A bill (S. 4897) granting an increase of pension to Isaac Newman (with accompanying papers); and

A bill (S. 4898) granting a pension to Albert G. Daugherty (with accompanying papers); to the Committee on Pensions.

By Mr. HUSTING:

A bill (S. 4899) for the enlargement of a public building in the city of Kenosha, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan:

A bill (S. 4900) to extend the privileges of the seventh section of immediate transportation act to Boyne City, Mich. (with accompanying papers); to the Committee on Finance.

A bill (S. 4901) granting an increase of pension to Sarah L. Boynton; to the Committee on Pensions.

By Mr. SMITH of Michigan (for Mr. TOWNSEND):

A bill (S. 4902) granting an increase of pension to David A. Kooker (with accompanying papers);

A bill (S. 4903) granting a pension to Frankie Esselstyn (with accompanying papers); and

A bill (S. 4904) granting an increase of pension to James B. Thornton (with accompanying papers); to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 4905) granting an increase of pension to William Brummette (with accompanying papers); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 4906) to provide a suitable memorial to Daniel Boone at Cumberland Gap, Tenn. (with accompanying papers); to the Committee on the Library.

By Mr. DU PONT:

A bill (S. 4907) granting a pension to Sarah Denney; to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 4908) granting an increase of pension to Mary A. Flynn; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 4909) granting an increase of pension to Josephine Brown; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 4910) granting a pension to George Jeffs (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 4911) granting a pension to E. R. Westbrook; and

A bill (S. 4912) granting a pension to Helen Hascall Woodward; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 4913) granting a pension to William Chambers (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 4914) granting an increase of pension to John C. Smith (with accompanying papers); to the Committee on Pensions.

By Mr. KERN (for Mr. SHIVELY):

A bill (S. 4915) for the relief of Oliver C. Rice; to the Committee on Military Affairs.

A bill (S. 4916) granting an increase of pension to Zerelda Phares;

A bill (S. 4917) granting an increase of pension to Jonathan Bennett;

A bill (S. 4918) granting an increase of pension to Minnie Mowrer;

A bill (S. 4919) granting an increase of pension to Frank Lynch;

A bill (S. 4920) granting an increase of pension to Noah Reedy;

A bill (S. 4921) granting a pension to Mary Whitesides;

A bill (S. 4922) granting an increase of pension to William T. Ham;

A bill (S. 4923) granting a pension to James E. Newgent; and

A bill (S. 4924) granting an increase of pension to Nancy J. Fleming; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 4925) to correct the naval record of Reuben E. Lawrence; to the Committee on Naval Affairs.

A bill (S. 4926) granting a pension to Hannah F. Taylor;

A bill (S. 4927) granting an increase of pension to S. S. Baird;

A bill (S. 4928) granting a pension to George E. Vale (with accompanying papers);

A bill (S. 4929) granting an increase of pension to Amos N. McReynolds (with accompanying papers);

A bill (S. 4930) granting an increase of pension to Charles Cain (with accompanying papers);

A bill (S. 4931) granting an increase of pension to Catherine St. Denis (with accompanying papers);

A bill (S. 4932) granting a pension to Eleanor J. Mourning (with accompanying papers);

A bill (S. 4933) granting an increase of pension to Wesley Burford (with accompanying papers);

A bill (S. 4934) granting an increase of pension to Payton S. Lynn (with accompanying papers);

A bill (S. 4935) granting an increase of pension to Margaret Hamilton (with accompanying papers);

A bill (S. 4936) granting a pension to Catherine Burgett (with accompanying papers);

A bill (S. 4937) granting an increase of pension to Rebecca Laptad (with accompanying papers);

A bill (S. 4938) granting an increase of pension to Robert Irvin Rea (with accompanying papers);

A bill (S. 4939) granting a pension to Robert Cook (with accompanying papers);

A bill (S. 4940) granting an increase of pension to Mary M. Gladman (with accompanying papers);

A bill (S. 4941) granting an increase of pension to Benjamin F. Brock (with accompanying papers);

A bill (S. 4942) granting an increase of pension to Rebecca Jane Thompson (with accompanying papers);

A bill (S. 4943) granting an increase of pension to Jerome Goforth (with accompanying papers);

A bill (S. 4944) granting an increase of pension to Robert H. Mackey (with accompanying papers);

A bill (S. 4945) granting an increase of pension to Isaac J. C. Guy (with accompanying papers);

A bill (S. 4946) granting an increase of pension to Ellen F. Seybold (with accompanying papers);

A bill (S. 4947) granting an increase of pension to John F. M. Todd (with accompanying papers);

A bill (S. 4948) granting an increase of pension to Joseph O. Bovard (with accompanying papers);

A bill (S. 4949) granting an increase of pension to Catherine A. S. Davis (with accompanying papers);

A bill (S. 4950) granting a pension to David Mitchell (with accompanying papers);

A bill (S. 4951) granting an increase of pension to James B. Rutherford (with accompanying papers);

A bill (S. 4952) granting an increase of pension to Byron W. Jacks (with accompanying papers);

A bill (S. 4953) granting a pension to Alexander R. Banks (with accompanying papers);

A bill (S. 4954) granting an increase of pension to Mrs. A. J. Parks (with accompanying papers);

A bill (S. 4955) granting an increase of pension to Leander Mayfield (with accompanying papers);

A bill (S. 4956) granting an increase of pension to Minard Van Patten (with accompanying papers); and

A bill (S. 4957) granting an increase of pension to William L. McClellan (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 4958) to amend the act entitled "An act to regulate commerce," approved February 4, 1887, and as amended June 18, 1910, and as heretofore amended, and for other purposes; to the Committee on Interstate Commerce.

By Mr. CHAMBERLAIN:

A bill (S. 4959) granting an increase of pension to John N. McClure (with accompanying papers); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 4960) granting an increase of pension to Virginia Bailey (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A joint resolution (S. J. Res. 110) providing for method of improving channels giving access to military reservations or fortifications (with accompanying papers); to the Committee on Military Affairs.

RENEWAL OF PATENT.

Mr. CLAPP. On the 3d instant I introduced the bill (S. 4820) to permanently renew patent No. 21053, and it was referred to the Committee on Patents. I ask that the Committee on Patents be discharged from further consideration of the bill and that it be postponed indefinitely.

The PRESIDENT pro tempore. The bill will be postponed indefinitely.

Mr. CLAPP. I now introduce a new bill to permanently renew patent No. 21053, which I ask may be read twice by its title and referred to the Committee on Patents.

The bill (S. 4889) to permanently renew patent No. 21053 was read twice by its title and referred to the Committee on Patents.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SMITH of Michigan submitted an amendment proposing to appropriate $24,649.57 for paving streets in Sault Ste. Marie, Mich., fronting on Government property used in connection with the ship canal, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed, and, with accompanying papers, referred to the Committee on Appropriations.

Mr. THOMPSON submitted an amendment proposing to appropriate $125 to pay H. G. Lorimer for fees and expenses as an expert witness on behalf of the Government in the case of the United States *v.* Henry Samuels tried in the District Court of the United States for the District of Kansas, second division, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CHAMBERLAIN (by request) submitted three amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

PUBLIC-LAND ENTRIES.

Mr. WARREN submitted an amendment intended to be proposed by him to the bill (S. 3929) validating certain applications for and entries of public lands, which was referred to the Committee on Public Lands and ordered to be printed.

HEARINGS BEFORE THE COMMITTEE ON FISHERIES.

Mr. JOHNSON of Maine submitted the following resolution (S. Res. 119), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Fisheries, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fourth Congress to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

THE AQUEDUCT BRIDGE.

Mr. NELSON submitted the following resolution (S. Res. 120), which was read and referred to the Committee on Commerce:

Whereas an act to provide for the removal of what is now known as the Aqueduct Bridge across the Potomac River and the building of a new bridge in place thereof is now pending; and

Whereas the Secretary of War is authorized and directed to cause to be constructed a bridge across the Potomac River at or near what is now known as the Aqueduct Bridge, replacing said bridge with a substantial structure at a cost of not more than $1,000,000; and

Whereas it does not appear that the Secretary of War has been requested to furnish Congress with any opinion as to the proper or suitable place to construct said bridge: Now, therefore

Resolved, That the Secretary of War be, and hereby is, requested to report what, if any, request has been made by any committee of Congress for his opinion as to a suitable and proper location and, if so, his answer thereto; and

Resolved further, That the Secretary of War be requested to report to the Senate what, in his opinion, would be a proper and suitable location for such structure, taking into consideration the military necessities and requirements of the Government and the business interest of the District of Columbia.

HEARINGS BEFORE COMMITTEE ON POST OFFICES AND POST ROADS.

Mr. BANKHEAD submitted the following resolution (S. Res. 123), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Post Offices and Post Roads, or any subcommittee thereof, be authorized during the Sixty-third Congress to send for books and papers, to administer oaths, and to employ a stenographer at a price not to exceed $1 per printed page to report such hearings as may be had in connection with any subject which may be pending before the said committee; that the committee may sit during the sessions or recesses of the Senate; and the expense thereof shall be paid out of the contingent fund of the Senate.

CLAIM OF EMMETTA HUMPHREYS.

Mr. SHEPPARD submitted the following resolution (S. Res. 122), which was read and referred to the Committee on Claims:

Resolved, That the Committee on Claims is hereby requested and directed to consider and report upon the claim of Emmetta Humphreys, administratrix de bonis non of John Sevier, sr., and John Sevier, jr., against the United States, and to advise the Senate what amount, if any, should be paid said administratrix in view of the findings of the Court of Claims, as set out in House Document No. 1302, Sixty-second Congress, third session.

CAROLINE L. RIFENBERG.

Mr. SMITH of Maryland submitted the following resolution (S. Res. 121), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, to Caroline L. Rifenberg, widow of Sherman Rifenberg, late a laborer in heating department, United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

RURAL CREDITS (S. DOC. NO. 349).

Mr. McCUMBER. I ask that there may be printed as a public document a statement made by Grant S. Youmans, of Minot, N. Dak., special legislative representative of the members of the North Dakota State Union of the American Society of Equity and all of its affiliated farm organizations, pertaining to rural-credits bills. The testimony taken in the House has not been printed, and as this relates to the subject and gives the views of the farmer organizations of my State I ask that it may be printed as a public document, and that 5,000 additional copies be printed for the use of the Senate.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

SPEECH BY EX-GOV. GLYNN, OF NEW YORK.

Mr. O'GORMAN. Mr. President, I ask unanimous consent to have printed in the RECORD a speech recently delivered by ex-Gov. Glynn, of New York, regarding the current political questions.

The PRESIDENT pro tempore. If there is no objection it will be so ordered. The Chair hears none.

The speech referred to is as follows:

REPLY OF FORMER GOV. MARTIN H. GLYNN, CHAIRMAN OF THE DEMOCRATIC STATE CONFERENCE AT SYRACUSE, MARCH 1, 1916, TO FORMER SENATOR ELIHU ROOT, CHAIRMAN OF THE REPUBLICAN STATE CONFERENCE AT CARNEGIE HALL, "WHEN THE SHIP OF STATE IS ROCKED AND TOSSED BY ANGRY WAVES AND HOWLING WINDS, THE PASSENGERS MAY LOSE THEIR HEADS, BUT THE CAPTAIN WILL KEEP HIS."

"Fellow Democrats and gentlemen of the conference, we assemble here under conditions which it has not been given to any of our predecessors to share. Outside the American Continent the whole world is plunged into war, with all its horrors, famine, suffering, grief, desolation spread over civilized Europe. Family ties, which spell joy and happiness in life and render the struggle for existence bearable, have been ruthlessly destroyed within the bounds of the warring nations, and yet we are able, though with sadness, to look upon this horrible spectacle from the confines of a nation absolutely at peace with the world—a nation that is more prosperous than at any time in its history, and a nation whose people enjoy more of liberty and of opportunity and of happiness than has ever been known in the history of mankind. We occupy this wonderful position of peace and prosperity not because of any accident but because of the wise and careful and successful policy of those in charge of our National Government. At any time during the progress of the European war the slightest error in judgment or mistake in action might have plunged us into the same conflict which is now impoverishing the nations of Europe. Our people fully sensing what this condition means to them are standing loyally behind President Wilson in his efforts to maintain peace, and are united in supporting the measures which he proposes to de-

fend this country from any aggression in the future and so perpetuate for all time the peace which the European war has shown means so much to us as a nation and as individuals.

SEA OF NEUTRALITY.

"On the sea of neutrality President Wilson has had to sail a hard and dangerous course as captain of our ship of state, but he has sailed it bravely and well. No other pilot of the Nation since Washington, Jefferson, and Lincoln has had to sail a sea so beset with storms and floating mines. The old charts have been torn up, the lighthouses extinguished by the belligerent nations throwing international law to the winds, but Pilot Wilson insists upon sailing the old course according to the old maps. Great Britain, Germany, and France may interpret international law each day to suit their whims and needs, but America persists in interpreting it with justice, with reason, and with national dignity. If we were to fight foreign nations for a violation of international law, as Mr. Root insinuates, we would fight not only Germany, as Mr. Root seems to imagine, but also every other nation participating in Europe's carnival of woe. Mr. Root's policy would make the United States a whirling dervish of war and send us into a perpetual dance of death. Mr. Root would make the United States the policeman of the world, but the teachings of Washington and Jefferson and Franklin about the avoidance of entangling alliances with foreign nations forbid the United States from attempting any such fantastic rôle. Rome tried to be policeman of the world and went down; Portugal tried to be policeman of the world and went down; Spain tried and went down; Napoleon tried and went down, and the United States proposes to profit by the experience of the ages and not attempt a policy that would surely turn into a Frankenstein to destroy us.

WHERE WILL IT END?

"If we start this policy, where are we to stop? There is no stopping. It is a vicious circle leading to destruction. It would mean a reversal of our traditional policy of government. It would mean the adoption of imperialistic doctrines, which we have denounced for over a century. It would make all other nations the wards of the United States and the United States the keeper of the world. We would be so busy settling other people's quarrels that we would have no time to attend to our own business. It would make the United States either the bully of creation or else a 'globe-trotting, earth-perambulating missionary of good government all over the world.' It is founded on no reasonable principle. What becomes of the Monroe doctrine under such a policy? How long do you suppose we would be allowed to meddle in European affairs while denying Europe the right to meddle in American affairs? The policy is a dream; it never could be a possibility. It was not even advanced in good faith; it is simply an appeal to passion and pride, to sympathy and prejudice, to secure partisan advantage.

"Under the stress of war international law has been battered out of recognition. As the devil quotes the Bible to suit his own purpose, so the warring nations quote documentary international law to suit their own course, without regard to the existence of neutrals, the rights of neutrals, or the trade of neutrals. Mr. Root says that Germany does this. He fails to say that the other warring nations also do it. Germany brands the seizure of provision ships as a violation of international law, adopts a policy of reprisal, and promises reparation under a treaty that has nothing to do with the case. England ruled the question of maritime law in war time out of The Hague conference in 1898 and failed to adopt the London declaration of 1911. But when war breaks out England says she will stand by the declaration of London. No sooner said, though, than she modifies the list of contraband, and no sooner modifies it than she alters it again, and then rejects the whole theory of contraband by proposing to seize all vessels bound for the enemies' ports or carrying cargoes ultimately destined for the enemies' territory. Between shifting winds from every side, between varying currents all about, America is thus caught in the maelstrom of war. The problem is the same which Washington had, and Jefferson had, and Adams had, and Lincoln had, and Woodrow Wilson is treating it as Washington treated it, as Jefferson treated it, as Adams treated it, and as Lincoln treated it.

"HONOR BY PEACE IF WE CAN, BY WAR IF WE MUST."

"'To maintain our national honor by peace if we can, but by war if we must,' is the motto of Woodrow Wilson. But before submitting to the chance and misery of war, true statesman that he is, he proposed to put the reason and justice of negotiation to the test. Just as Horace Greeley criticized the form of Lincoln's negotiations, just as Alexander Hamilton and Rufus King criticized the form of the Genet negotiations when Washington was President, just as the members of John Adams's own Cabinet criticized his negotiations in averting war with France, just as John Randolph criticized the form of Jefferson's negotiations with France, and just as fanatics condemned Lincoln for overruling his Secretary of the Navy and even the House of Representatives in the *Trent* affair with England, just so for personal and political purposes men of Elihu Root's stamp criticize Mr. Wilson's policies.

IN DIPLOMACY FORM IS SECONDARY, RESULT PRIMARY.

"There never was penned an important diplomatic document that was not criticized by some one, because phraseology is largely a matter of education, taste, and temperament. In diplomacy form is secondary, result is primary. Form is a matter of opinion; result is fact. And what is the result of the form of Mr. Wilson's diplomatic negotiations with the warring nations of Europe? Why, simply this: While Europe is drenched in the blood of a sinister war, we are enjoying the blessings of an honorable peace. The men in society's salons, lettered dilettantes in libraries, and swaggering devotees of fashion who would fight our battles on the carpet of parlor trenches, in the restaurants of clubs, or amid the dangers of afternoon teas, may be primarily interested in the form of our diplomatic negotiations. But the men who must fight our battles where the cannon roars and the bullets sing and death stalks—also their wives, their sons, their daughters, and their mothers—these are primarily interested in the result of our negotiations and not in the form. And the men who would do the fighting stand where Woodrow Wilson stands. Their motto is, 'We will maintain our national honor by peace if we can, but by war if we must.' For this reason Woodrow Wilson, with malice toward no nation, with justice for this Nation, and with sympathy for all nations, champions and will continue to champion the policy that the United States stands upon its unassailable right to be a neutral nation and to act as a neutral nation though—

"The heathen rage and the people imagine a vain thing. The kings of the earth set themselves, and the rulers take council together.

FOLLOWING GEN. GRANT.

"Mr. Root says this policy has satisfied no one. Mr. Root means that it has satisfied no one who is a partisan in this conflict. The very fact that it may not have satisfied partisans is a proof of its neutrality, a proof of its success, for in a vital war like this neither side is satisfied with justice unless it can tamper with the scales. But Mr. Root forgets that in this strife most Americans are neutral and as neutrals approve of Woodrow Wilson following the policy that the founders and the saviors of this country followed in somewhat similar circumstances. The policy of Abraham Lincoln in the sixties demanded neutrality, and this is the policy of Woodrow Wilson to-day. Washington, Adams, Jefferson, and Lincoln insisted that the United States had a sovereign national right to stay out of war just as much as to go into war, and so does Woodrow Wilson. Gen. Grant said there never was a war that could not have been settled better some other way, and the people of this country are in favor of taking Grant's advice and trying the other way before trying war.

DOMESTIC TO THE FOREIGN AFFAIRS.

"So palpably successful has been the domestic policy of the Wilson administration that our opponents are able to find few loopholes for assault. Our foreign policy the prominent leaders of the opposition have repeatedly indorsed during the past few months, but now on the eve of a presidential election they suddenly turn front and treacherously attack. Their challenge we gladly accept, confident that a fair-minded American public will uphold the honorable, patriotic, and highly American policy which the Democratic Party has pursued, beset by difficulties, hampered by conditions for which the Republican Party is responsible, and surrounded by pitfalls on every side, wherein a single misstep would have hurled this country to disaster and to woe. Others may make expediency the star of their course in foreign affairs, but we follow the star of justice. Others for vainglory or for selfish purpose may cry up a policy of 'blood and iron,' but we contend that in the long run true humanity is true statesmanship, and true statesmanship true humanity.

NATIONAL HONOR.

"Mr. Root talks of 'national honor' as if by some divine commission he had been appointed the keeper and interpreter of the honor of the Nation. Now, real honor and real dishonor can be felt and are felt even by the lowliest toiler in the land as acutely and as accurately as by even Mr. Root. Instinct serves better here than legal speculation or metaphysical distinction. The man in the street, the toiler in the fields, the artisan in the shops, the man who shoulders his musket and marches away at his country's call needs no lawyer, no statesman, no interpreter to tell him when the honor of his Nation is

outraged or the glory of his flag is sullied. It is an elemental instinct which knows without knowing why. It is an elemental instinct which enables even the unschooled to know right from wrong, justice from injustice, principle from prejudice, passion from reason. When the honor of our country is outraged and the glory of our flag sullied the people will know it without Mr. Root or anyone else telling them. If such an insult ever comes to this country, the great mass of the people who will have to do the fighting will not have to be called to war. They will call themselves to war. They will rally around the Stars and Stripes as their fathers rallied at Lexington and Concord, at Saratoga, and at Yorktown and a hundred other battle fields, and they will rally with the blessing and the prayers of those left at home sorrowing in anxiety, but exulting in self-sacrifice to preserve our honor and to glorify our flag.

WAR DRUMS AND WAR DRUMMERS.

"For a man who has signed more arbitration treaties than any other man in the country save one, Mr. Root's warlike speech is a mysterious performance. He is about the last man in the land from whom the country had a right to expect it.

"For years Mr. Root has been the star performer at peace conferences, and yet he condemns President Wilson for maintaining peace. Mr. Root may forget, but Woodrow Wilson remembers, that the leader of a nation who plunges his people into an unnecessary war vainly washes his hands of innocent blood, like Pontius Pilate, while the earth quakes and the heavens are darkened and thousands give up the ghost.

MR. ROOT BECOMES A DRUM AND TRUMPET STATESMAN—TRANSFORMS HIMSELF FROM A LOVING DOVE OF PEACE TO A SWOOPING HAWK OF WAR—ALSO MR. LODGE.

"For years Mr. Root has been acclaimed an apostle of peace, and in 1912 was awarded the Nobel prize for the promotion of peace, but now he sallies forth as a drum and trumpet statesman.

"From a cooing dove of peace Mr. Root suddenly transforms himself into a swooping hawk of war.

"Years ago enthusiasts in Bohemia took the skin of John Ziska, the patriot, and stretched it as a drumhead to rouse their followers to war. So to-day Elihu Root would stretch the skins of the victims of the *Lusitania*, the skins of the victims of the Belgian invasion, into a drumhead to rouse the kindly sentiment of sympathy into the frenzied craze of war.

"Mr. Root may beat his drum and blare his trumpet, but President Wilson will go right on winning the plaudits of the American people by appealing to reason, humanity, and common sense and by keeping the United States the uncompromising champion of the neutral world and the undaunted maintainer of the principles which have guided this Nation since 1776.

"And what a glorious rôle is this; what a badge of honor the neutral nations wear to-day! Upon the neutral nations depend the salvation of justice, the preservation of moral balances, and the conservation of the natural energies which will be needed to set this world aright when the present cataclysm is over.

"Our opponents say that Mr. Root's speech is not a declaration for war; but hardly have its echoes died upon the air before Senator LODGE, the other great spokesman of the Republican Party, makes a speech at Washington, in which, between the lines, he glorifies the purple testament of bleeding war and minimizes the grandeur of peace. If Senator LODGE is right, Washington and the other leaders of this Nation were like Achilles, who "fed on bears' marrow and lions' hearts." But Senator LODGE is not right. James Bryce, one of the greatest living historians, says so. In his American Commonwealth James Bryce says that Washington and his fellows were no sanguinary lords of war. Senator LODGE is not right, and this we can prove by the words of Washington, Thomas Jefferson, and Benjamin Franklin.

"Thomas Jefferson says, 'I recoil with horror at the ferociousness of men,' and then he calls upon nations 'to devise a more rational umpire of differences than force.' He says, 'War is an instrument entirely inefficient toward redressing wrongs, and it multiplies instead of indemnifying losses.' Benjamin Franklin says, 'There is one improvement I wish to see in moral philosophy—the discovery of a plan which would induce and oblige nations to settle their disputes without first cutting one another's throats,' and then he says that in his opinion 'there never was a good war or a bad peace.' In 1785 Washington wrote to David Humphrey, 'My first wish is to see war, the plague of mankind, banished from the earth.' To Lafayette, Washington wrote, 'It is really a strange thing that there should not be room enough in the world for men to live without cutting one another's throats,' and in his Farewell Address he expressed the hope 'that we may never unsheath the sword except in self-defense, so long as justice and our essential rights and national respectability can be preserved without it.' And upon that declaration the Democratic Party stands to-day. Until self-defense and essential rights and national respectability require us to unsheath the sword we are for peace, but when national respectability, essential rights, justice, and self-defense require it we are for war and war to the hilt.

"But, say our opponents, the doctrines of Washington, Jefferson, and Franklin are so old they are dead. Well, if they are dead, how comes it that Mr. Root, as Secretary of State, handed these doctrines to our representatives at The Hague as the lamp to guide their feet and light their way?

"Both Mr. Root and Senator LODGE say they do not plead for war, and yet they plead to passions which cause war, and when you plead for a cause you plead for its effect. Senator LODGE and Mr. Root are both like the craven army drummer who, when captured on the field of battle, begged for release, because he was not a soldier and did not fight, but his captors declared that he should be treated with more severity than an ordinary soldier because the beating of his drum inflamed his followers to carnage. Unless I am mistaken, the American people to-day look at the present moment upon Senator LODGE and Mr. Root as his captors looked upon that caviling drummer.

CHANGE OF MIND.

"Mr. Root finds fault with President Wilson for changing his mind. All men, including Mr. Root, change their minds now and then. If they did not, life would be stagnation instead of progression.

"The instructions which Mr. Root as Secretary of State handed to our representatives at The Hague and his words at Carnegie Hall on Belgium show that Mr. Root sometimes changes his mind. The expressions of Mr. Root at Carnegie Hall on Mexico, compared with his speeches on our relations with the southern Republics during his South American tour as Secretary of State, again show that Mr. Root sometimes changes his mind. Even Mr. Roosevelt sometimes changes his mind. He once thought Mr. Root the only one of his kind, but when they broke he still thought Mr. Root the only one of his kind, but quite another kind.

"But in this Mr. Root and Mr. Roosevelt and President Wilson keep good company.

"In 1775 George Washington was opposed to a war for independence; in 1776 he said that a war for independence was the only thing that could save us. Benjamin Franklin thought we should not come to terms of peace with England in the Revolutionary War unless we got Canada, but he changed his mind before the treaty was signed. When Thomas Jefferson bought the Louisiana tract he reversed the position he formerly maintained as a strict constructionist of the Constitution. Before he became President Thomas Jefferson was opposed to the use of Federal money for internal improvement, but as President he sent a message to Congress advocating the use of public money to improve our rivers and our harbors. For a long while Abraham Lincoln resisted the idea of the emancipation of the slaves. He revoked the order of some of his generals emancipating slaves within the limits of their command, and he struck from the annual report of his Secretary of War a paragraph advocating the adoption of this policy. Yet when the need was pressing and the hour ripe Abraham Lincoln did issue the emancipation proclamation. These examples may have no direct bearing upon the issues of the hour, but they do show the pettiness of criticism running through Mr. Root's speech.

PRESIDENT WILSON FOLLOWS THE PRECEDENTS OF THE MOST ILLUSTRIOUS AND BEST-BELOVED MEN WHO HAVE EVER OCCUPIED THE PRESIDENTIAL CHAIR.

"President Wilson has only shaken his finger; when he has to shake his fist the world will find it mailed.

"Mr. Root says no man should draw a pistol who dares not shoot, and that a government should not shake its fist first and its finger afterwards. Like most epigrams containing the wisdom of the world in capsule form, these epigrams are partly true and partly false. Many a fight with a bully has been averted by shaking first the fist of strength and then pointing the finger of reason; many a necessity for shooting has been averted by pulling a pistol. The experiences of everyday life and the history of diplomacy disclose these truths.

"But if Mr. Root means to apply these epigrams to President Wilson he has made an unhappy application of his trick of speech. President Wilson has only shaken his finger thus far; if necessity compels, though, he can shake his fist and the world will find it mailed. Despite Mr. Root's glittering epigrams, President Wilson is following and will continue to follow the policy pursued under similar circumstances by the most illustrious and the most beloved men who ever occupied the presidential chair.

"The President stands where George Washington stood in 1793, when England in the war with France seized and held hundreds of vessels floating the Stars and Stripes. He prepared for war—he built warships; he erected forts—but he did not shoot. He settled our differences with England by negotiation, just as Woodrow Wilson is trying to do to-day. And here parenthetically let me remark that, while Secretary of State, Elihu Root in a speech in Argentina practically repeated the great sentiment of Charles Sumner—'Washington upholding the peaceful neutrality of this country while he met unmoved the clamor of the people wickedly crying for war is a greater man than Washington crossing the Delaware or taking Cornwallis's sword at Yorktown.' Yet Mr. Root condemns President Wilson for the very policy for which he praised George Washington. Verily, Elihu Root agrees with the man who said, "Consistency is the hobgoblin of little minds." President Wilson stands where John Adams stood in 1799, in our dispute with France. He prepared for war—he created the Navy Department; he built 12 new warships; he brought Washington out of retirement from Mount Vernon to lead the Army—but he didn't shoot. He settled our differences with France by negotiation, just as Woodrow Wilson is trying to do to-day. The President stands where Abraham Lincoln stood during the Civil War in our dispute with England over the *Alabama* and other privateers which destroyed a hundred million dollars' worth of our commerce. Through his Secretary of State he threatened England; he listened to all the talk of the House of Representatives for war and the clamor of the country—but he didn't shoot. He initiated the policy that Grant finished, which settled our differences with England by negotiation, just as Woodrow Wilson is trying to do to-day. The President stands where President Grant stood in our controversy with Spain in 1873, when Spain seized the ship *Virginius*, flying the American flag, and shot 50 Americans—the captain of the ship, 36 of the crew, and 12 passengers. Grant prepared for war; he authorized the putting of the Navy on a war footing—but he didn't shoot. He settled our difficulties with Spain by negotiations, just as Woodrow Wilson is trying to do to-day. The President stands where James G. Blaine, Secretary of State, stood in the controversy with Chile for shooting the sailors of the U. S. battleship *Baltimore;* where Grover Cleveland stood in our controversy with England over Venezuela in 1895—they made preparations for war—but they didn't shoot. They settled our difficulties by negotiations, just as Woodrow Wilson is trying to do to-day.

"Jefferson settled our maritime troubles with France by negotiations, and as a result won the Louisiana tract for a song. We settled our dispute with England about our northeastern boundary line by negotiation, and Daniel Webster pronounced this negotiation a boon to mankind. Though we conducted the presidential campaign of 1844 on the issue of 'Fifty-four forty or fight,' we didn't fight; we settled the Oregon dispute with England by negotiation, just as Woodrow Wilson is trying to do to-day. And so the record stands that the United States has won more victories by the pen than it ever won by the sword.

LEST WE FORGET THE WORDS THAT MADE US FREE.

"Mr. Root may talk in epigrams all he pleases, but it is cowardly for him to hide himself in a cloud of verbal dust. If Mr. Root believes—despite the example of Washington and Jefferson, Lincoln and Grant—that the United States should go to war for every violation of international law, why doesn't he say so like a man? If he desires to make the United States the brandisher of the 'big stick' in the face of all the world, he should make his position clear. The United States has not yet drawn a pistol, has not yet shaken its fist. It has expressed disapproval and it has appealed to reason and to law. It has placed itself on record in a way that can not be mistaken, but it has not yet taken the irrevocable step; it has not yet appealed to force.

"Would the Republican Party reverse this order? Would the Republican Party shoot first and protest afterwards? Would the Republican Party write its disapproval first in blood and then in ink? Is this the Republican notion of the duty of a Republic which boasts of the brotherhood of man? Mr. Root truly declared that the American people have 'embodied their principles of government in fixed rules of right conduct.'

"If Mr. Root will turn to the Declaration of Independence, he will find a reminder that this is a country which resorts to war only after every other form of redress has failed.

"He will find that before the American Colonies drew the pistol they 'warned,' 'reminded,' 'appealed,' and 'conjured' the British Government 'to disavow' the usurpation of which they complained. Then, as now, a race of freemen claimed the right to be patient, and now, as then, a race of freemen will not falter in a final appeal to arms should their patience be exhausted and all other means of asserting their rights be in vain. As a Nation we deprecate the waste, the horror, the unreason of war, because we are masters of our own destiny. We do not desire to seek that destiny, unless we must, over the bodies of our youth and the tears and lamentations of desolated homes. Because each American knows that his country represents the highest hopes of all mankind, because he knows that his country's flag stands for justice, for opportunity, for reason, and for liberty, he holds himself ever ready to rally to that flag, to lay down his life if need be in defense of the Republic.

"No other land must ever mistake this fundamental truth.

"No other land should ever mistake our unwillingness to seek war for unreadiness to sacrifice life and all that life holds dear to preserve the glory and the integrity and honor of the United States.

"And just as President Wilson observes the truest spirit of America in appealing to reason before he appeals to force, so he now reflects the temper of the Republic in making ready for an appeal to arms should diplomacy become useless and reason without avail.

LUSITANIA.

"For a statesman who had long enjoyed a reputation for poise and balance Mr. Root's attitude on the *Lusitania* issue is amazing and inexplicable. He claims that if the *Lusitania* notes meant anything they meant that action was forthcoming, and he concludes that the correspondence is now approaching its end without securing even that partial protection which is desirable for the future. He ignores what has been accomplished. He overlooks that assurances for the future have been given and that reparation for the past has been assured. If he had before him the proposals made by Germany a week before his speech, would Mr. Root, as Secretary of State, have dared go before the country and say that they should not be accepted, and that we must enter an armed conflict over a matter of mere words? As Secretary of State, Mr. Root would not have dared to do so, and as ex-Secretary of State a proper appreciation of the true equation of things should have prompted him to keep his tongue in consonance with the proprieties. Furthermore, Mr. Root, even as a distinguished citizen suddenly turned political incendiary, would not, in view of the note on the *Lusitania* which the German ambassador handed Secretary of State Lansing on Monday last, dare to repeat on this platform to-night the inflammatory language he lately used in Carnegie Hall.

MR. ROOT AND THE DIFFERENCE BETWEEN THE CONSERVATISM OF RESPONSIBILITY AND THE ANARCHY OF SPEECH.

"Again, the difference between Mr. Root's actions and Mr. Root's words illustrate the difference between the conservatism of responsibility and the anarchy of speech. Since leaving public office Mr. Root seems to have lost the sense of responsibility which officials of Government should feel and which should guide their every act. He states that our first *Lusitania* note was conceived in events which marked them as impotent. One of these events, he states, was the alleged intimation to the Austrian ambassador by Mr. Bryan that the note of February 10, 1915, was intended for American consumption. Mr. Root accepted a sensational story as the truth, which he could easily have disproved by reference to the Department of State. The fact is the Austrian ambassador agreed with Mr. Bryan that no such statement or intimation had been made to him, and he sent a message to his Government to that effect. Mr. Root, moreover, is doing an unprecedented thing for an ex-Senator of the United States, an ex-Secretary of War, and an ex-Secretary of State when he endeavors to make political capital in a speech before a political convention out of not only foreign relations of the United States, which he well understands are in a critical stage, but out of pending diplomatic negotiations in what is probably the most important case that has been before the State Department since Lincoln's day. He states that it should have been foreseen that cases of this nature were likely to arise, and that American lives would be worthless unless power was maintained. He points to Switzerland and Holland as countries which are properly defended in their rights by organizations and other measures, and states that, 'Nobody has run over them, because they have made it apparent that the cost would be too great.' He does not mention, although he must have read it in the press, that Dutch ships have been sunk by submarines, that Dutch passengers and sailors have lost their lives from such belligerent action, and that Dutch ships are constantly being violated in British waters, and Dutch mail to the United States, including diplomatic pouches, are being removed from them. He does not mention the fact that, though

Switzerland is mobilized, she is allowed to continue her manufacture of certain articles only at the sufferance of belligerents on both sides, who portion off exports from this mountain country and imports into it with the minutest care. Brass is furnished by the allies for the manufacture of various articles and Switzerland is held to strict account for every pound. Germany supplies Switzerland with aluminum, steel, zinc, and coal and compels a return in machinery and parts.

"*It is easy* to say that things 'should have been foreseen,' but foresight is not so common an attribute. Mr. Root, I am informed, approved the American notes on the *Lusitania* case, but said nothing at the time about preparation for action in case America's demands were not complied with.

"Mr. Root would have had our Government protest in regard to the invasion of Belgium, and if in the case of Belgium, certainly he would have had this Government continue to protest all the numberless violations of international law by all the belligerents, no matter whether the violations were against this country or another. Such a course would have been futile, would have amounted to nothing, and made us ridiculous in the eyes of the world. And these protests Mr. Root would have *backed by force* if he were to be true to his position. Mr. Root's course would surely 'lead us into inevitable war'—just as he says our present course will. The violation of international law, in regard to which Mr. Root would have this Government make its attitude clear and enforce its demands, occurred within a few months after the war opened and before it was possible to make sufficient preparation, which he says has been neglected by the present administration. Preparation to back up a policy such as Mr. Root has outlined should have been begun years ago by administrations of which Mr. Root was the moving spirit. All the world has known that for years prior to the beginning of the present war the nations of Europe had been preparing great armaments. During that time Mr. Root was Secretary of War, Secretary of State, and United States Senator. 'Ordinary practical sense in the conduct of affairs,' using the words of Mr. Root, should have taught him and his associates the necessity of voting large amounts for suitable preparation against the outbreak of such a war. Does it therefore become Mr. Root to criticize the President and the administration for not enforcing its demands when previous administrations with which he was intimately connected failed to use ordinary foresight in laying the foundation for suitable military and naval forces? He appears to forget in his suggestion of an aggressive policy that the countries now at war are the great nations of the earth, fully equipped and armed, conscious of their strength and their position in the family of nations, which will not brook the domineering tactics of another nation. Moreover, in this great war the participants are wrought up to a state of excitement which must not be lost sight of in dealing with international situations which arise. While a breach of diplomatic relations might be regarded in ordinary times as not leading to war, such action at the present time with any of the belligerents would inevitably lead to an armed conflict.

TRUE PRIDE.

"In this phase of the question Mr. Root undervalues but the world holds in proper place a true pride in all the relations of life.

"There is a pride of national duty which is incapable of sacrificing peace and happiness; there is a pride of high responsibility which forbids an appeal to the sword until all other means have failed; there is a pride in the possession of calm understanding and patient foresight which stands firm against the protest of the partisan and the blood lust of the brute; but the man who disdains to plunge millions of his fellow beings into the dismal abyss of war until he has exhausted every honorable means for peace will never be too weak to guard the honor or the liberties of his country when assailed.

"The man who bravely avoids an unnecessary war will never be too cowardly to wage a just one.

"Mr. Root would make of the President of the United States an incendiary in a world of fire. He would make the Chief Executive a swashbuckler instead of a statesman. He would have the President insist upon the propriety of the duello, while the combatants reel upon the cliffs of national existence. He would have the President forget that while we debate men are dying by thousands across the ocean; that while we are inconvenienced the rest of the world is enduring the agonies of the damned; that while we are sitting quietly by our fireside the rest of the human race is writhing in the torments of the firing line.

"Is it Mr. Root's conception of American honor that we should assert that honor by adding to universal misery? Is it his idea that our national duty is to make no allowance for the naked passions and desperate needs of the white-heat conflict that now inflames and distorts the reason and humanity of Europe? Surely it is not the part of American honor to shut our eyes to the situation of those with whom we are dealing. Surely President Wilson has been true to the highest ideals of America in prolonging negotiations until a people impassioned by war should have time and opportunity to pass calmly upon the justice of America's claims.

BELGIUM.

"The efforts of politicians like Mr. Root to make political capital out of the course which President Wilson deemed it wise for this Nation to follow in respect to Belgium during the early stages of the present war deserve, and will receive, unqualified condemnation and rebuke at the hands of the most right-thinking and patriotic Americans. The horror and sufferings and devastation of this little nation have sunk deep into the American heart.

"No fair-minded man can question the wisdom and integrity of our Belgium policy. To say that it has sullied our honor or besmirched our conscience, as Mr. Root intimates, is an insult to the intelligence of the Nation. On this question Mr. Root quibbles with the genius that has made him famous. He was Secretary of State when The Hague conference of 1907 was held, and from him the American delegates received the instructions to make to the conference a declaration of America's policy, which covered every act and every convention which the American delegates signed. That declaration later on specifically attached by the Senate to the most important of these conventions, and now standing as a part of them, was as follows:

"Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy * * * of any foreign State, nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of its traditional attitude toward purely American questions.

"As Secretary of State, Mr. Root himself adopted the same policy in handling the Japanese-Korean situation. When by force and duress, and against the will of the Koreans, Japan placed the Kingdom of Korea under a Japanese protectorate, no protest was lodged against this action, notwithstanding the provisions of an outstanding treaty between Korea and the United States wherein, among other things, it was agreed that if other powers should deal unjustly or oppressively with either party to the treaty the other would use its good offices, on being informed of the case, to bring about an amicable arrangement of the difficulty. Mr. Root was requested by duly accredited representatives of Korea to act under the provisions of this treaty, and he refused on the ground that, Japan having forced a protectorate upon the Koreans, the treaty between the United States and Korea could be no longer enforced. Here we have a distinct recognition by Mr. Root of the principle of international law underlying the Belgium case. It matters little what Mr. Root may say, yet now, with the presidential election coming on, Mr. Root unworthily seeks to disparage the President of the United States for doing in respect to Belgium precisely what he himself had done as a responsible Government officer a few years before in a very similar case, and precisely what he himself would, of course, have done in the case of Belgium if he had been President instead of Mr. Wilson.

It is absurd and preposterous to assert that any of The Hague conventions, or any clause in the convention, nullified this general policy of the United States. The argument that one of The Hague conventions specifically bound us to go to the defense of Belgium is of no weight, because England never ratified it and was not even technically bound by it. The whole world knows that Great Britain entered the war at the earliest possible moment after the Belgium invasion because of another treaty.

"When Mr. Root made his speech his former instructor and leader was on the Atlantic Ocean. This probably enabled Mr. Root to steal Mr. Roosevelt's clothes while he was in swimming and run away with them. Mr. Roosevelt is now condemning President Wilson's Belgium policy, but only a few months ago he praised it. When would Mr. Roosevelt have the Nation take him seriously; now or some months ago?

MR. ROOSEVELT ONCE SPOKE AND WROTE IN FAVOR OF PRESIDENT WILSON'S ATTITUDE ON BELGIUM.

"Four days after the invasion of Belgium the colonel made a speech in New York, in which he said that 'we should be thankful beyond measure' because we are Americans and not at war, and urged support for the administration in securing peace and justice. But he said nothing of any duty to Belgium.

"He discussed at Hartford, Conn., on August 15, 1914, the Bryan peace treaties, but had no whisper for obligations under The Hague treaties. Seven weeks after the Belgian invasion he printed in the Outlook, on September 23, 1914, an elaborate

article on the war, with long discussions of its Belgian phases. Here are some of its passages:

"A delegation of Belgians has arrived to invoke our assistance. What action our Government can or will take, I know not.

"It has been assumed that no action can be taken that will interfere with our neutrality. It is certainly eminently desirable that we should remain entirely neutral and nothing but urgent need would warrant breaking our neutrality and taking sides one way or the other.

"Of course, it would be folly to jump into the gulf ourselves to no good purpose, and very probably nothing we could have done would have helped Belgium. We have not the smallest responsibility for what has befallen her, and I am sure that the sympathy of this country for the suffering of the men, women, and children of Belgium is very real.

"Nevertheless, this sympathy is compatible with full acknowledgment of the unwisdom of uttering a single word of official protest unless we are prepared to make that protest effective, and only the clearest and most urgent national duty would ever justify us in deviating from our rule of neutrality and noninterference.

FORMER PRESIDENT TAFT PRAISES THE BELGIUM POLICY OF PRESIDENT WILSON.

"But all the Republicans of the Nation do not condemn President Wilson's Belgium policy. Former President Taft does not. At a speech delivered at Morristown, N. J., Mr. Taft said:

"While I sympathize with the Belgians in this war, whose country, without any fault of theirs, has been made its bloody center, I approve and commend to the full the attitude of President Wilson.

"We are not sitting as judges of issues between countries in Europe in this great war. We are seeking to maintain strict neutrality, and until our decision is involved with an agreement to abide by our judgment and recommendation for settlement, we need not embroil ourselves by official expressions of criticisms or approval of the acts of the participants in the war. This is not only the wisest course for us to pursue in maintaining an attitude that may give us influence in promoting mediation when mediation is possible, but it will help us to avoid being drawn into the war.

"The insincerity of the Republican Party in its Belgium attitude is shown by the words of Mr. Taft and Mr. Roosevelt, and by its record between 1901 and 1909. During those years Mr. Roosevelt was President and Mr. Root in the Cabinet most of the time. In 1903 occurred the massacre at Kishinev and for many years after 1903 Macedonia ran red with blood; in 1905 the horrors of the Kongo were officially published; in 1905 Korea lost its independence; in 1906 Morocco was parceled out by the powers; in 1906 the Russian Government shot, hanged, and massacred thousands of her people; in 1909, 25,000 Armenians were slaughtered at Adana, and yet no note of protest came from the Republican Party seated in the seats of the mighty at Washington. What reason, then, has the Republican Party to expect people to believe that it would have acted any differently in 1914 than it did from 1901 to 1909?

MEXICO.

"A great deal of criticism has been directed against the present administration because of the President's advice to Americans in Mexico to leave that country and return to the United States. As is the case in many matters involving our foreign relations, a great part of this criticism is based upon an incomplete knowledge of the facts and a failure to take into consideration all the phases of the situation. President Wilson's advice to Americans to leave Mexico was not by any means a radical departure from the policy of the previous administration. It was merely an affirmation and reiteration of an apparently well-considered and wholly justifiable position taken by Mr. Taft in 1912, when he advised Americans to withdraw from localities where conditions or prospects of lawlessness threatened the personal safety of Americans and when he directed consular officers to take charge of abandoned effects of American citizens. This advice was applied to practically the entire Republic. This plainly shows, therefore, the opinion of the Taft administration at that time. On November 21, 1910, the commanding general of the Department of Texas was authorized to send troops to the border to enforce the neutrality laws. Additional troops were later sent to patrol the entire border. The War Department early in February, 1912, held all troops in readiness for service along the Mexican border. This created a situation in Mexico which made some of the people doubt the stability of the Madero government, and gave rise to widespread brigandage throughout Mexico. On February 24, 1912, the Washington authorities hinted to the Mexican authorities that military force was contemplated.

"The truth of the matter is, if the Taft administration had given Madero one-tenth part of the support and assistance that this administration is giving the de facto government, President Madero would most assuredly have been successful in establishing peace and order, the alleged crime of Huerta would not have been committed, the loss of American lives and property since that time would not have occurred, and Mexico would have been spared the horrors of the fratricidal war which has since prevailed there.

"On April 15, 1912, the Department of State under President Taft sent what was practically an ultimatum to the Madero government in which intervention was threatened.

"This ultimatum stated that 'until more headway was made in unseating Madero, no interviews could be granted and no communications received from insurgents.'

"It seems that the Taft administration had devoted itself to a campaign of nagging and persecuting the struggling government of Madero. During the early part of September, 1912, President Taft stated to Ambassador Calero that this Government was dissatisfied with internal conditions in Mexico. The newspapers in reporting the matter said:

"Mr. Taft is opposed to intervention except as a last resort. It is admitted, however, that conditions in Mexico have become much worse in the last few weeks, and if the Madero government is unable to check the attacks on American citizens the United States will be constrained to take action.

"So it will be seen that the situation in Mexico when Woodrow Wilson became President was an unfortunate inheritance.

"Mr. Root says it was President Wilson's duty to do the very things which President Taft did not do and for which he fails to condemn President Taft while condemning President Wilson.

"The Taft administration had nagged and persecuted President Madero almost up to the breaking point; it had shifted its troops down to the border for the supposed purpose of protecting its ambassador to Mexico, at a time when such a move weakened and embarrassed the Madero government; it had allowed Americans to be killed in Mexico and American property to be looted and menaced. About 60 Americans are known to have been killed during the Taft administration, and yet Senator Root assumes for his part a 'holier than thou' attitude.

"In view of all the circumstances, the last administration had all the opportunity it could wish for to send an army into Mexico if it had desired to avail itself of the justification which Senator Root is now urging upon this administration.

"Mr. Taft did not believe it wise to sacrifice thousands of lives and millions of dollars in order to intervene in the internal affairs of Mexico.

"President Wilson has found nothing so far which would justify the great sacrifice of human life which would be necessary to obtain military control of Mexico.

"President Wilson's Mexican policy has been born of the belief that no permanency in government would be obtained in Mexico or in any other American Republic so long as this Government was ready to recognize every revolutionist who might secure control.

"President Wilson's Mexican policy is consistent with the American idea that the government of any Republic should be the choice of its people.

"So long as governments created by force and financed from without can control in Mexico, just so long will there be no safety of life or security of property in that country.

"For 50 years we have been talking Pan Americanism, and Pan Americanism has been impossible because the other American Republics have always suspected sinister purposes in our attitude toward them.

"But President Wilson's policy has made every American Republic believe for the first time that our Government has no desire or purpose to take their territory or coerce their Government. Out of this European war no man can tell what will come, but this much is certain that it is vital for the peace and prosperity and honor of the Western Hemisphere that there be a fidelity in the pretensions and an honesty in the relations between the Governments of the American Continent.

"Mr. Root charges that our policy has been vacillating; that the President invaded Mexico and then retreated. The charge is not true. Mr. Root has no evidence upon which to base such an accusation.

"Here is the truth about the Vera Cruz incident: Admiral Mayo was at Tampico. American sailors and officers were insulted by Mexican soldiers. A boat crew and paymaster of the United States Navy were arrested on the wharf at Tampico by Huerta's followers. Without the knowledge and without any instruction from the administration at Washington Admiral Mayo demanded the release of his men, an apology, and a salute to the flag. Huerta's followers did not comply, and the President backed up the demands of our officers. The salute was denied. Vera Cruz was occupied, not for invasion, but to punish an insult to the flag and the Navy. With a loss of 300 men Huerta's band was punished and the incident was closed. The Vera Cruz incident did not have its origin in or any relation to the fixed policy of President Wilson toward Mexico and the other American Republics.

SENATOR ROOT MADE A SPEECH IN THE UNITED STATES SENATE AGAINST OUR INTERVENTION IN MEXICO—TALKS LIKE THERSITES TO-DAY THOUGH YESTERDAY HE ACTED LIKE NESTOR.

"Our opponents say we invaded Vera Cruz to help Carranza and hurt Huerta. They forget that Carranza protested at the

landing of United States troops in Vera Cruz. Would Carranza have protested if this charge of our opponents were true?

"On the Mexican question Senator Root again plays the weathercock and veers in the shifting winds of opportunism. What he urged President Wilson to do in Mexico he advised President Taft not to do. And so I say that Senator Root's conduct as an official and his talk as a political agitator illustrate the difference between the conservatism of responsibility and the anarchy of speech. And here is the proof that Mr. Root can blow hot one day and cold the next, can talk like Thersites to-day though yesterday he acted like Nestor.

"When Senator STONE, the present Democratic chairman of the Foreign Relations Committee, introduced into the Senate a resolution which would have committed this country to the very Mexican policy which Mr. Root now urges, he rose in the Senate and condemned the effort of the Democrats to do the very thing which he says should have been done, and for want of which he says the Democracy has forfeited the respect of the citizens of this country. Here are the exact words of Mr. Root which expose the somersault he has thrown on the Mexican situation:

"Mr. President, before the subject is passed over and the resolution laid upon the table, I wish to express my entire dissent from the assumption which seemed to me to be carried by the expression of opinion on the part of the Senator from Missouri. Granting that injuries have been done to American citizens which ought to be redressed, that wounds have been inflicted, that lives have been taken, that property has been destroyed, it does not follow, sir, that we should begin the process of securing redress for those injuries by a threat of force on the part of a great and powerful nation against a smaller and weaker nation. That, sir, is to reverse the policy of the United States and to take a step backward in the pathway of civilization.

"There is no reason whatever, sir, to assume, if injuries have been done of the kind described, that the Government of Mexico is unwilling to make due redress upon having those injuries and claims presented to her in the ordinary course of peaceful negotiations; and for redress the passage of such a resolution as has been described, equivalent to a declaration of war, would be to preface the ordinary demand—the demand which it is the duty of every civilized power to make upon a friendly nation—with a threat that if the demand is not complied with force will be used.

"Sympathy with the people of Mexico in their distress, a just sense of the duties that we owe to that friendly people, and the duties that we owe to the peace of the world must forbid our assenting to or yielding to any such course. * * *

"Evidently Mr. Root's opinion as to what should be our Mexican policy shifts from day to day. He is for any policy that at the moment promises the most votes for the Republican Party. Anyway it is a source of consolation to know that as a United States Senator he approved, though as a political agitator he condemns, the policy which President Wilson is following in Mexico.

GREAT NATOINAL LEGISLATION.

"Four years ago the Nation committed its care and welfare to the Democratic Party, and the Democratic Party has been true to the trust. It has preserved peace, promoted prosperity, maintained national honor, observed international laws, and followed the traditions of the fathers of the country.

"No other administration of our age and generation has enacted such a galaxy of laws for the public welfare.

"It passed the Trade Commission bill, which created a tribunal that will arbitrate between disputants in commerce and do justice between the public and the great industrial corporations. It passed the Clayton antitrust law, which does away with interlocking directorates, defines and expands the prohibitions of the Sherman Act, modifies the powers of Federal courts to issue injunctions in labor disputes, and nullifies a multitude of abuses that have been in controversy for years. It consummated the Federal income tax, which makes the fortunes of the rich bear their proportionate part of the burden of taxation and brings into the Federal Treasury over a hundred million dollars a year. It promoted the constitutional amendment which provides for the election of United States Senators by popular vote and frees the United States Senate from possible control by special interests and makes possible the election by the people of their representatives in the Senate at the polls. It repealed the law fixing discriminatory tolls for the Panama Canal, and thereby proclaimed to the world the sacredness of American treaty obligations. It passed the Lever agricultural extension act to help increase the productiveness of American farms. It passed the industrial employees arbitration act, which affords the Government facilities for settling great railway and industrial strikes that threaten to tie up the traffic and upset business of the country. It passed a conservation law, which will develop the water power of the country, facilitate manufacturing, and open avenues of employment. It drove the lobby out of Washington. It prevented railroad strikes which threatened industry and tranquillity. It enforced the antitrust laws always on the ground of justice, never for the purpose of political reward or partisan punishment. It extended the Parcel Post System, and for the first time in history distributed public funds fairly around the country for the purpose of moving crops. It started the application of scientific and modern business methods toward the elimination of waste in the transportation and distribution of farm products. It made the largest appropriation in the history of the country for educational work in the encouragement of rural and industrial education, education in the home, education in civics and principles of citizenship, education of the negroes and immigrants, education in home economics, home and school gardens, and along other practical lines. It has saved a million dollars a year to the old soldiers and their widows through the direct payment of pensions by check. It proposes to make $500,000,000 available for the promotion of agriculture by the establishment of land banks that will build up a system of rural credits for the farmer. It has sent special commissioners to Great Britain, Germany, France, Russia, Chile, Argentina, Brazil, China, Japan, and India to promote our commerce abroad, and it proposes to send one to every other important point in the world.

"And yet Mr. Root, as chairman of the Republican State conference held at Carnegie Hall, says this administration is 'not an administration of force and foresight.'

FEDERAL RESERVE ACT.

"In reply to this statement, I say that Mr. Root has no 'hindsight' when he says this in the face of the wonderful success which has greeted the workings of the Federal reserve act. When in the United States Senate Mr. Root opposed the passage of this law, which one of the most eminent economists in the world has said will prove of more value to the American people than the building of the Panama Canal. This law is one of the greatest achievements of any administration in the last 50 years. Force and foresight. Why, there never has been a finer exhibition of foresight and statesmanship than that exhibited by the President in insisting upon the passage, at the special session of the Congress in 1913, of the Federal reserve act and opposing, even against the advice of leading men in his party, the adjournment of the Congress after the passage of the tariff act of 1913 until the Federal reserve act was enacted. Subsequent events show that the President was prompted by wondrous economic insight. The Republican Party has had possession of the Government since 1861, with the exception of Mr. Cleveland's two terms. Until Mr. Wilson was inaugurated the Democratic Party had not been in control of the Federal Government for 16 years. During all of that time, and especially during the last 16 years of Republican rule, the necessity for financial legislation in this country was never so great nor so imperative. The Republican Party stands convicted of absolute impotence and incompetence, because it failed utterly to meet the situation. With one of the most complex and difficult problems the Nation has ever had to face, and amid conditions that rendered the task doubly difficult, the President and his party exhibited in a superlative degree the qualities of statesmanship and prescience, and gave the Nation a financial system which, for all time, will confer incalculable benefits upon the American people.

GREATEST BUSINESS LEGISLATION IN 50 YEARS.

"This great piece of legislation not only reestablished beyond the power of impairment that essential confidence upon which alone business could be revived and go forward with safety, but it also provided the enlarged credit facilities for the lack of which the country has suffered for many years, and also gave to these enlarged credit resources the quality of elasticity and automatic responsiveness to the needs of business and enterprise without which it would be impossible for the business of the Nation to expand healthfully and prosperously. Moreover, it put the people of the United States in possession of a financial system which has emancipated them from the control of selfish interests and enables them to go forward with business and enterprise on a safe and assured basis, and provides them with the credit resources to engage in the foreign trade upon a scale limited only by the productive capacity of the country and the enterprise of its people in seeking foreign markets. At last we have the means and the power and the ability to finance our foreign trade. We have never possessed it heretofore under the inelastic and wholly inefficient and unsatisfactory financial system provided by the Republican Party and from which the country has suffered repeated disasters in times past.

PREVENTING A PANIC.

"By reason of this splendid piece of foresight the Democratic Party put the Secretary of the Treasury in possession of such adequate power that he was able to come to the relief of the financial and business interests of the country immediately upon the outbreak of the European war August 1, 1914. The country was saved by the administration from an imminent panic of such stupendous proportions that had it occurred we should have been involved in a terrible disaster from which we would not even yet have been able to recover.

"Immediately after the first declaration of war that forecast the involvement of the whole of Europe, the Secretary of the Treasury announced to the country that there was in the Treasury $500,000,000 of national-bank notes available for immediate issue under the Aldrich-Vreeland Act, as amended and made workable by the Federal reserve act. The prominent bankers of the city of New York appealed to the Treasury Department to save them from the threatened calamity, saying that unless measures were taken immediately to relieve the situation the banks of New York would be unable to keep their doors open throughout the day of August 3, 1914. Hesitation meant panic and inaction meant national disaster. The administration met the situation with unhesitating decision and lightning rapidity. In the first week of August, 1914, $100,068,350 of emergency currency was issued under the Aldrich-Vreeland Act as amended and made workable by the Democratic administration, and altogether $386,444,215 of such currency was issued. All of it has since been retired.

"On the morning of the 3d of August, 1914, the Subtreasury in the city of New York was in position to issue and did issue millions of dollars of emergency currency to the banks of New York. The Subtreasury was able to do this because a Democratic administration had the foresight and intelligence to ship from the city of Washington, by express, on the Saturday preceding the 3d of August, 1914, something like $40,000,000 of emergency currency to meet the very crisis the bankers described, and this currency was issued to the New York banks upon the condition that they would pay currency over their counters upon demand not only of their depositors, but of their correspondents throughout the country, so that a currency panic similar to that which befell the country in 1907 through Republican stupidity would not occur again.

"The Democratic administration is fully and legitimately entitled to the credit for saving the people of the United States from the irretrievable disasters threatened by the European war. The President and the Democratic Congress and the Secretary of the Treasury are entitled to all praise for the magnificent statesmanship and foresight with which the business interests of the country and the honor of the country have been protected since the 1st of August, 1914.

"I say, without fear of contradiction, that if it had not been for the Federal reserve act and for the effective work of the administration at Washington the great business prosperity which the country is now enjoying would not have been realized. Contrast this in 1907. That painful experience in American history will always and forever be an indictment of the Republican Party. In a situation which was a zephyr as compared with the 'storm' of August, 1914, all of the Republican machinery of government broke down completely and incalculable loss and disaster overtook the American people. As a matter of fact, the present Democratic prosperity is the only prosperity the American people have enjoyed since the panic of 1907.

"Mr. Root was a part of Mr. Roosevelt's administration in 1907, and shares with Mr. Roosevelt and the leaders of the Republican Party the responsibility for the wholly unnecessary and calamitous happenings of that panic.

MR. ROOT LOST THE "PEACOCK FEATHER" OF A PROPHET BY HIS FATUOUS SPEECH AGAINST THE FEDERAL RESERVE ACT.

"One would assume from Mr. Root's speech that the Republican Party has been infallible and that Mr. Root himself has always acted with infallible judgment upon every occasion. The Federal reserve act is now conceded by everybody to be one of the greatest pieces of constructive legislation enacted in this country within the last 50 years at least. As an evidence of Mr. Root's qualities as a statesman and of his foresight and sagacity, I quote from a speech he made in the Senate of the United States on December 13, 1913, denouncing the Federal reserve act:

"I say that this bill presents the financial heresy twice repudiated by the people of the United States. I say that the central reserve board appointed under this bill will have to represent that very heresy. If this bill passes as it stands, America stands to lose all we saved when Grant vetoed the inflation bill, all we saved when Grover Cleveland abolished the silver purchase, all we saved when we elected McKinley, all the Republicans, all the Gold Democrats saved when they helped in the repudiation of the vital principle which has been put into this bill.

"The country has become so deadened by the assaults of sounds, so wearied of discussion, so confused and dazed by complicated figures, that this vital and fateful reversal of the American policy is proceeding with but little attention. But unless all our history of human experience and all the previous judgments—the real judgments—of the American people upon this subject has been wrong, we stand to learn by hard experience what has really been done by the sixteenth section of this currency bill.

"Not a single fundamental of the Federal reserve act as it stands to-day was changed or altered after Mr. Root's speech. This act was passed exactly 10 days later, namely, the 23d of December, 1913, and was approved by the President on the same day. Nearly every Republican in the Senate of the United States and most of them in the House of Representatives voted against the Federal reserve act. If this infallible party and this infallible statesman could not see the value of a great piece of legislation of this character when they had the opportunity to vote for it in the Congress of the United States in 1913, upon what ground can they claim to possess superior wisdom and upon what ground can they ask the American people to confide their destinies to them?

"After such a dismal failure at prophecy, it would seem as if Mr. Root could well afford to refrain from prophecy as to what will be the condition of business in this country when the war in Europe is over, and as to what might have happened in Mexico and Belgium if the United States had acted otherwise than it did. Failure as a prophet in one thing means failure in all. A prophet must never go wrong. Doubt follows a single slip, and with doubt goes the "peacock feather" of the prophet. Mr. Root lost his "peacock feather" as a prophet when he made his fatuous speech against the Federal reserve act.

UNDERWOOD TARIFF—A SPECIAL PLEADER WHO WOULD WIN BY TRUTH IF HE CAN, BUT BY TRICKERY IF HE MUST.

"In the Underwood Tariff Act the Democratic Party gave the Nation the first customs enactment of a generation in which neither lobby nor special interest had a hand. This great measure unfettered industry and commerce and deprived monopoly of its control over production, distribution, and prices. This tariff stimulated American industry and commerce, met public expectations, and redeemed Democratic pledges for a tariff honestly and intelligently written in behalf of all the people. Until the foreign war reduced importations, no tariff ever worked more satisfactorily. Under it, from November, 1913, to June, 1914, the aggregate importations of merchandise were 10 per cent more than in the corresponding period of the preceding year before the present tariff act was passed and the country's bank clearings in the eight months ending June 30, 1914, following the new tariff law were practically equal to the bank clearings of the corresponding period for the preceding year. These figures show Mr. Root's attack upon the present tariff to be mere words. Mr. Root talks about deficits in trade balances, but says not a word about the fact that out of the entire 48 months of the administration of Benjamin Harrison 25 months showed unfavorable trade balances; that 6 out of the 12 months immediately following the enactment of the Payne-Aldrich tariff showed unfavorable trade balances; that at no time in the last 13 years has the favorable balance on merchandise transactions in our foreign trade been as small as it was for the fiscal year ending June 30, 1910, under the Dingley and Payne tariffs; that the favorable balance for the fiscal year ending June 30, 1914, during 9 months of which the Underwood law prevailed, was nearly $300,000,000 greater than under the corresponding year when the Payne law was in effect; and that if we select 10 months from the passage of the Underwood law until the breaking out of the war and compare them with the like period following the enactment of the Payne law we find a favorable trade balance of over one hundred and fifty millions greater than was the case under the Payne law.

"Comparisons are always odious, but in this case the odium lies on Mr. Root's side.

"The figures of the comparison show that Mr. Root has stretched to a high degree the lawyer's prerogative of suppressing all evidence save evidence of value to his side. But the Democratic Party did not put all its eggs in one basket. It had sense enough to compel, long before the war broke out, the internal revenue to bear its proper share of governmental taxes, and the soundness of this economic principle is now everywhere acknowledged. No man knows better than Mr. Root that in the latter part of 1913 and the early part of 1914 there was an extreme trade depression the world around, even in countries having a high protective tariff and in which no tariff changes had been made. Every student of economic history knows that at that time the whole world suffered from depression and that our share of the depression was both less and less long than the depression of others. It is a surprising and not a very admirable act on the part of Mr. Root, who knows the facts as well as any man alive, to cull a portion and suppress the rest of the facts in a desperate attempt to make the country believe what he wanted it to believe regardless of the truth. Perhaps it is a fault acquired from long practice at the bar and unconsciously indulged. In a vital question like this, though, the country has a right to know the truth, the whole truth, and nothing but the truth; he who gives it less is a special pleader who would win by truth if he can, but by trickery if he must.

PREPAREDNESS.

"Our opponents claim the Republican Party is the friend of military preparedness. But Grover Cleveland and William C.

Whitney started our Navy on whatever ascendency it enjoys to-day, and Samuel J. Tilden is the father of our present system of coast defense. The truth of the matter is that Theodore Roosevelt as President and Elihu Root as Secretary of War cut down the authorized enlisted strength of the United States Army.

"In 1906 President Roosevelt declared in his message to Congress that the Navy should not be enlarged, that it was adequate for our national purposes, and if existing warships were replaced as they were abandoned all our needs would be met. In 1908 Germany began its new naval program which gave its navy a superiority over ours, and from that time till the present the ratio of superiority of the German Navy has been continuously maintained. This is the preparedness that the Republican Party enforced and is the policy which is directly responsible for our present condition and is far different from the preparedness for what the Republican Party claims credit to-day.

"If during all the years it had been in power the Republican Party had adopted a definite and gradual program for the increase of the Army and Navy the defensive strength of the country would be what it ought to be to-day.

"Former Secretary of the Navy George von L. Meyer was in charge of the Navy for four years under the Taft administration, and he is strong in his denunciation of President Wilson's administration of the Navy Department. Yet, compared to what the Wilson administration has done for the Navy, Mr. Meyer did very little. The four years that Mr. Meyer was at the head of the Navy he obtained six battleships. In the first two years of the Wilson administration five battleships were authorized and authorized before the European war began. In his whole four years Mr. Meyer obtained $115,000,000 for the increase of the Navy, while in two years the Wilson administration obtained $87,000,000, and obtained this authorization before the European war began.

"In his recent trip through the West President Wilson made clear his policy on military and naval preparation, and this policy, we submit, is entitled to the fullest approval from men with the welfare of the country at heart, no matter whether they live on the coast or in the interior part of the country and no matter to what political party they may happen to belong.

"Changed conditions brought about by the European war have changed opinions on preparedness. Mr. Roosevelt, including others, has been obliged to change his mind. At the beginning of the Fifty-seventh Congress President Roosevelt in his annual message to Congress said: 'It is not necessary to increase our Army beyond its size at this time,' but he now recognizes changed conditions and has changed his mind.

"At the beginning of the present session of Congress President Wilson, appreciating these new conditions and doubtless with information not entirely given to the public and probably not advisable to be given, presented a reasonable and practical plan for such a state of preparedness as present conditions seem to demand, and he has taken occasion to impress upon the people the necessity for action by Congress on the plans so carefully outlined by his experts. In his speech in New York he said: 'Americans would not seek a contest or cravenly avoid one. They would fight for the vindication of their honor and character, for liberty, and for free institutions.' Thus does President Wilson 'point out the way, the straight, sure road that leads out of the fool paradise to the firm ground of armed readiness, where we shall know no fear and be equal to defending our own.' At St. Louis, Kansas City, Chicago, and other places the President's plea was, 'Speed up preparedness legislation.' He did not insist on the precise program presented by his experts who have had the matter in hand. What he wanted and what he wants is a system of preparedness that will best serve the people and put the country in the best possible position to resist attack by sea and land. At Chicago the President said: 'The Army as at present constituted is not large enough for time of peace.' At Des Moines he said: 'I want to tell you that the men who say that we should prepare and prepare immediately are telling you the sober truth. I think you will agree that no one is in a position to know the truth better than I.' In Kansas City he said: 'Speaking with all solemnity I assure you there is not a day to be lost.'

PLACING THE BLAME WHERE IT BELONGS.

"In his declaration that we are unprepared for war, Mr. Root alludes to President Wilson's strenuous efforts to secure adequate defenses, and holding up his hands in mock horror exclaims, 'God grant he be not too late.'

"If he be too late, upon whom should the blame fall? Upon Mr. Wilson, who has been President for two years, or upon the leaders of the Republican Party who controlled the military and naval policy of this country for 20 years? And among those leaders responsible for the present unprepared condition of the country must be included Mr. Root, for years at the head of the military department of this Government. Upon whom should the blame fall? Upon the Democratic Party, whose responsibility is only two years old, or upon the Republican Party, who has controlled the destinies of this Nation for 40 out of the last 50 years?

"The Democratic Party is for a policy of preparedness just as Tilden was, just as Whitney was, just as Cleveland was, but for a policy of preparedness for the benefit of the Nation, not for the benefit of stockjobbers, money lenders, steel makers, or munition manufacturers. The Democratic Party is for enough preparedness to man the walls of the Nation and to sail the seas with honor, but the Democratic Party is for so much preparedness as will insure the serenity of defense and the impossibility of invasion; but the Democratic Party is not for so much preparedness as will beget the insolence of offense or the mania of aggression.

WILL HOLD HIS RUDDER TRUE.

"History repeats itself historians say. In the annals of old there is a story of a ship caught at sea in a storm which raged as if the very heavens were at war. Havoc threatened on every side, confusion beckoned, and nature seemed to be out of joint, but to the elements in their wildest fury the captain of the ship calmly said:

"'You may sink me, you may save me, but I'll hold my rudder true.'

"So to-day the American people, hot-heads and cool heads, partisans, and neutrals—whether they follow wisdom or coax on fury—Woodrow Wilson says by his deeds, not by words:

"'You may sink me, you may save me, but I'll hold my rudder true.'

ON THE RED-LEAVED TABLETS OF GRATEFUL HUMAN HEARTS.

"From this laudable course no oratorical thunder can drive Woodrow Wilson.

"Glittering epigrams, distorted facts, mental quibblings, and verbal twistings will fall upon him like darts without barbs.

"When the ship of state is rocked and tossed by angry waves and howling winds the passengers may lose their heads, but the captain will keep his.

"Excitable people whose European sympathies one way or the other have for the moment blinded them to the welfare of this land, and whose spokesman Mr. Root seems willing to become, may just as well realize once and for all that Woodrow Wilson will not swerve from the course he has laid out for himself in this crisis. He will refuse to surrender the powers of his great office to those who seek to plunge this country into needless war; he will continue to work for the preservation of its prosperity, the assurance of its happiness, and the maintenance of its honor, even if in so doing he brings down upon his head the bitter hostility that Washington had to face and that Lincoln silently suffered in every critical moment of his career.

"No reward, no punishment will make him swerve from what he knows to be his highest duty. He has preserved, strengthened, dignified, and uplifted our noblest national traditions, and he will continue to do so no matter what the cost or what the penalty.

"His ripe wisdom, his knowledge, his infinite patience have contributed more than all other factors combined to rescue the United States from that weight of woe and misery to which the rest of Christendom is now subjected.

"His fellow countrymen will not forget this.

"Already his name is inscribed on the red-leaved tablets of grateful human hearts.

"For these reasons the people of the United States will reelect Woodrow Wilson President to continue the good work he has so nobly begun.

"For these reasons the Democracy of New York follows where Woodrow Wilson leads; but we follow first and foremost for the reason that, amid dangers that threaten and criticism that misrepresents, with an admirable devotion to principle and a wonderful exposition of manhood, Woodrow Wilson stands for the Americanism which, under the magic spell of citizenship and the mystic influence of the Stars and Stripes, imbues Jew and Gentile, Russian, Austrian and Italian, German and Frenchman, Irishman and Englishman with the spirit of the country and teaches them to sing of this old flag of ours:

"Your flag and my flag
And how it waves to-day
O'er your land and my land
And half the world away!
Rose-red and blood-red
Its stripes forever gleam
Snow-white and soul-white
The good Forefather's dream;
Sky-blue and true-blue
Its star that shine aright
A glorious guidon of the day
A shelter through the night.

"Your flag and my flag,
And, oh, how much it holds
Of your heart and my heart
Secure within its folds.
Your heart and my heart
Beat quicker at its sight,
Sun-kissed and wind-tossed
The Red and Blue and White,
The One Flag, the Great Flag,
The flag for me and you
Glorified all else beside
The Red and White and Blue."

REPORT OF OIL SUPPLY.

Mr. PHELAN. I present a paper prepared by M. L. Requa, consulting engineer of the Bureau of Mines, on the exhaustion of the petroleum resources of the United States. It is a very pertinent matter, and I ask that it be referred to the Committee on Printing. The subject matter is of very great interest to the Senate and to the Lands Committee. Therefore I ask that it be printed as a public document.

The PRESIDENT pro tempore. Does the Senator from California desire to have it printed in the CONGRESSIONAL RECORD?

Mr. PHELAN. No; printed as a public document.

Mr. SMOOT. I did not hear the Senator's request.

Mr. PHELAN. Mr. Requa, consulting engineer of the Bureau of Mines, has prepared a statement on the exhaustion of the petroleum resources of the United States. The matter is now before the Lands Committee and the Senate. It is so valuable that the Bureau of Mines has asked me to have it printed as a public document because there are no funds in the possession of that bureau for the purpose.

Mr. SMOOT. I will ask the Senator whether it has been printed by the department in any form or not?

Mr. PHELAN. It has not been printed in any form. It is an original paper.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from California?

Mr. SMOOT. I will ask the Senator to let it go to the Committee on Printing. On the question of printing reports from departments we have decided that the departments themselves should do it. If this report never has been printed before, after an examination I would not have any objection, but I wish to examine it.

Mr. PHELAN. I have no objection to that course.

The PRESIDENT pro tempore. The report will be referred to the Committee on Printing.

CALIFORNIA CHARTS AND BOOKS.

Mr. PHELAN. I ask at the same time that a paper prepared by Mr. P. Lee Phillips, chief of the Map and Charts Division, Congressional Library, on the subject of California charts and books be referred to the Committee on Printing with a view to printing it as a public document.

The PRESIDENT pro tempore. Such will be the order unless there is objection. The Chair hears none.

HOUSE BILLS REFERRED.

H. R. 384. An act to amend the act of June 23, 1910, entitled "An act providing that entrymen for homesteads within the reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act," was read twice by its title and referred to the Committee on Public Lands.

H. R. 11156. An act to authorize the Secretary of the Interior to cause to be appraised and to sell the Boise & Arrowrock Railroad, and for other purposes, was read twice by its title and referred to the Committee on Irrigation and Reclamation of Arid Lands.

ARMED MERCHANT SHIPS.

Mr. McCUMBER. Mr. President, I ask that Senate concurrent resolution No. 15 be temporarily laid before the Senate.

The PRESIDENT pro tempore. We have not yet reached that order of business; but, unless there is objection, the request of the Senator from North Dakota will be complied with. The Chair hears no objection, and the Secretary will report the concurrent resolution.

The Secretary read the concurrent resolution (S. Con. Res. 15) submitted by Mr. McCUMBER on the 3d instant, as follows:

Whereas the President of the United States, acting in his diplomatic capacity, has so far been unable to secure an understanding with the central belligerent powers of Europe with reference to the attack by submarines without notice on merchant ships of a belligerent nation armed for defense only; and

Whereas the President has maintained through all the negotiations that under the rules of international law heretofore obtaining the firing upon such merchant vessel by any warship without previous notice is illegal, and has notified the said central powers that American citizens have a clear right under international law to travel on such merchant vessels, and has further notified said central Governments that should the lives of American citizens be lost through such illegal acts the said powers would be held to strict accountability; and

Whereas the said central powers have declared that such armed merchant vessels would be considered and treated as ships of war and subject to attack as such without notice, and have further declared their purpose to so attack such merchant ships; and

Whereas it is conceded that the submarine, as an instrument of warfare, was unknown when such international rule was established; and

Whereas it is well known that such submarine by giving notice to an armed ship might endanger its own existence; and

Whereas in one instance at least, during the present war in Europe, a submarine has been sunk and its crew destroyed by such armed merchant ship; and

Whereas many new and novel means of warfare have been employed by all of the nations engaged in that struggle, raising new questions of rights and responsibilities, both as to neutrals and belligerents, and upon which opinions and views may justly differ; and

Whereas the President has requested that each branch of Congress shall express its conviction as to the propriety of warning the citizens of the United States to refrain from travel on such armed ships: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress of the United States that, under the rules of international law heretofore obtaining, such merchant vessels, though armed with a stern gun of comparatively small caliber, and for defense only, has the status and rights in war of an unarmed merchant ship, but that the science of war has developed with such extraordinary rapidity during the present conflict, and new weapons of warfare, including the submarine and aero fighting craft, have been employed with such far-reaching consequences and which may threaten the very life of any one of the nations involved, and which may necessitate a revision of the codes of international law pertaining to the rights and duties of neutrals and belligerents in the light of such new instrumentalities; that, while the strict legal right of an American citizen under international law to travel and ship his goods on an armed merchant vessel may be an established right, it is none the less the moral and patriotic duty of every American citizen, in view of the desperate character of the warfare now raging in Europe and the desperate situation of each and all of the warring powers, to refrain from needlessly exposing himself to danger and, by his recklessness or audacity, involving his country, or threatening to involve it, in a conflict that may seriously affect the welfare of a hundred million of his fellow citizens; and that therefore the citizens of the United States should, and they are hereby requested, to refrain from travel on such armed merchant ships until an agreement has been reached between this country and other warring nations to the end that the endeavors of the President may not be jeopardized or halted or this Government forced into hostility with another country because of the unnecessary or reckless attitude of any citizen of the United States.

Mr. McCUMBER. Mr. President, in view of a rather sharp turn of events during the last 24 hours in our international tangle; in view of what seems to be an authorized statement from the Secretary of State "that seagoing Americans will presently find themselves as effectually warned against passage on armed merchantmen as though this Government had in fact put into force either the Gore or the McLemore resolution"; and in view of the fact that new proposals and counterproposals are being presented by the contending nations, all of which indicate a tendency toward settlement of the U-boat controversy, I feel that any resolution dealing with this question would be improper and possibly embarrassing at this time. The resolution introduced by me, pertinent at a time when the President himself was asking for an expression from Congress and in response to that request, under these changed conditions ought, in my opinion, now to be withdrawn. As the resolution is a concise expression of my own views as to the duty of American citizens during this controversy, if occasion demands it in the future I shall reintroduce it.

I ask, therefore, permission to withdraw the resolution.

The PRESIDENT pro tempore. The Senator from North Dakota has a right to withdraw the resolution without permission. At his request, the resolution is withdrawn.

PORTRAIT OF JOHN LANGDON.

Mr. GALLINGER. Mr. President, I submit a resolution, and I ask the indulgence of the Senate to call attention to an historical fact connected with it which will occupy about five minutes.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The resolution (S. Res. 118) was read, as follows:

Resolved, That the Committee on the Library is hereby authorized to have made an oil portrait of John Langdon, the first President pro tempore of the Senate, to be hung in the main corridor of the Senate, the cost not to exceed the sum of $1,500, and to be paid from the contingent fund of the Senate.

Mr. GALLINGER. Mr. President, some years ago the late Senator from Georgia, Mr. Bacon, suggested to me that a bust of John Langdon, the first President pro tempore of the Senate, should be placed in the Capitol, but as no busts other than those of Vice Presidents had been so placed it did not seem to me desirable to ask for an appropriation for the suggested purpose.

From that time until now I have had it in mind that John Langdon deserved some recognition on the part of the Senate of the United States.

It will be recalled that when the forces under Gens. Howe and Burgoyne planned to unite and maintain communication from New York to Canada by the Hudson River and Lakes George and Champlain, thus separating our forces into two distinct and feeble sections, the danger was recognized as being very great, and the fear of the people became intense. The authorities of Vermont sent word to the councilors of New Hampshire that unless speedy assistance came to them they would be compelled to yield to the power they could not successfully resist. Had this been done the cause of the colonists might have been lost. When this message came the Assembly of New Hampshire was not in session, but they were immediately summoned. In three days they had assembled. The emergencies were great and their resources few. Apparently everything had been done that could be done. The public credit was exhausted, and many despaired of being able either to raise or support another regiment. At that time John Langdon, a merchant of Portsmouth, was speaker of the house. He addressed the representatives as follows:

I have $3,000 in hard money; my plate I will pledge for as much more. I have 70 hogsheads of Tobago rum, which shall be sold for the most they will bring. These are at the service of the State. If we succeed, I shall be remunerated; if not, they will be of no use to me. We can raise a brigade, and our friend Stark, who so nobly sustained the honor of our arms at Bunker Hill, may safely be intrusted with the command, and we will check Burgoyne.

A messenger was dispatched for Col. Stark, who had resigned from the Army some time previously. Stark immediately responded in person, and accepted the command of the militia. The reappearance of their old commander filled the people with enthusiasm. The militia enlisted with alacrity, and soon more men had volunteered than had been authorized.

The Battle of Bennington shortly followed, at which Stark achieved a notable victory, for which he received the thanks of Congress. Had it not been for the patriotism and liberality of John Langdon it is doubtful if Burgoyne's advance could have been checked and the Army stores at Bennington saved for our forces.

As stated in the resolution, John Langdon was the first President pro tempore of the Senate, being elected April 6, 1789, serving in the First Congress and also in the second session of the Second Congress. From the Biographical Congressional Directory I take the following sketch of this illustrious son of New Hampshire:

Langdon, John, a Delegate and Senator from New Hampshire; born in Portsmouth, N. H., June 25, 1741; attended the school of Maj. Hale in Portsmouth; engaged in mercantile pursuits; prominent in ante-Revolutionary affairs and during the war; a representative in the general court; elected to the Continental Congress 1775–76; resigned in 1776 to become Navy agent, and superintended the construction of several ships of war; served several terms as speaker of the State house of representatives, and during the session of 1777 staked his fortune to equip Gen. John Stark's brigade; participated in the Battle of Bennington, and commanded a company at Saratoga and in Rhode Island; again a Delegate in the Continental Congress in 1783; president of New Hampshire in 1785; delegate to the Federal constitutional convention in 1787; governor in 1788, 1805, 1809, and 1810–11; elected as a Democrat to the United States Senate, and served from March 4, 1789, to March 3, 1801; elected the first President of the Senate pro tempore April 6, 1789; declined the offer of Secretary of the Navy in 1811 and the Democratic nomination for Vice President in 1812; died in Portsmouth, N. H., September 18, 1819.

Surely such a man deserves the recognition that is proposed, and I sincerely hope that it may be speedily granted.

I move that the resolution, under the terms of the statute, be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. Such will be the order, unless there is objection. Morning business is closed.

MANUFACTURE OF ARMOR.

Mr. TILLMAN. Mr. President, I move that the Senate proceed to the consideration of Senate bill 1417, to erect a factory for the manufacture of armor.

Mr. MYERS. Mr. President, I had intended to say a word or two, and I ask unanimous consent to speak for one minute.

Upon reflection and consultation with a number of other Senators, I have decided, speaking for myself only, so far as I am concerned, not to oppose the motion of the Senator from South Carolina. If that motion prevails, I hope, after the disposition of that bill, to be able to get up House bill 408, which is the bill providing for the development of water power and the use of public lands in relation thereto. I now give notice that immediately after the disposition of the bill which is the subject of the motion of the Senator from South Carolina I shall move that the Senate take up and consider House bill 408.

Mr. SMITH of Georgia. Mr. President, I ask the permission of the Senate to speak for just a moment.

The PRESIDENT pro tempore. Unanimous consent will be granted, unless there is objection.

Mr. SMITH of Georgia. The bill which stands first on the calendar as a live bill for action is the judiciary bill. I have consented to yield to the motion of the Senator from South Carolina [Mr. TILLMAN] and to vote for it; but from this time on I shall resist, in every way within my power, taking up or disposing of any measure until this judiciary bill, which is at the head of the calendar, has a hearing. I gave the notice quite a length of time ago. I do not think we ought to jump down through the calendar and take up special bills unless they are of an emergency character, like the armor bill which the Senator from South Carolina has presented.

Mr. GALLINGER. Mr. President, I did not understand what the Senator from Montana said he had concluded to do with reference to his bill.

Mr. MYERS. The substance of what I said was that speaking for myself alone, so far as I am concerned, after reflection and consultation with a number of other Senators, I had decided not to oppose the motion made by the Senator from South Carolina.

Mr. GALLINGER. The Senator could not persuade the friends of the other bill to yield to his wishes, then?

Mr. MYERS. I could not. I was unable to do so.

Mr. GALLINGER. Mr. President, the Senator from Massachusetts [Mr. LODGE], a member of the Committee on Naval Affairs, who sat here patiently week after week thinking that the bill under consideration at that time would be completed, and having a speech prepared on the subject in which the Senator from South Carolina is so much interested, was compelled to leave the city, and will not be back for some days—probably not for 9 or 10 days. I think he made an appeal to others, as well as to myself, that this bill might not be rushed through until he could be heard on it.

I have been here a good while, and it has been a very rare circumstance that a bill has been forced upon the Senate under conditions such as I have detailed.

The Senator from Massachusetts, I know, was prepared to speak on the bill, and has been for weeks, and hoped to have an opportunity to do so. It has been suggested to me by one Senator that the Senator from Massachusetts has gone out on a political mission. There is nothing at all in that. The Senator from Massachusetts had engagements that he had to keep, not of a political nature. I sincerely hope that the bill may not be pushed through to final disposition in the absence of the Senator from Massachusetts.

Mr. TILLMAN. Mr. President, I can assure the Senator from New Hampshire that it is not my purpose to push it through without the Senator from Massachusetts having the fullest opportunity to be heard. All I want is to have an understanding as to a day on which it will be voted on.

Mr. GALLINGER. That is all I desire. The assurance the Senator from South Carolina has given is entirely satisfactory to me.

Mr. TILLMAN. I suggest that the Senator telegraph him right off to come right back here as soon as he possibly can.

Mr. GALLINGER. I will not do that. I would not telegraph the Senator from South Carolina, if he were home, to come back here when he was not prepared to come. The Senator from Massachusetts will of necessity be absent for 9 or 10 days.

Mr. SWANSON. Mr. President, I can not consent that this bill shall be delayed for 9 or 10 days, and I do not suppose the Senator from South Carolina will.

Mr. TILLMAN. No; I can not, either.

Mr. GALLINGER. Then we shall have to detain it; that is all.

Mr. SWANSON. That is for the Senate to determine. We think the most urgent business of any Senator is his work here in the Senate. We will give the Senator from Massachusetts ample time to return and speak and vote, but we can not consent to delay this bill 9 or 10 days.

Mr. GALLINGER. That has not been the rule of the Senate heretofore; and if the usual courtesy is not to be extended to the Senator from Massachusetts——

Mr. SWANSON. It is time for the rule to be established that the business of the Senate is the most important matter upon which any Senator can be engaged. The delay has been sufficiently long.

Mr. GALLINGER. Mr. President, the Senator from Virginia is no more interested in enforcing the rules of the Senate than the rest of us. Of course, I have no power to enforce anything in this matter; but I simply wish to say that if this courtesy is denied the Senator from Massachusetts, possibly courtesy will be denied to other Senators in the future. It has not been the habit of the Senate to do things in that way.

Mr. SWANSON. I should like also to say to the Senator from New Hampshire that the Senator from Massachusetts made no request of the Senator from South Carolina, nor to me, for any delay of this measure.

Mr. GALLINGER. I made the request in his behalf.

Mr. SWANSON. It has already been delayed here for about six weeks. I think the Senator from Massachusetts should be notified that the matter is up for consideration and that every opportunity will be given him in a reasonable time to return, speak, and have an opportunity to vote.

Mr. GALLINGER. The Senator from Massachusetts probably will not determine his action by any suggestion of the Senator from Virginia. The Senator from Massachusetts will doubtless take his own time to return to the Senate, and there is going to be no dragnet sent out to pull him in here.

Mr. SWANSON. I should like to say to the Senator from New Hampshire that every reasonable opportunity and courtesy will be extended to the Senator from Massachusetts; but, as far as I have power in the matter, this bill will not be delayed and defeated by the absence of Senators who have an opportunity to return here and speak and vote on it.

Mr. GALLINGER. The Senator from Virginia suggests that this bill has been delayed for several weeks. All other bills on the calendar, more than a hundred in number, have been delayed. This is not a bill that stands by itself as having been discriminated against; and certainly no great harm can come to the bill itself, or to the interests of the country, if it is delayed a few days.

Mr. TILLMAN. I will say to the Senator from New Hampshire that the Senator from Massachusetts [Mr. LODGE] was in the Committee on Naval Affairs on last Tuesday and never said a word to me about being absent, or anything of the kind, and never asked for any delay on this bill at all.

Mr. GALLINGER. Well, I have asked it for him.

Mr. REED. I call for the regular order.

Mr. WEEKS. Mr. President——

The PRESIDENT pro tempore. The Chair will recognize the Senator from Massachusetts; but the Chair had intended to call attention to the fact that this debate is proceeding in violation of the rule of the Senate, and if it shall proceed after the Senator from Massachusetts concludes it must be done by consent of the Senate.

Mr. WEEKS. Mr. President, I was about to address the Chair to say substantially what has been said by the Senator from New Hampshire. I did not see my colleague [Mr. LODGE] immediately before his departure; but he had stated to me several times that he was extremely interested in this bill, and that he had prepared a comprehensive speech upon the subject. I think it is, as the Senator from New Hampshire has stated, unusual and unfair to take up the bill at a time when my colleague has made arrangements not to attend political meetings but to keep engagements of another character. I think it is the first time my colleague has been absent from the Senate this winter, and it seems to me that proper courtesy should be shown him by refraining from acting finally on this bill until he has filled his engagements and returned to the Senate.

Mr. SWANSON. Will the Senator consent to set a time to vote on this bill next week?

Mr. REED. Mr. President, I make the point of order that debate is out of order.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. ROBINSON. I call for the regular order.

The PRESIDENT pro tempore. The question is on the motion of the Senator from South Carolina.

Mr. OLIVER. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Pennsylvania will please state it.

Mr. OLIVER. If this motion is carried at this time, will it make this bill the unfinished business after 2 o'clock?

The PRESIDENT pro tempore. If it is under consideration at that time; yes. Morning business is closed. The effect of the adoption of the motion will be to keep the bill the business of the Senate as long as the Senate chooses to consider it. It will not require another motion after 2 o'clock to bring it under consideration.

Mr. OLIVER. Then I wish to make another inquiry, Mr. President. Under those circumstances, what opportunity will be afforded to those who wish to debate the motion to take it up and make it the unfinished business?

The PRESIDENT pro tempore. It becomes the unfinished business by reason of the fact that it is under consideration at the hour of adjournment.

Mr. OLIVER. I should like to say a few words with regard to taking up this bill, Mr. President.

The PRESIDENT pro tempore. Under the rules of the Senate, unfortunately, the Senator can not debate the matter until after 2 o'clock.

Mr. ASHURST. I call for the regular order.

The PRESIDENT pro tempore. The question is on the adoption of the motion of the Senator from South Carolina.

Mr. OLIVER. I ask unanimous consent to say a few words on that matter.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent to debate the motion to proceed to the consideration of this bill.

Mr. ASHURST. I object.

Mr. OLIVER. I will say that it will take only a moment.

The PRESIDENT pro tempore. Objection is made. The Chair can not consider the request. The question is on the adoption of the motion of the Senator from South Carolina that the Senate proceed to the consideration of Senate bill 1417.

Mr. GALLINGER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KERN (when Mr. FLETCHER's name was called). I desire to announce the unavoidable absence of the Senator from Florida [Mr. FLETCHER] on official business. This announcement may stand for the day. He is paired with the Senator from Idaho [Mr. BRADY].

Mr. HARDING (when his name was called). I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD] and therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. SMITH of Georgia (when Mr. HARDWICK's name was called). My colleague [Mr. HARDWICK] is detained from the Senate by sickness in his family. He has a general pair with the Senator from Kansas [Mr. CURTIS]. If my colleague were here he would vote "yea."

Mr. MCCUMBER (when his name was called). I have a pair with the senior Senator from Colorado [Mr. THOMAS]. In his absence I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "yea."

Mr. SHAFROTH (when Mr. THOMAS's name was called). I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from North Dakota [Mr. MCCUMBER]. If my colleague were present he would vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and will vote. I vote "yea."

Mr. SMITH of Michigan (when Mr. TOWNSEND's name was called). I again desire to announce the unavoidable absence of my colleague [Mr. TOWNSEND] on account of sickness in his family. He is paired with the junior Senator from Florida [Mr. BRYAN]. I desire this announcement to stand for the day.

Mr. WALSH (when his name was called). I am paired with the senior Senator from Rhode Island [Mr. LIPPITT]. In his absence I refrain from voting.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Oklahoma [Mr. GORE] and will vote. I vote "yea."

The roll call was concluded.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY], who is paired with the junior Senator from Maine [Mr. BURLEIGH].

Mr. CURTIS (after having voted in the negative). I have a general pair with the junior Senator from Georgia [Mr. HARDWICK], who is unavoidably absent. I therefore withdraw my vote.

Mr. CHILTON. I desire to announce the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Indiana [Mr. SHIVELY]; and

The Senator from Illinois [Mr. SHERMAN] with the Senator from South Dakota [Mr. JOHNSON].

Mr. LEWIS. I announce the absence of the junior Senator from South Carolina [Mr. SMITH] on important business.

The result was announced—yeas 55, nays 10, as follows:

YEAS—55.

Ashurst	Hollis	Meyers	Shafroth
Bankhead	Husting	Newlands	Sheppard
Beckham	James	Norris	Shields
Borah	Johnson, Me.	Overman	Simmons
Broussard	Jones	Owen	Smith, Ga.
Chamberlain	Kenyon	Page	Smith, Md.
Chilton	Kern	Phelan	Stone
Clapp	La Follette	Pittman	Swanson
Clark, Wyo.	Lane	Poindexter	Thompson
Clarke, Ark.	Lea, Tenn.	Pomerene	Tillman
Culberson	Lee, Md.	Ransdell	Vardaman
Cummins	Lewis	Reed	Williams
Fall	Martin, Va.	Robinson	Works
Gronna	Martine, N. J.	Saulsbury	

NAYS—10.

Brandegee	du Pont	Smith, Mich.	Weeks
Catron	Nelson	Sutherland	
Dillingham	Oliver	Wadsworth	

NOT VOTING—31.

Brady	Gore	McCumber	Smoot
Bryan	Harding	McLean	Sterling
Burleigh	Hardwick	O'Gorman	Thomas
Colt	Hitchcock	Penrose	Townsend
Curtis	Hughes	Sherman	Underwood
Fletcher	Johnson, S. Dak.	Shively	Walsh
Gallinger	Lippitt	Smith, Ariz.	Warren
Goff	Lodge	Smith, S. C.	

So the motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1417) to erect a factory for the manufacture of armor, which had been reported from the Committee on Naval Affairs with an amendment as a substitute.

The PRESIDENT pro tempore. The Secretary will read the proposed substitute.

The SECRETARY. The committee report to strike out all after the enacting clause and to insert:

That the Secretary of the Navy is hereby authorized and directed to provide, either by the erection of a factory or by the purchase of a factory, or both, for the manufacture of armor for the vessels of the Navy; said factory or factories to have an annual capacity of not less than 20,000 tons of armor; and the sum of $11,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, for the purposes of this act.

The PRESIDENT pro tempore. The question is on the adoption of the amendment proposed by the committee.

Mr. TILLMAN. I offer an amendment to come in at the end of the substitute.

Mr. GALLINGER. The amendment read is a substitute for the original bill?

The PRESIDENT pro tempore. It is. The Senator from South Carolina submits an amendment to the amendment of the committee. It will be read.

The SECRETARY. Add at the end of the proposed amendment of the committee the following words:

The expenditures for drafting, technical, expert, and clerical assistants necessary shall be paid from the appropriation herein made.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

Mr. GALLINGER. There is no objection that I can see to adopting the committee amendment, as a whole.

The PRESIDENT pro tempore. Without objection the amendment to the amendment will be agreed to. The Chair hears none.

Mr. GALLINGER. Mr. President, I wish to suggest to the Senator from South Carolina, a Senator to whom we have always tried to be extremely courteous because he is always courteous, that if he will make a request that the final vote on this bill shall be taken one week from Wednesday I certainly shall not object to it, and I do not think any one on this side will object.

Mr. TILLMAN. I agree to that.

Mr. GALLINGER. Does the Senator from South Carolina make that request for unanimous consent?

Mr. TILLMAN. In order to be courteous to the Senator from Massachusetts [Mr. LODGE] and the Senator from Pennsylvania [Mr. PENROSE], with whom I have been associated for 20 years and more, I ask unanimous consent that a final vote on the bill and all amendments thereto shall be had on Wednesday a week.

Mr. GALLINGER. At 4 o'clock.

The PRESIDENT pro tempore. At what hour?

Mr. TILLMAN. At 4 o'clock, if not before.

The PRESIDENT pro tempore. The unanimous consent agreement will be reduced to writing. [After a pause.] The Secretary will read the proposed unanimous-consent agreement.

The Secretary read as follows:

The Senator from South Carolina asks unanimous consent that at 4 o'clock, Wednesday, March 22, 1916, the Senate shall proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill (S. 1417) to erect a factory for the manufacture of armor, through the regular parliamentary stages to its final disposition.

Mr. GALLINGER. That is right.

The PRESIDENT pro tempore. Is it correctly stated, the Chair will ask the Senator from South Carolina?

Mr. TILLMAN. I think it is.

The PRESIDENT pro tempore. Does any Senator present object?

Mr. JONES. Mr. President, I do not think there ought to be a provision in the agreement that we shall proceed to act on any amendment that may be offered without any debate. If the usual reservation we have been making heretofore is incorporated in this agreement, I shall have no objection at all; that is, that after 4 o'clock Senators may speak 5 or 10 minutes on an amendment, and not more than once. I would make no objection to it then, but I think that ought to be in the request. Unless something of that kind is incorporated in it I shall feel disposed to object.

The PRESIDENT pro tempore. Does the Senator from South Carolina consent to the modification indicated by the Senator from Washington?

Mr. TILLMAN. I do not know whether I ought to consent to it or not.

The PRESIDENT pro tempore. The Senator should make up his mind pretty quickly.

Mr. TILLMAN. I will not consent to that.

The PRESIDENT pro tempore. The Senator will not?

Mr. TILLMAN. No.

The PRESIDENT pro tempore. Is there objection to the request in its present form without the modification suggested?

Mr. JONES. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. OLIVER. Mr. President, if the Senator from South Carolina will allow me, I wish to say that I think we can assure him that if the final vote is postponed until the date mentioned, Wednesday the 22d—that is, if no effort is made to bring about a vote before that time—there will be no effort whatever on the part of those, and I number myself among them, who are violently opposed to this legislation. There will be no attempt to delay the vote or to delay the consideration of the bill longer than next Wednesday a week.

Mr. GALLINGER. I ask that the substitute as amended be read and that the report of the committee be read for the information of the Senate.

Mr. NORRIS. Mr. President, before we pass from this subject, I should like to make a suggestion to the Senator from South Carolina, and I do it as one of the Members of the Senate who is very much in favor of this legislation. I should like to have the Senator consent to the suggestion made by the Senator from Washington [Mr. JONES], which seems to me to be a fair and reasonable one. It only provides that when an amendment shall be offered at that time it shall not be voted upon without any debate. A Senator ought to have five minutes to explain his amendment, if he offers one at that time. It certainly will not delay the bill more than an hour or two at the outside, and it may not delay it at all. It seems to me to be a very reasonable request.

Mr. TILLMAN. I withdraw the objection that I made.

The PRESIDENT pro tempore. The Senator will modify his request?

Mr. TILLMAN. I modify the request to conform to the suggestion of the Senator from Washington [Mr. JONES].

The PRESIDENT pro tempore. The proposed agreement as modified will be read.

The Secretary read as follows:

The Senator from South Carolina asks unanimous consent that at 4 o'clock p. m. Wednesday, March 22, 1916, the Senate shall proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill (S. 1417) to erect a factory for the manufacture of armor, through the regular parliamentary stages to its final disposition, and that after the hour of 4 o'clock p. m. on said day, March 22, 1916, no Senator shall speak more than once or longer than five minutes upon the bill, or more than once or longer than five minutes upon any amendment offered thereto.

The PRESIDENT pro tempore. That is the proposed agreement in its present form. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Johnson, S. Dak.	Myers
Bankhead	Cummins	Jones	Nelson
Beckham	Curtis	Kenyon	Newlands
Borah	Dillingham	Kern	Norris
Brandegee	du Pont	La Follette	O'Gorman
Catron	Fall	Lane	Oliver
Chamberlain	Gallinger	Lea, Tenn.	Overman
Chilton	Gronna	Lewis	Page
Clapp	Harding	McCumber	Phelan
Clark, Wyo.	Hollis	Martin, Va.	Pittman
Clarke, Ark.	Johnson, Me.	Martine, N. J.	Poindexter

Pomerene	Sheppard	Smoot	Vardaman
Ransdell	Shields	Sterling	Wadsworth
Reed	Simmons	Sutherland	Warren
Robinson	Smith, Ga.	Swanson	Weeks
Saulsbury	Smith, Md.	Thompson	Williams
Shafroth	Smith, Mich.	Tillman	Works

The PRESIDENT pro tempore. Sixty-eight Senators having answered to their names, a quorum of the Senate is present. The Secretary will report to the Senate the request for unanimous consent as heretofore preferred by the Senator from South Carolina.

Mr. GALLINGER. I understand the Senator from South Carolina for good reasons desires to have the vote taken on the 21st, and we do not object to that.

The PRESIDENT pro tempore. The request will be modified in respect to that matter. The Secretary will read it in the amended form.

The Secretary read as follows:

The Senator from South Carolina asks unanimous consent that at 4 o'clock p. m., on Tuesday, March 21, 1916, the Senate shall proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill, Senate bill 1417, to erect a factory for the manufacture of armor, through the regular parliamentary stages to its final disposition, and that after the hour of 4 o'clock p. m., on said day, March 21, 1916, no Senator shall speak more than once or longer than five minutes upon the bill, or more than once or longer than five minutes upon any amendment offered thereto.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Carolina? The Chair hears none, and it is so ordered.

Mr. SMOOT. Do I understand that the bill is to be laid aside?

Mr. TILLMAN. No; not laid aside, because I want to have the report read. I ask that the amendment of the committee as amended be agreed to, and that the bill as amended be reprinted, and I then ask for the reading of the report.

Mr. GALLINGER. I have already asked for the reading of the report.

The PRESIDENT pro tempore. The first matter in order will be the question on adopting the amendment of the committee as amended. If there be no amendment to the original text of the bill, the question is on the adoption of the substitute as amended. The question is on the agreeing to the substitute.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The Secretary will read the report of the committee.

The Secretary read Report No. 115, submitted by Mr. TILLMAN February 8, 1916, as follows:

Mr. TILLMAN, from the Committee on Naval Affairs, submitted the following report, to accompany S. 1417:

The Committee on Naval Affairs to whom was referred the bill (S. 1417) to erect a factory for the manufacture of armor, having had the same under consideration, beg leave to report it with an amendment.

The relation of the United States Government to the armor-plate manufacturers has been a continual source of dissatisfaction to those Members of Congress who really do not believe in the doctrine of favoritism to special interests, or in the protective system at all, and a condition has existed little short of scandalous. From 1887, when Secretary Whitney made the first contract with the Bethlehem Co., to 1915, when Secretary Daniels refused to award any contracts at all, investigation has followed investigation without result.

The very nature of the armor-plate business makes such a condition inevitable. There is only one customer in the United States for the product—the Government—and the large capital required to found an armor plant excludes all but the largest concerns from the business. There are only three manufacturers of armor plate in this country, and the result is either a monopoly or a combine of the worst type. None of the conditions that tend to check monopoly are present. The number of manufacturers is necessarily limited and the Government is compelled to buy their product, regardless of the price charged, because the law does not allow the Secretary of the Navy to go outside of this country to buy it. The manufacturers have no fear of private competition, for there is not sufficient demand for armor to justify the entrance of other parties. The economic principle which declares that to increase the price of a monopolistic product beyond a certain limit automatically decreases the demand for it does not obtain, because the United States Government is compelled to armor its vessels, regardless of cost. It is plain that Congress can pass as many laws as it chooses to pass and give the Secretary of the Navy a much discretion as he may ask without remedying the situation. As long as present conditions continue the armor manufacturers are in a position to force the United States Government, in the language of the highwayman, to "stand and deliver."

The committee has no desire to criticize unjustly the manufacturers of armor plate. They have done no more than most other men would have done under similar circumstances and temptations. Men in the pursuit of wealth are essentially greedy and hoggish, and the protective principle seems to have been prolific in producing some magnificent specimens. The main fact to be borne in mind is that they have more power than is compatible with the public interest. Give power to any set of men, however excellent and honorable, and sooner or later they will abuse it. Men have been built that way since the beginning of time.

The history of armor-plate making in America is interesting and significant in view of the foregoing observations.

The change from wooden ships to ships of iron and steel was authorized by the act of August 5, 1882, which orders—

"That no part of this sum shall be applied to the repairs of any wooden ship when the estimated cost of such repairs shall exceed 30 per cent of the estimated cost of a new ship of the same size and like material."

Secretary of the Navy W. E. Chandler really began the new Navy, for he made the contract with the John Roach Co. for the first four iron ships—the *Atlanta, Baltimore, Chicago,* and *Dolphin.* The *Dolphin* is still in active service as a dispatch boat, showing how thoroughly well it must have been built. It is now about 33 years old.

The next step was to get armor for these iron vessels. There was no armor being manufactured at all in the United States, the armor for the *Miantonomah* having been imported from England at a cost of about $550 per ton. Secretary Whitney induced the Bethlehem Co. to enter upon the manufacture of armor, it having one of the largest iron plants in the country, and the price agreed on varied from five to six hundred dollars per ton. The Bethlehem Co. and the Cleveland Rolling Mill Co. were the only two concerns that bid at all. Whitney did not make a close or tight bargain, as he knew the company must necessarily be put to large expense, and he was willing to allow a liberal price on that account. He felt that it was desirable, if not absolutely necessary, that we should have armor manufacturers in the United States; and his successor, Mr. Tracy, felt that there should be more than one concern in the business, and he induced the Carnegie Steel Co. to enter it. There was a dispute with the Carnegie Co. about the price. Mr. Carnegie insisted he must receive the same price the Bethlehem people were getting or he would not touch it. Secretary Whitney further agreed for each pound of armor plate used he would set aside 2 cents to indemnify the company for any damages it might sustain for infringing on certain patents held by the Schneider Co. in France.

Having reason to believe the Carnegie and Bethlehem companies were in collusion or combination, Senator Chandler offered a resolution in the Senate instructing the committee as follows:

"To inquire whether the prices paid or agreed to be paid for armor for vessels of the Navy have been fair and reasonable; also whether any prices paid have been increased on account of patent processes used for the introduction of nickel, or for cementation by the Harvey process; and if so, whether the increases in price are fair and reasonable; whether the issuance of any of the patents was expedited at the request of the Navy Department; whether such patents were properly issued and were for inventions not previously known or used, and who were and are the owners of such patents; whether any officers of the Government were interested therein, or at the time when any contracts were made were or have since been interested in the patents or employed by the owners thereof; and whether any legislation is necessary to further promote the manufacture and cheapen the price of armor for vessels of the Navy."

This resolution passed the Senate on December 31, 1895, and under it the first senatorial investigation of armor was begun.

The first bill for the erection of an armor-plate factory was introduced on January 22, 1896, by Senator Smith, of New Jersey. This bill provided that the factory be erected in the city of Washington.

Secretary Herbert, on January 5, 1897, stated in reference to the Bethlehem plant, basing his estimates on data obtained from the company itself, that—

"Whatever may have been the cost of the armor plant and the gun plant, whatever may have been paid for the secrets of manufacture or for patents, or whatever may have been interest on working capital, all those and other charges have been paid from the gross earnings of the company; and the results show the company's investments in the plant to make armor and gun steel for the Government have been returned with 22 per cent thereon."

According to Secretary Herbert, in seven years the plant had paid for itself and, in addition, had returned 22 per cent of itself; and practically the same statement was made of the Carnegie Co. These facts prove the assertion often made by Senator TILLMAN—that the Government had built the plants and then given them to those two companies.

Secretary Daniels, in his current report, states:

"Since the passage of the naval act of June 7, 1900, the Navy Department has spent $76,195,960 for armor for its ships. It is believed that if the intent of Congress to order the erection of a factory had been carried out at that time the Government would have saved enough money on armor plate to own a plant as large as that owned by all three of the private companies and in the meantime to have supplied the armor plate for its own ships at a less price than it has been compelled to pay."

The facts as brought out go to prove this beyond dispute.

In 1903 the Midvale Steel Co. entered the field, but its entry has made no material difference in the situation as to cost of armor to the Government. Of course, they were lured by the hope of profit. Being skillful metallurgists and iron masters, just by walking through the Bethlehem and Carnegie works they could see that the profits were large. But that company did not build an armor plant until they had bid five times and were denied participation in the contracts because they did not have any plant in which to manufacture it. They had underbid the older companies, but the Government, for some unexplained reason, though ostensibly it was because the President or the Secretary of the Navy elected to believe that the new company could not build a plant and deliver the armor in accordance with their contract, gave the awards to Bethlehem and Carnegie.

Mr. Barba, then president of the Midvale Steel Co., stated to the Tillman committee that "I remember that our original bid contemplated beginning delivery in 26 months, during which time we hoped to be able to erect a plant that would enable us to begin delivery of the comparatively small sizes of armor which were required for the purposes of the Navy at that time." When Mr. Barba was asked, "Didn't you believe that Carnegie and Bethlehem had a good thing, and therefore you wanted to share in it?" answered, "Unquestionably." To show the bias of the Navy Department in favor of Carnegie and Bethlehem, Mr. Barba testified that the Midvale Co. received about one-third of the amount—16,000 tons—needed by the department, at $397 per ton, and two-thirds was given to the Carnegie and Bethlehem companies, at $450.60 per ton.

After having been turned down five times, the construction of a plant was begun by the Midvale Co. in 1903 and had progressed so far toward completion that the Secretary of the Navy awarded them a contract, they being the lowest bidder. So far so good; this was honest competition. But once in, they were recognized by the old companies, who took them in partnership, as it were, for thereafter the price offered by each of the three did not materially vary.

The effort of the Government to obtain competition among armor makers had failed. It should be said to the credit of the Midvale Co.,

however, that they refused to pay a royalty to either Harvey or Krupp and defended a suit through all the courts up to the United States Supreme Court, which sustained their contention that they had done nothing for which to pay a royalty.

When the special committee, consisting of Senator TILLMAN, Congressman PADGETT, and Admiral Strauss, investigated the whole subject last year, that committee could not obtain any authoritative or reliable information whatever as to the cost of armor. There was every evidence of combination and collusion instead of competition, but no proof. But given three companies with a single fixed purchaser of their products, the consumer who is compelled to buy, and monopoly or combination, tacit or avowed, is certain to follow. The nature of the case excludes proof in a juridical sense of the term, but it invites an unerring moral conviction.

Secretary Daniels, in his last report and in his statement before the Senate Naval Committee, said the three bids in the last "competition" agreed to a cent.

The hearing before the committee brought out no new facts. The armor men of 1916 showed the same capacity for talking without saying anything as that exhibited so artistically by their brethren of earlier years. The same talk of the "value of trade secrets"; the same reluctance to talk cost of production; the same plea of having been encouraged by the Government to go into the business and the consequent unfairness of Government competition; the same inability to recognize that if such a quasi partnership as they claim exists between them and the Government they should in all fairness, shoulder its liabilities as well as insist on its benefits; indeed, about the only material difference between the hearings of 1916 and those other numerous ones that have followed each other so regularly and so fruitlessly since 1895 is that of dates. To go into these reports would be a waste of time. They are published in pamphlet form and can be easily obtained by interested parties from the document room. The hearings before the Senate committee on this subject are also obtainable, as they have been printed.

It suffices to say that the committee is of the opinion that the Government has been charged unreasonable prices for its armor plate, and that the only remedy lies in the Government owning and operating a plant, as provided for in Senate bill 1417. Should the Government build it and then lock it up, and it never be used, it would be wise to erect it, as it would serve as a warning to private manufacturers that there is a point beyond which the Government will not be driven and where patience ceases to be a virtue.

The committee, therefore, by a vote of 9 to 3 of those present, ordered the bill reported favorably, and expresses the hope that it will soon become a law.

Mr. TILLMAN. Mr. President, I inquire if there is any Senator ready to go on and discuss the pending bill?

The PRESIDENT pro tempore. The Chair is not advised.

Mr. TILLMAN. If not, I suggest that the bill might be temporarily laid aside, and some of the other bills which have been struggling to get a hearing here might be taken up instead.

Mr. GALLINGER. I will ask the Senator if it might not be well, inasmuch as there are now 143 bills on the calendar, to lay aside the unfinished business and take up the calendar for the consideration of unobjected cases? We ought to do that.

Mr. TILLMAN. I have nothing to do with that; that is for the Senate to determine.

Mr. SMITH of Georgia. My objection to that is that I was about to move to proceed to the consideration of Order of Business No. 706.

Mr. TILLMAN. I thought the Senator desired the first bill on the calendar considered.

Mr. SMITH of Georgia. It is one of the first on the calendar.

The PRESIDENT pro tempore. In order to have something before the Senate, the Chair will ask, Does the Senator from South Carolina ask unanimous consent that the pending bill may be temporarily laid aside?

Mr. TILLMAN. I ask unanimous consent that the pending bill may be temporarily laid aside.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

THE CALENDAR.

Mr. SMOOT and Mr. SMITH of Georgia addressed the Chair.

The PRESIDENT pro tempore. The Senator from Utah.

Mr. SMOOT. I ask the Senator from Georgia if unanimous consent could not be given at this time to take up the calendar, under Rule VIII, and proceed with the consideration of bills to which there is no objection. I will say to the Senator that there are 19 pages of bills under Rule VIII of the calendar.

The PRESIDENT pro tempore. It does not require unanimous consent for that; it is the regular order to do that.

Mr. SMOOT. The Senator from Georgia was going to make a motion, and I was addressing him with that fact in view.

Mr. SMITH of Georgia. It is the regular order to take up such bills where there is no objection, with the privilege to move to take up a bill when it is reached if objection is made.

Mr. GALLINGER. Yes; but not when we have unanimous consent simply to consider unobjected cases.

Mr. SMOOT. We have 19 pages of bills on the calendar, and there are very few of them to which there is objection. If we can spend a couple of hours to-day on those bills, I believe we can clear the calendar of the bills to which there is no objection, and allow them to go to the House, so that the House may act upon them at an early date. Then, Mr. President, I would have no objection to the Senator from Georgia making his motion to take up the bill of which he speaks.

Mr. SMITH of Georgia. If the request is made that the Senate consider unobjected cases until 4 o'clock, I would agree to that.

Mr. SMOOT. Then, I will ask unanimous consent of the Senate that we proceed to the consideration of the calendar, beginning with order No. 8; that we consider only bills to which there is no objection; and that we continue the consideration of such bills until the hour of 4 o'clock.

Mr. SMITH of Georgia. Not longer than the hour of 4 o'clock?

Mr. SMOOT. Not longer than the hour of 4 o'clock.

Mr. SMITH of Georgia. I wish to go with that the announcement that as soon as the consent order is over, I shall move to take up the judiciary bill to which I have referred. With that understanding, I will not object. I know the importance of agreeing to the request of the Senator, and I wish to facilitate Senators in having consideration for their special bills, so I make no objection to the request, but as soon as that order is concluded, or not later than 4 o'clock, I shall move to take up this judiciary bill.

Mr. OLIVER. Will the Senator yield to me to make a motion for a special order?

Mr. SMOOT. The Senator from Pennsylvania can do that as soon as the unanimous consent for which I have asked is agreed to.

Mr. CLAPP. If that means that at 4 o'clock we are going to abandon the calendar for any particular bill, I should object to that.

Mr. SMOOT. The Senator could move at that time to take up a bill.

Mr. GALLINGER. We shall pass all of the unobjected cases long before 4 o'clock.

Mr. CLAPP. We may do so, but I am not going to agree now that at 4 o'clock we shall cease the consideration of the calendar.

Mr. SMITH of Georgia. What the Senator from Utah [Mr. SMOOT] is endeavoring to obtain is a unanimous-consent agreement until 4 o'clock.

Mr. SMOOT. Yes; not later than 4 o'clock.

Mr. SMITH of Georgia. Provided it requires until 4 o'clock to dispose of all of the unobjected bills on the calendar.

The PRESIDENT pro tempore. Now, let us see what the agreement is for which consent is asked. The Senator from Utah will state it.

Mr. SMOOT. I ask unanimous consent that the Senate now proceed to the consideration of unobjected bills on the calendar under Rule VIII.

Mr. SMITH of Georgia. Unobjected bills.

Mr. SMOOT. Yes; and that the consideration of such bills on the calendar be continued not later than 4 o'clock.

The PRESIDENT pro tempore. The Chair is of the opinion that the request does not require any call of the Senate.

Mr. SMOOT. No.

The PRESIDENT pro tempore. The Chair will not hold that it does, unless some Senator insists upon it. Is there objection to the request of the Senator from Utah that the Senate proceed to the consideration at this time of unobjected bills on the calendar under Rule VIII until the hour of 4 o'clock, at which time any Senator will be at liberty to move to take up any bill on the calendar? The Chair hears none, and it is so ordered.

OSAGE OIL LANDS.

Mr. OLIVER. Mr. President——

The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. OLIVER. I move that Senate resolution No. 107 be made a special order for consideration to-morrow, Friday afternoon, at 3 o'clock; and, if necessary, I will explain my reasons for making the motion.

Mr. SMITH of Georgia. What is the resolution?

Mr. OLIVER. It is a resolution reported from the Committee on Indian Affairs by the Senator from Oklahoma [Mr. OWEN], who, I think, would make the motion now if he were present. It refers to leases of oil lands in the Osage oil country.

I will state, Mr. President, that the reason for this request is that these lands, or a large part of them, are advertised for sale on the 15th instant, and if action is to be taken by the Senate it must be taken at once. By agreement this matter has been postponed in order to await the return of the Senator from Oklahoma [Mr. GORE], who is obliged to be away to-day, but who will be back to-morrow and who has agreed to have the resolution taken up to-morrow afternoon, he being opposed to it. Under all the circumstances it is something that I think is worthy of being considered as a special order.

Mr. SMITH of Georgia. Mr. President, the motion of the Senator is out of order at this time, I think. We have agreed to an order of business to continue until 4 o'clock. Furthermore, it will take unanimous consent.

The PRESIDENT pro tempore. Does the Senator object? The request of the Senator from Pennsylvania is that to-morrow afternoon at 3 o'clock the Senate proceed to the consideration of the resolution referred to by him. The Chair does not assume that that will conflict with the pending order of business.

Mr. OLIVER. It will not conflict with the pending order at all, but merely makes the resolution to which I have referred a special order for to-morrow afternoon, and I trust the Senator will not object to it. It is an important matter.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Pennsylvania?

Mr. SMITH of Georgia. Mr. President, I am obliged to object.

Mr. OLIVER. Then I make the motion, Mr. President, that the resolution to which I have referred be made the special order for to-morrow, Friday afternoon, at 3 o'clock.

The PRESIDENT pro tempore. The Senator is entitled to make that motion. It will take two-thirds to adopt it, however. As many as favor making the order——

Mr. OVERMAN. Under the unanimous-consent agreement to proceed with the calendar, is it in order to do other business?

The PRESIDENT pro tempore. It is not.

Mr. OLIVER. I earnestly hope the Senator from Georgia will not insist on his objection. This is a matter which has been pending since January in the Indian Affairs Committee, and it is reported from the committee.

The PRESIDENT pro tempore. The regular order is the consideration of unobjected bills on the calendar.

Mr. LA FOLLETTE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will please state it.

Mr. LA FOLLETTE. Would not the adoption of the motion made by the Senator from Pennsylvania displace the unfinished business, which is the armor-plate bill?

The PRESIDENT pro tempore. It would displace it, of course, until the time arrived to vote on it.

Mr. OVERMAN. I call for the regular order.

Mr. LA FOLLETTE. Until 4 o'clock a week from Tuesday?

The PRESIDENT pro tempore. Yes.

Mr. LA FOLLETTE. I object.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. Is there any unfinished business at present?

The PRESIDENT pro tempore. There is not. There is a unanimous-consent agreement that the Senate will proceed to the consideration of bills on the calendar under Rule VIII.

Mr. BRANDEGEE. Yes; but there is no unfinished business?

The PRESIDENT pro tempore. It has been temporarily laid aside.

Mr. LA FOLLETTE. It has been temporarily laid aside, and maintains its place as the unfinished business.

Mr. BRANDEGEE. Would it be the unfinished business unless it is under consideration at the time of adjournment?

The PRESIDENT pro tempore. It is not before the Senate at this time. By unanimous consent it has been laid aside temporarily, which means until to-morrow after 2 o'clock.

Mr. BRANDEGEE. In view of the Chair's statement some time ago that the matter became the unfinished business, as a matter of fact, upon the happening of certain contingencies, I did not understand——

The PRESIDENT pro tempore. Or by unanimous consent.

Mr. BRANDEGEE. If it was made the unfinished business by unanimous consent, I agree that it could be done. I did not understand that that had happened. I thought we had proceeded to the consideration of the bill, and I did not think that yet made it the unfinished business. I admit it could be done by unanimous consent.

The PRESIDENT pro tempore. By unanimous consent it was temporarily laid aside as the unfinished business, with all the privileges and rights of the unfinished business. That would take it over until to-morrow at 2 o'clock, unless the Senator in charge of it should move to take it up at an earlier time.

Mr. SMOOT. I call for the regular order.

THE CALENDAR.

The PRESIDENT pro tempore. The regular order now is the consideration of bills on the calendar under Rule VIII. The Secretary will state the first bill on the calendar.

BILLS, ETC., PASSED OVER.

The first business on the calendar was the bill (S. 1053) to provide for stock-raising homesteads, and for other purposes.

Mr. SMOOT. Mr. President, a bill similar to this, to take the place of it, will be reported from the Public Lands Committee. Therefore I ask that it go over.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

Mr. NEWLANDS. Mr. President, I move that Senate resolution 89 and Senate resolution 90, being resolutions authorizing the Committee on the Library and the Committee on Interstate Commerce, respectively, to employ stenographers, be taken up at this time.

Mr. SMOOT. That motion is not in order.

The PRESIDENT pro tempore. The Chair thinks, under the unanimous-consent agreement, the bills must be disposed of in the order in which they stand on the calendar.

Mr. GALLINGER. That is right.

The PRESIDENT pro tempore. The Secretary will state the next bill on the calendar.

The bill (S. 1062) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 706) to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. GALLINGER. Let that go over.

Mr. SMITH of Georgia. Mr. President, I understand that under our agreement no motion can be made at this time to proceed to the consideration of a bill in spite of objection.

Mr. SMOOT. Oh, no.

Mr. SMITH of Georgia. Therefore I do not make the motion. I just made that suggestion to apply to other bills.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 609) to aid in the erection of a monument to Pocahontas at Jamestown, Va., was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 611) for the erection of a monument to the memory of Matthew Fontaine Maury, of Virginia, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 1) proposing an amendment to the Constitution of the United States conferring upon women the right of suffrage was announced as next in order.

Mr. OVERMAN and Mr. JAMES. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The joint resolution (S. J. Res. 72) to provide for holding the San Antonio Bicentennial Exposition in 1918 was announced as next in order.

Mr. SHEPPARD. That may go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 2406) to amend section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 43) authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable, was announced as next in order.

Mr. SMOOT. Mr. President, a representative from the Department of Labor called upon me the other day in relation to this joint resolution, and suggested certain amendments to it. I will ask the Senator from Iowa [Mr. KENYON] if the amendments have been brought to his attention?

Mr. KENYON. Yes; there should be an amendment to the joint resolution. The words "exclusive of Government employees" should be omitted from the joint resolution.

Mr. SMOOT. That is an amendment reported by the committee. I have the papers over at my office, and I really did not expect the joint resolution to come up to-day. The Senator will not object to its going over?

Mr. KENYON. I did not expect it would come up, either.

Mr. SMOOT. Then I will ask that it go over.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The joint resolution will be passed over.

EVA M. BOWMAN.

The bill (S. 136) for the relief of Eva M. Bowman was considered as in Committee of the Whole. It authorizes and di-

rects the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Eva M. Bowman, widow of Robert L. Bowman, who was killed in the discharge of his duty as Indian agent.

Mr. SMOOT. Mr. President, I should like to ask the Senator reporting the bill if this is the amount of the salary of the deceased for the year or more than that?

Mr. CLAPP. No; it is based upon the proposition that that is a fair amount to award the widow. It is not based upon the amount of the man's salary.

Mr. SMOOT. Will the Senator briefly state the circumstances to the Senate?

Mr. CLAPP. The circumstances are that there was a sort of drunken outbreak at the agency—I think it was in lower California, but I would not be certain—and the deceased very properly attempted to quell the disturbance, in the discharge of his duty, and restore order and peace. In performing that duty he was killed. He left this family.

That is a statement of the facts. The bill has been favorably reported two or three times.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OMER D. LEWIS.

The bill (S. 137) for the relief of Omer D. Lewis was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Omer D. Lewis, lease clerk at the Flathead Indian Agency, Mont., the sum of $2,573.25, for expenses incurred for hospital and doctors' fees for personal injuries received while aiding Federal officers in suppressing the sale of liquor to Indians.

Mr. ROBINSON. Mr. President, I should like to ask the author of the bill whether this is intended to reimburse the claimant for expenditures, or whether it is compensation for injuries?

Mr. CLAPP. No; this is to reimburse him for the expenditures that he made in litigation because of his activity in suppressing the liquor traffic. That is my recollection, at least.

Mr. ROBINSON. I have not a copy of the bill before me, but, as I remember the reading of it, it relates to expenses incurred for hospital treatment and matters of that sort. It does not seem to relate to expenses incurred in litigation.

Mr. CLAPP. There are a number of these cases, and I may have been mistaken as to this particular one. As I recall, this is not a matter of compensation, but a matter of reimbursement.

Mr. ROBINSON. As I heard the bill read, it relates to an expenditure for medical treatment and hospital expenses.

Mr. CLAPP. Let the report be read.

Mr. ROBINSON. I have the bill in my hand now. It makes the appropriation "for expenses incurred for hospital and doctors' fees for personal injuries received while aiding Federal officers in suppressing the sale of liquor to Indians." A bill of over $2,500 is an enormous hospital bill; and I think I shall ask that the bill go over.

Mr. GALLINGER. Before it goes over, let me suggest that the words "doctors' fees" be stricken out and the words "medical attendance" substituted. It is a better phrase.

Mr. CLAPP. That will be unnecessary if it goes over.

Mr. GALLINGER. Let it be amended first.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. It is proposed to strike out the words "doctors' fees" and to insert in lieu thereof "medical attendance."

The amendment was agreed to.

The PRESIDING OFFICER. The bill, under objection, will be passed over.

JOHANNES T. JENSEN.

The bill (S. 1810) for the relief of Johannes T. Jensen, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to Johannes T. Jensen, of Hoboken, N. J., out of any money in the Treasury not otherwise appropriated, the sum of $1,380, on account of injuries received by him while in the discharge of his duty as an employee of the United States under the supervision and direction of the Isthmian Canal Commission on the Isthmus of Panama on the 3d day of April, 1909.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAYMENT OF CLAIMS.

The bill (S. 1878) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 2, lines 4 and 5, to strike out: "To Mary W. Littell, widow of William J. Littell, deceased, of Lincoln County, $632.18," so as to make the clause read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated—

To Anastacio de Baca, administrator of Francisco de Baca, deceased, of Santa Ana County, $1,325.

To Edward H. Bergmann, of New Mexico, $1,200.

To W. J. Goodwin, of New Mexico, formerly of Woodruff County, Ark., $2,980.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDEMNITY TO THE NORWEGIAN GOVERNMENT.

The bill (S. 3264) to authorize the payment of an indemnity to the Norwegian Government for the detention of three subjects of Norway in Hudson County, N. J., was considered as in Committee of the Whole. It authorizes the payment out of any money in the Treasury not otherwise appropriated, as a matter of grace and without reference to the question of liability therefor, to the Norwegian Government, of the sum of $2,787.78 as full indemnity to second mate Trygve Anderson, deck boy Sigurd Nilsen, and Arthur Rasmussen, Norwegian subjects, members of the crew of the Norwegian ship called the *Ingrid*, who were detained by the authorities of Hudson County, N. J., as witnesses in a criminal case in that county, and subsequently released on habeas corpus proceedings instituted in the Circuit Court of the United States for the District of New Jersey.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GUARANTEEING OF BANK DEPOSITS.

The bill (S. 710) to authorize national banking associations to avail themselves of State laws providing for the guaranteeing of deposits, was considered as in Committee of the Whole. It proposes that every national banking association doing business in a State where there is a State law providing for the securing of deposits in State banks shall be, and is hereby, authorized, if permitted by the laws of such State, to avail itself of such State law, and to take the necessary steps under the laws of such State to guarantee its deposits.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARCUS A. JORDAN.

The bill (S. 888) authorizing the Secretary of the Treasury to confer upon Marcus A. Jordan the life-saving medal of the first class, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Library, with an amendment, on lines 8 and 9, to strike out the following words: "while said vessel was sailing in the storm-tossed and shark-infested waters of the Java Sea," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to award the life-saving medal of the first class to Marcus A. Jordan for most gallant and meritorious action in effecting the rescue of a woman who had fallen overboard from the Hamburg-American liner *Cleveland* on December 16, 1911.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LODGE NO. 6, ANCIENT FREE AND ACCEPTED MASONS, OF VIRGINIA.

The joint resolution (S. J. Res. 24) authorizing the Librarian of Congress to return to Williamsburg Lodge, No. 6, Ancient Free and Accepted Masons, of Virginia, the original manuscript of the record of the proceedings of said lodge, was considered as in Committee of the Whole. It authorizes and directs the Librarian of Congress to return to Williamsburg Lodge, No. 6, Ancient Free and Accepted Masons, of Virginia, the original manuscript of the record of the proceedings of said lodge, which is contained in one bound volume now in the Manuscript Division of the Library of Congress, marked "Williamsburg Lodge, 5775," and which manuscript was taken from the

files of said lodge during the Civil War by some party or parties unknown.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

POSTAL SAVINGS SYSTEM.

The bill (H. R. 562) to amend the act approved June 25, 1910, authorizing a Postal Savings System, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will go over.

DEVELOPMENT OF WATER POWER.

The bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, was announced as next in order.

Mr. GALLINGER. Let that go over.

Mr. WALSH. I should like to ask the Senator from Utah if he does not think we could very profitably spend the afternoon in the consideration of this bill?

The PRESIDING OFFICER. Under the former order the Senate is considering only unobjected bills at this time.

Mr. WALSH. Of course; but the Senator from Nevada [Mr. PITTMAN] here the other day pursued very successful tactics in forcing the consideration of his bill for granting 7,000,000 acres of land to the State of Nevada by objecting to the consideration of any bills on the calendar.

Mr. GALLINGER. I objected to this bill.

Mr. WALSH. It may be that in course of time we shall be forced to emulate that kind of tactics for the purpose of getting consideration of a bill which occupies the position of a kind of a stepchild in this family.

Mr. ROBINSON. Will the Senator from Montana yield to me?

Mr. WALSH. Certainly.

Mr. ROBINSON. It is well known, and I think the Senator from Montana realizes, that this bill will require very prolonged consideration.

Mr. GALLINGER. Days and days.

Mr. ROBINSON. It will probably require several days.

Mr. GALLINGER. I have asked that it go over.

Mr. ROBINSON. For that reason I think we ought to proceed with unobjected bills under the order without the threat implied in the Senator's statement being executed.

Mr. WALSH. Of course, I did not intend to say anything of that kind.

Mr. ROBINSON. I thought not.

Mr. WALSH. I simply rose to endeavor to give the Senate an idea that this is an important measure, and that a number of us in the West believe it is of equal importance to any bill on the calendar or which is likely to go there. We are simply asking consideration for it. I see no reason why there should be, I take occasion to say, any protracted debate upon the bill after the extended discussion the subject has had. Notwithstanding what anyone may say about the matter, I undertake to say now that the discussion of this bill, whenever it comes up, will pursue identically the lines followed in the consideration of the other water-power bill. They differ only in this respect, that this touches the ownership of the Government in the adjacent lands, and a dam can not be constructed simply because the Government owns the land. In the other case it could not be constructed simply because the Government has authority to prevent obstructions in navigable streams.

SEVERAL SENATORS. Regular order!

The PRESIDING OFFICER. The regular order is called for, and the next bill on the calendar will be stated.

BILL PASSED OVER.

The bill (S. 640) for the relief of Ellen B. Monahan was announced as next in order on the calendar.

Mr. WORKS. Let that go over.

The PRESIDING OFFICER. The bill will go over.

VILHELM TORKILDSEN.

The bill (S. 1326) for the relief of Vilhelm Torkildsen was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 6, to strike out the figures "$19,813.14" and insert the figures "$13,561.88," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Vilhelm Torkildsen the sum of $13,561.88 as compensation for the injuries sustained by his vessel, the steamship *Henrik Ibsen*, while coaling war vessels of the United States of America in Panama Bay in December, 1908.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. GEORGE A. MILLER.

The bill (S. 142) for the relief of Mrs. George A. Miller was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 5, to strike out the figures "$200" and insert the figures "$108.50," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $108.50 to Mrs. George A. Miller, on account of money expended by her husband in defending a suit brought against him growing out of his effort to enforce the law against selling liquor to Indians.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 3984) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole.

The bill proposes to pension the following persons at the rates stated:

Patience Rosa Archer, former widow of John Rosa, late of Companies E and D, Tenth Regiment United States Infantry, $20 per month.

John T. Pribble, late of Company E, Seventh Regiment Kentucky Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Sarah Saxey, widow of Alfred Saxey, late of Company F, Tenth Regiment Kansas Volunteer Infantry, and first lieutenant Company H, First Regiment Indian Home Guards, $20 per month in lieu of that she is now receiving.

Erasmus W. Tatlock, late of Company A, Third Regiment Iowa Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Silas W. Norris, late of Company B, Seventy-seventh Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Simeon L. Wilson, late of Company K, Twelfth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John Nighswander, helpless and dependent son of Martin Nighswander, late of Company B, Fifty-fifth Regiment Ohio Volunteer Infantry, $12 per month.

William E. Howard, late of Company C, One hundred and twentieth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Paleman S. Castle, late of Company L, Eleventh Regiment Michigan Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Jennie R. Cusick, widow of Thomas Cusick, late of the Third Battery Minnesota Volunteer Light Artillery, $12 per month.

Annie Bridges, widow of Elisha Bridges, late of Company E, Forty-sixth Regiment Missouri Volunteer Infantry, $12 per month.

Rosa Rossiter, widow of Lemuel Rossiter, late second lieutenant Company B, Fifth Regiment Wisconsin Volunteer Infantry, and captain Company C, Sixth Regiment United States Veteran Volunteer Infantry, $25 per month in lieu of that she is now receiving.

Anna Barker, widow of William B. Barker, late of Company C, First Regiment Wisconsin Volunteer Cavalry, and Company K, Second Regiment United States Veteran Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Gustav Schoneck, late of Company D, Thirty-second Regiment Wisconsin Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Theodore Basterdes, late of Company B, Twenty-fifth Regiment New York Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Margaret P. Sherman, widow of Philo B. Sherman, late second lieutenant Second Independent Battery Connecticut Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Charles R. Potter, late of Company E, Eighty-fourth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Hiram F. Bundage, late of Company D, Sixth Regiment New York Volunteer Heavy Artillery, $40 per month in lieu of that he is now receiving.

Mary C. Hills, widow of Leroy T. Hills, late of Company G, Sixteenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Patrick J. Quigley, late of Company E, Fifteenth Regiment Connecticut Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Nellie Judkins, widow of Harvey D. Judkins, late of Company G, Third Regiment Vermont Volunteer Infantry, $12 per month.

Alva M. Titchout, late of Company I, First Regiment Vermont Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Francis Blanchard, late of Company E, Ninth Regiment Vermont Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Fidelia M. Waffle, former widow of Hiram F. Moe, late of Company K, Sixth Regiment Michigan Volunteer Cavalry, $12 per month.

John R. Mabee, late of Company B, Twenty-eighth Regiment New York Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William I. Scott, late of Company K, One hundred and sixteenth Regiment Ohio Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Edwin D. Kaynor, late of Company K, Thirty-ninth Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

George A. Barker, late of Company D, Seventh Regiment Iowa Cavalry, $30 per month in lieu of that he is now receiving.

Melcenia C. Baker, widow of Simeon S. Baker, late first lieutenant Company C, Sixth Regiment Missouri Volunteer Infantry, $25 per month in lieu of that she is now receiving.

Christiana H. Nicholls, widow of Thomas B. Nicholls, late quartermaster sergeant, First Regiment New York Volunteer Engineers, $12 per month.

John S. Corson, late of Company D, First Regiment New Hampshire Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

Clarinda A. Spear, widow of Otis G. Spear, late of Company B, Fourth Regiment Maine Volunteer Infantry, and acting master's mate, United States Navy, $20 per month in lieu of that she is now receiving.

Daniel L. Thompson, late of Company C, Forty-fifth Regiment Massachusetts Militia Infantry, $30 per month in lieu of that he is now receiving.

Robert H. Barton, late of Company E, Second Regiment, and Company F, Tenth Regiment, Michigan Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Aad Peterson, late of Company D, Second Regiment Wisconsin Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Adeline Reynolds, widow of William Reynolds, late of Company A, Eighth Regiment New York Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

George H. Shefter, late of Company A, Eighth Regiment Iowa Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

John F. Treadwell, late of Company E, Second Regiment Arkansas Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Henry G. Wilson, late of Company K, Eighth Regiment Illinois Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

John R. Snook, late of Company A, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Elizabeth Kniffin, widow of Daniel Kniffin, late of Company K, Thirteenth Regiment Illinois Volunteer Infantry, and Company K, Twenty-fourth Regiment Veteran Reserve Corps, $20 per month in lieu of that she is now receiving.

David Youts, late of Company G, Fifty-first Regiment Pennsylvania Volunteer Infantry, $40 per month in lieu of that he is now receiving.

George Bateson, late of Company A, Twenty-eighth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Daniel W. Coan, late of Company B, Eleventh Regiment, and Company I, One hundred and forty-first Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary King, widow of Cassius M. King, late of Company G, Ninth Regiment Michigan Volunteer Infantry, $20 per month in lieu of that she is now receiving.

John W. Greene, late of Company E, One hundred and thirty-second Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Peter S. Hare, late of Company I, Seventy-fourth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Jefferson Lyons, late of Company K, Tenth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Andy Perrin, late of Companies D and F, Fiftieth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Burton Gillaspie, late of Company I, Twenty-fifth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry Creery, late of Company K, Fifth Regiment Indiana Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Turner Barns, late of Company I, Seventeenth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Rachel A. Woodmansee, former widow of William M. Gould, late of Company C, Twenty-second Regiment Indiana Volunteer Infantry, $12 per month.

James E. Bacon, late of Company K, Tenth Regiment Massachusetts Volunteer Infantry, and Company I, Second Regiment Massachusetts Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Alden Powers, late of Company F, Twenty-fourth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Duane F. Perkins, late of Company H, Sixth Regiment New Hampshire Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Sylvester Stewart, late of Company K, First Regiment District of Columbia Volunteer Cavalry, and Company A, First Regiment Maine Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Joseph F. Grawe, late of Company G, Ninety-third Regiment Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

George F. Cowan, late of Company B, Fourth Regiment Wisconsin Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Frederick A. Heebner, late of Company F, Twelfth Regiment Indiana Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

William H. Manley, late of Company I, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, $12 per month.

William Cake, alias William Baker, late of Company H, Thirty-first Regiment Wisconsin Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William H. Hills, late hospital steward, United States Army, $40 per month in lieu of that he is now receiving.

Eliza J. Banning, widow of Samuel M. Banning, late of Company A, Twenty-sixth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Martha Connor, widow of William Connor, late of Company A, Eighteenth Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Anastasia Corcoran, widow of William J. Corcoran, late of Company E, Twenty-sixth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary C. Daniels, widow of Albert E. Daniels, late first lieutenant Company F, Sixty-first Regiment Massachusetts Volunteer Infantry, $25 per month in lieu of that she is now receiving.

Sarah F. Hovey, widow of Lewis Hovey, late of Company A, Eighteenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

William Roudebush, late of Company G, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Charles Whitkemper, late of Company I, Fifty-fourth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

John Smiley, late of Company D, Seventeenth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Nancy Wilson, dependent mother of Chester Callaway, late of Company E, Sixty-seventh Regiment Indiana Volunteer Infantry, $12 per month, to be paid to her without deduction or rebate on account of former alleged erroneous payments of pension.

William Whitten, late of Company I, Sixty-sixth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Georgia B. Nelson, widow of Jesse P. Nelson, late first lieutenant of Company E, Twenty-fourth Regiment Kentucky Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Sarah T. Wright, widow of John H. Wright, late of Company D, Thirty-sixth Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Eliza J. Wells, widow of John E. Wells, late second lieutenant and captain Company G, Sixteenth Regiment Kentucky Volunteer Infantry, $25 per month in lieu of that she is now receiving.

John M. Pittman, late of Company H, Sixth Regiment United States Volunteer Infantry, $15 per month in lieu of that he is now receiving.

Martha A. Reynolds, former widow of John T. Gillespie, late of Company E, Sixteenth Regiment Kentucky Volunteer Infantry, $12 per month.

Albert A. Lance, late of Company H, Thirty-eighth Regiment New Jersey Volunteer Infantry, $15 per month.

Oliver K. Landrew, late of Company A, Eleventh Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George Crawford, late of Company C, Sixteenth Regiment Michigan Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Edward Morris, late of Company A, Thirteenth Regiment Pennsylvania Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Nelson Briley, late of Company K, One hundred and eighteenth Regiment United States Colored Volunteer Infantry, $36 per month in lieu of that he is now receiving.

James L. Spaulding, late of Company H, Eleventh Regiment Illinois Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

James M. Jameson, late first lieutenant and regimental quartermaster Twenty-seventh Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Henry Wilcox, late of Company G, Second Regiment Vermont Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James A. Snodgrass, late of Company H, First Regiment Colorado Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

James P. Weter, late of Company C, Twenty-second Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William H. Lewis, late of Company E, Twenty-fifth Regiment Missouri Volunteer Infantry, and Company C, First Regiment Missouri Volunteer Engineers, $30 per month in lieu of that he is now receiving.

Elias B. Thompson, late of Company G, Twenty-first Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Sarah E. Prender, widow of George Prender, late of Company D, First Regiment New York Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Enoch F. Anderson, late of U. S. S. *Ohio*, *Rhode Island*, and *Sassacus*, United States Navy, $30 per month in lieu of that he is now receiving.

Maria Savage, widow of David Savage, late of Company K, Twelfth Regiment Maine Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Marrietta Fowler, widow of John B. Fowler, late of Company A, Twenty-third Regiment Maine Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Francis B. Nofsinger, late acting assistant surgeon, United States Army, $20 per month.

John Alexander, late of Company B, Thirty-second Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary Jane Drew, widow of Daniel F. M. Drew, late of Company G, Thirty-fifth Regiment Massachusetts Volunteer Infantry, and Company C, Thirteenth Regiment Veteran Reserve Corps, $20 per month in lieu of that she is now receiving.

Enoch M. Martin, late of Company A, Fifth Regiment Kansas Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Gardner B. Taylor, late of Company A, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Agnes E. Tooker, widow of John S. Tooker, late sergeant of Company G, Sixth Regiment Michigan Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Nelson Haggerty, late of Company K, First Regiment New Jersey Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Minnie Mahler, widow of Paul R. Mahler, late of Company C, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Annie T. McCreary, widow of Charles C. McCreary, late captain Company H, Fourth Regiment Indiana Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

James A. Lucas, late of Company B, Fourteenth Regiment Iowa Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Amanda Phillips, widow of Alexander Phillips, late of Company I, Eleventh Regiment West Virginia Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Ellen L. Webster, widow of Edson H. Webster, alias Edwin Webster, late of the United States Marine Corps, $20 per month in lieu of that she is now receiving.

Annie E. Nave, widow of Mark Nave, late of Company A, Thirteenth Regiment Tennessee Volunteer Cavalry, $12 per month.

Maria J. Mahon, widow of Peter Mahon, late of Company I, Third Regiment Rhode Island Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Sigmund Bauer, late of Company E, One hundred and forty-second Regiment New York Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Martin B. Worrell, late of Company E, Twenty-third Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Ruth A. Smith, widow of Allen Smith, late of Company B, Fifth Regiment Minnesota Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Edwin W. Haynes, late of Company A, One hundred and seventeenth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Daniel J. Cummings, late of Company G, First Regiment New Hampshire Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

James M. Crossman, late of Company E, Fourth Regiment Vermont Volunteer Infantry, $36 per month in lieu of that he is now receiving.

George Dallison, late of Company H, Second Regiment Pennsylvania Volunteer Heavy Artillery, $50 per month in lieu of that he is now receiving.

Elijah Booher, late of Company I, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Mary E. Taylor, widow of William Taylor, late of Company H, Forty-second Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Burton Vanhook, late of Company H, One hundred and fiftieth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Andrew J. Woolf, late of Companies F and C, Seventh Regiment Indiana Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

John Woods, late of Company C, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Milton P. Julian, late of Company D, One hundred and fifteenth Regiment Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Mary C. Lyon, widow of Willis Lyon, late of Company H, Thirty-eighth Regiment Iowa Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Lucie B. Kasson, widow of Harvey A. Kasson, late of Company K, First Regiment New York Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Norman B. Stacy, late of Company D, Eighteenth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Florence K. Patterson, widow of Joseph B. Patterson, late of U. S. S. *Alleghany*, *Release*, and *Maratanza*, United States Navy, $12 per month in lieu of that she is now receiving.

Mary A. Hoon, widow of Francis Hoon, late of Company A, Ninety-eighth Regiment Pennsylvania Volunteer Infantry, $12 per month.

Milton T. Callahan, jr., helpless and dependent son of Milton T. Callahan, late major Thirty-fourth Regiment Kentucky Volunteer Infantry, $12 per month.

William Thomas, late of Company G, Twenty-third Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Edmund Hishley, helpless and dependent child of Coonrod Hishley, late of Company A, Second Battalion District of Columbia Militia Infantry, $12 per month.

Stephen P. Stites, late of Company K, Twenty-seventh Regiment New Jersey Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Carrie V. Lawton, widow of Winslow Lawton, jr., late of Company F, Thirteenth Regiment, and Company B, Thirtieth Regiment, Maine Volunteer Infantry, $20 per month in lieu of that she is now receiving.

John M. Null, late of Company A, Fifteenth Regiment Pennsylvania Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Mary H. Babcock, widow of Benjamin Babcock, late of Company H, One hundred and ninety-seventh Ohio Volunteer Infantry, $12 per month.

John Johnston, late of Company A, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Ella Taylor, former widow of Robert D. McCracken, late of Companies A and B, First Regiment Indiana Volunteer Cavalry, $12 per month.

Sidney A. Ladd, late of Company C, Fourteenth Regiment Vermont Volunteer Infantry, $36 per month in lien of that he is now receiving.

Daniel Casey, late of Company D, Sixth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jimeson S. Tweed, late of Company M, First Regiment Tennessee Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Lucinda Applegate, widow of Andrew J. Applegate, late of Fourth Independent Company, Ohio Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Bernard McNaney, late of Company D, Fifth Regiment Iowa Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 8493) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 4, line 2, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Deborah Hart, widow of Jame S. Hart, late of Company B, Third Regiment Provisional Enrolled Missouri Militia, and pay her a pension to the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, line 24, after the word "Volunteer," strike out "Cavalry" and insert "Infantry (First Cavalry)," and on page 5, line 2, before the words "per month," to strike out "$24" and insert "$30," so as to make the clause read:

The name of Maximillian Schneider, late of Company M, Twenty-eighth Regiment Indiana Volunteer Infantry (First Cavalry), and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 8, after the word "Battalion," to insert "Eighteenth Regiment," so as to make the clause read:

The name of William Evans, late of Company C, First Battalion Eighteenth Regiment United States Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 9, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Elizabeth Fry, widow of John T. S. Fry, late of Company C, Fortieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, after line 14, to strike out:

The name of William Holdridge, late of Company B, Ninth Regiment New York Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, line 1, before the words "per month," to strike out "$27" and insert "$30," so as to make the clause read:

The name of Patrick Kenyon, late of Company E, Ninety-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, after line 2, to strike out:

The name of Mabel F. Coen, widow of Charles G. Coen, late of Company D, Eleventh Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. JONES. Mr. President, I hope that amendment will not be agreed to. I have examined the report, and I can not find anything stated in the report to show why the Senate committee cut out this item.

The facts are briefly these: This woman was married to a soldier, who died in 1899. Then she got a pension as his widow for herself and a couple of minor children. In 1906 she thought she married a man by the name of Lattin, but it was found afterwards he already had a wife living from whom he had not been divorced. He brought suit against this woman for a divorce; and upon the advice of her attorney, from whom I have a letter, she filed a cross bill admitting the marriage and the legitimacy of the child that had been born to her from the last marriage. As a matter of fact, she was never married to the man Lattin, and the House committee in its report so finds. The House committee said that the widow is preeminently entitled to this relief.

I hope the amendment will be rejected.

Mr. POINDEXTER. Mr. President, I desire to join in the views expressed by my colleague in this matter. I have a letter in regard to the case from the attorney who advised her to obtain a divorce from the man to whom she was never legally married and by whom she had been previously deceived. The attorney is a man in whom I have sufficient confidence to accept the statement he made in regard to her. He recommends her as being an exceedingly deserving woman, having lived an exemplary life and raised a large family of children. Except for the apparent second marriage, which was really no marriage at all, she would be entitled to this pension. Because she was deceived by the man with whom she went through the form of a marriage I think it would be no reason why she should be deprived of a pension.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The next amendment was, on page 9, line 10, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Perlia J. Wilcox, widow of Jeremiah C. Wilcox, late of Company H, Fifth Regiment Iowa Cavalry, and of the Sixth Regiment United States Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 2, before the words "per month," to strike out "$20" and insert "$12," so as to make the clause read:

The name of Elizabeth Gross, widow of Reuben Gross, late of Company A, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 11, after line 14, to strike out:

The name of Ingalls Evans, late of Company K, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 14, before the words "per month," to strike out "$36" and insert "$40," so as to make the clause read:

The name of Benjamin E. Hoy, late of Company I, Forty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, line 9, before the words "per month," to strike out "$24" and insert "$30"; so as to make the clause read:

The name of Nathaniel Patterson, la of Company F, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, after line 21, to strike out:

The name of Joseph Coles, late of Company B, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 4, to strike out:

The name of Estella M. Howlett, former widow of George W. Baldwin, late of Company A, Third Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 24, line 15, before the words "per month," to strike out "$24" and insert "$30"; so as to make the clause read:

The name of Stephen Clevenger, late of Company A, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, line 16, before the words "per month," to strike out "$24" and insert "$20"; so as to make the clause read:

The name of Mary Marsh, widow of Edwin Marsh, late of Company K, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, line 19, before the words "per month," to strike out "$27" and insert "$36"; so as to make the clause read:

The name of George W. Johnston, late of Company E, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, line 1, before the name "Garthwait," to strike out "Matthew" and insert "Mathew"; so as to make the clause read:

The name of Eliza A. Garthwait, widow of Mathew Garthwait, late of Twentieth Battery, Indiana Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 2, before the words "per month," to strike out "$30" and insert "$36," so as to make the clause read:

The name of Thomas Nichols, late of Company A, Eightieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, line 24, before the words "per month," to strike out "$24" and insert "$30," so as to make the clause read:

The name of William B. Rutledge, late of Company C, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, after line 15, to strike out:

The name of Annie Tompkins, widow of William M. Tompkins, late of Company C, One hundred and fifty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 34, after line 12, to strike out:

The name of Mary E. Clark, widow of Jerome B. Clark, late of Company F, First Regiment Connecticut Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. JOHNSON of Maine. I move, on page 3 of the bill, to strike out from line 3 to line 14 the three items there included.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 3, after line 2, it is proposed to strike out the following items:

The name of Joshua Shriver, late of Company E, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Murray Myers, late of Company C, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William C. Hershberger, late of Company A, Fifteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. JOHNSON of Maine. I move to strike out the provision relating to Frank Dart, he having died.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 28, strike out lines 20 to 23, inclusvie, in the following words:

The name of Frank Dart, late of Company D, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. JOHNSON of Maine. On page 31 I move to strike out the paragraph, beginning in line 24, the beneficiary having died.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 31, lines 24 and 25, and on page 32, lines 1 and 2, strike out the following words:

The name of Angeline Kelchner Wolfe, former widow of Eleazer A. Kelchner, late of Company A, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

FREIGHT BLOCKADE AT NEW YORK.

The next business on the calendar was Senate resolution 43, for the appointment of a committee to investigate and inquire into the causes of existing freight blockade and embargoes on the trunk-line railroads entering into the port of New York.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. The resolution will go over.

POLITICAL ACTIVITY OF MEMBERS OF CONGRESS.

The bill (S. 668) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will go over.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

The bill (S. 665) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. It will go over.

Mr. KERN. Was there an objection?

The PRESIDING OFFICER. There was.

Mr. KERN. May I inquire who objected?

Mr. SMOOT. The Senator from Utah objected. I will state to the Senator that these bills would lead to long discussion, and I want to get through with the calendar.

Mr. KERN. I simply desired to know who made the objection.

CAMPAIGN FUNDS.

The bill (S. 669) to limit the use of campaign funds in presidential and national elections was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will go over.

RIGHT OF WAY NEAR ENGLE, N. MEX.

The bill (S. 1843) to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex., was considered as in Committee of the Whole.

Mr. SHAFROTH. Is there a minority report on that bill.

Mr. SMOOT. There is not.

Mr. SHAFROTH. Does the Senator know whether my colleague [Mr. THOMAS] has any objection to it?

Mr. CATRON. The Senator's colleague said that he would make no objection to it.

Mr. SHEPPARD. I desire to ask the Senator from New Mexico if he did not introduce a similar bill on the same subject in the last Congress?

Mr. CATRON. Yes.

Mr. SHEPPARD. It was practically the same bill?

Mr. CATRON. It was the same bill.

Mr. SHEPPARD. The bill passed the Senate?

Mr. CATRON. It passed the Senate.

Mr. SHEPPARD. Why did it not become a law?

Mr. CATRON. It did not pass the House.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURT OF PRIVATE LAND CLAIMS.

The bill (S. 1840) to amend an act entitled "An act to establish a court of private land claims and to provide for the settle-

ment of private land claims in certain States and Territories," approved March 3, 1891, and the acts amendatory thereto, approved February 21, 1893, June 27, 1898, and February 26, 1909, was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The PRESIDING OFFICER. It will go over.

HOT SPRINGS RESERVATION, ARK.

The bill (S. 1388) to authorize the Secretary of the Interior to furnish hot water from the hot springs on the Hot Springs Reservation for drinking and bathing purposes free of cost to the Leo N. Levi Memorial Hospital Association, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN L. SEVY.

The bill (S. 31) for the relief of John L. Sevy was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to issue patent to John L. Sevy for the following-described lands: The south half of the northwest quarter of the southeast quarter of section 12, township 36 south, range 8 west; the north half of lot 1, section 18, township 36 south, range 7 west; the south half of lot 3, section 12, township 36 south, range 8 west; the west half of the southeast quarter of the southeast quarter of section 7, township 36 south, range 7 west; the southeast quarter of the southeast quarter of the southeast quarter, section 7, the west half of the northwest quarter of the northwest quarter and the northwest quarter of the southwest quarter of the northwest quarter of section 17, township 36 south, range 7 west of Salt Lake meridian, situate in the Sevier National Forest, upon the transfer by the said John L. Sevy to the United States of the north half of the northeast quarter of the southwest quarter of section 12, township 36 south, range 8 west; the south half of lot 1 of section 13, township 36 south, range 8 west; the northeast quarter of the northeast quarter of section 25, township 35 south, range 4 west; the southeast quarter of the southwest quarter of section 17, township 36 south, range 3 west of Salt Lake meridian, situate in the Sevier and Powell National Forests: *Provided*, That upon the reconveyance of the surrendered lands they will become a part of the Sevier and Powell National Forests.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM G. WILLIAMS, SR.

The bill (S. 32) for the relief of William G. Williams, sr., was considered as in Committee of the Whole. It proposes to allow William G. Williams, sr., to enter, under the homestead laws and subject to the terms, conditions, and limitations of the reclamation act and acts amendatory thereof, lot 1 of section 2 and lots 1 and 2 of section 3, township 8 south, range 1 east, Salt Lake meridian, Salt Lake City, Utah, land district. But the entry and patent therefor shall expressly reserve to the United States the right to take or use, without compensation to entryman, patentee, or his assignees, any or all of the said land which may be actually needed for or in connection with the construction, maintenance, and operation of the Strawberry Valley reclamation project.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL M. FROST.

The bill (S. 33) for the relief of Daniel M. Frost was considered as in Committee of the Whole. It authorizes Daniel M. Frost to make a homestead entry for an unappropriated quarter section of public land, subject to said entry, as though his former entry No. 6595, Larned, Kans., series, had not been made.

The Secretary of the Interior is directed to allow Frost credit for the residence and cultivation had by him in connection with said Larned entry, as though it were had on said second entry, when proof is submitted on the latter.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TENNESSEE STATE CLAIMS.

The joint resolution (S. J. Res. 37) to amend S. J. Res. 8, approved May 4, 1898, entitled "Joint resolution providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims against the United States," was read.

Mr. GALLINGER. The only explanation of the joint resolution seems to be in the whereases. I wish to look into it a little and I ask that it may go over.

The PRESIDING OFFICER. Objection is made and the joint resolution goes over.

Mr. SHIELDS. I understand the Senator from New Hampshire [Mr. GALLINGER] asks that the joint resolution shall go over.

The PRESIDING OFFICER. He does.

Mr. ROBINSON. In order that he may investigate it, as I understood the Senator.

Mr. GALLINGER. Yes; I want to examine it a little.

Mr. SHIELDS. I wish to make a statement about the joint resolution, which I think will remove the objection of the Senator from New Hampshire.

Mr. GALLINGER. I certainly will withdraw my objection to enable the Senator from Tennessee to do that.

Mr. SHIELDS. Mr. President, this joint resolution was introduced in the last session of the last Congress and reported favorably by the Committee on Claims and passed by the Senate. It reached the House too late for disposition there. The present joint resolution is identical with the one which was then passed.

A brief history of it, without going into the merits, is as follows: The United States Treasury holds about $600,000 of the bonds of Tennessee that are now past due. The State of Tennessee claims to have some $500,000 of offset on account of the appropriation of certain railroad and other property during the war and certain other claims of smaller amounts.

This controversy has been in existence for quite a number of years. Some years ago a joint resolution was passed by Congress submitting the controversy to three commissioneers on the part of the United States, composed of the Secretary of War, the Secretary of the Treasury, and the Attorney General, and the General Assembly of Tennessee appointed to represent the State three other commissioners, Col. John J. Vertrees, of Nashville; Mr. John M. Hickey, of Mississippi; and Mr. Dabney M. Scales, of Memphis.

The commissioners have never been able to agree far enough to sufficiently get to the merits. In other words, the question is whether or not the fact that the State of Tennessee seceded would bar her from making the claim. The joint resolution simply proposes to direct those commissioners to proceed and find the facts and report to Congress.

The original joint resolution did not settle anything, but merely referred the matter to these commissioners to report the facts and the rights of the parties according to the respective equities. This direction is to go on to do that and leave the question of loyalty to be hereafter determined by Congress.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from New Hampshire?

Mr. SHIELDS. I do.

Mr. GALLINGER. Mr. President, may I ask the Senator from Tennessee a question? I did not quite understand who represents the Government in this matter.

Mr. SHIELDS. The Government is represented by the Attorney General, the Secretary of War, and the Secretary of the Treasury.

Mr. GALLINGER. And the State of Tennessee has appointed three commissioners to confer with those three gentlemen?

Mr. SHIELDS. Yes.

Mr. GALLINGER. And they are to report their findings to Congress?

Mr. SHIELDS. They are to report their findings to Congress. There is nothing binding in their agreement until it reaches Congress and is ratified.

Mr. GALLINGER. This matter has never been before a court for adjudication?

Mr. SHIELDS. It never has been in litigation at all, and this is a method provided to prevent litigation.

Mr. GALLINGER. Mr. President, in view of the statement made by the Senator from Tennessee, I withdraw my objection. I thought this was a final adjudication, as I glanced at the joint resolution.

The PRESIDING OFFICER. Objection is withdrawn.

Mr. GALLINGER. As this matter is to be reported back to Congress, I shall make no objection.

Mr. SHIELDS. The whole matter is to be settled by Congress on the incoming of that report.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on Claims with amendments. The first amendment was, on page 2, to strike out lines 3 and 4, as follows:

That the said Senate joint resolution 8 be, and is hereby, amended by adding thereto the following, namely:

And in lieu thereof to insert:

That the joint resolution entitled "A joint resolution providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims against the United States," approved May 12, 1898, be, and is hereby, amended by adding at the end thereof the following:

The amendment was agreed to.

The next amendment was, at the end of the joint resolution, on page 3, line 8, after the word "parties," to insert "The said compromise or settlement is not to be effective or final until approved by Congress," so as to read:

The claims of the parties respectively shall be considered, adjusted, and settled on their merits without regard to any question of loyalty or disloyalty, and upon such terms as to amounts, allowance of interest, etc., as shall do equal and impartial justice to the parties. The said compromise or settlement is not to be effective or final until approved by Congress.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The amendments to the preamble will now be considered.

The first amendment to the preamble was on page 1, in the first line, after the words "Whereas the," to strike out "resolution in the caption mentioned, being Senate joint resolution 8, approved May 4, 1898," and to insert "joint resolution entitled 'a joint resolution'"; in the fourth line, after the words "State of," to strike out "Tennessee," and to insert "Tennessee, approved May 12, 1898," so as to make the clause read:

Whereas the joint resolution entitled "A joint resolution providing for the adjustment of certain claims of the United States and of the State of Tennessee," approved May 12, 1898, provides that the Attorney General, the Secretary of the Treasury, and the Secretary of War of the United States, as representatives of the United States, and agents or commissioners to be appointed by the State of Tennessee, as representatives of the State, shall proceed by conference to compromise, adjust, and settle the claims in the resolution mentioned, but that the compromise or settlement shall not be effective as final until approved by Congress.

The amendment was agreed to.

The next amendment to the preamble was, on page 2, in the second clause, fifth line, after the word "said," to strike out "S. J. Res. 8" and to insert "resolution," so as to make the clause read:

Whereas at conference held between said representatives they have been unable to proceed because the said representatives of the United States have insisted that the settlement or compromise of the claims of the State of Tennessee under said resolution should be precluded by the consideration that the State of Tennessee was, during the Civil War, in the resolution mentioned, a public enemy and in rebellion, and not entitled to compensation for any losses suffered by reason of the action of the United States in suppressing such rebellion.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the preamble as amended.

Mr. GALLINGER. Mr. President, I will ask the Senator from Tennessee if he has any objection to striking out the preamble to the joint resolution? The preamble recites matters that ought to be recited in a report, and their inclusion makes the joint resolution very awkward.

Mr. SHIELDS. I thought the preamble, to some extent, clarified the matter. This joint resolution was prepared by Col. John J. Vertrees, of Nashville, one of our most distinguished lawyers, and then submitted here to the Attorney General. I discussed the joint resolution with the Attorney General before I introduced it. The preamble, of course, does not settle anything.

Mr. GALLINGER. No; but it is a mere declaration which ought to have been put into a report. I will move to strike out the preamble, and the Senate can do what it pleases about it. In the preamble this statement is found:

Whereas it is not deemed just that the consideration of the claims of Tennessee should or can be precluded or the same disallowed upon the ground that the State was a public enemy and in rebellion.

That is an argument on one side of this question which is now going to commissioners, so I have moved to strike out the preamble.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire to strike out the preamble.

Mr. SHIELDS. Do I understand that the Senator's objection is to the last paragraph of the preamble?

Mr. GALLINGER. That language caught my eye, and I thought it was a very serious matter to make an argument in a preamble on one side of a controversy. I think the Senator from Tennessee ought to agree that the entire preamble should go out. The facts which are recited in the preamble can be submitted to the commissioners.

Mr. SHIELDS. I wish to suggest to the Senator from New Hampshire that if it is only the last paragraph of the preamble, making that statement to which he objects, he can confine his motion to striking out that language, because the preamble contains some reference to former resolutions in other portions of it.

Mr. GALLINGER. Well, let the last paragraph of the preamble be stricken out, and I will raise no further objection if the Senator from Tennessee thinks the remainder of the preamble ought to stand.

The PRESIDING OFFICER. The Chair understands that the motion of the Senator from New Hampshire is to strike out the last paragraph of the preamble, which he has stated.

Mr. GALLINGER. I move to strike out the last paragraph of the preamble, which I have read.

The motion was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the preamble as amended.

The preamble as amended was agreed to.

The title was amended so as to read: "A joint resolution to amend a joint resolution entitled 'A joint resolution providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims against the United States,' approved May 12, 1898."

PAYMENT OF CLAIMS.

Mr. CLARKE of Arkansas. Mr. President, I ask unanimous consent to return to calendar No. 42, being Senate bill 1878. The bill was disposed of without disposition having been made of an amendment that was pending, which I had offered on the 15th of February.

The PRESIDING OFFICER. That matter can be brought up, as the Chair thinks, on a motion to reconsider.

Mr. CLARKE of Arkansas. I move to reconsider the vote by which the bill was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The Senator from Arkansas moves to reconsider the vote by which the bill referred to by him was ordered to a third reading, read the third time, and passed.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. 1878) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code.

Mr. CLARKE of Arkansas. I offer the amendment to the bill, which I send to the desk.

The PRESIDING OFFICER. The Senator from Arkansas offers an amendment to the bill, which will be stated.

The SECRETARY. At the end of the bill it is proposed to insert:

To Prairie County, Ark., $13,200.

Mr. CLARKE of Arkansas. Mr. President, I desire to say, in explanation of my action in offering that amendment at this time, that that amount was adjudicated in favor of Prairie County, Ark., one of the oldest counties of the State in point of organization. The court found the jail and courthouse at that place had been demolished by the Federal authorities during their occupancy of that vicinity and devoted to purposes of the Army, and that the reasonable value of the materials taken and converted to public use was $13,200. The court found that the county was not at all times loyal to the Union. That, of course, is a conclusion of law. As a matter of fact, that particular part of Arkansas fell under the jurisdiction of the Federal forces in December, 1863. An independent State government was organized early in 1864, a legislature created, and a representative from that county sat in the loyal legislature for some months before this destruction took place. The territory was in control of the Federal forces at the time the materials out of which the courthouse and jail were constructed were taken and devoted to Federal use. Of course, the county was carried out of the Union with the State by the adoption of the secession ordinance, and until it was brought under Federal jurisdiction, in the latter part of 1863, I take it for granted that its character was fixed by the sovereignty that assumed to administer affairs there up to that time; but for many months before the destruction of the courthouse and jail took place the county had been under Federal jurisdiction, a loyal State government was administering affairs therein, loyal officers served, and a loyal member from the county sat in the so-called loyal legislature. That legislature voted for the ratification of the thirteenth amendment before this destruction took place. So there is not any reason for saying that the county was disloyal at that time. The court does not say so. The court says it was not during the entire Civil War loyal to the United States Government.

If that is true, it is a conclusion of law. During the time it was controlled by the Confederate forces, we may well assume that its character was fixed by that condition; but when it passed under the control of that part of the State which for

months had been, and up to this minute has been, under the control of the loyal authorities, there was not any reason for saying that the county was not loyal because it took its character from the State government that was being administered therein. There is not any reason for saying that the county as an organization was disloyal when its character was otherwise fixed by its participation in the affairs of the Union, and did not thereafter lend any aid or comfort to the Confederate cause.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from North Dakota?

Mr. CLARKE of Arkansas. Very gladly.

Mr. GRONNA. May I inquire of the Senator from Arkansas whether the amount proposed to be paid under the claim which is offered as an amendment goes to the county or to an individual?

Mr. CLARKE of Arkansas. It goes to the county of Prairie.

Mr. GRONNA. I am a member of the Committee on Claims, and I do not recollect that we ever had an opportunity to examine the amendment.

Mr. CLARKE of Arkansas. The claim is supported by a judgment of the Court of Claims, reported to Congress on the 11th day of January, 1913. It contains this statement:

Prairie County was not loyal to the Government of the United States during the whole Civil War.

And that is literally true; but at the time this destruction and appropriation took place it was a part of the territory over which a loyal State government was administering affairs, and it was not in a hostile country at the time the destruction took place.

Mr. WARREN. Mr. President, the Senator says a "judgment of the Court of Claims." Does he mean a judgment or a statement of the court?

Mr. CLARKE of Arkansas. It is a finding by the Court of Claims.

Mr. WARREN. A finding; and the amount is what?

Mr. CLARKE of Arkansas. The amount is $13,200, which is the value of the material taken. Of course, the courthouse and jail were worth very much more than that, but the material devoted to the uses of the Government was found by the court to have a value of $13,200.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Arkansas.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL SYSTEM OF HIGHWAYS (S. DOC. NO. 350).

The resolution (S. Res. 83) submitted by Mr. FLETCHER on January 28, 1916, was considered and agreed to, as follows:

Resolved, That the manuscript submitted by the Senator from Tennessee [Mr. SHIELDS] on January 13, 1916, entitled "A National System of Highways and Landscape Designing," being an address delivered before the American Civic Association of Washington, D. C., on December 31, 1915, by Cyrus Kehr, of Knoxville, Tenn., be printed as a Senate document.

BILL PASSED OVER.

The bill (S. 1082) to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes, was announced as next in order.

Mr. JAMES. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

ISSUANCE OF DUPLICATE CHECKS.

The bill (H. R. 3636) to amend section 3646 of the Revised Statutes of the United States as reenacted and amended by act of February 23, 1909, was considered as in Committee of the Whole. It proposes to amend section 3646 of the Revised Statutes so as to read as follows:

"SEC. 3646. That whenever any original check is lost, stolen, or destroyed disbursing officers and agents of the United States are authorized, within three years from the date of such check, to issue a duplicate check under such regulations in regard to its issue and payment, and upon the execution of such bond, with sureties, to indemnify the United States, and proof of loss of original check as the Secretary of the Treasury shall prescribe: *Provided*, That whenever any original check or warrant of the Post Office Department has been lost, stolen, or destroyed the Postmaster General may authorize the issuance of a duplicate thereof at any time within three years from the date of such original check or warrant upon the execution by the owner thereof of such bond of indemnity as the Postmaster General may prescribe: *Provided further*, That when such original check or warrant does not exceed in amount the sum of $50 and the payee or owner is, at the date of the application, an officer or employee in the service of the Post Office Department, whether by contract, designation, or appointment, the Postmaster General may, in lieu of an indemnity bond, authorize the issuance of a duplicate check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check or warrant."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 2730) to fix the compensation of assistant appraisers of merchandise, and for other purposes, was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 703) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure, was announced as next in order.

Mr. SMITH of Georgia. Mr. President, there are a number of Senators who desire to speak upon that bill, so that it will be impossible for it to pass at this time, and as a friend of the measure I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

ELDREDGE BROS. LIVE STOCK CO.

The bill (S. 53) for the relief of the Eldredge Bros. Live Stock Co., a corporation, was considered as in Committee of the Whole. It proposes to refund to the Eldredge Bros. Live Stock Co., a corporation organized under the laws of the State of Utah, $2,738.73 and pay to the corporation that amount on account of duties collected on cattle temporarily driven into the United States from Canada.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REFUNDING OF MONEYS ILLEGALLY ASSESSED.

The bill (S. 54) to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah was considered as in Committee of the Whole. It proposes to appropriate to the corporations hereinafter named the amounts respectively placed opposite their names, such amounts having been illegally assessed by the Commissioner of Internal Revenue and collected by the collector of internal revenue for the district of Utah in 1879 as a tax on notes used for circulation and paid out, such tax having been held illegal by the Supreme Court of the United States: Zion's Cooperative Mercantile Institution, of Bountiful, Utah, $123.30; Logan Branch of Zion's Cooperative Mercantile Institution, of Logan, Utah, $4,852.42.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RETIREMENT OF ARMY OFFICERS.

The bill (S. 1162) to place certain officers of the Army on the retired list was announced as next in order.

Mr. SMITH of Georgia. I ask that the bill go over.

Mr. CHAMBERLAIN. I hope that the Senator will not ask that that bill go over.

Mr. SMITH of Georgia. I think that bill can not be disposed of without considerable discussion.

Mr. CHAMBERLAIN. I will say to the Senator that when the calendar was called once before the only objection made to the bill was that it was general in its terms. That objection was made by the Senator from Florida [Mr. BRYAN]. With that objection removed, as it can be removed by a very simple amendment, I hope the Senator will not object.

Mr. SMITH of Georgia. If the Senator will prepare the amendment and let me see it—I am looking after it for the Senator from Florida—we may be able to go back to the bill, but I know the Senator from Florida objected very seriously to it on a previous occasion.

Mr. CHAMBERLAIN. Mr. President, if the Senator makes the objection himself, that is all right, but if he is acting——

Mr. SMITH of Georgia. I make the objection in the absence of the Senator from Florida, unless we can adjust the matter.

The PRESIDING OFFICER. The consideration of the bill is objected to, and it will go over.

RESOLUTION PASSED OVER.

The resolution (S. Res. 7) providing that any Senator upon his own request may be recorded and counted as present in order to constitute a quorum, was announced as next in order.

Mr. CLARKE of Arkansas. I object.

The PRESIDING OFFICER. The resolution will be passed over.

TREATY OF WASHINGTON.

The bill (S. 649) making appropriation for expenses incurred under the treaty of Washington, was considered as in Committee of the Whole. It proposes to reappropriate the unexpended balance of the appropriation for expenses incurred under the treaty of Washington, being $831.59, together with the further

sum of $668.41, to enable the Secretary of State to pay to any secretary to the counsel of the United States, as remuneration for services rendered by him in the preparation and trial of the case of the United States at Geneva, such sum, if any, as remains due and unpaid of the amount directed by Secretary Fish to be allowed as compensation to each of the secretaries to the counsel of the United States.

Mr. OVERMAN. I think that bill had better go over. I do not understand it. I think it should have been referred to the Committee on Appropriations.

Mr. GALLINGER. The bill passed the Senate at the last session. The amount involved is very small—only a thousand dollars, I think, or thereabouts.

Mr. OVERMAN. Ought not the bill to have been referred to the Appropriation Committee? Has the Senator looked into it?

Mr. GALLINGER. Yes; I have looked into it very carefully.

Mr. OVERMAN. Then I withdraw my objection.

Mr. GALLINGER. An appropriation was made really, but the money was not paid out.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INDEMNITIES TO AUSTRIA-HUNGARY, GREECE, AND TURKEY.

The bill (S. 3080) to authorize the payment of indemnities to the Governments of Austria-Hungary, Greece, and Turkey for injuries inflicted on their nationals during riots occurring in South Omaha, Nebr., February 21, 1909, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Foreign Relations with an amendment, on page 2, line 7, after the word "all," to strike out "$41,230" and insert "$41,030," so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be paid, out of any money in the Treasury not otherwise appropriated, as a matter of grace and without reference to the question of liability therefor, to the Governments of Austria-Hungary, Greece, and Turkey, as full indemnity on account of injuries inflicted on their nationals during riots which occurred in South Omaha, Nebr., on February 21, 1909, as set forth in the message of the President of the United States, dated January 14, 1916, with accompanying papers (H. Doc. No. 576, 64th Cong., 1st sess.), as follows: To the Government of Austria-Hungary, $800; to the Government of Greece, $40,000; and to the Government of Turkey, $230; in all, $41,030.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossd for a third reading, read the third time, and passed.

OTTAWA INDIAN TRIBE OF BLANCHARDS FORK.

The bill (S. 138) for the relief of the Ottawa Indian Tribe of Blanchards Fork and Roche de Bœuf, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and to insert:

That jurisdiction is hereby conferred upon the Court of Claims to consider and determine all legal and equitable claims, if any, of the Indian tribe of Blanchards Fork and Roche de Bœuf against the United States for the misappropriation of any funds of the tribe or for the failure of the United States to pay the tribe any money due under any treaty, and also to consider and determine any legal or equitable defenses, set-offs, or counterclaims which the United States may have against the said tribe of Indians, and to enter judgment thereon, all claims and defenses to be considered without regard to lapse of time, and the final judgment and satisfaction thereof shall be a full and final settlement of all claims of said Indians against the United States.

SEC. 2. That suit under this act shall be begun by the filing of a single petition setting forth the claims of Indians, to be verified by an attorney or attorneys selected by the claimant Indians, with the approval of the Secretary of the Interior and the Commissioner of Indian Affairs, as provided by existing law. The Indian tribe of Blanchards Fork and Roche de Bœuf shall be party plaintiff and the United States party defendant, and such suit shall, on motion of either party, be advanced on the docket of the Court of Claims and of the Supreme Court. Official letters, papers, reports, and public records, or certified copies thereof, may be used as evidence. The compensation to be paid the attorneys for the claimant Indians shall be determined by the Court of Claims, but in any event shall not be greater than that provided in the contract between the claimant Indians and their attorney or attorneys, and shall be paid out of any sum or sums found and adjudged to be due said Indians.

SEC. 3. That the balance of any judgment rendered in favor of claimant Indians may be placed in the Treasury of the United States to the credit of the Indians entitled thereto, and shall draw interest at the rate of 4 per cent per annum, or may, in the discretion of the Secretary of the Interior, be deposited in such bonded bank or banks as the Secretary may select, and under such regulations as he may prescribe, and said principal and interest may, in the discretion of the Secretary of the Interior, be paid to the Indians or expended for their benefit.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the Ottawa Indian Tribe of Blanchards Fork and Roche de Bœuf."

RESOLUTION PASSED OVER.

The resolution (S. Res. 20) for the appointment of a committee of Senators to examine into questions relating to the acquisition or construction of manufacturing plants to supply the Army and Navy with arms, armament, etc., was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The resolution will be passed over.

ADDITIONAL CLERK, COMMITTEE ON TRANSPORTATION ROUTES TO THE SEABOARD.

The Senate proceeded to consider the resolution (S. Res. 81) authorizing the Committee on Transportation Routes to the Seaboard to employ an additional clerk, etc., which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment on page 1, lines 3 and 4, to strike out "the balance of the present fiscal year," and insert "two months," so as to make the resolution read:

Resolved, That the Committee on Transportation Routes to the Seaboard be authorized to employ an additional clerk at a salary of $100 per month for two months, the same to be paid out of the contingent fund of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

ADDITIONAL CLERK, COMMITTEE ON THE CENSUS.

The Senate proceeded to consider the resolution (S. Res. 82) authorizing the Committee on the Census to employ an additional clerk temporarily, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment, on page 1, line 2, after the words "rate of," to strike out "$120" and insert "$100," so as to make the resolution read:

Resolved, That the Committee on the Census be authorized to employ an assistant clerk at the rate of $100 per month, to be paid out of the contingent fund of the Senate for a period not exceeding two months.

The amendment was agreed to.

The resolution as amended was agreed to.

HEARINGS BEFORE THE COMMITTEE ON THE LIBRARY.

The resolution (S. Res. 89) submitted by Mr. NEWLANDS on February 3 (calendar day, February 4), 1916, was considered and agreed to, as follows:

Resolved, That the Committee on the Library, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fourth Congress to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

HEARINGS BEFORE COMMITTEE ON INTERSTATE COMMERCE.

The resolution (S. Res. 90) submitted by Mr. NEWLANDS on the 9th instant was considered and agreed to, as follows:

Resolved, That the Committee on Interstate Commerce, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fourth Congress to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

COAST GUARD CUTTERS.

The bill (S. 2719) providing for the purchase or construction of cutters for the Coast Guard was considered as in Committee of the Whole. It directs the Secretary of the Treasury to construct and equip two steam Coast Guard cutters for service on the Pacific coast and in Alaskan waters, at a total cost not to exceed $700,000; one steam Coast Guard cutter for service as an anchorage patrol boat in New York Harbor, at a cost not to exceed $125,000, such vessel to be especially constructed for ice breaking; to purchase or construct and equip two or more cutters for service in harbors and shoal waters, at a total cost not to exceed $50,000; to purchase or construct and equip three light-draft river steamboats, including lifeboats and such other life-saving appliances and equipment as may be necessary, to be used in rescuing lives and property and in distributing food and clothing to marooned people during flood times on the Mississippi and Ohio Rivers and their tributaries, for patrolling those waters for the enforcement of navigation and motor-boat laws, and for rendering aid to vessels in distress, at a total cost not to exceed $240,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 1222) to amend section 4464 of the Revised Statutes of the United States was announced as next in order, and the Secretary read the bill.

Mr. WADSWORTH. Mr. President, I ask that that bill go over.

The PRESIDENT pro tempore. The Senator from New York objects. The bill goes over.

HENRY O. SLAYTON.

The bill (S. 1259) to restore to the active list First Lieut. of Engineers Henry O. Slayton, retired, United States Revenue-Cutter Service, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, in line 5, before the name "Henry," to strike out "Revenue-Cutter Service" and insert "Coast Guard," and in line 6, after the words "United States," to strike out "Revenue-Cutter Service" and insert "Coast Guard," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to restore to the active list of the Coast Guard, Henry O. Slayton, first lieutenant of engineers, United States Coast Guard, retired, as an extra number, to take rank as No. 18 on the list of first lieutenants of engineers: *Provided*, That said Henry O. Slayton is found physically fit for active duty by a medical board appointed by the Secretary of the Treasury.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to restore to the active list First Lieut. Henry O. Slayton, retired, United States Coast Guard."

FREDERICK J. BIRKETT.

The bill (S. 1460) to reinstate Frederick J. Birkett as third lieutenant in the United States Revenue-Cutter Service was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 5, after the words "the United States," to strike out "Revenue-Cutter Service" and insert "Coast Guard," and in line 7, after the word "States," to strike out "Revenue-Cutter Service" and insert "Coast Guard," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to appoint as a third lieutenant in the United States Coast Guard Frederick J. Birkett, formerly third lieutenant in the United States Coast Guard, and who voluntarily resigned from such service on October 8, 1913: *Provided*, That this apointment shall not be made until the said Birkett shall have passed a satisfactory physical examination before a board of surgeons of the United States Public Health Service.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to reinstate Frederick J. Birkett as third lieutenant in the United States Coast Guard."

STEAM PRESSURE ON BOILERS IN STEAM VESSELS.

The bill (S. 1225) to amend section 4433 of the Revised Statutes of the United States, relating to working steam pressure allowable on boilers in steam vessels, and section 4418 of the Revised Statutes of the United States, relating to hydrostatic test of steam boilers, was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 4433 of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"SEC. 4433. The working steam pressure allowable on all boilers inspected as required by Title LII shall be determined by the rules of the Board of Supervising Inspectors, with the approval of the Secretary of Commerce."

SEC. 2. That section 4418 of the Revised Statutes of the United States, as amended by the act of Congress approved March 3, 1905, be and is hereby, amended so as to read as follows:

"SEC. 4418. The local inspectors shall also inspect the boilers and their appurtenances in all steam vessels before the same shall be used, and once at least in every year thereafter, and shall subject all boilers to the hydrostatic pressure. All such vessels shall comply with the following requirements, namely: That the boilers are well made, of good and suitable material; that the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat, are of proper dimensions, and free from obstructions; that the spaces between and around the flues are sufficient; that flues, boilers, furnaces, safety valves, fusible plugs, low-water indicators, feed-water apparatus, gauge cocks, steam gauges, water and steam pipes connecting boilers, means of prevention of sparks and flames from fire doors, low-water gauges, means of removing mud and sediment from boilers, and all other such machinery and appurtenances thereof, are of such construction, shape, condition, arrangement, and material that the same may be safely employed in the service proposed without peril to life; and the local inspectors shall satisfy themselves by thorough examination that said requirements of law and regulations in regard thereto have been fully complied with. All boilers used on steam vessels and inspected as required by Title LII shall be subjected to such hydrostatic test as shall be determined by the rules of the Board of Supervising Inspectors, with the approval of the Secretary of Commerce. No boiler, flue, or pipe, nor any of the connections therewith shall be approved which is made in whole or in part of bad material, or is unsafe in its form, or dangerous from defective workmanship, age, use, or other cause."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHILOCCO INDIAN RESERVATION LANDS.

The bill (S. 1099) to authorize the Atchison, Topeka & Santa Fe Railway Co. to change its line of railroad through the Chilocco Indian Reservation, State of Oklahoma, was considered as in Committee of the Whole. It authorizes the Atchison, Topeka & Santa Fe Railway Co. to reconstruct its line of railroad through the Chilocco Indian Reservation in the State of Oklahoma to eliminate, where necessary, existing heavy grades and curves, and for such purpose to acquire the necessary right of way, not exceeding 250 feet in width, subject to the approval of the Secretary of the Interior and to the payment for the land so taken and occupied by such new right of way of such an amount as may be determined by the Secretary of the Interior to be fair and adequate compensation therefor, including all damages which may be caused by the reconstruction of said line of railroad to adjoining lands, crops, and other improvements, said amount to be paid to the Secretary of the Interior for the use and benefit of the Chilocco Indian School.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MANUFACTURE OF ARMOR.

The bill (S. 1417) to erect a factory for the manufacture of armor was announced as next in order.

The PRESIDENT pro tempore. This bill is the unfinished business. By virtue of the unanimous-consent agreement of the Senate, it will be temporarily laid aside.

BILL PASSED OVER.

The bill (S. 1428) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900, was announced as next in order.

Mr. OVERMAN. Let that go over, Mr. President.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

SISSETON AND WAHPETON BANDS OF SIOUX INDIANS.

The bill (S. 585) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Sisseton and Wahpeton Bands of Sioux Indians against the United States, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs, with an amendment to strike out all after the enacting clause and insert:

That all claims of whatsoever nature which the Sisseton and Wahpeton Bands of Sioux Indians may have or claim to have against the United States shall be submitted to the Court of Claims, with the right to appeal to the Supreme Court of the United States by either party, for the amount due or claimed to be due said bands from the United States under any treaties or laws of Congress; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all claims of said bands against the United States and also any legal or equitable defense, set-off, or counterclaim which the United States may have against said Sisseton and Wahpeton Bands of Sioux Indians, and to enter judgment, and in determining the amount to be entered herein the court shall deduct from any sums found due said Sisseton and Wahpeton Bands of Sioux Indians any and all gratuities paid said bands or individual members thereof subsequent to March 3, 1863: *Provided*, That in determining the amount to be entered herein, the value of the land involved shall not exceed the value of such land on March 3, 1863. If any such question is submitted to said court it shall settle the rights, both legal and equitable, of said bands of Indians and the United States, notwithstanding lapse of time or statute of limitations. Such action in the Court of Claims shall be presented by a single petition, to be filed within one year after the passage of this act, making the United States a party defendant, which shall set forth all the facts on which the said bands of Indians base their claims for recovery; and the said petition may be verified by the agent or authorized attorney or attorneys of said bands, to be selected by said bands and employed under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in accordance with the provisions of existing law, upon information or belief as to the existence of such facts, and no other statements or verifications shall be necessary. Official letters, papers, reports, and public records, or certified copies thereof, may be used as evidence. Whatever moneys may be found due the Sisseton and Wahpeton Bands of Indians under the provisions of this act, less attorney's fees, shall be placed to their credit in the Treasury of the United States: *Provided*, That the compensation to be paid the attorney or attorneys for the claimant Indians shall be determined by the

Secretary of the Interior, but in any event shall not be greater than the amount named in the approved contract: *Provided further*, That such compensation shall in no event exceed $15,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANK PAYNE SELBY.

The bill (S. 2720) for the relief of Frank Payne Selby was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$7,500" and insert "$2,530.80," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Payne Selby, $2,530.80, as full compensation to said Frank Payne Selby for the loss of a foot, which occurred as the result of an accident, without negligence on his part, while he was engaged in the performance of his duties as conductor of a dirt train on the Panama Canal excavation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN ALEXANDER BESONEN.

The bill (S. 3436) for the relief of John Alexander Besonen was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to John Alexander Besonen, of the county of Marquette, State of Michigan, out of any money not otherwise appropriated, the sum of $297.27, in compliance with the findings of the Court of Claims, Senate Document No. 711, Sixtieth Congress, second session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 4399) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to place upon the pension roll, at the rate per month therein specified, the following-named persons:

Joanna E. Kiley, widow of John M. Kiley, late of Company C, Twentieth Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

John Denton, late of Company H, One hundred and fifty-third Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Jacob Boyd, late of Company C, Seventh-fifth Regiment Indiana Volunteer Infantry, and Company G, Eleventh Regiment Veteran Reserve Corps, $40 per month in lieu of that he is now receiving.

Stephen W. Cottingham, late of Company B, Thirty-ninth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Samuel Franklin, jr., late of Company H, Thirty-first Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Robert Posey, late of Company I, Ninety-seventh Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Zachariah V. Purdy, late of Company D, Fifteenth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Helen Morgan, widow of William Morgan, late of Company I, One hundred and thirty-first Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Abraham Smith, late of Fifteenth Battery Indiana Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

Joseph H. Wilson, late of Company C, Fifty-fourth Regiment Ohio Volunteer Infantry, $40 per month in lieu of that he is now receiving.

John Snider, late of Companies B and G, Thirty-first Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary J. Thompson, widow of Robert Q. Thompson, late captain Company G, Twelfth Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

John C. McNaight, late of Company D, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Maria L. Roraback, widow of Nathaniel Roraback, late of Company B, Second Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Elizabeth Turner, widow of Peter Turner, late of Company K, Fourth Regiment New Jersey Volunteer Infantry, and Company C, First Battalion New Jersey Veteran Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary F. Weed, widow of Charles L. Weed, late of Company B, Twenty-eighth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Lovina S. Remington, widow of Asaph Remington, late of Company H, Second Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Grace S. Wood, helpless and dependent daughter of Thomas Wood, late second lieutenant Company K, Fifty-first Regiment New York Volunteer Infantry, $12 per month.

Mary E. Starr, widow of Elisha R. Starr, late first lieutenant Company K, Fifth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

James K. Stebbins, late of U. S. S. *Vermont*, *New Ironsides*, and *Princeton*, United States Navy, $30 per month in lieu of that he is now receiving.

Carrie M. Pierce, widow of George W. Pierce, late of Company C, Second Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Lucy A. Pond, widow of Seth C. Pond, late of Company A, Second Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Jennie E. Puffer, widow of Charles E. Puffer, late of Company K, Twenty-fifth Regiment Connecticut Volunteer Infantry, and former widow of James H. Hough, late of Company E, Sixteenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Jerome S. Manchester, late of Companies C and B, Second Regiment New York Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Mary G. Fox, widow of James F. Fox, late of Company G, Twenty-fifth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary L. Case, widow of Ellsworth Case, late of Company E, Thirteenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Ervin Nye, late of Company A, Fourth Regiment Vermont Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Stephen Johnson, late of Company B, Thirteenth Regiment, and Company G, Sixth Regiment, Vermont Volunteer Infantry, $36 per month in lieu of that he is now receiving.

James Kephart, late of Company C, Thirteenth Regiment United States Infantry, $40 per month in lieu of that he is now receiving.

George C. Jones, late of Troop I, Third Regiment United States Cavalry, $40 per month in lieu of that he is now receiving.

James W. Lankford, late of Company A, Forty-ninth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Victoria G. McFadden, widow of John W. McFadden, late of Company C, Twentieth Regiment, and hospital steward, One hundred and fifty-second Regiment, Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Anna Paden, widow of James Paden, late of Company B, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and Company K, Twelfth Regiment Veteran Reserve Corps, $20 per month in lieu of that she is now receiving.

Sarah H. White, widow of Adrian C. White, late first lieutenant Company K, Twentieth Regiment Michigan Volunteer Infantry, $25 per month in lieu of that she is now receiving.

Cyrus F. Martin, late of Company E, One hundred and second Regiment United States Colored Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Mary M. Clark, widow of Nelson W. Clark, late first lieutenant Company K, Seventh Regiment Michigan Volunteer Infantry, $12 per month.

Martin L. Fisher, late of Company F, Seventy-fourth Regiment Indiana Volunteer Infantry, $40 per menth in lieu of that he is now receiving.

David R. Miller, late of Company D, Seventh Regiment Kansas Volunteer Cavalry, $21 per month in lieu of that he is now receiving.

Artemisia McCowen, widow of Sampson McCowen, late of Company D, Ninety-first Regiment Indiana Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John N. McCowen, helpless and dependent child of said Sampson McCowen, the additional pen-

sion herein granted shall cease and determine: *And provided further*, That in the event of the death of Artemisia McCowen the name of the said John N. McCowen shall be placed on the pension roll at $12 per month from and after the date of death of said Artemisia McCowen.

Joel T. Booz, late of Company D, Tenth Regiment Missouri Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Daniel M. Banks, late of Company D, Seventh Regiment Illinois Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Matilda Bennett, former widow of Francis M. Smith, late of Company C, Thirty-second Regiment Illinois Volunteer Infantry, $12 per month.

Charity E. Smith, widow of Franklin A. Smith, late of Company D, Eleventh Regiment Illinois Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Alfred Hooker, late of Company B, Eighty-first Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry L. Miller, late of Company C, Thirty-first Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Leroy F. Morse, late acting assistant surgeon, United States Navy, $40 per month in lieu of that he is now receiving.

John Ensley Hixon, late of Company H, Seventy-fifth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Henry Gathman, late of Company G, Eighty-third Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

John W. W. Craig, late of Company E, Twenty-sixth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Dewitt C. Burns, late of Company F, Second Regiment Illinois Volunteer Light Artillery, $36 per month in lieu of that he is now receiving.

John M. Barber, late of Company F, One hundred and eighty-eighth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Charles Thurston, late of Company D, One hundred and twenty-first Regiment New York Volunteer Infantry, and ordinary seaman, U. S. S. *Sabine*, *Hibiscus*, and *Ino*, United States Navy, $50 per month in lieu of that he is now receiving.

Charles A. Holmes, late of Company I, Ninth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Frank S. Mildram, late of U. S. S. *Colorado*, *North Carolina*, and *Mohongo*, United States Navy, $40 per month in lieu of that he is now receiving.

Ella Farnum, widow of Luther B. Farnum, late of Company F, Seventeenth Regiment Maine Volunteer Infantry, $12 per month.

John E. Gilmore, late of Company A, Twenty-sixth Regiment Iowa Volunteer Infantry, $40 per month in lieu of that he is now receiving.

John B. Goodie, late of Company I, Eightieth Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Jonas H. Munson, late of Company B, Second Regiment Vermont Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Elmer M. Yocom, late of Company K, Sixty-first Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Sarah J. Alling, widow of Ichabod E. Alling, late of Company H, Twentieth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Charlotte A. Avery, widow of Giles W. Avery, late of Company K, Twenty-sixth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Jane A. Babcock, widow of William L. Babcock, late acting master United States Navy, $20 per month in lieu of that she is now receiving.

Abbie C. Boardman, widow of Frederick Boardman, late of Company E, Eighth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Martha Crumb, widow of Franklin H. Crumb, late fife major Eighth Regiment Connecticut Volunteer Infantry, $20 per month.

Mary Moriarty, widow of Henry Moriarty, late of Company E, Second Battalion, Fourteenth Regiment United States Infantry, $20 per month in lieu of that she is now receiving.

Nellie R. Palmer, widow of Willard L. Palmer, late of Company G, Twelfth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Ethan S. Anderson, late of Company F, One hundred and forty-third Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John A. Smith, late of Company H, Sixteenth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Emma McCue, former widow of Stephen Cornelius, late of Company F, Ninety-third Regiment Ohio Volunteer Infantry, $12 per month.

Mary E. Brown, widow of Henry Brown, late of Company H, Thirteenth Regiment Kentucky Volunteer Cavalry, $12 per month.

Clementine Williams, widow of William H. Williams, late of Company H, Thirteenth Regiment Kentucky Volunteer Cavalry, $12 per month.

John W. Detwiler, late of Company F, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Joseph E. Clough, late of Company D, Fourteenth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Virgil D. Keaton, late of Company F, Eighty-fifth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Mollie B. Crawford, widow of Amos Crawford, late of Company C, Ninety-first Regiment Illinois Volunteer Infantry, $12 per month.

Zephaniah Roberts, late of Company F, Fourteenth Regiment Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Mary C. Schellner, widow of Charles S. Schellner, late of Company I, One hundred and fifty-fourth Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Peter Williams, late of Battery B, Fourth Regiment United States Artillery, $30 per month in lieu of that he is now receiving.

Oliver E. Durrant, late of Company C, Sixth Regiment Michigan Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Ellen Conley, widow of James Conley, late of Company F, Thirtieth Regiment New York Volunteer Infantry, and Company D, Second Regiment New York Veteran Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Merritt J. Hedges, late of Company A, Fiftieth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Julia Jackson, widow of Andrew Jackson, late of Company C, Two hundred and third Regiment Pennsylvania Volunteer Infantry, $20 per month in lieu of that she is now receiving.

William K. Griffith, late of Company A, Fourth Regiment Tennessee Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Mary R. Strayer, widow of Isaac P. Strayer, late captain Company B, One hundred and fifty-second Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Theodore A. Cox, late of Company H, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary S. Underhill, widow of Leeman Underhill, late of Company D, First Regiment Wisconsin Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Richard Whitten, late of Company E, Fifty-sixth Regiment Massachusetts Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Louise Tischer, widow of Herman Tischer, late musician, band Ninth Regiment Iowa Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Melissa J. Chandler, former widow of Edwin S. Bowers, late of Company A, Sixth Regiment Massachusetts Volunteer Infantry, $12 per month.

Clara A. Estes, former widow of Pharaoh Perry, late of Company D, Twenty-seventh Regiment Maine Volunteer Infantry, $12 per month.

Henry S. Moulton, late of Company L, Eighteenth Regiment Maine Volunteer Infantry (First Heavy Artillery), $30 per month in lieu of that he is now receiving.

Ida M. McLaughlin, widow of Charles H. McLaughlin, late of Company A, First Regiment Maine Volunteer Cavalry, $12 per month.

Michael Hickey, late of First Battery, Maine Volunteer Light Artillery, $40 per month in lieu of that he is now receiving.

Benjamin F. Clifford, late of Company H, Twentieth Regiment Maine Volunteer Infantry, $50 per month in lieu of that he is now receiving.

David Walker, late of Company D, Third Regiment Wisconsin Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Andrew A. Holmes, late of Company D, Nineteenth Regiment Iowa Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Ebenezer Watson, late of Company E, Thirty-seventh Regiment Wisconsin Volunteer Infantry, $36 per month in lieu of that he is now receiving.

William O. White, late of Company H, Thirteenth Regiment Vermont Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Ella Le Suer, widow of William H. Le Suer, late of Company G, Twenty-fifth Regiment Michigan Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Jacob Schmidt, late of Company E, Seventh Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Zernah A. Newell, widow of Eben Payne Newell, late of Company F, First Regiment Minnesota Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Robert O. Jones, late of Company B, Eighteenth Regiment Kentucky Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William J. Cottrell, late of Company C, One hundred and fifty-first Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James A. McAllister, late of Company L, First Regiment Ohio Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Edward Mason, late of Company A, Eighteenth Regiment Massachusetts Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Lucy L. Wessels, widow of James H. Wessels, late of Company D, One hundred and forty-first Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Balser Minges, late of Company F, Forty-second Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Edward L. Curtis, late of Company D, Seventy-fifth Regiment Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Elizabeth Sparling, widow of Almon Sparling, late of Company B, Twentieth Regiment Wisconsin Volunteer Infantry, $20 per month in lieu of that she is now receiving.

George W. Holdson, late of Company I, Ninety-seventh Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Madeline Smith, widow of James H. Smith, late of Company C, Fourteenth Regiment Indiana Volunteer Infantry, and Company C, Sixth Regiment United States Cavalry, $12 per month.

Lemuel Emmerson, late of Company D, One hundred and twentieth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

James Mosier, late of Company D, One hundred and sixteenth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Charles M. Smilie, late of Battery G, First Regiment Illinois Volunteer Light Artillery, $24 per month in lieu of that he is now receiving.

William C. Doak, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, $50 per month in lieu of that he is now receiving.

Joseph C. Tousley, late of Company A, Second Regiment Ohio Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Minnie Holz, widow of William Holz, late of Company D, Forty-fourth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that she is now receiving.

Daniel C. Ehrhart, late of Company L, Fifteenth Regiment Pennsylvania Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Isaac Conner, late of Company H, Thirty-eighth Regiment, and Company H, Thirty-fourth Regiment Iowa Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Anna S. Weaver, widow of John H. Weaver, late of Company E, Second Regiment Pennsylvania Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Sarah R. Anderson, widow of Allen L. Anderson, late colonel Eighth Regiment California Volunteer Infantry, $30 per month in lieu of that she is now receiving.

Stephen B. Garrigus, late of Company H, Fifty-third Regiment Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

George F. Edmunds, late of Company D, Eleventh Regiment New Hampshire Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Olive L. Baldwin, widow of Benjamin F. Baldwin, late of Company B, Sixteenth Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Gorham Tufts, late of Company A, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William H. Taylor, late of U. S. S. *Vicksburg*, *Hartford*, and *Wyoming*, United States Navy, $50 per month in lieu of that he is now receiving.

Ernest E. M. Vinton, late of Company G, Twenty-ninth Regiment Maine Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Joseph M. Elliott, late of Company K, Thirtieth Regiment Maine Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Charles A. Pepper, late of Company H, Seventh Regiment Iowa Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

James L. Zeigler, late of Company D, Twenty-seventh Regiment Missouri Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Zenas R. Detwiler, late of Company G, Thirteenth Regiment Iowa Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Ozro F. Walker, late of Company K, First Regiment Maine Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Nancy Miller, helpless and dependent daughter of Hiram Miller, late of Company A, Third Regiment North Carolina Volunteer Mounted Infantry, $12 per month.

Garrett C. Brewer, late of Company D, Seventeenth Regiment Indiana Infantry, $50 per month in lieu of that he is now receiving.

John M. Rupert, late of Company E, Twelfth Regiment Illinois Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Robert C. Young, late of Company E, Eighty-fourth Regiment Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Thomas Mullen, alias Maloney, late of Company E, Fortieth Regiment Missouri Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Lewis W. Graham, late of Companies I and C, Second Regiment Kansas Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

John C. Gray, late of Company G, Thirtieth Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Hanson Hutchings, jr., late of Company E, First Regiment Maine Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Oliver P. Lockhart, late of Company K, Seventieth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

James Gallagher, late of Company I, Eighty-first Regiment Pennsylvania Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William P. McCartney, late of Company I, One hundred and sixty-sixth Regiment, Ohio National Guard Infantry, $30 per month in lieu of that he is now receiving.

William Wright, late of Company H, One hundredth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Teodora Antonia Baca de Martinez, widow of Candelario Martinez, late first lieutenant Companies A and K, First Regiment New Mexico Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Rosa L. Tobin, widow of William Tobin, late of Company I, Seventh Regiment Vermont Volunteer Infantry, and Companies G and A, First Regiment Vermont Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Sophia E. Bissonett, widow of Marble Bissonett, late of Company G, Fourteenth Regiment Vermont Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Ellen A. Sheehan, widow of James A. Sheehan, late of Company A, Fourth Battalion District of Columbia Militia Infantry, $20 per month in lieu of that she is now receiving.

George W. Miller, late of Company C, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry Collett, late of Company I, Fortieth Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Martha A. White, widow of Henry White, late of Company B, One hundred and twenty-third Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Henry T. Raymond, late of Company C, Seventeenth Regiment Vermont Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William Blair, late of Company E, Fourteenth Regiment New Hampshire Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Eliza P. Gullihur, widow of James K. Gullihur, late of Company F, Seventh Regiment Iowa Volunteer Infantry, and former widow of Ebenezer T. Jones, late of Company A, Fifty-first Regiment New York Volunteer Infantry, $12 per month.

Mr. JOHNSON of Maine. On page 15, I move to strike out the provision relative to Mary C. Schellner.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 15, it is proposed to strike out lines 1, 2, 3, 4, and 5, in the following words:

The name of Mary C. Schellner, widow of Charles S. Schellner, late of Company I, One hundred and fifty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ABRAM H. JOHNSON.

The bill (S. 2564) correcting the military record of Abram H. Johnson was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Abram H. Johnson, who was a corporal of Company K, Third Michigan Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment March 18, 1864: *Provided*, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Abram H. Johnson."

JOHN H. ARMSTRONG.

The bill (S. 741) to remove the charge of desertion from the military record of John H. Armstrong was announced as next in order.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. SMITH of Michigan subsequently said: Mr. President, the Senator from New Hampshire [Mr. GALLINGER], I think unintentionally, objected to the passage of Senate bill 741. I ask that the Chair return to that bill. It is No. 121 on the calendar. It has been favorably reported from the Committee on Military Affairs, and that fact ought to be sufficient for its passage.

The PRESIDENT pro tempore. If the Senator from New Hampshire insists upon his objection, the bill can not be considered to-day.

Mr. GALLINGER. I will not insist upon my objection. The Senator from Michigan has explained to me a matter in connection with the bill.

The PRESIDENT pro tempore. The Secretary will return to Order of Business No. 121, then.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, John H. Armstrong, late of Battery A, Third Regiment Rhode Island Volunteer Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment, provided that other than as above set forth no pay, bounty, pension, or other emolument shall accrue by reason of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of John H. Armstrong."

REVISION OF THE ARTICLES OF WAR.

The bill (S. 3191) to amend section 1342 and chapter 6, Title XIV, of the Revised Statutes of the United States, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments.

The Secretary proceeded to read the bill, but before the reading was concluded—

Mr. GALLINGER. Mr. President, I will interrupt the reading for the purpose of asking Senators who are much better informed in military matters than I am whether this is a bill that has been well considered and has been agreed to by military authorities?

Mr. WARREN. It has been very well considered, not only at this session but at the last session, and passed the Senate, but failed to get action in the House.

Mr. GALLINGER. It is a very long bill, and I made the inquiry for the purpose of asking unanimous consent that the further reading of the bill be dispensed with.

The PRESIDENT pro tempore. Unless there is objection, the request of the Senator from New Hampshire will be agreed to. The Chair hears no objection. The Secretary will state the amendments proposed by the committee.

The first amendment of the Committee on Military Affairs was under the subhead "D, Procedure," on page 9, line 2, after the word "proceedings," to strike out the semicolon and insert: "The accused shall enjoy the right to have the assistance of counsel for his defense," and in line 4, after the word "should," to strike out "the accused" and insert "he, for any reason"; so as to make article 17 read:

ART. 17. Judge advocate to prosecute.—The judge advocate of a general or special court-martial shall prosecute in the name of the United States, and shall, under the direction of the court, prepare the record of its proceedings. The accused shall enjoy the right to have the assistance of counsel for his defense, but should he, for any reason, be unrepresented by counsel, the judge advocate shall from time to time throughout the proceedings advise the accused of his legal rights.

The amendment was agreed to.

The next amendment was, on page 9, line 14, after "Art. 19," to strike out "oaths of members and judge advocates" and insert "oaths"; so as to make article 19 read:

ART. 19. Oaths.—The judge advocate of a general or special court-martial shall administer to the members of the court, before they proceed upon any trial, the following oath or affirmation: "You, A. B., do swear (or affirm) that you will well and truly try and determine, according to the evidence, the matter now before you, between the United States of America and the person to be tried, and that you will duly administer justice, without partiality, favor, or affection, according to the provisions of the rules and articles for the government of the Armies of the United States, and if any doubt should arise, not explained by said articles, then according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear (or affirm) that you will not divulge the findings or sentence of the court until they shall be published by the proper authority, except to the judge advocate and assistant judge advocate; neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice in due course of law. So help you God."

The amendment was agreed to.

The next amendment was, on page 10, after line 18, to insert:

All persons who give evidence before a court-martial shall be examined on oath or affirmation in the following form: "You swear (or affirm) that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God."

The amendment was agreed to.

The next amendment was, on page 10, after line 27, to insert:

Every reporter of the proceedings of a court-martial shall, before entering upon his duties, make oath or affirmation in the following form: "You swear (or affirm) that you will faithfully perform the duties of reporter to this court. So help you God."

The amendment was agreed to.

The next amendment was, on page 11, after line 3, to insert:

Every interpreter in the trial of any case before a court-martial shall, before entering upon his duties, make oath or affirmation in the following form: "You swear (or affirm) that you will truly interpret in the case now in hearing. So help you God."

The amendment was agreed to.

The next amendment was, on page 11, line 11, to strike out "shall" and insert "may," so as to make article 20 read:

ART. 20. Continuances.—A court-martial may, for reasonable cause, grant a continuance to either party for such time and as often as may appear to be just.

The amendment was agreed to.

The next amendment was, at the top of page 12, to strike out article 23, as follows:

ART. 23. Oath of witnesses.—All persons who give evidence before a court-martial shall be examined on oath or affirmation in the following form: "You swear (or affirm) that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God."

In the case of affirmation the closing sentence of adjuration will be omitted.

The amendment was agreed to.

The PRESIDENT pro tempore. The sections will be renumbered in accordance with the amendments which have been adopted.

The next amendment was, on page 14, after line 17, to insert:

ART. 27. Courts of inquiry—Records of, when admissible.—The record of the proceeding of a court of inquiry may be read in evidence before any court-martial or military commission in any case not capital nor extending to the dismissal of an officer, and may also be read in evidence in any proceeding before a court of inquiry or a military board: *Provided*, That such evidence may be adduced by the defense in capital cases or cases extending to the dismissal of an officer.

The amendment was agreed to.

The next amendment was, on page 15, line 10, after the word "who," to strike out "quits the organization to which he properly belongs and, without having first received a regular discharge from such organization, enlists in any other organization of," and insert "without having first received a regular discharge, again enlists in"; in line 14, after the word "or," to insert "in the"; in line 16, after the words "United States," to insert "or in any foreign army"; in line 18, after the word "and," to insert "where the enlistment is in one of the forces of the United States mentioned above"; and in line 19, after the word "enlisted," to insert "therein," so as to make the clause read:

ART. 29. Enlistment without discharge—Any soldier who without having first received a regular discharge again enlists in the Army, or in the Militia when in the service of the United States, or in the Navy or Marine Corps of the United States, or in any foreign army, shall be deemed to have deserted the service of the United States; and where the enlistment is in one of the forces of the United States mentioned above, to have fraudulently enlisted therein.

The amendment was agreed to.

The next amendment was, on page 15, after line 20, to strike out:

ART. 30. Oaths of reporters and interpreters.—Every reporter of the proceedings of a court-martial shall, before entering upon his duties, make oath or affirmation in the following form: "You swear (or affirm) that you will faithfully perform the duties of reporter to this court. So help you God."

And every interpreter in the trial of any case before a court-martial shall, before entering upon his duties, make oath or affirmation in the following form: "You swear (or affirm) that you will truly interpret in the case now in hearing. So help you God."

In case of affirmation the closing sentence of adjuration will be omitted.

The amendment was agreed to.

The next amendment was, on page 19, after line 3, to insert:

ART. 38. President may prescribe rules.—The President may by regulations, which he may modify from time to time, prescribe the procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals: *Provided*, That nothing contrary to or inconsistent with these articles shall be so prescribed: *Provided further*, That all rules made in pursuance of this article shall be laid before the Congress annually.

The amendment was agreed to.

The next amendment was under the subhead "E. Limitations upon prosecutions," on page 19, line 19, after the word "any," to strike out "noncapital"; in line 20, after the word "articles," to strike out "ninety-two" and insert "ninety-three"; and in line 21, before the words "of this code," to strike out "ninety-three" and insert "ninety-four," so as to make article 39 read:

ART. 39. As to time.—Except for desertion committed in time of war, or for murder, no person subject to military law shall be liable to be tried or punished by a court-martial for any crime or offense committed more than two years before the arraignment of such person: *Provided*, That for desertion in time of peace or for any crime or offense punishable under articles 93 and 94 of this code the period of limitations upon trial and punishment by court-martial shall be three years: *Provided further*, That the period of any absence of the accused from the jurisdiction of the United States, and also any period during which by reason of some manifest impediment the accused shall not have been amenable to military justice, shall be excluded in computing the aforesaid periods of limitation: *And provided further*, That this article shall not have the effect to authorize the trial or punishment for any crime or offense barred by the provisions of existing law.

The amendment was agreed to.

The next amendment was, under subhead "G. Action by appointing or superior authority," on page 22, line 17, after the word "guilt," to insert "and"; in line 19, after the words "part of the," to strike out "sentence; and" and insert "sentence"; and after line 19 to strike out "(c) The power to change the sequence in which a sentence as adjudged by the court may require the execution of the punishments of dishonorable discharge and confinement," so as to make article 47 read:

ART. 47. Powers incident to power to approve.—The power to approve the sentence of a court-martial shall be held to include, inter alia:

(a) The power to approve or disapprove a finding and to approve only so much of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense when, in the opinion of the authority having power to approve, the evidence of record requires a finding of only the lesser degree of guilt; and

(b) The power to approve or disapprove the whole or any part of the sentence.

The amendment was agreed to.

The next amendment was, under the head "III. Punitive articles," subhead "D. Arrest; Confinement," on page 32, after line 6, to strike out:

ART. 70. Investigation of and action upon charges.—The charge against any person placed in arrest or confinement shall be investigated promptly by the commanding officer or other proper military authority, and immediate steps shall be taken to try and punish the person accused or to dismiss the charges against him and release him from arrest or confinement. Any officer who is responsible for unreasonable or unnecessary delay in carrying the case to a final conclusion shall be punished as a court-martial may direct: *Provided*, That in time of peace no person shall, against his objection, be brought to trial before a general court-martial within a period of five days subsequent to the service of charges upon him. The accused shall be furnished a copy of the charges against him on his request therefor.

And insert:

ART. 70. Investigation of and action upon charges.—The charge against any person placed in arrest or confinement shall be investigated promptly by the commanding officer or other proper military authority, and immediate steps shall be taken to try and punish the person accused or to dismiss the charges against him and release him from arrest or confinement. In every case where a person remains in military custody for more than eight days without being served with charges upon which he is to be tried a special report of the necessity for the delay shall be made by his commanding officer in the manner prescribed by regulations, and a similar report shall be forwarded every eight days thereafter until charges are served or until such person is released from custody; and if the person remains in military custody for more than 30 days without being brought before a court-martial for trial, the authority responsible for bringing him to trial shall render to superior authority a special report of the necessity for the delay. Any officer whose duty it is to make such investigation or to take such steps or to render such report who willfully or negligently fails to do so promptly, and any officer who is responsible for unreasonable or unnecessary delay in carrying the case to a final conclusion shall be punished as a court-martial may direct: *Provided*, That in time of peace no person shall, against his objection, be brought to trial before a general court-martial within a period of five days subsequent to the service of charges upon him.

The amendment was agreed to.

The next amendment was, under the head of "F. Miscellaneous crimes and offenses," on page 40, line 21, after the words "one hundred and," to strike out "four" and insert "five," so as to make article 89 read:

ART. 89. Good order to be maintained and wrongs redressed.—All persons subject to military law are to behave themselves orderly in quarters, garrison, camp, and on the march; and any person subject to military law who commits any waste or spoil, or willfully destroys any property whatsoever (unless by order of his commanding officer), or commits any kind of depredation or riot shall be punished as a court-martial may direct. Any commanding officer who, upon complaint made to him, refuses or omits to see reparation made to the party injured, in so far as the offender's pay shall go toward such reparation, as provided for in article 105, shall be dismissed from the service, or otherwise punished, as a court-martial may direct.

The amendment was agreed to.

The next amendment was, on page 41, line 4, after the subhead "Dueling," to insert "Attempts to commit suicide," and in line 9, after the word "authority," to insert "or who attempts to commit suicide," so as to make article 91 read:

ART. 91. Dueling—Attempts to commit suicide.—Any person subject to military law who fights or promotes or is concerned in or connives at fighting a duel, or who having knowledge of a challenge sent or about to be sent fails to report the fact promptly to the proper authority or who attempts to commit suicide shall, if an officer, be dismissed from the service or suffer such other punishment as a court-martial may direct; and if any other person subject to military law, shall suffer such punishment as a court-martial may direct.

The amendment was agreed to.

The next amendment was, on page 41, after line 13, to strike out lines 14 to 24, both inclusive, in the following words:

ART. 92. Various crimes.—Larceny, embezzlement, forgery, robbery, burglary, arson, mayhem, manslaughter, murder, assault with intent to kill or to do bodily harm, wounding by shooting or stabbing with an intent to commit murder, rape or assault with intent to commit rape, shall be punishable by a general court-martial when committed by persons subject to military law, and the punishment in any such case shall not be less than the punishment provided for the like offense by the laws of the State, Territory, District, or other place in which such offense may have been committed.

And to insert:

ART. 92. Murder—Rape.—Any person subject to military law who commits murder or rape shall suffer death or imprisonment for life,

as a court-martial may direct; but no person shall be tried by court-martial for murder or rape committed within the geographical limits of the States of the Union and the District of Columbia in time of peace.

The amendment was agreed to.

The next amendment was, on page 42, after line 6, to insert:

ART. 93. Various crimes.—Any person subject to military law who commits manslaughter, mayhem, arson, burglary, robbery, larceny, embezzlement, perjury, assault with intent to commit any felony, or assault with intent to do bodily harm, shall be punished as a court-martial may direct.

The amendment was agreed to.

The next amendment was, under the head of "V. Miscellaneous provisions," on page 51, line 24, to strike out "95" and insert "96"; in line 25, to strike out "3" and insert "4"; and in the same line to strike out "8" and insert "9," so as to make article 110 read:

ART. 110. Certain articles to be read and explained.—Articles 1, 2, and 29, 54 to 96, inclusive, and 104 to 109, inclusive, shall be read and explained to every soldier at the time of his enlistment or muster in, or within six days thereafter, and shall be read and explained once every six months to the soldiers of every garrison, regiment, or company in the service of the United States.

The amendment was agreed to.

The next amendment was, on page 54, line 14, after the word "administration," to insert:

And in foreign places where the Army may be serving shall have the general powers of a notary public or of a consul of the United States in the administration of oaths, the execution and acknowledgment of legal instruments, the attestation of documents, and all other forms of notarial acts to be executed by person subject to military law.

So as to make article 114 read:

ART. 114. Authority to administer oaths.—Any judge advocate or acting judge advocate, the president of a general or special court-martial, any summary court-martial, the judge advocate or any assistant judge advocate of a general or special court-martial, the president or the recorder of a court of inquiry or of a military board, any officer designated to take a deposition, any officer detailed to conduct an investigation, and the adjutant of any command shall have power to administer oaths for the purposes of the administration of military justice and for other purposes of military administration; and in foreign places where the Army may be serving shall have the general powers of a notary public or of a consul of the United States in the administration of oaths, the execution and acknowledgment of legal instruments, the attestation of documents, and all other forms of notarial acts to be executed by persons subject to military law.

The amendment was agreed to.

The next amendment was, on page 56, line 23, after the word "Volunteers," to strike out "Officers," and insert:

That in time of war or public danger, when two or more officers of the same grade are on duty in the same field, department, or command, or of organizations thereof, the President may assign the command of the forces of such field, department, or command, or of any organization thereof, without regard to seniority of rank in the same grade. In the absence of such assignment by the President, officers—

So as to make article 119 read:

ART. 119. Rank and precedence among regulars, militia, and volunteers.—That in time of war or public danger, when two or more officers of the same grade are on duty in the same field, department, or command, or of organizations thereof, the President may assign the command of the forces of such field, department, or command, or of any organization thereof, without regard to seniority of rank in the same grade. In the absence of such assignment by the President, officers of the same grade shall rank and have precedence in the following order, without regard to date of rank or commission as between officers of different classes, namely: First, officers of the Regular Army and officers of the Marine Corps detached for service with the Army by order of the President; second, officers of the Organized Militia in the service of the United States; and, third, officers of the volunteer forces: *Provided*, That officers of the Regular Army holding commissions in the Organized Militia in the service of the United States or in the volunteer forces shall rank and have precedence under said commissions as if they were commissions in the Regular Army; but the rank of officers of the Regular Army under their commissions in the Organized Militia shall not, for the purposes of this article, be held to antedate muster into the service of the United States.

The amendment was agreed to.

The next amendment was, in section 2, page 58, line 8, after the word "six," to strike out "and"; in line 9, after the word "and" the second time it occurs, to insert "by the Act of"; and in line 15, after the word "That," to strike out "in addition to the acting judge advocates now authorized by law, acting judge advocates may be detailed to assist judge advocates of geographical departments and tactical divisions, and when not immediately required for service with geographical departments or tactical divisions all acting judge advocates may be assigned to such other legal duty as the exigencies of the service may require" and insert "acting judge advocates may be detailed for separate brigades and other separate general court-martial jurisdiction, and when not immediately required for service with the geographical department, tactical division, separate brigade, or other separate general court-martial jurisdictions, acting judge advocates may be assigned to such other legal duty as the exigencies of the service may require, so as to make the section read:

SEC. 2. That hereafter the provisions of section 26 of the act of February 2, 1901, as modified for the Ordnance Department by section 2 of the act of June 25, 1906, by act of March 3, 1909, and by the act of February 24, 1915, shall be held to include the Judge Advocate General's Department: *Provided*, That the board of officers which is to recommend officers for detail in the Judge Advocate General's Department shall be composed of officers of that department: *Provided further*, That acting judge advocates may be detailed for separate brigades and other separate general court-martial jurisdiction, and when not immediately required for service with the geographical department, tactical division, separate brigade, or other separate general court-martial jurisdictions, acting judge advocates may be assigned to such other legal duty as the exigencies of the service may require.

The amendment was agreed to.

The next amendment was, in subsection (d), on page 60, line 3, after the word "approved," to strike out "July" and insert "June"; so as to make subsection (d) read:

(d) Sections 1 and 4 of an act entitled "An act to amend an act entitled 'An act to promote the administration of justice in the Army,' approved October 1, 1890, and for other purposes," approved June 18, 1898.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NELSON T. SAUNDERS.

The bill (S. 1818) to correct the military record of Nelsón T. Saunders was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That in the administration of the laws conferring rights, privileges, and benefits upon honorably discharged officers, Nelson T. Saunders, late commissary sergeant of the Sixty-fourth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been mustered into service as a second lieutenant of Company F, Sixty-fourth New York Volunteer Infantry, September 30, 1864, vice Charles W. Schutt, promoted, and to have been honorably discharged as of that grade and organization October 13, 1864: *Provided*, That no back pay, bounty, or pension shall become due or payable by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read "A bill for the relief of Nelson T. Saunders."

FORT SILL MILITARY RESERVATION, OKLA.

The bill (H. R. 403) granting to the State of Oklahoma permission to occupy a certain portion of the Fort Sill Military Reservation, Okla., and to maintain and operate thereon a fish hatchery, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs, with an amendment, on page 2, line 21, after the word "improvements," to insert "or property," so as to read:

Provided further, That the United States shall not be liable for any damages whatsoever that may at any time occur to the improvements or property of the State of Oklahoma on said lands.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

COOS HEAD MILITARY RESERVATION, OREG.

The bill (S. 1159) authorizing the Secretary of War to grant the use of the Coos Head Military Reservation, in the State of Oregon, to the cities of Marshfield and North Bend, Oreg., both being municipal corporations, for park purposes, was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to grant permission to and to authorize the cities of Marshfield and North Bend, each being a municipal corporation of and within the State of Oregon, to use and occupy all of those tracts or parcels of land known as the Coos Head Military Reservation, and also described as lots 1, 2, and 3, and the southwest quarter of the northwest quarter of section 2, township 26 south, range 14 west of the Willamette meridian, and lots 1, 2, and 4, and the southeast quarter of the northeast quarter of section 3, township 26 south, range 14 west of the Willamette meridian, situated on the south shore of the entrance to Coos Bay, at Coos Head, in Coos County, State of Oregon, for park purposes, and to exercise such use and occupation by and through a commission consisting of three persons, two of whom shall be named and appointed by the said city of Marshfield from among its resident citizenship, and one to be named and appointed by the said city of North Bend from among its resident citizenship; and for the purpose of enabling said cities more effectually to promote the purpose herein defined, the said commission is hereby granted the privilege—

(a) To fell and remove trees and underbrush from said parcels of land, and to otherwise clear and improve the same.

(b) To erect temporary buildings upon said parcels of land for the accommodation and convenience of the public.

(c) To grant to private parties and to others the privilege of erecting temporary buildings upon said parcels of land for the accommodation of private persons and the public.

(d) To survey and plat said parcels of land, or any part thereof, for the purpose of enabling said commission to indicate and define the particular tract or tracts of land granted for such privileges to any person or persons.

(e) To police said parcel or parcels of land while the same or any part thereof is being used or occupied as a park or for parking purposes, or while the same or any part thereof is used or occupied under any privilege granted by said commission in accordance herewith.

(f) To provide and enforce reasonable charges, restrictions, rules, and regulations for the use of property and the conduct of persons while upon said parcels of land or upon any part thereof while being used or occupied, in whole or in part, for park purposes; subject, however, at all times to the rights of the United States in any manner to assume control of, hold, use, and occupy, without leave or consent from any one or from said cities of Marshfield or North Bend, or from said commission, any or all of said parcels of land for any and all military, naval, life-saving station, lighthouse, and any and all other Government purposes, freed from any and all grants, conveyances, privileges, charges, encumbrances, improvements, or liens, matured or unmatured, made, created, permitted, or sanctioned thereon, by said cities of Marshfield or North Bend or said commission, or either of them, under and by virtue of this act: *Provided*, That the United States shall not be or become liable to any person or persons for any damages or compensation whatever to the said cities of Marshfield or North Bend or to said commission, or to either of them, for any future use by the said Government of any and all of the above-described parcels of land for any of the above-named Government purposes: *Provided further*, That each and all of the uses, occupations, and privileges hereby granted are and shall be of a temporary character only, and the said Secretary of War is hereby authorized to revoke the same at his discretion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REMOVAL OF REMAINS FROM THE DISTRICT OF COLUMBIA.

The bill (S. 2290), authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Elsie McCaulley from Glenwood Cemetery, District of Columbia, to Philadelphia, Pa., was considered as in the Committee of the Whole. It authorizes the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Elsie McCaulley from Glenwood Cemetery, District of Columbia, to Philadelphia, Pa.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COLUMBUS DAY.

The bill (S. 2291) to make October 12 of each and every year a public holiday in the District of Columbia, to be known as Columbus Day, was considered as in Committee of the Whole. It provides that the 12th day of October in each and every year, being the anniversary day of the discovery of America by Christopher Columbus, be, and the same hereby is, made a legal public holiday in the District of Columbia, to be known as Columbus Day, to all intents and purposes in the same manner as the first Monday of September in each and every year is now made by law a legal and public holiday: *Provided*, That when the 12th day of October shall fall on a Sunday in any year said holiday shall be celebrated on the following Monday.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH GORMAN.

The bill (S. 1782) to correct the military record of Joseph Gorman was considered as in Committee of the Whole.

The bill has been reported to the Committee on Military Affairs with an amendment to insert at the end of the bill the following: "*Provided*, That no back pay, bounty, or other emolument shall accrue prior to the passage of this act," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws Joseph Gorman, who served as a private in Company D, Eighty-sixth Regiment Indiana Volunteer Infantry, shall hereafter be held and considered to have been enrolled and mustered into the military service of the United States on October 8, 1864, and discharged honorably from the military service of the United States on June 12, 1865, as a member of that company and regiment: *Provided*, That no back pay, bounty, or other emolument shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Joseph Gorman."

JAMES ANDERSON.

The bill (S. 2465) to correct the military record of James Anderson was considered as in Committee of the Whole. It provides that in the administration of the pension laws James Anderson, who was a private in Company A, Cass County Regiment Missouri Home Guards, and Company A, Second Battalion Missouri State Militia Cavalry, and Company F, Fourteenth Regiment Kansas Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of the last-mentioned company and regiment on the 19th day of December, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of James Anderson."

JOHN CHICK.

The bill (S. 2545) for the relief of John Chick was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers, John Chick, late of Company K, Third Regiment United States Artillery, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 2d day of August, 1865: *Provided*, That no pension shall accrue prior to the passage of this act, and no pay nor bounty shall become due or payable by virtue thereof.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 3551) relating to the procedure in the United States courts was announced as next in order.

Mr. HOLLIS. I ask that that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 98) to print as a public document the final report and testimony submitted to Congress by the United States Commission on Industrial Relations was announced as next in order.

Mr. SMOOT. I ask that the joint resolution may be temporarily passed over, at least until the Senator from Georgia [Mr. SMITH] enters the Chamber.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, was announced as next in order.

Mr. HOLLIS. As the author of that bill, I ask that it may go over.

The PRESIDENT pro tempore. Objection is made and the bill goes over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 10037) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 1, line 9, before the word "widow," to insert "former," so as to make the clause read:

The name of Mary J. Fruit, former widow of William L. Fruit, late of Company C, Ninth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 23, to strike out:

The name of Mahala Burns, former widow of John T. Montgomery, late of Company C, Fourth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 6, line 12, before the words "per month," to strike out "$20" and insert "$12," and in the same line, after the word "month," to strike out "in lieu of that she is now receiving," so as to make the clause read:

The name of Sarah A. Touseul, now Cardwell, former widow of Charles J. Touseul, late of Battery H, Fourth Regiment United States Artillery, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 6, after line 13, to strike out:

The name of Anna M. Jenkine, former widow of Joel N. Camp, late of Company B, Twenty-second Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 7, line 7, after the word "and," to strike out "of Companies" and insert "Company," so as to make the clause read:

The name of Margaret M. Hack, widow of George A. Hack, late of Company E, One hundred and thirty-third Regiment, New York Volunteer Infantry, and Company F, Twenty-sixth and Twenty-seventh Regiments, United States Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 8, line 9, before the words "per month," to strike out "$27" and insert "$30," so as to make the clause read:

The name of James R. Parker, late of Company D, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 20, before the word "child," to strike out "defendant" and insert "dependent," so as to make the clause read:

The name of Arzila Wolf, helpless and dependent child of John Wolf, late of Company F, Thirty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 12, after line 8, to strike out:

The name of Elvira Russell, former widow of George Vandruff, late of Company E, Forty-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 12, line 20, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Maria W. Wilson, widow of George E. Wilson, late of Company D, Sixth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 18, after the word "musician," to strike out "of" and insert "band," so as to make the clause read:

The name of Ellen Carr, widow of Thomas Carr, late musician, band, Sixtieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 21, before the word "widow," to insert "former," so as to make the clause read:

The name of Lida W. Ashton, former widow of Charles L. Ashton, late of Company G, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 15, line 10, after the word "late," to strike out "of" and insert "lieutenant colonel," so as to make the clause read:

The name of Helen M. Brown, former widow of Harvey M. Brown, late lieutenant colonel Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 16, line 13, after the name "Mills," to strike out "who served under the name of" and insert "alias," so as to make the clause read:

The name of Hiram J. Mills, alias James H. Thomas, late of Company F, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, after line 17, to strike out:

The name of Martha J. Curtiss, widow of Frank S. Curtiss, late of One hundred and twenty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, after line 12, to strike out:

The name of Anna Nau, widow of Joseph Nau, late of Company E, Ninth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 14, after the word "late," to strike out "of" and insert "lieutenant colonel," so as to make the clause read:

The name of Harriet F. Kidd, widow of Meredith H. Kidd, late lieutenant colonel Eleventh Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 13, after the word "late," to strike out "of the" and insert "quartermaster sergeant," so as to make the clause read:

The name of Thomas A. Williamson, late quartermaster sergeant One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, line 4, before the word "Regiment," to strike out "twenty-third" and insert "twenty-first," so as to make the clause read:

The name of John H. Moore, late of Company H, One hundred and twenty-first Regiment, and Company K, Sixty-fifth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, line 8, after the name "Roseberry," to insert "widow of William W. Roseberry, late of Company L, Second Regiment Missouri State Militia Cavalry, and," so as to make the clause read:

The name of Mary E. Roseberry, widow of William W. Roseberry, late of Company L, Second Regiment Missouri State Militia Cavalry, and former widow of Richard B. Price, late of Company B, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ISRAEL FOLSOM.

The bill (S. 140) for the relief of the estate of Israel Folsom was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, on page 2, line 1, to strike out "governor" and insert "principal chief," so as to make the bill read:

Be it enacted, etc., That the Court of Claims is hereby authorized and directed to hear and adjudicate the claim of the administrator of the estate of Israel Folsom, deceased, and to render judgment thereon in such amount, if any, as may appear to be equitably due. Said judgment, if any, in favor of said administrator of Folsom shall be paid out of any funds in the Treasury of the United States belonging to the Choctaw Indians or Nation, said judgment to be rendered on the principle of quantum meruit for services rendered and expenses incurred. Notice of said suit shall be served on the principal chief of the Choctaw Nation, and the Attorney General of the United States shall appear and defend said suit on behalf of said nation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

POWER SQUADRONS.

The bill (S. 1416) to amend section 4215 of the Revised Statutes of the United States, and for other purposes, was considered as in Committee of the Whole. It provides that members of the United States Power Squadrons, a corporation duly organized under the laws of the State of Massachusetts, who shall, after having passed the examination provided for by the by-laws or rules and regulations of said squadron, have received a certificate of competency to operate and navigate a power boat in accordance with the rules and regulations of said United States Power Squadrons, may, instead of the signal provided for by section 4215 of the Revised Statutes of the United States, be permitted to fly a distinguishing signal rectangular in shape, the width to be nineteen thirty-sixths of the length, consisting of a fly of 7 blue and 6 white alternate vertical strips of equal width and a red field on which shall be placed a circle of 13 white five-pointed stars surrounding a white foul anchor; the field shall occupy the upper corner, next the hoist, six-thirteenths of the length and seven-thirteenths of the hoist of the flag.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NAVAJO RESERVATION, ARIZ.

The bill (S. 2500) authorizing the adjustment of rights of settlers on the Moqui and Navajo Indian Reservations in the State of Arizona was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the adjustment of rights of settlers on a part of the Navajo Indian Reservation in the State of Arizona."

BILLS OF LADING.

The bill (S. 19) relating to bills of lading in interstate and foreign commerce, was considered as in Committee or the Whole.

The bill had been reported from the Committee on Interstate Commerce with amendments.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Interstate Commerce was, on page 5, line 20, after the word "section," to strike out "twenty-nine" and insert "twenty-six."

The amendment was agreed to.

The reading of the bill was resumed.

Mr. BRANDEGEE. I see the report on the bill states that it is the same measure with the exception of a few formal amendments that has been twice passed by the Senate, having been recommended by the department. I wish to inquire of the Senator from Ohio if he thinks it is necessary to read the entire bill again?

Mr. POMERENE. I do not. I wish to make a little explanation, however. Sections 2, 3, and 10 of the bill as it passed before were eliminated, as I think I stated before the committee. I have no desire that the time of the Senate shall be occupied by a further reading of the bill except that there are a few very minor amendments which are referred to in the original part of the report accompanying the bill.

Mr. BRANDEGEE. Yes. I was under the impression that those verbal amendments had been agreed to.

The PRESIDENT pro tempore. They are being agreed to in the order in which they are reached in the reading.

Mr. BRANDEGEE. My suggestion was made simply to save time.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the further reading of the bill be dispensed with, except as it may be read in connection with minor amendments. Unless there is objection, such will be the order. The next amendment of the committee will be stated.

The SECRETARY. On page 9, line 14, after the word "quantity," strike out "if" and insert "of."

The amendment was agreed to.

The SECRETARY. On page 19, line 3, after the word "thereof," insert "or section or part thereof."

The amendment was agreed to.

The PRESIDENT pro tempore. That completes the committee amendments.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. POMERENE. Accompanying the bill is the report of the committee, and it discusses the history of this legislation and also treats of certain constitutional questions which are involved in it. I suggest that, in my judgment, it would be well to have the entire report printed in the CONGRESSIONAL RECORD immediately following the passage of the bill.

The PRESIDENT pro tempore. Such will be the order unless there is objection. The Chair hears none.

The report, submitted by Mr. POMERENE on the 15th of February, 1916, is as follows:

CALENDAR No. 140.

[Senate Report No. 149, 64th Cong., 1st sess.]

BILLS OF LADING.

Mr. POMERENE, from the Committee on Interstate Commerce, submitted the following report (to accompany S. 19).

The Committee on Interstate Commerce, to which was referred Senate bill 19, reports it back to the Senate with the recommendation that it pass with the following amendments:

On page 5, line 21, strike out "nine" and insert in lieu thereof "six."

On page 9, line 14, strike out "if" and insert therefor the word "of."

On page 19, after the word "thereof," line 3, insert "or section or part thereof."

This is, in substance, the same bill passed on August 24, 1912, and again on June 5, 1914. It is the result of the labors of the commissioners on uniform State laws of the American Bar Association, after repeated conferences with representatives of the American Bankers' Association, the railroad organizations, and the shippers associations. It was originally prepared for the purpose of having it presented to the several State legislatures with a view to providing uniform legislation upon the subject. It has already become the law in 10 of the leading commercial States—Connecticut, Illinois, Iowa, Louisiana, Massachusetts, Maryland, Michigan, New York, Ohio, and Pennsylvania.

The pending bill does not vary substantially from the acts passed by the legislatures of the States just named, save that it is made to apply to interstate and foreign commerce.

In its present form the bill was approved by the American Bar Association at its thirty-eighth annual meeting held in Salt Lake City in August, 1915.

NECESSITY FOR FEDERAL LEGISLATION.

The total exports and imports for the year 1915 amounted to $5,329,521,248.

In the hearings before the Interstate Commerce Committee it was testified by well-informed witnesses that bills of lading were annually issued in American commerce representing consignments of merchandise valued at $25,000,000,000; that 99 per cent of the tonnage and value of the commodities shipped and covered by these bills of lading involved interstate and foreign commerce and only 1 per cent intrastate commerce.

On these bills of lading it is estimated that $5,000,000,000 in cash was advanced annually by the banks. It must follow, therefore, that any reasonable legislation which will lead to the security of these bills of lading in the hands of their owners or holders must be of immense value to the commerce of the country.

It affects the business of 100,000,000 of people, extending into 48 States of the Union and to all the nations of the world.

In 1889 the United States Supreme Court, in Friedlander *v.* Texas & Pacific Railroad (130 U. S., 416), held:

"A bill of lading fraudulently issued by the station agent of a railroad company, without receiving the goods named in it for transportation but in other respects according to the customary course of business, imposes no liability upon the company to an innocent holder who receives it without knowledge or notice of the fraud and for a valuable consideration."

Under the agreed statement of facts in the case just cited it appears that the bill of lading issued November 6, 1883, was executed by one Easton, the agent of the railroad company, fraudulently and in collusion with one Lahnestein, and without receiving any of the cotton called for by the bill of lading, and without any expectation of receiving it on the part of Easton. A conspiracy had been entered into between Easton and Lahnestein to issue these bills of lading for Lahnestein's benefit. They had been guilty of similar transactions.

The court held that under these circumstances the agent was acting beyond the scope of his authority, and therefore the railroad company was not bound.

Whether this decision was sound or not, it was based upon precedents, and ever since has been recognized as the law of the land by the Federal courts, as well as by some of the State courts. This ruling has resulted in great losses to the buyers of merchandise who have the right to depend upon the bona fides of bills of lading, to bankers and financial men who have bought or discounted drafts secured by these bills of lading, and to sellers and buyers of cotton, grain, or other merchandise, whose transactions are discredited by reason of the frauds which have been perpetrated by fraudulent shippers conspiring with freight agents. As a result millions of dollars have been lost to commerce.

The pending bill, section 22, modifies the law as laid down in the Friedlander case by declaring:

"That if a bill of lading has been issued by a carrier or on his behalf by an agent or employee the scope of whose actual or apparent authority includes the issuing of bills of lading, the carrier shall be liable to (a) the consignee named in a straight bill, or (b) the holder of an order bill, who has given value in good faith, relying upon the description therein of the goods, for damages caused by the nonreceipt by the carrier of all or part of the goods or their failure to correspond with the description thereof in the bill at the time of its issue."

The committee will not take the time to discuss all of the features of the bill, but among the most important they desire to call attention to the following:

1. Duplicate bills of lading.
2. Altered bills of lading.
3. Spent bills of lading.
4. Shipper's load and count.
5. Forgeries.

DUPLICATE BILLS OF LADING.

The proposed regulations with regard to duplicate bills of lading are found in sections 4 and 5 and 15, which read as follows:

"SEC. 4. That order bills issued in a State for the transportation of goods to any place in the United States on the Continent of North America, except Alaska and Panama, shall not be issued in parts or sets. If so issued, the carrier issuing them shall be liable for failure to deliver the goods described therein to anyone who purchases a part for value in good faith, even though the purchase be after the delivery of the goods by the carrier to a holder of one of the other parts: *Provided, however*, That nothing contained in this section shall be interpreted or construed to forbid the issuing of order bills in parts or sets for such transportation of goods to Alaska, Panama, Porto Rico, the Philippines, Hawaii, or foreign countries, or to impose the liabilities set forth in this section for so doing.

"SEC. 5. That when more than one order bill is issued in a State for the same goods to be transported to any place in the United States on the Continent of North America, except Alaska and Panama, the word 'duplicate' or some other word or words indicating that the document is not an original bill, shall be placed plainly upon the face of every such bill except the one first issued. A carrier shall be liable for the damage caused by his failure so to do to anyone who has purchased the bill for value in good faith as an original, even though the purchase be after the delivery of the goods by the carrier to the holder of the original bill: *Provided, however*, That nothing contained in this section shall in such case for such transportation of goods to Alaska, Panama, Porto Rico, the Philippines, Hawaii, or foreign countries be interpreted or construed so as to require the placing of the word 'duplicate' thereon, or to impose the liabilities set forth in this section for failure so to do.

"SEC. 15. That a bill, upon the face of which the word 'duplicate,' or some other word or words indicating that the document is not an original bill, is placed plainly shall impose upon the carrier issuing the same the liability of one who represents and warrants that such bill is an accurate copy of an original bill properly issued, but no other liability."

ALTERED BILLS OF LADING.

Section 13 provides:

"That any alteration, addition, or erasure in a bill after its issue without authority from the carrier issuing the same, either in writing or noted on the bill, shall be void, whatever be the nature and purpose of the change, and the bill shall be enforceable according to its original tenor."

SPENT BILLS OF LADING.

Many frauds have been committed in the commercial world by using bills of lading after the goods have been delivered, and which have not been taken up or canceled. Frequently they have been used for the purpose of securing credit, although the goods called for have been delivered. The railroads have not been liable because they have been able to prove the delivery of the goods. Sections 11 and 12 of the bill remedy these abuses. They read as follows:

"SEC. 11. That except as provided in section 29, and except when compelled by legal process, if a carrier delivers goods for which an order bill had been issued, the negotiations of which would transfer the right to the possession of the goods, and fails to take up and cancel the bill, such carrier shall be liable for failure to deliver the goods to anyone who for value and in good faith purchases such bill, whether such purchaser acquired title to the bill before or after the delivery of the goods by the carrier and notwithstanding delivery was made to the person entitled thereto.

"SEC. 12. That except as provided in section 26, and except when compelled by legal process, if a carrier delivers part of the goods for which an order bill had been issued and fails either—

"(a) To take up and cancel the bill, or

"(b) To place plainly upon it a statement that a portion of the goods has been delivered with a description which may be in general terms either of the goods or packages that have been so delivered or of the goods or packages which still remain in the carrier's possession—he shall be liable for failure to deliver all the goods specified in the bill to anyone who for value and in good faith purchases it, whether such purchaser acquired title to it before or after the delivery of any portion of the goods by the carrier, and notwithstanding such delivery was made to the person entitled thereto."

SHIPPER'S LOAD AND COUNT.

Many abuses have arisen by carriers marking bills of lading "Shipper's load and count." This of course affects their value for banking and credit purposes. These abuses are sought to be remedied by sections 20 and 21 of the bill, which provide:

"SEC. 20. That when goods are loaded by a carrier such carrier shall count the packages of goods if package freight, and ascertain the kind and quantity if bulk freight, and such carrier shall not, in such cases, insert in the bill of lading or in any notice, receipt, contract, rule, regulation, or tariff, 'Shipper's weight, load, and count,' or other words of like purport, indicating that the goods were loaded by the shipper and the description of them made by him. If so inserted, contrary to the provisions of this section, said words shall be treated as null and void and as if not inserted therein.

"SEC. 21. That when goods are loaded by a shipper at a place where the carrier maintains an agency, such carrier shall, on written request of such shipper, and when given a reasonable opportunity by the shipper so to do, count the packages of goods if package freight, and ascertain the kind and quantity if bulk freight, within a reasonable time after such written request, and such carrier shall not, in such cases, insert in the bill of lading, or in any notice, receipt, contract, rule, regulation, or tariff, 'Shipper's weight, load, and count,' or other words of like purport indicating that the goods were loaded by the shipper and the description of them made by him. If so inserted, contrary to the provisions of this section, said words shall be treated as null and void and as if not inserted therein."

FORGED BILLS OF LADING.

While the laws of the several States penalize the forging of bills of lading, it is believed, because of the fact that approximately 99 per cent of our commerce is interstate or foreign in character, there should be some Federal legislation making the forging and issuing of forged bills of lading punishable by Federal courts. This is done by section 41 of the pending bill, which is as follows:

"That any person who, knowingly or with intent to defraud, falsely makes, alters, forges, counterfeits, prints or photographs any bill of lading, or with like intent utters or publishes as true and genuine any such falsely altered, forged, counterfeited, falsely printed or photographed bill of lading, knowing it to be falsely altered, forged, counterfeited, falsely printed or photographed, or aids in making, altering, forging, counterfeiting, printing or photographing, or uttering or publishing the same, or issues or aids in issuing or procuring the issue of, or negotiates or transfers for value a bill which contains a false statement as to the receipt of the goods, or as to any other matter, or who, with intent to defraud, violates, or fails to comply with, or aids in any violation of, or failure to comply with any provisions of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding $5,000, or both."

It is not intended by this report to call special attention to all the provisions of the bill. They are self-explanatory. Suffice is to say that in addition to the correction of the abuses hereinbefore specially referred to, the bill is a codification of the law and principles now controlling, and which ought to control, interstate and foreign shipments. It defines the right and liabilities of the common carriers, consignors, consignees, and all other immediate owners or holders of bills of lading. If adopted, it will serve to make more uniform the commercial law of our country.

CONSTITUTIONALITY OF THE PENDING BILL.

Some doubt has been expressed as to the constitutionality of those provisions of the bill relating to the transfer or negotiation of bills of lading. A brief discussion of this question is therefore opportune:

The Constitution vests Congress with power "to regulate commerce with foreign nations and among the several States and with the Indian tribes." This authority is very broad, very comprehensive. It covers all phases and features of interstate commerce. It touches not only the property of the railroad, but all of its instrumentalities. It controls and protects its operation and its business. The shipment of goods from one State to another is surely interstate commerce. If so, when it comes to the physical property itself, can there be any doubt that the same power extends to all of the instrumentalities used in the conveyance of the property or to any contract which may pertain to it for the safeguarding of the parties interested? If the goods which are shipped from one State to another be interstate commerce, are we going far afield when we say that the bill of lading, which is the symbolic representative of the goods, is also interstate commerce?

The committee will not take the time to discuss all of the decisions of our Supreme Court bearing upon this subject. We shall only refer to a few of them:

In 1911 the Supreme Court had before it the case of the Southern Railway Co. *v.* The United States. The statute involved was what is commonly known as the "safety appliance act" of March 2, 1893, as amended March 2, 1903. Its regulatory features applied to all locomotives, cars, and similar vehicles used on any railway that is a highway of interstate commerce, and were not confined exclusively to vehicles engaged in such commerce.

In the syllabus of the case, 222 U. S., 20, the court says:

"The power of Congress under the commerce clause of the Constitution is plenary and competent to protect persons and property moving in interstate commerce from all danger, no matter what the source may be; to that end Congress may require all vehicles moving on highways of interstate commerce to be so equipped as to avoid danger to persons and property moving in interstate commerce.

"It is of common knowledge that interstate and intrastate commerce are commingled in transportation over highways of interstate commerce; that trains and cars on the same railroad, whether engaged in one form of traffic or the other, are interdependent, and that absence of safety appliances from any part of a train is a menace not only to that train, but to others."

Mr. Justice Van De Vanter, in delivering the opinion of the court, on page 26, says:

"We come, then, to the question whether these acts are within the power of Congress under the commerce clause of the Constitution, considering that they are not confined to vehicles used in moving interstate traffic, but embrace vehicles used in moving intrastate traffic. The answer to this question depends upon another, which is, Is there a real or substantial relation or connection between what is required by these acts in respect of vehicles used in moving intrastate traffic and the object which the acts obviously are designed to attain, namely, the safety of interstate commerce and of those who are employed in its movement? Or, stating it in another way: Is there such a close or direct relation or connection between the two classes of traffic, when moving over the same railroad, as to make it certain that the safety of the interstate traffic and of those who are employed in its movement will be promoted in a real or substantial sense by applying the requirements of these acts to vehicles used in moving the traffic which is intrastate as well as to those in moving that which is interstate? If the answer to this question, as doubly stated, be in the affirmative, then the principal question must be answered in the same way. And this is so not because Congress possesses any power to regulate intrastate commerce as such, but because its power to regulate interstate commerce is plenary and competently may be exerted to secure the safety of the persons and property transported therein and of those who are employed in such transportation, no matter what may be the source of the dangers which threaten it. That is to say, it is no objection to such an exertion of this power that the dangers intended to be avoided arise, in whole or in part, out of matters connected with intrastate commerce."

In the same report, on page 370, Mr. Chief Justice White handed down the opinion of the Supreme Court in Northern Pacific Ry. *v.* State of Washington. The case involved the validity of the act of Congress known as the "hours-of-service law," passed March 4, 1907.

In the syllabus the court says:

"A train moving and carrying freight between two points in the same State, but which is hauling freight between points one of which is within and the other without the State, or hauling it through the State between points both without the State, is engaged in interstate commerce and subject to the laws of Congress enacted in regard thereto."

On page 377 the court quotes approvingly the language of the Supreme Court of the State of Washington, as follows:

"The power of Congress to regulate interstate commerce is plenary, and that, as an incident to this power, the Congress may regulate by legislation the instrumentalities engaged in the business, and may prescribe the number of consecutive hours an employee of a carrier so engaged shall be required to remain on duty; and that when it does legislate upon the subject, its act supersedes any and all State legislation on that particular subject."

The court cites in support of this doctrine a number of its former decisions. In fact, this proposition is not regarded by the courts as debatable.

In Illinois Central Railroad Co. *v.* Behrens, administrator (233 U. S., 473), the court said:

"When a railroad is a highway of both interstate and intrastate commerce, and the two classes of traffic are interdependent in point of both movement and safety, Congress may, under the power committed to it by the commerce clause of the Constitution, regulate the liability of the carrier for injuries suffered by an employee engaged in general work pertaining to both classes of commerce, whether the particular service performed at the time, isolatedly considered, is in interstate or intrastate commerce."

In St. Louis, Iron Mountain & Southern Railway Co. *v.* Edwards (227 U. S., 265) the Supreme Court held that—

"As applied to interstate shipments, the State can not impose penalties for delay in delivery to consignee, as Congress has acted on that subject by the passage of the Hepburn Act."

In Adams Express Co. *v.* Croninger (226 U. S., 491) Mr. Justice Lurton, at page 500, says:

"That the constitutional power of Congress to regulate commerce among the States and with foreign nations comprehends power to regulate contracts between the shipper and the carrier of an interstate shipment by defining the liability of the carrier for loss, delay, injury, or damage to such property needs neither argument nor citation of authority.

"That the legislation (of Congress) supersedes all the regulations and policies of a particular State upon the same subject results from its general character. It embraces the subject of the liability of the carrier under a bill of lading which he must issue and limits his power to exempt himself by rule, regulation, or contract. Almost every detail of the subject is covered so completely that there can be no rational doubt but that Congress intended to take possession of the subject and supersede all State regulation with reference to it. Only the silence of Congress authorized the exercise of the police power of the State upon the subject of such contracts. But when Congress acted in such a way as to manifest a purpose to exercise its conceded authority, the regulating power of the State ceased to exist."

In Houston & Texas Railway *v.* United States (234 U. S., 343) the language of the syllabus, in part, is:

"The object of the commerce clause was to prevent interstate trade from being destroyed or impeded by the rivalries of local governments; and it is the essence of the complete and paramount power confided to Congress to regulate interstate commerce that wherever it exists it dominates.

"Wherever the interstate and intrastate transactions of carriers are so related that the government of one involves the control of the other, it is Congress and not the State that is entitled to prescribe the final and dominant rule, otherwise the Nation would not be supreme within the national field.

"While Congress does not possess authority to regulate the internal commerce of a State, as such, it does possess power to foster and protect interstate commerce, although in taking necessary measures so to do it may be necessary to control intrastate transactions of interstate carriers.

"The use of the State of an instrument of interstate commerce in a discriminatory manner so as to inflict injury on any part of that commerce is a ground for Federal intervention; nor can a State authorize a carrier to do that which Congress may forbid and has forbidden."

Again, in Chicago, Rock Island & Pacific Railway *v.* Hardwick Elevator Co. (226 U. S., 427), it was held that—

"There can be no divided authority over interstate commerce, and regulations of Congress on that subject are supreme.

"As to those subjects upon which the States may act in the absence of legislation by Congress, the power of the State ceases the moment Congress exerts its paramount authority thereover."

Now, let us apply the doctrine of these cases to the bill under consideration. They show conclusively that if Congress passes this bill it will supersede any and all State legislation upon the subject.

It is urged by those who oppose this bill that if goods be sent from New York to Cleveland and the bill of lading is indorsed and transferred by one citizen of Cleveland to another citizen of Cleveland, within the State of Ohio, it is an intrastate transaction and can not be controlled by Congress. As applied to an ordinary contract, if there were no other facts involved, this position would be correct. But we answer, the lines of shipment are interstate lines; the trains carrying the goods from one State to another are "instrumentalities" employed in interstate commerce, the shipment of the goods from one State to another is interstate commerce, and in order to define the rights and liabilities of the carrier, the consignor, consignee, and immediate owners, both law and public policy require that the company shall issue bills of lading.

Can it be said that the bill of lading, which is the representative of this interstate business, defining the rights and liabilities of all concerned, is not a contract relating to interstate commerce, and therefore not controlled by its principles?

Those who object to the bill admit that interstate shipments are subject to Federal control, save only where it relates to a transfer of the bill of lading within a State between citizens of that State. If Congress assumes control of this legislation affecting interstate commerce, must it continue to divide its authority with the State when it comes to the mere negotiation and transfer of the bill of lading between two citizens of the same State within the State, but under all other circumstances the State shall have no control? If such be the case, what becomes of the doctrine that the power of Congress is plenary after it has once assumed to legislate upon a given subject? If so, would the Federal law supersede State legislation?

If Congress has the power to compel safety appliances to be placed on cars used both in interstate and intrastate transportation over interstate highways in order to insure the safety of interstate traffic, as was held in Southern Railway *v.* United States, above cited; if it has power to prescribe the number of consecutive hours of service of a crew moving a train from one point to another in the State of Washington hauling merchandise from points within the State to points without the State, as well as in carrying merchandise through the State from a point without the State to a foreign destination, in view of the unity and indivisibility of the service of the train crew and the paramount character of the authority of Congress to regulate commerce, as was held in Northern Pacific Railway *v.* State of Washington, above cited; if Congress has the power to regulate the carrier's liability for injuries to an employee occurring upon a highway of both interstate and intrastate commerce where the two kinds of traffic are interdependent in point of movement and safety and where the injuries were suffered while the employee was engaged in general work pertaining to both classes of commerce, whether the particular service performed at the time isolatedly considered is interstate or intrastate commerce, as was held in Illinois Central Railroad Co. *v.* Behrens, administrator, above cited; if the State can not impose penalties for delay and delivery to a consignee because Congress has acted upon that subject by the passage of the Hepburn Act, as was held in St. Louis, etc., Railway *v.* Edwards, above cited; and if when Congress acts in such a way as to manifest its purpose to exercise its conceded authority, the regulatory power of the State ceases to exist, as was held in Adams Express Co. *v.* Croninger, above cited, are we going far afield when we conclude that if Congress decides to regulate a bill of lading from the time it is issued until it is spent it supersedes the authority of the State to control such bill in its transfer from one citizen of a State to another citizen within that State?

Paraphrasing the language of Mr. Justice Van Devanter, may not this power of Federal control be exerted to secure the safety of the property transported therein, no matter what may be the source of the danger which threatens, whether it be by transfer or negotiation between two parties residing in different States or in the same State? Can we not say, again borrowing the thought of the learned justice, that it is no objection that the dangers intended to be avoided arise in whole or in part out of matters connected with intrastate commerce?

Would it not be hypercritical to say that the bill of lading thus relating to interstate shipments is valid and binding on all parties concerned from the day it is issued to the day it is spent, and subject to the control of Congress at all times save only when it is transferred or negotiated by or between two citizens of a State within the same State? Is it sound to say the Federal law can regulate its issuance and operation before it is thus transferred or negotiated between two citizens of the same State, and resume its jurisdiction immediately after it is thus transferred or negotiated between them, provided the subsequent transfers or negotiations shall be between citizens of different States? Must Congress, after it has assumed jurisdiction, surrender it for a moment of time to the State authorities only to resume it again after a certain contingency? If so, what becomes of the doctrine of our Supreme Court that when Congress does legislate upon a subject its act supersedes any and all State legislation on that particular subject?

A careful study of these decisions of our Supreme Court force the conclusion that the constitutional objections raised are not sound.

DENATURED ALCOHOL.

The bill (S. 3861) to amend an act entitled "An act to amend an act entitled 'An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses when mixed with suitable denaturing materials,'" approved March 2, 1907, was considered as in Committee of the Whole.

The bill was reported from the Committee on Finance with an amendment, on page 2, line 7, before the word "accident," to strike out the word "unavoidable," so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to amend an act entitled 'An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses when mixed with suitable denaturing materials,'" approved March 2, 1907, be, and the same is hereby, amended by adding to section 3 thereof the following:

"*Provided,* That where alcohol is withdrawn from a distillery warehouse for shipment to a central denaturing bonded warehouse under the provisions of this act it shall be lawful under such rules, regulations, and limitations as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for an allowance to be made for leakage or loss by any accident, and without any fraud or negligence of the distiller, owner, carrier, or their agents or employees, occurring during transportation from a distillery warehouse to a centarl denaturing bonded warehouse."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT pro tempore. The question is on the passage of the bill.

Mr. OVERMAN. I object to the bill.

Mr. BROUSSARD. I hope the Senator will not object. I think if he will look into the matter he will find——

Mr. OVERMAN. I should like to look into the bill. I do not exactly understand it.

Mr. BROUSSARD. I can state the object of the bill to the Senator in just a minute if he will permit me.

Mr. OVERMAN. Is this the bill which provides for the leakage of alcohol and the repayment of certain taxes?

Mr. BROUSSARD. No, sir.

Mr. OVERMAN. I thought it was similar to a bill——

Mr. BROUSSARD. It provides that in transporting alcohol from the distillery to the denaturization plant in transit the tax upon the alcohol, when denaturized, should not be collected.

Mr. OVERMAN. It refers only to denatured alcohol?

Mr. BROUSSARD. It refers only to denatured alcohol.

Mr. OVERMAN. I withdraw the objection. I thought it was another bill.

The bill was passed.

ARMY AVIATION SERVICE.

The joint resolution (S. J. Res. 65) creating a joint commission of Congress to be known as the Joint Commission of Congress to Investigate the Aviation Service of the United States Army was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments. The first amendment was, on page 1, line 5, before the word "members," to strike out "three" and insert "two," so as to read "to consist of two members of the Senate Committee on Military Affairs," etc.

Mr. ROBINSON. Mr. President, in connection with this amendment I wish to state to the Senate that I do not believe the amendment should be agreed to. I think the Senate should have an equal representation with the House of Representatives on the commission. The chairman of the Committee on Military Affairs authorized me to state that that is his conclusion, and that the members of the committee, so far as he has been able to consult them, agree in that view. Therefore I ask that the amendment be not agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee reducing the representation in the Senate from three to two.

The amendment was rejected.

The next amendment was, on page 2, line 6, after the word "stenographers," to insert "to report hearings which may be held by such commission."

The amendment was agreed to.

The next amendment was, in line 14, page 2, after the word "papers," to insert "to administer oaths."

The amendment was agreed to.

The next amendment was to add at the end of the bill:

That the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be immediately available and to be paid out on the audit and order of the chairman or acting chairman of said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of such commission.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

Mr. BRANDEGEE. I wish to ask a question about the joint resolution before it is passed.

The PRESIDENT pro tempore. The Senator from Connecticut.

Mr. BRANDEGEE. I notice the bill provides, on page 2, that the commission must report before May 1. I wish to ask the Senator from Arkansas if he thinks that will give them time enough.

Mr. ROBINSON. I think there should be an amendment extending the time. The joint resolution was introduced some months ago. I ask unanimous consent for the adoption of an amendment making it July 1.

The PRESIDENT pro tempore. The motion ordering the joint resolution to a third reading will be reconsidered, unless there is objection. The joint resolution is in the Senate and open to amendment. The amendment will be stated.

The SECRETARY. On page 2, line 18, strike out "May" and insert "July."

The amendment was agreed to.

The joint resolution was ordered to a third reading, read the third time, and passed.

The joint resolution as amended and passed reads as follows:

Resolved, etc., That a Joint Commission of Congress to Investigate the Aviation Service, Signal Corps, of the United States Army, be, and the same is hereby, created to consist of three members of the Senate Committee on Military Affairs, to be appointed by the Presiding Officer of the Senate, and three members of the Committee on Military Affairs of the House of Representatives, to be appointed by the Speaker of the House of Representatives.

That said commission shall investigate the organization, conduct, and efficiency of the Aviation Service, Signal Corps, of the United States Army.

Said commission, as soon as practicable after it has been appointed, shall organize by the election of a chairman and secretary, and shall have power to employ stenographers to report hearings which may be held by such commission at not exceeding $1 per printed page, and such other officers, assistants, and employees as the commission may deem necessary.

Said commission is authorized to sit during the sessions and during the recess of Congress, to issue process, and to compel the attendance of witnesses and the production of books and papers, to administer oaths, and to perform any other act or thing necessary to the efficient discharge of its duty.

That said commission shall report its findings and recommendations to the Congress on or before July 1, 1916.

That the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be immediately available and to be paid out on the audit and order of the chairman or acting chairman of said commission, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of such commission.

HAWAIIAN HARBOR COMMISSIONERS.

The bill (H. R. 3042) to ratify, approve, and confirm sections 1, 2, and 3 of an act duly enacted by the Legislature of the Territory of Hawaii relating to the board of harbor commissioners of the Territory, as herein amended, and amending the laws relating thereto, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pacific Islands and Porto Rico with an amendment, on page 6, line 18, after the word "oils," to strike out the word "unto" and insert "into."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

HAWAIIAN FRANCHISES.

The bill (H. R. 65) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii relating to certain gas, electric light and power, telephone, railroad, and street railway companies and franchises in the Territory of Hawaii, and amending the laws relating thereto was announced as next in order.

Mr. GRONNA. Let that go over.

The PRESIDENT pro tempore. Objection is made.

Mr. SHAFROTH subsequently said: There was objection made to House bill 65, to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii relating to certain gas, electric light and power, and so forth. The Senator from North Dakota [Mr. GRONNA] has had the bill explained to him. He is the Senator who made the objection, and he is willing that the bill should now be taken up.

Mr. GRONNA. I withdraw my objection.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent that the bill be taken up at this time?

Mr. SHAFROTH. I do.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Pacific Islands and Porto Rico with amendments.

The amendments were, on page 4, line 1, before "powers" to strike out "of" and insert "or"; and in line 3 to strike out after "commerce" the words "within the States and the Territories of the United States."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

HAWAIIAN ISLAND ELECTRIC CO.

The bill (H. R. 6241) to ratify, approve, and confirm an act amending the franchise granted to H. P. Baldwin, R. A. Wadsworth, J. N. S. Williams, D. C. Lindsay, C. D. Lufkin, James L. Coke, and W. T. Robinson, and now held under assignment to Island Electric Co. (Ltd.), by extending it to include the Makawao district on the island of Maui, Territory of Hawaii, and extending the control of the Public Utilities Commission of the Territory of Hawaii to said franchise and its holder, was announced as next in order.

Mr. GRONNA. I object.

The PRESIDENT pro tempore Objection is made, and the bill goes over.

MATHILDA P. HANSEN.

The bill (S. 67) for the relief of Mathilda P. Hansen was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims, with an amendment, in line 7, to strike out "$1,000" and insert "$500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any moneys in the Treasury of the United States not otherwise appropriated, to Mathilda P. Hansen, of Salt Lake City, Utah, widow of Christian Hansen, the sum of $500, for improvements made by Christian Hansen on lots Nos. 1, 2, 3, 4, and 5, section 12, township 21 north, range 11 east, Willamette meridian, North Yakima, Wash., land district.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLARENCE HAZELBAKER.

The bill (S. 927) for the relief of Clarence Hazelbaker was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, to add at the end of the bill:

Provided, That the sum herein appropriated shall only be paid out in sums from time to time upon the direction of the Commissioner of Indian Affairs.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Me-yone-yah, a Nez Perce Indian, or the legal representative of said Indian, the sum of $2,400, upon the execution by said Indian, or his legal representative, of a proper quitclaim deed in relinquishment of all right and title of said Indian in and to the west half of the northeast quarter of section 15, township 31 north, range 3 east, Boise meridian, under allotment No. 1287, so that there shall be no conflict by reason of such allotment with the claim of one Clarence Hazelbaker to such land by virtue of homestead patent No. 152479, issued to the said Hazelbaker by the General Land Office of the United States September 15, 1910: *Provided*, That the sum herein appropriated shall only be paid out in sums from time to time upon the direction of the Commissioner of Indian Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AGRICULTURAL ENTRIES IN INDIAN RESERVATIONS.

The bill (S. 40) to authorize agricultural entries on surplus coal lands in Indian reservations was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OMER D. LEWIS.

Mr. ROBINSON. I ask unanimous consent to recur to the bill (S. 137) for the relief of Omer D. Lewis. I objected to the bill.

The PRESIDENT pro tempore. The Senator from Arkansas asks unanimous consent that the Senate take up for consideration the bill he has indicated. Is there objection? The Chair

hears none, and the bill is before the Senate as in Committee of the Whole.

Mr. ROBINSON. The bill has been read. It will be recalled that an amendment was adopted at the suggestion of the Senator from New Hampshire [Mr. GALLINGER]. I now move, in line 8, before the word "for," to insert the word "and," so as to read "medical attendance and."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS AT MYTON, UTAH.

The bill (S. 35) to authorize the Secretary of the Interior to issue patents for certain lands to the town of Myton, Utah, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH HATCHERY IN UTAH.

The bill (S. 34) granting to the State of Utah title to certain lands in said State for use as a fish hatchery was announced as next in order.

Mr. SMOOT. I ask that the bill may go over.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 11078) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 3, line 4, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Nannie J. McDowell, widow of James H. McDowell, late of Company B, Seventeenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 6, after the name "Hammond," to insert the word "late," so as to make the clause read:

The name of Frances M. Hammond, widow of George P. Hammond, late of the United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was at the top of page 4, to strike out:

The name of Henry H. Klock, late of Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was on page 8, line 21, before the word "Mounted," to insert "Volunteer," and in the same line, after the word "Mounted," to strike out "Volunteer," so as to make the clause read:

The name of Robert A. Evins, late of Company E, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was on page 9, line 15, before the words "per month," to strike out "$30" and insert "$20"; so as to make the clause read:

The name of Sarah A. Nichols, widow of Henry B. Nichols, late of Company C, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was on page 10, line 5, after the word "late," to strike out "of Company E, Tenth Regiment Indiana Volunteer Infantry, and of the" and insert "captain and aide-de-camp"; so as to make the clause read:

The name of Weltha A. Brown, widow of Edward O. Brown, late captain and aide-de-camp, United States Volunteers, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was on page 10, line 19, before the words "per month," to strike out "$30" and insert "$20"; so as to make the clause read:

The name of Susanah M. Fraker, widow of Robert M. Fraker, late of Company E, Sixth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was on page 13, line 22, before the words "per month," to strike out "$24" and insert "$20"; so as to make the clause read:

The name of Louise K. Bard, widow of John P. Bard, late of Company K, Forty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was on page 15, line 25, after the word "Infantry" to strike out the comma and the word "and" and insert a semicolon; so as to make the clause read:

The name of Sarah H. Benedict, widow of John Benedict, late of Company C, Nineteenth Regiment New York Volunteer Infantry; Company C, Third Regiment New York Volunteer Light Artillery, and of Company D, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 18, line 19, before the words "per month," to strike out "$20" and insert "$12," so as to make the clause read:

The name of Mary M. Varble, former widow of John H. Varble, late of Company A, Fiftieth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 20, line 6, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Margaret J. Valentine, widow of Alfred Valentine, late hospital steward, United States Army, and Company F, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 10, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Azubath Srofe, widow of John V. Srofe, late of Company E, Seventh Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 10, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Eliza S. Bowen, widow of Alexander S. Bowen, late of Company H, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, line 3, before the name "Hathaway," to strike out "Mariette" and insert "Maryette"; in line 6, before the words "per month," to strike out "$20" and insert "$12," and in the same line, after the words "per month," to strike out "in lieu of that she is now receiving," so as to make the clause read:

The name of Maryette Hathaway, widow of Gilbert B. Hathaway, late of Company E, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 26, line 15, before the words "per month," to strike out "$30" and insert "$20," so as to make the clause read:

The name of Nancy M. Gray, widow of Abner S. Gray, late of Company F, One hundred and eleventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ORDER OF BUSINESS.

Mr. BRANDEGEE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Connecticut suggests the absence of a quorum.

Mr. SMOOT. I merely wish to ask unanimous consent——

Mr. BRANDEGEE. I withdraw the suggestion.

Mr. SMOOT. Mr. President, the hour of 4 o'clock having arrived, I now ask unanimous consent that the Senate proceed with the consideration of the remainder of the bills on the calendar to which there is no objection, under Rule VIII, down to and including calendar No. 205.

Mr. VARDAMAN. What is the request?

Mr. SMOOT. I am simply asking unanimous consent that we proceed with the calendar, under Rule VIII, until we reach calendar No. 205—the last bill on the calendar.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah?

Mr. VARDAMAN. How long will it take to do that?

Mr. SMOOT. It will not take very long.

Mr. SMITH of Georgia. I will not object to that request, provided it does not take longer than an hour.

Mr. SMOOT. Very well. I will modify my request and ask that it extend until 5 o'clock.

Mr. OVERMAN. Not later than 5 o'clock.

Mr. BRANDEGEE. And to include unobjected matters only.

Mr. SMOOT. Yes.

The PRESIDENT pro tempore. Is there objection to the request preferred by the Senator from Utah? The Chair hears none, and it is so ordered.

STATUE OF JAMES BUCHANAN.

The joint resolution (S. J. Res. 93) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States, was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The PRESIDENT pro tempore. The joint resolution, being objected to, goes over.

LAND GRANT TO LEMMON, S. DAK.

The bill (S. 3203) granting to the city of Lemmon, S. Dak., certain lands for reservoir purposes was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands with an amendment, on page 1, line 9, before the word "quarter," to strike out "northwest" and insert "northeast," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to the authorities of the city of Lemmon, in the State of South Dakota, for reservoir purposes, in connection with the water supply of said city, for the following described lands situate in the county of Adams and the State of North Dakota, to wit: The east half of the northeast quarter of section 10 and the west half of the northwest quarter of section 11, in township 129 north of range 92 west of the fifth principal meridian, in the Dickinson, N. Dak., land district, containing 160 acres, said patent to contain a provision that said land shall be used for reservoir purposes and in connection with the water supply for said city and for a public pleasure resort; and in case said land shall cease to be used for such purposes it shall at once revert to the United States: *Provided*, That said city shall pay $1.25 per acre therefor.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENLARGED HOMESTEADS.

The bill (S. 3263) to amend an act entitled "An act to provide for an enlarged homestead" was considered as in Committee of the Whole. The bill had been reported to the Committee on Public Lands with an amendment, on page 2, line 20, after the word "entry," to strike out the word "to" and to insert "shall be in reasonably compact form and," so as to make the bill read:

Be it enacted, etc., That section 3 of the act entitled "An act to provide for an enlarged homestead," approved February 19, 1909 (35 Stat., 639), as said act is amended by the acts of June 13, 1912 (37 Stat., 132), February 11, 1913 (37 Stat., 666), March 3, 1915 (38 Stat., 953, 956), and March 4, 1915 (38 Stat., 1162), be amended so as to read as follows:

"SEC. 3. That any person who has made, or shall make, homestead entry of lands of the character herein described, and who has not submitted final proof thereon, or who having submitted final proof still owns and occupies the land thus entered, shall have the right to enter public lands, subject to the provisions of this act, contiguous to his first entry, which shall not, together with the original entry, exceed 320 acres: *Provided*, That any person who has prior to the passage of this act made a homestead entry of lands of the character herein described and is unable, because there is no vacant land of like character contiguous to his original entry, to enter additional land, may be permitted to make an additional entry of noncontiguous land of the character described in this act, which shall not, together with the original entry, exceed 320 acres; such additional entry shall be in reasonably compact form and be subject to all the provisions of this act relating to improvement, cultivation, and final proof: *Provided*, That the land originally entered and that covered by the additional entry shall have first been designated as subject to this act, as provided by section 1 thereof."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRED B. BALANO.

The bill (S. 540) for the relief of Fred B. Balano was considered as in Committee of the Whole. It proposes to pay to Fred B. Balano, of Port Clyde, Me., $893.20, being the expenses incurred by him in the prosecution of the case of Vincent Marie-Marie, charged with the murder of Capt. F. N. Balano at Port de France, Martinique, French West Indies, in November and December, 1912.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HEIRS OF JOHN HOWARD PAYNE.

The bill (S. 1372) for the relief of the heir or heirs of John Howard Payne was considered as in Committee of the Whole. It proposes to appropriate $205.92 for the payment of the amount due to the legal heir or heirs of John Howard Payne, late United States consul at Tunis.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF LUIS R. YANGCO.

The bill (S. 1425) for the relief of D. M. Carman, representing the estate of Luis R. Yangco, deceased, was considered as in Committee of the Whole. It proposes to pay to D. M. Carman, of Manila, P. I., representing the estate of Luis R. Yangco, deceased, $2,876.42, being the equivalent of the reduced amount of ₱5,752.85, as recommended by the Quartermaster General, United States Army, in full satisfaction of a claim for $8,276.16 Mexican for rent and repairs of 10 cascos used by the Quartermaster's Department of the United States Army in Manila Bay in the year 1900, during the insurrection in the Philippine Islands, as appears from a letter of the Hon. William H. Taft, Secretary of War, to the President of the United States, dated December 21, 1906, printed in Senate Document No. 165, Fifty-ninth Congress, second session, and from the report of the Court of Claims of the United States, on said claim to the Senate of the United States, printed in Senate Document No. 657, Sixty-second Congress, second session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF JOHN STEWART.

The bill (S. 3388) for the relief of the estate of John Stewart, deceased, was considered as in Committee of the Whole. It prososes to pay to William L. Browning, administrator of the estate of John Stewart, deceased, late civil engineer, for extra compensation for services rendered by him to the Government in connection with the Potomac Flats case, $2,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STORING AND CLEANSING OF "GORBANZOS."

The bill (S. 3536) to provide for the storing and cleansing of imported Mexican peas, commonly called "gorbanzos," was announced as next in order.

Mr. GRONNA. I ask that that bill go over, Mr. President.

The PRESIDENT pro tempore. The Senator from North Dakota objects, and the bill goes over.

CONVEYANCE OF LAND TO BOZEMAN, MONT.

The bill (S. 1067) to authorize the Secretary of the Treasury to convey to the city of Bozeman, Mont., certain land for alley purposes was considered as in Committee of the Whole. It empowers the Secretary of the Treasury to convey, by quitclaim deed, to the city of Bozeman, Mont., for the purpose of a public alley, and for no other purpose, all the right, title, and interest of the United States in and to a strip of land 10 feet in width off of the rear of the Federal building site in that city provided the adjacent and abutting property owners shall also quitclaim to the city a strip of land of sufficient width to create a 17½-foot alley; and the city of Bozeman shall open the alley and improve and maintain it as other public alleys of the city are improved and maintained.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NONMINERAL ENTRY OF WITHDRAWN LANDS.

The bill (S. 1064) to provide for the nonmineral entry of lands withdrawn, classified, or reported as containing coal, phosphate, nitrate, potash, oil, gas, or asphaltic minerals in Alaska, was announced as next in order.

Mr. SMOOT. Mr. President, I ask that that bill go over.

The PRESIDENT pro tempore. Objection is made, and the bill will go over.

Mr. MYERS. I should like to be heard for just a minute.

Mr. SMOOT. I wish to say to the Senator from Montana, in a few words, that I myself do not object to the bill, but there is a Senator who wishes to offer amendments to it and

to speak upon the bill. I am, therefore, following out the request which he has made of me.

Mr. MYERS. I merely wish to say——

Mr. SMOOT. I voted to report the bill to the Senate.

Mr. MYERS. I know the Senator did so in committee, and, if he is still in favor of it, I hope he will be willing to withdraw his objection.

Mr. WALSH. Mr. President, I think this is rather an astonishing request of the Senator from Utah [Mr. SMOOT]. We have just passed calendar No. 148, a bill which was introduced by the Senator from Utah, applicable to the coal lands in Indian reservations, which is identical in its terms with the bill to the consideration of which the Senator from Utah has entered his objection.

Mr. SMOOT. Mr. President, the bill to which the Senator refers related to Indian lands. I stated to the Senator's colleague that I had no objection to the passage of the bill, that I voted to report it favorably to the Senate, and that I will vote for the bill when it is acted upon by the Senate. I have no amendment to offer to it, but a Senator called my attention to the fact that he desired to offer an amendment to the bill, and that Senator is not in the Chamber at this time. If the Senator from Montana, under those conditions, asks me to withdraw my objection, I will do so.

Mr. WALSH. The Senate has to-day, without objection, passed more bills which have been introduced by the Senator from Utah than were introduced by any other Senator on the floor.

Mr. SMOOT. Does the Senator, under the situation I have stated, want me to withdraw my objection to the consideration of this bill?

Mr. WALSH. I do not want the Senator to act according to my suggestions at all. He can take his own course about it.

Mr. SMOOT. Mr. President, I am perfectly willing, and I shall now, in order to show the Senator from Montana that I have no personal interest in the matter, ask that the bill be considered, and I shall not object to it. If, however, the Senator to whom I have referred wishes on to-morrow to move for a reconsideration of the bill, I shall hope the Senate will give him that privilege.

The PRESIDENT pro tempore. The Chair does not understand what the Senator from Utah means. Does the Senator object to the present consideration of the bill which has been called on the calendar?

Mr. SMOOT. No; I do not object to its consideration, with the explanation I have made.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That lands withdrawn or classified as coal, phosphate, nitrate, potash, oil, gas, or asphaltic minerals or which are valuable for those deposits, shall be subject to appropriation, location, selection, entry, or purchase, if otherwise available, under the nonmineral land laws of the United States applicable to Alaska whenever such location, selection, entry, or purchase shall be made with a view of obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same: *Provided*, That all applications to locate, select, enter, or purchase under this section shall state that the same are made in accordance with and subject to the provisions and reservations of this act.

SEC. 2. That upon satisfactory proof of full compliance with the provisions of the laws under which the location, selection, entry, or purchase is made, the locator, slector, entryman, or purchaser shall be entitled to a patent to the land located, selected, entered, or purchased, which patent shall contain a reservation to the United States of the deposits on account of which the lands so patented were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same, such deposits to be subject to disposal by the United States only as shall be hereafter expressly directed by law. Any person qualified to acquire the reserved deposits may enter upon said lands with a view of prospecting for the same upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting, the measure of any such damage to be fixed by agreement of parties or by a court of competent jurisdiction. Any person who has acquired from the United States the title to or the right to mine and remove the reserved deposits, should the United States dispose of the mineral deposits in lands, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the minerals therefrom, and mine and remove such minerals, upon payment of damages caused thereby to the owner of the land, or upon giving a good and sufficient bond or undertaking therefor in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications to locate, select, enter, or purchase, under the land laws of the United States applicable to Alaska, lands which have been withdrawn or classified as coal, phosphate, nitrate, potash, oil, gas, or asphaltic mineral lands, with a view of disproving such classification and securing patent without reservation, nor shall persons who have located, selected, entered, or purchased lands subsequently withdrawn, or classified as valuable for said mineral deposits, be debarred from the privilege of showing, at any time before final entry, purchase, or approval of selection or location, that the lands entered, selected, or located are in fact nonmineral in character.

SEC. 3. That any person who has, in good faith, located, selected, entered, or purchased, or any person who shall hereafter locate, select, enter, or purchase, under the nonmineral land laws of the United States applicable to Alaska any lands which are subsequently withdrawn, classified, or reported as being valuable for coal, phosphate, nitrate, potash, oil, gas, or asphaltic minerals, may, upon application therefor, and making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which patent shall contain a reservation to the United States of all deposits on account of which the lands were withdrawn, classified, or reported as being valuable, together with the right to prospect for, mine, and remove the same.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DESERT-LAND ENTRIES.

The bill (S. 1068) relating to desert-land entries was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands with an amendment, on page 1, line 7, after the word "acquired," to insert "as an enlarged homestead entry and," so as to make the bill read:

Be it enacted, etc., That the right to made a desert-land entry shall not be denied to any applicant therefor who has already made an enlarged homestead entry of 320 acres: *Provided*, That said applicant is a duly qualified entryman and the whole area to be acquired as an enlarged homestead entry and under the provisions of this act does not exceed 480 acres.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FLORIDA NATIONAL FOREST.

The bill (S. 3764) to consolidate certain forest lands in the Florida National Forest was considered as in Committee of the Whole. It empowers the Secretary of the Interior, for the purpose of consolidating the forest lands belonging to the United States within the Florida National Forest, upon the recommendation of the Department of Agriculture, to exchange lands belonging to the United States which are part of the Florida National Forest for privately owned lands of approximately equal value, as determined by the Secretary of Agriculture, within the exterior limits of the national forest, which lands upon the consummation of the exchange shall become a part of the Florida National Forest.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LAND GRANT TO ALABAMA.

The bill (S. 3685) granting certain lands to the State of Alabama for the use of the insane hospital for the colored, was considered as in Committee of the Whole. It proposes to grant to the State of Alabama for the use of the Alabama Insane Hospital for the Colored all of fractional section 1, township 1 N., R. 1 W., south of Cedar Creek and west of John Chastang's private-land claim, containing 132.91 acres, and directs the Secretary of the Interior to issue a patent to the State for the same; but the State shall not have the right to sell or convey the lands herein granted, or any part thereof, or to devote them to any other purpose than as hereinbefore described, and in the event of attempted alienation or failure to use the lands for the purposes described they shall revert to the United States.

The bill was reported to the Senate without amendment ordered to be engrossed for a third reading, read the third time, and passed.

LAND CONVEYANCES BY PONCA CITY, OKLA.

The bill (S. 1086) authorizing Ponca City, Okla., and the board of education of said city to convey certain lands, was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands with an amendment, on page 1, line 8, after the name "Hartman," to strike out "and the west half of block 28," and to insert "and all of block A"; so as to make the bill read:

Be it enacted, etc., That the city of Ponca City and the board of education of the city of Ponca City, in the State of Oklahoma, be, and they are hereby, authorized to sell and convey, for the benefit of the school district of said city, the west half of block 35, in the town site of Bluffdale; the west half of block 13, in the town site of Hartman; and all of block A, in the town site of Lynchville, according to the approved plats of said town sites, respectively; said tracts lying and being in the corporate limits of the city of Ponca City, Okla., and containing 3.168 acres, and heretofore patented to said city for school purposes under section 22 of the act of May 2, 1890 (26 Stat., p. 81).

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS UNDER NAVY DEPARTMENT.

The bill (S. 4268) to satisfy certain claims against the Government arising under the Navy Department was considered as in Committee of the Whole. It proposes to appropriate the following sums to pay the claims arising under the Navy Department hereinafter stated, being in full for and the receipt of the same to be taken and accepted in each case as a full and final release and discharge of the respective claims, namely:

First. To reimburse James H. Boone, Frank J. Browning, Ernest Fischer, jr., John McCabe, James Plant, Millard C. Ray, and Charles H. Storer, then enlisted men of the Navy, for personal effects lost at the time of the boiler explosion on the U. S. S. *Aylwin* on April 6, 1914, $45.39.

Second. To reimburse the Seaboard Air Line Railway for the cost of repairs to Virginia & Southwestern steel gondola car No. 10,569 for the cost of repairs to this car damaged at the navy yard, Norfolk, Va., on June 17, 1914, $46.62.

Third. To reimburse the owners of Washington Tug & Barge Co.'s scow *No. 15* for damages suffered by this scow while discharging cargo at the navy yard, Puget Sound, Wash., on the night of November 20–21, 1914, $91.79.

Fourth. To reimburse the owners of the American schooner *William H. Sumner* for damages arising out of the collision between this schooner and the U. S. S. *North Dakota* off Cape Henry, Va., on November 21, 1914, $2,354.57.

Fifth. To reimburse the owners of scow *No. 8* for damages suffered by their boat as the result of a collision with the U. S. S. *Goldsborough* at Tacoma, Wash., on December 17, 1914, $674.22.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL F. O'HARE.

The bill (H. R. 4530) for the relief of Michael F. O'Hare was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Michael F. O'Hare, of Tyngsboro, Mass., $85 in full compensation for loss of a cow and injury to his business through negligence on the part of employees of the United States Department of Agriculture, Bureau of Entomology, on June 11, 1911.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BUSINESS PASSED OVER.

The bill (S. 1107) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications was announced as next in order.

Mr. OWEN. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The resolution (S. Res. 110) to print the pamphlet entitled "The National Bank Act and other laws relating to National Banks" as a Senate document was announced as next in order.

Mr. GRONNA. I object to that.

The PRESIDENT pro tempore. Objection is made. The resolution will be passed over.

INDEX-DIGEST OF THE CLAYTON ANTITRUST ACT (S. DOC. NO. 355).

The resolution (S. Res. 109) to print the manuscript entitled "Index-Digest of the Clayton Antitrust Act" as a Senate document, was considered and agreed to, as follows:

Resolved, That the manuscript submitted by the Senator from Oklahoma [Mr. OWEN] on February 12, 1916, entitled "Index-Digest of the Clayton Antitrust Act" be printed as a Senate document.

JOINT RESOLUTION PASSED OVER.

The joint resolution (S. J. Res. 63) authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial to Alfred Noble, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. Objection is made, and the joint resolution goes over.

RED RIVER OF THE NORTH DAM AT FARGO, N. DAK.

The bill (S. 3283) to give a legal status to a dam constructed in the Red River of the North at Fargo, N. Dak., was considered as in Committee of the Whole. It legalizes the dam constructed in the Red River of the North by the city of Fargo, N. Dak., at Island Park and gives the consent of Congress to its maintenance by the city, subject, however, to all the provisions of the statutes now or hereafter in force relating to the preservation and protection of navigable waters; but any changes in the dam which the Secretary of War may at any time deem necessary and order in the interest of navigation shall be promptly made by the owners thereof at their own expense, and within 60 days from the approval of this act the city shall furnish for the files of the War Department a map and plan for approval in accordance with regulations.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. THOMAS MOORE.

The joint resolution (S. J. Res. 52) to convey the thanks of Congress to Capt. Thomas Moore, master of the Alaska Steamship Co.'s steamer *Cordova*, and to the officers and crew, and also to the officers and crew of the United States Coast and Geodetic Survey steamer *Patterson*, for the prompt and heroic services rendered by them in rescuing the survivors of the United States revenue cutter *Tahoma*, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That the thanks of Congress be, and the same are hereby, extended to Capt. Thomas Moore and the officers and crew of the steamer *Cordova*, belonging to the Alaska Steamship Co., to Capt. C. C. Christiansen and the officers and crew of the steamer *Kodiak*, belonging to the Pacific Sea Products Co., and to the officers and crew of the United States Coast and Geodetic Survey steamer *Patterson*, for their heroic rescue of the survivors of the United States revenue cutter *Tahoma*, shipwrecked near the coast of Alaska; and that duly certified copies of this resolution be sent to Capt. Thomas Moore and to the officers and members of his crew, to Capt. C. C. Christiansen and to the officers and members of his crew, as well as to the officers and crew of steamer *Patterson*, participating in this rescue.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution to convey the thanks of Congress to Capt. Thomas Moore, master of the Alaska Steamship Co.'s steamer *Cordova*, and to the officers and crew; to Capt. C. C. Christiansen, master of the Pacific Sea Products Co.'s steamer *Kodiak*, and to the officers and crew; and also to the officers and crew of the United States Coast and Geodetic Survey steamer *Patterson*, for the prompt and heroic services rendered by them in rescuing the survivors of the U. S. revenue cutter *Tahoma*."

NAVAJO TIMBER CO.

The bill (S. 3934) to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "United States," to strike out "not otherwise appropriated, the sum of $5,000," and to insert "standing to the credit of the fund 'Indian moneys, proceeds of labor, Fort Apache Indians,' the sum of $4,904.10," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Navajo Timber Co., of Delaware, out of any moneys in the Treasury of the United States standing to the credit of the fund "Indian moneys, proceeds of labor, Fort Apache Indians," the sum of $4,904.10, the same to be a reimbursement for a deposit made by said Navajo Timber Co. with the Commissioner of Indian Affairs of the United States on October 15, 1913, to accompany a bid for the purchase of certain timber on the Apache and Sitgreaves National Forests, Arizona, and on the Fort Apache Indian Reservation, Ariz.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 4654) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was announced as next in order.

Mr. SMITH of Georgia. Let that go over.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

The bill (H. R. 9803) to emancipate from certain disabilities children who have judgments of conviction for crime of record against them in the Juvenile Court of the District of Columbia was announced as next in order.

Mr. SMITH of Maryland. Let that bill go over.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

JOHN E. WOODS.

The bill (S. 797) for the relief of John E. Woods was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay for salary due John E. Woods, superintendent of live stock on the Tongue River Indian Reservation, from April 21, 1914, to January 19, 1915, at $720 per annum, $536.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INTERSTATE BRIDGE CO.

The bill (H. R. 10238) granting the consent of Congress to Interstate Bridge Co. to construct a bridge across Mississippi River was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT BATON ROUGE, LA.

The bill (S. 3722) to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALLOTTEES OF THE QUAPAW AGENCY, OKLA.

The bill (S. 1728) to amend section 1 of an act approved March 3, 1909 (35 Stat. L., p. 751), entitled "An act for the removal of restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal land, school, agency, or other lands on any of the reservations within the jurisdiction of such agency, and for other purposes," was considered as in Committee of the Whole. It proposes to amend section 1 of an act approved March 3, 1909, entitled "An act for the removal of restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other lands on any of the reservations within the jurisdiction of such agency, and for other purposes," so as to read as follows:

SECTION 1. That the Secretary of the Interior may, in his discretion, and he is hereby, authorized to remove the restrictions as to sale, encumbrance, or taxation from all the allotted lands of any adult allottees of any of the tribes of Indians, including the Modocs, belonging to the Quapaw Indian Agency, in the State of Oklahoma, whenever he shall be satisfied that any Indian allottee is competent to manage his or her affairs, but said lands from which the restrictions have been removed shall not be liable for the satisfaction of any debt contracted prior to the removal of said restrictions by the Secretary.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 645) to provide for the closing of barber shops in the District of Columbia on Sunday was announced as next in order.

Mr. GRONNA. Let that bill go over.

Mr. HARDING. I ask that the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over, objection having been made.

REGULATION OF ADVERTISING IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 10490) to prevent fraudulent advertising in the District of Columbia was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with amendments, in section 1, page 2, line 2, before the word "intent," to strike out "fraudulent"; in the same line, after the word "to," to insert "purchase any goods, wares, or merchandise or anything of value or to"; in line 7, before the word "purpose," to strike out "fraudulent"; in line 11, before the word "intent," to strike out "fraudulent"; and in line 13, before the words "to employ," to strike out "for a valuable consideration," so as to make the section read:

That it shall be unlawful in the District of Columbia for any person, firm, association, corporation, or advertising agency, either directly or indirectly, to display or exhibit to the public in any manner whatever, whether by handbill, placard, poster, picture, film, or otherwise; or to insert or cause to be inserted in any newspaper, magazine, or other publication printed in the District of Columbia; or to issue, exhibit, or in any way distribute or disseminate to the public; or to deliver, exhibit, mail, or send to any person, firm, association, or corporation any false, untrue, or misleading statement, representation, or advertisement with an intent to purchase any goods, wares, or merchandise or anything of value or to deceive, mislead, or induce any person, firm, association, or corporation to purchase, discount, or in any way invest in or accept as collateral security any bonds, bill, share of stock, note, warehouse receipt, or any security; or with the purpose to deceive, mislead, or induce any person, firm, association, or corporation to purchase, make any loan upon, or invest in any property of any kind; or use any of the aforesaid methods with the intent or purpose to deceive, mislead, or induce any other person, firm, or corporation to employ the services of any person, firm, association, or corporation so advertising such services.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER.

The bill (H. R. 7571) to provide for the appointment of the recorder of deeds of the District of Columbia by the Commissioners of the District of Columbia was announced as next in order.

Mr. HOLLIS. I ask that the bill be passed over.

Mr. SMITH of Georgia. Let the bill go over.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

LOGAN MONUMENT AND VOLUNTEER SOLDIERS' MEMORIAL ASSOCIATION.

The joint resolution (S. J. Res. 103) to furnish to the Logan Monument and Volunteer Soldiers' Memorial Association a list of the names and addresses of all soldiers and sailors now living was considered as in Committee of the Whole. It directs the Commissioner of Pensions to furnish to the Logan Monument and Volunteer Soldiers' Memorial Association the names and addresses of all soldiers and sailors now living, showing the company and regiment of each, as requested by the National Encampment of the Grand Army of the Republic.

Mr. SMITH of Georgia. I should like to inquire of the Senator from Maine, who, I see, has reported the joint resolution, whether it will involve any expense?

Mr. JOHNSON of Maine. I will say, Mr. President, that we have a letter from the department stating that it will involve no extra clerk hire and no extra expense.

Mr. SMITH of Georgia. Very well; I have no objection.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (H. R. 11240) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. SMITH of Georgia. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

COOSA RIVER, ALA.

The bill (S. 3900) to authorize the sale and disposal of an island in the Coosa River, in the State of Alabama, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments on page 2, line 5, after the word "navigation," to insert "or of water power"; and in line 8, after the word "improvement," to insert "or of the development of water power," so as to make the bill read:

Be it enacted, etc., That, with the assent of the Secretary of War, that a certain island in Coosa River, St. Clair County, Ala., known as Rock Island and described upon the official plat of survey as lot 1, section 24, township 14 south, range 5 east, and lot 1, section 19, township 14 south, range 6 east, Huntsville meridian, containing 2.55 acres, may be restored to entry, and that the Secretary of the Interior be, and he hereby is, authorized, in his discretion, to sell and convey said land to the Rock Island Fishing and Hunting Club, at $1.25 per acre: *Provided*, That the aforesaid land shall forever be and remain subject to the right of the United States to overflow same or any part thereof in the improvement and development of navigation or of water power on the Coosa River; and no claim or right to compensation shall accrue from the overflowing of said land on account of said work of improvement or of the development of water power: *Provided further*, That in any patent that the Secretary of the Interior may issue for said land the right to overflow without liability for damage shall be expressly reserved to the United States: *Provided further*, That if said Rock Island Fishing and Hunting Club should at any time use or attempt to use said tract of land for any other purpose than that of recreation or club purposes, or should attempt to sell, lease, or convey said tract of land shall revert to the United States.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CROW INDIAN LANDS IN MONTANA.

The joint resolution (S. J. Res. 14) to permit offerings at public sale of certain lands in Montana ceded by the Crow Indians was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Public Lands with amendments. The first amendment was, on page 1, line 9, after the word "purposes," to strike out "or in the act of April 27, 1904, entitled 'An act to ratify and amend an agreement with the Indians of the Crow Reservation in

Montana, and making appropriations to carry the same into effect,'" so as to read:

That nothing contained in section 31 of the act of March 3, 1891, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1892, and for other purposes," shall hereafter be so construed as to prohibit the offering at public sale of any tract of land affected thereby which is otherwise subject to such offering, under the provisions of section 2455, United States Revised Statutes, as amended by the act of March 28, 1912 (37 Stat. L., p. 77): *Provided*, That in no order for an offering of such lands shall a minimum price be fixed less than the price therefor fixed by existing laws.

The amendment was agreed to.

The next amendment was, on page 2, after line 11, to insert a new section as follows:

SEC. 2. That all lands not otherwise reserved that have been withdrawn or classified as coal lands, or are valuable for coal, restored to entry under the authority of the act approved April 27, 1904 (33 Stats., p. 352), entitled "An act to ratify and amend an agreement with the Indians of the Crow Reservation in Montana, and making appropriations to carry the same into effect," shall be subject to disposal in the same manner and under such terms and conditions as have been or may be provided for the disposition of nonmineral lands opened to entry or sale by the aforesaid act: *Provided*, That such disposals and the lands affected thereby shall be subject to all the provisions of the act approved June 22, 1910 (36 Stats., p. 583), entitled "An act to provide for agricultural entries on coal lands," hereby extended thereto.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution to permit of the disposition of certain lands in Montana ceded by the Crow Indians."

JOINT RESOLUTION PASSED OVER.

The joint resolution (S. J. Res. 50) authorizing the Secretary of the Interior to sell the coal deposits in and under certain public lands to the Republic Coal Co., a corporation, was announced as next in order.

Mr. KENYON. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

MOUNT RAINIER NATIONAL PARK.

The bill (S. 3928) to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes, was announced as next in order.

Mr. JONES. Mr. President, I wish to say that that is rather a long bill, but it has passed the Senate twice and is identical with the law which is now on the statute books with reference to the control in the Glacier National Park. If it is possible to have it passed without a full reading, I ask that that be done.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent that the formal reading of the bill may be dispensed with. Is there objection?

Mr. WALSH. Mr. President, I should like to inquire of the Senator whether or not the bill conforms to an amendment which was made to the Glacier Park act, so as to give the commissioner to be appointed control over petty offenses?

Mr. JONES. I understand it does. It is recommended by the department and, in fact, was suggested by them.

The PRESIDENT pro tempore. Without objection, the formal reading of the bill is dispensed with. The bill is in the Senate as in Committee of the Whole and open to amendment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

H. L. CORBIN.

The bill (S. 17) permitting H. L. Corbin to purchase certain public lands was considered as in Committee of the Whole. It grants permission to H. L. Corbin to purchase the west half of the southwest quarter of section 35, township 8 south, range 70 west of the sixth principal meridian, containing 80 acres, at $1.25 per acre.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, real the third time, and passed.

LANDS IN UNCOMPAHGRE INDIAN RESERVATION, UTAH.

The bill (S. 43) in relation to the location, entry, and patenting of lands within the former Uncompahgre Indian Reservation, in the State of Utah, containing gilsonite or other like substances, and for other purposes, was considered as in Committee of the Whole. It provides that the lands and also all the mineral therein within the former Uncompahgre Indian Reservation, in the State of Utah, which was specifically reserved for future action of Congress in the act approved March 3, 1903 (32 Stats., 998), and the remainder of the lands within even-numbered section in that reservation reserved in the act approved June 7, 1897 (30 Stats., 87), as containing gilsonite, asphaltum, elaterite, or other like substances, and which were by the act of March 3, 1903, authorized to be sold and disposed of in tracts not exceeding 40 acres, shall, unless otherwise reserved, be immediately open to settlement, location, occupation, and entry under all the land laws of the United States according to the character of the lands or of the mineral deposits therein.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MOORE, WOODSON, AND WHITFIELD.

The joint resolution (S. J. Res. 59) authorizing the Secretary of the Interior to cause the settlement of the accounts of Special Agents Moore, Woodson, and Whitfield, under the treaty of 1854 with the Delaware Indians, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Public Lands, with an amendment, on page 2, line 16, to strike out "second auditor and second comptroller" and insert "Auditor for the Interior Department," so as to make the joint resolution read:

Resolved, etc., That the Secretary of the Interior is hereby authorized and required to direct the Commissioner of Indian Affairs to make an administrative examination of the accounts of Ely Moore, deceased, as special register and superintendent, and Daniel Woodson, as special receiver and superintendent, and John W. Whitfield, special register and superintendent of the sales of the Indian trust lands, under the Delaware treaty of May 6, 1854; the Iowa treaty of May 17, 1854, and Wea, etc., treaty of May 30, 1854, under said treaties, as construed by the Supreme Court of the United States in case No. 216, on March 3, 1884, as shown in the opinion of said court, recorded in 110 United States Reports, page 688, who shall allow said special agents the same additional commissions allowed by said court in said case of one of the four special agents employed to carry said treaties into effect; and there shall also be allowed them any other expenses incurred in the sales of said trust lands not heretofore allowed them, together with the interest that has accrued on the moneys withheld from them, which were loaned out by acts of Congress, and who shall send their accounts to the Auditor for the Interior Department for final settlement.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN NORTH DAKOTA.

The bill (S. 592) to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 1, line 5, to strike out "sixth" and insert "fifth," so as to make the bill read:

Be it enacted, etc., That upon receipt of a proper deed from the State of North Dakota, executed under authority of the act of its legislative assembly, approved February 5, 1915, reconveying to the United States title to section 16, township 138 north, range 81 west, fifth principal meridian, the Secretary of the Interior is authorized to issue patents to said State for such vacant, surveyed, unreserved, unoccupied, nonmineral public lands as may be selected by said State within its boundaries, not exceeding 1,280 acres in aggregate area, and said section, when so reconveyed, shall not be subject to settlement, location, entry, or selection under the public-land laws, but shall be reserved for the use of the Department of Agriculture in carrying on experiments in dry-land agriculture at the Northern Great Plains Field Station, Mandan, N. Dak.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IMPROVEMENT OF ROADS.

The bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter, was announced as next in order.

Mr. SMITH of Georgia. Mr. President, as a friend of that measure I ask that it go over. It will be utterly impossible for us to dispose of it under the five-minute rule.

The PRESIDENT pro tempore. Objection being made, the bill will be passed over.

FISH-CULTURAL STATION, OKLAHOMA.

The bill (S. 4490) to establish a fish-cultural station in the State of Oklahoma was considered as in Committee of the Whole. It authorizes the Secretary of Commerce to establish a fish-cultural station in the State of Oklahoma, at a suitable place to be selected by him, and for that purpose $50,000, or so much thereof as may be necessary, is appropriated for the purchase of site, construction of buildings and ponds, and equipment, provided that before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this bill the State of Oklahoma, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith, in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding, provided, further, that the operations of said hatchery may be suspended by the Secretary of Commerce whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION, WASHINGTON.

The bill (S. 3129) to establish a fish-cultural station in the State of Washington was considered as in Committee of the Whole.

The bill had been reported from the Committee on Fisheries with an amendment, on page 1, line 7, to strike out "$25,000" and insert "$50,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized and directed to establish a fish-cultural station in the State of Washington on the Quinlault River or its tributaries or on Lake Quinlault, and for said purpose the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated for the purchase of site, construction of buildings and ponds, and equipment: *Provided*, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this act, the State of Washington, through appropriate legislative action shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: *And provided further*, That the operations of said hatchery may be suspended by the Secretary of Commerce whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FISH HATCHERY, ALABAMA.

The bill (S. 4067) to establish a fish hatchery in the State of Alabama was considered as in Committee of the Whole. It appropriates the sum of $50,000, or so much thereof as may be necessary, for the establishment of a fish hatchery in the State of Alabama, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce: *Provided*, That before any final steps shall have been taken for the construction of a fish hatchery in accordance with this bill the State of Alabama, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fish laws of the State to the contrary notwithstanding: *And provided further*, That the operations of said hatchery may be suspended by the Secretary of Commerce whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH HATCHERY, FLORIDA.

The bill (S. 2993) to establish a fish hatchery in the State of Florida was considered as in Committee of the Whole. It appropriates $50,000, or so much thereof as may be necessary, for the establishment of a fish hatchery in the State of Florida, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce: *Provided*, That before any final steps shall have been taken for the construction of a fish hatchery in accordance with this bill the State of Florida, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: *And provided further*, That the operations of said hatchery may be suspended by the Secretary of Commerce whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION, ARIZONA.

The bill (S. 4449) to establish a fish-cultural station at some point in the State of Arizona was considered as in Committee of the Whole. It appropriates the sum of $50,000, or so much thereof as may be necessary, for the establishment of a fish-cultural station at some point in the State of Arizona, including the purchase of site, construction of building, and equipment, to be selected by the Secretary of Commerce: *Provided*, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance of this act, the State of Arizona, through legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: *Provided further*, That the operations of said hatchery may be suspended by the Secretary of Commerce whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION, TEXAS.

The bill (S. 3261) to establish an additional fish-cultural station in the State of Texas was considered as in Committee of the Whole. It appropriates the sum of $50,000, or so much thereof as may be necessary, for the establishment of an additional fish-cultural station in the State of Texas, including the purchase of site, construction of building, and equipment, at some suitable point to be selected by the Secretary of Commerce: *Provided*, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this act the State of Texas, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: *Provided further*, That the operations of said hatchery may be suspended by the Secretary of Commerce whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH-CULTURAL STATION, NEW MEXICO.

The bill (S. 1859) to establish a fish-cultural station in the State of New Mexico was considered as in Committee of the Whole.

The bill had been reported from the Committee on Fisheries, with an amendment, on page 1, line 3, to strike out "$25,000" and to insert "$50,000," so as to make the bill read:

Be it enacted, etc., That the sum of $50,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishment of a fish-cultural station in the State of New Mexico, including purchase of site, construction of building and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce: *Provided*, That before any final steps shall have been taken for the construction of a fish-cultural station in accordance with this act, the State of New Mexico, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations therewith connected in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: *Provided further*, That the operations of said hatchery may be suspended by the Secretary of Commerce whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUGET SOUND NAVY YARD.

The bill (S. 4505) appropriating money to equip Puget Sound Navy Yard for battleship construction was announced as next in order.

Mr. OVERMAN. I object to the consideration of that bill.

The PRESIDENT pro tempore. Objection is made. The bill will be passed over.

CREDIT ORGANIZATION IN NORTHERN FRANCE (S. DOC. NO. 352).

The resolution (S. Res. 115) to print the manuscript entitled "Report on Credit Organization for the Farmer and Tradesman in Northern France" as a Senate document was considered and agreed to, as follows:

Resolved, That the manuscript submitted by the Senator from Florida [Mr. FLETCHER] on February 25, 1916, entitled "Report on Credit Organization for the Farmer and Tradesman in Northern France," by John Ball Osborne, United States consul at at Havre, France, be printed as a Senate document.

RURAL CREDITS AND LAND REGISTRATION (S. DOC. NO. 351).

The resolution (S. Res. 117) to print the manuscript entitled "Uniform State Laws Relating to Rural Credits and Land Registration" as a Senate document was considered and agreed to, as follows:

Resolved, That the manuscript submitted by the Senator from Florida [Mr. FLETCHER] on February 25, 1916, entitled "Uniform State Laws Relating to Rural Credits and Land Registration," being a statement submitted by S. R. Child, chairman Committee on Adoption of Approved Acts of National Conference of Commissioners on Uniform State Laws, be printed as a Senate document.

STATUTE IN CONTRAVENTION OF THE FUNDAMENTAL LAW.

The resolution (S. Res. 116) to print the pamphlet entitled "The Duty of Courts to Refuse to Execute Statutes in Contravention of the Fundamental Law" as a Senate document was announced as next in order.

Mr. OWEN. I ask that that resolution be placed under Rule IX.

The PRESIDENT pro tempore. An objection carries it over.

Mr. OWEN. I wish to have it transferred to Rule IX.

The PRESIDENT pro tempore. That will be in order, unless there is objection.

Mr. SMOOT. Mr. President, did I understand the Senator from Oklahoma to request that this resolution be placed on the calendar under Rule IX?

Mr. OWEN. I made that motion.

The PRESIDENT pro tempore. That was the request preferred by the Senator from Oklahoma.

Mr. SMOOT. I do not think the Senator ought to do that in the absence of the Senator from Florida [Mr. FLETCHER], who reported the resolution.

Mr. OWEN. I object to the resolution very seriously, and I wish to have an opportunity to discuss it.

Mr. SMOOT. But, Mr. President, the Senator can simply object and let it go over. In the absence of the Senator from Florida, I should think the Senator from Oklahoma would prefer to take that course.

The PRESIDENT pro tempore. The statement has been made that the Senator from Florida will be absent for two months on official business. That statement has been made to the Chair by a Senator, and the Chair thinks he saw a statement to that effect in the public press.

Mr. SMOOT. If that is the case, I have no objection.

The PRESIDENT pro tempore. The order transferring the resolution to Rule IX will be made, in the absence of objection.

That completes the bills on the calendar.

Mr. SMITH of Georgia. Mr. President, I move that the Senate now take up Senate bill 706.

Mr. KENYON. Mr. President, a bill was reported this morning and went upon the calendar.

The PRESIDENT pro tempore. No doubt the Senator from Georgia will yield to the Senator from Iowa for that purpose.

Mr. KENYON. I should like to inquire if that bill would not properly be a part of the general calendar at this time.

Mr. SMITH of Georgia. It will go upon the calendar to-morrow.

Mr. KENYON. I do not insist upon it; but it is a bill that was unanimously reported by the Committee on Indian Depredations—the first bill in the history of that committee—and I thought it would be well to have it considered.

The PRESIDENT pro tempore. It all depends upon the unanimous-consent agreement. Did the unanimous-consent agreement contemplate that the Senate should consider bills that are not actually printed on the calendar? What is the understanding of the Senator from Utah on that point?

Mr. SMOOT. I do not think so.

The PRESIDENT pro tempore. If that is the case, the inquiry of the Senator from Iowa must be answered in the negative. The Senator from Georgia is recognized.

FEDERAL JUDGES.

Mr. SMITH of Georgia. I move the Senate proceed to the consideration of Senate bill 706, to amend section 260 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. CLARK of Wyoming. Mr. President, I hope the Senator from Georgia will not insist upon that motion at this time. This is a very important bill—a bill which, in the opinion of some members of the Judiciary Committee at least, creates new offices, and, as such, is a delegation of authority to the President.

Mr. SMITH of Georgia. If the Senator will allow me, I do not expect to dispose of it this afternoon. I desire to take it up in order to start it on its road. I have no doubt we will have all day to-morrow to discuss it.

Mr. CLARK of Wyoming. Do I understand, then, that this will displace the unfinished business?

Mr. SMITH of Georgia. There is no unfinished business, and it will become the unfinished business.

The PRESIDENT pro tempore. The Chair is not sure that he can agree with the Senator from Georgia about that. There can not be two unfinished businesses before the Senate at the same time. The armor bill is the unfinished business.

Mr. SMITH of Georgia. But the armor bill was displaced before 2 o'clock.

The PRESIDENT pro tempore. The armor bill was displaced temporarily, which, under our practice, carries it over until 2 o'clock to-morrow unless it is sooner called up. That is the meaning of "temporarily laid aside"—that it will not be considered again, except upon specific action, until the hour of 2 o'clock has arrived.

Mr. SMITH of Georgia. Then, Mr. President, I still desire to take up the judiciary bill, and go as far as we can with it to-night, and go on with it to-morrow.

The PRESIDENT pro tempore. And take the chances on taking it up to-morrow?

Mr. SMITH of Georgia. Yes.

The PRESIDENT pro tempore. A motion this afternoon would not have the effect of making it the unfinished business, even though we might not finish its consideration this afternoon. It would go back to the calendar for such action as the Senate might take regarding it.

Mr. CLARK of Wyoming. Mr. President, there has been some variety of opinion in the last day or two as to whether or not a motion at this time, such as is made by the Senator from Georgia, is debatable.

The PRESIDENT pro tempore. As it is after 2 o'clock, there is not the slightest doubt that it is debatable.

Mr. CLARK of Wyoming. That was my impression when I rose. I started to say that I think this is a bill that ought to receive the most careful and continuous attention of the Senate before it is finally acted upon, because of the very great importance not only of the bill itself but of the constitutional questions involved in the bill. Therefore I think we ought not to take it up by piecemeal, a little this afternoon and a little to-morrow afternoon.

Mr. SMITH of Georgia. I do not think there will be "a little" to-morrow afternoon. It is not expected that the armor bill will be called up to-morrow. I understand from the Senator from South Carolina that he does not expect it to come up to-morrow, and this is the chance to take up this bill and dispose of it.

Mr. CLARK of Wyoming. I am afraid this is not the chance to take up the bill and dispose of it, because I am inclined to believe that this bill, striking as it does at many notions—perhaps ill-conceived notions—as to the constitutionality of it, as well as the political effect of it, may take some considerable time for discussion.

I am perfectly willing, so far as I am concerned, that the bill should be considered; but it is a bill of such very great importance that I believe it ought to be taken up in its own time, and it ought not to be taken up to become the buffer of other bills then pending before the Senate.

We all know how anxious the Members of the Senate are to take up the armor-plate bill, and I consider this bill of far more importance than the armor-plate bill or any temporary measure that may be brought before the Senate. It seems to me that it ought to be taken up so that we may discuss it continuously until it is disposed of, and that it may really be the business before the Senate, and not be taken up in a piecemeal

or haphazard sort of a way when the Senate will not be present to hear the discussion.

I hope this bill will not be taken up at this time, when we can have only a little time for discussion to-night and perhaps no time for discussion to-morrow. We can not have two pieces of unfinished business before the Senate at the same time.

Mr. SMITH of Georgia. Mr. President, I think we have practically agreed on this side to give this bill the right of way until it can be finished. I am sure the Senator from South Carolina [Mr. TILLMAN] does not expect to call up the armor bill to-morrow. I do not know of any speeches to be made on it to-morrow. We have had a unanimous-consent agreement to vote on the armor bill Tuesday week, nearly two weeks off. That was done to give time to the two Senators who are out of the city and who desire to speak on the armor bill to return and make their speeches. Are we to displace this bill for two weeks on that account, when other matters can be brought before the Senate?

I submit that we can finish this bill long before we can get to a vote on the armor bill, and this is an excellent opportunity to give it a full, fair discussion. I shall ask to-morrow morning—and I think the request will be supported on this side—that we take up the bill as soon as we meet. I can ask that a recess be taken to-day, in order that the Senator from Wyoming may have all to-day and to-morrow continuously to consider this bill, and if the Senator will join me he can be sure he will have all day to-morrow to consider it.

Mr. CLARK of Wyoming. I should be very glad if the Senator from Georgia would tell us what other arrangements the Members of the Senate on that side have made as to the time of the Senate, pending the vote upon the armor-plate bill.

Mr. SMITH of Georgia. I will tell the Senator all that is necessary and all that I know about. I have urged Senators who have other measures that they are pressing to yield, and not to press their measures ahead of this bill for the present, and to give me this opportunity to bring it before the Senate. That is the only arrangement I know of, and it was an entirely legitimate and proper one.

Mr. CLARK of Wyoming. Of course.

Mr. SMITH of Georgia. And I told the Senator of it.

Mr. CLARK of Wyoming. The only difficulty is that the Senator makes his arrangements as to transacting the business of the Senate with only the Members on the other side of the Chamber.

Mr. SMITH of Georgia. No; that is a mistake.

Mr. CLARK of Wyoming. I supposed that the Members on this side of the aisle had been aware of the exact arrangement that had been made to lay aside the armor-plate bill, which we were told this morning it was necessary to act upon in haste. If we had known that, probably we would have consented. I certainly should.

Mr. SMITH of Georgia. The Senator is mistaken. The arrangement was not made entirely on this side. I acquainted the Senator from Utah [Mr. SMOOT] with our plans when he desired to call up the regular calendar. I was prepared to press my motion ahead of the calendar. I have yielded for three hours to that, in order that Senators might have brought up their special bills about which there was no contention. We conferred about it, and I understood that it was pleasing to all of us. While I had the floor, and could have pressed the motion to take up this bill before 2 o'clock, I yielded in order that we might take up the general calendar and dispose of unobjected bills; and, so far as I could, I communicated with Senators on the other side. The agreement that I have, so far as I have any—I do not claim to have a definite agreement—has been rather an earnest request on my part that certain Senators who are pressing other matters should not seek to press them until I had had an opportunity to present this measure to the Senate.

Mr. WALSH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Montana?

Mr. CLARK of Wyoming. I had about concluded what I have to say. I simply wanted to enter my most earnest protest against proceeding with a bill of this importance at this time.

Mr. WALSH. I desire to address a question to the Senator from Wyoming.

Mr. CLARK of Wyoming. Certainly.

Mr. WALSH. I was going to remark that we ought to vote upon the motion of the Senator from Georgia with some kind of an idea, so far as we are able to get it, as to the amount of time that is likely to be consumed in this discussion. This bill comes from the Judiciary Committee, and, of course, I know of the rather marked division that existed in the committee with respect to the bill. I should like to inquire of the Senator from Wyoming what information he can give us as to about how long the subject will be likely to be debated upon that side of the Chamber?

Mr. CLARK of Wyoming. I am unable to give the Senator any information whatever on that subject. I only know what my course shall be in regard to the bill. I am opposed to the bill and shall have a few remarks to make upon it. The Senator is well aware that I do not consume unnecessary time in the discussion of any bill, nor shall I in the discussion of this bill; but it shall be my purpose, so far as I am personally concerned—and I can speak for no other Member of the Senate—to discuss the bill rather fully, and its effect.

Mr. WALSH. I felt very sure that would be the attitude of the Senator from Wyoming; and I am sure that he will discuss these matters fairly and intelligently and forcefully, as he always does, and then he will cease.

I must say that if any agreement has been made on this side of the Chamber that the time is to be taken up by the consideration of the bill referred to by the Senator from Georgia, I personally was not a party to that agreement, and of course do not feel myself in anywise bound by any such agreement. Whether there was any such agreement or not I am not able to state.

Mr. SMITH of Georgia. Mr. President, if the Senator will yield——

Mr. WALSH. Whether some concourse of Senators upon this side of the Chamber was held, into the deliberations of which I was not admitted, I am unable to say. I should doubt, however, whether my colleagues would dispose of me in just exactly that way, or attempt to do so.

Mr. SMITH of Georgia. Mr. President, will the Senator yield for a moment?

Mr. WALSH. I insist, sir, that House bill 408 is entitled to whatever time may be available, when the unfinished business is not before the Senate, for discussion and action by this body. I think we have been very decent to our colleagues upon this side in our insistence that that bill come before the Senate. I shall make no more appeals for consideration if such a bill as the one the Senator from Georgia now asks to have taken up is to be considered as entitled to precedence over that measure, which affects the state of industry in 10 great States of this Union. I do not believe a reason can be advanced why the judiciary bill should be given precedence at this time.

I am in favor of the bill urged by the Senator from Georgia. I voted for it in the Judiciary Committee. I hope to vote for it when it comes up. But we shall be obliged to ask for a vote upon the question as to whether that bill shall now have consideration.

Mr. VARDAMAN obtained the floor.

Mr. SMITH of Georgia. Mr. President, I should like to say just one word in reply to the Senator from Montana.

Mr. VARDAMAN. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. The Senator from Montana was not present in the Chamber—at least, if he was here I did not see him—at a time when, unexpectedly to all of us, or certainly unexpectedly to me, we found that the armor-plate bill would not really go on to-day. I spoke to certain associates of his who were interested in the bill in which he is also interested; and I qualified my own statement from the statement that there was an agreement in the statement that at my earnest request they consent that I should make this motion. The Senator from Montana was in no way a party to it, and I certainly did not mean for a moment to intimate that he was. I qualified my statement about the agreement, lest it should be understood to have been intended by me to apply to all Senators on this side. It was rather a request by myself to certain of his associates that I might bring up this matter and press it.

Mr. SUTHERLAND. Mr. President——

Mr. SMITH of Georgia. I do not in any way claim that they were bound not to vote for their own measures if they saw fit. It was rather that I should present this motion first.

Mr. MYERS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Montana?

Mr. VARDAMAN. I do.

Mr. MYERS. So far as any agreement amongst any concourse of Senators is concerned, I know nothing about it. I will say that the Senator from Georgia [Mr. SMITH] talked to me several times to-day very earnestly about desiring to get up for the remainder of the day the bill which he has moved to take up; and after he had talked with me several times on the matter I finally told him that as far as I was concerned, speaking for myself and no one else, I would make no opposition to his endeavor to get up his bill for the remainder of to-day. I

spoke for one day only. I did not say what I would do to-morrow, or some other day, or any other day. I told him that as far as this day was concerned, if he wanted to get up the bill I would make no opposition to it for this day, or to his getting it before the Senate for the balance of this day if the armor-plate bill should be laid aside.

So far as accommodating fellow-Senators is concerned by giving way, I will say that to-day at 12 o'clock I was ready and disposed to renew my fight to bring up House bill 408, and to use every endeavor in my power to get it ahead of the armor-plate bill. I do not engage in a great many fights, but when I do engage in a fight I am disposed to go ahead with it and not to give up or back up. My inclination and disposition to-day was very strongly to go ahead with the fight that I inaugurated last evening and fight it to a finish to-day, and let the Senate decide the result. But at the very earnest request of a number of Democratic Senators, including my colleague [Mr. WALSH], I yielded my own judgment on the matter and gave up my intention.

When it comes to giving in to one Senator or giving in to another, when you start giving in it is pretty hard to draw the line. I had given in, at the urgent solicitation of a number of Senators, to the Senator from South Carolina [Mr. TILLMAN] for what I felt was to be a prolonged fight, and think yet will probably be a prolonged fight; and when the Senator from Georgia [Mr. SMITH] conferred with me several times to-day and urged me very earnestly not to oppose the proposition of allowing him the remnant of one day, having started out the day with a charitable spirit of giving in I kept it up, so far as the Senator from Georgia was concerned, as to the remnant of this one day. At least I told him that I personally would not oppose him in his efforts for this day only, so far as I was concerned. I started out the day in a charitable frame of mind, and, I suppose, concluded that it would be well to keep it up and to live at least one day in that frame of mind.

That is just exactly what transpired between me and the Senator from Georgia. I did not consult anybody else about it, and I do not know whether any one else agrees with me or not, but that is my attitude in the matter, and it is limited to this day only.

ARMED MERCHANT SHIPS.

Mr. VARDAMAN. Mr. President, the lateness of the hour and the great amount of work accomplished by the Senate to-day will cause me to make brief the remarks which I shall submit, and not trespass upon the patience of this body longer than possible. I am not going to discuss the question of whether or not we should take up the bill proposed by the Senator from Georgia [Mr. SMITH], but I am going to talk about another question of vastly more importance.

In the outset I am going to ask permission to insert in my remarks the correspondence between the Senior Senator from Missouri [Mr. STONE] and the President of the United States on the subject of Americans traveling on armed merchant ships belonging to belligerent nations, together with certain extracts from the diplomatic history of this country where the Congress has taken part in the diplomatic intercourse between this and other nations, and also the resolution introduced by the Senator from Oklahoma [Mr. GORE], in its original form and the amended resolution which was laid on the table. (See Appendix.)

Mr. President, the time has arrived when Members of this Congress, confronted with an emergency pregnant with issues of grave and far-reaching consequences, should speak their minds candidly, but with that prudent reserve which always characterizes the acts of wisdom. Where so much is at stake it is dangerous to speculate; but in the twilight of doubt, under the shadow of uncertainty, the attrition of ideas and friction of suggestions when freely made can with safety be depended upon to produce the light which will lead us to the essential truth. The vanity of opinion, the pride of place, the exigencies of politics, or the prestige of power should not influence a Member of Congress in the performance of a great and patriotic duty. I belong to a school of Democrats who believe profoundly in the philosophy of party organization and the patriotism of party discipline. It is my deliberate judgment that, through the instrumentality of the Democratic Party, guided by the ancient landmarks of that organization, that free government in America is to be preserved. A vital tenet in the Democratic faith is the upholding and maintenance of the Government in the form and purpose of its original construction.

The wise framers of the Constitution, who "dipped into the future far as human eye could see," recognized the virtue of a division of authority, and therefore created the three coordinate branches of the Government—the legislative, executive, and judicial. The functions of these various departments have been clearly defined and are well understood and recognized by the Members of this body. We all agree that the encroachment by one department upon the rights and prerogatives of another department must necessarily serve to disorganize and disturb the entire fabric. It is therefore prudent that the equilibrium should at all times be maintained perfectly. Far be it from any purpose on my part to have the Congress interfere with the executive functions of the Government or trench in any way upon the sacred rights or prerogatives of the White House.

There is no danger, I apprehend, of the legislative department of the Government usurping any of the powers that belong to the executive department. But there is danger of the President dominating and controlling the Congress in a way not contemplated by the builders of the Constitution. I have been apprehensive at times that Executive interference with the legislative function is one of the real menaces to the permanency of our system of government. The votes that have been taken by the Congress in the last few days on the question of permitting American citizens to travel on belligerent merchant ships, I respectfully submit, were not votes of confidence, but, rather, votes of obedience; they were not votes of counsel, expressing the convictions of the individual Congressman upon this grave question, but, rather, I fear, in many instances, but the sullen, silent submission to what was thought to be the demands of the presidential will and to meet the exigencies of party politics. There is beauty in the symmetry of our system of government, and we all recognize that there is strength in the perfect order of its construction. Mr. President, I wish it were possible for the legislative and executive departments of this Government, especially in times of stress like the present, to deal with each other with perfect candor and in a spirit of cooperation rather than of antagonism. There should not be the slightest friction or conflict of interests. When the ends to be reached are the same and the responsibilities are equal there is every reason why there should be perfect cooperation and the subject treated by the Executive and the Congress on the dead level of equality. Let it be understood and proclaimed to the world that the President of the United States is not the master of Congress or the ruler of this Republic, nor is there a divinity which hedges him about that renders him immune from error. And it is equally important that we should not lose sight of the truth that the Congress is in no way superior or paramount to the executive department. But they are coordinate branches, each created and designed to serve the American people, the masters of us all. I shall not refrain from stating, lest I be charged with being academic or indulging in the repetition of an ancient platitude, the vital truth, that the source of all political power is with the people, and therefore the people have a right to know what their Representatives in Congress and the President may do, and, so far as possible, the motives behind their every official act. I believe that it would be a godsend to America if the blessed sunlight of publicity might be permitted to shine upon every official act of every officer of this Government and throw upon the canvas of time in vivid portrayal the motives behind such acts.

Men in high official stations are often unnecessarily sensitive or jealous of the honor and dignity of their particular functions. Too often vanity beclouds the vision and personal ambition dulls the sense of duty. We are too inclined to regard the office which we hold temporarily as our private property rather than a trust, whose functions we are called upon to perform for the good of the people. When the resolution was introduced in the Senate a few days ago by the learned Senator from Oklahoma [Mr. GORE], and a resolution of similar import was introduced in the House of Representatives by the Hon. Mr. MCLEMORE, of Texas, the cry went up in solemn and foreboding tones from those who seem to feel it their God-imposed duty to protect the Executive function from any possible encroachment by the Members of the coordinate branch, contending that the passage of such a resolution would be taken by the President—in truth, I think the President said something like that himself—and construed by the nations of the earth as an abridgment of the President's power, and some seemed to think, it might possibly be taken as a reflection upon his imputed infallibility.

They claim that the Presidency is an office created by the Constitution and vested solely with the power of conducting all diplomatic negotiations and charged with the duty of attending to all matters similar to the questions embodied in the resolution introduced by the Senator from Oklahoma. Of course I do not agree to such a contention. It is unauthorized by the terms of the Constitution and contradicted by the precedents of history. Congress in the past has not hesitated to advise and counsel with the Executive in matters of great importance similar to the question at issue to-day. It was done during the administration of President Andrew Jackson, in the official lifetime of

Henry Clay, and before and since. There is nothing new or novel in the proposition, and it has the approval of common sense and tested by time and trial. Now, I am perfectly willing, however, to concede, for the sake of this discussion, that the President thinks he is vested solely with the power which he arrogates to himself in his letter to the honorable senior Senator from Missouri [Mr. STONE]. I am going to concede to the President all the power and dignity, and I shall not detract or derogate in any way from the exercise of that power which the Constitution confers upon him. I am perfectly willing that he shall go to the end of his constitutional tether. Nor shall I, as a Senator, presume to advise him personally as to how he should perform the functions of his place, or submit to him any suggestion as to what he should do, unless he should solicit such assistance.

But, Mr. President, I am not willing to delegate to the President or any other officer the right to perform a duty devolving upon me which means as much to the American people as is involved in the issue which confronts the country to-day. I am not willing to leave to the discretion of the President or any other officer to say whether American citizens shall be permitted upon merchantmen belonging to belligerent countries, when we have been told by the President that if a person thus traveling should lose his life by the sinking of the merchantman by a German submarine that he would consider it a gross violation of international law, and I think I am within the facts of recent history when I say he intimated that the breaking off of diplomatic relations with Germany would follow. I am not willing to submit even to the President a matter of such vital moment to the people of Mississippi and America when I have assurance that he would decide the question against what I believe to be their best interests. And in taking this position I should dislike for anybody to conclude that it is because of a lack of confidence in the President's honesty or done in a spirit of hostility.

I have an impression, created by what has happened in the last few months, that the President distinctly leans toward the allies in the European conflict, and whatever he may think his duty in the premises I am sure he will do, just as I am not going to leave undone anything which should be done, that I have a right to do, and which is my duty to do as a Member of this Congress, that would render impossible an unnecessary war with any of the belligerent powers of Europe. If I may be pardoned for the diversion, I want to say just here, that I have the greatest admiration and respect for the learning of the extraordinary man who is the present Executive head of this Republic. He has written some good books—splendid books; he is familiar with the history of the rise and fall of civilizations, whose skeletons mark the shores of time; he knows the causes that produced them, and he is doubtless familiar with the influences that caused their disintegration and downfall. But, even conceding all that, I do not think he possesses a corner on all political wisdom, nor do I believe that he is any more patriotic than the majority of the Members of Congress, who share with him the responsibility of this Government. I might concede to him all the qualities with which the perfervid love-tinted imaginations of his self-constituted, special senatorial defenders, partisan friends, and devoted adherents in Congress clothe him, but even then, Mr. President, I should still be in favor of the Congress exercising its proper function and not leave all the responsibility of the Government to the President. The President is a mere man, whose heart is filled with the hopes and hates, loves and limitations, fears and forebodings, favoritisms and fancies incident to mortality. His brain is the storehouse of ambitions, vanities, virtues, faults, and frailties that belong to the human race. Only a man—just a man—that's all. And I realize that he can not do anything that will not affect for weal or woe the Nation, and I am also mindful of the fact, which is of concern to me, that upon his conduct very largely the immediate future success or failure of the Democratic Party depends. It is therefore my desire to help, not hinder; to build up, not tear down. But, Mr. President, God forbid that partisan politics should have any place in the consideration of this great question. We should rise above such influences as the sun rises above the fog. If there ever was a time in the history of this Republic when "none should be for party" but "all for the state" that time is now. Viewing it, there should be no Democratic or Republican standpoints; but it should be viewed and contemplated solely from the coign of vantage of the highest and purest patriotism and statesmanship to which a Member of the American Congress is capable of attaining.

Knowledge comes, but wisdom lingers—
And I linger on the shore—
And the individual withers;
And the world is more and more.

Having stated this much, I trust that my position may not be misunderstood. The person who would for any reason or purpose put me in the attitude of personal hostility or official antagonism to the President makes a mistake which is discreditable to his judgment, and is an imputation of dishonor upon himself which injures him and does not hurt me. Mr. President, I do not think it should be taken as an act of treason for a United States Senator to differ from the President in a matter of public policy, especially if the Senator shall stand upon the Democratic platform and in accordance with the genius, history, and traditions of the party to which he owes allegiance. Their responsibilities are equal. They derive their authority from the same source, and the obligation is equally binding upon each to do and stand for the things that will promote the interests of the people. Submission to any power or influences other than the demands of duty involves a base repudiation of the first paramount obligation of a Senator. This Nation is confronted with a grave problem; the war cloud is rising above the horizon and its lightning flashes have inflamed the hearts of our people. The blighting simoom of war sweeps across the Old World, and the fair fields of Europe have been laid waste. Great cities—the monuments of a nation's superb civilization, the growth of ages past—have been razed to the earth, and the vine-clad hills and fragrant groves, vocal with the songs of birds, have been converted into veritable Golgothas, with moaning in the winds and tears of weeping women and children form the dewdrops upon the flowers, while the nations throughout the world, like wild beasts, are "snarling at each other's heels." For some time after the beginning of hostilities in Europe our isolation—the wide sea between our Government and the scenes of the deadly conflict—gave our people a sense of security, and that sense of security was deepened by the precautions taken by the Chief Magistrate, who went so far as to warn the American people, even in picture shows, to withhold their expressions of partiality when war scenes were flashed upon the screens. But the disaster is spreading. The flames that are consuming Europe are throwing their sparks across the dividing ocean, and the sense of security which a few months ago we enjoyed has given way to soul-disturbing apprehensions. The opportunities for investment, the greed for gain, the cupidity which is eating out the hearts of a certain class of citizens in some sections of this Republic, the bad advice of such individuals who are enjoying enormous profits from the manufacture of munitions of war, together with the public press, which has become the active agent of the harpies of predatory interests and is now engaged in the diabolical work of inculcating false sentiments, to the end that their masters may, from the wreck and carnage of war, grow richer still and fill their capacious coffers with gold coined of the blood and tears, the sufferings and sacrifices of the victims of war.

Now, let us see what the issue really is. Let us look at it and consider it in its due proportions, divested of all false coloring, and clear out of our eyes the vanity that seems to distort our mental vision. First, do the people of America want war? Has an exigency arisen or anything happened which makes it necessary that we should go to war with any foreign power in Europe or justify any other nation in declaring war against us? And if not, is it not the sacred duty of Congress, in the performance of its sovereign function, to remove every possible irritating cause and render war improbable? From my viewpoint—and I have endeavored to consider this matter in all its phases—the only probable excuse for war that I am able to discern at this time is the fact that some American traveling upon the high seas on a merchantman belonging to a belligerent nation may lose his life by the sinking of such a ship by a submarine belonging to the German Government. There may be other causes that possibly may bring about war, but if so, they have not been hinted at or mentioned in this exhaustive discussion. So we may take it as admitted that the real question at issue is the right of the American citizen to travel upon armed merchant ships belonging to a belligerent nation and the wisdom or the prudence of the American Government permitting it. I am perfectly willing for the sake of this discussion to admit that an American citizen has the technical right, vouchsafed to him by international law, to travel upon merchant ships, armed or unarmed, belonging to a belligerent nation.

I am going to consent to the further proposition that they have the right to travel upon these ships and if the Congress by solemn enactment, does not limit or abridge that right, or authorize the President of the United States to withhold protection if the right shall be exercised—in other words, if notice is not given—it is the duty of the Government of the United States to throw around such traveler the ægis of its protection and hold the nation which violates the law to a strict accounting for the injury that such citizen may suffer. Now,

admitting that, I want to go a little further and say that while the American citizen has the right under international law to do the things I have detailed, would it not be wise? Would it not be prudent? Would it not be an act of humanity and a service to mankind if this Congress, chosen by the people to write their laws, should see to it that citizens of the United States—owing allegiance to our flag—should not be permitted to exercise the privilege even though it be vouchsafed to them under international law, which in so doing would necessarily involve this country in war with Germany or some other country, the result of which we all understand, would mean the loss of billions of dollars to the wealth producers of America and probably the sacrifice of millions of human lives? Mr. President, is this vaunted privilege, vouchsafed by an ancient international custom, superior and paramount to an act by the Congress and the Executive charged with the control of the Government? Is the interest of an irresponsible, imprudent, vagrant, fool-hardy creature, knowing the perils of the sea, to outweigh with the Congress the peace and happiness of 100,000,000 of prosperous and law-abiding people? Is it fair, is it just, is it reasonable, is it humane that these few irresponsible, notoriety-loving individuals should be permitted to involve this country in a war, the horrible consequences of which words may be inadequate to describe? To my mind there is but one answer to the question. Oh, but it is maintained by the President and those who are defending his views in this Chamber that America must preserve international law. That the seas must be kept open, trade untrammeled, and commerce unhindered between the nations must be maintained. That sentiment sounds fine to the fellow who enjoys the profits. It reminds one of the patriotic utterances of Patrick Henry and other heroes, whose heroism have made American history glorious, only because it is so different. It is merely stage thunder, the rattling of the tin and the flash of the red lights behind the curtain. There is not in it the real music of the heavens—the symphony of the spheres. It is the manufactured article intended more to promote the interests, enlarge the profits of the Wall Street patriot, the commercial bandit, the financial buccaneer, than it is for the conservation of the vital principles of international law and the protection of human lives.

If the question were submitted to the American people to-day as to whether or not the United States should go to war with Germany for the sinking of a merchantman belonging to Great Britain with an American citizen upon it, is there a Senator in this Chamber, is there a reasonable, patriotic man on this continent who believes that the American people would vote to permit this vagrant citizen to travel on belligerent merchant ships if they knew it meant war for the United States? Do you believe there is a mother in America who would be willing to offer her son upon the altar of such a cause? Is there a loving wife who would give her husband to be sacrificed that the rights of such a reckless individual might be upheld, or that the ancient principle of international law, which has long since become obsolete, might be vindicated? Oh, no; you know they would not. There is no question about that. There is no difference of opinion between us on this subject. I believe I have as much reverence for the American flag as any man who lives beneath its sacred folds. I yield to no man in my devotion to America, my reverence for its past, and my hope for its future. I want the flag of our Nation to float as an emblem of courage, of honor, of justice, and of humanity. I would not, knowingly, do anything, or permit anything to be done, or left undone that should be done, to preserve the independence, the integrity, and the honor of this Government. It is my Government. Every fiber of my being, every impulse of my soul, every pulsation of my heart beats in unison with its every purpose and pleads for the fulfillment of its great destiny. And for that reason, Mr. President, I shall not dishonor that flag and I shall not betray my Government by a failure on my part to take every necessary precaution against unnecessary, unprovoked, and unjustifiable war. I should not knowingly, not even to save my own life, do anything or leave anything undone that is necessary to be done, to save the American people from the horrors of war. I shall not be intimidated by the mendacious newspaper editors who are the servile tools of that greedy gang of Government wreckers, who would coin the blood and tears of the men, women, and children of this Republic into dollars that they may grow richer and richer still. I despise the slander, the detraction, the villification of that class of people who are patriots for pelf, who are partisans for plunder, and who would make the flag of the United States the flag of the pirate or the ensign of the privateer. I received an anonymous letter from some craven creature who signed himself "A Mississippian," in which he criticized me for being an "advocate of peace at any price." The soul-sodden, dollar-hearted, brain-owned emissary of adversity charged me with having betrayed the Democratic Party; that I had proven false to "the President of my party." I hurl back into the teeth of such a creature the statement and denounce it as absolutely false. There is not enough of the element of truth in the statement to make a respectable falsehood.

Mr. President, I do not have to defend my loyalty to America and my fealty to the Democratic Party or my adherence to the platform promises. That has been attested in every vote I have cast since I came to the United States Senate. If there be one instance in all my legislative career—which is short and unimportant in this body—where I have deviated one iota from the Democratic confession of faith, where I have violated a single plank in the Democratic platform to which I owe allegiance, I challenge any man to point it out. I have kept the faith without variableness or shadow of turning, and fulfilled every promise made to my constituents, so far as it was possible for me to do so. I am not for peace at any price. I am not afraid to fight for the right, and I am not afraid to refuse to fight for the wrong or have my country go to war without just cause even though the Chief Magistrate of this Republic should order me to do so. I should not hesitate to vote in this body to commit my country to a policy which I knew would lead the Nation to war if the question of honor, the question of principle, and the rights of the American people were involved. Mindful of the sacred trust committed to my keeping as a Member of the Congress of the United States, I feel that—

> A valiant man
> Ought not to undergo, or tempt a danger,
> But worthily, and by selected ways.
> He undertakes with reason, not by chance.
> His valor is the salt t' his other virtues,
> They're all unseasoned without it.

Mr. President, If I may be permitted or pardoned the personal reference, as an expression of the respect and reverence I bear for the memory of my ancestors, permit me to say, that in every war in which this Republic has engaged some member of my family, in whose veins coursed my own life current, contributed to the sacredness of the American soil by feeding the dry sand with their precious blood. Their honorable records will not be dishonored by their sons. I have three sons, all of whom are of military age, and should their country need their services to defend the flag, it would be a source of humiliation and disappointment to me, a humiliation which I have no fear, however, of ever being called upon to suffer, if either one of them should fail to respond to the first call of the Nation's need. But feeling that way about it, it in no way lessens my obligation to do everything honorable to save my country from the horrors of war. I would not sacrifice one American youth and becloud the heart of his sainted mother with the sorrows which his death would bring—I would not draw from the eyes of one good American wife the tears of grief shed over the death of her patriotic husband for all the money in America. And I am not unmindful of the value of riches, either. I realize the importance of the protection of American business rights, but the dollars to be made by the manufacturers of munitions of war or the sale of other forms of merchandise to the belligerents of Europe are to me, when compared with the value of one human soul, as a grain of sand in weight to the rock-ribbed, snow-capped mountain of the West.

If the belligerent countries of Europe desire to purchase American goods, let them come and get them. But I shall never consent to go to war because some venturesome, foolhardy creature, hired, possibly, to sail upon the British ship as a mascot to protect it against the assault of an enemy engaged in a death grapple. If the resolution proposed by the Senator from Oklahoma had been adopted by the Congress as it was originally introduced, in my judgment, the probabilities of war with Germany would have vanished as a nightmare from the troubled brain of innocence. And I am sorry the Senator from Oklahoma did not allow the resolution, as originally introduced, to be voted on. If I had been in the honorable Senator's stead, I should have forced a vote upon it. I should have held my flag in the air until it was shot from my hands. But he saw fit to do otherwise, and I have no criticism to offer for his conduct. But I am not sure we would have war even if an American citizen should lose his life on a belligerent merchant ship. It might result in the severance of diplomatic relations between Germany and the United States, but even then, I am not sure that war would follow. Germany has shown a disposition to do well nigh any and every thing demanded by the United States in order to avoid war, and it is my deliberate judgment that if we should have war with Germany, and God forbid that we may, it will be after Germany has made every possible concession to avoid it. Germany has been quite as respectful and observed the rules of

international law in her dealings with the United States as the allies. Really Germany has been more observant and respectful of international law than the allies. She could not have shown greater contempt or disregard for international law and the rights of the American people on the high seas than Great Britain has shown. Great Britain's policy in interfering with commerce on the high seas in violation of international law, which she herself helped to write, has cost the cotton growers of the South on the crops of 1914 and 1915 not less than seven hundred millions of dollars. But that fact does not affect in any way my views upon the pending question. It is also my deliberate judgment that some of the gentlemen who hold the bonds of the allies and are probably carrying large accounts against the allies for munitions of war would be very glad to see the United States drawn into this vortex of slaughter and death. Meetings are being held in some of the Eastern States urging the United States to take action. Some of the hired organs of the bondholders and munition manufacturers are taunting the people of the United States with being cowards, and saying that Great Britain and the allies are fighting America's battles. It has been intimated that there is a leaning or sympathy in high official circles in Washington toward the allies, and I do not hesitate to say that unless this Congress takes affirmative action looking to the prohibition of Americans from riding on belligerent ships, there is a possibility; aye, more, a probability that the United States Government, under pretext of defending the rights of the American citizen, will be drawn into this horrible maelstrom.

Mr. President, I feel very deeply on this subject. The time has arrived, I think, when men charged with the great responsibility with which the Members of this body are charged, that their minds should be expressed prudently and freely, and the things needful to be done should be done, notwithstanding the fact that it may displease the holders of the Anglo-French bonds, the manufacturers of munitions of war, and a few men in high official stations. Now, I want to say in conclusion, that I have no desire to encroach upon the prerogatives of the President. I would not take from him one iota of his constitutional prerogative. I would not impute to him unpatriotic or improper motives. He, in all probability, will act in accordance with what he believes to be for the better interests of the American people. That which I concede to him I trust I may with modesty be permitted to arrogate to myself.

My position on this question is not one of antagonism to the President, but rather one of cooperation and help. I am only doing that which I believe to be in the interests of the American people. I am trying to serve them as they deserve to be served. My first duty is to them, and I am going to perform that duty as my sense of right may dictate, regardless of the personal consequences. It is very much more important that America should be kept out of war with honor than it is that I should flatter the vanity, glorify the prestige, or apotheosize any individual regardless of the position which he holds. If this country should become involved in war with Germany on account of the failure of this Congress to take such action as may be necessary to prohibit Americans from traveling on ships belonging to belligerent nations, the blood of every soldier that shall be sacrificed in that conflict will be on the hands of the Members of this Congress. Every tear shed by broken-hearted mothers and grief-stricken wives ought to burn like molten lead upon the souls of the Members of this body who, through indiscretion or imprudence, fail to do the things needful to avoid it. Every pang of pain, every impulse of anguish, every heartache of the orphaned children that may be made by such a war will live accusing spirits to haunt the Members of this Congress and the President of the United States to the end of time.

No, Mr. President, I am not antagonistic to the President of the United States, who happens to be also the head of the political party to which I acknowledge allegiance, except in the matter and on the questions in which and about which I think he is wrong. Just that far and no further do I oppose the President. And just that far and no further ought I to oppose the President. Any other course for me would be dishonorable. But I prefer to describe my attitude to the President, however, as being more a difference of opinion than one of antagonism. I do not hesitate to say that to follow the lead of the President in the matter of prohibiting by law Americans to travel on belligerent merchant ships involves a violation of my every idea of duty to my constituents. It involves a violation of my sense of loyalty to the right and a betrayal of the American people. The sacrifice is too great to ask a self-respecting American Congressman to make. I will not be guilty of such a perfidious crime against my own conscience. Public office has no charm for me, if to hold it I must sacrifice the priceless jewels of my soul.

What conscience dictates to be done
Or warns me not to do,
This teach me more than hell to shun
That more than heaven pursue.

Mr. President—

Though every leaf were a tongue to cry Thou must,
I will not say the unjust thing is just.

APPENDIX.

GORE RESOLUTION AS MODIFIED.

Whereas a number of leading powers of the world are now engaged in a war of unexampled proportions; and
Whereas the United States is happily at peace with all of the belligerent nations; and
Whereas it is equally the desire and the interest of the American people to remain at peace with all nations; and
Whereas the President has recently afforded fresh and signal proofs of the superiority of diplomacy to butchery as a method of settling international disputes; and
Whereas the right of American citizens to travel on unarmed belligerent vessels has recently received renewed guaranties of respect and inviolability; and
Whereas the right of American citizens to travel on armed belligerent vessels rather than upon unarmed vessels is essential neither to their life, liberty, or safety, nor to the independence, dignity, or security of the United States; and
Whereas Congress alone has been vested with the power to declare war, which involves the obligations to prevent war by all proper means consistent with the honor and vital interest of the Nation: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the sinking by a German submarine without notice or warning of an armed merchant vessel of her public enemy, resulting in the death of a citizen of the United States, would constitute a just and sufficient cause of war between the United States and the German Empire.

GORE RESOLUTION AS INTRODUCED.

Whereas a number of leading powers of the world are now engaged in a war of unexampled proportions; and
Whereas the United States is happily at peace with all of the belligerent nations; and
Whereas it is equally the desire and the interest of the American people to remain at peace with all nations; and
Whereas the President has recently afforded fresh and signal proofs of the superiority of diplomacy to butchery as a method of settling international disputes; and
Whereas the right of American citizens to travel on unarmed belligerent vessels has recently received renewed guaranties of respect and inviolability; and
Whereas the right of American citizens to travel on armed belligerent vessels rather than upon unarmed vessels is essential neither to their life, liberty, or safety, nor to the independence, dignity, or security of the United States; and
Whereas Congress alone has been vested with the power to declare war, which involves the obligations to prevent war by all proper means consistent with the honor and vital interest of the Nation: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress, vested as it is with the sole power to declare war, that all persons owing allegiance to the United States should, in behalf of their own safety and the vital interest of the United States, forbear to exercise the right to travel as passengers upon any armed vessel of any belligerent power, whether such vessel be armed for offensive or defensive purposes; and it is the further sense of the Congress that no passport should be isued or renewed by the Secretary of State or by anyone acting under him to be used by any person owing allegiance to the United States for purpose of travel upon any such armed vessel of a belligerent power.

WILSON TO POU—THE LETTER THAT SURPRISED ALL.

THE WHITE HOUSE,
Washington, February 29, 1916.

MY DEAR MR. POU: Inasmuch as I learn that Mr. HENRY, the chairman of the Committee on Rules, is absent in Texas, I take the liberty of calling your attention, as ranking member of the committee, to a matter of grave concern to the country which can, I believe, be handled, under the rules of the House, only by that committee.

The report that there are divided counsels in Congress in regard to the foreign policy of the Government is being made industrious use of in foreign capitals. I believe that report to be false, but so long as it is anywhere credited it can not fail to do the greatest harm and expose the country to the most serious risks. I therefore feel justified in asking that your committee will permit me to urge an early vote upon the resolutions with regard to travel on armed merchantmen which have recently been so much talked about in order that there may be afforded an immediate opportunity for full public discussion and action upon them and that all doubts and conjectures may be swept away and our foreign relations once more cleared of damaging misunderstandings.

The matter is of so grave importance and lies so clearly within the field of Executive initiative that I venture to hope that your committee will not think that I am taking unwarranted liberty in making this suggestion as to the business of the House, and I very earnestly commend it to their immediate attention.

Cordially and sincerely, yours, WOODROW WILSON.

STONE TO PRESIDENT.

DEAR MR. PRESIDENT: Since Senator KERN, Mr. FLOOD, and I talked with you on Monday evening I am more troubled than I have been for many a day. I have not felt authorized to repeat our conversation, but I have attempted, in response to numerous inquiries from my colleagues, to state to them, within the confidence that they should observe, my

general understanding of your attitude. I have stated my understanding of your attitude to be substantially as follows:

REPEATS WILSON'S VIEWS.

That while you would deeply regret the rejection by Great Britain of Mr. Lansing's proposal for the disarmament of merchant vessels of the allies with the understanding that Germany and her allies would not fire upon a merchant ship if she hauled to when summoned, not attempting to escape, and that the German warships would only exercise the admitted right of visitation and capture, and would not destroy the captured ship except in circumstances that reasonably assured the safety of passengers and crew, you were of the opinion that if Great Britain and her allies rejected the proposal and insisted upon arming her merchant ships she would be within her right under international law. Also that you would feel disposed to allow armed vessels to be cleared from our ports; also that you are not favorably disposed to the idea of this Government taking any definite steps toward preventing American citizens from embarking upon armed merchant vessels.

Furthermore, that you would consider it your duty, if a German warship should fire upon an armed merchant vessel of the enemy upon which American citizens were passengers, to hold Germany to strict account.

Numerous Members of the Senate and the House have called to discuss this subject with me. I have felt that the Members of the two Houses who are to deal with this grave question were entitled to know the situation we are confronting as I understand it to be.

I think I should say to you that the Members of both Houses feel deeply concerned and disturbed by what they read and hear. I have heard of some talk to the effect that some are saying that, after all, it may be possible that the program of preparedness, so called, has some relation to such a situation as we are now called upon to meet.

I have counseled all who have talked with me to keep cool; that this whole business is still the subject of diplomacy, and that you are striving to the utmost to bring about some peaceable adjustment; and that in the meantime Congress should be careful not to "ball up" a diplomatic situation by any kind of hasty and ill-considered action. However, the situation in Congress is such as to excite a sense of deep concern in the minds of careful and thoughtful men. I have felt that it is due to you to say this much.

AMOUNTS TO MORAL TREASON.

I think you understand my personal attitude with respect to this subject. As much and as deeply as I would hate to radically disagree with you, I find it difficult for my sense of duty and responsibility to consent to plunge this Nation into the vortex of this world war because of the unreasonable obstinacy of any of the powers, upon the one hand, or, on the other hand, of foolhardiness, amounting to a sort of moral treason against the Republic, of our people recklessly risking their lives on armed belligerent ships. I can not escape the conviction that such would be so monstrous as to be indefensible.

WANTS TO UPHOLD WILSON.

I want to be with you and to stand by you, and I mean to do so up to the last limit; and I want to talk with you and Secretary Lansing with the utmost frankness—to confer with you and have your judgment and counsel—and I want to be kept advised as to the course of events, as it seems to me I am entitled to be. In the meantime I am striving to prevent anything being done by any Senator or Member calculated to embarrass your diplomatic negotiations. Up to the last you should be left free to act diplomatically as you think for the best to settle the questions involved. I need hardly say that my wish is to help, not to hinder, you.

With the highest regard and most sympathetic consideration, I have the honor, Mr. President, to be,

Very sincerely, yours, WM. J. STONE.

WILSON TO STONE.

FEBRUARY 24, 1916.

MY DEAR SENATOR: I very warmly appreciate your kind and frank letter of to-day, and feel that it calls for an equally frank reply.

You are right in assuming that I shall do everything in my power to keep the United States out of war. I think the country will feel no uneasiness about my course in that respect.

Through many anxious months I have striven for that object, amidst difficulties more manifold than can have been apparent upon the surface, and so far I have succeeded. I do not doubt that I shall continue to succeed.

The course which the central European powers have announced their intention of following in the future with regard to undersea warfare seems for the moment to threaten insuperable obstacles, but its apparent meaning is so manifestly inconsistent with explicit assurances recently given us by these powers, with regard to their treatment of merchant vessels on the high seas, that I must believe that explanations will presently ensue which will put a different aspect upon it.

CAN NOT QUESTION FAITH.

We have had no reason to question their good faith or their fidelity to their promises in the past and I, for one, feel confident that we shall have none in the future.

But in any event our duty is clear. No nation, no group of nations, has the right while war is in progress to alter or disregard the principles which all nations have agreed upon in mitigation of the horrors and sufferings of war; and if the clear rights of American citizens should ever unhappily be abridged or denied by any such action, we should, it seems to me, have in honor no choice as to what our own course should be.

For my own part, I can not consent to any abridgment of the rights of American citizens in any respect. The honor and self-respect of the Nation is involved. We covet peace and shall preserve it at any cost but the loss of honor.

To forbid our people to exercise their rights for fear we might be called upon to vindicate them would be a deep humiliation indeed. It would be an implicit, all but an explicit, acquiescence in the violation of the rights of mankind everywhere and of whatever nation or allegiance. It would be a deliberate abdication of our hitherto proud position as spokesman, even amid the turmoil of war, for the law and the right.

It would make everything this Government has attempted and everything that it has achieved during this terrible struggle of nations meaningless and futile.

FEARS MORE CONCESSIONS.

It is important to reflect that if in this instance we allowed expediency to take the place of principle the door would inevitably be opened to still further concessions.

Once accept a single abatement of right and many other humiliations would certainly follow, and the whole fine fabric of international law might crumble under our hands, piece by piece. What we are contending for in this matter is of the very essence of the things that have made America a sovereign Nation. She can not yield them without conceding her own impotency as a Nation and making virtual surrender of her independent position among the nations of the world.

I am speaking, my dear Senator, in deep solemnity, without heat, with a clear consciousness of the high responsibilities of my office, and as your sincere and devoted friend. If we should unhappily differ, we shall differ as friends; but where issues so momentous as these are involved we must, just because we are friends, speak our minds without reservation.

Faithfully, yours, WOODROW WILSON.

FEDERAL JUDGES.

Mr. SMITH of Georgia. Mr. President, I have been yielding all the afternoon to the wishes of other Senators, so as to facilitate their getting up the short matters that are on the calendar, and I am going to yield again to the views of the Senator from Wyoming [Mr. CLARK], so far as pressing the motion I made this afternoon; but as I shall renew that motion to-morrow morning, and, if I have the opportunity, renew it before 2 o'clock, at a time when I can say nothing in behalf of the motion, I wish to state at this time that the bill I am pressing has been recommended by three Attorneys General. It was recommended by Mr. Justice McReynolds when he was Attorney General, and it has been twice recommended by the present Attorney General. It is a bill that the Department of Justice thinks of great importance and of great value in the administration of justice.

I hope the Senate to-morrow morning, if I shall succeed in obtaining an opportunity to make the motion, will give us an opportunity to consider the bill. I am advised by one of the Senators in charge of the armor-plate bill that he knows of no Senator who wishes to speak upon that bill to-morrow, or possibly even on Saturday. I am satisfied, if the Senate takes the bill up, we can have at least a continuous discussion all day to-morrow upon it, and I hope this will meet the wishes of the Senator from Wyoming. Now, I understand that the Senator from West Virginia [Mr. CHILTON] desires to move an executive session.

RETIREMENT OF CIVIL EMPLOYEES.

Mr. POMERENE. Mr. President, before that motion is made, I desire to submit a request. The Committee on Civil Service and Retrenchment, of which I am chairman, have under consideration certain retirement bills, and I have in my hand a report of the Commission on Economy and Efficiency on the subject of the retirement from the classified civil service of superannuated employees, which was submitted in the form of a message by former President Taft, and is known as Document No. 782. I understand that it is out of print, and I ask that this matter be referred to the Committee on Printing, with a view to having another edition printed.

The PRESIDENT pro tempore. Such will be the order, unless there is objection. The Chair hears none.

CERTIFICATES OF PASSENGER-CARRYING VESSELS.

Mr. CHILTON obtained the floor.

Mr. WADSWORTH. Mr. President——

Mr. CHILTON. I yield to the Senator from New York.

Mr. WADSWORTH. Mr. President, when Calendar No. 104, being the bill (S. 1222) to amend section 4464 of the Revised Statutes of the United States was reached upon the calendar, I asked that it go over. The bill was introduced by the Senator from Florida [Mr. FLETCHER]. I had a conversation with that Senator before he left the city, and he assured me that he would not object to the bill being sent back to the Committee on Commerce. I therefore ask unanimous consent that the bill be recommitted to the Committee on Commerce.

The PRESIDENT pro tempore. Such will be the order, unless there is objection. The Chair hears none.

EXECUTIVE SESSION.

Mr. CHILTON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

DEATH OF REPRESENTATIVE BROWN, OF WEST VIRGINIA.

Mr. CHILTON. Mr. President, Hon. WILLIAM G. BROWN, Jr., Member of the House of Representatives from the second congressional district of West Virginia, died a few hours ago at his residence in this city. He had been a Member of the House since 1911, and was the oldest in service of the membership of that body from my State.

To me this is a personal bereavement; to my State and his district it is a signal loss; and when I think of his dependent family and his circle of devoted friends at home I fail to find words to express the depths of my sympathy. He was an able,

earnest, effective man and public servant, a reliable friend, a public-spirited citizen, and a devoted husband and father.

At some future time I shall ask the Senate to set apart a day when appropriate memorial services may be held that his friends here may express their appreciation of his public and private life.

I now offer the resolutions which I send to the desk and ask for their immediate consideration.

The PRESIDENT pro tempore. The resolutions will be read.

The Secretary read the resolutions (S. Res. 124), as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. WILLIAM G. BROWN, Jr., late a Representative from the State of West Virginia.

Resolved, That a committee of 10 Senators be appointed by the President pro tempore to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

The PRESIDENT pro tempore. The question is on agreeing to the resolutions.

The resolutions were unanimously agreed to.

The PRESIDENT pro tempore. Under the provision of the second resolution the Chair appoints, as the committee on the part of the Senate, Mr. CHILTON, Mr. UNDERWOOD, Mr. JAMES, Mr. ROBINSON, Mr. ASHURST, Mr. MARTINE of New Jersey, Mr. GOFF, Mr. GALLINGER, Mr. CUMMINS, and Mr. CLAPP.

Mr. CHILTON. I also offer the resolution which I send to the desk.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The resolution was unanimously agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 10, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 9, 1916.

APPOINTMENT IN THE ARMY.

CHAPLAIN.

Rev. Milton O. Beebe, of Illinois, to be chaplain, with the rank of first lieutenant, from March 4, 1916, vice Chaplain Ivory H. B. Headley, Coast Artillery Corps, who died October 29, 1914.

PROMOTION IN THE ARMY.

INFANTRY ARM.

Second Lieut. Robert H. Willis, jr., Infantry (first lieutenant, Aviation Section, Signal Corps), to be first lieutenant of Infantry from March 3, 1916, vice First Lieut. Robert W. Adams, Seventh Infantry, dropped for absence without leave March 2, 1916.

POSTMASTERS.

FLORIDA.

John F. Stunkel, to be postmaster at Leesburg, Fla., in place of John F. Stunkel. Incumbent's commission expired February 8, 1916.

ILLINOIS.

John C. Kohn, to be postmaster at Elgin, Ill., in place of Harry D. Hemmens. Incumbent's commission expired January 26, 1916.

Peter J. Yentes, to be postmaster at Morton, Ill., in place of Yale T. Kiblinger. Incumbent's commission expires April 9, 1916.

KANSAS.

John C. Jones to be postmaster at Kanorado, Kans. Office becomes presidential April 1, 1916.

Christina Walker to be postmaster at Moline, Kans., in place of Elon G. Dewey. Incumbent's commission expires March 21, 1916.

Bessie Young to be postmaster at Dighton, Kans. Office became presidential April 1, 1916.

MAINE.

J. Theodore Kneeland to be postmaster at Harrison, Me., in place of George S. Pitts, deceased.

MISSISSIPPI.

Nevan C. Hathorn to be postmaster at Columbia, Miss., in place of Nevan C. Hathorn. Incumbent's commission expires March 20, 1916.

MISSOURI.

Thomas E. Heatherly to be postmaster at La Grange, Mo., in place of B. C. Klusmeier. Incumbent's commission expires April 5, 1916.

Charles H. Smith to be postmaster at Canton, Mo., in place of Charles L. Zenge. Incumbent's commission expires April 5, 1916.

MONTANA.

Carl E. Bowman to be postmaster at Hardin, Mont., in place of Fred B. Gladden. Incumbent's commission expired December 12, 1915.

NEBRASKA.

Ella E. Ayers to be postmaster at Winnebago, Nebr., in place of Henry Niebuhr.

NEW YORK.

George W. Batten to be postmaster at Lockport, N. Y., in place of Robert N. Roberts, resigned.

John F. Brennen to be postmaster at Hudson, N. Y., in place of Henry R. Bryan. Incumbent's commission expired February 21, 1916.

Timothy Dacey to be postmaster at Sherrill, N. Y. Office became presidential October 1, 1915.

Clark E. De Forest to be postmaster at Unadilla, N. Y., in place of Wesley Mulford. Incumbent's commission expired February 13, 1916.

John J. Finnerty to be postmaster at Croton-on-Hudson, N. Y., in place of James S. Clark, resigned.

Robert J. Fitzpatrick to be postmaster at Dannemora, N. Y., in place of James H. Signor, deceased.

Henry F. Hoornbeek to be postmaster at Napanoch, N. Y. Office became presidential October 1, 1915.

John A. Kramer to be postmaster at Wayland, N. Y., in place of Peter H. Zimmerman. Incumbent's commission expired January 29, 1916.

Mansfield F. McLean to be postmaster at Wappingers Falls, N. Y., in place of Myatt E. Goring. Incumbent's commission expired February 13, 1916.

Uri H. Mersereau to be postmaster at Union, N. Y., in place of Dudley S. Mersereau. Incumbent's commission expires March 13, 1916.

Allen R. Nevinger to be postmaster at Bliss, N. Y. Office became presidential January 1, 1916.

Eugene Smith to be postmaster at Sharon Springs, N. Y., in place of Daniel L. Fethers. Incumbent's commission expires April 11, 1916.

Timothy C. Sullivan to be postmaster at Comstock, N. Y. Office became presidential October 1, 1915.

NORTH DAKOTA.

William Gamble to be postmaster at Portal, N. Dak., in place of Emily D. Prairie. Incumbent's commission expired January 23, 1916.

Reinhart Gilbertson to be postmaster at Glenburn, N. Dak., in place of Reinhart Gilbertson. Incumbent's commission expired January 29, 1916.

PENNSYLVANIA.

Eulalie D. Lockard to be postmaster at St. David, Pa. Office became presidential January 1, 1916.

Joseph C. Luman to be postmaster at Hyndman, Pa., in place of George S. Mullin. Incumbent's commission expired January 18, 1916.

SOUTH CAROLINA.

V. Brown McFadden to be postmaster at Rock Hill (late Rockhill), S. C., in place of Edgar E. Poag. Incumbent's commission expired February 20, 1916.

James E. Searson to be postmaster at Allendale, S. C., in place of Robinson P. Searson, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 9, 1916.

REGISTERS OF LAND OFFICE.

Clyde B. Walker to be register of the land office at Juneau, Alaska.

Victor G. Cozad to be register of the land office at Burns, Oreg.

RECEIVER OF PUBLIC MONEYS.

Frank A. Boyle to be receiver of public moneys at Juneau, Alaska.

POSTMASTERS.

ALABAMA.

Claud Harper, Guntersville.

ARKANSAS.

John W. Pinnell, Walnut Ridge.

ARIZONA.

Charles Metcalfe, Kingman.

CALIFORNIA.

John H. Bacon, Fellows.
George B. Finnegan, Nevada City.
James Myers, Live Oak.

IDAHO.

John F. Brown, Kendrick.

ILLINOIS.

Edward C. Fahy, New Berlin.
Elmer H. Murphey, Cuba.
William H. Smith, Apple River.

INDIANA.

Charles Bates, New Carlisle.
Nicholas Volz, Batesville.

IOWA.

Clarence E. Adamson, Tabor.
William M. Bausch, Ashton.
J. W. Blake, Atlantic.
Robert A. Donahoe, Griswold.
Manford C. Evans, Thompson.
S. Paul Figi, Renwick.
D. F. Kirkpatrick, Wellman.
William Neese, Stratford.
L. Harold Neville, Orient.
D. J. Rhoads, Woodward.
James B. Thompson, Casey.

KANSAS.

Nell E. Bevans, Mulberry.
Catherine T. Butler, Glasco.
J. H. Hostetler, Belleville.
J. D. Stevenson, Claflin.

KENTUCKY.

W. A. Dickinson, Trenton.

MAINE.

James M. Haley, Cornish.
Charles H. Leland, Ellsworth.

MISSISSIPPI.

Wiley W. Brashears, Gunnison.
Maggie Josephine Hill, Ellisville.
Robert W. Magruder, Port Gibson.

MISSOURI.

Carrie E. McCandless, Downing.
Peter McKee, Knox City.
William P. Spillman, Grant City.

MONTANA.

Tilda R. Stageberg, Westby.

NEBRASKA.

Cecilia M. Coleman, Newcastle.
J. H. Grosvenor, Aurora.
Frank Haworth, Elwood.
J. W. Henthorn, Blue Springs.
Samuel Hinkle, Havelock.
J. B. Leach, Beaver City.

NEVADA.

William H. Murray, Carson City.

NEW HAMPSHIRE.

K. M. McLaughlin, Salem Depot.
Frank E. Merrill, Hillsboro.
Thomas Smith, Exeter.

NEW JERSEY.

Joseph A. Brady, Caldwell.
Thomas M. Ferrell, Glassboro.
Frank N. Hughes, Florence.
D. S. Pancoast, Pitman.

NORTH DAKOTA.

W. T. Campbell, Goldenvalley.
Gladys Thompson, Kensal.

OHIO.

L. G. Barton, Millersburg.
Theresia M. Beacham, Williamsburg.
G. M. Galbraith, Lexington.
Robert L. Hagerty, Mingo Junction.
Karl H. Sherman, Minster.
J. D. Smoots, Fredericktown.

OKLAHOMA.

Lura Williams, Manitou.

OREGON.

Chester Noland, Creswell.

TENNESSEE.

James S. Pritchett, Jonesboro.

UTAH.

Richard T. Fry, Morgan.

WASHINGTON.

William L. Adams, Zillah.
Charles L. McKelvey, Cosmopolis.
S. F. Patton, Waitsburg.
William Sample, Roslyn.
George H. Watrous, Bellingham.

WEST VIRGINIA.

Fred Amick, Richwood.
Ira J. Partlow, Keystone.

REJECTION.

Executive nomination rejected by the Senate March 9, 1916.

M. W. A. Murray to be postmaster at Parkers Prairie, Minn.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 9, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Jehovah, infinite in all Thy resources, revealed in the works of Thy hands, in the progress of mankind, in the inspired Word, in the precepts, example, and incomparable life of the Jesus of Nazareth, pour out Thy holy influence upon us, that we may be wise in our conceptions, firm in our convictions, pure in our motives; that we may be the instruments in Thy hands for the furtherance of Thy plans and purposes, and, departing, leave behind us an example worthy of emulation. In His Name. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill, H. R. 12207, the legislative appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12207, the legislative appropriation bill, with Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12207, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

The CHAIRMAN. When the committee rose at its last sitting, a point of order was made by the gentleman from Iowa [Mr. GOOD] to the following words in line 17, page 119 of the bill:

Who shall also act as chief clerk.

If the gentleman from Iowa or others desire briefly to discuss the point of order, the Chair will hear them; if not, the Chair will rule.

Mr. GOOD. Mr. Chairman, I have nothing further to add to what I said on the point of order.

Mr. STAFFORD. Mr. Chairman, in addition to the observation I made the other day, I merely wish to say that, of course, it is not only necessary to retrench expenditures, but I recognize that the amendment must also be within the authority of the committee to legislate upon. I know of no law that creates this position of chief clerk connected with the office of the Solicitor of the Treasury Department other than appropriation law, and I know of no committee that would have jurisdiction of the elimination of this office or of providing for it other than the Committee on Appropriations. I take it that the Committee on Appropriations has authority to legislate, so far as this office of chief clerk is concerned, because it is purely, so far as I am advised, an office created by an appropriation law. If the committee has authority to make this recommendation in the purview of the rules of the House, then, of course, it comes within the provisions of the Holman rule, retrenching expenditures.

The CHAIRMAN. The Chair is ready to rule. While as a general proposition, under the rules of the House, it is not in order to legislate on general appropriation bills, yet there are exceptions making it in order to legislate, and under clause 2 of Rule XXI, commonly known as the Holman rule, it is in order by germane amendments which would retrench expenditures of the Government by the reduction of the number and salaries of the officers of the United States.

Now, it will generally be accepted, I apprehend, that a presiding court takes judicial cognizance of any statute law. The Chair thinks that the presiding officer of this House is authorized, in passing on points of order, to take judicial cognizance of any statute law. The Chair is aware that under the current law in the office of the Solicitor of the Treasury there is a chief clerk, receiving a salary of $2,000. The language to which the point of order is made, the Chair thinks, clearly does away with the office of chief clerk, thereby reducing by one the number of salaries paid out of the Treasury of the United States, and places those duties upon the Solicitor of the Treasury. For these reasons the Chair overrules the point of order.

Mr. GOOD. Mr. Chairman, I move to amend by striking out in line 17, page 119, the words "who shall also act as chief clerk," and inserting, after the figures "$3,000," on line 18, the following: "chief clerk, $2,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

On page 119, in line 17, strike out the words "who shall also act as chief clerk," and, in line 18, after the figures "$3,000," insert "chief clerk, $2,000."

Mr. GOOD. Mr. Chairman, there seems to be considerable mystery surrounding the action of the committee regarding this item. At the time it was under consideration in the committee I reserved the right to bring this amendment on the floor of the House.

I do not know why we have dropped the chief clerk of this great office. If, however, gentlemen will compare this provision with the existing law and then will take the statement that was made by the gentleman from Missouri [Mr. BORLAND], we may find some reason why in this office, where there were 15 clerks and where we have dropped two, the committee has taken this action. It must have had some knowledge that the Borland amendment, requiring the clerks to work eight hours, was to be offered to the bill, because it reduces the number a little more than 8 per cent; and that is the only reason why, I apprehend, it will be seriously argued that we drop the chief clerk of this great division. There might be some reason for dropping the law clerk. There is no real reason for dropping the chief clerk.

The facts are these: A bright young man was employed as one of the law clerks in the office of the Solicitor of the Treasury. He was so bright, indeed, that he began the practice of writing dissenting opinions when the Solicitor of the Treasury or his assistant was asked to write opinions and did write opinions on many important legal questions. He would attach a dissenting opinion to that of the solicitor—a practice that ought not to be permitted in any department of the Government.

Now, I do not know personally the gentleman who holds the office of Solicitor of the Treasury. I understand he is a good lawyer, and he is entitled to have men under him who will respect his office. I suppose this young man found that he was about to lose his job, and so he wrote a letter resigning, and in that letter claimed that there was no work for him to perform. On statements contained in that letter we dropped that office, and I am not complaining about that; but without a word of testimony we dropped also the office of chief clerk, and I submit to the committee that there is no rhyme or reason in our action. Think a minute about this great department of the Solicitor of the Treasury. At present there are only 15 men in this office, including the solicitor himself, but that office has a great deal of business to perform. I get the following facts from the report of the Solicitor of the Treasury. During the past year there were instituted against defaulting Government officials other than post-office officials nine civil suits aggregating $36,000, and there was collected $30,825.08 from such Government officials. There were instituted suits against postmasters claims aggregating $22,000, and there was collected $16,907.54.

There were criminal cases numbering 684 commenced by this department of the Government to collect fines aggregating $384,000, and the actual collections amounted to $92,913.21. There were 1,654 civil suits commenced by this department of the Government on claims aggregating more than $5,000,000, and there were collected through this department of the Government during the last fiscal year from all these sources $1,126,796.71.

It is a great office, an office where the Solicitor of the Treasury must have men of ability to perform the work. He uses trained lawyers. In that office we have one of the best law libraries in any department of the Government, containing between 8,000 and 10,000 volumes. And now we reduce his force from 15 men to 13 men, and take away from him his chief clerk and cripple him, and what is the reason? What is the explanation?

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I was rather surprised at the statement made by the gentleman from Iowa [Mr. GOOD] that there was some mystery connected with the action of the committee with reference to this particular bureau. I am sure the gentleman remembers that this matter was very thoroughly considered in the committee. Many facts were presented to the committee, and the action was taken as a result of the facts so presented.

This only furnishes another illustration that when the attention of Congress is called to the fact that a particular position in the Government is not needed, it is almost an impossibility to eliminate that position in the interest of the taxpayers of this country. I do not know the gentlemen who are connected with this bureau, and I have no reflections to make upon any of them. I dare say they are all exceedingly competent and efficient employees, but I do say from the evidence presented to this committee that the bureau of the office of the Solicitor of the Treasury, in my judgment, is undoubtedly supplied with many more employees than are necessary to perform its duties. For my part, I believe that this committee could have easily recommended the dropping of at least one other clerk—the docket clerk—without any injury to the work in that bureau.

Now, what are the facts? The gentleman says that certain facts were presented to the committee by some one who probably feared that he might lose his job and therefore resigned, and the intimation was that this gentleman was influenced by that fact in bringing this matter to the attention of the committee.

When facts are presented to the committee showing that a particular position is unnecessary, there is nothing else that the Appropriations Committee can and should do except to report to this House and recommend in the interest of the Treasury that that position be eliminated.

A great many facts were presented in writing to the committee by this gentleman to whom the gentleman from Iowa [Mr. GOOD] alludes. The gentleman from Iowa said he was probably in danger of losing his position. In justice to him I want to call the attention of the House to a letter which he wrote to the Attorney General as far back as September 23, 1914. The letter is as follows:

The ATTORNEY GENERAL.

SIR: I notice in a letter from the Acting Solicitor of the Treasury to you, dated the 21st instant, a recommendation that my salary as law clerk in this office be increased from $2,000 to $2,500 per annum. This recommendation was made without my knowledge or concurrence. The place I hold should be abolished. The work assigned to my desk during the last nine months has not been sufficient to keep a man of very moderate abilities employed more than one-third of his time.

Respectfully,

CHAPMAN W. MAUPIN.

In response to that letter the Attorney General very properly wrote him, thanking him for his letter, and stated:

The estimates I handed in to the Secretary of the Treasury did not include the increase referred to, but left the salary at $2,000. In view of your letter I can only ask for your resignation, to take effect the 1st of November. I appreciate the unusually fine spirit and self-denying patriotism which is indicated by your letter, and I think it very possible that this department may in the future utilize your services in other work.

Now, what happened? The gentleman sent in his resignation as law clerk at $2,000. It was accepted and became effective on November 1, 1914. That position was not filled. No effort was made to fill it until July, 1915, a period of eight months. More than that, the office of the Solicitor of the Treasury was itself vacant from December, 1913, until March, 1915, a period of 15 or 16 months. There we had this bureau to which the gentleman from Iowa alludes without this law clerk for 8 months, without a Solicitor of the Treasury for 15 or 16 months, and yet there is nothing in this record to show that the work was not current and was not carried on with the utmost dispatch, promptness, and efficiency.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. I ask five minutes additional.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. This office has carried for 10 years an appropriation of more than $28,000. In the meantime we have seen the work of that office diminished by taking away from it the customs classification, which is now with the Board

of General Appraisers. We have seen taken away from it the Bureau of Immigration, which, as you know, does require considerable legal work. We have seen taken away from it the Bureau of Navigation, the Bureau of Lighthouses, and the Bureau of Steamboat-Inspection Service, all of which have been transferred to the Department of Commerce.

Mr. GOOD. Will the gentleman yield there?

Mr. BYRNS of Tennessee. I yield to the gentleman.

Mr. GOOD. Of course the gentleman understands that I have not offered an amendment to restore the office of law clerk.

Mr. BYRNS of Tennessee. I understand. I am coming to the amendment of the gentleman. Now, during all this time, notwithstanding the fact that the work of this office has necessarily been largely decreased, there has been no estimate submitted to Congress or to the committee asking for a reduction of any of its employees.

Notwithstanding the fact that the office of Solicitor of the Navy only requires an appropriation of something over $16,000, the office of the Solicitor of the Department of Commerce something less than $20,000, as I remember, and the office of the Solicitor of the Department of Labor only $12,000 or $13,000, the estimates for the office of Solicitor of the Treasury have contained no recommendation for a reduction. There is no bureau in this Government, so far as I know, where there are only six or eight clerks which has a chief clerk, whose duty, as you know, is simply to supervise the work being performed by the clerks in his bureau. It was the opinion of the committee that under the circumstances this office of chief clerk was absolutely unnecessary.

Now, this action was not taken without notice to the bureau. The Solicitor of the Treasury was asked to come before the committee and explain the necessity of these positions. What does he say? He said, when asked by me:

Mr. BYRNS. Exactly what services does the chief clerk perform?

Mr. BECKER. Well, the chief clerk is the executive officer of the office; he looks after the office generally; he keeps it going with supplies and assignments, and he is the checking clerk. All correspondence and opinions that go out are checked, and the chief clerk is one of the men who does the checking.

Mr. BYRNS. What do you mean by checking?

Mr. BECKER. He reads them over.

Mr. BYRNS. Does anybody else have anything to do with the checking of correspondence besides the chief clerk?

Mr. BECKER. Yes, sir; the assistant solicitor checks it also.

I submit to you, gentlemen, that under the showing made by the Solicitor of the Treasury himself there is absolutely no necessity in the bureau for a chief clerk, bearing in mind that there are only six clerks of the various classes in the bureau. What about the opinions rendered by this bureau? Mr. Maupin stated that in a period of 10 years there were only 973 opinions that were delivered or furnished by the bureau of the Solicitor of the Treasury. Most of them, as he says, are inconsequential in importance, most of them mere routine matters that needed no research. The solicitor himself made this statement, which I desire to read. He was asked by me in regard to this matter in connection with something that had gone before:

Mr. BYRNS. Not nearly so difficult, because an examiner of an abstract has to be very careful to look at every item and every entry. You say that they prepare opinions. Can you state about how many opinions are prepared in your office during the year?

Mr. BECKER. I am not able to answer that question off hand. The mere straight written opinions that go to the Secretary and the Comptroller of the Currency I would judge there were 200 or 300 of them that go out of the office in a year. There are also many verbal opinions given by the office.

Now, take his statement that there are 200 opinions in a year, or 300 named by him as a maximum, and here is the Solicitor of the Treasury, the Assistant Solicitor, and four law clerks, employed down there in preparing these opinions, many of which, as you know, do not require any particular research, and your Committee on Appropriations in making a recommendation was acting in the interest of the taxpayers of the country, feeling that it was the committee's duty, when facts were presented to it, as they were, to recommend to this House that the money in the Treasury be saved to the extent of this particular office, and one of the law clerks since it did not appear that they are necessary in performing any important duties whatever.

Mr. RAINEY. Mr. Chairman, I nearly always find myself in harmony with this committee, and I am in sympathy with any proposition they submit that will bring about a decrease in our national expenditures. I do not think the destruction of this office, however, and the elimination of this position in the office of the Solicitor of the Treasury, will have that result or even tend in that direction.

There is no chief clerk in the office of the Solicitor of the Department of Commerce in the paragraph which immediately follows. There is no chief clerk in the office of the Solicitor of the Department of Labor in the paragraph that follows that, but there has been a chief clerk in this bureau for 46 years, and he is a most necessary official. The office of the Solicitor of the Treasury is older than that of the Department of Justice. This office was established as far back as 1820, while the Department of Justice was established in 1870. When the Department of Justice was created this office was attached to it.

Now, these other solicitors have only imposed upon them the business of preparing opinions and looking after the business of their particular departments. It is different with the position of the Solicitor of the Treasury. I understand that this office has charge of all suits brought by the various departments of the Government for the recovery of money, and the correspondence of this particular office is probably as large as the correspondence of the Department of Justice itself. They probably institute and look after as many cases in a year as the Department of Justice does in the same period of time, in all its official ramifications. We were told by the committee that a law clerk has been dispensed with here, because the clerk who held that particular office said he did not have enough work to do, but because a law clerk has been abolished, it is no reason why the position of chief clerk should be abolished.

The letter read from the law clerk who resigned his position, or whose resignation was requested because he said that he did not have enough work to do, does not challenge this particular office in the least. That letter is not printed in the hearings. In other words, the position of the committee is this—that on account of the statement of a law clerk that he did not get enough work to do, which statement does not appear in the hearings and is not accessible to any of us, they destroy the office of chief clerk as well as the office of the law clerk.

I find nothing in the testimony of the solicitor in the hearings which indicates in the least that this office is unnecessary or ought to be abolished. He discusses and refers to the period when there was no solicitor, and calls attention to the fact that during that period of time when there was no solicitor and when there was one law clerk less than the full number allowed by law, the departments sent business to the Department of Justice and other places that ought to have been disposed of here.

I want to refer now to some of the work performed in the office of the Solicitor of the Treasury. In 1913, under the direction of this office, 1,505 suits were commenced, and the amount sued for was nearly $8,000,000. All of this was superintended by this particular office. The amount of judgments obtained during 1913 was nearly $600,000. During that period of time there was collected upon judgments that had been recovered that year and in previous years $818,000; from unclaimed court funds, $34,000; from unclaimed seamen's funds, $8,000; and they compromised without suits proceedings upon which they collected $753,000, and also collected $738,000 in fines.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. RAINEY. That is about the way the business has been running for years and years in that office. In 1911 the number of letters received here was 17,500, and there were 16,000 letters sent out. There were bonds and contracts examined in that year to the number of 4,739, and 207 written opinions were rendered. From that time on the business of the office has increased so enormously that they do not undertake to tabulate the letters, but the letters tabulated in prior years show that every day this office sends out in instructions to district attorneys throughout the United States, to claimants, and persons who are interested in the public business beween three and four hundred letters.

I will undertake to say that the Department of Justice itself does not send out that many in any one day, and all these letters pass over the desk of this chief clerk and are all checked by him before they are signed. Letters to which these are replies all pass over his desk and are apportioned by him among these various clerks. These contracts and bonds, amounting every year to nearly 5,000, in some years even more than that, are all examined and checked over by this chief clerk. The bond of the disbursing officer of this House before it is approved by the Secretary of the Treasury must bear the check of the gentleman who acts as chief clerk, and I understand the gentleman who has been filling that position is particularly efficient. He has been there ever since the old Cleveland days and was appointed by President Cleveland himself. In the last two years this office of the Solicitor of the Treasury, and the chief clerk is the ad-

ministrative executive officer of the office, has collected out of fines and judgments that were considered absolutely worthless by the district attorneys where they were recovered between fifty and sixty thousand dollars.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. BYRNS of Tennessee. Does not the gentleman know that all of those lawsuits are put into the hands of the United States district attorneys over the country and are attended to by these district attorneys, and that, as a matter of fact, the office here has nothing to do with them except to refer them to the district attorneys and receive reports from time to time as to what is being done in the case?

Mr. RAINEY. Yes; and more than that, they continued writing to these attorneys from time to time, insisting on their collecting the judgments, and stating that their information is this and that, and so on, until, in spite of the reports of these district attorneys, this office has succeeded in bringing about the collection in the last two years of $50,000 of these fines reported as uncollectible and absolutely worthless. There is no set of officials in the Government worked as hard as these particular officials. If you impose upon the assistant solicitor the duties now discharged by the chief clerk, he will have less time to attend to the preparation of these numerous opinions on contracts and bonds and upon other matters which run up into the hundreds and hundreds every year. I am absolutely unable to agree with the position taken by the committee. To abolish this particular office means that we hinder and delay the work of district attorneys all over the United States, and that we hinder and delay the work of the Department of Justice itself.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 40 minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that debate on this paragraph and all amendments thereto close in 40 minutes. Is there objection?

There was no objection.

Mr. HOWARD. Mr. Chairman, I just want to present a few facts about this reduction. The material reduction in this office amounts to $4,000 by the elimination of two clerks. One of them happens to be the chief clerk. There have been some words said of an insinuating character that would lead the committee to believe that the statements made by Mr. Maupin should not be given very much weight because of the fact that Mr. Maupin resigned from the office of the Solicitor of the Treasury Department. I want to say to the gentlemen of the committee that I know Mr. Maupin personally; I know his family, and there is not a man of more integrity or a man of higher character ever in the service of the Government than Mr. Maupin. His brother lives in my town, in the city of Atlanta, and is the treasurer of the Southern Bell Telephone Co.—of that entire system in the South—and anything that Mr. Maupin says about a condition that exists in any office I take it as absolutely true and can be relied upon implicitly. I admit that it is quite an innovation for some gentlemen to lose two positions that pay a couple of thousand dollars each a year when there is no reason for them to exist. A good many gentlemen on the floor of this House know something about legal procedure and business. This is a form office down there. The cases they have are referred to the district attorneys throughout the country, and the letters that the gentleman from Illinois [Mr. RAINEY] speaks of are form letters; and we are about to separate two men from two fat jobs that do not do as much work in a year in this office as the ordinary farmer in Georgia does in a week. Of course, there is a great howl about it, because these two gentlemen have to come from somebody's district and from somebody's State.

But, of course, it is all right for poor old Uncle Sam; just stick them off on him, whether he needs them or wants them. Do not remove one of these solicitors or chief clerks that do not do anything; let us perpetuate them in office at the expense of the taxpayer. Now, the truth is they have got men down there who are just in one another's way. [Laughter.] That is the Lord's truth about it. [Laughter.] After you take these two men out of the solicitor's office you have 13 men left down there at large salaries, and the ordinary lawyer who has got any practice at home does as much work in 24 hours as they do in a month, and you want to saddle them on the people at $2,000 a year. Now, let us see. Mr. BYRNS said this to a man by the name of Mawhinney:

Mr. BYRNS. You have two clerks of class 4. Just what do they do?
Mr. MAWHINNEY. Two of those are docket clerks.
Mr. BYRNS. They keep the dockets?
Mr. MAWHINNEY. They are really keeping the dockets.
Mr. BYRNS. Does it take two clerks to keep the dockets? It is just a notation of the style of the case and then when some action is taken in the case you note it on the docket?
Mr. BECKER. That is true.

Now, that is a whale of a job for a grown man to get $2,000 a year [laughter], and I am absolutely astounded——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Leave us astounded.

Mr. HOWARD. I will leave the astonishment to you, gentlemen. [Laughter.]

Mr. RUCKER. Mr. Chairman, at the very beginning I want to announce that I am not seeking to antagonize the Committee on Appropriations; I have had all of that I want. We are sitting here to-day in the capacity of a jury to pass upon a controversy, and there are two witnesses before us whose testimony must be taken into consideration; two witnesses who by reason of association and status in the House are presumed to be equally credible; two witnesses each of whom has equal information as to the matters of which they speak. The one whom I shall refer to first is the distinguished chairman, the gentleman from Tennessee, who, with fervid and fiery eloquence, does credit to the State from which he comes, has almost intoxicated this House to a point where reason can not assert itself. He says the committee gave this matter ponderous consideration. Oh, how they labored over this particular question, according to his testimony. He read from some old document, so far as I know printed in 1815, or possibly later, by the way of argument to sustain his contention.

Then comes the next witness, the distinguished gentleman from Iowa [Mr. GOOD], who has had equal opportunity to inform himself and who has been associated with the other witness and, hence, is entitled to equal credit with him, and he tells you seriously that the action of the committee in striking out the clerk, about which complaint is made, is without "rhyme or reason"; in other words, it is outrageous. Now, I am very much inclined to agree with the gentleman from Iowa, and the only reason I withhold full assent is because he limits his characterization of the action of the committee to one instance instead of making it apply to the provisions relating to the Bureau of Pensions also. [Laughter.] If the gentleman had made his charge a little broader, I would have given unconditional assent to his conclusion and fully agreed with him that there is no "rhyme or reason" in the conduct of this committee in its treatment of that bureau. But, as I have said, I do not want any further controversy with the committee; I have been laid low and walked over by the stalwart forms of these gentlemen from Iowa, Mississippi, Tennessee, and the Lord knows who else. [Laughter.] All this in reference to a clerk. Do we need that clerk? Why, the gentleman from Iowa says, "Yes; we need him," and the gentleman from Tennessee says, "No"; that we can spare not only this clerk, but we can dispense with others, too.

Mr. GOOD. I did not say we needed the clerk, but I said we needed the chief clerk.

Mr. RUCKER. That particular clerk. Wait until I get through and you will have another question to ask me. There seems to be some inconsistency here, because this same committee, as the gentleman knows, without "rhyme or reason" the other day struck out a chief clerk of one of the divisions in the Pension Bureau, and when I offered on the floor an amendment to restore him the gentleman from Iowa voted against it, if I am right——

Mr. BYRNS of Tennessee. No.

Mr. RUCKER. Yes; I think he did, and perhaps the gentleman from Tennessee, too. I think the gentleman from Iowa voted against restoring the place of chief of the division. Possibly an error was made, possibly the committee acted without consideration, possibly it is true that—

Judgment, thou hast fled to brutish beasts and men have lost their reason.

[Applause.]

There is no "rhyme or reason," the gentleman asserts, in the action of the committee in this case. The charge could be enlarged. The gentleman sustained the action of the committee. The action of the Appropriations Committee must be sustained, he contended. Now, the gentleman says the committee did not consider this matter, and the gentleman from Tennessee says it was carefully considered, and durned if I believe—I will not argue with either gentleman—but I believe I will vote with the gentleman from Iowa, not because I love him most, because I have no excess of love for either one of these distinguished gentlemen. [Laughter.] Before either of you can have my unqualified, heartfelt affection you must be born again and thrilled with a spirit and desire to do right by these old men in the Pension Office, many of whom had to go on the highways last year

and 25 or 30 of whom will strike the road again July 1 of this year. You may talk all you please about it, but you should not turn these old soldiers out on the highways. I tell you there is neither "rhyme nor reason" in the conduct of this committee. Mr. Chairman, I reserve the balance of my time. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. Mr. Chairman, I think Members can very easily understand the position of the committee regarding their *action in* eliminating the chief clerk. It was very quickly made apparent to me from the statement of the gentleman who has charge of the bill, when he stated that there was no chief clerk in the office of the Solicitor for the Department of Commerce; neither was there any chief clerk in the office of the Solicitor of the Department of Labor. It would be an easy inference that, if a chief clerk was not needed in those offices, it would not be needed in this. I think that, Mr. Chairman, is an explanation of the action of the committee in recommending that this chief clerk should be abolished.

However, there is a great difference in the importance and amount of work done in these offices. The office of chief clerk in this bureau was specifically established by law when the bureau was created in 1870. Particular duties are imposed on him by law. He is the permanent executive officer of the bureau, and in many ways the most important officer of the bureau. All Members of the House understand that the property of the United States of America, the real property, the post offices and all the other public buildings, are under the charge of the Treasury Department. All the bonds that are issued by all the officers, practically, in the United States Government must be passed on in the Solicitor's office of the Treasury Department. The law says this with regard to the office of the Solicitor of the Treasury Department, that it is his duty to superintend all orders, suits, or proceedings in law or equity for the recovery of money, chattels, tenements, or hereditaments in the name and for the use of the United States.

Every year, Mr. Chairman, more than 5,000 suits are brought by this department of the Government. Every year more than 5,000 suits are brought under the direction and by the initiative of the Solicitor of the Treasury. It may properly be said that, so far as the property interests of the Government are concerned, this is the most important bureau of the Government. Suits on bond forfeitures, to collect fines and forfeitures, and many others of like character must be brought by the Solicitor of the Treasury Department. It is in a great many respects second only to the Attorney General's office of the United States with regard to legal proceedings on the part of the Government. Nine-tenths of all of the suits brought by the United States are brought by the Solicitor of the Treasury; even, I think, a larger proportion than that. And so gentlemen can very easily see that there should be a difference and distinction made between the solicitor's office in this department, which has all of these great duties intrusted to it, and the solicitor's office in these other departments that have none of these duties intrusted to them.

In other words, this is the great bureau of the Government that looks after the property interests of the United States of America. And yet the chief clerk, the one man about whom really the effective work of the office centers is abolished by the committee in its recommendations. I am satisfied that is a mistake. The present chief clerk has been there for more than 20 years. He is the one directing officer that is permanent, the officer that does not change with each administration. As administrations change, new solicitors and assistant solicitors are appointed, but the chief clerk remains there, a trained and skilled lawyer, always at the head of this department. As the evidence read by the chairman of the committee shows, the solicitor himself stated that the chief clerk is the chief executive officer of this great bureau.

My good friend from Georgia [Mr. HOWARD] ridicules and belittles docket keeping. He says that is purely an administrative function. I want to say to the gentleman that he does not know what docket keeping is if that is the view he takes of it. Docket keeping means always keeping the record of the bringing of suits, when and where brought, the issues and the nature of the action, with the amount in controversy; and every subsequent step in the progress of that case is detailed and set forth in that docket entry—the overruling of a demurrer, the securing of a judgment, and the nature of that judgment, the issuance of executions, and the steps taken to collect the judgments.

Why, Mr. Chairman, hundreds of thousands of dollars are collected every year through this department of the Government which these gentlemen, mistakenly, I think, are now seeking to very seriously cripple.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment.

Mr. LLOYD. Mr. Chairman, it is very seldom that I do not follow the Appropriations Committee of this House. In this case I feel very sure that a mistake is made in undertaking to dismiss from the service the chief clerk in the solicitor's department. The Department of Justice, in the first instance, recommends that the present force be continued. The Appropriations Committee had before it, according to the hearings, the Solicitor of the Treasury, and he says that they need the present force.

Mr. BYRNS of Tennessee, according to the hearings, had this colloquy with the Solicitor of the Treasury:

Mr. BYRNS of Tennessee. For a number of years there has been appropriated for your office the sum of $28,980, and you are asking for the same appropriation for the next fiscal year. You have under that appropriation, in addition to the assistant solicitor, a chief clerk, two law clerks, two docket clerks, 2 clerks of class 4, 2 clerks of class 3, 2 clerks of class 2, an assistant messenger, and a laborer. I want to ask you whether it would not be possible to get along with a less number of clerks, law clerks in particular?

Mr. BECKER. As to the law clerks, in my opinion, we need all that we have now. The work has been increased materially in the last 10 months.

This would show, if nothing else, that if the appropriations heretofore made were proper appropriations, then this ought to be continued as it is in the current year, because there is more work to do than was done last year.

Now, I want to call attention to one statement that was made by the gentleman from Georgia [Mr. HOWARD]. He made light of the work of the docket clerks, and said there were two docket clerks, and all they did was to keep the dockets. The strange feature of it is that both docket clerks are retained, and if this bill were to become a law both the docket clerks will be on the roll after the 1st day of July. There is nothing here to show that the chief clerk is not an important factor, and not one word to indicate that the chief clerk ought not to be retained in his office.

Now, what is the animus back of this? I do not mean the animus of the committee. The committees of this House act honestly and try to do their duty. This committee has tried to do its duty, and I am not reflecting for a moment on any member of it.

Mr. Becker, the solicitor, said:

Yes, sir. The Attorney General called my attention to the vacancy and the letter that he had from the party who formerly held the position. He recommended that the office ought to be abolished, as he was going to resign. But on investigation it was found that there was bad blood in the office between him and Col. Reeve, the assistant solicitor, who was formerly the solicitor and who has been in the office ever since Cleveland's last term or, probably, his first term. But there was bad blood between those two gentlemen. Mr. Maupin would go to the extent of writing a dissenting opinion against Solicitor Reeve, send it to the Secretary, and put it on file. He was clearly guilty of the worst kind of insubordination, and you could not keep order in an office and accomplish anything with that kind of a system and that kind of discipline. He intended to go out into private practice, and I have come to the conclusion that this was the last kick. I am a stranger to their whole quarrel, but I understand these are the facts.

Now, on the testimony of this man who performed that kind of work, you undertake to dismiss from the service, not Mr. Reeve, but the chief clerk, who is responsible for the work of that office, and who does more work in that office than any other person in it. He has been there for 25 years. What is the experience of any of you when you go into a department? You go to the head of the department, but whom do you see when you wish to secure any valuable information? The chief clerk, in almost any department of the Government; and it is a chief clerk that they are seeking now to dismiss from the service.

The CHAIRMAN. The time of the gentleman from Missouri has expired. The question is on the amendment, if no gentleman desires further to discuss it. The Clerk will report it before it is voted on.

The Clerk read as follows:

Amendment by Mr. GOOD: Amend, page 119, line 17, after the word "solicitor," by striking out the words "who shall also act as chief clerk," and after the figures "$3,000" insert "$2,000."

The CHAIRMAN. While the committee allows 40 minutes' debate, if no one desires to discuss the amendment the vote will be had.

Mr. GOOD. Mr. Chairman, I understood that three gentlemen on that side wanted to make some remarks. Evidently they are expecting now that I shall take the floor, so that there can be three or four speeches in opposition to the amendment. I hope that if the gentlemen wish to address the committee on the subject they will use the time now. I desire to address the House just before the gentlemen of the committee vote.

Mr. STAFFORD. Mr. Chairman, I thought that inasmuch as the gentleman from Missouri [Mr. RUBEY] is in favor of the amendment he would take the floor, and I would follow in opposition, and then the gentleman from Mississippi [Mr. SIS-

SON] would follow and the gentleman from Iowa [Mr. GOOD] would close.

The CHAIRMAN. The Chair is not concerned as to the order in which the gentlemen shall speak.

Mr. RUBEY. Mr. Chairman, I do not care to take the time of the House beyond three or four minutes. Those of you who have followed my course during my term as a Member of this House know that I have always stood with the committees in their efforts to reduce expenditures. I have always stood for economy in this House, and I should like this morning to follow this committee, but I can not do it, Mr. Chairman. I believe they have made a mistake—not an intentional one—the gentlemen upon this committee have a great deal of work to do; they are called upon to make appropriations for a great Government and for many departments of that Government, and it is absolutely impossible for them to go into an office and examine in minute detail everything connected with that office.

I am frank to say that I believe the chairman of this subcommittee or any member of it, if he had gone to that office and had examined carefully the work of the chief clerk of that office, and had seen what he does from day to day and from week to week, and what he has accomplished in that office during the years he has filled it so efficiently and so well, he would not be here this morning asking that the office be abolished. [Applause.]

I say to you, Mr. Chairman, this is one occasion when I think the subcommittee has recommended a reduction that ought not to be made. I have examined in detail the hearings before the committee. I have made investigations into the office itself to see what is done by the man whose office you are seeking this morning to abolish. I say to you frankly that there is not a man in that office who does the character of work that is done now by the gentleman who occupies the position of chief clerk, and this Committee of the Whole will make a mistake if it follows the recommendation of the Committee on Appropriations on this occasion and abolishes this office.

I hope you will take this matter into careful consideration, and will not, as is usual, come in here without knowing anything about this question and follow the committee, but that you will follow those of us who have made careful investigation of this particular matter and who say to you that the committee is wrong.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. STAFFORD. Mr. Chairman, the committee, if it ever gave careful consideration to the elimination of an official, certainly did so in this particular, for, as the hearings show, the committee devoted eight pages of direct testimony to the work of this office. The solicitor virtually apologized for having so many men in his employ as were provided for in the last appropriation bill. They have 11 clerks, and the lowest-priced clerk, gentlemen, is at $1,400. There are two clerks at $2,000, two at $1,800, two at $1,600, and two at $1,400. The solicitor's position was vacant for more than eight months. The assistant solicitor's office was vacant for nearly the same length of time. The number of opinions prepared in this office is from 200 to 300. Each of those high-priced clerks in that office is a law clerk, performing work similar to that which is done by the chief clerk.

Here we have a solicitor's office in the Department of Labor and a solicitor's office in the Department of Commerce without a chief clerk. Everyone who understands these matters knows that a chief clerk is merely useful for the distribution of mail and work of a supervisory character, so far as the work of the office is concerned. In this office we have a solicitor and an assistant solicitor. It is admitted that there is no need of this chief clerk. There are some bureaus where the work is behind, but not so in this case. The only thing to do under the circumstances was to combine the functions of the chief clerk with those of the assistant solicitor.

The proponents, who are striving to retain this chief clerk, would make you believe that that office has charge of all the litigation in the country. As a matter of fact, they only receive contracts and investigate to ascertain whether or not there is a violation of their terms and file opinions thereon, two or three hundred of them in a year.

You are asked to go contrary to the unanimous action of the subcommittee, with the exception of the gentleman from Iowa [Mr. GOOD], supported now by the combined vote of the Representatives from the State of Missouri, for personal reasons, which are entirely justified from their standpoint. I ask you, gentlemen, whether there is any item in the bill where the committee that prepared this bill has forfeited your confidence in recommending the elimination of needless employees?

This does not mean the elimination of this needless employee, for whom these gentlemen are fighting, but merely a reduction of salary to that of a lower grade. It is admitted that there is no need whatsoever of a chief clerk in this office. There is no chief clerk in the office of the Solicitor for the Department of Commerce or in the Department of Labor. The hearings show that the solicitor almost apologized for the slight amount of work that the office had to do, and they also show that one man resigned from his office because there was no work for him to do.

On that showing, with one man resigning from the office because there was no work, resigning without any pique or spleen against anyone, how can you under those circumstances go contrary to the action of the committee, when they, after considering the administration of this office in connection with the administration of all the other offices, sought to do what was proper from a business standpoint? We leave it to you to determine whether the committee is right, or whether these persons who are not acquainted with the work of the office should have their opinion approved.

Mr. GOOD. Mr. Chairman, I am really amazed at some of the statements that have been made regarding this office. The chief clerk in this office is a civil-service employee. He has been in that office for a number of years, and I want to suggest this to the good sense of this committee: If that office could go along for two years without a commissioner, as stated, and a year and a half without an assistant commissioner, an office that collects more than $1,000,000 a year for the Government, with only 13 men in that office, and with a chief clerk as the presiding officer, that office must have had a good man as chief clerk. [Applause.] I am not willing to leave him out in the cold now. Gentlemen say it is admitted that they do not need this office. Nowhere in the hearings is there such an admission. The gentleman from Wisconsin says the commissioner says he has clerks enough. On the contrary, the commissioner said that because of the fact that there was not a commissioner or assistant commissioner, because of the fact that the solicitor's office had not been filled, many departments had been going to some of the other law officers of the Government for their legal opinions. One opinion a day comes from this office, some requiring more than three weeks of a single man's time to write; 40 letters a day received, and over $1,126,000 of collections of fines a year is some of the work done by this office. Now it is proposed to drop the chief clerk. I defy the gentleman who will follow me to point to a letter or a word in these hearings where anybody recommended the abolition of the office of chief clerk.

I repeat, when a sorehead in a department will do as one of the law clerks did down in the solicitor's, and write dissenting opinions in opposition to the opinions of his chief, and send them to the various departments of this Government, when we find that state of facts we can well conclude what sort of a man he is, and that is the kind of fellow we are following. If I had been commissioner or assistant commissioner and a law clerk had been doing that kind of thing, I would have discharged him. It is on his letter, and his letter alone—a letter so filled with prejudice that the gentlemen who had charge of the hearings, notwithstanding the fact that the letter was read before the subcommittee, were refrained from putting it in the hearings—that is the testimony on which the committee acted—and not on the recommendation of an official.

We have given this department two less officials than were estimated for. In my humble judgment we have not given it the clerks that are necessary, and I for one propose to stand here and vote against this proposition to remove a man who has been giving such good service, who is a civil-service employee, to make room for some one else.

Mr. Chairman, the gentleman from Georgia [Mr. HOWARD] quoted a part of the testimony with regard to these law clerks. I wanted him to quote the rest; but to show how fairly they would wage the fight against this amendment, the gentleman stopped just where I asked a question with regard to what these docket clerks did where they are designated as docket clerks. I said:

The designation is a misnomer.

Mr. Becker, the commissioner, said:

Yes; they are really two important men, who do nothing but write opinions, but they are designated as docket clerks.

And yet they say we can get along without these men. If the commissioner had estimated for the abolishing the office of the chief clerk, and the hearings justified such a recommendation, I would have voted for it. Why, in making appropriations in this House, as a rule, we never make appropriations unless there is an estimate, and we give careful consideration to the

estimates of those men who know what they are estimating for. Here was an estimate made for a chief clerk, and if there is a department in this Government to which we ought to give all the help it needs and all the lawyers that are required to collect the fines from criminals, it is this office where every suit starts for the collection of a fine. There were 1,600 suits last year of a civil nature and $1,126,000 collected for the Government of the United States, and now we are asked to cripple this arm of the Government. I am not willing to do it. [Applause.]

Mr. SISSON. Mr. Chairman, before beginning my remarks I ask unanimous consent to have published in the RECORD as a part of my remarks the letter from Mr. Maupin in reference to this matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The letter is as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE SOLICITOR OF THE TREASURY,
Washington, D. C.

THE SOLICITOR OF THE TREASURY.

SIR: It seems proper that, in entering upon the duties of the office to which you have been recently appointed, your attention should be called to certain conditions which exist therein:

1. On account of a decline in the business of the office, due, perhaps, to the transfer of certain classes of business from the Treasury to other departments, there are several more men in the office than are needed for the efficient transaction of that part of its business not attended to by its clerical force, namely, the preparation of written and the delivery of oral opinion on questions arising in the Treasury Department. There are four men usually engaged in this work—the Solicitor, the Assistant Solicitor, and the two law clerks. I believe that I am correct in stating that all matters coming before the office in any shape do not require the use of one-half of the time of either of the two first-named officers. The greater part of the time employed by the four officers mentioned is employed in the preparation of written opinions on questions of law submitted by the Secretary of the Treasury and his assistants and by other officers of the department. Occasionally there are conferences between them and the officers named, in which verbal opinions are given or advice furnished; but such conferences are infrequent, averaging perhaps not as many as one a week, and the time employed in them is inconsequential. Advice is sometimes orally given to heads of bureaus and divisions who come to the office, but it is usually upon matters requiring little or no consideration or upon questions thoroughly settled by prior rulings of the office or of the Attorney General. If a question of any novelty or difficulty is presented, the proponent is invariably asked to submit it in writing, in order that it may be studied and made the subject of a written opinion.

Not one-half of the time of one of the law clerks—the writer—is required, or has been required, for attention to and transaction of the business assigned to his desk. At times seasons of stress have occurred in his experience, such, for example, as those when the Aldrich-Vreeland currency bill and the Glass currency bill and their various modifications were submitted to the office for review. But such occasions have been of very infrequent occurrence. A tabulation is hereto appended, from which it appears that of 973 written opinions furnished by the office during the period from January 2, 1900, to September 30, 1909, 534, or about 55 per cent of the whole, were prepared by the writer, they being of equal difficulty with the residue. During that period the duties of the writer consisted in the preparation of written opinions, the preparation of briefs on law questions for the use of the office and of United States attorneys in suits under the direction and control of the office, the drafting of legislation, and conducting the correspondence in cases assigned to his desk. A few of the 973 opinions were upon questions of considerable difficulty, but the greater part of them required little labor or research, and many of them do not deserve to be considered opinions at all, some of them appearing to have been classed as such for no better reason than the appearance of the words "I am of opinion" in them. Such of those prepared by the writer as were submitted to and signed or "checked" by the Assistant Solicitor were signed or "checked" by him, in nearly every instance, without comment or discussion of any kind. Most of those prepared by the writer which bear the signature of the Solicitor (O'Connell) were signed by him without discussion, but it is believed that he was, in every instance, familiar with the facts appearing in the papers submitted with the request for his opinion, it being his invariable habit to give such papers a careful examination and to discuss freely with his legal staff any matter of law arising upon the papers which did not seem perfectly clear.

The writer here states his belief that the performance of all duties assigned to him, including the preparation of the opinions mentioned, did not require more than one-half of his time, if that much, during the period in question. He does not hesitate to state further his belief that a single competent lawyer, familiar with questions of law arising in the department, could have prepared the whole of the 973 opinions, and have given all the oral advice furnished by the office during the period which they cover—10 years—without an undue tax upon his time and capacities. That would have required about one written opinion in every three days, without regard to the nature of the question, difficult or otherwise. Examination of these opinions, as they appear in the office files, will, it is confidently believed, bear out and justify the statements here made. In this connection, attention is called to the fact that the entire stenographic and type work required by the solicitor, assistant solicitor, the two law clerks, and part of that required by the chief clerk and "bond clerk," are not, and have not been, sufficient to occupy two-thirds of the time of the one employee having charge of the same.

If the beliefs of the writer, as expressed above, are well founded, one must be at a loss to understand why there should be a necessity for law clerks in the office. It may be noted here that the business of the office was transacted, until a comparatively recent period, without the assistance of such officers, and that, too, at a time when the business of the office was much greater than it is now, including, as it did, questions of customs classification since transferred to the Board of General Appraisers, and questions arising in the Bureaus of Immigration and Chinese Exclusion, of Steamboat Inspection, of the Lighthouse Inspection, and of Navigation, since transferred to the Department of Commerce and Labor.

2. The office of chief clerk in this bureau is practically a sinecure, and should, when a vacancy occurs, be combined with that of assistant solicitor, as it is in the office of the Solicitor for the Department of Commerce. The principal duty of a chief clerk, under sections 173 and 174 of the Revised Statutes, consists in the supervision of the clerks and employees in the performance of their duties. Excluding the two law clerks and the two messengers there are only 8 persons performing their duties under the supervision of the chief clerk in this bureau. In no other bureau, it seems, in any of the departments, have the services of a chief clerk been deemed necessary for the supervision of so small a body of employees. In many of the bureaus in which there is a chief clerk it will be found that there are from 20 to 40 employees under his supervision. In many of the divisions having from 15 to 20 or more employees, there is no chief clerk. (See the last appropriation act, 37 Stats., 751, et seq.) The number of employees to be supervised, however, does not necessarily determine the question of the need of a chief clerk; the vital factor is the quantity and character of the business transacted by the office. Intelligent observation of the business coming in and going out of this office for a convenient period, will convince any competent and distinterested person that all the services actually performed by, or required of, a chief clerk in this bureau, could be performed either by the assistant solicitor or by some one of the clerks in the office, without interfering with the efficient and satisfactory discharge of the regular duties of the officer so called upon, or making necessary an increase in his salary. One of the principal duties of the chief clerk is the examination of the daily mail and the assignment of the same to the different desks in the office. I say, with confidence, that not more than an average of three or four of the letters received each day by the office, relate to matters not previously before the office, or require anything more than a glance in order to be properly assigned by the chief clerk. I say, further, that not more than an average of four or five of the letters received each day consist of anything more than a mere routine form, filled out and addressed by United States attorneys and others to the office, or require any examination by the chief clerk.

3. No attempt whatever is made in the office to ascertain whether the work assigned to the various clerks could be or ought to be dispatched by them more expeditiously than it is; in other words, to ascertain whether their time is fully employed. It is plain that sections 173 and 174 of the Revised Statutes intend that some method or system shall be devised whereby it can be determined whether the output of work by a particular clerk is what it should be or whether the amount of work going to his desk is sufficient to justify the salary he receives. Instead of the institution of any such method or sytsem the accepted theory of the office seems to be that nothing more is required by law than that each man's work shall be "up" at the end of the day, and that the Government is not concerned as to how that part of his time not required for the dispatch of work coming to his desk is employed. As a matter of fact, it has been a common occurrence in the past for certain of the clerks to ask and receive permission to leave the office for their homes at 3 o'clock, upon their statement that their work for the day was "up."

4. It is believed that so much of the annual report to the Attorney General as is prepared by the clerks in the office serves no good purpose whatever and should be discontinued. To say that 2,000 letters were written or 2,000 letters were received or 100 opinions were furnished or 500 compromises were made by the office during the fiscal year conveys not the slightest idea of the volume or importance of the business of the office during that time, because nothing appears as to the character or nature of the letters or of the opinions or of the suits or of the compromises in question. In some respects the report is misleading; for the amounts collected by the district attorneys, by suit or otherwise, are reported as collections by the office, from which a casual reader would infer that the office was largely instrumental in the collection, whereas in most cases it had not the least part in the collection, other than the mere transmission of the claim to the United States Attorney. In one instance the sum of $2,000,000, proceeds of compromise of a suit against one of the sugar companies, was included in the report as a collection by the office, while the facts were that the suit was directed by the collector of customs at New York without consulting this office, and the solicitor was directed by the Attorney General to recommend acceptance of the offer of compromise to the Secretary of the Treasury.

5. A question exists as to whether, under certain pertinent statutes, the Secretary of the Treasury, on the recommendation of the Solicitor of the Treasury, has the exclusive right of passing upon offers of compromise of civil suits brought by the United States, as against the asserted right and power of the Attorney General to direct the compromise of such suits by the district attorneys. A further question exists as to whether the Solicitor of the Treasury has the exclusive right to direct and supervise the district attorneys in all civil suits for the recovery of debts due to the United States, in view of the provision of the act of August 6, 1861 (12 Stats., 327), that nothing in the act of August 2, 1861 (12 Stats., 285), charging the Attorney General with the "general superintendence and direction" of district attorneys "as to the manner or discharging their duties," should be construed to repeal, modify, or in any way affect the laws regulating or defining the duties of the Solicitor of the Treasury, and whether the last act is superseded by section 350 of the Revised Statutes, providing that certain officers, including the Solicitor of the Treasury, shall exercise their functions under the supervision and control of the Department of Justice. It is submitted that the best solution of these questions would be a statutory reorganization of the solicitor's office, transferring all that part of its business relating to the direction and control of district attorneys and compromising of claims, together with the keeping of dockets of cases, to the Department of Justice proper, leaving to the solicitor the sole duty of acting as legal adviser to the Secretary of the Treasury; in other words, putting the solicitor upon the same plane as that occupied by the solicitors in the other departments. It is believed that the present system results in some duplication of work, and it certainly leads to misapprehension and confusion in the minds of district attorneys and other Federal officers who address communications to the Attorney General that should be addressed to this office.

It is also a bad business policy to build up in one department a large bureau with quarters in and rendering its services to another department, especially where the department in which the bureau is domiciled exercises no control or supervision over the employees in such bureau. Supervision not being exercised over the bureau by either department, there is a natural tendency to laxity of discipline among its employees. And the parent department, having no close relations with the bureau, naturally loses, or is thought to lose, interest in its employees, who there-

fore have not the stimulus for greater exertions that the hope or prospect of promotion to vacancies occurring in the parent department affords. It is related of one Attorney General that on a particular occasion he frankly admitted that he did not know that the Solicitor of the Treasury was an officer of his department.

There are two ways in which the trustworthiness of the views herein expressed as to the work of this office can be approximately tested: First, by examination and thorough consideration of all new business coming into the office during any given period in the future, following the items thereof to their respective desks and noting the time actually in the dispatch thereof, together with the time which would have been reasonably required therefor, having regard to the nature of each particular item, and the difficulty or want of difficulty in dispatching the same; second, by like examination and consideration of all business that came into the office during any given period in the past and of the dispatch of that business as shown by the files of the office. The business of the office can not be exactly gauged by either of these methods, but the results of either will be sufficient to satisfy competent and disinterested persons that ample grounds exist for the statement herein made as to the disproportion between the volume of that business and the number of men employed for its dispatch.

The writer is fully aware of the force of two propositions usually advanced in explanation or excuse of conditions such as those existing in this office, namely, that the value of the services of professional men can not be accurately measured by the length of time employed in their performance, and that in all law offices the tide of business ebbs and flows, there being times when the greatest demands are made upon the capacities of the employees and other times when there is comparatively little to do. Full allowance has been made for both of these considerations in reaching the conclusions herein stated. Just how much weight they are entitled to, so far as this office is concerned, can only be known by careful and intelligent observation of the daily routine of its business for a suitable period. When one reads the list of matters placed by statute under the cognizance of the Solicitor of the Treasury, the impression naturally resulting is that the volume of business thence arising must be sufficient to fully occupy the time of every person in the office. More unreliable data in that respect could not be found. Under one of these statutes—that which provides how the solicitor shall clear Government property from liens asserted against it—action has been taken but once in the last 15 years, and under another—that which provides for his issuing distress warrants against the persons and property of defaulting disbursing officers—action has been taken but twice in the same period. As suggested before, there is one and only one way in which the quantity of business coming before the office, the time taken for its dispatch, and the need for changes in the office force can be determined, and that is by the daily close observation of the workings of the office by competent and disinterested persons for a suitable period.

If the statutory reorganization of the office herein suggested should be deemed inadvisable or inexpedient, it is respectfully submitted that the office force should be reduced either by transfer to the department proper or by allowing vacancies to remain unfilled until there are no more men in the office than the business coming before it is sufficient to keep fully occupied at least three-fourths of their time.

Very respectfully,

CHAPMAN W. MAUPIN.

Mr. SISSON. Gentlemen, in the first place, I want to tell you that this office has had taken away from it within the last few years the following duties: First, the Customs Classifications Service; second, the Bureau of Immigration; third, the Bureau of Navigation; fourth, the Bureau of the Lighthouse Service; fifth, the Steamboat-Inspection Service; and the attorneys doing that work have been assigned to the departments where that work is done.

Mr. MANN. If the gentleman will yield, how long since these duties were taken away?

Mr. SISSON. At different times.

Mr. MANN. Oh, no; they were taken away when the Department of Commerce was created, 10 years ago.

Mr. SISSON. The Customs Reclassification Service was not.

Mr. MANN. No; but all the rest of them were.

Mr. SISSON. And since that time the Bureau of Immigration, two years ago.

Mr. MANN. Oh, the Immigration Service has been in the Department of Commerce ever since it was created.

Mr. SISSON. Yes; but the writing of the legal opinions was not taken away until two years ago.

Mr. GOOD. And more duties have been given to that office since that time than were taken away.

Mr. SISSON. The only duties which have been placed upon him in the last few years have been in reference to the new Federal reserve banking system.

Mr. MADDEN. How about the income tax?

Mr. SISSON. In the Internal-Revenue Department there are a number of lawyers, and the opinions of the internal-revenue office are rendered there.

Now, the truth of the business is that these suits they speak of as originating in this office are originated in the offices of the various district attorneys, and those suits are reported here and dockets made in order that they may be kept up with.

Now, when the gentleman who held this position resigned he gave to this committee the facts in reference to the duties performed there, and your subcommittee then, without any controversy, and the full committee, without any controversy from either side politically—because this is purely a nonpartisan question—agreed as to what should be done. I do not know the politics of this gentleman, and I do not care, but I do know that from March, 1914, to June, 1915, this position was absolutely vacant, and there was no complaint of any kind about it. But it just happens that there is a vacancy there by law, and some gentleman wanted a job, and they have given it to him.

Mr. RUBEY. Does the gentleman refer to the chief clerk?

Mr. SISSON. I am speaking of the other position. This vacancy occurred and the duties of chief clerk were performed by another officer. They have 13 men in the office now.

Mr. LLOYD. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. LLOYD. Is there anything to show that the chief clerk was not at his post during the last 13 months?

Mr. SISSON. No; but prior to that time the office was vacant for several months without being filled. The chief clerk's office was there, but no one to fill it. Now, if you take the testimony, you will find that the opinions rendered in the department, nine-tenths of them, can be rendered right off the reel. Very few of them require much investigation. It is a very rare thing that a new question comes before that department which requires any degree of investigation, and for the reason that we felt that these vacancies were vacancies which ought to be filled we have consolidated with the assistant solicitor the office of chief clerk.

The CHAIRMAN. All debate has expired, and the question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. BYRNS of Tennessee) there were 113 ayes and 38 noes.

So the amendment was agreed to.

The Clerk read as follows:

Office of the Solicitor of the Department of Labor: Solicitor, $5,000; law clerk, $2,000; clerks—two of class 4, two of class 1; messenger; in all, $13,840.

Mr. RUCKER. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I want to congratulate the committee on the splendid spirit of harmony that prevails this morning and the almost unanimity of action, and during this era of good feeling I want to call attention to the fact that on last Saturday while the committee had under consideration the paragraph on page 95 of the bill, a legislative provision which provided that in the Pension Bureau, notwithstanding the committee had made 68 reductions in the force, no clerk could be appointed or promoted in the office until there were four vacancies in the particular grade or class. I offered as an amendment the legislative provision that now exists in the law, one which forbids the department to put a clerk in the bureau until four vacancies occur in the bureau instead of four in the particular grade.

I rise now for the purpose of asking unanimous consent that the committee return to page 95 and reconsider the action of the committee by which that amendment was voted down and vote on the amendment again. I believe that this committee would vote to-day to adopt my amendment.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to recur to page 95 and vote on an amendment which was offered and rejected some days ago.

Mr. BYRNS of Tennessee. Mr. Chairman, that amendment was voted on and considered at great length the other day, and I am constrained to object.

The CHAIRMAN. The gentleman from Tennessee objects, and the Clerk will read.

The Clerk read as follows:

For securing information for census reports, provided for by law, semimonthly reports of cotton production, periodical reports of stocks of baled cotton in the United States and of the domestic and foreign consumption of cotton; quarterly reports of tobacco; per diem compensation of special agents and expenses of same and of detailed employees, whether employed in Washington, D. C., or elsewhere; the cost of transcribing State, municipal, and other records, temporary rental of quarters outside of the District of Columbia; for supervising special agents, and employment by them of such temporary service as may be necessary in collecting the statistics required by law, including $15,000 for collecting tobacco statistics authorized by law in addition to any other fund available therefor: *Provided*, That hereafter there shall be in the official organization of the bureau a separate, distinct, and independent division called the Division of Cotton and Tobacco Statistics: *Provided further*, That the compensation of not to exceed five special agents provided for in this paragraph may be fixed at a rate not to exceed $8 per day, $512,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. HELM. Mr. Chairman, one of the most important items carried by this section is the appropriation of $15,000 for the collection of tobacco statistics. As is well known by the membership of this House, there is no product in this country that enters into the financial running machinery, so to speak, of this Government as does the item of tobacco. It is one of the greatest revenue producers, and it is essential that the Government should know the quantity of tobacco raised. It is essential and very beneficial to the farmer to know the exact quantity of tobacco that is raised, for the reason that it is a commodity the price of which is controlled almost exclusively by what is commonly

known as the Tobacco Trust. The statistics that the Government collects and publishes are disseminated among the farmers, and it enables them to form an estimate and reach a conclusion as to the quantity of tobacco that is on the market, and enables them to determine whether the acreage for the ensuing year should be increased or diminished.

As one of the benefits that results from this law, it has been discovered that there has been in vogue a practice of not reporting tobacco alleged to be in storage tolerated by the Commissioner of Internal Revenue; not recently, but by a former Commissioner of Internal Revenue. The present commissioner I believe does not approve of some of those practices that have heretofore prevailed. There was, under the ruling of a former Commissioner of Internal Revenue, about 50,000,000 pounds of tobacco in the warehouses that escaped tabulation by the office of the Commissioner of Internal Revenue. The special agents that were authorized by the appropriation bill to be used by the Bureau of the Census discovered this discrepancy in the total amount of production.

Therefore I think that this is an appropriation that is well spent. The revenue collected by the Government runs into the millions of dollars. The amount of tobacco raised runs into the billions of pounds. Now, the section of the State of Kentucky from which I come is a large producer of the burley type of tobacco, and this appropriation of $15,000 is to carry into effect what is commonly known as the Cantrill Act, which has been very beneficial in that it has enabled the farmers to realize a higher price for their product. Prior to the passage of that act tobacco for which the farmer now realizes in the neighborhood of 12 cents a pound used to sell for 3, 5, 7, and sometimes as high as 8 or 9 cents a pound. I hope, Mr. Chairman, that this appropriation will not be disturbed.

Mr. MURRAY. Mr. Chairman, I understand that a point of order has been reserved by the gentleman from Illinois?

The CHAIRMAN. The gentleman is correct.

Mr. MURRAY. Pending the reservation I desire to move to strike out the last word, if that is necessary.

Mr. MANN. Under the practice the gentleman can proceed without a motion.

The CHAIRMAN. The Chair will recognize the gentleman for five minutes.

TOBACCO AMERICA'S CIVILIZER.

Mr. MURRAY. Mr. Chairman, I desire to support the case advocated by the gentleman from Kentucky [Mr. HELM]. It is well known that of the three staple products of the South Kentucky has two—colonels and tobacco.

It is unfair to strike a great State like this, because tobacco has gone all down the line with the progress of our civilization. History tells us that in the early days of this country we used tobacco as money; that it was the basis of money like gold is the basis of it to-day. It was a "single standard"—of tobacco. So, you see, commerce was built up in this country by tobacco. It also discloses the fact that preachers were paid in the early days by giving them so many pounds of tobacco from each parish, and Patrick Henry won his celebrated case against the minister when he demanded 4,000 pounds of tobacco, because Henry thought that was too much tobacco for any one preacher. So it will be observed that religion was established by tobacco. Then, again, when the Colonies came to be settled, to make it possible for the development of this country, a corporation was organized to bring young women from Great Britain for the Jamestown colonies. It should be understood that the original colonists were all men—bachelors—and the price finally ran up to about 150 pounds of tobacco for each woman. So you will observe that the family relations were established in America by tobacco, and in all our progress, whether in commerce, religion, or the home, the altar and fireside, tobacco has played a great part. So it is unfair for this House to strike down a great product like that.

It will be noticed also that every people have a peculiar stimulant of their own. The Dutch have sauerkraut, the Mexican the tortilla and the cigaritto.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. MURRAY. Yes.

Mr. MEEKER. I would like to ask the gentleman if in his opinion we are not these days substituting "chewing the rag" for chewing tobacco?

Mr. MURRAY. I will say to the gentleman that that is correct, but I still have a better substitute. Since tobacco has been so important as this, it is unfair to strike it down at this time. Each people, as I have said, has a peculiar stimulant. The Scotch like the old Scotch whisky. The German likes his glass of beer, but the real original, aboriginal American liked tobacco.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. MURRAY. The gentleman is trying to interfere with the remarks that I am trying to make in his behalf and he ought not to interrupt me.

Mr. BARKLEY. I want to find out what the gentleman's peculiar stimulant is.

Mr. MURRAY. My stimulant, sir, is tobacco, smoked in the form of a cigar or in a pipe. The gentleman objects, because he likes cigarettes. I dispise them—there is not enough tobacco in them. Therefore this provision ought to be retained in this bill, because it will not do to strike down any of the three great staple products to which I have referred. Kentucky can not deny that it outstrips all the States in the Union for colonels and tobacco. That State is full of colonels and the colonels are full of corn and tobacco. [Laughter.]

Moreover, Mr. Chairman, tobacco is the great equalizer, the great democratizer. It is the one substance, which, being fashionable between men, places them all on an equality; for the richest man would not hesitate to ask or give a chew of tobacco to the poorest, and all over the South the negro is at perfect liberty to ask a white man for a chew of tobacco. Some of you will doutbless remember the story that Gov. Bob Taylor told to audiences of "men only" about the old negro that used to waylay him on his way to his law offices. Some years ago an Indian in my State killed another Indian because he refused him a chew of tobacco when he had it. He regarded this refusal as the greatest of insults. It seems, however, that the Indian government did not consider it justifiable homicide, although there are those until this day who believe it should be.

But, to be serious about this question, the time is liable to come in the world when, by scarcity of land and because of the fact that tobacco eats soil as no other product does, as evidenced by the dilapidated tobacco barns in the tobacco-growing States where they have grown it for years, coupled with increase of population, all nations will have to prohibit the growth of tobacco as do the Chinese prohibit the pawpaw plant in their country. No country can grow tobacco without feeling this tremendous drain upon the soil. I presume, however, until that time comes we tobacco users will continue to make as great a progress as possible in its consumption.

Mr. THOMAS. Mr. Chairman, when I came into the Chamber a few moments ago the gentleman from Oklahoma [Mr. MURRAY] was speaking. I did not have the pleasure of listening to the first part of his remarks.

Mr. MURRAY. The gentleman will not deny that I have asked tobacco of the gentleman who now has the floor?

Mr. THOMAS. It will be seen, Mr. Chairman, that he is trying to hedge now. He has a guilty conscience because he knows what I am going to tell about him. He was talking about stimulants, and said that the State of Kentucky is full of colonels and that the colonels are full of corn. That may be true, but there are others all over this broad land. The gentleman told the House that he used tobacco in the form of cigars and in a pipe. Why, Mr. Chairman, I have given him, since I have been here, at least $40 worth of chewing tobacco of the kind that I now hold in my hand, because he will not buy a cent's worth. [Laughter.]

Mr. MURRAY. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. Yes.

Mr. MURRAY. I admit that I do not chew enough tobacco to justify my buying it. I want to ask the gentleman if he expects to cut off my supply? [Laughter.]

Mr. THOMAS. I will either have to cut off the gentleman's supply or get my salary raised in some way in order to supply him. [Laughter.] I do not know what the gentleman means by saying that he does not use enough tobacco to justify his buying it. I presume he must mean, from the quantity that he begs daily from me, that his salary is not sufficient to justify him in buying the supply of tobacco that he uses. I do not know what this item is that we are talking about, but if the item is something against tobacco, then I am against the item. [Laughter.]

Mr. Chairman, Kentucky is the greatest tobacco State in this Union. We raise over a third of the tobacco that is raised in the United States, and there is one thing that I think ought to be done by our Government by way of reprisal, and that is to see to it that our tobacco is no longer made contraband of war. That is where I stand upon that proposition.

Mr. Chairman, the gentleman from Oklahoma made some allusion to Kentucky colonels. He seems to be jealous of Kentucky colonels. Kentucky colonels usually stay at home, and unless they have been driven out of the State for some good cause, which is very seldom, none of them ever go to Oklahoma, or, if they do, as soon as they see Oklahoma they return to the State of Kentucky and stay there forever after. If the gentle-

man from Oklahoma in his travels should ever wander into God's country, which is the old Kentucky home, he would find it so alluring that we would have to set a pack of hounds on him to run him out of the State. [Laughter.] Mr. Chairman, I thank the gentlemen who have been so kind as to listen to me, and that is all I have to say at present, but if occasion requires I hereafter may extend my remarks on this subject. [Applause.]

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Tennessee [Mr. BYRNS] in reference to the provision for quarterly reports upon tobacco.

Mr. BYRNS of Tennessee. The reports now authorized by law are semiannual reports. They are made under the Cantrill law, with which the gentleman is familiar.

Mr. MANN. What is the necessity of having quarterly reports made permanent? I understand there might be some desire at present, due to the situation growing out of the war, for quarterly reports; but what is the need of quarterly reports permanently?

Mr. BYRNS of Tennessee. I will say to the gentleman that there is a very great need of quarterly reports. The principal objection that has been made by those interested in the object sought to be accomplished by the Cantrill law is that these reports are not made often enough for the growers of tobacco. The gentleman understands that tobacco is housed in the late summer, cured, and in my State and the State of Kentucky put in the barns and sold during the winter and spring months. Now, the difficulty is that these reports coming, as they do, every six months do not afford to the growers of tobacco the information at the times necessary for them in order to be able to fix with any certainty the price they ought to receive.

Mr. MANN. Does the Department of Agriculture make any report or estimate in reference to tobacco as it does in reference to other things?

Mr. BYRNS of Tennessee. The Department of Agriculture under the Bureau of Cotton Estimates makes a report by way of estimate concerning the amount of tobacco which will be grown or probably produced.

Mr. HELM. Annually.

Mr. BYRNS of Tennessee. That is purely an estimate.

Mr. MANN. They make an estimate more often than annually?

Mr. HELM. I beg the gentleman's pardon; I am quite confident that is correct.

Mr. MANN. The gentleman is mistaken about that. They make reports and estimates of the production of all of these farm products more often than annually.

Mr. HELM. If the gentleman will yield——

Mr. MANN. They make a final statement of an estimate, which of course is only annual.

Mr. HELM. If the gentleman will yield——

Mr. MANN. Certainly.

Mr. HELM. Very recently there was before the Committee of the Census, of which I am chairman, a representative from the Treasury Department, from the Commissioner of Internal Revenue's office, who stated positively that the Department of Agriculture formerly sent a corps of clerks to the commissioner's office to secure and publish the annual report of the quantity of tobacco that was shown to have passed from the growers' hands into the dealers' hands. Now, there was only one publication. The value of all of this work is publicity, and the fact is, as the gentleman very well understands, that when all of this information is gathered and not published broadcast among the growers it is of no value whatever. I can assure the gentleman that there is only one publication of the statistics by the Department of Agriculture.

Mr. MANN. There is only one at a time; I am sure of that.

Mr. HELM. Annually.

Mr. MANN. Oh, in their crop estimates they make more than one estimate of the production of tobacco and of other farm products as to what will be the production. Perhaps there is only one estimate of what has been the production.

Mr. HELM. If the gentleman will yield a little bit further. The defect with the publication by the Department of Agriculture, coming at the time it does, on the 1st of July, as my information goes, is when it is of the least value to the grower of tobacco. The tobacco crop is harvested, so to speak, in the latter part of the summer. It is stored in the barns and remains there until the rainy season in the fall.

Mr. MANN. Does the gentleman think that the estimate of the Department of Agriculture as to the annual production of farm products is not made until the 1st of July of the succeeding year?

Mr. HELM. That is my information.

Mr. MANN. Well, the gentleman is entirely mistaken, notwithstanding he is chairman of the Committee on the Census. That is not the case. The estimate made about the 1st of July or during the months throughout the year is an estimate of the probable production, based upon the acreage, of what will be the amount of production.

Mr. HELM. I am speaking about the only publication that the Department of Agriculture makes.

Mr. MANN. Well, the gentleman is mistaken; they make more than one publication.

Mr. BYRNS of Tennessee. I will submit, if the gentleman will pardon me, that the report made by the Department of Agriculture with reference to the amount of tobacco which may be produced, or even which has been produced, does not serve any real purpose or a beneficial purpose to the grower in so far as enabling him to determine with any degree of certainty what his tobacco should bring. Now, under this Cantrill law, as the gentleman knows, the Director of the Census is directed to secure information and make that information public as to the amount of leaf tobacco on hand.

Mr. MANN. And consumed?

Mr. BYRNS of Tennessee. And consumed. So in that sense——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. In that sense, I want to say to the gentleman, the report of the Department of Agriculture does not meet the real situation in so far as the grower is concerned.

Mr. MANN. What is the special reason which differentiates tobacco from wheat or corn? Wheat and corn are carried over by the producer.

Mr. BYRNS of Tennessee. Well, there might be a number of reasons given. The gentleman no doubt has had his attention called to the fact that a number of years ago the tobacco grower was compelled to sell his tobacco for probably one-third of its real value, for much less in many cases than it actually cost to produce it, on account of the fact that there was a combination or a trust which controlled the market.

Mr. MANN. I have heard that statement frequently made on the floor of this House about every farm product and factory, but I never have credited all of those statements.

Mr. BYRNS of Tennessee. If the gentleman was familiar with the situation as it existed down in Tennessee and Kentucky, I am sure he would appreciate the fact that that was particularly true of tobacco. There can be no question about that fact. Now, that being so, the trust now—and there is a Tobacco Trust, as we all know, notwithstanding the decision of the Supreme Court of the United States, which was intended to dissolve it——

Mr. MANN. I do not know that there is any such trust, and I could not believe that the Supreme Court, having dissolved one trust, the present Attorney General would lie idle if everybody knew there was another trust. I do not know anything about it, and I do not care, so far as these legislative propositions are concerned.

May I ask the gentleman further in reference to the need of establishing a division called the "Division of cotton and tobacco statistics" as a separate division in the Census Office, What is the need of a separate, independent division there?

Mr. BYRNS of Tennessee. I will say to the gentleman the Director of the Census states that if there was such a division he would be able to collect the information and to disseminate it more systematically and more successfully than he is now able to do. The gentleman knows that there are about $240,000 appropriated under this item; $225,000 of this is appropriated for the collection of cotton statistics, and the sum of $15,000 for tobacco statistics. This division, if created, of course, will have charge of the work to be performed under this appropriation; and the Director of the Census, if Congress shall authorize the division, will, no doubt, put at the head of it a competent man—whether the man now in charge or some other I do not know, but a man who will have particular charge of that particular work.

Mr. MANN. Now, the Director of the Census is a good man, so far as I know. I do not recall now, to my own ignorance, who is filling the office. I think Mr. Harris went out, did he not?

Mr. BYRNS of Tennessee. Yes. Mr. Rogers, of North Carolina, was appointed to succeed him, and he is a splendid and most competent official.

Mr. MANN. We have several bills reported from the Committee on the Census at this session of Congress. If the

Director of the Census desired this, why did he not apply to have a bill brought in and considered in the ordinary way establishing such a division?

Mr. BYRNS of Tennessee. I can not answer the gentleman. I want to be entirely fair and frank——

Mr. MANN. The gentleman always is, or I would not take the trouble to ask him.

Mr. BYRNS of Tennessee. I will say to the gentleman that I have upon my own initiative discussed this matter with the Director of the Census a number of times, and in the course of the conversation that we had it was suggested that a division would be advisable in order to more thoroughly systematize the work being done under this appropriation. I would not want to be understood as saying that the Director of the Census had submitted an estimate or even a request in writing that this be done.

Mr. MANN. I understand very well, and I have great confidence in the gentleman from Tennessee, the chairman of the subcommittee. I am quite well aware, I think, that this item would not be in the bill if the gentleman from Tennessee, or some other gentleman from Tennessee, or from North Carolina, or from Kentucky, had not been chairman of the subcommittee. I make no reflection in that at all, as the gentleman well understands, because of the fact that the gentleman comes from a locality where special interests are involved, which fact brings a closer knowledge to him than others would have ordinarily. I do not know that I am disposed to stand in the way of gentlemen who are all the time insisting upon doing more work for cotton and tobacco, though never willing, so far as my observation goes, or seldom willing, to do anything for the great products of the West and the North—corn, grain, and live stock.

Mr. CANTRILL. If the gentleman from Illinois will permit me to offer a suggestion to him, it is this, in answer to his question, there is no special selfish interest in this proposition especially.

Mr. MANN. Not to the gentleman on the floor. Of course there is a special interest and a proper selfish interest to anyone who wants to buy and sell products and wants information.

Mr. CANTRILL. There is not alone a selfish interest.

Mr. MANN. There is no improper interest, of course.

Mr. CANTRILL. The United States Government secures a tremendous amount of revenue through the internal-revenue department in the collection of taxes on tobacco that it does not secure from wheat, corn, and other products. I am sure the gentleman will agree with me that the interests of the Government are well protected in legislation of this character, as well as the interests of the tobacco grower.

Mr. MANN. I can not see how the Government is interested in the matter——

Mr. CANTRILL. The Government, as well as the grower, is more thoroughly protected in the collection of these statistics under the operation of this law, and it makes it of general interest, as well as of individual interest to the tobacco growers. There are between forty and fifty million dollars per year taken by the Federal Government in the way of taxes from our tobacco interests.

Mr. MANN. It has nothing to do with these statistics.

Mr. CANTRILL. It is of great interest to the internal-revenue department in the collection of taxes. It is of great value to the Government, if the gentleman will permit me, and I think I am not mistaken——

Mr. MANN. These statistics are interesting to persons who grow tobacco, to the persons who own tobacco, and especially to those who buy tobacco for manufacture. They may be interesting to the gentlemen who smoke tobacco or chew tobacco. I wondered awhile ago whether the gentleman from Oklahoma [Mr. MURRAY] and the gentleman from Kentucky [Mr. THOMAS] were seeking to disqualify themselves from the right to vote on the proposition because they chew tobacco.

Mr. BARKLEY. Will the gentleman yield?

Mr. MANN. I have finished, and the gentleman can take the floor.

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order?

Mr. MANN. I will withdraw the point of order.

Mr. BUCHANAN of Texas. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BUCHANAN of Texas: Amend page 122, line 20, after the figures "$512,000," by inserting the following:

"*And provided further*, That the Chief of the Bureau of Foreign and Domestic Commerce be, and is hereby, authorized under the direction of the Secretary of Commerce to collect for the census reports and publish from time to time statistics of the production and consumption of cotton and cotton goods in foreign countries, including the number of spindles in activity, number of cotton bales on hand, amount of cotton goods on hand, value of same, construction of new mills, closing down of mills, demand for and probable purchasers of cotton and cotton goods, and methods of merchandising the same. That in order to carry into effect the above provision the Secretary of Commerce is authorized to appoint four expert agents to cover England, France, Russia, Germany, Austria, Italy, China, Japan, and India, and an additional sum of $25,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated to be expended in carrying into effect the provisions of this act, including clerical assistants in the District of Columbia or elsewhere or to secure by purchase or otherwise such reports, manuscripts, and publications as may be necessary to carry out in the most efficient manner the provisions of this act."

Mr. BYRNS of Tennessee. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Tennessee reserves a point of order on the amendment.

[Mr. BUCHANAN of Texas addressed the committee. See Appendix.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. EAGLE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 9225. An act granting the consent of Congress to Georgia Lumber Co. to construct a bridge across Flint River, Ga., between Dooly and Sumter Counties.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. BYRNS of Tennesee. Mr. Chairman, I am very much in sympathy with the object that the gentleman from Texas [Mr. BUCHANAN] seeks to accomplish. I appreciate the importance, and I was about to say almost the necessity, of bringing the producer in closer touch with the ultimate consumer. I want to remind the gentleman from Texas of the fact that the Secretary of Commerce, in his statement before our committee, of which he is a very valuable and able member, stated that under the law as it exists now, if any organization of cotton producers, if any organization of tobacco producers, or the producers of any other agricultural product, wanted or sought the aid and support of the Bureau of Foreign and Domestic Commerce he would most gladly put them in touch with consumers in foreign markets. He stated further that under the law as it exists to-day he was in a position to render this great service to any organization of producers, whether of cotton or any other agricultural product.

Mr. BUCHANAN of Texas. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman from Texas.

Mr. BUCHANAN of Texas. Does the gentleman not remember that the Secretary of Commerce stated that there was a gap in the law; that it had been complained of from Texas; and that under the law he could not procure these statistics included in the amendment?

Mr. BYRNS of Tennessee. So far, possibly, as some of the statistics included in this amendment are concerned, that may be true; but what I was trying to say was this: That the Secretary of Commerce stated that he would very gladly render to any organization of cotton producers or of any other agricultural product in this country the same service that he is rendering to manufacturers in this country.

Mr. BUCHANAN of Texas. Does not the gentleman remember that in that hearing the Secretary of Commerce and the man who was in charge of that Bureau of Foreign and Domestic Commerce stated that they were just approaching the point of bringing the foreign purchaser of our manufactured products into direct contact with the producers of that product, and that if we would give them this money they would do it?

Mr. BYRNS of Tennessee. I understood the Secretary of Commerce, in the discussion relative to the 40,000 bales contracted for by Russian parties for the next five years, to state, when the gentleman from Texas asked him why this service could not be rendered to the producer, that he would very gladly put any organization of cotton producers in touch with the parties in Russia or anywhere else.

Mr. LEVER. Will the gentleman yield for a question?

Mr. BYRNS of Tennessee. Yes.

Mr. LEVER. The gentleman states that there is full authority in law to carry out the purposes of the amendment of the gentleman from Texas.

Mr. BYRNS of Tennessee. No; I did not make the statement that broad. I was referring to the remark of the gentleman from Texas [Mr. BUCHANAN] relative to putting the producer in closer touch with the ultimate consumer.

Mr. LEVER. That is very true; but, as I understand the amendment of the gentleman from Texas, that is not the ultimate end of the gentleman's amendment.

Mr. BYRNS of Tennessee. I understand that.

Mr. LEVER. The gentleman's amendment seeks to get information rather than to put them in touch.

Mr. BYRNS of Tennessee. My statement was simply in reply to the remark of the gentleman from Texas, with which I am very much in accord. I heartily agree with him in what he says. Now, if an amendment of this kind was adopted on this bill it would, in my judgment, entail a great deal of cost. No one can even estimate how much it would cost. This amendment provides for the collection of statistics of the production and consumption of cotton and cotton goods in all foreign countries, including the number of spindles in activity in all foreign countries; the number of cotton bales on hand in foreign countries; the amount of cotton goods on hand in foreign countries, and the value of same; the construction of new mills; the closing down of mills; the demand for and probable purchasers of cotton and cotton goods and the methods of merchandising the same. Now, I submit that I can hardly imagine an amendment which could be more broad in its terms, and, in my judgment, instead of $25,000 being sufficient to carry out the purposes of this amendment, Congress would necessarily have to appropriate hundreds of thousands of dollars in order to collect that information from all the foreign countries.

Mr. GOOD. In order to get that information would it not be necessary to have appraisers, not only in the wholesale establishments abroad, but in every country store, to find out the amount of cotton goods on hand?

Mr. BYRNS of Tennessee. Precisely. As the gentleman from Iowa so well suggests, they would have to go into every little retail store in foreign countries.

Now, the point I want to make is this, in explanation of my action in reserving the point of order. I think this matter is of sufficient importance to deserve consideration by the House in a regular legislative way. I do not think a matter involving as much as this does, with all of its ramifications, involving as large an appropriation as it necessarily will, ought to be put upon an appropriation bill. I think that the gentleman from Texas, as he possibly has done, or as he no doubt will do if he has not already done it, should introduce a bill on this subject, let it go to the regular legislative committee which has jurisdiction of it, and let that committee consider it in all of its details, and then report it to this House before legislation of this kind is put upon the statute books.

Therefore, Mr. Chairman, I make the point of order that this amendment is not germane to the bill. It is clearly legislative, and in addition to that, it is clearly not germane. It requires that the Chief of the Bureau of Foreign and Domestic Commerce shall be required to do certain things, and it is not germane to the paragraph now under consideration.

The CHAIRMAN. The gentleman from Texas [Mr. BUCHANAN] offers an amendment, which the Chair will not take the time to read in full, it having been read by the Clerk.

To this amendment the gentleman from Tennessee [Mr. BYRNS] makes the point of order.

Under the rules of the House it is not in order to legislate on appropriation bills unless the legislation comes within the purview of the Holman rule by retrenching expenditures in one of the methods stated in the rule.

The Chair is aware that the usual practice of the House is that where a provision is inserted in an appropriation bill that is of itself subject to a point of order and allowed to remain in the bill it is in order further to amend that provision by germane amendments. But the rulings of the House have been that it is not in order to amend such a paragraph by adding additional affirmative legislation; that the amendment must be germane and must add no new legislation.

The Chair cites section 3836 of Hinds' Precedents:

In an appropriation bill a paragraph embodying legislation may be perfected by a germane amendment, but this does not permit an amendment which adds additional legislation.

The same principle is stated in paragraph 3837, in a ruling by Mr. Burton, and also a ruling by Vice President Sherman when he was a Member of this House. The same principle is also enunciated in paragraph 3838 of Hinds' Precedents.

The Chair can not escape the conclusion, from the reading of the amendment, that it adds additional legislation. While the Chair believes that the proviso of the paragraph in the bill, which taints the whole paragraph, is subject to the point of order, yet that having been withdrawn, the paragraph is subject to germane amendment which does not add new legislation.

But the Chair thinks the amendment in question does add new legislation, and for that reason sustains the point of order.

Mr. BUCHANAN of Texas. I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HELM. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HELM: Insert after the word "statistics," in line 17, on page 22, the following:

"*Provided further*, That hereafter the Director of the Census may procure the information for the tobacco reports required by this act and the act approved April 30, 1912, by mail or by special agents or by other employees of the Bureau of the Census."

Mr. SISSON. Mr. Chairman, I reserve a point of order to the amendment.

Mr. HELM. Mr. Chairman, the purpose of this amendment is to get real efficient results from this appropriation of $15,000 carried in this bill for the collection of tobacco statistics. This is a kind of work that might not improperly be classed as a detective duty.

Mr. GOOD. Will the gentleman yield?

Mr. HELM. I will.

Mr. GOOD. How is this information obtained at present?

Mr. HELM. By mail.

Mr. GOOD. Would not the commissioner have the authority without the adoption of your amendment to secure the information through the mails?

Mr. HELM. That is the law, and that is where the law is deficient.

Mr. GOOD. If I understood the gentleman's amendment, it was to secure information by mail.

Mr. HELM. To secure it by mail and, where he is not satisfied with the results that he gets by mail, to send a man into the locality to check up. The fact is the Tobacco Trust has its special agents; they are all the time busy. They are in the field getting information, first hand, from the crop as it looks in the field, from the crop as it hangs in the barn—in short, from the time the crop is pitched until disposed of they have their emissaries—trained, skilled men—right on the ground. What we need, what the grower needs, is a limited number of men used to the practices and methods of the Tobacco Trust, who can go to the centers like Louisville, Cincinnati, Lexington, or wherever leaf houses are operated, and check up the quantity of tobacco that is reported in the hands of these dealers in this product. It takes a man who understands the trade, who understands the methods of the trust. In other words there is an old saying that "It takes a thief to catch a thief." You have to have men who know the tobacco business in order to get beneficial results from the expenditure of this $15,000. Simply writing out to a dealer and asking have you so many pounds of tobacco on hand is not enough; he will write you back that he has or has not. The Bureau of the Census must depend solely and exclusively on the truthfulness of that report.

The situation is something like this: In the manufacture of distilled spirits at the distilleries the Government has its storekeeper and gaugers, and these men look after the quantity of distilled spirits, and the grower of tobacco needs just such a type of man to look after the interests of the grower to see how much tobacco is in the hands of the big dealers, who handle millions upon millions of pounds of tobacco. As I stated a while ago on the floor, 50,000,000 pounds of tobacco was unaccounted for by the Commissioner of Internal Revenue, and except for the services of a special agent who went into the Louisville tobacco warehouse market and discovered the fact that this concern was permitted to carry in its possession this enormous quantity of tobacco that was unaccounted for—that very incident, I think, is a strong illustration of the necessity of my amendment.

The CHAIRMAN. Does the gentleman from Mississippi insist upon his point of order?

Mr. HELM. Mr. Chairman, I make the point of order that the amendment is not subject to a point of order. It seems to me that you have here an appropriation of $15,000 authorized for a specific purpose, and this amendment is simply directory as to how that particular sum of money shall be spent. It does not entail a cent more expense to the Government. If you want results, it seems to me that this is the one method of getting what you want.

Mr. HOUSTON. Will the gentleman yield?

Mr. HELM. Certainly.

Mr. HOUSTON. I want to ask the gentleman if it has not been the custom of the Census Bureau heretofore to get the information by special agent, until they construed the act in such a way that they claimed it did not authorize it; that recently it has been held by the solicitor that it was not right to send out special agents, but that they did get it very generally in that way until it was so held.

Mr. HELM. According to my information, the gentleman from Tennessee is quite correct. Mr. Harris, former Director of the Census, did appoint special agents, but under a recent ruling of the department the present Director of the Census felt that he was not warranted in spending the money in the manner indicated by my amendment. This is simply to make it more specific, certain, and definite.

Mr. SISSON. Mr. Chairman, I have no objection to the proper number of special agents being appointed, but there has been no recommendation from the Department of the Census as to the amount of territory to be covered and no estimate about the number of special agents that might be needed, and so we would be absolutely in the dark as to the number of special agents that might be needed.

Mr. BYRNS of Tennessee. Mr. Chairman, I want to call attention to the fact that this bill limits the appropriation that may be used for this purpose to $15,000, and necessarily there could not be many special agents appointed for that amount. Here is the difficulty, if the gentleman will pardon me. The Cantrill law provided for the collection of tobacco statistics, but no provision was made by which they may be collected except through the mails. The Director of the Census states that it is absolutely impossible to secure any accurate information by means of the mail; that it is not his purpose to appoint agents by the wholesale, and, as a matter of fact, he could not do it, because he only has $15,000; but I understand from the Director that if he had the authority it would be his idea to endeavor as soon as possible to collect the information as to the tobacco in much the same manner as it is collected.

Mr. SISSON. You have $15,000 and your amendment provides for four special agents.

Mr. HELM. No.

Mr. SISSON. You have tobacco raised in Missouri, Illinois, Indiana, Kentucky, Virginia, and Tennessee, and perhaps a little tobacco in other places. How many agents would be necessary to take an accurate census of tobacco?

Mr. HELM. The only answer that I can make to the gentleman is that the former director, Mr. Harris, I believe, appointed five.

Mr. SISSON. The gentleman is aware that in collecting the statistics of cotton the agent can go to the ginner and get what is called a ginner's report, for all of the cotton must be ginned. Without some information from the committee as to whether or not this will be instituting a policy of going to every tobacco farmer, which would be an interminable task——

Mr. HELM. Oh, that is not the purpose.

Mr. SISSON. Then how is it proposed to do it?

Mr. HELM. Let me explain to the gentleman. The Louisville Tobacco Warehouse Co. is a concern that, I suppose, covers at least six or seven blocks on Main Street in Louisville, and where there is, I should say, half a billion pounds of tobacco cleared annually from the grower to the dealer.

Mr. SISSON. Is it proposed that this man shall go simply to the warehouse or go to the farms to get the information?

Mr. HELM. Go to the warehouse. To the dealers. He goes to the dealer and goes through his books.

Mr. SISSON. If the gentleman's amendment should provide so that we might not embark upon the practice of going to each tobacco farmer, if it provided that it should be at the warehouse where he should get his information, I would have no objection to the amendment.

Mr. HELM. I have no objection to the gentleman making that amendment.

Mr. SISSON. The reason I would not like to suggest it myself is because I do not know anything about the tobacco business.

Mr. HELM. No man on earth would do such a thing. It would be an unbusinesslike proposition.

Mr. SISSON. I want the amendment to be in such shape as to show that we are not going to undertake to send an agent to every tobacco farmer in the country.

Mr. HELM. Say, not exceeding five special agents or four special agents.

Mr. SISSON. I do not object to the number of special agents. I am willing to leave that to the Census Department, if the gentleman's amendment will provide that the census shall be taken at the place where the tobacco is collected.

Mr. HELM. It could not be taken any place else.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. HOUSTON. I want to suggest that the Director of the Census has been heretofore collecting these statistics just in this way, by the use of a few special agents, and he thought he had the right to do it under the law until he was advised by the solicitor that he did not have that right. Since then he has been at a standstill because he realized the fact that he could not possibly get it through the mail reliably and accurately.

Mr. SISSON. I would like to examine the amendment for a moment.

Mr. BARKLEY. It is not the intention of the act itself, whose author is the gentleman from Kentucky [Mr. CANTRILL], that any agent of the Government should go to the farmers. That would be a physical impossibility for the Government to employ enough agents to go to every farmer to see how much tobacco he might have on hand, without employing an unlimited number. It is contemplated by the act itself that these investigations and reports shall be obtained at the factory, and the amendment which my colleague has introduced is simply an amendment authorizing the Census Bureau to do what it has heretofore done.

Mr. SISSON. Suppose the amendment should provide that it shall be secured at the factory or at the tobacco warehouse?

Mr. HELM. Let us say from the dealer.

Mr. SISSON. Procure from the dealer the information for the tobacco reports?

Mr. HELM. That would be all right—

Provided further, That hereafter the Director of the Census may procure from the dealer the information for the tobacco reports.

Mr. SISSON. Mr. Chairman, I have no objection to the amendment if it is absolutely certain that you do not undertake to go further than the warehouse or the place where the tobacco is collected—at some fixed point where you could enumerate the number of men as you can in the case of the cotton gin. The cotton could not be marketed unless it is put in the bales, and therefore you have a fixed and definite number that you can absolutely enumerate. If the agents know the exact place which they are to visit, then the amendment will not meet with any opposition so far as I am concerned. If the amendment shall fix the place, I have no objection to it.

Mr. CANTRILL. Mr. Chairman, I would like to state this, that the agents will know exactly to whom to go, because every dealer, manufacturer, and so forth, must register, and their names must be on file in the department.

Mr. SISSON. So far as I am concerned, then, I am willing to withdraw the point of order if you will put in the words "procure from the dealer."

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. SISSON. Yes.

Mr. MANN. Does not the gentleman think that in orderly legislation the distinguished gentleman who offered this amendment, who is the chairman of a legislative committee having jurisdiction over the subject, ought to introduce a bill and report it to the House with carefully chosen language?

Mr. SISSON. Perhaps that would be better, but I will say to the gentleman that coming from a tobacco State, and being chairman of that committee, and having given the matter a careful study, as I presume he has, because I am told there is a bill pending before his committee, I would defer to his judgment if the amendment be one which would be harmless in so far as the number of agents is concerned.

Mr. MANN. I would rather defer to his judgment after he has reported the bill.

Mr. SISSON. Mr. Chairman, at the proper time, if the gentleman from Kentucky offers the amendment which I have suggested, I will withdraw the point of order.

The CHAIRMAN. The gentleman from Wisconsin also reserved the point of order. If the point of order is to be insisted upon the Chair will be glad to hear any member of the committee who desires to discuss the point of order. If not, the Chair is ready to rule.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order. I wish to say that our committee was very considerate of the welfare of the tobacco interests, and we unanimously approved of this recommendation submitted by the chairman, the gentleman from Tennessee. We wished to obtain these statistics, but in making my point of order I do it because I think that it is necessary for orderly legislation. We do not know how far we are going in this authorization under the amendment submitted, and we are in sympathy with the idea; otherwise we would not have agreed unanimously to have reported the amendment offered by the gentleman from Tennessee [Mr. BYRNS]. I make the point of order.

Mr. CANTRILL. Mr. Chairman, in answer to the point of order raised by the gentleman from Wisconsin, I desire to submit this point before the Chair rules. This legislation in the bill now being authorized in this section, the amendment offered by the gentleman from Kentucky [Mr. HELM], as I understand it, simply provides a method to put into effect this new legislation that is already in the section and on which the point of order has not been raised by the House but has been passed in that way. Now, the whole question to be determined is whether or not the amendment offered by the gentleman from Kentucky is germane to the legislation which is now pending before the House, which simply provides a method of putting into effect legislation which is incorporated in the bill. Therefore I think the Chair could very well rule that the amendment is in order.

The CHAIRMAN. The Chair is ready to rule. Under the rules of the House, legislation is not in order on an appropriation bill unless within one of the exceptions provided by clause 2 Rule XXI. Now, the Chair is frank to say that the amendment a few moments ago ruled out by the Chair, as well as this, has the personal sympathy of the Chair, but in passing on a point of order a Chairman can not follow the question of whether an amendment is meritorious or not, but must rule in accordance with the rules and precedents. It is admitted upon the floor of the House that the executive head of the Census Office could not do what this amendment authorizes him to do; that the solicitor has ruled it was contrary to law. The Chair in his ruling before stated the precedents showing that it is a generally accepted rule of the House that if a provision is in a bill subject to a point of order, the proposition is further amendable by a germane amendment providing no new matter or new legislation or any new proposition that of itself will be subject to a point of order is offered. Under the law the Census Office gets these returns by mail. The amendment in question provides that hereafter they can get them by mail or they can get them by special agent, or by other employees of the Census Office. The Chair is forced to conclude that this adds additional new matter and new legislation, and therefore sustains the point of order.

Mr. BUCHANAN of Texas. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 122, strike out lines 1, 2, 3, and 4 down to the word "quarterly," in line 4, and insert in lieu thereof the following: "For securing information for census reports, provided by law semimonthly reports of domestic and foreign cotton production, periodical reports of stocks of baled cotton in the United States and foreign countries, and the domestic and foreign consumption of cotton and cotton goods."

Mr. BYRNS of Tennessee. Mr. Chairman, I make the point of order.

Mr. BUCHANAN of Texas. Mr. Chairman, I am not conversant in parliamentary law, but it seems to me where the current law fixes the duty of a department that any amendment that does not add to that duty, but is a fair construction of that duty under the law is in order. Now, if you will note the general statute, it provides—I shall read it to the Chair:

It shall be the province and duty of said bureau, under the direction of the Secretary, to foster, promote, and develop the various manufacturing industries of the United States and markets for the same at home and abroad, domestic and foreign, by gathering, compiling, publishing, and supplying all available and useful information concerning such industries and such markets, and by such other methods and means as may be prescribed by the Secretary or provided by law.

Now, it is evident that that information is in the interests of our foreign markets—of our foreign trade—and it is merely a direction to him to procure that under this law. It does not add 1 cent to the appropriation and, it seems to me, it is in order.

The CHAIRMAN. The Chair would like to see the statute.

Mr. BUCHANAN of Texas. I will send it to the Chair.

Mr. MANN. Mr. Chairman, I would like to call the attention of the Chair——

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. MANN (continuing). To the provision in the bill—

For securing information for census reports, provided for by law, semimonthly reports of cotton production, periodical reports of stock of baled cotton in the United States, and of the domestic and foreign consumption of cotton.

I am not sure that there is any law providing for semimonthly reports of cotton production.

Mr. BUCHANAN of Texas. That is already in the bill.

Mr. MANN. Well, I know it is in the bill, and the gentleman now proposes to insert a direction as to what this report shall contain, foreign and domestic cotton production. In other words, to very much extend the scope of the work authorized by the bill and also authorized by the law. This bill provides for the periodical report of stock of baled cotton in the United States. As I understand the amendment, it extends that jurisdiction over foreign cotton. I am not sure that is the way the amendment reads, but in several cases, as I gathered the amendment as read, it extended very materially the scope of the work that is now being done and provided for work that is not now authorized by law; part of this work is not authorized by law, except the appropriation act.

Mr. BUCHANAN of Texas. Mr. Chairman, where I claim it is provided for by law is in the section creating the Bureau of Manufactures in the Department of Commerce. Its duties are prescribed by the Department of Commerce to collect all available information that will aid our foreign markets. Now, I do not know and I would like to ask this: Are we confined to a specific Census Bureau in ascertaining or making appropriations or amending a bill, or can not we take any other section of the law directing the duties of the Department of Commerce?

Mr. MANN. That would depend upon the language of the law. Of course, if the law provides that the Department of Commerce shall collect certain information, you can not change that in an appropriation bill. You have got to leave that to the discretion of the Secretary of Commerce and make your appropriation to the Department of Commerce. Of course, he would have authority to have it done by any bureau under his jurisdiction, but where the law in general terms provides that something shall be done by one of the departments it is not in order on the appropriation bill to specify a particular thing to be done, though that might come within the scope of the general language. You can not modify that general language to things of this kind.

Mr. LEVER. I would like to ask the gentleman from Illinois if the proposition falls within the general scope of the fundamental law creating the Department of Commerce and is in no wise a limitation upon the duties of the head of that department, is it not in order on an appropriation bill to appropriate for such specific proposition?

Mr. MANN. Undoubtedly; but that is not this case.

Mr. LEVER. I am not so sure of that; but I think we could reach it further on.

The CHAIRMAN. The Chair is of the opinion that this enlarges the law for obtaining these statistics, as the amendment in question specifically directs that a report be made as to the consumption of cotton goods in foreign countries. Under the rules of this House if any part of an amendment is subject to a point of order the whole amendment is not in order. The Chair could base his ruling on that proposition, but, in addition, the Chair believes this amendment changes existing law and does not fall within one of the accepted classes. Therefore the Chair is forced to sustain the point of order.

Mr. BENNET. Mr. Chairman, I move to amend the bill by inserting, after the word "cotton," in line 2, page 122, the words "apple, hay, potato, and tomato."

Mr. BYRNS of Tennessee. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 122, after the word "cotton," in line 2, insert "apple, hay, potato, tomato."

Mr. BENNET. Mr. Chairman, the Chair is one of the best parliamentarians in either branch of Congress and, of course, is familiar with the fact, with which some of us happen to be, that an amendment adding a new subject to a proposition relating to but one subject is not germane. But this particular paragraph relates to two subjects, to wit, cotton and tobacco. It has been held in the decisions of this house, as the Chair is aware, that to a bill authorizing the admission of one Territory as a State the addition of another Territory by way of amendment was not germane, because the bill related to the admission of the particular State. But where a bill related to the admission of two States it is perfectly permissible to offer an amendment adding a third State, on the ground that the scope of the bill was the admission of States.

Now, my amendment falls absolutely within the latter ruling. This paragraph relates to statistics in relation to two subjects—cotton and tobacco. If it is proper—and this House has now said it is proper by failing to object—to acquire statistics in relation to cotton and tobacco, then the House has determined to go into the business of obtaining statistics in relation to crop products. It just happens that the products I name in the amendment are products which are raised largely in the State which I have

the honor to in part represent, and the city which I represent in part has the honor of having within its confines the largest tomato farm in the world. And if there is any benefit to be derived from statistics, and they are permissible, then we are just as much entitled to the benefit as any other part of the country. And I have found that as you journey through life you do not get much of what you are entitled to as you go along—do not get much chance—and therefore my amendment is entirely germane. And on that I am perfectly willing for the Chair to rule.

Mr. FESS. Will you not accept a modification by adding "onions"? That is an important production of my State.

Mr. BENNET. I will. I ask unanimous consent to modify my amendment by adding the word "onion."

Mr. MONDELL. Will the gentleman from New York object to adding the words "live stock"?

Mr. KING. Will you object to adding the word "corn"?

Mr. BENNET. No.

Mr. STAFFORD. Does the gentleman think it will be made bombproof by adding these different varieties?

Mr. BENNET. Of course not. The amendment is not subject to the point of order as it is, but on the groundwork of my argument these are admissible. Let us add all the crop products of the United States. I do not represent any farmers of a particular district——

Mr. BYRNS of Tennessee. If the gentleman feels that way about it, why does he not do as the Representatives from those sections that thought it necessary to collect statistics on cotton and tobacco did and introduce a bill on the subject in order to secure legislation?

Mr. BENNET. The gentleman forgets that I was elected at a special election and have not had a chance to grasp all these trivial details. I have not had a chance to catch up.

The CHAIRMAN. The Chair recalls the decision that the gentleman from New York cites, and the Chair thinks he can differentiate this situation, or, at least, not pass upon those precedents as cited. Those precedents relate to the germaneness of an amendment. The Chair can decide this point of order setting aside the question of germaneness, because on an appropriation bill it is not in order to legislate. The amendment in question is new, affirmative legislation, and, according to the precedent cited a few moment ago, one by the late Vice President, if a provision in a bill is subject to a point of order, you can not further amend it by adding further legislation. Therefore the Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

Bureau of Foreign and Domestic Commerce: Chief, $6,000; assistant chiefs—1, $3,500, 1, $3,000; chiefs of divisions—1, $2,500, 1, $2,000; assistant chiefs of divisions—1, 2,250; chief clerk, $2,250; experts—1 on commerce and finance, $2,000; translators—1, $2,000, 1, $1,400; stenographer to chief of bureau, $1,600; clerks—10 of class 4, 6 of class 3, 1, $1,500, 16 of class 2, 15 of class 1, 15 at $1,000 each, 14 at $900 each; messenger; 4 assistant messengers; 2 laborers; in all, $130,640.

Mr. SISSON. Mr. Chairman, in line 6, before the figures "2,250," I notice the dollar mark is left out. I ask unanimous consent that it be inserted.

The CHAIRMAN. Without objection, the insertion will be made. The Clerk will read.

The Clerk read as follows:

To further promote and develop the foreign and domestic commerce of the United States, $125,000, to be expended under the direction of the Secretary of Commerce: *Provided*, That not exceeding $3,000 of this sum may be expended for the purchase of documents, manuscripts, plans, specifications, and other publications necessary for the promotion of our commercial interests: *Provided further*, That out of this sum there may be expended $2,000 for the employment of an editorial assistant and $1,600 for an editorial clerk, in Washington, D. C., to edit the reports of the field agents employed under this appropriation.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 123, line 23, strike out the period and insert in lieu thereof a colon and add the following: "*And provided further*, That out of this sum there may be expended $25,000 for the collection and publication, from time to time, of statistics of production and consumption of, and demand for, cotton and cotton goods in foreign countries."

Mr. BYRNS of Tennessee. Mr. Chairman, I make a point of order against that, unless the gentleman desires to use some time.

Mr. LEVER. Mr. Chairman, I would like the gentleman to reserve his point of order for a moment, although I do not think the point of order is well taken.

The CHAIRMAN. Does the gentleman from Tennessee reserve the point of order?

Mr. BYRNS of Tennessee. Yes; I reserve the point of order.

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. LEVER. Mr. Chairman, cotton is the chief export crop of this country. Over 60 per cent of the cotton produced in the United States is sold in foreign markets. Cotton is one of the most sensitive of all the crops. A great southern orator on one occasion said that "the crawling of a worm from the leaf of a cotton plant would cause shivers to run up and down the back of the Czar of Russia." And that is almost literally true. It is a highly speculative crop and the machinery for its marketing is finely adjusted.

Under existing law the Census Bureau collects statistics of cotton as regards its production and its consumption in this country. Cotton, in truth, gentlemen, is the most watched after plant that grows. We watch it from the time the seed is dropped until the cotton is ginned and manufactured into cloth. We are now appropriating large sums of money in the Department of Agriculture—I do not recall the exact amount—for watching from time to time the growing condition of the cotton crop, and then early in December of each year we issue an estimate of the probable production of cotton during that cotton year, and in addition to that, as I have already said, we publish bimonthly, through the Census Bureau, the ginning figures, showing the amount of cotton that is being ginned from time to time. All this is done to put the producer and manufacturer in complete possession of all the facts concerning the crop.

So, then, we are furnishing to the world a complete picture of the production end of the cotton industry. We are showing to those who are demanding cotton, who are in need of cotton for manufacturing purposes, the sources of supply and the amount of supply. We are likewise showing the amount of cotton consumed in our various manufacturing establishments in this country.

The purpose of this amendment is to provide for the showing of these same facts as to all producing and consuming countries of cotton. We believe in the doctrine that for a game to be a good, square, American game the cards ought to be played on the top of the table. As it is now, we are playing one side of the hand on the top of the table and the other side of the hand is being played under the table.

The purpose of this amendment is to provide this Bureau of Foreign Commerce with the power and the money to collect statistics of the production of cotton in foreign countries, to collect statistics of the consumption of cotton in foreign countries, and to collect statistics of the demand for cotton and cotton goods in foreign countries. With these facts the cotton picture would be complete and full to the trade.

Now, this is not a proposition that confines itself entirely to the cotton producer. Not at all. It is exceedingly important to him; it is probably more important to him than to any other class of people in this country. But it is also a proposition of tremendous importance to the cotton manufacturer of this country. It is a matter of great importance to my friends from Massachusetts, to gentlemen on the other side of this House who are representing cotton-manufacturing districts or States. It is important to their people that they should know the amount of cotton that is being produced in the world, the amount of cotton that is being consumed in the different parts of the world, and the amount of demand for cotton and cotton goods in the different parts of the world, and the sources of demand.

Mr. Chairman, we are not collecting all of these figures at this time. The gentleman from Texas [Mr. BUCHANAN] has alluded to a letter written by the chief of this bureau to the effect that they had been endeavoring to gather these figures through consular agents, but that the machinery was entirely inadequate and could furnish only relatively inaccurate data. What we want to do is to provide an appropriation sufficient to enable this bureau to employ four or five specially trained men who can gather for American commerce, American manufacture, and agriculture these very important facts. This, in brief, is the purpose of the amendment.

Mr. MANN rose.

Mr. LEVER. Does the gentleman from Illinois wish me to yield?

Mr. MANN. If the gentleman is through, I wish to make a request.

Mr. LEVER. Mr. Chairman, if the gentleman from Illinois will permit, if the Chair desires I would be glad to discuss the point of order, so that if the amendment is held to be in order there may be further discussion of the amendment.

Under leave to extend my remarks I desire to submit the following correspondence between Hon. Clarence Ousley, of Texas, and myself upon this proposition:

COLLEGE STATION, TEX., *November 16, 1915.*

Hon. A. F. LEVER,
Chairman Committee on Agriculture,
House of Representatives, Washington, D. C.

DEAR SIR: Mr. Eagle sends me your letter of November 4 in acknowledgment of a letter from him inclosing one from me in regard to information concerning foreign consumption of cotton. On account of your interest in the matter I take the liberty of communicating my views on the point mentioned in your letter to the effect that the officials of the Census Bureau say that they have no way of compelling foreign countries to give up these facts.

That is true, but we can get the facts none the less if our consuls are instructed to persevere and to report the best information they can obtain. This is the point of particular difficulty, but the difficulty is rather in the mind of the Department of Commerce at Washington than in the situation itself. In 1913 I visited the conference of the spinners at The Hague and appealed to the manufacturers to give us this information. The leading spirits of the organization, especially Sir Charles McCara, of England, and Mr. Arthur Kuffler, of Austria, agreed with me that we ought to have it, but they said they could not immediately persuade their associates to furnish it. However, they volunteered the suggestion that if our Government would persist the spinners would be compelled finally to yield.

Just before my visit to The Hague I visited Egypt and had interviewed Mr. Gerald Dudgeon, the director general of agriculture for Lord Kitchener and really the brains of the Kitchener government in respect to all economic matters. My hope was to get pressure from Egypt in behalf of the Egyptian producers. Mr. Dudgeon was in entire sympathy, but he advised me then that the spinners of the Lancashire district would not readily give the information, and that since Lancashire constitutes a sort of balance of power in British politics, no British ministry would risk offending that district by requiring the information from the spinners. But Mr. Dudgeon made the point that if our consuls would report monthly estimates from the best sources they could find, the spinners in due course would see the importance of giving us precise information.

In this connection I beg to remind you that long before our Government began reporting the condition and the output of the cotton crop the spinners made estimates from time to time, and that these estimates, being, as they generally were, rather exaggerated in favor of the spinning interests, constituted an important reason why our Government should give accurate information. In like manner Mr. Dudgeon suggests that for us, through our consuls, to make estimates would be the quickest way to persuade the British spinners to tell us the truth. Allow me to say in this connection that any intelligent man in Manchester can form a fair idea of what cotton consumption is by merely ascertaining whether the mills are running on full time. As I said in my letter to the Texas delegation, any shopkeeper can tell that much. Moreover, our consuls at the principal jobbing and distributing centers can easily ascertain the general truth concerning the cotton trade, and these facts will give us an approximate idea from time to time of the consumption of cotton in foreign countries.

All these points I have repeatedly presented to the Department of Commerce and the department is now giving some useful information, but it lacks specific information from Great Britain, the chief user of our cotton. It should unhesitatingly make estimates of British consumption in the manner I have indicated, and if it will do so for a few months I have no manner of doubt that, as Mr. Dudgeon suggests and as Sir Charles McCara and Mr. Kuffler agreed, the spinners will show us their books.

Since the Department of Commerce is not inclined to pursue this method, it will be necessary for some mandate to be written into the law. I do not hesitate to say that any intelligent man in normal times can gather a fair idea of cotton consumption in the spinning district of England, just as you or I could go to Fall River or to any other spinning center and by interviews with merchants and bankers ascertain the general condition of the spinning industry.

Permit me to add, without flattery, that you have rendered a great service to the cotton growers and to the Nation in the two acts affecting agriculture which bear your name, but I believe that the additional service which I suggest in regard to statistics of foreign consumption will more immediately and more materially reveal the economic value and affect the price of cotton than anything else you have done, and I almost envy you the opportunity to render this further service, which I believe is easy in your position of influence in the Congress at this time.

Yours, very truly, CLARENCE OUSLEY, *Director.*

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NOVEMBER 23, 1915.

Mr. CLARENCE OUSLEY,
College Station, Tex.

MY DEAR MR. OUSLEY: Just as soon as I can get a moment of time I shall take up the matter of your letter of November 16 with Secretary Redfield, of the Department of Commerce. Just at this time I am working night and day with the joint committee on rural credits, and until we have reached some conclusion with reference to that I do not care to burden my mind with any other proposition. I recognize that there is a great deal in what you say, and before very long I shall take it up and see what can be done. I thank you for writing me.

Very truly,

A. F. LEVER.

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NOVEMBER 25, 1915.

Mr. CLARENCE OUSLEY,
College Station, Tex.

MY DEAR MR. OUSLEY: Yesterday I had an opportunity to talk with Secretary Redfield with reference to the contents of your letter of November 16. We went into the matter very thoroughly, and I found him in sympathy with your suggestions. It is his belief, however—and I agree with it—that we will need additional authority in law, together with some appropriation, to enable the department to undertake this work upon a plan which is likely to bring the largest results. As soon as Congress meets I shall introduce a bill or prepare an amendment to one of the appropriation bills to provide for this work, and I pledge you to do my best to put it through. If, in the meantime, you can furnish me your own idea, in extenso, of the value of such statistics to the producer of cotton I will appreciate it and will make good use of it.

With best wishes.

Very truly,

A. F. LEVER.

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COLLEGE STATION, TEX., *December 10, 1915.*

Hon. A. F. LEVER,
Chairman Committee on Agriculture, Washington, D. C.

DEAR MR. LEVER: Absence from the office prevented an earlier reply to yours of November 25. I am pleased to learn that you had a conference with Secretary Redfield in regard to the gathering of foreign statistics of cotton consumption.

In compliance with your request, I furnish herewith the reasons why such statistics are necessary.

Any commodity takes current price valuation from the apparent volume of supply and the apparent extent of demand. These factors are influenced more or less by the prospect of increased or decreased supply and by the prospect of increasing or decreasing demand. But generally speaking, the price of the commodity depends upon the ratio of the available volume in existence to the calculated and demonstrated demand for the commodity before it can be supplemented by a new supply. It must appear to even the most casual analysis, therefore, that a knowledge of demand is as important as a knowledge of supply.

Applying this philosophy to the problem of cotton prices, every exhibit of prospective or real supply should be accompanied by an exhibit of real or prospective demand. For instance, it has been reasonably certain since last June, when the cotton acreage was definitely reported, that the Southern States this year would not furnish more than approximately 12,000,000 bales. The monthly reports of condition, following the publication of acreage, indicated a decrease in the maximum estimate based upon acreage, and the ginning reports from month to month have confirmed that decrease until at this moment it is definitely known that the crop can not exceed 11,250,000 bales. With somewhat less precision, but with fairly satisfactory information, we have learned that the foreign cotton supply of the world of 1915 has been reduced in about the same degree, so that the world supply of cotton for 1915 is fully 5,000,000 bales less than the world supply of 1914.

On the other hand, there has been no information from any official dependable and unselfish source as to the rate of consumption of cotton except in the United States, which consumes only a third to a fourth of the world's crop. In other words, we have a complete and dependable calculation of the supply side of the price equation, but we know only a fourth to a third of the facts concerning the demand side of the equation. It is mathematically and philosophically impossible to deduce a true result in economic value from such incomplete information. The value of cotton, therefore, is more or less speculative, though it is a commodity of world necessity, and with complete information as to demand as well as supply its value would be definite and clearly recognized by all parties at interest.

We constantly exhibit by Government publications from the time the crop is planted until the entire yield is accounted for every ascertainable fact concerning production. The mind of the whole trading world is thus fixed upon supply, and any trifling variation in real or prospective supply is the cause of undue fluctuations. An exceptional condition report during the growing season, or a variation of 5,000 bales from the expectation of a monthly ginning report, will influence the market a quarter of a cent to a cent. On the other hand, circumstances and facts of far greater consequence on the demand side of the equation are ignored. It should be apparent to any sane man that if a prospective increase of 500,000 bales in the supply should adversely influence prices a half cent a pound, a prospective increase of 500,000 bales in demand should exercise a favorable influence in the same degree.

A few great cotton traders manage to obtain more or less accurate information concerning demand, but the great mass of traders and the whole body of farmers are denied such information because they have not the facilities for gathering it, and the Government declines to gather it for them. We publish annually, along in January or February, cotton consumption for the preceding calendar year, but that information comes after the farmers have sold their cotton, and hence is of no value to them except as a hint in governing their planting for another year.

If acreage in June is an indication of yield, then spindle capacity is an indication of consumption and should be so reported at the same time and in the same connection that acreage is reported. If the condition of the plant from month to month is an indication of yield, then the condition of the cotton trade from month to month is an indication of the consumption and should be so reported at the same time and in the same connection. If the output of the gins from month to month is a measure of supply, then the consumption of the mills from month to month is a measure of demand, and should be so reported at the same time and in the same connection.

The point of my argument is that the same agencies and the same instrumentalities that are employed to exhibit real or prospective supply should be employed to exhibit real or prospective demand, so that spinners and producers alike would have presented to their minds in the same publication, or in periodical publications, the precise facts concerning both the factors. In this way and in this way only will the Government deal fairly with the producers and with the consumers.

I have no patience with the narrow view that the Government should not publish statistics of production. Before such statistics were published the producers were at the mercy of selfish interests that made estimates of production, and in so doing were consciously or unconsciously governed by their wishes. You will recall that 15 or 20 years ago such estimates were outrageously employed to "bear" the cotton market. The Government publications of production statistics have checked this evil, but they have left the producer at the disadvantage of having his supply accurately exhibited without giving him any intelligent idea of the demand for his product.

Coming now to the important matter of legislative and departmental action, I submit that it is comparatively easy for consular agents or for special agents of the Department of Commerce to gather accurate information month by month in all the cotton-milling districts of foreign countries. This is true, perhaps, as to all districts except the English spinning district, which is the largest and most important. There the spinners are well organized, and they are unwilling to give the information. In this case we must adopt the tactics which the spinners employed before our Government began to publish statistics of American production. That is, we must make the best estimates possible of the English rate of consumption. This can be done by intelli-

gent men in the milling towns and the markets of Great Britain, who can ascertain in each milling town the fact whether the mills are running on full time or short time, and who can learn from merchants, both wholesale and retail, the comparative state of the cotton-goods trade. When we have made a faithful and persistent effort to get the truth through a series of months, I am confident that the spinners will recognize the importance in their own interest of giving us the precise facts.

As I explained to you in a former letter, this suggestion of procedure is based upon the advice of Mr. Gerald C. Dudgeon, the Director General of Agriculture in Egypt, whom I interviewed in 1913 with the hope of getting pressure from Egypt upon the British Government to require its cotton spinners to make monthly reports of consumption. Mr. Dudgeon explained that the spinning district of England is a sort of balance of power in British politics, and that no minister would exercise such compulsion for fear of offending this populous and powerful section. But Mr. Dudgeon ventured the confident prediction that if our consular agents or special agents would make diligent inquiry throughout the milling district, and if we would make known month by month the facts so ascertained the British spinners would soon come to terms. As I have also related to you, I believe, I received the same advice from Sir Charles McCara, of England, and Mr. Arthur Kuffler, of Austria, who were then leading spirits in the Federation of Master Cotton Spinners and who recognize the justice of our contention for information, but who are unable to persuade their fellow spinners to adopt the policy.

I entertain no doubt whatever that if the Department of Commerce and the Bureau of Markets will address their energies to the gathering and dissemination of information concerning demand, the whole trading world will soon come to a state of mind which will give due weight to demand, and thereby recognize the economic value of cotton. Such a state of mind will be a deterrent of speculative fluctuations and will be a considerable influence in persuading our farmers to adjust supply to well-ascertained demand.

I venture to add the thought that the dissemination of intelligence is the best service and the only safe service which the Government can render. This, I believe, is sound statesmanship. Anything more is dangerous paternalism. But I think I can foresee that if the Government is not careful to furnish intelligence it will soon be required by a heedless mass of people, following unwise leadership, to engage in marketing and financial adventures which may lead us into incalculable perils.

Yours, very truly, CLARENCE OUSLEY, *Director.*

Mr. MANN. Mr. Chairman, I hate to interrupt a thing of this sort, but if the gentleman from South Carolina is through I want to make a request for unanimous consent. I ask unanimous consent that my colleague [Mr. KING] may proceed for five minutes out of order.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that his colleague [Mr. KING] may proceed for five minutes out of order—that is, not in accordance with the rules. Is there objection?

There was no objection.

CAPT. JOHN ERICSSON.

Mr. KING. Mr. Chairman, it is Sunday morning, March 9, 1862, in the city of Washington. Secretary of the Navy Gideon Welles is on his way home from the department. Suddenly he stops at St. John's Church in front of the White House. Commodore Smith, of the navy yard, who is attending divine services, is called out. The two are in conversation upon the walk. Welles is reading the contents of some late dispatches. The *Merrimac*, the "iron diadem of the South," the day before had come out of Norfolk and struck the U. S. frigate *Cumberland* below the starboard forechains. She had reeled, rolled, and gone down. The commander of the *Congress*, Commodore Smith's son Joe, was killed and its flag was struck. No man knows what the morrow will bring forth. Fear possesses the hearts of men. Gen. Wood from Fort Monroe is announcing that probably the *Minnesota* and *St. Lawrence* will be captured. He is admitting that if the *Merrimac* prepares to attack the fort it will be only a question of a few days when it must be abandoned. The *Merrimac* is about to raise the blockade and carry the Confederate flag in its disturbing journeyings into the harbors of the North. New York is frantically floating barges and rafts to prevent her passage, and Washington, by a thousand hands, is loading boats with stone to be sunk in the channel to prevent her passage when she shall on the morrow have destroyed her adversaries. The keepers of the house are trembling, and strong men are bowing themselves; stocks are falling 10 per cent an hour. Gold is rising with terrific speed. A panic is prevailing. President Lincoln's Cabinet is meeting. Stanton is talking. Listen. What is he saying?

The *Merrimac* will change the whole character of the war; she will destroy, one after another, every naval vessel; she will lay all the cities on the seaboard under contribution. I shall immediately recall Burnside. Port Royal must be abandoned. I will notify the governors and municipal authorities in the North to take instant measures to protect their harbors. I have no doubt that the monster is at this minute on her way to Washington, and—

Looking out of the window which commanded a view of the Potomac for many miles—

not unlikely we shall have a shell or a cannon ball from one of her guns in the White House before we leave the room.

Mr. Seward is listening in sympathy. Depression is enthroned there. "Oh, ye of little faith," why do you not read the forgotten letter lying upon your table addressed to the President:

NEW YORK, *August 29, 1861.*

SIR: * * * Attachment to the Union alone impels me to offer my services—my life if need be—in the great cause which Providence has called upon you to perform. * * * I offer to construct a vessel for the destruction of the rebel fleet at Norfolk. * * * Please look carefully at the inclosed plans and you will find that the means I propose to employ are very simple.

At this very hour the author of that letter is in his home in Franklin Street, New York City. His vessel is built. It is on its way to-night along its tempestuous route. The morning of March 9, 1862, is breaking in Hampton Roads, and now the brave and gallant Lieut. Jones, in command of the *Merrimac*, gets under way to finish the *Minnesota*. But just a moment, Commander Jones. Yesterday, with ease, you demonstrated the further uselessness of wooden vessels in naval warfare, but to-day you fight one of the twelve decisive battles of the world and assist in revolutionizing the navies of the nations. A strange looking iron tower approaches. It had been seen the night before coming in under the light of the burning *Congress*. It does not reveal all that it is. It has within itself the genius of a giant of a man born in the forests of Vermland, Sweden, within six degrees of the Arctic Circle, and from whose streams and mountains no native ever yielded to a foreign master since Odin, with his Scythians, occupied the peninsula. A region of song, of legend, and of romance, and, during the Middle Ages, the home of the Swedish Robin Hoods; a man whose ability at 13 years allowed him to make a drawing for the construction of a canal in his native land; an officer in the Swedish Army; a trained gunner in the artillery, and before he was 14 years old commanding 600 Swedish troops in the construction of the canal; an expert marksman; an athlete; a surveyor; a draftsman for Bernadotte, Napoleon's King of Sweden; the inventor of the steam fire engine; a competitor with George Stephenson, of England, in the construction of locomotives; the originator of the idea of putting the machinery of war vessels below the water line; the artificial draft for locomotives; the inventor of the submerged propeller; the first one to use hoops to remedy the transverse weakness of guns; a man with 30 patents in England and over 100 in the United States; a naturalized citizen; a man who had known adversity and overcome obstacles, who loved song and poetry and withal imbued by a great love of his adopted country, and an ardent believer in the Union cause; one whose iron hand has traced every one of the hundred drawings of the mysterious object now approaching you, Lieut. Jones. The *Monitor* is the climax of years of study and experience concentrated into a single idea and with a single purpose. Lieut. Jones, unafraid, dashes the *Merrimac* at its threatening foe, but she is cumbersome and unwieldly, while the light draft of the *Monitor* permits her to move about the *Merrimac*. The *Monitor* now takes a position where the *Merrimac* can not bring her guns to bear upon her. The *Merrimac* in preparing for a broadside has lost 15 minutes, while the *Monitor*, like a top, whirls around and about her. Now her turret turns, and the guns fire at her antagonist, and then the turret revolves and the guns are not seen until she is ready to fire again. Four hours have gone by and no great damage to either. The *Monitor* is making for the *Merrimac's* rudder and propeller. The *Merrimac* now rams the *Monitor* with great force, but she slides away without harm. Jones now determines to board the *Monitor*, commanded by Lieut. Worden, and to choke her funnel and lash her to the *Merrimac*, but the *Monitor* moves to shallow water and is safe.

The *Monitor* is struck 22 times without particular injury. The *Merrimac* goes into dry dock with 97 indentations, 20 of which were made by the 11-inch guns of the *Monitor*. Her mapped-out career, first to capture Washington, next to levy tribute on New York, and, after raising the southern blockade, excel the record of the *Alabama*, is curtailed. It is demonstrated that the North has a new engine of warfare, which is invulnerable when attacked and forceful in the offensive, and that Capt. John Ericsson bears "one of the few, the immortal names, that are not born to die." [Applause.]

John Ericsson was born July 31, 1803, in Vermland, Sweden, in the mining district of Nordmark, where his father, Olaf Ericsson, was a mine inspector. His ancestors were miners as far back as the seventeenth century. In 1799 his father married Brita Sophia Engström, who was of the same age as himself, 21. Her family was of Flemish origin, and her grandfather was married to a woman of Scottish descent, thus introducing a strain of Caledonian blood into the veins of the great inventor. His mother is described as "a warm-hearted, intellectual, high-spirited woman of cheerful disposition and active habits, very handsome, tall and slender in figure, with magnificent light-blue

eyes that deepened in color, sparkled and flashed most brilliantly when she was animated." She was greatly interested in philosophical, social, religious, and political matters, and fond of fiction and poetry, Walter Scott being her favorite author.

John Ericsson as a boy was of an industrious disposition, and during the days and far into the nights could be found drawing, planning, and constructing. He took great interest in the machinery at the mines where his father was an inspector. Among his playthings as a boy were found circles, lines, squares, and curves, and a great variety of mechanical drawings, principally referring to the mines.

His father was bankrupted by the war of 1811–1814, and John, with the whole family, was brought face to face with the real hardships of life. During those years the family lived at the sawmill at Edlet, where his father had charge of selecting timber for the Gota Canal being constructed at that time. The father, however, took great interest in the education of his sons, John and Nils. They were taught mechanical drawing, and later both of the brothers were appointed cadets in the Mechanical Corps of the Swedish Navy. In this capacity John was permitted to make plans for the construction of certain parts of the canal, and at 13 he was assistant leveler at the station of Riddarhagen.

In 1820 John entered the Swedish Army. From a German field officer he learned surveying and from the English controller of the works he learned English. Not only was he by nature equipped for his life work, but his early educational advantages were along the line of his development. At 9 years of age he constructed a sawmill and a pump, his sole tools being a jackknife and a gimlet. At 10 years of age he constructed a pump for drawing the water out of the mines by the aid of a windmill. In those days it was considered proper to have the drawings in color, and, being without the necessary brush, he drew the hairs for one of his own construction from his mother's sable coat. Before he was 14 years of age he commanded 600 Swedish troops then laboring in the construction of the canal.

His active nature rebelled against a further conservative course, and, imbued with an ambition and fired by the successes of the Corsican, he entered the army determined upon a military career. He was assigned, with the rank of ensign, to the Twenty-third Regiment, Rifle Corps. In this capacity he became an expert marksman. He developed into an athlete with twice the strength of an ordinary man, lifting with ease when 18 years of age a cannon weighing 600 pounds. He made a special study of the science of artillery. He was soon promoted to the rank of second lieutenant, and shortly afterwards attracted the attention of Bernadotte, then on the throne of Sweden, who summoned him to the royal palace to construct maps illustrating the campaigns of the marshal of the Empire.

On May 18, 1826, he arrived in England. On August 3, 1827, he was commissioned a captain in the Swedish Army, but resigned the same day; he was always thereafter, however, known as Capt. John Ericsson. In England he soon established a business relation with Mr. Braithwaite, under the firm name of Braithwaite & Ericsson. From this firm proceeded numerous valuable and important inventions. Ericsson was the first man to suggest putting the machinery of a vessel below water line to protect it against shot.

In 1828 he invented the steam fire engine, practically in the same general form and on the same principles as those operated to-day upon our streets, to the delight of every boy, whether he be old or young. He competed in the building of steam locomotives with George Stevenson in England. He originated the artificial draft to increase the heat in the furnace as the blacksmith does his forge with his bellows. Without this invention the locomotive which traverses our country would be an impossibility.

On October 15, 1836, at the age of 33, he married Amelia Byan, aged 19, at St. John's Church, Paddington, England. As early as 1833 he was experimenting with submerged propellers on the London & Birmingham Canal, and it is conceded by all authorities that to John Ericsson belongs the credit of having designed a screw propeller which has changed very little during the years from its original design.

In 1837 he designed an engine for imparting motion directly to the screw propeller shaft, being the first one ever built. The same obstinacy and narrowmindedness which pervades bureaucracies to-day seemed to be in existence in Ericsson's time, and as a matter of fact kept him in a continual contest during his life for the maintenance of his ideas. The lords of the British Admiralty refused to consider his screw propeller, because "even if it had power to propel the vessel, it would be found altogether useless in practice because, the power being applied in the stern, it would be absolutely impossible to make the vessel steer."

On November 1, 1839, at the request of Robert F. Stockton, of the United States, he resigned his position as superintendent of the Eastern Counties Railroad, of England, and left for New York City, in the United States, at which place he arrived November 23, 1839. In the Navy Department of the United States he found the same obstinacy which he had encountered in England, and the department claimed that the introduction of steam vessels into the Navy would be impracticable, as steam could only be used for the purpose of transportation on land. Nevertheless Ericsson planned, and the Government adopted in 1842, a steam war vessel, known as the *Princeton*, which went into commission on February 4 of that year.

When he arrived in New York he took up his home at the Astor House. He is described as a man who was very careful of his personal appearance and exceptional in dress. He wore a close-fitting black frock surtout coat, well open at the front, with rolling collar showing a velvet vest and good display of shirt front. A fine gold chain hung around his neck, looped at the first buttonhole of the vest, and attached to a watch carried with a fob in the vest. He usually wore well-fitting light colored trousers, light colored kid gloves, and a beaver hat. He had a well-built, military figure, about 5 feet 10½ inches in height, and was well set up, with broad shoulders. He had impressive blue eyes, brown curly hair, and fair complexion. His head was of medium size, his mouth well cut, upper lip a little drawn. The large, firm-set jaw conveyed an impression of firmness and individual character.

Later he moved to 95 Franklin Square, where he lived for more than 20 years.

He was a successful gunmaker, one of his first guns being fired 300 times, with charges varying from 25 to 35 pounds of powder and 212 pounds of shot. This gun is now on exhibition at one of the Government yards. It was fired 150 times before going aboard the *Princeton*, and sighted by its designer, the former Swedish artillerist; and so sighted, it pierced a target of 4½ inches in wrought iron.

He was the inventor of an instrument for measuring distances in firing guns. The *Princeton* served all through the Mexican War and, finally, without ever being worn out, was condemned by the United States Navy Department.

Ericsson was a man of great charity, kind heart, and strict integrity. In the latter years of his life he spent a large part of his income in assisting worthy persons and enterprises, but he was always careful in his donations that he was not imposed upon.

Ericsson was naturalized on October 28, 1848, and never again during his life returned to his native land.

It is interesting to note that he patented a fluid meter for measuring the flow of water, used by the Croton Aqueduct. He was the father of the submarine gun. The coming of the Civil War roused him. Above all things, he was a patriot.

In 1857 he had offered the *Monitor* to Napoleon the Third, but the offer had been rejected. In 1861 his model was taken out of the dust-covered box and sent to Washington for an examination by the Naval Board. It excited great curiosity. All were surprised at the novelty of it; some advised trying it; others ridiculed it; and the conference was finally closed for the first day by Mr. Lincoln remarking, "All I have to say is what the girl said when she stuck her foot into the stocking—'It strikes me there is something in it.'"

Secretary of the Navy Mallory, of the Southern Confederacy, first suggested the ironclad to the South, and they were well upon their way in building and constructing the *Merrimac* before the presentation of the *Monitor* was made to the authorities at Washington. Mallory had been Ericsson's friend in the years gone by when he was a Member of Congress from his State, and when he no doubt learned of the value of the ironclad ships from Ericsson himself.

Ericsson finally obtained a contract from the Government to build the *Monitor*, and before the contract was completed the keel plate had already passed through the rollers of the mill. The department was so afraid of public criticism that they inserted a clause in the contract requiring a refunding of the money paid in case the *Monitor* should not prove to be impregnable to shot. This very antagonistic clause was in a measure resented by Ericsson, but did not prevent him from going on with the work of completion, and, in fact, it was engaged in battle with the *Merrimac* before the last payment was made by the Government. The keel of the *Monitor* was laid October 25, 1861, the steam put in the engines December 30, 1861; it was launched January 30, 1862, completed February 15, 1862, made its first trip February 19, 1862, and put into commission February 25, 1862, under command of John L. Worden, United States Navy. March 4, 1862, she tried her guns; March 8 she made her trip to Hampton Roads, and on the

9th she fought the *Merrimac*. Every line of this ship was drawn and laid down by John Ericsson in over 100 drawings. There were over 40 patentable contrivances on the *Monitor* for which he refused to claim patents.

You assume correctly—

he wrote to Mr. G. V. Fox on October 5, 1875—

that the plan of the *Monitor* was based on the observation of the behavior of timber in our great Swedish lakes. I found that while the raftsman in his elevated cabin experienced very little motion, the seas breaking over his nearly submerged craft, these seas at the same time worked the sailing vessels nearly on their beam ends.

Not only was the *Monitor* a success in clearing Hampton Roads, but it became the forerunner in the production of an entire fleet of war vessels built upon a new system, and successful for the purposes intended, without expending a single dollar on preliminary experiments. It was originally intended to send the *Monitor* to New Orleans, but this plan was changed. She left New York Harbor March 6, 1862, with a crew in which, as it happened, the Norse element predominated. Ericsson built her, Dahlgren armed her, and Worden fought her.

On March 28, 1862, the Thirty-seventh Congress, during its second session, passed this joint resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is fitting and proper that a public acknowledgment be made to Capt. John Ericsson for the enterprise, skill, energy, and forecast displayed by him in the construction of his iron-clad boat, the *Monitor*, which under gallant and able management came so opportunely to the rescue of our fleet in Hampton Roads, and perchance of all our coast defenses near, in arresting the work of destruction then being successfully prosecuted by the enemy with their iron-clad steamers seemingly irresistible by any other power at our command—and that the thanks of Congress are hereby presented to him for the great service which he has thus rendered the country.

For many years, and until the day of his death on March 8, 1889, Capt. John Ericsson lived and resided in the city of New York, always industrious, and originating and inventing many new and useful improvements during that period of his life. He performed the necessary preliminary work, paving the way for Edison, who could not have succeeded as rapidly but for the foundation laid by his predecessor.

At the request of the Swedish Government his body was borne across the Atlantic in the U. S. S. *Baltimore*, and amid great manifestations of sorrow arrived at Filipstad, in Vermland, where by 12 miners it was carried into the church where services were performed; and on September 15, 1890, in the morning, the coffin was deposited in a chapel specially prepared.

Few men have rendered greater services to humanity and none have rendered more to their country than John Ericsson. His ashes lie in his native land of Sweden, but his memory is ever held in grateful and undying remembrance by the country of his adoption. [Applause.]

Mr. LEVER. Mr. Chairman, I desire to direct the attention of the Chair to the broad language of the act creating the Department of Commerce and Labor, the act of February 14, 1903, which language is to be found in section 3:

That it shall be the province and duty of said department to foster, promote, and develop the foreign and domestic commerce, the mining, manufacturing, shipping, and fishing industries, the labor interests, and the transportation facilities of the United States—

And so on.

The CHAIRMAN. Will the gentleman from South Carolina allow the Chair to ask him a question there?

Mr. LEVER. Yes.

The CHAIRMAN. The gentleman is aware that under the rules of the House jurisdiction of appropriations is carried to different committees of the House, and the Committee on Appropriations itself has several appropriation bills that it brings in, dealing with various governmental activities. One of those bills, the sundry civil appropriation bill, deals with the general expenses of the Government. The bill before the House is the legislative, executive, and judicial bill, which carries salaries for the officers and employees of the Government. The Chair would like to have the gentleman, in discussing the proposition that the Chair thought he would discuss, from the law he cited, consider the question whether an appropriation pertaining to any of these matters authorized by law would be in order on the bill carrying legislative, executive, and judicial appropriations.

Mr. LEVER. As I understand it, the legislative appropriation bill not only carries what the Chair has stated, but in this very bill carries authorizations and extensions even beyond the authority of existing law.

The CHAIRMAN. Undoubtedly.

Mr. LEVER. There is no question about that. It seems to me that the point for the Chair to decide is whether or not the amendment setting aside $25,000 of the appropriation carried for the Bureau of Foreign and Domestic Commerce for certain purposes is, in the first place, in order under the general rule that there shall not be legislation on an appropriation bill. That is the first proposition, and to that I would like to address myself briefly; and then I will discuss the other point as I go along.

The Chair will observe that the language which I have read is extremely broad, and permits the Department of Commerce and Labor—now the Department of Commerce—to do anything that we believe will foster, promote, or develop the foreign and domestic commerce of this country.

The amendment which I have offered is in form the same amendment as that which the gentleman from Texas offered, and undertakes to furnish information to the people of the United States who are engaged in producing things that go into foreign commerce; and, in the second place, furnishing information to people who are actually engaged in foreign commerce; and, in the third place, furnishing information to those who are engaged in the manufacture of things that go into foreign commerce.

I think the Chair will agree that one of the greatest assistances that can be rendered in any business or any occupation is the assistance that comes through information, and this is what we are seeking to provide in this amendment, the furnishing of facts, figures, and statistics that will enable the people of the United States the better to market the products of the farm and the factory which go into foreign commerce.

Now, again, I wish to call the attention of the Chair especially——

Mr. MANN. Will the gentleman yield for a question?

Mr. LEVER. Yes.

Mr. MANN. Because I drew that language.

Mr. LEVER. It seems to be well and broadly drawn.

Mr. MANN. Undoubtedly. Does the gentleman think that general language of that kind authorizes an appropriation for a specific purpose?

Mr. LEVER. My judgment is that this language, broad as it is, would authorize an appropriation for any purpose that did not in the first place limit the authority of the head of this department, or in the second place that falls within the general scope of the language of the act.

Mr. MANN. That would require the Chair, then, to determine whether, in his opinion, the investigation proposed would foster, promote, or develop industries. That would be a matter of opinion. The gentleman will find, I think, in the same law, that it provides that the Department of Commerce shall gather and compile and publish information.

Mr. LEVER. I was just about to read that section to the Chair.

Mr. MANN. Does the gentleman think that would authorize an appropriation for the gathering of specific information?

Mr. LEVER. I should like to ask the gentleman why not?

Mr. MANN. Oh, it has never been held that way anywhere in any of the provisions creating the departments. Of course, I know we have gone the limit on the Department of Agriculture.

Mr. LEVER. I was just about to call the gentleman's attention to that——

Mr. MANN. But there is quite an easy differentiation between the two. We might say in an act that the Government shall do useful things for the citizens of the United States; but that would not authorize a specific appropriation which, in the opinion of some gentlemen, would be a useful thing for the citizens of the United States. Those terms have never in my experience been considered as authority for specific appropriations for specific acts. Otherwise no one would ever dare use general terms.

Mr. LEVER. Now, Mr. Chairman, if the gentleman from Illinois will permit, I desire to direct the attention of the Chair to the language in section 5, to which the gentleman from Illinois has referred.

That there shall be in the Department of Commerce and Labor a bureau to be called the bureau of manufactures.

The Bureau of Manufactures has been merged into the Bureau of Foreign and Domestic Commerce, and the functions of that bureau are now being performed by the Bureau of Foreign and Domestic Commerce.

Mr. MANN. Well, I think the gentleman will admit that the Bureau of Manufactures was abolished, that the section to which he refers was repealed—although I am not certain of that—and new language creating the Bureau of Foreign and Domestic Commerce was inserted, either in the sundry civil bill or the deficiency bill a few years ago.

Mr. LEVER. Yes; but I will call the attention of the gentleman to this language in the act:

And the Secretary of Commerce and Labor is hereby given the power and authority to rearrange the statistical work of the bureaus and offices confided to said department and to consolidate any of the statistical

bureaus and offices transferred to said department; and said Secretary shall also have authority to call upon other departments of the Government for statistical data and results obtained by them.

And so on.

I take it that the fundamental law gave them the right to make a rearrangement or consolidation.

Mr. MANN. My recollection is that it was not done under that act at all; that the change was made several years ago by an amendment in the House on one of the appropriation bills.

Mr. LEVER. At any rate, the gentleman from Illinois will concede, and I think the chairman of the committee in charge of the bill will concede, that the Bureau of Foreign and Domestic Commerce is now performing the functions that before its organization was performed by the Bureau of Manufactures.

Now, the law that I desire to call the Chair's attention to reads:

It shall be the province and duty of said bureau, under the direction of the Secretary, to foster, promote, and develop the various manufacturing industries of the United States, and markets for the same at home and abroad—

I direct the Chair's particular attention to that—"and markets for the same at home and abroad"—

domestic and foreign, by gathering, compiling, publishing, and supplying all available and useful information concerning such industries and such markets, and by such other methods and means as may be prescribed by the Secretary or provided by law.

It seems to me in that language the statute confers certain powers upon the Department of Commerce, that this amendment which we are proposing in no way infringes on that power and in nowise extends that power, and under the general rule this amendment would be in order.

Now, as to the point of the gentleman from Illinois, as to whether or not we have the authority to specify under general language that certain things shall be done or certain things shall not be done. I call the Chair's attention to what we do on the floor of this House in the consideration of the Agricultural appropriation bill every year. The fundamental law creating the Department of Agriculture is drawn very much in the language creating the Department of Commerce and Labor. It is no broader and not much narrower, and yet from time to time, if we can show that an appropriation is for the purpose of acquiring or diffusing information on agricultural subjects, that amendment or that proposition is in order under the rule and is made in order by the fundamental law creating the Department of Agriculture.

I see no reason why the Chair should hold, or why the gentleman from Illinois should claim, that one rule should apply to the appropriation bill for the Department of Agriculture and another rule apply to the consideration of the legislative appropriation bill. It has been my understanding of the rule, Mr. Chairman, that if the fundamental law was broad enough to permit these things to be done, then it could be done under the rule, and I believe the amendment is fully in order. It is certainly germane to this proposition and, it seems to me, falls within the broad language creating this department. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, it seems to me that the amendment is clearly subject to the point of order. It undertakes to restrict the power of the Bureau of Foreign and Domestic Commerce. Here is a proposition in the bill providing for certain general duties to be performed by the Bureau of Foreign and Domestic Commerce. The gentleman from South Carolina seeks to restrict the power, in so far as the performance of its duties is concerned, under the appropriation. It seems to me that it is legislation in that it undertakes to restrict and change the duties for the bureau and to deprive the bureau of its discretion in performance of its duties. Then, it is not germane to this paragraph. The amendment provides for the collection of statistics relating to cotton in foreign countries, and provides that $25,000 of the appropriation for the general promotion or development of foreign commerce shall be used for that purpose. I do not believe that, for either one of these reasons, the amendment is in order.

Mr. STAFFORD. Mr. Chairman, supplementing what the chairman has called attention to, I wish to emphasize the fact that in section 5 of the act creating the department, which both the proponent of the amendment and the chairman of the committee has referred to, the Secretary of Commerce is authorized to compile and publish all available and useful information. That is a broad term, much broader than the purport of the amendment submitted by the gentleman from South Carolina. He is providing a direction that the law shall be changed, or rather the discretion lodged in the Secretary of Commerce shall be interfered with by collecting a certain kind of information, namely, statistics. There are decisions, and many of them, which hold that where a law authorizes a department head to perform certain work in a certain way, that any amendment, even in the form of a limitation, is subject to a point of order. It is acknowledged, accepting the position of the gentleman from South Carolina, that he has full authority to collect available, useful information, and that it rests with him to determine the manner in which it should be done. It is not within the power of any amendment to restrict that discretion, and in restricting that discretion you change the fundamental law, and that is what this amendment does when you provide that statistics shall be collected. That is a particular restriction on the discretion of the Secretary of Commerce.

Mr. LEVER. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LEVER. Is it not a fact that the amendment does nothing more than undertake to point out to the Secretary the desire of Congress that the information to which the gentleman has referred shall be of a particular kind, namely, cotton, and it does not in any way restrict the power or authority of the Secretary of Commerce to gather information to which the gentleman called attention?

Mr. STAFFORD. In reply to the gentleman, it is clear that the amendment seeks to restrict the discretion and authority of the Secretary of Commerce as vested in him at the present time under the fundamental law. You restrict him to the collection of statistics, whereas he has a broader authority to obtain information by such means as he determines, not by statistics, but by any method he determines, and to that end you are restricting his discretion and the authority vested in him by law. There are numerous decisions which hold that when an amendment attempts to control the discretion vested in him it is subject to a point of order.

Mr. LEVER. Mr. Chairman, I call attention to the fact that the word "information" used in section 5 is a broad term. Mr. Chairman, "statistics" is the lesser term within the broader term. We are asking in this amendment that a certain amount of this money shall be used for the purpose of collecting statistics within the narrower meaning of the word "information." It leaves available, of course, sufficient money to collect the other information to which the gentleman calls attention, and likewise leaves available all the authority and power that the Secretary of the Department of Commerce now has under the fundamental act.

The CHAIRMAN. The Chair is ready to rule. The Chair is of opinion that the paragraph providing for the taking of these various statistics, being in the legislative, executive, and judicial appropriation bill, is out of order. Being out of order, the question arises whether, having been allowed to remain in the bill, it can be amended by inserting new matter. As the Chair has several times to-day ruled, under the practice of the House under these conditions the provision of the bill could be further amended by germane amendments.

Mr. MANN. Mr. Chairman, will the Chair permit me to interrupt there for a moment?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MANN. Is the Chair familiar with the fact that these provisions have always been carried in the legislative bill?

The CHAIRMAN. The Chair was not aware of that fact.

Mr. MANN. That is the fact. All of these items are old items in the bill. They have always been carried in the legislative bill, and never have been carried in the sundry civil bill.

The CHAIRMAN. The Chair did not know that, and the Chair thanks the gentleman for calling his attention to it. The Chair was under the impression that those items had been carried in the sundry civil bill.

Mr. LEVER. Mr. Chairman, will the gentleman from Illinois yield?

Mr. MANN. Yes.

Mr. LEVER. Would it make any difference as to the point of order if these items were carried in this bill or in the sundry civil appropriation bill? I am not sure if the item ought to be in the sundry civil bill, whether it is in order to carry it in this bill. That is what I presume the Chair is arguing about in his own mind.

Mr. MANN. I think the ruling has always been that where the Committee on Appropriations having jurisdiction possibly to include a matter in either one of several bills has included it in one bill, and it has remained there, it is not for anyone else to challenge the propriety of having that item in that particular bill.

Mr. LEVER. I am familiar, as the gentleman from Illinois [Mr. MANN], of course, is familiar, with the fact that if an item be subject to a point of order, the fact of it having been carried in a bill from time to time does not affect the point of order, but this is a different proposition.

Mr. MANN. Undoubtedly it would not make any difference to a point of order that it is not authorized by law, but I think myself that that is a determining factor as to whether this is in the correct bill. It has always been carried in this bill and it never has been in any other bill.

Mr. LEVER. That may be true, and yet the Committee on Appropriations is not beyond making a mistake occasionally.

Mr. MANN. That might be so. The items were carried in this bill before the Bureau of Domestic Commerce was created, and it was created upon an item in this bill. I said awhile ago that the Bureau of Foreign and Domestic Commerce was created upon an item in the sundry civil appropriation bill, but I was in error about that. It was on the legislative bill, taking the place of the old provision respecting the Bureau of Manufactures. I merely call it to the attention of the Chair because I think it likely it might make a difference, and certainly the Chair is entitled to the information.

Mr. LEVER. Yes. I really have no information about the point at all.

The CHAIRMAN. The Chair appreciates the gentlemen's calling his attention to the proposition. The Chair was in error. The Chair is frank to say that he believed that this proposition was carried in the sundry civil appropriation bill; but that fact is not going to change the effect of the ruling of the Chair. It does affect one of the reasons the Chair might have given for his ruling. The ruling, however, will be the same as it would have been had this matter not been called to the attention of the Chair. The Chair, therefore, must consider whether the amendment is germane to the section of the bill and whether it is obnoxious to the point of order that it is legislation on an appropriation bill. The provision of the bill appropriates $125,000, to be expended under the direction of the Secretary of Commerce, for the purpose named in the bill. The amendment in question seeks to limit and control and interfere with executive discretion by providing that $25,000 of the amount shall be used for the specific purpose denominated in the amendment.

Mr. LEVER. Mr. Chairman, if the Chair will permit—I do not know whether it makes any difference in the ruling—but the amendment, the Chair will notice, uses the word "may" instead of the word "shall."

The CHAIRMAN. The Chair does not think that changes the proposition. The Chair thinks it interferes with that legislative discretion vested by law in the Secretary of Commerce, and to that extent changes existing law; and the Chair, while in thorough sympathy with the amendment, feels constrained to sustain the point of order. The Clerk will read.

The Clerk read as follows:

Investigating cost of production: For salaries and all other actual necessary expenses, including field investigations at home and abroad, compensation of experts, special agents, to be employed in Washington, D. C., or in the field, rental of quarters outside of the District of Columbia, when required, purchase of books of reference, manuscripts, and periodicals, to enable the Bureau of Foreign and Domestic Commerce to ascertain at as early a date as possible, and whenever industrial changes shall make it essential, the cost of producing articles at the time dutiable in the United States, in leading countries where such articles are produced, by fully specified units of production, and under a classification showing the different elements of cost, of such articles of production, including the wages paid in such industries per day, week, month, or year, or by the piece; and hours employed per day; and the profits of manufacturers and producers of such articles; and the comparative cost of living and the kind of living; what articles are controlled by trusts or other combinations of capital, business operations, or labor, and what effect said trusts or other combinations of capital, business operations, or labor have on production and prices, $50,000.

Mr. BENNET. Mr. Chairman, I move to strike out the last word for the purpose of correcting a statement I made yesterday, during a discussion, respecting the climate of the city of Boise.

Mr. STAFFORD. Only one statement?

Mr. BENNET. Only one statement. I was misled by a gentleman with whom I was talking at the moment as to the climate of Boise. If I had given the subject thought, I would have realized that I was getting incorrect information. I know something about the climate of Boise myself. It is a good deal like the climate of southern California, and I take this early opportunity to say that the gentleman from Illinois [Mr. MADDEN] and the gentleman from Ohio [Mr. FESS] and other gentlemen were entirely correct in their statement that there was need for the railroad to lead up to the lake for a summer resort. I said the climate there never got any warmer than 20 degrees below zero. That is a gross libel upon the State of Idaho, and it simply goes to illustrate the fact that one should not rely upon information loosely obtained from Members of Congress on the floor, who know nothing of the subject themselves. I ask unanimous consent to withdraw the amendment.

Mr. McCRACKEN. Mr. Chairman, I desire to thank the gentleman from New York for the correction which he has made.

The Clerk read as follows:

Promoting commerce, South and Central America: To further promote and develop the commerce of the United States with South and Central America, including the employment of experts and special agents in Washington, D. C., and elsewhere, purchase of books of reference and periodicals, reports, traveling and subsistence expenses of officers and employees, and all other necessary incidental expenses not included in the foregoing, to be expended under the direction of the Secretary of Commerce, $100,000.

Mr. LIEB. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I wish to address the committee on the subject of the national defense.

The CHAIRMAN. The gentleman from Indiana.

MAYORS FAVOR NATIONAL DEFENSE.

Mr. LIEB. Mr. Chairman, We have received the report of the House Committee on Military Affairs for increasing the efficiency of the Military Establishment, and following this Army bill ere long we will have under advisement the program for increasing our Navy from the Committee on Naval Affairs. Since we are entering upon this great question of preparedness so ably advocated by President Wilson and by a great body of my colleagues within the Hall of the House at the present time, I regard it appropriate to call attention to action taken by the National Defense Conference of Mayors of the United States at St. Louis, Mo., last Saturday, wherein it was strongly advocated that this country strengthen its Army and naval forces.

Mayors of most of the prominent cities of the country were present, and I have noted with extreme satisfaction that Mayor Benjamin Bosse, of Evansville, the leading city in the first congressional district of Indiana, which I represent, was present.

I wish to particularly call attention to the recommendation of the mayors that all arsenals, ordnance, rifle, and other munition-producing plants supported by Federal appropriation be located at a distance from the Atlantic and Pacific seaboards and from the Canadian and Mexican borders, for it substantiates my own contention all along in connection with my advocacy of the establishment of an armor-plate factory at Evansville. I have always believed that Government factories of this character should be established at points as nearly equally distant between the Pacific and Atlantic seaboards as possible, and at the same time as nearly equally distant between the Great Lakes and the Gulf of Mexico, thereby being sufficiently removed from all points of possible invasion of a foreign enemy to make it practically certain the supply of the producing plant could not be cut off.

Evansville offers just this advantage, and is particularly fortunate by its situation on the great Ohio River and having a direct outlet to the Gulf of Mexico. At a later date we will probably take up this question of establishing an armor-plate factory, and as it is essential that a factory of this kind be located in a city of large population, with a large labor market to draw from, I expect to be able to show the many great advantages enjoyed by Evansville as a happy solution of the question of location.

I herewith submit to you the resolutions adopted by the mayors at St. Louis:

Whereas the purpose of the establishment of the Republic was, among other things, to provide for the common defense and thereby to secure to ourselves the blessings of liberty and peace; and

Whereas this Nation is to-day without adequate defense by sea or land and is almost wholly without the means to protect its territory, defend its people, or safeguard its institutions against possible aggression; and

Whereas for the common national defense there are required a mobilization of the organized physical resources of the Nation, an adequate Navy, ample coast defenses, a mobile Army; and

Whereas the General Board of the Navy has reported to the Secretary of the Navy that "our present Navy is not sufficient to give due weight to the diplomatic remonstrance of the United States in peace nor to enforce the policies in war"; and

Whereas we believe that the Navy should be increased with all speed until we shall have become the first naval power in the world, with strength on the Atlantic equal to that of any other power on that ocean and with additional strength upon the Pacific such as to make of us the first naval power upon that ocean; and

Whereas the General Staff of the Army has submitted to the War Department a plan for a moderate increase of the Regular Army, and for the organization, distribution, and equipment thereof, and for the increase and complete manning of coast defenses: Now, therefore, be it

Resolved, That we, the mayors and members of mayors' committees on national defense of the cities of the United States, in convention assembled, do hereby demand the immediate authorization by Congress of the building program of the General Board of the Navy of July 30, 1915, together with such additions and modifications as their expert knowledge and experience may indicate to be necessary at this time. And we do further demand that the personnel of the Navy be increased in conformity with the requirements of the service as interpreted by the General Board; and be it further

Resolved, That we demand the increase and complete manning of coast defenses as recommended by the General Staff; and be it further

Resolved, That we demand the immediate increase, organization, and disposition of the Regular Army as recommended by the General Staff; and be it further

Resolved, That, recognizing the military obligation equally with the civic obligation as a fundamental duty of democratic citizenship in a Republic and to establish a system which will affect alike every man in the country, we approve and recommend the adoption of universal military training under Federal control throughout the United States; and be it further

Resolved, That we approve and recommend the immediate formulation of plans by the Federal Government for the organization and mobilization of the physical resources of the country; and to that end, among other things, we specifically recommend:

1. That all arsenals, ordnance, rifle, and other munition-producing plants supported by Federal appropriation be located at a distance from the Atlantic and Pacific seaboards and from the Canadian and Mexican borders, as recommended in the recent report of the General Staff of the Army.

2. That steps be taken by the Federal Government to effect in time of peace a standardization of all material which may be required by the Government in time of war.

3. That the transportation facilities, industries, and general resources of the country be so marshaled and organized as to make them promptly available for service upon the outbreak of war.

4. That Federal legislation to effectuate the foregoing be enacted by the present Congress.

And be it further

Resolved, That copies of these resolutions be at once transmitted to the Senate and to the House of Representatives and that a copy thereof be transmitted at once to each Senator and Representative in the National Congress.

J. G. Woodward, chairman, mayor of Atlanta, Ga.; John Purroy Mitchell, mayor of the city of New York; Lewis Fisher, mayor of Galveston, Tex.; Harold W. Newman, representing the mayor of New Orleans, La.; Willet M. Spooner, representing the mayor of Milwaukee, Wis.; Ira E. Wight, representing the mayor of St. Louis, Mo.; Wesley King, representing the mayor of Salt Lake City, Utah; J. A. C. Kennedy, representing the mayor of Omaha, Nebr.; Henry Harmon Chamberlin, representing the mayor of Worcester, Mass.; John W. Thomas, representing the mayor of Chicago.

[Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LIEB. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none.

Mr. STERLING. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, on Saturday there was some debate with reference to a proposition for the Department of Justice to lease a proposed new building. Some facts were elicited at that time, and some incidents which have occurred recently have attracted my attention to the manner in which Congress is providing buildings for the different executive departments of the Government.

It seems to me that Congress is pursuing a very shortsighted policy with reference to this matter. Every department is now renting numerous buildings, and in a great many cases the Government is paying a very high rate of rent upon the investment.

Seven of the executive departments have buildings designed for their use which are owned by the Government, but not one of these seven have a Government-owned building that is equal to the needs of the department. The other three executive departments do not occupy Government-owned buildings, but each of them rent numerous buildings for offices for the employees of their several departments.

This system must create a tendency to very great inefficiency in departmental management. With these several departments broken up into fragments, and these fragments located in different parts of this city, must tend to prevent any systematic arrangement and conduct of the affairs of the department.

What purpose can Congress have in pursuing this plan any longer? My main purpose in calling attention of Members to the situation is to satisfy them that the present plan is not only expensive but also prevents efficiency, and nobody is to blame for it but Congress.

The Government now rents all the buildings occupied by the Department of Justice, the Department of Commerce, and the Department of Labor. One building occupied by the Department of Justice is valued at $140,000, and the Government pays $12,400 rent for the building, making a net income to the owner of 7 per cent. The Post Office Department rents a building valued at $300,000 and pays a rent of $32,000, or a net return of 8¾ per cent. Another building is rented by the Government for the Quartermaster Corps, valued at $40,000, and pays a rental of $4,938, or a net return of 11 per cent. The Interstate Commerce offices are valued at $460,000, and the Government pays a rent of $39,024, a net return of 6½ per cent.

Mr. GOOD. Will the gentleman yield?

Mr. STERLING. Yes, sir.

Mr. GOOD. The valuations that are spoken of by the gentleman, are they the assessed values or the actual values?

Mr. STERLING. The actual value. I am giving the actual value as stated by the Journal of the American Institute of Architects, a copy of which I hold in my hand. This publication, however, gives the assessed value also, but I am not reading that. This journal is, in my opinion, the best authority attainable on these valuations.

Another instance is found in the Navy Department, which rents offices valued at $285,000; the Government pays a rental that returns to the owner 12 per cent net. The Department of Agriculture rents for the Bureau of Chemistry a building valued at $148,000 and pays the owner a net return of 9 per cent. Another office rented by the Department of Agriculture pays a net return of 9¼ per cent. Another office building rented by that department pays a net return of 8¾ per cent.

Mr. BARKLEY. Will the gentleman yield for a question?

Mr. STERLING. Yes.

Mr. BARKLEY. How does the gentleman arrive at the net per cent? Is that given in the publication which the gentleman has?

Mr. STERLING. Yes; it is given here. I want to say to the Members that I am assuming the facts given in this publication to be correct, and I have not any doubt that they are correct. The rental paid by the Government for all of these various buildings pays a net return to the owners of from 4 to 15 per cent. Of course, some of these are very reasonable; but it seems to me it is a gross extravagance for this Government to pay rental upon property that will net a return of from 10 to 15 per cent, or even 6 per cent. I dare say that money to the Government is not worth more than 3 per cent. The Government already owns numerous very appropriate sites for public buildings that under our present plan are paying the Government nothing. We ought to realize some income from these sites. It seems to me that it would be a matter of economy to utilize them rather than pay a very high rental on extremely high-priced sites.

Mr. SEARS. Will the gentleman yield?

Mr. STERLING. I will.

Mr. SEARS. Are all the buildings upon which the Government is paying rent included in the publication which the gentleman holds?

Mr. STERLING. I do not think all buildings are included in this paper. It is not a complete itemized statement of all the buildings rented, but there is here a recapitulation of total rents paid by each department.

Mr. SEARS. Will the gentleman include that in his statement?

Mr. STERLING. I will include that in my statement. At the risk of repetition let me state the facts a little more fully, so that they may be better understood.

The Department of Justice is renting a building on K Street for its principal offices, valued at $140,000, for which it pays an annual rental of $12,400, making a net return to the owner of 7 per cent on the valuation.

The Post Office Department is renting a building at First and K Streets valued at $300,000, for which it pays an annual rental of $32,000, making a net return to the owner of 8¾ per cent.

The Department of Commerce rents the main building which it occupies, situated on Pennsylvania Avenue, valued at $666,000, for which it pays an annual rental of $65,500, making a net return to the owners of 7¾ per cent.

The Quartermaster Corps occupies a building at Eckington Place valued at $40,500, for which it pays a rental of $4,938 a year, making a net return to the owner of 11 per cent on the valuation.

The Navy Department occupies a building on New York Avenue valued at $190,000, for which it pays an annual rental of $40,000, making a net return of 12 per cent to the owner.

The Treasury Department occupies a building on New York Avenue valued at $24,000, for which the Government pays an annual rental of $1,250, making a net return of 7 per cent to the owner.

The Department of Agriculture houses the Bureau of Chemistry in a building on Thirteenth Street valued at $148,000, and the Government pays an annual rental of $16,000, making a net return of 9 per cent to the owner.

The Department of Agriculture has some of its offices located in a building on Fourteenth Street, valued at $180,000, for which the Government pays a rental of $20,000 per year, making to the owner a net return of 9¼ per cent.

The same department has its Bureau of Plant Industry located on Fourteenth Street in a building valued at $28,000, for which a rent is paid at the rate of $3,000 per year, making a net return to the owners of 8¾ per cent.

The same department occupies a building at Linwood Place, valued at $46,274, for which it pays a rental of $5,400 per year,

which makes a net return to the owners of 9¼ per cent. That department occupies another building on Pennsylvania Avenue, valued at $45,700. The annual rental is $4,800, making a net return of 8½ per cent. It rents another building on B Street, valued at $19,000, for which it pays a rental of $3,000, making a net return to the owners of 15 per cent.

The Forest Service of this department occupies an old building on E Street, for which it pays to the owners a net return of 9⅜ per cent on the investment. Another on Twelfth Street for which it pays to the owners a net return of 10¼ per cent on the investment, and another at Linworth Place for which it pays to the owners a net return of 14 per cent.

The Department of Justice rents a building on Fifteenth Street, valued at $11,800, for which it pays a rental of $1,800 per year, making a net return to the owner of 13¼ per cent.

These are only a part of the buildings which the Government rents for Government purposes. Some of the other buildings occupied by the Government do not pay so high a rental as these I have stated, but there are other cases not cited by me where the different departments pay rent which amount to a net return to the owners from 7 per cent to 12 per cent on the actual value of the property.

This policy does not tend to economy, to efficiency, nor to respectability.

As an illustration of what Congress has done in the past I desire to call the attention of the House to the fact that some 14 years ago Congress made an appropriation for a new building for the Department of Agriculture. The appropriation was not at all adequate for the purposes of that department. It only built a half of a building, and that department is to-day paying out for other buildings scattered throughout the city of Washington, for its necessary use, the sum of $131,734 as rent to private owners for necessary space in which to do its business.

Mr. Chairman, I desire to insert here, as part of my remarks, a recapitulation of the rents paid by the Government for private property, taken from the Journal of the American Institute of Architects:

A recapitulation of the rentals paid in Washington by the Government shows the following:

State Department	$28,594
Treasury Department	11,350
War Department	9,700
Engineer Department, Army	5,070
Quartermaster, Army	32,639
Navy Department	42,100
Interior Department	76,675
Post Office Department	43,460
Department of Agriculture	131,734
Department of Commerce	66,500
Department of Labor	20,000
Department of Justice	43,000
Board of Mediation and Conciliation	2,820
Interstate Commerce Commission	72,089
Public Printer	3,293
District of Columbia	14,992
Total	604,000

The total of these rents is $604,000. I take it that money is not worth to the Government more than 3 per cent, and these rents would pay interest at that rate on $20,000,000.

It must be remembered, too, that the Government is paying these rents not only on the buildings they occupy, but on many very valuable sites. In many instances the land on which the building is located is worth many times as much as the building itself. I do not know, but I think it is a safe estimate that all the sites rented by the Government, taken together, are much more valuable than the total of the improvements on them.

Why should the Government be paying rent on sites? It already owns numerous proper locations for Government buildings. It owns good sites just at the places where these buildings should be located, and these are of very great value. They are lying idle, yielding the Government no income whatever. The $20,000,000 could be devoted entirely to buildings on these sites already owned by the Government. It would build sufficient and well to house all these departments for many years to come; so, as a matter of economy, I submit to the House, Congress certainly ought to change its policy in reference to these matters.

No private enterprise would tolerate our methods here for a minute. No private enterprise could endure under such careless and incompetent management.

And perhaps what is more important than anything else is the fact that many of these buildings rented by the Government are wholly unfit for the purpose for which the Government is paying exorbitant rents. In many of them valuable documents and files are kept, where in case of fire the Government would suffer an inestimable loss for which Congress would and should be rightly blamed.

Imagine these great departments with hundreds—and some of them with thousands—of employees broken up and scattered far away from the central head of the department. One can readily see that such a plan works against the efficiency of the department and the loss to the Government in that regard can hardly be estimated.

But outside of the questions of economy, efficiency, and safety, there ought to be some pride in Congress to make the Capital at least respectable. If we can do so at a saving of money and at the same time increase the efficiency in the departments, what excuse have we to pursue this method any longer? There is no excuse, and Congress owes it to itself and to the country to change this plan and pursue a different method that will better comport with good business conduct and common sense.

I want to suggest a plan that has come to mind that seems to me would help Congress to work out a reformation. I propose that the House create a permanent standing committee, or, what might be better still, let a joint committee of the House and Senate be created with jurisdiction of this matter. It ought not be a large committee, not exceeding four members, whose business it should be to thoroughly investigate the whole situation and report it to Congress fully, to act in conjunction with the heads of the several departments, and thus ascertain their needs. Let it investigate the question of sites, the character of the buildings required for the convenience of the Government, and report to Congress from time to time the needs of the several departments, so that Congress may know at all times just what economy and efficiency in the departments require.

Mr. Chairman, a great deal more could be said on this subject, but I have said enough, I am sure, to satisfy any Member who will give the subject brief consideration that we have been pursuing a short-sighted, stupid policy, and that we ought to change it. If Congress will only act with a view of working out some reformation along this line, we can save the Government millions of dollars, make secure the valuable documents and records of the Government, wonderfully increase the efficiency of the departments, add to the beauty of the Capital, and by doing so we will make Congress a great deal more respectable in the eyes of the people.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the paragraph just read makes an appropriation of $100,000 for the purpose of promoting commerce with South and Central America. I am very much in favor of that appropriation. I think we might, as a matter of fact, have appropriated even more than that for that purpose, and yet when I think of the expenditure we are making and propose to continue to make for the purpose of promoting commerce in South and Central America I can not but regret that after having promoted commerce in the country to the south of us, we have not seen fit to protect the men who have gone down there to establish business and to extend the trade of the United States. Three years ago there were something like 50,000 Americans in the Republic to the south of us, engaged largely in the business of promoting American commerce. Through their efforts and their labors, by reason of their energy and their interest in the commerce of their country, we had increased our business with Mexico until it amounted to many millions annually. After having encouraged these people to go to Mexico to establish themselves there, to enter into business, to encourage the exportation of American goods, to increase the business of their country with Mexico, when the time came that they needed our protection we virtually sent word to them that we could not protect them; that we had no disposition to protect them; that we did not intend to protect them, and that they had better come home. Most of them did. The bodies of several hundred of them now rest in Mexican soil.

The wires bring us to-day news not only of the murder of Americans in Mexico, but an invasion of American soil by those who have been encouraged by our pusillanimous attitude to invade our territory. And yet in this bill we are proposing $100,000 for the purpose of promoting and extending American trade in South and Central America. For what purpose? For what purpose and with what expectation? After our people have establish themselves in business and the professions in South and Central America, extending the trade and commerce of their country under our encouragement, I suppose in the case of a revolution or an uprising we would again tell them we did not expect to, we did not propose to, give them any protection; the best we could do for them would be to advise them to come back home.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that his time be extended five minutes. Is there objection?

Mr. SISSON. Can not the gentleman extend his remarks in the RECORD? We have been as liberal as we could.

Mr. MONDELL. Not with me, because I have not taken any time on this bill.

Mr. SISSON. Should everybody take advantage of the kindness of the committee there is no telling where it would end. The gentleman is not discussing the item in the bill.

Mr. MONDELL. I am. I do not intend to do anything but discuss the item in the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. I hope the gentleman will confine himself to the bill.

Mr. MONDELL. I shall do that.

Mr. BYRNS of Tennessee. But the gentleman is discussing the Mexican situation, which has nothing to do with the bill.

Mr. MONDELL. I want to talk about the promotion of commerce in the country south of us. I want to ask the gentlemen on the other side of the aisle what they propose to do after we have promoted commerce in South and Central America, if perchance a condition should arise under which our people there, promoting commerce, should need our protection? What do you propose to do?

Mr. SABATH. Will the gentleman yield?

Mr. MONDELL. To answer that question.

Mr. SABATH. I would ask the gentleman another question in addition to what he proposes to do. What would he advise us to do? To appropriate, instead of $100,000, $100,000,000 to send our Army to Mexico? Is he ready to do that? Is he willing to enlist?

Mr. MONDELL. Is the gentleman through with his speech?

Mr. SABATH. I am asking a question of the gentleman.

Mr. MONDELL. I can tell the gentleman exactly what I would do. I would do exactly what this administration has not done——

Mr. SABATH. But what would you do? What would you recommend the administration doing?

Mr. MONDELL. You get a Republican administration in charge of the affairs of this Government and, first, it will not interfere with the domestic affairs of an independent neighbor.

Mr. SABATH. But I ask the gentleman what he would do?

Mr. MONDELL. First, we will not interfere with the domestic affairs of a foreign country, and then we will protect Americans and will do it in a wise and proper way, whichever seems the wise and proper way at the time and under the circumstances. [Applause on the Republican side.]

Mr. SABATH. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Illinois?

Mr. MONDELL. If the gentleman will see that I get more time, I will let him make a speech in my time.

The CHAIRMAN. The question is, Does the gentleman from Wyoming yield to the gentleman from Illinois?

Mr. MONDELL. For a question only.

Mr. SABATH. That question is this, and I will try to make it clear: The gentleman said a moment ago that he favored a wise action. What is the wise action the gentleman speaks about?

Mr. MONDELL. At the beginning of this administration, the administration first interfered with the domestic affairs of the Republic south of us, and then continued its meddlesome interference until there was not a faction in the Republic that did not hate the American name. It sent word to those trade and commerce and business missionaries who had gone there to make the American name honored and respected and carry the prestige and the honor of the country, to increase its commerce—it sent word to them that their nation did not propose to protect them.

One of the men who had gone into that southern Republic and had done as much as any man that I know of to extend American commerce there, told me, in a room adjacent to this Chamber, that when he went to the office of the Secretary of State to ask that some protection be given to his property in the vicinity of Tampico after he had been denied protection of his person, he was told—not by the gentleman who now occupies the office of Secretary of State, but by a former Secretary—"If you think this Government——

Mr. RUBEY. Mr. Chairman, will the gentleman yield right there?

Mr. MONDELL. I can not. He was told, "If you think this Government is going to protect your property in Mexico, you are mistaken." This was after our Government had deserted this man and hundreds of other Americans in Tampico to the fury of a Mexican mob—our Government refused to protect either lives or property in Mexico.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FOSTER. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] is most bitter in denouncing the administration because it has not long ago taken some action, and such action as he thinks ought to have been taken, in Mexico. When this administration came into power there was left to it the same difficulty in Mexico that exists now.

There never was a word said, so far as anybody recollects, by the gentleman from Wyoming in criticism of Mr. Taft for keeping our country out of war with a sister Republic. I am thankful that we had at that time in the presidential chair a man who was patriotic enough to do everything he could to keep our country from war with the country across the border. I am also thankful that we have had an administration by Mr. Wilson, who has had the patriotism, who has had the interest of this country so at heart, not to plunge our country into war with that Republic.

And so the gentleman may complain, the gentleman may criticize, because some property, as he says, in Mexico has not been protected by the boys of this country marching across the border that they might protect, at so great a loss of life, the property that those people might have down there. I think that Mr. Taft did right. I think that President Wilson has done right in not asking the boys of this country to march into Mexico in order that they might protect the property that somebody had there.

One great difficulty is that some men who own this property sit back and want the Government to protect them, and yet are unwilling to go themselves, or that their boys should go to war to protect their property.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. In just a moment. I am tired hearing upon this floor, continually, men who talk about protecting property in Mexico at the point of the sword. I think it is time for us to think about our country in peace; and the man who has been in the White House through all this trouble and proposes to keep our country at peace if possible with that Republic deserves the highest gratitude of the American people.

Mr. MONDELL. Does not the gentleman think we should protect the rights of our citizens?

Mr. FOSTER. I think this country has done what it could to protect the lives of the people and has looked after them in every way it possibly could. As the gentleman knows, we have appropriated large sums of money to help those people who were in Mexico, that they might come to a place of safety. But I do not believe that it is the duty of our Government, when these people have had the opportunity to come and our Government has afforded them every opportunity to come, to ask our Army to go down there and plunge our country into war, and lose thousands of young men of our country and millions of dollars in order to protect the property of some man in that country who persists in staying there.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Washington?

Mr. FOSTER. Yes.

Mr. HUMPHREY of Washington. How does the gentleman interpret that plank in his party's platform that says our citizens shall be protected on foreign soil and along the border? Do you think you are carrying out that provision?

Mr. FOSTER. I think that this administration is doing everything it can possibly do to protect the people of this country, and will continue to do so. But I know that the gentleman from Washington does not ask that this administration should send the Army down into Mexico to protect the property of some individual, or that American boys shall be asked to give up their lives in order that a little property may be saved. We should act only in the interest of humanity.

Mr. BENNET. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from New York?

Mr. FOSTER. Yes, sir.

Mr. BENNET. Does the gentleman know that our troops to-day, in following out this engagement, have crossed the Mexican line, and that our Government this afternoon has asked the permission of the Government of Mexico to send more troops into Mexico?

Mr. FOSTER. I will say to the gentleman from New York that if President Wilson has done that, he has been convinced

that the time has come when such action ought to be taken. But I will say further to the gentleman from New York, as I have said here before, that our President has done everything in his power to keep this country from war. If we must go to war in Mexico it will be only when the President is convinced that nothing else can be done. If the Army shall be sent, then I am sure the President will only do so to protect the lives of our people and not for property. I have faith in his patriotism in these matters and feel that he believes he is justified in doing so, and I am willing to trust him to act and not be criticizing him continually on the floor of this House. If troops have been sent to Mexico, I am sure it is to protect human life and not for property. There may be a time when we must punish some act of lawlessness of bandits, but we have no quarrel with the people of Mexico. Every American can trust the President to protect the lives of our people, and they will be with him in doing so. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I move that all debate on the pending paragraph be now closed.

The CHAIRMAN. The gentleman from Tennessee [Mr. BYRNS] moves that all debate on the pending paragraph be now closed. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the amendment which I offered this afternoon.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent to extend his remarks in the RECORD on the amendment which he offered to the bill. Is there objection?

There was no objection.

Mr. FOSTER. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. STERLING. Mr. Chairman, I make the same request, to extend my remarks in the RECORD on the subject I talked about.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Steamboat-Inspection Service: Supervising Inspector General, $4,000; chief clerk and Acting Supervising Inspector General in the absence of that officer, $2,000; clerks—2 of class 3, 1 of class 2, 1 of class 1, 2 at $1,000 each, 2 at $900 each; messenger; in all, $16,440.

Mr. BYRNS of Tennessee. Mr. Chairman, I move that the Committee do now rise.

Mr. SABATH. Mr. Chairman, I desire to be heard on this paragraph.

Mr. BYRNS of Tennessee. That is all right. The gentleman can do that when the bill is considered at the next sitting of the committee.

The CHAIRMAN. The gentleman in charge of the bill moves that the committee do now rise. Does the gentleman from Illinois desire to offer an amendment?

Mr. SABATH. I do. I move to strike out the entire paragraph, and I desire to speak to that amendment.

Mr. BYRNS of Tennessee. Of course, the rights of the gentleman will be preserved.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that the Chair recognizes his motion, which will be pending. If the committee rises, which is within its province, that will delay the consideration of the pending amendment of the gentleman from Illinois until the next sitting of the committee. The gentleman from Tennessee moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the legislative, executive, and judicial appropriation bill (H. R. 12207) and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3331. An act to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below.

S. 3331. An act to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3518. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 3144. An act to authorize the construction of a bridge across the Pend Oreille River, between the towns of Metaline and Metaline Falls, in the State of Washington; and

S. 3873. An act to authorize the counties of Minidoka and Cassia, State of Idaho, to construct a bridge across Snake River.

DEATH OF REPRESENTATIVE BROWN OF WEST VIRGINIA.

Mr. NEELY. Mr. Speaker, it is with a heavy heart that I announce to the House the death of our colleague and fellow worker, Hon. WILLIAM G. BROWN, Jr., of West Virginia.

At a later date I shall ask the House to set aside a day to pay appropriate tribute to his life, character, and public services.

I send to the Clerk's desk and ask for the immediate consideration of the following resolution:

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 162.

Resolved, That the House has heard with profound sorrow of the death of Hon. WILLIAM G. BROWN, Jr., a Representative from the State of West Virginia.

Resolved, That a committee of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to; and the Speaker appointed as the committee on the part of the House Mr. NEELY, Mr. LITTLEPAGE, Mr. SUTHERLAND, Mr. Moss of West Virginia, Mr. COOPER of West Virginia, Mr. GLASS, Mr. CANDLER of Mississippi, Mr. FOSTER, Mr. PHELAN, Mr. SAUNDERS, Mr. WOODS of Iowa, Mr. LINDBERGH, Mr. PORTER, Mr. WILSON of Florida, Mr. TAYLOR of Arkansas, Mr. TILSON, Mr. RIORDAN, Mr. CONRY, Mr. PLATT, Mr. RUSSELL of Missouri, Mr. HAYES, and Mr. RUCKER.

The SPEAKER. The Chair will state to the House that the funeral train will leave the Union Station at 12.40 to-morrow night, and that the sleeping cars will be open at 10 p. m.

Mr. NEELY. Mr. Speaker, I offer the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect this House do now adjourn.

The resolution was agreed to; accordingly (at 4 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Friday, March 10, 1910, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War ad interim, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of West Pass, Appalachicola, Fla. (H. Doc. No. 860); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

2. A letter from the Secretary of War ad interim, transmitting, with a letter from the Chief of Engineers, report on reexamination of Mattaponi River, Va., (H. Doc. No. 861); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War ad interim, submitting a recommendation that House bill No. 112, to regulate the hours of labor in continuous-working plants in the United States be

so amended as to exempt the Panama Canal Zone (H. Doc. No. 862); to the Committee on the District of Columbia and ordered to be printed.

4. A letter from the Secretary of the Treasury, submitting a draft of legislation to amend the sundry civil act of August 1, 1914, so as to provide that the necessary amount of the appropriation may be used for the installation of lighting fixtures in the old customhouse and post-office building at New Orleans, La. (H. Doc. No. 863); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War ad interim, submitting a supplemental estimate of appropriation for the service of the War Department for the fiscal year ending June 30, 1917 (H. Doc. No. 864); to the Committee on Military Affairs and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting a supplemental estimate of appropriation for printing and binding for the Patent Office for the fiscal year ending June 30, 1917 (H. Doc. No. 865); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Treasury, submitting a draft of proposed legislation to permit the holding of a larger proportion of gold bullion and foreign gold coin as a reserve against gold certificates than at present authorized under section 6 of the currency act of March 14, 1900, as amended by the act of March 2, 1911 (H. Doc. No. 866); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. VINSON, from the Committee on the District of Columbia, to which was referred the joint resolution (H. J. Res. 91) authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable, reported the same with an amendment, accompanied by a report (No. 310), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WATKINS, from the Committee on the Territories, to which was referred the bill (H. R. 9226) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii, reported the same with amendments, accompanied by a report (No. 312), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GOODWIN of Arkansas, from the Committee on Claims, to which was referred the bill (H. R. 8068) for the relief of E. C. Hornor, reported the same with amendment, accompanied by a report (No. 311), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3232) granting an increase of pension to John C. Lyon; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CHARLES: A bill (H. R. 12953) for the relief of civil-service employees in the District of Columbia and creating a civil-service retirement fund in the District; to the Committee on Reform in the Civil Service.

By Mr. DILL: A bill (H. R. 12954) for the establishment of Northport, Chopaka, and Laurier, in the State of Washington, as ports of entry and delivery for immediate transportation without appraisement of dutiable merchandise; to the Committee on Ways and Means.

By Mr. HUMPHREY of Washington: A bill (H. R. 12955) to amend the act entitled "An act to regulate commerce," approved February 4, 1887, and as amended June 18, 1910, and as heretofore amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: A bill (H. R. 12956) creating an Army reserve; to the Committee on Military Affairs.

By Mr. BENNET: Joint resolution (H. J. Res. 173) directing the Secretary of the Navy to accept the Marjorie Sterrett battleship fund; to the Committee on Naval Affairs.

By Mr. CARTER of Massachusetts: Resolutions adopted by the Massachusetts Legislature relative to the regulations of the National Government in respect to the shooting of migratory birds; to the Committee on Agriculture.

Also, resolutions adopted by the Legislature of Massachusetts relative to the harbor of refuge at Sandy Bay, Cape Ann, Mass.; to the Committee on Rivers and Harbors.

By Mr. GALLIVAN: Resolutions adopted by the Legislature of Massachusetts relative to the harbor of refuge at Sandy Bay, Cape Ann, Mass.; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 12957) granting a pension to John Snyder; to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 12958) granting a pension to Emma M. Saunders; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12959) granting a pension to Maria Kiser; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 12960) granting an increase of pension to William Syfer; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 12961) for the relief of the widow of Henry H. Bagley; to the Committee on Military Affairs.

By Mr. BORLAND: A bill (H. R. 12962) granting an increase of pension to Jane Barnett; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 12963) for the relief of the heirs of Bennett Robertson; to the Committee on War Claims.

By Mr. CANTRILL: A bill (H. R. 12964) to muster in and muster out John Nicholas Bradley; to the Committee on Military Affairs.

By Mr. COLEMAN: A bill (H. R. 12965) to correct the military record of A. G. Vincent; to the Committee on Military Affairs.

By Mr. DICKINSON: A bill (H. R. 12966) granting an increase of pension to Angelina Havner; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 12967) granting an increase of pension to Stewart H. Herbeson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12968) granting an increase of pension to Stewart H. Herbeson; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 12969) granting an increase of pension to Elijah Bagley; to the Committee on Invalid Pensions.

By Mr. HINDS: A bill (H. R. 12970) granting an increase of pension to Barbara Henderson; to the Committee on Pensions.

By Mr. KEY of Ohio: A bill (H. R. 12971) granting a pension to Charles F. Coe; to the Committee on Pensions.

Also, a bill (H. R. 12972) granting an increase of pension to Plympton J. Liles; to the Committee on Invalid Pensions.

By Mr. KREIDER: A bill (H. R. 12973) granting an increase of pension to Conrad Orth; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 12974) granting an increase of pension to John C. Hollinger; to the Committee on Invalid Pensions.

By Mr. MOONEY: A bill (H. R. 12975) granting an increase of pension to Charles Delong; to the Committee on Invalid Pensions.

By Mr. MORIN: A bill (H. R. 12976) for the relief of William Devlin; to the Committee on Military Affairs.

By Mr. OVERMYER: A bill (H. R. 12977) granting a pension to Charlotte Elmer; to the Committee on Pensions.

By Mr. PRATT: A bill (H. R. 12978) to remove the charge of desertion against James Green; to the Committee on Naval Affairs.

By Mr. RAMSEYER: A bill (H. R. 12979) granting an increase of pension to Marshall McFarland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12980) granting a pension to Florida M. Lawrence; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12981) granting a pension to Phebe A. Ludwick; to the Committee on Invalid Pensions.

By Mr. REILLY: A bill (H. R. 12982) granting a pension to Kittie E. Farr; to the Committee on Invalid Pensions.

By Mr. ROWLAND: A bill (H. R. 12983) granting an increase of pension to Philip A. Kantz; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 12984) granting a pension to George E. Sanders; to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 12985) granting an increase of pension to Celia A. Frost; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 12986) granting an increase of pension to Henry Conine; to the Committee on Invalid Pensions.

By Mr. WARD: A bill (H. R. 12987) granting a pension to Emma L. Edwards; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 12988) granting an increase of pension to Hezekiah Axsom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12989) granting an increase of pension to David R. Groves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12990) granting a pension to Mariah L. Edwards Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12991) granting a pension to Mary A. Heman; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of various citizens of Lincoln, Nebr., in support of House joint resolutions 14 and 81 and like resolutions; to the Committee on Foreign Affairs.

Also (by request), memorial of N. M. H. of Tennessee, against admitting ex-Confederate soldiers to such home; to the Committee on Military Affairs.

By Mr. ASHBROOK: Papers to accompany House bill 12845, for relief of John Drill; to the Committee on Invalid Pensions.

By Mr. BAILEY: Petition of Baptist Church of Mountaindale; citizens of Mountaindale; Grove United Evangelical Church, of Hyndman; and male voting citizens of Bedford, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BENNET: Petition of Loygia Torquato Tasso, of Brooklyn, N. Y., against the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. BURKE (by request): Resolutions adopted by Greenbush Woman's Christian Temperance Union, of Greenbush; Glenbeulah Church and Sunday School, of Glenbeulah; Greenbush Methodist Episcopal Church and Sunday School, of Greenbush, Sheboygan County, all in the State of Wisconsin, asking for the passage of an amendment to the United States Constitution providing for nation-wide prohibition; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petitions of 75 people of Milton, Wis., and 30 people of Guoagut, Wis., for national prohibition; to the Committee on the Judiciary.

Also, memorial of Governor Harvey Post, Grand Army of the Republic, Racine, Wis., on the subject of national defense; to the Committee on Military Affairs.

By Mr. COX: Petition of citizens of Charlestown, Ind., and Scottsburg, Ind., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. CURRY: Petition by the German-American Relief Association of San Joaquin County, Cal., favoring a termination of the shipment of arms and ammunition to the European nations involved in war; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Petition of Congressional Union for Woman Suffrage in favor of reporting the Susan B. Anthony amendment from committee; to the Committee on the Judiciary.

By Mr. DANFORTH: Petition of Ed. F. Meyer and 12 others, of Lincoln Park, N. Y., and Gates and Rochester, N. Y., favoring House joint resolution 137 proposing an amendment to the Constitution to prohibit appropriation of Government money for sectarian purposes; to the Committee on the Judiciary.

By Mr. DAVENPORT: Petition of sundry citizens of Ketchum, Okla., protesting against passage of House bill 625; to the Committee on the District of Columbia.

By Mr. DIXON: Petition of the Baptist Church of Osgood; the sunday school of the First Baptist Church of Madison; 55 citizens of Osgood; Pisgah Sunday School, of Jefferson County, all in the State of Indiana, in favor of House joint resolutions 84 and 85, favoring nation-wide prohibition; to the Committee on the Judiciary.

By Mr. DYER: Memorial of St. Louis Gymnastic Society, of St. Louis, Mo., favoring the Gore resolution; to the Committee on Foreign Affairs.

Also, petition of General M. Emmet Urell Camp No. 9, United Spanish War Veterans, protesting against the Borland amendment; to the Committee on the District of Columbia.

By Mr. ELSTON: Memorial of Central Labor Council, of Oakland, indorsing House bill 9921; to the Committee on Reform in the Civil Service.

Also, memorial of principal, faculty, and students of White's Berkeley Preparatory School of Berkeley, Cal., favoring retirement pensions; to the Committee on the Post Office and Post Roads.

Also, memorial of German-American Relief Association, of San Joaquin County, Cal., favoring embargo on munitions, etc.; to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of J. A. Desslods, of Loyal, Wis., and 30 other residents of the vicinity urging support of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. FLYNN: Petition of Charles Ward Hall, of New York, indorsing Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

Also, petition of Benjamin B. Lawrence indorsing Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

Also, petition of New York State Federation of Labor, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of commission on temperance of the Congregational churches of the United States for prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FOCHT: Petition of Presbyterian Church of Petersburg; members of the Presbyterian Church, McAlveys Fort; members of Lutheran Church, Mount Union; scholars of the Presbyterian Sunday School of Mount Union; members of the Presbyterian Church of Mount Union; First Baptist Church, Mount Union; Women's Christian Temperance Union of St. Thomas; all in the State of Pennsylvania, favoring the Webb-Smith national prohibition amendment; to the Committee on the Judiciary.

By Mr. FULLER: Petition of Evangelical Church of Belvidere, Ill., for national prohibition; to the Committee on the Judiciary.

Also, petition of Skandinavia Lodge, International Order of Good Templars, of Rockford, Ill., opposing preparedness for national defense; to the Committee on Military Affairs.

Also, petition of Local Union No. 401, Iron Molders' Union of North America, of Peru, Ill., favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. GALLIVAN: Petition of sundry citizens of the twelfth district of Massachusetts, indorsing the Lobeck bill (H. R. 5792); to the Committee on Agriculture.

Also, petition of sundry American citizens indorsing House joint resolutions 14 and 81, Senate bills 3033 and 3034, Senate joint resolution 73, House joint resolution 74, and House bills 6828 and 6829; to the Committee on Foreign Affairs.

By Mr. GARNER: Petition of Mesquite Lodge, No. 73, I. A. of M., indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Commission on Temperance of the Congregational Churches of the United States, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Texas, indorsing President Wilson's foreign policy and plans of national defense; to the Committee on Military Affairs.

By Mr. GUERNSEY: Petition of citizens of Cournot and Newport, Me., for national prohibition; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: Petition of sundry citizens Whitesville, N. Y., protesting against preparedness; to the Committee on Miltary Affairs.

Also, petition of Oscar Barel and citizens of Jamestown, N. Y., for national prohibition; to the Committee on the Judiciary.

By Mr. HELVERING: Petitions of sundry citizens and members of local farmers' unions of Culver, Miltonvale, Huscher, Delphos, Clay Center, Leonardville, Stockdale, Palmer, Linn, and Bremen, of Kansas, protesting against an elaborate program of defense; to the Committee on Naval Affairs.

By Mr. HINDS: Papers to accompany bill for relief of Barbara Henderson; to the Committee on Pensions.

By Mr. HOLLINGSWORTH: Petition of E. S. Armstrong and 267 other citiezns of Wellsville, Ohio, in favor of Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. KEISTER: Petitions of United Evangelical Church of Ligonier; Wafford Presbyterian Church, of Wafford; and citizens of Seward, all in the State of Pennsylvania, for national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of D. F. Avenue Schul Verein, of Providence, R. I., favoring passage of resolution warning Americans from traveling on belligerent ships; to the Committee on Foreign Affairs.

Also, protest of Local 223, Moving Picture Machine Operators' Union, of Providence, R. I., against any Federal censorship of motion pictures; to the Committee on Education.

Also, protest of Local Union 435, Plumbers, Steamfitters, and Helpers, of Woonsocket, R. I., against any attempt to weaken the seamen's law; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of Columbus Exchange Bank, of Providence, R. I., favoring amendment to Clayton Act, relative to directorates of banks; to the Committee on Banking and Currency.

Also, memorial of Newport (R. I.) Artillery Corps, favoring amendment to bill federalizing the National Guard; to the Committee on Military Affairs.

Also, petitions of seven voters of Woonsocket, R. I., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. LEWIS: Petitions of a number of merchants from the sixth congressional district of Maryland, supporting a bill to provide a tax upon persons, firms, or corporations doing an interstate mail-order business; to the Committee on Ways and Means.

By Mr. MAGEE (by request): Petition of John H. Munro and others, of Camillus, N. Y., in re national prohibition; to the Committee on the Judiciary.

Also (by request), petition of R. J. Manchester and others, of Camillus, N. Y., in re appropriation of Government money for sectarian purposes; to the Committee on Indian Affairs.

By Mr. MOON: Papers to accompany House bill 10812, for the relief of Lewis A. Rominger; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: Protests of C. F. Balmer, Fred Fecher, and Emil Wald, of Philadelphia, Pa., against exportation of arms; to the Committee on Foreign Affairs.

Also, memorial of American Federation of Labor, favoring the creation of merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, memorials of Retail Grocers' Association of Philadelphia, Pa., and Chamber of Commerce of Meadville, Pa., favoring protective tariff on dyestuffs; to the Committee on Ways and Means.

By Mr. MORIN: Memorial of D. L. Lawrence Club, of Pittsburgh, Pa., in favor of House bills 6915 and 7656; to the Committee on the Post Office and Post Roads.

Also, memorial of Commission on Temperance of Congregational Churches of United States, in support of Sheppard-Barkley bill; to the Committee on the Judiciary.

By Mr. NOLAN: Petitions of Sacramento Federated Trades Council, Sacramento, Cal.; Cigarmakers' Local Union, No. 228, San Francisco, Cal.; and Laundry Wagon Drivers' Union, San Francisco, Cal., favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petitions of Laundry Workers' Union, No. 26, and United Laborers' Union, No. 1, of San Francisco, Cal., favoring an adequate appropriation for the publication of at least 200,000 copies of the report of the Commission on Industrial Relations, and 10,000 copies of the testimony taken by the commission; to the Committee on Printing.

By Mr. OVERMYER: Petition of Methodist Church of Freemont, Ohio, in favor of national prohibition; to the Committee on the Judiciary.

By Mr. PAIGE of Massachusetts: Petition of 83 citizens of Spencer, for national prohibition; to the Committee on the Judiciary.

Also, petition of Washington Lodge, No. 12, of Clinton, Mass., and Alben Mueller and eight other citizens of Clinton, Mass., in favor of adoption of House joint resolution 14 and other Senate and House resolutions; to the Committee on Foreign Affairs.

By Mr. PETERS: Petition of citizens of Machias, Me., for national prohibition; to the Committee on the Judiciary.

By Mr. PRATT: Petition of Labor and Trades Assembly of Elmira, N. Y., William J. Finnegan, secretary, favoring the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of L. H. Bradley and A. L. Bradley, of Watkins, N. Y., and John H. Clark, of Elmira, N. Y., opposing the passage of the Fitzgerald postal bill (H. R. 6468) and the Siegel postal bill (H. R. 491); to the Committee on the Post Office and Post Roads.

Also, petitions of John Bellinger, Campbell, N. Y.; Josephine Snyder, F. M. Snyder, Prudence Stradley, C. W. Lee, J. B. Barker, B. C. Stradley, J. J. Rouse, Mrs. B. D. Porter, Mrs. A. Fosburg, Charles Rutledge, L. R. Rennells, Mary E. Rouse, and Mrs. W. Joy, all of Corning, N. Y., opposing compulsory Sunday observance bill (S. 645), entitled "A bill to provide for the closing of barber shops in the District of Columbia on Sunday"; to the Committee on the District of Columbia.

Also, papers to accompany House bill 10363 for relief of James Green; to the Committee on Naval Affairs.

By Mr. ROWE: Petition of J. Ross Cook, of Brooklyn, protesting against passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of the Merchant Association of New York, indorsing House bill 9678; to the Committee on the Merchant Marine and Fisheries.

Also, petition of sundry citizens of Brooklyn, N. Y., indorsing House joint resolutions 14 and 81 and Senate bill 3033 and like bills; to the Committee on Foreign Affairs.

Also, petitions of A. C. Comnard, of Brooklyn, and Merchant & Evers Co., of New York, indorsing House bill 9814; to the Committee on the Public Lands.

Also, petition of Johnson & Morris, of New York, indorsing Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

By Mr. RUSSELL of Ohio: Petition of sundry citizens of Auglaize, Ohio, for national prohibition; to the Committee on the Judiciary.

By Mr. SHOUSE: Petition requesting investigation of Fiber Trust being organized by American capital to control price on twine, rope, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. SLAYDEN: Petition of citizens of Texas, against the proposed prohibition amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, petition of citizens of Texas to Congress, asking that Americans be warned not to sail on ships of belligerent nations, that the sale and export of ammunition to belligerents be forbidden, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SNYDER: Petition of employees of the Little Falls (N. Y.) post office, favoring legislation as to the retirement of post-office employees; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Petition of Division 618, of Providence, R. I., Amalgamated Association of Street and Electric Employees of America, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of William Hemple and other citizens, of Providence, R. I., in favor of warning American citizens against traveling on armed merchant vessels of belligerents; to the Committee on Foreign Affairs.

By Mr. SULLOWAY: Petitions of Woman's Christian Temperance Union of 10 people, of Sandwich; Methodist Episcopal church of 60 people, of Sandwich; Mount Israel Grange of 125 people, of Sandwich; Woman's Christian Temperance Union of 60 people, of Tilton; and True Men Christian Endeavor Society of 35 people, of Rochester, all in the State of New Hampshire, favoring national prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Petition of Men's Bible Class of New Brighton; W. S. Phillips, F. W. Tallon, and others of New Brighton; J. W. Humphrey and other citizens of Ellwood City; congregation of the Mahoning Methodist Episcopal Church of 450 members; First United Presbyterian Church, of New Castle; Bethel United Presbyterian Church, of Enon Valley, all in the State of Pennsylvania, for national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of the twenty-fourth Pennsylvania district, favoring increase of wages for laborers on Ohio River dams; to the Committee on Labor.

Also, protest of J. Berger, J. H. Tucker, and other citizens of Washington, Pa., protesting against any act that will involve this Nation in a war with any foreign power; to the Committee on Foreign Affairs.

By Mr. WASON: Petition of V. E. Bryant and 9 other residents of Concord, N. H., in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of C. H. Farnsworth and 16 other residents of Concord, N. H., in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of C. H. Parsons and 22 other residents of Concord, N. H., in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of H. B. Watson and 14 other residents of Concord, N. H., in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of Mrs. Mary F. Ramsay and 19 other residents of Hancock, N. H., in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of Fred A. Ware and 11 other residents of Hancock, N. H., in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of Harry F. Lake and 58 other residents of Concord, N. H., in favor of national prohibition; to the Committee on the Judiciary.

Also, petition of W. C. Walker and 15 other residents of Concord, N. H., in favor of national prohibition; to the Committee on the Judiciary.

SENATE.

FRIDAY, *March 10, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we would express the highest hope and aspiration of our national life in the prayer, Thy will be done. As we take Thy name reverently upon our lips, as we call upon Thee as our Father in heaven, we express that unity of spirit and that high purpose of life that we would have characterize all our actions and guide us in all the deliberations of our life.

We pray Thee to-day to look upon us in Thy mercy. In the midst of a world war mad do Thou guide us and help Thy servants, who desire to guide our national life not only in safety and honor but in its mission of good will among men, so that the honor that we achieve may be the honor inspired by the spirit of God.

Our hearts are saddened this morning by the sudden death of one of the trusted officers of the Senate, who for many years has been faithful to the trust committed to him. We are reminded of that path that we are following. We pray that the influence of a worthy, trusted, conscientious life may abide with its ministry upon all connected with the Senate, and that all going forth into the great beyond may leave the record unsullied, unstained, as children of God. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented the petition of Fred A. Ware and 31 other citizens of Hancock, N. H., and the petition of Harry F. Lake and 135 other citizens of Concord, N. H., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WALSH presented petitions of sundry citizens of Missoula, Mont., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Conrad, Mont., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Eureka, Mont., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. LA FOLLETTE presented petitions of sundry citizens of Wisconsin, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Wisconsin, remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which were referred to the Committee on Education and Labor.

Mr. LANE presented petitions of sundry citizens of Oregon, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. JOHNSON of Maine presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. MARTINE of New Jersey presented petitions of sundry citizens of Salem, Plainfield, Camden, Holmdel, Succasunna, and Berlin, all in the State of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SAULSBURY presented a petition of sundry citizens of Harrington, Del., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. PHELAN presented a petition of the Board of Supervisors of Kings County, Cal., praying for the enactment of legislation to grant relief to the oil operators of California, which was referred to the Committee on Public Lands.

He also presented a petition of Local Union No. 234, Hod Carriers' Union, of San Jose, Cal., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. THOMPSON presented a petition of sundry citizens of Lucas, Kans., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Garnett, Ottawa, and Kansas City, all in the State of Kansas, praying for the enactment of legislation to grant pensions to superannuated employees of the Postal Service, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Galatia, Kans., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Kansas Oil Men's Association of Kansas City, Mo., praying for an investigation into the effect of the so-called dissolution of the Standard Oil Co., etc., which was referred to the Committee on Appropriations.

Mr. KERN presented the petition of Magnus Doyle, of Los Angeles, Cal., praying for the enactment of legislation to revise the currency system, which was referred to the Committee on Banking and Currency.

Mr. JOHNSON of Maine. I present a resolution adopted at the meeting of the Commandery of Maine, Military Order of the Loyal Legion of the United States, held in Portland, March 1, 1916, which I ask may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

MILITARY ORDER OF THE
LOYAL LEGION OF THE UNITED STATES,
Portland, March 1, 1916.

Hon. CHARLES F. JOHNSON,
Washington, D. C.

DEAR SIR: At the stated meeting of the Commandery of Maine, Military Order of the Loyal Legion of the United States, held in Portland, March 1, 1916, the following action was taken, the vote being unanimous:

"*Resolved*, That it is the sense of this commandery that the Congress of the United States should pass all necessary measures to properly and adequately prepare our country for any possible conflict with any foreign power.

"*Resolved further*, That a copy of these resolutions be forwarded to every Member from Maine of the Senate and the House of Representatives."

By order of Capt. Horace H. Shaw, commander.

HORATIO STAPLES, *Recorder.*

Mr. JOHNSON of Maine. I present a resolution adopted by the Androscoggin County Association of Rural Letter Carriers, of Maine, which I ask to have printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

AUBURN, ME., *February 22, 1916.*

Resolved, That the members of Androscoggin County Association of Rural Letter Carriers, here assembled, do hereby heartily approve and indorse the following bills which have been introduced in the House of Representatives:

The compensation bill (H. R. 476), introduced by Mr. MCGILLICUDDY.
The retirement bill (H. R. 5757), introduced by Mr. HAMILL.
The rural free delivery bill (H. R. 72), introduced by Mr. TOWNER.

Resolved, That the Secretary be instructed to send a copy of these resolutions to each of the Maine Congressmen and to ask that they give these bills their aid and support.

W. H. WATERMAN,
G. N. EVELETH,
Committee on Resolutions.

FORT DOUGLAS MILITARY RESERVATION, UTAH.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably, with two amendments, the bill (S. 57) to authorize the Secretary of War to permit the use of a right of way over and across the Fort Douglas Military Reservation for the construction and operation of a standard-gauge railway spur connecting with local or transcontinental railroads, and I submit a report (No. 248) thereon. I call the attention of the Senator from Utah [Mr. SMOOT] to the bill.

Mr. SMOOT. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent for the consideration of the bill just reported. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment of the committee was, on page 1, line 9, after the word "regulations," to strike out "as to construction and joint use by such railroad, and any that may be hereafter constructed, as he may deem proper," and insert "and conditions as to its construction, operation, and maintenance as he may prescribe," so as to read:

That the Secretary of War be, and he is hereby, authorized and empowered to permit the use of a right of way over and across the Fort Douglas Military Reservation, in the State of Utah, for the construction and operation of a standard-gauge railway spur connecting, directly or indirectly, with any transcontinental or local railroad now entering Salt Lake City, Utah, under such regulations and conditions as to its construction, operation, and maintenance as he may prescribe, to the extent of 25 feet on each side of the center line of such railway and to such further extent as may be required for the construction, operation, and maintenance of such sidetracks, switches, and other terminal facilities as may be necessary to satisfy the military transportation requirements of Fort Douglas as they now or may hereafter exist.

The amendment was agreed to.

The next amendment was, on page 2, line 5, after the word "*Provided*," to strike out "*however*" and insert "That any railroad now entering or that may hereafter enter Salt Lake City may, upon obtaining a permit from the Secretary of War, use the spur track herein authorized to be placed upon the reservation upon the payment of just compensation therefor; and if the parties concerned can not agree upon the amount of such compensation the sum or sums to be paid for said use shall be fixed by the Secretary of War: *Provided also*, That the right is reserved to the United States, at any time it may be deemed desirable, to purchase the spur track herein authorized at the actual cost of its construction, less depreciation to the time of purchase: *And provided further*," so as to read:

Provided, That any railroad now entering or that may hereafter enter Salt Lake City may, upon obtaining a permit from the Secretary of War, use the spur track herein authorized to be placed upon the reservation upon the payment of just compensation therefor; and if the parties concerned can not agree upon the amount of such compensation, the sum or sums to be paid for said use shall be fixed by the Secretary of War: *Provided, also*, That the right is reserved to the United States, at any time it may be deemed desirable, to purchase the spur track herein authorized at the actual cost of its construction, less depreciation to the time of purchase: *And provided further*, That any permission given by the Secretary of War under the provisions of this act may be revoked by him or his successor in his discretion, and shall not be held to confer any right or an easement or interest in, to, or over said Fort Douglas Military Reservation.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

INDIAN LANDS IN WASHINGTON.

Mr. POINDEXTER. Yesterday the Committee on Indian Affairs reported the bill (S. 3251) confirming patents heretofore issued to certain Indians in the State of Washington. It is identical with House bill 8092, which has passed the House. I ask unanimous consent that the House bill be substituted for the Senate bill and that the House bill may receive present consideration.

The PRESIDENT pro tempore. Has the House bill been reported to the Senate? What is the status of the House bill? let the Chair inquire at the desk.

Mr. POINDEXTER. It is identical with the Senate bill, which has been reported and is now on the calendar.

The PRESIDENT pro tempore. The House bill is not before the Senate but is before the Committee on Public Lands. In that case the committee will have to be discharged from its further consideration.

Mr. POINDEXTER. I ask that the Committee on Public Lands be discharged from the further consideration of the bill.

The PRESIDENT pro tempore. Such will be the order, unless there is objection. The Chair hears none.

Mr. POINDEXTER. Now I ask for the present consideration of the bill (H. R. 8092) confirming patents heretofore issued to certain Indians in the State of Washington.

Mr. JONES. Mr. President, I wish to say to my colleague that I received a letter from some one at Wenatchee asking for an opportunity to be heard on this bill, as it is a bill affecting some lands there. Personally I hope the measure will be passed, but they asked for an opportunity to be heard, which no one would deny, and I assured them that they would have an opportunity to come before the committee and present whatever they might have to say. I submit to my colleague whether under such circumstances he thinks it would not be better to give them an opportunity to be heard. I do not like to object, because I think the bill ought to pass, but they asked for an opportunity to be heard and I supposed they would have it.

Mr. POINDEXTER. The bill has been reported from the committee.

Mr. JONES. That is what I understood; but I received a letter a couple of days ago in which they asked if they could make an application to the chairman of the committee, and I said yes, they would have an opportunity to be heard. I think the bill ought to go over.

The PRESIDENT pro tempore. The Senator from Washington objects to the present consideration of the bill. It will take the place on the calendar of the Senate bill.

OHIO RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 10032) to authorize the construction of a bridge across the Ohio River from a point on its banks in the city of Pittsburgh, Pa., at or near the locality known as Woods Run, to a point on the opposite shore of said river, within the borough of McKees Rocks, Pa., and I submit a report (No. 246) thereon. I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MERRIMACK RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 11628) granting the consent of Congress to the city of Lowell, county of Middlesex, State of Massachusetts, to construct a bridge across the Merrimack River, and I submit a report (No. 247) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

POST-OFFICE SITE, CALUMET, MICH.

Mr. ASHURST. From the Committee on Public Buildings and Grounds I have been directed to report back favorably without amendment the bill (H. R. 10487) reserving or excepting all ores or minerals on the lands, with the right of mining the same, on the site of the proposed post-office building at Calumet, Mich. I call the attention of the Senator from Michigan [Mr. SMITH] to the report.

Mr. SMITH of Michigan. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole. It provides that the provision of the public building act approved March 4, 1913 (37 Stat., p. 878), which authorizes the acquisition of a suitable site for the post office at Calumet, Mich., be amended as follows:

Provided, That the Secretary of the Treasury may, in his discretion, accept a title which reserves or excepts all ores or minerals on the lands, with the right of mining the same.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RURAL POST ROADS.

Mr. BANKHEAD. A few days ago I reported favorably from the Committee on Post Offices and Post Roads the bill commonly known as the good-roads bill. It is the bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter. I now desire to file a report (No. 250) to accompany the bill.

The PRESIDENT pro tempore. The report will be received and printed.

QUARTERMASTER SUPPLIES AND STORES.

Mr. CHAMBERLAIN. From the Committee on Military Affairs I report back favorably without amendment the bill (S. 4726) to permit issue by the supply departments of the Army to certain military schools and colleges, and I submit a report (No. 249) thereon. I call the attention of the Senator from Minnesota [Mr. NELSON] to the report.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of War to issue, at his discretion and under such regulations as he may prescribe, such quartermaster supplies and

stores belonging to the Government, and which can be spared for that purpose, as may appear to be required for the establishment and maintenance of military instruction camps by the students of any educational institution to which an officer of the Army is detailed as professor of military science and tactics, and the Secretary of War shall require a bond in each case in the value of the property for the care and safe-keeping thereof and for the return of the same when required.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 4961) granting an increase of pension to Frank B. Sargent (with accompanying papers); and

A bill (S. 4962) granting an increase of pension to John M. Farquhar (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 4963) granting an increase of pension to Robert Nichols; to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 4964) granting an increase of pension to Francis B. Ainsworth (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 4965) for a mining experiment station in Texas; to the Committee on Mines and Mining.

A bill (S. 4966) requesting the Secretary of the Treasury to investigate and report as to the advisability of erecting public buildings in certain towns and cities in Texas; to the Committee on Public Buildings and Grounds.

By Mr. KENYON:

A bill (S. 4967) granting an increase of pension to Thomas T. Anderson (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 4968) for the relief of the Citizens Savings & Loan Association Co., of Portsmouth, Ohio; to the Committee on Claims.

A bill (S. 4969) granting an increase of pension to Lydia C. Locke (with accompanying papers); to the Committee on Pensions.

By Mr. SAULSBURY:

A bill (S. 4970) to establish a fish hatchery in the State of Delaware; to the Committee on Fisheries.

By Mr. SMITH of South Carolina:

A bill (S. 4971) to authorize the designation and withdrawal of water-power sites and the construction of water-power and other plants by the United States for the manufacture of nitrates, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. KERN:

A bill (S. 4972) granting an increase of pension to Irvin Dickinson (with accompanying papers); to the Committee on Pensions.

By Mr. LANE:

A bill (S. 4973) granting a pension to Elizabeth Dellenbeck (with accompanying papers); to the Committee on Pensions.

A bill (S. 4974) to provide for the purchase of a site and the erection of a building thereon at Corvallis, in the State of Oregon; to the Committee on Public Buildings and Grounds.

By Mr. RANSDELL:

A bill (S. 4975) for the relief of the New Orleans-Belize Royal Mail and Central American Steamship Co., of New Orleans, La.; to the Committee on Claims.

By Mr. JOHNSON of South Dakota:

A bill (S. 4976) granting an increase of pension to Edward H. Allison, alias Henry A. West (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 4977) for the relief of the Reliable Building & Loan Association, of Newark, N. J.;

A bill (S. 4978) for the relief of the Orvil Cooperative Building & Loan Association;

A bill (S. 4979) for the relief of the Monticello Mutual Building & Loan Association, of Jersey City, N. J.;

A bill (S. 4980) for the relief of the Junior Order Building & Loan Association, of Newark, N. J.;

A bill (S. 4981) for the relief of the Ironbound District Building & Loan Association, of Newark, N. J.;

A bill (S. 4982) for the relief of the Hilton Building & Loan Association;

A bill (S. 4983) for the relief of the Duncan Building & Loan Association of New Jersey;

A bill (S. 4984) for the relief of the Columbia Building & Loan Association, of Jersey City, N. J.;

A bill (S. 4985) for the relief of the Commonwealth Building & Loan Association;

A bill (S. 4986) for the relief of the Woodlawn Building & Loan Association, of Jersey City, N. J.;

A bill (S. 4987) for the relief of the Boonton Building & Loan Association, of Boonton, N. J.;

A bill (S. 4988) for the relief of the Twelfth Ward Building & Loan Association, of Newark, N. J.; and

A bill (S. 4989) for the relief of the Woodside Building & Loan Association, of Newark, N. J.; to the Committee on Claims.

By Mr. ROBINSON:

A bill (S. 4990) to establish a bureau for the study of the criminal, pauper, and defective classes; to the Committee on the Judiciary.

By Mr. CUMMINS:

A bill (S. 4991) to increase the efficiency of the Organized Militia, and for other purposes; to the Committee on Military Affairs.

By Mr. NEWLANDS:

A bill (S. 4992) to amend the act to regulate commerce, as amended, and for other purposes; to the Committee on Interstate Commerce.

A bill (S. 4993) to amend an act entitled "An act to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes," approved June 29, 1906; to the Committee on Interstate Commerce.

By Mr. CHILTON:

A bill (S. 4994) granting an increase of pension to James T. Piggott (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. STERLING submitted an amendment intended to be proposed by him to the river and harbor appropriation bill (H. R. 12193), which was referred to the Committee on Commerce and ordered to be printed.

AFFAIRS IN MEXICO.

Mr. McCUMBER. Mr. President, I introduce a joint resolution, which I ask may be read and then referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. The Senator from North Dakota introduces a joint resolution, which, without objection, will be read at the desk. The Chair hears none, and the Secretary will read it.

The joint resolution (S. J. Res. 111) directing the President of the United States to send troops into Mexico to hunt down and destroy murdering bands and punish those guilty of the atrocities at Columbus, N. Mex., on the night of March 8, 1916, was read the first time by its title and the second time at length, as follows:

Whereas the murder of American men, women, and children, resident in Mexico, by Mexican bandits has continued for more than two years; and

Whereas acts of robbery and of fiendish brutality toward American citizens have been of weekly occurrence in that country; and

Whereas this Government, actuated by a most earnest desire to refrain from interference in the internal affairs of Mexico, has exhausted every possible effort to prevent the recurrence of such atrocities and secure redress for the wrongs inflicted upon its citizens; and

Whereas such efforts have been worse than fruitless, and the failure of this Government to exert its active powers to protect the lives and property of its citizens, have emboldened and encouraged these bandits to the commission of further atrocities against our people; and

Whereas on the 8th day of March, 1916, a band of these Mexican marauders, under the command and by the direction of their leader, Francisco Villa, actually invaded American territory, and in the dead of night massacred 23 American men and women in the city of Columbus, N. Mex.; and

Whereas there is no government whatever in Mexico capable of punishing these atrocious acts or to protect American lives; and

Whereas these brutalities, culminating in the invasion of our own soil and the massacre of our people, can not longer be borne: Now, therefore, be it

Resolved, etc., That the President be, and he is hereby, directed to immediately send into Mexico a sufficient force to hunt down and destroy these murdering bands and punish all those guilty of these atrocities against our citizens wherever they may be found. And the President is authorized to use any force necessary to carry into effect this purpose or to overcome any opposition from any source in Mexico to prevent its accomplishment.

Mr. ASHURST. Mr. President, I ask for the immediate consideration of the resolution.

The PRESIDENT pro tempore. It can not be done to-day without unanimous consent. The author of the resolution has asked to have it referred to the Committee on Foreign Relations.

Mr. ASHURST. I wish to be heard for a moment.

Mr. STONE. Mr. President, I object.

The PRESIDENT pro tempore. The resolution is not before the Senate and can not be considered on the day of its introduction except by unanimous consent.

Mr. STONE. I object to its immediate consideration.

Mr. McCUMBER. I asked for the reference of the resolution to the Committee on Foreign Relations.

The PRESIDENT pro tempore. That may be done by unanimous consent. Is there objection?

Mr. ASHURST. I wish to say a word.

The PRESIDENT pro tempore. It is not a debatable question.

Mr. ASHURST. I do not wish to debate the resolution.

The PRESIDENT pro tempore. There is no debatable question before the Senate.

Mr. ASHURST. I am before the Senate.

The PRESIDENT pro tempore. The Senator can not be before the Senate unless some debatable question is pending.

Mr. ASHURST. I ask unanimous consent to offer a memorial, out of order, to the Senate and to submit a few words in connection with it.

The PRESIDENT pro tempore. The Senator from Arizona asks unanimous consent to present a memorial out of order and to address the Senate at this time, briefly in connection with it. Is there objection? The Chair hears none.

Mr. ASHURST. I wish to talk three or four minutes on the memorial.

The PRESIDENT pro tempore. The Chair is sure the Senator would not get the floor for one purpose and pervert it to another.

Mr. ASHURST. Mr. President, I wish to assure Senators that I know as well as anyone that this is a time for prudent and temperate speech. I am not accustomed to approve of intemperate speech; I was never reared in that way. In my judgment, intemperate speech would be out of place now and here. On the other hand, I have never been in the habit of dipping my words into a tank of diplomatic antiseptic before I allowed them to escape from my lips; and I think I ought to follow that course this morning.

I am not one who has clamored and railed at the administration because it has made mistakes—if, indeed, it has made any mistakes—in Mexico. I think when impartial history is written and we are removed from the scene of the conflict the judgment of mankind will justify in a large measure the administration's patience with Mexico; yet, Mr. President, I would be false to my constituency, false to the American people, and false to the Senate if I failed now to make some disclosures regarding the situation on the Mexican border.

Mr. President, for more than five months I have visited the Department of State and the Department of War, from time to time, urging that troops be kept on the Mexican border, because I knew as well as anyone can know anything, I knew as well as anybody can predicate a judgment as to what may happen in the future on evidences of the present, that the troubles in Mexico, instead of being ended are just about to begin; but notwithstanding my incessant demands, notwithstanding my repeated requests, my repeated pleadings, and expostulations that a sufficient number of troops be kept on the Mexican border to police it, I find that even a few days ago the War Department was contemplating removing troops to some other place—possibly to join the National Guard and get some experience in maneuvering in connection with the training of the National Guard.

So, Mr. President, I will read a few lines of some correspondence. Notwithstanding my repeated personal requests that troops be kept on the border to protect the towns of Naco, Nogales, and Douglas, which towns are immediately on the Mexican border, the international line going through the town of Douglas, the town of Naco, and the town of Nogales, it has been a difficult task to induce the War Department to believe that there was any real necessity for the continued presence of troops at these points.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from North Dakota for a question?

Mr. ASHURST. I yield.

Mr. McCUMBER. I desire to ask the Senator a question. Does not the Senator believe that that massacre committed in his own State justifies Congress in directing the President, with the military force of this Government, to hunt down and punish those bandits wherever they may be?

The PRESIDENT pro tempore. The Senator from Arizona will take notice of the fact that the next time he yields he will forfeit whatever right he has to the floor.

Mr. ASHURST. I will not forfeit the floor for a few moments; but I thank the Chair for its warning.

In answer to the question propounded by my friend, the learned Senator from North Dakota [Mr. McCUMBER], I will say that the massacre did not occur in Arizona, but I am none the less interested. I am an American United States Senator, not a State senator. [Applause in the galleries.] Everything concerning the integrity of this Republic, whether it be in Portland, Me., or Portland, Oreg., whether it be in Duluth or in New Orleans, concerns me just as much as if it had occurred in my own State.

Mr. President, in response to the question propounded by the Senator from North Dakota, I will say that I am anxious to vote, and it is the duty of the Senate to vote, to authorize the President immediately to send troops anywhere in Mexico, to hunt out these red-handed cutthroats, bring them back to the little town of Columbus, where they made a funeral pyre out of the bodies of American citizens, and there shoot these bandits on the spot. That is what I think about our duty. I think the President should be authorized to direct our troops to pursue these bandits and give them a salutary lesson; in other words, Mr. President, I think now we should use grapeshot instead of grape juice. [Laughter.]

Here is a letter addressed to me by the Chief of Staff, Maj. Gen. H. L. Scott:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, February 21, 1916.

Hon. H. F. ASHURST,
United States Senate.

MY DEAR SENATOR: With reference to your call this morning relative to the removal of the Sixth Field Artillery from Douglas May 1, I beg to inform you that I have had the matter looked up and no definite orders have been issued with reference to the removal of the Sixth Field Artillery, but department commanders have been notified that it is desirable to have camps of instruction during the summer for the Field Artillery of the National Guard, and if conditions of the border permit, the Sixth Field Artillery probably will be sent to various camps—

Throughout the United States—

for duty in connection with the training of the National Guard.

If they are kept on the border, they will get sufficient training if they do their duty.

I am sure you will understand the dilemma of the department in trying to give instruction to the National Guard and at the same time keep troops on the border, but I assure you this regiment will not be removed even temporarily unless, in the judgment of the department, conditions on the border justify it.

I wish to say that the department has not now one-half the number of troops necessary to protect the lives of American citizens in the towns in my State that are on the border. I speak with some knowledge on the subject. I have received a letter this morning——

Mr. STONE. Mr. President——

Mr. ASHURST. I do not yield, Mr. President.

Mr. STONE. Well——

Mr. ASHURST. Should I yield, I would lose the floor; therefore I decline to yield.

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. STONE. Yes; but I rise to a question of order.

The PRESIDENT pro tempore. The Senator from Missouri will state it.

Mr. STONE. The Senator from Arizona stated that he desired to present a memorial. Instead of doing that, he is reading from letters.

Mr. ASHURST. It is a letter of protest. It is a telegram or a letter in the shape of a memorial, or petition in the shape of a telegram.

The PRESIDENT pro tempore. The memorial has not yet been presented to the Senate. The Senator asked unanimous consent to present a memorial, and his discussion has covered a pretty wide field.

Mr. ASHURST. There is no use in trying to "bottle up" my speech. It would be futile for any Senator to attempt it, because if I have to take all day to say what I feel it is my duty to say, I will take it.

The PRESIDENT pro tempore. The Senator can proceed at his pleasure. The Chair has not interfered with him.

Mr. ASHURST. I thank the Chair. I have a letter from a distinguished citizen of Douglas, Ariz. His name, for reasons sufficient to myself, I shall not disclose. He says, among other things:

In regard your letter in which you say Gen. Scott states there is no intention of moving the troops away from here—

That is, Douglas—

Col. Greble, of the Sixth Field Artillery, has already received orders to leave here on the 25th of April with the entire Sixth Field Artillery; and it certainly is a shame to take all of the artillery away from Douglas at the present time, for it is absolutely a cinch—

The word "cinch" being in Southwestern parlance "a dead sure thing," with which the Senate is, of course, familiar—

that things in Mexico are not settled.

I concur in the opinion expressed by the writer "that things in Mexico are not settled"; and so long as a bandit such as "Pancho" Villa is at large, things will not be settled in Mexico.

Now, referring to the memorial or petition which I wish to present, it is signed by L. W. Mix, mayor of Nogales, and by Bracey Curtis, president Nogales Chamber of Commerce; it is dated March 9 and reads:

Considering the Mexican raid on Columbus, N. Mex., this morning, general conditions and rumors are that United States Sixth Artillery will leave Nogales next month. We are prompted to remind you that Nogales is justified in requesting the War Department to retain the present company of Artillery and Infantry here, and an increase of Cavalry to control border east and west in case of necessity.

I concur in the views expressed by those two gentlemen.

I have a telegram here that is facetious. I hesitate to read it, because I do not believe this is a time for facetiousness; but I was told yesterday when the department learned that the outrage at Columbus had occurred—Columbus being, I believe, about a mile and a half from the international line—that it gave orders to the troops to pursue the bandits for "2 miles" into Mexico. I do not know whether that is true or not; I heard the rumor, and I know how wrong it is to base any judgment on common rumor. However, here is the telegram, from a gentleman whom I know very well. He says:

DOUGLAS, ARIZ., *March 9, 1916.*

HENRY F. ASHURST,
Washington, D. C.:

Douglas papers report Villa invaded United States. Killed many citizens at Columbus, N. Mex. Reports from Washington say War Department issued orders United States troops to follow Villa 2 miles across the line. Please send us registered tape, that we may register carefully the ground, because we might miss it an eighth of an inch one way or the other.

C. M. CURRY.

Mr. President, that is all I have to say. I want the country and I want the Senate to know that, so far as in my power lies, I have for five months urged that the troops that are now on the border be kept there and that so fast as trains could carry additional troops they should be sent there to protect our citizens.

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on Foreign Relations.

Mr. STONE and Mr. POMERENE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Missouri.

Mr. STONE. Mr. President, I ask unanimous consent to say just a word.

The PRESIDENT pro tempore. Unanimous consent will be granted to the Senator from Missouri, unless the Chair hears objection. The Chair hears none.

Mr. STONE. Mr. President, I think every Senator of the United States, whether he is present here this morning or not, feels as indignant and resentful over this brutal and bloody outrage at Columbus, N. Mex., as does the Senator from Arizona [Mr. ASHURST].

Mr. President, the Executive branch of the Government is now using to the utmost all the activities at its command to ascertain the exact facts relating to this matter from its inception to its ending; that is, up to date. The Cabinet has been in session this morning, and may yet be in session, considering this very question in consultation with the military authorities. Until the Senate is informed, as it will be very soon, as to the facts of the occurrence itself and as to the entire situation, it seems to me, if I may be permitted to say so—and I say this with all due respect to my friend from Arizona—that it would comport better with the dignity and responsibility imposed upon us at this juncture to wait, a few hours at least, until the Senate—until the Congress itself—may proceed with that deliberation which a subject of such gravity should have at our hands. Mr. President, that is all I care to say.

Mr. LANE. I ask for the regular order.

The PRESIDENT pro tempore. The regular order is the introduction of bills and joint resolutions.

Mr. FALL. Mr. President——

The PRESIDENT pro tempore. The Senator from New Mexico.

Mr. FALL. I desire to submit a joint resolution for appropriate reference; and, Mr. President, I want to say that I for one am in thorough agreement with the sentiment expressed by the chairman of the Committee on Foreign Relations [Mr. STONE], and that I shall not undertake to discuss the matter which, of course, lies very near to my heart, until what I consider to be a more appropriate occasion.

The joint resolution (S. J. Res. 112) to authorize the President to take necessary measures for the protection of American citizens and property in Mexico, was read the first time by its title, and the second time at length, as follows:

Whereas for three years a condition of anarchy has prevailed on and near our borders and particularly within the Republic of Mexico; and

Whereas this Government has exercised the utmost patience and its best efforts through persuasion and representations to assist in restoring order in that unhappy country, and has seen its citizens traveling and doing business in Mexico murdered and outraged and their property destroyed, in violation of their legal rights under the comity of nations and customary and positive international law; and

Whereas this Government has had its flag dishonored and insulted in Mexico, and no reparation made or redress offered; and

Whereas the clear rights of American citizens have been abridged and denied in Mexico, and this Government can not consent to any further abridgment of the rights of American citizens in any respect; and,

Whereas this Government is contending for nothing less high and sacred than the rights of humanity which every government honors itself in respecting, and which no government is justified in resigning on behalf of those under its care and authority: Therefore be it

Resolved, etc., That the President be, and he hereby is, authorized and directed to use the land and naval forces of the United States and call into service 500,000 volunteers:

First. For the purpose of protecting the lives and property of Americans in Mexico, and as a necessary preliminary to such purpose the opening and maintenance of all rail and other lines of communication between the City of Mexico and the seaports of Mexico as well as with the American border.

Second. For assisting in the prompt establishment of a constitutional government in Mexico and lending same sufficient support to enable the Mexicans themselves to organize and maintain adequate military force with which to disarm all bandits and murderers and restore order and peace.

Resolved further, That we declare our purpose to be as above set forth, and not to be the acquisition or annexation of territory, the overthrow of laws, customs, or constitution, the making of war upon the Mexican people, or interference with the Mexicans in the government of their country; and we declare our further purpose to be the withdrawal of all our armed forces from Mexican territory immediately upon the accomplishment of the objects herein set forth, and to these ends we invite the cooperation of the Mexican people.

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on Foreign Relations.

RURAL CREDITS.

Mr. HARDING. I present an article on the rural-credits movement by ex-Ambassador Myron T. Herrick and Mr. Rufus Ingalls. I ask to have it referred to the Committee on Printing, with a view to it being printed as a public document.

The PRESIDENT pro tempore. Such will be the order in the absence of objection. The Chair hears none.

INLAND CANAL NAVIGATION (S. DOC. NO. 354).

Mr. SAULSBURY. I ask unanimous consent that a thesis, by First Lieut. Tasker H. Bliss, First Artillery, on the strategical value of the inland canal navigation of the United States, be printed as a Senate document.

The PRESIDENT pro tempore. Unless there is objection, such will be the order. The Chair hears none.

ENGINEERING EXPERIMENT STATIONS (S. DOC. NO. 353).

Mr. NEWLANDS. Mr. President, I introduced yesterday a bill for the establishment of experiment stations in various States regarding engineering and mechanic arts. I have an explanation and statement regarding the necessity of this bill, written by Dean A. A. Potter, division of engineering, Kansas State Agricultural College, and secretary of the Land Grant College Engineering Association. It is a brief document, and I ask that it be printed in the RECORD and also that it be printed as a public document.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Such will be the order, unless there is objection. The Senator from Utah.

Mr. SMOOT. I do not think that the Senator ought to ask that it be printed in the RECORD and also as a public document. I have no objection, if the Senator will ask that it be printed as a public document.

Mr. NEWLANDS. I will state to the Senator that this is a matter of great public interest to many States.

Mr. SMOOT. That may be.

Mr. NEWLANDS. It is a very brief statement, indeed; explanatory of the bill, which establishes these experiment stations regarding mechanic arts in the same way that they have been established regarding agriculture.

Mr. SMOOT. I recognize that.

Mr. NEWLANDS. I should like to have it printed in the RECORD, as well as to have it printed as a public document in connection with the bill itself.

Mr. SMOOT. Mr. President, I have no objection if the Senator wants to have it printed in the RECORD; but I do object to having it printed in the RECORD and also as a public document.

The PRESIDENT pro tempore. Objection is made.

Mr. NEWLANDS. I will ask, then, that it be printed as a public document in connection with the bill.

The PRESIDENT pro tempore. Such will be the order unless there is objection. The Chair hears none.

THE RICE CROP.

Mr. ROBINSON. I ask unanimous consent to have printed in the RECORD certain letters relating to the statistics of rice production in the United States.

The PRESIDENT pro tempore. Such will be the order unless there is objection. The Chair hears none.

The matter referred to is as follows:

SOUTHERN RICE GROWERS' ASSOCIATION,
Beaumont, Tex., February 21, 1916.

Hon. JOSEPH T. ROBINSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Herewith you will please find copy of a letter written this day to the Hon. D. F. Houston, Secretary of Agriculture. It is in reply to the Secretary's letter refusing to recanvass the rice-crop estimate of the Bureau of Crop Estimates.

The accuracy of the Government's reports on rice production means a great deal to the rice planters, as the publication of an inflated report is certain to depress prices.

The Southern Rice Growers' Association is a cooperative marketing organization and is interested in seeing accurate reports published by the department. This association is a nonprofit-making organization and has no desire to influence the market by coloring estimates of the crop.

We believe that our method of gathering statistical data on rice is superior to that of the Department of Agriculture, and we resent the action of Mr. Estabrook of the Bureau of Crop Estimates in attempting to belittle our work by referring to it as "incomplete and fragmentary."

We have propounded a number of questions to Mr. Estabrook during this controversy, and he has not shown us the courtesy of a reply. The association has a membership of about 2,000 rice farmers in the States of Texas, Louisiana, and Arkansas, and our sales of association rice for the present season will total over $8,000,000.

The department's rice crop specialist is Mr. Delancy Evans, who lives at Warrenton, Va. We do not believe that any man can live within sight of the Capitol Building and do justice to this position. Mr. Evans's work is in the South and there he should live.

We wish to thank you for the attention you have given the subject and to express the hope that we may count upon your continued cooperation in our efforts to make the rice reports of the department more dependable.

Yours, very truly,

W. B. DUNLAP,
President.

SOUTHERN RICE GROWERS' ASSOCIATION,
Beaumont, Tex., February 21, 1916.

Hon. D. F. HOUSTON,
Secretary of Agriculture, Washington, D. C.

DEAR SIR: Absence from the city has prevented an earlier reply to your letter of January 26, in which you assign various reasons for declining to order a recanvass of the department's estimate of the rice crop.

The question of the sources of information used in compiling the production report of the association was gone into at length in our Mr. Elgnus's letter to Mr. Estabrook, of January 11. Our reason for submitting for your consideration a copy of the Welsh district report was to show in detail the system employed by this office in the compilation of our report. That you may have a better idea of the scope of our work in southwest Louisiana, permit me to state that in the Welsh district we have 129 contracts, in Jennings 181, in Crowley 226, in Elton 67, and in Iota 84, or a total of 687 contracts. The gross acreage represented by our contracts in these five districts totals 136,152 acres. We have in addition to the above named four other offices in southwest Louisiana. While it is true that we do not maintain an office in a few of the smaller producing sections of southwest Louisiana, we do go into these territories and spend sufficient time to secure the needed statistical matter on acreage and production. We cover every rice-producing section of Texas, and in Arkansas our agents are in close touch with at least 95 per cent of the planted area. In view of these facts we feel that it is hardly fair for you to state that the "data collected by the association are necessarily incomplete and fragmentary."

In a letter written by Mr. Elgnus under date of December 21 we stated we would "be glad to furnish you with greater detail on any particular section." The only request we had from the bureau for further data was contained in a letter of January 6 from Mr. Estabrook, in which he requested what was in substance a complete census of the planters of the three States, with the quantity of rice produced by each. I do not feel that further comment on such a request is necessary. We were not only willing but anxious to furnish any detail information on any section or State.

You are laboring under a misapprehension when you state that our members sign contracts agreeing to turn over a portion of their crop to the association to sell and intimating that they hold back a portion of their rice to be sold by themselves, thus avoiding the payment of the association commission. This is in nowise true. Our contracts contain the following clause: "To sell all of the rice raised by me."

Again, you make the statement that the association is not in a position to estimate the amount reserved on farms for seed or feed. The amount of rough rice used as a stock food is, of course, largely contingent upon the price. The price of low grades, both in 1914 and 1915, was higher in proportion than the better rices and the amount fed was infinitesimal. The territory covered by the association produced in 1915 approximately five and a half million sacks. We employed in the selling and grading of the association rices about 70 trained rough-rice men. These men were in close touch with the planters of the various sections and their familiarity with the conditions on the plantations enable them to form a better opinion of the amount of rice used for feed than that of your crop reporters. When it comes to the question of seed rice, I desire to state emphatically that our agents have a better knowledge of the rices reserved for seed than any other class of reporters. They grade out a great deal of seed for planters, and in addition are constantly on the lookout for good seed rices for our members.

You speak of your State field agents devoting a portion of their time to the inspection of rice fields. In all seriousness, do you think that your Texas State agent, Mr. Gray, of Houston, has spent sufficient time in the rice fields in the past year to familiarize himself with acreage and production? I am interested in two large rice farms near Houston, on which was grown last year about 30,000 acres of rice. This represents about 80 per cent of the area planted to rice in the Houston section, and if Mr. Gray has spent five days there in the past five years I have not heard of it. Further than that, I do not remember of his ever having been on either farm.

It is true that we were in error in reducing the department's estimate from 28,947,000 bushels to 7,236,750 bags. The system of reducing the department's figures from bushels to bags by dividing by four has been the practice of rice men for years, and it was due to this custom that we made the error.

It is also true that the average weight per bag was heavier in 1915 than in former years. This was largely due to the smaller production of Honduras.

I was very much interested in the paragraph in your letter pertaining to the weight per bag of the different varieties. I note that you state that early in the season the department made a careful investigation, involving more than 1,200,000 bags, and that you found the average weight to be as follows: Honduras, 187.3; Japan, 196; Blue Rose, 197.6, and that, allowing for possible shrinkage, 191 pounds would be a conservative estimate of the average weight per bag of the entire crop.

Are you personally conversant with the methods used in this careful investigation made by the department to arrive at these figures? Is it not true that this data was furnished the Bureau of Crop Estimates by a large rice-milling company? The company we have in mind did tabulate the weights on about 800,000 sacks of rice early in the season, and the result of their investigation was identical to a fractional part of a pound with the investigation conducted by your department. If weights other than those furnished by this milling company were used by the bureau, is it not significant that they did not change the weight of any of the varieties at least a decimal part of a pound? At the time the rice-milling company tabulated these weights they had received but a few thousand sacks of Arkansas rice and had not received a single sack of rice from the State of Texas. If we are correct in our belief that the bureau's figures were based on the average weights furnished by this milling company, we will have to borrow one of your expressions and state that your information on weights is "necessarily incomplete and fragmentary."

To determine the average weight per bag our general office has made up a very comprehensive table based on the actual weights of 2,022,226 bags. Of this number, 905,237 were in Texas, 733,804 in Louisiana, and 383,185 in Arkansas. As these rices were weighed at different times during the selling season, we discounted the weights 1 per cent to allow for shrinkage. In analyzing your figures we find that the amount you deducted to cover probable shrinkage was about 1.6 per cent. While we do not agree with your conclusions—that of the total production 40 per cent was Honduras, 15 per cent Japan, and 45 per cent Blue Rose—we have attempted to keep as close to these figures as practicable in the compilation of this table. Of the 2,022,226 bags, 803,154 bags, or 39.7 per cent, were Honduras; 280,065, or 13.8 per cent, Japan; and 929,007, or 46.5 per cent, were Blue Rose.

The weights by varieties and States follow:

Texas.

Honduras	181.4
Japan	191.2
Blue Rose	188.2
Average for State	186.6

Louisiana.

Honduras	185.8
Japan	194.1
Blue Rose	193.5
Average for State	191

Arkansas.

Honduras	177.3
Japan	179.4
Blue Rose	184.9
Average for State	178.9

Averages three States.

Honduras	181.3
Japan	191.4
Blue Rose	190.2
Average weight all varieties 3 States	186.7

We are inclosing herewith a copy of our report of February 1, in which our estimate of the total production is increased from 6,571,460 to 6,638,883 bags. You will note that we have reduced the sackage in Louisiana and increased it in Texas, Arkansas, and California.

This report was made up prior to the completion of our table of weights, which accounts for the California productions being shown in bags of 190 pounds.

The department's estimate of the total production of 28,947,000 bushels, reduced to bags of 186.7 pounds, would show 6,977,048 bags. This is 338,165 bags in excess of the association's report, or an increase of slightly over 5 per cent.

I do not underestimate the value of the general statistical matter furnished by the department. The Government reports have had a tendency to discourage the issuance of either "bull" or "bear" reports by irresponsible dealers calculated to influence the market.

On the other hand the mere statement by the Bureau of Crop Estimates that the total rice production for 1915 was 28,947,000 bushels has very little significance to the planter, and affects him only as the accuracy of the report affects the market. We have three principal varieties of rice, and the planter desires to know just how each variety yielded in different sections or States. This information your Mr. Estabrook has refused to furnish. In fact, he has failed to reply to any of the questions we have asked in connection with the work of his bureau, and we have no knowledge of the department's conclusions on any detail pertaining to this report.

Your vindication of the methods and conclusions of your rice-crop specialist, your State field agents, and your crop reporters has not in any way changed my opinion of their efficiency. Your State field agents do not inspect the rice fields sufficiently to form an intelligent opinion of conditions, if, indeed, they inspect them at all. The reports

of your crop reporters are thrown into one common hopper, and in the resultant composite report the opinion of those who are well informed count for no more than the opinion of those who rank lowest in knowledge of crop conditions. Your rice-crop specialist does not spend sufficient time in the rice country to be in close touch with actual conditions. His place is here in the South, not in Washington.

Mr. Estabrook, in a recent newspaper interview given the Washington correspondent of the Times-Picayune, lauded Mr. Evans for the accuracy of a census of rice farmers prepared by him just prior to the publication of the figures on this subject by the Census Bureau. I presume this census was prepared in 1911. Permit me to call your attention to the fact that the actual crop of 1911, in round numbers, was 6,875,000 bags, while the department's estimate was 5,725,000, or over a million one hundred thousand bags below the actual production.

In this same interview Mr. Estabrook laid considerable stress upon the fact that Mr. Evans's grandfather was a rice man. This is interesting, if not important, but does not in any manner influence the accuracy of his reports.

If the thoroughness of the work of the Bureau of Crop Estimates is exemplified in the conclusions reached in the matter of the average weight per bag, is it not indicative of the fact that their methods of securing information on acreage and production might also be "incomplete and fragmentary"?

The final check of the crop of 1915 will be made in August, and we will then know whether we were justified in requesting a recanvass of the department's figures or whether you were right in refusing the request.

Yours, very truly, W. B. DUNLAP, *President*.

Mr. GALLINGER. Mr. President, I have many times in the past entered a mild protest against loading down the RECORD with all sorts of extraneous matters. I find in this morning's RECORD that the speech delivered by ex-Gov. Glynn, of New York, appears twice in the RECORD, and I think it is an abuse that ought in some way to be corrected. I did not object to the request of the Senator from Arkansas, but I want once more to try to impress upon the Senate the fact that the RECORD ought to be a record of the proceedings of Congress and not be filled with matter that occurs outside of the Senate Chamber and has no relation to the business of the Senate.

Mr. O'GORMAN. Mr. President, I did not hear all that the Senator from New Hampshire said, but I gathered that he was making some reference to a request I made yesterday and which had the sanction of the Senate.

Mr. GALLINGER. I merely said that the article that the Senator from New York had inserted—and I do not object to that—appears twice in the RECORD of this morning.

Mr. O'GORMAN. The Senator does not object, then, to the first insertion?

Mr. GALLINGER. I did not. I did say that I think we ought to be somewhat careful not to load down the RECORD with extraneous matter to the extent that is being done sometimes. For instance, there were I do not know how many columns of editorials the other day.

Mr. SMOOT. Seventeen pages—not columns.

Mr. GALLINGER. Seventeen pages of editorials in a single copy of the RECORD; and I think it is an abuse.

Mr. O'GORMAN. I can see how it may be abused at times, but the criticism the Senator makes is really leveled at the action of another House. The same address that I had inserted in the RECORD yesterday morning was also inserted on the same day in the House, although I imagine the action in the House was inadvertent and without knowledge of the previous action taken in this body.

FORT M'HENRY MILITARY RESERVATION.

Mr. LEE of Maryland. Mr. President, on the 7th instant a joint resolution (No. 68) came over from the House ceding to the State of Maryland temporary jurisdiction over certain lands in the Fort McHenry Military Reservation in Baltimore Harbor, and by an error it was referred to the Committee on Public Lands. I desire to ask unanimous consent that the Committee on Public Lands be discharged from the further consideration of the joint resolution and that it be referred to the Committee on Military Affairs, as it affects a military reservation.

The PRESIDENT pro tempore. Such will be the order unless there is objection. The Chair hears none. Morning business is closed.

Mr. LA FOLLETTE obtained the floor.

THE CALENDAR.

The PRESIDENT pro tempore. Before the Senator from Wisconsin proceeds it will be necessary for the Senate to take up the first bill on the calendar under Rule VIII, to have something pending before the Senate.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. The Secretary will state the first bill on the calendar.

The first bill on the calendar was the bill (S. 1053) to provide for stock-raising homesteads, and for other purposes.

ARMED MERCHANT VESSELS.

Mr. LA FOLLETTE. Mr. President, pursuant to a notice which I gave to the Senate two or three days ago, I wish to address myself very briefly to what I conceive to be a question of supreme importance which has grown out of the recent controversy as to the action of the Congress upon certain resolutions.

Mr. President, it is not my purpose to discuss generally the resolutions which were introduced warning or requesting American citizens to refrain at this time from travel upon armed belligerent vessels. But in the demand that Congress should vote down such resolutions, President Wilson has raised an issue of the gravest importance to the future well-being of our Government.

I shall address myself to this issue and especially to certain phases of it to which attention has not been invited in this discussion. I shall detain the Senate but a brief time this morning in presenting the propositions which, it seems to me, should be accorded great weight in determining the ultimate action of Congress upon this issue.

In his reply to the letter written him by the chairman of the Committee on Foreign Relations, the President said, doubtless with some warmth of feeling:

> You are right in assuming that I shall do everything in my power to keep the United States out of war. I think the country will feel no uneasiness about my course in that respect. Through many anxious months I have striven for that object, amid difficulties more manifold than can have been apparent upon the surface, and so far I have succeeded.

Even more than the President may perhaps realize, even more than some of us may now discern, the people of this country are praying that he shall keep us at peace with the world. The President's strength is not to be measured by the judgment of partisan politicians nor the scare headlines of a prejudiced press; but it depends in large measure on how many plain citizens continue to say of him, quite spontaneously in answer to all criticism, "He has kept us out of war." These millions of plain people are not unmindful of the underlying "difficulties" with which he is contending, even though they are not so "apparent on the surface."

Despite violent newspaper attacks and sensational individual assaults, there has been a strong undercurrent of sympathetic support of the President's policy in so far as it makes for peace, and a deep national gratitude for the result thus far attained.

I would not be understood as saying that the President's course has altogether satisfied the general public. But the great majority of men and women are not concerning themselves with the details of diplomacy. They take account of results. Just as in the Mexican situation, so in this European war, so long as we are steered clear of dangerous reefs the people are not going to complain of the man at the wheel, even though they do not understand many of the maneuvers.

Personally I wanted the President to take a very much more aggressive stand for peace. I believed and I still believe he should have called a conference of neutral nations to meet and make articulate the protests of the peaceful half of the world's population, a protest tempered by sympathies and kinship and affection and reason, yet so strong and persistent that its tender for mediation finally should have been welcomed by the warring nations.

But in common with what I believe to be the deeply grounded sentiment of the great majority of our people, I too am glad that in these troublous times we have had a President who has striven and so far has succeeded in keeping us out of war.

I make this preliminary explanation in order to have it clearly understood that it is in no carping spirit that I take issue with President Wilson in his recent extraordinary demand upon Congress.

As I understand the pending controversy, the President assumes it to be the exclusive prerogative of the Executive to pursue any foreign policy, whatever the issue, independent of any suggestion from either or both branches of Congress.

The peremptory manner in which the administration forced action upon the resolution in the Senate, the extraordinary proceedings by which the resolution was changed and tabled, without opportunity for debate or explanation, warrants the belief that the President denies Congress the right to express its opinion upon a matter which lies within its constitutional authority quite as much as that of the Executive.

We must infer from what has transpired that the President in his personal conference with Senators and Representatives made it understood that he considered the whole matter so exclusively within the field of Executive authority that he regarded the introduction and consideration of resolutions advising our citizens to refrain from travel upon armed merchantmen as an interference with his prerogative. Congress was made to understand that a vote of confidence would not suffice, and that nothing less than a complete denial of any intent or purpose to express an opinion or offer advice on the part of Congress would satisfy the Chief Executive.

In his work on "Constitutional Government in the United States," published in 1911, President Wilson clearly defines his views as to the unlimited and exclusive prerogative of the Executive in dealing with foreign affairs:

> One of the greatest of the President's powers I have not yet spoken of at all—his control, which is very absolute, of the foreign relations of a nation. The initiative in foreign affairs which the President possesses without any restriction whatever is virtually the power to control them absolutely. The President can not conclude a treaty with a foreign power without the consent of the Senate, but he may guide every step of diplomacy; and to guide diplomacy is to determine what treaties must be made if the faith and prestige of the Government are to be maintained. He need disclose no step of negotiation until it is complete, and when in any critical matter it is completed the Government is virtually committed. Whatever its disinclination, the Senate may feel itself committed also.

I am quoting from President Wilson's work on "Constitutional Government," published in 1908 and republished in 1911; and I quote from the latest edition.

Mr. President, this statement of the views of Mr. Woodrow Wilson, writing on constitutional government in 1911, might be passed without concern. But if there is warrant to believe that President Wilson may, on the verge of a great world crisis, predicate vitally important and decisive action on that declaration, then, sir, it ought not to go unchallenged, unless we are compelled to accept it as correctly defining the power of the President.

If the President is clothed with such unlimited power, if in conducting foreign affairs he can go unhindered of Congress to the limit of making war inevitable, and if the Congress has no alternative but to accept and sanction his course, then we have become a one-man power, then the President has authority to make war as absolutely as though he were Czar of Russia.

Mr. President, the extent and horror of the European war has caused widespread hysteria. But it has also compelled people to think, and among thoughtful people throughout the world there is a deeply settled conviction that this conflict, with all its appalling sacrifice, is the result of an evil system of secret diplomacy. It is a system, sir, where the fate of nations and the lives of hundreds of millions, in ignorance of a fact or a circumstance in issue, may be sacrificed to win a relatively unimportant diplomatic victory.

If it be asserted that the power claimed by the President rests upon express constitutional and statutory authority, sanctioned by a century of unvarying precedents and custom—which I deny—then the democracy of America, instructed by the bloody history of the last two years, will rewrite our Constitution and our statutes.

The enlightened citizenship of these United States, the men who would be called upon to go into the trenches of hell and death when war comes will demand and will secure a voice either directly or through their Representatives in deciding for or against war. They will no longer submit to have their Representatives—serving as mere automatons—vote empty approval of war, by formal declaration, after war has become inevitable, or has actually been inaugurated by some act of war committed upon the orders of a President.

It will hardly do to say that no President will assume the responsibility of plunging this country into war.

When he became President, there was in the mind of James K. Polk a settled determination to acquire California as one of the achievements of his administration.

I quote from Reeves's American Diplomacy:

> The Mexican War was waged for the purpose of conquest, for the fulfillment of Polk's designs upon California.

Writing of Polk's administration, Schouler, in his History of the United States, says:

> Without a word of warning, however secret, to Congress, which was in full session, with no conference on this subject further than to hint repeatedly, as the Oregon difficulty gave him double excuse for doing without exposing his game, that it *was prudent in times of peace to prepare for war*, he ordered Gen. Taylor to advance and take a position on the left bank of the Rio Grande [thus invading their disputed territory]; he also assembled a strong fleet in the Gulf of Mexico. * * *
>
> To provoke this feeble sister Republic to hostilities, at the same time putting on her the offense of shedding the first blood, was the step predetermined, if she would not sign away her domain for gold.
>
> This was the program: To let loose the demon of war, and under the smoke of defending the fourth part of Mexico we had just snatched from her, to despoil her of another. The program succeeded after a struggle, but the dark catastrophe locked up in our bloody acquisitions was hidden for many years.

The President had his way. We acquired California. But as stated by Webster in his arraignment of President Polk:

> *No one declared war. Mr. Polk made it.*

Mr. President, less than two years have gone by since President Wilson sought the advice and cooperation of Congress upon a situation so grave in its character, so overripe in its development, that it culminated in bloodshed before it was possible for Congress to act at all.

The immediate incident which led on to the landing of the United States troops on foreign soil and the capture of a foreign city and port had transpired on the 9th of April. On that day a boat loaded with American sailors in the uniform of the American Navy landed at the wharf in Tampico, Mexico. They were arrested by a Mexican officer in charge of a guard. They were presently returned to the boat, released from arrest. The action of the officer making the arrest was promptly disavowed by the de facto government. The officer making the unwarranted arrest of our sailors was placed under arrest by his Government. The commandant at Tampico apologized for the act. The head of the de facto Government also promptly apologized. Admiral Mayo—our naval commander at the port—not being satisfied that sufficient amends had been made for the affront committed, made further demand that the Mexican military commander at the port of Tampico should fire a salute of 21 guns, with special ceremony.

The Government de facto consented to fire a salute, but disagreement arose as to the number of guns which should be fired and what were the proper and customary incidents in the way of returning the salute.

Finally, on the 20th of April, the President, in an address made in person, submitted a very brief statement of the matter to Congress, assembled in joint session, and asked its approval that he should use the armed forces of the United States to enforce the demands which had been made.

The President prefaced his request for the approval of Congress to use the armed forces of the United States to enforce the demands made by Admiral Mayo with the assertion that he had the power to act in the premises without the approval of Congress, the prefatory statement being made in the following language—and I quote from President Wilson's message delivered in person before the joint session of the two Houses—

> *No doubt I could do what is necessary in the circumstances to enforce respect for our Government without recourse to Congress and yet not exceed my constitutional powers as President.*

The President's address was concluded at 3.12 p. m. on April 20, when he retired from the Hall of the House.

That prompt action was desired by the President upon his message to Congress was made known to the House immediately by Mr. UNDERWOOD, of Alabama, who said:

> Mr. Speaker, I merely wish to state to the House that the President informs me that it is of the utmost importance that action should be taken to-day in reference to his message just received. I wish to ask each Member of the House to remain here until the resolution can be passed through the House at a later hour this afternoon.

The resolution passed the House that day, and while it was under consideration in the Senate on the following day the wires brought the news from Mexico that our soldiers had been landed at Vera Cruz and that fighting was in progress in the streets of that city.

Mr. President, I have briefly presented the essential facts of this important event at this time because of its bearing upon the issue which has been raised between the President and Congress.

The differences between the President and the head of the de facto Government of Mexico growing out of the Tampico affair had reached such a stage before he sought the cooperation of Congress and while that matter was at his request under consideration by Congress, that he ordered the armed forces of the United States to capture and hold the port of Vera Cruz and plant our flag on Mexican soil. This order was issued over a disagreement as to whether 5 or 21 blank cartridges should be fired by the Mexicans to accentuate their apology, which had already been voluntarily tendered for the offending act of a subordinate officer. He acted without authority from Congress. We invaded Mexico with an armed force. Bloodshed on both sides followed as the inevitable result.

Had it been Great Britain or Germany or any other great power on earth, instead of poor, weak, bankrupt, distracted Mexico, we would have been involved in a war the cost and sacrifice and suffering of which is beyond the imagination of man to portray.

Not to digress, I might say, in view of the attack made yesterday upon Columbus, N. Mex., by a band of Mexicans led by the outlaw Villa, that, whenever necessary, the prompt pursuit of raiders who have violated the rights of American citizens upon American soil across the borders into their own country, for the purpose of dispersing the band, is easily distinguished in fact and principle and presents an entirely different question from that raised by the Vera Cruz incident.

If the President has the power to order the forces of the United States to invade a foreign country, capture a city, and slay its people, as in the case of Vera Cruz, he has the absolute power to make war at will.

I do not believe the framers of our Constitution ever intended to invest him with such power, either directly or as an incident to any power directly conferred upon him.

In his letter to Senator STONE the President says:

> But in any event our duty is clear. No nation, no group of nations, has the right while war is in progress to alter or disregard the principles which all nations have agreed upon in mitigation of the horrors and sufferings of war; and if the clear rights of American citizens should very unhappily be abridged or denied by any such action we should, it seems to me, have in honor no choice as to what our own course should be.

In view of this alternative which we are told we must face, Congress, if mindful of what happened at Vera Cruz, as well as of the lessons of history and of the appalling consequences of the involvement of the United States in this European war, was bound to take action, to express its views, and to offer counsel which might avert the pending disaster.

In my opinion we have fallen short of our obligation and duty rather than exceeded it.

We are, indeed, placed in an extraordinary position before the world, if Congress must unconditionally surrender all right to voice the popular will in a situation such as now confronts us.

The grave consequences of such a result are foreshadowed in the announcement of three Members of Congress that they will voluntarily retire from public life because of the course they felt compelled to follow on their vote in the House on the resolution of warning.

One Member of high standing, serving his seventh term, brother of the ambassador to England, thus states his position:

> The President is not satisfied with an unreserved expression of confidence on the part of Congress, but demands a vote upon the warning of American citizens to refrain from using armed vessels of belligerent countries, asking that it be voted down. This shifts to the conscience and convictions of Members of Congress a responsibility that the Constitution imposed upon the Executive.

Of course I do not agree with that view. Continuing Mr. PAGE said:

> Having the responsibility thrust upon me, I claim the right to exercise my own judgment and convictions and not have them dictated by some one else. I do not believe that an American should insist upon the exercise of any abstract right that will jeopardize the peace of his country.

Mr. President, if our Constitution and laws are so fundamentally weak in this hour of need as to cause such sacrifice of conscientious men in the public service, then let us proceed without delay to amend them and make our Government in fact, as well as in form, what it was intended to be—a democracy.

But is it true that the Constitution vests such unlimited and unconditional authority in the President that it becomes an offense for Congress to take such action as has been proposed in the Senate and the House?

If it is claimed that such unlimited power is conferred by the statute creating the State Department, the way out is easy. Congress created the State Department and can amend or destroy any autocratic power not conferred by the Constitution. Does the Constitution convey such power?

It was far from the intent of the constitutional convention that the President should have absolute power in the conduct of foreign affairs. Fearful of kingly prerogative the framers of the Constitution were not at first inclined to let the President have much to do with foreign relations. The Continental Congress kept this function of government in its own hands or under its own control. But this had not proven entirely satisfactory.

The original proposal to the Constitutional Convention was to give the power to declare war to Congress, and the power to make treaties, to appoint and receive ambassadors to the Senate.

Very late in the deliberations it was suggested by Madison that the President should have a share in the treaty-making power. The convention had been in session from May to September, and it was only 13 days before its final adjournment when the Executive was given a part in the conduct of foreign relations. And it is important to note that the only power then committed to the President exclusively was that of *receiving foreign ambassadors and ministers.* This was done because it would be inconvenient to call a special session of the Senate whenever a new ambassador or minister was to be received.

Out of this exclusive power to receive official representatives of foreign countries was evolved the general presumption that the recognition of belligerency and sovereignty belongs solely to the President.

Rawle, in his great work on the Constitution, says:

> The power of receiving foreign ambassadors carries with it, among other things, the right of judging in the case of revolution in a foreign country whether the new rulers ought to be recognized.

Willoughby, in his work on the Constitution, qualifies even this prerogative of the recognition of sovereignty, as follows:

> At times the claim has been made that this power of recognition is one to be exercised at the dictation of Congress, but precedents are against the claim. It is to be presumed, however, that when the recognition of a status of belligerency or of the independence of a revolutionary Government is likely to institute a *casus belli* with some foreign power, the President will be guided in large measure by the wishes of the legislative branch. Upon the other hand, it is the proper province of the Executive to refuse to be guided by a resolution on the part of the Legislature, if, in his judgment, to do so would be unwise. The Legislature may express its wishes or opinions, but may not command.

But Congress in the matter recently before us, has been practically denied the right of even expressing an opinion.

President Jackson in a message to Congress, December 21, 1836, referring to the fact that the two Houses acting separately had passed resolutions at the previous sessions to the effect—

> That the independence of Texas ought to be acknowledged by the United States whenever satisfactory information should be received that it had in successful operation a civil government capable of performing the duties and fulfilling the obligations of an independent power—

said:

> Nor has any deliberate inquiry ever been instituted in Congress or in any of our legislative bodies as to whom belonged the power of originally recognizing a new State—a power the exercise of which is equivalent under some circumstances to a declaration of war; a power nowhere expressly delegated, and only granted in the Constitution, as it is necessarily involved in some of the great powers given to Congress, in that given to the President and Senate to form treaties with foreign powers and to appoint ambassadors and other public ministers, and in that conferred upon the President to receive ministers from foreign nations.
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> * * * * * * *
>
> It will always be considered consistent with the spirit of the Constitution and most safe that it [the power to recognize new States] should be exercised, when probably leading to war, with a previous understanding with that body by whom war can alone be declared and by whom all provisions for sustaining its perils must be furnished. Its submission to Congress, which represents in one of its branches the States of this Union and in the other the people of the United States, where there may be reasonable ground to apprehend so grave a consequence, would certainly afford the fullest satisfaction to our own country and a perfect guaranty to all other nations of the justice and prudence of the measures which might be adopted.

Referring to the recognition of States, Rawle says:

> It would not be justifiable in the President to involve the country in difficulties merely in support of an abstract principle if there was not a reasonable prospect of perseverance and success on the part of those who have embarked in the enterprise. * * * The power of Congress on this subject can not be controlled; they may, if they think proper, acknowledge a small and helpless community, though with a certainty of drawing a war upon our country; but greater circumspection is required from the President, who, not having the constitutional power to declare war, ought ever to abstain from a measure likely to produce it.

Rawle further says:

> In case of war breaking out between two or more foreign nations, in which the United States are not bound by treaty to bear a part, it is the duty of the Executive to take every precaution for the preservation of their neutrality, and it is a matter of justice, both to those nations and to our own citizens, to manifest such intention in the most public and solemn manner. The disquietude of the belligerent parties is thus obviated, our own citizens are warned of the course it becomes their duty to pursue, and the United States avoid all responsibility for acts committed by the citizens in contravention of the principles of neutrality. It is the office of the Legislature to declare war; the duty of the Executive, so long as it is practicable, to preserve peace.

Alexander Hamilton, discussing in the Federalist, No. 75, the treaty-making power, defines the combined authority invested by the Constitution in Congress and the President upon broad general principles. His argument and conclusion are directly applicable to the present controversy, and they are most illuminating.

> Though several writers on the subject of government place that power (the power of making treaties) in the class of executive authorities, this is evidently an arbitrary disposition; for, if we attend carefully to its operation, it will be found to partake more of the legislative than of the executive character, though it does not seem strictly to fall within the definition of either. The essence of the legislative authority is to enact laws; or, in other words, to prescribe rules for the regulation of society; while the execution of the laws and the employment of the common strength, either for this purpose or for the common defense, seem to comprise all the functions of the executive magistrate. The power of making treaties is plainly neither the one nor the other. It relates neither to the execution of the subsisting laws nor to the enacting of new ones, and still less to an exercise of the common strength. Its objects are *contracts* with foreign nations, which have the force of law, but derive it from the obligation of good faith. They are not rules prescribed by the sovereign to the subject, but agreements between sovereign and sovereign. The power in question seems therefore to form a distinct department and to belong properly neither to the legislative nor to the executive. The qualities elsewhere detailed as indispensable in the management of foreign negotiations point out the executive as the most fit agent in these transactions, while the vast importance of the trust and the operation of treaties as laws plead strongly for the participation of the whole or a portion of the legislative body in the office of making them. * * *
>
> *The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the sole disposal of a magistrate created and circumstanced as would be a President of the United States.*

Other high authority may be cited to the effect that the constitutional right to recognize foreign States should not at all

times be exercised exclusively by the President, it being consistent with the spirit of the Constitution and most safe at critical times, as Jackson points out, for the President to confer with Congress as to this prerogative, the only one specially conferred on the Executive.

This being true, how preposterous that Congress, the people's representative body, should have no voice whatever in matters of great moment that may determine the ultimate fate of the Nation.

President Wilson's course, so far as I can discover, is not only unusual but unprecedented in demanding that Congress keep silent in all that pertains to foreign affairs. The only justification for the President's interference was that in some way not obvious to Congress the warning resolutions might paralyze the negotiations which were being carried on. Even if this were true, it would seem that the President might have appealed to Congress in a message to defer action.

However, it is now reported, apparently upon authority, that the State Department proposes to accomplish indirectly the object that the warning resolutions of Congress were intended directly to accomplish. If this is true, it serves to emphasize even more strongly that the only purpose of the President's remarkable course was to maintain a clear title in the Executive to conduct foreign affairs without any suggestion from Congress. *He was enforcing to the letter his views expressed in the paragraph which I have quoted from his work on Constitutional Government.*

Up to the present time, so far as I have been able to investigate the matter, no President has attempted to enforce such extreme views. Congress has always exercised the privilege of expressing opinion, giving counsel, and not infrequently has taken the initiative in suggestions as to conduct of foreign affairs.

Hinds' Precedents, volume 2, chapter 49, cites many instances where Congress has asserted its right to a voice in foreign affairs. In 1811 the House originated and the Senate agreed to a resolution as follows:

Taking into view the present state of the world, the peculiar situation of Spain and of her American Provinces, and the intimate relations of the territory eastward of the River Perdido, adjoining the United States, to their security and tranquillity: Therefore

Resolved, etc., That the United States can not see with indifference any part of the Spanish Provinces adjoining the said States eastward of the River Perdido pass from the hands of Spain into those of any other foreign power.

In 1821 Mr. Clay introduced the following resolution, which passed the House:

Resolved, That the House of Representatives participates with the people of the United States in the deep interest which they feel for the success of the Spanish Provinces of South America, which are struggling to establish their liberty and independence, and that it will give its constitutional support to the President of the United States whenever he may deem it expedient to recognize the sovereignty and independence of any of the said Provinces.

On behalf of the committee appointed to present the resolution to the President, Mr. Clay reported:

That the President assured the committee that, in common with the people of the United States and the House of Representatives, he felt great interest in the success of the Provinces of Spanish America which are struggling to establish their freedom and independence, and that he would take the resolution into deliberate consideration, with the most perfect respect for the distinguished body from which it had emanated.

In 1825 there was a long debate in the House relating to an unconditional appropriation for the expenses of the ministers to the Panama Congress. According to Mr. HINDS's summary of this debate the opposition to the amendment, led by Mr. Webster, was that—

While the House had an undoubted right to express its general opinion in regard to questions of foreign policy, in this case it was proposed to decide what should be discussed by the particular ministers already appointed. If such instructions might be furnished by the House in this case, they might be furnished in all, thus usurping the power of the Executive.

James Buchanan and John Forsyth, who argued in favor of the amendment—

contended that it did not amount to an instruction to diplomatic agents, but was a proper expression of opinion by the House. The House had always exercised the right of expressing its opinion on great questions, either foreign or domestic, and such expressions were never thought to be improper interference with the Executive.

In April, 1864, the House originated and passed a resolution declaring that—

It did not accord with the policy of the United States to acknowledge a monarchical government erected on the ruins of any republican government in America, under the auspices of any European power.

On May 23 the House passed a resolution requesting the President to communicate any explanation given by the Government of the United States to France respecting the sense and bearing of the joint resolution relative to Mexico.

The President transmitted the correspondence to the House. The correspondence disclosed that Secretary Seward had transmitted a copy of the resolution to our minister to France with the explanation that—

This is a practical and purely executive question and the decision of its constitutionality belongs not to the House of Representatives or even to Congress, but to the President of the United States.

After a protracted struggle, evidently accompanied with much feeling, the House of Representatives adopted the following resolution, which had been reported by Mr. Henry Winter Davis from the Committee on Foreign Affairs:

Resolved, That Congress has a constitutional right to an authoritative voice in declaring and prescribing the foreign policy of the United States as well in the recognition of new powers as in other matters; and it is the constitutional duty of the President to respect that policy, not less in diplomatic negotiations than in the use of the national force when authorized by law.

That is not the entire resolution. Before I read the remainder of it, permit me to say that the House, before it was voted upon, divided this resolution at the point at which I have just concluded reading. A vote was had first upon that portion of the resolution which I have read. It was adopted by the House, as I remember, by a vote of 119 to 8. The remainder of the resolution was submitted to another vote and was also adopted, but by a smaller majority.

The second part of the resolution was as follows:

And the propriety of any declaration of foreign policy by Congress is sufficiently proved by the vote which pronounces it; and such proposition, while pending and undetermined, is not a fit topic of diplomatic explanation with any foreign power. * * *

The joint resolution of 1898 declaring the intervention of the United States to remedy conditions existing in the island of Cuba is recent history and familiar to all. This resolution embodied a clear declaration of foreign policy regarding Cuba as well as a declaration of war. It passed both branches of Congress and was signed by the President.

After reciting the abhorrent conditions, it reads as follows:

Resolved, etc., First. That the people of the island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

Mr. President, it will be remembered that this administration *did warn* American citizens to leave Mexico for their safety and to avoid international complications.

President Wilson might have accepted the adoption of the resolution warning American citizens not to travel upon armed merchantmen at this time as an indorsement of his policy in Mexico. He certainly did not regard it as an abject relinquishment of the sacred rights of American citizens to order them to abandon their property and to seek the shelter of the home country in order to avoid the responsibility of protecting them in their rights in Mexico. I believe he was right in pursuing that course. It was a small sacrifice on the part of the few to preserve the peace of the Nation.

But, Mr. President, how much less sacrifice is requires for our citizens to refrain from travel on armed belligerent ships! Or, as pointed out by the Senator from Minnesota [Mr. CLAPP] in the course of the discussion recently, what is the difference in spirit in withholding a passport by act of Congress and the letter of the Department of State of October 4, 1915, which said:

The department does not deem it appropriate or advisable to issue passports to persons who contemplate visiting belligerent countries merely for pleasure, recreation, touring, or sight-seeing.

It would hardly be practicable, if it were lawful, to inquire and to distinguish as to all the varying motives which prompt the many thousands of people who travel abroad.

Whatever power the State Department exercises regarding this or any other matter is such and only such as is conferred upon it by act of Congress.

And now, Mr. President, having satisfied myself that, in so far as the warning resolutions had any bearing upon the conduct of foreign affairs or rights of diplomacy, they were entirely proper, and in no way an infringement upon Executive prerogative, I want to call the attention of the Senate to the fact that these resolutions were on other grounds entirely within the legislative power of Congress under the Constitution.

It is notable that in the exercise of its authority under the commerce clause the Senate rejected the convention with Prus-

sia and other States of the Germanic Associations of Customs and Commerce. The reasoning quite turns the tables if applied to the controversy in which we are engaged. Mr. Rufus Choate submitted the report from the Senate Committee on Foreign Relations, from which I quote:

Without engaging at all in an examination of the extent, limits, and objects of the power to make treaties, the committee believe that the general rule of our system is indisputably that the control of trade and the function of taxing belong, without abridgment or participation, to Congress. They infer this from the language of the Constitution, from the theory of republican liberty itself, from the unvaried practice, evidencing the universal belief of all, in all periods and of all parties and opinions. They think, too, that, as the general rule, the representatives of the people, sitting in their legislative capacity, with open doors, under the eye of the country, communicating freely with their constituents, may exercise this power more intelligently, more discreetly, may acquire more accurate and more minute information concerning the employments and the interests on which this description of measures will press, and may better discern what true policy prescribes and rejects than is within the competence of the Executive department of the Government.

To follow, not to lead; to fulfill, not to ordain the law; to carry into effect, by negotiation and compact with foreign Governments, the legislative will when it has been announced, upon the great subjects of trade and revenue; not to interpose with controlling influence; not to go forward with too ambitious enterprise—these seem to the committee to be the appropriate functions of the Executive.

Sustaining the view set forth in this report, the Senate laid the treaty on the table.

Clearly a law might be enacted prohibiting American citizens from traveling upon armed merchantmen that would come within the power of Congress to regulate commerce with foreign nations. Congress has enacted numerous laws in the interest of the safety of passengers. The seaman's law, for example, is in point, as well as the law that steamships carrying certain high explosives are required not to take passengers, and so a long list of other laws might be cited.

It is certainly plain, Mr. President, that it would have been entirely within the province of Congress to have gone much further than merely to warn its citizens. No one could question that Congress might legislate on this subject. For example, a joint resolution or bill might be passed to the effect that the protection provided for in section 2000 of the Revised Statutes should not be accorded to any citizen, whether native born or naturalized, while traveling on an armed vessel of a belligerent country during the present European war. Congress might refuse to consider such legislation, and the President might veto it if passed by Congress, still there would be no more reason why the President should object to the introduction and consideration of such a measure than for his protesting against measures proposing disarmament or embargo or any other policy that might arouse conflicting emotions in the belligerent nations.

Sir, I am bound to believe that a more thorough and exhaustive review of all the authorities and precedents will convince all concerned that Congress has still ample power to advise and legislate for the safety and protection of our citizens far beyond what has yet been proposed.

Mr. President, I have been moved by my convictions to submit these observations at this time. I believe it to be vital to the safety and perpetuity of this Government that Congress should assert and maintain its right to a voice in declaring and prescribing the foreign policy of the United States.

And, sir, there is a larger international aspect of this question, with its accompanying responsibility, that can not be shirked or ignored. Across the water the nations of Europe are giving their lifeblood in a fratricidal struggle, which in its inception the people neither desired nor sanctioned.

And now the plain people, the saner people of the warring countries are organizing. For what? Why, to make sure that never again after this conflict has ceased shall the autocratic heads of European Governments have it in their power, through secret diplomacy, to bring on such another world catastrophe.

Democratic control of foreign policies is a basic principle of all organized effort looking for the future establishment of permanent world peace. To this end, throughout the world, leagues of earnest, determined men and women, animated by a common purpose, are formulating plans, based on the provisions by which, in this country, one or both of the legislative branches of Government have a share in the control of international affairs.

Shall we in this crisis of the world's history fail to assert our constitutional rights and by our negligence and default permit the establishment in this country of that exclusive Executive control over foreign affairs that the people of Europe are now repenting amid the agonies of war?

Mr. President, there never was a time in history when it was more fundamentally important that we preserve intact the essential principle of democracy on which our Government is founded—that the will of the people is the law of the land.

Mr. COLT and Mr. SMITH of Georgia addressed the Chair.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The Senator from Rhode Island.

Mr. COLT. Mr. President, I interrupted the Senator from North Dakota [Mr. MCCUMBER] the other day in the course of his able speech, and I merely wish to say a few words now in support of the position I then took.

Mr. President, it is a settled rule of international law that merchant ships armed for defense only are as much entitled to warning before destruction as unarmed merchant ships; and hence the proposal by Germany to sink all armed merchant ships without warning is a violation of international law.

The real question, then, which is involved in the proposition to warn Americans not to travel on armed merchant ships is whether the United States as a neutral nation should concede to Germany the right to alter a settled rule of international law under the existing circumstances.

Germany bases her right to change the law mainly upon the ground that changed conditions in modern warfare owing to the invention of the submarine justify such action.

This position is manifestly unsound, because if a belligerent has the legal right under international law to change existing rules by reason of changed conditions it becomes the legal duty of neutrals to submit to all violations of international law which the belligerent may commit in the enforcement of this legal right. It follows, then, that any new invention in the art of war, or any substantial change of any character in conditions, such as increased facilities for transportation whereby commerce is more readily carried on between neutral and belligerent countries, or the increased size of merchant ships whereby the right of search at sea becomes more difficult, constitutes a justification for the violation by a belligerent of existing rules of international law, no matter how injurious this may be to the rights of neutrals.

Again, if we concede to Germany the right of altering the rules of international law upon the ground of changed conditions, we must concede the same right to Great Britain, France, Russia, Italy, Japan, and Turkey, since to concede this right to one belligerent and to deny it to the other belligerents would manifestly be an unneutral act because it would be granting a concession or favor to one which was not granted to others.

In our note of October 21, 1915, the charges against Great Britain for the violation of the rules relating to neutral commerce are summarized under 35 separate heads. Great Britain's justification for these alleged violations is based mainly upon changed conditions in this war. Hence if we concede that Germany is right in her contention, Great Britain has a perfect legal answer to our charges; in other words, Great Britain stands entirely justified in modifying existing rules relating to the right of search, blockade, and conditional contraband such as foodstuffs.

The truth of the matter is that changed conditions, self-preservation, and retaliation are simply the excuses which are urged by belligerents for modifying existing rules of international law, and if the United States as a great neutral power admits the legal validity of these excuses the result would be the entire destruction of neutral rights.

It is clear, therefore, that Germany's contention, if it prevails, involves the surrender of a vital principle which lies at the very foundation of the law of nations.

Mr. President, international law is a body of customary and conventional rules which are legally binding upon each member of the family of nations. This body of laws relate to the conduct of civilized States in their intercourse with one another during peace and during war. The rules relating to war and the rules relating to peace are equally binding, and the rules relating to war are equally binding upon belligerents and neutrals. To say that in time of war these rules are binding upon neutrals and not upon belligerents is subversive of every principle of justice and is fatal to the whole system of international law.

Again, the present war has demonstrated that if we should incorporate into international law as broad legal rules the right to alter the existing law by reason of changed conditions or on grounds of self-preservation or retaliation, then, indeed, not only treaties but the whole body of customary rules representing the growth of centuries would become mere scraps of paper.

Mr. President, in this world crisis the United States stands alone as the great neutral power, and she stands amidst the ruins of international law. We are charged with the highest duty that ever fell to a great people—the preservation for humanity and civilization of the law of nations; and this most difficult undertaking can only be accomplished by holding firmly to the basic principle that the belligerent nations must conform their conduct

to the fundamental rules of international law in force at the outbreak of the war. Not only is this the only course of action befitting this great Republic, but it is also our surest safeguard against war.

FOREIGN POLICY OF THE ADMINISTRATION.

Mr. RANSDELL. Mr. President, the American public is so intensely interested just now in our international relations that the time seems opportune for reply to some phases of the speech made by ex-Senator Root in New York on the 15th of last month.

I shall leave to others better qualified the general refutation of his arraignment of the Democratic Party and its leader, President Wilson, but I can not refrain from calling attention to a silence on his part, which speaks volumes, and under the circumstances is indefensible. In that speech Mr. Root took occasion to excoriate the foreign policy of the present administration first in regard to the European situation and then in regard to Mexico, but he said nothing whatsoever about our foreign policy relating to South and Central America.

At the present time the most interesting matters in the foreign policy of the United States may be separated into three divisions—first, our relations with Europe; second, our relations with Mexico; third, our relations with South and Central America.

Surely the distinguished ex-Senator from New York has not overlooked the third in his search for examples of the incompetence and ineptitude of Democrats in general and President Wilson in particular. Why has he not covered the subject thoroughly and expressed his opinion of our dealings with our South and Central American neighbors? Can it be that he has overlooked this point, or is his silence due to the fact that he so thoroughly agrees with the Pan American policy of Mr. Wilson's administration that he can find nothing in it to criticize? Perhaps he is acting on the principle "If I can not speak evil, I will not speak at all."

During his term as Secretary of State Mr. Root posed as the special advocate of closer and more friendly relations between ourselves and the great continent to the south of us. On board a war vessel he made a tour of South America and was feted and entertained everywhere as the bearer of a message of mutual friendship to all the Americas.

Senator Root therefore felt himself estopped from criticizing the administration in this respect, for President Wilson and his Democratic associates have preached and practiced far more effectively than Mr. Root ever dreamed of the doctrine of Pan Americanism which he had advocated.

Realizing that he could speak nothing but good of President Wilson in reference to his South American policy, Mr. Root sealed his lips on that subject; but politics demanded that he launch a vituperative attack against Democrats and that the administration policies be crucified, even at the expense of truth and fair play, and his address, with its high sounding words and careful omission of these very important truths, was a political harangue pure and simple, and not the utterances of a great statesman.

In the course of his remarks the distinguished ex-Senator undertook, as a self-constituted judge and jury, to arraign, try, and convict the administration for not protesting against the invasion of Belgium, alleging that "this Government appeared as approving the treatment of that country."

Far be it from me to defend the crushing of Belgium by Germany. I regard it as one of the saddest events in all history, and, in common with millions of Americans, my heart goes out in deepest sympathy to that unfortunate people. It was not for us, however, in violation of our wise historic policy, to meddle in European affairs. The ex-Senator from New York can not impress upon the United States its obligation to rescue every nation that is in distress, and he can not convince the great body of Americans that such is our duty.

The United States was not a party to the solemn convention of November 15, 1831, signed by Great Britain, Austria, France, Russia, Prussia, and Belgium, guaranteeing the neutrality of Belgium. That treaty was purely a European affair and arose out of the mutual fears of the high contracting parties that one of them might gain some advantage over the others by using Belgium as a seat of operations. The breach or enforcement of this so-called "scrap of paper" was a matter with which the United States had no concern, in so far as it is affected by its treaty obligations.

The invasion of Belgium was not a breach of The Hague convention that was signed by the United States, because that agreement referred to *neutral* nations—that is, nations not engaged in war—and the obligations it imposed in regard to invasion had nothing to do with a nation *neutralized* by special agreement between conflicting powers, which was the legal effect of the treaty of 1831, which the United States did not sign. After the issuing of the German ultimatum to Belgium, coupled with its conditional declaration of war, Belgium, in the eyes of The Hague convention, became a belligerent, and its invasion was not the invasion of a *neutral* country, though it was the invasion of a country *neutralized* by special treaty between interested powers. These signatory powers have a right to complain, but the United States has not, and whatever our feelings may be on the subject it is not our duty as a nation to protest against the breach of a treaty to which we are not a party. Such an act would be especially unjustifiable when we know that it would probably drag us into the maelstrom of a frightful European war.

In this connection let me quote a striking paragraph from an article by ex-President Roosevelt, which appeared in the Outlook of September 23, 1914:

A delegation of Belgians has arrived to invoke our assistance. What action our Government can or will take, I know not.

It has been assumed that no action can be taken that will interfere with our neutrality. It is certainly eminently desirable that we should remain entirely neutral and nothing but urgent need would warrant breaking our neutrality and taking sides one way or the other.

Of course, it would be folly to jump into the gulf ourselves to no good purpose, and very probably nothing we could have done would have helped Belgium. We have not the smallest responsibility for what has befallen her, and I am sure that the sympathy of this country for the suffering of the men, women, and children of Belgium is very real.

Nevertheless, this sympathy is compatible with full acknowledgment of the unwisdom of uttering a single word of official protest unless we are prepared to make that protest effective, and only the clearest and most urgent national duty would ever justify us in deviating from our rule of neutrality and noninterference.

These words were uttered by Mr. Roosevelt, and we know the high opinion in which Mr. Root has always held him.

Ex-President Taft, with praiseworthy impartiality, said, in his speech at Morristown, N. J.:

While I sympathize with the Belgians in this war, whose country, without any fault of theirs, has been made its bloody center, I approve and commend to the full the attitude of President Wilson.

We are not sitting as judges of issues between countries in Europe in this great war. We are seeking to maintain strict neutrality, and until our decision is involved with an agreement to abide by our judgment and recommendation for settlement, we need not embroil ourselves by official expressions of criticisms or approval of the acts of the participants in the war. This is not only the wisest course for us to pursue in maintaining an attitude that may give us influence in promoting mediation when mediation is possible, but it will help us to avoid being drawn into the war.

These are the expressions of two ex-Presidents of the United States.

There is, Mr. President, a peculiar inconsistency when Senator Root protests against what he professes to regard as a violation of a treaty made by the United States. If a breach by us of any treaty obligations in regard to Belgium has been committed, *which I deny*, it does not lie in the mouth of ex-Senator Root, of all men, to protest against it. Was he not the public defender and apologist of the rape of Panama by the United States? Has he not in public addresses attempted to justify the flagrant violation of our solemn convention with our weak sister Colombia, and that ruthless disregard of her sovereign rights?

The United States, by the treaty of 1846 with Colombia, in consideration of free passage over the Isthmus of Panama, guaranteed in the most explicit and unequivocal manner to preserve the neutrality of Panama, and to maintain over it the sovereignty of Colombia, a treaty as binding upon us as the Belgium neutralization convention of 1831—the so-called "scrap of paper"—was upon Germany and the other powers which signed it.

About the middle of the nineteenth century, when the time arrived to develop our priceless yet remote territory on the Pacific coast, it became necessary for us to appeal to Colombia, then called New Granada, for a free passage through her limits to California, the golden land, which otherwise could only be reached by a nine months' voyage around the Horn, or by the even more dangerous wagon trail across the Rocky Mountains and the western desert. The all-important advantage of a shorter route we secured through a "treaty of peace, amity, navigation, and commerce," negotiated in 1846, in which it was stipulated as follows:

The Government of New Granada guarantees to the Government of the United States that the right of way or transit across the Isthmus of Panama upon any modes of transportation which now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States, and for the transportation of any articles of lawful commerce belonging to the citizens of the United States.

As a compensation for that privilege, priceless at that time, the United States promised—

as an especial compensation for the said advantages, and for the favors that they have acquired by the fourth, fifth, and sixth articles of this treaty—

Articles which secure to the United States reciprocal privileges of importation and tonnage dues and equal customs duties—

the United States guarantee, positively and efficaciously, to New Granada, by the present stipulation, the perfect neutrality of the beforementioned isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists; and, in consequence, the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory.

In the message in which President Polk submitted the treaty in question to the Senate he said in regard to the right of transit thus won: "The importance of this concession to the commercial and political interests of the United States can not be overrated"; and in a special message of February 10, 1847, only two months after the initiation of the treaty, he said:

There does not appear any other effectual means of securing to all nations the advantages of this important passage, but the guaranty of great commercial powers that the Isthmus shall be neutral territory. * * * The guaranty of the sovereignty of New Granada over the Isthmus is a natural consequence of this neutrality. * * * New Granada would not yield this province that it might become a neutral State; and if she should, it is not sufficiently populous or wealthy to establish or maintain an independent sovereignty.

Thus, by the most solemn guaranty known to the family of *nations the* United States pledged itself, *by express contract*, to respect and uphold the sovereignty of New Granada over the Isthmus of Panama, a plain duty already due to New Granada under the general principles of international law.

It is unnecessary to go into detail as to the events which led up to the secession of Panama and our recognition of her sovereignty. Suffice it to say that the Colombian Senate refused to ratify a proposed treaty with us in regard to the building of the Panama Canal. A mock revolution was brewing in Panama at the time, which, in the opinion of many persons in this country, and of most of the South American nations, was fomented by the United States.

On November 3, 1903, the revolutionists, representing less than one-tenth of the population of the State of Panama, arose and took possession of the city of Panama, the total death roll being one Chinaman. The report of the success of the revolution was received at Washington at 9.50 p. m. that day, and at 11.18 the same evening orders were wired from Washington directing the commander of the United States Ship *Nashville*, which was conveniently in the harbor of Colon, to "make every effort to prevent government troops at Colon from proceeding to Panama."

Thus, Mr. President, while the solemn treaty, by which we guaranteed the sovereignty of Colombia over Panama was in full force and effect, the United States issued a military order preventing Colombia from moving her own troops over her own railway from her own Colon to her own Panama, to put down an opera bouffe revolution. The following day, November 4, 1 day, 17 hours, and 41 minutes after the issuing of the insurgent proclamation of independence in the city of Panama, the United States recognized Panama as a sovereign and independent nation, and shortly thereafter practically threatened Colombia with war if she dared to invade Panama in an attempt to regain her lost sovereignty.

Mr. BORAH. Will I interrupt the Senator if I ask him a question?

Mr. RANSDELL. Not a bit.

Mr. BORAH. I am very much interested in the Senator's discussion of this subject. I have been endeavoring in executive session for the last six months to get leave to discuss this subject in the open. I am afraid the Senator is trespassing upon one of the sacred customs of the Senate.

Mr. RANSDELL. Mr. President, I do not think I am. I am simply trying to explain the conditions connected with what I conceive to be our violation of the binding treaty of 1846 between this country and Colombia, and in order that my explanation may be clear I must state how the violation occurred. In the very next sentence I will draw the conclusion and show that the man of all men who defended the violation of that treaty was ex-Senator Root, of New York, then Secretary of War. I do not propose to discuss the pending Colombian treaty. I have simply stated the facts. Now I lead up to the conclusion therefrom. I would be delighted to discuss that treaty at any time, in open Senate or otherwise, with the Senator from Idaho.

Mr. BORAH. I am not assuming to match wits or argument with the Senator. I am exceedingly pleased that the Senator is establishing a precedent. I am glad to have his assistance in discussing these things in the open. I think it is a good precedent.

Mr. RANSDELL. If it be a precedent, I am very glad that I have set one, which I hope the Senator from Idaho will follow.

Mr. BORAH. I have been trying to lead, but I will follow hereafter.

Mr. RANSDELL. Mr. President, history records no more high-handed proceeding than this. The United States, which had guaranteed the sovereignty of Colombia over the Isthmus, forcibly prevented her from taking the slightest precautionary or repressive measures against secession, and then capped the climax by immediately recognizing the independence of the seceding Province. This was in violation of all principles of common justice and international law and in direct contravention of the solemn convention of 1846.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield further to the Senator from Idaho?

Mr. RANSDELL. I do.

Mr. BORAH. Did not the Senator from Louisiana vote for the Nicaraguan treaty?

Mr. RANSDELL. I did.

Mr. BORAH. Does not the Senator understand that the present Government of Nicaragua was established through the armed intervention of the United States, and that the only support that that Government has in Nicaragua at the present time are the warships and the marines of the United States?

Mr. RANSDELL. I do not know that that is a fact, but if it be, it has no bearing upon the question at issue here.

Mr. BORAH. Permit me to say that if we established a Government in Nicaragua which has no support in public opinion in Nicaragua, and is, in fact, not representative of the people of Nicaragua, will not the same question hereafter arise with our reference to a canal right in Nicaragua that arises now with reference to Panama?

Mr. RANSDELL. Mr. President, when we reach that question I shall be very glad to discuss it with the Senator, but I do not propose now to be carried away from the discussion of the inconsistency of ex-Senator Root by taking up the question of Nicaragua, which I conceive to be entirely foreign to the issue.

Mr. BORAH. I will not insist upon the Senator discussing the inconsistency of anyone but ex-Senator Root to-day. I take it other inconsistencies may more appropriately come later.

Mr. RANSDELL. I shall be glad to take them up with the Senator at some other time.

On November 18, 15 days after the revolution broke out, we signed a treaty with the Republic of Panama giving us the Canal Zone and the right to build the canal. The deed was consummated.

Like Germany, we had made a solemn and binding treaty; like Germany, we had contemptuously cast it aside when our self-interest demanded it. The United States marines guarded the trans-Isthmian railroad and prevented Colombia's 500 troops from moving from Colon to Panama to stamp out the insurrection; and when the Colombian commander expressed resentment at this treatment the guns of he U. S. S. *Nashville* frowned ominously upon the camp of the Colombians. Like Germany, the armed forces of a great nation threatened a weaker power; like Germany, we would have struck, and struck hard, and would have shed the blood of those whose territory we had covenanted to protect and whose sovereignty we had bound ourselves to uphold if the Colombians had not yielded. And why? In order that we might lay our hands on territory the neutrality and sovereignty of which we had pledged ourselves to maintain.

One of the ablest and foremost apologists of our trampling upon the rights of this weak sister State was Elihu Root, then Secretary of War of the United States. In an address before the Union League of Chicago, on February 22, 1904, one month after his resignation from the Cabinet, and less than four months after the events narrated, Mr. Root seriously laid down the following remarkable doctrine:

By the rules of right and justice universally recognized among men and which are the law of nations, the sovereignty of Colombia over the Isthmus of Panama was qualified and limited by the right of the other civilized nations of the earth to have the canal constructed across the Isthmus and to have it maintained for their free and unobstructed passage.

And later he adds:

I have no question that our right and duty were to build the canal, *with or without the consent of Colombia.*

By these extraordinary statements, which he failed to fortify or sustain by reference to any authority, human or divine, Mr. Root seems to expound the doctrine of international eminent domain in favor of a majority of the nations of the world against any particular one. His unequivocal language can be interpreted in no other way. According to him, for the good of

the other civilized nations, it was our right and duty to build the canal, *with or without the consent of Colombia.*

A more unreasonable and unwarranted statement could not have been made; and I am at a loss to understand how Mr. Root, even in a desperate attempt to justify an indefensible act, could have affronted the intelligence of his audience by such a proposition.

Eminent domain is the right of a sovereign power to take private property for public use upon the payment of just compensation. It is an attribute of sovereignty and exists independent of any constitutional provision.

A nation, however, is supreme only within its own boundaries, and therefore can exercise the sovereign power of eminent domain only within those bounds. It can exert no control over the territory of another sovereign nation; its power in this respect has no extraterritorial effect.

An examination of the leading authorities on international law fails to disclose the slightest intimation of the existence of anything like a law of international eminent domain; on the contrary, the proposition is affirmed and reaffirmed that each sovereign nation has entire and exclusive control over its own territory. The existence of such a law is diametrically opposed to the principles underlying the foundation of organized, independent Governments. Mr. Root's assertion that the United States had the right, and it was its duty, to take the Isthmus for the use of the civilized world, *with or without the consent of Colombia*, must, therefore, be regarded as empty words. It is merely a statement that might is right.

But even if we admit, for the sake of argument, that the doctrine of international eminent domain applies, then to what conclusion would we be driven?

The Supreme Court of the United States has held that by the general law of Europe and the common law of England it was a qualification of the right of eminent domain that just compensation should be made for property taken for public use; and that the fifth amendment of the Constitution of the United States, which provides that private property shall not be taken for public use without just compensation, merely established this principle beyond legislative control.

If, therefore, the United States, as claimed by Mr. Root, took the Isthmus of Panama by virtue of its rights and obligations as a member of the family of nations, and for the benefit of the civilized world, then by all the rules of law and justice it was bound to make just compensation for the property so taken. Just as the Government must reimburse the private landowner for the value of the property expropriated, so also, under Mr. Root's own theory carried to its logical conclusion, is the United States obliged to pay Colombia the reasonable value of the Canal Zone. And this act of simple justice we have persistently refused to perform.

All through the long years since 1903, Colombia has pleaded with the United States for redress of her wrongs. She realized her inability to accomplish anything by force against a Nation so much more powerful than herself, and asked that all differences between her and the United States be referred to The Hague tribunal or any other court of arbitration. During his incumbency as Secretary of State, from 1905 to 1909, Mr. Root negotiated many treaties of arbitration, yet he opposed granting to Colombia that right which the Constitution guarantees to the humblest citizen of the Union—the right to have his claims adjudicated by an impartial tribunal. Nor during his six years in the Senate did he ever raise his powerful voice in favor of giving Colombia a day in court.

How can Mr. Root blow hot and cold at the same time? How can he in one breath condone, aye, justify, the breaking by the United States of its binding international convention with Colombia, and defend the ruthless, sweeping aside of the sovereign rights of that sovereign power, and in the next breath flay the Democratic administration because it did not protest against the violation by Germany of its treaty with Belgium—a treaty to which the United States was not a party. It does not lie in his mouth to speak on this subject. Surely with his record his tongue should be forever silent upon questions of national honor. Mr. Root should be the last one to raise the question of the violation of treaty obligations. But the mental somersault he performed is not at all remarkable when we remember that upon the eve of a great presidential campaign, it is always in order for good Republicans to make attacks, fair or unfair, just or unjust, upon Democrats.

The Senate of the United States, after prolonged negotiations, now has before it a treaty of redress with Colombia, which, if ratified, will heal the wounds, to the making of which Mr. Root was a party. And although it is not my purpose to address the Senate now on the Colombian treaty, let me say that every consideration of national honor and commercial advancement demands that it be ratified at once.

Colombia is weak and believes with her whole heart and soul that we have grievously wronged her. We refused her insistent requests for arbitration, and the President then negotiated the pending treaty. Can we afford to reject it, even if the justice of Colombia's claims be denied? Can we pursue a course that will injure our country very seriously in a business way, that will make an enemy of Colombia and possibly other States south of us, and that will leave a stain upon our reputation in the opinion of nearly every Latin American? Unquestionably we can not.

The world is aghast at the awful spectacle of the war in Europe, and we are destined to play a great part in helping to solve its problems and secure relief for its victims. Let us keep our own escutcheon clean, without blot or stain or even the shadow thereof, and continue to perform our mission of big brother to mankind without fear or favor and with no apprehension of reproach for any of our national acts. Let us thrust aside the obstacle which alone prevents the full realization of a united North, South, and Central America.

Toward this end President Wilson's administration has been working in and out of season. Its South and Central American policy, in which Mr. Root could find nothing to attack, has been dictated by the highest and most praiseworthy motives, and has borne good fruit, beyond the expectation of its advocates.

What has been the Latin-American policy of Democrats and what has it accomplished?

President Wilson in a remarkable address before the Southern Commercial Congress, during the first year of his tenure of office, on October 27, 1913, sounded the keynote which must have touched a responsive chord in the heart of every American on the two continents, when, referring to our Latin-American neighbors, he said:

> We must prove ourselves their friends and champions upon terms of equality and honor. You can not be friends upon any other terms than upon those of equality. You can not be friends at all except upon the terms of honor. We must show ourselves friends by comprehending their interest, whether it squares with our own interest or not.
>
> I want to take this occasion to say that the United States will never again seek one additional foot of territory by conquest. She will devote herself to showing that she knows how to make honorable, fruitful use of the territory she has, and she must regard it as one of the duties of friendship to see that from no quarter are material duties made superior to human liberty and national opportunity. I say this not with a single thought that anyone will gainsay it, but merely to fix in our consciousness what our real relationship with the rest of America is. It is the relationship of a family of mankind, devoted to the development of true constitutional liberty. We know that that is the soil out of which the best enterprise springs. We know that this is the cause which we have in common with our neighbors, because we have had to make it for ourselves.

Since then, with this solemn enunciation by President Wilson of our lofty and fixed principles as a sacred pledge to all the world, the present Democratic administration by its wise and farseeing Latin-American policy has recreated and revivified the spirit of Pan American Union, confidence, and friendship.

The Monroe doctrine had been misunderstood by our neighbors. It puts us in the attitude of a protector to our Latin brethren against European aggression; but protection implies dependence, and that idea is irritating to a proud and chivalrous people. With reference to this, President Wilson in his address to Congress, December 7 last, said:

> It was always difficult to maintain such a rôle without offense to the pride of the peoples whose freedom of action we sought to protect and without provoking serious misconceptions of our motives, and every thoughtful man of affairs must welcome the altered circumstances of the new day in whose light we now stand, when there is no claim of guardianship or thought of wards, but instead a full and honorable association as of partners between ourselves and our neighbors, in the interest of all America, North and South. * * * All the Governments of America stand, so far as we are concerned, upon a footing of genuine equality and unquestioned independence.

These convictions have long been held by myself. Addressing the great City Club, of Boston, more than a year ago, on the anniversary of Lincoln's birthday, February 11, 1915, I said:

> Let us invoke the spirit of Lincoln to aid in founding a greater Union that will embrace every foot of American soil from the North Pole to the Straits of Magellan. In essaying this mighty task it would be wise for citizens of the United States not to speak hereafter of the Monroe doctrine, but to substitute in lieu thereof the American doctrine of "America for the Americans," and to have it enforced by a strong alliance of every country on this hemisphere. The cardinal principle of this union should be that the independence of every member State must be guaranteed and its territorial sovereignty preserved from conquest or involuntary acquisition by any country, foreign or American.

Secretary of State Robert Lansing, addressing the momentous Pan American Scientific Congress, which met here December 27 last, as the representative of the administration, stated:

> The ambitions of this Republic do not lie in the path of conquest, but in the paths of peace and justice. Whenever and wherever we can

we will stretch forth a hand to those who need help. If the sovereignty of a sister Republic is menaced from overseas, the power of the United States and, I hope and believe, the united power of the American Republics will constitute a bulwark which will protect the independence and integrity of their neighbor from unjust invasion or aggression. The American family of nations might well take for its motto that of Dumas's famous musketeers, "One for all; all for one."

These principles have constituted the foundation and very heart of the dealings of this administration with our Latin brethren. They are the doctrines of Pan Americanism in its very truest expression. They found form and substance in the gathering in this city of the brightest minds of the American Continents in the First Pan American Financial Conference, held in May, 1915. They found expression in the Pan American Scientific Congress of December and January last, attended by the representatives of 21 independent and sovereign nations, which, imbued with a splendid spirit of unity and fraternity, discussed questions of the deepest moment to all the Americas. They have been visualized in the extension and expansion of commerce between the United States and Central and South America.

Never has the powerful voice of the press of these countries borne so friendly a tone to the United States as now. The efforts of this administration have almost entirely eradicated the suspicion with which we were formerly regarded. There has grown up between the people of the two continents a genuine feeling that we are brothers—brothers in every sense of the word; that the interest of one is the interest of all; and that it is especially necessary now, in view of the discord across the seas, that all Americans should stand together for a united America.

These are the splendid benefits which have come from the Latin American policy of President Wilson and the Democratic administration. These are the things to which Senator Root resolutely closed his lips, though no eyes saw them more clearly than his. Partisan politics shackled his tongue and warped his sense of justice. Can one who was silent on so important a subject because if he spoke at all it would necessarily have been in terms of praise, hope to have his words on other points carry conviction? His silence is tantamount to suppression of truth on a great foreign policy. It was unworthy of his high character and mighty intellect.

During the delivery of Mr. RANSDELL'S speech,

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The Senator from Louisiana will kindly suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 1417) to erect a factory for the manufacture of armor.

Mr. TILLMAN. I ask unanimous consent that that bill be temporarily laid aside.

The PRESIDING OFFICER. Does the Chair hear any objection? The Chair hears none. The unfinished business is temporarily laid aside, and the Senator from Louisiana will proceed.

After the conclusion of Mr. RANSDELL'S speech,

CALLING OF THE ROLL.

Mr. BORAH. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Idaho suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Harding	Myers	Sheppard
Brandegee	Hughes	Nelson	Smith, Ga.
Broussard	James	Norris	Smith, S. C.
Catron	Johnson, Me.	O'Gorman	Smoot
Chilton	Johnson, S. Dak.	Oliver	Sutherland
Clapp	Jones	Overman	Swanson
Clark, Wyo.	Kenyon	Page	Thomas
Clarke, Ark.	Kern	Phelan	Thompson
Cummins	Lane	Ransdell	Walsh
Curtis	Lea, Tenn.	Reed	Warren
Dillingham	McCumber	Robinson	Williams
Gallinger	Martin, Va.	Saulsbury	
Gronna	Martine, N. J.	Shafroth	

Mr. KERN. Mr. President, I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired with the Senator from Maine [Mr. BURLEIGH]. I also desire to announce the unavoidable absence of the Senator from Florida [Mr. FLETCHER]. He is paired with the Senator from Idaho [Mr. BRADY]. These announcements may stand for the day.

Mr. CHILTON. Mr. President, I wish to announce the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Fifty Senators having answered to their names, a quorum of the Senate is present. The calendar under Rule VIII is in order. The Secretary will state the first bill on the calendar.

The SECRETARY. A bill (S. 1053) to provide for stock-raising homesteads, and for other purposes.

Mr. THOMAS and Mr. WALSH addressed the Chair.

The PRESIDENT pro tempore. The Senator from Colorado.

ARMED MERCHANT SHIPS.

Mr. THOMAS. Mr. President, the rights of neutrals on the high seas are clearly defined by the principles of international law. They have been the subject of much and of frequent controversy since the present war began. Great Britain, Germany, and Austria have been charged with repeated infractions of these rights, and protests have been registered against one or more of them by virtually all of the neutral nations. These infractions have not, generally speaking, been categorically denied. Rather have they been explained or defended as due to the exigencies of warfare, the development of the submarine, and to a campaign of reprisals made necessary by mutual violations of hitherto accepted methods of marine warfare.

The recently announced determination of Germany to make war upon all enemy vessels without regard to their character or armament, because her submarines, at once the most formidable and most helpless engines of marine destruction ever devised by the malign genius of man, might otherwise be at the mercy of merchantmen armed for defense as permitted by the laws of maritime warfare, and warning neutrals from such craft has precipitated a crises in America, fraught with possible serious consequences. That this attitude is opposed to a right as old as international law itself is not vigorously disputed. That the causes underlying its recognition and establishment have disappeared, and that the law itself should therefore not be longer observed may, perhaps, be successfully maintained; but for a belligerent to declare or assume in a time of war that the rule is obsolete and then proceed upon its own declaration, is not only indefensible in principle but establishes a most perilous precedent. Any action of ours which involves an admission of the right to do this, or acquiescence in its assertion even under protest, can not, in my opinion, be safely done or seriously considered.

Nor, Mr. President, am I able to concur in the view either that because the character and structure of the submarine are incompatible with the practice of defensive armament, or that because piracy and privateering have disappeared from the high seas thereby making its exercise needless, the right of search, seizure, and capture with due regard to the lives of passengers and of crew, and the rights of neutrals to the carriage of person and of goods in unarmed enemy vessels should therefore be abridged or disregarded. Until such rights shall have been modified or abrogated by the deliberate consensus of maritime nations they should be observed and respected. The law of nations was not born yesterday. Its code of rules was designed far more for times of war than of peace. It is a combination of precept and of custom born of the experiences and the needs of the past, and crystallized into essential rules of action and of restraint by the common sense of justice and the common consent of civilized communities. It may be true that its provisions yield to the strain of great human crises at times when they are most needed, and that the experiences of recurring conflicts require the reform and remolding of many of its rules, but it is obviously true that they can not without great danger to the peace of neutrals, and therefore to the very fabric of civilization, be altered or set aside in times of war as the purposes or the advantage of belligerents may suggest. And to us, the only first-class power still removed from the deadly circuit of war, is committed the duty in our own, and the interests of all the world, to maintain these rules and protest against their disregard by any or all belligerents. It is this duty which the American administration has steadfastly and constantly recognized and sought to discharge.

Mr. President, the reasons for formulating and establishing a rule may cease. But the rule itself must endure as an active principle of human conduct so long as its recognition is essential to justice and humanity. If that be true, every condition which required its adoption may have wholly disappeared, and yet the rule remains. Such, in my judgment, is the right of the neutral to the freedom of the seas, as defined and restricted by the law of nations. I think it well, therefore, to consider some of the consequences which must in the very nature of things result from its violation or abandonment.

An enemy vessel, whatever its description, is subject to capture. A neutral merchant vessel is subject to search, and to seizure if carrying contraband of war. If the one forcibly resists capture or the other forcibly resists search, the enemy may meet force with force, whatever the consequence to crew or to passengers may be. But when captured or seized, the lives of passengers and crew must be respected. They must be carried into port somewhere and there discharged or detained, as the given circumstances may justify. This can be safely done when, and only when, they are taken on board the captor vessel or when a prize crew from the captor vessel is detailed to take charge of the prize. The case of the British steamer *Appam* is the latest instance of such a practice.

A submarine crew, however, hardly equals, and, I think, seldom exceeds, the number of men needed for such a duty. Hence the detail of a prize crew by a submarine is virtually impossible. And the boat itself is too small to permit of any sensible increase of its personnel. Hence the transfer of prisoners to its own decks is impossible. The capture of an enemy merchantman by a submarine must, therefore, have one of these results: She must be sunk with all on board, or her inmates must attempt to launch and occupy her lifeboats before the sinking occurs. The ghastly experiences of the *Lusitania*, the *Arabic*, and the *Ancona* demonstrate the tragic futility of such a terrible alternative. War at sea thus waged surpasses Sherman's graphic characterization of war in general.

I do not think that the right of a merchantman to arm for defense against sea craft floating upon the surface, or, to be more specific, against all manner of sea craft save submarines, has yet been challenged. The complaint is directed solely to the advantage which such merchantman, if armed, is said to possess over a submarine, whose shell is easily pierced and whose armament consists mainly of torpedoes. The vulnerability of the submarine to attack is, in other words, the reason given for permanently restricting the rights of neutrals at sea.

Its special method of attack, however, makes the submarine the deadliest of all seagoing contrivances, and its ability to navigate below as well as upon the surface gives it a terrible advantage over its most formidable antagonist. If now to these conditions be added the further one, that because it is easily sinkable no enemy merchantman otherwise entitled to arm for defense can as against the submarine arm at all, it becomes the helpless and certain victim of this new method of warfare. This is but to say that in this humane age of torpedo fighting, when it would seem that the merchantman needs arms for defense more than ever, it must strip itself completely of all guns and then await the certain fate which its helpless condition so surely invites. This doctrine, once established, depopulates the ocean in times of war.

Mr. President, the right of a neutral to commit his person and his goods to the custody of an enemy merchantman as he may wish or as his needs require is everywhere conceded. It can not be successfully assailed. The contention that his Government should warn him not to do so lest his destruction involve his country in war may have merits as a matter of policy which I can not perceive. But even so, the monitory action of his Government should be voluntary. We can not admit the duty, whatever the apparent need of doing so, when called upon to exercise it at the behest or because of the warning of a belligerent proposing to violate the right. It is this phase of the pending issue which I think has not received the consideration it deserves. And yet it is one of the vital elements of the pending discussion. Were conditions reversed, it would be conclusive of the situation; for Germany would never yield a jot to this or any other form of compulsion.

Mr. President, I have given much anxious thought to the proposal embodied in the resolutions the discussion of which has recently agitated both ends of the Capitol. I have been impressed by some of the arguments and by the deep and eloquent convictions of their advocates, whose earnestness and whose patriotism are above criticism and beyond reproach. I share their abiding horror of war and their desire to avoid it so long as it can be avoided without impairing the national dignity and the national duty. I believe, with them, that no seemingly trivial cause can justify the interruption of our peaceful relations with any belligerent. I have been eager to discover, with them, some method of avoiding the possibility of collision over the contingency of further destruction of American lives upon the high seas. And I regret that I am altogether unable to accept the propositions embodied in these resolutions as a solution of the difficulty. I am convinced, as the result of long and anxious and deliberate reflection, that instead of effectuating a method of avoiding a crisis the principle embodied in the resolutions would commit the Government to a course of procedure at variance with the conceded law regarding the rights of neutrals at sea, and wholly inconsistent with the attitude it has taken on account of the *Lusitania* tragedy, and which it has resolutely maintained up to this hour. If I am correct in this view, it would be safer and more satisfactory to retire from our past and present contentions than to act upon the spirit of the resolutions. Let me attempt to demonstrate the justice of my conclusion.

A request or warning by the Government to its citizens to refrain from taking passage upon belligerent merchantmen armed for defense is not the merely cautionary and harmless act which its advocates assert and believe it to be. It must, if issued, be general in its application. It can not well distinguish between those who need not and those whose personal or business exigencies require them to take passage abroad. It would be the official act of the administration, however phrased, and therefore clothed with the importance which authority necessarily imparts. At home and abroad it would be interpreted as an official order, whether issued by the President at his own instance or at the request of Congress. If obeyed by those to whom directed, it would operate as a recognition of Germany's contention of the right to sink enemy merchantmen carrying any sort of guns as completely and effectually as though her warning were formally accepted and acknowledged as law, under the seal of the Republic.

But if disregarded by any citizen who, unmindful of its suggestion, took passage and lost his life through the destruction of the vessel conveying him across the sea, America's demand for disavowal and reparation would be answered by the curt, though conclusive, reminder that she had foreclosed her case by her warning and her citizen had come to his end by his fatuous disobedience of it. Surely this result would follow or the cautionary act would be worse than meaningless. It would be misleading and of no avail. If the warning was not without a sanction, if it was not intended to apprise citizens that their disregard of it would place them beyond the pale of national protection, and they would therefore violate it at their peril, it could have no intelligent nor effective purpose, for if intended merely as an official expression of what individual conduct with regard to belligerent merchantmen should be, leaving every citizen at entire liberty to act in all respects as though the warning had not been given, and with the implied assurance that, whatever his conduct, there would be no diminution of governmental protection, no relaxation of governmental duty or responsibility to him or to the country in the event of disaster, the issuance of the warning would be worse than a blunder. It would approach the dimensions of a great public wrong. It would be to trifle with a momentous national crisis, and possibly be productive of consequences for which we would be largely responsible, and subject us, in the contingency of disaster, to the grave charge of encouraging a belligerent to persist in a policy of marine warfare that we might use it as a pretext for a declaration of hostilities. The most earnest advocate of peace, even of peace at any price, if there be such, desires the development of no such possibilities as an outcome of his country's diplomacy.

But this is not the only vital issue. It becomes important to consider the effect which the proposed policy, if accepted or acquiesced in, will have not only upon other conflicts with international law during the remainder of the war, but upon the body of that law in future. New precedents are sometimes useful, but more often they are dangerous. I am unable to perceive why, if one belligerent may for its own purposes profoundly change the law regarding neutral rights in one direction, another may not therefore change it with equal impunity in another; and no man, however wise, can foresee the tremendous consequences to neutral nations which such departures must produce.

I am no expert upon international law and have less knowledge of diplomacy. In practice, however, both should recognize and observe established conditions, especially when three-quarters of mankind are striving to annihilate each other. Firmness, courage, perseverence, respect for the rights of others, and insistence upon our own, as we are given to understand them, should at this of all times be the cardinal principles of our action. Such a course, as was recently said by the Senator from Idaho, is the only sound as it is the only safe one, and is far more likely to prevent trouble than to incite it. And it is this consideration, Mr. President, which fully justifies the wisdom of investing the Executive with jurisdiction over foreign affairs, with our diplomatic relations, and with practically all other subjects of international concern save the duty of ratifying treaties and declaring war. Power to deal with these mighty affairs must be left somewhere, with the

right of practically exclusive control linked with responsibility. A legislative body composed of many men and divided into two houses, however wise and patriotic its members may be, is no fit depository for such authority, since it is difficult to secure prompt and united action and impossible to fix responsibility. This fact is too obvious for discussion. Administrative control of diplomacy and foreign affairs is practically universal. It is a law of political gravitation which may be transiently suspended by artificial interferences, but can never be permanently overcome. Hence I deprecate, with the greatest deference to the views of abler Members of the Senate, the proposition that we should attempt by concurrent resolutions or otherwise to direct the course of the Executive regarding this and kindred subjects. We do not, we can not, know all the facts of which the Executive should be the depository. We can not, strive as we may, wholly eliminate partisanship from our discussions of them. We can not at all times restrict our language to the line of prudent and temperate expression. We are unable to wholly subordinate our individual conceptions of policy or of principle to the requirements of the moment. We are sure to say, as some of us have already said, things that should not receive the sanction of our sober reflection. And we may be still debating when the crisis is reached and has culminated.

Much has been said of the duty and the value of discussing subjects like these in the open Senate. I agree that there is nothing like debate to sustain a truth or confute a falsehood. I approve the view that without it we should cease to be a deliberative body, and thus be deprived of one of our most valuable functions. But, Mr. President, I venture to say in all charity that Senate discussions are not of the commanding importance which they should and would be but for our abuse of the right to debate. I am not able to perceive that subjects which we consider possess any relative merit. We treat them all alike and but with little regard to their comparative importance. We wrangle over a bill for the regulation of a national reserve or to construct a bridge over some navigable stream with as much fervor and as much tedium as a bill for the enlargement of the Navy or the creation of a merchant marine. All is grist that comes to our mill, and the grist is constantly increasing. Time was made for slaves, not for the Senate. Were Tennyson alive, he might well revise his immortal poem by substituting this body for that brook which is said to go on forever. If we had the determination of our international policy, the war would be over before we had fairly begun its outline.

We met in session on the 6th of last December. We have continued the emergency revenue and passed the Philippines bill. For a month we have been wrestling with the general dam bill, and the end has just been reached. Spring is here and summer is coming. We have much to do, but we can do none of it without unanimous consent. Surely the fathers were wise in providing for Executive control of our foreign affairs.

I fully agree that Executive control ends where ours begins; that the power to declare war is with the Congress, where it should be. I fully agree that this is greatest of all powers; that the awful responsibility of its exercise, which I fervently pray may never again occur, rests upon us. I fully agree that we can not in justice to the country or to ourselves exercise it except upon the fullest consideration and with the fullest knowledge. But I can not admit that we are yet face to face with such conditions. And I know that should the crisis come the patient but courageous man in the White House, who thus far through a storm of passion and obloquy and of abuse such as once enveloped the martyred Lincoln, who has been serene and self-contained when others seemed to have lost their judgment and their composure, will convey to us through our committees all the knowledge he possesses and the sources of his acquisition that we may confront our mighty task with intelligence and with satisfaction.

And, Mr. President, we must never forget that whatever he does or we do in this and other crises will be charged or credited to him. Ours may be the mistakes and the errors, but his is the responsibility. We may inveigh against what seem to be Executive encroachments; we may protest against what seem to be interferences with legislative authority; we may resent what seem to be the constantly increasing centralization of power in the Executive, but these things will continue, because the people so decree. They more and more look to the President as their representative; they applaud him in proportion to his assertion of prerogative, his assumption of responsibility, his faculty for leadership, his display of courage, his concern for their well-being. And they fall away from him in proportion as he fails to reach their standards of what a ruler should be. We should be slow, therefore, to exercise any authority which might embarrass, however well intentioned; which might hinder, albeit we desire to help; which might bring failure, though we meant success, for upon his head, not ours, the wrath of the people will descend should we err. Such has it been since we were a Nation; such will it be until the structure of our Government and the character of our people shall undergo a profound transformation.

It was Mr. Calhoun's contention that sovereignty is indivisible. It can not inhere in two or more governing elements. The Nation and States can not both possess it. The attempt to distribute can only result in demonstrating the impossibility of its divided exercise. One or the other must yield in the conflict which the attempted division inevitably produces. This great truth has found demonstration in American history in every contest between the States and the Nation since April, 1861.

It is equally certain that the President and Congress can not concurrently exercise the power to shape the national conduct upon an issue like this which involves the very essence of sovereignty. Joint authority by no means presupposes or secures unity of action. It is the more likely to cause division and dissension. The present condition graphically illustrates the fact. The President has constantly and consistently asserted the rights of neutrals at sea. Prominent Members of the Senate and House, equally conscientious and patriotic, differ from the administration and insist upon a policy which, whatever their views may be and however expressed, will be interpreted by the world as a temporary abandonment of neutral rights at the dictation of a belligerent, which may seriously imperil other equally important principles of international law. But were these gentlemen right and the President wrong, the resultant conflict of opinion officially expressed would be most deplorable. Indeed, its serious consequences can not be overestimated.

The fact, therefore, that the lodgment of authority over this tremendous question with both the executive and legislative branches of the Government never could have been intended by the framers of our Constitution will fully justify, if justification be needed, our acquiescence in the sole responsibility of the Executive.

The makers of the Constitution, after due deliberation, intrusted the executive to a single man. They were convinced that efficiency and responsibility could not be otherwise secured.

Alexander Hamilton, discussing this proposition in the Federalist, said:

> Wherever two or more persons are engaged in any common enterprise or pursuit there is always danger of difference of opinion. If it be a public trust or office, in which they are clothed with equal dignity and authority, there is peculiar danger of personal emulation and even animosity. * * * Men often propose a thing merely because they have had no agency in planning it or because it may have been planned by those who they dislike. But if they have been consulted and have appeared to disapprove, opposition then becomes, in their estimation, an indispensable duty of self-love. * * * No favorable circumstances palliate or atone for the disadvantages of dissension in the executive department. Here they are pure and unmixed. There is no point at which they cease to operate. They serve to embarrass and weaken the execution of the plan or measure to which they relate from the first step to the final conclusion of it. They constantly counteract those qualities in the Executive which are the most necessary ingredients in its composition, vigor and expedition, and this without any counterbalancing good. In the conduct of war, in which the energy of the Executive is the bulwark of the national security, everything would be to be apprehended from its plurality. * * *
>
> But one of the weightiest objections to a plurality in the Executive is that it tends to conceal faults and destroy responsibility. * * * It often becomes impossible, amidst mutual accusation, to determine on whom the blame or the punishment of a pernicious measure, or a series of pernicious measures, ought really to fall. It is shifted from one to another with so much dexterity and under such plausible appearances that the public opinion is left in suspense about the real author. * * * "I was overruled by my councils. The council was so divided in their opinion that it was impossible to obtain any better resolution on the point." These and similar pretexts are constantly at hand, whether true or false. And who is there that would either take the trouble or incur the odium of a strict scrutiny into the secret springs of the transaction?

The power to declare war is committed to the Congress. This wise provision imposes upon the people's representatives the final word upon the gravest and most important of national alternatives. It rests with us alone. The President may not draw the sword save with our authority, whatever the need may be. His foreign policy may, indeed, influence or possibly control our final action, but this does not justify our undue interference with his authority. That, under our form of government, must be left to that great body of public opinion which, in the last analysis, is really the Government of the United States. It would be as appropriate, in my judgment, for the President to assert the right of jointly exercising with Congress the power to declare war as for the latter body to assert the right to jointly exercise with the Executive authority to conduct our foreign affairs, except as expressly authorized by the Constitution. It may be that this was not the wisest arrangement or division of powers, but I have yet to perceive anything in history or in the inherent merits of the subject which convinces

me that some other scheme would have been wiser or more practicable.

Much has been said in this connection about war, its horrors, and the necessity of avoiding it. I shall not dilate upon these obvious conclusions. Nobody disputes them. Nevertheless, the President, although steadfastly striving to avert active hostilities and steer the Nation safely through the constantly increasing perils of a world-wide war, notwithstanding the mutual reproaches and abuse of partisans on either side of the conflict, is charged with desiring to affront a great nation and deliberately provoke it to acts of hostility. While much allowance must be made for expressions falling from the lips of men in times of passion and excitement, I am compelled to protest against utterances which question the motives or reflect upon the purpose of the Executive. As the President of the United States he is to-day the guardian and champion of those principles prescribed by the common consent of civilized mankind for the vindication and protection of neutrals in war. To be otherwise than firm and insistent upon their recognition and enforcement would be to betray justice and become recreant to the cause of humanity. This duty he has thus far performed with an eye single to the welfare of the Nation and with the deepest sense of responsibility to the future. It is my earnest hope and sincere belief that, undaunted and unafraid, he will continue in the performance of his prerogatives and his assertion of the rights of all those nations still happily enjoying the blessings of peace.

Mr. McCUMBER. Mr. President, yesterday morning the press dispatches contained a statement, as emanating from the Department of State, which reads as follows:

> Seagoing Americans will presently find themselves as effectually warned against passage on armed merchantmen as though this Government had in fact put into force either the Gore or the McLemore resolution.

This declaration from the State Department, bearing the earmarks of authenticity, coupled with the latest answer of the German Government to the contentions of the United States—which indicated the possibility of an understanding being arrived at between the Governments and that the German Government might possibly concede the right of merchantmen armed for defense only to have all of the rights of unarmed merchantmen and be exempt from attack without notice—induced me to withdraw the resolution which I then had pending before the Senate covering this subject.

Since that time, Mr. President, I notice the State Department denies that it has any intention of notifying American people not to travel upon armed liners. But inasmuch as that was not the declaration charged to the State Department, but, rather, that "seagoing Americans will presently find themselves as effectually warned against passage on armed merchantmen as though this Government had in fact put into force either the Gore or the McLemore resolution," I assume that the statement as published was substantially correct. It agrees with other utterances made on the same subject by the State Department. Because of the fact that the Gore resolution was amended in such a way that its meaning was reversed and a motion immediately made to table it, the votes of Senators on the motion gave no indication of their views on the real question uppermost in the minds of the people, whether Americans should refrain from traveling on armed merchant vessels.

Mr. President, this tabling method of disposing of any question, affording no opportunity for an expression of the reasons which guide individual Senators in casting a vote, gives great opportunities for misrepresenting the real issues involved, an opportunity which has been taken advantage of in this "warning" controversy.

It is my purpose to present as briefly and concisely as I may be able to do the real issues which were involved in the resolution now on the table relating to the travel of American citizens on armed belligerent merchant vessels.

There were two, and only two, questions presented. First, is it the moral and patriotic duty of American citizens to refrain from traveling on such ships during the diplomatic controversy between this country and Germany and Austria concerning the declaration of the latter to treat armed belligerent merchant vessels as warships? Second, If it is the duty of American citizens to so act, should Congress or the President request them to refrain from traveling on such ships during the pendency of the negotiations?

The very statement of these two questions invites investigation, and therefore condemns the judgment of anyone who would aver that a difference of opinion on either or both of these problems raises a question of proper loyalty to this country. The patriotic duty of every representative of the United States is not only to look at every great problem squarely in the face, but to present it honestly and accurately.

Here, Mr. President, is the situation which confronts us: The fierce flame of war which is to-day literally devouring Europe has brought into use hundreds of hellish devices and implements of warfare heretofore unused or undreamed of—submarines, aeros, Zeppelins, asphyxiating gases, blinding gases, flaming jets—

> Wi' mare o' horrible and awful
> Which e'en to name would be unlawful.

From out this bewildering maze of new instrumentalities and new methods of warfare the submarine and its uses have been brought into international prominence. The sinking of the *Lusitania*, an unarmed belligerent merchant vessel, without warning, by a submarine, destroying about 1,100 innocent lives, more than a hundred of whom were American citizens, aroused a just spirit of intense hostility against this act; and this Government met the occasion promptly and vigorously, demanding reparation, so far as that could be done, and that the German Nation should repudiate the action of its submarine commander and pledge itself to desist from any further unlawful acts of that character. Negotiations proceeded, and Germany recognized the American demand, admitted that the sinking of such vessels without notice was improper, assured this country that it would not follow that practice, and promised reparation. It is claimed that in her assurances that she would not again contravene this rule of warfare she did not except merchant ships armed for defense only. However that may be, she now asserts that these armed merchant vessels are, so far as submarines are concerned, offensively armed; that the submarine has the same rights as other warships of visitation and seizure of merchant vessels; and that resisting this right by firing on the submarine which, by reason of its vulnerability, is easily destroyed, this armed merchant vessel should be treated by the submarine as a ship of war; and that therefore it may be fired on without notice by the submarine. And she declares that, so far as submarine warfare is concerned, she will so treat it.

Against this contention of the central powers this country has maintained that by well-established international law a merchant vessel armed for defense only has the status and every right of an unarmed merchant vessel, one of which rights is that while she shall not go out of her way to destroy an enemy warship, she may fire upon one and sink it in self-defense, and that by so doing she does not forfeit her right to be exempt from the fire of a warship without notice or from being sunk without provision for the safety of her passengers and crew. And this Government further insists that neither the vulnerability of the submarine nor any other changed condition of warfare can operate to repeal the international law heretofore obtaining.

There is no question, Mr. President, as to what international law has heretofore been on the subject. The contention of this Government as to what that law has been is correct. There is, however, a question as to whether international law obtaining before a war may be modified by a belligerent during war. While that question is immaterial to the issue now before the Senate, it has a bearing upon the bona fides of the claim put forth by the parties involved in the controversy. I do not agree that international law can not be modified or that some of its requirements may not be changed by a belligerent during the progress of a war. While all of those provisions of international law, founded on justice and humanity, never should be modified or repudiated, there may arise many conditions which, by every principle of right, would justify a nation at war in declining to follow old rules and which would justify the promulgation of new rules to cover new conditions. Every nation at war does that very thing. It must adapt itself, within proper bounds, to new war environments. International law is not statutory. It is neither made by statute nor modified by statute. How, then, is it made and how, then, can it be modified? Why, Mr. President, every international rule pertaining to war is made by one or more of the belligerents in that war. Every modification is made in the same way, and it becomes a rule when it is acquiesced in by the nations generally. If that were not true, then an international rule of war could never be changed.

And, Mr. President, he must be hidebound, indeed, who would deny that the vast changes in warfare brought about by these divers new instrumentalities of destruction, would not work some change in the rules governing the rights, duties, and responsibilities of both neutrals and belligerents. Secretary Lansing himself, during this very controversy, has recognized

that new conditions may bring some of the old rules within debatable grounds. But, Mr. President, whether the position taken by the central powers has any element of reasonableness, it is asserted and asserted strongly, and each Government is now engaged in attempting to bring the other to its viewpoint. The matter is still unsettled. It is still a subject of controversy. We are hoping that an agreement will be reached. We are compelled, however, to admit that the situation is still delicate and critical.

Now, what is the bounden duty of American citizens under these particular circumstances and while these negotiations are proceeding? If an armed belligerent passenger vessel is torpedoed by a submarine without notice, and the life of an American citizen is destroyed thereby, that means either a square backdown by one country or the other, or it means war. And, Mr. President, if such an event should occur, neither of them could then back down. With the hot blood that would be immediately engendered on both sides the people of each nation would prevent any retreat.

Now, let me put this question straight to you, Mr. Senator. Would you by your act bring on such a crisis? Would you forestall any possible peaceful settlement of this question by your haste or recklessness? Would you plunge this country into war by your audacity? I know what your answer is. You would not do so. Well, then, if you would not do so, would you be unpatriotic by advising other American citizens, many of whom may fail to see the seriousness of their act as you see it? Assuming even that your legal right and that of other American citizens to travel on armed merchant vessels, was beyond any possible question, would you not feel that it was your patriotic duty to your country to refrain from exercising that right? And if that is your patriotic duty, are you not led by your own logic to admit that to exercise that right at this particular time is therefore unpatriotic? If one course is a patriotic duty, the opposite course must necessarily be unpatriotic. Can you then stand here and insist that it is improper to request an American citizen not to do an unpatriotic thing?

No, Mr. President, you can stand here until doomsday, weaving your fine-spun theories about national honor and pride, but you can never weave a veil so dense as to blind your own eyes as to the duty of every American citizen to refrain from any unnecessary act which would operate to plunge his country into the vortex of this accursed war.

Mr. President, the duty which a nation owes to its people is akin to that which a parent owes to his child. If, in some of these feudal warfares which so often occur in our own country, two leaders with their factions were attempting to destroy each other, and one should declare he would kill any person who should approach within gunshot of his abode, can I answer the obligations of parental duty by saying to my child, "You have the right to go there, and if you get killed I shall avenge your death?" Mr. President, I can not answer the accusations of my own conscience by saying to such child, "You can do as you please." I can not fulfill my duty either to him or to myself unless I advise him to refrain from exercising that right. I would say to him, "While you have the clear right to go there, I am endeavoring to convince this man of the wrongfulness of his threat, and while we are arguing that question, you should not by an unnecessary assertion of your right, bring on a crisis which may not only destroy your own life which can never be returned to you, but is sure to bring another family into this fued and entail great bloodshed."

And, Mr. President, in my humble judgment, that is what Congress ought to say to the American people. By advising my child to refrain from going on dangerous premises I in no way recognize the right of the man making the threat, nor do I weaken the force or effectiveness of my own argument.

Mr. President, I am certain that in these views respecting the plain duty of the American citizen I am voicing the sentiment of practically every Senator and of every thoughtful American citizen who wishes to avoid war. Those who differ with me base their objections on the second proposition. They admit the American citizen ought not to travel on these armed belligerent merchant ships but fear the effect of such advice on the other powers. They fear that such action will be taken by the central powers as an indication of weakness or lack of confidence in the absolute justice of our demands. But the resolution which I introduced was not intended to have that effect, and by its wording it could not be given that construction.

This resolution provided—

that while the strict legal right of an American citizen under international law to travel and ship his goods on an armed merchant vessel may be an established right, it is none the less the moral and patriotic duty of every American citizen, in view of the desperate character of the warfare now raging in Europe and the desperate situation of each and all of the warring powers, to refrain from needlessly exposing himself to danger, and, by his recklessness and audacity, involving his country or threatening to involve it in a conflict that may seriously affect the welfare of 100,000,000 of his fellow citizens; and that therefore, the citizens of the United States should * * * refrain from travel on such armed merchant ships until an agreement has been reached between this country and the warring nations, to the end that the endeavors of the President may not be jeopardized or halted or this Government forced into hostilities with another country because of the unnecessary or reckless attitude of any citizen of the United States.

This language surrenders no right which we have insisted upon. It weakens in no way the force of our demands. It is right from a legal standpoint and it is right from a patriotic standpoint.

Mr. President, while I do not believe for a moment that we will get into this war, I nevertheless want to be sure that if war should threaten us it will not be brought about by the act of one of our own citizens. I want the other power to be clearly, wholly, and unquestionably in the wrong. We will then have the Nation united as one man, and such unity of sentiment will, with its own force and power, compel a surrender to our every just demand.

Mr. President, there are different kinds and degrees of patriotism in the world. One finds in the expression, "My country, right or wrong," the limits of patriotic duty. The other, ever striving toward higher ideals of national probity, seeks a better realization in "My country always, but always right."

OSAGE OIL LANDS.

Mr. OWEN. Mr. President, I ask that Table Calendar No. 7, Senate resolution 107, relative to leasing of Osage oil lands, be laid before the Senate.

The PRESIDENT pro tempore. That can only be done at this time by a motion to proceed to its consideration. There is a bill pending at this time.

Mr. GORE. Mr. President, I make the point of no quorum.

The PRESIDENT pro tempore. Let the Chair state the question and then the call will be made. There is another bill pending at this time, and it will be necessary to move to take up for consideration the resolution mentioned by the senior Senator from Oklahoma.

Mr. OWEN. I make that motion.

The PRESIDENT pro tempore. The Senator makes that motion. The junior Senator from Oklahoma suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Lea, Tenn.	Robinson
Bankhead	Gore	McCumber	Sheppard
Beckham	Harding	Martin, Va.	Simmons
Borah	Hardwick	Martine, N. J.	Smith, Ga.
Catron	Hollis	Newlands	Smith, S. C.
Chilton	Hughes	Norris	Smoot
Clapp	James	O'Gorman	Swanson
Clark, Wyo.	Johnson, S. Dak.	Oliver	Thomas
Clarke, Ark.	Jones	Owen	Walsh
Colt	Kenyon	Page	Warren
Cummins	Kern	Pittman	Williams
Curtis	Lane	Poindexter	

The PRESIDENT pro tempore. Forty-seven Senators have answered to their names. There is not a quorum present. The Sergeant at Arms will notify the absentees to attend.

Mr. SAULSBURY, Mr. SHAFROTH, Mr. POMERENE, Mr. JOHNSON of Maine, Mr. LA FOLLETTE, and Mr. BRANDEGEE entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. There is a quorum present. The senior Senator from Oklahoma moves that the Senate proceed to the consideration of Senate resolution 107.

Mr. GORE. Mr. President, I will state that the consideration of that resolution will require considerable time. It has never been before the Senate for consideration. I feel that, being a local matter, it has not yet received the attention at the hands of Senators which its importance deserves. There are other measures pressing for consideration, measures of national importance, to which the Senate ought at this time to devote its attention. In order that we may proceed to the consideration of those general measures I move to lay the pending motion on the table.

The PRESIDENT pro tempore. The junior Senator from Oklahoma moves that the motion of the senior Senator from Oklahoma be laid on the table. [Putting the question.] The noes seem to have it.

Mr. GORE. I ask for a division.

There were, on a division—ayes 7, noes 25.

The PRESIDENT pro tempore. The motion is lost.

Mr. GORE. What was the announcement?

The PRESIDENT pro tempore. The motion was lost.

Mr. GORE. I did not understand the announcement of the division.

The PRESIDENT pro tempore. There were 7 in the affirmative and 25 in the negative.

Mr. GORE. Then a quorum did not vote on the motion to table?

The PRESIDENT pro tempore. The matter suggested by the inquiry of the Senator from Oklahoma has been decided repeatedly. It is not deemed to be the basis on which an objection can be raised.

Mr. GORE. But less than a quorum voted.

The PRESIDENT pro tempore. That does not invalidate the vote.

Mr. GORE. That was not the point. I desire to raise the point of no quorum, in view of the announcement of the Chair.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Martin, Va.	Shafroth
Beckham	Hollis	Nelson	Sheppard
Borah	Hughes	Norris	Simmons
Catron	James	O'Gorman	Smith, Ga.
Chilton	Johnson, Me.	Oliver	Smith, S. C.
Clark, Wyo.	Johnson, S. Dak.	Overman	Smoot
Clarke, Ark.	Jones	Owen	Sutherland
Colt	Kenyon	Page	Walsh
Cummins	Kern	Poindexter	Williams
Curtis	Lane	Pomerene	
Gallinger	Lea, Tenn.	Reed	
Harding	McCumber	Robinson	

The PRESIDENT pro tempore. Forty-five Senators have answered to their names. A quorum of the Senate is not present. The Sergeant at Arms will notify the absentees.

Mr. GRONNA and Mr. SMITH of Michigan entered the Chamber and answered to their names.

Mr. GORE. In view of the announcement of the Chair, I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Saturday, March 11, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 10, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty Father, the same yesterday, to-day, and forever, whose mercy is from everlasting to everlasting, our hearts are profoundly moved by the visitation into the congressional home of that strange and mysterious change which we call death. The eyes that looked into ours are closed, the lips that answered to our call are stilled, the hand that clasped ours with warmth and affection responds no more to our touch.

To whom shall those who loved him go but to Thee for consolation and comfort? Thou gavest life and Thou hast taken it away. Enlarge our faith and make bright our hopes that we may be assured that life is stronger than death; that love, the crown of all humanity, lives on forever. The sands of life run swiftly; help us, therefore, to work while it is yet day, for the night cometh when no man can work. May all that was strong, pure, noble in his character be an inspiration to us. And O God, our Father, bring us all at last into one of Thy many mansions, that we may dwell together where love shall be the ruling passion, through Him who taught us the continuity of life. Amen.

The Journal of the proceedings of yesterday was read and approved.

FUNERAL OF THE LATE REPRESENTATIVE BROWN, OF WEST VIRGINIA.

The SPEAKER. The gentleman from Pennsylvania [Mr. PORTER] has notified the Chair that he can not attend the funeral services of the late Representative BROWN, of West Virginia, and the Chair appoints the gentleman from Indiana, Mr. CULLOP, to take his place.

WITHDRAWAL OF PAPERS.

Mr. DANFORTH, by unanimous consent, was given leave to withdraw from the files of the House papers in the case of House bill 8087, Sixty-fourth Congress, first session, to grant an increase of pension to William Cobb, no adverse report having been made thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 4530. An act for the relief of Michael F. O'Hare;

H. R. 10238. An act granting the consent of Congress to Interstate Bridge Co. to construct a bridge across Mississippi River; and

H. R. 3636. An act to amend section 3646 of the Revised Statutes of the United States, as reenacted and amended by act of February 23, 1909.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 8493. An act granting pensions and increase of pensions to deserving soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 3042. An act to ratify, approve, and confirm sections 1, 2, and 3 of an act duly enacted by the Legislature of the Territory of Hawaii relating to the board of harbor commissioners of the Territory, as herein amended, and amending the laws relating thereto;

H. R. 403. An act granting to the State of Oklahoma permission to occupy a certain portion of the Fort Sill Military Reservation, Okla., and to maintain and operate thereon a fish hatchery;

H. R. 10490. An act to prevent fraudulent advertising in the District of Columbia; and

H. R. 65. An act to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii relating to certain gas, electric light and power, telephone, railroad, and street railway companies and franchises in the Territory of Hawaii, and amending the laws relating thereto.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. WILLIAM G. BROWN, Jr., late a Representative from the State of West Virginia.

Resolved, That a committee of 10 Senators be appointed by the President pro tempore to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

In compliance with the foregoing resolution the President pro tempore of the Senate had appointed as said committee Mr. CHILTON, Mr. GOFF, Mr. UNDERWOOD, Mr. GALLINGER, Mr. JAMES, Mr. CUMMINS, Mr. ROBINSON, Mr. CLAPP, Mr. ASHURST, and Mr. MARTINE of New Jersey.

PENSION BILLS.

Mr. RUSSELL of Missouri. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. MORGAN of Louisiana rose.

The SPEAKER. For what purpose does the gentleman from Louisiana rise?

Mr. MORGAN of Louisiana. Mr. Speaker, I desire to discuss this pension system.

The SPEAKER. That can be attended to in Committee of the Whole.

Mr. MANN. But unless the gentleman speaks on the bill it will not be in order in Committee of the Whole.

Mr. RUSSELL of Missouri. Does the gentleman from Louisiana desire to discuss this bill?

Mr. MORGAN of Louisiana. Mr. Speaker, I desire to discuss the entire pension system from stem to stern.

Mr. MANN. That might be in order, but why not ask that the bill be considered in the House as in Committee of the Whole and give the gentleman the time now?

Mr. RUSSELL of Missouri. Mr. Speaker, I will submit that request. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole and that the gentleman from Louisiana [Mr. MORGAN] be given one hour's time for general debate on pension legislation.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill be considered in the House as in Committee of the Whole and, notwithstanding the general rules, that the gentleman from Louisiana [Mr. MORGAN] shall have one hour for general debate confined to the subject of general pension legislation. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Louisiana is recognized for one hour.

OUR PENSION SYSTEM.

Mr. MORGAN of Louisiana. Mr. Speaker, I am going to undertake the colossal task of attempting to discuss our pension system ab initio through all its vicissitudes down to the present time. At the very forefront of my remarks, I wish to assure you that I fully realize that criticism of this system is not likely to evoke any enthusiastic applause, but on the contrary is calculated to arouse the ire of its custodians, and thereby earn for me an undesirable position in their judgment. Nevertheless this belief, well or ill founded, shall not deter me one jot from my determination to attack freely and unreservedly a system by which the people's finances are disseminated in a spirit of prodigality, unparalleled in the world's annals.

I soon learned, as a Member of Congress, that the word "pension" had a sound to which the politician's politic ear and politic heart are supersensitive. Therefore, out of deference to the sensibilities of these gentlemen, I shall not utter a single word designed to offend them.

Now, I do hope you will believe me when I say that my sense of justice is not distorted in the remotest degree by any feeling of prejudice against the Union soldier.

I am equally interested with you, my colleagues from the North, in doing substantial justice to our illustrious and deserving soldiers. I stand here ready at any time to support, in good will and affection, any measure proposed to care for those who are justly and morally entitled to gratuities, but to compel the great toiling masses of humanity to pay tribute to society drones, idlers, and hangers-on, under the specious plea of patriotism, is more than I am willing to subscribe to.

The Union soldier who faithfully discharged his duty on the field of battle, as he saw and understood that duty, enjoys the respect and affection of the American people on both sides of the Mason and Dixon line.

Years ago, Mr. Speaker, we buried our differences, and those differences are never to be exhumed. Immediately after their burial we cheerfully united with our brother from the North in an effort to reward the deserving soldier of the North. But you who profess to be his untiring champion, the jealous defender of his course, the real appraiser of his services in your mad fight for political preferment, while thinking only of self and working solely for self, you have besmirched the old soldier's good name and minimized his services by placing him in odious company. In this you have been ably and religiously succored by Members from every point of the compass who cherish a similar ambition. The galling thing about these evils is that they are perpetrated in the name of patriotism. Years ago a pension was given as a just and honorable recompense for years of real military service, during which the soldier had either lost his life or suffered in health. But every unprejudiced mind familiar with our pension system knows that a pension is no longer a badge of honor—no longer evidence of a patriotic service rendered—no longer a benefaction given to a worthy soldier in recognition of his patriotism—for we have inscribed on that erstwhile roll of honor the names of soldiers, nondescripts, parasites, drones, and deserters.

Heretofore when the voice of the southern Representative was raised against this ever-expanding system his good faith was immediately assailed and his motives deliberately impugned. The pension contingent would tauntingly point the finger of shame at him and with all their powers of declamation vociferously charge that the southern Representative's environment and training ranged him against any measure or proposition calculated to redound to the benefit of the Union soldier.

You can no longer, at least logically, advance this accusation, for which I trust there never was any real justification. The Union soldiers have about transcended their allotted threescore and ten years and are now rapidly "shuffling off this mortal coil." A few more moons and all these grand old men shall have paid life's penalty. They will be no more. Now, the principal prospective pensioners will be the soldiers of the War with Spain and the Philippine insurrection and their widows. These soldiers came from every section of our Republic, the least of whom the South did not furnish. Therefore you can not with any degree of success argue that I am in anywise actuated in this matter by sectional prejudice. I may be permitted to say that I came to Congress as a southern Representative in sympathy with the pension system, believing that it embraced within its strong arms only those legitimately and truly entitled to ask for and receive pecuniary assistance at the hands of the Government. However, I have been disillusioned. Its patent purposes are commendable and laudable, but its actual achievements, in the main, are absolutely indefensible.

I hope to be able to show in the course of my discussion of this ponderous subject that the American people must either serve notice on the Congress of the United States to immediately revolutionize and vastly improve our whole pension system from stem to stern or have themselves placed in the lamentable position of admitting at the bar of the world their incapacity to freely exercise all the functions of sovereignty.

This country can not sustain this incubus and at the same time offer to uphold our national honor and maintain the inviolability of the Monroe doctrine. If it does, we may become involved in a serious conflict. We are already paying to pensioners on account of the War with Spain $3,851,701 annually, a war wherein we lost, all told, in battles 293 men. In the face of these figures I am reluctant to even speculate on what a real, modern war would cost the American people under our present pension system.

With your indulgence I will try to enumerate the salient features of the most important pension laws enacted since 1793, in order to prove that this system is unquestionably destined to sink this country into the direst economic distress.

On the 25th of February, 1793, after several years of wrangling, the Federal Government adopted its most important act up to that time, under whose provisions the claimant was required to prove decisive disability resulting from known wounds received while in the actual line of duty in the service of the United States during the Revolutionary War, provided that no claim was to be allowed unless presented within two years from its passage. This safety valve, however, was eliminated by a supplementary act of March 3, 1805, under the beneficent provisions of which all persons who, in consequence of known wounds received in the military service of the United States during the Revolutionary War, had at any period since become and continue so disabled as to render them incapable of procuring a livelihood by manual labor, were entitled to a pension.

Congress said, in effect, "Mr. Soldier, apparently you are strong and healthy, but if at any period hereafter you become disabled you are authorized to trace your ailments to wounds received in the line of duty."

On the 10th of April, 1806, Congress passed an act extending the benefits of the pension laws so as to include all volunteers, militia, and State troops who had served in the Revolutionary War, and on the 25th of April, 1808, the Secretary of War was directed to inscribe on the United States pension scrolls the names of all persons appearing on the pension rolls of the various States because of known wounds received by them during the Revolutionary War.

Congress, I dare say, impelled, as usual, by a deep sense of gratitude, on March 18, 1818, again widened the scope of the laws granting pensions. Under this act every person who had served in the Revolutionary War to its close or for a term of nine months or longer, at any period, was pensionable—that is, if his circumstances in life were such as to entitle him to pecuniary aid.

Prior to the passage of this act it was the obvious purpose of the Government to place the soldier whose earning capacity had been impaired by reason of some injury received in the military service of his country on a basis of equality with those who suffered no injury and incurred no incapacity. A sound and commendable principle. But under the generous terms of this act proof of incapacity to earn a livelihood, due to disability incurred in the line of duty, was no longer a prerequisite. The soldier was simply required to show himself to be in impecunious circumstances. Up to the adoption of this measure Congress had studiously endeavored to make it difficult, at least, to loot the Federal Treasury.

The opponents of the act in question were very much perturbed by reason of the liberal terms in which it was couched, and while under consideration its proponents were warned against the adoption of an act the dire effects of which posterity would some day grievously feel. But such remorseless and pessimistic views met with no regard from the majority of their colleagues.

One of its ardent advocates, with that accuracy only equaled by the accuracy of some of our present-day pension prognosticators, estimated that the entire increase of applicants, by reason of the infusion of this new principle into our pension system, would be less than 1,900. In spite of this oracle's prediction there was an unprecedented scrimmage for the Pension Bureau. Something in excess of 30,000 persons immediately endeavored to avail themselves of the provisions of this act instead of 1,900. Under this law the Government the first year paid to pensioners $104,900. In 1819 there was a slight increase.

The Government paid to pensioners in that year under this act $1,833,936.

This reckless distribution of the public funds soon became a subject of newspaper attacks. It was openly and vigorously charged that persons in very comfortable circumstances, in order to bring themselves within its scope, actually proved that they were in dire want.

The criticisms leveled against this act continued to increase in intensity until 1820 when Congress decided to make an effort to safeguard the Government's interests, and at the same time to correct some of the irregularities and frauds which had been discovered. This act required all pensioners under the act of 1818 and all subsequent applicants to submit sworn schedules of their entire estate and income. In addition to this, they were required to swear that they had not disposed of any part of their property in order to come within the purview of the act of 1818. Under this remedial measure the Secretary of War was empowered to strike from the lists those persons who, in his judgment, were able to sustain themselves without the assistance of the Government. Conformably to the authority vested in him, the Secretary of War, after due inquiry and examination, expunged from the pension rolls the names of thousands of fraudulent pensioners.

In the face of these palpable frauds and indefensible impositions on the Government, made possible alone by the loose and extravagant terms of the laws regulating the granting of pensions, Congress deliberately continued to enact legislation calculated to encourage dishonesty and make fraud possible.

After several persistent and ineffectual efforts, Congress on June 7, 1832, enacted a pure-service pension for the benefit of the Revolutionary soldiers. This act granted to all those who had completed a total service of two years during the Revolutionary War, whether in the Continental or State troops, volunteers, militia, or in the Navy, full pay for life according to rank, and a proportionate sum to those who had served not less than six months.

Through the medium of this act, like the act of 1818, the Treasury was verily raided. It resurrected the dead and brought into existence full-fledged pensionable soldiers from every section of the universe. It provided applicants so thick and fast that the people, in spite of their presumed gullibility, could not bring themselves to believe that there were so many living Revolutionary soldiers.

In the Senate its defenders bitterly assailed those who dared to array themselves against the passage of this alleged meritorious measure, and with that enlightened wisdom which has made pension legislators from the early days of our Government ridiculous the Senate and the people were then philosophically informed that the bill would place an additional encumbrance of $450,000 or less on the back of the taxpayers—a mere bagatelle. However, seemingly their estimate was slightly out of joint with the actual amount it finally cost the people. Instead of extracting $450,000 annually from the Treasury, as predicted, it added something in excess of $2,000,000 annually to the pension rolls.

Shocking frauds under this measure were brought to light, culminating in the indictment and prosecution of many persons for forgery and perjury. The Commissioner of Pensions in his annual report of 1834 said, in part:

> Disclosures have been made during the last session showing the necessity of a thorough investigation into the operating of the laws granting pensions and gratuities for military services. As these disclosures have been the result of accident, it is impossible to judge to what extent frauds may have been committed, but enough has occurred to satisfy me that some mode of proceeding is essentially necessary to detect and check these abuses.

You will observe that, in the very teeth of these daring frauds, there has been a continuous and endless widening of the scope of pension legislation.

Up to July 4, 1836, no provisions had been made for the benefit of the Revolutionary widows, so under this act, among other things, it provided that any Revolutionary soldier entitled to a pension under the provisions of the act of June 7, 1832, who had died leaving a widow whose marriage took place before the expiration of his last period of service, she should be entitled to receive the pension her husband might have been allowed had he lived.

On the 14th of July, 1862, Congress passed a law providing pensions for all claims arising out of service in the Civil War. The beneficiaries under this act and the amendatory acts of 1865-66 included all persons who had served in the Army, Regulars, Volunteers, and Militia, and also those who served in the Navy or Marine Corps, including mothers, orphaned sisters, widows, and children under 16 years of age, of any person dying of injury or disease contracted while in the service of the United States and in the line of duty.

Thus we observe Congress, year after year, expanding the beneficent principles of this great system, evidently intending that no person should be permitted to escape the acceptance of a bounty from the Federal Government.

The Commissioner of Pensions, obviously, in the hope of bringing the Congress to a due appreciation of the rights of the people, in his report ending June 30, 1864, said:

> No other nation has provided so liberally for its disabled soldiers and seamen, or for the dependent relatives of the fallen. The Government has undertaken to make up, to a certain specified extent, for the loss of health of members, when incurred strictly in its military or naval service, and to furnish regular pecuniary aid to the families of those whose lives are thus sacrificed. From this simple impulse of justice, manifesting itself in the war of independence, has sprung this entire system, now expanding into proportions perhaps little anticipated in those early days. In place of laws for particular emergencies, cautiously limited to retrospective action, we have now a statute which now puts on an equal footing each arm of the service, embracing the future as well as the present in its scope, and providing for regulars, volunteers, and militia alike.

On February 14, 1871, a straight-out service pension act was passed for the survivors of the War of 1812 who had served 60 days and were honorably discharged. In this act the pauper clause, which was written into the revolutionary act of 1818, was eliminated.

Only a few survivors of the War of 1812 at that time appeared on the rolls and it was then freely said and confidently believed that only a very small number were then living who would be able to avail themselves of the provisions of this act. Yet, before its creators could go home to tell about their patriotic work, the Commissioner of Pensions had received and placed on file 32,000 claims. About the time the people, the burden bearers, had become reconciled to this generous measure, the Congress on March 9, 1878, passed another, under whose broad provisions all soldiers who had served 14 days in the War of 1812 were entitled to a pension and the widows of such persons, irrespective of the date of their marriage. This measure, not unlike its predecessor, immediately brought to the Commissioner of Pensions, 25,000 new claims. These claims were based upon services rendered 63 years prior to the submission of such applications. In 1878, the year of its adoption, we paid to pensioners, under this bill, $1,063,590.52. In 1879, one year after its passage, we paid, in compliance with its liberal provisions, $3,207,225.20.

Congress, in all human likelihood, realizing that the claim agents and pension attorneys were looting the Federal Treasury through the medium of pliable claimants, on the 19th of June, 1878, reduced the fee which claim agents were then entitled to charge for their services in the prosecution of pension claims from $25 to $10, and forbade the filing of contracts in any case by the Commissioner of Pensions and prohibited claim agents and other persons from receiving compensation for services in making application for arrears of pension.

The Commissioner of Pensions in his report of June 30, 1878, referring to the act in question, in part said:

> The act has met the most determined opposition of a class of claim agents who, under the law as it previously stood, enjoyed large facilities for gathering up claims. The agents of this class, in support of this opposition, have not hesitated to circulate through the country the statement that the law was inimical to the interests of the soldiers, both pensioners and claimants, and was intended to be so when passed; alleging that the reduction of the fee and the uncertainty of its collection would deter all reliable and responsible attorneys from aiding the soldier in the prosecution of his claim, and thus he would be prevented from securing his own rights.
>
> The provisions which were modified by this act were contained in an act passed July 8, 1870, to protect pensioners and claimants from the oppressions and frauds which had theretofore been extensively practiced upon them by unscrupulous claim agents, who succeeded in many cases in securing employment to prosecute pension claims and to collect pension money at the agencies for paying pensions.

Hence we observe that the Commissioner of Pensions, of his own volition, gave to Congress his estimate of pension attorneys and claim agents, and clearly indicated to Congress the tactics to which these men resort in their efforts to flimflam the Government; but was it productive of the adoption of any remedial legislation? On the contrary. On January 25, 1879, Congress passed what is known as the "arrears act." Under the provisions of this monstrosity, claims were allowed with arrears dating back to the Civil War. In this, Congress held out an irresistible incentive to claim agents and other interested persons to present new claims. This was, of course, a veritable El Dorado for claim agents, who were entitled to receive under its provisions $10 for each new claim. Whilst they were not to receive any compensation for making application for arrears as a matter of right, however, we can safely assume that they were the recipients of a little evasive money whenever they wrested from the Federal Government a claim carrying with it a premium well advanced in the hundreds.

How the Congress can justify the adoption of this legislative prodigy I am wholly incapable of even conjecturing.

However, the Senate soon realized that the costs of this act would soon bankrupt the country; consequently, on March 3, 1879, Congress passed an amendatory act which, in substance, provided that no pension should be allowed to cover any period prior to the date of the claimant's actual disability, and that arrears should be granted only in those cases where application had been filed with the Commissioner of Pensions prior to July 1, 1880. According to the report of the Commissioner of Pensions our total disbursements of pensions during the year ending 1878 were $26,844,000. Our total expenditures for 1880 by reason of this act amounted to $57,240,000.

The Commissioner of Pensions, feeling outraged by the extraordinary facilities afforded by the existing system for the successful prosecution of fraudulent and unmeritorious claims, in his report for 1879 said, in part:

As the law stood previous to the passage of the arrears act, temptation to fraud was very great, but since that act it is many times increased. Then the claims were comparatively few in which any considerable sum of money would be the immediate reward of a successfully prosecuted claim, but since that act every invalid claim allowed, as well as many of the other classes, will have in it from several hundred to several thousand dollars due the claimant at the first payment. It is admitted by those best informed that there have been not less than $2,000,000 paid out annually for fraudulent pensions. In my judgment the estimate is below rather than above the actual amount. With the temptation to the commission of fraud so greatly increased and the road to the Treasury so easy, the consequences can easily be foretold. Not only will the people be taxed to pay an annual tribute to the unworthy man, but with so many claims pending and still to be presented it will be little less than a miracle if extensive official corruption does not follow.

Mr. Speaker, did the arrears act satisfy the claim agents and other beneficiaries? Yes; so long as ready and willing claimants could be gathered in bunches; but after wresting hundreds of millions of dollars from the Federal Treasury by means of this act, or rather accomplice in sin, claimants became few and far between. Hence it was necessary to write a new principle into the system in order to create another strong and vigorous group of claimants. Therefore Congress, on the 27th of June, 1890, adopted an act which provided—

That all persons who served 90 days or more in the military service of the United States during the Civil War and who now or may hereafter be suffering from a mental or physical disability of a permanent character, not the result of his own vicious habits, which incapacitates them from the performance of manual labor in such a degree as to render them unable to earn a support, shall be placed upon the list of invalid pensioners.

Furthermore, the widow of such a soldier under this act is entitled to receive a pension without proving the soldier's death to be the result of his military service.

The soldier is merely required to show 90 days' service in the Army or Navy and produce a medical certificate certifying that he has a mental or physical disability that disqualifies him, in whole or in part, from earning his support by manual labor, provided, however, that it is not the result of the claimant's own vicious habits, which simply means that every conceivable disability from which mortal man may suffer is pensionable.

Where is the man who, under our ex parte system of evidence, can not bring his disability within the meaning of this act? There is no distinction between the rich and the poor, no distinction between those ills superinduced by the service and those the inevitable result of carelessness and self-neglect.

In 1891, the first year after the adoption of this measure, the Government granted, in obedience to its provisions, 102,387 original claims, and in 1892, 197,870, costing the taxpayers the first year $8,907,636, and the second year $51,407,971.

Seemingly there is an unwritten law that we shall not endure our pension rolls to shrink or dwindle. Whenever such a tendency evidences itself Congress forthwith broadens the laws granting pensions. In 1912 our pension disbursements dropped several million dollars. Immediately thereafter a pure service pension law was enacted for the Union soldiers and those who fought in the Mexican War. This act had the usual desired effect. Our pension rolls aggregated in 1912, $157,323,103. The following year we disbursed on account of pensions $174,160,717.

It is the basic duty of pension statesmen to keep the pension roll in a strong and vigorous condition. The exigency of contriving new schemes and writing them into our pension system doubtless entails a great deal of labor. Yet, be it said, to their eternal credit, that they have never been found deficient.

On February 16, 1916, we passed an act which seeks to establish in the War Department and the Navy Department, respectively, a roll designated as "The Army and Navy medal of honor roll."

The beneficiaries of this act are persons who have attained or shall attain the age of 65 years, and who have been awarded a medal of honor for having distinguished themselves conspicuously by gallantry or intrepidity.

Under the provisions of this act, the Secretary of War and the Secretary of the Navy are required to construe the evidence in favor of each applicant liberally and favorably, and in cases of doubt, the applicant shall be given the benefit of the doubt, and each person whose name shall have been entered on this roll under the provisions of this act shall receive a special pension of $10 per month for life.

On the 16th of February, 1916, we had the privilege of adopting another most admirable measure; that is, if its worth is to be measured by its prospective tax-absorbing capacity.

If an officer or enlisted man who served 90 days or more in the Army, Navy, or Marine Corps of the United States, either as a Regular or Volunteer, during the War with Spain or the Philippine insurrection or in China, between April 21, 1898, and July 24, 1903, inclusive, has died, leaving a widow without means of support other than her daily labor and an actual net income not exceeding $250 per annum, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the regular pension rolls at the rate of $12 per month during her widowhood, and shall also be paid $2 per month for each child under the age of 16 years.

Our modern Congressmen have a veritable genius for widening the scope of our pension legislation. In comparison, their predecessors were bungling amateurs. Here is an act that does not pension those alone who actually engaged in any battle nor those alone who were exposed to the dangers of war. Why, it does not even require any military service of the most superficial nature.

Service under this act is to be computed from date of enlistment to date of discharge, including furloughs. In other words, upon the mere fact of enlistment the Bureau of Pensions is directed to irretrievably sentence the Government to grant pensions to the widows of all officers and enlisted men, not even requiring the widow to show her husband's death to be the result of his Army or Navy service.

You unpardonably presume upon your authority when you undertake to pension widows who have not the slightest semblance of a right to such gratuities. To pension widows whose husbands, if living, could not legitimately secure a bounty is not only untenable but, moreover, repugnant to my sense of justice.

Under this act a widow without means of support other than her own daily labor and an actual net income of $250 a year is entitled to a pension. She may possess in her own rights property worth thousands of dollars, yet under this act she would be pensionable unless her net income was over and above $250, exclusive of her own earnings. This is a travesty on justice.

Think of the thousands of downtrodden and toiling widows throughout this broad land upon whose frail and weary shoulders in part falls the burden of carrying our favorite beneficiaries and political underlings. No pulse of pity beats in your bosom for these widows. Of course, they do not know that this great system makes it infinitely more arduous for them to keep the wolf from their hovels. But the fathers, brothers, uncles, and other male relatives of the pensionable class of widows know how assiduously we labor to liberalize this system, and here lies the mischief.

It is inconceivable to me, Mr. Speaker, how we can return to our respective districts and look our constituents in the face without the flush of shame coursing to our hypocritical physiognomies. We are deliberately trifling with the rights of the American people. We preach economy; we excoriate extravagance; we denounce pork barrels; we protest against this expenditure and that expenditure; but these outbursts of oratory are simply for the delectation of the boys back home. While we are espousing economy we are devising schemes to unbolt the doors of the Treasury in order that it may be more accessible to those who have designs thereon. These innumerable acts passed this session alone shall add thousands and thousands of dollars to our annual pay roll, and in all human likelihood long after we return to our respective districts, there to permanently remain, our constituents will be called upon to meet these charges that we here so complacently create.

Now, again, a few days ago we passed an act whereby we propose to pension all persons who fought against Indian depredations, or, rather, those who can show by oral evidence that they were on the warpath with the Indians for at least three months or during the life of any given campaign.

If such an act as this does not stimulate fraud, fraud is a myth. Every human being who ever gazed upon or encountered a redskin on the warpath in those days will experience little difficulty in showing a service of three months, and thereby establish a pensionable status.

Under the provisions of this act we stipulate to grant pensions to the surviving officers and enlisted men and their widows of the

Texas volunteers who served 90 days in the defense of the frontier of that State against Indian depredations and to the surviving officers and enlisted men, including the militia and volunteers of the military service of the United States who have reached the age of 62 years and who have served for 90 days in the campaign in southern Oregon and Idaho and in the northern parts of California and Nevada; the campaign against Sioux in Minnesota and the Dakotas; the campaigns against the Sioux in Wyoming; the campaign against the Cheyennes, Arapahoes, Kiowas, and Comanches in Kansas, Colorado, and Indian Territory; the Modoc War; the campaign against the Apaches in Arizona; the campaign against the Kiowas, Comanches, and Cheyennes in Kansas, Colorado, Texas, Indian Territory, and New Mexico; the campaign against the Northern Cheyennes and the Sioux in 1876–77; the Nez Perce War; the Bannock War; the campaign against the Northern Cheyennes in 1878–79; the Black Hawk Indian War in Utah; the campaign against the Ute Indians in Colorado and Utah; the campaign against the Apache Indians in Arizona; the campaign against the Sioux Indians in South Dakota.

We have pensioned every person who has been in anywise suspected of having the slightest connection with any of the wars in which this Government participated. Now, it is our determination to pension all those who can show by oral evidence that they participated in any of the campaigns against the Indians.

Of course the life of some of these campaigns did not last much longer than a modern prize fight, so we very adroitly overcome this obstacle by pensioning not those alone who served 90 days but those also who served during the entire period of any one campaign, irrespective of its duration. There can be no doubt but that the devil knew not what he did when he made man politic.

Heretofore, we have religiously insisted that the applicants should be required to show a specified length of service in the military service of the United States, but under the lax verbiage of this measure specified length of service and enlistment in the military service of the United States are both dispensed with.

Yet it has been a fundamental principle of our pension laws that only enlisted men in the United States Army should be pensioned, but this shattering of a basic principle gives us no concern, especially since it is in the interest of a great system.

I have striven to show in a concise manner how the pension legislation, under the tender ministrations of pension legislators, has budded and blossomed into a collossal system. The man who makes a determined effort to reach the Federal pay roll and fails through our broad and undeniably lax pension system must, indeed, be a sorry specimen of a soldier.

We began by requiring the soldier to prove decisive disability resulting from known wounds received while in the actual line of duty in the service of the United States. The soldier was given at first six months, and then, subsequently, two years to discover his wounds. Several years thereafter the limit was expunged in toto. Next, the United States assumed the payment of all Revolutionary invalid pensioners in the several States. Later, we broadened our laws by granting a pension predicated upon nine months' service and impecunious circumstances. We again extended the benefits of the pension laws so as to embrace the widow of the deceased soldier, requiring her, however, to show the soldier's death to be the result of his Army or Navy service. A few years come and go and we grant a pension to those suffering from some physical disability, not the result of their own vicious habits, upon proving 90 days' service. We again broaden the scope of our pension laws by granting pension to the widow without imposing upon her the necessity of proving the soldier's death to be the result of his Army or Navy service, and then we passed pure pension laws on account of the Revolutionary War, the War of 1812, and the War with Mexico, and the Civil War.

This session we have extended the scope of our pension laws in order to embrace and include all those who participated in the Indian wars, Indian disturbances, and Indian campaigns.

I have done my utmost to give you a summary of the most important laws the Congress has enacted from 1793 down to the present day. From a laudable and commendable act adopted in 1793 has sprung this system that induces rascality, places a premium on perjury, encourages idleness, stimulates fraud, demoralizes our soldiery, makes sycophants of our public men, holds patriotism up to contempt, exposes the worthy soldier to ridicule, and misappropriates the people's money. I am wholly at a loss to conjecture how any man, in possession of all his faculties and believing in even-handed justice and an impartial administration of the affairs of his country, can bring himself to countenance this system.

Under our magnanimous and unequaled pension laws we provide for the indigent and affluent, the well and the sick, the decrepit and the robust, the deserving and the undeserving.

The people's faith in the justice of our pension legislation has made them an unconscious instrument in the furtherance of a system that has become dangerous to their welfare. They are a noble and generous people, and are worthy of the best a man has in him, yet every scheme that can be devised whereby a portion of the country can live in idleness at the expense of the majority has been insidiously read into our pension system. "There is, however, a limit at which forbearance ceases to be a virtue."

Do you realize that we have paid to pensioners from 1866 to 1915 the appalling and gigantic sum of $4,799,030,192? In addition to this, our disbursements on account of salaries in the bureau, salaries of special examiners and examining surgeons, salaries of pension agents, clerk hire, and so forth, have reached the startling sum of $120,718,334. We are not unlike the cowardly assassin who, under the cover of darkness, plunges his deadly weapon into the back of his unsuspecting fellowman and dashes away, leaving the death-dealing instrument quivering in the flesh of his victim. We stand here and supinely impose these deleterious burdens upon the toiling masses, and thus clandestinely betray the trust that the people whom we profess to love and revere repose in us. Then we depart in triumph, leaving the horny-handed sons of toil to pay the wages of our sins. Invariably, when there is an effort made to expose this species of kleptomania, the pension advocates, in order to justify their generosity, rise on the floor of the House and, with lips twitching with feigned emotions, denounce the cold-blooded and remorseless Member who dares to array himself against the system, and for the millionth time will recount the heroic and valorous deeds of the old veterans, which also includes those who never saw a battle field, unless it was on a moving-picture screen since the beginning of the European war. This is a sort of sedative with which they expect to humanize the victims of their prodigality. In the year 1866, after the worst conflict we have ever engaged in, we paid to pensioners for the year ending June 30, 1866, $15,450,540; 50 years subsequent to that unfortunate occurrence our disbursements of pensions reached the munificent sum of $165,518,266, in spite of the fact that we are losing approximately 35,000 Civil War soldiers every year.

Do you get the full import of this incubus? Where is the man who can hear these appalling figures and feel no self-reproach? I will hazard the guess in passing that he is not a Member of Congress.

Mr. Speaker, to have an actual pension pay roll of $165,000,000, 50 years after the Civil War and 17 years after the Spanish-American skirmish, shows indisputably that there is something wrong in the State of Denmark. Out of this sum we send annually $35,000 to pensioners in our insular possessions and $945,000 to foreign countries.

These old soldiers are rapidly passing out into the great beyond. As I said, an average of 35,000 each year literally retire from the scene of human action. Hence, in a few brief years the last of their names will disappear from the pension rolls, but the American people need not wheedle themselves into believing that by reason of the death of the old veteran the rolls will dwindle and become less onerous. It is like Banquo's ghost. It will not down. The pension advocate feels that he has a jiujitsu hold on the United States Treasury, and you can rest assured that he does not contemplate relinquishing any advantage he now enjoys, even though his refusal to do so depletes the exchequer, about which he is not particularly concerned. He occupies a strategic position, and he knows it. At the threshold of the Treasury the stalwart Spanish-American soldier stands, as a matter of right, waiting to supersede the Union veterans. He is where the Representatives of the people placed him. These countless soldiers, many of whom have and many more desire to prove that they providentially escaped the enfilading fire of the enemy only to find themselves battle worn, prematurely old, and broken in health by reason of that protracted and ultrahazardous struggle.

I am going to try to demonstrate to those of you who are open to conviction that the pension roll is here to stay. We paid our Revolutionary soldiers from 1776 to 1906, when the last pensioner on account of that war died, $70,000,000. We paid from 1812 to 1915, on account of the War of 1812, $45,972,895. Again, we paid to pensioners from 1846 to 1915, on account of the Mexican War, $49,618,948. We paid on account of the Spanish-American War, from 1898 to 1915, $49,944,441. In other words, we paid to the Revolutionary soldiers and their widows, covering a period of 130 years, only a few more dollars than the Spanish-American War has already cost this country. We have paid to soldiers of the War of 1812 and their widows, covering a

period of 104 years, $3,971,546 less than we have already paid on account of the Spanish-American War. We have paid to the soldiers of the War with Mexico and their widows, covering a period of 69 years, $325,493 less than the Spanish-American War has already extracted from the Treasury.

In our War with Spain we lost in battles 17 men in the Philippines, 3 men in Porto Rico, and 273 men in Cuba. Approximately only 38,000 men participated in the military operations of that war, nevertheless, there are now over 29,000 of these soldiers drawing pensions. Our pension disbursements last year on account of this war aggregated $3,851,701. The meteoric rise of pensions on account of this tempest in a teapot is not calculated to disturb the equanimity of pension statesmen, who sit here and vote away the money of their constituents, but it may give the thoughtful men of this country something to ponder on.

Three million eight hundred and fifty-one thousand seven hundred and one dollars is a mere bagatelle in the estimate of these philanthropists. Wait; give them time to widen the scope of the laws for the benefit of the Spanish-American soldiers, and they will make the Civil War pension rolls appear infantile. After reading these pension figures I am reminded of Crabbe's philosophical description of the fidelity of a well-known dumb beast:

With eye upraised, his master's looks to scan,
The joy, the solace, and the aid of man;
The rich man's guardian, the poor man's friend;
The only creature faithful to the end.

We not only empower but, moreover, hold out a strong incentive to pension attorneys and claim agents to go upon the highways and byways with a dragnet to pluck all pension claimants. Men, ostensibly enjoying good health, under the tutelage of these agents, soon discover in themselves ills which, in all probability, would never have been discovered or conceived but for these benefactors. Under the careful guidance of a claim agent and a solicitous physician who ordinarily is an adept in tracing ailments back to the military service, these applicants invariably discover that their ills are pensionable. Even though they had not suffered enough to induce them to apply for a pension until years after the war, and then only at the instance of a pension attorney or a claim agent. Congress from time to time has been supposedly importuned by a patriotic people to widen the pension laws, but in reality these appeals, in practically every instance, have been results of cleverly conducted campaigns vitalized by claim agents, pension attorneys, and other interested persons. While politicians are generally good judges of men, yet it is a regrettable fact that Congress has often been the dupe of ingenious and mercenary attorneys, agents, and prospective beneficiaries.

I have made a cursory examination of the records for the past 10 years in order to ascertain if these claim agents are interested in liberalizing our pension laws and, if so, to what extent.

Now, I find that we paid to pension attorneys on account of pensions, in 1901, $591,245; 1902, $582,581; 1903, $557,657; 1904, $692,295; 1905, $719,365; 1907, $412,105; 1908, $264,522; 1909, $331,237; 1911, $163,610.06; 1912, $138,837.72. I have been unable to secure the figures for the years 1906, 1910, 1913, and 1914.

Now, let us delve into the affairs of the Bureau of Pensions for the last 10 years in order to know if there are any other persons interested in the expansion of this system.

I find that the salaries in the bureau; salaries of special examiners, per diem, and expenses; fees for examining surgeons; salaries of pension agents and clerk hire aggregated—

1905	$3,721,832.82
1906	3,523,269.51
1907	3,309,110.44
1908	2,800,963.36
1909	2,852,583.73
1910	2,657,673.86
1911	2,517,127.06
1912	2,448,857.31
1913	2,543,246.59
1914	2,066,507.15
1915	1,779,860.30

No injustice is so repellant to the rank and file of our people as the betrayal of a public trust. We deliberately presume upon our authority when we lavishly vote pensions for the support and maintenance of a favorite class to the injury and hurt of the toiling masses of the human race.

In the words of Rumbold:

I never could believe that Providence had sent a few men into the world ready spurred and booted to ride and millions ready saddled and bridled to be ridden.

The Commissioner of Pensions in his report of 1871 in part said:

The records of national cemeteries have been brought into use for the purpose of determining the names and services of those buried there. Women were then hunted up who were induced to execute applications for pensions on account of the service and death of these soldiers. These women became pliant tools in the hands of the operators. A prima facie case is made out by means of "stock witnesses" and the originators of the fraud pocket the money of the first payment, leaving the fraudulent claimant to reap the benefit of the future payments.

Great difficulty is often experienced by this bureau in proving a marriage or marriage relations alleged to have occurred 30 or 40 years ago.

The Commissioner of Pensions, in his report of 1878, said in part:

A comparatively smaller number of professional claim agents and claim firms in Washington and some other points in the country, through the intervention of subagents and by extensive advertising, employed for the purpose in some instances sheets issued in the form of periodical newspapers purporting to be published in the interest of the soldiers, the columns of which contained matter in which apparent anxiety for the soldier's welfare and appeals to their love of gain were cunningly intermingled, always representing the advertisers as in the enjoyment of special and peculiar facilities for the successful prosecution of claims, and usually adding the suggestion that no charge would be made unless the pension should be obtained.

In his report of 1878, in part, he said:

Without reflecting upon the intelligence and integrity of these surgeons in general, it is a fact that the reports of these examinations too often bear evidence that they were of the most superficial character, and not infrequently are they found to be untruthful in whole or in part.

Mr. Speaker, now we come to the private pension system, the most inexcusable custom that the Congress has ever countenanced. We are all more or less politically ambitious. We either hope to remain in Congress or to be committed to service of wider scope, a very laudable ambition indeed. So we gladly avail ourselves of any scheme or policy by which an unsuspecting constituency may be made to aid and assist us in the retention of that which we now enjoy, or in the attainment of something higher up. Frankly, this is the raison d'être of the practice. What millions we squander that Cæsar might be great!

Now, if after an examination the bureau finds that the applicant's military record shows that from fear or some other reason equally as unworthy, the applicant refused to share the dangers which confronted his comrades and absconded, his application is forthwith rejected. The bureau is governed neither by politics nor by sentiment. It has its limitations, and they are not transgressed or abused, but the Congressman's authority pertaining to pensions and soldiers is omnipotent. His jurisdiction is as boundless as the globe. His efforts are circumscribed by no law, no rule, no precedent—nothing but his political conscience. So the rejected applicant goes from the bureau to his Representative who introduces a bill and, you can depend upon it, if the Congressman possesses the requisite log-rolling proclivities, Congress will in due course of business transform this Marathon racer into a hero. At the same time he will be provided with a liberal pension for the balance of his natural life as a balm to his outraged sensibilities. We may continue by congressional action to ingraft on the pension rolls the names of deserters, perjurers, and fakers; but there are some things even beyond the power of a Congressman. By laying so many stripes on a donkey's back you can not turn him into a zebra, and neither can you by legislative action convert the deserter into an honorable and worthy soldier. Your rhetoric can not add to the honor or glory of him who has acted well his part, but a grievous wrong you do him when you undertake to place on a parity with him deserters and fakers whose right to pecuniary assistance from the Government is absolutely nonexistent. I venture the assertion that there is not a single solitary meritorious claim that does not come within the purview of our grotesquely extravagant legislation. Every ailment, every conceivable disability, and every fancied incapacity have been anticipated and provided for.

Hence, the Congress can not justify before the American people this indiscriminate passage of private pension acts. This method of imposing additional burdens upon the taxpayers calls for condign punishment at the hands of those who must pay the toll. This system is contrary to every principle of fair dealing and good policy.

Now, if the advocate of this method of granting pensions asserts that there are meritorious claims that do not come within the provisions of the general laws, then it is up to the Congress to authorize the Commissioner of Pensions to report such claims to Congress and prohibit the passage of every private bill that does not bear the recommendation and indorsement of the Commissioner of Pensions. A private act will then have no political significance and hence of no political importance to any Member. If you do this, I will hazard the guess in passing that our private pension act system will anon fall into "innocuous desuetude."

For your edification I beg leave to say that the number of pensions granted by special acts during the Fifty-fourth Congress were 378; Fifty-fifth, 694; Fifty-sixth, 1,391; Fifty-seventh, 2,171; Fifty-eighth, 3,355; Fifty-ninth, 6,080; Sixtieth, 6,600; Sixty-first, 9,649; Sixty-second, 6,350; and Sixty-third, 5,061.

From 1871 to 1915 we granted, by special acts, 47,398 pensions. These acts alone cost the American people millions of dollars, about the merits of which it is indeed charitable to say there are grave doubts.

During the Sixty-fourth Congress we passed 5,061. The annual value of these acts is $1,257,000 and they add to the pension roll $552,507 annually.

This session already we have passed a raft of private acts and, furthermore, have introduced into this great system new and more generous principles, which will also ultimately add a few million dollars annually to the rolls. This record may fill us with pride, but it is not a shining sunset in the eyes of the American people.

Europe has a very conservative pension system, which is judiciously executed. A European soldier is entitled to a pension only after long years of service or upon due proof of a physical disability actually incurred in the military service.

The maximum service pension a German soldier receives, and receives only after 36 years, is $7.30 per month.

The maximum service pension a British soldier receives, and only after 21 years, is $7.80.

Our Civil War veteran who served from 90 days to 3 years, at any period during the Civil War, is entitled to a pension ranging from $13 to $30 per month, predicated upon his age.

The highest disability pension to which our soldier is entitled is $30. The highest disability to which the English private is entitled is $18 per month. The British disability pension, moreover, remains in force only so long as the soldier's disability exists, and to this end he must submit to an annual medical examination. Our soldier, on the other hand, may be temporarily impaired, but when he once succeeds in writing his name on the pension roll, it is likely to remain there for life and a day.

Mr. Speaker, it is one of the melancholy ironies of life that our precedents should return to plague us. We have been engaged, lo, these many years in constructing this pension system without the consent or the approval of the people. It is now assuming disquieting and threatening proportions. So potential, so powerful, so gigantic has become this system of laws that Congress to-day stands in awe of it. The Congressmen, with a few exceptions, are afraid to antagonize the political friends and beneficiaries of this system, which they well know is economically enslaving the American people.

Of course, it is politically expedient to follow the line of least resistance. Every mother's son knows that. So in one voice we proclaim, "On with the dance, let joy be unconfined," and thus we pusillanimously subscribe to the system.

Arguing to ourselves that the old nincompoops at home do not fully appreciate that these pension burdens are their burdens, and should the truth finally percolate through their craniums we shall go home and make a Fourth of July speech in which we will extol in martyred tones the grandeur and nobility of the character of the old soldier and end in drawing a pathetic picture of him, after years of service, advancing with head bowed down and unsteady step toward that sepulcher where all of his earthly tribulations shall come to a close, and thus we sophistically appeal to the patriotism of the people.

If our legislative acts embraced only such worthy and deserving beneficiaries it would not lie well in the mouth of anyone to criticize our pension legislation, but, unhappily, such is not the fact.

We can not go on here ad infinitum creating debts for our constituents to liquidate. There will come a day of reckoning, and when it does come we shall be unceremoniously swept from the throne of authority. Such will be the vengeance that shall fall on those of us who forget that the political power in this free land resides in the people.

I am heartily in favor of a service-pension law which will provide for all soldiers who, after years of honorable and conscientious service, find themselves in the evening of life in reduced circumstances.

I especially believe in providing for those who have become incapacitated wholly or in part by reason of some injury received or disease contracted in the military service of the United States.

I sincerely believe that the widow and orphans, or in their absence the dependent mother and the dependent father of any person dying of injury received or disease incurred in the line of duty in the service of the United States, should receive a pension, requiring, however, the widow to show that her marriage to the soldier occurred prior to or during the soldier's service. In my opinion to grant a pension under any other pretext or upon any other ground is violative of the rights of the American people.

Why are the rights of the toiling and producing masses of mankind less worthy of your protection than this favorite class you have taken unto your fond embrace? We can only justify this manifest favoritism by resorting to some specious argument which is tantamount to adding insult to injury.

I can appreciate, Mr. Speaker, all the beautiful things and all the worthy things that grow under the blue sky. I verily believe that I am liberal enough to render unto Cæsar things that are Cæsar's. I think I have enough patriotism in my make-up to enable me to appreciate to the fullest extent the intrinsic worth of our splendid and valorous soldiery, but I can not join you in your effort to maintain a system which shall inevitably end in the deterioration of our soldiery. [Applause.]

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that I may address the House for 10 minutes out of order.

The SPEAKER pro tempore (Mr. DIXON). The gentleman from Texas asks unanimous consent to address the House for 10 minutes out of order. Is there objection?

Mr. LANGLEY. Reserving the right to object, Mr. Speaker, which I shall not do, I desire to say that I have not interrupted the gentleman from Louisiana, who has just spoken, although I thoroughly disagree with much that he has said. I give notice that I shall, upon the next private-pension day, ask some time of the House in order to answer the gentleman from Louisiana and some of his observations.

Mr. RUSSELL of Missouri. Reserving the right to object, I want to ask the gentleman from Texas upon what subject he wants to speak.

Mr. SMITH of Texas. I desire to submit a few remarks on behalf of my constituents who live along the Mexican border.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none.

Mr. SMITH of Texas. Mr. Speaker, I wish to call attention to a matter in regard to which Congress as well as the President may have a duty to perform. I refer to the continued disorder in Mexico. If that disorder did not menace the peace and security of our own people, if it did not violate our own sovereignty, and if it did not extend itself across our own border and result in the assassination and outrage of our own people, we might, with some degree of patience, continue to content ourselves with the policy of watchful waiting. However, the chaos and disorder reigning within the borders of Mexico, the failure of her people for so long a time to restore peace and government, and the absence of any reasonable prospect of establishing an effective government there, either in the immediate or the distant future, give ample grounds for a reexamination of our position.

Mr. Speaker, revolution after revolution for many years have followed each other in rapid succession in that unhappy country, during which cruelties, barbarities, outrages, and murders against their own people as well as Americans and other foreigners have been and continue to be so numerous, flagrant, and inhuman as to shock the sensibilities and human sympathies of the civilized world. The country has been devastated and its inhabitants impoverished and famished. Millions in American property has been destroyed, and American trade and commerce have suffered enormous losses; our citizens and soldiers have been shot from across the boundary line of the two countries; our territory has often been invaded by lawless bandits and our citizens terrorized and murdered and their property stolen; our neutrality laws have been violated and we have been and continue to be put to great effort and expense in protecting our border. All these things have constantly caused the greatest irritation, uneasiness, annoyance, and disturbance among our own citizens.

Primarily, of course, the duty of restoring peace and order in Mexico rests upon the people of Mexico themselves, and we have constantly recognized this fact. We have not only exercised great patience and forbearance toward them in the face of the greatest provocation to have acted otherwise, but we have stood ready at all times to render the most friendly assistance to them. In pursuance of this altruistic policy we recognized the de facto government of Carranza, in the hope that our recognition, together with the recognition given him by other American and European Governments, would give him such advantages as would enable him to establish an efficient government and restore peace and order. But what has followed? A condition apparently as bad and perhaps in some respects even worse than before. In territory which Carranza claimed to control 18 American citizens were atrociously murdered. They were invited by

Carranza authorities into Mexico, where they had property or employment. They went there with Carranza passports in their pockets, and, I am informed, with the strongest assurances of protection. On their way the train upon which they were traveling was stopped and because they were American citizens they were cruelly murdered and mutilated by Mexicans, and notwithstanding they were unarmed and helpless they were not given the slightest chance for their lives.

Our Government, as it should have done, called upon Carranza to capture and punish the murderers of these unoffending, unarmed, and helpless Americans, but up to this good hour it seems that nothing has been done by him except to give his promise. It is patent to everyone that the Carranza Government is either unwilling or unable to make his promise good or to afford protection to Americans or others.

The report is that Carranza is without a fixed capital, without money or credit, without governmental machinery, and that he is moving about from place to place as far away from the danger zone as possible, while bandits and outlaws are roaming about at will looting and murdering.

Mr. Speaker, the climax of this terrible and deplorable situation was reached when an organized band of Mexican outlaws and murderers under the command of that treacherous, bloodthirsty, archvillain, Villa, under the cover of night stealthily crossed the international border, crept into the American town of Columbus, set it on fire, and began the bloody work of murdering its inhabitants. When this massacre started the people were still asleep, having retired with the feeling that they had all the security this great Government of ours could give. A number of civilians, including one woman and a number of United States soldiers, were killed and the town burned. And doubtless not a person in the town would have been left alive had it not been for the timely interference of our troops.

Mr. Speaker, let me ask what our Government should do with reference to this appalling crime? Shall we let it go unavenged? Shall we depend upon the Carranza Government, weak and inefficient as it has proven itself to be, to capture and punish these offenders? No. I dare say no one can be found who would for a moment believe the Carranza Government could or would do so. It is absolutely idle to think of such a thing. Shall we content ourselves with only a warning to Carranza? As one of the Representatives in this House of the American people who live along the Mexican border, I want to make it clear that such a course would not satisfy them. They demand that such action be taken by this Government as will henceforth afford them adequate security and protection, and I believe they are entitled to make this demand. [Applause.]

If we let this awful crime go unpunished, there will in future be no safety for Americans living along the border of Mexico. Their feeling of security will be absolutely gone, and Mexican murderers will be encouraged to repeat the Columbus massacre when and where they please.

Mr. Speaker, I know not what the views of the other Members of this House may be regarding this matter, but I want to say that I myself have come to a very definite conclusion. This Government should take the matter into its own hands. An adequate military force of our own should at once be ordered to take the trail of this band of night assassins and pursue them until they are captured, dead or alive. [Applause.] If captured alive, they should be brought back to Columbus, where they are guilty of murder, and hanged. And I would put no 2-mile nor 15-mile limit on our troops. I would say, "Go to the uttermost parts of Mexican territory if necessary." And I would say to Carranza, "We are only performing a duty in the name of justice and humanity which you should, but can not, perform. We are determined that those who have violated our laws shall pay the penalty."

If the President is without the authority to send troops into Mexico for such a purpose, then I am in favor of conferring the authority upon him.

It is said that these murderous attacks upon Americans are made by Villa with the deliberate purpose of forcing American intervention in Mexico. If this be true, I, for one, am in favor of accommodating ourselves to his purpose; but when we go into Mexico let our first and chief aim and purpose be to get his own head.

Mr. Speaker, I am offering no criticism of our administration. The President has no doubt pursued the policy which he was convinced was best for all concerned, which he thought would keep us out of war with Mexico and result in the reestablishing of stable and efficient government in that country. None of us has wanted war, and we do not want war now. And the course I have suggested should not mean war. The sending of troops into Mexican territory to capture and bring back those who have committed such a diabolical crime against our people and against our laws should not provoke a war with Mexico, but if it should, if the Mexican people shall force a war upon us because we seek for ourselves the justice and protection which it is their duty to give us, but which they do not give us, then I say let it come. If peace is to be purchased at the cost of other Columbus massacres, then the people I represent are not for peace. [Applause.]

Mr. MILLER of Minnesota. Mr. Speaker, I ask unanimous consent that the gentleman from Texas may have his time extended three minutes in order that I may ask him some questions.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent that the time of the gentleman from Texas be extended three minutes. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. This relates to an area with which the gentleman is personally acquainted, it being practically his home.. Has he any special information as to the number of troops that accompanied Villa on this raid?

Mr. SMITH of Texas. I have none except what the papers have stated.

Mr. MILLER of Minnesota. Is it the gentleman's information that Villa was accompanied upon this raid, either to the border or beyond the border, by from one to three thousand men?

Mr. SMITH of Texas. I will state to the gentleman that I have no information whatever upon that subject except what I have seen in the papers. I have consulted no one.

Mr. SHERWOOD. There were six companies of Cavalry—about 600 men—at Columbus, N. Mex.

Mr. SMITH of Texas. But the gentleman from Minnesota was inquiring about the forces of Villa.

Mr. MILLER of Minnesota. And assuming that Villa forces numbered from one to three thousand, could they be viewed by us as simply a marauding band of irresponsible cutthroats?

Mr. SMITH of Texas. I think so.

Mr. MILLER of Minnesota. Does the indignity not assume the proportions of almost a national incursion?

Mr. SMITH of Texas. I would treat them as outlaws and cutthroats and murderers.

Mr. MILLER of Minnesota. They are cutthroats, surely, and ought to be shot as such.

Mr. SLAYDEN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Texas. Yes.

Mr. SLAYDEN. Does the nature of the offense depend at all on whether there were 300 or 3,000 of these marauding, savage Indians under the chieftainship, presumably, of the greatest murderer known to the whole century? Is it not equal in indignity to the United States whether there were 300 or 3,000?

Mr. SMITH of Texas. I think the gentleman is right about that.

Mr. MILLER of Minnesota. I agree with both gentlemen, precisely, but my inquiry reached to another point. Can we view this band coming from Mexico in this way as being the act of a small group of irresponsible outlaws and outcasts or is it an expedition that is backed up by a very large proportion of the sentiment of the people from which it comes? That was my inquiry.

Mr. KEATING. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Texas. Yes.

Mr. KEATING. I wish to ask the gentleman from Minnesota [Mr. MILLER] in a roundabout way for some information, if the gentleman from Texas will yield.

Mr. SMITH of Texas. I yield.

Mr. KEATING. Has the gentleman from Minnesota any information on which to base his suggestion that Villa's forces numbered from 1,000 to 3,000?

Mr. MILLER of Minnesota. I have read the press dispatches to that effect.

Mr. KEATING. That is all the information the gentleman has?

Mr. MILLER of Minnesota. That was all, and that was the reason I made the inquiry of the gentleman from Texas.

Mr. TAGGART. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Texas. I yield.

Mr. TAGGART. Is not the very irresponsibility, if it is irresponsibility, of the Government of Mexico the strongest argument in favor of protecting American citizens against that same incapacity to maintain a civilized government there?

Mr. SMITH of Texas. I agree with the gentleman fully.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Speaker, I could not, if I had two hours instead of two minutes, express my indignation and horror at this great international crime, but supplementing the little effort I made to reply to the inquiry of the gentleman from Minnesota [Mr. MILLER], I desire to say further that none of us has definite information, and the conditions are such that it is impossible to get definite information as to the number of bandits that were in this band of murderers that came to Columbus, N. Mex., and did so much murderous work in so short a time. Conditions in Mexico are very peculiar. Loyalty fluctuates. It goes from one side to the other, and whether they be Carranza thieves and murderers or Villa thieves and murderers makes no difference. Most of those people down there dislike the people of the United States, and the dislike of these ignorant Indians, who are encouraged to cultivate their prejudice, is such that while they may cheerfully cut each others' throats on occasions they will stop that work, however much it is gratifying to their taste, to indulge in the more delectable pastime of cutting American throats, and it does not make a particle of difference whose uniform they wear.

Mr. MILLER of Minnesota. How long does the gentleman think we ought to offer ourselves up to their holiday?

Mr. SLAYDEN. I think we have already granted a needless extension of time. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to proceed for one more minute. [Cries of "Take five minutes!"]

The SPEAKER pro tempore. Is there objection?

Mr. BURKE. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Wisconsin objects.

Mr. LEHLBACH. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent to address the House out of order for one minute. Is there objection?

Mr. BARKLEY. Mr. Speaker, reserving the right to object, I desire to serve notice that after two more speeches upon this subject I expect to object to any further remarks.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. LEHLBACH. Mr. Speaker, I wish that some one to whose words the President of the United States will give heed will suggest to him the following course. Address a communication to President Carranza, of Mexico, to this effect:

"Although recognized as the Chief Executive of the Republic of Mexico it is obvious that you are impotent, not only to protect the rights of Americans in your own country but to restrain certain of your nationals from invading American soil. I therefore propose to send into your country a punitive expedition to destroy the Villistas and if possible to capture Villa and hang him to the nearest tree. I sincerely trust that the people of Mexico and its Government will not, in view of the unusual circumstances, consider this an unfriendly act on the part of the United States, but whether they do or not I propose to follow this course."

I also wish that the person to whose words the President will give heed will further suggest to him that for once in the course of his administration he will follow his words with action and make good.

Mr. HERNANDEZ. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER pro tempore. The gentleman from New Mexico asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. HERNANDEZ. Mr. Speaker and gentlemen of the House, I desire to say that I voice the sentiment of the people of New Mexico upon the recent raid and outrage committed by a marauding band of Mexicans from Mexico in our State when I say that it has about reached the time in the course of those outrages where patience ceases to be a virtue. The people of New Mexico have not communicated to me from any part any of the details of this recent horror, but concerning the massacre committed at Santa Isabel, in the State of Chihuahua, several weeks ago, I received a telegram and a set of resolutions some time after that outrage was committed, voicing exactly the sentiments that have been expressed by the gentleman from Texas [Mr. SMITH] and the gentleman from New Jersey [Mr. LEHLBACH], saying that the people of New Mexico to a man demand that those murderers shall be caught and punished. [Applause.]

The people of New Mexico on the border have been suffering like the people of Texas, like the people of Arizona, and if the Carranza régime to-day is unable to take care of conditions down there we should find it out at once and take prompt action on the matter. If they are unable to control their nationals from invading—because it is nothing else—our country, we should find it out and act accordingly. The people of New Mexico have a militia now, and undoubtedly will assist the national authorities in controlling and trying to apprehend the assassins who have committed these last outrages. [Applause.] I am waiting to-day for telegrams giving me the details of these most horrible murders. We have lost some of our people from New Mexico. In the murder committed at Santa Isabel one of our best citizens, an accountant, a man from our community, lost his life. Whatever motives Villa may have for committing these depredations and these raids upon our people we care nothing about. We assume, however, that they were committed in order to provoke this country into intervention in Mexico.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LANGLEY. Mr. Speaker, I ask that the gentleman be given two minutes more.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none.

Mr. HERNANDEZ. We do not care what his object may be. We can not any longer stand by any such raids as he has committed. We do not know exactly what the extent of the murders are. The dispatches through the press indicate that they are horrible enough, to say the least, and it seems to me, Mr. Speaker and gentlemen of the House, that, as I said before, patience has already ceased to be a virtue. We are going to demand, in my belief, of Carranza either to be permitted to go with our troops into Mexico in order to apprehend Villa, or else we are going to recognize that Carranza himself is not trying to do anything to protect our fellow citizens either in Mexico or on the border. On that assumption I believe it is about time for us to act [applause], and to act according to the sentiment expressed by the gentleman from Texas. I thank you, gentlemen. If I get any information regarding the outrage, or any other, I shall certainly lay it before the House with pleasure.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RUSSELL of Missouri. Mr. Speaker, I would ask that the Clerk now read the bill.

The Clerk read as follows:

A bill (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Lloyd C. Washburn, late of Company C, One hundred and sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lucie C. Bostian, widow of Benjamin F. Bostian, late of Company L, Ninety-ninth Regiment, and Company D, One hundred and ninety-ninth Regiment, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Pearley H. Elwell, late of Company C, One hundred and twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Eliza Jane Bachtel, widow of Elijah Bachtel, late of Company B, Fifty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary Followill, former widow of William T. Followill, late of Company B, Eleventh Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Kate E. Ferguson, widow of William W. Ferguson, late of Company H, Fourth New York Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Robert Bigger, late of Company D, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Anna Harleman, former widow of Jeremiah Myers, late of Company G, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Robert M. Dickson, late of Company C, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oscar F. Houghland, late of Company E, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Sarah E. Ticknor, widow of Elias W. Ticknor, late of Company K, Twenty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Isaac Thomas, late of Company G, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Joseph T. McCombs, late of Battery D, West Virginia Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry Vickers, late a landsman, United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elizabeth R. Horton, former widow of Solomon B. Hobbs, late of Company H, Fiftieth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Benjamin F. Morland, late of Company E, Forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary Ballinger, widow of John Ballinger, late of Company G, First Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Frederick Rice, late of Company A, Tenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Andrew R. Jones, late of Company D, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hamilton Adams, late of Company I, Fifty-third Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Barbara J. Ward, widow of James D. Ward, late of Company L, Sixth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas Cannon, late of Company C, Fifty-fifth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Harriet W. Hildreth, widow of Frederick L. Hildreth, late of Company A, Fifteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elizabeth J. Leavitt, widow of Granville A. Leavitt, late of Company I, Thirtieth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Aaron B. Allen, late of Company C, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of David J. Braughler, late of Company F, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Clara, late of Company G, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Annie Kennedy, widow of Patrick Kennedy, late of Company G, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Anna Schultz, widow of Daniel Schultz, late of Company E, Twenty-first Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Isaac Brenneman, late of Company A, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Marshall Caldwell, late of Company F, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Harriet Depew, former widow of Henry W. Sayer, late of Company F, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Nelson P. Atwood, late of Company A, Eighth Regiment Illinois Volunteer Cavalry, and Company E, One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah E. Bender, widow of Joseph C. Bender, late of Company D, Sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Elizabeth B. Watson, former widow of Conrad Shuey, late of Company K, Thirty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Carrie E. Howell, helpless and dependent child of Anthony W. Howell, late of Company F, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Sarah E. Stroup, widow of Uriah Stroup, late of Company H, Sixty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Nancy E. Harrison, widow of William H. Harrison, late unassigned, Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Henry H. Bennington, late of Company F, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George L. Eyestone, late of Company E, Forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Fidello L. Bray, late of Company L, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Harriet Weeks, widow of Edward Weeks, late of Company A, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Carolyn G. Dow, widow of Lorenzo H. Dow, late of Company D, Tenth Regiment Wisconsin Volunteer Infantry, and Company I, Eleventh Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 in lieu of that she is now receiving.

The name of Tobias C. Willhoite, late of Company E, Thirtieth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Catharine Ewing, former widow of Jefferson H. Zane, late of Company H, Eighty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William J. Ray, late of Company B, Seventh Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Levi Sanderson, late of Company I, Twenty-second Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Leah A. Mullen, widow of Hugh L. Mullen, late of Company C, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Timothy H. Gibson, late of Company G, Sixty-third Regiment Ohio Volunteer Infantry, and Company A, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James L. Giles, late of Company I, Seventh Regiment, and Company E, Sixth Regiment, Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary F. Weed, widow of Charles L. Weed, late of Company B, Twenty-eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ruth J. McCann, widow of Thomas K. McCann, late captain and assistant quartermaster, United States Volunteers, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of John W. Beckett, late of Company A, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas N. Swain, late of Company H, Seventh Regiment, and Company G, Twentieth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anna Carroll, widow of Thomas Carroll, late of Company K, Fifth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William L. Reece, late of Company I, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Sherman L. Abbott, late of Company F, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Wesley Gurney, late of Company F, Firty-sixth Regiment Massachusetts Volunteer Infantry, and Company G, Second Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nathan Williams, late of Company K, One hundred and twelfth Regiment, and Company A, Sixty-fifth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Christian Schlosser, late of Company I, Second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elias Hall, late of Company B, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Nelson L. Gravlin, late of Company E, Sixty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mattie Smith, widow of Nathaniel C. Smith, late of Company G, Twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Alfred Yauckler, late of Company K, Twenty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Cornelius Chapman, late of Battery H, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Matilda F. Hedrick, widow of Charles W. Hedrick, late of Company G, One hundred and seventeenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elsie Deffinger, widow of Henry Deffinger, late of Company D, Second Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Melchior Weiler, late of Company E, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Hanna Pietenpol, widow of Henry W. Pietenpol, late of Company G, Fourteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Martha A. Thompson, widow of Justin G. Thompson, late surgeon, Seventy-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Emilie L. Durant, widow of William L. Durant, late of Company A, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Margaret A. Hoffman, widow of George Hoffman, late of Company C, Seventeenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving

The name of Thomas J. Blanton, late of Company I, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John C. Briggs, late of Company C, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Inez M. Craig, widow of Jacob A. Craig, late of Company F, Fifty-fifth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving

The name of William A. Pullen, late of Company G, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rebecca D. Timmons, widow of Henry Timmons, late of Company G, Tenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Alonzo B. Alexander, late of Second Independent Battery Iowa Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Simon V. Fritcher, alias Simon Fritcher, late of Company C, Fiftieth Regiment New York Engineers, and pay him a pension at the rate of $12 per month.

The name of Jonathan W. Cleland, late of Company B, Twelfth and Forty-eighth Regiments Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Frank Hogan, late of Company B, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary J. Mitchell, widow of Charles C. Mitchell, late of Company K, Thirty-first Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Anna J. Bloodgood, former widow of John W. Wright, late of Company I, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Albert Stonehart, late of Company I, Tenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Emily P. Zeak, widow of John W. Zeak, late of Company H, One hundred and thirty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William H. Gillum, late of Company K, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Eunice E. Dodge, widow of Rodolph L. Dodge, late of Company C, Second Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Squire P. Reamer, late of Company A, Sixty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Judith E. Haskell, widow of Augustus Haskell, late of Company F, Third Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Martha A. Halsey, former widow of Alson E. Lashier, late of Company F, One hundred and eleventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Melara C. Abbott, widow of Charles W. Abbott, late lieutenant colonel Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Martha L. Smith, former widow of James Smith, late of Company F, Tenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Addie C. Wiley, widow of Charles T. Wiley, late of Company D, Eleventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James W. Nauslar, late of Company I, One hundred and twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Clara McPherson, helpless and dependent child of John McPherson, late of Company G, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Cyrus R. Rand, late a coal heaver of the United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ida C. Wilcox, widow of John A. Wilcox, late captain, Fourth Regiment, United States Cavalry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Mary Y. Tarbox, widow of William A. Tarbox, late of Company G, One hundred and ninety-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Daniel Houts, late of Company A, One hundred and ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Torbet C. Canfield, late of Company K, One hundred and forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Zachariah Cravens, late of Company H, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Flight, late of Company K, Twenty-sixth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis Fomorin, late of Company I, One hundred and fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles W. Parks, late of Company I, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Richard Mills, late of Company C, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Irvin, late of Company E, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of David Cornelison, late of Company B, Sixth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George L. Clonts, late of Company C, Thirty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles Lang, late of Company E, Thirty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John A. Golden, late of Company F, One hundred and forty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Comer, alias George W. Pierce, late of Company B, First Regiment Tennessee Volunteer Cavalry, and Company A, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month.

The name of Ademah W. Rich, alias William Parker, late of Company G, Twenty-fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nancy E. Galyan, former widow of Samuel I. Alexander, late of Company C, Twenty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry Peoples, late of Company B, Ninth Regiment Pennsylvania Reserve Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John W. Hague, late of Company A, Third Regiment Pennsylvania Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frances W. Rumbolz, widow of James G. Rumbolz, late of Company D, First Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Joseph A. Weller, late of Company K, One hundred and sixty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alice A. Garner, former widow of Reuben L. Parrott, late of Company A, Fifteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Sabina O'Donnell, widow of Dominick O'Donnell, late of Company F, Eighth Regiment New York Volunteer Artillery, and Company K, Tenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Mandana C. Thorp, widow of Thomas J. Thorp, late of Company E, Eighty-fifth Regiment, and lieutenant colonel One hundred and thirtieth Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of John Edwards, late of Company B, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Frederick F. Pfaff, late of Company K, One hundred and ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eliza Smith, widow of Clinton D. Smith, late of Company C, Eighty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of James Robinson, late of Company C, Fifty-fourth Regiment, Company I, One hundred and seventeenth Regiment, and Company E, One hundred and forty-sixth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Meredith Fletcher, late of Company F, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Merritt D. En Earl, late of Company K, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alonzo O. Cody, late of Company F, Eighth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John R. Greenwood, late of Company A, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph M. Ferguson, late of Company G, Thirty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hannah Hagan, widow of John Hagan, late of Company I, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of William F. Nelson, late of Company C, Fourth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Abel Longworth, late of Company G, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George W. Resoner, late of Company I, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Jolly, widow of John H. Jolly, late major, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of James H. La Rue, late of Company D, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jane Crumpton, widow of Francis W. Crumpton, late of Company B, Second Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $12 per month.

The name of Sylvester M. Martin, late of Company C, Third Regiment, and Company I, Seventeenth Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph C. Cloyes, late of Company F, Forty-fifth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Olin, late of Company K, First Minnesota Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward E. Crady, late of Company G, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John T. McCallister, late of Company H, Seventy-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Eliza A. Spangler, widow of Reuben B. Spangler, late of Company C, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Robert A. Johnson, late of Company F, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Tucker, late of Company C, Thirtieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ellen M. Hoover, widow of Thomas M. Hoover, late of Company C, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Anna Z. Monson, widow of Whitney C. Monson, late of Company F, Sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ella J. Brewster, former widow of John Brewster, late of Company B, Eighty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Elizabeth Kelley, widow of Jeremiah M. Kelley, late of Company K, Thirty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Peter H. Baker, late of Company E, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mandy M. Weaver, widow of David B. Weaver, late of Company G, Tenth Regiment Tennessee Volunteer Infantry, and pay

her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Miller Hoffman, late of Company B, One hundred and fifty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martha J. Todd, widow of Robert N. Todd, late surgeon, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Samuel Patterson, late of Company B, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Jacob Myers, late of Company C, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louisa Fields, widow of Henry Fields, late of Company D, Nineteenth Regiment, and Company A, Seventh Regiment, Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Boston W. Van Osdol, late of Company E, Fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry C. Golden, late of Company I, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary J. Finnegan, widow of John Finnegan, late of Company F, Fifteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The foregoing bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 879. Lloyd C. Washburn.
H. R. 913. Lucie C. Bostian.
H. R. 958. Pearley H. Elwell.
H. R. 1440. Eliza Jane Bachtel.
H. R. 1619. Mary Followill.
H. R. 1648. Kate E. Ferguson.
H. R. 1678. Robert Bigger.
H. R. 1712. Anna Harleman.
H. R. 1756. Robert M. Dickson.
H. R. 1824. Oscar F. Houghland.
H. R. 1860. Sarah E. Ticknor.
H. R. 1883. Isaac Thomas.
H. R. 2070. Joseph T. McCombs.
H. R. 2171. Henry Vickers.
H. R. 2254. Elizabeth R. Horton.
H. R. 2526. Frederick Rice.
H. R. 2529. Benjamin F. Morland.
H. R. 2533. Mary Ballinger.
H. R. 2662. Andrew R. Jones.
H. R. 2705. Hamilton Adams.
H. R. 2910. Barabara J. Ward.
H. R. 2972. Thomas Cannon.
H. R. 3008. Harriet W. Hildreth.
H. R. 3242. Elizabeth J. Leavitt.
H. R. 3258. Aaron B. Allen.
H. R. 3405. David J. Braughler.
H. R. 3428. Robert Clara.
H. R. 3749. Annie Kennedy.
H. R. 3804. Anna Schultz.
H. R. 3855. Isaac Brenneman.
H. R. 3906. Marshall Caldwell.
H. R. 3941. Harriet Depew.
H. R. 3960. Nelson P. Atwood.
H. R. 4013. Sarah E. Bender.
H. R. 4018. Elizabeth B. Watson.
H. R. 4133. Carrie E. Howell.
H. R. 4348. Sarah E. Stroup.
H. R. 4383. Nancy E. Harrison.
H. R. 4386. Henry H. Bennington.
H. R. 4512. George L. Eyestone.
H. R. 4573. Fidello L. Bray.
H. R. 4841. Harriet Weeks.
H. R. 4887. Carolyn G. Dow.
H. R. 4925. Tobias C. Willhoite.
H. R. 4962. Catharine Ewing.
H. R. 5058. William J. Ray.
H. R. 5060. Levi Sanderson.
H. R. 5070. Leah A. Mullen.
H. R. 5105. Timothy H. Gibson.
H. R. 5117. James L. Giles.
H. R. 5137. Mary F. Weed.
H. R. 5163. Ruth J. McCann.
H. R. 5177. John W. Beckett.
H. R. 5410. Thomas N. Swain.
H. R. 5547. Anna Carroll.
H. R. 5655. Sherman L. Abbott.
H. R. 5666. William L. Reece.
H. R. 5739. Wesley Gurney.
H. R. 5866. Nathan Williams.
H. R. 5886. Christian Schlosser.
H. R. 5932. Elias Hall.
H. R. 5963. Nelson L. Gravlin.
H. R. 5970. Mattie Smith.
H. R. 6161. Alfred Yauckler.
H. R. 6298. Cornelius Chapman.
H. R. 6360. Matilda F. Hedrick.
H. R. 6475. Elsie Deffinger.
H. R. 6489. Melchior Weiler.
H. R. 6498. Hanna Pietenpol.
H. R. 6560. Martha A. Thompson.
H. R. 6946. Emilie L. Durant.
H. R. 6658. Margaret A. Hoffman.
H. R. 7035. Thomas J. Blanton.
H. R. 7296. John C. Briggs.
H. R. 7372. Inez M. Craig.
H. R. 7377. William A. Pullen.
H. R. 7425. Rebecca D. Timmons.
H. R. 7501. Alonzo B. Alexander.
H. R. 7521. Simon V. Fritcher.
H. R. 7735. Jonathan W. Cleland.
H. R. 7755. Frank Hogan.
H. R. 7848. Mary J. Mitchell.
H. R. 7871. Anna J. Bloodgood.
H. R. 7944. Albert Stonehart.
H. R. 8088. Emily P. Zeak.
H. R. 8100. William H. Gillum.
H. R. 8137. Eunice E. Dodge.
H. R. 8185. Squire P. Reamer.
H. R. 8220. Judith E. Haskell.
H. R. 8321. Martha A. Halsey.
H. R. 8397. Melara C. Abbott.
H. R. 8402. Martha L. Smith.
H. R. 8437. Addie C. Wiley.
H. R. 8593. James W. Nauslar.
H. R. 8627. Clara McPherson.
H. R. 8631. Cyrus R. Rand.
H. R. 8694. Ida C. Wilcox.
H. R. 8712 Mary Y. Tarbox.
H. R. 8749. Daniel Houts.
H. R. 8764. Torbet C. Canfield.
H. R. 8774. Zachariah Cravens.
H. R. 8829. John Flight.
H. R. 8881. Francis Fomorin.
H. R. 9040. Charles W. Parks.
H. R. 9069. Richard Mills.
H. R. 9144. John Irvin.
H. R. 9192. David Cornelison.
H. R. 9195. George L. Clonts.
H. R. 9284. Charles Lang.
H. R. 9314. John A. Golden.
H. R. 9400. George W. Comer.
H. R. 9557. Ademah W. Rich.
H. R. 9573. Nancy E. Galyan.
H. R. 9630. Henry Peoples.
H. R. 9634. John W. Hague.
H. R. 9657. Frances W. Rumbolz.
H. R. 9722. Joseph A. Weller.
H. R. 9726. Alice A. Garner.
H. R. 9747. Sabina O'Donnell.
H. R. 9859. Mandana C. Thorp.
H. R. 9980. John Edwards.
H. R. 10041. Frederick F. Pfaff.
H. R. 10066. Eliza Smith.
H. R. 10080. James Robinson.
H. R. 10179. Meredith Fletcher.
H. R. 10195. Meredith D. En Earl.
H. R. 10260. Alonzo O. Cody.
H. R. 10268. John R. Greenwood.
H. R. 10273. Joseph M. Ferguson.
H. R. 10345. Hannah Hagan.
H. R. 10376. William F. Nelson.
H. R. 10482. Abel Longworth.
H. R. 10501. George W. Resoner.
H. R. 10507. Mary E. Jolly.
H. R. 10525. James H. La Rue.
H. R. 10536. Jane Crumpton.
H. R. 10594. Sylvester M. Martin.
H. R. 10600. Joseph C. Cloyes.
H. R. 10601. James Olin.
H. R. 10632. Edward E. Crady.
H. R. 10780. John T. McCallister.
H. R. 11118. Eliza A. Spangler.
H. R. 11121. Robert A. Johnson.
H. R. 11139. James W. Tucker.
H. R. 11180. Ellen M. Hoover.
H. R. 11235. Anna Z. Monson.
H. R. 11344. Ella J. Brewster.
H. R. 11356. Elizabeth Kelley.
H. R. 11460. Peter H. Baker.
H. R. 11518. Mandy M. Weaver.
H. R. 11556. Miller Hoffman.
H. R. 11570. Martha J. Todd.
H. R. 11582. Samuel Patterson.
H. R. 11831. Jacob Myers.
H. R. 12164. Louisa Fields.
H. R. 12226. Boston W. Van Osdol.
H. R. 12306. Henry C. Golden.
H. R. 12512. Mary J. Finnegan.

Mr. RUSSELL of Missouri. Mr. Speaker, I move to strike out lines 6, 7, 8, and 9, page 1, of the bill.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, by striking out lines 6 to 9, inclusive.

The question was taken, and the amendment was agreed to.

Mr. RUSSELL of Missouri. Mr. Speaker, I move to amend by striking out lines 3, 4, 5, and 6, page 19. The soldier is dead.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, strike out the paragraph from lines 3 to 6, inclusive.

The question was taken, and the amendment was agreed to.

Mr. RUSSELL of Missouri. Mr. Speaker, I move to strike out lines 14, 15, 16, and 17, on page 25. The soldier is dead.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 25, by striking out the paragraph, lines 14 to 17, inclusive.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RUSSELL of Missouri, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. RUSSELL of Missouri. Mr. Speaker, I move to take from the Speaker's desk the bill H. R. 8493, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER pro tempore. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 8493) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Missouri.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. The Chair announces the following conferees:

The Clerk read as follows:

Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. LANGLEY.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12207, the legislative bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12207, the legislative, executive, and judicial appropriation bill, with Mr. CRISP in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes.

The CHAIRMAN. When the committee arose from its last sitting the gentleman from Illinois [Mr. SABATH] offered an amendment striking out the last section read. The Chair recognizes the gentleman from Illinois to discuss his amendment.

Mr. SABATH. Mr. Chairman, I rose for the purpose, not of striking out the entire section but only the paragraph relating to the Steamboat-Inspection Service which appropriates the sum of $16,440 for the Supervising Inspector General and his office. I notice, Mr. Chairman, that we are appropriating in this bill $596,000 for that bureau. I notice that further on in this bill we are appropriating nearly $200,000 for the Bureau of Navigation. I am of the opinion, Mr. Chairman and gentlemen of the committee, that this great sum of this appropriation is wasted, and that both of these departments can be and should be under the supervision of the Navy Department. It seems to me from evidence that was given about eight months ago in the city of Chicago that this Steamboat-Inspection Service Bureau for which we are trying to appropriate has no power or any jurisdiction to protect the public.

On the 24th day of July, 1915, when the news was flashed through the city and the country that within the heart of the city of Chicago, and only four squares from the city hall and the courthouse, nearly 1,000 of our citizens lost their lives, people all over this Nation looked with horror and dreaded to believe that such an occurrence was possible, but nevertheless, Mr. Chairman and gentlemen, I regret exceedingly that it was

true. Instantly there was a universal demand for immediate investigation and the punishment of all those in any way responsible for this unnecessary loss of life. The State's attorney, the coroner, and the Federal district attorney started immediately to ascertain the cause of this terrible disaster, and the coroner's jury, after careful investigation, held over to the grand jury the officers of the Eastland Co., the captain and engineer of the boat and the two inspectors, Reid and Eckliff. Later on the grand jury indicted them, as did the Federal grand jury.

The Secretary of Commerce also came to Chicago and started an investigation, but as was and is believed by the people of Chicago he came with the purpose to prove that his department and these inspectors, for whom he has not been in any way responsible, were wrongfully accused and were not and could not be guilty, and that this terrible disaster and loss of life was matter of cause. I differed with him then and I differ with him now. The terrible loss of life was due mainly to negligence and carelessness of the two inspectors who are part of this bureau, first, because they issued permits granting the right to this boat *Eastland* to carry nearly 2,500 passengers, basing their decision on information which these inspectors secured by telephone, to the effect that certain improvements had been made and certain rafts had been placed upon the boat which justified them in granting the permit for the increase in the number of passengers to be carried.

If those inspectors had performed their duty, if they had been intelligent enough, if they had investigated the conditions of the cranky boat as those conditions should have been investigated, this disaster never could have occurred; secondly, in granting a permit to a wholly incompetent man to captain a boat they knew was hard and dangerous to handle and a man who admitted never having had any experience in managing passenger vessels. Mr. Chairman, these are not only my views, but these are the views of the grand jury that had for nearly a period of three weeks investigated the conditions that brought about this catastrophe. I ask unanimous consent, Mr. Chairman, that my time be extened so that this report of the grand jury of Cook County may be read by the Clerk in my time.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The gentleman asks unanimous consent for an extension of his time sufficient to permit the report of the grand jury of Cook County to be read at the desk. Is there objection?

Mr. FOSTER. I ask unanimous consent, Mr. Chairman, that the gentleman's time be extended 10 minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that the time of his colleague be extended 10 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read the report of the grand jury.

The Clerk read as follows:

To the judges of the criminal court of Cook County:

REPORT AND RECOMMENDATIONS OF THE GRAND JURY FOR THE JULY TERM, A. D. 1915, IN RE S. S. "EASTLAND."

Hon. GEORGE KERSTEN,
Presiding Judge of said Court:

After a careful investigation of the evidence submitted, we concluded that the immediate cause of the disaster to the steamship *Eastland* on July 24 was the instability of the vessel under conditions of loading; that this instability was due to one of three main causes, or any two or all of them:

First. The overloading of the vessel with passengers.
Second. The mishandling of water ballast.
Third. The construction of the vessel.

The boat came to Clark Street Dock and began to take on passengers with no ballast in her tanks, of which there were five on each side. She listed to starboard, and the engineer started to fill port tanks No. 2 and No. 3. The passengers meanwhile were crowding onto the boat, and when the load shifted so as to list the boat to port the engineer attempted to pump out tank No. 3. When the boat did right herself, he shut down the pump and attempted to fill the tanks on the starboard side, but it was too late.

At the time of the accident the No. 2 port tank was filled or partially filled, No. 3 port tank empty or nearly empty, and No. 3 starboard tank just beginning to fill. That is to say, most of the ballast was on the port side, and two or possibly three of the tanks were but partially filled, so that the water could surge with every movement of the boat and produce a condition more dangerous than if the tanks had been empty.

The handling of the ballast by the officers of the boat indicates an entire lack of understanding of the nature and proper uses of water ballast, and an absolute disregard of safety after repeated warnings and frequent indications of extreme instability.

The underlying cause of the disaster was the general construction of the vessel and that of her ballast tanks. The water-ballast system was single, permitting the filling of the tanks from one sea cock by gravity only, and made it impossible to empty some tanks while filling others or to pump from one set to another. She was unsafe for passengers unless properly ballasted, and a very imperfect system of water ballast was used when fixed ballast sufficient for proper stability should have been required by the inspectors and owners.

As actually operated, with the tanks used for trimming purposes only, the safety of the boat at all times depended, first, on the quick wit and the judgment of the engineer and the captain; second, on the operating condition of the valves, pumps, and sea cock, any of which could have easily been clogged, and thus prevented the stabilizing of the boat.

The instability of this vessel, abundantly indicated by experience, would have been easily shown by calculation or by an inclining test, and could have been easily corrected by means of fixed ballast. That it was not corrected years ago we regard as indicating criminal carelessness or incompetence on the part of all persons connected with the design, construction, control, operation, and inspection of the boat.

The fact that at various times, from the date of the construction of this boat to the time of the disaster, inspections were made by inspectors representing ship-registry companies and insurance companies for the purpose of classifying said steamship *Eastland* for insurance purposes, or vessel-rating purposes, are additional contributory causes to this great disaster, and add to the chain of careless, reckless, and criminally negligent inspection of boats.

The Government inspectors had authority to refuse a permit to the *Eastland* until such changes had been made as would have made her seaworthy under all conditions of service. It appears, however, that the most important and fundamental question of stability was never investigated by the inspectors. The steamboat inspectors are generally not trained technical men, and are therefore not competent to make reliable stability calculations or to conduct inclining tests and to make competent calculations therefrom to determine the stability of the boats inspected by them under various loading and other service conditions.

RECOMMENDATIONS.

1. We recommend that the Federal Government before issuing a permit for the construction of a vessel shall require the submitting of plans and necessary calculations of same for approval, and that no permit shall be issued without such approval. Such plans and calculations shall become the permanent record of the Steamboat-Inspection Service.

2. We recommend that during the construction of a vessel proper inspection shall be made of the hull construction and the construction of engine, boilers, and other equipment. Upon completion and fully equipped, the vessel shall be subjected to inclining tests and necessary calculations made therefrom to determine the safe load-carrying capacity under service conditions.

3. The stability of the vessels used in passenger service shall in no case depend upon movable ballast.

4. Water ballast shall be allowed for trimming purposes only, and when used the system shall be arranged with at least two sea cocks with pipes cross connected so that one set of tanks on one side can be filled while the other set is being pumped out, and so that water may be pumped from one set to another.

5. All pertinent data relating to stability under service conditions shall be reduced to a convenient form, and a printed copy containing necessary and desired information shall be posted in a prominent place in the pilot house of all vessels for ready reference by the officers of such vessels.

6. We recommend that definite regulations be issued by the Federal Government governing the carrying capacity of excursion and other passenger steamers, specifying the carrying of sufficient life-saving equipment, passenger space, and limiting the number of passengers that can safely be carried, such loading to be based on the stability of the vessel under service conditions.

7. We recommend that the Steamboat-Inspection Service be reorganized in a manner to make all branches coordinate and thus eliminate the confusion caused by the statutes delegating special powers and authority to subordinate branches. Such service should be provided with technically trained and experienced inspectors, all under proper, systematic control.

8. We recommend that the Steamboat-Inspection Service be transferred from the Department of Commerce and Labor and be placed under the control and direction of the Navy Department of the United States, and we respectfully urge the Representatives of the State of Illinois in Congress to endeavor to secure legislation to this end.

GEORGE A. HUGHES, *Foreman.*

Mr. SABATH. Mr. Chairman, I ask leave to print the entire report in full, as I do not wish to detain the House unduly and as I wish to make some observations.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

Mr. SABATH. Mr. Chairman, the report of the grand jury, that has been read, clearly shows that the *Eastland* was not a stable boat. If the inspectors had possessed any ability or prudence, there is no doubt but that they would have been obliged to refuse a permit to that boat to carry 2,500 passengers. Not only were those inspectors negligent, reckless, careless, and incompetent, but they were guilty of issuing a permit to a captain who was no more capable of running a boat of that kind than I am myself, and I admit that I am absolutely ignorant as to how to operate one.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. SABATH. I will.

Mr. MOORE of Pennsylvania. What is the gentleman's remedy? Does the gentleman propose to correct the condition of which he speaks by striking out the Steamboat-Inspection Service altogether?

Mr. SABATH. As I suggested, I believe it would be advisable, in view of the conditions, to eliminate not only the Bureau of Steamboat Inspection, but also the Bureau of Navigation, and put both of these bureaus under the Navy Department, where we know that there are officials who possess the knowledge, experience, and ability that would make such recurrence impossible by granting a permit to any boat like the *Eastland*

to carry such a large number of passengers without being properly equipped for doing so.

Mr. MOORE of Pennsylvania. The gentleman wants to transfer what we call the Steamboat-Inspection Service from the Department of Commerce to the Navy Department? Is that the idea?

Mr. SABATH. I believe it would be of benefit to the public, and in the interest of the service. I believe we would be more adequately protected than we are under the present system.

Mr. MOORE of Pennsylvania. I merely suggest to the gentleman that we must have practical engineers and practical laboring men to do this kind of work.

Mr. SABATH. I believe we can have them. I maintain that these men in this branch of the Department of Commerce are not practical, and that they do not possess the necessary intelligence.

Mr. MOORE of Pennsylvania. The gentleman's motion is to strike out the entire paragraph, so that there shall be no Steamboat-Inspection Service at all?

Mr. SABATH. Oh, no. I believe that a careful and proper inspection service should be maintained. I believe that men like Reid and Eckliff, who had charge of that district should be eliminated from the service. I have protested to the Secretary of Commerce against the reinstatement of these men, and I desire to ask that my letter to the Secretary of Commerce, protesting against the reinstatement of these men, be made a part of my remarks.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by inserting the letter referred to. Is there objection?

There was no objection.

Following is the letter referred to:

CHICAGO, *March 4, 1916.*

DEAR MR. SECRETARY: I beg to acknowledge receipt of your communication of February 29, together with the decision of the United States Court for the Western District of Michigan in the matter of Inspectors Reid and Eckliff, and I assure you I shall carefully read the court's ruling in refusing to issue warrants for all the defendants in the case.

Personally I am of the opinion (whether the court is right or wrong in denying the warrants), from the evidence that I have heard and the evidence given by these two inspectors themselves at the hearing conducted by you, that they were grossly negligent in the performance of their duty, and that they issued the license, as they admitted, upon a telephonic request, without having any evidence submitted to them that the laws had been complied with which would justify issuing the permit to carry such a large number of passengers. For that reason I feel that they should not be restored to duty, as that would be awarding a premium for recklessness and carelessness in the service, and I here enter my protest to their restoration.

Respectfully, yours, A. J. SABATH.

Hon. WILLIAM C. REDFIELD,
Secretary Department of Commerce, Washington, D. C.

Mr. MOORE of Pennsylvania. Mr. Chairman, does the gentleman desire more time?

Mr. SABATH. I should like to have a few more minutes.

Mr. MOORE of Pennsylvania. I ask unanimous consent, Mr. Chairman, that the gentleman proceed for two minutes.

Mr. FOSTER. Make it five minutes.

The CHAIRMAN. The gentleman from Illinois modifies the request of the gentleman from Pennsylvania [Mr. MOORE] and asks that the time of the gentleman from Illinois be extended five minutes. Is there objection?

There was no objection.

Mr. SABATH. Mr. Chairman, the letter which I have sent to the Clerk's desk to be placed in the RECORD is a letter which I forwarded a few days ago to the Secretary of Commerce protesting against the reinstatement of these two inspectors, who were in charge of that district and who have been indicted in the courts, but as to whom the Federal judge has refused to issue warrants for their extradition. I received an answer from the Secretary of Commerce, to the effect that he begs to differ with me as to my views and as to the causes of this disaster, involving these two inspectors, and stating that he feels it to be his duty to reinstate them.

If his order will stand, it means that we are placing a premium on negligence and inefficiency. Not only did these two men issue a permit without any proof that this vessel was entitled to carry the increased number of passengers, but they——

Mr. O'SHAUNESSY. Mr. Chairman, will the gentleman yield?

Mr. SABATH. Yes.

Mr. O'SHAUNESSY. I want to ask the gentleman if he is incorporating in his remarks the decision of the court?

Mr. SABATH. I am incorporating the report of the grand jury and will also insert the opinion of the court.

The chairman of the committee [Mr. BYRNS], as well as the gentleman from North Carolina, are both mistaken when they state that the inspectors have been tried and exonerated. The facts are that application has been made by the district attorney of our district, Mr. Clyne, to the authorities in the State of Michigan for a warrant of removal, which, however, has been denied by Judge Sessions, but the indictment against them in Cook County, as well as in the northern district of Illinois, still stands. The only thing that was considered by the court was whether warrants should be issued for their removal or not. The court in denying the application relied more on the technicalities than the facts and evidence. If either of these two inspectors are brought to justice and tried before any jury I feel satisfied that on their own admission, made before the coroner's jury in Cook County, they would be convicted, and my contention is shared by others. I insert part of the opinion of Judge Sessions in refusing the warrant, showing what the proceedings before Judge Sessions have been:

These defendants were indicted in both the State and the Federal courts. Several indictments other than the three upon which these proceedings are based were presented in the Federal court. But neither the commendable activity of earnest and zealous officials, the finality of the decision in this matter, if against the Government, nor the natural unwillingness of the defendants to be brought to trial in a place where at best it will be difficult to secure an impartial jury, is of any controlling moment or importance in the determination of the issues here presented. The serious consequences to follow the decision of this matter demand and require extra care in reaching a correct conclusion, but have no bearing upon the merits of the controversy.

At the outset it is important to ascertain, if possible, the exact questions to be determined. The rules of law which control and govern proceedings of this kind are reasonably well settled. Questions of either law or fact which are fairly debatable must be decided, if at all, upon the trial of these defendants and by the trial court. If more than one offense is charged in a single count of the indictments, or if a joint offense is alleged where separate offenses should have been stated, or if the indictments or any of them are merely irregular and defective in form, the issues so raised can not be determined by this tribunal but must be presented to the court in which the indictments have been returned. A large part of the testimony upon this hearing has been directed to the question of whether the *Eastland* rested upon the bottom or upon some obstruction in the bottom of Chicago River at the time she overturned. This question of fact can not be determined in this proceeding, but must be left to the decision of a jury at the trial.

The undisputed evidence shows and it is conceded that at the time of accident the steamer *Eastland* was securely tied to a dock in Chicago River at least one-half mile from Lake Michigan. Therefore it appears conclusively that the crime charged these defendants in this indictment was not committed "upon the high seas" or "out of the jurisdiction of any particular State." On the contrary, the place where the vessel overturned is within the body of Cook County and within the jurisdiction of the State of Illinois. It is equally certain that the crime charged was not committed upon a vessel then on a voyage upon Lake Michigan or "any of the waters connecting" the Great Lakes. By no fiction of law or fact can Chicago River be regarded as Lake Michigan or one of the high seas. Under present laws a crime local to that river is cognizable by the courts of the State of Illinois and not by the courts of the United States. Moreover the defendants were not on board the *Eastland* at the time of the alleged neglect and misconduct, but were at their homes in this district in the State of Michigan. It necessarily follows that none of the defendants could possibly be found guilty under this indictment if held for trial.

The acts of defendants, which are claimed to have been an attempt to send the *Eastland* on a voyage across Lake Michigan on July 24, 1915, were all done, in the State of Michigan and in the regular course of business and official duty, and most of such acts are not even remotely connected with that voyage.

The statute under consideration makes the conscious or willful doing of the prohibited act an essential element of the offense therein defined. Laws are not made to entrap the unwary. While ignorance of the law excuses no man, ignorance of facts, particularly in the absence of active fault, is a complete defense in every case where knowledge or intentional wrongdoing is the gist of the crime charged.

Is the dispatching of a vessel like the *Eastland* on an excursion voyage from Chicago to Michigan City the sending of a ship "to sea in the coastwise trade"? The most natural and obvious meaning of the term "coastwise trade" is trade along the seacoast upon the waters of the ocean and bays and rivers opening into the ocean. With reference to such commerce, Congress seems to have used the terms "coastwise" and "coasting" interchangeably. But it is significant that the term "coasting" has been employed invariably in statutes relating to trade or commerce upon the Great Lakes, and the word "coastwise," so far as a diligent search reveals, has never been so employed. Indeed, in a number of statutes, Congress has carefully distinguished between coastwise trade upon the seas and trade upon the Great Lakes, and had employed the one expression in contradistinction to the other.

Certificate of enrollment and license was issued authorizing the steamer *Eastland* to be employed in carrying on the coasting and foreign trade upon the "northern, northeastern, and northwestern frontiers of the United States (the Great Lakes and connecting waters and the St. Lawrence River), otherwise than by sea." It is difficult to imagine how the ship could be sent to sea otherwise than by sea. The rule that the same word may have different meanings in different acts or in different parts of the same act has no application here. It is evident that Congress, by the word "sea" in these statutes, meant other bodies of water than the Great Lakes. Unless absolutely necessary to accomplish their purpose, penal statutes must be given a strict and not a strained construction.

Acts, innocent in themselves, may be parts of an unlawful conspiracy, but there must be some evidence to show that a conspiracy exists and that the acts relied upon have some relation thereto. Here such proof is wanting. After the event it is always easy to say that some one must have been careless or the trouble would not have occurred. Broad and far-reaching as the law of conspiracy is, it is

neither comprehensive nor potent enough to transform, without proof, apparently innocent conduct into criminal misconduct.

The evidence in this matter wholly fails to establish probable cause for believing any of these defendants guilty of any crime charged in the indictments. The application for a warrant of removal will be denied.

C. W. SESSIONS, *District Judge.*

In addition to that they issued a permit to a captain and an engineer who never before that time had had any experience on any passenger vessels. The only experience that the captain had was that he had been the captain of some small lumber boat. The engineer was a new man, with hardly any experience whatever. Yet, notwithstanding the fact that both the captain and the engineer were men who had no knowledge or experience, they issued a permit granting an increase of nearly 500 passengers to be carried on this, at best a dangerous and difficult boat to handle.

Mr. Chairman, to my mind their acts were criminal, and for the department and for this House to stand by and approve the action of these men will be considered as rewarding recklessness, carelessness, and inefficiency. We from time to time rise to protest when one or two of our citizens lose their lives; but here, when nearly 1,000 of our citizens, through the carelessness and negligence of indifferent persons, lose their lives, there is no one who will demand that the people responsible for, yes, guilty of, that crime should be punished.

Believing that the people in the future will be better protected and the service improved, I believe this department, together with the Bureau of Navigation, should be placed under the Navy Department, in the decided interest of better service and for a safeguard to the public.

The CHAIRMAN. The Chair will recognize the gentleman from Tennessee [Mr. BYRNS] in charge of the bill.

Mr. HARDY. Will the gentleman yield to me to make a request?

Mr. BYRNS of Tennessee. I yield to the gentleman.

Mr. HARDY. On the 22d of February I placed in the RECORD a letter written by me to some of my constituents, and a very well known, widely known, and distinguished citizen has written a reply and asked that it be placed in the RECORD. I ask leave to place in the RECORD his reply to my letter.

The CHAIRMAN. The gentleman from Texas [Mr. HARDY] asks unanimous consent that he may be permitted to print in the RECORD a letter from a constituent. Is there objection?

Mr. MANN. What is the request?

The CHAIRMAN. The request is to print in the RECORD a letter from a constituent in reply to a letter which the gentleman from Texas wrote.

Mr. HARDY. It is a letter attacking my position.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SABATH. I ask leave to revise and extend my remarks.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Mr. Chairman, there are no two bureaus in the Government which are more important, in my judgment, than the Bureau of Steamboat Inspection and the Bureau of Navigation. They have to do with the preservation of human life on our steamers. The gentleman from Illinois [Mr. SABATH] states that in his judgment these bureaus should be transferred to the Navy Department. They have absolutely no connection with any of the duties imposed upon the Navy Department. They are charged with the responsibility of inspecting our merchant steamers upon our lakes and rivers, and I can imagine nothing that would be more out of harmony than to place these two bureaus in the Navy Department, which has nothing to do with this subject.

The gentleman states that in his judgment the Bureau of Steamboat Inspection is responsible for the *Eastland* disaster, a disaster which thrilled everyone in this country with horror. It is easy to make charges of that kind. It is easy to stand here upon the floor of the House and to accuse those connected with this bureau of criminal carelessness and criminal negligence; but it would be difficult for the gentleman to present proof of that kind, especially since a court of the United States has held that there was no criminal carelessness, that there was no negligence upon the part of those connected with this arm of the Government service.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield.

Mr. MOORE of Pennsylvania. Has any provision been made in this bill for an increase in the number of inspectors of steamboats?

Mr. BYRNS of Tennessee. The committee has increased the number by 36, in fact the full number asked for by the department.

Mr. MOORE of Pennsylvania. These inspectors have powers that are somewhat autocratic, have they not, in that they can order people off boats or prevent the boats from sailing?

Mr. BYRNS of Tennessee. Precisely, as I understand the law.

Mr. MOORE of Pennsylvania. May I ask what would be the effect of adopting the amendment of the gentleman from Illinois to strike out? Would that leave us without any Steamboat-Inspection Service?

Mr. BYRNS of Tennessee. Undoubtedly. The gentleman from Illinois [Mr. SABATH] presents an amendment which proposes to strike out that portion of the appropriation that applies to the work done here in Washington, including the head of this service, and if we strike that out it absolutely eliminates the service.

Mr. MOORE of Pennsylvania. There would be no Steamboat-Inspection Service.

Mr. BYRNS of Tennessee. There would be no Steamboat-Inspection Service, and we would have no authority in this Government charged with the duty of inspecting vessels in order to insure the safety of human life.

Referring to the gentleman's remarks concerning the *Eastland* disaster, the United States district court, in a decision rendered by Mr. Justice Sessions, has adjudged that the Steamboat-Inspection Service was in no sense responsible for this disaster. The Secretary of Commerce and Gen. Uhler, Supervising Inspector General, have made a careful investigation of the matter, and they are in accord on that fact.

Mr. SABATH. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield.

Mr. SABATH. I do not know whether the gentleman is familiar with the action before Judge Sessions. The charge was one of conspiracy, and the court has held that there was no evidence of any conspiracy that would justify the issuing of a warrant.

Mr. BYRNS of Tennessee. The effect of the opinion of Mr. Justice Sessions was to exonerate the two inspectors who had been indicted before his court for carelessness and negligence in the performance of their duties, with particular respect to this steamer, and I am going to ask unanimous consent that that opinion be inserted in the RECORD as a part of my remarks, so that there may be no doubt as to his holding.

Now, the Secretary of Commerce, as I have stated, made a personal visit and investigation of this matter. We all know how zealous the Secretary of Commerce is in the performance of his duties. No department chief has taken a greater and more personal interest in the duties of his department, and in the duties of the various buredus in that department, than the present Secretary of Commerce. I dare say there has never been a head of a department more familiar with all the various details of his department and the work accomplished by it than the present Secretary of Commerce, Mr. Redfield. He has stated, and also Gen. Uhler, long the efficient head of this service, and who is a practical steamship engineer of many years' practical experience, after a careful investigation, has stated, that the Steamboat-Inspection Service was in no sense responsible for that terrible disaster.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. The real cause of that accident was that the water-ballast tanks were empty, and as the report of the grand jury, which the gentleman from Illinois [Mr. SABATH] has read into the RECORD, shows, there was possibly an error made by the engineer or the man in charge of the boat in undertaking, as he did, to fill those ballast tanks. The report which the gentleman had read itself exonerates the steamboat inspectors, because the grand jury held that the sinking of that vessel was due possibly to three causes: First, possibly the overloading of the boat with passengers; second, the mishandling of the water ballast; and, third, the faulty construction of that vessel. Now, the Secretary of Commerce was asked concerning this disaster while before the committee, and in justice to him, and in justice to this great service, I want to read to you what he had to say about it.

He was asked by Mr. SISSON:

Mr. SISSON. Did you personally visit the scene of the *Eastland* disaster?

Secretary REDFIELD. Yes, sir; and I wish that every word of that whole *Eastland* matter could be put before the public eye, where the full light of truth could be thrown on it. Nothing would be more gratifying to me and nothing would be more honorable to the service than to have that thing done. I personally brought the inspectors who examined the *Eastland* from outside of the jurisdiction of the State of Illinois into that jurisdiction purposely in order that they might be given the fullest opportunity for examination, and that matter is now in the courts. Those two inspectors have been suspended without pay pending the result of the investigation; but of the ultimate outcome we have no doubt or fear whatever. We know perfectly well what was the cause of that great disaster. Within three hours after the vessel went down the chief engineer put in writing the reason why it went down, and it was filed with our service, and I assume it is now before the courts in testimony.

Mr. STAFFORD. The failure of the stopcock to work caused it, did it not?

Secretary REDFIELD. No, sir; the ballast tanks were empty.

Mr. STAFFORD. As I understood the testimony of the engineer, they knew that they were empty, but that when he tried to fill them the stopcocks refused to let water in.

Secretary REDFIELD. They let it in, but they let it in in such a way that it heeled the vessel over. She was already heeling. The port lights, which were only 20 inches above the water, were open, and when she heeled they let the water in. Gen. Uhler can tell you about this. The facts, I think, are known to all maritime men, and they are perfectly clear. There is nothing in the *Eastland* disaster, certainly, which reflects in the faintest degree upon the character of the Steamboat-Inspection Service, nor was there anything done in the *Eastland* matter that I would not do over again as it was done. The community was naturally excited and in a state of hysteria, and I can not blame them for that. We caused the strictest examination to be made into the service, both from within and from without. The Chamber of Commerce of the United States was asked to have their committee on this service obtain special counsel to examine into it, and they have done so. Mr. N. Sumner Myrick is that counsel, and we have turned over to him every record of the service and thrown open our desks to him, and he is going from office to office all over the country studying the service.

Further on he was asked by Mr. SISSON:

Mr. SISSON. That disaster to the *Eastland* was not in any wise caused by the inadequacy of this service, and it could not have been prevented by you with ten times the number of inspectors, could it?

Secretary REDFIELD. No, sir; that had nothing to do with the service.

Mr. MADDEN. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. MADDEN. But my question is with reference to what the gentleman has just read. If the statement of the Secretary of Commerce to the effect that they do not need any more inspectors is true, why did the committee recommend 30 more?

Mr. BYRNS of Tennessee. That is not exactly in line with what I am trying to state, but undoubtedly they need more inspectors, because, as a matter of fact, the inspectors have been required to work from 14 to 18 hours a day.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BYRNS of Tennessee. As a matter of fact, the gentleman knows that men who are required to work from 14 to 18 hours a day are in no condition to give the very best service in the performance of their duty. Now, the Secretary of Commerce says that the fact that they did not have a sufficient number of inspectors had nothing whatever to do with this accident.

Mr. MADDEN. I have had some experience with steamboats myself, and my observation is, regardless of what the law may be, that it is the duty of the inspectors to traverse every part of the boat, boilers, engine room, water tanks, ballast tanks, or machinery and hull—everything—to see that the boat is in proper shape. It is evident that no such inspection of this boat was made at the time. It is true the Secretary of Commerce did go to Chicago and made an investigation, but he was very unfortunate in the manner of his investigation. He gave no evidence of any sympathy with the mourners, whose families were lying dead on the docks and in the morgue and on the street. On the contrary, he gave evidence of a cold-blooded disinterestedness in connection with the whole affair that appalled the people of Chicago. While I have no disposition to deny the fact that he did endeavor to make an investigation, or at least did make such as he thought he ought to make, he should have had some sympathetic feelings for the people of Chicago who had lost their families in this appalling disaster, but he gave no such evidence. Chicago has just reason to resent the attitude of the Secretary of Commerce in connection with this matter.

Mr. BYRNS of Tennessee. Mr. Chairman, I am sure the gentleman from Illinois does not desire to do the Secretary of Commerce an injustice. We all know the Secretary, and I think it is the unanimous judgment of those who know him that he has a most kindly, sympathetic nature. I am sure that whatever may have been his action while there on a strictly official matter, seeking to learn the truth, he did sympathize deeply and sincerely with those in distress. It is too much to say, it is unjust to say, that the Secretary of Commerce or any other man did not sympathize with those who were plunged into distress on account of that great disaster.

Mr. MADDEN. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. MADDEN. I want to say in reply to the statement made by the gentleman from Tennessee that the Secretary of Commerce began his investigation by the announcement in advance of obtaining any information whatever as a result of the investigation that no fault could be found with the inspection service and that no man connected with that service could be considered at fault because of a failure to perform his duty. Now, that is the way he began the investigation of an important matter like this.

Mr. BYRNS of Tennessee. And he is supported by the fact that the investigation has developed that the real cause of that great disaster was the fact that the water ballast tanks were empty and had been emptied for the purpose of getting the steamer nearer to the dock, and then when they undertook to fill them the water poured through the port holes, which were only 20 inches above the surface and open, because of the fact that the vessel was made to keel over by the manner in which these ballast tanks were filled. It is impossible to have an inspector on every ship or steamer at all times, and therefore the Steamboat-Inspection Service is not responsible for what the engineer may have done or for some error of judgment on his part.

Mr. MADDEN. I want to state for the gentleman's information that there were two inspectors at the ship, and they did not perform their duty.

Mr. BYRNS of Tennessee. That is the opinion of the gentleman from Illinois, and although I always value his opinion very highly I can not agree with him in this case.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. The gentleman from Tennessee asks that his time be extended three minutes. Is there objection?

Mr. MANN. Reserving the right to object—which I shall not do—I would like to ask the gentleman a question. It is now a quarter past 2 o'clock, Friday afternoon, and we have not as yet read one line of this bill. I desire to ask him whether it is the expectation to insist that the House shall stay late to-night for the purpose of finishing the bill or whether the gentleman expects to rise about the usual time?

Mr. BYRNS of Tennessee. I had hoped that the House would stay here as long as possible.

Mr. MANN. I am quite willing to stay, but I am not willing to stay here and hear hot air all the afternoon. I am willing to hear all that gentlemen want to say if thereby they do not detain me too late to-night.

Mr. BYRNS of Tennessee. I would not have asked for this extension, Mr. Chairman, but I have been interrupted, and I merely want to get this further extract from the hearings into the RECORD.

Mr. MANN. I am not going to object to the gentleman's extension. A number of other gentlemen desire to be heard upon this. I think that perhaps this and other matters are important enough not to attempt to say that we are going to wind up this bill with the Borland amendment in it to-night. You can not do it unless you stay all evening.

Mr. BYRNS of Tennessee. Mr. Chairman, I am entirely too cautious to say that I was going to wind it up to-night, because I know that is not within my power. Continuing from the record, Mr. Chairman, Secretary Redfield interposed a question to Gen. Uhler while he was testifying before the committee, as follows, and I read from then on:

Secretary REDEFIELD. Suppose you had had your portholes wide open 3 feet above the water line?

Mr. UHLER. Well, the water would have come in, that is all, if there was nobody there to shut them up.

Secretary REDFIELD. And that was shown in the *Eastland* case.

Mr. UHLER. And the statement is that she had no water in her ballast tanks?

Mr. STAFFORD. Would not that fact have been shown if she had been inspected, that she had no water in her tanks?

Mr. UHLER. Mr. Stafford, I would like to answer that question by asking another one. We provide for the inspection of the boilers and we inspect boilers and we say that the boilers are safe up to a certain pressure. Now, a boiler to be safe must have water in it, but if you start a fire under a boiler that has no water in it you are going to have some trouble, and it is impossible for the Steamboat-Inspection Service to detail a man on every steamer to see whether or not they have water enough in the boilers.

Mr. STAFFORD. Then it was not the fault of the inspection service——

Mr. UHLER (interposing). It was not the fault of the inspection service that they did not have water in the ballast tanks.

I desire to repeat, Mr. Chairman, that every investigation that has been made on the part of those connected with this service exonerates the Steamboat-Inspection Service. A United States judge, Mr. Justice Sessions, sitting in his court in the western district of Michigan, exonerated the steamboat inspectors from any liability on account of that disaster, and I ask unanimous consent that I may insert as a part of my remarks the opinion delivered by Mr. Justice Sessions in that case.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by inserting the opinion of Judge Sessions. Is there objection?

There was no objection.

The opinion referred to is as follows:

UNITED STATES V. GEORGE T. ARNOLD, WILLIAM H. HULL, ROBERT REID, CHARLES C. ECKLIFF, HARRY PEDERSEN, AND JOSEPH M. ERICKSON, DEFENDANTS.

(In the district court of the United States for the western district of Michigan, southern division.)

The six defendants above named reside in this judicial district. The Government seeks to remove them to the northern district of Illinois for trial upon three indictments returned by the grand jury of that district. These criminal proceedings grow out of an appalling disaster which occurred on the morning of July 24, 1915, in the city of Chicago, and was caused by the overturning or capsizing of the steamer *Eastland* at one of the docks in Chicago River. At the time of the accident the vessel was about to start upon an excursion voyage to Michigan City, Ind., and had on board 2,500 passengers and a crew of 70 seamen. More than 800 persons lost their lives.

The defendants Arnold and Hull are respectively the president and vice president and general manager of the Michigan corporation which owned the *Eastland*. The defendants Reid and Eckliff were United States local inspectors of steamboats in the district of Michigan, the former being inspector of hulls and the latter inspector of boilers. The defendants Pedersen and Erickson were respectively captain and chief engineer of the ill-fated vessel.

The magnitude and far-reaching effects of the catastrophe naturally excited great interest therein and aroused intensely bitter feeling against all persons connected with the ownership, operation, and navigation of the boat. Federal and State authorities vied with each other in their efforts to investigate the affair and to prosecute all persons thought to be responsible therefor. These defendants were indicted in both the State and Federal courts. Several indictments other than the three upon which these proceedings are based were presented in the Federal courts. But neither the commendable activity of earnest and zealous officials, the finality of the decision in this matter, if against the Government, nor the natural unwillingness of the defendants to be brought to trial in a place where at best it will be difficult to secure an impartial jury, is of any controlling moment or importance in the determination of the issues here presented. The serious consequences to follow the decision of this matter demand and require extra care in reaching a correct conclusion but have no bearing upon the merits of the controversy.

At the outset, it is important to ascertain, if possible, the exact questions to be determined. The rules of law which control and govern proceedings of this kind are reasonably well settled. Questions of either law or fact which are fairly debatable must be decided, if at all, upon the trial of these defendants and the trial court. If more than one offense is charged in a single count of the indictments, or if a joint offense is alleged where separate offenses should have been stated, or if the indictments or any of them are merely irregular and defective in form, the issues so raised can not be determined by this tribunal but must be presented to the court in which the indictments have been returned. A large part of the testimony upon this hearing has been directed to the question of whether the *Eastland* rested upon the bottom or upon some obstruction in the bottom of the Chicago River at the time she overturned. This question of fact can not be determined in this proceeding but must be left to the decision of a jury at the trial. The issues here presented are thus narrowed to two: Does any count in the indictments charge and do the proved facts establish the commission of a crime against the United States, triable in the Federal courts of the northern district of Illinois? And, does the evidence, including the indictments themselves, show that there is probable cause to believe the defendants, or some of them, guilty of the crime so charged? Manifestly, if the indictments do not charge an offense against the United States, or if the established facts show conclusively that no such offense has been committed, or, if committed, that it is not triable in the district to which removal is sought, the defendants can not be sent from their homes to another jurisdiction to be put upon trial. On the other hand, it is equally true that the defendants can not be removed from this district to the northern district of Illinois for trial unless the evidence here produced fairly shows probable cause for believing them guilty of some offense charged against them. (U. S. Rev. Stat., 1014; Tinsley *v.* Treat, 205 U. S., 20; Benson *v.* Henkel, 198 U. S., 1–10; Henry *v.* Henkel, 235 U. S., 219; Hyde *v.* Shine, 199 U. S., 62; Beavers *v.* Henkel, 194 U. S., 73; Greene *v.* Henkel, 183 U. S., 249; Pierce *v.* Creecy, 210 U. S., 387, 401; Beavers *v.* Haubert, 198 U. S., 77–90; U. S. *v.* Burr, 25 Fed. Cas., 13.)

The meaning of the term "probable cause," as here used, means clear and plain, yet in reality it is not easily defined with exact accuracy. The most favorable definition or construction of the term which can be claimed by the Government is that to constitute probable cause there must be such evidence concerning the essential elements of the specific crime charged as to induce the belief of the guilt of the defendants in the minds of honest and reasonable men. Or, to state the matter in another way, if this were a trial upon the merits by a jury and, under the law and the evidence, the court would be required to direct a verdict in favor of the accused, it can not be said that probable cause has been established.

The first indictment, in each of its two counts, charges the defendants jointly with a direct violation of the provisions of section 282 of the Penal Code:

"Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel the life of any person is destroyed, and every owner, charterer, inspector, or other public officer, through whose fraud, neglect, connivance, misconduct, or violation of law the life of any person is destroyed, shall be fined not more than $10,000, or imprisoned not more than 10 years, or both: *Provided*, That when the owner or charterer of any steamboat or vessel shall be a corporation, any executive officer of such corporation, for the time being actually charged with the control and management of the operation, equipment, or navigation of such steamboat or vessel, who has knowingly and willfully caused or allowed such fraud, neglect, connivance, misconduct, or violation of law, by which the life of any person is destroyed, shall be fined not more than $10,000, or imprisoned not more than 10 years, or both."

Leaving out of consideration the serious question of whether a captain and chief engineer mentioned in the first clause, inspectors mentioned in the second clause, and executive officers of the owner corporation mentioned in the proviso of this section, can be charged jointly with the commission of a single offense, it is important to note that section 282 is expressly and positively limited by section 272 of the Penal Code, the relevant provisions of which are as follows:

"The crime and offenses defined in this chapter shall be punished as herein prescribed:

"First. When committed upon the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, or when committed within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State on board any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, or District thereof.

"Second. When committed upon any vessel registered, licensed, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, namely: Lake Superior, Lake Michigan, Lake Huron, Lake St. Clair, Lake Erie, Lake Ontario, or any of the waters connecting any of said lakes, or upon the River St. Lawrence, where the same constitutes the international boundary line."

The undisputed evidence shows and it is conceded that, at the time of accident, the steamer *Eastland* was securely tied to a dock in Chicago River at least one-half mile from Lake Michigan. Therefore it appears conclusively that the crime charged against these defendants in this indictment was not committed "upon the high seas" or "out of the jurisdiction of any particular State." On the contrary, the place where the vessel overturned is within the body of Cook County and within the jurisdiction of the State of Illinois. It is equally certain that the crime charged was not committed upon a vessel then on a voyage upon Lake Michigan or "any of the waters connecting" the Great Lakes. By no fiction of law or fact can Chicago River be regarded as Lake Michigan or one of the high seas. Under present laws, a crime local to that river is cognizable by the courts of the State of Illinois and not by the courts of the United States. (United States *v.* Rogers, 47 Fed. Rep., 1.) Moreover, the defendants, Arnold, Hull, Reid, and Elkliff, were not on board the *Eastland* at the time of the alleged neglect and misconduct but were at their homes in this district in the State of Michigan. It necessarily follows that none of the defendants could possibly be found guilty under this indictment if held for trial.

The second indictment, in each of its first and third counts, charges the defendants with a direct violation of the provisions of section 4561 of the Revised Statutes of the United States as amended by the act of Congress of December 21, 1898. The last clause of said section as so amended reads as follows:

"If any person knowingly sends or attempts to send or is a party to the sending or attempting to send an American ship to sea, in the foreign or coastwise trade, in such an unseaworthy state that the life of any person is likely to be thereby endangered, he shall, in respect of each offense, be guilty of a misdemeanor and shall be punished by a fine not to exceed $1,000 or by imprisonment not to exceed five years, or both, at the discretion of the court, unless he proves that either he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in an unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purposes of giving that proof he may give evidence in the same manner as any other witness."

Again passing by the problem of whether, in the absence of a charge of conspiracy, the defendants can be held liable jointly for the separate and independent acts of the several individuals, the first question which presents itself is this: Do the acts alleged and set forth in these two counts of the indictment, and shown by the evidence, constitute an attempt to send the steamer *Eastland* on a voyage across Lake Michigan from the port of Chicago to the port of Michigan City? What constitutes an attempt to commit a crime?

The rule is well settled that an act, or series of acts, to amount to an attempt to commit a crime must be directly and not remotely connected with the commission of such crime and must be done in part execution of the crime and not merely in preparation for its commission. The purchase of a gun and ammunition with the intent to shoot and kill another does not amount to an attempt to commit the crime of murder. The procuring of a burglar's outfit for the purpose of breaking into a dwelling house and stealing does not constitute an attempt to commit the crime of burglary. Arming or outfitting a ship with the avowed future purpose of sailing the seas under the black flag and preying upon unarmed merchant vessels is not an attempt to commit piracy, at least so long as the ship remains inoffensively moored to her dock in harbor. These are acts merely of preparation and not of execution of crime. The acts of defendants, Arnold, Hull, Reid, and Eckliff, which are claimed to have been an attempt to send the *Eastland* on a voyage across Lake Michigan on July 24, 1915, were all done in the State of Michigan and in the regular course of business and official duty, and most of such acts are not even remotely connected with that voyage. What possible relation existed between the purchase of the steamer *Eastland* in 1914 and a proposed voyage of that steamer under a charter not made until July, 1915? What connection has been shown between the application for inspection and license, the several inspections and the certificates issued in 1914 and in the spring of 1915 and the specific voyage mentioned in the indictment? The chartering of the boat to another corporation and the letters written and the directions given to the captain were at most very remote acts of preparation. Engineer Erickson had nothing to do with chartering or navigating the ship. He had no control over her load. His station was in the engine room, deep in her hold, and in the place of greatest danger. His supreme duty was implicit obedience to the orders of her master. In view of these conditions it is difficult to see how he can be justly accused of the crime here charged against him. Under the authorities there is at least ample room for doubt that the acts of Capt. Pedersen on the morning of July 24, 1915, in preparing the vessel for the excursion trip, in permitting passengers to come on board and

in giving the last command to "stand by," which meant no more than "attention," or "be ready," constituted in law an attempt to send the ship on her voyage. The boat remained tied to the dock and no effort was made to release her from her mooring either before or after the discovery of the danger. As to the other defendants, this indictment does not allege and the evidence does not establish the substance, or even the semblance of a criminal attempt. (People *v.* Youngs, 122 Mich., 292; McDade *v.* People, 29 Mich., 49; U. S. *v.* Stephens, 12 Fed. Rep., 52; State *v.* Hurley (Vt.), 6 L. R. A. (N. S.), 804; People *v.* Murray, 14 Cal., 160; 8 Ruling Case Law, 278, 279.)

Was the steamer *Eastland* unseaworthy within the purview of this statute; and if so, did the defendants have knowledge of her unseaworthiness? It is alleged in the indictment that the vessel was unseaworthy in that she was topheavy and "cranky" and in that her water-ballast system and apparatus were defective and insufficient, both in construction and in operation. Aside from the fact that the vessel capsized and the testimony of one witness, whose theories are shown to be incorrect by actual experience and indisputable facts, there is no satisfactory evidence to sustain these allegations of the indictment. Every other witness competent to testify upon the subject has said that the ship, if properly handled and navigated, was seaworthy and was capable of carrying in safety the number of people on board of her at the time of the accident. She was not in a leaky condition and was not lacking in necessary and proper equipment. She was constructed with water-ballast tanks, and if a sufficient number of the tanks had been filled with permanent water ballast, she would not have been topheavy with any load which she was authorized to carry. But if it be conceded that the *Eastland* may have been unseaworthy, there is nothing to indicate that the defendants either knew or ought to have known that she was "in such an unseaworthy state that the life of any person was likely to be thereby endangered." For 12 years this vessel had been navigating the Great Lakes in the excursion trade and had carried hundreds of thousands of people. During all that time, so far as appears, she had never met with an accident or a mishap which resulted in injury to or the loss of the life of any person. During the first three seasons of her career she was licensed and permitted to carry from 2,800 to 3,300 passengers, and upon several occasions was loaded to her limit. In later seasons she was authorized to carry from 1,200 to 2,200 people, the number depending upon the condition and quantity of her life-saving equipment. Her water-ballast system and apparatus had not been changed since she was built, and, unless defective in original design and construction, was in perfect working condition. Under these circumstances no one can say that the owners, managers, navigators, and official inspectors of this steamer were not justified in believing that she was seaworthy. The statute under consideration makes the conscious or willful doing of the prohibited act an essential element of the offense therein defined. Laws are not made to entrap the unwary. While ignorance of the law excuses no man, ignorance of facts, particularly in the absence of active fault, is a complete defense in every case where knowledge or intentional wrongdoing is the gist of the crime charged. (8 Ruling Case Law, 122.)

Is the dispatching of a vessel like the *Eastland* on an excursion voyage from Chicago to Michigan City the sending of a ship "to sea in the coastwise trade"? The most natural and obvious meaning of the term "coastwise trade" is trade along the seacoast upon the waters of the ocean and bays and rivers opening into the ocean. With reference to such commerce, Congress seems to have used the terms "coastwise" and "coasting" interchangeably. But it is significant that the term "coasting" has been employed invariably in statutes relating to trade or commerce upon the Great Lakes and the word "coastwise," so far as a diligent search reveals, has never been so employed. Indeed, in a number of statutes Congress has carefully distinguished between coastwise trade upon the seas and trade upon the Great Lakes and has employed the one expression in contradistinction to the other. (U. S. Rev. Stat., secs. 4318, 4401, 4467, 4490, and 3095; act of June 9, 1874, 6 Fed. Stat. Ann., 850; sec. 13 of act of Mar. 4, 1915, 38 Stat. L., 1169.)

Both the history and the context of this statute indicate that it was not intended to apply to ships navigating the waters of the Great Lakes. All doubt, however, upon this subject is set at rest by a reference to and an examination of section 4318 of the Revised Statutes pursuant to which the steamer *Eastland* was enrolled and licensed:

"Any vessel of the United States navigating the waters on the northern, northeastern, and northwestern frontiers, otherwise than by sea, shall be enrolled and licensed in such form as other vessels; such enrollment and license shall authorize any such vessel to be employed either in the coasting or foreign trade on such frontiers, and no certificate of registry shall be required for vessels so employed. Such vessel shall be, in every other respect, liable to the regulations and penalties relating to registered and licensed vessels."

In conformity to the provisions of the statute above quoted, a consolidated certificate of enrollment and license was issued authorizing the steamer *Eastland* to be employed in carrying on the coasting and foreign trade upon the "northern, northeastern, and northwestern frontiers of the United States (the Great Lakes and connecting waters and the St. Lawrence River), otherwise than by sea." It is difficult to imagine how the ship could be sent to sea otherwise than by sea. The rule that the same word may have different meanings in different acts or in different parts of the same act has no application here. It is evident that Congress, by the word "sea" in these statutes, meant other bodies of water than the Great Lakes. Unless absolutely necessary to accomplish their purpose, penal statutes must be given a strict and not a strained construction.

Each of the remaining counts of the indictments charges a criminal conspiracy. Little need be said upon this subject. There is no proof which tends, even in slight degree, to fasten such guilt upon any of the respondents. A conspiracy is a combination or agreement to do an unlawful act or to do a lawful act by unlawful means. In either case a wicked combination is the essence of the crime. An agreement to be criminally negligent can scarcely be imagined. A combination of these defendants to destroy human life is both unbelievable and unthinkable. A conspiracy to commit an impossible crime is itself an impossibility. Every act charged and proved against these respondents was done in the usual and ordinary course of business, and is more consistent with innocence than with guilt. Many of them were required by law. None of them is shown to be otherwise than innocent. All of them considered together utterly fail to show a meeting of corrupt minds to accomplish an unlawful purpose. Can anyone reasonably contend that the purchase of the *Eastland* for $150,000 in the spring of 1914 was a part of a criminal conspiracy to defraud or to violate the laws of the United States? Is it possible to believe that the applications for inspection and license made by the manager and captain of the vessel in the customary way, the repeated inspections made by the local inspectors in the performance of their duty and as required by law, the chartering of the vessel for a voyage in her usual trade, the navigation of the ship by the captain pursuant to the directions of his employers, and the obedience of the chief engineer to the orders of the master of the ship were all parts of or done in furtherance of a wicked scheme to destroy human life? Acts, innocent in themselves, may be parts of an unlawful conspiracy, but there must be some evidence to show that a conspiracy exists and that the acts relied upon have some relation thereto. Here such proof is wanting. After the event it is always easy to say that some one must have been careless or the trouble would not have occurred. Broad and far-reaching as the law of conspiracy is, it is neither comprehensive nor potent enough to transform, without proof, apparently innocent conduct into criminal misconduct.

The dead can not be restored to life. The sorrows of the living can not be lessened by claiming other victims The majesty of the law can not be upheld and vindicated by forcing men from their homes to stand trial among strangers upon accusations which there is barely a scintilla of proof to sustain. The evidence in this matter wholly fails to establish probable cause for believing any of these defendants guilty of any crime charged in the indictments. The application for a warrant of removal will be denied.

C. W. SESSIONS, *District Judge.*

Dated, February 18, 1916.

Mr. SMALL. Mr. Chairman, the gentleman from Illinois [Mr. SABATH] has seen fit to disparage and criticize the Steamboat-Inspection Service. His remarks evidently were prompted by the horrible disaster in Chicago in the sinking of the steamship *Eastland.* As a resident of that city his sympathies were aroused in the interest of his people, and particularly with the families of those whose members were lost in this tragic calamity. The gentleman from Tennessee [Mr. BYRNS] has referred to the hearings before his committee in exoneration of the Steamboat-Inspection Service, from which it appears that Secretary Redfield and the supervising inspector, Gen. Uhler, have, after careful and detailed investigation, exonerated the local inspectors from any blame in connection with this tragedy. The gentleman from Tennessee [Mr. BYRNS] also referred to an opinion by a Federal judge, and has obtained leave to insert it as a part of his remarks; I desire, however, for the information of the House to read just a brief extract from that decision. There were six men indicted in the District Court of the United States for the Western District of Michigan, and those men were the president and the vice president of the company owning the steamship *Eastland;* Robert Reid and Charles C. Eckliff, the United States local inspectors; and the captain and chief engineer of the steamer. A motion was made by the Government to remove this case from the district court of Michigan to the northern district of Illinois. Judge Sessions, who rendered the opinion, and who appears not only to be an impartial but an able judge, used this language, which bears directly upon the attack upon the Steamboat-Inspection Service in connection with this disaster:

Was the steamer *Eastland* unseaworthy within the purview of this statute and, if so, did the defendants have knowledge of her unseaworthiness? It is alleged in the indictment that the vessel was unseaworthy in that she was topheavy and "cranky" and in that her water ballast system and apparatus were defective and insufficient, both in construction and in operation. Aside from the fact that the vessel capsized and the testimony of one witness whose theories are shown to be incorrect by actual experience and indisputable facts, there is no satisfactory evidence to sustain these allegations of the indictment. Every other witness, competent to testify upon the subject, has said that the ship, if properly handled and navigated, was seaworthy and was capable of carrying in safety the number of people on board of her at the time of the accident. She was not in a leaky condition and was not lacking in necessary and proper equipment. She was constructed with water-ballast tanks, and if a sufficient number of the tanks had been filled with permanent water ballast she would not have been topheavy with any load which she was authorized to carry. But if it be conceded that the *Eastland* may have been unseaworthy, there is nothing to indicate that the defendants either knew or ought to have known that she was "in such an unseaworthy state that the life of any person was likely to be thereby endangered." For 12 years this vessel had been navigating the Great Lakes in the excursion trade and had carried hundreds of thousands of people. During all that time, so far as appears, she had never met with an accident or a mishap which resulted in injury to or the loss of life of any person. During the first three seasons of her career she was licensed and permitted to carry from 2,800 to 3,300 passengers and upon several occasions was loaded to her limit. In later seasons she was authorized to carry from 1,200 to 2,200 people, the number depending upon the condition and quantity of her life-saving equipment. Her water-ballast system and apparatus had not been changed since she was built and, unless defective in original design and construction, was in perfect working condition. Under these circumstances, no one can say that the owners, managers, navigators, and official inspectors of this steamer were not justified in believing that she was seaworthy.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SMALL. Mr. Chairman, that opinion was rendered by a judge having all the evidence before him embraced in the ex parte presentation of the case by the Government. Presumably

all the evidence affecting the guilt of these local inspectors was before this judge when he analyzed it and rendered this opinion, and I desired to read it in order that the House might know that there had been a careful judicial investigation bearing upon the criticism of these local inspectors.

Mr. Chairman, the Steamboat-Inspection Service has been growing in efficiency all these years. Everyone who lives upon navigable waters knows something of the duties of the local inspectors of steamboats, divided into two classes, inspectors of hulls and inspectors of boilers.

I doubt if there are among all the employees of the Government a class of men who in experience, in judgment, in training, and fitness for their duties, are better equipped than the local steamboat inspectors throughout the country, and these two men, after what appears to have been an impartial and careful investigation by the proper officials in the department, after the Government had presented all of the evidence which it had to the court bearing upon their guilt, have been exonerated by their superior officers, exonerated by an impartial judge, who considered all the evidence; and I submit that it is not fair to the department, that it is not fair to these men who are not here to defend themselves to make charges not only of inefficiency but of such gross carelessness as has been made against them in the performance of their duties. This service is entitled to the commendation of the people of the country. It is entitled to be exonerated by this House, just as a subcommittee of the Committee on Appropriations, after a careful investigation and hearing, has stated through the chairman of that subcommittee, and there is no fault which can properly lie against the record of these local steamboat inspectors.

Mr. WINGO. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WINGO. Mr. Chairman, the legislative program of the House, as I understand, provides for the consideration of rural credits early next month. The Banking and Currency Committee has been at work on the administration bill, known as the Moss or joint committee bill; and while it may be better to wait and see what kind of a bill will be finally reported before discussing this question, yet my position upon rural credits and my fight for direct Government aid have been recently attacked by my enemies, and I have been so grossly and maliciously misrepresented that I feel, in justice to myself, I should make a statement of my position thereon and recount my activities on this question.

You will recall, Mr. Chairman, that when I became a Member of this body, commencing with the last Congress, I was appointed to the Banking and Currency Committee. I was much gratified at this appointment, not only because that committee was to take up and revise the banking and currency laws of the country, but I saw an opportunity to make a vigorous effort to get action on the demands of the American farmer for a proper rural-credits agency. When the committee came to the consideration of the banking and currency bill it will be remembered that I insisted with all the force at my command that we should provide in that bill agencies whereby, under Government control and with direct Government aid, the American farmer could be provided an agency that would enable him to secure his capital funds at a low rate of interest, on long terms, and repayable in small annual installments. I still think that rural credits should have gone hand in hand with the banking and currency act, but others, including the President, took the position that we should take up rural credits as a separate proposition, and my efforts were defeated at that time. The President, in a newspaper statement, said:

> The scope and character of the bill, its immediate and chief purpose, could not be made to reach as far as the special interests of the farmer require. Special machinery and a distinct system of banking must be provided for if rural credits are to be successfully and adequately supplied.

The President's objections, it will thus be seen, did not go to rural credits, but to including it in the banking and currency act. He recognized the duty that we owed to the American farmer to redeem the party pledge, and in discussing the necessity for rural-credits legislation, and pointing out the serious disadvantages under which the American farmer is laboring, he said:

> One of the chief and most serious of these disadvantages has been that he has not been able to secure the extended bank accommodations he every year stands in need of without paying the most burdensome rates of interest and saddling himself with mortgages and obligations of every kind, which he fairly staggered under, if he could carry them at all. In other countries systems of rural credit have been put into operation which have not only relieved the farmer but have put his enterprises upon a footing of easy accomplishment. Countries in which agriculture was fatally languishing, because wholly unprofitable, have seen their farming lands blossom again and their people turn once more hopefully to the soil for a living. Our farmers must have similar means afforded them of handling their financial needs easily and inexpensively. They should be furnished these facilities before their enterprises languish, not afterwards. And they will be. This is our next great task and duty.

While I was disappointed at our failure to include rural credits in the banking and currency act, I was much gratified at the statement of the President that he regarded the passage of a rural-credits act as our next great task and duty and his pledge that he would urge Congress to discharge this duty. It will be recalled how persistent were my efforts at the last Congress to have Congress take up the question and grant the demands of the American farmer. In the closing hours of the last session of Congress those of us who favored rural-credits legislation succeeded in having added to the Agricultural appropriation bill in the Senate an amendment known as the McCumber amendment. When the bill came back to the House with this amendment of the Senate to it I then urged, it will be recalled, that the House concur in this Senate amendment as being the only chance that we had at that session for rural-credits legislation. It was proposed in the House that what was known as the Hollis-Bulkley bill be adopted as a substitute for the McCumber proposition, but I opposed the so-called Hollis-Bulkley bill because it provided for an expensive, cumbersome, land-bank scheme and not direct Government aid, which organized farmers had demanded and which I, from a study of the question, had become convinced was necessary to relieve the American farmer. Those of us who held the same view that I did on the question did the best we could, but we were voted down and the bill was sent to a conference between the two Houses.

The conferees on the part of the House and the part of the Senate could not agree, and finally reported back a proposition to have a special joint committee of the two Houses appointed to frame a bill to be reported at this session of Congress, which was done. I was not a member of that joint committee and had nothing to do with the writing of the bill, which it finally reported to this House at this session and which is known as the joint committee or Moss bill. As soon as this bill was reported by this joint committee and, on behalf of the committee, was introduced by Mr. Moss in this House and then referred to the Committee on Banking and Currency, of which I am a member, I at once, in the first public meeting which the committee held to consider the bill, pointed out my objections to it and told the committee that it was unsatisfactory and was not what I wanted. Among the objections that I pointed out was a provision of the bill which would have made each farmer liable for the loans of all other borrowers in his local association. I considered this requirement of joint liability as being vicious, unnecessary, and one that the American farmer would not submit to, and I told the committee that I would never stand for any bill that carried such a provision. Some of the farm papers of the country took up the fight that I was making on this question and expressed themselves very vigorously on it. Among these criticisms was one by the Southern Ruralist, which, in its editorial criticism of the Moss or joint committee bill, said:

> It contains a clause which in effect would make every farmer who borrows from any given rural credits bank or association responsible for the loans of every other person borrowing from the same institution. The only excuse for such a provision is that it is found in some of the European systems. * * * Its application must always be confined to localities where the population is so dense and social conditions are such that every person in the community knows the business and life of every other person. It is un-American, it is impracticable, it won't work, and we won't have it.

This same argument, with others, had been used by me in my fight on this provision in the Committee on Banking and Currency, and it was upon my motion that such a provision was stricken from the bill.

There are a great many other objections to this so-called joint committee or Moss bill, but I shall not discuss them now, because I sincerely hope that when the matter comes up in the House we shall be able to agree upon and pass an entirely different bill, one along the lines that has been demanded by organized farmers, a simple, direct, Government-aid bill without expensive machinery and cumbersome requirements upon the farmers, and I will not be satisfied with any other kind of a bill nor will the organized farmers of the South and West, in whose behalf I have been making this fight. [Applause.]

Mr. Chairman, I realize that I have displeased some by my persistency for legislation of this kind. I realized when I took up this fight that I would be sneered at and misrepresented, but as I read the history of this country, every economic policy that Congress has enacted for a hundred years has had for its prime purpose the prosperity, the security, and the welfare of the manufacturing interests of the country, and too long has the

interest of the farmer and those who toil been neglected. I realize, Mr. Chairman, that if a Member of this House will think only of the business interests of the country and work only for the welfare of the captains of industry who pride themselves on being "common-sense business men," he will be referred to in flattering terms as a statesman, but, on the other hand, if he demands equality of treatment and justice and fair play for the farmers and those who toil, immediately those who think only of "big business" will sneer at him and refer to him as a demagogue and characterize his efforts as buncombe. I realize that those of us who are fighting for this much needed legislation for the farmer will be misrepresented and abused. I myself, at the present time, am paying the penalty of having made a fight for relief of the farmers of this country. One who is opposing me has misrepresented and maliciously attacked me for this fight, by paid advertisements in the newspapers in my district. Realizing that the farmers of my district appreciated my earnest, sincere efforts in their behalf, he sought to mislead them and arouse in them a feeling of distrust by telling them that I claimed to be the author of the so-called Moss or joint committee bill. Of course it was easy for me to prove the falsity of any such misrepresentation, but with a reckless disregard for the facts, he continues to charge that I am supporting a bill which the organized farmers of the country regard as unsatisfactory. Of course, to you, Mr. Chairman, and to my colleagues upon the committee, such a charge as this is ridiculous and false. As a matter of fact, Mr. Chairman, it is a matter of common knowledge here that I have been charged with too vigorously opposing this bill in the committee. As I said, my enemies and their hired agents sent among the farmers, are trying to make it appear that I am supporting a bill which organized farmers of my country oppose. As a matter of fact, I have at all times worked in perfect harmony with the organized farmers, and recently when the president and secretary of the National Farmers' Union and their legislative committee were here in Washington, they were kind enough to express their appreciation of my efforts in behalf of the farmers and the position that I have taken upon the Moss or joint committee bill. The charge that I am supporting a bill which this great organization has condemned is shown to be false by a letter recently written to me by Hon. C. S. Barrett, president of the National Farmers' Union, which I read:

FARMERS' EDUCATIONAL AND COOPERATIVE UNION OF AMERICA,
Union City, Ga., January 18, 1916.

Hon. OTIS WINGO,
Washington, D. C.

MY DEAR MR. WINGO: Not being able to see you before leaving the city, I am writing to urge you to continue the fight which you and two or three others of the Committee on Banking and Currency have been making to have a real rural-credits bill reported to the House. The Moss bill will not be satisfactory. You have a clear idea of what the farmer really needs and we appreciate your efforts in his behalf.

Sincerely, yours,

C. S. BARRETT.

I have been much gratified, Mr. Chairman, by the indorsements of my work in Congress which I have received from farm organizations all over the country. Mr. Chairman, the organized farmers in other States than mine have in their State conventions adopted resolutions expressing their appreciation of my efforts in behalf of the American farmer during the short time that I have been in Congress; and while these expressions from other States are sincerely gratifying to me, that which I prize most of all is the many expressions of appreciation and confidence and support which the organized farmers of my own State and of my own district have seen fit to give me. The farmers of my district are intelligent, and I know they appreciate the earnest efforts that I have made in their behalf. My enemies may sneer at me and characterize my efforts in behalf of rural credits as all bunco, but I shall not be deterred, and shall continue to fight for a real, direct, Government-aid rural-credits bill that will provide the American farmer with funds at a low rate of interest on terms that he can stand and under which he can prosper. The platform of the Democratic Party has pledged this relief to the American farmer; the President of the United States has pledged his support, and I firmly believe that before this Congress adjourns the pledge will be redeemed. The American farmer does not ask for charity, but he asks for simple justice; he does not ask for special privileges, but he asks for equality of treatment. As I have once before said on this floor, I do not think that the requirements for national defense are limited to battleships and standing armies alone. I am not half as much afraid of the foe from without, with whose threatened and imaginary invasion certain gentlemen try to persuade us into spending millions of dollars for our military establishments; but I do, as one who loves his country and gives some thought to its continued prosperity and safety, have fears of the canker and demoralization that always arise from economic distress and industrial injustice. No one honors more than I do the men who have fought our battles upon the land and upon the sea; no one has a greater pride in the military achievements of the American soldier and sailor, to whom we affectionately refer as the "men behind the guns," but there are others of whom I think and for whose welfare I plead and in whose welfare and prosperity are wrapped the safety and security of this Republic, and they are not the "men behind the guns" but are the "men behind the plows" and the "men in the overalls."

Mr. RUBEY. I appreciate the persistent efforts of the gentleman from Arkansas for a real rural-credits bill and not a makeshift, and I am in sympathy with his efforts. I would like to ask him when he thinks we will take up this matter for the purpose of agreeing on a bill in the House?

Mr. WINGO. The joint committee bill has been referred to a subcommittee to rewrite, and I understand now that we will take up the full subject in the House about the second week in April, and I hope that out of the consideration of the subject the House will pass a real, direct, Government-aid bill that will meet the views, demands, and necessities of the organized farmers.

Mr. Chairman, I am perfectly willing to make all reasonable preparations for the national defense, but I am not willing to turn this Nation into an armed camp. I am not willing to vote for compulsory military service, which means conscription in the time of peace and which will take every young man of this country away from his home and school during some of the best years of his life, and confine him in a military barracks as part of a great standing army. While I am willing to make all necessary preparations for national defense, yet I insist that in making these preparations we should include the building up of the economic strength of the country by providing a direct Government aid rural-credit system for the farmers; by Federal aid in the building and maintaining of levees along the great rivers of the country, such as the Red and Arkansas Rivers, and the improvement of these great rivers in a legitimate way, so as to bear to market the local products at the lowest possible rate; and by the enactment of such laws as will improve the conditions of those who toil, and save them from some of the burdens that now bear heavily upon their shoulders. I am glad that this House only recently passed a bill authorizing the expenditure of $25,000,000 a year by the Federal Government in the building of rural roads, and am proud that I had a part in the passage of such a bill, and hope that the same will pass the Senate soon. I am glad that we have also succeeded in having recently established a separate Committee on Flood Control, and I hope we shall be able to get reported from this committee bills that will not only authorize the Federal Government to aid in the building and maintenance of levees on the Mississippi River, but on the Arkansas, Red, and other similar rivers. Another matter of great importance is a Federal marketing system, and I am glad that the proper committee of this House is about to prepare legislation which will provide a Federal marketing system that will be of great benefit to the farmers and fruit producers. But now I insist that we speedily enact a direct Government aid rural-credit system, by which the farmers can procure their funds at a low rate of interest under conditions and upon terms that will not be burdensome, so that not only may the farmers' burden be lightened, but that the agricultural development of the great South and West may be stimulated, and thereby build up the economic strength of our Nation.

I insist, Mr. Chairman, that the best way to guarantee the safety and security of this Republic is to foster and insure the prosperity and happiness of the farmers and those who toil, and see that they are permitted to enjoy the fruits of their labor to the fullest extent.

Is it not true, Mr. Chairman, that if war should come battleships and standing armies alone would not constitute our surest defense, but our real defense would be the farmer and his fellow toiler, whom the history of this and every other country shows always bear the brunt and burden of war. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RUBEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 11078. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 10037. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and

certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 11628. An act granting the consent of Congress to the city of Lowell, county of Middlesex, State of Massachusetts, to construct a bridge across the Merrimack River;

H. R. 10032. An act to authorize the construction of a bridge across the Ohio River from a point on its banks in the city of Pittsburgh, Pa., at or near the locality known as Woods Run, to a point on the opposite shore of said river within the borough of McKees Rocks, Pa.; and

H. R. 10487. An act reserving or excepting all ores or minerals on the lands, with the right of mining the same, on the site of the proposed post-office building at Calumet, Mich.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 17. An act permitting H. L. Corbin to purchase certain public lands;

S. 19. An act relating to bills of lading in interstate and foreign commerce;

S. 31. An act for the relief of John L. Sevy;

S. 32. An act for the relief of William G. Williams, sr.;

S. 33. An act for the relief of Daniel M. Frost;

S. 3984. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 4399. An act granting pension and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 40. An act to authorize agricultural entries on surplus coal lands in Indian reservations;

S. 43. An act in relation to the location, entry, and patenting of lands within the former Uncompahgre Indian Reservation in the State of Utah containing gilsonite or other like substances, and for other purposes;

S. 137. An act for the relief of Omer D. Lewis;

S. 136. An act for the relief of Eva M. Bowman;

S. 67. An act for the relief of Mathilda P. Hansen;

S. 54. An act to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah;

S. 142. An act for the relief of Mrs. George A. Miller;

S. 540. An act for the relief of Fred B. Balano;

S. 53. An act for the relief of the Eldredge Bros.' Live Stock Co., a corporation;

S. 35. An act to authorize the Secretary of the Interior to issue patents for certain lands to the town of Myton, Utah;

S. 138. An act for the relief of the Ottawa Indian Tribe of Blanchards Fork and Roche de Bœuf;

S. 140. An act for the relief of the estate of Israel Folsom; and

S. J. Res. 65. Joint resolution creating a joint commission of Congress to be known as the joint commission of Congress to investigate the Aviation Service of the United States Army.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. GALLAGHER. Mr. Chairman, the gentleman from North Carolina [Mr. SMALL], who is a member of the Committee on Rivers and Harbors, I think, took great pleasure in presenting the opinion of Judge Sessions, reading a couple of extracts from that opinion of the judge for the benefit of the House; but there is another little paragraph here in the opinion that he did not read. His eulogy of this inspection department and this judge was real nice. I desire to bring this paragraph—it is a gem—to the attention of the committee, and particularly to my friend who is a member of the Committee on Rivers and Harbors. This is another thing which the judge said:

> The undisputed evidence shows, and it is conceded, that at the time of accident the steamer *Eastland* was securely tied to a dock in Chicago River at least one-half mile from Lake Michigan. Therefore it appears conclusively that the crime charged against these defendants in this indictment was not committed "upon the high seas" or "out of the jurisdiction of any particular State." On the contrary, the place where the vessel overturned is within the body of Cook County and within the jurisdiction of the State of Illinois. It is equally certain that the crime charged was not committed upon a vessel then on a voyage upon Lake Michigan or "any of the waters connecting" the Great Lakes. By no fiction of law or fact can Chicago River be regarded as Lake Michigan or one of the high seas. Under present laws a crime local to that river is cognizable by the courts of the State of Illinois and not by the courts of the United States. (U. S. *v.* Rogers, 47 Fed. Rep., 1.)

Now, we are appropriating money, and have been for years, to keep the Chicago River, a navigable river of the United States, in an improved condition for navigation, and this judge renders an opinion that that river is not navigable waters of the United States; that we have not jurisdiction over that river. "The place where the vessel overturned is within the body of Cook County and within the jurisdiction of the State of Illinois." Then why are we appropriating money annually to keep that river in a navigable condition? The inspection department, not alone in Chicago but in every great port, should pay more attention to the people who ought to be protected not only around the harbors but everywhere they have jurisdiction. Why, gentlemen, do you realize that upon the Great Lakes and at many of the harbors excursion boats are crowded, the same as this one was crowded, far beyond their capacity, and that is the reason this boat overturned in the Chicago River?

That is all I care to say.

Mr. MOORE of Pennsylvania. Mr. Chairman, the matter before the committee just now is the motion of the gentleman from Illinois [Mr. SABATH] to strike out the paragraph which provides the salaries for the Federal Steamboat-Inspection Service in the city of Washington. I could not support that sort of amendment, even if it were intended as a rebuke for the incident of the sinking of the *Eastland* in the river at Chicago. If we were to abolish departments and bureaus because of some incident or accident occurring in the jurisdiction of the bureau or department, we might just as readily abolish the present national administration, because to a certain extent with respect to revenues it has been a failure. I have no objection to the gentleman from Chicago expressing his views upon this horrible tragedy and giving vent to what he thinks the inspectors ought to have done, although I question very much whether the passage of 100 laws or the creating of new bureaus in any department would prevent the recurrence of some such great calamity at one time or another.

Unhappily these things come despite any law that human ingenuity can devise.

Mr. SABATH. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. SABATH. The gentleman from Pennsylvania comes from a section of our country that should make him fairly familiar with steamboats and boats and vessels, and therefore I am going to ask him a question, and that is whether in his judgment there was any negligence on the part of anyone if a boat is tied up to a dock and before they complete loading her with freight she turns over and nearly a thousand people perish? Does the gentleman believe that some one was guilty, or was it simply a matter of course and of daily occurrence?

Mr. MOORE of Pennsylvania. Well, I think it is perfectly fair for the gentleman to make his speech and to express his views with regard to the administration of the department which his party at this particular time happens to control.

Mr. SABATH. No; will the gentleman yield for a question? I have asked the gentleman a question.

Mr. MOORE of Pennsylvania. I desire to get through with my statement. I would be glad to yield to the gentleman if my time were not limited.

Mr. SABATH. Will the gentleman answer my question?

Mr. MOORE of Pennsylvania. I will not attempt to settle this *Eastland* disaster. The matter has been the subject of investigation by the department and by the courts, and I shall not attempt to determine whether it was the result of negligence or not. How could I determine that question? The gentleman is unable to determine it himself.

Mr. SABATH. I have determined it long ago.

Mr. MOORE of Pennsylvania. Mr. Chairman, I want to say this, that great power is given by the lawmaking body to the inspectors of the Steamboat-Inspection Service. It is a power that is generally exercised all over this land, and, so far as I know, generally exercised with credit to the bureau and to the men who undertake to serve it. It is so remarkable in contrast with our failure to exercise a governmental power over things international that I feel obliged to use it by way of illustration in order to "point a moral," if not "to adorn a tale." A few days ago there was tremendous excitement in this House because, perchance, the Government of the United States, representing 100,000,000 of people, seemed to have no "right," because of musty international law, to advise an American citizen who wanted to put himself in a position of danger under a foreign flag, not under the American flag, bear in mind, that he ought not to do so.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. BYRNS of Tennessee. Mr. Chairman, I would like to ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that he be allowed to use that five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Now, an individual citizen, whom we should protect under the American flag always, and for whom we would fight if called upon by the President of the United States in the regular way, seems to have the "right," according to this hazy international tradition, to sail under a foreign flag in a war zone and by reason of his "right" risk the safety and peace of the entire Nation. We exercise no control over him. According to our recent vote, he can go if he wants to go, but——

Mr. SABATH. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Illinois?

Mr. MOORE of Pennsylvania. Yes.

Mr. SABATH. I wish to inform the gentleman that these lives were lost not under a foreign flag but under the American flag.

Mr. MOORE of Pennsylvania. They ought to have been protected under the American flag no matter whether they were lost in Chicago or in Mexico.

Mr. SABATH. That is what I am trying to bring about.

Mr. MOORE of Pennsylvania. The gentleman was trying to protect them the other day under a foreign flag under pretense that they were under the American flag.

Mr. SABATH. No. That is not the contention.

Mr. MOORE of Pennsylvania. I think the gentleman contended that he had the right to involve his country in war if he should attempt to travel under a foreign flag, and not under his own flag—the latter a right that I would stand for as long as I had a drop of blood left in my body. But I was observing that while apparently we have no right to control an American citizen who pokes his nose into other people's business under a foreign flag, in a foreign-war zone, we have a remarkably strong right to prevent citizens of the United States, in their own territory, on their own soil, from doing everything they please.

Let us see. We are told, as a consequence of this *Eastland* disaster, that the committee has recommended the appointment of new inspectors, and we are going to have an improved inspection service—to do what? To tell the owner of a steamboat, who thinks he has a "right" to go out on his own steamboat where he pleases, that unless he comes up to certain conditions he can not go. Here we exercise considerable of a "right" in regard to an American on his own soil, under the American flag; but when it comes to the exercise of that right as he seeks to involve us, under a foreign flag, in the risks of war, it is another matter. We seem to have lost control.

If an American citizen undertakes to leave a port in the inland waters of the United States and sail away a hundred miles, the Steamboat-Inspection Service sends a man on board his vessel and says to him, "How many men have you on board here?" The man answers, "One hundred and one men." The inspector says, "You are not licensed to carry more than 100 men, and one of you must come off." So that American citizen who thinks he has the "right" to go on his own ship under his own flag can get off and walk! Yet when that same American citizen goes on a foreign ship, under a foreign flag, loaded with powder to fight another foreign ship of a country with whom we are at peace, we say, "We have no right to warn you off." We cringe in a cowardly manner, and instead of taking our troublesome brother by the back of the neck and throwing him off, we say, "We will go to war; we will involve our whole country in distress and mourning, in order to protect your international 'right' to do as you please." [Applause.]

Oh, yes; when there is a fire down the street and the police come rushing in and throw a rope around a certain area and tell the citizens generally that they shall not pass through, because there is danger, a wall may fall and crush them, some reckless person bobs up and says, "I have a right to go under that rope, and I am going;" but the American policeman, what does he do? Is he embarrassed by international law? No; he grabs that fellow by the back of the neck and yanks him out, and if needs be, puts him in the station house where he has a fine opportunity to think the matter over. We exercise a wise control over our own citizens in our own land, and especially when they threaten the public peace. We exercise that control when they go upon American ships in American waters, but when they step aboard a foreign vessel under a foreign flag and exercise their so-called "right" to involve our peaceful country in the war of Europe, we have no power to interfere. We must behave at home but do as we please abroad. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. SABATH] to strike out the paragraph.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Inspectors of hulls and inspectors of boilers, as authorized by acts approved April 9, 1906, May 28, 1908, and March 4, 1913, $171,100.

Mr. SABATH. Mr. Chairman, I move to strike out the paragraph.

Mr. MANN. What is the paragraph?

The CHAIRMAN. The Clerk will report the motion of the gentleman from Illinois [Mr. SABATH], to strike out the paragraph.

The Clerk read as follows:

Motion by Mr. SABATH: Strike out the paragraph, page 126, beginning with line 6 and ending with line 9.

Mr. STAFFORD. The gentleman can not be serious about that.

Mr. SABATH. I wish to be heard, Mr. Chairman. I make this motion for the purpose of propounding an inquiry of the chairman of the committee as to the rights and jurisdiction and powers of these inspectors. I was present at the hearings in the city of Chicago a few days after the *Eastland* disaster and I was unable to ascertain what powers or rights these inspectors have, unless it be to inspect a boiler or a hull. They do not seem to have the jurisdiction or the power to say whether a boat is seaworthy or not.

It was a matter of common knowledge, known to all the people connected with steamships in the United States, that this boat, the *Eastland*, was a cranky boat; that it was unseaworthy; and that it was hard to handle. That fact was known to Reid and Eckliff, the two inspectors. Nevertheless, the evidence shows that they deliberately sanctioned the use of that boat, and empowered a captain, who possessed no previous experience or knowledge or even common sense, to command it. They granted him the power and made him master of this boat, which everyone recognized was hard to handle and most difficult to manage.

Not only that, but, further, the evidence disclosed that they had knowledge of the fact that the engineer was not a man of any experience. In lieu of this, and due to the influence of the steamship company, they issued a permit to this incompetent engineer, who, in connection with the captain, through gross and wanton negligence, were responsible for this terrific loss of life. The evidence disclosed the fact that this engineer was a relative of one of these inspectors, but nowhere, in the opinion of the court, do I see that fact mentioned.

The chairman of the committee, in defending the department, states that the people of Chicago were unduly excited and suffered from hysteria. I want to assure the gentleman, as well as the Secretary of Commerce, that the people of Chicago had a perfect right to become excited, but they did not suffer with hysteria. I realize and recognize that the Secretary meant well, and I do not desire to criticize his action, because I really believe that he meant to investigate; but as my colleague from the city of Chicago [Mr. MADDEN] has stated, he was unfortunate in the way he started. He commenced with the assumption that everyone under his supervision was innocent of any wrongdoing; that they were all capable men, notwithstanding the fact that he had no knowledge of their ability or their experience, due to the short space of time that he had this department under his jurisdiction, being that they were in the service before he was ever made the Secretary of Commerce.

Mr. Chairman and gentlemen, I dislike very much to accuse any man. This is the first time in my nine years of service in this House that I have taken the floor to criticize the action of anyone in our departments, or anyone connected with the departments.

The CHAIRMAN. The gentleman's time has expired.

Mr. BYRNS of Tennessee. The gentleman takes rather a peculiar position. Because of this unfortunate accident at Chicago, resulting in the loss of this steamship and many hundreds of lives, and because the gentleman seems to be under the impression that the local inspectors failed to do something that they ought to have done in connection with that vessel——

Mr. SABATH. If the gentleman will pardon me, I charge that they have done that which they had no right to do.

Mr. BYRNS of Tennessee. Because of that fact then, Mr. Chairman, the gentleman wants to cut out the whole appro-

priation, and deprive the whole country of any inspection whatever for the preservation of lives upon steamships upon the lakes and rivers of this country. I am sure he need not——

Mr. SABATH. If the gentleman will pardon me, I have stated that I made that motion for the purpose of securing information from the chairman, who has no doubt devoted a great deal of time ascertaining the duties of these men, for whom we are appropriating this large sum of money. That was the reason I made the motion.

Mr. BYRNS of Tennessee. I was under the impression, from the great earnestness with which the gentleman spoke, that he was really in favor of the motion he had made.

Mr. GALLAGHER. I want to ask my colleague a question.

The CHAIRMAN. If there be no objection, the Chair will recognize the gentleman from Illinois.

Mr. GALLAGHER. I want to ask him a question.

The CHAIRMAN. The Chair can not recognize anyone to ask a question unless some Member has the floor. The time of the gentleman [Mr. SABATH] has expired.

Mr. SABATH. I ask unanimous consent for three minutes more to give my colleague the opportunity to ask me a question.

Mr. BYRNS of Tennessee. Reserving the right to object, we have spent more than an hour upon this one proposition.

Mr. GALLAGHER. Are not 800 lives worth spending some time about?

Mr. BYRNS of Tennessee. I submit that this discussion of the *Eastland* disaster is not adding anything to the general information of the country. Much as we all deplore that accident, I hope gentlemen will permit us to go along with this bill and really accomplish something during the short time that remains between now and the time of adjournment.

Mr. SABATH. The gentleman realizes that I am not an obstructionist.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that he be permitted to continue to address the committee for three minutes. Is there objection?

There was no objection.

Mr. SABATH. I yield to my colleague from Illinois.

Mr. GALLAGHER. I want to ask my colleague a question. The gentleman from Pennsylvania [Mr. MOORE] said this accident occurred while that department was under our party. Was that the statement he made?

Mr. MOORE of Pennsylvania. So long as the gentleman raises that question, that is exactly what I said, but it was drawn out by the tenor of the question propounded by the gentleman from Illinois. He invited the criticism. Of course it might have happened under any administration. That kind of an accident is just as likely to happen under a Prohibition administration as under a Democratic administration.

Mr. GALLAGHER. The reason I wanted to raise the question was that the chief inspector, as I understand it, has been in that position for upward of 12 years.

Mr. MOORE of Pennsylvania. I made no direct reflection on the Democratic Party, although I am capable of doing it, I will state to the gentleman. [Laughter.]

Mr. GALLAGHER. Well, it would not be the first time. [Laughter.]

Mr. MOORE of Pennsylvania. And I would do it again if conditions warranted, and hope they may before the day is over. [Laughter.]

Mr. SABATH. I realize that the gentleman is capable of criticizing, and is capable of charging the Democratic Party with everything that the Republican Party is guilty of. [Laughter.] Now, inasmuch as my colleague has asked a question, I wish to state that, as I understand, the chief inspector and all these other inspectors came into the service long before the Democratic Party was in power, and they are mostly political appointees. What I would like to have is men of ability, of experience, men who understand their duties, to be appointed to such important positions. I know if they were appointed under a careful examination, upon merit, a thing like the *Eastland* disaster could not repeat itself.

Mr. KONOP. Does not the gentleman think he can find good Democrats to hold these positions?

Mr. SABATH. There is no question about that, in the gentleman's district as well as in mine and in any and every district in the United States.

Mr. MANN. Mr. Chairman, I do not think my colleague is correct when he says these officials were appointed through political influence. I do not think they were appointed through political influence under a Republican administration or retained through political influence under a Democratic administration. I do not believe that political influence has been considered at all in the Steamboat-Inspection Service for many years. Whoever the men may be, whatever their politics may be, I am very sure that they were appointed under the merit system and without regard to political influence.

Now, my colleague [Mr. SABATH] proposes to strike out of this bill an item which provides for the inspectors of hulls and the inspectors of boilers. I had the honor in this House to have charge of the bill creating the provision for the inspection of locomotive boilers, which was based upon the law in reference to the inspection of steamboat boilers. To me it is a monstrous proposition that anyone in this day and age should propose to do away with the inspection by the Government of either steamboat or locomotive boilers.

Mr. SABATH. Will the gentleman yield?

Mr. MANN. I do not yield yet. The locomotive-boiler inspection act has been of great value in the saving of lives of passengers and railway employees in the country. Ask any railroad employees—and they are especially and vitally interested—whether they would favor doing away with locomotive-boiler inspection because perchance some locomotive boiler had blown up.

Now, certainly no one would say that we ought to do away with all inspection service as to steamboat boilers or steamboats themselves because an accident, bad as it was, had happened. That is a good reason for giving better inspection service, but is not a sufficient reason for throwing the thing wide open and doing without any inspection service at all. While my colleague, a while ago, suggested that he would like to see it transferred to the Navy Department, the result of his amendment would be that after the 1st of July there would be no inspection service under existing law, and there would be no law authorizing any inspection service in the Navy Department.

Mr. SABATH. Mr. Chairman, I want to say to my colleague that I have made my statement clear when I stated that I made my motion for the purpose of receiving certain information and that I would not insist upon it.

Mr. MANN. I waited until the Chair was about to put the question to the House, thinking perchance my colleague would ask leave to withdraw his motion, but he did not; he was asking that the committee vote on it. If I have persuaded him to withdraw it, I am to be congratulated.

Mr. SABATH. I did not hear the Chairman put the vote or know that he was about to put the question.

The CHAIRMAN. The gentleman from Illinois asks leave to withdraw his amendment. Is there objection?

There was no objection.

The Clerk read as follows:

Assistant inspectors, as authorized by act of April 9, 1906, for the following ports: New York, 30 at $2,000 each; New Orleans, 6 at $1,800 each; Baltimore, 8 at $1,800 each; Providence, 4 at $1,800 each; Boston, 6 at $1,800 each; Philadelphia, 8 at $1,800 each; San Francisco, 10 at $1,800 each; Buffalo, 6 at $1,600 each; Cleveland, 6 at $1,600 each; Milwaukee, 2 at $1,600 each; Chicago, 4 at $1,600 each (including 2 transferred from Milwaukee); Grand Haven, 4 at $1,600 each (including 2 transferred from Milwaukee); Detroit, 4 at $1,600 each (including 2 transferred from Milwaukee); Norfolk, 6 at $1,600 each; Seattle, 8 at $1,600 each; Portland (Oreg.), 2 at $1,600 each; Albany (N. Y.), 2 at $1,600 each; 2 traveling inspectors at $2,500 each; $211,000.

Mr. SANFORD. Mr. Chairman, I reserve a point of order. I want to ask the gentleman why is it that in the paragraph providing for inspectors at Providence the salary is fixed at $1,800, while at Chicago it is $1,600?

Mr. BYRNS of Tennessee. I can not answer the gentleman except to say that that is the schedule of salaries submitted to the committee by the department.

Mr. SANFORD. The law fixes them at $1,800, those named at $1,800, except Providence. If there is a good reason for giving those at Providence $1,800, I have no objection.

Mr. BYRNS of Tennessee. All I know about it is that is the recommendation by the department.

Mr. SANFORD. Would it be customary or usual for the department to make a recommendation different from what the law is?

Mr. BYRNS of Tennessee. As a matter of fact, none of the 30 men here are authorized by law.

Mr. SANFORD. The salary of $1,800 is fixed for these cities named by law except Providence, and I can see no reason for discrimination between Providence, Chicago, and Albany.

Mr. GOOD. If the gentleman will pardon me, I will say that the inspectors on the inland waters receive $1,600 and on ocean ports $1,800, although there are some exceptions to that.

Mr. SANFORD. That does not seem to be any explanation.

Mr. GREENE of Massachusetts. If the gentleman from New York will pardon me, I think I can explain that. The salary of the inspectors is fixed by the amount of territory and amount of work that they are called upon to cover. I have been on the committee for the last 17 years, and I know that is the reason

for fixing the salary. As I remember the vessels they are called upon to inspect, the number of them is to some extent the basis on which the salary is fixed. The number of vessels inspected in Chicago is less than it is in some other places on the ocean front.

Mr. SANFORD. That might be the basis of the law which provides salaries at certain places of $1,600.

Mr. GREENE of Massachusetts. I think those salaries are based on the number of vessels to be inspected.

Mr. MANN. I think the gentleman is mistaken about that. It is neither the number of vessels inspected or the number of vessels owned; the salary is fixed by law, but it has nothing to do with the number of vessels they inspect or the territory covered. I think probably the $1,800 or $2,000 salary along the Atlantic coast and San Francisco was on the basis that they had larger and more complicated vessels to inspect. As to Providence, I think it is comparable to Boston and other places on the coast.

Mr. GREENE of Massachusetts. It covers a larger extent of territory than it formerly did.

Mr. MANN. I will say to the gentleman from New York that I think all the places are provided with inspection service now, although I do not know, but I take it that Providence has an inspection service now, probably by transfer from another port, where these inspectors are probably getting $1,800, as they would be authorized to get under the bill which we passed in the House the other day, whenever it becomes a law.

Mr. STAFFORD. If the gentleman from New York will permit, under the provisions of the bill that passed the House the other day the inspectors at Providence would receive $1,600, and I think the gentleman is correct, in substance, in saying that the reason why the department recommended a salary of $1,800 for those at Providence was that they have been detailed from Boston, no provision having been made in existing law for inspection at the port of Providence.

In the bill that we passed the other day the phraseology is changed so far as Boston is concerned to limit the inspectors to the port of Boston, whereas, under the existing law, the phraseology is the "district of Boston," and Providence at the present time I assume is included in the district of Boston.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman from New York yield?

Mr. SANFORD. I yield.

Mr. HUMPHREY of Washington. These salaries are not fixed according to the size of the vessels or the number of vessels inspected, so far as the Pacific coast is concerned. They were fixed out there a good many years ago when San Francisco was a great shipping port and Seattle and Puget Sound had a small amount of business. It is unjust and unfair, but we have never been able to change it. There have been more vessels inspected at Seattle for the last five years than at San Francisco, and during the last year the Puget Sound district was second to New York in number of vessels, and yet we are in the $1,600 class.

Mr. MANN. How do they compare out there with Buffalo, N. Y.?

Mr. HUMPHREY of Washington. I do not know. I am not complaining of San Francisco getting $1,800, although they have fewer vessels inspected there than at Seattle.

Mr. SANFORD. Mr. Chairman, I would like to say with respect to this subject that the location of the inspector hardly seems a proper criterion on which to fix his pay, as was shown in the case of the *Eastland*. It should be rather the quality of the inspection that counts.

The basis fixed in this paragraph does not seem to me to be fair. The quality of work required of all these men is the same. Whether it is inland work or lake work or upon the ocean should make no difference. I do not wish to make this point of order, but it does seem to me that the committee ought to consent to an amendment here fixing the basis of pay for all these inspectors, all being of the same grade and same quality of work, at $1,800. Would the committee tell me whether they would consent to to such an amendment?

Mr. SMITH of New York. Mr. Chairman, I do not believe it is true that men do the same amount of work. On page 916 of the hearings it will be seen that inspectors at Providence worked on an average 244 hours overtime. There may be conditions of that kind that would warrant this extra pay, and I think before the gentleman from New York makes the point of order the full facts in the case ought to be made known. I believe there is some sufficient reason for this.

Mr. SANFORD. Mr. Chairman, I would be glad to yield the point of order if the facts were known, but I have been unable to find anyone who can give me any reason that appeals to my mind why the pay should be more in one place than it is in another place.

Mr. STAFFORD. Mr. Chairman, will the gentleman submit——

Mr. SANFORD. I will submit; but I would like to have the chairman of the committee tell me whether he will consent to an amendment.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that his time be extended for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I do not know whether the gentleman heard the explanation that I made as to the reason why the assistant inspectors at Providence were receiving the pay of $1,600. It is not the purpose to reduce the salary of any of these assistant inspectors that are now in the service. In the bill that was under consideration in the House on Monday the salaries of these various officials were placed at $1,800 and all others at $1,600. It was not desired to reduce the salary of the present inspector detailed from Boston to the port of Providence. If we adopted the amendment suggested by the gentleman it would reduce their salary, and that, I think, is a potent reason why the gentleman should not press his point of order. The bill that passed the House changed the phraseology so that instead of providing for the district of Boston it merely provided for assistant inspectors at the port of Boston, and then gave authorization to the Steamboat-Inspection Service to appoint assistant inspectors wherever they saw fit at these other salaries.

Mr. SANFORD. Mr. Chairman, first I desire to make it clear that I do not know any of the people interested in this matter. I do not know any of the inspectors at Albany, and so this matter does not present a personal aspect to me. The Board of Army Engineers, for instance, has recently determined that the Hudson River, which passes through my district, is destined in the near future to carry the most important river traffic of any river in the United States, and they have also recently determined in a very formal way that the steamboats that ply on our river are the most modern, the best equipped, and the largest in the world. Having those two facts in my mind, I do not want to do anything here by waiving my rights that would depreciate the importance of the port that is in my district. I very much doubt if the port of Albany in a few years from now will be inferior to the port of Providence in importance, if it now is, and in reference to the commerce of this Nation.

Mr. Chairman, I therefore offer the amendment that wherever the figures "$1,600" appear in and after line 16 those figures be changed to "$1,800."

The CHAIRMAN. The gentleman from New York withdraws his point of order and offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 126, amend by striking out the figures "$1,600" wherever they appear in line 16 and the following lines and insert "$1,800."

Mr. BYRNS of Tennessee. Mr. Chairman, on that I make the point of order.

Mr. MADDEN. If the point of order is good as to the increase in this compensation, the point of order is good as to the establishment of the places.

Mr. RUCKER. But that has been waived.

Mr. MADDEN. The gentleman from New York reserved the point of order.

Mr. BYRNS of Tennessee. The gentleman from New York withdrew the point of order and offered his amendment. It is too late to renew the point of order. The amendment offered by the gentleman from New York includes those already authorized, as well as the increase authorized under this bill, and their salaries are fixed by law.

Mr. MADDEN. I hope the gentleman from Tennessee will reserve the point of order for a few minutes.

The CHAIRMAN. Does the gentleman reserve the point of order?

Mr. BYRNS of Tennessee. I reserve it.

Mr. MADDEN. I think possibly I can persuade the gentleman not to make it.

Mr. BYRNS of Tennessee. No; I do not think the gentleman can.

Mr. MADDEN. Mr. Chairman, every man who acts as steamboat inspector must have special qualifications for that work. He must be a mechanic; he must be a shipbuilder; he must understand everything connected with the construction and operation of a boat. He is not merely appointed because somebody wants to give him a job, and there is no man in any service who attends so strictly to the work coming under their jurisdiction as those men do. I have had some experience as the owner of steamboats in watching those men make inspections. I have

remained up all night for many a night on over one hundred occasions while these inspections were being made and assisted the inspectors by furnishing them information in connection with their work. Now, for example, the boiler inspector who examines the boiler must be a boiler maker; he must be an engineer; he is required to go through the boiler, through the fire box, crawl around in every part of the interior of the boiler, just like a chimney sweep would be required to go through a chimney; he is required to examine the crown sheets, the flues, the fire box, and everything connected with the boiler and with the operation of the engine. He must know scientifically what this boiler and engine is enabled to do under certain circumstances. He not only goes through and makes personal inspection but he takes a hammer and chisel and pounds every place throughout the machinery and boiler to ascertain whether there are any soft spots anywhere. He makes a cold-water pressure test of the boiler capacity to show how much cold-water pressure it will stand, and the cold-water pressure is much more rigid against weak spots in a boiler than the steam pressure is, and as the result of the cold-water test he is then able to ascertain and fix the number of pounds of steam pressure which the boiler will be able to carry safely. He fixes the gauge; he locks it at the pressure which the boiler is allowed to carry and beyond which it will not go.

Then, in company with the hull inspector, he goes around through the hull to find if there are any weak spots in the hull; whether the ship is qualified to go to sea. He looks over the life-saving equipment on the boat to see that it is properly supplied. The boiler and the hull inspectors on the boats are required to examine the engineers and the captain of the boats, and upon the examination made by those men certificates are issued for a man to act as captain and engineer, and no man in the United States can run a steamboat on Government waters except upon a certificate issued by the boiler and steamboat inspectors.

So I say that the men who perform this work are performing a high type of work, requiring experience that can not be obtained without great study and labor of several years of experience, and $1,600 a year is not a sufficient compensation for this class of work; and these men, if they are entitled to $1,800 in any one port in the United States, they are entitled to it in every port of the United States. It is not a question of the size of the ship, for the size of the ship makes no difference. The machinery of a ship in a small ship is the same as the machinery in a large ship, and the inspection of one is as important as the inspection of the other; and these men are very attentive to their duties and are entitled to the compensation allowed them for the port of New York and the port of Boston and other seaports—in every port in the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from Tennessee makes the point of order on the amendment offered by the gentleman from New York. In the last legislative, executive, and judicial appropriation bill the salary of some of these inspectors included in the amendment was fixed at $1,600. Section 6 of the current legislative act contains this provision:

SEC. 6. That all laws or parts of laws to the extent they are inconsistent with rates of salaries or compensation appropriated by this act are repealed, and the rates of salaries or compensation of officers or employees herein appropriated shall constitute the rate of salary or compensation of such officers or employees, respectively, until otherwise fixed by annual rate of appropriation or other law.

The amendment changes existing law which is now in the appropriation bill, and the Chair is constrained to sustain the point of order.

Mr. SMITH of New York. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee a question. I would like to ask if the recommendations of Gen. Uhler in regard to the increase of the inspection service on the Great Lakes are embodied in the bill as it now reads; and, if not, to what extent those recommendations have been carried out?

Mr. BYRNS of Tennessee. They are. The committee allowed the estimates for assistant inspectors just as submitted. The only difference in the estimates submitted and this bill is that the committee did not allow one additional supervising inspector, but all the assistant inspectors and traveling inspectors were allowed just as they were submitted in the estimates.

Mr. SMITH of New York. Is that true also in regard to additional clerks in the office of the Inspection Service?

Mr. BYRNS of Tennessee. No. The committee recommended the same appropriation for the next fiscal year as was allowed for the current year.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

Mr. SABATH. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 126, line 24, after the figures "$211,000," insert:
"*Provided*, That no part of this sum of $211,000 shall be used to pay the salaries of either of the inspectors who in 1915 were commissioned to inspect the steamboat *Eastland*."

Mr. SABATH. Mr. Chairman, the provision here was subject to a point of order, due to the fact that we create, if I am not mistaken, about 30 new inspectors.

Mr. BYRNS of Tennessee. Thirty-six.

Mr. SABATH. Thirty-six. I did not wish to make that point of order, and did not make it, because I do believe we need more inspectors, but the right kind of inspectors, men who will perform their duty, men who are competent and faithful.

My amendment provides that no part of this appropriation should be paid to these two inspectors whom I have charged with negligence, and who, in my judgment, are in a great measure guilty and responsible for the *Eastland* disaster.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. SABATH. Yes.

Mr. BYRNS of Tennessee. Were these two men to whom the gentleman refers inspectors or assistant inspectors?

Mr. SABATH. They were inspectors.

Mr. BYRNS of Tennessee. Then, I want to submit to the gentleman that his amendment to this paragraph is hardly germane, although no point of order is made against it. The paragraph appropriates for assistant inspectors instead of inspectors.

Mr. SABATH. I think they are assistant inspectors. They are in charge of small stations.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. SABATH. Yes.

Mr. HUMPHREY of Washington. What was done with these assistant inspectors?

Mr. SABATH. They have been reinstated. I have protested against their reinstatement, but I have been informed by the Secretary of Commerce that they have already been reinstated, and that he can not do otherwise.

Mr. HUMPHREY of Washington. Were they reinstated at the order of the Secretary of Commerce?

Mr. SABATH. I presume he is the one who has the power to reinstate. They were suspended pending the investigation.

Mr. HUMPHREY of Washington. They could not have been reinstated if he had objected. If the Secretary should have so desired, he could have prevented them from being reinstated, could he not?

Mr. SABATH. I presume so. I honestly believe that we can find a great many men who are capable of performing these duties. These two men are not, as I stated before, and as I stated in the letter which I have placed in the RECORD and which I mailed to the Secretary of Commerce. These men ought not to be permitted to remain for a single day in the service, and surely are not entitled to be reinstated. Therefore I hope that my amendment will prevail.

Mr. BYRNS of Tennessee. Mr. Chairman, the gentleman's amendment is offered to a paragraph which provides for the payment of assistant inspectors. I do not know exactly who these officials are at whom the gentleman aims, but they are referred to in the decision of the United States court which has been referred to as local inspectors. They are referred to also by the Secretary of Commerce as local inspectors.

But whether they are inspectors or assistant inspectors, I wish to submit that, of course, the Congress can not undertake to try these men. They have been reinstated by the Secretary of Commerce. He suspended them promptly, and not until they were fully exonerated by the decision of the United States judge, in an opinion which has been placed in the RECORD, did the Secretary of Commerce undertake to restore them to full duty and pay.

I submit that, of course, this House should not undertake to enter into any settlement or adjudication of the question as to whether those inspectors are entitled to be continued on the roll or not. The Secretary of Commerce is fully capable of settling that proposition, and for one I believe that the Secretary of Commerce acted with his usual sound judgment and settled it as it should have been settled. I hope the amendment will be rejected.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. SABATH].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Clerk hire, service at large: For compensation, not exceeding $1,500 a year to each person, of clerks to boards of steamboat inspectors, to be appointed by the Secretary of Commerce in accordance with the provisions of section 4414, Revised Statutes, and the acts of April 9, 1906, and March 4, 1911, $84,000.

Mr. SMITH of New York. Mr. Chairman, I move to strike out the figures "$84,000," in line 7, and insert "$98,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amend, page 127, line 7, by striking out "$84,000" and inserting "$98,000."

Mr. SMITH of New York. Mr. Chairman, in the testimony given by Secretary Redfield to the committee this statement was made in behalf of the Department of Commerce:

The appropriation for clerk hire, Steamboat-Inspection Service, for the fiscal year 1916 is $84,000. The bureau wishes to add to its clerical force in the field 10 clerks at $900 per annum each. It also wishes to promote certain efficient clerks in the field service, and an additional $5,000 has been asked for this purpose, which will make a total increase of $14,000, or a total appropriation for this purpose of $98,000 for the fiscal year 1916.

Now, if it is true that the work of the Inspection Service has so enormously increased in the inspection itself, the work in the offices—that is, the clerical work—must have increased in proportion; and inasmuch as the committee has seen fit to accept the recommendations of the department in regard to the Inspection Service, I think it would naturally follow that the committee should also accept the recommendations in regard to clerk hire.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. SMITH].

Mr. BYRNS of Tennessee. Mr. Chairman, I simply want to call the attention of the House to the fact that the committee has recommended an increase of $63,000 for employees in this particular bureau, and $20,000 increase for contingent and traveling expenses. We have allowed every assistant inspector asked for by the Secretary of Commerce and the Supervising Inspector General. These particular services are clerical, and the committee felt that in view of the large increase for the actual field work of the bureau, it was unnecessary to allow an extra appropriation for services purely clerical.

Mr. FESS. Mr. Chairman, will the gentleman yield to a question?

Mr. BYRNS of Tennessee. Yes.

Mr. FESS. Is there any charge placed upon the steamboat owner to reimburse any amount of this money that is paid as salaries?

Mr. BYRNS of Tennessee. There is not.

Mr. FESS. It is purely a gratuity on the part of the Government to maintain a safe service?

Mr. BYRNS of Tennessee. It is.

Mr. STAFFORD. It must be said, of course, that there are some tonnage dues.

Mr. BYRNS of Tennessee. There is no direct reimbursement of the expense of this service.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. SMITH].

The question was taken, and the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HARRISON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1159. An act authorizing the Secretary of War to grant the use of the Coos Head Military Reservation, in the State of Oregon, to the cities of Marshfield and North Bend, Oreg., both being municipal corporations, for park purposes;

S. 1099. An act to authorize the Atchison, Topeka & Santa Fe Railway Co. to change its line of railroad through the Chilocco Indian Reservation, State of Oklahoma;

S. 1086. An act authorizing Ponca City, Okla., and the board of education of said city to convey certain lands;

S. 1068. An act relating to desert-land entries;

S. 1067. An act to authorize the Secretary of the Treasury to convey to the city of Bozeman, Mont., certain land for alley purposes;

S. 1064. An act to provide for the nonmineral entry of lands withdrawn, classified, or reported as containing coal, phosphate, nitrate, potash, oil, gas, or asphaltic minerals in Alaska;

S. 927. An act for the relief of Clarence Hazelbaker;

S. 888. An act authorizing the Secretary of the Treasury to confer upon Marcus A. Jordan the life-saving medal of the first class;

S. 797. An act for the relief of John E. Woods;

S. 741. An act for the relief of John H. Armstrong;

S. 710. An act to authorize national banking associations to avail themselves of State laws providing for the guaranteeing of deposits;

S. 649. An act making appropriation for expenses incurred under the treaty of Washington;

S. 592. An act to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes;

S. 585. An act conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Sisseton and Wahpeton bands of Sioux Indians against the United States;

S. 1782. An act for the relief of Joseph Gorman;

S. 1728. An act to amend section 1 of an act approved March 3, 1909 (35 Stat. L., p. 751), entitled "An act for the removal of restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, school, agency, or other lands on any of the reservations within the jurisdiction of such agency, and for other purposes";

S. 1460. An act to reinstate Frederick J. Birkett as third lieutenant in the United States Coast Guard;

S. 1425. An act for the relief of D. M. Carman, representing the estate of Luis R. Yangco, deceased;

S. 1416. An act to amend section 4215 of the Revised Statutes of the United States, and for other purposes;

S. 1388. An act to authorize the Secretary of the Interior to furnish hot water from the hot springs, on the Hot Springs Reservation, for drinking and bathing purposes free of cost to the Leo N. Levi Memorial Hospital Association;

S. 1372. An act for the relief of the heir or heirs of John Howard Payne;

S. 1326. An act for the relief of Vilhelm Torkildsen;

S. 1259. An act to restore to the active list First Lieut. of Engineers Henry O. Slayton, retired, United States Coast Guard;

S. 1225. An act to amend section 4433 of the Revised Statutes of the United States, relating to working steam pressure allowable on boilers in steam vessels, and section 4418 of the Revised Statutes of the United States relating to hydrostatic test of steam boilers;

S. 2291. An act to make October 12 of each and every year a public holiday in the District of Columbia, to be known as Columbus day;

S. 2290. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Elsie McCaulley from Glenwood Cemetery, District of Columbia, to Philadelphia, Pa.;

S. 1878. An act making appropriation for payment of certain claims in accordance with findings of the Court of Claims reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section 151 of the act approved March 3, 1911, commonly known as the Judicial Code;

S. 1859. An act to establish a fish-cultural station in the State of New Mexico;

S. 1843. An act to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex.;

S. 1818. An act for the relief of Nelson T. Saunders; and

S. 1810. An act for the relief of Johannes T. Jensen.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For investigation of materials used in the construction of rails, wheels, axles, and other railway equipment, and the cause of their failure, including personal services in the District of Columbia and in the field, $15,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The other day the House was in such a state of wisdom that it passed a bill which I had introduced, reported from the Committee on Interstate and Foreign Commerce, authorizing scientific and other research and investigation in the Department of Commerce.

My very warm friend from Wisconsin, Mr. STAFFORD, was inclined to think it would have no value except as it might breed extravagance. We are now considering items in the Bureau of Standards, which is probably as able a scientific bureau as can be found anywhere in the world, unless it be in Germany, and nearly every item in this bill under that is subject to a point of order. The point of order has not been made

this time so far, and I hope will not be made; but if, fortunately, the bill which the House passed the other day becomes a law we can then make appropriations, whether made in the specific items or not I do not undertake to say, which will authorize the bureau to do the work that it is now doing, which is contemplated to be done under the provisions of this act.

A year or two ago the Bureau of Standards sent a man out to Chicago and another one to St. Louis, or perhaps the same one, and to various other cities, in connection with the settlement of questions arising in those cities involving electrolysis of gas and water pipes, supposed to be caused by the electric currents. These gentlemen effected a settlement which was acted upon by the cities, and which in Chicago, so I was informed, probably saved millions of dollars at practically no expense, and I think at no expense to the Government, although I am not certain about that. They are now investigating particularly the breakage of railway rails. Under the new processes for the manufacture of steel rails there have been a good many rails broken, which caused grave disasters. I have seen a number of these broken rails at different places where they were on exhibition, and I am informed by railroad men that the work being done by the bureau probably will be of immense value to the railroads, and particularly to the traveling public, and there are a good many lines where we can profitably and fairly have the Government conduct the scientific work, which can only be done by a scientific bureau and in a scientific manner if the results are to be good.

Mr. GOOD. Mr. Chairman, on page 2 of the bill we make an appropriation to pay the salary of the financial clerk of the Senate. At the time the bill was reported and at the time we passed this item we were appropriating $1,250 additional while the office was held by the then present incumbent. The incumbent of that office is now dead, and I ask unanimous consent to return to that provision to offer an amendment striking out that amount.

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] asks unanimous consent to recur to page 2 for the purpose of offering an amendment. Is there objection?

There was no objection.

The CHAIRMAN. Will the gentleman from Iowa state his amendment?

Mr. GOOD. On page 2, line 16, I move to strike out the words—

And $1,250 additional while the office is held by the present incumbent.

The Clerk read as follows:

On page 2, in lines 16 and 17, strike out the words "and $1,250 additional while the office is held by the present incumbent."

The amendment was agreed to.

Mr. BYRNS of Tennessee. Mr. Chairman, while we are going back, I ask unanimous consent to recur to page 78 for the purpose of offering an amendment, which I will ask the Clerk to read.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to recur to page 78 for the purpose of offering an amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 78, in line 6, strike out the words "three messengers" and insert the words "four messengers"; and in line 9, strike out the sum "$80,300" and insert the sum "$81,140."

Mr. BYRNS of Tennessee. This is simply to correct an inadvertence of the committee. The Secretary's office has always had four messengers, and it recommended for one messenger an increase to $1,000, and it estimated for three other messengers. The committee did not see fit to allow the increase for the one messenger, and, by inadvertence, failed to appropriate for one messenger. This is to correct that.

The amendment was agreed to.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent to recur to line 11, on page 15, for the purpose of offering an amendment to insert an item for clerk to the Committee on Mines and Mining at $2,000 and a messenger at $720.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to recur to page 15 for the purpose of offering an amendment. Is there objection?

Mr. STAFFORD. Reserving the right to object, will the gentleman state his amendment again?

Mr. FOSTER. It is an amendment providing for the clerk to the Committee on Mines and Mining, at $2,000, and messenger, at $720.

Mr. MOORE of Pennsylvania. I will say to the gentleman that I do not see it on page 15, line 11.

Mr. FOSTER. It is to be inserted there in its alphabetical place.

The CHAIRMAN. The gentlemen from Illinois asks unanimous consent to recur to page 15 to offer an amendment. Is there objection?

Mr. STAFFORD. Reserving the right to object, does the gentleman wish it to read "messenger at $720" or "janitor at $720," which is the language carried elsewhere in this bill.

Mr. FOSTER. Make it "janitor." I think that is the proper language.

Mr. MOORE of Pennsylvania. Is this an oversight?

Mr. FOSTER. No; it is not. The Committee on Mines and Mining have a session clerk, and we thought that the committee ought to have an annual clerk.

Mr. MOORE of Pennsylvania. It is new, then, only in that the gentleman asks for it for the first time, although there has been temporary work heretofore?

Mr. FOSTER. There has been a session clerk.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 15, at the end of line 11, insert "Mines and Mining, clerk, $2,000, and janitor, $720."

The amendment was agreed to.

The Clerk read as follows:

To develop color standards and methods of color measurement, with special reference to their industrial use in standardization and specification of colorants such as dyestuffs, inks, and pigments, and other products, including cotton-seed oil, paint, paper, and textiles, in which color is a pertinent property, including personal services in the District of Columbia and in the field, $5,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Will the committee say whether this is a new item?

Mr. BYRNS of Tennessee. It is a new item.

Mr. MOORE of Pennsylvania. What is the reason for it?

Mr. BYRNS of Tennessee. I can best answer the gentleman by reading what the Director of the Bureau of Standards has to say on the subject.

Mr. MOORE of Pennsylvania. I would like to have the gentleman read it, for I think there is a necessity for something of the sort.

Mr. BYRNS of Tennessee. Dr. Stratton, Director of the Bureau of Standards, said:

Mr. BYRNS. Doctor, to develop color standards and methods of color measurement, you are asking an appropriation of $10,000.

Mr. STRATTON. The cottonseed oil industry, the butter industry, textile and paper industries, and many others are very urgently in need of color standards and methods of using them. We found it out in taking up several of these matters. For instance, Congress passed a law in regard to the coloring of butterine; in fact, several States passed laws saying manufactured butter should not be colored more than a given per cent. Now the moment that is done it assumes a method of measuring color by which you can tell what is 1 per cent or 2 per cent. They had a set of tinted glasses, which I mentioned before, but they are not efficient and not proper. Many of these industries base their sales upon color. Cottonseed oil, especially, is a very important case. And much of this work I have shown you here is in connection with work for that industry.

He states that they are doing a little of that work, but are not able to do it fast enough, and the committee therefore allowed this additional appropriation for the purpose of increasing his facilities.

Mr. MOORE of Pennsylvania. Mr. Chairman, I am in favor of an investigation and an appropriation to carry it on. There is a dearth of dyestuffs in the country now that has become alarming, so far as the textile industry is concerned, and there is little of encouragement as to expected cargoes from the State Department. It is high time that the Government took some cognizance of the dyestuff situation. Hearings have been had before the Committee on Ways and Means, which indicate the concern of the manufacturing world, particularly in the matter of garments, hats, and dress goods. These industries can not continue unless relief is afforded.

In this connection it ought to be said—and I think it is wise to put it in the RECORD—that while we are having a great many difficulties in the State Department with respect to purely diplomatic questions affecting one of the great nations, Germany, there is very little being said about our difficulties with another great nation which has impeded the progress of American imports and exports on the high seas. Cargo after cargo of American commerce has been held up by one of the belligerent powers, and certain cargoes containing dyestuffs, which are of great service to the people of this country, have also been held up. They go into the prize courts of Great Britain, and there the question remains in dispute. It seems as if the country should be informed as to whether there shall be any relief from a situation that has become well-nigh intolerable.

Mr. MANN. Mr. Chairman, the dyestuff question in this country is very serious. We are making some dyestuffs, not of the highest quality, and even the dyestuffs which we are making are, unfortunately, not all of the best quality. I think that the Bureau of Standards, if it is given the opportunity, might be able to be of very great assistance to those who are endeavoring to make dyestuffs. A very well-known and celebrated individual made the remark the other day that people who wanted to buy black stockings had better buy them soon, because they were now being dyed with foreign dyes that were fast colors, and that probably they would be dyed soon with American dyes that were not fast colors. It has taken a long while to attain that. Gentlemen here can easily remember that when making purchases a few years ago the question that was always asked in reference to colored goods was, Are the colors fast? and as a rule they were not. In the last few years most colors are fast and do not wash out rapidly, at least, and do not fade out rapidly. We have not fully learned the art. The Bureau of Standards might help in that direction very materially at this time, but I notice the appropriation is only $5,000. That will employ one competent scientific man and pay expenses if they will give him the dyestuffs, but would not buy any dyestuffs to operate at the present price.

Mr. RUBEY. Will the gentleman yield?

Mr. MANN. Yes.

Mr. RUBEY. There is a provision in the Agricultural bill making an appropriation—I have forgotten the amount—and authorizing the Bureau of Chemistry to take up the matter which the gentleman is discussing.

Mr. MANN. The Bureau of Chemistry in the Department of Agriculture, efficient as it is, so far as really scientific work is concerned, can not be compared with the work done by the Bureau of Standards.

Mr. FESS. Will the gentleman yield?

Mr. MANN. Yes.

Mr. FESS. The lack of dyestuffs in the country is not due to a lack of material but a lack of ability to use the material?

Mr. MANN. I think that is now, in the main, true, although probably the principal cause of the lack of dyestuffs being produced in this country is that it takes a long training to do it well; and, secondly, comparatively cheap labor; and we have not had either one of those.

Mr. MOORE of Pennsylvania. It has been stated in hearings before the Ways and Means Committee and, to my knowledge, to be the fact that the real reason for the lack of dyestuffs in this country is that, in view of the length of time that it takes to perfect the system of manufacture and the capital necessary to be employed, there is no protection to the manufacturer under existing law, and he will not invest or undertake to go into so serious a business as the dye business unless he can be assured that there will be a tariff law to protect him for a time.

Mr. MANN. I think that is true, although I was not seeking to interject any partisan or tariff proposition into this. I take it that the Department of Agriculture, in most of the work, would probably be in connection with obtaining dyestuffs from natural growths.

We have a great many plants and woods in this country that produce dyestuffs to which we have paid no attention at all, but the aniline dyes made from coal-tar products have been developed to the very highest degree by the people on the other side of the water. Whatever we do, we ought to do now, if we want to give some help. I do not believe that $5,000 will do very much, and I am trying to get the attention of the gentleman from Tennessee [Mr. BYRNS] to see whether he will not be willing, under the circumstances of the case, with the exigency which now exists, to give to this department what it thinks it can profitably use, because we are up against the dyestuff proposition.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. ADAMSON. I know it is usually stated that it is necessary to have very extensive and very expensive plants for these dye works. I know they do have such. I want to ask the gentleman if he can advise us if that is really necessary or can the dyes be ecomonically manufactured with smaller and cheaper plants?

Mr. MANN. Mr. Chairman, I do not know enough about the dye question to even give a tinge of red to white. I do not know anything about it, but I know this, that we are up against it on the dyestuff question. I know that we have not yet learned the making of high-grade dyes which are fast colors. I am told, though I do not know it, that there is no way of coloring the cotton crop or the wool produced this year if something is not done. If the Bureau of Standards can be of some benefit to all of these people in helping them to manufacture the high-grade dyes, we ought to give them that asistance at this time.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. BYRNS of Tennessee. The gentleman I am sure is aware of the fact that the Bureau of Standards is now doing some work along the development of color standards. The committee was out there a few weeks ago, and this work was pointed out by the director.

Mr. MANN. I regretfully say that I have not been out there for a long time.

Mr. BYRNS of Tennessee. The original estimate submitted by the director for this particular item was $10,000. A year ago he asked for $5,000 and the year before that for $7,500. This is the first time that the committee has acted favorably upon the estimate. Out of the $10,000, according to his statement, he proposed to expend $740 for equipment and supplies, $200 for traveling, and the remainder, $9,000, was to be paid out in salaries, none of which was to be greater than $2,400. That is, the salary which he states that he will fix for the expert in color analysis was to be $2,400. The others were laboratory assistants—3 at $1,200, 2 at $900, and 8 at $700; and a laboratory apprentice at $540. As I stated, the director is now using part of his present force in this particular work, and, in view of that fact, the committee felt that $5,000 would enable him to properly and fully carry on this work.

Mr. MANN. Mr. Chairman, yesterday I withdrew a point of order with reference to an item respecting cotton and tobacco, which, it if goes into the law, as it will now, will cost the Government a very considerable sum of money. I said then what I regret to ever call attention to, that while we are generally quite liberal to our friends who raise tobacco and cotton in expenditures especially designed for them, it is very hard to get them to feel reciprocal when our own industries are at stake. I hope the gentleman from Tennessee will prove now to the House that I was mistaken.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. ADAMSON. Mr. Chairman, I would like to ask the gentleman from Tennessee a question. In view of the difficulties prevailing throughout the country on account of the dyestuff situation, and in view of the equipment of the Bureau of Standards for experiment in this matter, would not the gentleman be willing to increase this appropriation sufficiently to enable the Bureau of Standards to purchase the necessary materials in order to make experiments?

Mr. BYRNS of Tennessee. Mr. Chairman, I will say to the gentleman from Georgia [Mr. ADAMSON] and also to the gentleman from Illinois [Mr. MANN] that the committee had no disposition or intention of doing anything to prevent the bureau from performing all the work necessary in order to develop color standards and the other work authorized under this item. We fully appreciate the importance of this work, particularly at this time.

Mr. ADAMSON. The gentleman is perfectly familiar with the general distress and trouble throughout all of these industries in the country which need dyes, and we are reaching out for every possible source and avenue that suggests itself to try and help out the situation, and it does seem to me that the suggestion of the gentleman from Illinois [Mr. MANN] opens an avenue that offers some hope of assistance in the matter, if the gentleman would consent to a little larger appropriation for the purpose of enabling the Bureau of Standards to purchase the necessary materials to make the experiment.

Mr. BYRNS of Tennessee. Mr. Chairman, I want to say, in justice to the Committee on Appropriations, that it has always felt extremely favorable toward the work of the Bureau of Standards, realizing to the fullest the great work it has accomplished and the great value of that work, and that fact appears in this bill. It has recommended appropriations for four new items of investigation amounting to $25,000, by way of increase for special investigations. With respect to the remark made by the gentleman from Illinois [Mr. MANN] regarding cotton and tobacco, I desire to assure the gentleman that I am not so restricted in my views or so narrow as to simply want to secure appropriations for products which are of great importance in my own section of the country, and particularly in the district from which I come. The gentleman from Illinois has the privilege, of course, of offering an amendment, and for my part I am willing to vote for it. I will state to the gentleman that all the Director of the Bureau of Standards asked for in this particular item was the sum of $10,000.

Mr. ADAMSON. Will the gentleman allow me a moment?

Mr. MANN. Let me offer the amendment.

Mr. ADAMSON. All right.

Mr. MANN. Page 134, line 16, strike out "five thousand" and insert "ten thousand."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 134, line 16, strike out "five thousand" and insert "ten thousand."

Mr. STAFFORD. Will the gentleman yield?

Mr. MANN. I defer to the gentleman from Georgia, who has asked for recognition, and he yielded to me to offer an amendment.

Mr. ADAMSON. Mr. Chairman, if the gentleman from Illinois will simply yield to me a moment, I will then yield back to him, as I do not care to make a long speech. I merely wish to remind the gentleman from Tennessee of the fact that he knows—and I think the gentleman recollects it—that the dyestuff trouble pervades the entire country. It does not relate to any particular part of the country, and I want to tell him that, as proud as I am of the Bureau of Standards, I am not assisting in this matter solely on account of my affection for that bureau. I love the Bureau of Standards as an instrument in this case just like the negro loved the negro who fell into the water with the fish bait in his pocket. He had to help him, because he wanted to get the bait; and I love the Bureau of Standards in this case because I want its aid as an instrumentality to help us in the dyestuff trouble. That is all, and I believe the adoption of this amendment will help that.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. BYRNS of Tennessee. I simply want to say that I believe I can speak for the committee having charge of this bill to the effect that they have no objection to the adoption of the amendment.

Mr. STAFFORD. Mr. Chairman, I hardly think what is sought by the gentleman from Illinois, the gentleman from Georgia, and other Members here will be accomplished by increasing this appropriation unless we change the phraseology of the text.

The organization of this bureau as at present provides for the standardization of colors so far as cottonseed oil is concerned or oleomargarine or butter and the like. There is no intention to go into the subject of the manufacture of dyes or the analysis of the methods of manufacture.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. STAFFORD. I will be glad to do so.

Mr. BYRNS of Tennessee. The gentleman refers to the hearings. I suppose he is referring to that portion of the hearing I read to the gentleman from Pennsylvania. I did not have the time to read it all. The director of the bureau states, in addition to what I have already read:

We can do a little of that work, but we are not doing it fast enough; and, furthermore, present conditions have brought about some very serious problems in connection with color, and that is why I increase the estimate this year. The questions of fastness of dyes and color specification that come up in our own manufacture have now become very serious.

Mr. STAFFORD. That does not conflict with what I said a moment ago. It is not intended to authorize the Bureau of Standards to go into the subject of processes as to the manufacture of dyestuffs. Now, in the chemical laboratory they have an equipment and have men to do that kind of work, and I wish to ask the chairman of the committee whether he objects, so there will be no question as to authority, to accepting an amendment that I suggest, and that is, insert after the word "of," in line 10, page 134, the words "manufacture and of," so as to read "to develop color standards and methods of manufacture and of color measurement"——

Mr. RUBEY. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. RUBEY. In the Agricultural appropriation bill we make an appropriation of $50,000 for the identical thing that the gentlemen here are seeking.

Mr. STAFFORD. Yes; I am quite aware of that provision which has already been called to my attention, but I wish to emphasize this fact, that anyone who is cognizant of the work and the establishment of the Bureau of Standards knows full well that that is the proper establishment to do this work, and, furthermore, with the exigency confronting the country, that conditions are serious in the manufacturing world. We are deprived of our dyestuffs, subject to the embargo of Great Britain who will not allow them to be released from Germany.

Anyone who is acquainted with the hearing given before the Ways and Means Committee of the House knows that a crisis is confronting the manufacturing interests of this country, not only in the textile industry but in stationery and all the allied lines—tanning, leather, and all the ramifications running through manufacturing. Now, the Bureau of Standards have an equipment which the Agricultural Department has not. It is acquainted with the methods and it can make this investigation, and while the Agricultural Department may have some fundamentals down there to help and assist, the only proper establishment to do this work is the Bureau of Standards. Now, let us provide phraseology that will keep this so that it will be able to go ahead in reference to a pressing demand of the manufacturing world to-day.

Mr. DYER. Will the gentleman explain the difference between the purpose of the Department of Agriculture and their Bureau of Chemistry and the Bureau of Standards with reference to the purposes for which they desire to use this money?

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to speak for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

Mr. DYER. Will the gentleman yield?

Mr. STAFFORD. I will yield.

Mr. DYER. In a letter from the Secretary of Agriculture, referring to this increase of appropriation for the Bureau of Chemistry, he asks for $50,000, which, I understand, the committee has recommended. Now, what will be the difference to which this money will be applied as the gentleman understands—he is a member of the Committee on Appropriations—and the $10,000 that has been suggested by the amendment of the gentleman from Illinois to be given to the Bureau of Standards?

Mr. STAFFORD. The main purpose of Dr. Stratton, Chief of the Bureau of Standards, in bespeaking for this amendment, was to establish a standard of color as to certain articles; for instance, cottonseed oil, oleomargarine, butter, and the like. It was not originally insisted that we would go into the question of ascertaining the processes of manufacture which are necessary in the dyestuff industry.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes; I yield.

Mr. GOOD. I will call the attention of the gentleman to the fact that this bureau has not authority under the law to investigate the processes of manufacture. It is a Bureau of Standards, and all that it is necessary to know here is to determine the standardization, so far as dyestuffs are concerned, and that is the language of the estimate and in the bill.

Mr. STAFFORD. On Monday last, when the gentleman from Iowa was perhaps inadvertently out of the Chamber, there was passed the so-called Mann bill——

Mr. GOOD. I was in the Chamber.

Mr. STAFFORD. Well, the gentleman is usually here, and I thought he was inadvertently out for a moment. But that bill authorizes the Bureau of Standards to engage in the investigation of the processes of manufacture.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Georgia?

Mr. STAFFORD. Just in one minute. If that bill becomes a law, then, as it is desired, devoutly desired, by the gentleman from Illinois, the author of the bill, there will be no question of the full authority of the Bureau of Standards to undertake this work. I am convinced, from my knowledge of the work of the Bureau of Standards, that if there is any governmental establishment that is going to undertake this work it should be concentrated in one bureau and lodged with the Bureau of Standards.

Now I yield to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Chairman, in connection with the statement made by the gentleman from Iowa [Mr. GOOD], I will ask the gentleman if it is not highly probable and almost certain that in arriving at anything like a correct and valuable standardization the Bureau of Standards would learn and announce something of the elements of manufacture?

Mr. STAFFORD. I certainly do; and I would make it still broader, so as to meet the exigent condition of the dyestuff industry and of the tanning industry and other industries. I would ask the gentleman if he would have any objection to the insertion of those words, especially in view of the bill that passed the House last Wednesday authorizing that very character of work, so that there would be no question of the Bureau of Standards having the right to go into the question involved—that is, the processes as to the manufacture of dyestuffs.

Mr. ADAMSON. I suggest to the gentleman that he should ask the gentleman from Illinois [Mr. MANN] if he would not modify his amendment.

Mr. STAFFORD. I hear something of an undercurrent here, Mr. Chairman, to the effect that the distinguished representatives of the Committee on Agriculture will raise a point of order. I think there is some room for investigation on the part of two

bureaus. Of course they are all desirous of spreading the power of the Department of Agriculture, and its desire is not only to confine itself within its own arena properly, but to extend it to outside fields of investigation, such as mercantile investigations.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. O'SHAUNESSY. Mr. Chairman, I rise to support the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD]. His amendment supplements the worthy amendment of the gentleman from Illinois [Mr. MANN], increasing the appropriation for the Bureau of Standards from five to ten thousand dollars. The general public to-day is treated to such a volume of war news that there is danger of forgetting the industrial conditions of this country. There is no question but that a crisis confronts the manufacturers of this country, particularly in textile lines, and for that reason we ought to be as generous as we possibly can in aiding the development of the dye industry in this country. I think the most inadvisable time to cut down any appropriation asked by a bureau of such well-known efficiency as the Bureau of Standards is now. It has done a very remarkable work for this country, and if it has a personnel capable of solving this great problem, if it is capable of aiding in any measure to lift the great load and the great burden off the shoulders of the manufacturers of this country, the attempt should be encouraged, because it means that labor is threatened and prosperity is involved.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. O'SHAUNESSY. I will.

Mr. DYER. I take it that the gentleman, of course, is conversant with the fact that this question is so important and world-wide that practically every country is taking it up seriously?

Mr. O'SHAUNESSY. Absolutely.

My DYER. Great Britain has appropriated £80,000 to establish research laboratories for this very purpose.

Mr. O'SHAUNESSY. Precisely. Every manufacturing country finds that it is absolutely dependent upon the Germans for dyes. Possibly none of them looked for this great conflict which has brought about so serious a condition in the industrial world, and for that reason I join with the gentleman from Wisconsin in the hope that every agency we have under our Government will be joined in the solution of this great problem.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. O'SHAUNESSY. Certainly.

Mr. FESS. Can the gentleman explain why or how the other countries have allowed this industry to be taken up almost entirely by Germany heretofore?

Mr. O'SHAUNESSY. I suppose it is because Germany has outstripped other countries in the race. The other countries found that Germany was capable of manufacturing dyes more cheaply, and they probably adopted a policy of laissez faire.

Mr. FESS. Is it because the university idea has taken a deeper hold on the people of Germany than on the people of every other country?

Mr. O'SHAUNESSY. There is not a question about that. I think that in Germany there is a degree of efficiency in certain lines that we will be years in attaining, and we always have something to learn. Let us learn it now. Let us go into the manufacture of dyes if we have the ability to do it, and if we can find the capital to do it. I think this Government ought to give its aid and encouragement to those who are willing to undertake this great labor.

Mr. McLAUGHLIN. Mr. Chairman, the Department of Agriculture appreciating the need of the country has made a recommendation and furnished an estimate to the Committee on Agriculture, covering this very matter; and the committee, in its bill, reported a few days ago, recommends an appropriation of $50,000 for "investigation and experiment in the utilization for coloring purposes of raw materials grown or produced in the United States." It seems to me that if this appropriation is made the Bureau of Chemistry of the Department of Agriculture will undertake to carry on the very work the House wishes to have done.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN. Yes.

Mr. BORLAND. If I understand correctly, the base of most of the dyestuffs used in the textile industries is aniline, a coal-tar product. What particular connection had the Department of Agriculture with a purely manufacturing matter like aniline dyes?

Mr. McLAUGHLIN. The Department of Agriculture will take up the entire subject of experimenting with different products from which coloring matter and dyestuffs are or can be produced—agricultural products and other products.

Mr. BORLAND. Instead of putting a $50,000 appropriation in the Agricultural bill in order to do something that the agricultural branch of the Government is not equipped to do, would it not be a great deal better to put a more modest appropriation in the hands of the proper department and let them do it?

Mr. McLAUGHLIN. Mr. Chairman, no bureau of the Government is now equipped properly to carry on this work, and we anticipate that this recommendation of the Committee on Agriculture, when it is reached, will be approved, and that the Bureau of Chemistry of the Department of Agriculture will be authorized to equip itself to undertake to carry on this work. Now, it is proposed by this amendment to furnish money for another bureau to buy machinery and equip itself to carry on the same work. The policy of duplicating work of this sort ought not to be encouraged or permitted, and, where the danger of duplication is pointed out, this Congress ought not to permit it.

Mr. BORLAND. If the gentleman will pardon me, he admits that the Bureau of Chemistry would have to equip itself to do this work. Now, what is the use of that bureau equipping itself to do the work when another department of the Government is already equipped for that purpose?

Mr. McLAUGHLIN. The Department of Agriculture has evidently been doing some work along this line—how much I do not know.

Mr. BORLAND. None.

Mr. McLAUGHLIN. I do not remember the hearings on that point, but the Agricultural Department does work of this kind, and does it right.

Mr. BORLAND. The gentleman knows that the Bureau of Chemistry of the Department of Agriculture is almost entirely concerned with the investigation of food products, and it has a great deal of work to do in that branch of its activities, very much more work than it has been able to accomplish. Why should it leave its own field and go into a purely general product.

Mr. TILSON. Will the gentleman yield?

Mr. McLAUGHLIN. I yield to the gentleman from Connecticut.

Mr. TILSON. Is it the intention of the Department of Agriculture to go into the subject of coal-tar preparations?

Mr. McLAUGHLIN. I think it is the purpose of the Bureau of Chemistry of the Department of Agriculture to investigate the entire subject of utilizing products of all kinds from which coloring matters can be produced. My understanding is that the Bureau of Standards is not authorized to take up this kind of work. The Bureau of Chemistry in the Department of Agriculture has the authority, and my judgment is that the bureau having authority ought to be given an appropriation and authorized and directed to carry on the work if Congress wishes to avoid or prevent duplication.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent that all debate on the paragraph and all amendments thereto be closed in 15 minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on the paragraph and amendments thereto close in 15 minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I regret very much that some of the members of the Committee on Agriculture seem to think that it is their duty to be opposed to a thing like this. I would be quite willing at this time and under existing conditions to give each department $100,000 if they could profitably make use of it. [Applause.]

The lack of dyestuffs is liable and likely to cost the people of this country many millions of dollars. I want to give a little illustration. A few years ago we were held up short by the monopoly in Germany with reference to potash. Certain contracts which had been made with mine owners overnight, when the monopoly had disappeared for a few minutes, were canceled and the price of potash was put up. There came into the House the sundry civil bill and the Agricultural appropriation bill. In the sundry civil bill we provided an appropriation that the Interior Department might search for potash in this country and in the Agricultural bill we provided an appropriation that the Agriculture Department might search for potash in this country. Neither one up to date has been overly successful, although it is possible that the information which either one has acquired will result in our obtaining a fairly plentiful supply of potash. Both committees at that time were inclined to resent the idea that the other committee was trying to do something, just as the Agriculture Committee seems to be now opposed to having anything come through the Committee on Appropriations. I doubt whether the item in the agricultural bill is in order, and yet I hope that no point of order will be made upon

it. We can afford to put both departments at work, and if there is rivalry between them, so much the better [applause], because once there is rivalry they will do their best work. I hope the rivalry will keep up in reference to potash until we discover a method of commercially producing potash.

But we can not just now afford to quarrel about who is to do this work, when we can find and obtain men in both departments to do that work, of the utmost value to our county, our manufactories, and our people.

Mr. GREEN of Iowa. Mr. Chairman, the gentleman from Michigan seems to be of the opinion that the work to be carried on under this appropriation does not properly fall among the duties of the Bureau of Standards. I will say that the hearing before the Ways and Means Committee showed one branch of this matter peculiarly within the province of the Bureau of Standards. It developed the fact that the making of dyes from coal-tar products, from which most of the dyes are derived, was a highly technical subject upon which no one in this country was supposed to have the skill and great technical attainments that have been cultivated in Germany. The result would be that at first on certain kinds of dyes they would be to a certain extent more or less of an experiment; some would be perfect and some would be imperfect, and that I take it is the particular thing that we want the Bureau of Standards to determine—whether certain dyes that are put out are suitable for the purpose.

Now, in response to the question asked by the gentleman from Ohio a short time ago, I will say that the hearings on this subject also developed that the progress of the industry in Germany was not due alone to the scientific progress or efficiency that has been so much cultivated and acquired and raised to such a height. To a considerable extent the monopoly that Germany possesses in this class of business was owing to the peculiar system of laws which encourages and develops a home monopoly to prevent it from being developed in other countries. I shall not expand upon that now for the reason that when the dyestuffs bill comes before the House it will be fully explained, but that had a great deal to do with the development of the monopoly.

Mr. FESS. Will the gentleman yield?

Mr. GREEN of Iowa. Certainly.

Mr. FESS. As I understand, it was not a lack of skill here entirely, and, of course, not a lack of material, but an interference by competition that we did not have a supply of dyes.

Mr. GREEN of Iowa. We do not lack material, and I do not know that we lack scientific knowledge, but it has not been developed, and one reason that it has not been developed has been this system that Germany adopted to crush out competition.

Mr. DYER and Mr. MOORE of Pennsylvania rose.

The CHAIRMAN. The Chair desires to state that in recognizing Members to talk upon this item it is his purpose to give preference to those who have not already spoken. The Chair, therefore, will recognize the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman, I concur in the amendment offered by the gentleman from Illinois [Mr. MANN] increasing this appropriation. I think we could well afford to spend a great deal of money for the purpose of endeavoring to develop this industry, which is indeed one of the most important at the present time of any that I know of. We ought to endeavor to get all of the information we possibly can. I do not agree with the suggestion to amend as proposed by the gentleman from Wisconsin [Mr. STAFFORD] changing the wording of this provision in the bill as to how the money shall be used. I think the Bureau of Chemistry in the Department of Agriculture can better do the work of investigation than the Bureau of Standards, and, Mr. Chairman, in connection with that I desire to offer a letter from the Secretary of Agriculture, in which he goes into this subject, not in any great detail, but in which he furnishes some very valuable information, which I think will be of benefit to us in connection with this matter. I ask unanimous consent that I may insert it in the RECORD as a part of my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

The letter referred to is as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., February 3, 1916.

The SECRETARY OF THE TREASURY.

SIR: In the estimates of appropriations for the fiscal year 1917, under the heading "General expenses, Bureau of Chemistry," page 229, appears the following item:

For investigation and experiment in the utilization, for coloring purposes, of raw materials grown or produced in the United States (submitted)..... $20,000

When the estimates of the department were under consideration it seemed desirable to develop only the research laboratory devoted to this subject in the Bureau of Chemistry with a comparatively small force and equipment. It was thought that $20,000 would be sufficient for this purpose. Recent developments in the dye situation, however, have shown that the aid to industry which can be effected through the expenditure of this sum is not commensurate with the importance of the project. It is now believed that $50,000 will be required to undertake the work properly. It is proposed to expend this sum in the employment of research chemists and the complete equipment of a research laboratory, which will be supplemented by large apparatus designed for the handling of material upon a manufacturing scale for the purpose of applying to industrial conditions chemical reactions which have been worked out by laboratory methods. The equipment of such a plant will require large expenditures for apparatus, such as stills, retorts, electric motors, etc. I have the honor, therefore, to inclose herewith, for transmission to the Congress, to be included in the Agricultural appropriation bill, a supplemental estimate of $30,000 to enable the department to carry on certain investigations and experiments in the utilization for coloring purposes of raw materials grown or produced in the United States. It is suggested that this sum be added to the amount carried by the item quoted above, making a total of $50,000 for the purpose.

The following facts indicate clearly the necessity for undertaking systematic work in connection with the production of dye materials:

1. The results of investigations in the manufacture of synthetic dyestuffs and the utilization of raw materials, both natural and artificial, for the manufacture of dyes will tend to place this country in the position where it is independent of foreign manufacture. Manufacturers in this country have been unable to produce economically the coloring substances required in the industries on account of the fact that very little scientific investigation has been directed to this end in the United States. It is hoped to work out practical methods for utilizing domestic products in the manufacture of dyes and to secure further data concerning the coloring substances, both natural and artificial, which are found in food products. If proper methods are developed it is believed that this country can economically produce all necessary coloring substances.

2. Some of the great agricultural interests in this country are largely dependent upon dyes and are greatly curtailed and put to financial loss through the rise in the price of dyestuffs and the lack of a sufficient and constantly available supply. The agricultural interests most affected are the growers of cotton and the raisers of sheep, since merchantable cotton and woolen fabrics require a considerable quantity and variety of dyestuffs.

It is well known that certain products of agriculture produce dyes of commercial importance. In fact, at one time in the world's history the only dyes available were of vegetable origin. It is possible that work of value may be done to facilitate the production and utilization of these dyes and that it may tend to the discovery of means for the employment of waste products of agriculture in the dye industry.

3. Investigations of this nature seem to be directly the province of the Bureau of Chemistry of the Department of Agriculture, since this bureau has been engaged in the investigation of dyestuffs, more particularly in connection with food products, for over 10 years. Many of the dyes which are found in food products and have from time to time been employed for their coloration are the identical dyes which are largely employed in the textile industries. There is no other department in the Government so well fitted to carry on these investigations as the Bureau of Chemistry.

A large variety of dyestuffs is imported into the United States. The quantity made in this country is limited. While it would seem possible for manufacturers in this country to produce in sufficient quantities all the varieties of dyes required to supply the industries of the country, many processes have not been developed in America to the extent that they have in other countries. Refined chemical knowledge and great technical skill are necessary in the manufacture of many of the dyestuffs, and much research by chemists is required in order to study the involved reactions for the purpose of determining the conditions necessary to the production of satisfactory and profitable yields. It is well known that almost all dyestuffs are easily produced by chemists in the laboratory, where the question of practical yield, as compared with the maximum theoretically obtainable, is of minor importance. In manufacturing processes, however, it is not sufficient to produce the dye. It is necessary to make as large a quantity as possible from a given quantity of raw material. Unless this is done the manufacture can not be profitable. Much scientific work to accomplish such results can be carried on in the Bureau of Chemistry in aid of the chemical industries, and it is known that manufacturers will welcome cooperation of this nature by the department.

In this connection it may be stated that the department is informed that the British Government has just appropriated £80,000 for the equipment of a research laboratory designed to carry on work similar to that which it is proposed to do in the Bureau of Chemistry, but doubtless on a more extensive scale.

Respectfully,
D. F. HOUSTON, *Secretary.*

Mr. AUSTIN. Mr. Chairman, the district which I have the honor to represent is very deeply interested in this subject now before the House. I think we have about 15 different plants in that district that are compelled to have dyes in connection with the manufacture of hosiery and underwear, and I want to say for the information of the House and of the country that in the last few months we have commenced the construction in east Tennessee of a coal-tar plant, costing $3,000,000, that will give employment to about 3,000 people. I give this notice now as an advertisement that we will be soon ready to supply at least a portion of the country with what we have along this line.

Mr. LOBECK. Mr. Chairman, I have heard the argument in favor of the manufacturers, and I desire to state that the laboring men and the consumers of the country are interested just as much in this matter as are the manufacturers. From letters that I have received from local merchants who distribute articles of merchandise affected by dyes, clothing, and so on, I learn that the lack of dyes is making a great deal of difference to the common laboring people, whose wages are no higher than they have been. It makes a difference to them in buying the every-

day things that they need in ordinary clothing. Therefore, in the interest of the manufacturers and in the interest of the entire country, in the interest of the men, women, and children who wear the articles of manufacture, I favor the increase in this appropriation.

Mr. FORDNEY. Mr. Chairman, I will consume but a very short time. I want to speak of the importance of this appropriation. It is a mere bagatelle in comparison to the amount of money that the increase in the price of dyestuffs is costing our people this year. Several gentlemen appeared before the Ways and Means Committee and gave testimony respecting this matter. One gentleman testified that he was in the habit of ordering dyestuffs in a quantity amounting to about $1,150 for each order. That was the usual amount of the order. He said that at the present time he was having a shipment come in from China of the same amount of dyestuffs, but that he was paying $52,500 for what he had heretofore paid $1,150. In other words, testimony was furnished in great abundance that in this country we are using annually about $15,000,000 worth of dyestuffs chiefly made in Germany. There are $100,000,000 worth of dyestuffs consumed in the world annually. This year, according to the testimony furnished to the Ways and Means Committee, the people of this country will pay from $100,000,000 to $200,000,000 for dyestuffs that they have heretofore paid but $15,000,000 for. What does this item amount to, if we can establish that industry in this country? We have the raw material, it has been abundantly testified to; we have the money, we have the skill; and the only thing that is necessary is adequate protection to the industry in this country against the cheap products coming from Germany. Every time there has been an attempt to establish the industry in this country, the cheap material from Germany was sold at a price below the cost of production in this country, and our German friends abroad have used what they call their "yellow-dog fund"—a fund laid aside to be used in furnishing those products in this country at a price below cost—in order to prevent the production or the establishment of that industry in this country. Let us make the appropriation and in a small way prepare to establish the industry here.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. McLAUGHLIN. If the gentleman is right in saying that we have the machinery, that we know the processes, and we have the money and all that, why is it necessary to make any of these appropriations to discover the process?

Mr. FORDNEY. I did not say that we had the machinery. I said that we had the raw material and that we had the skill and the desire to produce.

Mr. MOORE of Pennsylvania. Will the gentleman yield? We have no protection sufficient to insure the perpetuity of the business if American capitalists should engage in it. Is not that true?

The CHAIRMAN. Under the agreement, there is one minute remaining of the 15 minutes, and the gentleman from Ohio [Mr. FESS] is recognized.

Mr. FESS. Mr. Chairman, I think that this sort of legislation is really important and justifiable. Much legislation here looking to the expenditure of money is simply to keep the concern going, but here is a proposal not only to keep the concern going but to discover new things and by the expenditure of a dollar probably we will get much more than that in return. It is a matter of research and giving the scholars working in this particular line the wherewithal to find out the things that we do not now know, and for that reason I would very gladly join anyone here in voting $100,000 if it could be used by the bureau and used in a sensible manner in order that we might reap the advantages of such work. This is a case where you are trying to make two blades grow where now only one grows, and I think we ought to adopt this amendment.

The CHAIRMAN. Under the agreement of the committee, all debate is closed on the paragraph and all amendments thereto, and, without objection, the Clerk will report the pending amendment, which now will be voted upon.

The amendment was again reported.

The question was taken, and the amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I make the point of order there is no quorum present.

Mr. STAFFORD. Will the gentleman withhold it for a moment?

Mr. MADDEN. I will withhold it.

The CHAIRMAN. Debate has been terminated.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 134, line 10, after the word "of," insert the words "manufacture and of," so that the line as amended will read: "to develop color standards and methods of manufacture and of color measurements"—

And so forth.

Mr. RUBEY. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The debate was limited and closed by order of the committee. If the gentleman desires to make the point of order, the Chair will hear him; if not, the Chair will permit the committee to vote on the amendment.

Mr. RUBEY. Mr. Chairman, if I can not discuss the amendment I will not make the point of order against it, but I think it is clearly additional legislation. It does not come under the Holeman rule. The only point I want to make is this: We have an appropriation in the Agricultural bill. We put this new language into this bill and then when we come in here with our appropriation to give you $50,000 for this purpose it will be said, "You are duplicating work," and somebody will make a point of order and the item will go out, so that instead of having $50,000 for use in this work we will be limited to $10,000. I will now withdraw the point of order, Mr. Chairman, and allow the committee to have a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

To study methods of measurement and technical processes used in the manufacture of pottery, brick, tile, terra cotta, and other clay products, and the study of the properties of the materials used in that industry, including personal services in the District of Columbia and in the field, $5,000.

Mr. FOSTER. Mr. Chairman, I reserve a point of order on the paragraph. I would like to get some information as to what is proposed to be done by this paragraph. There is nothing here except what is in the hearing?

Mr. BYRNS of Tennessee. No; there is nothing except what is found in the hearing. It is for the investigation of clay products. The director is very clear, I think, in his statement in the hearings as to exactly what he expects to do with this appropriation.

Mr. FOSTER. It is proposed to go into the manufacture of these products?

Mr. BYRNS of Tennessee. If this appropriation is allowed, the bureau proposes to take up the chemical control of fluidity in casting clay wares; the production of high-grade white ware from American material; the production of refractory glass pots by mixtures of American clays; the preparation of color and enameled compositions for clay ware and glass for the makers of such material; the preparation of optical glass; and the development of refractory synthetic products.

I want to call the attention of the gentleman to the statement that appears in the hearings, with which the gentleman is no doubt familiar, as showing the value of this particular work. The director said:

At the present time we are dependent upon foreign sources for all optical glass used in the manufacture of telescopes and a great variety of optical instruments, but the bureau has enabled the manufacturers of clay products to replace all foreign clays with our own; as a result the chemical porcelain industry has been established in this country. Domestic fire clays have been shown equal to those imported, and are now replacing the latter.

This appropriation is intended to permit the bureau to make these scientific investigations, which the gentleman, I am sure, realizes are very valuable and important.

Mr. FOSTER. Is it already doing this kind of work?

Mr. BYRNS of Tennessee. It has been doing this kind of work for a long time with the permanent force which has been supplied to the bureau. But as the gentleman will notice, this is a very slight appropriation for the purpose of enabling the bureau to extend its work along this line.

Mr. FOSTER. Is it proposed to go out and look up certain clays and materials of that kind for the purpose of manufacture?

Mr. BYRNS of Tennessee. Yes; and to investigate their value and adaptability for commercial use.

Mr. FOSTER. Mr. Chairman, I make a point of order on the paragraph.

Mr. BYRNS of Tennessee. I hope the gentleman will not make a point of order on this paragraph. This is an extremely important item. I will state to the gentleman that as the result of the scientific investigation made by the Bureau of Standards with reference to our clay products, the bureau has discovered clay products in certain States which have been found to be extremely valuable; and just as I stated a while ago, it has resulted in establishing the commercial porcelain industry of this country. If the gentleman will go to the Bureau of Standards and investigate this particular feature of its

work and see what has already been accomplished, I am sure he will recognize the importance of this work.

Mr. FOSTER. I do not believe it is the business of the Bureau of Standards to go out into the field and search for these clays.

Mr. BYRNS of Tennessee. They do not go into the field.

Mr. FOSTER. I thought the gentleman said they did.

Mr. BYRNS of Tennessee. No; I did not intend to be so understood. On the contrary, these clays are sent to the bureau for examination and analysis. The work is done here in the bureau. The bureau does not follow the practice of going out into the field and searching for these clays.

Mr. FOSTER. It does not seem to me to be the function of the Bureau of Standards to do those things. Its function is to standardize, not to do things of that kind.

Mr. BORLAND. The Bureau of Standards has been doing a great deal of work relating to the technical processes of manufacture. They have investigated a number of American clays suitable for lining furnaces to see what their resisting powers are against fire, and as to their smoothness and porosity, to see if they were adapted to use in furnaces. That is one line of their activity. Then they have a line of investigation on the clays suitable for pottery, from the cheaper grades up to the better grades. They have an analysis of the chemical qualities, and this enables the manufacturers to use that technical knowledge.

Mr. FOSTER. Is this only to investigate technical matters that come to them in that way—testing their properties and effecting their standardization? Is that the intention?

Mr. BORLAND. That is the intention. The gentleman will readily see that an appropriation of $5,000 would not enable them to pursue elaborate tests and researches in the field. It only enables them to test such specimens as are sent to them.

The CHAIRMAN. Does the gentleman from Illinois [Mr. FOSTER] make the point of order?

Mr. FOSTER. Yes; I make the point of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Contingent expenses, Department of Commerce: For contingent and miscellaneous expenses of the offices and bureaus of the department, for which appropriations for contingent and miscellaneous expenses are not specifically made, including purchase of professional and scientific books, law books, books of reference, periodicals, blank books, pamphlets, maps, newspapers (not exceeding $2,500); stationery, furniture and repairs to same, carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges, fuel, lighting and heating; purchase, exchange, maintenance, and care of horses, horse-drawn passenger-carrying vehicles, and motor-propelled trucks, and bicycles, to be used only for official purposes; freight and express charges, postage to foreign countries, telegraph and telephone service, typewriters, adding machines, and other labor-saving devices, including their repair and exchange; repairs to building occupied by offices of the Secretary of Commerce; storage of documents belonging to the Bureau of Lighthouses, not to exceed $1,500; street-car tickets, not exceeding $300; and all other miscellaneous items and necessary expenses not included in the foregoing, $57,000, and in addition thereto sums amounting to $49,450 shall be deducted from other appropriations made for the fiscal year 1917 and added to the appropriation "Contingent expenses, Department of Commerce," in order to facilitate the purchase through the central purchasing office as provided in the act of June 17, 1910 (36 Stat. L., 531), of certain supplies for bureaus and offices for which contingent and miscellaneous appropriations are specifically made as follows: Bureau of Foreign and Domestic Commerce—Investigating cost of production $3,700, promoting commerce $4,500, promoting commerce (South and Central America) $3,000, commercial attachés $4,500; general expenses, Lighthouse Service, $10,000; contingent expenses, Steamboat-Inspection Service, $5,000; contingent expenses, shipping service, $500; instruments for measuring vessels, $500; instruments for counting passengers, $250; enforcement of wireless-communication laws, $1,000; Bureau of Standards—equipment $1,500, general expenses $2,000; general expenses, Coast and Geodetic Survey, $4,500; miscellaneous expenses, Bureau of Fisheries, $8,500; and the said total sum of $106,450 shall be and constitute the appropriation for contingent expenses, Department of Commerce, to be expended through the central purchasing office (Division of Supplies), Department of Commerce, and shall also be available for objects and purposes of the several appropriations mentioned under the title "Contingent expenses, Department of Commerce," in this act.

Mr. O'SHAUNESSY. Mr. Chairman, I notice that in this section there is reference to the Steamboat-Inspection Service, which makes in order the few remarks which I wish to make.

I was in the Chamber when the Steamboat-Inspection Service was under discussion and the gentleman from New York [Mr. SANFORD] called attention to the fact that salaries are provided for four additional inspectors at the port of Providence at $1,800, while in other places the salary was $1,600. I was at a loss, as he was, to know the reason why, and I made it my business to call up the Chief of the Steamboat-Inspection Service, and I was informed—and I think it be well to put it in the RECORD—that the salaries are based upon the quantity of work performed and are fixed and determined under a law of many years' standing.

I was further informed that in many instances these men—to whom my colleague from Illinois [Mr. MADDEN] paid such a well-deserved tribute, calling attention to the mechanical knowledge that they must possess in order to do the work required of them, and that their salaries were not over great for the work performed—that in many instances these men go to work at 5 o'clock in the morning and continue at work until 6 o'clock at night——

Mr. MADDEN. And sometimes all night——

Mr. O'SHAUNESSY. Yes; and sometimes all night. And that the inspection of steamboats is now more difficult than it was some years ago. It is more exacting, and it requires a greater degree of skill and efficiency. I was further informed that the work of these men had been largely increased by the recently passed seamen's law, and that in a great many cases there is a clerical shortage. In consequence of that inspectors are performing on typewriters instead of inspecting vessels. I believe in some places there are local boards consisting of an inspector of hulls and an inspector of boilers. In ports like New York and Boston and other large centers they have many additional or assistant inspectors; but in places where the local boards constitute the entire force they are not only clerks but laborers, mechanics, and supervisors, if you please; men who issue certificates and men who issue licenses. I believe such a port is that at New London. They have to examine all the men who apply for positions on the boats, and they have to inspect the boats and do clerical work and all that sort of thing.

It is a work that has grown tremendously. Now, as a sample of the inequality that pertains I am told that the work on the Great Lakes at the present time is very congested, and that men from Philadelphia and New York have been sent to the Great Lakes, where the salary is $1,600, while the salary at the port of New York is $2,000 and the salary at Philadelphia, I believe, $1,800; so that we have an example of a $2,000 man, a $1,800 man, and a $1,600 man all doing the same identical work at a very great difference in pay. I am told, further, that the bureau is very anxious to standardize the work, to increase the salaries of these men, which, I believe, have remained stationary for some 25 or 30 years, if I am correctly informed. But they felt that Congress would not lend a willing ear to the proposition to increase the salaries. So, if there is any objection to increasing the salaries, it does not lie with the bureau, but with Congress. [Applause.]

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Department of Labor.

Mr. BYRNS of Tennessee. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the legislative, executive, and judicial appropriation bill, H. R. 12207, and had come to no resolution thereon.

FUNERAL OF THE LATE REPRESENTATIVE BROWN OF WEST VIRGINIA.

The SPEAKER. The gentleman from New York, Mr. PLATT, has notified the Speaker that he can not attend the funeral of Mr. BROWN of West Virginia, and the Chair appoints Mr. AUSTIN, of Tennessee, in his place.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 19. An act relating to bills of lading in interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

S. 3984. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 4399. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 40. An act to authorize agricultural entries on surplus coal lands in Indian reservations; to the Committee on Indian Affairs.

S. 43. An act in relation to the location entry and patenting of lands within the former Uncompahgre Indian Reservation, in the States of Utah, containing gilsonite or other like substance, and for other purposes; to the Committee on Indian Affairs.

S. 137. An act for the relief of Omer D. Lewis; to the Committee on Claims.

S. 136. An act for the relief of Eva M. Bowman; to the Committee on Claims.

S. 67. An act for the relief of Mathilda P. Hansen; to the Committee on Claims.

S. 54. An act to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah; to the Committee on Claims.

S. 142. An act for the relief of Mrs. George A. Miller; to the Committee on Claims.

S. 540. An act for the relief of Fred B. Balano; to the Committee on Claims.

S. 53. An act for the relief of the Eldredge Brothers Live Stock Co., a corporation; to the Committee on Claims.

S. J. Res. 65. Joint resolution creating a joint commission of Congress to be known as the Joint Commission of Congress to Investigate the Aviation Service of the United States Army; to the Committee on Military Affairs.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 9225. An act granting the consent of Congress to Georgia Lumber Co. to construct a bridge across Flint River, Ga., between Dooly and Sumter Counties.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BROWNING, indefinitely, on account of sickness.

FORT SILL MILITARY RESERVATION, OKLA.

Mr. FERRIS. Mr. Speaker, I wish to call from the Speaker's desk H. R. 403 and move to concur in the Senate amendment. It is an unimportant amendment.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to take from the Speaker's table the bill (H. R. 403) granting to the State of Oklahoma permission to occupy a certain portion of the Fort Sill Military Reservation, Okla., and to maintain and operate thereon a fish hatchery. Is there objection?

There was no objection.

The Senate amendment was read, as follows:

Page 2, line 22, after the word "improvement," insert the words "or property."

The Senate amendment was concurred in.

HOURS OF DEPARTMENTAL EMPLOYEES.

Mr. FOSS. Mr. Speaker, I ask unanimous consent to print in the RECORD a statement which has been prepared, not by myself, but by some one else, giving the standpoint of the clerks in reference to the Borland amendment. It is a short statement.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks by printing in the RECORD a statement giving the status of the departmental clerks. Is there objection?

There was no objection.

CERTAIN LOTS IN THE DISTRICT OF COLUMBIA—CHANGE OF REFERENCE.

By unanimous consent, at the request of Mr. HOLLINGSWORTH, the Committee on the Public Lands was discharged from the further consideration of the bill (S. 3509) to authorize the Secretary of the Interior to issue a deed to the persons hereinafter named for part of a lot in the District of Columbia, and the same was referred to the Committee on the District of Columbia.

LEAVE TO EXTEND REMARKS.

Mr. LINDBERGH. Mr. Speaker, I asked permission heretofore to extend my remarks in the RECORD, on the 7th of this month, but by mistake I left out four pages, and I want to know if I may be permitted to extend my remarks again by putting in what I left out.

The SPEAKER. The gentleman asks leave to insert in his speech already printed certain remarks which he omitted.

Mr. MANN. I do not think the gentleman had that leave heretofore.

Mr. LINDBERGH. Yes; I had that leave some time ago.

Mr. MANN. There was no leave to extend remarks last Thursday.

Mr. LINDBERGH. No; not last Thursday.

Mr. MANN. Although the gentleman inserted remarks under leave to print, I hope he will make the request now to extend his remarks, and put it all in.

Mr. LINDBERGH. I will do that. I understood I had the consent before. I did not know that it made any difference what day I put it in.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. KITCHIN rose.

Mr. MANN. Before the gentleman moves to adjourn I would like to ask the gentleman when he expects to take up the sugar bill?

Mr. KITCHIN. As soon as we get through with the legislative bill.

Mr. MANN. Assuming that we get through with the legislative bill to-morrow, does the gentleman intend to occupy Monday?

Mr. KITCHIN. I am hoping to make some arrangement with the gentleman from Kentucky [Mr. JOHNSON]. He is anxious to get up the juvenile court bill, but I am hoping that I can prevail upon him to let us have that day.

LEAVE TO ADDRESS THE HOUSE.

Mr. AUSTIN. Mr. Speaker, I ask permission to address the House to-morrow morning for 10 minutes immediately after reading the Journal.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that he may address the House for 10 minutes after the reading of the Journal and the clearing of the Speaker's table. Is there objection?

Mr. BORLAND. Reserving the right to object, Mr. Speaker, can the gentleman tell us what it is about.

Mr. AUSTIN. It is not on the Borland amendment, I will say to the gentleman.

Mr. BORLAND. I am somewhat interested in that, but will the gentleman tell us what it is?

Mr. AUSTIN. I prefer not to state at this time.

The SPEAKER. The Chair will suggest to the gentleman from Tennessee that he has been appointed on the committee to attend the funeral of the late Representative BROWN, and the train leaves to-night at 12 o'clock.

Mr. AUSTIN. Mr. Speaker, it will be impossible for me to attend, because I am interested in the Borland amendment.

The SPEAKER. If the gentleman from Tennessee can not attend, the Chair will appoint the gentleman from Vermont, Mr. GREENE. Is there objection to the request of the gentleman from Tennessee to occupy 10 minutes to-morrow morning after the reading of the Journal? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Saturday, March 11, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a tentative draft of a joint resolution authorizing the admission without the payment of duty of certain dry colors for inks to be used by the Bureau of Engraving and Printing (H. Doc. No. 867); was taken from the Speaker's table, referred to the Committee on Ways and Means, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the bill (H. R. 12835) to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Republic of Haiti, and for other purposes, reported the same with amendment, accompanied by a report (No. 313), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DILL, from the Committee on Indian Affairs, to which was referred the bill (H. R. 8360) to authorize the sale of lands allotted to Indians under the Moses agreement of July 7, 1883, reported the same with amendment, accompanied by a report (No. 314), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 10251) authorizing the Kansas City & Memphis Railway & Bridge Co. to make settlement with Crittenden County, Ark., and for other purposes, reported the same with amendment, accompanied by a report (No. 315), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Interstate and Foreign Commerce was discharged from the consideration of the bill (H. R. 3117) to provide relief by the Panama Railroad Co. for Sallie F. Bonner, and it was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HULBERT: A bill (H. R. 12992) to incorporate the United States Boy Scout, and for other purposes; to the Committee on the Judiciary.

By Mr. HINDS: A bill (H. R. 12993) to acquire at Portland, Me., an immigrant station; to the Committee on Immigration and Naturalization.

By Mr. CARTER of Oklahoma: A bill (H. R. 12994) authorizing and directing the Director of the Bureau of Mines to collect and publish statistics on the production, manufacture, and marketing of crude petroleum; to the Committee on Mines and Mining.

By Mr. BUTLER: A bill (H. R. 12995) authorizing the Secretary of the Treasury to sell the United States lazaretto property at Essington, Pa.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12996) authorizing abutting owners upon Crum River, a navigable stream, where the same empties into the Delaware River, to straighten, widen, and deepen the same, and substituting such straightened course and channel for the present channel thereof, and abandoning and vacating a portion of the present channel; to the Committee on Rivers and Harbors.

By Mr. FESS: A bill (H. R. 12997) authorizing the Secretary of War to donate condemned cannon and cannon balls to Antioch College, in the village of Yellow Springs, Ohio; to the Committee on Military Affairs.

By Mr. McFADDEN: A bill (H. R. 12998) to amend section 19 of the Federal reserve law relating to reserves; to the Committee on Banking and Currency.

By Mr. McKELLAR: A bill (H. R. 12999) extending the time for the completion of the bridge across the Mississippi River at Memphis, Tenn., authorized by an act entitled "An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River at Memphis, Tenn.," approved August 23, 1912; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLINTIC: A bill (H. R. 13000) to regulate the use of moneys in the reclamation fund; to the Committee on Irrigation of Arid Lands.

By Mr. HICKS: A bill (H. R. 13001) to provide additional assistants in the Bureau of Fisheries, Department of Commerce, for the purpose of aiding in the development of the shellfish industries; to the Committee on the Merchant Marine and Fisheries.

By Mr. MILLER of Minnesota: A bill (H. R. 13002) to create a United States Naval Reserve; to the Committee on Naval Affairs.

By Mr. HAWLEY: A bill (H. R. 13003) to provide for the advancement of funds to survey, construct, and maintain a road through the Siskiyou National Forest, Josephine County, Oreg., to the Oregon caves; to the Committee on Agriculture.

By Mr. RAKER: A bill (H. R. 13004) relating to desert-land entries; to the Committee on the Public Lands.

By Mr. HINDS: A bill (H. R. 13005) providing for the erection of a statue or memorial to the memory of Dorothea Lynde Dix; to the Committee on the Library.

By Mr. MORRISON: A bill (H. R. 13006) to authorize the reconstruction of an existing bridge across the Wabash River at Silverwood in the State of Indiana, and the maintenance and operation of the bridge so reconstructed; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER of Minnesota: Resolution (H. Res. 163) directing the Secretary of War to transmit to the House certain information relative to pardons in the Philippine Islands; to the Committee on Insular Affairs.

By Mr. POU: Resolution (H. Res. 164) authorizing an additional clerk to the Committee on Claims; to the Committee on Accounts.

By Mr. LOUD: Joint resolution (H. J. Res. 174) authorizing the Secretary of the Navy to sell certain auxiliary ships of the Navy; to the Committee on Naval Affairs.

Also, joint resolution (H. J. Res. 175) authorizing the Secretary of War to sell certain classes of vessels; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 13007) granting an increase of pension to W. W. Townley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13008) granting a pension to Orlando R. Edwards; to the Committee on Pensions.

By Mr. BEAKES: A bill (H. R. 13009) granting a pension to Elizabeth Baxter Woliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13010) granting a pension to Harvey J. Ruggles; to the Committee on Pensions.

Also, a bill (H. R. 13011) to remove the charge of desertion from the record of Michael Smith, alias Michael Quigley; to the Committee on Military Affairs.

Also, a bill (H. R. 13012) to remove the charge of desertion from the record of Samuel Hamilton; to the Committee on Military Affairs.

By Mr. BLACK: A bill (H. R. 13013) for the relief of the legal representatives of Dr. Thomas B. Waters, deceased; to the Committee on War Claims.

Also, a bill (H. R. 13014) granting a pension to Bennett Alex Flippo, helpless and dependent son of George J. Flippo, late of Company F, Twelfth Regiment Kentucky Volunteer Cavalry; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 13015) granting an increase of pension to Lovisa Dwinell, widow of Chester H. Dwinell; to the Committee on Invalid Pensions.

By Mr. CARTER of Oklahoma: A bill (H. R. 13016) for the relief of Robert N. Gist; to the Committee on War Claims.

By Mr. DOOLITTLE: A bill (H. R. 13017) for the relief of M. Elizabeth Rochford; to the Committee on Claims.

By Mr. FLOOD: A bill (H. R. 13018) for the relief of the heirs at law of James I. A. Trotter, deceased; to the Committee on Claims.

By Mr. FOCHT: A bill (H. R. 13019) granting an increase of pension to Richard A. M. Harner; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 13020) granting an increase of pension to Mariah L. Guthrie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13021) granting an increase of pension to Samuel L. Kennedy; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 13022) granting an increase of pension to Louisa Jane Colvin; to the Committee on Invalid Pensions.

By Mr. KINCHELOE: A bill (H. R. 13023) granting an increase of pension to Priscilla Melton; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 13024) granting an increase of pension to Oscar Blunt; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 13025) granting a pension to Andrew J. Clinton; to the Committee on Invalid Pensions.

By Mr. MATTHEWS: A bill (H. R. 13026) granting an increase of pension to David E. Tussing; to the Committee on Invalid Pensions.

By Mr. MOSS of Indiana: A bill (H. R. 13027) authorizing and directing the Secretary of the Treasury to credit the stamp account of Isaac R. Strouse, collector for the seventh internal-revenue district, in the sum of $14,570.42; to the Committee on Claims.

By Mr. OAKEY: A bill (H. R. 13028) providing for the payment of the findings reported by the Court of Claims, in favor of certain engineers, firemen, mechanics, and laborers for extra time; to the Committee on Claims.

By Mr. PADGETT: A bill (H. R. 13029) for the relief of the estate of Daniel C. Walker, deceased; to the Committee on Claims.

By Mr. PRATT: A bill (H. R. 13030) granting a pension to Alice Wasson Baker; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 13031) granting an increase of pension to Michael Burke; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 13032) granting a pension to Fleming R. Moodie; to the Committee on Pensions.

By Mr. STEAGALL: A bill (H. R. 13033) granting an increase of pension to Epsy Ann Austin; to the Committee on Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 13034) granting a pension to Stephen B. Myers; to the Committee on Pensions.

Also, a bill (H. R. 13035) granting a pension to John Yothers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13036) granting a pension to Nancy E. Dermit; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 13037) granting a pension to Jennie S. McGahan; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 13038) for the relief of William H. Corcoran; to the Committee on Claims.

By Mr. TIMBERLAKE: A bill (H. R. 13039) granting an increase of pension to Albert B. Clark; to the Committee on Invalid Pensions.

By Mr. WATKINS: A bill (H. R. 13040) for the relief of the estate of Christopher Chaffe; to the Committee on Claims.

By Mr. WATSON of Pennsylvania: A bill (H. R. 13041) granting an increase of pension to Samuel Godshall; to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 13042) granting an increase of pension to Samuel J. Hutchinson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Federal Civil Service Employees' Union, against the Borland rider to the legislative, executive, and judicial appropriation bill; to the Committee on Appropriations.

By Mr. ALLEN: Memorial of Norwood Socialist Party, opposing the passage of House bills 64, 68, and 691; to the Committee on the Post Office and Post Roads.

Also, petition of 15 citizens of Cincinnati, Ohio, for national prohibition; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of the Westminster Sisterhood and the Christian Endeavor Society, of Loudonville, Ohio, in favor of House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, papers to accompany House bill 12496, for relief of George Alhheim; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 12958, for relief of Emma M. Saunders; to the Committee on Invalid Pensions.

By Mr. BAILEY: Petition of M. W. Blackburn, against increased military or naval appropriations; to the Committee on Military Affairs.

Also, petition of 500 people of Tyrone and Church of the Brethren Sunday School, of Tyrone, Pa., for national prohibition; to the Committee on the Judiciary.

By Mr. BROWNE: Two petitions signed by residents of the eighth congressional district of Wisconsin, in favor of an amendment to the Constitution of the United States prohibiting the beverage traffic in intoxicating liquors; to the Committee on the Judiciary.

By Mr. BURKE: Petitions signed by 204 farmers of Sheboygan, Ozaukee, and Washington Counties, Wis., all protesting against the passage of Senate bill 901 and House bills 26, 677, 6823, 6871, together with all similar bills to make convict-made goods in interstate commerce subject to the laws of the State into which they have been transported for use or sale; to the Committee on Labor.

By Mr. CHARLES: Petition of German Catholic Federation, of Schenectady, N. Y., favoring increased compensation of certain classes of Federal employees; to the Committee on Labor.

By Mr. CHIPERFIELD: Five petitions of citizens of Mendota, Ill., favoring national prohibtion; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of J. Rex Allen and P. H. Sullivan, of Chicago, Ill., protesting against repeal of the free-sugar bill; to the Committee on Ways and Means.

Also, petition of F. Emory Lyon, superintendent of the Central Howard Association, of Chicago, Ill., protesting against the passage of House bill 6871 and Senate bills 901, 4060, and 3976; to the Committee on Interstate and Foreign Commerce.

By Mr. DANFORTH: Petition of Franz Bruckmier and 20 others, of Attica, N. Y., against national prohibition; to the Committee on the Judiciary.

Also, petition of 55 citizens of Carlton Township, N. Y., for national prohibition; to the Committee on the Judiciary.

Also, petition of Herman Swanson and 83 others, of Lincoln Park and Rochester, N. Y., protesting against pasage of House bills 491 and 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of John Simon and 10 others, of Attica; German Order of Harugai, Lodge 336, of Attica; and German-American National Alliance, of Attica, all of the State of New York, favoring embargo on munitions of war; to the Committee on Foreign Affairs.

By Mr. DARROW: Petition of 26 citizens of Philadelphia, Pa.; King's Daughters, of Philadelphia; Men's Adult Bible Class of Centenary Methodist Church, of Philadelphia, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DAVIS of Texas: Petition of Henry N. Pope, president Farmers' Educational and Cooperative Union of Texas; A. V. J. Hagen, of Dallas; and J. J. Hunt, of Klondike, Tex., in reference to international relations; to the Committee on Foreign Affairs.

Also, memorial of Zacharias Frankel Lodge, No. 242, of Galveston, Tex., opposing the literacy test in immigration laws; to the Committee on Immigration and Naturalization.

Also, petitions of sundry citizens of Texas, against preparedness; to the Committee on Military Affairs.

Also, petition of sundry citizens of Texas, favoring preparedness; to the Committee on Military Affairs.

Also, petition of citizens of Huntsville; South Side Christian Endeavorers of South Side Christian Church, of San Antonio; citizens of Greenville; 9 sons of W. H. Attway; and citizens of Mineral Wells, all of the State of Texas, for national prohibition; to the Committee on the Judiciary.

By Mr. DYER: Petition of Heine Safety Boiler Co., of St. Louis, Mo., in reference to proposed power plant in Potomac Park; to the Committee on the District of Columbia.

Also, petition of Powell & O'Rourke Grain Co., of St. Louis., indorsing the Ruby bill (H. R. 10405); to the Committee on Agriculture.

Also, petition of wheat millers of Missouri, opposing House bill 9409; to the Committee on Agriculture.

Also, petition of Junge Baking Co., of Joplin, Mo., in reference to House bill 9409; to the Committee on Agriculture.

By Mr. ESCH: Petition of A. F. Stabnow and 51 others, of Greenwood, Wis., for national prohibition; to the Committee on the Judiciary.

By Mr. FULLER: Petition of Alliance-Sebring Central Labor Union, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of retail dealers of West Brooklyn and Sublette, Ill., for a tax on mail-order houses; to the Committee on Ways and Means.

Also, petition of 295 citizens of Mendota, Ill., for a national prohibition amendment; to the Committee on the Judiciary.

By Mr. GARDNER: Memorial of General Court of the State of Massachusetts, relative to harbor of refuge at Sandy Bay; to the Committee on Rivers and Harbors.

By Mr. HADLEY: Petition of citizens of Everett, Wash., for national prohibition; to the Committee on the Judiciary.

By Mr. HAYES: Petition of Woman's Christian Temperance Union of Mountain View, Cal., for Federal censorship of films; to the Committee on Education.

By Mr. HOLLINGSWORTH: Petition of Knights of the Golden Grail, Steubenville, Ohio, in favor of Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Rev. M. W. McQueen and 24 other citizens of Dellroy, Ohio, for national prohibition; to the Committee on the Judiciary.

By Mr. HOPWOOD: Petition of 21 citizens of Brownsville, Pa., and citizens of Uniontown, Pa., for national prohibition; to the Committee on the Judiciary.

By Mr. KIESS of Pennsylvania: Petition of G. W. Lutheran Sunday School, of Jersey Shore; sundry citizens of Newberry and Williamsport; Newberry Methodist Episcopal Sunday School; and Epworth League of Newberry Methodist Episcopal Church, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LESHER: Petition of First Methodist Episcopal Church of Bloomsburg, United Evangelical Church of Milton, citizens of Milton, First Baptist Church of Danville, St. Matthew's Lutheran Church of Bloomsburg, 24 citizens of Danville, Zion Evangelical Lutheran Church of Sunbury, 50 citizens of Sunbury, and citizens of Milton, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LEWIS: Petition of citizens of Montgomery County, Md., for national prohibition; to the Committee on the Judiciary.

By Mr. McGILLICUDDY: Petition of residents of West Peru, Me., protesting against the passage of Senate bill 645, known as the compulsory Sunday-observance bill; to the Committee on the District of Columbia.

By Mr. McKENZIE: Petition of citizens of Amboy, Ill., for national prohibition; to the Committee on the Judiciary.

By Mr. MAPES: Petition of Grand Rapids Lodge, International Order of Good Templars, of Grand Rapids, and 92 voters of Grand Rapids, Mich., for national prohibition; to the Committee on the Judiciary.

By Mr. MOORES of Indiana: Petition of Seventh Presbyterian Church, of Indianapolis, Ind., for national prohibition; to the Committee on the Judiciary.

By Mr. MORIN: Petition of William J. Parsons and others, of Pittsburgh, Pa., in favor of national prohibition amendment; to the Committee on the Judiciary.

Also, petition of Jacob Roberts, of Pittsburgh, Pa., against passage of Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Rev. Carl A. Vose and others, of Pittsburgh, Pa., in opposition to American citizens traveling on armed merchant ships; to the Committee on Foreign Affairs.

Also, petition of David Friedman and others, in favor of warning American citizens not to travel on armed ships; to the Committee on Foreign Affairs.

Also, petition of Clement E. Chase, of Pittsburgh, Pa., in favor of Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

By Mr. MOTT: Petition of Division No. 681, Amalgamated Association of Street and Electric Railroad Workers, of Oswego, N. Y., favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of Society of Colonial War in the State of New York, favoring adequate national defense; to the Committee on Military Affairs.

Also, petition of Commission of Temperance of Congregational Churches of the United States, favoring the Sheppard-Barkley bill; to the Committee on the District of Columbia.

Also, petition of Monday Historical Club of Pulaski, N. Y., for enactment into law of House resolution 137; to the Committee on Agriculture.

By Mr. OAKEY (by request): Petition of Christian Endeavor Society of Lutheran Congregation Church, Hartford, and First Baptist Church of West Hartford, Conn., for national prohibition; to the Committee on the Judiciary.

By Mr. PAIGE of Massachusetts: Memorial of Gardner (Mass.) Lodge, I. O. F. T., protesting against further increase in the Army and Navy of the United States; to the Committee on Military Affairs.

Also, petition of F. S. Conaut and 20 other citizens of Oakham, Mass., in favor of the passage of House joint resolutions 84 and 85; to the Committee on the Judiciary.

By Mr. PETERS: Petition of Methodist Episcopal Sunday School of Wayne, Me., for national prohibition; to the Committee on the Judiciary.

By Mr. PLATT: Petition of citizens of Moores Mills, N. Y., and Apokeepsing Lodge, International Order of Good Templars, of Poughkeepsie, N. Y., for national prohibition; to the Committee on the Judiciary.

Also, petition of Harrison & Gore Silk Co. and W. M. Crabtree & Sons, of Montgomery, N. Y., in re dyestuff legislation; to the Committee on Ways and Means.

By Mr. PRATT: Petition of H. B. Updyke, of Elmira, N. Y., and C. C. Blenderson, of Ithaca, N. Y., opposing the passage of the Fitzgerald and Siegel postal bills; to the Committee on the Post Office and Post Roads.

By Mr. RANDALL: Petition of Altadena Methodist Episcopal Church of Altadena, Cal., for national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of George T. Hammond, of Brooklyn, N. Y., indorsing Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

Also, memorial of New York Commandery of the Naval and Military Order of the Spanish-American War, favoring preparedness; to the Committee on Military Affairs.

Also, petition of Aaron C. Thayer, of New York, indorsing the Griffin bill (H. R. 6915); to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens indorsing House joint resolutions 14 and 81 and like bills; to the Committee on Foreign Affairs.

Also, petition of R. H. Carpenter, of New York, indorsing Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

Also, memorial of Ohio Association Volunteer Retired List, in reference to legislation; to the Committee on Military Affairs.

Also, petition of Arthur S. Tuttle, of New York, indorsing House bill 10845; to the Committee on Military Affairs.

Also, petition of Toledo Central Labor Union, of Toledo, Ohio, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. SCULLY: Letter from Metal Trades Council of Newark, N. J.; to the Committee on Military Affairs.

Also, memorial of Central Labor Union of Perth Amboy, N. J., and vicinity indorsing Senate bill 632 and House bill 10398; to the Committee on the Post Office and Post Roads.

Also, petition of Jacob Schmoor, of Bedford, N. J., against House bill 5786; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of Rutherford Branch of the National Security League (Inc.), favoring adequate preparedness; to the Committee on Military Affairs.

Also, petition of First Methodist Episcopal Church, 200 people of Keyport, Woman's Christian Temperance Uunion, 30 people of Ocean Grove, and citizens of Holmdel, all in the State of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Minnesota: Petition of the members of Danish Methodist Church; Welsh Presbyterian Church; Freja Lodge, No. 16; Wesley Church; Eighth Ward Woman's Christian Temperance Union; Esther Young Woman's Christian Temperance Union; and 200 voters, all of Minneapolis, Minn., for the passage of the Webb-Smith national prohibition amendment; to the Committee on the Judiciary.

By Mr. SNYDER: Memorial of Rome (N. Y.) Chamber of Commerce, favoring the creation of a national park on the ground of the battle of Oriskany; to the Committee on Military Affairs.

By Mr. WASON: Petition of Arthur A. Kelly and 59 other citizens of Montgomery County, Pa., members of the Knights of Columbus, favoring House bill 4699 to make October 12 a legal holiday in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WINSLOW: Petition of 200 people of Worcester, Mass., for national prohibition; to the Committee on the Judiciary.

Also, petitions of sundry citizens in behalf of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Worcester, Mass., in behalf of Lobeck bill to increase salaries in the Bureau of Animal Industry; to the Committee on Agriculture.

SENATE.

SATURDAY, *March 11, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Author of Peace and Lover of Concord, look from Thy throne upon us this day. Be pleased to endue us plenteously with heavenly wisdom that all our work begun, continued, and ended in Thee may redound to the honor and glory of Thy name.

Our times are in Thy hands. Thou dost order the affairs of nations. If in Thy will we are called to make sacrifice of blood to maintain the essential rights of men, may the sacrifice be made in the spirit of Thy Son. And grant, we pray Thee, to so order the course of all our national affairs that we may ever hold in mind that there is no glory apart from the performance of Thy will, and that essential greatness is the greatness of character and fitness for service with God in the world.

Hear us in our prayer. Guide us in the discharge of the duties of this day. We ask for Christ's sake. Amen.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from New Hampshire suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Nelson	Smith, S. C.
Bankhead	Gronna	Norris	Smoot
Borah	Hughes	O'Gorman	Sterling
Brandegee	James	Oliver	Stone
Chamberlain	Johnson, Me.	Overman	Sutherland
Clapp	Johnson, S. Dak.	Owen	Thomas
Clark, Wyo.	Jones	Page	Thompson
Clarke, Ark.	Kenyon	Phelan	Townsend
Colt	La Follette	Poindexter	Vardaman
Culberson	Lane	Saulsbury	Wadsworth
Cummins	Lea, Tenn.	Shafroth	Warren
Curtis	Lee, Md.	Sheppard	Williams
Dillingham	McCumber	Sherman	Works
Fall	Martin, Va.	Simmons	
Gallinger	Myers	Smith, Ga.	

The PRESIDENT pro tempore. Fifty-eight Senators have answered to their names. A quorum of the Senate is present. The Secretary will read the Journal of the proceedings of the preceding day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BRANDEGEE, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 12843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, in which it requested the concurrence of the Senate.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 8493) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. LANGLEY managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 9225) granting the consent of Congress to Georgia Lumber Co. to construct a bridge across Flint River, Ga., between Dooly and Sumter Counties, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of Hudson Grange, No. 11, Patrons of Husbandry, of Hudson, N. H., and a petition of 14 citizens of Hudson, N. H., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. GRONNA. I present the petition of F. Emory Lyon, superintendent of the Central Howard Association of Chicago, Ill., in reference to prison-made goods. I ask that it be printed in the RECORD without reading.

There being no objection, the petition was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

CHICAGO, ILL., *February 29, 1916.*

Hon. ASLE J. GRONNA,
Washington, D. C.

MY DEAR SIR: My attention has been called to the consideration by Congress of House bill No. 6871 and Senate bills Nos. 901, 4060, and 3976, relating to the interstate commerce in prison-made goods. I understand that these bills have been considered by the committees to which they were referred and have been reported for passage.

I take the liberty of writing you as one who is interested in the subject as a result of 15 years' experience in dealing with more than 13,000 released prisoners. As superintendent of the Central Howard Association, I have also had occasion to visit and observe the work of nearly all prisons and reformatories of the United States.

My position in reference to the subject of prison industries is entirely disinterested and is wholly concerned with the best interests of prison inmates and society at large. From this standpoint of humanity, therefore, I take it that the first necessity of any prison is to provide abundant work for the inmates. Next to this fundamental purpose, on the part of the State, should be the desire to prepare men for better citizenship in the future.

I believe further restrictive legislation, as applied to prison industries, would prove a curse rather than a blessing, unless some adequate provision is made for the employment of prisoners. Inasmuch as I see no suggestion of a constructive program in this direction given in the bills above mentioned, I feel that their passage would be harmful to society as a whole; to the physical, mental, and industrial welfare of the present and future generations, and a serious handicap to the efficiency of labor.

I trust, therefore, you will give careful consideration to the present unsatisfactory condition, with reference to prison industries in the various States, to which I would now call your attention.

Under present conditions in most prisons, the "hard-labor" part of the sentence is a gigantic farce and travesty. Scarcely any prison in the country has sufficient employment for its inmates, owing to the restrictive measures already imposed in the change from the private-contract labor system to various forms of State industry. As stated above, my position as between various forms of prison labor is entirely neutral. My principal desire is that men should have work, and, so far as possible, they should be taught trades, not only for their own sake but for the safety and welfare of society in the future.

The movement toward the elimination of private-contract labor has doubtless been welcomed by most intelligent observers. Those who know, however, realize that in the process of change, no State has reached a rational solution of the problem of prison industries.

The employment of prisoners under private contract has been opposed by labor organizations. They have objected to direct competition between prison labor and free labor. Legislatures have harkened to this plea, not usually for the benefit of the State or convict, but as a political measure. Contracts have been canceled in State after State, especially during the past 10 years, while in most cases no adequate substitute has been provided for suitable and sufficient work. On the contrary, in many States the new legislation has definitely limited the use of prison inmates for productive work.

In Missouri we learn of 800 men sitting in their cells day and night, losing their minds and their health. In Ohio one sees 400 men sitting in the "idle house" (in prison of all places under the sun), vacantly staring at each other week after week. Meanwhile the rest of the inmates are learning inefficiency by having one man's job for three men. Many prisoners in Iowa, and other States also, are learning the lesson of idleness, in spite of their sentence to "hard labor," while the officials are striving strenuously to meet the emergency, under the limitations of the laws, to find a way to keep men out of mischief by legitimate occupation.

The situation would not be so serious if it merely marked a transition from one system to another, and if we could see a great promise of improvement, but apparently this is not the case. Pennsylvania and New York States are conspicuous examples of the failure of measures that have been adopted to limit prison industries and to manufacture articles for State use.

These measures were taken ostensibly for reformatory purposes, but it is well known that idleness and insanity to a large extent have been the result. In New York State especially it would seem that an ideal opportunity was afforded to work out the problem in a practical way. It has a population of 10,000,000, and a very large number of State institutions for which manufactured articles were needed.

Even though all these institutions secured their supplies from the State prisons, however, they could not furnish sufficient employment for the 5,000 inmates in the penal institutions. As a result, we have waited in vain for a successful outcome of the various experiments undertaken in that State.

New York has had no contract prison labor for 24 years. That would seem to be sufficient time to substitute some effective, efficient, rational method by which all its prison population could be employed and at a profit to the Commonwealth.

Quite the contrary result is found. The system as a whole is an enormous expense to the State. Practically all of its petty offenders sent to its various large county penitentiaries or "workhouses" are entirely without work. The inmates of its State prisons have insufficient employment, and the extent to which its reformatories teach trades seems to be problematical.

One of its leading experts, Dr. Katherine B. Davis, is authority for the statement that the correctional institutions of New York City, at least, fail to furnish exactly the things we think most essential to good citizenship outside of prison, viz, "the incentive to toil and the efficiency of labor."

As a matter of fact, should not these be the primary purposes of any correctional system? Can we expect them to be realized when the political motive and spirit dominates these institutions? Can we hope to secure the payment of prisoners for themselves or their families—a thing which most people believe to be desirable—until prisons become self-supporting? Nearly all are a burden to the State, either because the products of their industries can not be sold under the laws or because business management is not considered essential to their administration.

If reformatories are to reform, they, too, must be profitable, not necessarily in dollars, but in producing good citizens by process of education and trade training.

The writer is greatly interested in this matter. We believe that untold harm is bound to come from the continued idleness in most of our prisons. It is sure to result in an increase of crime in the future.

Surely the brains of America should be able to solve the prison-labor problem. That it has not done so is due to public indifference, political corruption, and the need of more men of business ability, as well as humanity and vision, to administer all penal institutions efficiently, as a few are now being conducted.

As before stated, we are not here advocating private contract labor or favoring any one form of State industry. We are anxious only that some kind of work be found, and then, if possible, that that work should be profitable and should not disqualify men for better citizenship after their release.

Instead of contributing to this end the legislation now being considered by Congress in the above bills would greatly lessen the possibilities of employment for prisoners, whether by private contract or by State management, since it would destroy the market for prison-made goods. In view of these considerations it is earnestly hoped by many thoughtful citizens that this legislation will not become effective.

Trusting your vote may be given against these measures, I remain,

Sincerely, yours,

F. EMORY LYON,
Superintendent the Central Howard Association.

Mr. GRONNA presented a memorial of sundry citizens of North Dakota, remonstrating against the enactment of legislation to prohibit interstate commerce in convict-made goods, which was referred to the Committee on Education and Labor.

He also presented a telegram in the nature of a petition from the North Dakota State Dental Association, praying for the enactment of legislation to increase the Dental Corps of the Army, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Fargo, N. Dak.; Philadelphia, Pa.; and of Alliance and Cleveland, Ohio, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of the American Federation of Labor and the directors of the port of Boston, Mass., praying for the enactment of legislation to build up a merchant marine, which were referred to the Committee on Commerce.

Mr. JOHNSON of Maine presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PHELAN presented a petition of Local Union No. 537, International Brotherhood of Electrical Workers, of San Francisco, Cal., praying for the printing of the report of the Commission on Industrial Relations, which was ordered to lie on the table.

He also presented a memorial of Local Union No. 141, Farmers' Educational and Cooperative Union, of Edenvale, Cal., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented petitions of Hon. Lewis T. Carpenter, Charles H. Akers, and of the Chamber of Commerce, all of Phoenix, in the State of Arizona, praying for a readjustment of the compensation allowed railroads for carrying the mail, which were referred to the Committee on Post Offices and Post Roads.

Mr. JAMES. I present a resolution adopted by the Kentucky Society of the Sons of the American Revolution, indorsing the movement for prompt and adequate preparedness for the defense of the country. I ask that the resolutions be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

LOUISVILLE, KY., *February 18, 1916.*

Hon. OLLIE M. JAMES, Senator,
Washington, D. C.

DEAR MR. JAMES: At the last meeting of the Kentucky Society of the Sons of the American Revolution the inclosed resolution was adopted, and I was instructed to send a copy to you, and trust you will give same your earnest and careful consideration.

Yours, very truly,

ALEX. W. TIPPETT,
Secretary Kentucky Society Sons of the American Revolution.

Whereas there is an obligation that the Sons of the American Revolution should staunchly advocate those measures which look toward the protection and perpetuity of the rights won and secured by their direct ancestors: Be it

Resolved, That the Kentucky Society of the Sons of the American Revolution indorses the movement for prompt and adequate preparedness for the defense of this country against an attack upon our rights, and thus secure peace with honor in accordance with the tradition and policy of our revolutionary ancestry.

Resolved, That a copy of this resolution be sent to each Kentucky Member of the House of Representatives, as well as to the two Senators from Kentucky, and that a copy also be sent to the Speaker of the House of Representatives.

Mr. JAMES. I present a communication from the secretary of the board of directors of the Chamber of Commerce of Owensboro, Ky., relative to the question of national defense or preparedness. I ask that the communication be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the communication was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

OWENSBORO, KY., *March 4, 1916.*

Senators OLLIE M. JAMES, J. C. W. BECKHAM;
Congressmen DAVE H. KINCHELOE, R. Y. THOMAS,
Washington, D. C.

GENTLEMEN: At the regular monthly meeting of the board of directors of this chamber last Thursday evening the question of national defense, or preparedness, was very generally discussed, and it was the consensus of opinion that our Army and Navy are wholly inadequate for proper defense should our country be attacked by some foreign nation, and that this Congress should see that adequate provision is made for the protection of our home land.

On motion, I was requested to convey to you the views thus expressed and to respectfully request you to use your vote and influence to this end.

Very truly, yours, GEO. H. COX, *Secretary.*

Mr. JAMES. I have received a letter from the secretary of the Jefferson County Dental Society, of Kentucky, relative to a meeting held by that society concerning the status of the efficiency of the Dental Corps of the Army. I ask that the letter and accompanying communication be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the communications were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

LOUISVILLE, KY., *February 19, 1916.*

Hon. Senator OLLIE JAMES,
Washington, D. C.

HONORED SIR: Pursuant to a discussion held in the recent meeting of the Jefferson County Dental Society relative to the status of the efficiency of the Dental Corps of the Army, I was instructed by the unanimous vote of somewhat over 90 members, to respectfully ask you to use your good influence in requesting Senator CHAMBERLAIN to incorporate in his defense bill the recommendations of the legislative committee of the National Dental Association, copy of which find inclosed.

Believing that you are sympathetically interested in advancing the efficiency of this agency of our Army life, which renders such valuable relief to our heroic soldiers, we in confidence seek your cooperation in this matter.

By order of the society I hereby affix the names of our members, who are deeply interested in this recommendation:

Drs. R. S. Allan, S. W. Alvis, J. H. Baldwin, H. G. Bow, L. A. Broring, E. J. Buechel, L. C. Burguard, R. F. Canine, S. O. Carter, J. A. Casper, J. W. Clark, W. H. Coulson, T. M. Crutcher, M. P. Danhauer, Max M. Eble, W. T. Farrar, P. R. Fiegel, L. J. Frazee, C. A. Funk, J. O. Gable, L. W. German, W. E. Goepper, Henry L. Grant, R. E. Grant, W. E. Grant, G. H. Greerer, J. L. Griffin, W. M. Flexner, I. H. Harrington, S. H. Heavrin, W. M. Flexner, F. H. Hendershot, F. B. Henderson, A. W. Hickerson, H. B. Holmes, E. H. Hubbuch, E. C. Hume, A. L. Hill, J. E. Johnson, J. B. Jordan, A. L. Jones, Leo Kearns, H. K. Kellog, F. C. Kenney, E. M. Kettig, Harry Kettig, W. M. Klusmier, A. M. Laird, H. S. Lee, Bruce Lentz, L. P. Long, Theo. Roemele, B. N. Taylor, C. M. Spindle, M. D. Maddox, W. M. McCall, H. J. McShane, E. P. Marcilliat, G. M. Means, A. A. Meder, A. H. Melcon, F. W. Meyer, H. T. Nichols, L. I. Nichols, C. S. Pearcy, W. C. Pfingst, M. W. Philips, Henry Pirtle, J. W. Proctor, W. M. Randall B. G. Rees, George Rees, C. L. Rice, E. J. Ritter, W. S. Widman, Fred McCullogh, B. G. Rivers, F. W. Rounds, J. E. Ruby, E. L. Sanders, Edw. Sandidge, Preston Sloan, C. L. Seebolt, C. R. Shacklette, W. R. Shacklette, W. S. Smith, Lawson Smith, J. C. Schmidt, S. M. Stienberg, W. G. Scott, A. J. Steele, M. L. Thomas, H. B. Tileston, sr., Roy Tileston, H. B. Tileston, jr., E. A. R. Torsch, F. R. Wilder, A. P. Williams, C. L. Wunsch, A. B. Weaver, Adolph Wirght, N. T. Yager, C. J. Giesler, C. L. Rich, Ray Boone, F. W. Davis, W. M. Hines, H. W. Harrison, J. C. Montgomery, M. E. Peck, C. C. Risk, H. K. Smith, C. W. Meguiar, Garnett H .Smith, and A. L. Voiers.

E. A. R. TORSCH, *Secretary.*

WASHINGTON, D. C., *November 3, 1915.*

The honorable the SECRETARY OF WAR,
Washington, D. C.

SIR: Complying with your request in our interview this morning, we, the legislative committee of the National Dental Association, submit and recommend the following in order to increase the efficiency of the Dental Corps of the Army and secure a more equitable recognition of the dental profession in matters of health and the military status of the Dental Corps:

1. A dental reserve corps, similar to the Medical Reserve Corps, to replace the present "acting dental surgeons," except that members of the dental reserve corps shall be obligated to serve when called upon for active duty.

2. The Dental Corps to consist of—

(a) First lieutenants, to be appointed from the dental reserve corps after two years' active service, who shall be not less than 23 nor more than 30 years of age, and otherwise qualified as at present.

(b) Captains, who shall be promoted to this grade after seven years of total service, including service in dental reserve corps and as contract dental surgeon, dental surgeon, or acting dental surgeon.

(c) Majors, not to exceed 25 per cent of the Dental Corps, to be promoted according to seniority, as in the Medical Corps.

(d) A colonel, who shall be Chief of the Dental Corps, acting under the direction of the Surgeon General, to be appointed by the President, by and with the consent of the Senate, for a period of four years. The first colonel to be appointed from the 15 senior officers of the Dental Corps, after which they shall be appointed from the majors of this corps.

3. The strength of the Dental Corps to be as now provided (1 to 1,000 of the enlisted strength).

4. The service heretofore rendered as dental surgeon, contract dental surgeon, or acting dental surgeon shall be computed as commissioned service.

5. The right to command shall be limited to the members of the Dental Corps and the dental reserve corps and to enlisted men serving as their assistants.

Respectfully submitted.

LEGISLATIVE COMMITTEE OF THE
NATIONAL DENTAL ASSOCIATION.

Mr. THOMPSON presented memorials of sundry citizens of Kingman County, Kans., remonstrating against the alleged combination controlling and advancing the price of sisal fiber, which were referred to the Committee on Agriculture and Forestry.

Mr. SHEPPARD presented a petition of the congregation of the Douglas Memorial Methodist Episcopal Church, of Washington, D. C., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. SHERMAN presented petitions of sundry citizens of Illinois, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Men's Club of Grace Church, Oak Park, Ill., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

Mr. POINDEXTER presented a petition of sundry citizens of Spokane, Wash., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented the petition of Rev. F. Soll and sundry other citizens of North Yakima, Wash., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented a memorial of Stranger Creek Grange, Patrons of Husbandry, of Daisy, Wash., remonstrating against the passage of the bill (S. 2986) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes, which was ordered to lie on the table.

Mr. TOWNSEND presented memorials of sundry citizens of Alma, Ann Arbor, and Waldron, all in the State of Michigan, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Grand Rapids, Battle Creek, Lansing, and Detroit, all in the State of Michigan, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Traverse City, Mich., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which were referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce of Manistee, Mich., praying for the creation of a tariff commission, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Battle Creek, Mich., praying for the enactment of legislation to grant pensions to superannuated employees of the Postal Service, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Lodge No. 7, Shipmasters' Association, of Detroit, Mich., praying for the enactment of legislation to amend the navigation laws, which was referred to the Committee on Commerce.

He also presented a petition of the German-American State League, of Saginaw, Mich., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Mason, Mich., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the Seventh-day Adventists of Battle Creek, Mich, remonstrating against the enactment of legislation making Sunday a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. SMITH of Arizona presented a memorial of the Arizona Farm Improvement Association, remonstrating against the free distribution of seed by the Government, which was referred to the Committee on Agriculture and Forestry.

Mr. OVERMAN presented petitions of sundry citizens of North Carolina, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. CLAPP presented a petition of sundry citizens of Cassiopeia, Minn., praying for the enactment of legislation to prohibit sectarian appropriations, which was referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of Cassiopeia, Minn., praying for prohibition in the Philippine Islands, which was referred to the Committee on the Philippines.

He also presented a memorial of sundry citizens of Bock, Minn., remonstrating against the enactment of legislation to limit the freedom if the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Milaca, Minn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented memorials of sundry citizens of St. Paul, Minn., remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. KENYON presented a petition of the City Council of Sioux City, Iowa, praying for the enactment of legislation to grant pensions to superannuated employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Stockbridge, Mass., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a memorial of sundry citizens of Calmar, Iowa, remonstrating against the enactment of legislation to prohibit interstate commerce in the products of convict-made goods, which was referred to the Committee on Education and Labor.

Mr. COLT presented petitions of sundry citizens of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. BANKHEAD, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 3539) for the relief of John L. Moon, reported it without amendment and submitted a report (No. 251) thereon.

Mr. JOHNSON of Maine, from the Committee on Fisheries, to which was referred the bill (S. 4401) to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predacious fishes and aquatic animals, reported it with an amendment and submitted a report (No. 252) thereon.

PORTRAIT OF JOHN LANGDON.

Mr. LEA of Tennessee. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably with an amendment Senate resolution 118, submitted by the Senator from New Hampshire [Mr. GALLINGER]. I call the attention of the senior Senator from New Hampshire to the resolution.

Mr. GALLINGER. I ask for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution. The amendment of the committee was, in line 5, after the words "sum of," to strike out "$1,500" and to insert "$1,000, or so much thereof as may be necessary," so as to make the resolution read:

Resolved, That the Committee on the Library is hereby authorized to have made an oil portrait of John Langdon, the first President pro tempore of the Senate, to be hung in the main corridor of the Senate, the cost not to exceed the sum of $1,000, or so much thereof as may be necessary, and to be paid from the contingent fund of the Senate.

Mr. GALLINGER. Mr. President, while I should be glad to have had the sum named in the original resolution appropriated, yet I think a portrait can be obtained for the amount proposed in the amendment, and so I make no objection to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HUGHES:

A bill (S. 4995) granting a pension to Mary Laroche; and

A bill (S. 4996) granting a pension to Flora C. Plumb; to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 4997) to provide for mailing catalogues, circulars, etc., now mailable under 8 ounces in weight at the third-class rate of 1 cent for 2 ounces or fraction thereof, at a pound rate of 8 cents; the rate on individual address copies or parcels to be not less than 1 cent each; to the Committee on Post Offices and Post Roads.

By Mr. SHEPPARD:

A bill (S. 4998) to regulate the number of officers detailed to educational institutions; to the Committee on Military Affairs.

A bill (S. 4999) authorizing the Secretary of the Interior to make further survey of the Pecos River and Valley in Texas and New Mexico to determine the feasibility and cost of an irrigation project thereon, and make an appropriation for such survey; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. VARDAMAN:

A bill (S. 5000) for the relief of the widow and heirs at law of George H. White, deceased; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5001) for the relief of the Ralph Ackley Land Co. (Inc.) and others (with accompanying papers); to the Committee on Claims.

By Mr. WORKS:

A bill (S. 5002) for the relief of the State Mutual Building & Loan Association, of Los Angeles, Cal.;

A bill (S. 5003) for the relief of the Fidelity Savings & Loan Association, of Los Angeles, Cal.;

A bill (S. 5004) for the relief of the Kern County Mutual Building & Loan Association, of Bakersfield, Cal.;

A bill (S. 5005) for the relief of the Pasadena Building & Loan Association, of Pasadena, Cal.;

A bill (S. 5006) for the relief of the Home Builders' Loan Association, of Pomona, Cal.;

A bill (S. 5007) for the relief of the San Diego Building & Loan Association, of San Diego, Cal.;

A bill (S. 5008) for the relief of the Provident Mutual Building Loan Association, of Los Angeles, Cal.;

A bill (S. 5509) for the relief of the Peoples Mutual Building & Loan Association of Bakersfield, Cal.;

A bill (S. 5010) for the relief of the Santa Fe Building Association, of San Bernardino, Cal.; and

A bill (S. 5011) for the relief of the Home Investment Association, of Redlands, Cal.; to the Committee on Claims.

A bill (S. 5012) granting an increase of pension to Marion Bradford (with accompanying papers); to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 5013) providing for the deposit of all moneys now standing to the credit of any and all Indian tribes in the State of South Dakota in the Treasury of the United States in State or national banks within said State; to the Committee on Indian Affairs.

By Mr. BORAH:

A bill (S. 5014) to amend section 1 of the act of August 9, 1912, providing for patents on reclamation entries, and for

other purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

A bill (S. 5015) for the relief of William Fitzgerald; to the Committee on Claims.

By Mr. KERN:

A bill (S. 5016) to authorize the reconstruction of an existing bridge across the Wabash River at Silverwood, in the State of Indiana, and the maintenance and operation of the bridge so reconstructed; to the Committee on Commerce.

By Mr. SMOOT:

A bill (S. 5017) for the relief of the Western Loan & Building Co.; to the Committee on Claims.

By Mr. GALLINGER:

A bill (S. 5018) granting an increase of pension to Lucy M. Roach (with accompanying papers); to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 5019) granting an increase of pension to John M. Dikes (with accompanying papers);

A bill (S. 5020) granting an increase of pension to J. H. Farnsworth (with accompanying papers);

A bill (S. 5021) granting a pension to William C. Slaper (with accompanying papers);

A bill (S. 5022) granting an increase of pension to Irvine Carman (with accompanying papers); and

A bill (S. 5023) granting a pension to Mrs. Nancy W. Sheffield (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5024) for the relief of the Yakima Savings & Loan Association, of North Yakima, Wash.;

A bill (S. 5025) for the relief of the German Savings, Building & Loan Association, of Seattle, Wash.; and

A bill (S. 5026) for the relief of the Pacific Building & Loan Association; to the Committee on Claims.

By Mr. LA FOLLETTE:

A bill (S. 5027) granting an increase of pension to Nicholas B. Langley; and

A bill (S. 5028) granting a pension to Emaline King; to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 5029) granting an increase of pension to Elias Pleukharp; and

A bill (S. 5030) granting a pension to Bertha C. Pratt; to the Committee on Pensions.

Mr. BORAH. In introduce a joint resolution for my colleague [Mr. BRADY], who is absent on account of illness, and I ask that it be received and referred to the Committee on Claims.

The joint resolution (S. J. Res. 113) for the relief of Fred White was read twice by its title and referred to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BANKHEAD submitted an amendment proposing to repeal that part of section 2, chapter 38, page 533, Thirty-seventh United States Statutes at Large, relative to the publishing of a sworn statement in the second issue of such newspaper, magazine, or other publications printed next after the filing of such statement, intended to be proposed by him to the Post Office appropriation bill (H. R. 10484), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

He also submitted an amendment proposing to repeal that part of section 2, chapter 38, page 533, Thirty-seventh United States Statutes at Large, relative to the duty of the editor, publisher, business manager, or owner of every newspaper, magazine, periodical, or other publication to file with the Postmaster General and with the postmaster at which such publication is entered not later than the 1st day of April and the 1st day of October of each year a sworn statement, etc., intended to be proposed by him to the Post Office appropriation bill (H. R. 10484), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. NELSON submitted an amendment relative to the allotment to individual Red Lake Indians of certain lands within the Red Lake Indian Forest, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 10385), which was ordered to lie on the table and be printed.

AN AMERICAN ARMY SCHOOL.

Mr. SMITH of Georgia. I have a copy of an article written by Mr. Keller, State senator of Illinois, which appeared in Harper's Weekly, November 20, 1915, in which he discusses and makes certain suggestions about educational advantages which might be extended to private soldiers. This is a very important question, and we are now considering it in the Senate. I ask that it be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the matter was referred to the Committee on Military Affairs and ordered to be printed in the RECORD as follows:

AN AMERICAN ARMY SCHOOL.

We may as well face the fact that when this European slaughter is over and its horrors removed from our very eyes America is going to prosper greatly, rejoice, and talk peace, and straightway forget the necessity of being prepared to defend our rights and liberties when troubled days shall come again.

Getting through this present crisis without a fight will only make our self-satisfaction and sense of security the greater.

It can only be hoped that now, while the necessity for a defensive army is clear to the very great majority of Americans, we may develop some rational system for providing and maintaining one.

It must not be an army founded on present emergencies, but one that will justify its existence and continuance even throughout the long years of peace to come.

If we are to have an army, it must be an American army in every sense of the word. It must be the most efficient army in the world. Its organization and maintenance must be in harmony with our best traditions and highest ideals of liberty and equality. It must appeal to the common sense of the people generally as not only an efficient weapon of defense but as well an army beneficial to the country in time of peace; an army around which the Nation can grow without any of the fears which our ancestors had about large standing armies.

Even under universal peace pacts and peace treaties we must still maintain the spirit as well as the ability to defend against aggression. To lose either might endanger our liberty and our civilization.

How to prepare against such a contingency most effectively and at the least cost in money and the least loss of industrial energy is the question. Any army we may form must be and remain a volunteer army. No form of conscription will be found necessary nor would be tolerated.

We must not adopt bodily some system from some other country that may appear excellent for that country but that has not been tried out in actual warfare. We ought, rather, to originate some plan of our own, suited to our own conditions, the fundamental principles of which have been thoroughly well proven in actual conflict of arms.

An army is a development. To be a soldier is to have made a growth. Soldiering to-day is a business which requires thorough preparation. It is not founded on patriotism and enthusiasm alone. The technique of soldiering reaches to almost every branch of science to-day, and in the future this tendency will be greatly extended. The soldier who does not know his duties and know well how to perform them in conjunction with his comrades may, in case of conflict, be in the way rather than helpful against a well-trained enemy. It is easy enough to get shot for one's country.

Military drill a few minutes each week in schools, a few weeks' outing in summer camps, a business men's army league to drill when they can spare a little time, a three weeks' militia encampment with occasional evenings at drill between times, a summer school for officers that can neither make actual officers of them nor soldiers of the boys back home, and all the other kindred attempts at soldiering are good and inspiring in many ways. But a little study of the European conflict will show any thoughtful man what a grim and terrible thing warfare is and that it is impossible to prepare for it too well. We must face the matter with open eyes at least. It is no less than the truth to say that to send these fine, courageous militia boys, these enthusiastically patriotic summer soldiers, against three-year men would be little better than murder. Three-year men only can meet three-year men on equal terms.

Germany required the men who are making these astounding drives to serve working two years constantly in the infantry and three years in the cavalry and artillery. France tried out a shorter time of service for her soldiers to her heart's content. She was compelled to admit the inferiority of these short-service men, and adopted the same period of service as the Germans. A shorter period of service will not make soldiers of Americans. We must see this plainly or suffer dearly for our folly if the test ever comes.

The necessity for this long preparation is fully understood and appreciated by all military men. It must also be fully accepted by the people of this country generally before we can have a real Army. The hope that any makeshifts will do ought not to be indulged in at all in any quarter. To rely on summer soldiers is to court disaster. It is training that makes the soldier—it is training that makes the officer—plenty of training and plenty of time. It takes trained soldiers and trained officers both to make an army.

West Point takes plain American boys, with only fair education, without any proof of soldierly qualities, aptitude for war, or native ability to command, and in four years' constant training and educating hammers them not only into soldiers of the first class, but into officers—commanders and leaders of soldiers—the equal of any military men in the world.

THE AMERICAN SCHOOL ARMY.

The plan here offered to meet the requirements makes no pretension to completeness. It is set out rather as a basis for discussion in the hope that rational direction may be given the present general desire for some adequate means of national defense.

THE PLAN.

1. Let 100,000 boys, between the ages of 15 and 18, apportioned among the States, volunteer each year into the American school army for a period of three years.

2. Let these volunteers devote from two to three hours (about the time used in West Point) daily to military drill, army exercises, study of military science, and physical training and education, including sanitation, prevention of disease, and like broad general information.

3. The remaining time to be devoted to study along general educational lines, devoting especial attention to agriculture, manual training and the arts, trades, and sciences that are best adapted to fitting men for practical work of life.

4. These boys are to live constantly under the strictest military discipline, and to maintain a standard of morals equal to the best secular military schools.

5. The United States should pay all costs of maintenance, food, clothing, instruction, medical attendance, and a small allowance for "spending money." The boys themselves would do all the labor of every kind and character, the same as soldiers do under conditions of war. This would not only train them in actual soldiering, but the expense of maintenance will be so low that the number suggested in this plan will prove no burden to the country.

6. The boys in return for this three years of schooling and methodical growth are, upon graduation, to become reservists for a period of 20 years, subject to call to the colors, classified so as to let the oldest be called last in case of war.

7. These schools should be distributed in large units, probably not less than 10,000 in a unit, in localities best suited to their work. The school should continue for the ordinary school year. Then for 10 weeks the boys should break camp and march under the usual conditions of war to central points where large armies should meet for maneuver. This would give the officers every opportunity to learn the handling, moving, and supplying of large bodies of soldiers. It would give the men every experience in actual soldiering under all the conditions of war. It was such great maneuvers that perfected both the European men and officers for these immense strategic moves.

8. In this school army leadership would be encouraged among the boys from the very beginning. The natural leaders would come to the front. Officers for this school army would be selected from among its own ranks, and all who aspired to leadership would be graded and classified for future reference. From among those who had shown the best leadership and fitness for command and for special technical service would be selected, at graduation, as many as should be required for higher officers. These ablest men—these strongest natural leaders—would be sent for four years to a greater West Point, or West Points, where they would very certainly develop into the world's best military men.

9. The Government would establish an Army and Navy journal for the use of all Army and Navy men After graduation all the men would receive this journal free during the entire 20 years, wherever they should go.

This journal would keep every reservist constantly in touch with military and naval development all over the world. Their training and experience would enable them to at once understand and use intelligently every new invention or method of warfare in case war should be thrust upon us. It would make American reservists the most intelligent in the world. It would stimulate inventive genius among a vast number of trained, resourceful men. It would keep up interest, encourage individual growth, and aid team intelligence.

10. This system would result in giving the United States 2,000,000 men constantly ready, the best trained, the most intelligent, and resourceful soldiers in the world—not machines, but men who would grow as military invention and practice grows. It would put us in position to say to all nations, "We will do no wrong; we will suffer no wrong."

From this school-army idea would naturally develop an American school-navy system, either as an independent or coordinate establishment, as should be found most practicable.

THE LESSER THINGS THAT MAY BE THE GREATER.

Aside from military purposes, this school-army system would give the country each year 100,000 graduates in usefulness.

It would offer to every boy who had for any reason been denied an education an opportunity for three years of the best schooling possible. It would set a physical standard for all American men outside the school army as well as in it. This would lead ultimately to an American ideal of physical manhood, so much needed and so much neglected.

Every locality would get back some boy grown to inspiring manhood, drilled in industry, schooled in patriotism, able to think, clean, knowing sanitation for himself and for his community; the making of a broad-gauged American, whom his country had educated and who would owe his best service to his country—fit to father the coming race of better men.

The thorough mixing in the school army of these boys from all the various States and sections of the country would nationalize the school, and through it the Nation. The hyphen would disappear from our citizenship as naturally as ripened leaves fall to give place to a newer growth.

This school-army system would stimulate and make permanent the heroic in American men.

It would let us hark back easily to the simple Sparta life. It would recognize the real, the necessary. It would make efficiency the natural thing.

These reservists would know the reason for obedience to law, which our young men to-day do not know and which our schools do not teach.

The total lack of system in the thought of our youth, the resulting chaos of mind and act, would of necessity give way to the methodical competition of these efficient reservists.

It would make organization of industry in the broadest sense a part of our natural development, a thing now quite impossible.

The young man who spends three years in this school army will be further along industrially three years after his graduation than if he had spent the whole six years in industry without the training. For all the years to follow he would do proportionately as well, whether working for some one else or for himself. This training would always open many doors of opportunity to him because of his largely increased intelligence, which without it would have remained closed.

COMPARISONS AND COMMENTS.

None of the plans to form an army of adult citizens is feasible, simply because no sufficiently large body of full-grown Americans will ever consent to the conditions of army life for the length of time necessary to form an efficient army, except in the immediate presence of a condition of war.

We have had a standing Army for 50 years, and have not one reservist. When the last man's enlistment is out the Army ceases to exist.

A regular army large enough to be important probably can not be had, even if we cover all the remaining billboards with flaring advertisements. And we ought not to want one, because a body of adult citizens to be trained into an army is too entirely wasteful to be considered seriously. This applies with even greater force to our militia. They can not afford to leave their business long enough to become soldiers, any more than the business can afford to have them leave it. They, like all other adults, are where they are doing the most good, or growing toward that position.

There would be no waste in the school army. It would utilize the empty place between the time a boy should finish the public school and the time at which he is developed sufficiently for industrial service, to the great mutual benefit of the boy and the Nation.

This saving of the wages of the adults and the enormous gains in efficiency of the school-army reservists are most important considerations.

It is easy for boys to adapt themselves to the discipline of military life; it is difficult for men to do so.

There would be no lack of volunteers for this school army. With strict moral discipline maintained, most parents would want their boys to have the training, and most boys would certainly want the experience and growth. But if for any reason there should be a lack of volunteers, the Government has within its discretion the power to easily and certainly induce many more to volunteer than the number suggested.

There would always be an abundance of reservists at graduation, willing to serve for a reasonable time in manning and caring for the coast defenses and such duties as are now especially required of the Regular Army.

Last, but not least, these reservists who had studied and drilled and soldiered for three years and marched and maneuvered in great armies would not only furnish their own officers, but would abundantly supply the very best of officers, for all the lower grades, at least, for as many volunteer soldiers as the country could produce in case of such dire necessity.

OSAGE INDIAN LANDS.

Mr. GORE. Mr. President, I send to the desk a resolution which I desire to offer.

The resolution (S. Res. 125) was read, as follows:

Whereas the Secretary of the Interior in his report to the Senate Committee on Indian Affairs in relation to the Senate concurrent resolution No. 4, pertaining to the oil lands of the Osage Indians, used the following language: "The apparent purpose of this resolution is that the Barnsdall Oil Co. may secure valuable property belonging to the Osage Tribe in excess of the acreage permitted under the tribal resolution and the regulations of this department without competition and without compensation"; and

Whereas Senate resolution No. 107, which supersedes Senate concurrent resolution No. 4, would turn over to the Barnsdall Oil Co. and others a much larger amount of Osage oil properties on less favorable terms for the Indians than Senate concurrent resolution No. 4: Now, therefore, be it

Resolved, That the Senate Committee on Indian Affairs be directed to investigate and report to the Senate the estimated value of the Osage oil properties, if any, which would be turned over under said resolution to the Barnsdall Oil Co., to the Gypsy Oil Co., and to Foster & Brennan without competition and without compensation.

The PRESIDENT pro tempore. The resolution will lie over under the rule for one day.

Mr. GORE. I send to the desk another resolution.

The PRESIDENT pro tempore. The junior Senator from Oklahoma submits another resolution, which the Secretary will read.

The resolution (S. Res. 126) was read, as follows:

Whereas in the hearings before the Committee on Indian Affairs on Senate concurrent resolution No. 4, in relation to Osage oil lands, the report as to the investments, gross and net earnings, and dividends of the Barnsdall Oil Co. did not come down to a later date than January 1, 1915; and

Whereas much of the time since Juanary 1, 1915, has been a prosperous and profitable period in the oil industry: Now, therefore, be it

Resolved, That the Senate Committee on Indian Affairs be directed to investigate and report to the Senate as to the gross and net earnings, profits, and dividends of the Barnsdall Oil Co., the Gypsy Oil Co., and Foster & Brennan since January 1, 1915; and also to ascertain and report as to the total amount of oil produced by the Barnsdall Oil Co. and to what company or companies said production was sold; also to investigate and report as to the activities of Earl Oliver and the interests he represents and as to the activities of representatives of other interests in relation to all pending proposals to lease, re-lease, or sell oil properties of the Osage Tribe of Indians.

The PRESIDENT pro tempore. The resolution will lie over for a day under the rule.

ARMY AVIATION SERVICE.

Mr. CHAMBERLAIN. Mr. President, a joint resolution was passed on Thursday last by the Senate for an investigation of the Army Aviation Corps. It was incorrectly enrolled, and I should like to have a resolution passed recalling that joint resolution from the House so that it may be corrected.

The resolution (S. Res. 127) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the resolution (S. J. Res. 65) entitled "Joint resolution creating a joint commission of Congress to be known as the Joint Commission of Congress to Investigate the Aviation Service of the United States Army."

CONFIRMATION OF CHARLES F. CURLEY.

The PRESIDENT pro tempore. Morning business is closed.

Mr. OWEN obtained the floor.

Mr. STONE. Will the Senator from Oklahoma yield to me?

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Missouri?

Mr. OWEN. I yield to the Senator from Missouri.

Mr. STONE. The Senator from Delaware [Mr. SAULSBURY] has called my attention to the situation that on account of the resignation and absence of the district attorney of Delaware the holding of court there, which begins the first of next week, will be very greatly embarrassed because of the lack of a representative of the Government of the United States. The Senator from Delaware thinks—and I concur in his view—that it is very important in the public interest that action should be immediately taken by the Senate on the confirmation of the appointment of district attorney in that State. I am assured that there will be no objection to the confirmation; and in that view, if the Senator from Oklahoma would permit, I would be glad if the Senate would have a very short executive session.

Mr. OWEN. I yield to the request of the Senator from Missouri.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. The Senator from Oklahoma having yielded the floor, the Senator from Missouri is now recognized to make a motion to proceed to the consideration of executive business.

Mr. GALLINGER. Mr. President, are there not precedents, I will ask the Senator, where confirmations have been made in open session in emergency cases such as this?

Mr. SMOOT. Yes.

Mr. STONE. I think so.

Mr. GALLINGER. I dislike to see the galleries cleared for a few moments' executive session.

Mr. STONE. So do I. I concur in that expression.

The PRESIDENT pro tempore. While the Chair thinks the precedents are the other way, he supposes there might be exceptional cases by unanimous consent.

Mr. GALLINGER. That is what I had reference to, Mr. President.

Mr. STONE. I started to ask that by unanimous consent the nomination referred to be laid before the Senate.

The PRESIDENT pro tempore. And considered in open executive session?

Mr. STONE. And considered as in open executive session.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. OVERMAN. I report from the Committee on the Judiciary the nomination which I send to the desk and ask for its confirmation.

The PRESIDENT pro tempore. The Secretary will read the nomination.

The Secretary read as follows:

Charles F. Curley, of Wilmington, Del., to be United States attorney for the district of Delaware, vice John P. Nields, whose term has expired.

The PRESIDENT pro tempore. The Chair would inquire as to when that nomination was referred to the Judiciary Committee?

Mr. OVERMAN. It was referred on the day before yesterday, I think.

The PRESIDENT pro tempore. Unless there is objection, the nomination will be confirmed. The Chair hears none, and it is so ordered.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. The President of the United States will be notified, unless there is objection. The Chair hears none.

Mr. SMOOT. Mr. President, I was about to suggest that the President must be notified, in order that the appointment may be made out before Monday.

Mr. OVERMAN. Mr. President, I want to set myself right. I merely desire to say that there was a mistake about the nomination which has just been confirmed having been referred to the Committee on the Judiciary. It was on the desk here day before yesterday, and I thought that in executive session it had been referred; but at the request of the Senator from Delaware I polled the Judiciary Committee, and they authorized me to report the nomination favorably.

The PRESIDENT pro tempore. The impression of the Chair was that the nomination had never been formally presented to the committee, but that is a mere informality that has been cured by unanimous consent.

OSAGE OIL LANDS.

Mr. OWEN. Mr. President, yesterday I had laid before the Senate Senate resolution 107, and I wish now to call that resolution to the attention of the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the resolution referred to by the Senator from Oklahoma, which will be stated.

The SECRETARY. A resolution (S. Res. 107) reported by Mr. LEA of Tennessee, from the Committee to Audit and Control the Contingent Expenses of the Senate, on the 9th instant, relative to leasing Osage oil lands.

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the senior Senator from Oklahoma yield to his colleague?

Mr. GORE. Mr. President, I wish to make a point of order.

The PRESIDENT pro tempore. The Senator from Oklahoma will state it.

Mr. GORE. If the request is that the resolution be laid before the Senate by unanimous consent, I desire to interpose an objection. The question would then come up on the motion to take it up.

The PRESIDENT pro tempore. This resolution has been reported and is on the calendar. It is rather a question of taking it from the calendar now than of being a resolution coming over from a former day. It will therefore be necessary for the senior Senator from Oklahoma to change his request and to make a motion to proceed to its consideration. The resolution is not on the President's desk as coming over as a matter of course, but, as stated, it is now on the calendar, having been reported.

Mr. OWEN. I move that the Senate proceed to the consideration of Senate resolution 107.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Oklahoma.

Mr. GALLINGER. I desire to ask the Senator a question. Has this resolution ever been submitted to the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. OWEN. It has been favorably reported from that committee.

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the senior Senator from Oklahoma yield to his colleague?

Mr. OLIVER. A parliamentary inquiry, Mr. President. Is this motion debatable at this time?

The PRESIDENT pro tempore. It is not debatable until 2 o'clock. The attention of the Chair is called to the fact that a motion to proceed to the consideration of any matter on the calendar is not debatable if taken up before 2 o'clock. The question is on the adoption of the motion submitted by the Senator from Oklahoma [Mr. OWEN].

Mr. GORE. Mr. President, what is the motion?

The PRESIDENT pro tempore. The motion is to proceed to the consideration of Senate resolution 107.

Mr. GORE. Mr. President, I ask if we can not have unanimous consent to proceed to a discussion of that motion? I had no disposition yesterday nor have I to-day to preclude the discussion of the pending resolution.

The PRESIDENT pro tempore. The junior Senator from Oklahoma asks unanimous consent that the pending question may be debated at this time. Is there objection?

Mr. OWEN. I object.

Mr. OLIVER. I object.

The PRESIDENT pro tempore. The senior Senator from Oklahoma objects.

Mr. GORE. I doubt the presence of a quorum, and I raise that point.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Nelson	Smoot
Bankhead	Gronna	Norris	Sterling
Beckham	Hughes	O'Gorman	Stone
Brandegee	James	Oliver	Sutherland
Broussard	Johnson, Me.	Overman	Swanson
Catron	Johnson, S. Dak.	Owen	Thomas
Chamberlain	Jones	Page	Thompson
Clapp	Kern	Phelan	Vardaman
Clark, Wyo.	Lane	Poindexter	Wadsworth
Clarke, Ark.	Lea, Tenn.	Shafroth	Walsh
Colt	Lee, Md.	Sheppard	Warren
Culberson	Lewis	Sherman	Williams
Cummins	McCumber	Simmons	Works
Curtis	McLean	Smith, Ariz.	
Dillingham	Martin, Va.	Smith, Ga.	
Fall	Myers	Smith, S. C.	

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY], who is paired with the Senator from Maine [Mr. BURLEIGH]; also the unavoidable absence of the Senator from Florida [Mr. FLETCHER], who is paired with the Senator from Idaho [Mr. BRADY]. These announcements may stand for the day.

The PRESIDENT pro tempore. Sixty-one Senators having answered to their names, a quorum of the Senate is present. The question is on the adoption of the motion of the Senator from Oklahoma [Mr. OWEN].

Mr. GORE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. GORE. Is the pending motion to take up resolution 107 for present consideration?

The PRESIDENT pro tempore. It is.

Mr. GORE. I shall interpose no further objection at this time.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Oklahoma [Mr. OWEN] that the Senate proceed to the consideration of Senate resolution 107.

The motion was agreed to, and the Senate proceeded to the consideration of the resolution.

Mr. OWEN. Mr. President, by the direction of the Committee on Indian Affairs I reported on February 21 Senate Resolution 107 in lieu of Senate Resolution 4, introduced by the Senator from Pennsylvania [Mr. OLIVER]. For the information of the Senate I should like to read the resolution as now reported to the Senate. It is as follows:

Resolved, That pending investigation by the Committee on Indian Affairs of the Senate, the Secretary of the Interior be, and he is hereby, requested to refrain for a period of two years, or until further action by Congress, from making any disposition by lease or sale of such quarter-section units of the lands on the Osage Reservation in the State of Oklahoma, as have been developed by oil operators either under leases or subleases as are now producing oil, except such units as are now held by lessees who have accepted the terms of the resolution of the Osage Council of June 17, 1915, for leases to be made direct to them. Said developed lands thus withheld from lease after the expiration of the term of the existing oil lease may continue to be operated by the present oil operators who are now in possession of and operating the same at a royalty of not less than one-sixth on all leases of quarter-section units when the average production is less than 25 barrels per well per day and a royalty of not less than one-fifth on all such leases when the average production exceeds 25 barrels per well per day, all royalties to be paid into the Treasury of the United States to the credit of the Osage Nation of Indians.

That the Committee on Indian Affairs of the Senate, through a subcommittee of five members to be chosen by it, be, and it hereby is, authorized and directed to fully investigate the subject of the leasing of said lands and the methods of controlling and marketing the oil production of the Osage Reservation in Oklahoma and all affairs connected therewith, and that the said committee be empowered to employ a stenographer at a cost not exceeding $1 per printed page, to administer oaths, and to sit during the sessions of the Senate and during vacation; and said committee shall make full and complete report, together with its recommendation to the Senate. The necessary expenses of said committee shall be paid out of the contingent fund of the Senate.

This is not a difficult nor involved matter so far as it lies before the Senate. Twenty years ago fifteen hundred thousand acres of Osage land were leased under act of Congress for oil purposes. That lease was renewed 10 years ago by act of Congress as to 680,000 acres, and will expire on the 16th of March, 1916. One hundred and forty-one of the sublessees who drilled upon these lands, according to the report of the Secretary of the Interior, have not received back the funds which they invested in this attempted development, and only 12 of them have succeeded in securing a return above the capital invested. (Hearings, p. 205.) The Osage Council insisted that on the termination of the lease, March 16, 1916, the persons who had developed this territory had no preferential rights to renewal or equity whatever; that these lands should be sold at public auction; that the wells which had been drilled carried no preferential rights to renewal or equity to those who had drilled them. In answer to that the operators contended that the universal rule of all oil fields with producers and owners, lessors and lessees, has always been that those who develop an oil well had the right, until the oil ceased to exist in paying quantities, to a preferential right of re-lease of that property on terms to be agreed upon, even when the lease itself does not in express terms stipulate the right of renewal.

The Congress of the United States laid down this principle of recognizing the right of new lease in the act of June 28, 1898, in instructing the Secretary of the Interior to give preference right to lease to prior lessee in making leases of lands of the Five Civilized Tribes contiguous to the Osage territory. That practice was followed by Congress in 1906 at the termination of the 10-year lease on the Osage lands.

It is the universal practice wherever oil fields exist that a term lease shall be renewed to the lessee upon terms to be agreed upon as long as the oil is found in paying quantities, even when not so provided in the written contract, thus giving the lessee producing oil in paying quantities the preferential right to a new lease. The oil wells of this field have a life of from 8 to 10 years. In that time the oil becomes so small in quantity as not to be worth pumping. The oil men rely upon what they call "fixed production," the production after 12 months from drilling a well, to compensate them for the capital invested, and their speculative profits come out of what is called the "flush production," a production which comes out during the first 12 months after they succeed in finding productive oil sand.

Two years before the expiration of this lease—which expires, as I say, next week, on March 16—the oil men took up the question of a renewal with the Department of the Interior, and had many conferences with regard to it. The department was most patient and careful in making that investigation. From those conferences the oil men, without any written authority, and without any express declaration on the part of the department, drew the inference that the customary practice of releasing oil lands would be followed out by the department. One of the departmental officers, named Carroll, wrote a circular letter (hearings, p. 262) to these operators from which they inferred—perhaps not justly, but certainly from fairly good reason—that they would be recognized according to the number of wells they had; and many of them, upon that letter, drilled additional wells.

The greatest by far of all the operators in that field was Theodore N. Barnsdall, an old operator, and an operator from his early youth, who had drilled wells in West Virginia and in Ohio and in other fields; and in order to develop these lands he borrowed a large amount of money—$7,500,000—from the Standard Oil Co. (hearings, p. 11), for whom he had drilled lands in previous years. They, as pledgee, held millions of dollars of Barnsdall's personal stocks and bonds to guarantee the return of the loan to Barnsdall's operating company, the Barnsdall Oil Co.

Mr. REED. Mr. President, will the Senator kindly tell us whether this money was borrowed by Mr. Barnsdall after the impression was given out, as he states, by the Secretary of the Interior, or from his office, that the leases would be renewed, or was the money borrowed many years before that time?

Mr. OWEN. The money was borrowed when he began to operate in the Osage field.

Mr. REED. Many years ago?

Mr. OWEN. Many years ago—I think about 1906. He put up many millions of dollars of his own securities outside of the money which he intended to invest in this field. The evidence was submitted to the committee that the Standard Oil Co. had no interest in Barnsdall's dividends in the Barnsdall Oil Co. except as pledgee; that they sold his private stocks with a view to reducing his debt. This man seems to have spent over $10,000,000 in acquiring leases, paying royalties, and in drilling wells in the Osage country. He drilled and operated over 1,200 wells, at a cost of nearly $7,000,000; and when the statement was made up, January 31, 1915, he was still in arrears over $1,100,000. He had not gotten his capital back by that much after operating there for over 10 years.

The suggestion was made that perhaps the Standard Oil Co. had some interest in this, and, therefore, that the Standard Oil Co. might be properly rebuked as a general public enemy by refusing to Barnsdall recognition of the preference right of renewal to the wells he had drilled. His claim to a preference right, and the claim to a preference right of others to the wells they have actually drilled in the Osage country, was on the ground of the universal custom and practice in the oil fields, on the ground of the precedent set by Congress in the act of June 28, 1898, recognizing the preference right by statute, and the act of 1906 authorizing the renewal of the leases in the Osage country, and the belief on the part of all these men that the Interior Department would recognize their right to a renewal of leases on the producing wells they had developed and their own large expenditures in drilling wells in this field in the last three years of the lease on this reliance and with no suggestion of danger given them either by the Osages or by the department officers.

During the last two years, at a time when no hope could be entertained of the capital being paid back out of the settled production of these wells, the Barnsdall Oil Co. expended approximately $2,000,000 under the influence of this conviction. It is absolutely incredible that they would have made such an expenditure except under the conviction that they should be permitted, upon reasonable terms, the preferential right of a renewal of the lease on the wells so developed.

The Barnsdall Oil Co., proceeding upon the theory that Congress had first allowed 1,500,000 acres to be let in one lease in 1896, and 680,000 acres in another renewal lease by authority of Congress in 1906, had bought up various sublessees' rights in this area, and then they made this expenditure of approximately $2,000,000 within two years in drilling wells just before the conclusion of the lease. The Osages discovering they had a technical legal right to sell all leases to the highest bidder demanded that no preferential right to a new lease be recognized in any of their lessees. The Osage Council by law makes the leases, and with this advantage they were in a position to drive a hard bargain and coerce all their lessees and to coerce the department itself to yield to their demands.

The policy of the Government wisely changed from these large holdings of leased lands of 1896 and 1906 to smaller holdings. I myself advocated the policy of making these holdings in smaller areas. They were reduced to 4,800 acres. The department acted wisely and justly in that respect, since it afforded a larger opportunity to smaller men to enter this field of investment. But cutting down the amount from 680,000 acres to 4,800 acres worked an unnecessary hardship upon Theodore Barnsdall, who had been a large operator. Under the new

policy now proposed to be inaugurated on March 16, 1916—next week—a number of leases were made of 4,800 acres each to persons who had made no development whatever. Barnsdall, under the new rule, is permitted, through the Barnsdall Oil Co., to obtain 4,800 acres. He has interests in other companies which are permitted to make leases of the same amount, but there remains, over and above the acreage which is permitted to this company, somewhere in the neighborhood 20,000 acres of land which they have developed out of what might be properly called "wildcat" territory, the settled production of which is to be taken from them on the theory that they have no equity. The 4,800-acre rule is merely a rule of policy and convenience and is not intended to be, and is not in fact, without important exceptions. It is proposed to entirely disregard the 4,800-acre rule in selling the acreage advertised, to wit, 16,740 acres.

The Committee on Indian Affairs thought the operators had an equity, a preference right to a renewal of leases on equal terms offered by others, and thought that pending the ascertainment of what would be a just and proper arrangement the matter should be left to the discretion of the Secretary under the suggestion of Senate resolution 107, while it was being inquired into and a report made at the next session of this Congress; and that is the substantial recommendation of this resolution—that the committee shall investigate the matter, and that in the meantime the Secretary be requested to permit the operators who developed the wells upon the 16,740 acres which were to be sold to operate that area at an increased royalty, not less than a sixth or a fifth and at such higher rate as he chose, until that report can be made to the Senate and action taken thereon.

I should have explained to the Senate that on June 17, 1915, the Osage Council, which had taken the broad position primarily that none of these operators had ethical or moral rights or equities conceded with the Department of the Interior, that they did have, and that they all were entitled to a renewal of their leases, with the exception of 16,740 acres, nearly all of which was developed by Barnsdall Oil Co. There were two classes of lands in that 16,740 acres. Fifteen thousand acres of "surplus," so-called, nearly all of which were the lands developed by the Barnsdall Oil Co., and which so-called "surplus" was the surplus of an operator which exceeded 4,800 acres—the rule which applied generally but not exclusively under the new regulation. The Osages took the ground that Barnsdall and a few others who had "surplus," so-called, should not be allowed any more than 4,800 acres in order that these lands, some 15,000 acres, might, on this charge of being "surplus," be put up and sold at public auction to the fancied advantage of the Osages in getting some quick cash, because these lands have a very large cash value. I do not know just what the value is. Probably several million dollars would not be an unreasonable estimate of the values in these 15,000 acres of land.

There was 1,760 acres in other groups of wells which exceeded 25 barrels per well per unit of 160 acres—they deal with this question in units of 160 acres—so that if 10 wells produced 250 barrels a day, it would be an average of 25 barrels per well per unit on that 160 acres. As to those lands, of which there were 1,740 acres, the Osage Council demanded that as a minimum that much should be sold for their immediate benefit, and that the preference right of renewal of those who had made this fortunate discovery should be disregarded, and an arbitrary line was thus drawn between 24 barrels and 25 barrels in the Osage resolutions of June 17, 1915, upon their selfish demand. Those who had wells bearing less than 25 barrels per well per unit had their preference right recognized. Those who had 25 barrels or more had their preference right denied. It was an arbitrary rule necessary to obtain the acquiescence of the Osages in recognizing the preference right of other and smaller operators to release the producing wells they had developed.

It was an arbitrary rule, and unavoidably so, if that demand of the Osage Council should be recognized. The department officials did what they thought the best they could with it. They had a very difficult proposition to draw a line between the demands of the Osages that there should be no recognition of the equity of any of these operators, and to draw it so as to recognize the equities of all of those except Barnsdall and those who had wells producing in excess of 25 barrels.

Your committee thought that the Osages had been unfair in their demand to disregard the preference right of the faithful and useful tenants who had developed the lands involved in the 16,740 acres, and thought that by suggesting a royalty of not less than one-fifth, 20 per cent—a higher royalty than prevails anywhere else in the oil fields—these persons who had developed these values for the Osages would in that way have an opportunity of being fairly reimbursed and compensated for the development of these values for the Osage people, if the Secretary consented and used his influence with the Osages.

A resolution came before the committee and was ordered reported, in which it was proposed that all of these lands should be re-leased for a term not exceeding five years. This resolution was reconsidered and Senate resolution 107 reported in lieu thereof. This proposal, made by the Senator from Wisconsin, just referred to, was as follows:

Senate resolution.

Whereas the Department of the Interior, through its representative at the Osage Agency in Oklahoma, having in view the fact that the present lessees of the oil rights of the Osage Indians would terminate on March 16, 1916, and that it was the desire of the lessees to secure a renewal of said leases, did, on the 11th day of December, 1914, write said lessees as follows:

"Schedules are being prepared to be used at the hearing as to the renewal of the so-called Foster lease before the honorable Secretary of the Interior in Washington in the immediate future. It is the desire of this office that each lessee be given full credit for all the development done upon the acreage charged to him up to December 31, 1914. To this end we suggest that a statement be mailed to this office at once (if no change will take place between now and December 31) showing the dry oil and gas, and the gas wells in service commercially, if any, upon each separate lot or section or division thereof, charged to you.

"The renewal, if any, will be based upon the records as shown by this office. It therefore behooves each lessee that we are furnished with the correct information at once"; and

Whereas it appears that at that time the leased area of the Osage lands was divided into "lots" varying in area from a small acreage to several sections, which lots were, when leased singly, the smallest unit for development, and where more than one of these lots were included in a lease, the total leased area became the unit of development; and

Whereas thereafter and on February 22, 1915, the said representatives of the Department of the Interior wrote the various lessees who had within their leased areas "lots" upon which no development of any character had been made, calling attention to these undeveloped lots, and then stating:

"You are advised that the records in this office show that no development of any character has been performed upon the above-described property, and in order that the office may be fully informed, will you please advise me by March 1, 1915, if possible, why this tract has not been tested"; and

Whereas on August 26, 1915, the Secretary of the Interior promulgated "regulations to cover the leasing of lands in the Osage Indian Reservation in Oklahoma for oil and gas mining purposes," among which regulations was the following:

"2. Any such sublessee who in good faith shall have made an effort prior to October 1, 1915, to develop any lands under the Foster lease for oil, and shall have drilled one or more wells thereon, even though such wells may have resulted in dry holes, will be granted a new oil lease on the expiration of the Foster lease, on March 16, 1916, under the conditions set forth in sections 3 to 9 of these regulations, provided acceptance of the resolution of the tribal council dated June 17, 1915, is filed with the superintendent not later than September 1, 1915.

"3. Any such sublessee may select from his present holdings and obtain an oil lease embracing not to exceed 4,800 acres of land in quarter-section units, according to the public survey, or in fractional parts of such units where the present sublease does not cover a full quarter section, units the producing wells of which were capable of averaging 25 or more barrels of oil per day on July 1, 1915, which units shall be released to the Osage Tribe on March 16, 1916, together with all other producing and nonproducing properties held by each such sublessee in excess of 4,800 acres; and

Whereas on October 30, 1915, the representative of the Interior Department at the Osage Agency in Oklahoma wrote these various lessees notifying them that he was in receipt of a telegram from the Commissioner of Indian Affairs, as follows:

"Section 9 of Osage Regulations amended to permit filing plats not later than December 1 as to undeveloped lands"; and

Whereas many of said lessees have, pursuant to these various suggestions and invitations by the representatives of the Interior Department, drilled wells and made other development within the past two years upon the apparently reasonable presumption that their leases would be so extended as to include their oil production; and

Whereas because under these rules and regulations of the Secretary of the Interior their leases will be limited to 4,800 acres, composed of developed units of 160 acres each, the wells of which shall not average more than 25 barrels per day, some of them are compelled to abandon producing territory which has been recently developed by them; and

Whereas under the statements contained in the above-quoted correspondence and under the rules and regulations of the Secretary of the Interior they were led to believe that they would be granted an extension of their leases; and

Whereas they have accepted in many instances the terms prescribed by the Secretary of the Interior, have executed leases, and have complied with all of the requirements set forth in the rules and regulations and are, notwithstanding the fact that no leases have been approved by the Secretary of the Interior, possessed of certain equities deserving protection: Therefore be it

Resolved, That pending investigation by the Committee on Indian Affairs of the Senate and further action by Congress the Secretary of the Interior be, and he hereby is, requested to make no sale of oil leases and to make no oil leases on the lands of the Osage Indians in Oklahoma except to the present lessees, and for only the areas now held by them, and for a term of five years from and after March 15, 1916, said leases to be upon a royalty of one-sixth and to be made and operated under such rules and regulations as the Secretary of the Interior may prescribe; such royalties to be paid into the Treasury of the United States to the credit of the Osage Nation of Indians: *Provided*, That such leases and possession thereunder shall not be made the basis for further equities at the termination of the period therein prescribed; and be it further

Resolved, That the Committee on Indian Affairs of the Senate, through a subcommittee of five members to be chosen by it, be, and it hereby is, authorized and directed to fully investigate the methods of controlling

and marketing the oil production of the Osage Reservation in Oklahoma and all affairs connected therewith, and that the said committee be empowered to send for persons and papers and to subpœna witnesses, to administer oaths, and to sit during the sessions of the Senate and during vacation; and said committee shall make full and complete report, together with its recommendation, to the Senate. The necessary expenses of said investigation shall be paid out of the contingent fund of the Senate.

That resolution would have resulted, in my judgment, in very greatly reducing the royalties to the Osages, and would have the effect, if carried out, of preventing any further development in the Osage country, because it would take away, after five years, the fixed production upon which all oil operators rely for the return of their capital.

I think I have fairly and justly stated what the situation is. I have no hesitation whatever in saying that I believe that these persons have moral and ethical rights that ought to be recognized. I think the proposal of the committee fairly meets the matter. I merely call attention to the record, which discloses that this scheme to disregard the preference rights of these faithful tenants was based on the selfish demand of the Osages, and that this arrangement was made on the authority of the Osage Council resolution of June 17, 1915, passed without giving these Osage tenants any chance to amend or protest or be heard before the council. I call attention to the resolution of June 17, and I submit it to the RECORD:

Resolution of Osage Tribal Council.

Whereas the so-called Foster lease, now owned by the Indian Territory Illuminating Oil Co. and its sublessees, covering 680,000 acres in the Osage Reservation, Okla., will expire on the 16th day of March, 1916: Now, therefore, be it

Resolved by the Osage Tribal Council, now in session at Washington, D. C., this 17th day of June, 1915, That the following recommendations be, and are hereby, made to the Secretary of the Interior in connection with the leasing of said lands:

1. That the Congress of the United States be asked to extend the trust period, which under existing law will expire on April 8, 1931.

2. In all oil leases provision shall be made for the Government to have the option to purchase the oil, or any part thereof, at the highest posted market price on the date of sale.

3. The Indian Territory Illuminating Oil Co. shall be eliminated as an intermediary.

4. Oil and gas rights shall be leased separately, and oil leases shall be made for a term of five years from date of approval by the Secretary of the Interior and as much longer thereafter as oil is found in paying quantities, but the term of leases shall not extend beyond the time the title to the minerals remains in the Osage Tribe.

5. Oil leases shall be made direct to the present sublessees covering their present holdings in quarter-section units not exceeding 4,800 acres each in the aggregate, except such quarter-section units the producing wells of which are capable of averaging 25 or more barrels per day on July 1, 1915, which units shall be retained by the tribe and offered for lease at public auction to the highest bidder, subject to the approval of and under such rules and regulations as the Secretary of the Interior may prescribe; the average daily production to be ascertained under the direction of the Secretary of the Interior.

6. The rate of royalty on oil to be one-sixth, except where the average daily production of producing wells on any quarter-section unit shall equal or exceed 100 barrels for calendar-month periods; the royalty on such wells to be one-fifth.

7. Oil lessees shall, within 12 months after the approval of a lease by the Secretary of the Interior, drill a well on each nonproducing quarter-section unit or pay in lieu thereof a rental of $1 per acre per year.

8. All producing lands not leased to present lessees shall be offered for lease to highest bidders upon the expiration of present leases and under such rules and regulations as may be prescribed by the Secretary of the Interior.

9. Gas leases shall be made by the tribal council to the present gas lessees covering all or part of their present holdings and for such periods as the Secretary of the Interior may determine: *Provided*, That applications made prior to this date for leases of gas may be granted in the discretion of the Secretary of the Interior.

10. The royalty on gas shall be one-sixth, and all contracts for the sale or use of gas shall be subject to the approval of the Secretary of the Interior. Such contracts shall be transmitted to the superintendent of the Osage Agency, who shall forward same without recommendation to the Secretary of the Interior, through the Commissioner of Indian Affairs. Before any contract is approved, the superintendent shall be notified of the terms which the Secretary will approve and the superintendent will thereupon notify the principal chief, who will then convene the tribal council and inform the members of the terms of the proposed contract. The council may within 10 days from the receipt of such notice by the superintendent communicate to the Secretary, through the superintendent and the commissioner, their views with reference to the said contract.

11. The present sublessees will be notified of the terms upon which new leases may be made, and they shall file with the superintendent not later than August 1, 1915, their acceptance. Should any sublessee neglect or decline to file his acceptance on or before August 1, 1915, all lands he might acquire under new leases shall, on the expiration of the present lease, be offered to the highest bidder, in the discretion of and subject to the approval of the Secretary of the Interior.

The above plan provides for new oil leases to the present sublessees covering an aggregate area of about 70,000 acres of producing territory and approximately 165,000 acres of nonproducing territory, the latter being subject to a rental of $1 per acre per annum in lieu of development.

Such quarter-section units as are capable of an average daily well production of 25 barrels or more, together with about 16,000 acres of additional producing territory, shall be leased at public auction to the highest bidder, under such rules and regulations as the Secretary of the Interior may prescribe.

The remaining 430,000 acres of nonproducing territory shall be leased at such times and under such rules and regulations as the Secretary of the Interior may prescribe.

G. R. PETTIT, *Secretary.*
ARTHUR BONNICASTLE, *Interpreter.*
A SHE GAH HRE, *Principal Chief.*
PERRY KING, *Assistant Chief.*

Members of council:

E GRON KAH SHIN KAH.
EDGAR MCCARTHY.
ANDREW BIGHORSE.
PETER C. BIGHEART.
CLEMENT DENOYA.
FRANKLIN SHOW.
GEORGE ALBERTY.

Witnesses to signatures:

FRANKLIN K. LANE.
CATO SELLS.
J. GEO. WRIGHT.
W. A. WILLIAMS.

Approved.

FRANKLIN K. LANE,
Secretary of the Interior.

That only goes to the effect of making this demand; and the question now is whether or not the Osages shall have the approval of the Senate of the United States in rejecting the preferential rights of a renewal lease to some of their tenants.

Of course, it is very easy for Senators who may be opposed to this matter to conduct a filibuster against it and thus prevent the favorable vote by the Senate, which they show by a filibuster they fear, if the Senate be willing to permit that to be done. I was informed this morning that representatives and lobbyists of the Osages claimed that they had an arrangement made by which a successful filibuster would be carried on against Senate resolution No. 107, by Senators who were not on the Indian Committee and who lend a willing ear to the Osage pleaders but who have not done the Indian Committee the honor to advise it of their views. I do not care for anything more than the opinion of the Senate. I shall mildly regret a filibuster which wishes to stifle that opinion. This is a matter which does not concern me in any way whatever, except as a Senator of the United States, attempting to see justice done between the white children and the red children of the people of the United States. I represent the Committee on Indian Affairs in presenting this matter to the Senate, and, having discharged my duty under the instruction of your committee, I submit the matter to the Senate.

I submit to the RECORD various telegrams sent the chairman of the Committee on Indian Affairs and to myself bearing on this question.

Mr. REED. Mr. President, I simply wish to say that I have been asked to look into this matter. I have not at all concluded my labors, and I was in hope that this question would go over to some other day. I am not a member of the Committee on Indian Affairs. It is therefore necessary for me, if I make preparation, to go through the hearings and the various reports. I have done that in a desultory manner, but not in that careful way in which I should like to, if time permits it.

The Senator from Oklahoma has made his statement now to the Senate and his remarks will be in the RECORD for the information of the Senate and will be read by those who are not here to-day. Hence I wish to ask him if he would not be willing to let this matter go over until Monday morning? That will give some time for investigation.

Mr. OWEN. Mr. President, I ask unanimous consent that the matter be taken up immediately after the conclusion of the routine morning business on Monday.

Mr. OLIVER. And voted upon on that day?

Mr. OWEN. I shall be glad to have it voted upon on that day, if the Senator will agree to that.

Mr. REED. Of course I can not make any agreement, as far as I am concerned.

Mr. OWEN. I ask unanimous consent that it may be disposed of on Monday.

Mr. GORE. I object to any agreement as to a vote.

Mr. SMOOT. If there is going to be a unanimous-consent agreement——

Mr. REED. It would be entirely agreeable to me to vote on that day.

Mr. SMOOT. Did I understand the junior Senator from Oklahoma to object?

Mr. GORE. To that part of the agreement as to a vote; yes, sir.

Mr. OLIVER. Mr. President, these lands are advertised for sale on Wednesday next, and if this resolution is to be disposed of it ought to be disposed of at once.

Mr. GORE. Mr. President, I will say to the Senator that the sale, as I understand, has been postponed until the 20th of April.

Mr. OLIVER. I had not heard of that, Mr. President. In the meantime we do not know what is to be the status of these lessees after the 16th of March when their leases expire.

Mr. GORE. I think that is entirely true.

Mr. OLIVER. It seems to me this matter ought to be disposed of by the Senate.

Mr. REED. So far as I am concerned I simply desire time to look into the matter. I am entirely willing that the Senate shall vote on next Monday as soon as the debate is closed, but, of course, I can not control that.

I have no special interest in this matter, but I want to look into it. I have been asked to look into it by people who are interested; and it involves, as I understand, a good many million dollars. So I make the request of the Senator from Oklahoma, who seems to be willing to accede to the request, but desires to add to it a unanimous-consent agreement that the question shall be disposed of on Monday. I do not know whether the Senate would be willing to grant that consent or not.

The PRESIDING OFFICER (Mr. LANE in the chair). Is there objection to the request?

Mr. GORE. I object to the request with reference to a vote.

Mr. President, I promise the Senate to be brief in my remarks. I ask Senators to find upon their desks the hearings before the Committee on Indian Affairs in relation to the pending resolution. On page 27 they will find at the top of the page language from a report by the Secretary of the Interior submitted to the Committee on Indian Affairs at the request of its chairman on this subject. The Secretary of the Interior declares that—

> The apparent purpose of this resolution is that the Barnsdall Oil Co. may secure valuable property belonging to the Osage Tribe in excess of the acreage permitted under the tribal resolution and the regulations of this department without competition and without compensation.

Mr. President, those are the two points to which I am opposed and which account for my opposition to the pending resolution. I am not willing that the Senate of the United States by a mere Senate resolution, not an enactment of the Congress, not a joint resolution requiring the approval of the Senate and the House of Representatives, not even a concurrent resolution——

Mr. OLIVER. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Pennsylvania?

Mr. GORE. I do.

Mr. OLIVER. I should like to ask the Senator if it is not contemplated by this resolution that there shall be a royalty paid in addition to the royalty which was contemplated by——

Mr. GORE. The pending resolution brought into the Senate by the Committee on Indian Affairs imposes worse terms to these Indians than Mr. Barnsdall himself proposes to pay. In his statement before the Committee on Indian Affairs, which I believe is on page 214–215 of the document lying upon Senators' desks, Mr. Barnsdall said he was willing to give one-fifth royalty through and through for all the properties involved.

Mr. OLIVER. Mr. President, I know that the Senator would not deliberately misrepresent things.

Mr. GORE. Certainly not.

Mr. OLIVER. It will be found upon examination here that the offer of Mr. Barnsdall was based on the renewal of his entire holdings, amounting to nearly 300,000 acres.

Mr. GORE. On pages 214–215 Mr. Barnsdall states that he is willing to give to the Osage Tribe of Indians one-fifth royalty on all his producing properties, but under the pending resolution Mr. Barnsdall would be required to give only one-fifth and one-sixth of their own oil in consideration of five-fifths and six-sixths of their own oil. It is a good deal like the man who employed some boys to help him get driftwood out of the river and agreed to give them half the logs they would get out of the water. That is the proposition involved in this resolution.

The Secretary of the Interior says, on page 22 of this document, that Mr. Barnsdall has no legal right to the properties involved in this resolution. On the 16th day of this month these oil properties revert to the Osage Tribe of Indians absolutely and without any reservation and without any right on the part of Mr. Barnsdall, on the part of the Gypsy Oil Co., or on the part of Mr. Foster and his partners.

This is the point I wish to impress, Mr. President. It is that Mr. Barnsdall offered to give the Osages one-fifth of all their oil in exchange for four-fifths of the oil remaining. That is a most gracious offer. Too often the Indians have received such consideration at the hands of the white man. I ask Senators to consult the document as I proceed. Let me repeat, as I go on, that I am opposed to turning over any of this property to Mr. Barnsdall or the Gypsy Co. "without competition and without compensation."

The Senator from Oklahoma urges an argument here that, in my judgment, is absolutely fatal to his conclusion. He says it is a general custom in the oil country in Oklahoma to reserve the privilege of re-lease, or renewal of the lease. That is a custom; the right is written in the lease. It is a custom in the Creek country; it is a custom in the Cherokee country; but what means this exception from that custom? It is not an accidental exception? It is an intentional exception. In 1896, when the first 10-year lease was entered into involving the Osage oil lands, the Osage council pledged itself to a renewal of the lease in case it should prove satisfactory. But, sir, in 1906, they made no such pledge, and when the Congress of the United States renewed the lease the Congress itself gave no assurance, made no pledge, that this lease should be renewed at the expiration of the 10 years.

That is the more significant in view of the acts cited by the Senator, passed by Congress in 1898, not in relation to the Osages but in relation to the Five Civilized Tribes. The policy was there declared that leases should be renewed and that that policy should be pursued in respect to the oil lands of the Five Tribes, but those were small leases of a quarter section or such a matter. But here, Senators, were 1,500,000 acres which places it in an entirely different category. That is one of the reasons, I have no doubt, why the privilege of re-lease was omitted from the lease and from the congressional act renewing it.

Now, Mr. President, I want to say that the pending resolution was less favorable to the Indians than the resolution introduced by the Senator from Pennsylvania. His resolution related to T. N. Barnsdall alone. But under the terms of the pending resolution not only Mr. Barnsdall, but the Gypsy Oil Co., Foster & Brennan, and one or two other small concerns can qualify. The value of the property involved is more than twice as much as that involved under the Oliver resolution, which will be taken from the Osage Tribe of Indians, without competition and without compensation.

Mr. Barnsdall controls now 334,000 acres of the Osage Reservation. The Secretary of the Interior, opposing the policy of large holdings, has formulated a new plan, under which no lessee will be allowed to take more than 4,800 acres, a policy long pursued in the Creek and Cherokee country, and now intended to be applied to the Osage country. It is a shield against monopoly.

But, sir, Mr. Barnsdall was the sole, single exception to this limitation of 4,800 acres. It is true, as the Senator from Oklahoma said, that Mr. Barnsdall claims 4,800 acres and has 4,800 acres reserved in the name of his company. Mr. Barnsdall does not oppose, but accepts, the plan of the Secretary of the Interior in so far as it is favorable to him. He opposes it only where it is favorable to the Indians.

In addition to Mr. Barnsdall's 4,800 acres under the general plan, he had joint interest with a number of other holders, which could not easily be segregated without business confusion. Out of consideration for that fact the Secretary and the Osage Council allowed Mr. Barnsdall to receive 23,240 acres more than any other lessee in the Osage country. He has under the existing plan a reservation of 28,000 acres of oil lands. He accepts that along with the other lessees. He is not willing to accept a proposition where the remaining lands shall be turned over to the Indians on the 16th of this month, as was contemplated and provided by the law when it passed the Congress of the United States.

I do not know the value of this land claimed by Mr. Barnsdall under this resolution. The production which would go to Mr. Barnsdall under the resolution, without competition and without compensation, is 3,500 barrels of oil a day. It is worth $1.40 a barrel. That would be something like five or six thousand dollars a day taken from the Osage Indians, according to the Secretary of the Interior, and turned over to Mr. Barnsdall without competition and without compensation. Alas for poor Lo!

The Gypsy Oil Co., which is another beneficiary under this resolution, has a production amounting to 5,800 barrels a day, which reverts to the Osage Tribe of Indians on the 16th day of this month, unless this resolution should pass and prevent the reversion. It is worth $1.40 a barrel, about $8,000 every time the sun rises and sets. This resolution, if observed, would transfer from the Osage Tribe of Indians unto the Gypsy Oil Co. $8,000 daily without competition and without compensation.

There is another beneficiary, the firm of Foster & Brennan, but that amounts to only a couple of thousand dollars a day, and I shall therefore not analyze the figures in detail. It is too small an amount to trifle with; but it goes, if this resolution goes, without compensation and without competition from the

Osage Tribe of Indians, the wards of this great Government. We sit here, guardians of these Indians, upon the theory that they are not qualified to administer their own affairs, and that if apportioned their own money they would part with it improvidently. Yet we are taking from them $14,000 a day without competition and without compensation.

Oil wells as a rule are capitalized at something like $500 per barrel per daily production. I do not know whether that theory be correct or not; I am not expert enough to know; but upon that theory the oil wells involved under the pending resolution would aggregate in value $5,000,000, which, according to the Secretary of the Interior, are to be turned over to these oil companies without compensation and without competition.

Mr. President, the Senator from Oklahoma makes some reference to the fact that Mr. Barnsdall is a debtor of the Standard Oil Co. The merits of this question can not possibly turn upon that point. It is true, however. If Senators will look on page 19 they will find where it is stated in Mr. Barnsdall's brief that in the year 1906 he borrowed from the Standard Oil Co. $7,500,000. The loan was readjusted in December, 1913, for some $6,800,000. Mr. Barnsdall claims that he is in the clutches of the Standard Oil Co. I do not know what his relations are nor do I particularly care. Whether he be a victim in the toils of this company or not can not possibly warrant the Senate of the United States in voting him millions of dollars worth of Osage property without competition or compensation.

It is true that the relationship between his company and the Standard Oil Co. is intimate, perhaps a necessity arising out of the relations of debtor and creditor. But I doubt if the Standard Oil Co. would lend $7,500,000 to an enemy or a rival. On page 69 you will see that of the five directors of the Barnsdall Co. three are appointed by the Standard Oil Co.

But that is not the worst, so far as the matter of policy is concerned. The Standard Oil Co. takes the entire production of Mr. Barnsdall's 300,000 acres, or at least so much of it as is under mortgage to the Standard Oil Co. Mr. Barnsdall is not allowed to sell, or does not sell, to the independent refiners in that section, notwithstanding independent refiners are paying bonuses ranging from 25 cents to 55 cents per barrel. Mr. Barnsdall stands hitched. He has to stand hitched. He sells his oil to the Standard Oil Co. for $1.40 per barrel, and the Standard fixes the price.

Now, if we renew these leases to Mr. Barnsdall, they have a corner on that vast daily production at a price of from 25 cents to 55 cents a barrel less than their independent competitors. As a mere policy, one would think that if this land could, without injustice, be thrown open to purchase by independent operators or independent producers it might possibly have some effect on the price of gasoline. I mention that as an incident.

One L. W. Young is vice president of the Barnsdall Oil Co.—page 24. He is its general manager and is the representative of the Standard Oil Co. On page 24 it is stated that Mr. Young developes the property. It seems that he assumes supreme, if not exclusive, control over these vast hundreds of thousands of acres.

The Gypsy Oil Co., under the ownership, I believe, of the Mellens, of Pittsburgh, is a subsidiary of the Gulf Pipe Line Co. I do not know the connection of the others.

Mr. President, let me say that I keenly appreciate the sentiment which has developed here in behalf of Mr. Barnsdall as a debtor of the Standard Oil Co. I appreciate his honesty and his endeavor to pay his indebtedness to that concern. No one would cancel a debt justly due to the Standard Oil Co. My only contention is that, anxious as I am for him to pay his debts, anxious as I am for the Standard to collect its debts, I am not willing for the Osage Tribe of Indians to pay the debt. That is the only point involved. The only point for the Senate to decide is whether Mr. Barnsdall should pay his own debt to the Standard Oil Co., or whether we will oblige the Osage Tribe of Indians to make that payment, without competition and compensation. That is the point involved.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Nebraska?

Mr. GORE. I do; yes, sir.

Mr. NORRIS. I desire to ask a question entirely for the purpose of getting information. I have no other way of getting it than by listening to this debate, and I am very much interested in it. I should like to ask the Senator what would happen to these various oil wells in case the resolution should be defeated and Congress should take no action?

Mr. GORE. Mr. President, an arrangement to cover the matter has been made by the Secretary of the Interior and agreed to by the Osage Indians and 153 lessees. The only one originally protesting was Mr. Barnsdall, though I believe some four others have joined in the protest since they, perhaps, caught a glimpse of the opportunity to get this splendid property without compensation and without competition. The Secretary has arranged to lease it in 4,800-acre tracts to 153 lessees, excepting Mr. Barnsdall, who received 28,040 acres. There are 16,000 acres, as suggested by my colleague, to be sold on the 16th of this month which would have been sold on the 15th of February but for this resolution. The sale has now been postponed, as I understand, to the 20th of April. These lands are to be leased to the highest bidder. I have no doubt that if Senators will watch the returns they will find that the lands will bring anywhere from four to five million of dollars.

Mr. NORRIS. Is this a sale outright or a lease? Does it convey the title?

Mr. GORE. This is the plan: The oil rights or interests are to be sold upon a fixed royalty of a fifth or a sixth, dependent upon an arbitrary line of classification. Then the competition is as to the bonus. Whoever the purchaser may be, he is required to pay a fixed royalty—one-fifth in some cases, one-sixth in other cases. The competition is as to the bonus, and a given piece of property is awarded to the man offering the highest bonus.

Mr. NORRIS. That was one of the points I wanted to have made clear, and that was one of the objects of my question.

Mr. GORE. Allow me to say that Mr. Barnsdall is permitted to bid on all his excess producing properties over and above the 28,040 acres awarded to him by the Secretary of the Interior and the Osage council.

Mr. NORRIS. The Senator has mentioned the fact that we were taking this property away from the Indians.

Mr. GORE. I wish to be understood as quoting the Secretary of the Interior upon that point.

Mr. NORRIS. I think the Senator ought to give us information bearing directly on whether or not we are taking the land away from the Indians and as to how much they would probably be able to get out of it if some other arrangement were made and this resolution were not passed.

Mr. GORE. Mr. President, of course that is a mere approximation. The estimates vary from $4,000,000 to $7,000,000 as to the amount that the Indians would receive. If the plan of the Secretary of the Interior is pursued and these lands are sold at auction on the 20th day of April next, it is estimated that they will realize to the Osage Indians an amount ranging from $4,000,000 to $7,000,000. I may say that I have made a request of the Commissioner of Indian Affairs to supply this information, and I had hoped to get it by 11 o'clock this morning. I have introduced a resolution this morning calling upon the Secretary of the Interior for such an estimate.

Mr. NORRIS. That includes an estimate of these bonuses, as I understand?

Mr. GORE. Yes, sir.

Mr. NORRIS. In addition to that the Indians would get the same royalty that they would get if the resolution were passed?

Mr. GORE. There might be a little difference, varying with the arbitrary line, as to 25 barrels or a hundred barrels average production.

Mr. REED. Mr. President, will the Senator from Oklahoma permit me to make a statement at this point?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Missouri?

Mr. GORE. Yes, sir.

Mr. REED. I will try to make that proposition plain.

The proposition of the Secretary of the Interior, as I understand it, is this: First, no person shall be permitted to have a lease, unless he shall agree to pay either one-fifth or one-sixth of the oil production; there being an arbitrary line between the one-fifth and the one-sixth rule.

Mr. NORRIS. Mr. President——

Mr. REED. One moment. All people desiring to bid must first agree to pay that proportion of the production specified by the Secretary of the Interior—in some cases it will be one-fifth, in some cases it will be one-sixth—but all bidders must pay the same, so far as the payment of a percentage of production is concerned. Then, that being settled, all men must bid against each other, to see which one will get the lease, and the one offering the largest sum of money for a lease embodying the terms I have just specified, will be awarded the lease. So there will be paid to the Indians such sum of money as is bid as a bonus upon the leases.

Mr. GORE. And, Mr. President, under the terms of this resolution, if it passes and is respected by the Secretary of the Interior, this four or five million dollars' worth of property will pass into the hands of Mr. Barnsdall, the Gypsy Oil Co., and one or two other concerns.

It may be said that is not final; but I ask Senators to look at line 4, on page 1, and it will be found that this resolution declares that this property shall be turned over to these described lessees for a period of two years; but, Senators, it does not stop there. It adds this significant phrase, "Or until further action by Congress." What does that mean? Why, that a mere Senate resolution shall divest the Osage Tribe of Indians of four million or five million dollars' worth of property, without competition or compensation, and transfer that property to these oil companies, until the Osages can secure the passage of a measure through the Senate, the passage of a measure through the House of Representatives, and its approval by the President to reverse action in adopting the pending resolution.

The resolution, as offered by the Senator from Pennsylvania, provided that the proceeds should be turned over to a Federal trustee, pending some decision of these alleged equities; but the pending resolution omits that provision, it omits that protection to the Indians, and turns over four-fifths of this oil to Mr. Barnsdall and the Gypsy Oil Co., and not to a Federal trustee. It turns it over to them forever and a day, in order, forsooth, that Mr. Barnsdall may liquidate his obligations to the Standard Oil Co. Whether the Gypsy was so necessitous a creditor or not, I can not say.

Mr. CLAPP. Mr. President, will the Senator from Oklahoma pardon me for an interruption?

Mr. GORE. I will, certainly.

Mr. CLAPP. I think, in justice to those who have had to do with this resolution, I should state to the Senate how it came that the provision in the original resolution for turning over the proceeds of oil lands in excess of the rental was stricken out.

When I came to look at that matter, it was very evident that there was no indication of any claim, nor probably could there ever have been any claim against Mr. Barnsdall for the proceeds of the oil in excess of the rent. It was a mere sort of—well, it did not rise to an intimation—it was a sort of false suggestion that somehow the proceeds of the oil in excess of the rent should be held by the Government pending the final disposition of these leases. It meant nothing whatever; and it occurred to me that it would be infinitely better that there should be no suggestion of that kind, which meant nothing.

I insisted that while I was against the resolution, yet if it was intended that any of the proceeds after rental was paid should be finally held out of the proceeds, it should plainly say so; if that was not the intention, and it was generally stated that the latter was the case, then no deceptive suggestion should be held out. That resolution provided for the payment of the rental, which was all that could have been taken from Mr. Barnsdall. It was on my suggestion—because I did not believe the resolution should contain a seductive suggestion that meant nothing—that the provision in regard to the proceeds of the oil in excess of the rental should be temporarily held by the Government was stricken out.

I say this without suggesting any final view of the matter now pending in the Senate. I felt it was due to others, upon whom the suggestion might fall that they had taken it out, that I should make this statement. I asked to take it out because I did not believe that there should be anything in a measure that appeared seductive and yet, in the last analysis, meant nothing.

Mr. GORE. Mr. President, the statement of the eminent Senator illustrates the difficulties and dangers of the Senate sitting here and passing in post haste upon such serious and far-reaching—I will not say legislation—but upon a mere Senate resolution intended to have the effect of legislation and of a judicial decree until reversed by Congress.

The Senator was entirely in error. The one thing that he thought was involved in it is the only thing that was not involved. The Indians would have gotten the rental anyway. Certainly nobody would challenge their right to have the rentals paid over if Mr. Barnsdall continued to hold the property. Nobody will suggest that the Osage Indians ought not to receive the rental or royalty. It related to the other five-sixths, and after the 16th of this month to the other sixth, for after the 16th day of this month six-sixths of this oil belongs to the Osage Tribe of Indians under their contract with Mr. Barnsdall. The question is, Shall he live up to his contract, shall the property go to him after it ought to revert to the Indians, or shall it be held by the Indians in accordance with the plan of the Secretary of the Interior and the obligation of this great Government to its Indian wards?

Mr. CLAPP. Mr. President, my object in rising a few moments ago was rather to relieve anyone else from whatever imputation there might be in the suggestion of striking out the provision. I still think the Senator is mistaken. I asked many members of the committee whether it was intended that there should ever anything go to the Indians under the renewal or the continuation of the Barnsdall lease except the rent, and the universal answer was "no."

Mr. GORE. Certainly not.

Mr. CLAPP. Then I asked why hold out here a seductive suggestion that there was something to go to them? I was interested in relieving anyone else from any imputation on account of having taken the provision out.

Mr. GORE. Mr. President, of course, if the Barnsdall leases are renewed or continued under this resolution, the one-sixth rental is all that will go to the Indians. The five-sixths that ought to go to them after March 16 would continue to go to Mr. Barnsdall if the resolution is adopted and respected; but if the resolution is not adopted the five-sixths, as well as the one-sixth royalty, will all inure to the benefit of the Osage Tribe of Indians.

Mr. President, it is suggested here that Mr. Barnsdall has equities in this property. Is not Mr. Barnsdall a successful business man? Is he not able to employ the highest legal talent? Does he not know whether or not a lease provides for its own renewal? Does he require a guardian at the hands of the Senate?

Mr. Barnsdall suggests that Mr. Young, the representative of the Standard Oil Co., called on Secretary Lane, and that the Secretary said that they would be treated fairly. Secretary Lane says, on page 22, that they have no legal right to a renewal of this lease. That is the point on which it turns; that is the judgment of the Secretary of the Interior; but, Mr. President, I should be willing, in order to save the lives of the Osages or their property, in order to prevent it from being taken away from them without competition and without compensation, to give Mr. Barnsdall an opportunity to have his day in court and have his equities, if any, adjudicated by the courts of the land. Why not put the proceeds of this oil in the hands of a Federal trustee and provide that Mr. Barnsdall shall have his day in court; and if he can establish any equities to the Osage oil, let him win a judgment for the proceeds and pay his debts? But, in Heaven's name, Senators, let us not usurp the functions of the judiciary and adjudicate these cases against our wards in favor of Mr. Barnsdall and the Gypsy Oil Co. without evidence, without argument, without competition, and without compensation.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Iowa?

Mr. GORE. I do.

Mr. KENYON. I should like to ask the Senator how much was invested by Mr. Barnsdall in his project there?

Mr. GORE. I think the Senator will find that on page 19 of the hearings. It was something like $10,000,000 prior to January 1, 1915, resulting in dividends of something in excess of $2,700,000. That was up to January 1, 1915, and I have searched the hearings in vain to discover the net and the gross earnings of the Barnsdall Oil Co. from January 1, 1915, down to the present day. I mention that because the last 10 months have been the most golden period in the history of the oil industry in this country. I do not know what his gross earnings or his net earnings have been since January 1, 1915. It is asserted by my colleague that during the last two years he has invested $2,000,000, and that forsooth he ought to have this property continued in his possession, although he has no contract to that effect.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield further to the Senator from Iowa?

Mr. GORE. Yes.

Mr. KENYON. Had Mr. Barnsdall been made to believe or been given to understand in any way that these leases would be renewed?

Mr. GORE. He says that Mr. Young, the representative of the Standard Oil Co., talked it over with Secretary Lane, and the Secretary said that they would be treated fairly; but I think Mr. Barnsdall says that they had no positive assurance to that effect. The Secretary says they had no right to expect a renewal and that they must have invested the $2,000,000, with full knowledge of the fact that their contract came to a full termination on March 16 of this year. Mark the exact words of the Secretary, on page 22:

> They knew that their leases would expire on March 16, 1916, and it must be assumed that the investments were made with full knowledge of the possibility of not being able to obtain renewals or new leases.

Mr. KENYON. One question more, Mr. President, if I may interrupt the Senator further. If this resolution is not passed, Mr. Barnsdall, now being indebted to the Standard Oil Co. to the extent of about $3,000,000, as I understand——

Mr. GORE. I do not remember the exact amount.

Mr. KENYON. Would lose that amount. That would be his loss from the transaction?

Mr. GORE. Oh, not at all. If you can say a man loses a thing that is not his, it would be a great deal more than that. His argument is—and it is a very pathetic one—that if he is not allowed to get this Osage oil land without competition and without compensation he will not be able to pay the Standard Oil Co., and that it will possibly result in his bankruptcy. I know that is an overpowering argument and touches the heart of any man of sensibilities.

Mr. KENYON. Is he able to pay this $3,000,000 at the present time?

Mr. GORE. He says he is not unless he can get this oil out of the Osage Tribe. It seems to turn on that.

Mr. REED. It is the novation of a debt.

Mr. PAGE. Mr. President, may I ask the Senator from Oklahoma a question?

The PRESIDENT pro tempore. The Senator from Vermont asks to interrupt the Senator from Oklahoma. Does the Senator from Oklahoma yield?

Mr. GORE. Yes, sir.

Mr. PAGE. The Senator has repeated several times the statement that this oil would be given to the Barnsdall Oil Co. without competition and without compensation.

Mr. GORE. I will say to the Senator that I quote the Secretary of the Interior.

Mr. PAGE. Is that statement correct, under the resolution we now have before us?

Mr. GORE. It certainly is—that is, as to five-sixths in the case of one class of oil and as to four-fifths in the case of the other.

Mr. PAGE. That would be true if that were the limit; but, as I understand this resolution, the Secretary of the Interior has very much to say about the matter, and the resolution simply provides that the royalty shall not be less than one-sixth or one-fifth, as the case may be.

Mr. GORE. It does say that, Mr. President; but all the rest over and above one-sixth or one-fifth is a pure gift. The Indians have a right, after the 16th of this month, not only to the one-fifth and the one-sixth but they have a right to five-fifths of it; they have a right to six-sixths of it. They have a right to all that flows out of the ground, because Mr. Barnsdall has no contract, he has no legal right, he has no equity in this oil land, leases, or production after the 16th day of March, 1916.

Mr. PAGE. May I ask the Senator another question?

Mr. GORE. Yes, sir.

Mr. PAGE. The Senator says Mr. Barnsdall has no equity after March 16.

Mr. GORE. I mean an equity that he could enforce in the courts. I do not know what definition the Senator attaches to "equity" other than that.

Mr. PAGE. The Committee on Indian Affairs probably continued their investigation of this matter for two or three weeks, and at the end of that investigation I doubt if there was one Senator on the committee who did not believe that there were equities there in favor of Mr. Barnsdall. Of course, it is true that the contract expires on the 16th day of March, and that there is no legal right beyond that time; but I think the committee were of the opinion that Mr. Barnsdall had some equities there.

Mr. GORE. The vote was not unanimous in the committee, I may say.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Missouri?

Mr. GORE. I should like to ask the Senator from Vermont one question. If that was the conviction of the committee, why did not the committee report a resolution affording Mr. Barnsdall an opportunity and a day in court to have his equities ascertained and adjudicated? I am willing to do that now. Notwithstanding this is the best time that there ever has been, or perhaps that there ever will be, for the sale of these Indian lands at public auction—they will realize a larger price to-day than ever before, or possibly than hereafter—I do not want to divest anybody of any equities; and if that be insisted upon, I shall, at the possible jeopardy, for the time, of the Indians' rights and interests, let Mr. Barnsdall have his day in court; but I warrant you now the suit will never be filed.

Mr. PAGE. I shall be glad to answer the Senator's question. I suppose he may have no legal right to any continuation of his leases. I do not know that I am absolutely correct in saying that the committee were unanimous in their opinion that he had some equities there; but certainly a large majority of the committee were of that opinion, and I doubt if very many words were uttered in the committee that did not indicate that the general feeling was that Mr. Barnsdall had an equity there of which he would be deprived. The object of this resolution was not to deprive the Indians of any of their rights, because it placed in the hands of the Secretary of the Interior the right to charge not less than one-fifth or not less than one-sixth, as the case may be; and when the Senator says that Mr. Barnsdall is to enter there without compensation, he makes a statement that I can not understand.

Mr. GORE. I am quoting the Secretary of the Interior, and I may say that I believe it is true, because suppose under this resolution he reserves to the Indians one-fifth and one-sixth, in the respective classes, and turns over to Barnsdall the four-fifths and the five-sixths, and which, as a matter of right, belongs to the Indians. Is not that depriving them of their property without compensation and without competition and without due process of law?

The Senator will not suggest that Mr. Barnsdall has any legal right, and he will not suggest that he has an equity that he could enforce in a court. If that is not taking their property without competition and without compensation, then it is a mere difference of opinion that of course there is no tribunal to adjudicate or to settle.

Mr. PAGE. I should like to ask the Senator a further question. He speaks of this one-fifth or one-sixth royalty. Suppose that to do equity to all parties the Secretary of the Interior should demand of him five-sixths of all the oil, would the Senator then say it was without compensation?

Mr. GORE. If six-sixths belongs to the Indians, I most assuredly would. That is the only point involved. I shall not protest against a resolution to allow Mr. Barnsdall to have that matter adjudicated in a court. That is all I can consent to do.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. What request does the Senator from Missouri desire to submit?

Mr. REED. I desire, with the permission of the Senator from Oklahoma, to ask the Senator from Vermont what he means by equities in Mr. Barnsdall. To make my question a little plainer, does the Senator mean that Mr. Barnsdall has some legal right which has not been absolutely and fully protected, or does he merely mean that Mr. Barnsdall has gone there, made some investments, and make a written contract, and has not been quite successful enough to make money on his contract, and therefore he has a right to hold the property until he does make money?

Mr. PAGE. I shall be glad to answer the Senator. I understand that it is the custom, with reference to all those oil leases, that the party who develops the well has what is called an equity, to this extent—that if he wants to continue these leases and pay what others pay he has a preferential right under the general custom and practice of oil leasing in Oklahoma.

Mr. GORE. Where it is written in the lease.

Mr. REED. Does the Senator mean to tell the Senate that there is any law to that effect?

Mr. PAGE. No, sir.

Mr. REED. Does not the Senator know that in the ordinary lease that reservation is made if it is expected to be exercised?

Mr. PAGE. I do not know that I can answer the question of the Senator. I do know that in all the testimony before the committee it was apparently confessed that the man who developed the wells there was entitled to a preferential right, or at least was generally accorded the right of a re-lease, provided he paid a satisfactory price.

Mr. GORE. There is no question about that if it is written in the lease. It is the practice in the Creek and Cherokee oil countries to grant a lease for a fixed period of years, or so long as oil and gas is found in paying quantities.

Mr. REED. If it is written in the lease?

Mr. GORE. Yes.

Mr. REED. Now, would the Senator hold to this doctrine—that if a man comes down and asks for a lease to dig an oil well, and they solemnly write down that the lease shall expire in five years, the five years does not mean anything in that lease, but that it really means forever? Is there any such law as that anywhere on earth?

Mr. PAGE. I understand that the practice is to allow that man who is the progressive man in digging those wells to have a preference in re-leasing, if he will pay what others pay.

Mr. REED. That is just simply a custom to which some people conform and some do not, is it not?

Mr. PAGE. I think it is the general custom, if I may be allowed.

Mr. REED. Is the Senator prepared to say, or is anybody else prepared to say, that that is a custom that has grown to such an extent as to become a law?

Mr. GORE. That is sometimes written in the leases.

Mr. OWEN. Mr. President, if the Senator will permit me——

The PRESIDENT pro tempore. The Chair will say that this discussion is proceeding rather informally; but as it consists largely of the discussion of questions of fact, the Chair has not felt called upon to interfere with it. So the Senators may proceed, according to their judgment, until such time as the Chair thinks the rules are being violated. The Senator from Missouri need not desist because of this announcement of the Chair, however.

Mr. GORE. Mr. President, this resolution—which, as I say, is merely an act of the Senate, but which has such far-reaching consequences, entailing such serious injury upon the Indians, and conferring such a splendid boon on Mr. Barnsdall and his fellow beneficiaries, not an act of the Congress, not a joint resolution, not even a concurrent resolution, as proposed by the Senator from Pennsylvania [Mr. OLIVER] in the first instance—contains a bit of humor. These vast properties are to be transferred without any judicial proceeding, and are to be transferred indefinitely until otherwise ordered by Congress, until Congress shall pass a law which shall be approved by the President to reverse this situation. Notwithstanding that, there is a bit of grim humor in the pending resolution. It provides that after that shall be done an investigation shall be held by the Committee on Indian Affairs. How long will that last? How long will it be until Congress will take action upon that report? And until Congress does take action reversing the action proposed here to-day, these magnificent properties will be turned over to Mr. Barnsdall and to the Gypsy Oil Co. aggregating several millions of dollars; but if not turned over to them permanently, at least while they hold them, yielding some 10,000 barrels of oil a day for the present, with the possibility of an increase or decrease of production. And this, Mr. President, is to be inflicted on the wards of this great Government after two hours' consideration at the hands of the United States Senate!

Therefore, Mr. President, I move to lay the resolution on the table.

Mr. OWEN. Mr. President, I hope the motion to lay on the table will not prevail, as I should like to have a few minutes, at least, in which to answer my colleague.

Mr. GORE. Then I withhold the motion.

Mr. OWEN. Mr. President, I desire to call the attention of the Senate to the force of the proposed resolution. It is nothing more than a statement of opinion by the Senate that there is some right involved, which may be persuasive with the Secretary of the Interior, if not the Osages. I call your attention to the fact that under the request of this resolution the Secretary can put the royalty at any figure he sees fit, provided it shall not be any less than a sixth, or less than a fifth where the production is as high as 25 barrels per day, but he can put it as much higher as he pleases. He can take whatever of value there is entirely away from these producers if he sees fit under this resolution. It leaves it with the Secretary to say what would be just and right, the premises considered.

The improvident statement of my colleague that it is "taking away" five millions, ten millions, or more of property from the poor Osages—who are the richest people per capita on earth—to "give" it to Barnsdall, the partner of the wicked Standard Oil, and to give it to the Gypsy Oil Co., has no foundation in fact. It "takes away" nothing and it "gives" nothing. This resolution simply requests the Secretary of the Interior to deal with this matter so as to recognize temporarily the preference right of those who produced these wells on terms equal to what others could afford, but at not less than a sixth and not less than a fifth, and only until the committee can investigate and report to Congress. Senate resolution No. 107 is merely a request based on the evidence, not an act of Congress. These men will derive no benefit whatever from this resolution unless the Secretary of the Interior, persuaded thereby, makes an arrangement to recognize the ethical and moral right of men who drilled these wells in the belief that they would be permitted to have the preferential right of renewal on equal terms that is the universal custom in all oil fields, regardless of written contracts.

My colleague quotes the Secretary of the Interior as stating that—

> The apparent purpose of this resolution is that the Barnsdall Oil Co. may secure valuable property belonging to the Osage Tribe in excess of the acreage permitted under the tribal resolution and the regulations of this department without competition and without compensation.

The criticism of the Secretary was addressed to Senate resolution 4 and not to the resolution reported by the Committee on Indian Affairs, Senate resolution 107, and has no just application to the latter, which does not propose using Osage property without compensation, but deliberately leaves the compensation to be fixed by the Secretary and the Osages, who must make the lease.

Mr. MYERS. Mr. President, I should like to ask the Senator from Oklahoma a question.

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Montana?

Mr. OWEN. Yes, sir.

Mr. MYERS. I observe, first, that this resolution is not a joint resolution nor a concurrent resolution.

Mr. OWEN. No.

Mr. MYERS. It is simply a resolution of the Senate—of this body.

Mr. OWEN. That is all.

Mr. MYERS. I observe that it says in the first few lines:

> *Resolved*, That pending investigation by the Committee on Indian Affairs of the Senate, the Secretary of the Interior be, and he is hereby, requested to refrain—

From doing certain things.

Mr. OWEN. That is all it does; it simply makes a request.

Mr. MYERS. I know the Senator has given the subject a great deal more attention than I have and is more familiar with legislative procedure and its force and effect. I desire to ask him if that request will be in any wise binding upon the Secretary of the Interior?

Mr. OWEN. Absolutely not; it is merely a persuasive suggestion.

Mr. MYERS. Or whether he will be at liberty to disregard it altogether?

Mr. OWEN. He would be at liberty to disregard it. It is merely the action of the Indian Affairs Committee, confirmed by the Senate after the Senate has heard the facts in regard to it, and the Secretary could disregard that if he chose. I assume, however, that he would respect the opinion of the Senate to the extent of recognizing so much of the moral right as he might, upon further consideration, think these persons had, and if a few Senators, misled by the Osage lobby, prevent by a filibuster a vote in the Senate, I assume the Secretary will take it as confessed that the Senate would have passed the resolution except for the pitiful filibuster and that he will show respect for the known wishes of the Senate and of a majority of the Committee on Indian Affairs.

This resolution can not "take away" property from the Osages. It does not propose to do that; and the enlargement upon and undue emphasis placed on the idea that it is giving away Osage property "without compensation and without competition" has no justification. The "compensation" on which their preferential rights are based has already been partly paid by these men, who have spent millions of dollars within the last few years to develop these values—millions they would not have invested in drilling these wells in 1913 and 1915 except on the fixed belief their right to renew was assured. These values were created by them with their capital and their industry and their activity and their initiative, and the increased royalty contemplated by the resolution completes the full measure of compensation.

These values should not be regarded in the highest moral and ethical sense as absolutely those of the mere legal owner of the lands whose values have been created by these faithful tenants. We are dealing here between those whom we represent on both sides, our Osages and our white producers. We represent the citizens of the United States who are entitled to consideration there; I mean, those producers who are entitled to consideration because their courage, industry, and capital produced the value while the Osages slept; and the only consideration extended here is to request the Secretary of the Interior to recognize their preference rights at such figure as he thinks just to fix, and to allow them to continue, but at not less than one-sixth and not less than one-fifth for a limited period.

Mr. VARDAMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Mississippi?

Mr. OWEN. I yield to the Senator.

Mr. VARDAMAN. I was not present in the Senate Chamber when the Senator made his first statement in this discussion; but I desire to ask the Senator if the Secretary of the Interior, independently of any action that may be taken by the Senate, has the power or the right, under the law, to do the thing that he is asking the Senate to request the Secretary of the Interior to do now?

Mr. OWEN. I think he has.

Mr. VARDAMAN. Is not this merely a petition or a request from the Senate addressed to the Secretary of the Interior?

Mr. OWEN. I think the Secretary has the power, in the exercise of his authority as Secretary of the Interior, to approve

Osage leases, and to remove the Osage Council and all the power needed to manage this matter. That is my opinion with regard to it; and I think the reason why the ethical and moral claims of these people have not been adequately protected is simply because the Osages demanded that no moral right of any man should be recognized there, and the Secretary of the Interior and the Commissioner of Indian Affairs, after talking the matter over with them, finally persuaded them that they ought to recognize all of these lessees in the renewal right, excepting those who had wells producing in excess of 25 barrels a day, and Barnsdall and one or two others who had leases in excess of 4,800 acres. There were those two classes, and they drew an arbitrary line in order to satisfy the demand of the Osages, and became committed to this policy and bound to sustain it before Congress.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from North Dakota?

Mr. OWEN. I do.

Mr. GRONNA. Mr. President, I think it is only fair to the Senator to say that I was one of the members of the subcommittee appointed to hear the testimony taken in this matter and I heard, I think, every word of it. I believe it was the unanimous opinion of the committee that the Secretary of the Interior and the Indian Bureau do not have the necessary information or have such information as they should have in order to make the leases for an indefinite time or in perpetuity. I think I may be permitted to say that, so far as the subcommittee is concerned, we thought it would be better for the Indians to delay making these contracts in perpetuity, and it was for that reason that resolution was drawn suggesting to the Secretary of the Interior that no leases should be made.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 1417) to erect a factory for the manufacture of armor.

Mr. SWANSON. I ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Virginia asks unanimous consent that the unfinished business may be temporarily laid aside. Is there objection?

Mr. GORE. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. OWEN. I will move to lay the Senate bill 1417 temporarily aside, or I yield to the Senator from Virginia to make the motion, if he will.

Mr. SWANSON. If the unfinished business is temporarily laid aside, it would not affect the vote on the 21st of March.

The PRESIDENT pro tempore. That opens up a brand-new question, in view of the character of the unanimous-consent agreement. The Chair is not now prepared to rule upon it.

Mr. SMITH of Georgia. At least this would be true, would it not? If by motion the unfinished business is laid aside, by motion it could be taken up again before the end of the day, and that would restore it to its place.

The PRESIDENT pro tempore. The Chair is not so sure about that.

Mr. SMITH of Georgia. If we can not handle it in that way, we are absolutely tied up.

The PRESIDENT pro tempore. That is one of the embarrassments involved in the controversy.

Mr. GALLINGER. I venture to suggest if it is done in the way the Senator from Georgia mentioned, the unanimous-consent agreement is abrogated.

The PRESIDENT pro tempore. The Chair is of that impression, but for the present the Senator from Oklahoma may continue his remarks on the pending question.

Mr. OWEN. Then I yield to the Senator from North Dakota [Mr. GRONNA].

The PRESIDENT pro tempore. The Chair has been much disposed to be very liberal about the matter of allowing interruptions, thinking there might be a vote taken on the pending resolution before 2 o'clock. Now that the matter is at large and is likely to run for some time, the Chair will now notify the Senate that if a Senator yields for interruption other than an actual question which is intended to elicit information about a matter of fact, that such interruption will be charged against him as a partial or complete exhaustion of his right to speak during the day on the pending question.

Mr. OWEN. Then I will ask the Senator from North Dakota to pardon me for a moment. I will conclude in just a few minutes, because I do not wish to detain the Senate.

The PRESIDENT pro tempore. The Senator from North Dakota will be afforded ample opportunity to address the Senate in his own right.

Mr. REED. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Missouri will state it.

Mr. REED. Is the resolution now in such a condition that it can under any circumstances be voted on unless the pending buiness is laid aside?

The PRESIDENT pro tempore. It is not.

Mr. REED. If I understood the suggestion of the President, if the unfinished business is laid aside it is displaced permanently?

The PRESIDENT pro tempore. Not unless a motion is made and adopted to so displace it.

Mr. SMITH of Georgia. At least a motion of this kind could be made. We could lay it aside for a certain length of time. We could definitely lay it aside until Monday morning, and that would preserve its rights.

Mr. GORE. Then it would lose its character as the unfinished business.

Mr. SMITH of Georgia. No; it would not lose its character.

The PRESIDENT pro tempore. The Senator from Oklahoma has the floor. We will cross that bridge when we get to it.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Iowa?

Mr. OWEN. I do.

Mr. CUMMINS. I rise to ask a question—not for debate.

Mr. OWEN. I hope the Senator will not ask me to yield the floor if it will have that effect.

The PRESIDENT pro tempore. The Chair would not take snap judgment on a Senator where a question is addressed to him which is anywhere near the border line of doubt. The Senator from Iowa is recognized.

Mr. CUMMINS. These lands belong to the Osage Indians. What do the Indians want with regard to the matter? I ask purely for information. I assume they act through their council. It is composed of intelligent men, I assume. What do they want to do with regard to these leases?

Mr. OWEN. They want to have them terminate on the 16th of March, 1916, as to the 16,740 acres above described, and the leases immediately sold and the money divided per capita.

Mr. CUMMINS. That is, the Indians want the leases to terminate?

Mr. OWEN. Yes; they want to sell the property to new lessees, without recognizing the right of those who drilled the wells to a new lease on equal terms with others.

Mr. CUMMINS. What the resolution proposes is to deny to the Indians the thing that they want to do about their own land?

Mr. OWEN. The Senator may put it that way, if he likes. What actually we propose in the resolution is that the moral right of a renewal lease to the persons who have produced the value in these lands shall be recognized upon such terms as the Secretary may see fit, not less than one-sixth and not less than one-fifth royalty, until investigation can be made into the facts and a full report made.

Mr. CUMMINS. One more question. Has the Secretary of the Interior any authority in the law to act upon the matter save upon the initiative of the Indians?

Mr. OWEN. No; the Osages must make the lease. The Osage Council, under the law, must make the lease, but the Secretary dictates the forms of the leases, conducts all the business, and must approve all leases, and has all the power necessary to obtain justice. He can remove from office the entire Osage Council.

Mr. CUMMINS. Where do we get authority to pass a resolution of this sort?

Mr. OWEN. The authority of the Senate to request what it deems just can not be denied. This is only a request on the Secretary of the Interior. He has to approve all leases. So his approval is a matter of great importance. The Osage Council makes the lease, and the Secretary approves the lease after it is made. The Osages, of course, want to get every dollar they can by selling everything there, and they proposed to disregard the equities of all the producers, covering 250,000 acres; but they finally agreed with the Secretary to recognize the equities of all of them except of those who had developed certain 16,740 acres; 15,000 acres of which were oil-producing wells, but are outside of the 4,800-acre rule, held by lessees who could not, under the 4,800-acre-rule, retain those 15,000 acres of developed land, and 1,740 acres which exceeds 25 barrels per day per unit, thus making a total of 16,740 acres held by developing producers who

were thus discriminated against, some because they had over 25-barrel wells and some because they had more than 4,800 acres.

Mr. CUMMINS. But I examined the hearing with some care, and my difficulty was to find any authority on the part of the Secretary of the Interior to do the thing that is requested in the resolution.

Mr. OWEN. The council itself must take the initiative. They must make the contract; they must make the lease. The Secretary of the Interior must approve it. They agreed on June 17 last as to all these lands except 15,000 acres of surplus and 1,740 acres of 25-barrel land. The renewal leases on the latter lands were refused by the Osage Council. These lands, under the universally accepted rule, should be leased to the producers who drilled the producing wells on these lands, but their rights were disregarded by the resolution of June 17, which was passed without giving those men any opportunity whatever to be heard by the Osage Council. They were not permitted to be heard by the council, and they had no opportunity to be heard while the council was framing the resolutions. They, of course, are dissatisfied. They thought they had a moral right that ought to be recognized.

The Secretary of the Interior and the Commissioner of Indian Affairs having approved the resolution of June 17, in fact, having in a certain narrow sense, I think, been responsible for its adoption, because it was the best arrangement they could make with the Osages, now feel bound to sustain the Osages in what was deemed a settlement. The department officials did the best they could, and I do not wish to be understood as criticizing them about it at all. I think, on the contrary, they are entitled to be praised for what they were able to do. But under the pressure of the Osages demanding the "pound of flesh" it was as good an arrangement as they could make, and the compact was written in the resolution of the Osage Council of June 17.

It was highly advantageous to lessees who had developed nothing. It was thought very injurious by Barnsdall, because it took from him 300,000 acres on which he had paid a dollar an acre per annum, and took from him about 15,000 acres of land he had actually developed and on which he had expended about $2,000,000 at the near close of the lease.

It was satisfactory to everybody except those who were discriminated against.

The persons whose rights were ignored by that resolution naturally felt that the Senate was the only place they could come to, and they came to the Senate of the United States with a prayer in the form of Senate resolution No. 4. They came before the Senate, and the Senate referred the matter for consideration to the Committee on Indian Affairs, and the Committee on Indian Affairs considered it for weeks. They heard a large number of people for and against it, including the Osages, the Secretary of the Interior, and the Commissioner of Indian Affairs, and they finally concluded that the best thing that could be done would be to request the Secretary to withhold making oil leases on the Osage land, in controversy until the Senate committee could examine into the matter, and meantime let these people who had developed the 16,740 of leases offered for sale conduct these operations at not less than one-sixth and at not less than one-fifth on the 25-barrel well, but as much more as he saw fit, to thus take care of whatever equity and right the Osages had until the matter could be investigated, which I would assume could be done and reported on next December. The resolution confirms the Secretary's action as to 235,000 acres, requests him to make no leases on but to permit certain lessees to operate 16,740 acres temporarily and on such terms as he may impose.

Mr. MYERS. May I ask the Senator a question?

Mr. WILLIAMS. I should like to ask the Senator from Oklahoma a question.

Mr. OWEN. If I do not lose my right, I yield to the Senator from Montana.

Mr. MYERS. I desire to ask the Senator from Oklahoma how long the original lease of the lessees in question was in force?

Mr. OWEN. For 10 years, up to March 16, 1916.

Mr. MYERS. I desire to ask the Senator if it would not be fair and advisable to amend the resolution, in line 4, page 1, by changing "two years" to "one year"?

Mr. OWEN. I think that would be all right.

Mr. MYERS. I ask the Senator if one year would not be ample time for Congress to make the investigation?

Mr. OWEN. I will say to the Senator that I preferred one year. Some other Senators desired two years. I thought one year sufficient, but I had no objection to two years, because the matter was inconsequential.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Mississippi?

Mr. OWEN. If I can yield without losing my right to the floor.

Mr. WILLIAMS. I wish to ask the Senator to yield for a question. Is it not true that this resolution leaves the Secretary of the Interior and the council of the Osage Indian Nation and these lessees and sublessees perfectly free to make whatever bargain they think best for the Indians, provided only that there shall be a royalty of not less than one-sixth in one case and one-fifth in the other?

Mr. OWEN. In answer to the Senator's question, I will say that this resolution leaves the matter open in that precise manner.

Mr. WILLIAMS. That is the avowed purpose of it?

Mr. OWEN. That is the real purpose of it. It is to let the Osages and the Interior Department and the people who feel that they have been very cruelly treated come together and make some kind of an adjustment of it.

My colleague lays great stress on Barnsdall's borrowing money from the Standard Oil Co. and would apparently leave the impression Barnsdall was the Standard Oil Co. The evidence before the committee was overwhelming and uncontroverted that the Standard Oil was merely a pledge of Barnsdall's securities. If Barnswall is bankrupted by the refusal of his just rights, the Standard Oil Co. will be able to take all his securities at sacrifice prices and profit by his financial ruin.

If his leases in Osage now offered for sale are sold to the highest bidder, we are informed Barnsdall can not buy them, but the Standard Oil Co., with a treasury full of cash, can buy them and profit by the defeat of this resolution.

If the properties are sold for cash, the very few who have the cash to buy will only do so on the cheapest cash basis and the Osages will suffer a corresponding loss.

My colleague rejoices in ringing the changes over and over on the words "without competition and without compensation," used by the Secretary as to another resolution and not used by the Secretary and not justly applicable to the pending resolution—Senate resolution 107—which contemplates just compensation fixed at a figure based on a fair estimate of what a fair competitor could pay.

My colleague insists that six-sixths of the oil and five-fifths of the oil belongs to the Osage and whoever gets any of it will, in effect, be taking Osage property without compensation.

Many operators believe one-sixth royalty is worth more than five-sixths to the operator who must operate the small wells, clean them, run the power plant, the pumps, draw the casing, the rods, and pay for the innumerable items required in keeping a well alive and productive. It requires expert knowledge as well as capital, and if the oil men should withdraw their trained, organized corps of experts, remove their power plants, and pumps and utensils and apparatus the "five-fifths" and the "six-sixths" would soon be ruined with water and débris and the entire field made comparatively worthless.

Mr. VARDAMAN. Mr. President——

Mr. OWEN. I yield to the junior Senator from Mississippi.

Mr. VARDAMAN. I should like to ask the Senator in this connection if they have not the right to do that without the resolution.

Mr. OWEN. No; I do not think they have, because the resolution of June 17 precludes the Osages from taking any further action unless they reconsider it, and the Secretary of the Interior and the Commissioner of Indian Affairs feel obliged to defend the June 17 resolution, because they were committed as in a bargain.

Mr. VARDAMAN. Does the Senator maintain that this resolution has any binding effect or the force of a law?

Mr. OWEN. No; certainly not.

Mr. VARDAMAN. Then how does it give the Secretary of the Interior or the council of the Osages any authority to act in the matter at all?

Mr. OWEN. The Secretary of the Interior has got to approve or not approve a lease, and the Osage council has a right by statute to make these leases, and in the light of this discussion it is assumed that both the Osages and the Interior Department will be persuaded to reach some kind of an adjustment of the matter.

Mr. VARDAMAN. This is merely persuasive?

Mr. OWEN. That is all.

Mr. VARDAMAN. It does not give them any authority they have not already?

Mr. OWEN. No; it does not.

Mr. VARDAMAN. Or withhold any?

Mr. OWEN. It requests the Secretary not to make leases on contested Osage lands until a congressional investigation.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Missouri?

Mr. OWEN. If I may do so without losing my right to the floor.

Mr. REED. If I may not trench on the rule, the Senator has repeatedly stated, as I understood him, that if the resolution is passed it leaves the Secretary of the Interior perfectly free to make a lease as advantageous as he can for the benefit of the Osage people. I call his attention to this language in the resolution:

That, pending investigation by the Committee on Indian Affairs of the Senate, the Secretary of the Interior be, and he is hereby, requested to refrain for a period of two years, or until further action by Congress, from making any disposition by lease or sale of such quarter-section units of the lands on the Osage Reservation in the State of Oklahoma as have been developed by oil operators—

And so forth.

Mr. OWEN. Yes.

Mr. REED. Now, of course, we all understand that the resolution is not binding as a matter of law, but, in so far as it is binding, do not the words I have just read preclude the Secretary of the Interior from doing anything whatsoever except to allow the present leases to run?

Mr. OWEN. No; I think the effect of the resolution, if read in its entirety, is that it is a request not to lease the 16,740 acres proposed to be sold, but that such lands be left to be operated by the present oil operators, "who are now in possession of and operating the same at a royalty of not less than one-sixth." The Secretary would have to say what the royalty was above one-sixth and he would be within the meaning of the resolution to make the leases at such higher figure as he thought just. The resolution is merely a suggestion that these people have a moral right which ought to be considered.

The resolution does not request any delay on 235,000 acres the Osages have agreed to lease under their resolution of June 17, 1915.

I do not call it an equitable right, as the Senator could further enlarge on the question as to what is equitable. I think we may say that a legal right or an equitable right in the narrowest sense of the law books does not exist under the terms of the written Osage contract, which terminates March 16, 1916, but under the practice and under the universal practice of the oil fields I think it does establish a moral and an ethical right that ought to be recognized and enforced by a Government that has the highest sense of honor.

Mr. WILLIAMS. I wish to ask another question, if the Senator will pardon me. Are not these various leases standing upon different footings with different merits, some of the operators possessing wells with a given productive capacity, others with wells of another productive capacity?

Mr. OWEN. Yes.

Mr. WILLIAMS. And some without wells at all?

Mr. OWEN. Yes.

Mr. WILLIAMS. Then, does not the resolution leave the Secretary of the Interior free to make a bargain with each lessee?

Mr. OWEN. Absolutely so, by acting through the Osages.

Mr. WILLIAMS. And fit the royalty to the merits of the cases?

Mr. OWEN. Absolutely.

Mr. WILLIAMS. Instead of laying down an abstract rule of one-fifth where it may be one-third ought to be charged, or in another case it may be only one-tenth?

Mr. OWEN. That is the exact meaning of the resolution, except the minimum is fixed at one-sixth and one-fifth royalty. I want to say in regard to one of these companies, the Gipsy Oil Co., which has struck very rich fields there, that I should expect the Secretary to make some arrangement with them, so as to deal justly both by the Osages and by the company, to the extent that both have moral and ethical rights. I do not know what the conditions are in regard to that particular matter, except I do know that they have struck very valuable wells.

Mr. WILLIAMS. Is it not true, in furtherance of that, that one of the lessees has told the committee and publicly announced that he would make an offer of one-fifth for all, whether under or above 25 barrels a day?

Mr. OWEN. The report was made by Barnsdall that he would give one-fifth of all the production he had on the condition that he might take 300,000 acres. That condition could not be acceded to by the committee. They believed that it was better to break this land up into smaller holdings.

Mr. WILLIAMS. I read the testimony rather hastily.

Mr. OWEN. A man will sometimes have a thing understood but not express it in proper shape, and Barnsdall was at first misunderstood to agree to give 20 per cent on all wells without the condition he should retain 300,000 acres.

Mr. OLIVER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Pennsylvania?

Mr. OWEN. I do.

Mr. OLIVER. I did not hear all the colloquy between the Senator from Mississippi and the Senator from Oklahoma, and I think my question was probably answered during that conversation; but I should like to ask the Senator from Oklahoma if the question propounded by the Senator from Missouri [Mr. REED] is not answered in the resolution, commencing in line 2, where it says:

Said developed lands thus withheld from lease after the expiration of the term of the existing oil lease may continue to be operated by the present oil operators who are now in possession of and operating the same at a royalty of not less than one-sixth on all leases of quarter-section units when the average production is less than 25 barrels per well per day and a royalty of not less than one-fifth on all such leases when the average production exceeds 25 barrels per well per day.

It would seem to me that that would answer the query of the Senator from Missouri.

Mr. OWEN. I made that explanation to the Senator from Missouri.

Mr. MYERS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Montana will state it.

Mr. MYERS. Is an amendment now in order?

The PRESIDENT pro tempore. It is not. The armor-plate bill is before the Senate.

Mr. CUMMINS. I am really trying to get information about the resolution, because I have no opinion upon its merits; but in connection with the questions I have already asked the Senator from Oklahoma, I desire to ask another. The language of the resolution just quoted by the Senator from Pennsylvania, beginning in line 2, reads:

Said developed lands thus withheld from lease after the expiration of the term of the existing oil lease may continue to be operated by the present oil operators who are now in possession of and operating the same at a royalty.

Is it believed that the Senate of the United States, acting independently of the House and independently of the President, can give to the lessees by a resolution the right to continue in the possession of the property against the will of the Indians?

Mr. OWEN. The language should be shaped so as to express only the request of the Senate. I agree with the Senator that the language is defective and not well chosen.

Mr. CUMMINS. It is not only not well chosen, it seems to me, but it is the assumption of authority or power upon our part that we all know we do not possess.

Mr. OWEN. That merely goes to put an interpretation upon words that are not apt or proper to convey the real meaning of the resolution, which was merely an expression of opinion. That was all that was intended; and at the proper time, if permitted to do so, I shall offer an amendment that will meet the point the Senator well makes. The error was due to an omission in part.

Mr. VARDAMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Mississippi?

Mr. OWEN. I do.

Mr. VARDAMAN. I wish to ask the Senator a question, that I may get the matter straight in my own mind so as to vote intelligently upon it. The Osage Indians, or their representatives, are objecting to the passage of the resolution which is proposed?

Mr. OWEN. Yes.

Mr. VARDAMAN. What does the Senator estimate the adoption of the resolution and the carrying out of its purposes under its terms would cost the Osages?

Mr. OWEN. I do not think it would cost them anything.

Mr. VARDAMAN. What is the basis of their objection to it?

Mr. OWEN. Their objection is that they want to have these lands immediately put up and sold to the highest bidder and divide the money quickly, and the quicker the better.

Mr. VARDAMAN. Does the Senator think it would bring more money to them if sold in that way than they would receive ultimately?

Mr. OWEN. I think probably that in the meantime, until this report is made, the Secretary of the Interior would fix the royalty that is to be paid at not less than one-sixth or one-fifth—possibly much higher in certain cases—and thereafter the matter would be adjusted with entire justice to the Osages.

Mr. VARDAMAN. Does the Senator think that it is to the pecuniary interest of the Osage Indians that this matter should be sold now or later?

Mr. OWEN. I think the probabilities are that the price of oil as well as of gasoline is going up. That is what men generally think. If so, a sale a little later would probably bring more money than now, if that policy were found best.

Mr. VARDAMAN. It would mean money to them if the resolution is not passed and the Secretary of the Interior permitted to go on and carry out the plans which the resolution proposes to halt?

Mr. OWEN. I think no one can absolutely say how it will turn out; but in this case the resolution only proposes that, as to the royalty, not less than one-sixth and not less than one-fifth, it be left with the Secretary of the Interior to determine what the just and proper arrangement would be for the Osages and for the men who have drilled the wells until the Congress can act upon the matter when more fully advised, if it sees fit to act at all.

Mr. VARDAMAN. But it is the Senator's opinion, if the Osage Indians are permitted to enjoy their legal rights in this property and this proposition of yours should be defeated and the land sold, they would probably get more money for them than they would if the matter were postponed or your resolution were adopted?

Mr. OWEN. I can not foresee exactly what will happen. I do not know what the Secretary would do or what the Osages would do. I think they ought to adjust the difficulty. My opinion is that if the resolution should pass the Osages and the operators and the Secretary would come to some kind of an arrangement in regard to it.

Mr. VARDAMAN. Does not the Senator think it is the duty of Congress as trustee in dealing with our wards to lead us to be just rather than generous to the gentlemen who are here demanding or asking for this privilege?

Mr. OWEN. I think we should be just, both to the whites and the reds, and it is on the basis of justice and not on any other basis that I favor this resolution, which was brought out of the Committee on Indian Affairs, not as my resolution but as the resolution of the Committee on Indian Affairs. This matter was considered by the Committee on Indian Affairs and I am appearing simply on behalf of that committee.

Mr. VARDAMAN. I am not imputing to the Senator any personal interest or anything of that kind.

Mr. OWEN. Oh, no; of course, I know that.

Mr. VARDAMAN. The question with me is what is best for the Indians. The Indian is entitled to the protection of his legal right, and Congress has no right to say that you are under a moral obligation to this oil company.

Mr. OWEN. I think it is of value to the Indians to recognize and to teach them to recognize the moral and the ethical rights of others, just as I think it is with regard to myself, to recognize the ethical rights of others as I always try to do.

Mr. VARDAMAN. I understand that the operators leased this property 10 years ago, and have had the use of it for all these years, and they have not been defeated in any way in the execution of the contract. Now, the contract has been lived up to by the Indians, and if there are any advantages to accrue that they are legally entitled to, it occurs to me it would be rather an immoral thing on the part of the Senate or the authorities at Washington to deny them whatever benefit may accrue to them.

Mr. OWEN. If the Senator will permit me, while it is true that the Indians received the royalty under the contract and lived up to the contract in the sense that they permitted these men to drill wells and labor for them and pay them royalties, and all that, there is another aspect that I want to emphasize, and that is that within two years before the lease terminated these men were induced to spend millions of dollars on the belief that they would have the customary preferential right of renewal which prevails throughout all the oil regions of the United States.

Mr. VARDAMAN. Who induced them? Who gave them that assurance?

Mr. OWEN. They were induced by the reasonable inference which they drew from repeated hearings in the Interior Department, from the letter from Supt. James A. Carroll, who represented the Interior Department in December, 1914, and because of the widespread custom, the universal custom, I may say, of giving the preferential right to renew his lease to a man who had developed oil in paying quantities, and from the policy of the department outside the Osage Nation, and from the policy of Congress in the acts of 1896 and 1906.

Mr. VARDAMAN. Of course, that is merely a matter of speculation; but I ask the Senator if the Indians were on the other side, does he think the men who are here suing for peace would have shown them any consideration, would have made any concession to them that would have been profitable to the Indians if it had been a losing investment to the lessee?

Mr. OWEN. I would say so far as a losing investment to the lessees is concerned, the Secretary reports that 141 of these lessees failed to get back their principal in the investment in the Osage country, and only 12 of them got back their principal with a profit.

Mr. VARDAMAN. The Senator does not think that these Osage Indians ought to make good that loss?

Mr. OWEN. I have not made any such contention. These white operators bear their losses with dignity and in silence, losses they made in trying to get oil in the Osage country, of which the Osages would have been the beneficiaries.

Mr. VARDAMAN. That is the treatment the Indians usually have received at the hands of white men before.

Mr. OWEN. I have not made any such contention. I was only saying that I thought these people had a moral and ethical right, because they did invest several million dollars just before the lease expired, in the firm belief that they would be given a preferential right of renewal, which is the universal custom of the oil fields. It is unthinkable that they would have done this without a chance to be repaid, unless they had relied confidently on the justice of the Osages and the protection of this Government.

But my colleague and the Senator from Missouri suggest that a preference right to renew only exists when it is a legal contract written in the face of the original lease. The contrary is true. This right is universally recognized when it is not written in the original lease, and that is why these people confidently relied on the usual rule applying and which would have applied except for the Osages, who suddenly denied the right.

Mr. LANE. Mr. President, will the Senator from Oklahoma allow me to make a suggestion at that point?

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Oregon?

Mr. OWEN. I yield.

Mr. LANE. The Senator from Oklahoma says that these oil operators expended some money upon the assurance or on the inference drawn from certain statements made to them by a representative of the Government that they would receive recognition if they made such development, and he named the man who did it, who was Mr. Carroll, the superintendent of that tribe of Indians. At the time, or just before or just after, or about that time, Mr. Carroll was a partner with some of these oil operators in the operation and ownership of the oil wells, for which he offered them a reasonable assurance that their leases would be renewed when they came before the Interior Department. That is the sworn testimony of Mr. Carroll himself before the Indian Joint Commission which was appointed to investigate the affairs of those Indians. I was a member of that commission, and what I have stated is of record. It is in the hearings, and I can produce it at any time if anyone questions the statement.

Mr. Carroll was an owner of stock in an oil company which was being operated on the identical reservation of which he was superintendent. If that is where they got their assurance, they got it from their partner. That answers the question of the Senator from Mississippi [Mr. VARDAMAN]. I am sorry he has left the Chamber.

Mr. OWEN. Mr. President, the circular letter of Superintendent Carroll, to which I referred, was written on December 11, and is as follows:

DEAR SIR: Schedules are being prepared to be used at the hearing as to the renewal of the so-called Foster lease before the honorable Secretary of the Interior in Washington in the immediate future. It is the desire of this office that each lessee be gievn full credit for all the development done upon the acreage charged to him up to December 31, 1914. To this end we suggest that a statement be mailed to this office at once—if no change will take place between now and December 31—showing the dry oil and gas and the gas wells in service commercially, if any, upon each separate lot or section or division thereof charged to you.

The renewal, if any, will be based upon the records as shown by this office.

The oil men say that they thought they were going to be given credit according to the industry and activity they showed as tenants upon this ground.

Mr. LANE. Who signed that letter?

Mr. OWEN. It is signed by James A. Carroll, superintendent in the Osage Nation. The comment of the Senator from Oregon that Carroll had had stock in some company I do not think precluded the oil men from believing that he intended by this letter to suggest to them that they would be given credit in renewing leases according to their activities as tenants in drilling wells. I am quite sure that it is possible to put that construc-

tion upon it, and they claimed that they did draw that inference from it.

The superintendent's letter was an official letter; it was a circular letter, and the little stock he had in one of 152 companies was no notice to these companies of any moral turpitude in the official circular. The circular letter was not disapproved by his superiors but was defended and its import questioned by them.

Mr. LANE. Mr. President, if the Senator will allow me, I wish to say that Mr. Carroll was the superintendent, bound in sacred honor to protect the interests of the Government, as well as the Indians under him. While agent of the Government and the guardian of his unfortunate wards he entered into partnership with one of the large firms that is mentioned here by the purchase of oil stock, and participated in the profits. While superintendent of that Indian tribe the Indians paid 40 per cent per annum for money which they borrowed from one of his partners with which to pay their debts, which it is said was a more favorable rate than they could get from any other broker or money grabber in the town. One of the partners of the firm that lent this money was vice president of one bank in which the Government makes its deposits of the money of these Indians, and the other partner was the vice president of the opposition bank. An Indian could not borrow a cent at either one of those banks, but could go to the little brokerage establishment which was run by these gentlemen, and he could borrow money at 40 per cent per annum. It was the best he could get. When, perchance, a row was raised about it, this same superintendent deducted out the usury, and the Indian had to pay only the legal rate of interest.

Mr. OLIVER. I would ask the Senator——

Mr. LANE. Just one moment. The Indians in the meantime were receiving one-eighth royalty—12½ per cent for the use of their oil wells—while the intermediate agent was receiving one-sixth. Those are the facts.

Mr. OWEN. Mr. President——

Mr. OLIVER. Will the Senator yield to me for a parliamentary inquiry?

The PRESIDENT pro tempore. The Senator from Pennsylvania has a right to make a parliamentary inquiry. He does not need to ask permission of the Senator.

Mr. OLIVER. I am not clear as to the ruling of the Chair, if there was a ruling, when the question arose some time ago as to the effect of a motion to proceed to the consideration of Senate resolution 107, which undoubtedly would displace the unfinished business.

The PRESIDENT pro tempore. That was during the morning hour; that was made before 2 o'clock. At 2 o'clock it was displaced by the unfinished business.

Mr. OLIVER. Then, as I understand, the unfinished business is now before the Senate?

The PRESIDENT pro tempore. It is now before the Senate.

Mr. OLIVER. I would like to ask the Chair if a motion is now made to proceed to the consideration of Senate resolution 107, and adopted, whether that would have the effect of displacing the unanimous-consent agreement for a vote upon the armor-plate bill?

The PRESIDENT pro tempore. Although it is a mere abstract question at this stage, the Chair will answer that, before the adoption of the third clause of Rule XII, it undoubtedly would have the effect of displacing the unfinished business; but since the adoption of that clause of the rule the unfinished business seems to have acquired rather a more preferential aspect before the Senate. To make full answer of the Senator's question would require a little more investigation than the present occupant of the chair has made. He regards it as a very important question, and one upon which he is not going to rule unless compelled to do so in order to dispatch business this afternoon. In all probability he will vacate the chair on Monday, when the Vice President will be here, and the matter can receive ampler attention than it is likely to receive this afternoon. The Chair expresses the hope that the matter may not be pressed at this time.

Mr. OLIVER. Mr. President, I will not enforce a ruling.

Mr. OWEN. Mr. President, I do not know the record with regard to Supt. Carroll. He may be quite a bad man; but all that I wished to state was that the record before the committee was that these operators believed from Carroll's letter that they would be credited according to the activity and diligence which they had shown as tenants in drilling, and that was one of the arguments upon which they based their plea for recognition of what they thought was a moral or ethical right.

I do not think that I ought to weary the Senate any longer with regard to this matter. I believe I have sufficiently explained the purpose of the resolution. I agree with the Senator from Iowa with regard to the error of language that was used; and if this matter comes up in a form where it may be amended I will ask to have it amended so as to express merely the opinion of the Senate, as it was intended to do.

With the permission of the Senate, I shall insert certain telegrams which I have received in reference to this matter.

The telegrams referred to are as follows:

NOWATA, OKLA., *March 4, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

Practically all oil and gas leases in my district made for as long as oil and gas found in paying quantities. This most advantageous to lessors and lessees.

F. A. CALVERT,
County Judge Nowata County, Okla.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

J. P. GOVREAU,
Harness and Vehicles.

—

TULSA, OKLA., *March 2, 1916.*

Senator ROBERT L. OWEN,
Washington, D. C.:

We wish to congatulate you on your Senate resolution No. 107, covering leasing of Osage lands, and believe it to be the best and fairest solution of a difficult situation. You have our unqualified approval and support.

Walter F. Nichols, Nichols Hardware Co.; Geo. Edwards, Manager Garecki Manufacturing Co.; Albert Brown Oil Well Supply Co.; R. F. Griffith; the Continental Supply Co.; F. I. Louis, Manager the National Supply Co. of Kansas; R. G. Smith, Manager Frick-Reid Supply Co.; H. O. McClure, McClure Hardware; J. W. Sloan, President Oklahoma Iron Works; J. H. McEwin, President McEwin Manufacturing Co.

—

MUSKOGEE, OKLA., *March 2, 1916.*

Hon. ROBERT L. OWEN,
Washington, D. C.:

Arkansas River Improvement Association in convention assembled urgently request you to have authorized by Congress a detailed survey of the Arkansas River, showing cost of improvement for each 10-mile section from the mouth to the head of navigation. Letter and copy of resolution will follow in a few days.

THE ARKANSAS RIVER IMPROVEMENT ASSOCIATION,
H. H. OGDEN, *President.*
CARL J. BAER, *Secretary.*

—

TULSA, OKLA., *March 2, 1916.*

Senator ROBERT OWEN,
1731 K Street, Washington, D. C.:

We hope that the Senate will pass the resolution No. 107, as it is a fair solution of the matter of Osage leases, and it has the entire approval of the Chamber of Commerce of Tulsa.

J. H. MCEWEN, *President.*
E. O. TILBURNE, *Secretary.*

—

PAWHUSKA, OKLA., *March 10, 1916.*

HENRY F. ASHURST,
United States Senate, Washington, D. C.:

Find that full bloods have been grossly misrepresented to by mixed-blood Osages and city merchants about Osage oil and gas situation. The proposition of Oliver, representing National Petroleum Association, was one of the first to be presented and explained to Osage council.

ARTHUR BONNICASTLE,
Interpreter for Osage Council.

—

KANSAS CITY, MO., *March 11, 1916.*

Senator ROBERT L. OWEN,
Washington, D. C.:

I have in customhouse here consignment Bermuda grass seed from Australia. Seed have been here two weeks; delivery delayed account no report on sample sent Department of Agriculture, Washington, for purity test. I am using these seed at Muskogee; the planting season is passing. A similar shipment was held here a month last year, causing loss entire lot. Please have the department release by wire to-day. Delay unreasonable and unfair.

W. F. SHEWEY.

—

COLLINSVILLE, OKLA., *March, 3, 1916.*

SENATE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.:

The Owen resolution is the best solution of the Osage lease question for the Indian, operator, and the public. Short-time lease means disaster to all interests.

COLLINSVILLE NATIONAL BANK.

—

INDEPENDENCE KANS., *March 3, 1916.*

Senator ASHURST,
Chairman Committee on Indian Affairs, Washington, D. C.:

The Owen resolution is best solution of the Osage question for the Indians, the operators, and the public. A short-time lease would mean disaster to all interests, as the operator could not afford to develop the property on a two or five year lease.

D. S. LOY.
H. C. EWERS.
H. E. WEST.

RAMONA, OKLA., *March 2, 1916.*

SENATE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.:

I heartily indorse Senator BOB OWEN'S resolution in regard to the leasing of oil and gas lands in Oklahoma.

WM. CARNAHAN.

—

RAMONA, OKLA., *March 2, 1916.*

SENATE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.:

The Owen resolution is the only one that will benefit all parties concerned. Nothing can be expected to be accomplished by short-term leases.

WM. SYKES.

—

RAMONA, OKLA., *March 2, 1916.*

SENATE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.:

The Owen resolution is the solution of the Osage question for the public, the operator, and the Indian. A short-time lease means disaster to all interests.

CITIZENS' STATE BANK.

—

OKLAHOMA CITY, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Committee on Indian Affairs, Washington, D. C.:

The corporation commission is charged with the duty, under our laws, of prescribing rules and regulations for the conservation of oil and gas. Under the regulations prescribed millions of dollars' worth of gas have been saved and the reckless drilling and destruction of oil fields by drilling in salt water has been prevented. Short-term leases, as discussed before your committee as to Osage lands, may have a very serious effect, by forcing the lessor to drill and produce oil in such a reckless manner and large quantities and force it on the market at a time when the price is wholly inadequate. Our experience is that best results are obtained to the landowner and the lessor on leases of sufficient length of time to enable the lessor to develop the property at times and under conditions that the lessor can conform to the State regulations and not force an unreasonable amount of oil on the market at one time, so as to unreasonably depress prices. The large pipe-line companies—that is, the subsidiaries of the Standard—invite a condition that would force lessors to develop property in the shortest possible time, reducing prices to 40 cents per barrel, as existed one year ago.

GEORGE HENSHAW,
Corporation Commissioner.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Committee on Indian Affairs, Washington, D. C.:

All leases advertised for sale in the Daily Enterprise, official county paper of Washington County, and all other official county papers in Oklahoma, provide that they shall run so long as oil or gas is found in paying quantities; also all forms of blank commercial leases in Oklahoma contain this provision.

DAILY ENTERPRISE,
By J. S. LEACH, *Editor.*

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

BLACK, SIVALLS & BRYSON,
Tank Builders.

—

DEWEY, OKLA., *March 2, 1916.*

SENATE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.:

A short-term Osage lease would be destructive and detrimental to interests of the Indians and every other interest involved.

B. A. LEWIS, *Attorney.*

—

DEWEY, OKLA., *March 2, 1916.*

SENATE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.:

I believe, regarding the Osage question, that short-time leases will be disastrous to all concerned, and that the Owen resolution is the best solution.

C. H. KAYLER.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
2123 California Avenue, Washington, D. C.:

This court, upon evidence taken, hold that leases executed in perpetuity bring best results to the lessor. This has been the custom of the oil trade always, and this court has adopted this rule, and has since been sustained by the supreme court of the State.

ROBERT D. WADDILL,
Judge of the County Court, Washington County.

—

DEWEY, OKLA., *March 2, 1916.*

SENATE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question.

C. R. CORBETT.

—

DEWEY, OKLA., *March 2, 1916.*

SENATE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.:

I believe the Owen resolution is the best solution of the Osage question. A short-term lease will be detrimental to all interests.

E. G. HATHAWAY.

OCHELATA, OKLA., *March 2, 1916.*

SENATE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.:

Owen resolution best for all concerned in Osage question. A short-time lease means no activity.

H. C. CAMPBELL.
W. B. HIXSON.
S. S. STRINGER.
L. F. SMITH.

—

OCHELATA, OKLA., *March 2, 1916.*

SENATE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.:

Short-time Osage lease means no activity. Will cripple Indian operators and all business. Owen resolution good.

COMMERCIAL CLUB,
By J. D. ENGLE, *Secretary.*

—

DEWEY, OKLA., *March 2, 1916.*

SENATE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.:

I believe the best interests of the Indian, the operator, and the public will be best served in adoption of the Owen resolution regarding the Osage question.

B. B. BOILAND.

—

OCHELATA, OKLA., *March 2, 1916.*

SENATE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.:

Owen resolution best solution of Osage question for Indians, operators, and public. A short-time lease means disaster to all interests.

OKLAHOMA STATE BANK.

—

COFFEYVILLE, KANS., *March 2, 1916.*

SENATE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.:

Owen resolution seems best solution of Osage lease question for Indians, operators, and public. Short-time lease means disaster to all interests.

A. S. NEWMAN,
President Peoples State Bank.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

J. G. SWANSON, *Theater Manager.*

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

J. SHAW, *Automobiles.*

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

C. R. WOOLLOMES, *D. D. S.*

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

WASHINGTON COUNTY ABSRTACT CO.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

GEO. B. KEELER,
Capitalist and Banker.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

OIL WELL SUPPLY CO.

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

CONTINENTAL SUPPLY CO.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

J. T. SHIPMAN,
Lawyer, ex-County Judge.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

OKLAHOMA IRON WORKS.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

FRED MCDANIEL.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

LEIDECKER TOOL CO.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

EASTERN TORPEDO CO.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

J. E. HICKEY, *Justice of the Peace.*

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

JARECKI MANUFACTURING CO.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

INTER-OCEAN CO., *Cables.*

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

G. I. VANDALL, *Oil Operator.*

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

KANSAS TORPEDO CO.

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

F. E. THURMAN, *Surety Bonds.*

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

J. F. MCCANDLESS, *Oil Operator.*

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

H. H. MONTGOMERY, *Lawyer.*

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

UNION MACHINE CO.,
Oil Well Supplies.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

M. E. MICHAEL, SON.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

S. B. IRELAN,
Manager Bartlesville Interurban Railway Co.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

BERENTZ HARDWARE CO.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

F. R. SUTTON, M. D.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

C. R. HALL, *Jeweler.*

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

H. W. PEMBERTON, *Real Estate.*

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

C. A. LAMM,
Mayor City of Bartlesville.

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

R. J. PARRIS, *Deputy Sheriff.*

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

F. A. SAUER, *Meat Market.*

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

A. BACHRACH, *Furniture Dealer.*

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

B. H. MADANSKY, *Clothier.*

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

NATIONAL SUPPLY CO. OF KANSAS.

—

INDEPENDENCE, KANS., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indian, the operator, and the public. A short-term lease means disaster to all interests and will stop all operations.

A. W. SHULTHIS.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operator, and the public. A short-term lease means disaster to all interests.

LOREN CAMPBELL, *Insurance and Loans.*

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

W. W. JONES, *Insurance and Real Estate.*

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

A. M. WHEELER,
Chairman Washington County Commissioners.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

BARTLESVILLE LAUNDRY CO.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

J. A. FINDLEY, *Druggist.*

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

H. E. PRICE, *Attorney.*

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

UNION SHEET METAL CO.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

M. R. PUCKETT, *Druggist.*

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

DUDLEY T. LYALL, *Hardware Dealer.*

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

HEINE HARDWARE CO.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

N. D. WELTY,
Editor Bartlesville Morning Examiner.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

J. L. OVERLEES, *Investor and Banker.*

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

C. C. DANCER, *Hotel Maire.*

—

BARTLESVILLE, OKLA., *March 2, 1916.*

Senator ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

BARTLESVILLE TRANSFER CO.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

SENATOR ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

L. BRIN CLOTHING CO.

—

BARTLESVILLE, OKLA., *March 2, 1916.*

SENATOR ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indians, the operators, and the public. A short-term lease means disaster to all interests.

FORD AUTO AGENCY.

—

RAMONA, OKLA., *March 2, 1916.*

SENATE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.:

In the interest of all parties concerned would insist on a long-term lease on oil lands in Osage County.

J. M. DALLAS.

RAMONA, OKLA., *March 2, 1916.*

SENATE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.:

For interests of all parties concerned I believe long-term lease is best for all Osage leases.

D. J. WRONE.

—

RAMONA, OKLA., *March 2, 1916.*

SENATE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.:

Indorsing the Owen resolution on leasing Indian lands.

I am, yours,

C. K. TILLISON.

—

RAMONA, OKLA., *March 2, 1916.*

SENATE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.:

The Owen resolution is the best solution of the Osage question for the Indian, the operator, and public. Short-time lease is bad to all interests.

WM. MASTERS.

—

RAMONA, OKLA., *March 2, 1916.*

SENATE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.:

The Owen resolution is what we want. A short-time lease is bad for all interests.

H. V. LOWE.

—

RAMONA, OKLA., *March 2, 1916.*

SENATE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.:

The Owen resolution, in regard to the leasing of Indian lands, I think, is very appropriate and is the only one that should be adopted, in my estimation.

C. W. SEARS.

—

RAMONA, OKLA., *March 2, 1916.*

SENATE COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.:

We are offered too short time leases on Indian lands.

BESSETT BROS.

—

OKLAHOMA CITY, OKLA., *March 2, 1916.*

SENATOR ASHURST,
Chairman Senate Committee on Indian Affairs,
Washington, D. C.:

We feel that it is to the best interests of the lessor and lessee that leases should be executed in perpetuity. Otherwise it leaves matters in an unsettled condition and does not work to the best interests of all parties concerned. After full investigation we find this is the custom in the oil country.

T. J. ELLIS, Jr.,
Special Agent School Land Commissioners.

Mr. LANE. Mr. President, I am a member of the Committee on Indian Affairs, and this subject was discussed in my presence. It developed that there was a man by the name of Barnsdall, who had gone into that country many years ago and began to bore holes hunting for oil. He bored wells under a sublease, which he obtained from some company which had a prior right. He borrowed about $7,500,000 in all from the Standard Oil Co. He is said to have cleared about $2,000,000 in his operations, and had "put the money back," as miners say, "into the ground"—that is, in developing more oil wells on more land—until by his indefatigable perseverance he got hold of about 340,000 acres of land, which was an immense tract of land for one man to hold. That gentleman had a ravenous appetite for land. If there had been 200 more like him in Oklahoma, there would be no place for anybody else to live. He was insatiable; he was a very cormorant for land and for oil; and, of course, I admired him for the gift that God had given him to grab all the land that he could get hold of. He is a lovable old fellow personally; but, by some hook or crook, he got himself into the hands of the Standard Oil Co. He borrowed $7,500,000 from them, as I have said, and then allowed them to appoint the majority of the board of directors of his company and to appoint a manager of his business to operate the wells he was so busily digging. Upon this borrowed capital and the other money which he made day by day from the oil wells he kept reaching out for more. He was sure to lose. He exhausted his credit, but he bored wells as long as he could borrow a dollar or get hold of a dollar from the Standard Co. with which to bore them. He came to the committee in a most pitiable condition of despair. I believe, outside of his hunger for oil land, he is a good man. Under the terms offered him by the Government he was allowed to recoup himself for certain of the improvements which he had made upon the land, such as the casing of the wells and perhaps some of the machinery. He was allowed to have for his benefit what the Government could sell the improvements for. He ought to have an equal right with anybody else, however, in the future in competing for the new leases, and I am willing to give it to him; but I do not think that he ought to be turned loose on these Indians again; because, if he is, in 10 years more he will perhaps have the whole country staked out in his name and perhaps under the supervision of the good old Standard Oil Co.

As to the resolution of the Senator from Oklahoma [Mr. OWEN], I wish to say frankly that in the committee I did not vote for it. I was not there when the vote was taken. I do not believe in it for several reasons. In the first place, even this man Barnsdall offered better terms than it is now proposing to ask of him. In other words, we make the payment one-sixth, while he offered the Indians one-fifth. The Senator's resolution refuses to take it, but proposes to give him a large amount of this land for a royalty of one-sixth. It is too generous. It has "gone him one better" and cut his bid down.

I am told that 90 per cent of the Indians on the Osage Reservation, who own this property, the full owners of it, are against this resolution. They do not want the property parted with on these terms. What they do want is to put it upon the open market for free and open competition on its merits, on a system of shares, just as land is rented in all parts of the country on a percentage or royalty basis without a bonus.

That very bonus question goes to the heart of things. Under the terms offered by the Secretary of the Interior and the Indian Bureau the royalty, the percentage of the return from the product of the land, was fixed at one-sixth, and then there were to be bids upon a bonus over and above the royalty before one could secure a lease of these lands. By that policy or scheme the majority of the people of the country were excluded from bidding at all. The majority of the people of this country have no ready money with which to bid under a bonus plan, and Barnsdall himself had gotten so in debt to the Standard Oil Co. that he could not put up a bonus. He could not bid on a bonus basis. He has his property, with pumping apparatus and machinery upon it, but he would have to go into the market and bid on a fixed royalty basis, and then bid cash on a bonus basis against somebody else who wanted it, and he did not have the cash. Suppose that "John D." wanted it, or some of his friends or relatives, and poor old Barnsdall came up there to bid or bet against them as to what that oil land would be worth. You can very readily see what would happen to Brother Barnsdall; and every other citizen of the United States would be in just the same position as Barnsdall would.

Barnsdall has pirouetted around all over that country and hunted out every spot where he thought oil could be found and bored wells, and then when it comes to the end of the lease he has got to put up a cash bonus or lose his holdings. That is his unfortunate position. I have a great deal of sympathy with that man, but I hope, for the Indians' sake, that no more of his family locate among the Osages. As I have said before, he is too greedy for oil land.

The Indians received one-eighth of the product of the wells. Mr. Barnsdall gave one-sixth of the product of his wells to a subsidiary company of the Standard Oil Co. He did not have any other regular customer; that is, he did not dare have any other customer; for he had to pay his debt of $7,500,000, and he could not do it unless he made arrangements with the Standard Oil Co. So he paid that one-sixth of his product to the Standard Oil Co. or to a subsidiary company. At the same time the Indians got one-eighth. At that time, and during pretty nearly all the time of the leases, I presume, the price of oil had been down to sometimes as low as 27 cents, ranging from that price up to 30 and 40 cents and even a dollar a barrel. At this time the price is $1.40.

All during these leases the Indians received for the natural gas which came from some of these wells, and I want Senators to listen to this, because most of them buy gas and pay for it at the first of each month—the Indians received one-tenth of 1 cent for a thousand cubic feet of gas—1 mill—a pretty low price for gas.

When this matter came up, an offer came in from Barnsdall that he would pay one-fifth all down the line for oil, for the well which only produced 1 barrel a day and for the well which produced 25 barrels or more per day. It must be remembered that in operating a well producing only 1 or 2 barrels a day there is very little profit, in fact the operator is likely to make a loss if he is not careful, although the pumping of an oil well is not an expensive proposition. Mr. Barnsdall said his improvements on these oil lands and his casings were matters of minor importance, and I believe they are. The Indians were to receive and did receive about one-tenth of a cent for the gas, and for the oil they got one-eighth. Prior to that time they had only received one-tenth royalty for oil. The Indians were not quite satisfied with that. Oil in the meantime had gone up to $1.30, and now it has gone up to $1.40. Assurances had been

given to these oil-well men that their interests would be protected, or, at least, that they would be tenderly treated by the superintendent in charge, who was a partner of some of the oil men, the oil operators, themselves, who owned stock in the company, and at the same time represented the Indians and the Government. Senators will see where the interests of the Osage Indians would be under such conditions, and where they would finally arrive.

The Indians want none of it; they are not in favor of the resolution of the Senator from Oklahoma, which passed the committee, I am informed, by a vote of 5 to 3. I am not in favor of it. I want to do the thing which you would want done with your property or which you would demand if you were interested in lands of this kind, namely, that you have a voice in the disposition of your property. The Indians ask for that, and they ask for no more. I am going to submit a substitute for the pending resolution which I have been asked to submit by the Indians, or by the representatives of the council of the Indians, and, as I understand, a majority of the Indians themselves on that reservation, providing that leases on these lands be sold to the highest bidder on the royalty basis, a certain percentage to go to the owner of the land, a certain percentage to the operator, just as in the case of lands in the East and in the West which are rented to tenants for a percentage of the crop—a third, a half, or a fourth, or whatever it may be. Mining companies let their mining property out on just such terms. It is fair to all. You can go right into the mouth of the well and put a measure or a meter on the oil. One-fifth or one-sixth would, perhaps, be ample for a small well. The Indians have been offered as high as a half royalty for large wells. Offers have been made of half the product of wells producing 100 barrels a day. It is a more valuable property; but it is a good bargain, even at that price, and yet the Indians are confined under this resolution to one-fifth and one-sixth for two years, and God alone knows how much longer; for if you let the oil experts in you do not know how long they will continue to investigate, and after a while the Indians will be deprived of the present high prices. The right thing to do is to let them share prosperity when the price of oil is high, and when the price goes down and the profits become small let them suffer their just share of the decline. That is fair to all, and that is all the Indians ask. Mr. Barnsdall told me himself that he preferred a royalty plan to the plan proposed by the Government.

I think we ought to take hold of this matter upon a basis of royalties which the Indians and everybody else can understand and concerning which they do not have to have the opinion of an oil expert and lease the lands on that basis. As I said a while ago, the Indians do now know what they are going to get. They desire to ascertain and receive the value of their property, and so they have thrown themselves on the mercy of this Congress in opposition to the resolution introduced by the Senator from Oklahoma.

I am going to offer a substitute now, and I am going to read it, and I want Senators to hear its provisions. It is entitled a "Joint resolution calling upon the Secretary of the Interior to adopt a royalty system in place of a bonus and royalty system in the sale of leases on the Osage oil lands."

Mr. CLAPP. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Minnesota will state his parliamentary inquiry.

Mr. CLAPP. I notice the absence of the Senator from Virginia [Mr. SWANSON]. The question is—of course, debate may proceed on any pending matter before the Senate—whether the transaction of other business until the armor-plate bill has been temporarily laid aside will supplant the right of way of that bill. I have no objection to the Senator offering any amendment.

The PRESIDENT pro tempore. The Senator from Oregon, as the Chair understands, is not going to offer an amendment at this time. He is going to read it as part of his remarks and let it go in the RECORD in that way.

Mr. LANE. I am reading it as part of my remarks, to explain what I am talking about.

Mr. CLAPP. I understood the Senator to say he was going to offer it——

Mr. LANE. I am later on——

Mr. CLAPP. And to avoid any complication I thought it was only proper to make the statement at this time. I am not opposing the resolution.

Mr. LANE. The joint resolution has heretofore been introduced, and I am reading the resolution for information. Here is what the Indians want——

Mr. CLAPP. If it has already been introduced, my inquiry would have no application.

Mr. LANE. It was introduced February 17. I continue the reading:

Whereas it is the policy of the Department of the Interior to sell leases to operate oil and gas wells upon the lands of the Osage Indians in Oklahoma to the person or persons who tender the largest cash bonus over and above a royalty fixed by the President of the United States—

He acting under the advice of the Indian Bureau, and they represented by a partner of the oil operators, if you please. You do not want to forget the connection—

Whereas this policy must necessarily, and actually does, exclude and prohibit the vast majority of the citizens of this country from bidding upon and securing leases of such lands for lack of the spot cash to pay the bonus; and

Whereas such discrimination eliminates many worthy persons from the bidding who could, and would, operate the property with profit to the Indians and to themselves if permitted to do so; and

Whereas the spot-cash bonus policy operates to the sole advantage of persons of large means who have, or can secure, ready cash; and

Whereas it is a policy which is mystifying and renders it uncertain whether the Osage Indians secure the best price, or even a fair price, for the use of their lands; and

Whereas if a policy of leasing the lands and receiving tenders upon the basis of a fixed percentage or so-called "royalty" based upon the output of such wells were adopted; and

Whereas the plan of leasing lands on a percentage of its production is so simple, so well known, and so fair in taking care of the property rights and equities of both the lessees and the owners of the lands and affords an opportunity to secure free, fair, and unlimited open competition for the sale of the aforesaid leases of the oil and gas lands of the Osage Indians without guessing or loss to anyone: Therefore be it

Resolved, etc., That the Secretary of the Interior be, and he is hereby, requested to adopt the policy of leasing such lands on royalties only, and to defer the sale of all leases upon the aforesaid lands until such time as he can definitely and certainly ascertain the actual value of the oil and gas wells now operating in the Osage Indians' oil field and then sell leases of the same to the person or persons offering the highest bid, based on a percentage of royalty basis, to such person or persons who give a good and sufficient bond to guarantee the faithful performance of their contracts.

That interferes with the just rights of no one. The Indians want it. The operators who are operating there now, everyone that I have talked to—and I have talked to a number of them—say they would be glad to get such a lease. It puts it on the basis of a fair valuation, upon definite ground. You can measure the oil with a meter, and everybody knows what they are paying for, and the owners of the property know what they are getting. It does not, then, become a matter of contest to be fought out between any interests who are now operating there and others who are trying to secure holdings. It avoids the whole contest. It is the thing that ought to be done; and when the proper time comes I am going to ask the Senate, or those who have heard the remarks I have made here and my explanation, to accept it and to put the matter of these leases upon such a basis.

I know there are a number of the committee who are in favor of it. Take the oil; take the gas. The gas was to be let out to the old lessees under the new leases, which were to be let on the 16th of this month—first, I think, some time in February—at one-tenth of a cent per 1,000 cubic feet. Would you not like to get it for your house at that price? You would not have to buy coal. You could almost heat up the back yard and have a summer resort in winter and run a greenhouse and have a good time generally; but I am informed that is all the Indians have been getting for their gas. Then along came a man who offered the committee 3 cents per thousand cubic feet at the well, raising the price from one-tenth of 1 cent to 3 cents. That is a big increase in price for the Indians, and he told me that if he had to buy it from these other gentlemen, who would have paid to the Osages one-tenth of 1 cent, 1 mill, per thousand cubic feet, he would have had to pay 8 cents per thousand cubic feet for it, and that that was more than he could afford to pay.

I want him, as well as all others, to be allowed to come right into the field and bid on a royalty as against everybody else, on the square and in the open, and in free competition. I have an idea that if the gas were thrown on the market under the resolution which I have offered and shall press here it would sell for 4 or maybe 5 cents a thousand cubic feet; and that would mean many thousands of dollars to the Indian, who, under our management, when he needs money to pay his grocery bill or to buy a horse or a team of horses or a wagon or to buy a new dress for his wife has to go and borrow it from the brokers and pay 40 per cent per annum for it.

It is about time we stopped the juggling with the Indians' property, which has been going on so long.

RECESS.

Mr. REED. I move that the Senate take a recess until 12 o'clock on Monday.

The motion was agreed to; and (at 3 o'clock and 5 minutes p. m., Saturday, March 11, 1916) the Senate took a recess until Monday, March 13, 1916, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate March 11, 1916.

UNITED STATES ATTORNEY.

Charles F. Curley, of Wilmington, Del., to be United States attorney for the district of Delaware, vice John P. Nields, whose term has expired.

CONFIRMATION.

Executive nomination confirmed by the Senate March 11, 1916.

UNITED STATES ATTORNEY.

Charles F. Curley to be United States attorney for the district of Delaware.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 11, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee that down deep in the heart of man is that something which we call conscience, which sits in judgment upon his acts, upbraiding him when he does what he knows to be wrong, encouraging him when he does what he knows to be right, and which recognizes the strong, brave, heroic man who stands for the good of his fellow men; hence we thank Thee for the special order set apart in this House to-day in recognition of a strong, noble-minded, heroic man, who gave to his Territory, State, and Nation his thought and deeds for the betterment of conditions in a popular government.

It is well that the lawmakers of our land pause amid their activities and pay their tribute of respect and gratitude for the life, character, and public services of such a man, that they may be inspired to give themselves to the great work of purifying and ennobling the conditions of our beloved country, that they, too, may leave behind them a record which will stand the test of time and the approbation of not only their own conscience but the conscience of their fellow men. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

ADDITIONAL URGENT DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations I report a bill making appropriations for further urgent deficiencies. (H. Rept. 316.)

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois reserves all points of order on the bill. Ordered printed and referred to the Committee of the Whole House on the state of the Union.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 57. An act to authorize the Secretary of War to permit the use of a right of way over and across the Fort Douglas Military Reservation for the construction and operation of a standard gauge railway spur connecting with local or transcontinental railroads;

S. 3264. An act to authorize the payment of an indemnity to the Norwegian Government for the detention of three subjects of Norway in Hudson County, N. J.;

S. 3560. An act to validate a certain title whereon the purchase money has been paid on a private sale by order of the United States District Court for the Middle District of Pennsylvania at No. 83, June terms, 1910, sitting in bankruptcy;

S. 3928. An act to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes;

S. 4398. An act for the refund of excess duties on steel blooms;

S. 4726. An act to permit issue by the supply departments of the Army to certain military schools and colleges;

S. J. Res. 24. Joint resolution authorizing the Librarian of Congress to return to Williamsburg Lodge No. 6, Ancient Free and Accepted Masons, of Virginia, the original manuscript of the record of the proceedings of said lodge;

S. 3261. An act to establish an additional fish-cultural station in the State of Texas;

S. 4449. An act to establish a fish-cultural station at some point in the State of Arizona;

S. 2993. An act to establish a fish hatchery in the State of Florida;

S. 4067. An act to establish a fish hatchery in the State of Alabama;

S. 3129. An act to establish a fish-cultural station in the State of Washington;

S. 4490. An act to establish a fish-cultural station in the State of Oklahoma;

S. J. Res. 59. Joint resolution authorizing the Secretary of the Interior to cause the settlement of the accounts of Special Agents Moore, Woodson, and Whitfield under the treaty of 1854 with the Delaware Indians, etc.;

S. J. Res. 14. Joint resolution to permit of the disposition of certain lands in Montana ceded by the Crow Indians;

S. 3900. An act to authorize the sale and disposal of an island in the Coosa River, in the State of Alabama;

S. J. Res. 103. Joint resolution to furnish to the Logan Monument and Volunteer Soldiers' Memorial Association a list of the names and addresses of all soldiers and sailors now living;

S. 3722. An act to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La.;

S. 797. An act for the relief of John E. Woods;

S. 3934. An act to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber;

S. J. Res. 52. Joint resolution to convey the thanks of Congress to Capt. Thomas Moore, master of the Alaska Steamship Co.'s steamer *Cordova*, and to the officers and crew; to Capt. C. C. Christiansen, master of the Pacific Sea Products Co.'s steamer *Kodiak*, and to the officers and crew; and also to the officers and crew of the United States Coast and Geodetic Survey steamer *Patterson*, for the prompt and heroic services rendered by them in rescuing the survivors of the United States revenue cutter *Tahoma;*

S. 3283. An act to give a legal status to a dam constructed in the Red River of the North at Fargo, N. Dak.;

S. 4268. An act to satisfy certain claims against the Government arising under the Navy Department;

S. 3685. An act granting certain lands to the State of Alabama for the use of the insane hospital for the colored;

S. 3764. An act to consolidate certain forest lands in the Florida National Forest;

S. 3388. An act for the relief of the estate of John Stewart, deceased;

S. 3203. An act granting to the city of Lemmon, S. Dak., certain lands for reservoir purposes;

S. J. Res. 65. Joint resolution creating a joint commission of Congress, to be known as the joint commission of Congress to investigate the Aviation Service of the United States Army;

S. 3861. An act to amend an act entitled "An act to amend an act entitled 'An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses when mixed with suitable denaturing materials' "; approved March 2, 1907;

S. 2500. An act authorizing the adjustment of rights of settlers on a part of the Navajo Indian Reservation in the State of Arizona;

S. 2545. An act for the relief of John Chick;

S. 2465. An act for the relief of James Anderson;

S. 3191. An act to amend section 1342 and chapter 6, Title XIV, of the Revised Statutes of the United States, and for other purposes;

S. 2564. An act for the relief of Abram H. Johnson;

S. 3436. An act for the relief of John Alexander Besonen;

S. 2720. An act for the relief of Frank Payne Selby;

S. 2719. An act providing for the purchase or construction of cutters for the Coast Guard;

S. 3680. An act to authorize the payment of indemnities to the Governments of Austria-Hungary, Greece, and Turkey for injuries inflicted on their nationals during riots occurring in South Omaha, Nebr., February 21, 1909; and

S. J. Res. 37. To amend a joint resolution entitled "A joint resolution providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims against the United States," approved May 12, 1898.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the resolution (S. J. Res. 65) entitled "Joint resolution creating a joint commission of Congress to investigate the Aviation Service of the United States Army."

PRINTING LETTERS FROM DEPARTMENT OF LABOR AS HOUSE DOCUMENT (H. DOC. NO. 886).

Mr. BURNETT. Mr. Speaker, I desire to ask unanimous consent to print as a House document two letters from the Department of Labor, making suggestions as to administrative amendments to the immigration bill which has been reported.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] asks unanimous consent to have printed as a House document two letters from the Department of Labor on administrative features of the immigration bill. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, do I understand the gentleman from Alabama that he desires to have these published as a document?

Mr. BURNETT. As a House document.

Mr. SABATH. Why not put it in the RECORD?

Mr. BURNETT. Well, I think the objection to that would be that Members would frequently want to send out to the document room and secure it for the purpose of getting information on amendments, and this will be the easier method for them to get them.

Mr. MANN. I take it that the House will need this matter in the consideration of that bill.

Mr. BURNETT. Exactly.

Mr. MANN. And it will be of more benefit to have it in that form?

Mr. BURNETT. It would be of much more benefit than it would be in the RECORD.

Mr. SABATH. Does the gentleman from Illinois think we ought to have that published?

Mr. MANN. I think anything of that sort that is sure to come before the House is advisable so Members may have it without any extra trouble when the bill is up for consideration.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. Mr. Speaker, I reserve the right to object, and I would like to ask the gentleman from Alabama, because I did not hear, just what these documents are.

Mr. BURNETT. They are two letters from the Secretary of Labor, Department of Labor, suggesting administrative amendments to the immigration bill while it was being considered by the committee.

Mr. MOORE of Pennsylvania. I would like to ask the gentleman if one of those recommendations is that the Secretary of Labor be given discretion with respect to the deportation of certain immigrants?

Mr. BURNETT. Well, I do not remember all of them.

Mr. MOORE of Pennsylvania. I ask that because it is fair to know whether the Secretary is making recommendations on both sides of the question.

Mr. BURNETT. Oh, the document will show for itself. There are recommendations in some cases giving rights of appeal to the Secretary, but I think it is along the same line of the suggestions that we had before us when the committee was considering it before.

Mr. MOORE of Pennsylvania. Do these recommendations pertain to the immigration bill, which is shortly to come before the House?

Mr. BURNETT. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

DECISION CONCERNING CERTAIN INDIANS IN MINNESOTA (H. DOC. NO. 885).

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent that the decision of the Secretary of the Interior on the question of the status of certain Indians in Minnesota be printed as a House document. It is only a short decision.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to have printed as a House document a decision as to the status of certain Indians in Minnesota. Is there objection?

Mr. FITZGERALD. Who is the decision by?

Mr. STEENERSON. The Secretary of the Interior. It will only cost a few dollars.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADDITIONAL CLERK, COMMITTEE ON CLAIMS.

Mr. LLOYD. Mr. Speaker, I desire to present a privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 164 (H. Rept. 317).

Resolved, That the chairman of the Committee on Claims be, and he is hereby, authorized to appoint an additional clerk to said committee for a period of three months, who shall receive for his services the sum of $75 per month, the same to be paid out of the contingent fund of the House.

Mr. LLOYD. Mr. Speaker, this resolution provides for an additional clerk to the Committee on Claims for the period of three months, at a salary of $75 per month. That committee has a vast amount of work to do, and I think there can be no question but what this additional clerk is needed.

Mr. STAFFORD. I desire to ask the gentleman, This is merely a session clerk?

Mr. LLOYD. It is only for three months.

The question was taken, and the resolution was agreed to.

TWO TELEPHONE MESSENGERS.

Mr. LLOYD. Mr. Speaker, I also offer the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 142 (H. Rept. 318).

Resolved, That the salaries of the two messengers in charge of telephones (one for the minority) be increased to $1,500 each: *Provided*, That the said increase be paid out of the contingent fund of the House of Representatives until otherwise provided by law.

The SPEAKER. The question is on agreeing to the resolution.

Mr. STAFFORD. Will the gentleman yield?

Mr. LLOYD. I will.

Mr. STAFFORD. Will the chairman of the committee tell the House what they are now receiving?

Mr. LLOYD. They receive $1,200 each at the present time, and this increases it to $1,500. Mr. Chaffee, on the Republican side, is the person now receiving the salary, and I am advised that he is a man that is entitled to very much more salary than $1,200 for the services rendered; and in order to treat both sides alike, we provide that the salary for the minority man and the majority man be made the same.

Mr. STAFFORD. What is the salary for assistant telephone messenger?

Mr. LLOYD. Seventy-five dollars a month.

Mr. STAFFORD. For the entire year?

Mr. LLOYD. Yes, sir.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

STATEMENTS MADE BY MEMBERS OF THE HOUSE.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] is recognized for 10 minutes, and the House will be in order.

Mr. AUSTIN. Mr. Speaker, a few days ago there appeared in the public press two remarkable statements made by Members of this House—the Hon. ROBERT N. PAGE, of North Carolina, and Gen. ISAAC R. SHERWOOD, of Ohio—which deserve to be placed in the enduring records of Congress, and for this reason I will include them as a part of my remarks.

The declared purpose of these gentleman is to return to private life, and their reasons are given in the statements mentioned. Mr. Speaker, the excuses assigned for retirement are, in my judgment, all convincing why our colleagues should continue their invaluable services in this House. No constituency should permit, if possible, the withdrawal of men from Congress who possess the ability, the energy, the training, experience, courage, and patriotism of the Members from North Carolina and Ohio. [Applause.] If the proposition was submitted to this House, I am sure there would be a unanimous vote of confidence and a desire to have these honored Members, who enjoy the respect and friendship of every Member, regardless of political affiliation, remain in Congress as long as they desire. North Carolina is honored in having upon the rolls of her able delegation the name of ROBERT N. PAGE, and will, with this House and the Nation, suffer a loss if he should retire. [Applause.] His refusal to surrender his honest convictions and violate his conscience on a great public question is convincing proof of his greatness and entitles him to the admiration, loy-

alty, and devotion of his constituents and the respect of every American. [Applause.]

All I have justly said about our colleague from North Carolina can be truthfully said of the Member from Ohio who never failed to prove his great courage, not only in war but during his patriotic service in Congress. The survivors of the Union Army and their millions of friends will always love and revere the name of ISAAC R. SHERWOOD [applause], who should, by common consent, be returned to Congress as long as he lives. [Applause.]

Mr. Speaker, the poet had in mind men like our two colleagues when he gave utterance to the following:

God give us men!
Men whom the spoils of office can not buy,
Men whom the lust of power will not kill,
Men who are honest, men who will not lie,
Men who can stand before a demagogue
And damn his treacherous flattery without winking;
Tall men, sun crowned, who live above the fog
In public duty and in private thinking.

[Applause.]

MR. PAGE'S STATEMENT.

[From the Washington Post.]

Many patriotic citizens of North Carolina are writing me and wiring me to support the President in his diplomatic controversies with European countries. Many, just as patriotic, are telling me to support a resolution warning American citizens against taking passage on armed vessels of belligerent countries.

The Constitution vests in the President all diplomatic questions, and I as one Member of Congress am willing that he should exercise this prerogative. I do not think that Congress or any other large body of men can successfully negotiate matters of diplomacy with other countries. When the President demanded that Congress pass upon a resolution warning American citizens against taking passage on armed vessels of belligerent nations I suggested the following resolution:

"Whereas the Constitution vests in the President all matters of diplomacy:

"*Resolved*, That the Senate and House of Representatives in Congress assembled hereby express confidence in the President in the exercise of this prerogative for the protection of the lives and liberties of American citizens and the honor and peace of the Republic."

SAYS IT SHIFTS RESPONSIBILITY.

The President is not satisfied with an unreserved expression of confidence on the part of Congress, but demands a vote upon the warning of American citizens to refrain from using armed vessels of belligerent countries, asking that it be voted down. This shifts to the conscience and convictions of Members of Congress a responsibility that the Constitution imposed upon the Executive. Having the responsibility thrust upon me. I claim the right to exercise my own judgment and convictions and not have them dictated by some one else. I do not believe that an American should insist upon the exercise of any abstract right that will jeopardize the peace of his country.

To vote against a resolution of warning places upon me the responsibility for the death of all Americans who, in absence of such warning, may lose their lives by the destruction of an armed vessel of some one of the warring powers, and perhaps thereby plunge this country into war. I can not gain the consent of my conscience, much as I would like to gratify the President and meet what seems to be the demands of my constituents, regardless of my own conscientious convictions, to in every matter vote as the President requests, thereby assuming responsibility for the loss of a single American life, or even indirectly stain my hands with his blood.

In this instance I am sure that I am in possession of facts which a partial press has kept the people I represent in ignorance of.

QUOTES SAVIOR'S UTTERANCE.

Jesus Christ never uttered a more profound truth than when He declared, "Where your treasure is, there will your heart be also." The loan of $500,000,000 to England by American capitalists, to say nothing of the profits of munition manufacturers, has destroyed the semblance even of neutrality in the United States and will probably lead us into war. I have no pro-German or pro anything sentiment or inclination other than pro-American. I realize very forcibly my obligation and responsibility to my immediate constituency and to the American people. I will not stultify my conscience or stain my hands with the blood of my countrymen, neither will I do violence to my conscientious conviction of duty, thereby forfeiting my self-respect.

And now while so far as I am informed I would have no opposition for renomination in the approaching primary, I desire to announce that I will not be a candidate for the nomination.

I can never express the depth of my gratitude to the Democrats of the seventh district for their support and friendship. I would not be in any degree worthy of it if I did not maintain my self-respect and intellectual integrity by retiring instead of remaining your Representative without either.

GEN. SHERWOOD'S STATEMENT.

[From the New York American.]

It is evident to my mind that the St. Louis convention will adopt a platform that would carry the country into militarism, with the biggest Army and Navy in the world. I am opposed to militarism, and have been since the Civil War. I have made speeches in every Congress against it.

I think it is due the Democrats in my district to have a candidate in harmony with the platform, some candidate who believes in the military propaganda being exploited and indorsed by the President. Therefore not to embarrass the party, I thought I would decline to be a candidate.

This is the first time in the history of the country when any political party and any President have advocated in time of profound peace the biggest Army and Navy in the world. I think it is a departure from the policy founded by the fathers and a step in the direction of a military autocracy. I am not standing for it.

I voted to-day to table the McLemore resolution against my better judgment, so that I will not be accused of any disloyalty to the President or the party. Since they made this a party question, I voted as a loyal member of the Democratic Party on this resolution, though my convictions are strong the other way.

I would vote, if I had the opportunity, to warn all American citizens off armed merchantmen. The talk of international law is a farce, as applied to the present situation. There is no international law touching submarines. It is a new instrument of warfare. We are building submarines now, and I suppose we will use them, if we have war, as England and Germany are using them.

Any merchantman armed with a gun is in reality an armed cruiser so far as the submarine is concerned. This was recognized and acknowledged in the note of the President of January 16 to the allied Governments.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12207.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, with Mr. CRISP in the chair.

The Clerk read as follows:

To enable the Secretary of Labor to provide and pay for the medical examination of employees of the United States receiving compensation for injuries under the provisions of the act of May 30, 1908, as directed by section 5 of said act, and for clerical assistance in its administration, and for subsistence, transportation, and traveling expenses of officers and employees of the Bureau of Labor Statistics while traveling on duty away from their homes and outside of the District of Columbia while engaged in the investigation of claims arising under the provisions of said act, $3,000.

Mr. NOLAN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 140, line 14, strike out "$3,000" and insert "$3,800."

Mr. NOLAN. Mr. Chairman, I offer this amendment simply to increase this appropriation $800. The Bureau of Labor Statistics has had the work of carrying out the provisions of the workmen's compensation act of 1908. I have received some information from that department as to the necessity for this extra $800, which I will read for the information of the House:

The volume of work in connection with the administration of the Government workmen's compensation act of May 30, 1908, which is carried on by the Bureau of Labor Statistics, is constantly increasing, and has now reached such proportions that the appropriation of $3,000 for the administration of the act, which is the amount originally appropriated when the law was placed upon the statute books, is inadequate to properly carry on the work in question.

The act of May 30, 1908, went into effect August 1, 1908, and during the first 11 months of its administration, i. e., from August 1, 1908, to June 30, 1909, a period of 11 months, 4,887 accidents were reported and 1,818 claims for compensation on account of accident were submitted. During the fiscal year beginning July 1, 1909, a total of 6,989 accidents were reported and a total of 2,656 claims for compensation were received. Of these numbers, however, 1,240 accidents were reported and 1,220 claims for compensation were received from employees of the Isthmian Canal Commission alone. Eliminating the Isthmian Canal Commission cases, there were 5,749 accidents reported and 1,436 claims received from employees of branches of the service covered by the act other than the Isthmian Canal Commission. By Executive order of February 26, 1913, which went into effect March 1, 1913, the administration of the compensation law, so far as employees of the Isthmian Canal Commission were concerned, was placed in the hands of the commission itself. Notwithstanding that fact, there has been a constantly increasing number of accidents reported and number of claims for compensation received. By an amendment of March 11, 1912, the provisions of the act of May 30, 1908, were held to apply to employees engaged in hazardous work under the Bureau of Mines and the Forestry Service of the United States, and by an amendment of July 27, 1912, the benefits of the act were extended to persons employed in hazardous employment in the Lighthouse Service. There are, however, very few accidents and claims for compensation received from employees of the three branches of the service to which the benefits of the original act were extended by these two amendments. The fact that the compensation law for employees of the Isthmian Canal Commission has since March 1, 1913, been administered by officials of the canal has, however, not resulted in a decrease in the number of cases handled in the administration of this act, but, on the other hand, there has been a very marked increase in other branches of the service to which the act applies. During the fiscal year ending June 30, 1914, there were 5,773 accidents reported and 2,558 claims were received. The fiscal year ending June 30, 1915, shows a large increase over the preceding year, with a total of 6,709 injuries reported and 3,140 claims for compensation received.

The increase still continues, and if the same proportion of increase in 1915 over 1914 is maintained, as is indicated during the first six months of the current fiscal year, it is estimated that there will be a total of approximately 7,200 injuries reported and approximately 3,500 claims received for compensation.

In spite of the large increase in the volume of work involved in the administration of the compensation act and its amendments, there has never been an increase in the amount of the original appropriation—$3,000 per annum—for the administration of the law, and that amount is now totally insufficient to meet the necessary expenses. The situation is so serious at this time that it has been necessary to curtail the number of medical examinations of injured employees for which the act provides, and it has also become impossible to make any

of the investigations authorized by this law, as stated in lines 9 to 13, inclusive, page 140, of H. R. 12207, the legislative, executive, and judicial appropriation bill, now under discussion, and contemplated in the act of May 30, 1908, itself. An addition of $800 to the amount named in the bill—$3,000—is of prime necessity if the law is to be adequately and properly administered.

Mr. Chairman, I think the administration of the compensation law is very important. The amendment is a very moderate one, and I believe the Bureau of Labor Statistics ought to be allowed this additional amount.

Mr. WALSH. Mr. Chairman——

The CHAIRMAN. Will the gentleman from California yield to the gentleman from Massachusetts?

Mr. NOLAN. I will.

Mr. WALSH. May I inquire who is the author of the communication?

Mr. NOLAN. The statistician of the Bureau of Labor Statistics.

Mr. WALSH. And was that information presented to the committee?

Mr. NOLAN. I do not know whether it was presented in such a concrete form or not, but I asked for it and received it. I have not looked over the hearings, and I do not know whether the committee was advised to that effect or not.

Mr. WALSH. The department asks for this additional $800?

Mr. NOLAN. Yes; they asked for the additional $800.

Mr. WALSH. The committee did not recommend it?

Mr. NOLAN. I am informed by the gentleman from Iowa [Mr. GOOD] that they did not.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, if this amendment is adopted, it will not provide money for the examination of a single additional case. It only means the promotion of two clerks in this division, according to the hearings submitted to the committee. He proposes to increase one clerk from $1,200 to $1,600 and another clerk in the sum of $300. So I repeat that if this amendment offered by the gentleman from California [Mr. NOLAN] is adopted, it means only the promotion of two clerks in that division and will not take care of the situation as the gentleman seems to think it will. And for that reason the committee, feeling that these promotions were not necessary at this time, allowed only the amount provided for the current year.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. NOLAN].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Children's Bureau: Chief, $5,000; assistant chief, $2,400; experts—1 on sanitation $2,800, industrial $2,000, social service $2,000, librarian $2,000, statistical $2,000; special agents—1 $1,800, 4 at $1,600 each, 10 at $1,400 each, 12 at $1,200 each; private secretary to chief of bureau, $1,500; clerks—2 of class 4, 4 of class 3, 5 of class 2, 18 of class 1, 10 at $1,000 each; copyist; messenger; in all, $106,640.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. I do not at present recall just what the estimate was for the Children's Bureau. I would like to ask the gentleman how nearly this item in the bill comes to the estimates?

Mr. BYRNS of Tennessee. The estimates called for $19,000 in round figures more than this appropriation carries in the bill.

Mr. MANN. May I ask what that $19,000 was for?

Mr. BYRNS of Tennessee. It was for additional clerical force in the bureau and also an increase of some salaries, I may say to the gentleman.

Mr. MANN. I shall not offer any amendment to the item, Mr. Chairman, although I would like to say that I think this bureau is doing exceedingly good work and is worthy of some expansion.

Mr. SISSON. Mr. Chairman, I will state to the gentleman that for the fiscal year 1913 there was appropriated $25,640, and this year, which is only three years later, it is $106,640, so that there has been a marvelous expansion.

Mr. MANN. I will say to the gentleman from Mississippi that the bureau is a new one, and the first appropriation was, I believe, about $25,000, and the Committee on Appropriations, disregarding the needs of the situation, asked the House to follow the same appropriation, or practically the same, in the succeeding year. But the gentleman from Iowa [Mr. GOOD], while a member of the Committee on Appropriations, just ran all over the Committee on Appropriations and chewed them up and put this item in the bill. Since then, of course, the Committee on Appropriations has allowed something, but did not allow this voluntarily.

Mr. SISSON. I do not want to get into a controversy with the gentleman as to whether the committee did or did not do right, but the gentleman has made the statement that there is no increase materially in the appropriation for this bureau.

Mr. MANN. There has been no increase for next year provided for. That is what I am talking about.

Mr. SISSON. Yes. In 1914 it is the same amount, $25,640, and for 1915 it is the same amount, and then in 1915 an additional appropriation of $81,000 was carried in a deficiency bill. This year the amount is $106,640.

Mr. MANN. My recollection is that it was not carried in the deficiency bill, although I would not be certain about that. We had quite a controversy in the House on the subject, and we increased it very materially in a lump sum in order to get over the point of order which the gentleman in charge of the bill consistently and properly made, and we put in a considerable increase.

Mr. SISSON. It was $81,000.

Mr. MANN. The item carried in the bill was a Senate amendment.

Mr. SISSON. That was for the purpose of enabling the bureau at that time to make exactly the same organization that it wanted.

Mr. MANN. If the gentleman is through, I will make my statement.

Mr. SISSON. I am through.

Mr. MANN. We increased the amount in a lump-sum appropriation to get around a point of order, because that was the opinion of the House. The Senate segregated it into these items, which action was agreed to in the House, because the committee knew the sentiment of the House. Every dollar of this money has been well expended. There is a need for an expansion of the bureau. I hope, while no amendment will be offered here, possibly, that the distinguished body at the other end of the Capitol will of their own motion make some increases in this bureau when the bill comes back to the House. If they do, I hope the House will agree to the increase. I think the bureau is worthy of some expansion. It has not received any at all in this bill.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Contingent expenses, Department of Labor: For contingent and miscellaneous expenses of the offices and bureaus of the department, for which appropriations for contingent and miscellaneous expenses are not specifically made, including the purchase of stationery, furniture, and repairs to the same, carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges, laundry, street car tickets not exceeding $125, lighting and heating; maintenance and repair of a motor truck; purchase, exchange, maintenance, and repair of passenger-carrying vehicle for use of the Secretary and such other officials as exigency may require for official purposes; freight and express charges, postage to foreign countries, telegraph and telephone service, typewriters, adding machines and other labor-saving devices, including their exchange; repairs to the building occupied by the office of the Secretary of Labor; purchase of law books, books of reference, and periodicals not exceeding $300; in all, $36,100; and in addition thereto such sum as may be necessary, not in excess of $13,500, to facilitate the purchase, through the central purchasing office as provided in the act of June 17, 1910 (36 Stat. L., p. 531), of certain supplies for the Immigration Service, shall be deducted from the appropriation "Expenses of regulating immigration" made for the fiscal year 1917 and added to the appropriation "Contingent expenses, Department of Labor," for that year; and the total sum thereof shall be and constitute the appropriation for contingent expenses for the Department of Labor, to be expended through the central purchasing office (Division of Publications and Supplies), Department of Labor.

Mr. MANN. Mr. Chairman, I make a point of order on the paragraph. I notice this paragraph provides, in lines 15 and 16, on page 142, for the "purchase, exchange, maintenance, and repair of passenger-carrying vehicle for use of the Secretary." My recollection is—I am not sure about it—that we passed a law providing that no money could be used for the purchase or maintenance of an automobile or horse-drawn passenger-carrying vehicle unless specifically provided in the appropriation act, and heretofore we have used the language, I think, "automobile or horse-drawn passenger-carrying vehicle."

Now, this is no specific provision for either one. Undoubtedly, the gentleman from Tennessee has the language of the law lying before him. Does it not require a specific appropriation to be expended either for an automobile or a horse-drawn passenger-carrying vehicle? To simply say "passenger-carrying vehicle" is not, I am afraid, a specific appropriation in accordance with the terms of that law.

Mr. BYRNS of Tennessee. I will state to the gentleman that the law to which he refers was passed July 16, 1914, and provides that—

No appropriation made in this or any other act shall be available for the purchase of any motor-propelled or horse-drawn passenger-carrying vehicle for the service of any of the executive departments or other Government establishments, or any branch of the Government service, unless specific authority is given therefor.

Mr. MANN. Does the gentleman think this is specific authority?

Mr. BYRNS of Tennessee. And I read further:

And after the close of the fiscal year 1915 there shall not be expended out of any appropriation made by Congress any sum for purchase, maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles for any branch of the public service of the United States unless the same is specifically authorized by law.

Now, this is a specific authorization, as I understand it, within the meaning of this statute. The gentleman recalls the facts concerning the purchase of this automobile by the Secretary of Labor?

Mr. MANN. I do; but I am first addressing myself to the language. If this complies with the requirement of that law, then it would be sufficient to say "repair of a vehicle for the use of the Secretary." The law intended to require, if you could use the money for the purchase or maintenance of an automobile, to say so. That was the purpose of the act, and I think the law does that. This does not do that at all. This is just general language—"a passenger-carrying vehicle." Under the terms of that law, if that would cover an automobile, just to say "vehicle" would cover the same thing.

If it is the intention to permit the Secretary of Labor to purchase a new automobile, after he has had one or two in the last year or two, I think we ought to say so.

Mr. BYRNS of Tennessee. I think this provision does say so.

Mr. MANN. I do not think so. They might get the auditor to pass the account, but it is not a compliance either with the letter or the spirit of that law, which says it must specifically provide if you are going to buy an automobile or maintain an automobile.

Mr. BYRNS of Tennessee. The law provides for a specific authorization for a motor-propelled or horse-drawn passenger-carrying vehicle. Now, this provision provides for the "purchase, exchange, maintenance, and repair of passenger-carrying vehicle for use of the Secretary."

Mr. MANN. Of passenger-carrying vehicles; but it does not provide for the purchase or maintenance of an automobile. If it did, just to say "vehicle" would be sufficient, because "vehicle" covers "automobile."

Mr. STAFFORD. But, if the gentleman will yield, there is a specific authorization for the purchase of some character of vehicle, and that meets the limitation of the law of 1914.

Mr. MANN. Well, that is the question. I do not think it does. The language of the law used to be for the maintenance of vehicles. Under that provision they purchased automobiles. Then the Congress provided specifically, or intended to provide, that an appropriation generally for vehicles should not be used for the purchase of an automobile unless specific authority was given for that purpose.

Mr. BYRNS of Tennessee. If the gentleman will pardon me, the law requires a specific appropriation for either motor-propelled or horse-drawn passenger-carrying vehicles.

Mr. MANN. It is possible that the auditor would pass it where Congress makes an appropriation of this kind, but it utterly lets down the law, because under that you could say "for the purchase and maintenance of a vehicle," and the auditor would probably say, "Well, it is the only vehicle they want." But both the language and the intent of the law were to provide that when Congress authorized the purchase of an automobile it should say so, and not leave it to the department to determine whether "vehicles" covered automobiles or not. And if we yield on that, why, you might as well repeal the law. Now, I was not in favor of the law when it was passed, but as long as it is the law I think we ought to uphold it.

Mr. BYRNS of Tennessee. I think, in justice to the committee, it should be stated that it was the intention of the committee to make no exception in favor of the Secretary of Labor against the heads of the other departments; but here was a situation where the Secretary of Labor, prior to the passage of the law to which the gentleman has referred, bought an automobile.

Mr. MANN. I will say that I never criticized him for that.

Mr. BYRNS of Tennessee. I am sure of that. The purchase was approved by the auditor, and possibly also by the Comptroller of the Treasury. Now, the Secretary has that automobile, of 1912 model. It is old and frequently needs repair, and it is thought that possibly during the next fiscal year it will be necessary for him to dispose of it in some way; and as he has this automobile, the committee felt, of course, that he should be given authority to exchange it for a more modern one and one that would meet the necessities of the case in the event that he thinks it necessary to make the exchange.

Mr. MANN. Well, that is another proposition. On that proposition I would like to say this——

Mr. BYRNS of Tennessee. If the gentleman will pardon me, I want to say that it was the intention of the committee to give to the Secretary of Labor the opportunity to exchange this automobile for a new one in the event that it should become necessary.

Mr. MANN. Why did not the committee say so? The Secretary, under the old law, bought an automobile, and Congress, in order to prevent that being done in the future, provided that it should not be done unless specifically authorized. We do not specifically authorize it here. I do not think I will make a point of order on it, but I would like to say that it seems to me that ordinarily one automobile ought to last a Secretary during one term of office. I know that many people think they ought to have a new automobile every year or every second year. I am not sure that it is advisable for Mr. Wilson to buy an automobile for the benefit of his successor.

Mr. BYRNS of Tennessee. Will the gentleman pardon an interruption?

Mr. MANN. Certainly.

Mr. BYRNS of Tennessee. I want to say that this particular automobile is an Oakland, and, as I have stated, of the 1912 model. I think it was about 2 years old when the Secretary of Labor purchased it by way of exchanging two or three old broken-down horses and several old carriages. It was a second-hand automobile when he bought it. It was not new.

Mr. MANN. Oh, I will say to the gentleman that no Cabinet officer ever has any broken-down horses; and every Cabinet officer, under any administration—and I think properly—when he comes into office buys a new outfit at once or very soon after, including both the vehicle and the team, if it is a team-drawn vehicle, as is usually the case. Now, it is proposed here specifically to authorize the retiring Secretary, during his last year, to buy an automobile for the benefit of his successor. His successor may not want that brand.

Mr. BYRNS of Tennessee. The gentleman overlooks the fact that it may be the present Secretary. He may not have any successor for the next five years.

Mr. MANN. Even if it be the present Secretary, he will be the successor. He has to be named over again if he stays in, which is not at all likely. [Laughter on the Republican side.] I doubt the advisability of starting the practice of letting Cabinet officers, in their last year of service, buy expensive ornamental or useful things purely for personal use—for the use of their successors—though if I had my way about it I would give all Cabinet officers automobiles. When some friend—as is not infrequently the case—takes me riding in an automobile, and we pass by one of these old-fashioned, though new and expensive vehicles, with fine horses that cost $1,500 a pair, much more expensive than an automobile and much less satisfactory, I really feel ashamed.

Mr. BYRNS of Tennessee. The committee were influenced to recommend this language by reason of the statement made by the Secretary that the automobile which he now has was secondhand when he bought it, and that it is not only out of date but that it is probable that at some time during the next fiscal year he will have to have an automobile.

Mr. MADDEN. I suppose the idea was that it would be more economical to buy a new machine at $1,500 than it would be to pay $1,600 for repairs during the next year.

Mr. BYRNS of Tennessee. Precisely. I think the statement was made, if I remember correctly, that it cost something like $1,300 or $1,400——

Mr. MADDEN. Thirteen hundred and sixty-eight dollars is what he said.

Mr. BYRNS of Tennessee. Thirteen hundred and sixty-eight dollars by way of repairs for this old machine.

Mr. MADDEN. And that is more than the car was worth when it was new.

Mr. MANN. If anyone made such a statement as that, it is untrue.

Mr. BYRNS of Tennessee. I can only say that that statement appears in the hearings.

Mr. MANN. I have examined the contingent expenses of the Department of Labor in reference to this automobile, and there has been no such sum expended, nor anything like it, for the repairing of the automobile. The total expenses, for the maintenance, the gasoline, the garage charges, and repairs have not amounted to that sum of money in the last fiscal year.

Mr. STAFFORD. Mr. Chairman, in reply to the charge made by the gentleman from Illinois that there is nothing in the record to confirm the statement of the chairman——

Mr. MANN. I did not make any such statement. I said if there was such a statement it was not true.

Mr. STAFFORD. If that is the fact we can only rely on the officials acquainted with the automobile——

Mr. MANN. You can examine the contingent expenses which require a report.

Mr. STAFFORD (continuing). And rely upon the statement of officials at these hearings. In the estimates submitted to the committee is found the item of purchase, exchange, maintenance, repair of a passenger vehicle, $1,696.08. At the hearing we took occasion to find out about such an unusual expenditure for maintenance and upkeep of this machine. On page 1019 of the hearings, and prior pages, it is stated that the maintenance and operation of the machine was $328 and repairs $1,367. These were unusual repairs and an unusual amount. They were occasioned by the Secretary in the winter of 1913 purchasing a secondhand Oakland car of the make of 1912 after it had traveled something like 12,000 miles. It was a secondhand machine when he bought it, and he gave in exchange the carriages and horses that had been previously purchased by the Government. He paid $800 in the exchange. That is the condition that confronted the committee, and when it found that repairs of the old secondhand machine in one year amounted to $1,367 the committee thought it was more economical to authorize the purchase of a new machine even though the Secretary could use it but a few months until his term of office expires.

There is a manifest prejudice among some Members of this body against Cabinet members having use of automobiles. I say that prejudice is without foundation. In another item of the bill the other day we authorized the Secretary of the Navy to rent quarters for the keeping of horses.

One of the business men connected with this administration, and a successful business man in his own business, the Secretary of Commerce, Mr. Redfield, was examined by us on this very question. He has horses provided for his own use by the Government, and he also has his own automobile, maintained at his own expense, to take him around to the various bureaus to perform the duties of his office. He had tabulated the comparative costs of maintaining horse-drawn vehicles and automobiles, and he testified that it cost $1,000 to $2,000 more to maintain the present system of horse-drawn vehicles than it would if they had automobiles.

Mr. Chairman, I look forward in a very short time to seeing some modern method of conveyance extended to Cabinet officials from departments to their homes and around the District in the perfarmance of their duties. We now see them being conveyed in horse-drawn vehicles, which is away out of date and not considered modern in any community of the country. I look forward to the time in the near future when all Cabinet officials will be authorized to have automobiles and when they will be housed in a central garage, supervised by one set of mechanicians, instead of having each officer have a separate livery, at an expense of $1,000 for rental, and four persons to upkeep it, as Mr. Redfield testified, three receiving a salary of $660 each, and one of $840. There is no question whatever from the testimony, and it requires no testimony, to believe that the automobile is much more economical than four horses and four carriages maintained at Government expense for each Cabinet official.

Mr. MANN. The gentleman stated that one year it was reported that the repairs on this machine cost $1,300 or $1,400. What year was that?

Mr. STAFFORD. The past year.

Mr. MANN. The past fiscal year?

Mr. STAFFORD. The fiscal year of 1915.

Mr. MANN. Then I will say that that statement is untrue, unless the items are hidden so that no one can discover them. I have gone through from one end to the other the expenses of the contingent account of the Department of Labor, checked off all the automobile items in it, and there has been no such sum expended that is shown by those items. Whether there is something hidden or not—and I will not say intentionally hidden—I can not say; but there is an automobile item in every month, sometimes two, and the total sum shown for maintenance, repairs, gasoline, garage expenses, and everything does not amount to $1,300.

Mr. STAFFORD. I can only say in reply that we examined the chief clerk of the Department of Labor and also the Secretary concerning the maintenance charges and upkeep of this automobile, and they confirmed the statement as to these respective amounts.

Mr. MANN. Why should you purchase the secondhand automobile, expend $1,300 on repairs in one year, when you can buy a new machine for less than that? That would not indicate a great degree of brilliancy on the part of the person who did it. For less than the sum that the gentleman says was expended for repairs they could buy new parts all the way through and have a new machine.

Mr. STAFFORD. The gentleman has not had experience with a secondhand machine; he has been wise in purchasing a new machine.

Mr. MANN. That is not a true statement, for I never purchased any new machine. The gentleman is trying to mislead the House. [Laughter.]

Mr. STAFFORD. The gentleman utilizes fine new machines.

Mr. MANN. I utilize a good many fine machines when I have the chance.

Mr. MADDEN. Mr. Chairman, this colloquy is a very interesting one, and while it was being carried on between these distinguished gentlemen it occurred to me that it might be very interesting to the House to have some one tell a few facts.

The Post Office Department, through the Second Assistant Postmaster General, made a report to the Committee on the Post Office and Post Roads and to the country that he was operating 14 automobiles in the city of Washington, and that they cost $18,000 a year, but of course everybody knows that the statement of the Second Assistant Postmaster General must be a mistake; that it could not be done; and that the best possible cost of the operation would be at least $42,000.

When these gentlemen buy automobiles, at, say, $3,000 apiece, it costs to operate them, including the driver, at least $3,000 a year each. Then when you get through with the machine at the end of three years, if you have paid $3,000 for it, and you want to buy a new one, you must sell the machine for $500, so that you are really paying $2,500 in three years for wear and tear upon the machine, to say nothing about the repairs, to say nothing about the fact that you are paying the chauffeur $100 a month, and are paying in addition about $150 a month for incidentals. Therefore, when you come to talk about the economy of operating automobiles, you are talking about something that does not exist. Maintaining an automobile is not a poor man's game. It may be all well enough for a man to belong to a golf club and go out and play golf in the afternoon to keep up his physical force and all that, but if you want to bankrupt a private individual's treasury or the Treasury of the United States, all you have to do is to commence operating automobiles. Give these men in the Cabinet the right to purchase any kind of a machine they desire, and then fool you in their statements as to the cost of operation and maintenance, and it will be found to be a very expensive luxury.

If the Second Assistant Postmaster General, for example, tells you that he is doing for $18,000 by the operation of 14 automobiles what it cost $55,000 a year to do when he was doing it by horses, he is not stating all of the facts. If the Second Assistant Postmaster General would charge the wages of the men who are running the automobiles into the cost of the operation of the automobiles, he would find that it would cost him over $11,000 for their wages, to say nothing about the rest of the expenses connected with it; and if he would charge up the wear and tear and the depreciation, he would find that it would amount to about seven or eight thousand dollars a year, and that the gasoline would amount to about $6,000, or very close to that, while the repairs to the chassis would amount to a very large sum in addition to that, and then about $200 a year for each machine for tires. That is something which he has forgotten to charge. So all of these things are very interesting in connection with this piece of fiction to which we have been listening in the matter of the operation of the automobile that is owned by the Secretary of Labor, which he obtained in exchange for a lot of old, broken-winded horses, paying $800 in exchange for a second-hand machine which, when new, cost only $1,200, and then about $1,367 for repairs upon that machine, when he could buy a new one to replace it for $1,200 or less. It is an interesting method of financial calculation, conducted by scientific Democrats in charge of a great Government like the United States, and it is no wonder that the Treasury of the United States is bankrupt. [Laughter.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. Does the gentleman from Illinois [Mr. MANN] make the point of order?

Mr. MANN. Mr. Chairman, I withdraw the point of order.

Mr. CANNON. Mr. Chairman, I move to strike out the last word, in order that I may ask a question of the gentleman in charge of the bill. In lines 15 and 16 and a part of 17 I find this language:

> Purchase, exchange, maintenance, and repair of passenger-carrying vehicle for use of the Secretary and such other officials as exigency may require for official purposes.

We have been talking about the purchase, exchange, maintenance, and repair of a passenger-carrying vehicle for the use of the Secretary, and in respect to that I desire to say that I

have no objection to the Secretary having an automobile. I believe he ought to have one. But then comes the language:

And such other officials as exigency may require for official purposes.

I take it that under that language the Assistant Secretary or any other official who desires an automobile, if it met the discretion of the Secretary, could have an automobile. Is it the intention to give that authority?

Mr. BYRNS of Tennessee. Mr. Chairman, the gentleman will notice that it provides for the purchase of only one vehicle. The language referred to was inserted because the vehicle is intended for general departmental needs, subject to the control of the Secretary.

Mr. CANNON. I think it goes further than that. I will read it again:

And repair of passenger-carrying vehicle for use of the Secretary.

That covers the automobile, does it not?

And such other officials as exigency may require for official purposes.

That language is pretty broad.

Mr. BYRNS of Tennessee. But the gentleman will notice that it provides for the purchase, exchange, maintenance, and repair of a passenger-carrying vehicle for the use of the Secretary and such other officials as may need it. In other words, the authorization is for only one.

Mr. CANNON. And there could be but one automobile purchased under that language?

Mr. BYRNS of Tennessee. That is all.

Mr. CANNON. Perhaps the gentleman is correct.

Mr. BYRNS of Tennessee. The committee certainly did not intend to provide for any more, and I do not think the bill would authorize the purchase of more than one. The idea of the committee was that this vehicle should not be restricted to the sole use of the Secretary, but should be used for official business within the department under the direction of the Secretary.

Mr. CANNON. Talking about the expense of maintenance, I take it that in this and in other cases the chauffeur is a detailed employee, a clerk or a copyist or a messenger or a watchman?

Mr. BYRNS of Tennessee. That is a fact.

Mr. CANNON. Carried on some other roll.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

The Secretary of Labor is authorized to enter into a contract for the lease of a modern fireproof building for the use of the Department of Labor for a period not to exceed five years, renewable, at the option of the Government for an additional period not exceeding five years, at an annual rental not exceeding $24,000 and at a rate per annum per square foot of available floor space not to exceed 36.3 cents.

Mr. COOPER of Wisconsin. Mr. Chairman, I make the point of order against that paragraph.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman reserve the point of order until I can at least explain to the gentleman the situation confronting this particular department?

Mr. COOPER of Wisconsin. I know what confronts it, which is that some one is going to construct a new building on the pledge of the Government to lease and occupy it at a yearly rental of $24,000, and that by following this course the Government never will have any of the sites which it has owned for years used for Government buildings as they all ought to be. These people will erect another herring-box structure and lease it to the Government, and I make the point of order.

Mr. BYRNS of Tennessee. I will ask the gentleman to reserve it for a moment.

Mr. COOPER of Wisconsin. I reserve it.

Mr. BYRNS of Tennessee. I desire to state to the gentleman from Wisconsin that the facts surrounding this particular proposed authorization are different from some others. When the Department of Commerce moved out of what is known as the Willard Building on Fourteenth Street, the Department of Labor was left in the building, but that building was not sufficient to provide for all of its bureaus.

For instance, the Bureau of Naturalization was located on F Street. Now, for the remainder of the year the Department of Labor only had $16,500 authorization for the rent of the building. It was necessary to secure quarters for all of its bureaus. The Navy Department was occupying the Mills Building as a Navy annex, but moved out of that building. By reason of the fact that the owner of the Mills Building demanded an increase of rent from $24,000 to $30,000, Congress authorized the Navy Department to enter into a lease for another building for which it pays $30,000, but which provides probably one-third more space. Now, the Mills Building was vacant, and the owner of the building agreed for the balance of that year that the Department of Labor might occupy it at the rate of $16,500 a year. The next year $20,000 was appropriated by Congress for rental purposes for this department. The owner of that building finally agreed, after a great deal of haggling with the Secretary of Labor, to permit him to continue another year in that building at $20,000. Now he has declined to rent it for another year at $20,000 and is undertaking to hold that building for $26,000, and refuses to enter into any sort of a contract for one year or any other term of years for less than $26,000, and it is necessary for the Department of Labor to secure other quarters unless the sum of $26,000 is appropriated for the rent of that particular building.

Mr. COOPER of Wisconsin. Will the gentleman yield for an interruption?

Mr. BYRNS of Tennessee. Yes.

Mr. COOPER of Wisconsin. How long will it take them to erect the new building?

Mr. BYRNS of Tennessee. The Secretary of Labor states, if it is authorized by this bill, that they can have it ready for occupancy a short time after the beginning of the next fiscal year.

Mr. COOPER of Wisconsin. Exactly; and that shows that the building is to be a structure similar to those that are constantly being erected here and disfiguring the appearance of Washington. Anybody who will go to the Mall and look at the rear of some of the buildings on New York Avenue, great structures of red brick, and 10 or more stories high, will not fail to see that these constitute a positive, very serious disfigurement. There is a business of putting up buildings and renting them to the Government. The understanding usually arrived at is that if an authorization can be gotten through Congress they will put up a building that will be suitable and rent it to the Government for a term of years at an agreed rental.

The Government ought to erect buildings, which it has needed for many years, on the property which it bought years ago for sites for such buildings and has ever since owned. There never will be a stop put to this until we stop it in Congress, and I object and object now.

Mr. BYRNS of Tennessee. If the gentleman will permit, the gentleman says that on account of the time in which it is proposed to erect this building it means that it will be a makeshift building. I submit to the gentleman, if the authorization is carried in this bill, there will be four or five months between now and the beginning of the fiscal year, and possibly six or seven months before the building is ready for occupancy. Now, the committee felt that it was not to the interest of the Government to permit the owner of any building to attempt to hold up the Government every year for additional rent.

As I said, a few years ago, because the Navy Department had no other place to go, it was attempted to force Congress to allow $30,000 rent for that building. But the Navy Department annex moved out, and when Congress undertook to provide quarters for the Bureau of Labor, because this building was vacant, it was offered to the Department of Labor for the remainder of the year at $16,500. The next year the Department of Labor was only authorized to expend $20,000, and it was rented at that price for another year. But now he is seeking to force Congress to appropriate $26,000 for the rent of that building. Now, I do not think that Congress ought to put itself in a position or leave itself in a position where the owner of any building can come and demand from Congress excess rent; and this authorization simply provides that the Secretary of Labor may enter into a rental for five years, with an option, at its pleasure, of five years longer, at $24,000.

Mr. COOPER of Wisconsin. Ten years.

Mr. BYRNS of Tennessee. And limits the amount of rental of floor space at 36.3 cents per square foot, which is the amount paid for other buildings.

Mr. COOPER of Wisconsin. Mr. Chairman, I do not want the gentleman to put me in a position—as he very adroitly, perhaps unintentionally, attempts to do——

Mr. BYRNS of Tennessee. I do not desire or intend to put the gentleman in any false position.

Mr. COOPER of Wisconsin. Of favoring the owner. Now, I do not know the owner of that building nor of any other building that the Government occupies in this city. I may have met some of the owners; but if so, I do not know it. None of them has ever spoken to me on this subject; and the gentleman must not, by adroitly alleging that this man is holding up the Government, suggest that I am in league with him. The Government continually, through such legislation as is proposed by this bill, puts itself in a position where it can be held up, and has been held up, to the extent of many thousands of dollars for rents in this city. I saw the other day, as the gentleman did, a circular showing that some of these buildings now rented by the Government net the owners 15 per cent a year; others 4, 5, 6, 7, 8, 10, and 12 per cent a year. The Government can borrow money at 3 per cent or less.

The Government has for years owned that row of building sites beginning with the block in which the Poli Theater is located on down Fifteenth Street to the Mall, but, for example, instead of putting Government buildings there we induced a corporation to put up a building at the corner of Nineteenth Street and the Avenue and rent it to the Government for the Department of Commerce; and, as was first brought out by the distinguished gentleman from Illinois [Mr. MANN] two years ago, one of the men interested in the structure was an employee in that department. There is a regular business here in this town of putting through things of this kind, a well-organized system of inducing the Government of the United States to agree in advance to rent buildings to be erected by private parties. A day or two ago we had before us a provision, on page 119 of this bill, providing that the Attorney General might enter into a contract for the putting up of a building here under an agreement that the Government would rent it for the use of his department at $36,000 a year—4 per cent on $900,000.

Mr. BYRNS of Tennessee. That is what the department, if the gentleman will permit me, is paying now for rent and has been for quite a number of years.

Mr. COOPER of Wisconsin. Exactly. And the gentleman does not propose to better the situation at all. Public opinion has been aroused, and the people demand that these outrageous rents paid by the Government shall be stopped. Why not have the Government build structures, not extravagant, but architecturally fine, in keeping with the character of the National Capital City, on the sites that for years the Government has owned?

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. COOPER] make the point of order?

Mr. COOPER of Wisconsin. I make the point of order.

Mr. BYRNS of Tennessee. Mr. Chairman, I want to make this statement, in view of the statement made by the gentleman from Wisconsin. I do not wish the Appropriation Committee to be put in a false position. I want to call his attention to a fact with which he is entirely familiar, that the Appropriation Committee has absolutely no authority to authorize the erection of public buildings. That legislation must come from the Committee on Public Buildings and Grounds. All the Appropriation Committee can do is to recommend to the House provisions for rental of quarters for the departments which are not supplied with Government buildings, and that is what it is seeking to do here.

Here is a situation where the Department of Labor has got to move on July 1 unless it can enter into some terms with the present owner of the building, and he is insisting that he must have $26,000 a year or they must get out. Now, some provision must be made for the department, and the committee felt that if the Secretary could secure a proper building, adequate for all the needs of the department, for $24,000 for a period of five years, with an option to rent it for five years additional, it was not only economy but, as a matter of fact, it was an absolute necessity in order to provide quarters for that great department.

Mr. COOPER of Wisconsin. This provision provides for an initial lease of 5 years, with an option for its renewal for 5 years more. That means, as everybody knows, a 10-year lease of a building put up for the express purpose of renting it to the Government at a rental agreed upon in advance, and with nobody able to tell where that building will be located nor what it will look like.

Mr. Chairman, I make the point of order.

Mr. SISSON. I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order, but the Chair's mind is made up.

Mr. SISSON. Mr. Chairman, this is an item for the purpose of bringing about some economy in this bill in reference to the rent of these buildings. Now, if we do not put this provision in the bill, the gentleman from Wisconsin [Mr. COOPER], by making the point of order, is bringing about a result where he does not take one single step toward the building of a magnificent building for the Department of Labor, where he is not hastening it a minute, and he will cost the Government the next fiscal year $2,000 more, at least, than the amount authorized in the bill. In addition to that, the Department of Labor says that the present owner of the building——

Mr. COOPER of Wisconsin. Mr. Chairman, is the gentleman talking to the point of order? If not, I make it.

Mr. SISSON. I am talking to the point of order and endeavoring to show how we are going to save some money. Now, if the gentleman is not desirous of saving money, if he is willing that the Government shall continue not only to pay the $2,000 more next year, but the following year, according to the testimony in the committee we will pay not only $2,000 more but $6,000 more for the building that they are in, because the present offer was made, and they say that while they are making the offer for this year at $26,000, next year they will want $30,000 for this building.

Now, your committee thought it would be better to put ourselves in a position where we would not favor this man that owns this building as a private individual and enable him to hold Congress up for $6,000. The condition the gentleman from Wisconsin [Mr. COOPER] speaks of is a condition perhaps for which the majority of the Members of this House are not responsible, and that is that these men who own these buildings are just as much a part of that coterie the gentleman speaks of as these gentlemen who propose to put up buildings with larger and more floor space and give them a place in which to house themselves. In order to get up some competition among this real estate trust that the gentleman speaks of we will offer a competition here where we will have this building next year on the market for the Government, and we will be able to get loose from the trust that the gentleman from Wisconsin speaks of.

Mr. COOPER of Wisconsin. That is the clearest argument on the point of order I have ever heard.

Mr. MANN. Mr. Chairman——

Mr. COOPER of Wisconsin. I reserve the point of order that the gentleman from Illinois [Mr. MANN] may be heard.

The CHAIRMAN. The Chair wants the committee to understand that the Chair's mind is thoroughly made up and that he is ready to rule.

Mr. MANN. That may be true, but the Chair is one of those distinguished gentlemen who is willing to change his mind if there be occasion.

The CHAIRMAN. The Chair always tries to do that way.

Mr. MANN. But I doubt if there is any occasion. The gentleman from Mississippi [Mr. SISSON] endeavors to bring this under the provisions of the Holman rule on the ground that it reduces expenses. The Chair may not be fully informed as to all the facts in the case. The item in the bill, which the gentleman from Mississippi says will reduce expenses, authorizes the lease to be made at an annual rental of $24,000, while the existing law now in force authorizes the Secretary to make a lease at the annual rental for $20,000 a year.

Now, it would require a good deal of mathematics and figuring to show that while the law provides for a lease at $20,000 a year, it will reduce expenses by authorizing a lease at $24,000 a year. [Laughter.] The existing law authorizes the Secretary to make a lease of the building without any time limit at $20,000 a year.

Mr. STAFFORD. He is not authorized to make a lease for more than a year.

Mr. MANN. The gentleman is mistaken.

> The Secretary of Labor is authorized * * * to enter into a contract for the lease for a period of not to exceed five years of a modern fireproof office building at an annual rental not to exceed $20,000.

I am reading the law.

Mr. STAFFORD. I am referring to the permanent law.

Mr. MANN. It does not make it permanent law, whether it is in an appropriation bill or not, if it is made law. The full provision is—

> That the Secretary of Labor is authorized, in his discretion, to enter into a contract for the lease for a period not to exceed five years of a modern fireproof office building at an annual rental not to exceed $20,000.

When I said lease "without any time limit" that was wrong; but he is authorized now to enter into a lease under the existing law for five years at $20,000. I think the committee did not know that. Certainly the gentleman from Mississippi [Mr. SISSON] did not know it, or he would not insist that the authorization to increase the limit of rental from $20,000 to $24,000 was a reduction of expenses.

Mr. SISSON. Mr. Chairman, the gentleman does not want to put anybody in a false light.

Mr. MANN. Never. I was reading the law.

Mr. SISSON. The fact is that that was the authorization last year—$20,000.

Mr. MANN. That is the law now.

Mr. SISSON. But the testimony of the Department of Labor in reference to the rental of this building is that they are unable to rent it for less than $26,000. That is the testimony here.

Mr. MANN. I do not see what that has got to do with the question at all. This is to authorize the Secretary to enter into a contract for the lease of some other building at $20,000.

Mr. SISSON. There is no other building that they can get.

Mr. MANN. Oh, we all know that that is not true.

Mr. SISSON. I know this, that they say it is true.

Mr. MANN. The gentleman from Mississippi and myself know that there are a great many buildings in Washington that

are now in existence that can be leased for less than $20,000 a year, and many of them would fully answer the purpose of the Department of Labor, although they would not perhaps be in such a conspicuous place or be such fine-looking buildings.

Mr. SISSON. They say they can not get a building under one roof, and they can not get a building large enough to accommodate the Department of Labor unless they take two or three buildings. That is what they say to-day about it. The owner of this building wants $26,000.

Mr. MANN. I was arguing the point of order.

Mr. SISSON. I will say to the gentleman that my argument on the point of order was largely for the purpose of getting the floor. [Laughter.]

Mr. MANN. My point of order was on what the law is.

The CHAIRMAN. The Chair would like the gentleman from Mississippi to discuss the point of order if he desires to discuss it.

Mr. SISSON. I will desist from discussing it if the Chair desires. I did not want to leave the matter in an unenviable light.

In the Department of Justice they have four or five buildings scattered all over the city. If we do not give these people this authority, they may be compelled to move out of the building that they are now in, unless we are held up for $26,000 a year. Then there is a statement that they will not rent the building next year for less than $30,000. That is what confronted the committee. In view of the fact that this statement came from the people who occupied the building, we felt absolutely sure that that was true. They made investigations, and while the committee was conducting hearings for several days these men made investigations for the purpose of determining what they could do, and they came back to the committee with plans and specifications and with the statement that there was not a building that they could rent in the District of Columbia in which they could house all those people. I presume the committee knew.

Mr. COOPER of Wisconsin. Mr. Chairman, I want to say a word on the point of order.

The CHAIRMAN. The Chair will not trouble the gentleman from Wisconsin to discuss the point of order, because the Chair is going to rule with the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. I was confident of that, but wish to say a word in reply to the remarks of the gentleman from Mississippi [Mr. SISSON]. The gentleman from Mississippi said that there is no prospect of the Government erecting a building for the Department of Justice, and that the Committee on Appropriations has no jurisdiction to authorize the expenditure by the Government of its own funds for the purchase or construction of such a building.

That is very true, but the gentleman will remember that the newspapers early in this session contained a statement to the effect that the Committee on Public Buildings and Grounds would report a bill for a Government building for the accommodation of the Department of Justice, a new building to be put up here in the near future. But, of course, that committee will not report anything for a building if Congress should enact into law the paragraph against which the gentleman from Illinois [Mr. MANN] made the point of order a day or two ago.

Mr. SISSON. That will not take care of the Department of Labor, I submit to the gentleman.

Mr. COOPER of Wisconsin. The same principle applies to the Department of Labor.

Mr. SISSON. And it will not take care of the Department of Justice for years to come.

Mr. COOPER of Wisconsin. And, Mr. Chairman, I object to this at this time, because of an experience which I narrated the other day on the floor of the House, but which may not have been brought to the attention of some Members now present.

Two or three years ago, while talking with a bureau chief, he mentioned the name of a prominent Washington lobbyist who had been in his office several times, urging him to go before a committee of Congress and advocate an appropriation for a building to accommodate his bureau, the lobbyist saying that he or somebody else whom he knew would put up the building and rent it to the Government. Observing his manner, I asked the chief whether any sort of a proposition was made, or any intimation that there might be something in it to his advantage. His answer was, "He did not make any proposition, but from his manner and insistence I have no doubt that there could have been something in it for me."

That statement was to me a source of very great surprise. It was the first time I had ever heard any direct testimony on the subject. But the chief was a man of such high character and he made the statement under such circumstances that I believed him, of course.

The Government of the United States ought to own its own buildings; they ought not to be extravagant in the matter of cost, but yet dignified, fine, and in every way worthy of the Government of so great a Nation. One by one they should be constructed here and located in accordance with the carefully considered, comprehensive plan submitted long ago for the betterment of Washington. If, as the years pass away, these buildings are constructed one after another in accordance with that great plan, there will be a gradual harmonious improvement of the National Capital, a result that all the people of the country earnestly desire to have accomplished.

I make the point of order.

The CHAIRMAN. The gentleman from Wisconsin [Mr. COOPER] makes the point of order that the provision on page 143 of the bill, lines 17 to 24, inclusive, is new legislation, and not in order on an appropriation bill. The Chair takes cognizance of the fact that the rental now paid or authorized to be paid by this department is $20,000 a year. The provision in question authorizes a rental of $24,000, so in no way can it come within the purview of the Holman rule. It is clearly legislation, and subject to a point of order, and the Chair sustains it. The Clerk will read.

The Clerk read as follows:

JUDICIAL.

Supreme Court: Chief Justice, $15,000; 8 associate justices, at $14,500 each; marshal, $4,500; 9 stenographic clerks, 1 for the Chief Justice and 1 for each associate justice, at not exceeding $2,000 each; in all, $153,500.

Mr. SISSON. Mr. Chairman, I move to strike out the last word. In order that the RECORD may show the owners of the buildings occupied by the Department of Justice I will ask that the list which I hold in my hand, with the streets where the property is located, be read from the Clerk's desk.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

DEPARTMENT OF JUSTICE BUILDINGS.

1435 K Street, Columbia Properties Co. (Sidney Bieber, secretary).
1439 K Street, Horace H. Wescott, agent for a Mrs. Peyson, who lives in France.
1000 Vermont Avenue, Woodbury Blair, executor for the estate.
1013 Fifteenth Street, Agnes M. Wickersham and Lillian F. Balloch.
6 Jackson Place, John B. Dahlgren and J. D. Coughlan, trustees.
8 Jackson Place, B. M. Randolph, one-third owner.
10 Jackson Place, William Corcoran Hill, agent for Mary J. Blair.
Southern Building, corporation.

Mr. SISSON. Mr. Chairman, in order to provide for the housing of the judicial department it will be necessary that we amend the bill here and add $4,000 for some improvements and necessary repairs on these buildings, and if we get quarters for the Department of Labor it will be necessary that we increase the appropriation, if they remain where they now are, from $20,000 a year to $26,000 a year, an increase of $6,000. In the two items this will mean for the next year an expenditure of $10,000 more than the committee would have expended in the event that the points of order had not been made. Therefore I believe that in the interest of economy it was a mistake to make these points of order, because we will not cure the condition in the Government, nor are these gentlemen who would build these buildings any worse or any better than the men who now rent buildings to the Government. I do not happen to have a personal acquaintance with any of these gentlemen, and, so far as I know, I am sure that no member of the committee has. Speaking for myself, I have never had any sort of conversation with them, directly or indirectly. The chairman states that he has not. For the reason that so much has been said about men coming and intimating that there would be something in this for somebody if certain things were done, I want to say that if anybody ever makes that statement to me, I will not simply invite him out of my office, but something else will occur.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. SISSON. I do.

Mr. MADDEN. In view of the fact that we are paying over $600,000 a year rent in the District of Columbia, would it not be a good idea to invest a sufficient amount of money to put up the buildings that are needed to house the departments?

Mr. SISSON. That would cost many hundreds of thousands of dollars, and could not be done in one year.

Mr. MADDEN. To capitalize $600,000 would make a $20,000,000 investment.

Mr. SISSON. Does the gentleman know that the specifications prepared for a building for the State Department a few years ago ran up to many millions of dollars, and in the building, according to the plans and specifications submitted, there was to have been a magnificent arched driveway, and on one side was the business office of the Secretary of State and on the other side were magnificent suites of rooms, called the royal

suites, having from 10 to 15 rooms in one and from 10 to 12 in another and about 8 in another, for magnificent entertainments to be given at the cost of the Government; and when the matter was up before a deficiency committee on one occasion the distinguished gentleman from Illinois [Mr. CANNON] asked a few questions, which I will be perfectly willing to state to gentleman privately, but which I can not state here, and which absolutely destroyed all effort to get that sort of a building? If these plans had been carried out, the royal suites were to have in them liveried servants for the purpose of entertaining the royal families. When we asked the Supervising Architect about this he said he had prepared those plans and specifications at the direction of others and not of his own motion. When he was asked who did it, we did not force him to answer the question, because it was somebody higher up. Now, if these are the plans and specifications to be presented to Congress, I am not in favor of buildings of that sort.

Mr. MADDEN. No.

Mr. SISSON. I am in favor of constructing good buildings to be owned by the Government, to relieve us of this outrageous contention every year about somebody being improperly connected with these rental propositions, either directly or indirectly, either an official of the Government or some insinuation that somebody is doing something wrong about the rental of these buildings.

The CHAIRMAN. The time of the gentleman from Mississippi has expired. Without objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

Books for judicial officers: For purchase and rebinding of law books, including the exchange thereof, for United States judges, district attorneys, and other judicial officers, including the nine libraries of the United States circuit courts of appeals, to be expended under the direction of the Attorney General: *Provided*, That such books shall in all cases be transmitted to their successors in office; all books purchased thereunder to be plainly marked, "The property of the United States," $16,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. This morning, on a report from the Committee on Accounts, the House passed a resolution increasing the salary of the telephone messengers from $1,200 to $1,500, the excess to be paid out of the contingent fund. That will necessitate two checks. Under the rules of the House, if that had been done before this bill was reported the bill would have carried $1,500 for the next fiscal year. I ask unanimous consent to return to page 17, line 11, for the purpose of offering an amendment to strike out "$1,200" and insert "$1,500."

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to page 17, to offer an amendment indicated by him. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, line 11, strike out "$1,200" and insert "$1,500."

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. That no part of any money appropriated by this or any other act shall be used during the fiscal year 1917 for the purchase of any typewriting machine at a price in excess of the lowest price paid by the Government of the United States for the same make and substantially the same model of machine during the fiscal year 1916; such price shall include the value of any typewriting machine or machines given in exchange, but shall not apply to special prices granted on typewriting machines used in schools of the District of Columbia or of the Indian Service, the lowest of which special prices paid for typewriting machines shall not be exceeded in future purchases for such schools.

Mr. MANN. Mr. Chairman, I reserve a point of order on that paragraph. I will ask the chairman of the committee, Is there any necessity of carrying this?

Mr. BYRNS of Tennessee. There is a very grave necessity for carrying it, I will say to the gentleman. I have a substitute that I am very anxious to offer if his point of order is made and sustained against this paragraph.

Mr. MANN. That is the easiest way to do that. I make the point of order. The gentleman can offer his substitute and let us see whether it is subject to the point of order.

Mr. BYRNS of Tennessee. I concede the point of order.

The CHAIRMAN. The gentleman from Tennessee concedes the point of order. The Chair sustains the point of order.

Mr. BYRNS of Tennessee. I offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

As a substitute for section 4, insert the following:

"SEC. 4. That appropriations in this or any other act shall not be used during the fiscal year 1917 for the purchase of any typewriting machine at a price in excess of the lowest price paid by the Government of the United States for the same make and substantially the same model of machine during the fiscal year 1915. Such price shall include the value of any typewritng machine or machines given in exchange, but shall not apply to special prices granted on typewriting machines used in schools of the District of Columbia or of the Indian Service, the lowest of which special prices paid for typewriting machines shall not be exceeded in future purchases for such schools: *Provided*, That in construing this section the Commissioner of Patents shall advise the Comptroller of the Treasury as to whether the changes in any typewriter are of such a structural character as to constitute a new machine not within the limitations of this section."

Mr. MANN. Mr. Chairman, I reserve a point of order to the paragraph. Is there any difficulty now in the way this operates?

Mr. BYRNS of Tennessee. Yes.

Mr. MANN. I have taken the trouble from time to time to go through the reports of the purchase of typewriters in the various departments in compliance with the law. They are not all made up on the same basis and not very intelligible to a man who is not a specialist in typewriters, which I am not.

Mr. BYRNS of Tennessee. I am quite sure the gentleman has examined the last report.

Mr. MANN. I have of the various departments.

Mr. BYRNS of Tennessee. And I am quite sure that the gentleman has observed that there is now a uniformity in the price of typewriters which did not exist until this provision was put in the law.

Mr. MANN. On the contrary, I think there is a lack of uniformity of price.

Mr. BYRNS of Tennessee. Not for the same machine.

Mr. MANN. They may have been the same price but no one can tell. When they trade an old machine it does not make much difference about the price. It depends upon how much they trade in the machine for.

Mr. BYRNS of Tennessee. The gentleman knows that before this provision was inserted in the bill the Navy Department paid as low as $62.50, while other departments were paying $70, and as high as $80 for the same model of machine. This provision of the law inserted last year has absolutely corrected that inequality of price, and the departments now are paying a uniform price not exceeding $65, I think, for the same machine.

Mr. MANN. Of course, the price nominally paid, when you figure it out in fact, depends upon how much you get for the machine you turn in. If you turn in a $50 machine which you own, and buy one for $65, and only get credit for $10 on your machine that you turn in, that is not buying a machine for $65, and that is apparently what has been done in some cases. I do not say that it has been improperly done, because I do not know.

Mr. BYRNS of Tennessee. If the gentleman will permit me, I would like to read him from the report submitted a year ago by Mr. Johnson of South Carolina, who then had charge of this bill, in which it was stated:

It was ascertained, from detailed statements furnished to the committee and printed in its hearings, that different departments of the Government paid, and are paying, varying prices for the same make and model of typewriting machines. For one make and model of machine the Navy Department paid $67.50, and other departments of the Government $80; for the same make but different model of machine the Navy Department paid $62.50, and other departments of the Government $77.50; for another make and model of machine the Departments of Commerce, Labor, and the Treasury paid $65, and other departments $80; for the same make but different model of machine the Departments of Commerce, Labor, and the Treasury paid $62.50, and other departments $78; for another make and model of machine the Post Office Department paid $50, and other departments $58.50; for another make and model of machine different offices of the Interior Department paid, respectively, $40.50, $45, and $47.50, and other departments $47.50.

These facts demonstrate that, with few exceptions, the Government is not securing uniformly as advantageous prices on typewriting machines as the large quantity purchased warrants, and for that reason the committee recommends the enactment of the provision.

Second. It was ascertained that the number of different makes of ordinary machines used was very large. It is believed that if a proper standard of the qualifications to be required for each class of typewriting machines used on the different classes of work necessitating the use of them is established by persons competent to do so, it will result in securing only machines that possess the best necessary qualifications to bring to the Government the most economical results in price, quality of work, and length of life of the machine.

Those were the facts developed before the committee a year ago and which brought about this provision. Within the last month the Comptroller of the Treasury has made a ruling which absolutely cuts the life out of this provision. I may say that in that ruling he has reversed a ruling he made probably a month before, and reversed the ruling of his predecessor in office, and this amendment, or the proviso, is intended to preserve this provision as it was put in a year ago.

The reversal came about in this way: The L. C. Smith Bros. Typewriter Co. submitted to the Interior Department a statement to the effect that they had made a material change in their typewriters, such a structural change as took it out from the provisions of this law, that it was no longer substantially the

same model. The Interior Department referred it to the Commissioner of Patents, and some expert in the Patent Office rendered an opinion that it was not a substantial change.

Mr. MANN. There is nothing in the existing law about being "substantially the same."

Mr. BYRNS of Tennessee. "Substantially the same model." The comptroller, notwithstanding the opinion of the Patent Office, rendered an opinion in which he said it was a substantial change, and therefore was not subject to the provisions of this law, and instead of $65 the L. C. Smith Bros. Typewriter Co. now insists on $70 for its machines. We think that this Government can afford to take the opinion of experts in the Patent Office on matters of this kind and be governed by it.

Mr. MANN. When the item went into the law I warned the gentleman that the language in the bill was for the same make and model, not substantially the same make and model, and that all a man had to do was to change the lettering on a key and call it a different model. Why does not the Supply Committee buy the typewriting machines?

Mr. BYRNS of Tennessee. I think the gentleman will find that in the present law it says "substantially the same model" of machine. It is in the sundry civil bill I am informed by the gentleman sitting on my right.

Mr. MANN. This item was carried in this bill last year:

SEC. 4. That no part of any money appropriated by this act shall be used during the fiscal year 1916 for the purchase of any typewriting machine at a price in excess of the lowest price paid by the Government of the United States for the same make and model of machine during the period of the fiscal years 1913 and 1914; such price shall include the value of any typewriting machine or machines given in exchange, but shall not apply to special prices granted on typewriting machines used in schools of the District of Columbia or of the Indian Service, the lowest of which special prices paid for typewriting machines shall not be exceeded in future purchases for such schools.

Mr. BYRNS of Tennessee. The gentleman is reading from what law?

Mr. MANN. From the legislative bill of last year.

Mr. BYRNS of Tennessee. In the sundry civil law approved March 3, 1915, the gentleman will find the same language recommended in this amendment, reading "substantially the same model of machine."

Mr. MANN. Then there are two laws on the subject. I do not know which went into effect first, but probably the sundry civil. It shows how foolish an appropriation committee can be, trying to put two laws into force at the same time conflicting with each other.

Mr. BYRNS of Tennessee. The gentleman will realize that this House, unfortunately, is not the only one which passes appropriation bills; and the Senate, I understand, proposed this particular provision.

Mr. MANN. The Committee on Appropriations is the only body in this House which has charge of the legislative and sundry civil appropriation bills. They can not escape that responsibility. No Senate amendment goes through unless agreed to by the House.

Mr. SISSON. But frequently we have to agree to an amendment by compulsion.

Mr. MANN. Oh, do not try to work that on me and say that, having an item in one bill, the Senate insists that the House yield and put the same item in another bill.

Mr. BYRNS of Tennessee. Mr. Chairman, I think I can explain this.

Mr. MANN. The gentleman does not need to explain it.

Mr. BYRNS of Tennessee. The gentleman will find that the provision in the legislative bill applies to that particular bill, whereas in the sundry civil bill it applies to the appropriations carried in that bill.

Mr. MANN. The gentleman may be able to sneak something in through the Senate in the sundry civil appropriation. The gentleman wants to involve the Government further upon the subject. The supply committee ought to buy the typewriters.

Mr. BYRNS of Tennessee. I am quite sure that the gentleman does not mean to say that the Committee on Appropriations was trying to slip anything through either this body or the Senate.

Mr. MANN. Oh, no; certainly not. Having done that thing so frequently myself in connection with the Committee on Appropriations, I will absolve them from doing anything improper.

Mr. BYRNS of Tennessee. I am sure that, since the gentleman states that he has been particeps criminis——

Mr. MANN. Yes; in doing good things.

Mr. BYRNS of Tennessee. I am sure he does not intend otherwise than to pay the committee a compliment.

Mr. MANN. Very frequently it becomes necessary to do good things and not too widely to advertise them in advance.

The CHAIRMAN. Does the gentleman from Illinois make the point of order?

Mr. MANN. I make the point of order.

The CHAIRMAN. Does the gentleman from Tennessee desire to be heard upon the point of order?

Mr. MANN. The point of order is so plain that it does not require discussion. Of course, the gentleman can easily bring his amendment within the scope of the rule of limitations.

Mr. BYRNS of Tennessee. If the point of order should be insisted upon, I desire to offer an amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BYRNS of Tennessee. Then, Mr. Chairman, I desire to offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

As a substitute for section 4 insert the following:

"SEC. 4. That appropriations in this act shall not be used during the fiscal year 1917 for the purchase of any typewriting machine at a price in excess of the lowest price paid by the Government of the United States for the same make and substantially the same model of machine during the fiscal year 1915; such price shall include the value of any typewriting machine or machines given in exchange, but shall not apply to special prices granted on typewriting machines used in schools of the District of Columbia or of the Indian Service, the lowest of which special prices paid for typewriting machines shall not be exceeded in future purchases for such schools: *Provided*, That in construing this section the Commissioner of Patents shall advise the Comptroller of the Treasury as to whether the changes in any typewriter are of such structural character as to constitute a new machine not within the limitations of this section."

Mr. MANN. Mr. Chairman, I make the point of order against the amendment. It provides that certain duties shall be exercised by the Commissioner of Patents, entirely apart from any question of limitations.

The CHAIRMAN. The Chair will hear the gentleman from Tennessee upon that.

Mr. BYRNS of Tennessee. Mr. Chairman, it is a limitation upon the appropriations carried in the bill, and, so far as the provisions with reference to the Commissioner of Patents are concerned, it simply provides that he shall perform certain duties in connection with this particular appropriation. It is clearly a limitation imposing no duties on the Commissioner of Patents that are not connected with the appropriations in the bill.

The CHAIRMAN. The Chair, without taking time to cite specifically the precedents, recognizes the proposition that a limitation can be placed on an appropriation bill, but the rulings of the House are that the limitation, when fairly construed, shall not be such as to interfere with any executive discretion or to require any affirmative act on the part of any of the Government officials. In the amendment in question, the proviso, the Chair thinks, falls within one of these classes, and part of the amendment being subject to a point of order, the whole amendment is tainted, and the Chair therefore sustains the point of order.

Mr. BYRNS of Tennessee. Then I desire to again offer the amendment, eliminating the proviso.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

As a substitute for section 4, insert the following:

"SEC. 4. That appropriations in this act shall not be used during the fiscal year 1917 for the purchase of any typewriting machine at a price in excess of the lowest price paid by the Government of the United States for the same make and substantially the same model of machine during the fiscal year 1915; such price shall include the value of any typewriting machine or machines given in exchange, but shall not apply to special prices granted on typewriting machines used in schools of the District of Columbia or of the Indian Service, the lowest of which special prices paid for typewriting machines shall not be exceeded in future purchases for such schools."

Mr. MANN. Mr. Chairman, while that is still subject to the point of order, I will not make the point.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

Mr. KEATING. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. KEATING offers the following as a new section:

"SEC. 5. That the appropriations herein made shall not be available for the compensation of any administrative officer who shall, after the passage of this act, demote or dismiss or cause the demotion or dismissal of any employee in the classified civil service of the United States without giving said employee an opportunity for an oral hearing with privilege of counsel and witnesses, and the right to appeal from the decision of said administrative officer by filing with the United States Board of Mediation and Conciliation or its accredited representatives a written statement or by appearing in person. At the hearing before the Board of Mediation and Conciliation the employee shall have the right to have counsel, and witnesses shall be sworn and the testimony recorded: *Provided*, That the appeal to the board must be taken within 30 days following the demotion, suspension, or dismissal.

"The board shall have the power to appoint investigators to take testimony to be used in deciding appeals coming before it and to issue commissions for the taking of such testimony. This testimony shall be

taken in the county where the witness resides, when the same can be conveniently done.

"The board and its appointed investigators shall have the power to subpœna witnesses, to take testimony, administer oaths, and to require any Government official or employee to produce books or papers relating to any appeal under investigation.

"The board shall have the power to restore the salary, remove the suspension, or order the reinstatement when a hearing or investigation prove the demotion, suspension, or dismissal of any employee in the Federal classified civil service to have been unjustified or unlawful. It shall have the power to review any decision of a Federal department official which affects the salary or promotion of a classified civil-service employee, and may affirm, modify, or reverse the same, and remand the case with such orders as may seem to it proper in the premises, and the judgment and decrees shall be final."

Mr. BYRNS of Tennessee. Mr. Chairman, on that I make the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Colorado on the point of order.

Mr. KEATING. Mr. Chairman, I desire to ask the gentleman on what he bases his point of order?

Mr. BYRNS of Tennessee. I will state to the gentleman from Colorado that I base it upon the ruling just made by the Chair upon a previous amendment. It undertakes to interfere with the legislative discretion and powers of the heads of the departments. It is clearly legislation and as a limitation is subject to the objection just stated by the Chair. I am personally in favor of some legislation of this kind, but think it should come by way of regular legislation when it can be considered. This was never considered or brought to the attention of the committee.

Mr. KEATING. Mr. Chairman, it seems a good deal like carrying coals to Newcastle to discuss a question of this kind with the present occupant of the chair, but I would like to call the Chair's attention to the following case to be found in Hinds' Precedents, volume 4, at page 655:

The House may provide that no part of an appropriation shall be used in a certain way, even though executive discretion be thereby negatively restricted.

The law provides that—

No person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and that the person whose removal is sought shall have notice of the same, and of any charges preferred against him and be furnished with a copy thereof and also be allowed a reasonable time for personally answering the same in writing, and affidavits in support thereof, but that no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal.

With this amendment I seek to establish a court of appeals for the civil-service employees of the Government and to provide that no part of the appropriations in this bill shall go to pay the salary of an officer who dismisses a civil-service employee without giving him the right of hearing, a right which is in the discretion of the departmental official.

On that I want to again call the chairman's attention to this precedent, to be found on page 655, volume 4, of Hinds' Precedents, section 3968:

On February 27, 1905, the sundry civil appropriation bill was under consideration in Committee of the Whole House on the state of the Union when the paragraph providing for the construction of a public building in Cleveland was reached, and Mr. Theodore E. Burton, of Ohio, offered this amendment:

"*Provided*, That no part of the money herein appropriated shall be used in the construction of the exterior or outer walls of a material other than granite."

Mr. James A. Hemingway, of Indiana, made the point of order that the amendment would change existing law. Mr. Hemingway said:

"Mr. Chairman, the law authorizing the construction of this building provides that it is to be constructed of material selected under the direction of the Secretary of the Treasury, under the Tarsney Act, as the building material is always selected by the Secretary of the Treasury. In fact, I have no recollection of any public building bill ever passing that did not provide this. Now, here a bill has passed which provides that the section of the material shall be under this law. The Secretary of the Treasury has taken action. I understand the contract has been let."

It was shown in that discussion that the law vested the Secretary of the Treasury with absolute discretion in the matter of selecting the material of which public buildings should be constructed, and therefore it was held by those who opposed the amendment proposed by Mr. Burton that the point of order should be sustained. To make that point perfectly clear let me read the colloquy that occurred between Mr. Burton and Mr. Grosvenor, of Ohio.

Mr. BURTON. Is the gentleman not aware that there is a plain option outstanding between the two kinds of material?

Mr. GROSVENOR. The Secretary has the right to exercise that option.

Mr. BURTON. Under the contract.

Mr. GROSVENOR. If this bill is passed, is that right left to him?

Mr. BURTON. It is not.

The Chairman of the Committee of the Whole House on the state of the Union sustained the point of order, and Mr. Burton, one of the most distinguished Members who ever sat in this Chamber, took an appeal to the House, and by a vote of 65 to 89 the ruling of the Chair was reversed and the amendment was admitted.

Now, Mr. Chairman, I hold these precedents fully sustain the amendment which I have offered and bring it within the rule which permits us to place a limitation upon appropriations.

The CHAIRMAN. The Chair is ready to rule. The Chair recognizes that Mr. Burton, whom the gentleman cited, was a very able Member of this House, and the Chair also desires to state that the Chairman who overruled the point of order was the late Vice President Sherman, also one of the best presiding officers this House has ever had. The Chair, on the same proposition, cites section 3973 of Hinds' Precedents:

While a limitation may provide that no part of an appropriation shall be used except in a certain way, yet the restriction of executive discretion may not go to the extent of an imposition of new duties.

And to the following section, 3974, which provides:

It has generally been held that provisions giving a new construction of law or limiting the discretion which has been exercised by officers charged with the duties of administration changes the law within the meaning of the rule.

And are not in order.

Now, the gentleman from Colorado, the proponent of the amendment, stated in his argument to the Chair that he sought to amend the present law by providing a court of appeals. Clearly that is not simply a limitation, and the Chair feels constrained to sustain the point of order.

Mr. KEATING. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

The amendment proposed by Mr. KEATING as a new section:

"SEC. 5. That appropriations herein made shall not be available for the compensation of any administrative officer who shall, after the passage of this act, demote or dismiss, or cause the demotion or dismissal, of any employee in the classified civil service of the United States without giving said employee an opportunity for an oral hearing with the privilege of counsel and witnesses."

Mr. BYRNS of Tennessee. Mr. Chairman, I make the point of order on that amendment on the same grounds.

The CHAIRMAN. Will the gentleman state his point of order?

Mr. BYRNS of Tennessee. My point of order is that, while the amendment is in the form of a limitation, it seems to me it undertakes to interfere with the discretion and authority of the heads of the departments and changes the present civil-service law.

The CHAIRMAN. The Chair desires to ask the gentleman a question. Is or is not the provision that of the present law in the case which the gentleman from Colorado a moment ago read in relation to the removal of employees? Does that amendment change that law?

Mr. BYRNS of Tennessee. As I remember the amendment, it does change the law, in that it provides something for counsel for employees——

Mr. GOOD. The provision for witnesses in the present law permits witnesses and oral testimony with the consent of the official who has dismissed the employee.

Mr. KEATING. I will say to the Chair that the present law vests in the official who dismisses an employee the right to grant or refuse a hearing. It is a matter of official discretion, and I submit to the Chair that under the decision which I read just a moment ago this amendment comes clearly within the rule placing a limitation upon appropriation bills.

As a matter of fact, it is difficult to conceive of a limitation which could be placed upon an appropriation bill which does not to a greater or less extent change existing law. I call the attention of the Chairman to a case illustrating the point, one with which the Chair is no doubt familiar. This is to be found in the RECORD of February 21, 1911, and is the case where Mr. HUGHES, of New Jersey, now Senator from that State, offered his famous amendment relating to the eight-hour workday for all employees, laborers and mechanics, engaged or to be engaged in the construction of vessels named therein. Now, the Hughes amendment provided:

That no part of the appropriation shall be expended for the construction of any boat by any person, firm, or corporation which has not at the time of the commencement of construction of such vessel established an eight-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the construction of vessels named herein.

The law provided that the Secretary of the Treasury must award the contracts for building these ships to the lowest responsible bidder. Mr. Hughes attempted, by placing a limitation on the appropriation bill, to change existing law so the Secretary of the Treasury could not award a contract to a man who worked his employees more than eight hours a day.

And in that case the Chair ruled the amendment out on a point of order, when Mr. Hughes appealed to the House and the

House overruled the decision of the Chair and sustained the amendment.

And I submit to the Chair that where a precedent has been established by the House it is entitled to more consideration by the occupant of the chair than a precedent which may have been established by a former Chairman. The precedent which I cited in the first instance was established by this House, not by any occupant of the chair, after a full discussion and a vote thereon, and this Hughes amendment was sustained in the same way. I submit to the Chair that the amendment which I have sent to the desk is clearly within the rule.

The CHAIRMAN. The Chair is ready to rule. The Chair recognizes the force of the argument of the able gentleman from Colorado [Mr. KEATING] and the Chair will go outside and state that it sometimes happens in the heat of debate on political questions at issue this House has overruled presiding officers and then subsequently has overruled that action, agreeing that the presiding officer that they overruled was correct at first. The Chair has absolutely no pride of opinion, but the Chair believes that under the rules and precedents of the House this amendment is an interference with legislative discretion and, therefore, subject to the point of order. But the Chair will be delighted to entertain an appeal from his decision and submit the matter to the committee, if anyone desires to appeal. [After a pause.] The Chair sustains the point of order, and the Clerk will read.

Mr. DYER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will read.

The Clerk read as follows:

Insert as a new section the following:

"SEC. 5. That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped or reduced in rank or salary."

Mr. BYRNS of Tennessee. I make a point of order on the amendment.

The CHAIRMAN. The Chair will hear the gentleman from Missouri [Mr. DYER] on the point of order.

Mr. DYER. Mr. Chairman, I will state that that is the existing law now as contained in the legislative, executive, and judicial appropriation bill of 1912, and is not, I take it, subject to a point of order.

Mr. BYRNS of Tennessee. If it is existing law there is no necessity for the amendment.

Mr. DYER. It is the existing law.

The CHAIRMAN. The Chair would like to ask the gentleman a question. He says it is contained in the legislative bill. Was it for that year or was it made permanent law?

Mr. DYER. My understanding is that it is permanent law. And I will say to the chairman that I do not believe any serious attention is being paid to it by the departments, and I think it is a good idea to rewrite it in the present law.

The CHAIRMAN. The Chair is ready to rule. The Chair has before him the legislative act of 1912, and it is not permanent law. That provision says:

That in the event of reductions being made in the force in any of the executive departments, no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped, or reduced in rank or salary.

The Chair is of the opinion that that is simply law for the year 1912, and is not permanent law, and that the amendment in question changes the existing law. The Chair, therefore, sustains the point of order.

The Clerk read as follows:

SEC. 5. That persons in the classified service, appropriated for and employed in any of the executive departments or other Government establishments at Washington, D. C., shall not be detailed hereafter for service outside of the District of Columbia except for or in connection with work pertaining directly to the service, at the seat of government, of the department or other Government establishment from which the detail is made; such exceptional details may be for periods not exceeding 30 days at any one time, and may be renewed for additional periods of 30 days only on the written authority of the head of such department or Government establishment, and persons so detailed and while engaged under such detail shall be entitled to no greater salary than that provided for the position held at the time the detail is made: *Provided*, That this section shall not be construed to prohibit the employment, away from the District of Columbia, as now authorized, of special agents, inspectors, examiners, or other like employees appropriated for in the executive departments or other Government establishment whose regular duties require frequent or constant absence from the seat of government or of persons employed under general appropriations for field service: *Provided further*, That any person in the classified service of any executive department or other Government establishment at the seat of government who resigns and is employed, under a general or lump-sum appropriation, in field service outside the District of Columbia shall not be paid a salary in excess of that being received at the time of resignation.

Mr. LEVER. Mr. Chairman, I reserve a point of order on the section. I would like to ask the gentleman in charge of the bill to give the committee some idea of the comprehensiveness of this section and what it is intended to cover and what it will cover.

Mr. BYRNS of Tennessee. This provision was inserted in the bill in order to correct a custom that seems to have grown up in some few cases very recently, of permitting persons in the classified service to resign for a certain length of time and then putting them on a special roll and sending them into the field at a greatly increased salary, and then after their work in the field has been completed, permitting them to come back into the departments and again assume the position which they formerly held.

There were one or two instances brought to the attention of the committee, or which developed in the hearings, in which it appeared that several employees here in the departments had been permitted to follow this course and had been placed upon a special salary roll while temporarily in the field considerably in excess of what they would have drawn if they had been sent upon this duty at their regular salary. I will read, in part, a letter addressed to the chairman of the committee by the Commissioner of the General Land Office:

During the fiscal year 1915 and 1916, persons resigning their statutory positions in this bureau and being reappointed on the said Indian roll were the following:

John McPhaul, chief law clerk of this office, at $2,500 per annum, appointed superintendent of opening and sale of Indian reservations at $20 per day, when outside of the District of Columbia, with transportation and sleeping-car expenses, but with no allowance for subsistence or per diem in lieu thereof, and $7 per day when employed in the District of Columbia.

C. G. Fisher, clerk in this office, at $1,400 per annum, appointed assistant superintendent at a salary of $7.50 per day and actual subsistence not exceeding $2 per day during the year 1915, and during the year 1916, $7 per day, with not exceeding $3 per day for subsistence.

George J. Drewry, a clerk in this office, at $1,600 per annum, appointed assistant superintendent at $7 per day and actual subsistence not exceeding $3 per day.

Under the above appointments Mr. McPhaul was employed 5½ months during the fiscal year 1915 and 6 months and 29 days during the fiscal year 1916, during which periods he received a total of $3,710.73 in excess of what he would have received as chief law clerk of this office, making no allowance for subsistence and other extraordinary personal expenses to which the Superintendent of Opening Indian Reservations is necessarily subjected, but for which no reimbursement is allowed.

Mr. Fisher was employed on the Indian roll a total period of 7 11/30 months, for which he received a total of $708.45 in excess of what he would have received as clerk in this office at $1,400, giving no consideration to the amount paid him to cover the cost of subsistence under his appointment.

Mr. Drewry was employed on the Indian roll a total period of 4 months and 10 days, for which he received a total of $353.23 in excess of what he would have received as clerk in this office at $1,600 per annum, disregarding the amount paid him to cover cost of subsistence under his appointment.

Now, I submit, gentlemen, that is not—I will not say illegal, in one sense—but in another sense it is not fair to this Government; and it is not proper for those employed in the classified service to be permitted to resign temporarily and then, as in one of these cases, to be appointed and sent out in the field at $20 a day, with his position held open here for him in the department, and then, when his services are concluded there, to be permitted to come back here and take his position at the regular salary.

Now, that is not all. It developed in the course of the hearings that there was detailed from the State Department to the London Embassy a clerk upon the $1,600 roll to put in a certain record system and his expenses paid across the ocean and his subsistence paid while in London; although, I think, he was kept there at the same salary that he would have drawn here. In another case a lady employed in the State Department when the war broke out unfortunately found herself in Belgium and unable to return here, and since that time she has been employed in the embassy at Brussels, possibly at the same salary, although she is on the permanent roll here. Now, I am not finding fault with those who ordered these details. They were no doubt actuated by the necessity of having this work done. I do not want to be understood as questioning the motives or the necessity of such details. But I submit that it was contrary to law, and if continued then Congress will never be able to determine as to what number of clerks are required for work in Washington or as to how its appropriations for that specific purpose are expended.

In addition to that there was a detail of a stenographer from the permanent roll of the Treasurer's office to the office of the Assistant Treasurer at San Francisco. Congress had made the appropriations for the service of those employees here in this district, here in the city of Washington, and I submit that if we are to have this sort of transfer from the city of Washington to other points in the country, and even across the ocean, it will be impossible for Congress to keep up with the appropriations.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from South Carolina?

Mr. BYRNS of Tennessee. Yes.

Mr. LEVER. I sympathize with the gentleman's proposition in reference to the matter about which he has been talking, and it does seem that a vicious practice is about to grow up. But I wish to call the gentleman's attention to my own particular interest in this matter, and it is this: You prohibit certain employees whose work is here in Washington from being detailed to work in the field for 30 days except under certain conditions, and then, in your proviso, you provide that "this section shall not be construed to prohibit the employment, away from the District of Columbia, as now authorized, of special agents, inspectors, examiners, or other like employees appropriated for in the executive or other Government establishments," and so on.

I want to call the gentleman's attention to this situation in the Department of Agriculture. The Forest Service has, I think, seven district stations from which the supervisory work of that district is conducted. At each of these stations there is located an employee of the solicitor's office of the Department of Agriculture. That employee—that lawyer—is under the direct control of the solicitor. Now, the point I have in mind is whether or not this section would prohibit that kind of a situation existing. If so, it ought to be amended in such a way as to provide for that class of employees. Otherwise, you would practically break up that service. It is an absolutely necessary service.

Mr. BYRNS of Tennessee. I will say to the gentleman that I do not see how this would interfere with that sort of situation.

Mr. CARLIN. Mr. Chairman, if the gentleman will yield, I will make a point of order against the provision. It is evident that this matter has not been properly gone into.

Mr. BYRNS of Tennessee. It is not fair to the committee to say that it has not been properly considered. It was considered very carefully and very seriously by the committee.

Mr. CARLIN. Here is a condition that was not considered. Here——

Mr. BYRNS of Tennessee. I think the gentleman from South Carolina [Mr. LEVER] is in sympathy with the provision.

Mr. LEVER. Yes; I am in sympathy with the provision, but I have referred to a situation which I thought ought to be remedied.

Mr. CARLIN. Mr. Chairman, I thought I had made a point of order?

The CHAIRMAN. A point of order has been reserved against the paragraph. Does the gentleman from Virginia make a point of order?

Mr. CARLIN. Yes; Mr. Chairman, I make a point of order.

Mr. BYRNS of Tennessee. I will ask the gentleman from Virginia if he heard the statement which I made concerning a law clerk in the General Land Office being permitted to resign ad interim and draw, in a period of 11 months, $3,710.73 more than he would have received if he had been on a regular salary, and after that being permitted to come back to his old position and retain it at his former salary.

Mr. CARLIN. Does the gentleman think the provision would meet that sort of a case?

Mr. BYRNS of Tennessee. Yes.

Mr. CARLIN. Then I withdraw the point of order, Mr. Chairman.

Mr. BYRNS of Tennessee. That is the sort of case that has given rise to this provision.

The CHAIRMAN. Does the gentleman from South Carolina [Mr. LEVER] reserve his point of order on the amendment?

Mr. LEVER. If the gentleman from Tennessee [Mr. BYRNS] will accept an amendment which I will propose, I will not make the point of order.

Mr. MANN. Oh, the gentleman from South Carolina need not scruple about that. I am going to make a point of order.

Mr. BYRNS of Tennessee. I hope the gentleman from Illinois will not persist in that determination.

Mr. MANN. Mr. Chairman, I make a point of order against the paragraph. The gentleman from South Carolina [Mr. LEVER] ought to stand by his guns. I always want to protect Government officials.

Mr. BYRNS of Tennessee. This provision will not, if the gentleman from Illinois will pardon me, do any harm or injustice to employees of the Department of Agriculture or any other department. It especially provides that employees may be detailed for business connected with the departments, but it does provide that they shall not be given $20 a day and these other excess sums over and above their regular salaries.

Mr. MANN. Well, I have read this paragraph very carefully a number of times, and I do not know just what it means. I do not think anybody else does. I do not believe in trying to overturn the Government service and the methods which have been followed in the Government service without very careful consideration, something which this paragraph has not received and will not receive here. Doubtless there are some abuses which ought to be corrected, but this is not the manner in which to get at it.

The gentleman says that somebody has gone out of the service temporarily and received higher pay. That is very likely.

Mr. BYRNS of Tennessee. Not only one, but quite a number, as has been developed in the hearings and as I read to the House a moment ago.

Mr. MANN. Is the gentleman through?

Mr. BYRNS of Tennessee. Yes.

Mr. MANN. Very likely that is the case, and almost certainly, if the Government had not employed those people to take special care of something which required special consideration in addition to the ordinary work of the Government employee, it would have employed somebody else on the outside at a very much higher rate of pay.

Most of these cases that arise have been in connection with legal work. The Government frequently has employed somebody who has left some office in connection with legal work for the Government and has paid him a higher salary outside. Where it has not done that, and where they have not had special knowledge, the Government has employed somebody outside who knew nothing about it, and paid that somebody twice the salary that it would have paid to somebody connected with the Government service.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. BYRNS of Tennessee. This provision does not undertake to prevent the detail of any employee, but simply provides that he shall not be detailed at an excess of salary. It does not permit him to resign in order to be appointed to another position at a per diem of $20 a day, as was the case in one instance, and then come back and resume his former position.

Mr. MANN. The gentleman does not mean to ask me to yield to tell me what is contained in the section? I know what is in the section. I am aware of that. But it is also true that you can not detail one of the employees of the Government on special work and ask him to work day and night upon some question week in and week out, as frequently happens, for the ordinary pay. You put a lawyer upon a case of great importance and nothing else goes into his mind; he is thoroughly absorbed; he does work which no ordinary person does for ordinary pay. That is what the Government does sometimes, and it is done properly and to advantage. You put some man upon special work and pay him specially for it, and say to him that you want him to go to the bottom of it. If he is paid according to the work he does, he will do that work, and he will do it well, and he will do it more cheaply, whether he be a lawyer or a man of science, than somebody outside will do it for. I do not believe that the Government ought to lay down such hard and fast rules. The way to have proper government is to have men in charge who will run the Government properly. It can not be done by legislation. To say that men shall be employed or dismissed only under certain conditions is to destroy the real efficiency of government and try to control appointments by legislation. That is the duty of the Executive, not of Congress.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

In lieu of the matter stricken out insert the following:

"SEC. 5. That in expending the appropriations made in this act persons in the classified service at Washington, D. C., shall not be detailed for service outside of the District of Columbia except for or in connection with work pertaining directly to the service at the seat of government of the department or other Government establishment from which the detail is made."

Mr. MANN. Mr. Chairman, I shall not make a point of order against this amendment. I am quite willing that they should try this experiment with the departments in Washington. If it works well, all right. I am very sure that it will not be a year before they will want to modify this; but it is not destructive, because the places where these things are usually done are not carried in this appropriation bill at all.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. BYRNS].

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. That the provisions of section 7 of the legislative, executive, and judicial appropriation act for the fiscal year 1899, approved March 15, 1898, and amendments thereto, requiring not less than seven hours of labor each day, except Sundays and days declared public holidays by law or Executive order, of all clerks and other employees in the several executive departments, is amended so as to provide that the heads of the several executive departments and other executive establishments and the government of the District of Columbia shall hereafter require, subject to the provisions and exceptions of said section 7 and amendments thereof, of all clerks and other employees of whatever grades or class in such executive departments and other executive establishments and the government of the District of Columbia not less than eight hours of labor each day except Sundays and days declared public holidays by law or Executive order.

Mr. MONDELL. Mr. Chairman, I make the point of order that this paragraph is not in order, because it proposes a change of existing law which does not come within the exceptions to the prohibition contained in the second paragraph of Rule XXI.

The CHAIRMAN. The Chair will hear the gentleman from Wyoming.

Mr. MONDELL. Mr. Chairman, the amendment under consideration is not in order because of the fact that it contemplates a change of existing law and does not come within the purview of the exceptions to the rule that no provision changing existing law shall be in order on an appropriation bill, contained in the second paragraph of Rule XXI, found on page 361 of the House Manual of the Sixty-third Congress, third session.

The exceptions to the general rule prohibiting a change of existing law on an appropriation bill, contained in the paragraph referred to, are divided into two classes on the basis of the source, origin, and manner of presentation, the exceptions contained in the body of the paragraph being such as operate without regard to the manner of the presentation of the proposal, while those contained in the proviso apply only to amendments offered through certain designated legislative channels.

I shall first refer briefly to the first class of exceptions. In the first place, the amendment must be germane to the subject matter of the bill. I have serious doubts of the amendment in question being germane to the subject matter of the bill, but do not care to take the time of the committee in discussing that point at this time. The rule further provides that the amendment, to come within the exceptions to the general rule—

Shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Here are three separate propositions. I shall take them up in order.

The first question is, Would this amendment, if it was adopted, retrench expenditures by the reduction of the number and salary of the officers of the United States? It seems to me very clear that nothing of the kind is accomplished or even proposed by the amendment. It may be urged that the adoption of the amendment and its incorporation in permanent law would eventually result in the reduction of the number of officers and clerks; but such a contention would have no better basis than mere speculation or highly optimistic expectation or hope, and it has been repeatedly held that an amendment can not be brought within the scope of the exceptions to the general rule of prohibition by mere speculation or opinions based on hope rather than reason or logic. Clearly the adoption of the amendment would not result in the reduction of the salary of the officers of the United States. Nothing of the kind is provided for, and I am sure the proponents of the amendment would not urge that a reduction of the actual salaries paid was even remotely contemplated.

The second proposition of this provision of the rule is that an amendment, to be accepted as an exception to the general rule of prohibition of new legislation, shall result in "the reduction of the compensation of any person paid out of the Treasury of the United States."

The word "compensation" is undoubtedly used in this connection to denote payments made for the performance of a certain specific task or undertaking—such, for instance, as the payment under contract or agreement for the carrying of the mails on a star route. It might be claimed to apply to compensation for day labor, though it is doubtful if it was so intended. In any event, however, the amendment would not result in the reduction of the compensation of any person paid out of the Treasury of the United States.

There still remains to be considered the third exception contained in this portion of the rule, to wit: "The reduction of the amount of money covered by the bill." Clearly and beyond question no such reduction is attempted or accomplished.

This brief analysis would seem to make it very clear that the amendment proposed does not come within any of the exceptions contained in the body of the paragraph under consideration, which relieve amendments from the operation of the general rule of prohibition against change of existing law.

We now come to the proviso, which is as follows:

That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law, or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.

This proviso is important in that it restricts amendments to those presented through certain legislative channels. It does, however, provide that the amendment must be germane to the subject matter of the bill.

As I said a moment ago, I do not propose to discuss that question now, though I think it very doubtful if the amendment is germane. The proviso makes in order germane amendments presented in the proper legislative way which retrench expenditures. It will, of course, be contended that the adoption of this amendment would retrench expenditures. No such result would necessarily follow from its adoption; such a result could only follow providing the clerks performed a considerably increased amount of work by the lengthening of the hours of labor, and that this increased amount of work performed by each clerk would result in the reduction of the number of clerks employed. Whether or no this would be the result of the passage of the amendment, no one can tell; it is merely a matter of opinion. Assuming that it might be possible, many would contend that it was not probable, and no one could properly claim that it was certain. It is all a matter of speculation and conjecture, and it has been held repeatedly that a provision can not be brought within this proviso by mere hopeful expectation, speculation, or conjecture.

So far I have discussed features of this matter with regard to which it must be admitted there is some ground for difference of opinion, but we now reach a feature of the subject with regard to which there can be, in my opinion, no reasonable ground for a difference of opinion. I refer to the question of jurisdiction. An amendment, to come within the purview of the proviso to paragraph 2 of Rule XXI, must be presented "upon the report of the committee or any joint commission authorized by law or the House members of any such commission having jurisdiction of the subject matter of such amendment."

The committee on appropriations does not have jurisdiction of the subject matter of such an amendment as that presented, which is the status of Government officers, clerks, and employees. Paragraph 3 of Rule XI, page 293, defines the jurisdiction of the Committee on Appropriations to "subjects relating to the appropriation of the revenue for the support of the Government" along certain lines. Hinds' Parliamentary Precedents, Volume IV, paragraph 4033, which is quoted on page 293 of the Rules of the House, holds—

While this committee has authority to report appropriations, the power to report legislation relating thereto belongs to other committees.

The committee which has jurisdiction of such an amendment as is proposed is the Committee on Reform in the Civil Service, which, according to the rules, paragraph 706, has jurisdiction over the status of officers, clerks, and employees of the civil branches of the Government (Hinds, IV, 4297). That committee has reported many bills relating to the status of officers and clerks. As rulings directly in point, I desire to call the attention of the Chair to sections 944 and 944a of the Digest. The ruling under paragraph 944 was by Chairman GARRETT, and was delivered on January 16, 1912. After discussing the rule at some length, Chairman GARRETT said:

The Chair is of the opinion that the Committee on Appropriations may not, under the rule, bring in as an integral part of an appropriation bill substantive legislation that, if introduced in the ordinary way in the House—that is, by a bill or joint resolution—would go to another standing committee for consideration and action.

The ruling under paragraph 944a was by Chairman HULL on December 20, 1913. The amendment in question was on the District appropriation bill and provided a system of assessments against abutting property holders for street improvement. Chairman HULL held that as this was a provision changing existing law, the Committee on Appropriations having no jurisdiction over the subject matter, the amendment was subject to a point of order. It seems to me very clear, Mr. Chairman, that this amendment does not meet any of the tests of paragraph 2 of section 21 of the rules, and that, therefore, it is subject to the point of order that it changes existing law, and therefore has no place on an appropriation bill.

Mr. BORLAND. Mr. Chairman, as the Chair is well aware, the Holman rule, which we may say is the only rule that would permit legislation on an appropriation bill, contains two provisions. The original provision of the Holman rule contemplated an amendment in the form of legislation retrenching expenses in one of three ways, either by reduction in the number of officers

of the United States, reduction in the salaries of officers of the United States, or reduction in the amount carried in the bill. The proviso in the Holman rule goes a little further and is a little broader in providing that it shall also be in order by a report from committee to attach legislation to an appropriation bill that tends to retrench expenses.

Now, it may be conceded, for the purposes of this debate, that the Appropriation Committee is not a legislation committee, and therefore a provision of legislation attached to an appropriation bill coming from the Appropriation Committee has no more standing under the point of order than a provision offered by a Member from his place on the floor. The gentleman from Wyoming and myself are at no disagreement on that particular proposition.

The proposition, then, is whether section 6 of the present bill operates as a retrenchment, and is in order under the main provision of the Holman rule. It has been held by distinguished chairmen who have occupied the position of Chairman of the Committee of the Whole, as well as by the Speaker of the House, that the Holman rule is a remedial rule which must have a liberal and effective construction. In other words, there has been a distinct refusal on the part of Chairmen to fritter away the Holman rule by refinements of test, a thing the Chair will see might easily be attained. By refinement of technicalities the virtues of the Holman rule might be dissipated, and we might so limit the operation that the very purpose in adopting it might be defeated. In other words, Mr. Chairman, the Holman rule may be given a liberal interpretation. It has been said to properly appreciate whether an amendment comes within the Holman rule we must look at existing law as well as at the proposed amendment. Under that interpretation of the rule the provision that the Government shall obtain a full day's work of eight hours, instead of less time, from those employed is distinctly and unqualifiedly a retrenchment. Any business man would so regard it. There is no doubt that if the Government obtained a full day's work from its employees in place of a lesser day's work either that more work will be done by the employees prima facie, and therefore the work will be made more current and up to date or that a smaller number of employees will do a certain amount of work. This bill carries a number of provisions for the employment of special and temporary employees. There are several provisions in the bill for temporary employees. These temporary employees are paid out of a lump sum or otherwise provided for in the bill. It is perfectly manifest that if the regular employees do a full day's work the necessity for temporary employees to that extent will diminish.

As has been stated by Chairman SAUNDERS when he occupied the chair in Committee of the Whole, the Chairman must be guided by his ordinary observation of the conduct of business. At that time an amendment was presented, which is shown in section 945 of the Digest, and a point of order was made to it on the ground that it did not come within the Holman rule. Chairman SAUNDERS in discussing the rule referred to a previous decision by Speaker Kerr and Chairman Wilson, of the Committee of the Whole, on some provision of the rule. The decision of Speaker Kerr was on an amendment presented by my former colleague, Mr. De Armond, providing an exception in the pension bill. I want to call the Chairman's particular attention to this, because it meets a great many of the arguments advanced by the gentleman from Wyoming [Mr. MONDELL]. Mr. De Armond proposed an amendment excepting a certain person from the operation of the bill. It did not appear and could not appear that any of these persons would apply for pensions, that they had applied for pensions, or that they would apply during the next few years. The point was made there as here, that it did not reduce in terms the amount carried in the bill, nor did it reduce the number of officers of the United States, nor the compensation of any officer of the United States. Speaker Kerr said:

> The effect of the amendment offered by the gentleman from Missouri, Mr. De Armond, was to increase the number of persons prohibited from the benefits of a particular clause of the pension law, thereby reducing the number of pensioners as a necessary sequence. A reduction in the number of pensioners carried with it a reduction of the amount that would be paid out for pensions under the general head of pension appropriation. The De Armond amendment was held to be in order. It will be noted that this amendment was not directed to the amount of money actually appropriated by the bill. In terms it did not reduce the aggregate amount specifically carried for the payment of pensions. But the Chair was justified in concluding—certainly it so concluded—that in the execution of the pension laws the amount otherwise required for the purposes of pensions would be reduced by the De Armond amendment.

And so here it is not necessary to demonstrate mathematically and show the amount of money carried in the bill is reduced. It is necessary only to say from a common-sense standpoint that the necessary effect of the amendment must be such a retrenchment.

Further on Chairman SAUNDERS, in his opinion, said:

> The Chair is not unmindful of the proviso in the second section of Rule XXI, but whatever meaning may be given to the proviso it should not be construed to take away powers definitely given by the preceding paragraph.

The rule says there shall also be in order certain amendments offered by a committee, but a construction of the proviso can not cut down the express powers given by the main portion of the rule itself.

Then further on he says:

> But it is not necessary for this conclusion or reduction to be established with the rigor and severity of a mathematical demonstration. It is enough if the amendment, in the opinion of the Chair, will fairly operate by its own force to retrench expenditures in one of the three ways indicated.

The particular provision that was before the House at that time was a provision to reduce the number of regiments of the United States from 15 to 10. That was the amendment which was being passed upon by the Chairman, Mr. SAUNDERS. He points out in his opinion that nowhere in the bill is there any provision for reducing the amount carried in the bill, nor even for reducing the number of officers of the United States Army, which was the express provision under consideration, but he says that it is necessarily true that 10 regiments will cost less in the aggregate for their upkeep than 15 regiments. It is not necessary for that to appear in the amendment itself, and so I say here that given a certain amount of Government work to be performed, much of it in arrears, much of it done by temporary employees called in from time to time as occasion may determine, to say that the men regularly employed upon the roll shall work eight hours for a full day instead of a partial day prima facie manifestly shows that there will be a reduction in the special work done by the special employees and paid for out of the lump sums of the bill. Not only that, but the work under consideration by the departments will be kept nearer up to date and consequently it will take less time, and therefore less expenditure, in bringing the work of the Government up to its current point.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. MONDELL. I desire to suggest that the gentleman from Missouri is not discussing the point of order, but the merits of the amendment.

Mr. BORLAND. Oh, I think I am discussing the point of order.

The CHAIRMAN. The Chair is of opinion that the gentleman was discussing the point of order, and the Chair was giving him undivided attention.

Mr. BORLAND. Mr. Chairman, I think I am discussing the point of order when I point out what would be the reasonable, approximate, and natural effects of the bill.

Mr. TAGGART. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. I do not feel that I ought at this time to discuss the merits as to the policy of Congress adopting this.

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Kansas.

Mr. BORLAND. Yes.

Mr. TAGGART. Is the gentleman not assuming that every day's work done for the Government is a seven-hour day? Is the gentleman not taking it for granted that the Chair must assume as a question of fact upon this point of order that seven hours of work is done by every employee, and no more than seven hours? For all that the committee knows, the employee may work eight hours or more than eight hours. Is the gentleman not assuming that the minimum now provided—seven hours—is lived up to exactly, and that no one works more than that?

Mr. BORLAND. Mr. Chairman, the Chair must take into consideration the existing law on the subject. If there is any rule, regulation, or other provision having the force of law, of course it can be called to the attention of the Chair; but I will firmly defy the gentleman from Kansas to point to a single Executive order having the force of law which now exists in the departments extending the time beyond seven hours. But the Chair looks upon the law as it stands, which is that there are seven hours' work done in a day. It looks upon the proposed amendment, which provides that there shall not be less than eight hours' work done in a day. Upon that he must make up his mind whether that will dispense with services of certain special employees as a necessary result; whether it will accomplish more units of work within the business day, and thereby accomplish more work for the same expenditure of Government money. Both of those matters are matters of retrenchment. If the gentleman was running a factory and he had a number of employees working for him on a seven-hour day and they turned out a given output, and he determined to retrench and

concluded that he would have a certain number of employees working eight hours, he would class that as a retrenchment, and would so represent it, probably, to his stockholders that employed him as manager; and so, I say, it is a mere matter of deduction.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. CARTER. Is it not a fact that in Judge SAUNDERS's decision he stated that in determining whether there was a retrenchment the Chair would not be confined to the act under consideration, but must take into consideration all circumstances and the law of the land in general instead of the one bill?

Mr. BORLAND. Yes; that is true. I was looking for that provision in his decision. Chairman SAUNDERS says in this decision which is quoted:

> It is true that, having reference to the difference of minds, one Chairman might hold that retrenchment would be the necessary result of an amendment, while another Chairman of the committee on appeal might be of a different opinion. But this is inevitable. The law is clear, for instance, that at times a court upon the facts can hold as a matter of law that there was no negligence. Still upon the same facts one court will derive this conclusion, while another court on appeal will reach a different conclusion. The ruling of the Chair on these points is subject to appeal to the committee.
>
> What does this amendment propose to do? The present law provides for an establishment of 15 Cavalry regiments. The proposed amendment limits the number of Cavalry regiments to 10. It is difficult for the Chair, by any fair process of reasoning, having reference to known facts, and the relative proportion between the branches of the Army, to see how 15 regiments of Cavalry can be maintained as cheaply as 10, or that a reduction of the Cavalry regiments from 15 to 10 will not effect a reduction in the amount which would be otherwise expended on this branch of the Army under existing law.

So that under the provisions, as I take it, of the main section—section 2 of the Holman rule—this provision would be in order. It would be in order as a reduction of the number of persons employed for the work of the United States.

Mr. GALLIVAN. Mr. Chairman, the last words of the gentleman before he took his seat were to the effect that he believed that the amendment was in order, because it would result in a reduction of the number of employees in the Government service.

The gentleman from Wyoming [Mr. MONDELL], who has raised the point of order, has given it as his opinion that the adoption of this amendment would not result in a reduction of the number of employees. Neither of the gentlemen has produced any substantial evidence to back his opinion. I do not propose to enter into any lengthy discussion of the point of order, because, in my judgment, it has been well supported by the argument of the gentleman from Wyoming. The gentleman from Missouri [Mr. BORLAND] believes that the Chair should be liberal in his interpretation of the Holman rule. If the Chair were to decide that this amendment was in order, he would have to be so liberal as to forget absolutely that the Holman rule was ever written. Now, the gentleman from Missouri again says, and repeatedly said it in his argument, that the adoption of this amendment would certainly result in a retrenchment of expenses and a necessary reduction in the number of employees. Mr. Chairman, I made it my business to go to the men in Washington who can give information on this point, the chief clerks in the various departments who have charge of the personnel in the different departments in which they are working, and I have here a number of opinions from those men who distribute the work to those under them, and for the information of the committee I would like to read just a few of these opinions from the chief clerks, covering the question as to whether or not the adoption of an eight-hour workday would result in a reduction of the number of Government employees.

Mr. BORLAND. Mr. Chairman, will the gentleman yield just a minute?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Missouri?

Mr. GALLIVAN. Yes, sir.

Mr. BORLAND. I want to call the attention of the gentleman to the fact that the opinions of chief clerks or others are not germane, and the gentleman is not discussing the point of order. The point of order can not be determined by referring to an undetermined number of gentlemen for their opinion as to what the probable effect is, and I submit to the gentleman that his opinions or alleged opinions are discussing the merits of the bill rather than the point of order. Now, as a matter of fact, none of that stuff which the gentleman has there was ever put in the hearings, and the gentleman admits, I take it, that not a word appears in the hearings.

Mr. GALLIVAN. Mr. Chairman, in answer to the gentleman I would say here is a volume of over 1,100 pages of a report of the hearings and not a single thing about this amendment of the gentleman is in that volume——

Mr. BORLAND. The gentleman is wrong about that.

Mr. GALLIVAN. Well, I am willing to be shown by the gentleman from Missouri.

The CHAIRMAN. If the gentleman will indulge the Chair, the Chair always understood a point of order was addressed to the Chair for the Chair to determine, and the Chair would ask the gentlemen while this point of order is up to confine their remarks to it, and the Chair does not think that a colloquy between Members on an outside matter is likely to elucidate or help the Chair in determining the point of order.

Mr. BORLAND. Mr. Chairman, I make the point of order that the opinions which the gentleman from Massachusetts has offered to read are not pertinent to the discussion of the point of order and are not in order.

The CHAIRMAN. The Chair does not see how opinions of chief clerks would elucidate the point of order.

Mr. GALLIVAN. Well, Mr. Chairman, I was answering the gentleman's own argument, to which no one took exception. His argument was to the effect that his amendment did provide for a reduction in the number of employees. He gave his opinion. I am giving as my authority for my opinion the men who ought to know.

The CHAIRMAN. If the gentleman from Massachusetts will indulge the Chair, it seems to the Chair that it is for the Chair to construe the amendment and see whether that amendment provides for a reduction, and the Chair in ruling has to pass on what the Chair believes the amendment shows, without the opinion of somebody else, as to whether it does or does not.

Mr. GALLIVAN. Mr. Chairman——

Mr. CARLIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CARLIN. Does the Chair mean by that ruling to hold that it must appear affirmatively from the record itself——

The CHAIRMAN. That is not a parliamentary inquiry, and the Chair will rule on the point of order when he reaches it. [Laughter.]

Mr. GALLIVAN. Mr. Chairman, the gentleman cites the distinguished Member from Virginia [Mr. SAUNDERS] as his authority. My recollection is Judge SAUNDERS decided that the provision must have the necessary force of reducing expenditures, and in my judgment the gentleman's amendment does not show that, and in nothing that he has said has he shown it, and my letters will show that it has not the necessary force of reducing expenditures, and for that reason I thought that perhaps they ought to be considered in order.

The CHAIRMAN. Well, the Chair has no desire whatever to limit the argument of the gentleman from Massachusetts or in any way to control the discussion legitimately of the point of order, and if the gentleman thinks that the opinion of the chief clerk of a department will aid the Chair in passing on this point of order, and the gentleman so states, the Chair will not preclude him from reading it.

Mr. GALLIVAN. Well, Mr. Chairman, having already heard from the Chair that the Chair believes it is within the province of the Chair to determine himself the fact that the amendment would produce the necessary reduction in the number of employees or a possible retrenchment, it is not the purpose of the gentleman from Massachusetts to intrude upon the Chair's mind something that the Chair is not required to accept and does not need for his assistance in determining this question. I simply want to add that, in my opinion, irrespective of the chief clerk's, but from what I have been able to gather, this amendment will not reduce expenditures. The gentleman from Missouri has not shown in anything that he has said that it will reduce expenditures, and therefore the amendment is not in order. I may ask to be heard later.

Mr. TOWNER. Mr. Chairman, I think it would be proper for the Chair to consider upon this question anything that might be suggested to him as a reason why this amendment and its interpretation as affecting existing law was questionable. I do not know to what extent the matter submitted or offered to be submitted by the gentleman from Massachusetts [Mr. GALLIVAN] might have an effect on the Chairman's mind. It occurs to me that it would be proper in the consideration of this amendment to suggest to the Chair any matter that would indicate that the necessary effect of this amendment would not be such as is argued by its proponents.

Let me read to you the language of a decision with which you are doubtless familiar, but which it is proper to consider directly in connection with this case, which is found in the CONGRESSIONAL RECORD, second session Sixty-second Congress, on page 1691:

> The reduction of expenditures must appear as a necessary result in order to bring an amendment or provision within the exception to the rule.

In considering the question as to whether or not it will be a necessary result, it seems to me the Chair would have a right to take into consideration all those known, or even suggested, facts that might aid him to form a definite conclusion. The Chair must pass upon the question as to whether the adoption of the amendment will necessarily result in a reduction of expenditures.

The language goes on, further, and says:

It is not sufficient that such reduction would probably, or would in the opinion of the Chair, result therefrom.

That is, it must not be only a probable or possible result, but a necessary result.

Now, coming to consider the provisions of the rule as applied to this particular amendment. It is provided that the requirement fixing the minimum of seven hours' labor shall be changed to one of eight hours. Now, let us see whether or not the adoption of such an amendment will necessarily result in such a diminution or retrenchment of expenditures as is contended. It must appear that it will effect a reduction of the number and salary of the officers of the United States. It can not be held that it will reduce the salary. It can not be held that it will necessarily reduce the number. We are inclined to jump mentally to conclusions. We perhaps think that if this amendment should be adopted, after a while and as the result, after the reorganization had been effected, it might be possible to conduct the Government with a less number of officers. But that, Mr. Chairman, is purely an argumentative conclusion. It is not a necessary conclusion. None of the other provisions could possibly apply, and the only provision that you can suggest that might apply can only be made applicable upon an inference that after a while, because those now employed will be required to work another hour, the Government may dismiss some now employed. But there may be a greater amount of work. It may be that because of longer hours employees can not work so efficiently as before. It may be that in a great number of cases seven hours of work is all that can be effectively done and that more hours of work will decrease rather than increase the volume of labor accomplished. All these are matters proper for your consideration.

And how is it possible, when it is not even inferentially stated in the terms of the amendment that a reduction of the number of employees is specified, to so hold except upon speculation and conjecture? Under all the authorities that must not be done. In the language of the authority which I read the reduction must appear as a necessary result in order to bring the amendment within the exceptions to the rule prohibiting legislation on appropriation bills. Neither a possible nor a probable reduction will bring a proposed rider within the exception. It must appear from the very terms of the amendment that if adopted it must necessarily effect a reduction.

Mr. AUSTIN. Mr. Chairman, I wish to call your attention to a statement made by my colleague from Tennessee [Mr. BYRNS] in charge of this bill, and who reported it to the House. I asked him this question:

Does this bill provide for a reduction of the clerical forces of the various bureaus of the Government as a result of the proposed increase in the hours of labor?

Mr. BYRNS of Tennessee. This bill in its preparation did not take into consideration the Borland amendment or provide for any reduction that might be had, if any does occur, by reason of the possible adoption of that amendment on the part of Congress.

Mr. AUSTIN. Then it does not mean a reduction of expenditures?

Mr. BYRNS of Tennessee. I am not prepared to say whether it would or would not mean a reduction of expenses, if it were adopted. I can only say that this bill was prepared without contemplation on the part of the committee that such an amendment would be adopted or even considered by the House.

Mr. AUSTIN. If this Borland amendment be adopted, it does not mean the dropping of a single clerk, because this bill carries appropriations for the clerks in the departments as estimated, regardless of this proposed change in the law?

Mr. BYRNS of Tennessee. It does not, so far as this bill is concerned, unless the House should choose to drop them.

Since that running debate on the first day of the consideration of this bill, we have gone over this bill, page by page and line by line, and not an attempt has been made by the gentleman in charge of the bill or the author of the amendment now being considered to make a single solitary reduction in the salary of a clerk or in the clerical force of a bureau of this Government in consequence of this amendment, or to reduce any lump-sum appropriation in this bill. I also call the Chair's attention to this fact——

Mr. BORLAND. Will the gentleman yield there?

Mr. AUSTIN. Just as soon as I get through. The majority report on this bill contains this statement:

Total increase in the amount of this bill over appropriations for 1916 is $565,374.50.

So we are considering this point of order, and this bill which carries an actual increase of half a million dollars, along with this Borland rider. There is not a reduction of a single clerk or a single salary or the saving of a dollar, but, on the contrary, an increase over the previous bill, that did not carry a rider of this kind. So that in the three classes set forth in the Holman amendment the gentleman from Missouri [Mr. BORLAND] can not name a single instance from the beginning to the close of this bill where a clerk has been dropped, a salary reduced, or the total amount carried in the bill reduced. In fact, we have increased the total amount the bill originally carried and have added a number of additional clerks since the bill was reported to the House.

Now I yield to the gentleman from Missouri.

Mr. BORLAND. The gentleman is well aware of the law to the effect that amounts not expended are covered back into the Treasury? In other words, his argument is based upon the fact that the amounts appropriated must inevitably by compulsion be expended, but that is not the law.

Mr. AUSTIN. Oh, the gentleman from Missouri knows the head of every bureau will expend every dollar carried in this appropriation bill and perhaps ask us for a deficiency in the coming Congress. And yet the gentleman has slept here on his rights during the consideration of this bill, lasting for more than a week, a member of the Committee on Appropriations, the author of this amendment which he claims will reduce expenses, without offering a single amendment to this bill reducing the clerical force in a single bureau of this Government.

Had he intended to make his claim good, Mr. Chairman, he would have followed up the adoption of his amendment in the closing hours of the consideration of this bill in the Committee on Appropriations, where it was incorporated in the bill without a hearing and without consideration, by offering amendments here to reduce the force. And when discussing this bill in general debate he was asked by the gentleman from Illinois [Mr. MADDEN] how many clerks this amendment, if put into law, would reduce, how many would be cut out, he stated he could not tell us, and he did not know whether any reduction could be made.

Mr. Chairman, the decision or ruling cited by the gentleman from Missouri [Mr. BORLAND], made by the Member from Virginia [Mr. SAUNDERS], when acting Chairman, is not on all fours with this amendment or rider, because the proposition there was to reduce the number of Cavalry regiments from 15 to 10. This is not a proposition to reduce the number of clerks in a single bureau in any of the departments. [Applause.]

The CHAIRMAN. The Chair will state to the committee that under a special order of the House at 4 o'clock the committee will have to rise. Unless there is somebody who is anxious further to discuss the point of order the Chair is ready to rule. [Cries of "Rule!" "Rule!"]

The gentleman from Wyoming [Mr. MONDELL] makes a point of order against section 6 of the bill, providing in substance that the clerks of the executive departments shall work eight hours a day. The gentleman from Wyoming declares that the section is legislation and changes existing law, and therefore, under the rules of the House, is not in order on an appropriation bill.

It is the practice, under the rules of the House, that legislation is not in order on an appropriation bill unless it comes within the exception known as the Holman rule, which is clause 2 of Rule XXI. Under that rule, in certain instances, legislation is in order. Clause 2 of Rule XXI provides:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee or any joint commission authorized by law or the House members of any such commission having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject matter of the bill, shall retrench expenditures.

The Chair is of the opinion that section 6 of the bill under consideration does not retrench expenditures by the reduction of the number or salary of any officer of the United States. The Chair is also of the opinion that it does not, within the meaning of the rule, reduce the compensation of any person paid out of the Treasury of the United States, and the Chair is of the opinion that it does not reduce the amounts of money covered by the bill. So the amendment does not fall within any one of those three excepted classes.

Then the question arises that the Chair determine whether the amendment is in order under the proviso of the Holman

rule. The gentleman from Missouri [Mr. BORLAND] and the gentleman from Wyoming [Mr. MONDELL] both concede that the Committee on Appropriations is not a legislative committee. Therefore the Chair will not cite authority to that effect, although the Chair could do so.

In the opinion of the Chair, an individual Member can offer germane amendments, and if they fall within any one of the first three excepted classes the amendments are in order, even if legislation. But the Chair has ruled that in the opinion of the Chair the section in question does not come within any one of those three classes. The Committee on Appropriations, being a nonlegislative committee, has no more authority to insert as a part of a bill section 6 than any Member would have the right to offer said section 6 as an amendment on the floor of the House.

Chairman GARRETT, on January 16, 1912, passing on an amendment to a provision brought in by the Committee on Appropriations, held that the Committee on Appropriations was not a legislative committee, and did not have jurisdiction of the legislative subjects that they incorporated in the bill, and therefore the section, not being authorized by a House committee or the members of a joint commission having jurisdiction of the subject matter, was out of order even if it retrenched expenditures, and he sustained the point of order, which ruling will be found in full in section 944 of the Digest.

Following that ruling Chairman HULL, of Tennessee, on December 20, 1913, ruled the same way, sustaining a point of order on the ground that the Committee on Appropriations was not a legislative committee, and therefore it was not in order for them to propose legislation, even though it might retrench expenditures.

The Chair does not feel that it is incumbent upon him to pass upon section 6 as to whether or not it would reduce expenditures. The Chair, however, is of the opinion that under the Holman rule the amendment must show that a reduction naturally follows to bring it within the purview of the rule.

The Chair does not believe that the opinion of some one that the amendment might reduce and the opinion of another that it might not is legitimate for the Chair to consider; but the Chair must determine from the amendment itself whether or not its natural consequence is to reduce expenditures.

As before stated, however, the Chair is not required to pass upon that, for the Chair is clearly of the opinion that any amendment that reduces expenditures, as authorized by the proviso of clause 2 of Rule XXI, to be in order under said Holman rule must come from a committee having jurisdiction of the legislative subject. The Committee on Appropriations in this instance not being a legislative committee was without authority to insert section 6 in the bill, and therefore the Chair sustains the point of order.

Mr. BORLAND. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. BORLAND offers the following amendment as a new section on page 150:

"SEC. 6. That the number of persons in the classified service authorized to be employed in the several executive departments and other executive establishments and the government of the District of Columbia shall be reduced by one-tenth on or before the 30th day of June, 1917, and in order that such reduction may be made without loss of service to the Government and to equalize the hours of work required of those in the classified employments of the United States it is made the duty of heads of the several executive departments and other executive establishments and the government of the District of Columbia to hereafter require, subject to the provisions and exceptions of section 7 of the legislative, executive, and judicial appropriation act for the fiscal year 1899, approved March 15, 1898, not less than eight hours of labor each day, except Sundays and days declared public holidays by law or Executive order: *Provided*, That the provisions of this section shall not apply to the classified employees in those branches of the public service in which such employees are now required to work eight hours a day."

Mr. MONDELL. Mr. Chairman, I make the point of order that the amendment is new legislation, that it changes existing law, and that it does not come within the exceptions of the Holman rule.

The CHAIRMAN. The gentleman from Wyoming makes the point of order. As the Chair stated a moment ago, it will be necessary for the committee to rise, under the special order of the House.

Mr. BORLAND. I hope the Chair will hear us on the point of order at the next session.

The CHAIRMAN. Of course the Chair will hear gentlemen.

Mr. BYRNS of Tennessee. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. GARNER having taken the chair as Speaker pro tempore, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the legislative, executive, and judicial appropriation bill, H. R. 12207, and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate Committees, as indicated below:

S. 1159. An act authorizing the Secretary of War to grant the use of the Coos Head Military Reservation, in the State of Oregon, to the cities of Marshfield and North Bend, Oreg., both being municipal corporations, for park purposes; to the Committee on Military Affairs.

S. 1099. An act to authorize the Atchison, Topeka & Santa Fe Railway Co. to change its line of railroad through the Chilocco Indian Reservation, State of Oklahoma; to the Committee on Indian Affairs.

S. 1086. An act authorizing Ponca City, Okla., and the board of education of said city to convey certain lands; to the Committee on the Public Lands.

S. 1068. An act relating to desert-land entries; to the Committee on the Public Lands.

S. 1067. An act to authorize the Secretary of the Treasury to convey to the city of Bozeman, Mont., certain land for alley purposes; to the Committee on Public Buildings and Grounds.

S. 1064. An act to provide for the nonmineral entry of lands withdrawn, classified, or reported as containing coal, phosphate, nitrate, potash, oil, gas, or asphaltic minerals in Alaska; to the Committee on the Public Lands.

S. 888. An act authorizing the Secretary of the Treasury to confer upon Marcus A. Jordan the life-saving medal of the first class; to the Committee on the Library.

S. 797. An act for the relief of John E. Woods; to the Committee on Claims.

S. 741. An act for the relief of John H. Armstrong; to the Committee on Military Affairs.

S. 710. An act to authorize national banking associations to avail themselves of State laws providing for the guaranteeing of deposits; to the Committee on Banking and Currency.

S. 649. An act making appropriations for expenses incurred under the treaty of Washington; to the Committee on Foreign Affairs.

S. 592. An act to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes; to the Committee on the Public Lands.

S. 1782. An act for the relief of Joseph Gorman; to the Committee on Military Affairs.

S. 1728. An act to amend section 1 of an act approved March 3, 1909 (35 Stat. L., p. 751), entitled "An act for the removal of restrictions on alienation of lands of allottees of the Quapaw Agency, Okla., and the sale of all tribal lands, schools, agency, or other lands on any of the reservations within the jurisdiction of such agency, and for other purposes"; to the Committee on Indian Affairs.

S. 1460. An act to reinstate Frederick J. Birkett as third lieutenant in the United States Coast Guard; to the Committee on Interstate and Foreign Commerce.

S. 1425. An act for the relief of D. M. Carman, representing the estate of Luis R. Yangco, deceased; to the Committee on Military Affairs.

S. 1416. An act to amend section 4215 of the Revised Statutes of the United States, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

S. 1388. An act to authorize the Secretary of the Interior to furnish hot water from the hot springs, on the Hot Springs Reservation, for drinking and bathing purposes free of cost to the Leo N. Levi Memorial Hospital Association; to the Committee on the Public Lands.

S. 1372. An act for the relief of the heir or heirs of John Howard Payne; and

S. 1326. An act for the relief of Vilhelm Torkildsen; to the Committee on Claims.

S. 1259. An act to restore to the active list First Lieut. of Engineers Henry O. Slayton, retired, United States Coast Guard; to the Committee on Interstate and Foreign Commerce.

S. 1225. An act to amend section 4433 of the Revised Statutes of the United States relating to working steam pressure allowable on boilers in steam vessels, and section 4418 of the Revised Statutes of the United States relating to hydrostatic test of

steam boilers; to the Committee on the Merchant Marine and Fisheries.

S. 2290. An act authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Elsie McCaulley from Glenwood Cemetery, District of Columbia, to Philadelphia, Pa.; to the Committee on the District of Columbia.

S. 1878. An act making appropriation for payment of certain claims in accordance with findings of the Court of Claims reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section 151 of the act approved March 3, 1911, commonly known as the Judicial Code; to the Committee on Claims.

S. 1859. An act to establish a fish-cultural station in the State of New Mexico; to the Committee on the Merchant Marine and Fisheries.

S. 1843. An act to authorize the Secretary of the Interior to acquire certain right of way near Engle, N. Mex.; to the Committee on Irrigation of Arid Lands.

S. 1818. An act for the relief of Nelson T. Saunders; to the Committee on Military Affairs.

S. 1810. An act for the relief of Johannes T. Jensen; to the Committee on Claims.

S. 17. An act permitting H. L. Corbin to purchase certain public lands; to the Committee on the Public Lands.

S. 31. An act for the relief of John L. Sevy; to the Committee on the Public Lands.

S. 32. An act for the relief of William G. Williams, sr.; to the Committee on the Public Lands.

S. 33. An act for the relief of Daniel M. Frost; to the Committee on the Public Lands.

S. 35. An act to authorize the Secretary of the Interior to issue patents for certain lands to the town of Myton, Utah; to the Committee on the Public Lands.

S. 57. An act to authorize the Secretary of War to permit the use of a right of way over and across the Fort Douglas Military Reservation for the construction and operation of a standard-gauge railway spur connecting with local or transcontinental railroads; to the Committee on Military Affairs.

S. 4726. An act to permit issue by the supply departments of the Army to certain military schools and colleges; to the Committee on Military Affairs.

S. 4398. An act for the refund of excess duties on steel blooms; to the Committee on Claims.

S. 4190. An act authorizing the Yankton County Bridge Co., a corporation, to construct and maintain a bridge or bridges and approaches thereto across the Missouri River at a point between Yankton County, S. Dak., and Cedar County, Nebr.; to the Committee on Interstate and Foreign Commerce.

S. 2719. An act providing for the purchase or construction of cutters for the Coast Guard; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 24. Joint resolution authorizing the Librarian of Congress to return to Williamsburg Lodge, No. 6, Ancient Free and Accepted Masons, of Virginia, the original manuscript of the record of the proceedings of said lodge; to the Committee on the Library.

S. 3261. An act to establish an additional fish-cultural station in the State of Texas; to the Committee on the Merchant Marine and Fisheries.

S. 4449. An act to establish a fish-cultural station at some point in the State of Arizona; to the Committee on the Merchant Marine and Fisheries.

S. 2993. An act to establish a fish hatchery in the State of Florida; to the Committee on the Merchant Marine and Fisheries.

S. 4067. An act to establish a fish hatchery in the State of Alabama; to the Committee on the Merchant Marine and Fisheries.

S. 3129. An act to establish a fish-cultural station in the State of Washington; to the Committee on the Merchant Marine and Fisheries.

S. 4490. An act to establish a fish-cultural station in the State of Oklahoma; to the Committee on the Merchant Marine and Fisheries.

S. 3928. An act to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes; to the Committee on the Public Lands.

S. J. Res. 14. Joint resolution to permit of the disposition of certain lands in Montana ceded by the Crow Indians; to the Committee on Indian Affairs.

S. 3900. An act to authorize the sale and disposal of an island in the Coosa River in the State of Alabama; to the Committee on the Public Lands.

S. J. Res. 103. Joint resolution to furnish to the Logan Monument and Volunteer Soldiers' Memorial Association a list of the names and addresses of all soldiers and sailors now living; to the Committee on Invalid Pensions.

S. 3722. An act to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La.; to the Committee on Interstate and Foreign Commerce.

S. 3934. An act to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber; to the Committee on Claims.

S. 3283. An act to give a legal status to a dam constructed in the Red River of the North at Fargo, N. Dak.; to the Committee on Interstate and Foreign Commerce.

S. 4268. An act to satisfy certain claims against the Government arising under the Navy Department; to the Committee on Claims.

S. 3685. An act granting certain lands to the State of Alabama for the use of the insane hospital for the colored; and

S. 3764. An act to consolidate certain forest lands in the Florida National Forest; to the Committee on the Public Lands.

S. 3388. An act for the relief of the estate of John Stewart, deceased; to the Committee on Claims.

S. 3263. An act to amend an act entitled "An act to provide for an enlarged homestead"; and

S. 3203. An act granting to the city of Lemmon, S. Dak., certain lands for reservoir purposes; to the Committee on the Public Lands.

S. 3861. An act to amend an act entitled "An act to amend an act entitled 'An act for the withdrawal from bond tax free of domestic alcohol when rendered unfit for beverage or liquid medicinal uses when mixed with suitable denaturing materials'", approved March 2, 1907; to the Committee on Ways and Means.

S. 2500. An act authorizing the adjustment of rights of settlers on a part of the Navajo Indian Reservations in the State of Arizona; to the Committee on Indian Affairs.

S. 2545. An act for the relief of John Chick;

S. 2465. An act for the relief of James Anderson;

S. 3191. An act to amend section 1342 and chapter 6, Title XIV, of the Revised Statutes of the United States, and for other purposes; and

S. 2564. An act for the relief of Abram H. Johnson; to the Committee on Military Affairs.

S. 3436. An act for the relief of John Alexander Besonen; and

S. 2720. An act for the relief of Frank Payne Selby; to the Committee on Claims.

S. 3680. An act to authorize the payment of indemnities to the Governments of Austria-Hungary, Greece, and Turkey for injuries inflicted on their nationals during riots occurring in South Omaha, Nebr., February 21, 1909; and

S. 3264. An act to authorize the payment of an indemnity to the Norwegian Government for the detention of three subjects of Norway in Hudson County, N. J.; to the Committee on Foreign Affairs.

S. J. Res. 37. To amend a joint resolution entitled "A joint resolution providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims against the United States, approved May 12, 1898"; to the Committee on Claims.

RETURN OF A BILL TO THE SENATE.

The SPEAKER pro tempore laid before the House the following communication:

IN THE SENATE OF THE UNITED STATES,
March 11, 1916.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the resolution (S. J. Res. 65) entitled "Joint resolution creating a Joint Commission of Congress to Investigate the Aviation Service of the United States Army."

The SPEAKER pro tempore. If there be no objection, the request of the Senate will be complied with.

There was no objection.

LEAVE OF ABSENCE.

Mr. SHERLEY. Mr. Speaker, I ask leave of the House to be absent for a week in order to attend at certain experiments in connection with the fortifications to be held at Mobile next week.

The SPEAKER pro tempore. If there be no objection, the request of the gentleman from Kentucky will be granted.

There was no objection.

STATUE OF HENRY MOWER RICE.

The SPEAKER pro tempore. Under the special order heretofore adopted by the House, this time is set apart for the consideration of Senate concurrent resolution 13, which the Clerk will report.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the statue of Henry Mower Rice, presented by the State of Minnesota to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State for the contribution of the statue of one of its most eminent citizens, illustrious for the purity of his life and his distinguished services to the State and Nation.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of Minnesota.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VOLSTEAD] will take the chair during these ceremonies.

Mr. VOLSTEAD took the chair as Speaker pro tempore.

Mr. DAVIS of Minnesota. Mr. Speaker, as the veil parted from the statue and the marble figure of Henry Mower Rice stood forth in Statuary Hall the beautiful thought of Vice President MARSHALL came home with force, I have no doubt, to the minds of us all.

In the purpose which guided his life, in the spirit which imbued his public service, in the principles to which he was ever steadfast, in the great work which he achieved for his State and his fellow men, as in the memories which his statue inspires, Henry Mower Rice still lives.

He lives in the friendly treaties which he negotiated between our Republic and its Indian wards. He lives in the thousands of homes which through his vision and his timely missionary aid have been carved out of a wilderness. He lives in the great iron routes of travel which have carried settlement and the fruits of civilized life over a domain greater than that of New England. He lives in the great organic acts which, first, converted a northern wild into an organized Federal Territory and now for nearly two generations into one of the great sovereign States of the Union. He lives in the institutions and in the peaceful prosperity of a Commonwealth which to-day counts citizenship in millions, and he lives in the hearts and enlightened minds of hundreds of thousands of Minnesota school children who through his prophetic vision and effective public aid enjoy the fruits of perhaps the greatest public educational heritage in the world.

The ceremony which we have witnessed in our national Hall of Fame is more than the unveiling of a statue. It is more than the unveiling even of the life and the works of the man. As my mind goes back to the scenes in which he lived, to the pioneer causes for which he stood, and to those battles of the wilderness which he fought, the history of Minnesota itself seems to be unveiled as by a great magic wand. Scenes, forces, causes, and the great characters which moved on the stage of a day that is gone come before us as in a dream.

Up the valley of the Minnesota River and westward across the waving prairies to the Dakota bad lands we see the scattered bands and hear the warwhoop of the red-painted Sioux. We see their tepees of deerskin in the groves along the river and their war ponies tethered in the wild pastures, which, in the days to come, are to support one of the richest dairy regions of the earth. We see the attempts of our Government to effect friendly treaties with the Indians fail. The Sioux treaty of 1851 is repudiated. Efforts of Government agents and the resolutions of the United States Senate come to naught. Across this great fertile empire from the Mississippi westward to the Missouri we see only one stamp of human existence, and that the life of the Sioux upon the warpath; and the only law of life and liberty is the law of the tomahawk and scalping knife.

We look again, and we see the heroic figure which the sculptor has endeavored to symbolize in marble. We see the rugged frame and genial smile of this practical man of the woods and the plains—descended from hardy pilgrim stock, trained in woodcraft and Indian lore, educated both by the books of the schools and by life in the Indian fur trade, with heart big enough to feel the rights of both redskin and white-face, and with brain and shoulders broad enough to bring the hostile forces to the common ground of human right and peace—we see this man throwing to the winds the conflicting claims of Government and Indian war chieftains, and bring forth a new treaty, acceptable to all, establishing the redskin bands in happy hunting grounds and opening the great prairies west of the Mississippi to the march of settlement and civilization.

We see this man so trusted by the tribes of the Winnebagoes, who dwell in Iowa to the south, that their chieftains ask him to sign their treaties in their stead; and the stroke of his pen opens to white settlement vast areas of that great agricultural Commonwealth.

We see him as he embarks for the North by barge and birch-bark canoe up the far reaches of the Mississippi to the head sources of the Father of Waters, and thence through pine-clad lakes and streams over the divide to Lake Superior; and we see this man linking to our Government with ties of friendship that ever shall endure the Chippewa Tribes of the North, while opening to development a vast lumber industry and eventually the greatest iron ore resources of the world.

We see him elected Territorial Delegate of Minnesota to the National Capitol, and with Douglas penning the act which gave Minnesota its constitution, its boundaries, and its sovereign statehood. We see him elected first United States Senator of the North Star State, and we see that great triumvirate of pioneer statesmanship—Gen. Sibley, Gov. Ramsey, and Senator Rice—laying that foundation of liberal grants of public lands which has made Minnesota one of the foremost States in railroad transportation and agriculture, and the most richly endowed educational Commonwealth in our Union. We see county and lake and city park and street named in his honor. We see him appointed president of the board of regents of the great State university which his wisdom so richly endowed. We see him elected to the Legion of Honor for civic duty in public service. We are with him in the hour of his death in a distant State, when a message of love and brotherhood, and of faith in his final safe voyage to a happier land beyond, is sent to him by his redskin brothers from the northern forests of Lake Superior.

It gives me the greater pleasure to participate in this public commemoration here to-day because it was my privilege as a boy and young man to have met Mr. Rice and to have had personal knowledge of his great services. The great work he has done for our State comes home to me with special force, because the congressional district which I represent, the third Minnesota, was the first home of Mr. Rice and was the seat of his early activities. Moreover, nine of the ten counties of the district are carved out of the Sioux Indian possessions which through the missionary labors of Mr. Rice were ceded to us for settlement; and Rice County, to which Mr. Rice gave his name and a valuable historical library, has always been one of the leading counties of the third congressional district.

Both Senator Rice and Gen. Sibley made their early home in Mendota, on the west bank of the Mississippi, in Dakota County; and at one time it was contemplated to establish the Territorial capital at Mendota instead of across the river on the St. Paul side. When Gov. Ramsey, the first Territorial governor, came to Minnesota by appointment of President Taylor, he likewise made his first home on the Mendota side, and on the day he entered upon his executive duties he paddled over the river in a birch-bark canoe from the home of Gen. Sibley on the Mendota side. History even records that were it not for one Joseph Rolette, a member of the Territorial legislature from Pembina, who stole, or otherwise purloined in an unparliamentary manner, the Territorial bill establishing the State capital, the city of St. Peter, my own home, would have been the capital of Minnesota, in which the first State legislature would have met to elect Henry Mower Rice the first United States Senator from the North Star State.

Our State and our Nation to-day are paying just tribute to the memory of this man, who, both by the life he lived and by the ancestry he bore, was in every sense of the word "nature's nobleman." It is a strange coincidence that, just as his life ran 77 years, so the period which has elapsed from the day he first reached Fort Snelling on the Minnesota River to the day when we erect this statue to his memory is 77 years. What a period these 77 years have been in the history of the human race, and how noble has been the part which he has had in that history. It has taken us 77 years to measure the greatness of this man, but the full measure of his service to his country and his fellow men shall not be known until the end of time. [Applause.]

Mr. STEENERSON. Mr. Speaker, Henry Mower Rice was Delegate in Congress from the Territory of Minnesota from December 5, 1853, to March 4, 1857, and the enabling act or act authorizing the people of Minnesota to form a State government was passed February 26, 1857, six days before the end of his term of service as Delegate. The act admitting the State into the Union was passed May 11, 1858, and Mr. Rice, having already been elected one of the Senators of the new State, took

his seat in that body the next day, May 12, and served to March 4, 1863.

Mr. Rice was well known and highly respected among the various tribes of Indians in the northwestern country, for he had been a trader among them in pioneer days. He rendered valuable service in negotiating many of the treaties with the Indians whereby large tracts of land were ceded to the United States. One of his last public services was in the capacity of chairman of the Chippewa Indian Commission, which successfully negotiated for the cession of over 4,000,000 acres from the Chippewas in northern Minnesota under the act of January 14, 1889 (Nelson Act). Most of this area is now in my congressional district.

The State of Minnesota was fortunate in the character of its early pioneers. The westward rush of settlers consequent upon the discovery of gold in California in 1848 brought quite a tide of immigration to Minnesota. Most of these settlers came from the States of the East—Pennsylvania, New York, and New England. They laid the foundation of the new Commonwealth deep and broad—made liberal provisions for schools, internal improvements, and State institutions. The public and municipal laws were patterned after the most advanced models. The New England town organization was embedded in the constitution, and to this day the people of the State in annual town meetings exercise direct legislative power. This has worked so well that the principles of direct popular voice in the making of laws and selection of public servants has been extended to the nomination of local, county, district, State, and even National officers by direct primaries. Our State was one of the first of the Western States to follow the lead of New York in adopting a written code not only to govern court procedure but to define crimes and civil rights.

Senator Henry Mower Rice was elected Delegate for the Territory of Minnesota in the fall of 1852, and took his seat in December, 1853. That year my father moved from Wisconsin and settled in Houston County, in the extreme southeastern corner of the State, and as he was a Democrat until the breaking out of the Civil War, I have no doubt he voted for Mr. Rice as Delegate at the election of 1854. I remember his telling me he voted for Douglas for President in 1860; but like most of the soldiers at the front he voted for Lincoln in 1864.

I met Senator Rice only once, and I remember him as a kindly, affable, and distinguished looking gentleman. I had then just located, as a young lawyer, in northern Minnesota, and he was kind enough to give me encouragement and to speak in enthusiastic terms of the future of that part of the State. We are told that Senator Rice first came to Minnesota in 1839, when only 22 years of age, and while there were scarcely any white settlers in the whole country. In his business of trading with the Indians he must have traveled extensively throughout the whole State in those early days. What an interesting sight it must have been to view the beautiful landscapes at a time when they were in their primeval grandeur and beauty! He was a close observer and a business man rather than an orator. The work he did in framing the organic act and securing liberal land grants for the future State, its schools, its highways, and its railroads, show that he fully realized the magnificent future of the new Commonwealth and its people.

The impulse to do something in the world, when strong in the human soul, is a mark of greatness. This impulse or creative instinct finds expression and outlet in various ways—in public service as civil, military, or religious leaders; in great works of literature or of the fine arts. The work of founding a city, a municipality, a state, or a nation upon enlightened principles is a most valuable public service and one which in its influence for good long endures. This impulse was strong in Washington. He not only was the father of a new nation, but spent much labor and effort in founding in the wilderness the city of Washington, destined to become the model and most beautiful city in the world. This aspiration and desire to be of public service was strong in Senator Rice. Having an intimate knowledge of the country in those early days and being able to foresee its great future, he was well qualified for the great work of state building. No doubt as he traveled through the deep forests and verdant plains of northern Minnesota he foresaw that it would be the home of a teeming population in the not distant future. With prophetic eye he saw the present as well as the future, and could with the poet Whittier sing—

I see the swarthy trappers come
From Mississippi's springs;
And war chiefs with their painted brows,
And crests of eagle wings.

I hear the wild rice eater thresh
The grain he has not sown:
I see with flashing scythe of fire
The prairie harvest mown.

I hear the tread of pioneers
Of nations yet to be;
The first low wash of waves, where soon
Shall roll a human sea.

The rudiments of empire here
Are plastic yet and warn;
The chaos of a mighty world
Is rounding into form.

Each rude and jostling fragment soon
Its fitting place shall find—
The raw material of a State,
Its muscle, and its mind.

Minnesota was indeed fortunate in obtaining the services, in the formative period of its history, of such men as Henry M. Rice. His character was as white as the marble of which his statue is made. He was a good man, and in the sense that I have indicated he possessed greatness also. It is therefore fitting and proper that the great North Star State should honor his memory by placing his statue in this sacred hall. [Applause.]

Mr. MILLER of Minnesota. Mr. Speaker, the founder of any institution is always the most interesting character ever associated with that institution. The builders of a State or a nation always occupy in the minds and thoughts of the people who therein later dwell perhaps a more important and higher place than is accorded to their successors, however great may be their deeds. The pioneers of any region are always the most distinctive characters that ever enter into the history of the region. The pioneers who have builded that part of America which lies west of the Atlantic coast are perhaps entitled to the highest consideration and tribute of any class of people that have ever lived in the world. When we think of the deeds of soldiers who have fought for the right on many a field since history began, we feel thrilled by their devotion and their achievements; but if I read history aright, all the deeds that have ever been performed by soldiers, however noble, however great, are not equal in importance to the redeeming of this great continent by the pioneers of America.

They were an extraordinary lot of men, self-reliant, capable, vigorous, determined. Physical courage and moral courage alike animated them throughout the course of their lives. Of this class of men Henry M. Rice was a conspicuous member. I can not help but reflect that he was born in Vermont, that little but wonderful State. Those hills and those mountains whose sturdy strength imparted some of their own vigor to their sons and daughters have inspired with elevated sentiment and a desire nobly to achieve all whose childhood dwelt among them during the whole subsequent course of their lives. Their strength has been the strength of the hills; their purity that of the clear sky above.

Mr. Rice came westward a young man of 19, and stopped first in Michigan. He had been in that region but two years when, in 1837, he was selected by that important Commonwealth as assistant engineer to locate the Sault Ste. Marie Canal. I do not know as those people of that time could possibly have foreseen the importance of that location to the future. This work, small as it may have been then, showed the genius and the touch of the pioneer and the statesman. This little canal, then located in part by Henry M. Rice, has become the greatest canal for commerce in all the world. The achievement of France in digging the Suez Canal and of the United States in completing the Panama Canal will be great achievements throughout all time, but the commerce that either will ever carry is small in comparison with the commerce now borne by the Sault Ste. Marie. Eighty millions of tons last year spell the importance of that little stream of water to American commerce.

Two years later, the spirit of the pioneer still actuating him, Mr. Rice moved to the great Northwest, to stop where every wise man at that time should have stopped, in what is now Minnesota. There is to me something significant in the fact that when he started on this journey from Michigan to the great Northwest there was published by a distinguished professor and clergyman of New England a book the purport of which was that, after traveling over the great Northwest, consisting mainly of what is now Minnesota, he advised his countrymen that that region never could become the permanent habitation of a civilized community; that the rigors of the climate were so great and the difficulties of overcoming nature so extensive that it never could be an important agricultural section. Nevertheless, this hardy young man pitched his tent there.

It is further significant that in 1841 this man, with the unerring eye and practical knowledge of things as he found them,

indited what is to my mind a most important communication. It was addressed to no less a personage than Henry H. Sibley, one of the great pioneers of the Northwest. In this letter he said he had decided to pitch his tent and cast his fortunes with the great northwest section, now Minnesota, because in his judgment it was sure to become a great agricultural area. It may be interesting to note also, Mr. Speaker, that at that *time he stood* absolutely alone in his belief. All of his associates of the time, with one exception, Mr. Brown, believed that the area could never fittingly be transformed into an agricultural region. How interesting now, as we behold the State of Minnesota, one of the leading agricultural States of the Union, and proudly boasting the title of the "Bread and Butter State." This fact is but illustrative of the genius of the man.

He found himself in a region that called for energy, strategy, common sense, honesty, and industry. There it was that the great battle line existed between the wood Indians of the North, the Chippewas, and the fearless riders of the plain, the dauntless Sioux. It was his mission to become the friend of both of these great elements of Indians. It was his mission, in a way, to pave their minds for the entrance of the white man to assist them in developing the lands. True it is, he came there a business man, representing a great fur-trading company, but also true it is that he realized the bigger and larger mission he and his other pioneers were called upon to perform, and he did it in a way second to none.

It may be also interesting to know on this occasion that he is mainly responsible for the prosperity, at least in the early days, of the capital city of our State. His position among the pioneers of Iowa, Wisconsin, and Minnesota at that time was such that every move he made was looked up to and respected. He selected the present site of the city of St. Paul as a place in which he should devote his life energies. When he did that St. Paul became the center of interest of the people of that region, and as a consequence thereof sprang into the lead and has ever since been one of the imperial cities of the Mississippi Valley.

Minnesota honors its pioneers. We honor every man who labored, built deep and strong the foundations of that Commonwealth. We honor Henry M. Rice because his vision was not confined by the narrow horrizon of his own State. To him the veil was lifted and he beheld the future in all its brighter aspects. He, as an educated man, knew the value of institutions of learning, and therefore he gave as one of his chief works the grant to the State university of a sufficient quantity of public land to insure its stability and to provide for its development through the future days. He builded perhaps better than he knew, for at that time it did not enter into the minds of men that any of the land then selected would contain the priceless treasures of mineral deposits, but we of this day now know that embedded in many of these lands are found the richest iron mines of the world, and to-day the university of our State is blessed with a permanent endowment fund so that in the many decades to follow it will be in a financial position doubtless stronger than any other institution in America.

We honor him among the pioneers of his time because he recognized the value of railroad building, of road building, of communication, and many of the splendid highways of commerce now found in the Northwest sprung from the magic touch which he gave the situation. We honor him because of the sturdy manhood and because of the splendid citizen qualities he always displayed. He was on the side of good government, on the side of moral life, on the side of all the elements that go to make a free people strong and enduring. He, however, was no accident. In his veins flowed the blood of sterling worth; he was a direct lineal descendant of Warren Hastings, the famous governor of the English East Indies. The blood that filled his veins gave him vigor, strength, courage, and he is entitled to the place we give him here to-day, one of the premier positions among the numerous noble and heroic pioneers that have builded the great Northwest. [Applause.]

Mr. DAVIS of Minnesota took the chair.

Mr. VOLSTEAD. Mr. Speaker, Minnesota has presented to the United States a statue of Henry M. Rice as its contribution to Statuary Hall. By that act the State has in a conspicuous manner honored his memory. The statues of only two citizens of any one State can be placed in this Hall. It is illustrious company to which our citizen has been elected. The figure of George Washington and that of Ethan Allen, Samuel Adams, Robert Livingston, Daniel Webster, John C. Calhoun, James A. Garfield, Lew Wallace, and others equally well known make a unique gathering of the Nation's great.

Soldiers and statesmen predominate, but men who occupied other positions are also represented. In this group Robert Fulton sits bent over a model of his steamboat. Florida, grateful to Dr. John Gorrie, inventor of artificial ice, has placed his statue here. The missionary pioneers are represented in the figure of Marquette. The kindly face of Roger Williams, the great apostle of religious tolerance, reminds us of his work. The presence of the sturdy figure of Robert E. Lee, the great military genius of the Confederacy, testifies to a reunited North and South. The only woman whose figure appears is that of Frances E. Willard. Her great and noble work justly entitles her to that honor. Not far from the statue of Henry M. Rice is that of James Shields, placed there by the State of Illinois. James Shields was elected Senator of the State of Minnesota at the same time as Mr. Rice. It is rather remarkable that the statues of the two first Senators of the State should have been placed in this American Valhalla.

The presence of these statues make this Hall a shrine near which patriotic Americans love to linger. Not only does the Hall appeal to us because of the purpose to which it is now dedicated, but also because of the memories that cluster about it. It has often reechoed with the earnest appeals of the noted men holding counsels here. The great struggle over the slavery question took place in this Hall. May we not fancy that the spirits of these men linger here upon the scene of their struggles; that they are here to keep watch over the land they loved so well? Such fancies, though akin to dreams, have their uses. The past, with its struggles and triumphs, is another world that we may inhabit while we live in this. The past had its men and women that we may know, love, and admire. It is because of that love and admiration that we erect statues. These are erected not to please the dead but to profit the living. Though these bronze and marble figures do not speak to us in audible language, their presence brings vividly to mind the character and services of the men they represent and plead eloquently for a life of useful and patriotic service in emulation of their lives.

For ages the world's chief occupation was war. The path to wealth and station was then over the battle field, but civilization has tended to lift from obscurity the man of civic virtues and place him on a footing of equality with the warrior and even to exalting him to a higher level. Some years ago the people of France were asked to say by their votes who, during the last century, was their greatest man, and Pasteur, a modest chemist, won easily over Napoleon, perhaps the world's greatest military genius. The more useful and permanent services rendered to humanity by this great scientist outweighed, in their judgment, the achievements of the great soldier.

Henry M. Rice, the man we honor, was not a soldier; his life was that of a pathfinder, a pioneer. The services he and his associates rendered in winning Minnesota from a wilderness shows what intelligence and enterprise can accomplish. Their achievements illustrate again the truth that wealth is not in fertile plains, in magnificent forests, or inexhaustible mines, but in the intelligent use of such resources. For centuries the skill and industry of the farmer was unknown, no lumberman felled the forest, and no miner dug for hidden wealth. With the advent of these men came a sudden change. The land that gave but a scant living to bands of a few thousand militant red men became rich enough not only to feed the millions within its borders but also other millions in our own and foreign lands. Instead of want and strife and misery came wealth and peace and well-being, with all the blessings of civilized life.

In this beneficent transformation Henry M. Rice had a leading part, and it is in recognition of the debt we owe to him for his share in this work that his statue has been placed in Statuary Hall. He was one of a group of strong and resourceful men that found a land occupied only by a few roaming Indians and who in a short decade established over it civil government, extinguished nearly all the Indian titles and guided the destinies of the embryo State as it grew from a few hundred traders and trappers to a population of hundreds of thousands. They created Territorial, State, county, township, and municipal governments; established churches, schools, colleges, and a university; built roads and bridges; found markets and developed industrial centers to care for the needs of the settlers.

As the history of some of these men are intimately interwoven, I may be pardoned for mentioning one or two in addition to Henry M. Rice.

To Gen. Henry H. Sibley is due the credit of having secured a Territorial form of government. Without any credentials from any organized form of government, he appeared before Congress representing the settlers in that part of the Territory of Wisconsin which had been excluded from the State when Wisconsin was admitted to the Union and asked for a seat as a Delegate from the Territory of Wisconsin. This was granted and, as such Delegate, he secured the passage, in 1849, of an act creating the Territory of Minnesota. This act reserved to the future State sections 16 and 36 in each township for school

purposes. This was twice as much land as had up to that date been reserved to any State for that purpose. He also secured a reservation to two townships for a State university.

Henry M. Rice succeeded Mr. Sibley as a Delegate in Congress and, in 1857, was instrumental in securing the passage of an act enabling the Territory to frame a State constitution. This act, in addition to the usual grants of land, gave to the State to aid public schools two sections in each township and thus made effective the reservation secured by Mr. Sibley. Mr. Rice, as a Delegate and afterwards as one of the first Senators of the State, was successful in passing a number of important acts that greatly aided in the rapid development of the State. He was a leader not only as a Delegate and Senator, but also as a private citizen, and contributed much to the development of the State and the city of St. Paul, his home.

Through the influence and active effort of Gov. Ramsey the Sioux Indians entered into treaties by which they surrendered title to nearly all of the south half of the State. Later the Winnebago and Chippewa Indians by treaties released their title to most of the lands in the north half.

The influence of Mr. Rice aided very materially in securing the treaties from these northern Indians with whom he had dealt as an Indian trader. No attempt will be made to give even in outline the history of either of these men. Suffice it to say that Sibley, in addition to his position as Delegate in Congress, was the first governor of the State and was afterwards made the commanding officer of our forces in the great Indian outbreak of 1862. For his services in that war he was made a brigadier general. Alexander Ramsey was the first Territorial governor, the second State governor, and as such is known as the war governor. He was also United States Senator, and under President Hayes Secretary of War, and for a short time in charge of the Navy Department. In recognition of the services rendered by these men, Rice County was named for Henry M. Rice, Sibley for Henry H. Sibley, and Ramsey for Alexander Ramsey.

In honoring Henry M. Rice we are honoring the early pioneers, many of whom are still living in different parts of the State. A person not familiar with pioneer life can know but little of the dangers and difficulties they underwent, can know but little of the characteristics developed in the struggle to conquer a new country. It requires courage and enterprise. It is no easy task to bid good-by to home and friends and venture out into a wilderness there to create anew all the advantages of civilized life. It requires the patience and perseverance of a saint. Long and weary years must elapse in building a community. It requires a spirit of cooperation to organize towns, cities, counties, and States; establish schools and churches; build roads and provide the other conveniences and necessities of community life. In this work they were compelled to lean upon each other for assistance. Though they lived many miles apart they still felt that they were neighbors. The prejudice of creed and race was forgotten in the generous hospitality that each extended to the other. No pioneer refused to shelter the wayfaring or share with him his last crust. These men grew strong, resourceful, and self-reliant, no matter how discouraging the prospects, no matter how humble their huts; they had the vision of the dawning of brighter day. These sturdy men built the State; they built it not only for themselves but for the future as well. We honor them and take pleasure in honoring one of their most conspicuous representatives. [Applause.]

Mr. SMITH of Minnesota. Mr. Speaker, Minnesota originally was a part of New France and was explored by French fur traders, adventurers, and missionaries. Among the earliest of these were Jean Nicolet, Nicholas Perrot, Daniel Greysalon Duluth, men of great energy and courage. These cleared and opened the way for the pioneers who were to follow. Opportunities for profit in the fur trade, the love of adventure, and the hope of discovering the northwest passage spurred on the youth of New France to penetrate the wilds of the unknown Northwest.

In their wake came the missionaries to teach the savage a new conception of the Great Spirit. Chief among these early missionaries were Fathers Menard and Allouez. Menard perished among the savages he sought to save, and Allouez established a mission as early as 1665 at La Point, Lake Superior, where he met not only the Hurons, who had been driven westward from New York by their powerful enemies, the Iroquois, but the Chippewas and Dakotas, who inhabited that country, which was soon to become one of the greatest Commonwealths of the United States and which was then known in song as "Tinted Water," or Minnesota.

Prof. Kirk says:

Whether by conquest or ancient heritage, Minnesota was peculiarly the land of the Dakotas, in which other tribes mentioned were but the sojourners of a day. Nomadic in their habits, yet deeply attached to the land of their fathers. Passionate in temperament and restive under restraint, they were quick to perceive a wrong; fierce, revengeful, and relentless. Hence bloody massacres stand as grewsome sentinels along the course of their whole history.

In stature they are slight and tall, of Grecian cast of countenance. They lived in villages scattered over the State and subsisted upon wild rice, corn, maple sugar, wild berries, and game. Savages as they were when the white man discovered them, they were not an unhappy people. However, years of contact with the whites caused them to change their mode of living and to depend more or less upon the whites for subsistence, and by reason of their dependency were easily induced to cede to the whites practically all of their valuable lands for a mere pittance, with a jug of rum thrown in.

The voyageurs, the fur traders, and the missionary fathers dwelt among these children of the chase for nearly 200 years before the pioneer came upon the scene. Many of the voyageurs became enamored with the life of the Indians and married into and lived with the tribes.

But upon the arrival of the brave and liberty-loving home seekers the old order of things had to give way. The trader needed the Indian in his business, but the home seeker needed the Indian's land. As a result, the home seeker had to make terms with both the Indian and the fur trader.

Before the advent of the white man the Indian killed only such game as he needed for food, and, as a result, game remained plentiful; but all this changed when he killed game for barter with the fur trader.

By the year 1819, the date of the establishment of Fort Snelling, the fur trader had about run his course. Therefore he had no objection to the home seeker's coming, but rather welcomed it. The establishment of Fort Snelling marked a new era. The red man's sun set to rise no more. His white brother desired his pine forests, his rich and fertile prairies, his Father of Waters and all its tributaries, his sparkling lakes and their myriad of fish, his rich mines, his beautiful sunset, balmy breezes, and healthful climate. All were demanded in the name of civilization and the Great Jehovah, as an abiding place for a race of men, strong of stature, noble, generous, and brave by nature. They came to enrich, not to impoverish, the empire. They came to build homes, schoolhouses, and churches, and to establish a government where justice, liberty, and equality might reign supreme under the law.

These were the sentiments which impelled and actuated our forefathers to brave the trials, hardships, and privations of frontier life. Humanity, charity, and brotherly love everywhere characterized their conduct in those days of struggle and hardship. The stranger or unfortunate was welcomed at every fireside.

In 1849 we find the pioneer organizing and establishing a Territorial government; in 1858 assuming the obligations of statehood; in 1861 furnishing an army to preserve the Republic; in 1862 battling with the savage Sioux, who had committed all the crimes and atrocities known to savage warfare, and spread death and desolation with the tomahawk and torch among the settlers.

The pages of Minnesota's history are replete with the names of men and women who have made large sacrifices and rendered great and enduring service to the State. The Pond brothers, Riggs, Whipple, Reveoue, Williamson and his sister, Sibley, Ramsey, Rice, and Gorman form a galaxy of men and women that not only every Minnesotan should remember with profound reverence, respect, admiration, and gratitude, but to whom every citizen throughout our land should do honor for the part they took in founding a great Commonwealth, in civilizing and Christianizing the Indian, and in preserving the Union of these United States.

Gov. Ramsey made the first tender of troops to President Lincoln on the day that a Confederate cannon in Charleston Harbor proclaimed to the world that hitherto friendly and loyal people were about to enter into a mighty conflict to test the indissolubility of our Government; likewise Henry Sibley, during the existence of that mighty civil strife, in 1862 paralyzed the hand of the savage Sioux, who were spreading death and desolation among the frontier settlements of Minnesota.

However, much as I desire on all occasions, when the history of my State is under consideration, to pay reverential respect to all of its founders, I am compelled to refrain from doing so, because on this occasion the exercises are in commemoration of the life and service of only one of Minnesota's most distinguished citizens, the late Hon. Henry Mower Rice, by no means the least of the three foremost pioneers of the great Northwest, Ramsey, Sibley, and Rice, all men of high character and honorable purposes—statemen in the truest sense of the word—each vying with the other to render service to the pioneer settlers of Minnesota, as well as to the Nation.

Dr. William Watts Folwell, one of Minnesota's noted historians, said:

Mr. Rice's personal qualities were such that he could not help desiring public employment and obtaining great success in it. His manners were so gracious, and yet not patronizing, that he made friends with all sorts and conditions of men. He divined with unerring instinct the motives of men and parties, and knew when and how by appropriate suggestion to lead them apparently to move themselves to his desired ends.

The gracious characteristics that Dr. Folwell speaks of made Mr. Rice one of America's most popular men.

Born in Watsfield, Vt., November 29, 1816, he spent the greater part of his life at St. Paul, Minn., engaged in large undertakings and outlining broad governmental policies for his adopted State. He died, honored and lamented, January 15, 1894.

He first became known to fame in the location of the Sault Ste. Marie Canal and other public works authorized by the State of Michigan.

In 1839 he settled at Fort Snelling as public attaché of the settler's department of the post, and soon afterwards moved to St. Paul and became a partner in the firm of Chouteau & Co., of St. Louis, who took over the business of the American Fur Co. This brought him in contact with the Chippewa and Winnebago Tribes of Indians, and by courage, coolness, fairness, and tact came in time to exert a remarkable influence over these tribes.

In 1846 the Winnebagoes exhibited their confidence in Mr. Rice by making him a delegate, in lieu of their native chief, to represent them in the sale of their reservation in Iowa to the United States.

Mr. Rice not only negotiated a useful treaty on this occasion, but during succeeding years, mainly as commissioner, in 1847 to 1889, aided materially in securing accession to the United States of Sioux, Chippewa, and other lands, covering the greater part of Minnesota.

Mr. Rice always retained the confidence and affection of the Chippewa Tribe of Indians. He was called by them Wha-bee-mah-no-min, or White Rice.

The St. Paul Dispatch, in an editorial commenting upon Mr. Rice's commission of 1889, received from President Cleveland, had this to say:

For the successful conduct of these negotiations the chief, if not the entire, credit is due the Hon. Henry Mower Rice. His selection as one of the commissioners is the wisest possible choice which could have been made. It is a singular coincidence that exactly the same day of the same month 42 years ago, August 27, 1847, Mr. Rice succeeded in successfully concluding a treaty with the same band ceding valuable lands to the people. His courage and experience, combined with his intimate knowledge of Indian character, enabled him to carry through an undertaking attended by difficulty which amounted to serious danger of bloodshed.

The Democrats of the Territory, recognizing his ability, sent him to Congress in 1853, and reelected him in 1855, and as a recognition of his services in procuring the passage of an act authorizing the admission of Minnesota to the Union elected him to the United States Senate in 1857.

While in the Senate he labored arduously to avert a conflict of arms, but when his labors failed he displayed uncompromising loyalty to the Union and rendered distinguished service as Senator in the preservation of the Union during the trying days of the rebellion. His kindness to the volunteer soldier will never be forgotten while a Minnesota veteran lives to tell the tale. After his retirement from the Senate he became treasurer of Ramsey County for three successive terms. His work in this office was of the same high character that distinguished him in every other position of trust and honor which he occupied.

While Mr. Rice gave freely of his time to matters of State, nevertheless he had an eye for business and was quite as successful in the commercial world as in the political. At one time he owned 80 acres of land in the heart of the city of St. Paul upon which streets and blocks were laid out, warehouses, hotels, stores, and residences were built and sites for churches, schools, hospitals, and parks were donated by him to the city. He was in a large sense one of the leaders in founding the city of St. Paul. His holdings came to be worth millions.

He and three other Minnesotans were the incorporators of the Northern Pacific Railway. He gave freely of his money. His purse was always open to both public and private needs. No man looked to him in vain for assistance. His preeminent characteristics were generosity, affability, and love of mankind. This trinity of ennobling traits made men love, respect, and follow him. All sorts and conditions of men paid him homage. He mingled with the savage Sioux chief with the same kingly bearing that won him the confidence and lasting friendship of such distinguished statesmen as John C. Breckenridge, Robert Tombs, Stephen A. Douglas, and many other public men of his day.

The exigencies of every great occasion bring forth a genius to lead men out of darkness into light.

The present European war will continue until some master mind appears capable of penetrating the dense and horrible war cloud that for months has settled down upon the unhappy people of Europe. Not until the arrival of such a man will peace be restored to our brothers across the sea.

Minnesota was fortunate, indeed, in having so wise and patriotic a hand as that of Henry Mower Rice to guide and protect her people in the formative period of her history, and the aborigine, on the dawn of the white man's day in Minnesota, was especially favored in having in a position of power and influence a white brother with a heart so big that it took in all mankind in its love and solicitude for the human family.

The State of Minnesota gave public acknowledgment of its debt of gratitude to Mr. Rice by adopting the following resolution on April 11, 1899:

Whereas, by act of Congress approved July 2, 1864, provision was made for placing in the National Gallery of Statuary, in the Capitol at Washington, by each State, of the statues of two of its deceased citizens, illustrious for their historic renown or for distinguished civic or military services; and

Whereas the Hon. Henry M. Rice was, from the year 1846, in which he negotiated a treaty by which a large portion of the territory now comprising the State of Minnesota was acquired from the aborigines, until his death preeminent in its service in the positions of Territorial Delegate, first United States Senator, and many other distinguished and useful capacities, as to entitle him to the commemoration provided for in said act: Therefore

Resolved by the Senate (the House of Representatives concurring), That the said Henry M. Rice be, and he is hereby, designated as one of the persons to be thus honored, and that a suitable statue to represent him be placed by the State in said National Gallery.

The imposing statue of the Hon. Henry Mower Rice recently erected in the National Gallery of Statuary in this Capitol of these United States has been in response to the request of the citizens of Minnesota as expressed in the above resolution. [Applause.]

Mr. LINDBERGH. Mr. Speaker, it is fitting that the legislative representatives of the people of the State of Minnesota deem it proper to honor the memory of a man of the pioneer type in placing the statue of Henry M. Rice in the Capitol of the Nation, placing his life, his character, and his work before the people of the Nation as typical of the men of whom Minnesota is proud. Flourishing now and one of the most prosperous of the Union, Minnesota recalls the memory of her first citizens with sincere feelings of love and respect. She is proud of their work; proud of her development under their toil. Henry M. Rice was a leader among the first citizens of Minnesota, and in placing his statue in the Hall of Fame the State is not only immortalizing is life and his work but is placing before the generations to come proof of her regard for the men who first sealed their fate with hers. A tribute to his memory is a tribute to the memory of every man and woman among his coworkers.

Fifth in line of descent from Pilgrim ancestors, Henry M. Rice, upon reaching early manhood, "struck for the new frontier" to win name and honor for himself and to assist in the work of laying the foundation stone of a State destined eventually to take a place among the foremost of the sisterhood of the Union. He first entered the military establishment at Fort Snelling, and later engaged in fur trading for several years. In this work he was constantly in close touch with nature, and he soon learned to love the beauties of the land about him, the lakes of sky-blue water, the rolling prairies, the dense forests of stalwart pines, the beauties of springtime, and the fascination of the snow-white winters. He saw opportunity on every side and pictured the future of this great State. He felt the call of an unclaimed land awaiting the hand of the toiler and ready to respond generously to his efforts. He pictured the future of the great Commonwealth to develop under the hand of the settler, and his efforts were constantly directed toward the development of the State.

A strong personality, a gracious manner, courteous at all times, and possessed of an instinctive knowledge of the wishes of men and parties, Henry M. Rice was qualified for public life. Public-spirited to an extreme degree, he participated actively in all movements for the development of his home—St. Paul—and through his energy and enthusiasm won for himself the loyal support of his fellow citizens.

His labors, however, were not confined to his home city. His influence extended into all State matters and his early training gave him an insight into the needs and necessities of the country and the traits and character of the Indians with whom it was necessary to deal, which aided him materially in his later public life. His first work was done among the Indians. Fearless in battle and quick to resent the intrusion of the white man upon their domain, the Indians of Minnesota could be

dealt with only as man to man, and to Henry M. Rice must be given much of the credit due for the treaties with the Chippewas and Sioux which opened up the fertile fields of Minnesota to the white settlers and made possible the development of the great lumber industries of the State.

In 1853 Mr. Rice took his seat as Delegate to Congress, and his industry, persuasiveness, and strong personality soon placed him in a position of influence. His activity in securing land surveys, land offices, post offices, and the opening of lands to settlement won for him a popularity hardly equaled in Minnesota history. When the time came for Minnesota to seek admission as a State unit, Mr. Rice was very active in securing the passage of the act which authorized the framing of the State constitution. When the State was finally admitted, he was rewarded for his efforts in the interests of his State by being elected one of the first of Minnesota's United States Senators. In this capacity he was equally energetic in the interests of his State.

Minnesota is grateful for the work of her pioneers. She wishes the Nation to know and she wishes posterity to know her appreciation of their efforts. Each State is allowed, under the law, to honor the memory of two most prominent sons by placing their statues in the Hall of Fame. In making her first selection Minnesota has chosen from the ranks of the men to whom she is most deeply indebted. She has chosen a man who was among the first of those who placed their lives and their futures in Minnesota and who gave the best of their lives to her development. As the years pass by, thousands of citizens will visit the Hall of Fame and look upon the statues of the Nation's builders. Among them will be the stalwart figure of Henry M. Rice, chosen from among the first of Minnesota's citizens to typify the life, character, ambitions, and work of pioneer Minnesota. The son or daughter of Minnesota who sees his statue there will see beside him the phantom forms of Alexander Ramsey, Henry Hastings Sibley, and their sturdy coworkers, all striving to speed the day when their chosen State would take the place which they knew in their hearts she must inevitably win. The statue of Henry Mower Rice is a tribute to his memory, a memorial to the history of Minnesota, and will serve as an inspiration to the young men and women who in the years to come will carry on her work. [Applause.]

Mr. STEENERSON took the chair.

Mr. VAN DYKE. Mr. Speaker, the life and the works of a man are his monument. The marble which we erect is the expression of public sentiment. The statue which the Nation has placed in Statuary Hall is pursuant to the memorial of the people of Minnesota, expressed in the resolution of the State Legislature of Minnesota in 1899, five years after his death, praying the Federal Government of the United States to erect in honor of Henry Mower Rice a statue in recognition of his great public services to the State and Nation.

The people of Minnesota had already in many practical ways given evidence of their faith and expressed public recognition of his services by electing him twice Delegate of their Territory, the first Senator from Minnesota in the United States Senate, a member of the board of regents of the State university, and by naming in his honor the counties of Mower and of Rice. The people of St. Paul, of which he was one of the chief founders, required his public services for three terms as city treasurer and elected him president of the board of public works and president of the chamber of commerce, while the old settlers and the soldiers of Minnesota had elected him president of the Old Settlers' Association and a member of the Loyal Legion.

Historians of family ancestry trace the lineage of Henry M. Rice back through the centuries to days when lord and knight held sway by greatness of arm and heart and the power of leadership. But the plain and humble democracy of this man is disclosed by the fact that when he came to Minnesota through the wilderness from upper Michigan he came with his pack on his back, having traveled the first 200 miles of his journey on foot.

He reached Fort Snelling, on the upper Mississippi, in 1839, just two hundred years after Edmund Rice, his pilgrim ancestor, landed on the bleak coast of New England. On the side of both father and mother his ancestors had been soldiers of the American Revolution and had done loyal service in the French and Indian wars. Five generations of selectmen, soldiers, deacons, justices of the peace, tillers of the soil, and pathfinders in the pioneer struggles for American existence and freedom had laid the foundations of his character, and to this he added the knowledge obtained in the public schools, the academy, and the study of law and surveying.

We of Minnesota and the Lake Superior region to-day boast, as the evidence of the greatness of our resources and of our industrial and commercial development, that the commerce of the Great Lakes which passes through Sault Ste. Marie Canal has over three times the tonnage of that which passes through the Suez Canal in the ocean commerce between Europe and Asia, and that the Great Lakes fleet passing through our northern canal is the greatest merchant fleet which bears the American flag. It is of special interest, therefore, for us to take note, as we dedicate this statue to this man, that it was Henry M. Rice, the young surveyor of 1835, who made the first survey of the Sault Ste. Marie Canal for the State of Michigan, and that it was Henry M. Rice, the Indian-treaty maker of the forties and fifties and thereafter, who opened to white settlement the wheat lands, the pine forests, and iron ranges which furnish the bulk of the tonnage which has brought fame to the commerce of the "Soo" Canal and Great Lakes and prosperity to the industries of Minnesota and the entire upper Mississippi Valley.

His life in the pioneer wilderness of the Northwest—Army sutler at Fort Snelling and Fort Atkinson, chief fur trader among the tribes of the Winnebagoes and Chippewas, surveyor and founder of settlements, friend and coworker of both white settlers and Indian trappers, versed in wood lore and Indian lore, as familiar with the life and languages of the Sioux and Chippewas as with those of the New Englander and European immigrant—gave him that thoroughly practical grasp, that intimate understanding of men and motives, that sympathy with and knowledge of pioneer and primitive conditions which made him perhaps the most successful Indian-treaty maker our country has known.

The Winnebagoes made him their representative in Washington for the sale of their lands and the signing of their reservation treaties. The Sioux negotiated their treaties through him, after all previous efforts had resulted in failure. The first treaty which the Chippewas of Minnesota negotiated with the United States through the missionary efforts of Henry M. Rice was on August 22, 1847, and the last was on August 22, 1889—just 42 years to day—and though the several Chippewa treaties gave Minnesota nearly two-fifths of its territory, the great forest and iron-ore section of its northern domain, he held their friendship and their loyalty to the white race and the Government to the end.

The Chippewas knew Henry M. Rice as "Wab-bee-mah-no-min," or "White Rice." Though he died in San Antonio, Tex., 2,000 miles away, the Chippewa Tribe joined in sending him, at the time of his death in 1894, their message of love and brotherhood. Judge Flandreau, one of the pioneer members of the supreme bench of Minnesota, testifies that—

> Until the day of his death there was no other white man in Minnesota who had the confidence and affection of the Chippewa Tribes to anything like the same extent as Mr. Rice.

One of the reasons for this confidence and affection was that Henry M. Rice looked upon the Indian not as an alternate object of public charity and private exploitation but as a man and brother entitled to plain justice. His ambition was to make the Indian a self-supporting citizen. In the State of Minnesota, which is larger than New England, and in the Territory of Minnesota, which at that time comprised a domain equal to New England and the Middle States, he believed there was room enough and land enough, if wisely and justly divided, to accommodate both the scattered Indian bands and a large white population. He protected the Indians from aggression by setting aside for them extensive reservations, provided with schools and industrial facilities and exempt from whisky and taxation. The greed of men has in part defeated his statesmanlike purpose, and yet the progress that is now being made shows that his faith was not misplaced and that his dream may yet come true.

The benefits of Mr. Rice's Indian treaties to the white race are beyond the scope of this occasion to describe. The 20,000,000 acres which his tact and ability secured by negotiation from the Sioux became the foundation of the great spring-wheat industry which has made the country west of the upper Mississippi famous as the leading bread-producing district of the world. The forests of pine and spruce obtained from the Chippewas have given Minnesota leadership in the production of white-pine lumber and newsprint paper. The three iron ranges of northern Minnesota, located in the old hunting and trapping haunts of the Chippewas, produce three-fourths of the iron ore of the United States and one-fifth that of the world.

Associated with Henry H. Sibley, Mr. Rice aided in the organization of the Territory of Minnesota in 1849, and in 1853 and 1855 was elected as Territorial Delegate to Washington. It was

in that capacity that he secured in behalf of Minnesota settlers the priority right to preemption of unsurveyed lands as against purchase by speculators. It was as Territorial Delegate, moreover, that he secured, through the cooperation of Senator Stephen A. Douglas, the adoption of the act authorizing the people of Minnesota to frame a constitution preparatory to admission to the Union. Through this initiative of Mr. Rice Minnesota was admitted to statehood May 11, 1858, and the people, in prompt recognition of this service, elected him as their first representative in the United States Senate.

As Territorial Delegate and as Senator Henry M. Rice was recognized as the strong influence in Washington for Minnesota development. He secured the first land offices and post offices, the postal routes and railways, the military roads and all other Federal establishments. As Senator he held the important committeeships of Public Lands and Indian Affairs, Post Offices and Post Roads, and both Military and Finance.

It was in the midst of his term as Senator that the Civil War broke out between North and South. Doing all in his power to avert such calamity, he thereafter became an uncompromising supporter of the cause of the Union. A northern Democrat, he loyally supported President Lincoln. As a member of the Senate Military and Finance Committees he was in a position to render signal service to the administration in its trying hours. Of the knowledge displayed by him in Army affairs, Senator Henry Wilson, of Massachusetts, chairman of the Senate Committee on Military Affairs, stated that Senator Rice's practical aid "was of greater service to the country than that of all other members of the committee."

On the question of slavery Senator Rice held to the true Democratic principle which prevailed through the Northwestern Territories from the adoption of the ordinance of 1787: "I am opposed to slavery for the reason that I am in favor of the largest human liberty." Just as he refused to desert the cause of the Union and of human liberty when so many Democratic States in the South joined in rebellion, he refused likewise to desert his Democratic principles and join the Republican Party when nearly all of Minnesota deserted and all public positions were open to him as the price of such desertion. He stood steadfast to the principles as he saw them in the light of his reason, his conscience, and his knowledge of American constitutional history throughout the 77 years of his life.

His place as one of the chief founders of the city of St. Paul, the State capital of Minnesota, rests upon a broad foundation. The 80 acres which he bought on the east bank of the Mississippi as early as 1848 are in the heart of the present city, and are known on the city plat as the "Rice & Irvine addition." With characteristic enterprise and liberality, he undertook the early development of the city by laying out streets and blocks and donating sites to churches, schools, hospitals, and parks. At the corner of Third and Washington Streets he built the second brick house erected in Minnesota. Rice Park, Rice Street, and Rice Lake still bear his name; and his public services and public donations to the development of his home city are a part of the history of the State and its capital.

But if we are to select from the works of this man that which shall stand as the most enduring monument and the most widespread in its beneficial and far-reaching results, perhaps we should hold as the capstone of his achievement that section of Minnesota's organic act, secured through his official energy and foresight, which by liberal grants of public lands lays the foundation of Minnesota's educational system. These grants include:

Two sections in each township for school purposes where one section was the rule before.

Seventy-two sections for a State university and 72 additional sections for a geological and natural history survey, in all 92,160 acres, to be handled by the university regents.

All swamp lands in the State, aggregating 3,000,000 acres, and 500,000 acres additional for internal improvements and institutions.

Then followed wise provisions for the conservation of these vast institutional resources, the permanent investment of all proceeds of sale and lease in permanent school and permanent university trust funds, and the use only of the interest thereon for current purposes. The State of Minnesota to-day, pursuant to the spirit and purpose of these grants and the organic act, secured through the instrumentality of Henry Mower Rice, boasts an invested educational trust fund of over $30,000,000 and aggregate unsold educational resources in school lands, mines, and forests yielding a heavy annual income from royalties, stumpage, and leases, valued by State officials at $200,000,000—the greatest public educational heritage in the world.

It is in recognition of this vast public service, it is in memory of this strong and lovable character, it is in honor of this broad-minded and public-spirited statesman, it is in tribute to this high purpose and far vision of the prophet pioneer that our State and Nation to-day erect this statue to Henry Mower Rice. It takes time to bring out in bold relief upon the scroll of history the silhouette of a great character. On November 29 of this year will fall the centennial anniversary of this man's birth. It has been a century of the greatest progress of the world in all that has made for the freedom, the prosperity, and the uplift of the common man and in the opening of the frontiers and the waste places of the earth for the homes of men, and in this vast work Henry M. Rice has borne the true nobleman's part. In his life as citizen and hardy pioneer, in the hardships which he has shared with the humble settler and Indian, in the helpfulness he has shown to his fellow men and the wise provisions he has made for the generations to come, as in the ability of his career as a statesman and the loyalty of his devotion to the principles of his country, he has proved himself a worthy scion of a splendid lineage, whom we do well to honor. [Applause.]

Mr. SCHALL. Mr. Speaker, 77 years ago, a man of 23, all his worldly goods in a pack upon his back, but in his heart the wealth and courage and faith of youth, stood upon the banks of the Mississippi, contemplating the Falls of St. Anthony.

Behind him was the birch-bark hut of the fur trader and a few skin wigwams, while about him was the spell of the "forest primeval," where "the murmuring pines and the hemlocks stood like harpers hoar."

Under the witchery of the solitude, intensified by the rustle of the leaves and the swirl of the waters, his prophetic mind was projected into the future, and he saw as we see to-day.

Up and down along the river the twin cities stretched with their 700,000 souls. He felt the might of the water rushing over the falls, and above its sound caught the roar of the mill wheels grinding the flour for one-fifth of mankind. He saw the giant pines float down on the bosom of the river in great convoys to the lumber center, and looking a little to the south he saw on a bluff, rising abruptly from the water's edge, the University of Minnesota, with which his name was destined to be linked as one of the founders and regents, and whose student enrollment to-day is 9,000.

Great buildings reared their massive structure; towers, domes, and spires pierced the sky. Numerous bridges spanned the river; varied industry breathed through a thousand factory chimneys, feeding and clothing and housing the great Middle West.

God set the panorama, placed materials and fertile soil, gave indulgent summers and bracing winters. Here was everything ready for the hand, the head, and the heart of man. What a country, if only the arteries of roads could connect it with civilization. Industry and capital would make an enduring and mighty reality. Here was work for men. His task was plain, and he set about to accomplish his vision.

This man typifies the great builders of our Nation, whose intelligence, courage, endurance, and energy wrested from nature supremacy. His success we are to-day met to commemorate, "bringing our robin's leaf to deck" his memory. The name of Henry M. Rice is inseparable from the progress, the development, the history of Minnesota. His force of character, industry, and shrewdness guided the infant State. To-day our broad plains and sunny vales are dotted with prosperous and happy homes; and to the grateful millions yet to come, because this man and his type lived and wrought, the North Star State is the promised land. [Applause.]

Mr. ANDERSON. Mr. Speaker, I had not thought until to-day to say anything upon this occasion, but that which has already been said inspires me to say just a word or two in regard to the spirit and philosophy of the exercises in which we are now engaged.

In that building, which seems to me to exemplify more than any other the genius and the purpose of the American people, the Library of Congress, there is a series of mural paintings illustrating the efforts of mankind to preserve and transmit to posterity that which is notable and worthy in its peculiar age and generation. The first picture is that of the cave man, as, with strong hands, he piles together the unchiseled stone to commemorate some event that to him is notable. The second is that of the old man of the tribe, as, with crude eloquence, he tells the story to the young men of the bravery of his tribe and the glory of its traditions. The third is that of the naked savage, who, with crude and unsharpened chisel, engraves upon the stone wall the hieroglyphics that tell the tale of his people. The fourth is that of the red man, as he paints with ink the pictograph of some famous chase, of some immortal battle. The fifth is that of the monk, as he sits in his silent cell and, with quill pen, writes indelibly upon the parchment the sacred and un-

perishable truths of religion; and the last is that of the printing press.

To-day we, as it were, add another, but a word picture, that will serve to keep green the memory of the achievements of one of the pioneers of Minnesota, Henry M. Rice.

We are endeavoring by these exercises to erect and, in a sense, dedicate a monument to one whose achievements in the infancy of our State will be an inspiration to all who look upon his face in the Hall of Fame. Mr. Speaker, there is a legend of ancient Greece that tells us of a game in the nature of a relay race. In this game only the strong, the young, and the fleet were permitted to take part. They chose sides, and each side tried with all its might to carry one to the other a blazing torch from the starting point to the goal. Henry M. Rice carried the torch of progress and of civilization in the rugged period of Minnesota's history when the foundations of its greatness were being laid. His services have added luster to its flame and distance to its goal. [Applause.]

Mr. ELLSWORTH. Mr. Speaker and gentlemen of the House, three generations ago the men in the more thickly settled portions of the East saw in the expanding territories of the West opportunity. Men in those days lived by a different rule than we live to-day. We now ask ourselves where can we go and do the best, or where can we go and get the most with the least effort? In those days men looking to the West, to the frontier of the country, used to ask themselves the question, Where can we go to become the most useful as citizens to the people with whom we are associated in our daily lives and make of ourselves the most? I picture St. Paul in the forties. I picture to myself the side-wheeler coming up the Mississippi River. I picture to myself that famous hostelry, like the old Fifth Avenue Hotel, where governors and Senators were made and unmade at the behest of men who ruled the destinies of politics, the Merchants Hotel. In 1849 when Alexander Ramsey, holding his commission from President Taylor, by way of the side-wheeler steamboat route, landed at St. Paul and went up to the Merchants Hotel, he then found the proprietor, a Mr. Bass, remodeling, fixing over in two rooms what had formerly been one, because the Territory of Minnesota had been admitted to the Union, and increased business was expected. He went across the street and found another building being remodeled, and learned from an onlooker that the other building was the governor's mansion. He did not like the outlook and took a ship down to Mendota where he found H. H. Sibley, then a delegate of the Territory in Congress. He and Sibley the next morning, after staying all night at Sibley's house, came back to St. Paul on horseback and laid the foundation of that great empire of the West so soon to become a State, first a Territory and then the State of Minnesota.

I picture to myself the stores, the buildings in the then little village of St. Paul. Picture to yourself a building, partly log, partly frame, with one-third pitched roof and little porticos or porches or verandas out in front, like the little store in the time of Lincoln at Springfield. Picture to yourselves the men with black slouched hats, negligee shirts, frock coats, trousers baggy, large, generous, cut at the bottom like a sack, and high-top boots. And in those crude half-homespun jackets, and those crude homespun trousers and shirts, and under those slouched hats, men had gone out from the East, young men from 20 to 35 years of age, bringing the culture of the academies of the East to help build up the great Middle West. There were three such pioneers; Sibley, the first governor of the State; Ramsey, the first governor of the Territory; and Henry Mower Rice, one of the first United States Senators from the State after its organization.

All were typical of the civilization, of the spirit of the times, and of the locality in which they lived and became a part. But there was some difference. I have heard the question asked, and a proper question, too, since the erection of the statue in Statuary Hall, of the man whose name we honor to-day, why he had been selected for this honor rather than perhaps one of the others, such as Sibley or Ramsey, either one of which might properly also have been selected. I take it that it is the spirit of this occasion; that it is a proper function of such a memorial that it may not only commemorate the man, but commemorate the time and locality, commemorate the activity of the city and State in which he lived, and commemorate at the same time the type of the sturdy pioneer who helped to build up that empire of the West.

But there is a distinction. There is a special reason why Henry Mower Rice and not Alexander Ramsey and not Henry H. Sibley should have been selected. There is a reason why the selection of Henry Mower Rice is eminently a proper selection. Ramsey came to Minnesota, then a Territory, with a commission from the President of the United States in his pocket as governor of the new Territory—not that that should detract from the useful life which he afterwards lived; not that that should mean for one moment that the spirit, that the activities into which he molded himself in his after career in the making of that great State, should in any way be detracted from, but it was different than the way in which our hero came to the State. Rice, a youngster of 22, imbued with the spirit of adventure; Ramsey, a former Member of Congress, who in 1846 sat in this body, which held its sessions in the old Chamber in this building, with Lincoln. Ramsey was an entirely different type of man. Of Sibley I may say the same thing. Sibley came representing a great fur-trading business, the American Fur Co., of which John Jacob Astor was the president. He came under the auspices and with the backing of the wealth of the East, while Ramsey, who had been an attorney in Pennsylvania and a Member of the House of Congress, came with the backing of political prestige. They helped to build up Minnesota. They, together with our hero in this case, Henry Mower Rice, helped to lay the foundation of the Territory and of the State, but the State and its people did not mold them to the same extent, and while they may have themselves developed Minnesota—all of them—it may be said, I think, that Minnesota and the stirring scenes of the early days did, in fact, peculiarly develop Henry Mower Rice and made him the distinct type of the time and generation in which he lived.

But I think there is another reason, and to my mind the controlling reason, after all, why, when we sift out the result, and get the sum total of human affairs, we find that certain things are done in certain ways. There is a reason why it was eminently fitting, why it was not only fitting but inevitable, that Henry Mower Rice should have been chosen by those who formerly knew him to adorn the niche assigned to our fair State in the Hall of Fame. He was the Indians' friend. He was a kindly man. He was a man who, when old Joe Roulette, whom one of my colleagues, I think Mr. DAVIS, referred to, stole the bill which kept St. Peter from becoming the capital of the State, would come to town—he was a French Canadian and in his county in the northern part of the State used to wear the Indian garb—and would go to a fashionable tailoring shop and buy himself a full complement of up-to-date clothes and would say to the tailor, "Charge it to Mr. Rice"—would, without prearrangement or notice beforehand, pay the bill because Joe Roulette was his friend. He was the kind of a man who, when he had his first campaign for governor, and I believe the only campaign for governor, after he had been in Congress, running against Gov. Marshall, who had the Republican nomination, and they had agreed upon a division of time in what they thought would be a forensic tour about the State, urging their claims for votes, and after the time had been divided twice on each side, making about three hours of division of time, got upon the platform and in 15 minutes finished his speech by saying that the people ought to elect Marshall; that Marshall was the sturdy pioneer who was entitled to become the governor of the State—and then finished the debate.

Once in the United States Senate he again showed his kindness when Senators Fessenden and Dixon got into a confab. He addressed the President of the Senate, and pleaded that such confabs be not had; that they formed a bad example for the younger Members of the Senate, and stated that he did not believe anything was to be gained from ill will, and hoped it would not happen again.

Again, when there was applause on one occasion in the galleries of the Senate, when some speaker other than himself—for he very seldom spoke—insisted that the galleries be cleared, he plead with the presiding officer not to clear them.

It was this trait of his character, the kindly spirit, the large-hearted and generous disposition toward those who honored and revered his memory, that was a great factor in the fitting selection made, and I believe Minnesota shall always enjoy a just pride in his name and memory and the fitting tribute paid to his sterling worth and type. [Applause.]

The SPEAKER pro tempore. The question is on the adoption of the concurrent resolution.

The concurrent resolution was agreed to.

ADJOURNMENT.

Mr. RAINEY. Mr. Speaker, I move that the House do now adjourn.

Mr. VOLSTEAD. Mr. Speaker, I move that we adjourn until Monday at 12 o'clock.

The SPEAKER pro tempore (Mr. STEENERSON). The motion is made that the House do now adjourn until Monday at 12 o'clock.

The motion was agreed to; accordingly (at 5 o'clock and 57 minutes p. m.) the House adjourned until Monday, March 13, 1916, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GANDY, from the Committee on the Public Lands, to which was referred the bill (H. R. 10668) to repeal section 4 of the act of Congress approved June 11, 1906, known as the forest homestead act, and for other purposes, reported the same with amendment, accompanied by a report (No. 319), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TILLMAN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 9326) to pay the balance due the loyal Creek Indians on the award made by the Senate on the 16th day of February, 1903, reported the same without amendment, accompanied by a report (No. 320), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GANDY, from the Committee on the Public Lands, to which was referred the bill (H. R. 8669) authorizing the Secretary of the Interior to continue lease of land in Stanley County, S. Dak., for a buffalo pasture, reported the same with amendment, accompanied by a report (No. 321), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORT OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHOUSE, from the Committee on War Claims, to which was referred the bill (H. R. 8108) for the relief of the legal representatives and heirs of Elizabeth Bruce, deceased, widow of the late John H. Bruce, reported the same without amendment, accompanied by a report (No. 322), which said bill and report were referred to the Private Calendar.

Mr. HOUSTON, from the Committee on War Claims, to which was referred the bill (H. R. 12248) for the relief of the estate of Mary H. S. Robertson, reported the same without amendment, accompanied by a report (No. 323), which said bill and report were referred to the Private Calendar.

Mr. LOBECK, from the Committee on War Claims, to which was referred the bill (H. R. 3794) for the relief of Thomas S. Johnson, reported the same without amendment, accompanied by a report (No. 324), which said bill and report were referred to the Private Calendar.

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 7062) for the relief of Erskine R. Hayes, reported the same with amendment, accompanied by a report (No. 325), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 8325) for the relief of Borden H. Mills, reported the same without amendment, accompanied by a report (No. 326), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 6487) granting a pension to Ralph McMahon; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10808) granting a pension to William D. Swatzell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9204) granting an increase of pension to Jacob Amberg; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FITZGERALD: A bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years; committed to the Committee of the Whole House on the state of the Union.

By Mr. BRITTEN: A bill (H. R. 13044) authorizing the President to regulate matters of sanitation, quarantine, taxation, and police in the Canal Zone; to the Committee on Interstate and Foreign Commerce.

By Mr. VINSON: A bill (H. R. 13045) authorizing the Secretary of War to deliver to the city of Tennille, Ga., two condemned bronze or brass cannon, with their carriages and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. McARTHUR: A bill (H. R. 13046) to consolidate certain forest lands in the Oregon National Forest in the State of Oregon; to the Committee on Agriculture.

By Mr. MATTHEWS: A bill (H. R. 13047) authorizing the establishment of a plant at or near Defiance, Ohio, for the manufacture of munitions and implements of war; to the Committee on Military Affairs.

By Mr. TINKHAM: A bill (H. R. 13048) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia," and for other purposes; to the Committee on the District of Columbia.

By Mr. ROGERS: A bill (H. R. 13049) to prevent the manufacture, sale, or transportation of misbranded articles, and for regulating the traffic therein, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMSON: A bill (H. R. 13050) to amend an act entitled "An act to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes," approved June 29, 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL: A bill (H. R. 13051) in relation to the location, entry, and patenting of lands within the former Uncompahgre Indian Reservation, in the State of Utah, containing gilsonite or other like substances, and for other purposes; to the Committee on the Public Lands.

By Mr. LOUD: A bill (H. R. 13052) to establish and maintain a fish-hatching station on Saginaw River, in the State of Michigan; to the Committee on the Merchant Marine and Fisheries.

By Mr. OGLESBY (by request): Resolution (H. Res. 165) to investigate the affairs of the Chicago, Rock Island & Pacific Railway Co.; to the Committee on Rules.

By Mr. SNYDER: Resolution (H. Res. 166) requesting the Secretary of the Interior not to sell or dispose of certain lands in Osage Reservation until after investigation and report by the Committee on Indian Affairs; to the Committee on Indian Affairs.

By Mr. RANDALL: Joint resolution (H. J. Res. 176) providing for the establishment of the "Permanent Panama Industrial and Commercial Exposition" on the Panama Canal Zone; to the Committee on Appropriations.

By Mr. MOTT: Joint resolution (H. J. Res. 177) justifying the employment of armed forces of the United States in the pursuit and capture of certain Mexican outlaws; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 13053) granting a pension to William T. Giles; to the Committee on Pensions.

Also, a bill (H. R. 13054) for the relief of the legal representatives of the estate of A. C. Barton, deceased; to the Committee on War Claims.

By Mr. ASHBROOK: A bill (H. R. 13055) granting an increase of pension to G. W. Statler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13056) granting an increase of pension to Charles Bishop; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 13057) granting an increase in pension to Martha Portwood; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 13058) granting a pension to Henry Humphries; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13059) granting a pension to Charles Kuechler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13060) to correct the military record of W. F. Barr; to the Committee on Military Affairs.

By Mr. COADY: A bill (H. R. 13061) granting a pension to Joseph W. Connolly; to the Committee on Pensions.

Also, a bill (H. R. 13062) granting a pension to Jonathan N. Havens; to the Committee on Invalid Pensions

By Mr. COOPER of Wisconsin: A bill (H. R. 13063) granting a pension to Margaret Dunham; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 13064) for the relief of the M. A. Sweeney Shipyards & Foundry Co.; to the Committee on Claims.

By Mr. DALLINGER: A bill (H. R. 13065) for the relief of Edward D. Black; to the Committee on Naval Affairs.

By Mr. DEWALT: A bill (H. R. 13066) granting an increase of pension to Sarah B. Longnecker; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 13067) granting an increase of pension to Mrs. Angelica Jahn; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 13068) for the relief of Thomas Furlong; to the Committee on Claims.

By Mr. GILLETT: A bill (H. R. 13069) granting an increase of pension to Carlos C. Tracy; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 13070) granting an increase of pension to Joseph Babbin; to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 13071) granting a pension to Edward Reneau Bragg; to the Committee on Pensions.

By Mr. HAYDEN: A bill (H. R. 13072) for the relief of William E. Johnson; to the Committee on Indian Affairs.

By Mr. HOUSTON: A bill (H. R. 13073) for the relief of the estate of William Blackburn, deceased; to the Committee on Claims.

By Mr. HUMPHREY of Washington: A bill (H. R. 13074) for the relief of George Wellington; to the Committee on Claims.

By Mr. KEARNS: A bill (H. R. 13075) granting a pension to Mary Weiand Fleig; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 13076) to correct the military record of Sylvester B. Miller; to the Committee on Military Affairs.

By Mr. McANDREWS: A bill (H. R. 13077) to correct the muster of Cassius C. Roberts; to the Committee on Military Affairs.

By Mr. McGILLICUDDY: A bill (H. R. 13078) granting an increase of pension to Susan W. King; to the Committee on Invalid Pensions.

By Mr. MOONEY: A bill (H. R. 13079) for the relief of J. B. Waterman; to the Committee on Claims.

By Mr. MORGAN of Oklahoma: A bill (H. R. 13080) granting a pension to Louis Seeberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13081) granting a pension to Margaret D. Brewer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13082) granting an increase of pension to Jehu M. Higgins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13083) granting an increase of pension to Zimri B. Bates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13084) granting an increase of pension to Thomas Butler; to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 13085) for the relief of the legal representatives of George Neitzey, deceased, surviving partner of Neitzey & Acker; to the Committee on Claims.

By Mr. NEELY: A bill (H. R. 13086) granting a pension to Pattie B. Davis; to the Committee on Invalid Pensions.

By Mr. OAKEY: A bill (H. R. 13087) granting an increase of pension to Emily E. Lee; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 13088) granting a pension to Lizzie M. Thresh; to the Committee on Pensions.

Also, a bill (H. R. 13089) granting an increase of pension to Myra Bethia Young; to the Committee on Invalid Pensions.

By Mr. QUIN: A bill (H. R. 13090) for the relief of Elizabeth Mackin and Edward Dooley, heirs of Joseph and Mary Dooley, deceased; to the Committee on War Claims.

By Mr. RAMSEYER: A bill (H. R. 13091) for the relief of John W. Terry; to the Committee on Military Affairs.

Also, a bill (H. R. 13092) granting a pension to Ira D. Bryant; to the Committee on Pensions.

Also, bill (H. R. 13093) granting a pension to Jake Blizzard; to the Committee on Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 13094) granting an increase of pension to Henry Deberry; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 13095) granting an increase of pension to Josephine Sibley; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 13096) for the relief of Francis M. Kirby; to the Committee on Military Affairs.

Also, a bill (H. R. 13097) granting an increase of pension to Thomas J. Lee; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 13098) to remove the charge of desertion from the military record of William D. Jenner; to the Committee on Military Affairs.

By Mr. STEPHENS of Mississippi: A bill (H. R. 13099) for the relief of the estate of Nathan Lamar; to the Committee on Claims.

By Mr. STEPHENS of Texas: A bill (H. R. 13100) for the relief of the estate of W. H. Edmonson; to the Committee on Claims.

By Mr. SWEET: A bill (H. R. 13101) granting an increase of pension to Newton E. Eldred; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13102) to reimburse Henry H. Stevenson for safe destroyed by burglars; to the Committee on Claims.

By Mr. SWITZER: A bill (H. R. 13103) granting an increase of pension to Uriah Massey; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 13104) to correct the military record of William Martin; to the Committee on Military Affairs.

By Mr. THOMPSON: A bill (H. R. 13105) granting a pension to Louis Schrader; to the Committee on Pensions.

By Mr. TINKHAM: A bill (H. R. 13106) for the relief of the trustee and parties who are now or may hereafter become interested in the estate of James A. Chamberlain, under the terms of his will; to the Committee on Claims.

By Mr. VARE: A bill (H. R. 13107) for the relief of Richard Sheehan; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Elgin (Ill.) Christian Endeavor Society in support of the Sheppard-Barkley bill; to the Committee on the District of Columbia.

Also (by request), memorial of civil-service employees, against the Borland rider; to the Committee on Appropriations.

Also (by request), memorial of Consumers' League, against Borland rider; to the Committee on Appropriations.

Also (by request), petition of Benj. Stone Camp, Grand Army of the Republic, to put volunteer officers on the retired list; to the Committee on Military Affairs.

By Mr. ANTHONY: Petition of Mrs. R. W. Kelly and other citizens, of Atchison, Kans., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BAILEY: Petition of Presbyterian Church of Sugargrove; Young People's Society of Christian Endeavor of Second United Presbyterian Church, of Altoona; voters of Hollidaysburg, all in the State of Pennsylvania, for national prohibition; to the Committee on the Judiciary.

By Mr. BARCHFELD: Petitions of the Oakland Presbyterian and John Wesley Churches, of Pittsburgh; Trinity Reformed and United Brethren Churches of Wilkinsburg; the First Presbyterian Church, of Coraopolis; the Union United Presbyterian Church, of Galey; the Women's Society of Christian Churches, of Crafton; the Allegheny Union Woman's Christian Temperance Union, of Pittsburgh; and Christian Endeavor Society of Pittsburgh, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Dormont and Mount Lebanon and Methodist Episcopal Church of Dormant, Pa., for national prohibition; to the Committee on the Judiciary.

Also, memorial of McKees Rocks Aerie, No. 1331, Fraternal Order of Eagles, of McKees Rocks, Pa., against bill for prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of citizens of Pittsburgh, Pa., favoring bills for increase in the Army and Navy; to the Committee on Military Affairs.

Also, petition of 273 citizens of Pittsburgh, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BEALES: Papers to accompany House bill 11643, to correct the military record of John D. Richter; to the Committee on Military Affairs.

Also, papers to accompany House bill 982, for Susan Olewiler; to the Committee on Pensions.

By Mr. BYRNS of Tennessee: Petition of Young People's Society of Christian Endeavor, 40 people; and Young People's Society of Christian Endeavor, 443 people, both of Nashville, Tenn., for national prohibition; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of Jacob W. Lauer and others, of Racine, Wis., opposing prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CURRY: Petition of Contra Costa County Central Labor Council, California, favoring House resolution 137; to the Committee on Agriculture.

By Mr. DALE of New York: Petition of National Trade Association, opposing the Stevens bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DALLINGER: Petition of Medford Ministerial Association, of Medford, Mass., for censorship of films; to the Committee on Education.

By Mr. ESCH: Memorial of Society of Colonial Wars, in New York, for preparedness; to the Committee on Military Affairs.

By Mr. FLYNN: Petition of Henry S. Otto, of New York, indorsing Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

Also, petition of National Trade Association, opposing the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Ohio Association for Volunteer Retired List, indorsing Senate bill 392 and House resolution 386; to the Committee on Military Affairs.

By Mr. FULLER: Petition of Chicago & South Haven Steamboat Co., for certain amendment to the seamen's law; to the Committee on the Merchant Marine and Fisheries.

Also, petition of 83 citizens of Kansas City, Mo., favoring pension for all widows of Civil War soldiers; to the Committee on Invalid Pensions.

Also, petition of Iron City Central Trades Council, of Pittsburgh, Pa., favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. GALLIVAN: Petition of National Association Bureau of Animal Industry Employees, Boston Branch, No. 27, and sundry citizens of Massachusetts, indorsing the Lobeck bill (H. R. 5792); to the Committee on Agriculture.

By Mr. GILLETT: Petition of Sigma Lodge, No. 24, International Order of Good Templars, for national prohibition; to the Committee on the Judiciary.

By Mr. GORDON: Petition of the Methodist Ministers' Association of Cleveland, Ohio, and vicinity, asking Congress to eliminate all provisions for support of sectarian institutions from the Indian bill; to submit the Sisson constitutional amendment, prohibiting all sectarian appropriations forever; praying for the constitutional prohibition and for statutory prohibition of intoxicants; also for the prohibition of the exportation of intoxicants to Africa; to the Committee on the Judiciary.

By Mr. GRAY of Indiana: Petition of Samuel E. Vertreez, Richmond, Ind., and 1,037 other citizens of the State of Indiana, favoring legislation to prevent the slaughter of calves under 2 years of age; to the Committee on Interstate and Foreign Commerce.

By Mr. GUERNSEY: Petition of 125 people of Hendurkeag, 50 people of the Baptist Church of Orono, and Christian Endeavor people of Dexter, all in the State of Maine, for national prohibition; to the Committee on the Judiciary.

By Mr. HADLEY: Petition of Harold Norlin and 19 other citizens of Preston, Woman's Christian Temperance Union of Excelsior, and Framont (No. 20) Lodge, International Order of Good Templars, of Preston, all in the State of Washington, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HELGESEN: Petition of citizens of Kramer, Westhope, Newburg, Landa, and Maxbass, N. Dak., protesting against the enactment of either House bill 6871, House bill 6823, House bill 677, House bill 26, or Senate bill 901; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Fargo, N. Dak., protesting against House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, resolutions adopted by Woman's Christian Temperance Union organizations and church societies in Fargo, N. Dak., favoring national constitutional prohibition; to the Committee on the Judiciary.

Also, petition from retail dealers in North Dakota, urging the passage of the Stephens-Ayres bill; to the Committee on Interstate and Foreign Commerce.

Also, petition from citizens of Nelson County, N. Dak., protesting against increases in appropriations and expenditures for the Army and Navy; to the Committee on Appropriations.

Also, petitions of citizens of Kenmare, Tolley, Benedict, Kief, and Dogden, N. Dak., protesting against the enactment of House bill 652; to the Committee on the District of Columbia.

Also, petitions of citizens of Jamestown, Heaton, Pettibone, Harvey, Grand Forks, and McVille, N. Dak., protesting against the enactment of House bill 652; to the Committee on the District of Columbia.

By Mr. HILL: Petition of many citizens of Bridgeport, Conn., for national prohibition; to the Committee on the Judiciary.

By Mr. HOUSTON: Petition of citizens of Petersburg, Tenn., for prohibition amendment to Constitution; to the Committee on the Judiciary.

By Mr. KEISTER: Petition of a union church meeting at New Alexandria, Westmoreland County, Pa., for the passage of a resolution proposing an amendment to the Federal Constitution prohibiting polygamy and polygamous cohabitation in the United States and dependencies; to the Committee on the Judiciary.

Also, petition of Presbyterian congregation of New Alexandria, 41 citizens of New Alexandria, and citizens of Slipping Rock, all in the State of Pennsylvania, for national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Order Der Hermans Soehne, of Pawtucket, R. I., favoring passage of warning resolution; to the Committee on Foreign Affairs.

Also, petition of Swedish Church of Providence, R. I., favoring passage of resolution appropriating $100,000 for the erection of a statue to the memory of Capt. John Ericsson; to the Committee on the Library.

Also, petition of South Street Home Hand Laundry Co., of Providence, R. I., favoring passage of Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Henry Loehner, of Pawtucket, R. I., favoring an embargo on war munitions; to the Committee on Foreign Affairs.

Also, petition of Methodist Episcopal Sunday School, 25 people, of Arnolds Mills; First Baptist Christian Endeavor, 54 people, of Woonsocket; Free Baptist Church of Chepaclub; Men's Forum of Congregational Church; and 30 voters of Woonsocket, all in the State of Rhode Island, for national prohibition; to the Committee on the Judiciary.

Also, petition of Congregation B'nai Israel, of Woonsocket, R. I., against passage of Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Matthew Kilgress, of Providence, R. I., favoring embargo on war munitions; to the Committee on Foreign Affairs.

By Mr. KONOP: Petition of citizens of Peshtigo, Wis., against Senate bill 901 and House bills 26, 277, 6823, and 6871; to the Committee on Labor.

Also, petition of voters of Wisconsin, in favor of national prohibition; to the Committee on the Judiciary.

By Mr. NOLAN: Petitions of Haslett Warehouse Co. and California Club, of San Francisco, Cal., favoring an appropriation for improvements in Yosemite National Park; to the Committee on the Public Lands.

Also, petition of Stockton Merchants' Association, of Stockton, Cal., favoring House bill 11077, providing for a tax on trading stamps and various coupons and prize-giving tickets; to the Committee on Interstate and Foreign Commerce.

Also, petition of Stockton Merchants' Association, of Stockton, Cal., favoring passage of bill providing, first, for a national park service and, second, that at least $300,000 be given as an appropriation for Yosemite National Park; to the Committee on the Public Lands.

Also, petition of German-American League of California, favoring passage of House joint resolutions 14 and 81, Senate bills 3033 and 3034, Senate joint resolutions 73 and 74, and House bills 6828 and 6829, prohibiting the sale and export of arms, ammunition, and munitions of war to any of the belligerents of the present European conflict; to the Committee on Foreign Affairs.

Also, petition of German-American League of California, favoring passage of House bills 81, 3614, 4741, and 6083, providing for the amendment of the naturalization laws; to the Committee on Immigration and Naturalization.

Also, petition of German-American League of California, protesting against the passage of House bills 394, 718, and 9435, and Senate bills 1082, 1257, and 1352, prohibiting the manufacture and sale of intoxicating liquors in the District of Columbia; to the Committee on the District of Columbia.

Also petitions of William H. Chapman and sundry other citizens of San Francisco that Senate joint resolution 101, by Senator PENROSE, providing for the appointment of a commission to report a bill upon the entire reorganization of Indian affairs, be taken out of the hands of the Indian Committee and acted upon at once; to the Committee on Indian Affairs.

Also, petition of Chris Schuldt, 500 Fell Street, San Francisco, Cal., favoring passage of House bill 6915, providing for indefinite leave of absence for postal employees; to the Committee on the Post Office and Post Roads.

Also, petitions of A. M. Bienenfeld, Charles W. Merrill, and Bernard Bienenfeld, all of San Francisco, Cal., favoring Senate

bill 3946 and House bill 10845, providing for the extension of military training in civil educational institutions; to the Committee on Military Affairs.

By Mr. OAKEY (by request): Petitions of the Woman's Christian Temperance Union of East Hartford; Epworth League of East Windsor; Congregational Church of Windsor Forks; Sunday school of 200 members of Warehouse Point; and Woman's Christian Temperance Union, 30 people, of Southington, all in the State of Connecticut, for national prohibition; to the Committee on the Judiciary.

By Mr. OVERMYER: Petition of Carl H. Wolf and 89 citizens of Fremont, Ohio, protesting against national prohibition and prohibition for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Presbyterian Church of Peru, Ohio, favoring prohibition for the island of Porto Rico; to the Committee on the Territories.

By Mr. PETERS: Petition of Christian Endeavor Society people of Skowhegan, Me., and Baptist people of Bar Harbor, Me., for national prohibition; to the Committee on the Judiciary.

By Mr. RANDALL: Petition of First Methodist Episcopal Church of Glendale, Cal., for national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of F. E. Idell, of New York, in re the Philippine bill; to the Committee on the Territories.

Also, petition of Lumberman's Club of Memphis, Tenn., favoring a merchant marine; to the Committee on the Merchant Marine and Fisheries.

Also, petition of John Mergendollen, of Brooklyn, in re the Holland bill; to the Committee on Appropriations.

Also, petitions of Frederick A. Conrad, of Brooklyn; E. W. Bliss Co., of Brooklyn; V. G. Bay, of New York; and James F. Hunter, of New York, indorsing Senate bill 3946 and House bill 10845; to the Committee on Military Affairs.

Also, memorial of John J. Hopper, president Association for an Equitable Federal Income Tax, in re taxation; to the Committee on Ways and Means.

Also, petition of citizens of Brooklyn, N. Y., for national prohibition; to the Committee on the Judiciary.

Also, petition of Max Schippe, of Brooklyn, N. Y., and citizens of New York, in re foreign relations; to the Committee on Foreign Affairs.

By Mr. SIMS: Petition of sundry citizens of Tennessee, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of citizens of Borup, Norman County, Minn., in favor of warning American citizens off armed merchant vessels of belligerent powers; to the Committee on Foreign Affairs.

Also, petition of 105 citizens of Foreston, Minn., for national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Duxby, Minn., in favor of the principle of warning American citizens off armed merchant vessels of belligerent powers; to the Committee on Foreign Affairs.

By Mr. STEPHENS of California: Petition of City Council of Los Angeles, Cal., favoring civil-service retirement list; to the Committee on Reform in the Civil Service.

Also, petition of Merchants and Manufacturers' Association of Los Angeles, Cal., favoring defense plans of the Los Angeles Chamber of Commerce; to the Committee on Military Affairs.

By Mr. STINESS: Petition of Seventh-day Baptist people of Hopkinton and 122 people of East Greenwich, R. I., for national prohibition; to the Committee on the Judiciary.

Also, petition of national committee of the Swedish churches of Providence, R. I., favoring the erection of a monument to Capt. John Ericcson; to the Committee on the Library.

Also, petition of 125 people of Providence, R. I., and 150 people of South Kingstown, R. I., for national prohibition; to the Committee on the Judiciary.

By Mr. SWITZER: Petition of 130 citizens of Meigs County, Ohio, opposing passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of Methodist Episcopal Church of Letart Falls and 25 citizens of Letart Falls, Ohio, for national prohibition; to the Committee on the Judiciary.

By Mr. TAYLOR of Colorado: Memorial of Federation of Woman's Missionary Societies of Grand Junction, Colo., for the prohibition of traffic in intoxicating liquors in the island of Porto Rico; to the Committee on the Territories.

Also, petition of sundry citizens of Cedartown, Colo., opposing passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Cedaredge, Colo., protesting against passage of House bill 625; to the Committee on the District of Columbia.

Also, petition of citizens of Clifton, Colo., in favor of the national prohibition amendment; to the Committee on the Judiciary.

By Mr. TEMPLE: Petition of John F. Uegner, in behalf of the German-Hungarian Sick Beneficial Society of Ambridge, and Peter J. Seuser and others, of Ambridge, Pa., favoring House joint resolutions 14 and 81, Senate bills 3033 and 3034, Senate joint resolution 73, House joint resolution 74, and House bills 6828 and 6829; to the Committee on Foreign Affairs.

Also, petition of Methodist Church of New Wilmington, numbering 150; Neshannock United Presbyterian Church, of New Castle; Mount Jackson United Presbyterian Church, of New Castle, numbering 150; East Brook United Presbyterian Sabbath School, numbering 100 pupils, of East Brook; East Brook United Presbyterian Church, numbering 150 people; T. W. Houston and others, of East Brook; Rev. Paul G. Miller and members of the Hill Presbyterian Church, of Canonsburg, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. VARE: Petition of 24 citizens of North Philadelphia, for national prohibition; to the Committee on the Judiciary.

Also, memorial of Philadelphia Wool and Textile Association, relative to the decreasing number of sheep in the United States; to the Committee on the Public Lands.

SENATE.

MONDAY, *March 13, 1916.*

(Legislative day of Saturday, March 11, 1916.)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

The VICE PRESIDENT resumed the chair.

Mr. MYERS. Mr. President, I ask unanimous consent to make a report in open session from the Committee on Public Lands of the nomination of a receiver of the land office.

Mr. BORAH. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Myers	Simmons
Bankhead	Gronna	Nelson	Smith, Ga.
Borah	Hardwick	Norris	Smith, S. C.
Brandegee	Hitchcock	Oliver	Smoot
Chamberlain	Hughes	Overman	Sterling
Chilton	James	Owen	Sutherland
Clapp	Johnson, Me.	Page	Swanson
Clark, Wyo.	Johnson, S. Dak.	Pittman	Thompson
Clarke, Ark.	Jones	Poindexter	Underwood
Colt	Kenyon	Pomerene	Vardaman
Culberson	Kern	Reed	Wadsworth
Cummins	Lane	Saulsbury	Walsh
Curtis	McCumber	Shafroth	Warren
Dillingham	Martin, Va.	Sheppard	Works
Gallinger	Martine, N. J.	Sherman	

Mr. CHILTON. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present.

HOUSE BILL REFERRED.

H. R. 12843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was read twice by its title and referred to the Committee on Pensions.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. JONES submitted an amendment authorizing the Secretary of the Interior to sell and dispose of any portion of the lands included within the limits of the abandoned Fort Spokane Military Reservation, State of Washington, not necessary for hospital purposes as provided for in the act approved August 1, 1914, at not less than the appraised value thereof, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 10385), which was ordered to lie on the table and be printed.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8493) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. McCUMBER conferees on the part of the Senate.

EXECUTIVE SESSION.

Mr. MYERS. I ask unanimous consent to make a report in open session from the Committee on Public Lands of the nomination of a receiver of the land office. I merely ask leave to make the report. It will take only a second to read it. I simply make it for the information of the Senate.

The VICE PRESIDENT. Is there any objection?

Mr. GALLINGER. I object.

The VICE PRESIDENT. There is objection.

Mr. MYERS. I move that the Senate proceed to the consideration of executive business.

The VICE PRESIDENT. The question is on the motion of the Senator from Montana.

Mr. MYERS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I announce my pair with the Senator from New Mexico [Mr. FALL] and its transfer to the Senator from Illinois [Mr. LEWIS]. I vote "nay."

Mr. DILLINGHAM. I have a general pair with the senior Senator from Maryland [Mr. SMITH], who, I understand, is absent. On that account I withhold my vote. I would vote "nay" if I were not paired.

Mr. GALLINGER (when his name was called). I have a general pair with the Senator from New York [Mr. O'GORMAN]. He is absent, but I am privileged to vote, and I vote "nay."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. KERN (when Mr. SHIVELY's name was called). I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired with the Senator from Maine [Mr. BURLEIGH].

I also desire to announce the unavoidable absence on official business of the senior Senator from Florida [Mr. FLETCHER]. He is paired with the Senator from Idaho [Mr. BRADY]. This announcement will stand for the day.

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING], which I transfer to the senior Senator from Louisiana [Mr. RANSDELL] and vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Arizona [Mr. SMITH] and vote "yea."

The roll call was concluded.

Mr. CLARK of Wyoming (after having voted in the negative). I have a general pair with the senior Senator from Missouri [Mr. STONE]. In the absence of that Senator, I withdraw my vote.

Mr. JOHNSON of Maine. I transfer my general pair with the junior Senator from North Dakota [Mr. GRONNA] to the junior Senator from Wisconsin [Mr. HUSTING] and vote "yea."

Mr. CURTIS. I wish to announce that the Senator from West Virginia [Mr. GOFF] is paired with the Senator from South Carolina [Mr. TILLMAN] and that the Senator from Michigan [Mr. TOWNSEND] is paired with the Senator from Florida [Mr. BRYAN].

Mr. BECKHAM. I have a general pair with the Senator from Delaware [Mr. DU PONT], which I transfer to the Senator from Louisiana [Mr. BROUSSARD]. I vote "yea."

Mr. WEEKS. I wish to announce that my colleague [Mr. LODGE] is unavoidably absent from the Senate. He has a general pair with the senior Senator from Georgia [Mr. SMITH].

The result was announced—yeas 31, nays 27, as follows:

YEAS—31.

Ashurst	James	Norris	Smith, S. C.
Beckham	Johnson, Me.	Pomerene	Sterling
Chamberlain	Johnson, S. Dak	Reed	Swanson
Culberson	Kern	Robinson	Thompson
Gore	Lane	Saulsbury	Vardaman
Hardwick	Martin, Va.	Shafroth	Walsh
Hitchcock	Martine, N. J.	Sheppard	Williams
Hollis	Myers	Simmons	

NAYS—27.

Bankhead	Gallinger	Oliver	Thomas
Brandegee	Jones	Overman	Underwood
Chilton	Kenyon	Owen	Wadsworth
Clapp	Lippitt	Poindexter	Warren
Colt	McCumber	Sherman	Weeks
Cummins	McLean	Smoot	Works
Curtis	Nelson	Sutherland	

NOT VOTING—38.

Borah	Fall	Lewis	Shively
Brady	Fletcher	Lodge	Smith, Ariz.
Broussard	Goff	Newlands	Smith, Ga.
Bryan	Gronna	O'Gorman	Smith, Md.
Burleigh	Harding	Page	Smith, Mich.
Catron	Hughes	Penrose	Stone
Clark, Wyo.	Husting	Phelan	Tillman
Clarke, Ark.	La Follette	Pittman	Townsend
Dillingham	Lea, Tenn.	Ransdell	
du Pont	Lee, Md.	Shields	

So the motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

MANUFACTURE OF ARMOR.

The VICE PRESIDENT. The unfinished business is before the Senate, as in Committee of the Whole, and open to amendment.

Mr. SWANSON. I desire to inquire if any Senator now wishes to speak in regard to the armor-plant bill? If not, I ask unanimous consent that it be temporarily laid aside.

Mr. OLIVER. Mr. President, I should like to ask the Senator from Virginia whether the proponents of this bill propose to say anything in its favor before it is voted upon?

Mr. SWANSON. The proponents of the bill are satisfied that the Senate understands this matter very well. Some one on this side might later make a speech; but there is no urgent desire on our part to discuss the bill, unless those who are opposed to it wish to do so.

Mr. OLIVER. I rather think, Mr. President, that those who do not favor the bill would like to have something to answer, and they have nothing so far since the bill has been reported.

Mr. SWANSON. The committee has made a report, which has been read to the Senate, and it seems to me that that report is sufficiently satisfactory and instructive to the Senate.

Mr. OLIVER. If the Senator from Virginia is satisfied, I have nothing to say.

Mr. SWANSON. I ask that the bill be temporarily laid aside.

Mr. GORE and Mr. OWEN addressed the Chair.

The VICE PRESIDENT. Is there objection to the request of the Senator from Virginia?

Mr. GORE. If I can reserve my objection—my colleague has addressed the Chair.

Mr. OWEN. Mr. President, it had been my purpose to ask the Senate to take up Senate resolution No. 107 when the armor-plant bill was laid aside. Understanding, however, that my colleague is unwilling that resolution No. 107 shall come to a vote in the Senate, I feel unwilling to request the Senate to take it up and so use up the time of the Senate on this petty local matter, while such questions as national preparedness and rural credits and armor plate wait for consideration. I should like to ask my colleague if that is his position?

Mr. GORE. Mr. President, my opposition to resolution No. 107 is of such a character that I shall feel obliged to avail myself of such means as are within my power to prevent it from being adopted; and, in order to make assurance doubly sure, to prevent it from coming to a vote.

Mr. MYERS. Mr. President, I ask that House bill 408 be laid before the Senate.

Mr. GALLINGER. Mr. President, has the unfinished business been laid aside?

The VICE PRESIDENT. It has not.

Mr. GALLINGER. So I understand.

Mr. SWANSON. Before action is taken on my request, I should like to make a parliamentary inquiry of the Chair. As I understand, the unanimous-consent agreement which is on the calendar directs that the Senate at 4 o'clock on Tuesday, March 21, shall proceed to vote on a certain bill therein designated. As I understand, by the precedents of the Senate in various decisions, if anything else should happen to be the unfinished business at that time, it would be the duty of the Chair to enforce this unanimous-consent agreement. If that is true, then I have no objection to any other matter being taken up by the Senate, provided that it is understood the unanimous-consent agreement for 4 o'clock, March 21, shall be carried out at that time. If the Chair will permit me, this matter was definitely decided by Vice President Sherman, as will be found in the Precedents of the Senate, on page 550. An inquiry was made of him similar to this, and if the Chair will permit me, I will read what then occurred:

In reply to an inquiry as to whether a certain bill might be made the unfinished business—

The VICE PRESIDENT (Mr. Sherman) said: It could, by action of the Senate, be made the unfinished business. There is no question about that. It could be made the unfinished business by the action of the Senate.

Mr. STONE. That would displace the joint resolution.

The VICE PRESIDENT (Mr. Sherman). Certainly, as the unfinished business; but it would not annul this unanimous-consent agreement that on a particular day it be disposed of.

The VICE PRESIDENT. The Chair is in a position to rule if there is anything to rule upon.

Mr. SWANSON. I could not hear the statement of the Chair.

The VICE PRESIDENT. It seems to the Chair that a mere expression of opinion by the Chair would accomplish no purpose until the question was in such a condition that an appeal might be taken from the ruling of the Chair.

Mr. SWANSON. Mr. President, if the Chair will permit me, I simply make the parliamentary inquiry, as is frequently done, as to how the Chair would feel disposed to rule concerning the unanimous-consent agreement which has been entered into if some measure other than the armor-plant bill should be the unfinished business at 4 o'clock on March 21, 1916?

The VICE PRESIDENT. Prior to the last Congress it was the understanding of the Chair that a unanimous-consent agreement was a mere "gentleman's agreement." The Chair thinks such an agreement was never violated, but it might have been violated, as there was no rule which provided for its enforcement. The rules were amended at the last Congress and the following clause was inserted:

No request by a Senator for unanimous consent for the taking of a final vote on a specified date upon the passage of a bill or joint resolution shall be submitted to the Senate for agreement thereto until, upon a roll call ordered for the purpose by the presiding officer, it shall be disclosed that a quorum of the Senate is present; and when a unanimous consent is thus given the same shall operate as the order of the Senate, but any unanimous consent may be revoked by another unanimous consent granted in the manner prescribed above upon one day's notice.

That, the Chair thinks, changes the parliamentary status of unanimous-consent agreements as theretofore ordinarily understood. The Chair believes that when a unanimous-consent agreement has once been entered into it operates as an order of the Senate and that it must be faithfully lived up to, unless, by unanimous consent, it is revoked upon one day's prior notice.

It seems that in the absence of the present occupant of the chair the following unanimous-consent agreement was entered into:

It is agreed by unanimous consent that at 4 o'clock p. m., on Tuesday, March 21, 1916, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill S. 1417, to erect a factory for the manufacture of armor, through the regular parliamentary stages to its final disposition; and that after the hour of 4 o'clock p. m., on said day (Mar. 21, 1916), no Senator shall speak more than once or longer than five minutes upon the bill, or more than once or longer than five minutes upon any amendment offered thereto.

Under clause 3 of Rule XII, the Chair is of the opinion that this unanimous-consent agreement, unless set aside in accordance with the manner prescribed in said clause 3 of Rule XII, will be in force and effect, and it will be the duty of the presiding officer at the hour of 4 o'clock p. m. on Tuesday, March 21, 1916, to call up the bill named in the unanimous-consent agreement and have it proceed through the regular parliamentary stages to its final disposition and to limit argument to five minutes upon the bill itself and five minutes upon any amendment that may be offered thereto.

It will be observed that there is nothing in the unanimous-consent agreement which provides that the present unfinished business shall remain the unfinished business of the Senate from the time of the entering into of the unanimous-consent agreement until the hour has arrived at which the voting is to take place. The Chair is of the opinion that the unanimous-consent agreement, unless set aside in the manner provided by the rules of the Senate, will be in full force and effect at the hour of 4 o'clock on the 21st day of March, 1916, and that from this time until that time it is the right of the Senate to proceed, either with the present unfinished business or any other bill that it may choose to consider under the rules of the Senate.

OSAGE OIL LANDS.

Mr. GORE. Mr. President——

The VICE PRESIDENT. The Senator from Oklahoma.

Mr. GORE. I feel that I ought to say that I have no disposition to hinder the consideration of the unfinished business or to hinder the laying aside of the unfinished business by unanimous consent or to hinder the consideration of any other business, the power-site bill, or any other bill, saving only Senate resolution 107. In view of the assurance given by my colleague touching Senate resolution 107, I shall interpose no objection to other business being taken up.

Mr. OWEN. I did not clearly understand what my colleague said, my attention being diverted at that moment.

Mr. GORE. My statement was that I have no disposition to hinder the consideration of the unfinished business or to hinder the laying aside of the unfinished business by unanimous consent for the consideration of any other measure, other than Senate resolution 107, and that I should interpose no objection to the laying aside of the unfinished business to take up the power-site bill, which I understand is the proposition, in view of the assurance given the Senate by my colleague touching resolution 107, to the effect that he would not ask the Senate to take up that resolution on account of the pressure of a number of important public measures for consideration.

Mr. OWEN. Mr. President, the public business is of such urgent character, involving the water-power bill, a great conservation measure, and many other matters of very great national consequence, such as national preparedness, the rural-credits bill, and many others which are waiting to be considered by the Senate, that I do not feel willing at this time to press Senate resolution 107, because it would lead to an unjustifiable consumption of the time of the Senate, for which I am unwilling to be responsible. The Osage resolution relating only to private interests in a controversy between the Osage Council and certain of their tenants who seek a remedy at our hands I do not feel that I would be justified at this time in taking up further the time of the Senate and of the country to discuss it.

Mr. ASHURST. Mr. President, will the Senator yield to me for just a minute before we leave the resolution?

Mr. OWEN. Certainly.

Mr. ASHURST. Mr. President, I do not wish to discuss the resolution under discussion, but I ask unanimous consent to have inserted in the RECORD a letter from the Secretary of the Interior that was sent to the Committee on Indian Affairs, and also a part of the proceedings of the committee.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

OIL LANDS IN THE OSAGE RESERVATION—STATEMENT OF HON. CATO SELLS, COMMISSIONER OF INDIAN AFFAIRS.

Commissioner SELLS. Mr. Chairman and gentlemen, I have now to read the report of the Secretary of the Interior on the resolution. It is addressed to Senator ASHURST as chairman of the committee, and is as follows:

"MY DEAR SENATOR: I have your letter of January 8, requesting my views on Senate concurrent resolution No. 4 introduced on January 5 by Senator OLIVER, the purpose of which is to request the Secretary of the Interior—

"'To refrain from making any disposition of such quarter-section units of the lands of the Osage Reservation in the State of Oklahoma, as have been developed by the Barnsdall Oil Co. and are now producing oil, save the portions thereof which have been accepted by said company for lease to be made direct to it until further action thereon by Congress; and that said lands after the expiration of the term of the existing lease may continue to be operated by the said sublessee; the money arising from the oil produced therefrom after payment of expenses and royalty to be held in a Federal depositary to be designated by the Secretary of the Interior pending further action by Congress.'

"The effect of this resolution the adoption of which is opposed by the Osage Indians, would be—

"To nullify to a large extent the regulations promulgated about five months ago for the leasing of these lands upon recommendations made by the Osage Tribal Council, and after extensive hearings and an exhaustive study of the question from all angles.

"To permit the Barnsdall Oil Co. to hold indefinitely certain producing oil lands which will revert to the Indians on March 16, 1916, and leases on which the company may acquire under the regulations of this department provided it will pay the value thereof in competition with others.

"In order to present clearly the matters involved it may be well to recite briefly the principal events connected with the leasing of the Osage lands for oil and gas purposes which gave rise to the conditions now existing, before discussing specifically the interests of the Barnsdall Oil Co.

EXECUTION AND RENEWAL OF SO-CALLED FOSTER LEASE.

"On March 16, 1896, the Osage Tribe, through its council, acting under the general provision contained in section 3 of the act of February 18, 1891 (26 Stat. L., 794, 795), made an oil and gas mining lease to Edwin B. Foster for the period of 10 years covering the entire reservation of about 1,500,000 acres. The tribal council at the time gave the lessee 'the privilege of renewal for a term of 10 years or more at the expiration thereof, if the results of said lease prove satisfactory.' The lease provided for a royalty of 10 per cent on oil and $50 per annum for each gas well utilized.

"Through several assignments the lease became the property of the Indian Territory Illuminating Oil Co. in April, 1902, and that company subleased portions of the lands in large and small areas to about 150 different sublessees composed of corporations, partnerships, and individuals. As a rule the Indian Territory Illuminating Oil Co. retained the gas rights, subleasing only the oil rights at a royalty in advance of that which it paid to the tribe. In most cases the Indian Territory Illuminating Oil Co. received a royalty of 16⅔ per cent of the oil, in others 15 per cent, and paid 10 per cent to the tribe.

"Prospecting and development were carried on with more or less activity, but it was not until after the property was assigned to the Indian Territory Illuminating Oil Co. and subleased by it that appreciable results were obtained.

PRESENT LAW UNDER WHICH OSAGE LANDS MUST BE LEASED FOR MINING PURPOSES.

"The act of June 28, 1906 (34 Stat. L., 539), provides for the allotment of lands and division of the funds of the Osage Tribe of Indians. Section 3 (p. 543) reserves to the tribe as a whole all mineral rights in the lands for a period which will expire on April 8, 1931, unless otherwise provided by Congress, and provides that leases for oil, gas, and other minerals 'may be made by the Osage Tribe of Indians through

its tribal council, with the approval of the Secretary of the Interior, and under such rules and regulations as he may prescribe,' and that the royalties to be paid under any such leases shall be determined by the President.

"It is under this law that we are now proceeding to make new leases to take the place of those which will expire by limitation on March 16, 1916.

APPLICATIONS FOR NEW LEASES.

"Early in 1913 the Indian Territory Illuminating Oil Co. and its sublessees began to urge their claims for a renewal in some form of the leasehold interests held by them under the Foster leases, which at that time had about three years to run. A hearing was had before me on June 4 and 5, 1913, the Osage Tribal Council being present, and all interested were invited to submit their views and to file briefs in support of their contentions. I took the entire matter under advisement and instituted field investigations, which extended over a period of several months, for the purpose of gathering all pertinent information upon which to base intelligent action.

"About the first of 1905 steps were taken by the Indian Territory Illuminating Oil Co. and its sublessees to procure a renewal of the lease, which then had a little more than a year to run. The department would not consent to a renewal on the same terms, and many of the Osage Indians were unfavorable to the proposition. The matter was taken up by the Congress, at which time there was pending proposed legislation to provide for the division of the lands and funds of the Osage Tribe, and the Indian appropriation bill, approved on March 3, 1905 (33 Stat. L., 1048–1061), contained a provision which renewed and extended for a period of 10 years from March 16, 1906, the so-called Foster lease, owned by the Indian Territory Illuminating Oil Co., and all subleases thereof executed on or before December 31, 1904, or executed after that date based upon contracts made prior thereto, which had been or should be approved by the Secretary of the Interior, to the extent of 680,000 acres in the aggregate, with the conditions of the original lease except that from and after March 16, 1906, the royalty on gas should be $100 per annum on each gas well instead of $50, as provided in the lease, and that the President should determine the amount of royalty on oil. The royalty on oil was fixed at 12½ per cent, and this rate is now paid to the tribe by the Indian Territory Illuminating Oil Co.

DEVELOPMENT OF LANDS UNDER FOSTER LEASES.

"Data gathered about January 1, 1915, show that the lands were held by 173 sublessees or their assignees, 23 of whom had done no development work. The smallest tract held under sublease is 40 acres. The largest holdings are those of the Barnsdall Oil Co., which has subleases covering 287,607 acres in its own name, in addition to 49,860 acres held jointly.

"During the existence of the lease to January 1, 1915, there had been drilled 2,666 oil wells, 173 gas wells, and 956 dry holes, a total of 3,795 wells. The production of oil from the reservation during the calendar year 1914 was a little over 9,000,000 barrels.

"During a period of four days beginning March 8, 1915, after the issuance of notice to all the sublessees as well as to prominent oil men and others who had expressed any opinion with respect to the matter, hearings were again had before me at which the Osage Tribal Council was present. All sublessees were invited to express freely their reasons for contending that they should be given new leases, those opposed to the views and contentions of the sublessees, or who had any definite and different plans for the development of the lands, were patiently heard, and those who desired to submit offers or applications for leases were requested to submit them to the Commissioner of Indian Affairs, and for that purpose the hearings were continued before the commissioner on March 22 and 23, 1915. Further field investigations were had and briefs filed by the sublessees and prominent oil men were carefully studied.

THE RIGHTS OF SUBLESSEES.

"The lease rights of the sublessees will expire March 16, 1916, and they do not base their requests for new leases on legal rights. They assert equitable rights by reason of the investments made and the development work performed. The resolution of the tribal council provided for a renewal of the lease in 1906, but no such provision is contained in either the resolution of the tribe or the act of Congress for a renewal of the present lease, which expires in 1916."

Senator WALSH. As I recall, when the original leases were made in 1896 they contained the provision that the lessees should have the right of renewal for 10 years more; so that at the end of that period, in 1906, apparently they were entitled to a renewal for 10 years more without the necessity of any act of Congress or any appeal to any discretionary body. How is that?

Commissioner SELLS. Perhaps not entitled to it, but a show of right.

Senator WALSH. Entitled by the express provision of the lease.

Senator CURTIS. Excuse me a moment. I think Senator WALSH misunderstood the statement of the commissioner. The original resolution of the council provided that it might be extended for 10 years, but the lease made with the approval of the department provided for no extension whatever, but simply provided that it should expire in 1906.

Senator WALSH. I am very much in error if the previous recital did not require that.

Senator CURTIS. I know that to be a fact.

Commissioner SELLS. The council resolutions in 1896 made provision for renewal.

Senator CURTIS. But not the lease.

Commissioner SELLS. Not the lease. There is no resolution, nor is there any act of Congress which in any manner contemplated a renewal after the expiration of 1916.

Senator WALSH. That is true.

Senator OLIVER. If the commissioner will allow me to interrupt him, I will say that Mr. Barnsdall does not base his claim on any strict legal right. He is relying upon the equities of his case solely.

Commissioner SELLS. I think I have so stated.

Senator WALSH. Will the commissioner kindly tell us if the act under which the original lease was executed in 1896 contemplated a renewal?

Commissioner SELLS. Not the act itself.

Senator WALSH. Did it limit the period to 10 years?

Commissioner SELLS. Yes. [Continues reading:]

"They knew that their leases would expire on March 16, 1916, and it must be assumed that the investments were made with full knowledge of the possibility of not being able to obtain renewals or new leases. However, I realize that large sums of money have been invested in the development of the Osage lands, and in the drafting of the regulations hereafter referred to I have endeavored to recognize the conditions as they exist without sacrificing the rights and interests of the Indians.

REGULATIONS PROMULGATED BY DEPARTMENT BASED ON RECOMMENDATION OF THE TRIBAL COUNCIL.

"After I had heard all parties in interest and had gotten together all available data and information I invited the Osage Council to this city, and after 10 days' conference they presented to me, on June 17, 1915, a unanimous report in the shape of a set of resolutions containing recommendations for the leasing of their lands which I approved and which was subsequently approved by the President as to the rate of royalty.

"In the preparation of regulations to be based on the recommendations of the council I called the sublessees into conference on July 27, 1915, and asked them to submit any suggestions they might wish considered, after which we prepared a tentative draft of regulations and submitted the same to the sublessees at another conference held on August 11, 1915, when the matters were thoroughly discussed and some of the suggestions made by the sublessees were adopted.

"It will therefore be seen that before the final approval of the regulations on August 26, 1915, full consideration was given to every phase of the matters involved as well as to the suggestions of the sublessees."

The regulations provide, among other things, for the elimination of the Indian Territory Illuminating Oil Co. as an intermediary, the leasing of oil and gas rights separately, and the payment of a royalty of one-sixth on both gas and oil, except that where the production from any quarter-section unit averages daily more than 100 barrels per producing well the royalty shall be one-fifth. The principal feature of the regulations, however, as affecting new leases to the sublessees under the Foster lease are—

"That there shall be relinquished to the tribe on March 16, 1916, every quarter-section unit (or fractional part thereof, where the sublease does not cover a full quarter section) which was capable on July 1, 1915, of an average daily production of 25 or more barrels of oil per producing well.

"That, except as to the tracts described in the foregoing, leases may be made direct to the present sublessees covering their present holdings in quarter-section units not exceeding 4,800 acres.

"That all producing lands not leased to the present sublessees and relinquished to the tribe shall be offered for lease at public auction to the highest bidder.

"That each and every person, firm, corporation, and each and every combination of person and firm, person and corporation, firm and corporation, etc., holding approved subleases under the Foster lease shall be considered and treated as a separate and distinct entity independent of his or their holdings with any other sublessee.

"That any such sublessee relinquishing producing units to the Osage Tribe shall be permitted to bid for such units at the public sale (to be held Feb. 15, 1916), and any such properties so acquired shall not be considered a part of his 4,800 acres.

"That the sublessees be notified of the terms upon which new leases may be made, and should any sublessees neglect or decline to file with the superintendent of the Osage Agency his acceptance of such terms on or before August 1, 1915 (subsequently extended to Sept. 1, 1915), the lands upon which he might otherwise acquire a new lease by so filing his acceptance shall be offered for lease to the highest bidder."

Copies of the resolutions and of the regulations are inclosed.

At about the time prospecting in the Osage Reservation indicated that oil and gas would probably be found in paying quantities the Congress passed laws authorizing the Cherokee and Creek allottees to lease their lands for certain purposes, with the approval of the Secretary of the Interior. In the course of drafting regulations to govern the leasing under those laws hearings were had with the oil operators, and it was determined that 4,800 acres should be the maximum holdings of any one lessee of such lands for oil and gas mining. The purpose of this maximum was to prevent such an acreage being acquired by any one lessee as would tend to monopoly, and the rule has been uniformly applied by the department since then in the leasing of restricted Indian lands for oil mining. It has been found that this requirement has worked for the benefit of the oil industry, and it is now generally approved by the large majority of operators. Therefore in considering conditions to be applied to the new leases of Osage lands it was thought that a rule which had worked so satisfactorily in the Five Civilized Tribes and elsewhere should be applied to the Osage as far as practicable.

HOLDINGS OF T. N. BARNSDALL AND BARNSDALL OIL CO. IN OSAGE RESERVATION.

In addition to his holdings of oil and gases leases in the Five Civilized Tribes, it appears that in 1904 T. N. Barnsdall became interested in the Osage oil lands and purchased from sublessees of the Indian Territory Illuminating Oil Co. or their assignees leasehold interests of considerable acreage. In 1906 Mr. Barnsdall organized the Barnsdall Oil Co. and assigned to that company all his interests in the Osage Reservation. All of the stock of the Barnsdall Oil Co. was issued to T. S. Barnsdall, except sufficient to qualify directors. The following statement shows the acreage in which the Barnsdall Oil Co. is interested, either wholly or in part, and the development thereon:

Sublessee.	Acreage.	Number of wells.		
		Oil.	Gas.	Dry.
Barnsdall Oil Co., full interest	287,607	709	55	235
Barnsdall Oil Co., 49 per cent; L. Greulich, 51 per cent	480	.....	.....	2
Barnsdall Oil Co., one-third; Frost, one-third; Brennan, one-third	1,530	8	.....	.....
Barnsdall Oil Co., one-third; T. H. Gill, two-thirds	640	.....	.....	.....
Barnsdall Oil Co., 51 per cent; Imp. Osage Dev. Co., 49 per cent	2,040	34	1	3
Barnsdall Oil Co., two-thirds; H. L. Jouffriou, one-third	1,280	.....	.....	1
Barnsdall Oil Co., one-half; W. T. Leahy, one-half	640	.....	.....	1

Sublessee.	Acreage.	Number of Wells.		
		Oil.	Gas.	Dry.
Barnsdall Oil Co., 55 per cent; J. F. Moffett, 45 per cent	640			1
Barnsdall Oil Co., three-fourths; F. E. Miller, one-fourth	640			2
Barnsdall Oil Co., one-half; Neenah Oil Co., one-half	3,200	5		2
Barnsdall Oil Co., three-fourths; Sand Creek Osage Co., one-fourth	2,560			
Barnsdall Oil Co., 55 per cent; Osage Dev. Co., 45 per cent	3,360	11		3
Barnsdall Oil Co., fifteen-sixteenths; John M. Sonne, one-sixteenth	22,860	72	3	34
Barnsdall Oil Co., 55 per cent; Sowers, Croft & Wrightman, 45 per cent	960			3
Barnsdall Oil Co., three-fourths; Stillwell, one-fourth	1,600	7		4
Barnsdall Oil Co., 60 per cent; Walker & Wagner, 40 per cent	640			1
Barnsdall Oil Co., one-half; Wash. Oil Co., one-half	4,160			8
Barnsdall Oil Co., one-half; Wilson, one-half	640			1
Total	337,467	846	59	301

OPERATIONS OF BARNSDALL OIL CO.

"After the incorporation of the Barnsdall Oil Co. Mr. Barnsdall borrowed from the Standard Oil Co. the sum of $7,500,000 and as security therefor pledged all his holdings in the capital stock of the Barnsdall Oil Co., 95,013 shares of the par value of $100 each, in addition to a great many other securities. I am informed that on June 1, 1915, the balance owing to the Standard Oil Co. so secured was $5,913,534.50.

"The properties of the Barnsdall Oil Co. are being developed and operated under the direction of L. W. Young, jr., first vice president and general manager of the company, and the representative of the Standard Oil Co. All the oil produced has been sold to the Prairie Oil & Gas Co., which is generally conceded to be a connection of the Standard Oil Co. Under the term of the deed of trust the Standard Oil Co. has the right to operate the properties by its representative until the entire loan shall have been repaid, not only that part put into the Barnsdall Oil Co.'s properties, but also that expended in the development of other enterprises controlled by T. N. Barnsdall.

BARNSDALL OIL CO.'S ACCEPTANCE.

"The Barnsdall Oil Co. filed with the superintendent of the Osage Agency its acceptance of the resolutions of the Osage Council adopted June 17, 1915, and of the regulations of the department approved in accordance therewith. This acceptance, a copy of which is inclosed, was executed on behalf of the company by its vice president and assistant secretary on August 28, 1915, as follows:

"'Now, therefore, the undersigned, Barnsdall Oil Co., for itself as to all leases as to which it holds the entire interest, and for itself and for its partners as to all leases which are held by it in conjunction with others, does hereby accept said resolution of the Osage Tribal Council dated June 17, 1915, and the terms upon which said new leases may be made.'

"The letter of Vice President L. W. Young, jr., of the Barnsdall Oil Co., accompanying the acceptance states that the same is filed under protest, but it will be observed no mention of protest is made in said resolution. Later the company filed with the superintendent a list of the lands on which it desired new leases, to take effect March 17, 1916, and we proceeded to appraise the equipment on and to list the units to be relinquished to the tribe for sale at public auction on February 15, 1916. Advertisements have gone out to the press and the printing of descriptive circulars had been ordered. It is generally known among oil men that these properties are to be offered for sale and many inquiries have been made with reference thereto.

INVESTMENT OF T. N. BARNSDALL AND THE BARNSDALL OIL CO. IN OSAGE LANDS.

"The Barnsdall Oil Co. holds about one-half of the area covered by the Foster lease, it has drilled a little less than one-third of the total number of wells, and is producing oil from a little less than one-third of the producing acreage on the 160-acre unit basis.

"In the early part of February, 1915, the sublessees were asked to furnish certain information with respect to their operations, including a statement showing the money and property paid for the sublease with the gross expense of development and operations. In the statement submitted by the Barnsdall Oil Co. it is said: 'The properties actually cost Mr. Barnsdall for the purpose of the leases, and the developing and equipping same, $2,372,660.42 in excess of oil sold, which with 6 per cent interest amounted to $4,178,504.15 on January 1, 1915. Crediting him with the dividends paid by Barnsdall Oil Co., amounting to $2,701,322.72, and allowing interest to date on this amount of $330,000, totaling $3,031,322.72, would leave the Barnsdall oil properties still owing Mr. Barnsdall $1,147,181.41.'

ACREAGE BARNSDALL OIL CO. AND ASSOCIATES MAY ACQUIRE WITHOUT ENTERING BIDDING.

"The Barnsdall Oil Co. may select from its present holdings 4,800 acres and be given a lease thereon, without competition and without compensation to the tribe, except the payment of royalties and rentals as provided by the regulations. It may be safely assumed that in selecting this 4,800 acres the company will take those units which are producing the greatest amount of oil, exclusive of the 25-barrel units which must be relinquished to the tribe. Originally it was intended to limit the holdings of each sublessee strictly to 4,800 acres, but as a concession to operators who have joint and several interests a liberal interpretation of the rule was agreed upon, which permits each combination to be considered as a separate entity. The following table shows the acreage which the Barnsdall Oil Co. and its associates may acquire without competition and without the payment of any bonus or consideration other than the rents, royalties, and covenants provided in the regulations and leases:

Sublessee.	Developed acreage.	Undeveloped acreage.
Barnsdall Oil Co., entire interest	4,800	
Barnsdall Oil Co., 49 per cent; L. Greulich, 51 per cent		480
Barnsdall Oil Co., one-third; Frost, one-third; Brennan, one-third	320	1,200
Barnsdall Oil Co., 51 per cent; Imp. Osage Dev. Co., 49 per cent	960	1,080
Barnsdall Oil Co., two-thirds; H. L. Jouffriou, one-half		1,280
Barnsdall Oil Co., one-half; W. T. Leahy, one-half		640
Barnsdall Oil Co., 55 per cent; J. F. Moffett, 45 per cent		640
Barnsdall Oil Co., three-fourths; F. E. Miller, one-fourth		640
Barnsdall Oil Co., one-half; Neenah Oil Co., one-half	160	3,040
Barnsdall Oil Co., 55 per cent; Osage Dev. Co., 45 per cent	160	4,640
Barnsdall Oil Co., fifteen-sixteenths; J. E. Sonne, one-sixteenth	1,920	2,880
Barnsdall Oil Co., 55 per cent		960
Barnsdall Oil Co., three-fourths; Stillwell, one-fourth		1,600
Barnsdall Oil Co., 60 per cent; Walker & Wagner, 40 per cent		640
Barnsdall Oil Co., one-half; Wash. Oil Co., one-half		4,160
Barnsdall Oil Co., one-half; Wilson, one-half		640
	8,320	24,520

"In addition to a new lease direct to the Barnsdall Oil Co. in its own name, covering 4,800 acres of producing oil lands, that company and its associates will be given new leases on 3,520 acres of producing and 24,520 acres of nonproducing lands, the total of both producing and nonproducing lands on which the Barnsdall Oil Co. will have interests under new leases without competition being 32,840 acres.

"The Barnsdall Oil Co. will relinquish to the tribe at the expiration of the Foster lease 95 quarter-section producing units. According to figures furnished by that company as of July 1, 1915, these units contain 394 producing wells with a total average daily production of about 3,565 barrels of oil. The total average daily production of the Barnsdall Oil Co. for the month of November, 1915, was 8,975 barrels. It may be assumed that the production during November on the tracts to be relinquished to the tribe has not increased since July 1, 1915. Therefore this company and its associates will obtain new leases on tracts with a daily average production of 5,410 barrels of oil.

BARNSDALL OIL CO. MAY ACQUIRE ALL LANDS AFFECTED BY THE CONCURRENT RESOLUTION BY COMPETING THEREFOR.

"As a further concession to the operators who will release producing units to the tribe on the expiration of the Foster lease, our regulations permit those operators to enter the bidding and compete for the lands so relinquished and to purchase new leases thereon independent of the 4,800 acres which they may otherwise acquire. Thus the Barnsdall Oil Co. may acquire, under the procedure set out in our regulations, all the producing lands which it will be required to relinquish to the tribe and which are the subject of the concurrent resolution.

"The equipment is to be appraised on the units to be relinquished to the tribe, and if satisfactory to the sublessee the equipment will be offered for sale with the lease at the public auction. Should the appraisement of equipment not be satisfactory, the unit will be sold without equipment, in which event the sublessee may thereafter remove the same, except the casing in the wells, for which the sublessee will be paid. Should no bid be received for any such developed unit equaling the appraised value of the equipment where offered for sale, or should no bid be received for a lease on a unit where the equipment is not to be sold, the present sublessee will be permitted to continue the operation of such unit under the terms of the regulations. If a new lease and the equipment on any producing unit is sold to a person other than the sublessee, the latter will be paid the money received for the equipment.

INDIANS OPPOSED TO FURTHER CONCESSIONS.

"It is needless to say that the council would not consent to permitting Mr. Barnsdall to hold the developed tracts which are the subject of the concurrent resolution unless he will purchase the same in competition with others.

"I consider that the Osage Tribe is fully entitled to what it may be able to realize from the sale of the producing units to be released at the expiration of the Foster lease.

"I am opposed to granting special concessions such as the Oliver resolution would involve. The Barnsdall Oil Co. should be held to our regulations the same as any other sublessee.

"The apparent purpose of this resolution is that the Barnsdall Oil Co. may secure valuable property belonging to the Osage Tribe in excess of the acreage permitted under the tribal resolution and the regulations of this department without competition and without compensation.

"It was not possible to have made a greater effort to be fair to all interests in the preparations of our regulations than was made. This fact is one which must be borne in mind in considering this matter. The Foster lease covered 880,000 acres. The Barnsdall Oil Co., as a sublessee, secured the rights under that lease to approximately 340,000 acres; the remaining 340,000 acres were leased from the assignee of Foster in large and small blocks, ranging from 40 acres to more than 25,000 acres, to 172 sublessees. Twenty of those sublessees, who have done no development work, or have drilled dry holes, have apparently abandoned their holdings and have filed no acceptance of the council resolutions. Four sublessees, in addition to the Barnsdall Oil Co., and who are associated with this company in the Osage lands, have accepted under protest. This indicates our regulations have been generally satisfactory to all, except Mr. Barnsdall and a few of his associates.

"Two other things have been sought throughout the long negotiations in this matter. First, that the Indians should receive the full royalty for their oil. It was offensive to me that the Indians should be paid but one-eighth royalty, while the white men who were the sublessees actually paid a royalty of one-sixth. This difference of one twenty-fourth amounted to many thousands of dollars in a year, and went to the Indian Territory Illuminating Oil Co., the assignee of the original grantee (E. B. Foster) as a pure bonus for having secured the lease from Congress. The new leases will give the Indians the full one-sixth.

"The second thing sought was the establishment of a reasonable maximum acreage so as to guard against monopoly. This was a public concern of large importance. How large an acreage should one concern be allowed to hold? The rule as to Indian lands generally in Oklahoma, as shown above, was 4,800 Why should not this rule be applied to the Barnsdall Oil Co.? When this was suggested the Barnsdall Oil Co. urged that they should be allowed more than 4,800 acres because they had interests with many minor companies. Elsewhere in Oklahoma as to Indian lands these holdings would have been counted against the Barnsdall Oil Co. It would have been allowed no interest in any other company if it had 4,800 acres of its own. The conclusion was reached, however, that this rule should be modified or waived so that the Barnsdall Oil Co. could hold 4,800 acres of its own choosing, plus all of its interests in other companies, which amounts to approximately 28,040.

"Then came another appeal, that inasmuch as the Indian owners of these lands insisted that the units producing 25 or more barrels of oil per well per day, and the surplus developed lands, should be put up at public auction; that they (the Barnsdall Oil Co.) be not deprived of an opportunity to bid these in. This was allowed also, so that the Barnsdall Oil Co. may to-day hold 4,800 acres, plus its interests in other companies, amounting to 28,040 acres, plus whatever acreage it bids in at public auction, and as to the latter it should know its value better than anyone else. And it should be remembered that all improvements made by the Barnsdall Oil Co. are to be paid for by any new lessee. I have thought this adjustment fair.

"Cordially, yours,

"FRANKLIN K. LANE.

"Hon. HENRY F. ASHURST,
"Chairman Committee on Indian Affairs,
"United States Senate."

COPY OF THE LA FOLLETTE RESOLUTION.

"Whereas the Department of the Interior through its representatives at the Osage Agency in Oklahoma, having in view the fact that the present lessees of the oil rights of the Osage Indians would terminate on March 16, 1916, and that it was the desire of the lessees to secure a renewal of said leases, did, on the 11th day of December, 1914, write said lessees as follows:

"'Schedules are being prepared to be used at the hearing as to the renewal of the so-called Foster lease before the honorable Secretary of the Interior in Washington in the immediate future. It is the desire of this office that each lessee be given full credit for all the development done upon the acreage charged to him up to December 31, 1914. To this end, we suggest that a statement be mailed to this office at once (if no change will take place between now and December 31) showing the dry oil and gas, and the gas wells in service commercially, if any, upon each separate lot or section or division thereof, charged to you.

"'The renewal, if any, will be based upon the records as shown by this office. It therefore behooves each lessee that we are furnished with the correct information at once;' and

"Whereas it appears that at that time the leased area of the Osage lands was divided into 'lots' varying in area from a small acreage to several sections, which lots were, when leased singly, the smallest unit for development, and where more than one of these lots were included in a lease, the total leased area became the unit of development; and

"Whereas thereafter and on February 22, 1915, the said representatives of the Department of the Interior wrote the various lessees who had within their leased areas 'lots' upon which no development of any character had been made, calling attention to these undeveloped lots and then stating:

"'You are advised that the records in this office show that no development of any character has been performed upon the above-described property, and in order that the office may be fully informed, will you please advise me by March 1, 1915, if possible, why this tract has not been tested;' and

"Whereas on August 26, 1915, the Secretary of the Interior promulgated 'regulations to cover the leasing of lands in the Osage Indian Reservation in Oklahoma for oil and gas mining purposes,' among which regulations was the following:

"'2. Any such sublessee who in good faith shall have made an effort prior to October 1, 1915, to develop any lands under the Foster lease for oil, and shall have drilled one or more wells thereon, even though such wells may have resulted in dry holes, will be granted a new oil lease on the expiration of the Foster lease on March 16, 1916, under the conditions set forth in sections 3 to 9 of these regulations, provided acceptance of the resolution of the tribal council dated June 17, 1915, is filed with the superintendent not later than September 1, 1915.

"'3. Any such sublessee may select from his present holdings and obtain an oil lease embracing not to exceed 4,800 acres of land in quarter-section units according to the public survey, or in fractional parts of such units where the present sublease does not cover a full quarter section, units the producing wells of which were capable of averaging 25 or more barrels of oil per day on July 1, 1915, which units shall be released to the Osage Tribe on March 16, 1916, together with all other producing and nonproducing properties held by each such sublessee in excess of 4,800 acres; and

"Whereas on October 30, 1915, the representative of the Interior Department at the Osage Agency in Oklahoma wrote these various lessees notifying them that he was in receipt of a telegram from the Commissioner of Indian Affairs as follows:

"'Section 9 of Osage regulations amended to permit filing plats not later than December 1 as to undedveloped lands;' and

"Whereas many of said lessees have, pursuant to these various suggestions and invitations by the representatives of the Interior Department, drilled wells and made other developments within the past two years upon the apparently reasonable presumption that their leases would be so extended as to include their oil production; and

"Whereas because under these rules and regulations of the Secretary of the Interior their leases will be limited to 4,800 acres composed of developed units of 160 acres each, the wells of which shall not average more than 25 barrels per day, some of them are compelled to abandon producing territory which has been recently developed by them; and

"Whereas under the statements contained in the above-quoted correspondence and under the rules and regulations of the Secretary of the Interior they were led to believe that they would be granted an extension of their leases; and

"Whereas they have accepted in many instances the terms prescribed by the Secretary of the Interior, have executed leases, and have complied with all of the requirements set forth in the rules and regulations and are, notwithstanding the fact that no leases have been approved by the Secretary of the Interior, possessed of certain equities deserving protection: Therefore be it

"Resolved, That pending investigation by the Committee on Indian Affairs of the Senate and further action by Congress the Secretary of the Interior be, and he hereby is, requested to make no sale of oil leases and to make no oil leases on the lands of the Osage Indians in Oklahoma except to the present lessees, and for only the areas now held by them, and for a term of five years from and after March 15, 1916, said leases to be upon a royalty of one-sixth and to be made and operated under such rules and regulations as the Secretary of the Interior may prescribe; such royalties to be paid into the Treasury of the United States to the credit of the Osage Nation of Indians: *Provided,* That such leases and possession thereunder shall not be made the basis for further equities at the termination of the period therein prescribed; and be it further

"Resolved, That the Committee on Indian Affairs of the Senate, through a subcommittee of five members to be chosen by it, be, and it hereby is, authorized and directed to fully investigate the methods of controlling and marketing the oil production of the Osage Reservation in Oklahoma and all affairs connected therewith, and that the said committee be empowered to send for persons and papers and to subpœna witnesses, to administer oaths, and to sit during the sessions of the Senate and during vacation; and said committee shall make full and complete report, together with its recommendation, to the Senate. The necessary expenses of said investigation shall be paid out of the contingent fund of the Senate."

The CHAIRMAN. The question is on agreeing to the resolution introduced by the Senator from Wisconsin. Call the roll, Mr. Clerk.

Senator PAGE. Does this protect the present holders of the leases there?

Senator LA FOLLETTE. It does.

Senator CURTIS. It does.

The CHAIRMAN. The clerk will call the roll.

The yea-and-nay vote on the resolution introduced by the Senator from Wisconsin [Mr. LA FOLLETTE] resulted—yeas 8, nays 3, as follows:

Yeas (8): Husting, La Follette, Gronna, Curtis, Clapp, Page, Fall, and Owen.

Nays (3): Ashurst, Walsh, and Lane.

So the resolution was agreed to.

OIL LANDS IN THE OSAGE RESERVATION.

(Wednesday, Feb. 23, 1916.)

UNITED STATES SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, D. C.

The committee met at 11.30 o'clock a. m. for the further consideration of Senate concurrent resolution 4, relating to the disposition of units of lands of the Osage Reservation in the State of Oklahoma.

Present: Senators ASHURST (chairman), OWEN, LANE, MYERS, CURTIS, PAGE, and GRONNA.

The committee having temporarily suspended the consideration of the Indian appropriation bill—

Senator PAGE. Can we not have a hearing on your resolution, Senator OWEN, until Senator CLAPP comes?

Senator OWEN. When he was present we considered this matter.

Senator CURTIS. He approved it. He voted for it yesterday.

Senator PAGE. Let us hear it.

"That pending investigation by the Committee on Indian Affairs of the Senate, the Secretary of the Interior be, and he is hereby, requested to refrain for a period of two years, or until further action by Congress, from making any disposition by lease or sale of such quarter-section units of the lands on the Osage Reservation in the State of Oklahoma as have been developed by oil operators either under leases or subleases and are now producing oil, except such units as are now held by lessees who have accepted the terms of the resolution of the Osage Council of June 17, 1915, for leases to be made direct to them. Said developed lands thus withheld from lease, after the expiration of the term of the existing oil lease, may continue to be operated by the present oil operators who are now in possession of and operating the same at a royalty of one-sixth on all leases of quarter-section units when the average production is less than 25 barrels per well per day and a royalty of one-fifth on all such leases when the average production exceeds 25 barrels per well per day, all royalties to be paid into the Treasury of the United States to the credit of the Osage Nation of Indians."

Senator OWEN. The effect of that is simply to suspend the sale of these leases which were to be sold on February 15 until the committee should see fit to act further.

Senator CURTIS. On the 16,000 acres?

Senator OWEN. Yes.

Senator PAGE. For the purpose of developing whether we are to have any opposition or not, I move to approve that resolution.

The CHAIRMAN. The motion is by the Senator from Vermont that we adopt and agree to the resolution just read by the Senator from Oklahoma.

Senator WALSH. The 15th of February is now passed.

Senator CURTIS. It was suspended until we might consider the matter.

The CHAIRMAN. It was suspended until the 1st of March.

Senator GRONNA. I was going to suggest that it ought to provide in there "not less than one-sixth," and "not less than one-fifth." It may be that conditions will arise that would be perfectly just to all parties concerned. I move as an amendment that the words "not less" be inserted in both instances.

Senator OWEN. I have no objection.

The CHAIRMAN. That will be done.

Senator GRONNA. An amendment was handed to me as drawn by Senator LA FOLLETTE. Before we vote on this, since that has been referred to me, I think it is only just to Senator LA FOLLETTE that it should be read, if the Clerk will kindly read it.

"Therefore be it resolved, That pending investigation by the Committee on Indian Affairs of the Senate and further action by Congress, the Secretary of the Interior be, and he hereby is, requested to make no sale of oil leases and to make no oil leases on the lands of the Osage Indians in Oklahoma except to the present lessees, and for only the areas now held by them and for a term of five years from and after March 16, 1916; said leases to be upon the basis of a rental of $1 per

acre for all undeveloped 160-acre units and the best obtainable royalty, in no case, however, to be less than one-sixth, and upon all leases the acreage of which shall exceed 4,800 acres, and in the case of 160-acre units, the wells of which have an average production of 25 or more barrels of oil per day the royalty shall be at not less than one-fifth. Said leases to contain all the covenants and agreements of the so-called Foster lease of March 16, 1896, not inconsistent with the provisions of this resolution and said leases to be made and operated under such rules and regulations as the Secretary of the Interior may prescribe, such royalties to be paid into the Treasury of the United States, to the credit of the Osage Nation of Indians: *Provided*, That such leases and possession thereunder, shall not be made the basis for further equities as the termination of the period therein prescribed: And be it further

"*Resolved*, That the Committee on Indian Affairs of the Senate, through a subcommittee of five members to be chosen by it, and it hereby is authorized and directed to fully investigate the methods of controlling and marketing the oil production of the Osage Reservation in Oklahoma and all affairs connected therewith, and that the said committee be empowered to send for persons and papers and to subpœna witnesses, to administer oaths, and to sit during the sessions of the Senate and during vacation; and said committee shall make full and complete report, together with its recommendation to the Senate. The necessary expenses of said investigation shall be paid out of the contingent fund of the Senate."

Senator CURTIS. You also in your resolution provide for the investigation?

Senator OWEN. Yes. I would be glad to accept the amendment providing for this committee of five under the conditions named by Senator LA FOLLETTE.

Senator GRONNA. I was going to suggest if we adopt anything at all we ought to provide for some means whereby——

Senator OWEN. I accept this amendment.

Senator CURTIS. It is then only to be offered as a substitute for the first part of the La Follette amendment?

Senator OWEN. Yes; leaving the investigation to the committee of five under condition stipulated by Senator LA FOLLETTE. I move, therefore, this substitute, with the addition of the provision for the committee of five, as proposed by Senator LA FOLLETTE, be made the action of the committee.

The CHAIRMAN. Is there any discussion on that motion? If not, the secretary will call the roll.

The question being taken by yeas and nays resulted:

Yeas, 7, as follows: Senators MYERS, OWEN, PITTMAN, LEWIS, PAGE, FALL, CURTIS.

Nays, as follows: Senators ASHURST, GRONNA, WALSH.

The CHAIRMAN. The ayes are 7, the nays 3, and the committee orders the resolution reported in accordance therewith.

Senator WALSH. Will you now read the resolution as amended?

(The clerk read the following Owen resolution:)

"That pending investigation by the Committee on Indian Affairs of the Senate the Secretary of the Interior be, and he is hereby, requested to refrain for a period of two years or until further action by Congress from making any disposition, by lease or sale, of such quarter-section units of the lands on the Osage Reservation, in the State of Oklahoma, as have been developed by oil operators either under leases or subleases and are now producing oil, except such units as are now held by lessees who have accepted the terms of the resolution of the Osage Council of June 17, 1915, for leases to be made direct to them. Said developed lands thus withheld from lease, after the expiration of the term of the existing oil lease, may continue to be operated by the present oil operators who are now in possession of and operating the same at a royalty of not less than one-sixth on all leases of quarter-section units when the average production is less than 25 barrels per well per day and a royalty of not less than one-fifth on all such leases when the average production exceeds 25 barrels per well per day, all royalties to be paid into the Treasury of the United States to the credit of the Osage Nation of Indians: And be it further

"*Resolved*, That the Committee on Indian Affairs of the Senate, through a subcommittee of five members to be chosen by it, be, and it hereby is, authorized and directed to fully investigate the methods of controlling and marketing the oil production of the Osage Reservation in Oklahoma and all affairs connected therewith, and that the said committee be empowered to send for persons and papers and to subpœna witnesses, to administer oaths, and to sit during the sessions of the Senate and during vacation; and said committee shall make full and complete report, together with its recommendation, to the Senate. The necessary expenses of said investigation shall be paid out of the contingent fund of the Senate."

Mr. SIMMONS. Mr. President, I should like the attention of the Senator from Oklahoma. I understand that the Senator from Oklahoma does not particularly desire to press the consideration of the Osage Indian land-leasing bill.

Mr. OWEN. I stated that I would not press the matter upon the attention of the Senate because of the urgency of other matters of great national importance which are pending. The Osage resolution being only a private bill, in a way, relating to private interests in the State of Oklahoma, and a controversy between certain men who developed oil in the Osage country and the Osages themselves, I do not feel that I ought to take up the time of the Senate with it when these other national matters are pressing which are of greater consequence.

Mr. SIMMONS. I entirely agree with the Senator, and I wish to ask him a question. The Senator referred a moment ago to the rural-credits bill.

Mr. OWEN. Yes.

Mr. SIMMONS. I am of the opinion that no legislation proposed at this session of Congress is of greater public importance, or of interest to a greater number of people in this country, than the rural-credits bill. In view of the ruling of the Chair in reference to the armor-plate bill, I wish to ask the Senator from Oklahoma, who is the chairman of the Committee on Banking and Currency, if there is any reason why we can not take up the rural-credits bill and make it the unfinished business of the Senate and proceed to its consideration?

Mr. OWEN. I know of no reason. I should greatly desire to see that done; but I rather thought that because the water-power bill was so recently in the mind of the Senate, because of the discussion which has taken place, the Senate would probably prefer to dispose of the bill coming over from the House at this time.

The rural-credits bill has been before my committee now since two years and a half ago, when I appointed a subcommittee especially to consider that matter, and it has taken them two years and more to perfect finally a bill which we are willing to offer to the Senate. That bill is now before the Senate. It is a matter affecting millions of people and of great public consequence. It was in view of the pendency of that bill that I did not feel that I ought to take up this local matter and take the time of the Senate with it when my colleague was unwilling to have the Senate come to a vote and was willing to consume the time of the Senate in discussing it indefinitely, as he can do under the rules of the Senate, if I insisted upon its consideration.

For that reason I do not now feel disposed to press Senate resolution 107, but do feel that the Senate would be altogether justified in taking up the rural-credits bill for immediate disposition. It is a matter of vast consequence to the whole country, and it is not a partisan matter. It is a matter that appeals to both Republicans and Democrats alike, and the committees which considered it did not consider it as a partisan question. They considered it as an American question and dealt with it in the broadest possible aspect; and I should greatly like to see the matter disposed of.

Mr. SIMMONS. Mr. President, while I do not desire to make any comparison between the power bill and the rural-credits bill—I think they are both bills of very great importance—of course, if there is any special and particular reason why the power bill should have prior consideration, I should not feel like interposing any objection. But unless there is some particular reason why the Senator should yield in favor of that bill, I trust that he will now put the rural-credits bill before the Senate.

Mr. GALLINGER. Mr. President——

Mr. MYERS. Mr. President, may I ask the Senator from Oklahoma to yield to me?

Mr. OWEN. I yield.

Mr. MYERS. The Senator from North Carolina, I believe, expresses a hope that the Senator from Oklahoma will have the rural-credits bill put before the Senate. If the Senator from Oklahoma does not see fit to press his oil-leasing resolution, I do not think it is in the power of the Senator from Oklahoma to say what bill shall be placed before the Senate, although I thank the Senator from Oklahoma for his very kindly and generous reference to the water-power bill, he having taken particular pains to say that he had that bill in his mind as one to be considered by the Senate.

I asked some minutes ago that House bill 408 be laid before the Senate. Other things intervened in such a manner that that request has not yet been acted upon; but I intended, as soon as the Senator from Oklahoma had given up the floor, to follow it up by moving that the Senate proceed to the consideration of that bill, providing the Senator from Oklahoma did not wish to press his resolution.

In reply to the Senator from North Carolina, I will say that I think there are many good reasons why the Senate should proceed to the consideration of House bill 408. The Senate has just been on that subject. It has spent five or six weeks in exhaustive discussion of it, which was not confined solely to the particular bill under discussion—the Shields power bill—but every phase of water-power development was discussed; and I think it would be the appropriate and the logical thing now to take up the other water-power bill and resume the discussion where it was left off. I think it could be expedited and could be finished in a much shorter time than it could if the subject should grow cold, and rural-credits legislation, or some other legislation, should intervene, and this matter should be taken up in a month or six weeks later. In that event we should have it all to go over again.

Therefore, if I may have the floor now, if the Senator from Oklahoma does not wish to occupy it further——

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. The Senator from New Hampshire.

Mr. MYERS (continuing). I desire to be recognized in my own right.

Mr. GALLINGER. Mr. President, I addressed the Chair.

The VICE PRESIDENT. The Senator from New Hampshire has been waiting quite a while.

Mr. GALLINGER. Mr. President, it is pretty well understood on this side of the Chamber that our Democratic friends will make a program for the Senate, and that whatever bills they agree to have taken up and passed will undoubtedly be considered. That is always the privilege of the majority and we are not disposed to find any fault with that. But I wish to ask the leaders on the other side of the Chamber whether or not in their contemplation of the business of this session it has occurred to them that the minority might be considered to the extent of having the tariff laws of the United States revised during this session and in that way reduce the deficit in the Treasury?

Mr. KERN. I did not quite understand the Senator from New Hampshire.

Mr. GALLINGER. The inquiry was whether or not, in the contemplation of our Democratic friends, constituting the majority, who will make up the program from time to time, they have thought it would be a courteous matter, so far as the minority is concerned, to have the tariff laws of the United States considered with a view of revising them at this session?

Mr. KERN. That has not been considered at all by the majority up to this time.

Mr. GALLINGER. I commend my suggestion to the prayerful consideration of the Senator from Indiana and his colleagues.

WATER-POWER SITES.

Mr. MYERS. Mr. President——

The VICE PRESIDENT. The Senator from Montana.

Mr. MYERS. I move that the Senate proceed to the consideration of House bill 408.

Mr. CLARK of Wyoming. Mr. President, will the Senator yield, just for a question, before he makes his motion?

Mr. MYERS. I withhold the motion for a moment.

Mr. CLARK of Wyoming. I desire to ask a question for information. What length of time does the Senator expect that the bill, if placed before the Senate, will consume in its discussion before a final vote is had?

Mr. MYERS. That is very hard to answer, but I think it ought to be concluded in a few days. I think we ought to be able to get a vote on it before the armor-plate bill comes up by unanimous consent, to be voted on, on the 21st instant.

Mr. CLARK of Wyoming. Of course the Senator recognizes that there are some principles involved in that bill upon which there is a very wide and very marked and very firm difference of opinion.

Mr. MYERS. Yes; I know that, but there is more than a week yet until the 21st, and it seems to me we ought to finish the discussion in less than a week if we stay at it steadily.

Mr. CLARK of Wyoming. The Senator is optimistic.

Mr. THOMAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Colorado will state it.

Mr. THOMAS. Is a motion in order to lay some bill before the Senate for consideration, in view of the pending unfinished business, except by unanimous consent?

The VICE PRESIDENT. The Chair has so ruled—that a motion to lay it before the Senate is in order.

Mr. SMITH of Georgia. And that displaces the existing unfinished business?

The VICE PRESIDENT. That displaces the existing unfinished business.

Mr. SMITH of Georgia. Mr. President, if the Senators from the Western States could only agree about what they want upon this water-power matter, the balance of us would be very much disposed to support them. I have been trying to find out what to do to cooperate with the Senators from the Western States, but about the time I determine I am helping them to do what they want to do I meet another portion of the western Senators who seem to want exactly the reverse.

Now, I am going to vote for the motion to take up this matter, and let us hear from the Senators from the Western States and see if we can find out what they want.

Mr. CLARK of Wyoming. Will the Senator hear?

Mr. SMITH of Georgia. I will stay and listen.

Mr. THOMAS. Mr. President, I merely wish to inform the Senator that if he does we will entertain him for a great many weeks.

Mr. REED. Mr. President——

Mr. SMITH of Georgia. Before I yield the floor, Mr. President, I wish to say that I hope they will give us their views and let us vote as between them. If they can not agree as to what they want for all the States, it seems to me they might be able to put the bill in a shape where it could be made applicable to some States in one way and to some States in another way.

Mr. CLARK of Wyoming. Mr. President, I spoke of a principle. A principle can not be made applicable to one State in one way and to another State in another. A policy may.

Mr. SMITH of Georgia. There are differences of opinion as to the principle. I can understand why the Senator from Montana might think one principle——

Mr. CLARK of Wyoming. No; the Senator is mistaken. There is no difference as to the principle. One insists that the Government owns and controls the water, and the other insists that the Government neither owns nor controls the water. There is an irreconcilable difference of principle.

Mr. MYERS. Mr. President, I disclaim that for the sponsors of the bill.

Mr. SMITH of Georgia. One moment, Mr. President. I understand that the Government owns the land adjacent to the water in certain States. In those States where the land is owned by individuals rather than by the Government, the riparian rights control the water incident to the ownership of the land. I suppose the Senators from some——

Mr. CLARK of Wyoming. Mr. President——

Mr. SMITH of Georgia. One moment.

Mr. CLARK of Wyoming. The Senator is mistaken.

Mr. SMITH of Georgia. I desire to finish what I am saying before the Senator interrupts me, and I do not yield to him just now.

What I wished to say was that I am extremely anxious to support what Senators want for their States, and I am simply embarrassed to know what we ought to do. I have a bill that I am anxious to press, but there are Senators from the Western States who think we have treated them badly in not yielding to them; and I am going to yield again, hoping that the time may come when some one will feel that he should yield to the judicial bill, in which I am interested, and I hope the Senators will be able to bring their discussion to a conclusion.

Mr. MYERS. Mr. President, I desire it understood that I have made my motion, and that debate on it is proceeding by unanimous consent.

Mr. SMITH of Georgia. Oh, no; debate is in order, because it is after 2 o'clock.

SEVERAL SENATORS. A recess was taken.

Mr. MYERS. Then I acknowledge that I was mistaken.

The VICE PRESIDENT. The debate is in order, but it is not very pertinent.

Mr. SMITH of Georgia. Well, as to that there is a difference of opinion, Mr. President.

Mr. REED. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Missouri will state it.

Mr. REED. I am quite sure there is some confusion regarding the parliamentary situation.

The Senate has agreed by unanimous consent to vote on the armor-plate bill on the 21st of March. That bill is the unfinished business. The Chair, I understand, has ruled that notwithstanding the unanimous-consent agreement and the pendency of the armor-plate bill as unfinished business a motion may now be made and properly entertained to take up for consideration the water-power bill. If that motion is carried, will it displace the armor-plate bill, so as to nullify the agreement to vote on the 21st, even though we shall again hereafter by motion restore the armor-plate bill as unfinished business?

The VICE PRESIDENT. The Senator from Missouri evidently was not in when the Chair ruled.

Mr. REED. I was not, when the Chair ruled on that question.

The VICE PRESIDENT. The Chair has ruled, in answer to a parliamentary inquiry—and the Chair regrets that the ruling was made at that time, because there was no opportunity at that time to appeal from the ruling of the Chair, and thus get the opinion of the Senate—that there was not anything in the unanimous-consent agreement that required the unfinished business, as then pending, to remain the unfinished business of the Senate, and that, regardless of what the Senate may do in the interim, at 4 o'clock on the 21st of March the vote begins on the armor-plate bill.

Mr. REED. Suppose in the meantime no motion has been carried to again take up the armor-plate bill?

The VICE PRESIDENT. The rule says that a unanimous-consent agreement is an order of the Senate when it is once entered into. Like every other order of the Senate, when the hour arrives the Chair lays the bill automatically before the Senate.

Mr. REED. I simply wanted to have a clear understanding.

The VICE PRESIDENT. That is the opinion of the Chair.

Mr. SIMMONS. Mr. President, I do not wish the Senator from Montana to understand, from anything I have said, that I am in the slightest unfriendly to his bill. I stated that if there were any special reason why it should be taken up ahead of the rural-credits bill, I should make no objection. I think the Senator from Montana has stated a very substantial reason why we should proceed to the consideration of the water-power bill, and I shall take very great pleasure in voting for his motion. I shall do that the more so because I am assured by the chairman of the Committee on Banking and Currency that as soon as that bill is out of the way, if it is taken up, and the armor-plate bill is out of the way, he will urge upon the Senate the consideration of the rural-credits bill. I should be in favor of it against the judicial bill, though I am in favor of that, because I do not think the judicial bill is of quite as much importance to the country at large as the rural-credits bill.

Mr. HOLLIS. Mr. President——

Mr. MYERS. Mr. President, if the Senator from New Hampshire will permit me, I did not misunderstand at all the motive of the Senator from North Carolina. I had no misapprehension about it; and I in turn wish to say that I am very heartily in favor of the rural-credits legislation as well as in favor of the water-power bill which I have asked to have laid before the Senate.

I am in favor of the bill which I ask the Senate to consider. I am also in favor of the bill which is sponsored by the Senator from Georgia [Mr. SMITH], but we can not do all these things at one time.

Mr. SIMMONS. We have gotten out of the Senator's way. Let him proceed.

Mr. MYERS. I intend to support all these measures in time.

The VICE PRESIDENT. The question is on the motion of the Senator from Montana [Mr. MYERS] to proceed to the consideration of House bill 408.

Mr. HOLLIS. Mr. President, before the vote is taken I desire to give the reason for my vote.

The rural-credits bill is ready to be taken up by the Senate. I know of no substantial opposition to it in its present shape. There will undoubtedly be some amendments offered, and very likely the bill will be largely improved on the floor of the Senate.

I had intended, with the permission of the chairman of the Committee on Banking and Currency, to move the consideration of the rural-credits bill after the armor-plate bill was disposed of, but I feel that the time of the Senate would be saved if we should consider the second water-power bill at this time. It is one of the great conservation measures and should be passed at this session. I agree with the Senator from Montana that the immediate consideration of that bill would probably save the time of the Senate.

I shall therefore vote in favor of the motion of the Senator from Montana. If, however, that motion fails, I shall then move to take up for consideration the rural-credits bill.

Mr. SHAFROTH. Mr. President, I am opposed to the bill which has been reported by the Senator from Montana and I am opposed to its consideration. It is the most disastrous in its effect upon the Rocky Mountain States of any bill that has been presented to the Congress of the United States for 20 years.

Mr. President, the Senator from Montana [Mr. MYERS] said in his argument the other day in favor of taking up this bill that we should give the Western States a show; that the South had been given consideration of their water-power bill, and that the Western States wanted an opportunity to have their bill presented.

I want to say, Mr. President, that the western Senators are not in favor of this bill, and if anyone here thinks that the majority of the western Senators are in favor of this measure he is sadly mistaken.

Mr. MYERS. Will the Senator yield to me for just a word?

Mr. SHAFROTH. Yes, sir.

Mr. MYERS. The Senator from Colorado referred to my remark the other day, in my desperate effort to get up this bill, in which I referred to it as being particularly of interest to the Southern States. I wish to amend those remarks by substituting the East. I understand that the bill is of great importance and large interest to the Northeast as well as the South and to all parts of the country east of the Rocky Mountain States. I have no desire to make a subsectional issue of the matter, but as the East has had consideration in a bill which, if it becomes a law, will develop pretty nearly everything east of the Rocky Mountain States, I feel that the Rocky Mountain States should have consideration.

Mr. JOHNSON of Maine. Will the Senator from Colorado yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Maine?

Mr. SHAFROTH. I do.

Mr. JOHNSON of Maine. As long as the Senator from Montana has included the Eastern States, and I represent a small part of that section, I wish to say that, as far as the State of Maine, which I have the honor to represent in part, is concerned, we would prefer that no legislation of the kind presented in the Shields water-power bill should ever be enacted. I supposed it was for the benefit of the Western States, the States represented by the Senators from Montana—particularly to develop the water powers of Montana—and the States of Oregon and Washington. We need no Federal legislation to develop the water powers of New England. We have done it under our State laws, and we would prefer to do it again as we have done it in the past.

Mr. MYERS. I understand that the Senator from Maine voted for the Shields water-power bill. If he does not want the work to be done under it, I do not understand that kind of legislation.

Mr. MARTINE of New Jersey. Will the Senator yield to me for a moment?

Mr. SHAFROTH. I will yield for a question.

Mr. MARTINE of New Jersey. I wish to ask the Senator whether I am correct. I thought when the Shields water-power bill was fought out so well and passed by this body it was so comprehensive in its character that it took in everything in sight, and even that which was out of sight.

Now, I am a little curious to know what the purpose of the bill of the Senator from Montana is. I suppose it is to clean up all the water powers that the Shields bill did not take up, and that what little is left to the people will be taken up and taken care of and well husbanded and doled out to the western people as a great favor.

Mr. SHAFROTH. In answer to the Senator from New Jersey, I will say that this bill proposes, on the part of the Federal Government, to confiscate the waters of the States in the Rocky Mountain region.

Mr. MARTINE of New Jersey. That is, what is left by the Shields bill?

Mr. SHAFROTH. Yes; what was left by that bill.

Mr. MARTINE of New Jersey. That is what I thought.

Mr. SHAFROTH. They did not confiscate by the Shields bill, but they are proposing now to confiscate all these powers. For that reason I am very much opposed to the measure.

I want to say in relation to the statement made by the Senator from Montana in urging the Senators in this Chamber at that time to give the Western States a show, so that the western Senators could have the opportunity to get legislation that would remedy the conditions out there, that a majority of the Senators—three-fourths, in my judgment, of the Senators—from the Rocky Mountain States are opposed to this bill, and very strongly opposed to it. I want to call over the States and see whether there is any denial of it.

I say the State of Colorado is absolutely opposed by its two Senators to this bill.

I say that the State of New Mexico is opposed to it by its two Senators.

I say that the State of Wyoming, by its two Senators, is opposed to this bill.

I say that the State of Idaho, with its two Senators, is opposed to the bill.

I say that the State of Utah, with its two Senators, is opposed to the bill, and as to the balance, at least one in each State, in my judgment, is opposed to it, except the Senators from the State of Montana.

Now, if you are going to get this bill up as a favor to the western Senators or as a favor to the Western States, I want to say that it is not a favor, and consequently the bill ought not to be considered.

Mr. WALSH. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Montana.

Mr. WALSH. I wish to ask the Senator from Colorado if he is justified in making that statement in reference to the two Senators from Oregon.

Mr. SHAFROTH. Oregon may not, but I understood that one of the Senators from Oregon is opposed to it.

Mr. WALSH. I wish to ask the Senator if he takes the responsibility of making that statement in reference to the State of Nevada?

Mr. SHAFROTH. I have so understood, but I may be mistaken as to that. However, it is true as to the majority of the States.

But, Mr. President, if this is to be a great favor to the Western States I want to direct attention to the action taken by the

governors of the Rocky Mountain States. There was a meeting of the governors of the Western States in April, 1914, in the city of Denver for the very purpose of considering these leasing measures, and they passed a resolution which condemned the policy which is proposed of making the leasing system by the Federal Government govern in those States.

Again, there was a meeting of governors in September, 1914, in the city of Salt Lake, Utah, and there they passed a resolution in favor of an entry system and against the system of leasing.

Not only that, but we had another one in the city of Portland, Oreg., last September, in which the governors sent representatives there for the purpose of determining what should be the policy of the Government, and they condemned the water-power bill on the ground that it was not for the best interest of the West.

So, it seems to me, when you are asking for consideration of this bill as a favor to the western end of this country, and that we should take it up and consider it because the West is interested in it and wants it considered, it is plain and clear that the West does not want this legislation.

I want to go a little further, inasmuch as the Senator from Montana seems to think that the Representatives of the Western States and the sentiment of the Western States is in favor of this bill. I want to call the attention of the Senate to the fact that in both the Republican State convention and the Democratic State convention this bill was condemned. I want to read to you what the platform of the Democratic Party in 1912, upon which I was elected, contained.

Mr. MYERS. National or State?

Mr. SHAFROTH. The Colorado State convention. The national platform contained nothing in the nature of an approval of a leasing proposition. In the conventions of the Democratic and Republican national parties they have never attempted to use the word "leasing" with respect either to the public domain or the water power. Here was that platform of the Colorado Democratic Party of 1912:

> We denounce the policy of the Republican administration, which, having retarded our development, now proposes to withdraw all the remaining agricultural, grazing, and mineral public lands from all forms of entry, with the expressed determination of imposing upon the West a permanent bureaucratic rule and Federal leasing system of all the Government resources within our borders, and thereby disastrously retarding the development of our State and depriving our Commonwealth of its just and constitutional right.

Mr. President, that is the sentiment not only of the Democrats but it is the sentiment of the Republicans out there. What did the Republicans say in their convention of 1912? They said:

> We condemn the policy of extreme conservation inaugurated by President Roosevelt, James A. Garfield, Gifford Pinchot, and other extremists—

This is the Republican State platform of Colorado—

> and we insist that the public lands and resources of this State should be so administered as to place them in the hands of actual settlers and those who would develop them at the earliest possible moment and without undue and unreasonable restrictions. We are unalterably opposed to the petty and annoying interference by vast numbers of Government employees, operating under bureaus at Washington, as such conduct prevents and has prevented the development of the mining resources of the country, has retarded the utilization of its water powers, and has driven settlers to seek homes in Canada and elsewhere.

I want to call the attention of the Senate to the fact that this was adopted in the Republican convention without a dissenting voice:

> We affirm that the water of every natural stream within this State is the property of her people and that the right to use the same within the State for beneficial purposes is unlimited, and we condemn the efforts of the Reclamation Service and the Interior Department to prevent the utilization of the waters of our streams by the people of this State as unwarranted, unjust, and unauthorized by law.

If it is claimed we should give consideration to this bill because the people of the West want it, what do you think of those planks in both the State Democratic and Republican platforms? And in the Colorado State platforms of 1914 there was reiterated the same statement of condemnation.

Mr. President, can the Senators ask for the consideration of this bill as a favor to the Western States in view of that situation? Is it possible that these resolutions which have been passed in conventions mean nothing and that they are not intended to have any bearing or any weight?

Mr. President, various legislatures of the Western States have spoken, and they have not spoken by divided voice, but unanimously.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFROTH. I do.

Mr. WALSH. I thought I might possibly cut short the debate by asking the Senator if an amendment were offered to this bill to the effect that it should not be applicable to the State of Colorado, would he feel that he could permit its consideration?

Mr. SHAFROTH. I would feel perfectly willing to consider that, if you would put in the bill that the withdrawal orders and revocable permits which are upon the water sites in the State of Colorado should be repealed and that the United States shall get for its land there just what in a condemnation suit, if it were private property, it would bring. If we have that I am perfectly willing, so far as the State of Colorado is concerned.

Mr. THOMAS. If the Senator will permit me, I suggest to my colleague that if he will offer an amendment confining the bill to Montana, we may consider it.

Mr. WALSH. Mr. President, one moment. The Senator from Montana is perfectly willing to do so. Furthermore, the Senator from Montana is perfectly willing that anyone else who desires to have the operation of the bill extended to his State may do so. So far as I am concerned I am perfectly willing that the bill should be confined in its operations to the State of Montana, and the Senators from the West could determine this very quickly. If any Senator from the West does not want the bill to operate as to his State I am perfectly willing that it may be amended in that regard.

Mr. President, I am simply asking that the Senator from Colorado shall not play the dog in the manger. We want this bill to open up the resources of our State. We beg of you to let us do it, and to let us do it under the provisions of a bill that we are entirely satisfied with. If the Senators from Colorado do not want this bill applicable to their State, I am very sure none of us would want to impose it upon them.

Mr. CLARK of Wyoming rose.

Mr. WALSH. And exactly the same way with reference to the State of Wyoming. A letter was submitted to the Public Lands Committee from the governor of the State of Wyoming, or from the ex-governor of the State, giving some views about this bill that do not entirely conform with those of the Senator. I take it that the Senators will state here if they do not want the bill applicable to the State of Wyoming it is perfectly satisfactory that it should not be.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. SHAFROTH. I yield for a question. I do not yield for any purpose that will take me off the floor.

Mr. CLARK of Wyoming. The Senator has mentioned the State of Wyoming. I would not be willing for this bill to pass even if Wyoming were exempted from what I think are the ill effects of the bill.

Mr. WALSH. If the Senator will pardon me, I will say——

Mr. CLARK of Wyoming. Just one moment. I am not aware that the governor of my State has taken any different view of this matter than I now express. The governor of my State is a man who is thoroughly in accord with the best development of the State and of the entire West. He did write a letter in regard to another bill pending before the committee. He may have written one in regard to this, but if so it has not been called to my attention.

I do not believe this is a bill that can be separated into parts or into localities. There is involved in it the question of the right of the Government or the right of the State to control the waters which have been given to the States, which are theirs by sovereign rights and backed by solemn act of Congress.

Mr. SHAFROTH. I should like to ask the Senator from Wyoming before he takes his seat whether the Legislature of the State of Wyoming at its last session did not pass a resolution condemning this very water-power bill?

Mr. CLARK of Wyoming. It has done so on more than one occasion.

Mr. WALSH. I think I have had a direct answer from the Senator from Colorado. He answers my question in the negative. I understand him also to say that if an amendment is offered that the bill shall be applicable only to the State of Montana he will still oppose it, and I understand that to be the attitude of the Senator from Wyoming.

Mr. CLARK of Wyoming. Oh, no; distinctly not.

Mr. WALSH. So far as I am concerned I shall be very glad to offer that amendment, and I will ask my friends to vote for it. If the Senators from Nevada want this bill applicable to their States, they can include Nevada. If the Senators from Oregon want it applicable to their States—and I have no doubt in the

world they do—it will be made applicable to Oregon. Why is not that right? Why should anyone object to that?

Mr. BORAH. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, I know something of the capacity of the Senator from Montana [Mr. WALSH] in drawing his stipulations and taking care of a particular side of a lawsuit, and I would be afraid to enter into a stipulation with the Senator, for the reason that I would know when he should have finished the bill in reference to Montana he would have established a precedent which Idaho and Wyoming and Colorado could not contend against after it had been once established. This is one of those measures which can not be confined, as a matter of fact, to a State, although the bill upon its face should purport to do so.

I am not particularly opposed to taking up this measure, although I am strenuously opposed to the measure in its present form. It has occurred to me that we might possibly hammer it into some kind of shape which would be agreeable to me, but I would be utterly opposed to establishing even a precedent out of applying it to Montana, which would inevitably control Idaho in the long run.

Mr. WALSH. Mr. President, if the Senator from Colorado [Mr. SHAFROTH] will permit me just a word, I will say that I think the Senator from Idaho has expressed the right sentiment about this matter. Why should it not be possible to whip this measure into some satisfactory shape? Why should it not be taken up for consideration and put in such shape as the Senate thinks expresses the principle applicable to all of these States? We are now talking about whether the bill shall be taken up. I agree with the Senator that I had a very great deal rather see a bill passed applicable to all the States that represents the sentiment of the Senate as to what should be done; but I proposed what I did propose, thinking that it could not possibly be resisted by my esteemed friend the Senator from Colorado.

Mr. CHAMBERLAIN. Will the Senator from Colorado yield to me?

Mr. SHAFROTH. I yield to the Senator.

Mr. CHAMBERLAIN. Mr. President, I wish to say that I think I express the sentiment of the great majority of the people of my State when I say that the bill ought to be made applicable to Oregon, and not only to Oregon but to the Northwestern States that are in the process of development.

Mr. BORAH. Mr. President, I did not understand what was said by the Senator from Oregon.

Mr. JONES. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Washington.

Mr. JONES. I wanted to ask the Senator from Montana [Mr. MYERS], the chairman of the Committee on Public Lands, a question. I understand that lately in the committee there have been some amendments agreed to as committee amendments. I wanted to ask the Senator whether or not that is a fact, and whether, if so, such amendments have been reported to the Senate? If they have not been, could they not be reported to the Senate and put in such shape so that we might know what they are?

Mr. MYERS. Mr. President, in answer to the Senator's question I will say that after the bill was reported out of the Senate Committee on Public Lands there were some further amendments taken up and considered by that committee and adopted as committee amendments, representing the sense of the committee. Whenever the bill is laid before the Senate—I hardly considered this an opportune time to do that—but whenever the bill is laid before the Senate for discussion and consideration, I had intended the very first thing to offer these further amendments, to ask that they be printed and lie over, and go to the desks of Senators so that they might be considered.

Mr. JONES. Would not the Senator, in fact, do that now, whether the bill shall be taken up or not, so as to have the amendments printed and lie on the table, that Senators might see what they are?

Mr. MYERS. The Senator from Colorado [Mr. SHAFROTH] has the floor right now. I had supposed that whenever the bill was taken up for consideration it would be debated for at least several days, and at the outset I should offer the committee amendments and ask to have them printed. I am willng to do that at any time for the information of Senators. If the Senator from Washington wishes it, as soon as the Senator from Colorado has concluded his remarks, and as soon as I can get the floor, I will offer the amendments and ask to have them printed.

Mr. JONES. I should like to see the amendments in print as soon as possible. I understand from what I have been told with reference to the character of the amendments that they would put this bill in substantially the same form and shape as the water-power bill that we passed a few days ago.

Mr. MYERS. I do not think that is true; but, nevertheless, for the information of Senators I shall be glad to offer the amendments and have them printed at the first opportunity.

Mr. JONES. That is what I should like the Senator to do, in order that we might get at the facts.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from California?

Mr. SHAFROTH. I yield to the Senator for a question.

Mr. WORKS. Mr. President, I do not object to having this bill considered as applicable to the State of Montana alone when the Senators from that State are favorable to it, except that it involves an important principle that is applicable to all of the States. It involves the sovereign right of the States, and it is the distinct attempt and determination of this legislation to take away from the States their sovereign power to deal with and control the flowing waters of the streams of the State. I should be very sorry to see any precedent of that kind established with respect to any of the States. But for that consideration I should have no objection at all to the bill being taken up as applicable to one or more States, not, however, including my own.

Mr. SHAFROTH. Mr. President, in answer to the statement that it is a favor to the Western States to call this measure up for consideration in the Senate, I want to call the attention of the Senate to the fact that the Legislature of the State of Colorado has at every session for the last 10 years condemned in the strongest possible language the whole leasing system, and particularly the water-power measure. I call attention to this language, which was used by the general assembly of that State:

> We deny that it is right or advisable for the Federal Government to retain the title to and lease the public lands for any purpose.
>
> * * * * * * *
>
> Nearly all of our metalliferous lands have been included in the forest reserves, since which time not a single important mining camp has been opened. The unwarranted interference by the Forest Service is largely responsible for the falling off of millions of dollars in the annual metal output. The man who is willing to put his labor and money into the development of a mining claim is the person best fitted to classify the land and should be permitted to acquire it.
>
> We venture the assertion that if 40 years ago the forest reserves had been established neither Leadville nor Cripple Creek nor a score of other mining camps would have been discovered and developed.
>
> * * * * * * *
>
> The private-owned land in the State is scattered promiscuously among the Federal-owned land, and there can be no hope of harmonious action or good feeling through the intermingled double jurisdiction over our territory. * * *
>
> The Government purposes, as a landlord, to go into almost every kind of a business within the State on untaxed property in competition with private-owned and taxed property. The public business does not need to pay expenses, but the owner of the private property must pay taxes to make up the loss of his Federal competitor. The Federal Government engaging in business as a proprietor must necessarily occupy a contractual relation with the citizen, under which the Government may enforce its contract against the citizen, whereas the citizen may not enforce his contract against the Government.

Mr. President, that is the expression of the Colorado General Assembly of 1913. That was the legislature which, in express terms, condemned the Ferris leasing bill and the Ferris water-power bill; so if it is now pleaded that something ought to be done because the West wants it, I must say that the sentiment of my part of the West is almost unanimous to the effect that it does not want this measure. For that reason, Mr. President, it seems to me that instead of now taking up this bill we should take up a bill which both political parties are in favor of, namely, the rural-credits bill. There are other bills upon the calendar that are pressing which will not take up so much time. For that reason we ought to say now that we will not consider this bill.

So far as Montana is concerned, personally, with relation to its Senators and as an accommodation to them, I should very much like to accede to their request; but the bill involves a great principle. It involves the principle of whether we are going to let the United States seize and take the waters which belong to the States, and which the Supreme Court of the United States has time and again decided that the States own, and confiscate them to the Government's own desires. For these reasons, Mr. President, I am opposed to the consideration of the bill.

Mr. THOMAS. Mr. President, I shall not at this time attempt to discuss the merits or demerits of the measure which the motion seeks to lay before the Senate for consideration; but, inasmuch as that discussion must necessarily follow, and follow at very great length the Senate's determination to consider the bill, and inasmuch as there are so many matters of tremendously more importance soon to crowd upon the consideration of this body to the exclusion of everything else, I deem

it my duty as an opponent of this measure to give some reasons why I do not think the Senate should adopted the motion of the Senator from Montana.

It is true, Mr. President, as outlined by the discussion which accompanied the statement of my colleague [Mr. SHAFROTH] that there is a division of opinion—a very honest, earnest, sincere division of opinion—among Senators of the public domain States with regard to the necessity or the expediency of this bill. It is true that those who advocate it do so upon very strong grounds. There is no doubt about their sincerity, about their earnest belief in its importance, in its value, and in its necessity; and that very fact makes it a very disagreeable duty upon my part even to seemingly oppose what they desire so much for their own States. I must assume, although there is record evidence to the contrary, that these Senators represent the constituencies which sent them here in their advocacy of this or some similar measure; but we are equally earnest and equally sincere in our conviction that the bill contains elements which are disastrous not only to the present but to the future welfare and prospertiy of the people of the arid and semi-arid States. We are equally earnest in our belief that the bill is based upon a vicious principle, one which transforms the Government of the United States into a gigantic landlord, an absentee landlord at that, with its headquarters and its agencies thousands of miles from its domain, to which applications of all kinds must be made under the provisions of this bill and to which all disputes must be referred, thereby transferring practically the seat of determination of these matters regarding our own domain to a far-distant city, coupled with an expense, a tedium and a waste of time which means bankruptcy and ruin to the small operator and the citizen of limited means.

We believe, too, Mr. President, that the bill is utterly irreconcilable with the fundamental proposition that the waters of the natural streams in the arid States belong to the people of those States subject to appropriation for useful purposes, among which is the identical appropriation which the Government, by virtue of its power to do so, proposes, arbitrarily, to make by legislative enactment and which must necessarily result in the re-absorption by the Government of these interests which are absolutely necessary to the physical existence of the populations in those sections of the country and which, therefore, they have been endowed with by recognition of a condition which made it imperviously essential. For these reasons, Mr. President, we are going to oppose this bill, if it comes before the Senate, to the best of our ability.

We have had one water-power bill before the Senate. I think it was laid before this body some time in January. It was discussed and then rediscussed and then discussed again. Then it was discussed, as the Senator from Arizona [Mr. SMITH] suggests, backwards, and after the lapse of about six weeks a vote was obtained upon it, and the instant the vote was announced it was vetoed throughout in the papers of the United States by the most distinguished of all conservationists. So I assume that the bill is dead, notwithstanding the fact——

Mr. BANKHEAD. What is his name?

Mr. THOMAS. Mr. Pinchot. So that I imagine the bill is dead, notwithstanding this waste of valuable time.

If the Senate only wants to discuss water questions at this session, if it only desires to devote its valuable time to the consideration of another bill of similar character between now and the 4th of next July, and perhaps longer, of course it will take this measure up and proceed to do so; but where, by antediluvian rules and customs and practices, this body is still, very much to my regret, endowed with the power of constant and unlimited obstruction and where a measure of this kind strikes, as I believe, at the very vitals of the constituency which I represent, I deem it fair, and only fair, to say to the Senate that the optimism of my distinguished friend from Montana with regard to an early vote on this bill is doomed to radical and far-reaching disappointment. The Senator is mistaken.

Mr. President, I believe that when a man uses any weapon in debate, either in opposition or in advocacy, he might just as well acknowledge what that weapon is; and, so long as there be weapons that are legitimate, I know of no reason why every Member of this body can not, until they are taken away from him, resort to them whenever necessary, and I will say to my very good friend from Georgia [Mr. SMITH] that at any time during this discussion which I am outlining the Senate is willing to table or otherwise dispose of the consideration of the bill and take up the amendment of the rules so as to make that possible, I will yield the floor with a great deal of pleasure. But "sufficient unto the day is the evil thereof."

Now, Mr. President, if the Senate wants to take up this measuse, in view of the attitude which we occupy regarding it, I suppose it has the power to do so; but those who desire to accomplish something else at this session must not complain if they find that as the days go by we are making no progress that they were not sufficiently warned in advance.

Mr. President, I move to lay the motion of the Senator from Montana upon the table, and I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Norris	Smoot
Bankhead	Hitchcock	Oliver	Stone
Borah	Hollis	Page	Sutherland
Brandegee	James	Pittman	Thomas
Chamberlain	Johnson, Me.	Poindexter	Thompson
Chilton	Jones	Pomerene	Underwood
Clapp	Kenyon	Robinson	Vardaman
Clark, Wyo.	Kern	Saulsbury	Wadsworth
Clarke, Ark.	La Follette	Shafroth	Walsh
Colt	Lane	Sheppard	Warren
Cummins	Lee, Md.	Sherman	Weeks
du Pont	Lippitt	Simmons	Williams
Fall	Martine, N. J.	Smith, Ariz.	
Gallinger	Myers	Smith, Ga.	
Gore	Nelson	Smith, S. C.	

Mr. MARTINE of New Jersey. I have been requested to state that the junior Senator from Illinois [Mr. LEWIS] is detained on account of illness.

Mr. KERN. I have been requested to announce the unavoidable absence of the junior Senator from Louisiana [Mr. BROUSSARD] on official business. This announcement may stand for the day.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present. The Senator from Montana [Mr. MYERS] moves that the Senate proceed to the consideration of House bill 408, and the Senator from Colorado [Mr. THOMAS] moves to lay that motion on the table.

Mr. THOMAS. On that I demand the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on laying on the table the motion of the Senator from Montana. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. MYERS (when his name was called). I transfer my pair with the junior Senator from Connecticut [Mr. MCLEAN] to the senior Senator from Texas [Mr. CULBERSON] and will vote. I vote "nay."

Mr. REED (when his name was called). I transfer my pair with the senior Senator from Michigan [Mr. SMITH] to the junior Senator from Illinois [Mr. LEWIS] and will vote. I vote "nay."

Mr. SMITH of Georgia (when his name mas called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], who is absent, and therefore refrain from voting.

Mr. TOWNSEND (when his name was called). I have a general pair with the junior Senator from Florida [Mr. BRYAN], but I believe if he were present he would vote as I would vote on this question; therefore I taken the liberty of voting. I vote "nay."

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I am released from my pair on this particular question. I vote "nay."

The roll call was concluded.

Mr. DU PONT. I wish to inquire whether the junior Senator from Kentucky [Mr. BECKHAM] has voted?

The VICE PRESIDENT. He has not.

Mr. DU PONT. As I have a general pair with that Senator and do not know how he would vote on this question, I will withhold my vote.

Mr. GALLINGER. I have a general pair with the senior Senator from New York [Mr. O'GORMAN]. Not knowing how he would vote on this motion, I withhold my vote.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER];

The Senator from Maine [Mr. BURLEIGH] with the Senator from Indiana [Mr. SHIVELY];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN].

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH]; and

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 9, nays 56, as follows:

YEAS—9.

Clark, Wyo.	Shafroth	Smoot	Sutherland
Clarke, Ark.	Smith, Ariz.	Stone	Thomas
Norris			

NAYS—56.

Ashurst	Hitchcock	Myers	Simmons
Bankhead	Hollis	Nelson	Smith, S. C.
Borah	Hughes	Newlands	Sterling
Brandegee	James	Oliver	Swanson
Chamberlain	Johnson, Me.	Overman	Thompson
Chilton	Jones	Page	Townsend
Clapp	Kenyon	Pittman	Underwood
Colt	Kern	Poindexter	Vardaman
Cummins	Lane	Pomerene	Wadsworth
Curtis	Lee, Md.	Reed	Walsh
Fall	Lippitt	Robinson	Warren
Gore	McCumber	Saulsbury	Weeks
Gronna	Martin, Va	Sheppard	Williams
Hardwick	Martine, N. J.	Sherman	Works

NOT VOTING—31.

Beckham	du Pont	Lea, Tenn.	Ransdell
Brady	Fletcher	Lewis	Shields
Broussard	Gallinger	Lodge	Shively
Bryan	Goff	McLean	Smith, Ga.
Burleigh	Harding	O'Gorman	Smith, Md.
Catron	Husting	Owen	Smith, Mich.
Culberson	Johnson, S. Dak.	Penrose	Tillman
Dillingham	La Follette	Phelan	

So Mr. THOMAS's motion to lay Mr. MYERS's motion on the table was rejected.

The VICE PRESIDENT. The question recurs on the motion of the Senator from Montana [Mr. MYERS] to proceed to the consideration of House bill 408.

Mr. BORAH. Mr. President, on the motion to lay on the table I voted "nay"—in the first place, on general principles, and, secondly, for other reasons peculiar to the situation. But before the motion to take up this measure is passed upon I desire to say a few words.

Undoubtedly it will take much time to dispose of this bill. Under any circumstances it would take considerable time and, feeling as some Senators do, it will necessarily take much more time than would ordinarily obtain with reference to disposing of even so important a measure. There are a great many people in our section of the country—whether a majority or not, I do not know, and I am not concerned to know—who believe that this measure is inimical to the interests of that particular section of the country which some of us seek in part to represent. Whether a majority so think or not, I think, in its present form, it would be a detriment to the public-land States, and must therefore oppose it. It is not alone objectionable because of the details of the bill, but because of the fundamental principles and by reason of the fundamental questions which are involved. It involves, as we think, the question of the efficiency of these States to take care of their own interests and to utilize their natural resources to their best advantage. That being true, of course, there will be some difficulty in limiting the time within which we can dispose of this question.

In connection with this matter may I be permitted, without assuming any undue authority in this Chamber, to call attention to the situation which confronts us here in the matter of legislation? Some three and one-half or four months of the session have now passed, and no appropriation bill, as yet, has passed this body. The supply bills are all yet to be disposed of. If we should start in to-morrow to consider the supply bills and give to them the attention which they ought to have, we could not pass them before the 1st of June. It would take from now until the time when the national conventions shall meet to dispose of the appropriation bills if we should give them the attention which they ought to have. But when we consider furthermore that these appropriation bills will involve some very important and new phases of legislation, we could hardly hope to dispose of them even by that time. After the appropriation bills are disposed of we will have, if we are to take up the question at all, the question of a program of preparedness, as it is popularly called; and when are we going to take up that matter for consideration? We have also the important measure of rural credits—a bill now on the calendar.

If I had my way, or could have any influence in the directing of affairs in the Chamber, I would close down the legislative program at this time to all legislation except supply bills and the program for preparedness until these matters were finished. If the President of the United States be correct in the message which he carried to the people some few weeks ago, the Congress of the United States is sadly derelict in its duty in meeting a most momentous situation. We have been in session, as I say, for some three or four months, and we have been warned from the beginning, in the graphic language of the President, that the conflagration which is going on in Europe is sending its sparks constantly on to this hemisphere, and no man knows from one day until another what emergency this country will have to face with reference to this condition of affairs. We can not shape these bills relating to preparedness in a week, if we do our duty, nor in a month, if we meet the situation as it ought to be met. It will take not only days but weeks, and if it were properly disposed of it would take months, to formulate and shape the policy of this country to meet the situation which has been so pronouncedly presented to the country by the President.

Either one of two things must be true—that the President was sadly in error as to the real situation which confronts us, or that the Congress of the United States is sadly in error in failing to respond to the appeal of the President, or certainly that condition must obtain which is only less unfortunate, and that is that the Executive and the Congress are wholly at disagreement with reference to the importance of this subject.

I do not disapprove of the action which the President has taken with reference to pursuing those who invaded the territory of the United States a few days ago and took the lives of a number of our citizens. In so far as that expedition is confined to the pursuit of a fugitive who has taken the lives of American citizens, I think the President is not only right as a matter of policy but is well within his constitutional rights. I say in so far as his effort is confined to the pursuit of the men who committed the outrage I think his action right both in policy and in power. Therefore I do not mean by anything I may say to leave even an inference of criticism upon the action of the President with regard to this matter. I have been so anxious to see something done with reference to protecting American rights in Mexico that I have no word but commendation to any action, though, in my judgment, belated, looking to extending full protection to our people.

But, Mr. President, while I concede the President has performed his duty in seeking to run down these murderers, yet no man knows the consequences which may follow or flow from that act. No one can measure the probabilities which may arise from the fact that we are now invading Mexico, although solely and only for the purpose of arresting and punishing those who have taken the lives of American citizens, and that alone. The difficulty is that we may have started a train of events over which we can not exercise control. Whatever the consequences may be, we are under the most solemn obligations to be prepared to meet them.

We must take into consideration, Mr. President, that all Central America is interested in this proposition, and we must take into consideration, notwithstanding the views expressed by the Senator from Louisiana [Mr. RANSDELL] a day or two ago, that Central America feels uneasy whenever she sees moving in that direction the power of the United States, whatever its professed purpose may be. From the press dispatches as they come to us this morning it would look as if the authority which we have recognized in a technical way would not be friendly to our entry into Mexico, even for the purposes which we proclaim in regard to our mission. If that be true, how are we going to meet the situation when the men who are in charge of the situation, the military experts, tell us that it will take 50,000 men in Mexico and 100,000 men upon the border to take care of the situation? Shall we confine our efforts for the next 10 days or 20 days or 30 days in discussing this measure, or whatever measures they may be, which can wait? Or shall we take advantage of the situation and avail ourselves of the opportunity which has been presented here, and once and for all set ourselves about to outline and consummate and bring to a final conclusion a program of preparedness which shall show to the country that Congress and the President are in accord with reference to these matters and that we are neither uninformed as to the possible peril which confronts us nor unwilling to meet it? Either this program of preparedness is vital and the need of its enactment is eminent or a most signal injustice has been done to the American people by the statements which have been so solemnly made to them.

It seems to me, Mr. President, while I am opposed to this bill, even if I were in favor of it, I would not want to bring forward and put into discussion here a matter which will take the next 15 or 20 days to dispose of, when all these other matters pressing for a conclusion are up for consideration, if we will only give them consideration.

Mr. President, I am not averse to meeting this issue when we can meet it properly and under proper circumstances. As I have said, I am opposed to the measure in its present form. I realize that the West needs some legislation. We need some kind of legislation which will release the imprisoned energies of that great northwestern empire, and it has been a hard matter for me to determine at times whether we should stand upon the funda-

mental principles which seem to me to be involved or whether we should yield to the call of expediency and consent to legislation in order that capital might go to that great northwestern country and begin to perform its service for the benefit of those who are there. But in settling this matter I should like to feel that neither time nor circumstances shall hamper us in the full determination and the full solution of this problem, because there can be no doubt that this legislation affects us in a most vital way. In a most important way it deals with our resources and it reaches down and takes hold of those things upon which a State must be built if it is to be built at all.

I suggest to Senators who are urging the bill that they might well defer its consideration until another time.

Mr. MYERS. Mr. President, I do not see that there is any pressing nor immediate necessity before this body for the consideration of a preparedness measure at this time. There is no preparedness measure; there is no measure for the increase of the efficiency of the Army or the Navy which is now before this body of which I know anything except the armor-plate bill, which has been temporarily laid aside by its own sponsor.

Mr. BORAH. The Senator from Oregon [Mr. CHAMBERLAIN], the chairman of the Committee on Military Affairs, reported a bill a few days ago, I understand.

Mr. CHAMBERLAIN. No.

Mr. MYERS. He introduced a bill which was referred to the Committee on Military Affairs.

Mr. CHAMBERLAIN. It is in the committee now. The bill was simply introduced and referred to the committee, but it will be in some time the latter part of this week, or next week, I think.

Mr. BORAH. I misinterpreted the notice in the papers.

Mr. MYERS. That has been the only preparedness measure of which I know which has been even introduced in this body except the armor-plate bill, which, as I said, has been reported out, and which has voluntarily been laid aside by its own sponsor. It may be weeks until the efficiency bill which the Committee on Military Affairs has under consideration, which the Senator from Oregon [Mr. CHAMBERLAIN] introduced, is reported back to the Senate. I do not know how long it will be. We must be doing something in the meantime, and it is up to the Senate to decide what it will proceed to consider.

I for one do not agree with the Senator from Idaho that all our internal needs and all our legislation regarding the welfare of the people of this country should be shelved and laid aside for the sole purpose of devoting our entire energies to voting money for the increase of the Army and Navy; to provide for increases and vote the money to meet those increases.

As far as the situation in Mexico is concerned we have, I believe, 100,000 troops in our Regular Army, besides all of the National Guard upon which to call. We have at least one of the foremost navies of the world. If those resources are not sufficient to capture a few bandits in Mexico or to meet whatever emergency may arise in Mexico or which may meet us in the contending factions down there, I think there is very little use in providing a larger Army and Navy. If we can not cope with the condition down there, if it is of such a character that it can not be depended upon for that purpose and for that emergency, then we might just as well not provide any more Army and Navy, because it would not be worth anything when we got it. We were in war with Mexico once. This country has had one war with Mexico, and all the South American countries did not rally to the aid and defense of that country. I have no fear of anything of that kind occurring now. I do not believe the people of this country are demanding to-day that the Congress of the United States should lay aside all other business and devote its entire time and attention to further taxing the people and voting away the money for the increase of the Army and Navy.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Idaho?

Mr. MYERS. I yield with great pleasure.

Mr. BORAH. The Senator is aware of the fact that the President entertained such views about this matter, and the dilatoriness of Congress undoubtedly, that he felt called upon to do what he had never done before since he has been Chief Executive, and that was to make an appeal to the country. He has gone out and made his plea to the country. I do not know all the facts which are in his possession with reference to foreign affairs and foreign conditions, but I know enough to know that we delude ourselves if we suppose that we are dwelling here in the utmost security, and I know enough to know that we are not prepared to take care of a serious situation which he informs us may arise at any time with reference to our foreign affairs.

I refer not only to Mexico, but I refer to other conditions which it is neither proper nor desirable at this time to discuss, but certainly the Chief Executive would not go to the country and plead for action if he did not himself consider it imperative. Neither am I relying alone upon his statements. I have, as every observing and reflecting man must have, some views and some apprehensions formed from sources well within the reach of all Senators, and practically all citizens.

Mr. MYERS. Mr. President, we have a larger Army and Navy now than this country has ever had before in its history, I understand. It is true the President of the United States made a trip out through the country to inform the public of all his motives and desires and to arouse public interest in what he believed to be the welfare of the Republic. He had plenty of precedents for that. The only difference between him and other Presidents is that some other Presidents spent practically all the time going over the country and preaching their ideas, and that was the first instance in which the present President of the United States, I believe, did so.

I do not say but that there is truth and merit in what the President said on his recent inland trip to the interior of the country, and that there was wisdom in taking the trip. He informed the country of the condition of affairs and appealed to them for what he deemed to be wise and prudent legislation upon preparedness.

There will be reasonable and conservative preparedness legislation enacted and brought about, I believe, within a reasonable and due time. The committees of Congress are working on it now, and I have no objection to its being expedited reasonably and being taken up in due time and fully and fairly considered when it is ready for consideration by Congress. In the meantime we must have something to do.

Mr. FALL. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from New Mexico?

Mr. MYERS. With great pleasure.

Mr. FALL. I was interested in the Senator's statement as to our preparedness. I should like to ask him where the 100,000 men are to whom he refers?

Mr. MYERS. I do not know where they are. You will have to call on the Secretary of War. It has been my information that there are about 100,000 soldiers in the United States Army at the present time. I do not know where they are.

Mr. FALL. Do you think that to-day we have enough soldiers to handle the present condition on the Mexican border?

Mr. MYERS. If we have 100,000, I think it is sufficient to meet the condition on the Mexican border or in Mexico.

Mr. FALL. Does the Senator's information lead him to believe that we have a quarter of a hundred thousand available?

Mr. MYERS. I do not know how many may be available.

Mr. CHAMBERLAIN. Mr. President——

Mr. MYERS. I have no objection to making more available as soon as we can get to it.

Mr. FALL. One more question, and I will yield to the Senator from Oregon. How long does the Senator think it would require to get action on the bill which he is so desirous of getting up?

Mr. MYERS. To have a final vote on it I do not know. I stated in response to an inquiry by the Senator from Wyoming [Mr. CLARK] a little while ago that I thought it ought to be disposed of in a few days. Of course a threat has been made of an unending filibuster, but I do not believe——

Mr. FALL. I do not know that there will be any filibuster, but I can state to the Senator that there will be very serious discussion.

Mr. MYERS. I welcome that.

Mr. FALL. I imagine the Senator will discover that we will require equally as much time to dispose of it as it did to dispose of the Shields bill.

Mr. MYERS. Then all the more reason why we should begin and all the more reason why we should get it done. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. Mr. President, I desire to say to the Senator that I am heartily in favor of taking up the water-power bill for discussion, because there is nothing pressing before the Senate at this time. But I desire most earnestly to protest against the statement going to the country uncontradicted that we have 100,000 men available for purposes in Mexico or anywhere else. I desire to say that in so far as my knowledge goes we have not even enough to cope with Mexico. We have not only not enough men there, but we have not the material in the way of equipment, rather in the way of aeroplanes and other things that will be absolutely essential for such a warfare as we would be compelled to engage in. It is no child's work, Mr. President, and the statement of the Senator going forth to the people of this country lulls them into a feeling of security when it absolutely does not exist.

Mr. MYERS. I ask the Senator have we not about 96,000 men enrolled in the United States Army?

Mr. CHAMBERLAIN. Some of them are where it will take 30 days' travel; they are in the Philippines and in China and in Panama, and they are scattered all over the continent. We have not available in this country continental troops to exceed 30,000, and not more than half of that number would be available to deal with Mexico.

I venture to say, Mr. President, that if we think we can go down into Mexico and whip them into order in a few weeks this country will be disappointed. They have a well-trained soldiery there, and can organize an army of from fifty to sixty thousand men at any time. Mr. Villa will be looked upon as the national hero. So far as I am concerned I would not be surprised at all to see every Mexican, the Carranzista force and the Villa force, rally around one standard for the purpose of whipping the United States. I think the statement ought to be carefully weighed before it is made here that we have 100,000 men to cope with Mexico or any other serious situation.

Mr. SMOOT. Mr. President, allow me to suggest to the Senator also that Mexico to-day has more field guns than the United States. I think Mexico to-day is prepared better with ammunition than the United States. I do not believe we ought to allow the impression to go out uncontradicted that we have 100,000 soldiers to put into Mexico in case of need. If I remember correctly, the total soldiers in the Army, exclusive of the Philippine Scouts, is about 82,000. We have about 10,000 in the Hawaiian Islands; we have some in the Philippine Islands; and I quite agree with the Senator from Oregon that we can not to-day under the present conditions send more than 30,000 soldiers to the Mexican border.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Missouri?

Mr. MYERS. I yield to the Senator with pleasure.

Mr. REED. If the Senator will pardon me, the Senators are careful about the kind of information that is being sent out to the people of the United States; I think they ought to be equally careful about the kind of information they are sending to the Republic of Mexico.

Mr. SMOOT. I will say that the Republic of Mexico already knows just as well as the officials of the United States how many field guns we have. That information is found in public documents and reports.

Mr. REED. In other words, the Senator says the Mexicans know more than the American people?

Mr. SMOOT. Not at all.

Mr. REED. He is very careful that the American people shall not be informed, but he is not so careful that we shall not furnish information to Mexico.

Mr. SMOOT. I spoke of the officials of Mexico only and I spoke of the officials of the United States. I do not think there is any question that the statement I have just made is absolutely correct.

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Wyoming?

Mr. MYERS. I yield with pleasure.

Mr. SMITH of Georgia. Mr. President——

Mr. MYERS. I have yielded to the Senator from Wyoming.

Mr. WARREN. I understood that the Senator yielded to me.

Mr. MYERS. I shall be glad to yield to the Senator from Georgia in a moment.

Mr. WARREN. I am very glad that the chairman of the Committee on Military Affairs is in his place, as he usually is, to correct erroneous statements as to the size of the Army.

Mr. MYERS. Just permit me to ask what statement have I made that needs correction? I said that I understand there are but 96,000 soldiers in our Army. If that is not true, tell me how many there are.

Mr. WARREN. I am not going to take up that matter just now. The majority party of the Senate, of course, will decide as to when the preparedness bill will be taken up, but I am expecting that majority party to respond to the call of the country whenever the chairman of the Senate Military Committee is able to bring in the Senate military preparedness bill, or when a similar bill comes from the House, and to make it the first business of the Senate from the time it comes in until it passes out, no matter what else may be pressing before the Senate.

In my judgment, while we must have a bill properly prepared—and both Houses have each taken great pains to prepare such a bill—there is no other business before the country as important and imminent as it is to pass a bill reenforcing our Army.

Mr. MYERS. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, I wish in just a word to express my sympathy with the views presented by the Senator from Idaho [Mr. BORAH]. Undoubtedly everything should yield when the measures can be brought before us providing for an increase of the Army and an increase of the Navy. There is one measure of importance with those two. It is to provide for auxiliary vessels in connection with the Navy in the shape of a merchant marine. I do not believe there are any measures so important which will come before this Congress as these three. I wish to make this additional suggestion. I do not believe that the Committee on Military Affairs could do us greater service than to bring in a bill providing for the immediate increase of the Army, not waiting for full Army details but providing at once that for the next two years there shall be enlisted a substantial number of men more than doubling the present size of the Army. Their training should be without delay, and therefore I think this portion of the military bill should be passed without delay.

Mr. MYERS. Mr. President, I do not pretend to be an authority on military affairs. I said it had been my understanding that there were about 96,000 men enrolled in our Army, and I have not heard that denied. Where they are I do not know. How many of them are available for service I do not know.

Mr. CHAMBERLAIN. I will say to the Senator there are more than 96,000.

Mr. MYERS. Then I estimated the number too low.

Mr. CHAMBERLAIN. The Senator made it a little too low. There are only about 25,000 to 30,000 in continental United States. The balance of them are scattered everywhere.

Mr. President, with reference to the suggestion that there has been delay, I wish to say——

Mr. SIMMONS. Before the Senator goes further——

Mr. CHAMBERLAIN. If the Senator will allow me, I will yield, with the permission of the Senator from Montana.

Mr. MYERS. I give my permission for that purpose, if I may.

Mr. SIMMONS. I wish to inquire if the chairman of the Committee on Military Affairs, if in connection with our punitive expedition into Mexico we could not avail ourselves of the National Guard? I have seen in the papers a great many telegrams sent to the Military Department indicating a readiness and willingness to furnish large forces to assist the United States in its needs in Mexico. If the Senator will pardon me, I suppose they would be regarded as raw troops, and for that reason probably would not be sent on the expedition into Mexico. I will ask the chairman of the committee, if he does not think that for patrol duty along the border State Guard troops could be used almost as well and serve almost as good a purpose as regular soldiers of the Army?

Mr. CHAMBERLAIN. There are about 129,000 men in the organized National Guard of the country. There is no question but that they would be available for service in Mexico, but while I have great confidence in their fighting capacity, there is a difference of opinion amongst Army officers as to the number who would be efficient in case of actual service. In any event, they are not trained like Regular soldiers and could not become as effective within a short time as are the Regular soldiers.

Mr. SIMMONS. Would they not be as effective for patrol?

Mr. CHAMBERLAIN. They might be effective along the frontier. I differ with the Senator, and I have military authority to sustain me, men who have fought along the frontier all their lives, and some have had more or less experience in Mexico. Where I differ from the Senator is in looking at this proposition as simply chasing a few bandits into Mexico. If that was all there was to do, then we have enough men to do that. The police force of New Orleans or New York could possibly do that. But we are going up against a trained army that has been fighting in Mexico for the last four or five years.

However, I will not discuss that, Mr. President. I am speaking with the permission of the Senator from Montana. What I want to address myself to for just a moment is the suggestion that there has been any neglect on the part of Congress in undertaking to carry out the program of preparedness as was suggested by the distinguished President of the United States. The Military Committee of the Senate and of the House, too, I believe—I know the Senate committee has been in session constantly for 60 days or more, and we have had published the hearings before those committees. The Senator from Missouri spoke about our giving information to Mexico. These hearings are published to the world. There is absolutely not a thing connected with our defenses either on land or water that the German Army does not know; that the Austrian Army does not know; that the French Army does not know. The general staffs of those countries are just as familiar and some of them are

more familiar with conditions than are our people themselves. There is not any question about that.

But the committee have not been delinquent in their duty, Mr. President. We could go out and produce and present a bill to Congress in a very few minutes in an emergency that was right on us, but these committees have been undertaking to formulate a bill that would be a reorganization bill, in fact, and place us in a position where we could defend ourselves in case of trouble with any power. We are not in that position, but the Military Committee of the Senate is going to get that bill back here just as soon as it can, probably the latter part of this week or the first of next. Then I shall ask that it be taken up for consideration. Just to let the country know the method that has been followed in the preparation of this Senate bill, I desire to say that for six months I was working on a bill to submit as a basis to the committee for consideration. The committee took that up as a basis for the construction of a bill, and then they heard all the Army officers on the subject. They have taken the General Staff's plan of the organization with the basic bill which was submitted by me, and from all these sources they have formulated a bill which meets with pretty general approval. The bill has been presented not as my measure, for I have no pride of authorship as to the bill. In the committee there are some very distinguished old soldiers who understand the situation. It has gone back to that committee and has been referred again to the War Department to report again as to its effectiveness and for reports as to estimates. So the committees of Congress have been constantly at work on this measure for the past two or three months.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from North Dakota?

Mr. MYERS. I do.

Mr. McCUMBER. I think, Mr. President, when Senators are giving expression——

Mr. MYERS. If the Senator will pardon me, I wish to occupy only about 30 seconds longer.

Mr. McCUMBER. I was merely going to remark that when Senators are declaring that there is in Mexico a well-organized army capable of battling against the soldiery of the United States we ought to pause long enough to learn what that army is. We know in the first instance that 75 per cent of the population of Mexico are blanketed Indians, and that not to exceed 2 per cent of that element have been worked into bandits and have followed whatever leader saw fit to take charge of them so long as they could carry on their looting. I do not believe it is going to take 200,000 or 100,000 men to dispose of it. But I should like to ask the Senator from Utah to state where the Mexicans have that wonderful equipment of arms and ammunition that is very much greater than that of the United States? Who furnished it to them and how is it to be used now?

Mr. SMOOT. Mr. President, I remember about two years ago when I was trying to get an additional appropriation of $500,000 for the purchase of ammunition for the Army it was opposed by a majority of this Senate and my amendment voted down. At that time, I remember very distinctly, the number of field guns owned by the principal countries of the world was discussed, and I called the attention of the Senate to the fact that Mexico at that time had more field guns than the United States. I can not say whether that condition exists to-day or not. I judge that it would. I will say to the Senator from North Dakota [Mr. McCUMBER] that if they have increased the number of guns they possessed at that time, I believe they have been purchased from the United States.

Mr. MYERS. Mr. President, I will cut all this short, so far as I am concerned, by simply saying that the matter is wholly in the hands of the Senate. It is not a question of what bill we shall take up to-morrow or at some other time, but what bill we shall take up right now, this minute, until we have some other business before us to attend to. I repeat, the matter is wholly in the hands of the Senate. Whenever a preparedness measure is reported to the Senate by any committee it will be in the power of a majority of Senators, should they so desire, to displace any and all other business and take that up. That will be a matter which can be decided when the time comes.

Mr. WARREN and Mr. SIMMONS addressed the Chair.

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). The Senator from Wyoming.

Mr. WARREN. Mr. President, there is no doubt but what the arms and ammunition in Mexican hands have been largely bought from the United States. There is where we have made mistakes—in raising embargoes and allowing munitions to go across the border. That has been done; that is in the past; that we can not help.

Now, as to the character of the opponents, which my friend the Senator from North Dakota [Mr. McCUMBER] alluded to——

Mr. MYERS. Mr. President, I will ask my friend from Wyoming if he will not let me conclude what I wish to say. I will yield the floor if I can have about half a minute, and I should like to have a chance to get through.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. MYERS. Then I will resume my remarks.

Mr. WARREN. I have terminal facilities, and will be through in about two minutes; but I will yield to the Senator.

Mr. MYERS. I believe I will beat the Senator to it if I get a chance.

This is a matter wholly in the hands of the Senate. If in the course of 30 minutes or three days or three weeks after this bill is taken up a majority of the Senate desire to take up some other measure it will be in their hands to do so; but if there is going to be a prolonged filibuster upon this bill, if it is going to take weeks, that is all the more reason why we should consider it right now. Therefore I hope the motion to take up the bill will prevail.

Mr. SIMMONS. Mr. President, I simply want to say that I think it would be exceedingly unfortunate to give the people of this country a false idea with reference to our preparation to meet the exigencies of the situation in Mexico. I think, on the other hand, it would be equally as unfortunate to have the people of Mexico, on account of any statements that have been made in this high tribunal, labor under a false impression about the readiness of the United States to carry out the enterprise now about to be undertaken in that country. I have not myself any question of our readiness, or at least that we can quickly put ourselves in readiness for any eventuality in that country.

I know it is true, Mr. President, that we probably have not now a sufficient supply of ammunition or armament on hand. I mean immediately in the possession of the Government and ready for immediate use by the United States Army. But, Mr. President, as is well known, for more than a year great manufacturing establishments have been in operation in this country making ammuniton and manufacturing all sorts of implements of war, and that those factories, if called upon by the United States Government, are in a condition to immediately supply any deficiency that there may be in our present armament and in our supply of powder and explosives.

It is true that we have a small standing Army available for service in Mexico at this time. I suppose, if the chairman of the Committee on Military Affairs is correct in his statement, that probably we could not muster immediately more than 25,00 or 30,000 regular troops to send into Mexico; but, Mr. President, it would be an error, in my judgment, to underestimate the importance and the value in this connection of our National Guard. They are not only equipped for patrol duty and such other service as our Army must perform along the border, but undoubtedly many of the companies and regiments of this service are fairly well trained, and would give a good account of themselves if assigned to regular field duty. I think they would acquit themselves creditably; and I think it ought not to go to the country, because I believe it is true, that there is the feeling in Congress that the Government is not in a condition to meet the situation that now exists or which may hereafter exist in Mexico in connection with our present controversy with that country.

Mr. VARDAMAN. Mr. President, will the Senator from North Carolina yield to me one moment for a suggestion?

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Mississippi?

Mr. SIMMONS. I do not desire to get into any controversy. I simply want to make a suggestion.

Mr. VARDAMAN. I very heartily concur in what the Senator from North Carolina has said as to the efficiency of the State militia.

Mr. SIMMONS. It is underestimated in this country.

Mr. VARDAMAN. I think the Senator is entirely right about it.

I merely want to suggest to the Senator that the United States to-day is better equipped in men, ammunition, material, arms, and ships than ever before in the history of the Republic. We have had war with Mexico, we have had war with Spain, and we are better equipped to-day to meet any emergency than we have ever been before. I do not approve of the idea of giving out to the country the suggestion that we are absolutely helpless, while we have spent more money for the purposes of war within the last 10 years than in the same length of time during all the years of the history of the Government. It seems to me that before anything should be said in the discussion of this

question there ought to be accurate information ascertained as to the amount of material available—the amount of arms, of guns, and of equipment generally. The discussion of this question in this way, it seems to me, is eminently improper, because it is giving out to the country gross misinformation which ought not to be given out by anybody, especially the United States Senate. I can not conceive of anything more untimely and pernicious than loose talk or imprudent speech in this body about such a delicate question as the question at issue.

Mr. SIMMONS. Mr. President, I hope we may have no war with Mexico, and I do not believe we are going to have war with that country; I believe we are going to accomplish our present purposes in that country and retire; but it may be that I am mistaken; it may be that those who agree with me are mistaken about that; I do not know. However that may be, I believe that at present we are sufficiently prepared to do the work that we have immediately in hand and can quickly get ready for any ulterior eventualities.

I do not undertake to say, and nobody in this country would say, if we become engaged in a regular war with Mexico, we shall not have to enlarge our Army as well as call out the National Guard. What I mean to say is that at this time by the use of the National Guard, supplementing our Regular Army, we shall be able to meet the situation down there. I do not wish that the impression shall go either to Mexico or the people of the United States that we are in such a weak and impotent condition of unpreparedness in this present emergency as may be implied by the remarks of some Senators here upon the floor to-day.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from New Jersey?

Mr. SIMMONS. I do.

Mr. MARTINE of New Jersey. Reenforcing the statement just made by the Senator from North Carolina, if he will permit me, I have the report of the Secretary of War in my hands, and I will read this portion of it, on page 17:

> At the present time appropriations are available for the maintenance of an Army and all of the accessory employees thereof aggregating 5,023 officers and 102,985 enlisted men. Of these, 67,000 men are mobile army troops, 20,000 are coast-defense troops, and the balance are Hospital Corps, quartermaster men, and other employees of that character. Of this total number, about 29,000 are on service outside continental United States, leaving therein about 40,000 mobile-army troops and about 13,000 coast-defense troops. Deductions must be made from these latter figures of sufficient troops to garrison the oversea possessions, which will materially reduce each of the totals above mentioned
>
> The Organized Militia in the various States has an enrollment of approximately 129,000 men and officers.

Mr. SIMMONS. Then the Senator from New Jersey believes that with the mobile army of the United States, supplemented by the National Guard, if the situation required it, we could readily bring into the field between 75,000 and 100,000 men?

Mr. MARTINE of New Jersey. Yes; that is correct, according to the deductions from this report of the Secretary of War.

Mr. SIMMONS. Mr. President, I certainly do not underestimate the importance of speed in connection with our work of preparation not only on account of the trouble that we now have with Mexico but on account of probably the greater troubles in which we may become involved across the water. I believe that everything ought to be done that can be done in order to put ourselves in a state of adequate preparedness; but, Mr. President, it is very well known that you can not hastily prepare legislation dealing with great questions of this sort, with the many perplexing problems that arise in connection with them. It takes time for that.

The fact that the military bill and the naval bill have not yet been reported to the Senate does not indicate any disagreement between the Senate and the President upon the question of preparedness. It merely emphasizes the fact that the committees have found these difficult questions with which to deal, and they have been dealing with them with caution, prudence, and deliberation.

I want to ask the Senator from Wyoming [Mr. WARREN], who is a member of that committee and who for a long time, I believe, was the chairman of that committee, if he discovered any disposition on the part of the membership of that committee, while the matter was before it, to delay the preparations and the introduction of the bill as speedily as it could be prudently done?

Mr. WARREN. Mr. President, the Senator appeals to me and, of course, I must answer. I will say that the chairman of that committee has always been present at its meetings; he has never failed in his attendance. There have been other Members who have also been diligent in their attendance, but, unfortunately, a number of Members have not been able to attend—some not at all and others very infrequently—some of them probably because of their duties on other committees and some of them possibly because they take no interest in the subject matter. But there has been a sufficient number to work continuously, as the chairman has said, and I believe very effectually; and I think the bill, when reported back from that committee, will be the best bill and cover the ground better than any bill on the subject that has ever been presented to this or any former Congress.

Mr. SIMMONS. Then the Senator thinks the importance of that matter required the deliberation and the consideration given to it?

Mr. WARREN. Yes.

Mr. SIMMONS. So the delay that has taken place in the House in the preparation of this measure, which carries the military preparedness program, has been such as is usual in this body in dealing with questions of great import. I think, as a matter of fact, for a short time there was some disagreement between the Committee on Military Affairs of the House and the former Secretary of War, which may for a little while have embarrassed and delayed the consideration of that subject in that body, but there has been no delay there because of any indisposition on the part of Congress to meet the President's views with reference to the general question of preparedness. There may have been, and there has been as a matter of fact, some disagreement as to details, but upon the general purpose and the necessity of its speedy accomplishment there has been no disagreement.

As proof of the fact that the administration and the two committees of the House are in accord I am advised that the Committee on Military Affairs of the House has reported, and there is now upon the calendar of the House the military bill, and I understand it will be soon taken up for consideration. I am also advised that the Naval Committee have practically agreed upon their bill, and that bill will be reported to the House in a few days.

Neither the military or naval bill has been yet reported to the Senate. If either one of these two great preparedness measures were upon the calendar, I should be in favor of displacing every other legislative measure in their behalf. Generally, it has been the policy of the Senate to await action upon these measures until the House has acted and sent the bills over to us. When those bills come to this body, if the bills have not been reported out by the Senate committee dealing with those subjects before that time, then, so far as I am concerned, I will vote to displace any other measure that may be before the Senate unless there is reason to believe that that measure will be speedily and quickly disposed of and gotten out of the way. Of course I would not include in that the armor-plant bill, because that is a part of the general scheme of preparedness.

I think I speak the sentiment of my colleagues upon this side of the Chamber when I say that we recognize as deeply as is possible the necessity of speedy action with reference to these questions, and that we are willing, whenever the committees of the two Houses have got these measures in a condition for consideration by this body, to consider them to the exclusion of other matters, even though those matters may be of the most serious importance under normal conditions.

Mr. President, I would not favor the motion to proceed to the consideration of the so-called Ferris bill above the preparedness measures. I would not, as deeply interested as I am in favor of the rural-credits bill and as important as I think that proposed legislation is—I would not put that above the two great preparedness measures. As deeply interested as I am in a shipping bill, to which my friend the Senator from Georgia [Mr. SMITH] has referred, I would not put that above these two measures, although that is essentially a part of the general preparedness plan, for that is a military as well as a commercial and economic measure.

Mr. SMITH of Georgia. And making our war vessels more available also.

Mr. SIMMONS. Mr. President, it was not my purpose to do more than to say, first, that I did not subscribe to the statement that we are not ready to meet the situation in Mexico, and if there be any unreadiness in any direction it is an unreadiness that can be easily overcome and remedied, and to say, in addition, Mr. President, that the delay with reference to preparedness has been a necessary delay. It has been such a delay as is usually incident to the preparation of great measures of that kind in this body and in the other branch of Congress. The work has been done as rapidly as it could have been done in the committees. When they have reported and these measures come into the Senate I think I can say, in behalf of the majority of this body, that they will be as diligently prosecuted to a final vote as is possible in dealing with matters of such grave moment and import.

Mr. BORAH. Mr. President, it was farthest from my thoughts to reflect upon the Military Committee or upon the leadership of the distinguished Senator [Mr. SIMMONS] who has just taken his seat. I simply called attention to the fact that the bill which we are now proposing to take up will take several weeks, and, of course, any time utilized on the bill, if the bill is not finished, would be time practically wasted. I do not believe that it is possible to dispose of the so-called Ferris bill within any such time as has been suggested by the Senator from Montana. I apprehend that in all probability the Senator from Montana in preparing this bill has likely been compelled to neglect the time which he otherwise would have put upon questions of military affairs; and that is likely true with reference to other Senators who have devoted their time to the measure now sought to be brought before the Senate, so that they have not had the time to spend on other important measures which they should have had and which, in my judgment, it is necessary for them to spend upon them in order to work out any reasonable program of preparedness. So long as this and other important measures occupy our time here the work of the committee will be delayed.

Mr. President, the Senator from North Carolina need not be disturbed about our misleading Mexico. Nothing that we say or do here with reference to this matter will to any appreciable extent affect the Mexican people. They will be controlled entirely by other matters and other conditons which have already transpired and of which they already have knowledge. But I call the Senator's attention to the fact that nothing has been said here to-day of equal import to the statement of the Chief Magistrate upon his western tour to the effect that he did not have sufficient means to protect the rights of American citizens on the border. Does the Senator fear that urging the consideration of these measures will in any way accentuate or enlarge the scope of the statements of the President upon his western trip? After the President has urged before the people the imminent danger of longer delay will it cause consternation to urge here the passage of measures to meet that danger?

Mr. SIMMONS. Mr. President, if the Senator will pardon men, I wish him to understand that, so far as the urgent consideration of these measures is concerned, I am entirely in accord with him.

Mr. BORAH. The point to which the Senator from Idaho is addressing his attention now is that which the Senator from North Carolina was discussing when he deplored any statements here which might accentuate the unpreparedness in which we find ourselves, to take care of even such a situation as may be confronting us now on the border. I was only repeating, in less classic terms, the statement of the President upon his western trip. I should like to ask if the President's speeches on that western trip have been printed and if they are yet at the disposal of Congress, as they were ordered to be printed some two or three weeks ago? If they have been printed and if the Senator will refer to those speeches again he will find that if the President of the United States is to be credited with the sincerity which we should accord to the Chief Magistrate, nothing said here to-day in any way measures up to the situation which he presented to the country some three or four weeks ago. Has the general situation grown better or has it grown worse since that time? Has the Congress accomplished anything in the time which has elapsed between the time of his going forth and coming back? Has there anything in the way of material progress or final action been taken upon the part of Congress in that time? No, Mr. President. The moment we rise to discuss this important subject some seem to think that our discussion has for its sole purpose an attack upon the majority leaders or the majority side of the Chamber. No such purpose was mine. I share with them the responsibility of the situation in a humble way, and so does the minority side.

Mr. President, if as the Senator believes, we are prepared, if he believes that the Army which we have——

Mr. SIMMONS. Mr. President, I fear the Senator did not fully understand what I said. I said I thought we had now a sufficient force to deal with that situation, so far as our present enterprise was concerned; but I said if we got into a regular war with Mexico, doubtless we would have to increase our Army.

Mr. BORAH. Mr. President, if we should get into war with Mexico, and move at the rate at which we have moved for the last three or four months in the way of preparedness in meeting the situation, what would be the condition by the time the army which we are going to create shall reach Mexico? That is precisely, Mr. President, what the peace lovers of England declared against Lord Roberts's appeal for preparations for years prior to the situation which confronted England in the last days of July, 1914. If the condition of affairs exists in any measurable extent as stated by the President of the United States, the Congress of the United States is derelict to the utmost degree that it has not proceeded weeks ago to meet this situation. What could Congress do in the way of preparing to meet a situation which might be imposed upon us in a fortnight? What could it do to meet a situation which might be imposed upon us even in six months, at the rate at which we are moving? I say to the Senator that you can not pass these bills here, known as war bills, and have them meet the situation, as it may have to be met, inside of two or three months' consideration of those measures. It will take weeks and possibly months to pass real effective preparedness bills. I repeat that if we would do our full duty to the situation, we would close Congress to these other affairs and give Senators and Representatives an opportunity to be in attendance upon these committees night and morning, day after day, until these bills are shaped and passed by the Congress of the United States.

The Senator says there has been some slight difference of opinion between the House committee and the Secretary of War. Was it only a slight difference of opinion? In my humble judgment, it was such a difference of opinion as involved the very question of whether we are to be prepared or not to be prepared. Was it upon a slight difference of opinion that the Secretary of War resigned and betook himself to New Jersey, leaving the subject upon which he had spent so much time entirely in other hands?

Mr. SIMMONS. Mr. President, the Senator will pardon me. I do not think I used the word "slight" with reference to the Secretary of War. I did perhaps say that there were some slight differences between the committees and the President, but I do not think I used the word "slight" in speaking of the Secretary of War, because I do not think those differences were slight. If I used the word "slight," it was an inadvertence; but I do not think I did use it.

Mr. BORAH. The Senator from North Carolina is more familiar with the terms which he used than the Senator from Idaho, and I accept his statement, although I doubt if he will be found supported by the RECORD, because I was greatly impressed with the statement. I am sure the Senator did say that there were differences only as to details between the House and the Secretary of War.

Mr. SIMMONS. That was as to the President.

Mr. BORAH. The Secretary of War took a different view of it. The Secretary of War felt that it was such a fundamental difference that he could not remain, and he did a most extraordinary thing, and such a thing as no man would have done who did not feel that it was fundamental, being as large a man in mind and character as the ex-Secretary of War. That is, he quit his post at a most critical time in the history of this country. He would have never contemplated such action except forced to it by differences vital and controlling.

Mr. SIMMONS. The Senator evidently has my statement with reference to the President mixed up with my statement as to the Secretary of War. I said there was a difference between the committee and the Secretary of War, and therefore the Secretary of War went out, but there had been no substantial differences between the committees and the President, and then I explained that there had been differences as to details, but those had been composed now, I thought.

Mr. BORAH. I had understood, in reading the President's messages before be started on his western trip, that he had specifically indorsed Mr. Garrison's plan; and I think the Senator will find that the President had specifically indorsed Mr. Garrison's plan, and therefore, if there was a difference of opinion between Mr. Garrison and the committee, there must have been inevitably a difference of opinion between the committee and the President, and afterwards between Mr. Garrison and the President, and between Mr. Garrison and the committee.

Mr. SIMMONS. If the Senator will pardon me, the difference was this: I think possibly the President did at first indorse to a certain extent, though not altogether, the plan of Mr. Garrison. The difference was this: Mr. Garrison was opposed to yielding anything and the President was not. Mr. Garrison refused to yield a part, whereas the rest of the Cabinet and the President showed a disposition all along to meet the situation as they found it in Congress.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from California?

Mr. BORAH. I yield.

Mr. WORKS. I understand that there are very wide differences of opinion between the military committees of the two Houses, and that the bills formulated are very different in their effect.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. BORAH. I do.

Mr. CHAMBERLAIN. I simply desire to state to the Senator that these committees have not gotten together and undertaken to formulate a bill that should be taken nolens volens by the Senate or by the House. It is so with every piece of legislation. The committees on no other subject get together and undertake to formulate a bill that shall be adopted by both bodies without change. There is a bill pending in the House and one in the Senate, and the essentials of the two are not very different; and when the bills get into conference, the conference committee can straighten out these little differences. The fundamentals are practically the same.

Mr. WORKS. Mr. President, it is not at all a usual thing for the two committees to operate jointly. I suppose that has not been done. I think it will be found, when these bills are compared, that there is quite a little difference between the two. I do not know what the Senator from Oregon may regard as fundamentals.

Mr. BORAH. Mr. President, this discussion all reveals this state of affairs: First, that we have no program at all on this subject; that it is all as yet in a nebulous condition; that there is no agreement between the two Houses which could be considered such an agreement as would exist with reference to the fundamental principles. It further appears that as yet these committees have simply begun and no more to take up this matter; that there is nothing ripened or completed at all in regard to it.

Mr. SIMMONS. Mr. President, the House Military Affairs Committee has reported its bill. It is on the calendar and ready for consideration.

Mr. BORAH. I understand that; but I trust by the time we get through with this program of preparedness the bill which is now reported to the House will not be recognizable even by its closest friends. Everyone knows that this matter of preparedness is yet wholly unformed. How long have we now in which to take care of it? Suppose that we take out the time we will have to have in order to pass the appropriation bills. We will be formulating these preparedness bills in the midst of a political campaign, and instead of having a program of preparedness we will have a program of politics. That is just precisely the situation. It must be clear to everyone. The Senator from North Carolina says he hopes not, but he is too wise and too astute not to know that what I state is the fact.

Mr. MYERS. Mr. President, does the Senator from Idaho speak for his own side of the Chamber, or for both sides, when he says that it is a matter of politics?

Mr. BORAH. It would be farthest from my thought—in fact, I would not have the heart to charge—that that side of the Chamber ever plays politics. [Laughter.]

Mr. MYERS. That is the first admission of that kind that I have heard from that side of the Chamber.

The PRESIDING OFFICER. The Chair must ask Senators to address the Chair.

Mr. BORAH. But it is not a question of which side is playing politics. The fact is that we will be in the midst of a political campaign. Why, the other day, when we had under consideration the question of warning Americans off of merchant ships armed for defensive purposes, which was supposed to be a vital question, did we not wait until a primary could be held in one of the States? No politics! Can it be said in sincerity that there will be no politics in the program?

This is a Government founded upon public opinion. As Tom Reed once said, no man rises above his environment; and it does not make any difference what class of men you have in the Chamber or in the other House—and they are the cream of the earth—they will still be conscious of the fact that a political campaign is imminent. There may be Republicans who believe that it is better that a Republican President shall be elected next time than that we shall have a program of preparedness. I would not assert that our Democratic friends might be so moved, but there is danger that they might be, unconsciously or subconsciously, affected.

Mr. President, we had just as well be candid with ourselves. These matters will not be taken up, unless we take them up at once, until they are taken up in the midst of a political campaign, and I fear you will not be able to keep politics out of a measure considered under such circumstances.

Mr. UNDERWOOD. Mr. President, when this motion was originally made I was disposed to vote for the motion made by the Senator from Montana [Mr. MYERS]; but a statement has been made in the midst of this debate which causes me to change my position in the matter, and I desire to have the RECORD show why I feel that I can not vote to take up for consideration the bill that the Senator from Montana proposes.

I listened with much interest to the debate this afternoon on the question as to whether or not we are prepared for war. I do not intend to trench on that feature of the debate. It is evident, from the statements that have been made by the chairmen of the committees that have those matters in charge, that there are no war measures pressing before the Senate at this time except the bill to authorize the Government to buy an armor-plate factory, or to build one, which it is proposed to lay aside if this motion is adopted. But, Mr. President, it is evident that the time is not far distant when it will be necessary for the Senate to take up these war-preparedness bills and other matters of great importance to the American people.

There are some matters of great importance, but of less importance than those bills to protect the American people from invasion, which might be considered at this time; and it is for us to determine whether we will consider those measures now, and which is of the most vital importance for immediate consideration.

Mr. President, I have been a Member of the Congress of the United States for more than two decades, and in that time I have never seen the public business of the Nation so far behind and so much delayed as it is to-day. I have been silent because the responsibility did not rest upon me; but I feel that the time has come, unless we are going to drag this session of Congress into the time when a national election will be confronting the American people, that we must speed up those bills that it is necessary for Congress to pass before we reach a final adjournment.

We have been in session for something over three months. So far as the Senate is concerned, if my recollection serves me aright, we have passed three contested bills in three months. It is true that we have transacted some business by unanimous consent—more or less unimportant business. We have passed an urgent deficiency bill, we have passed a bill relating to the Philippine Islands, we have passed a general dam bill. So far as my recollection serves me, that is all the legislation that this branch of Congress has transacted in three months. In what would have been in the olden days one-half the time devoted to a session of Congress, and in what I may say in the extreme limit might be called in these days at least one-third of the time that we ought to be expected to keep the Congress in session, we have standing to our credit three bills.

Mr. President, realizing that Congress can not adjourn until we have passed the general appropriation bills—14 in number, I believe—realizing that there are only two of those bills that have come from the House of Representatives to the Senate, and that not an appropriation bill is as yet on the calendar of the Senate—has the Indian bill been reported to the committees?

Mr. ASHURST. Yes.

Mr. UNDERWOOD. I correct my statement. I am informed that the Indian appropriation bill has been reported to the Senate and is here awaiting action; but the other great supply bills are not here. It is evident that if we intend to increase the Army and the Navy of this country it will be necessary to pass revenue bills to supply the necessary revenue to take care of the expanded Army and the Navy. It is equally evident that if we become involved in difficulties in Mexico, additional revenue will be necessary to take care of the affairs of the Government; yet none of these bills have so far been considered by the Senate. It has been pointed out here this afternoon that it will be necessary, before this session of Congress adjourns, to pass bills increasing the Army, providing for a reserve military force and an increase of the Naval Establishment of the United States. None of these bills have yet been considered by the Congress of the United States.

So, Mr. President, I think it is clear—it is evident to anyone who will analyze the situation—that if public business is not pressing before the Senate at this hour, it is but a short time in advance when of necessity the general appropriation bills, the revenue bills, and the war measures must be given the right of way, to the exclusion of all other business that may come before the Senate. If that is the case, then, in this brief hour that we may have to transact other business for the public, it is for us to select what business we deem of the most importance.

I would have cheerfully yielded any views I might have had on this question to my good friend the distinguished Senator from Montana, if it had rested at that. I realize, however, that the same issues, the same great principles, are involved in the bill that he seeks to bring before the Senate that were involved in the general dam legislation that occupied the time

of this body for over a month. Now, pending this motion, the junior Senator from New Hampshire [Mr. HOLLIS] has informed the Senate that if this motion is not agreed to, he proposes, as soon as it is defeated, to bring before this body for its consideration the rural-credits bill which his committee has reported to the Senate.

Mr. President, I try not to be a partisan. I am not speaking to-day as a partisan; but I can not overlook the fact that more than three years ago the party to which I hold allegiance pledged to the rural population of the United States, if it was returned to power, that it would write on the statute books of the country legislation giving to the rural people of the United States the same banking facilities that have been given to the town people for generations past. In other words, we pledged ourselves that we would write a rural-credits bill on the statute books of America in their interest.

I am not criticizing the committee that has had the matter in charge for the time it has taken to report such a bill. I recognize fully the importance of full and due consideration of a measure of that importance. I recognize further that if we were going to pass a bill of that kind that would be beneficial to the great farming classes of this country it was entitled to careful and full consideration, and that consideration had been given to it for more than three years past. But now the hour has come; the committees have reached a conclusion; the bill is on the calendar; the legislation is knocking at our doors. The Senator in charge of the measure states that he is prepared to bring it before the Senate for consideration. The time has come when we are to determine whether we will establish in this country a system of rural banking whereby we may assemble the banking credits of the farming communities for the farmer's benefit, not for the benefit of the city classes and of the great business interests of this country.

I am not one to cry down the business interests. I have often said that I am proud of the record our great business interests have made; but all the legislation up to this time to give cheap money and good banking facilities in America has been given to the great business interests in this country or the commercial interests in the cities, and not one line of legislation is on the statute books to give cheap money and honest banking to the rural inhabitants of America.

If we adopt the motion made by the Senator from Montana, what does it mean? It means that his bill will be pending here, in all human probability, for two, three, or four weeks to come, and that when it is disposed of the general appropriation bills, which must become law in order that the Government may exist, will be here demanding attention; that the revenue bill that must be passed in order that we may have the supplies to carry on the Government will be here before us; that the war measures that it will be necessary for this Congress to adopt will be here demanding our attention; and what will be the result? In all human probability the rural-credits bill that is now pending before the Senate will go to the waste-basket, and will not be disposed of before this session of the Congress reaches its adjournment.

With the promise of the Senator from New Hampshire that if this measure is voted down he will bring before this body immediately for its consideration the rural-credits bill, which has been waiting for three years to be considered; with the pledge of my party, so far as this side of the Chamber is concerned, that it will be enacted into law, Mr. President, I do not feel that I could justify my action in voting to adopt the motion of the Senator from Montana when I know that its defeat will bring before this body immediately a bill that should be on its passage to-day.

Mr. NEWLANDS. Mr. President, I quite agree with the Senator from Alabama and with the Senator from Idaho [Mr. BORAH] regarding the necessity for a businesslike program—a legislative program which we can take up consecutively and carry out before this Congress adjourns.

There is a method of securing efficiency, which I have suggested in a resolution which I presented some weeks ago and which was referred to the Committee on Military Affairs, and which is as follows:

Joint resolution creating a joint subcommittee from the membership of the Committees on Military Affairs and Naval Affairs of the Senate and House of Representatives to investigate the conditions relating to the national defense and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee.

Resolved, etc., That the Committees on Military Affairs and Naval Affairs of the Senate and House of Representatives, through a joint subcommittee of 10 Senators and 10 Representatives, who shall be selected by said committees, respectively, 5 by each, are hereby appointed to investigate—

(a) The general subject of the national defense.

(b) The efficiency of the present organization of the Army and Navy and the increase of such efficiency.

(c) The advisability of compulsory service.

(d) The relation of the State militia to the national defense.

(e) The advisability of creating a council of national defense and its composition.

(f) The increase of the military and naval schools for training officers, and utilization for this purpose of the schools of agriculture and mechanic arts created under the Morrill Act.

(g) National cooperation with the States in school training, involving the fundamental idea of the use of arms for the maintenance of civil order, both domestic and international, and not for conquest, and the method to be adopted for the inculcation of such idea.

(h) The construction, equipment, and personnel of auxiliary ships for the Navy to be used in war in aid of the fighting ships and in peace for establishing routes of commerce and mail to foreign countries.

(i) The necessary cost of the national defense covering a period of five years, and including in this the extent and size of such organization of the national defense as will be covered by an annual expenditure of $300,000,000, $350,000,000, $400,000,000, $450,000,000, and $500,000,000, respectively, for a period of five years, commencing July 1, 1916, with authority to sit during the recess of Congress and with power to summon witnesses, to appoint necessary experts, clerks, and stenographers, and to do whatever is necessary for a full and comprehensive examination and study of the subject, and report to Congress as expeditiously as may be; that the sum of $10,000, or so much thereof as is necessary to carry out the purposes of this resolution and to pay the necessary expenses of the subcommittee and its members, is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available and shall be paid out on the audit and order of the chairman or acting chairman of said subcommittee, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of such subcommittee.

Mr. President, there are four committees now in session upon military matters—the Committees on Military Affairs and Naval Affairs of the Senate and similar committees of the House—and I may add a fifth, the Subcommittee on Fortifications of the House. This great subject is now being considered by five committees, with separate hearings, the same witnesses going from committee to committee, repeating their testimony, the newspaper reporters unable to keep up with the procession and unable to report to the press the substance of the hearings; and so we are drifting into the greatest confusion, without information or knowledge, and we will be soon face to face with legislation relating to detached portions of the national defense without full comprehension of its organization or cost.

Mr. President, the national defense is a unit, and the Army and the Navy are simply branches of that unit. There ought to be some method by which a joint subcommittee could be appointed, consisting of three or five members from these several committees, which would condense all these separate hearings into one series of hearings, so that the attention of the country and of Congress would be focused upon them. This would result in one recommendation being made by that joint subcommittee to the respective general committees and to Congress. It might possibly be that there would be a minority report; but, at all events, by that process the attention of the country and of Congress would be focused upon either one measure or two measures—one representing the views of the majority of this joint subcommittee and the other the views of the minority.

Now, Mr. President, what are the questions which we are called upon to consider? First, the general subject of the national defense; second, the efficiency of the present organization of the Army and Navy and the increase of such efficiency; and, third, the advisability of compulsory or universal service.

Now, how are we going to consider these matters? Are we to have the reports of five committees on this subject, or are we going to take from these five committees a joint subcommittee which will treat this whole question as a unit and give us a report?

For my part, I do not believe that we will have an army capable of meeting a great emergency without compulsory service and without that preparedness which compulsory or universal service will give.

The question we have to address ourselves to is the efficiency of our present system. We have for the last five years been expending an average of about $250,000,000 annually, an amount equal to the amounts expended by the warlike nations of Europe prior to this war, and yet with an expenditure not much, if any, surpassing ours we find that Germany, Russia, Austria, and France have summoned to the field the enormous armies of trained and disciplined men whose operations we have witnessed during the past year and a half. Two hundred and fifty million dollars annually we have spent upon an inefficient Army and Navy. The same sum gives those countries armies of enormous capacity and efficiency. There must be something wrong, and it seems to me that instead of dividing this inquiry amongst five committees we should have one joint committee selected from those five committees, so that they can inquire into that condition.

Each one of these committees is considering a certain branch of the great question, and none of them are considering the

whole. It seems to me that we are approaching the question in a most unsatisfactory and inefficient way.

Now, what other questions have we got? We have the consideration of the advisability of creating a council of national defense and its composition.

Is that subject to be neglected by each one of the five committees that are considering the military and naval affairs or are we to have a consideration by each, involving separate reports and differing reports upon this important question?

It seems to me that the question of the national defense as a unit—the Army a branch of that unit; the Navy a branch of that unit; each adjusted to the other in such a way as to make a complete national defense, the diminution of one possibly meaning the enlargement of the other—can only be considered adequately by a joint subcommittee which is authorized to take a broad and comprehensive view of the national defense as a unit.

The next question is the increase of the military and naval schools for training officers and utilization for this purpose of the schools of agriculture and mechanic arts created under the Morrill Act.

Mr. President, we have to increase, and have to increase largely both our naval and military officers. Shall we rely only upon the national schools for that purpose, and shall we enlarge those national schools for that purpose, or shall we carry out the purpose of the old Morrill Act, which was to advance the military defense of the country by establishing in every State a system of military training that would give the country trained officers in time of war?

The next thing is national cooperation with the States in school training, involving the fundamental idea of the use of arms for the maintenance of civil order, both domestic and international, and not for conquest, and the method to be adopted for the inculcation of such idea.

Mr. President, it seems to me that is a subject of the highest importance, and it ought to be considered by a joint committee selected from these committees such as I have indicated. The condition of the world is such that it seems essential that we should enlarge our preparation for the national defense, and yet we have found that wherever a country has entered upon a system of military training it has resulted finally in developing the spirit of conquest. It seems to me of the highest importance that we should consider how in our military training we can inculcate the idea in the youth of the country that the great armed forces that we are about to create are to be simply aids to maintain civil order, national and international, and are not to be used for aggression or conquest.

This fundamental idea can be planted in the mind of the youth of the country in such a way as to impress their lives forever, and, on the other hand, we can plant the idea of conquest and aggression in the youthful mind. We can, if we choose, adopt a system of education which whilst teaching our youth that force is essential in human government for the maintenance of civil order, whether domestic or international, will make every soldier not a militant bent on disorder and destruction and death and conquest but an aid in the maintenance of peace and order, both domestic and international.

Now, the next question we have to consider will be the construction, equipment, and personnel of auxiliary ships for the Navy to be used in war in aid of the fighting ships and in peace for establishing new routes of commerce and mail to foreign countries.

We have been considering this question for years, ever since the subsidy bill was up in the Senate under a Republican administration many years ago. The question as to whether we should subsidize a merchant marine or whether we should create in our Navy, as a part of it, auxiliary ships which in time of war could be used in aid of the fighting ships and in time of peace in opening up new routes of commerce.

The Democratic Party has been in power for three years and has been considering this question. At the very outbreak of the war we had an opportunity, upon our naval bill, of adding these naval auxiliaries, but we lost the opportunity, and now we are engaged in the House in the consideration of a shipping bill which, whilst serving this purpose, contains a provision, objectionable to many in the Senate and the House, for the operation by the Government of the ships themselves in commerce and in trade.

The important thing, it seems to me, is to get the ships, to acquire them as a part of the Navy, since we differ on this question of subsidy, to provide at present for leasing these ships to responsible companies under regulation of a shipping board in time of peace, and to stop there. We can all be united upon such a proposal, leaving the question of the governmental operation of the ships themselves for future determination, according to the wisdom of the hour.

Then comes the question of the necessary cost of the national defense, covering a period of five years, and including in this the extent and size of such organization of the national defense as will be covered by an annual expenditure of $300,000,000, $350,000,000, $400,000,000, $450,000,000, and $500,000,000, respectively, for a period of five years, commencing July 1, 1916.

Mr. President, the important thing that we want to determine is the cost of this national defense, and it seems to me that that is a matter we ought to determine before we create the organization.

The joint subcommittee, such as I have referred to, would call upon the General Staff and the War College and other authorities and indicate to Congress what kind of Military and Naval Establishment they would advise costing $300,000,000 annually, what kind of a Military and Naval Establishment they would advise to cost $350,000 annually, and so on. Then you would have presented to us a tabulated statement of the organization, both of the Army and the Navy, that would be covered by each one of these sums, respectively, and act intelligently on the subject and take whatever proposal suited its judgment.

As it is we are going on in an accidental way, each committee making its report, Congress acting upon the report of each committee, and moving along in such a way as to involve no knowledge upon our part of the entire cost of preparedness.

The American people want to know what their Military Establishment, including both Army and Navy, is going to cost, and we want to know what is the best kind of a Military Establishment that can be given us for the annual expenditure of $300,000,000, $350,000,000, and $400,000,000, respectively.

Mr. President, if we go at this thing in this businesslike way we could soon reach a conclusion. We would soon get out of all this doubt and confusion. We could require of the Army experts a diagram showing the number of regiments of Cavalry, the number of regiments of Infantry, the number of men employed in the ordnance, the number of men required in the Engineer Corps, and their cost, and then, having got at the cost of the standing army, we could proceed and consider the methods under which a large reserve can be gradually established without great cost to the country. We could proceed in the same way with the Navy. Thus having marked out a definite program costing these various sums it will be easy, or comparatively easy, for Congress to take its choice.

As it is, there is every probability that the House committee will report a military bill based upon one theory and the Senate committee will report a military bill based upon another theory and that the Members of the House will stick to the report of their committee and that the Members of the Senate will stick to the report of their committee, and you will then find these systems in conflict between the two Houses.

Mr. President, it is important whilst this investigation is going on that public opinion should be educated as well as Congress itself and public opinion is not being educated. Nothing can be more confused than to attempt to follow the hearings of these five committees.

Realizing that I knew little about the subject, for I have never been identified with any military committee, I sent the other day for the hearings in one committee and found a great stack of them from which it was almost impossible for me to extract the information that would be of service.

I was told that there were similar stacks accumulated in each one of these committees, almost without the knowledge of Congress and certainly without the knowledge of the country. Newspaper men told me that they were exhausted going around to these hearings and it was impossible to keep track of them, that they were practically giving no information to the country. But the country requires this information in some concentrated form and that form should be given in the single hearings before a single committee or subcommittee which will be properly representative of all the committees that have jurisdiction of this subject. That is a method which we have pursued repeatedly. We got into difficulty over our monetary legislation and it was impossible to find common ground until we organized a joint commission composed of the Members of the Senate and House. With reference to interstate commerce we found there were numerous proposals concerning which there was great difference of view, and we recently appointed not a commission but a subcommittee of five from the Committee on Interstate Commerce of the House and five from the similar committee of the Senate and they are to report at the next session. I have not the slightest doubt that in that way teamwork will be accomplish between the committees of the Senate and the

House. Their work will be presented to their respective committees for inspection and finally to the Congress. I have not the slightest doubt that this will prove a satisfactory method of reaching a conclusion concerning matters regarding which there is great difference of opinion.

Mr. President, I appeared before the Military Committee the other day and pressed this resolution. I am sorry that the chairman of the committee is not here.

Mr. CHAMBERLAIN. He is here.

Mr. NEWLANDS. I wish to ask the chairman, who has viewed this matter with a great deal of hospitality, I know, as to whether in the pressure of the consideration of the Army bill they have been able as yet to bring up this matter.

Mr. CHAMBERLAIN. The committee has not yet been able to take up the resolution of the Senator from Nevada because it has had under consideration the other bills which were more nearly at heart.

I will say to the Senator that if this proposition of his had come in at the opening of the session I would not have been disposed to oppose it. I think there is a good deal of propriety in the forming of a bill by some such system as that proposed by him—that is, a subcommittee from each of the other committees—that have to deal with this question. Then they would have a measureable agreement as to the terms a bill ought to contain. We hope to take that up later. Even if it were adopted at this session it would be too late to consider it in connection with the proposed legislation of preparedness.

Mr. WARREN. Will the Senator allow me a moment.

Mr. NEWLANDS. Certainly.

Mr. WARREN. Along the line of these inquiries I will state that I have a good deal of sympathy with the purpose of the Senator's measure, but it should follow the work we are now doing rather than that should precede it. We must have an Army and a Navy. There is already in the departments a board of strategy that brings into coordination certain points of Army and Navy management, and to have a committee such as the Senator has suggested after we have the Army completed and the Navy provided for and thus bring on still closer coordination would, of course, be an excellent proposition, and one I should like to support.

But as to the formation of each company, troop, regiment, division, and so forth, it is a matter that the Army people have entirely in their own charge and they could get no help on that from the Navy, or the Navy from the Army as to similar details, but following what we are now doing in shaping up an Army, we may with profit do what the Senator from Nevada is proposing.

Mr. NEWLANDS. Let me suggest this to the Senator: It is true that a great deal of the work which I propose that this subcommittee should take into hand has already been accomplished. The committees have now completed their hearings and are prepared or nearly prepared to report their bills, I presume. It seems to me when the bills are reported it might be very wise to appoint a subcommittee from these five committees to consider all the bills and make a recommendation to Congress. Their attention then would be focused upon the five bills reported by these committees. They could call in the military and naval experts and quickly ascertain the efficiency and the cost of each system, and perhaps the efficiency and cost of a perfected coordinated system which would be worked out through the very suggestions contained in the various bills.

The answer to that may be that the organization of the Navy is essentially distinct from the organization of the Army. Very well in such a subject the committee when they are considering simply the Army bill I would expect the members from the Military Committee to be controlling with reference to that. So with reference to the naval bill I would expect the naval members of the subcommittee to be controlling with reference to that. But surely council between them is absolutely essential as to the relative proportions of these two branches which is the unit of national defense.

Certainly it must mean that at some point the increase in military expense would serve to diminish the naval expense, and vice versa.

It seems to me that it is of the highest importance that thought should be given to the coordination of the two services, and I can not imagine any intelligent consideration of the national defense which does not embrace the entire unit both military and naval service by the same organization. We must have coordination somewhere. If we have coordination between the Army and the Navy itself, then the coordinated proposal which they make and determine upon must, it seems to me, be submitted to a coordinated committee on Congress in order to secure the intelligent consideration of it.

Now, Mr. President, we have the facts that, under the existing system, we have followed a most expensive military system—just as expensive as any military system in the world in time of peace. If you look up statistics you will find the total annual expenditures of our Army and our Navy reach the proportion of the military expenditures of the great powers who are able in an instant to command the presence in the field of millions of men.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Mississippi?

Mr. NEWLANDS. I do.

Mr. VARDAMAN. I wish to ask the Senator if he has the facts as to that?

Mr. NEWLANDS. Facts as to what?

Mr. VARDAMAN. Can the Senator state the amount of money that has been expended for the Army and Navy per annum for the last five years?

Mr. NEWLANDS. I have not that before me. I looked into one of the statistical books the other day containing the naval and military expenditures of the great powers of the world for the past five or ten years, and I was amazed to find how closely our expenditures approximate the expenditures of those great powers that were able to summon millions of men to the field.

Mr. VARDAMAN. I think in some instances our expenditures have been larger.

Mr. NEWLANDS. I dare say we have expended more money than France has, yet all we can summon into the field is the beggarly Army of about 100,000 men, and France, I believe, has about 3,000,000 men in the field to-day. There must be something defective in our system.

Mr. CHAMBERLAIN. The Senator said, which is true, that the American Army costs more per man than the army of any other country, I presume, in the civilized world. But the American soldiers will not stand to be treated like the soldiers of Germany or of Japan, or of any other country, where it costs, probably, about $250 per man per annum. It costs in this country about $1,000. The American soldier, like the American laborer, demands to be better fed, better clothed, and better taken care of. Place our Army on the basis of some other army and you would not have a corporal's guard in the United States.

Mr. BORAH. Mr. President, I think there is another defect than that of the pay which goes to the private soldier. I read an interesting article the other day by some one to the effect that the English and French soldiers were better treated than the American soldiers. It is in the loose and extravagant manner in which we expend our money, without any system or without a proper consideration and study as to the effect of the money, which makes the greater cost on our part.

Mr. VARDAMAN. Will the Senator state just who are better treated than the American soldier, and in what way? Did the writer state it?

Mr. BORAH. I do not know that I could state it in detail, but this was an article which appeared in the New York Times a few days ago, written by an American who had studied the question. He complained that one of the defects in the army system in the United States is the unfortunate manner in which the American soldier is treated. He said that the superior officers in the foreign army never treat their soldiers as the soldier is treated by the superior officer in the United States. He said more consideration was given to him socially and more comradeship existed between the officer and the soldier. As he urged, there was more of a democratic feeling, less snobbery, and more chance for the common soldier to rise. I do not recall the details as to cost or manner of feeding and clothing.

Mr. VARDAMAN. I have had some observation on the point the Senator has just been discussing. I do not think there are any people on earth more undemocratic in the treatment of the private soldier than the American Regular Army. As a matter of fact, I have always believed that that was the reason why the American youth decline to join the Regular Army——

Mr. BORAH. I will say to the Senator that is precisely——

Mr. VARDAMAN. But that has nothing to do with the feeding and clothing and the discipline and the expense of maintaining the Army.

Mr. BORAH. No; but that matter was covered by this article. I only instanced the matter to which the Senator referred because it impressed itself on my mind very much. I do not undertake to go into details or to carry into my mind the details as to the treatment, but he did bring out very effectively the fact that the rank and file of the army in foreign countries is treated more democratically than in our Army.

Mr. VARDAMAN. I am not familiar as to that, but repeating what I said a moment ago, I am rather proud of the fact that the

American youth in time of peace declines to join the Regular Army. The treatment he receives there is more that of a servant than a patriotic American citizen fighting for the flag or defending the flag. He is a subordinate.

I remember during my limited experience in the volunteer service at Santiago that the volunteer soldier had an ineffable aversion to the Regular Army officer because of that manner of treatment or the treatment he received at his hands.

Mr. NEWLANDS. Mr. President, I am inclined to think that the treatment to which the Senator from Idaho [Mr. BORAH] refers is more the treatment by the people generally of the individual soldier than it is the treatment by the officers. In every country where universal service exists service in the army is an honor and a distinction. Universal service is absolutely democratic. Every man, rich or poor, is compelled to render it as a patriotic duty. That very fact elevates the man of inferior station and creates a spirit of democracy in the man of superior station, if we may term him such, and the real democratic institution, the only democratic institution, they have in these monarchical and imperialistic countries is the army itself; where every man, rich or poor, is compelled to serve as a matter of patriotism, and where they stand upon an equality in the ranks in service to their country; whereas in this country the service is a voluntary service, and in times of peace the impression prevails that no man of character or of energy or of ability will willingly go into the Army, because he is thereby circumscribing his career and denying himself opportunity. The public at large, accepting that view, treat the soldiers in the Regular Army with a certain indifference that at times amounts to contemptuousness. That condition would not exist if we had universal or compulsory service, in which I believe.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. I yield.

Mr. BORAH. The Senator from Nevada, in speaking about men refusing to go into the Army, has reference to the common soldier?

Mr. NEWLANDS. Yes; I am speaking of the common soldier.

I think that that subject ought to be seriously studied in connection with the creation of this Army. We can not afford to have a very large standing Army. If we should have, if it costs a thousand dollars a year per man, as the Senator from Oregon [Mr. CHAMBERLAIN] says—and he undoubtedly knows—a force of 200,000 men will cost $200,000,000 annually. Then we shall not have an Army that will be comparable in force or power or numbers to the European armies. They must have some system there that enables them to get a very much larger standing army and an enormous reserve at a very much less expense per man than we have in this country. I do not believe the difference is in the liberality with which we treat the individual man; I believe the difference is in the system itself. Hence the importance of focusing the attention of the country and of the Congress of the United States upon a single expert investigation by a subcommittee composed of Members selected from these five committees, acting in cooperation with distinguished experts of the Army and the Navy.

Mr. MYERS. Mr. President, I want to say just a word or two with reference to the remarks made a few moments ago by the distinguished Senator from Alabama [Mr. UNDERWOOD], to whom I always listen with much interest. The Senator from Alabama, at the beginning of his remarks, I thought rather urged, by implication at least, that we should proceed to preparedness legislation. I agree as to the importance of that; but I want to call the Senator's attention, as I did the attention of the Senator from Idaho [Mr. BORAH] earlier in the debate, to the fact that there is no preparedness measure reported out of the committees and now on the calendar, except the armor-plant bill, which has been voluntarily laid aside by its sponsors. Therefore there is no preparedness measure for us to proceed to consider.

I agree with the Senator from Alabama that Congress is far behind with its work, but I believe I am about as little responsible and culpable for that as any other Senator in this body. Since the 7th of December I think I have probably consumed about one hour of time altogether on the floor of the Senate in speaking. I have been engaged in committee work and other necessary work assiduously for about 18 hours a day, trying to expedite business. If preparedness measures are not brought out, the question is what shall we now consider? What does the Senator from Alabama want to consider between now and 6 o'clock this afternoon? I judge he desires to consider the rural-credits bill from what he says.

Mr. UNDERWOOD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Alabama?

Mr. MYERS. I yield with pleasure.

Mr. UNDERWOOD. I thought I made myself clear this afternoon in stating that it was evident that it would not be long before the preparedness measures, the appropriation bills, and the revenue measures would command the right of way in this body, and that in the meantime we had several more measures that were knocking at the door for consideration.

Mr. MYERS. Yes; I was just going to mention that.

Mr. UNDERWOOD. We have the bill which the Senator from Montana presents and the bill which the Senator from New Hampshire [Mr. HOLLIS] has stated he desires to get up—the rural-credits bill.

Mr. MYERS. I am aware of that.

Mr. UNDERWOOD. And it is evident that it will be necessary for us to either select the rural-credits bill now for immediate consideration or to take very long chances on having it considered at this session of Congress. As I felt that the bill was of so much importance, the party to which the Senator and I belong being now three years overdue in its pledges to consider the bill, and as this was pending and knocking at the door, with all of the importance of the bill which the Senator presents, which I recognize—I may not agree with him in all of the details of the bill, but I recognize it is a matter of great importance—with all the importance that that bill represents, here is a bill that goes to the very prosperity of the agricultural masses of this country, and which practically has the united support of his party and my party, that may be sidetracked for good and all at this session of Congress if we do not take it up now. That is the argument I made and the reason why I insisted on the importance of the immediate consideration of that bill.

Mr. MYERS. Well, I was just getting to that point. I realized that; but after the Senator had spoken about the importance of preparedness legislation, and admitted that there was none of that character now before the Senate, he then urged that we proceed to the consideration of the rural-credits bill instead of the bill which I have moved to take up.

Now, I want to say in regard to that, Mr. President, that I believe there is time to pass both bills, and I think we ought to pass both. I am in favor of the rural-credits bill; I am in favor of water-power legislation; I am in favor of both. I realize the importance of both and expect to support both; I believe that there is time enough to pass both; and I believe we ought to stay here until we enact all of the necessary legislation, and until such time as we shall have discharged our full duty, even if we stay here until November. I do not think we ought to be scared if somebody shouts politics at us. I think we ought to stay at our post of duty if it takes all summer and all fall to give the people the legislation which they need and which we have promised.

I believe that by all rules of fairness and justice and propriety as between these two measures we ought to take up the water-power legislation at this time. That bill was reported out of the Senate Committee on Public Lands in January. It was reported before the Philippines bill was disposed of. It was reported a month—I believe a full month—before the rural credits bill was reported. There is here on the floor neither the chairman of the Committee on Banking and Currency, which had charge of the rural-credits bill, nor the Senator who reported it to the Senate; neither one of them is urging its immediate consideration.

Mr. UNDERWOOD. Will the Senator yield to me?

Mr. MYERS. With pleasure.

Mr. UNDERWOOD. The Senator who has charge of the measure is on the floor—the junior Senator from New Hampshire [Mr. HOLLIS].

Mr. MYERS. I say that neither one of them is urging that his measure be proceeded with, but they have virtually given way to my measure; and I do not see why we should not accept their judgment.

Mr. UNDERWOOD. Mr. President, I will say to the Senator from Montana that it was on the statement of the junior Senator from New Hampshire that his bill was on the calendar, and that he was prepared to take it up, and intended to move to take it up in the event that this motion was not adopted; that I felt that it was necessary for me to make the statement which I did, realizing, as I do, that we take the chances of sending the rural-credits bill to the shambles of legislation if we fail to act now, because the Senator from Montana has a bill that, when it is passed, may go to conference. The Senator has amended a House bill. The legislative track is clear for the Senator's bill. When we take that up, when we consider it, it goes to conference, but the rural-credits bill has not been

considered by either branch of this Legislature; when it passes this House it must go to the House of Representatives and get the right of way on the calendar of that body. Now, if we take up this bill——

Mr. MYERS. I will ask, Has that bill not been reported to the House as well as to the Senate?

Mr. UNDERWOOD. But it has not been considered by the House.

Mr. HOLLIS. If the Senator from Montana will permit me, the bill has not been reported to the House by the House Banking and Currency Committee.

Mr. MYERS. But is it not to be reported?

Mr. HOLLIS. I suppose so. They have been working on it, but they have not yet agreed upon it.

Mr. UNDERWOOD. If the Senator from Montana will allow me, I recognize the fact that sometimes it takes a vast deal of time to transact legislation in this Chamber, but sometimes the Senate can transact its legislation very rapidly. When you go to the other end of the Capitol, however, with 435 men constituting that body, important legislation is always slow.

Mr. MYERS. Pardon me, but they do more business in a day in the House than we do in six weeks.

Mr. UNDERWOOD. They do on the Unanimous Consent Calendar.

Mr. MYERS. They do business while we waste time.

Mr. UNDERWOOD. That may be true in some respects.

Mr. MYERS. The Senator from Alabama was there long enough to know the difference.

Mr. UNDERWOOD. I know the difference, and I also know when we approach the end of the session of Congress, with many measures pressing for consideration there will be an absolute necessity of giving appropriation bills, revenue measures, and war-preparedness bills the right of way. I fear that if we should postpone sending the rural-credits bill to the other House for another six weeks the probabilities are that if we send it then it would not be considered before this session of Congress adjourns, and I do not think that we who believe that that is a measure of the first importance outside of the great supply bills and revenue bills, which are necessary to run the Government, should sidetrack it. I think it is our duty to the country and to those whom we represent that we should first pass that bill and then take up measures such as the Senator from Montana presents.

Mr. MYERS. Mr. President, I do not wish to consume time; I desire to speak for only two or three minutes more. I prefer to close my remarks without interruption, and then I will have said all I care to say on the pending motion.

I believe that, according to every rule of fairness, justice, and propriety, the water-power measure should be brought up for consideration now. The Senate has been legislating on that subject; it is fresh in the minds of the Senate. If the water-power bill can follow now, it will come in naturally and logically and appropriately; and I believe the discussion will be far shorter than it would be if the subject should be allowed to get cold and a couple of months later it should be brought up as an entirely new matter.

More than that, the bill was reported out in January. It was reported a full month ahead of the report on the rural-credits bill. It was reported even before the Philippines bill was passed, before the Shields power bill was taken up for discussion; and, after conference and discussion with some of the Senators, with the Secretary of the Interior, and with others who are favorable to water-power legislation and interested in it, it was rather agreed and understood that the Shields bill was to come on first, break the way and open the discussion, and then there was a tacit understanding, on my part at least, that the Ferris water-power bill was to follow right in the wake of it, right on its heels, and be disposed of, and that we would thus get rid of the entire subject. I acted on that understanding.

Now, the Senator from Alabama [Mr. UNDERWOOD] says that for three years we have been promising the people rural-credits legislation. There has been a demand for 10 years in this country for water-power legislation, but none has been enacted. The Senator from Alabama speaks of the importance of the rural-credits bill. I admit its importance, but the Ferris bill is a bill of great importance likewise. It is really a part of our preparedness measures. It will enable the people of this country, through the Government, to engage in the fixation of atmospheric nitrogen, to provide for the manufacture of explosives, to provide munitions of war, it will enable us to supply the farmers of this country with fertilizers for their lands which are being exhausted; it will increase by a fabulous figure the agricultural production of this country; it will enable us to lay up agricultural products, food products, for our support in case of war; it will promote the prosperity of the farmer by increasing his products; it will lower the cost of living by giving the people increased agricultural products at a cheaper price; it will develop manufacturing and insure the investment of money in many lines of business; it will promote the general prosperity of this country, I believe, fully as much as rural-credits legislation, as much as I believe in that.

I always respect the judgment of the Senator from Alabama, even if I can not agree with him. In this instance I do not agree with him. The Senator from Oklahoma [Mr. OWEN], chairman of the Committee on Banking and Currency, which has reported the rural-credits bill, has virtually made way on the floor of the Senate for the water-power bill, giving it the right of way. The Senator who reported the rural-credits bill has virtually given the Ferris bill the first opportunity. If those two Senators are willing that water legislation shall have a chance for its life now, why should not other Senators be willing? Let us pursue the logical, reasonable, sequential, appropriate course by disposing of one subject at a time. Like the Senator from Nevada [Mr. NEWLANDS], I believe in having a legislative program. My program is to dispose of one subject at a time and then go on with something else. We have been on water-power legislation; let us finish it. I believe that, according to all rules of fairness and justice, my motion ought to prevail, and I hope that it will.

Mr. McCUMBER. Mr. President, before the vote is taken on the motion of the Senator from Montana, I wish to express the views of the farmers of my State on this rural-credits bill which the Senator from Alabama [Mr. UNDERWOOD] wishes to hurry into this arena.

I represent a State that is wholly agricultural; it has no other business whatever. Therefore, I certainly can not be said to be prejudiced against a rural-credits bill; but I am unalterably opposed to the particular bill reported. I have here a protest against that bill; a protest from those who have given it careful consideration; a protest coming from an organization representing about 100,000 farmers in the State of North Dakota, with their affiliated associations. That protest is most earnest against the pending rural-credits bill. They say, and they say properly, that it is top-heavy; that it is expensive; that it has no applicability whatever to the conditions in the Northwest, and I might say almost the entire northern portion of the United States; that it is not workable in any sense. And they declare, after thoughtful consideration of the subject, that the enactment into law of such a measure as that which has been proposed in the Senate would put off any good rural-credits legislation for the benefit of the farmer for more than 20 years.

Mr. UNDERWOOD. Mr. President, will the Senator yield for a moment?

Mr. McCUMBER. Certainly.

Mr. UNDERWOOD. Mr. President, I do not understand the Senator to mean that the farmers of his State are opposed to rural-credits legislation?

Mr. McCUMBER. The farmers of my State, the farmers of Minnesota, the farmers of that section of the country who are similarly situated, say that this bill could not by any possibility, without a change of its whole character from the foundation up, be made applicable to the farming conditions of the Northwest; that no benefit could be derived from it; and they feel certain that they could not secure a bill that would result to their benefit with this bill in the way. They therefore hope and pray that this bill may be put aside at this session of Congress so that the Senate may have an opportunity to hear from the entire agricultural Northwest, after they have had time to digest it, as to whether or not they want a bill of this character.

Mr. UNDERWOOD. Mr. President, if the Senator from North Dakota will allow me, I desire to call his attention to the fact that, irrespective of what the farmers of his State may desire, I find that the farmers of my State and of a very large portion of the United States, if I may judge by the letters which I receive and the documents which come to me, are heartily in favor of a rural-credits bill. If the particular measure which has been reported to the Senate is not satisfactory to the Senator or is not satisfactory to his constituents, it seems to me, if he is in favor of rural-credits legislation at all, the only possible way to secure the legislation which he desires—he can not secure it from the committee, because they have already found a different verdict—is from the Senate itself, which has not yet expressed its opinion and which will accord to the Senator the opportunity of presenting and discussing such a measure as his people desire before passing upon it. There is no question that there has been a demand all over the country for this class of legislation, and the only opportunity we can

have to consider it is to bring it before this body. When it comes down to a question of consideration, as to which of two bills we should take up, one having almost a universal demand behind it, and the other a bill concerning which we find Senators who represent the States to be affected by it largely against its enactment, it seems to me clear that we ought to take up the bill which proposes legislation for which there has been a universal demand all over the country, irrespective of what may be in the bill and whether or not it is satisfactory to our constituents, in order that we may have an opportunity to amend it and make it satisfactory.

Mr. McCUMBER. Oh, Mr. President, what value does the Senator place upon a mere opportunity to present an amendment which may not receive any consideration and which will be voted down? What consideration did the Senate give to the Gore resolution the other day, the very nature of which was changed to indicate exactly the opposite of the meaning it had when the motion was first made to lay it on the table? Whenever a bill comes before the Senate with the seal of the approval of a great party organization, supplemented by the support of the President of the United States, representing that organization, my 16 years of experience in the Senate of the United States have shown me the futility of attempting any material change in that proposed legislation; and I would not expect to be able, no matter how well I might present the opposition, to secure the adoption, by the party which is responsible for legislation, of a rural-credits measure different from the bill now on the calendar.

Let me call your attention to a fact of great interest to my people. For many years I have been attempting to secure, for the farmers of my State, national legislation which would give to them Federal inspection and grading of their grain in cases where they must sell it in a State other than the State of production, whereas now the grades are fixed and every rule pertaining to the grain, its purchase and sale, is established by the buyers of that grain. A measure of that character was finally, after a great deal of labor, brought before the Senate but was voted down, because the farmers did not have such powerful organizations throughout the country as have the great commercial organizations, the chambers of commerce and boards of exchange.

Finding that they could get no relief in that way, the legislature of my State then enacted a bill to build elevators in another State. That was found to be unconstitutional. I mention it merely to show their struggle to escape from certain onerous conditions. Being unable to do that, we had to get an amendment of our State constitution, so that we might be able to defend ourselves and secure a means for the outlet of the grain, without having it pass through these exchanges. The failure of the legislature to vote the necessary funds resulted in a nonpartisan organization in the State, which was formed by the farmers and which voices their determination to clear the slate in order that their just demands might be recognized.

The farmers have had the question of rural credits before them for a great many years. They have studied every one of the bills which has been presented to them. They have appointed their State committee to investigate it; they have sent men here who are capable of understanding the meaning of a bill and who understand the conditions of the country and wherein such bill will not be applicable, and when those people speak with unanimity and ask that no legislation be attempted at this session they speak with the knowledge that has been obtained by watching for many years the method of putting bills through the Senate of the United States. They know well enough that when any bill comes here backed by a party and backed by the President of that party there is little hope of securing any material change in the bill.

Therefore, looking to the future, I feel that because of the enormous expenses connected with the bill and because it attempts to foist upon the country a double system of banks, a system which will be twice as complex as the system now in vogue in the United States—the regional bank system—they have a right to be heard and to have recognition before the Senate of the United States when they ask that at least the matter may be deferred until the provisions of the bill can be digested by the farming communities of the whole country.

Mr. HOLLIS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. Certainly.

Mr. HOLLIS. The distinguished Senator says that the people, or rather the farmers, of North Dakota have been to Washington to express their sentiments upon the pending rural-credits bill. Will the Senator give the names of those men?

Mr. McCUMBER. I will give the name of a representative who was here just a short time ago. He did not arrive here until after this committee had reported, but he represented all these organizations. I attempted to secure for him a hearing in the other House, but they were too busy just then to grant it; and so he filed his objections to the bill as the representative of the farming organizations of the Northwest.

Mr. HOLLIS. Is that man Mr. Grant S. Youmans?

Mr. McCUMBER. Yes.

Mr. HOLLIS. And is he the only one the Senator has seen?

Mr. McCUMBER. Oh, Mr. President, I have had petitions and letters from thousands of men representing the different local societies.

Mr. HOLLIS. Has the Senator filed any of those petitions of protest with the Banking and Currency Committee?

Mr. McCUMBER. Oh, yes; there have been a great many of them filed.

Mr. HOLLIS. Filed with the committee?

Mr. McCUMBER. Yes; there have been some filed here as petitions and referred to the committee.

Mr. HOLLIS. I think the Senator knew that I was chairman of the committee that was considering this subject, and I ask him if he has called any of them to my attention until this moment?

Mr. McCUMBER. I suppose that when a petition is filed and referred to a committee it receives attention without the Senator's calling it to the notice of the chairman of the committee.

Mr. HOLLIS. Now, I should like to ask the Senator if Mr. Youmans showed him his credentials to speak for the farmers of North Dakota?

Mr. McCUMBER. Oh, yes, Mr. President; he did.

Mr. HOLLIS. And what does he represent?

Mr. McCUMBER. He represents the Equity Societies and also the Nonpartisan League of the State.

Mr. HOLLIS. If the Senator will permit me, I have here a Senate document, printed on the motion of the distinguished Senator from North Dakota, which purports to be a speech delivered before the Committee on Banking and Currency of the House of Representatives. Upon having it brought to my attention this morning, I conferred with the chairman of the Banking and Currency Committee of the House, and he sent me this written message:

> This is a barefaced fraud. This man has never delivered a speech before the Banking and Currency Committee of the House. He has never appeared before the committee. He has never asked to appear, and would not have been permitted to appear, since the Banking and Currency Committee of the House is having no hearings.
>
> Mr. Youmans on Saturday, I believe, left with me a typewritten criticism, rather rude and largely ignorant, of House bill 6838, now being perfected, which seems to be to some extent a reproduction of an anonymous pamphlet recently issued. That is all there is to this alleged "speech" before the House Banking and Currency Committee.

I should like to add to that that the Senator's colleague [Mr. GRONNA] notified me some 10 days ago that Mr. Youmans was on his way here and that he would like a hearing. I agreed with the junior Senator from North Dakota that I would get a hearing for him. Mr. Youmans appeared. The junior Senator from North Dakota told me that he would be glad to give him a hearing. Mr. Youmans declined to have a hearing before our committee. He has expressed no objections of any kind to us, and he has gone home. Now, he has compiled from an anonymous pamphlet that has been distributed this winter, and the author of which evidently knew nothing about the bill, this so-called speech before the Banking and Currency Committee of the House.

I wish to state to the Senator that his colleague has been on this committee. His colleague has voted to report this bill favorably. While there may be some things in it that he would like to have changed, he is to have every opportunity to present them to the Senate. It is not a partisan bill. It has been expressly kept a nonpartisan bill. The farmers of North Dakota have had every chance to be heard for the past two years and a half, and the bill has had the most careful consideration.

I think so much is due at this stage of the proceedings.

Mr. McCUMBER. Mr. President, if the gentleman whose letter has just been read had given half as much consideration to the requests that were made for hearings and requests upon my part in sending over various parties, there probably would have been a hearing accorded Mr. Youmans in his committee.

Mr. POMERENE. Mr. President——

Mr. McCUMBER. Let me answer the Senator's question first and then I will yield to the Senator from Ohio.

As a matter of fact, here is the case: This Mr. Youmans, who represents these societies, did not arrive here until after the bill had been reported from the Senate committee. Therefore, the

bill having been reported, there was no necessity for asking that committee for any further hearing, because his objections probably would not have been even read. I found that it was inconvenient for the House committee to get together, and it was perfectly satisfactory to Mr. Youmans merely to present his article in the form of a written statement. As he prepared it, he expected to deliver it orally. Finding that that would be inconvenient, he simply filed the statement, and while it reads upon the face of it as he intended it should be in the first instance, a speech delivered, it would have been more proper, as it was, if it had said "speech presented," because it was simply presented to the committee in the House, and then, by my request, it was ordered to be printed.

The article itself will show whether or not the author of it understood the bill. I am positive that he did understand the bill, and understood it quite well. I know that some of the criticisms are exceedingly well founded. I am not criticizing anyone who supports this bill. I am simply saying that this bill will be a dead letter in the Northwestern States, and I can not believe that the committee felt very confident that its provisions would be very successful, because, doubtful of one kind of a system, they made provision for two kinds, so that if one would not work possibly the other might work, thus adding very much to the complexity of the scheme. But it is so expensive, it is so top-heavy, it requires so much on the part of the borrower, and it is such a complex system, that it could not be operated without making the expenses so heavy that the farmers would practically have to pay as much in interest as they pay now.

There is an attempt to get around that by providing that the Government shall take the stock, if private individuals will not take it, and providing that the Government shall deposit money without interest, and that the Government should pay part of the expenses. That would not have been necessary at all if the bill were so worded that it would invite capital to go into the project. But there is first a system of banks that correspond to a certain extent to the Federal reserve banks, and then there is still another system of joint-stock banks, and then there are farm organizations, and there are attorneys, and there are special agents, and a host of officers, examiners, and so forth, most of them receiving good salaries, and you can not organize with less than $250,000 or $500,000 capital, depending upon the population of the State; and before you get through with the red-tape proceedings, the average farmer would drop his application for a loan in such banks, and would go to the ordinary bank or farm-loan company.

If you want to impose that system upon the farming public, of course we shall have to submit to it; but I know that I speak the sentiment of the farmers of the Northwest and of their organizations when I say they do not want this bill and prefer that it should go over.

Mr. POMERENE. Mr. President, there would be very great force in what the Senator from North Dakota has said were it not for one statement which he has made, and that was this: He stated that he wanted this bill to go over because the farmers in his section had not yet had time to digest the bill.

Mr. McCUMBER. Mr. President, will the Senator allow me to interrupt him?

Mr. POMERENE. Yes.

Mr. McCUMBER. I know that the Senator would not intentionally misquote me.

Mr. POMERENE. I certainly would not.

Mr. McCUMBER. And I wish to say most earnestly that I made no such statement. I stated that the farmers in my section of the country had digested the bill, but that the farmers generally over the United States had not. That is quite a different proposition.

Mr. POMERENE. Possibly I misunderstood the Senator. I certainly had no desire to misquote him.

Mr. McCUMBER. I know that.

Mr. POMERENE. But that was as I understood him. In any event, the fact that he states that the farmers generally have not had an opportunity to digest this bill would indicate that probably some of the farmers who are objecting to the passage of the bill have not digested it; and if that be so, I can understand the ground for many of their objections.

I was not a member of the subcommittee that had this matter in charge; but as a member of the general Banking and Currency Committee I have given a good deal of attention to the consideration of this bill, and I do not believe the Senator himself will say, upon further deliberation on this bill, that it has not been pretty well considered. It may be that some of its provisions will not meet his approval, and I do not hesitate to say that there are some provisions in the bill that do not meet the approval of all the members of the committee; but the general plan which has been adopted does meet, I think, the approval of nearly every member of the committee. There was considerable difference as to certain features of the bill; but as to those we were almost unanimously of opinion that they were of such a character that we had better thrash them out on the floor of the Senate.

If some of the provisions of the bill do not meet the approval of the Senator from North Dakota or of his constituents, their views can be presented here to the Senate in open session in the course of the debate, and if they have something better to offer I am willing for one to accept it. I am not wedded to any particular plan; but I am, without any qualification whatsoever, of the opinion that we would make a very great mistake if we did not at this session of Congress adopt some rural-credit legislation for the benefit of the great farming industries of this country.

I have a good deal of sympathy with what the Senators from Montana have had to say with respect to the power bill, and I voted a moment ago against tabling the motion to make the power bill a special order. Upon further reflection, however, it does seem to me that there are 10 men who are interested in the rural-credits bill to 1 who is interested in the power bill. I believe the people of the State of Montana are just as much interested in the rural-credits bill as they are in any power bill, and I have had this difficulty confronting me.

Mr. WALSH. Mr. President——

Mr. POMERENE. Pardon me just one minute. In the consideration of the power bill which has been before the Senate heretofore it has appeared that the Senators from the States who are most interested in the power bill have not come to an understanding among themselves as to the best form of a power bill to be passed by this Congress. It has occurred to me that if the bill which has already passed the Senate were to go to the House and were there considered and discussed they might be able to give to the Senate some light upon the subject which would not only benefit us in the final disposition of the bill which has already passed the Senate but would give us additional light upon the bill which is sought to be made a special order by the Senate at this particular time.

Under those circumstances it does seem to me that there is a better chance to pass the rural-credits bill within a comparatively short time than there is to pass the power bill; and I shall be glad if the Senate can see its way clear to take up the rural-credits bill and thereafter take up the power bill. I yield to the Senator from Montana.

Mr. WALSH. Mr. President, since the Senator has referred to the attitude of the Senators from Montana with respect to this matter, I desire to say to him that I think I can fully subscribe to his view that there are more people in the State of Montana who are interested in the rural-credits bill than there are people in that State who are interested in the water-power legislation. It is perhaps not unknown that the State of Montana is very rapidly assuming a position of first importance as an agricultural State, and it may not be unknown that already our agricultural output far exceeds in value our mineral product.

The real situation, however, is that a while very great number of people in the State of Montana are vitally interested in the rural-credits bill, they are getting along tolerably well. They are relying upon the ordinary sources, to which the agricultural population of this country has been obliged to resort for a century, for funds with which to carry on their industry, which is going forward in my State by leaps and bounds. The trouble is that the water-power matter is held tight; that you can not do a thing about it; that for 10 years there has not been an opportunity to put a dollar into that business in the State of Montana except in the way of the development of lands which have passed into private ownership.

The thing is tied up. We can not move at all. The agricultural population will go on. While the passage of the rural-credits bill would undoubtedly be a measure of great relief to them, they will go forward with the agricultural industry. The other is absolutely tied up, and we need the legislation.

If the Senator from Ohio will pardon a word further, I feel very certain that, in view of the way this matter has been presented, the suggestion of the Senator from Alabama [Mr. UNDERWOOD] that we take up the rural-credits bill first would not be received with any particular hospitality here were it not for the threat that has been made upon this floor that there is going to be a filibuster upon the water-power measure. Mr. President, I want to know if the Senate has fallen so low that a man can get up in this body and, by a mere threat that he is going to filibuster a bill to death, put it off? We have seen that done twice here in the past week, and I wonder if it is not about time for us to put a stop to it?

Mr. POMERENE. Mr. President, I yielded, as I thought, for a question. Certainly the Senator will not charge me with attempting to filibuster against that bill or any other bill, and I am in entire sympathy with what he says on the question of the importance of the power bill to the great Northwest. I shall be glad to help along that legislation. I am convinced, however, that more people are interested in the rural-credits bill and that it will be of more benefit to the country as a whole than will be the power bill.

It is for that reason that, in my judgment, the Senate would be better serving the interests of the public if we should take up the rural-credits bill and dispose of it first.

Mr. VARDAMAN. Mr. President, this discussion has taken rather wide range. I should not detain the Senate a moment this afternoon but for the fact that, in so far as I can, I desire to correct a misstatement of fact, or, rather, the misinformation, that has been sent abroad, that this great Government of ours is absolutely impotent in dealing with a foreign nation.

It has been stated unequivocally upon this floor that the United States are not prepared to meet Mexico and deal creditably with the condition which confronts the country to-day. As a matter of fact, Mr. President, the United States are stronger at this moment to defend the flag than they ever have been before in the history of the Government, and are better prepared in every way to do it.

When we went to war with Mexico in the forties we had a standing army of about 10,000 men. When the war occurred between the States we had a standing army of about 16,000 men. When we went to war with Spain we had a standing army of 25,000 men. To-day we have the best and the largest organized State militia, ready for action, the Nation has ever enjoyed. There are 50,000 Spanish-American War veterans of military age ready to-morrow to respond to the country's call—men of experience, sober judgment, and fired with patriotic zeal for their country's good. We have a standing army of over 100,000 men and officers. Thousands of young men trained to military service in the schools and colleges of the Nation are ready and eager to take up arms in defense of their country's flag, not as professional soldiers but as patriots, whose devotion to home, fireside, and country can always be relied upon in the hour of the Nation's peril.

Why, I remember that during the discussion of the prospective Spanish-American War, immediately before war was declared, the statement was published in the Spanish papers that the United States had only a little Army of 25,000 men, and that the Spaniards could easily land on our southern coast and march through to Washington. The poor deluded creatures were misled by such a statement. The real strength of this Republic in time of war has never consisted, and does not to-day, in its standing army, but it consists rather in the men of military age who are always ready and equipped to defend the country. Thomas Jefferson, the founder of the Government, was opposed to a large standing army. He saw in a large standing army an eternal menace to free government. Jefferson was right. The menace is as great to-day as it was 100 years ago. We need a standing army for police regulation in time of peace and a well-organized State militia for the first moments of war. The battles of the past have been fought by the patriotic citizen volunteer, and the flag shall be defended in the future by the same character of patriot, if we shall remain true to the genius and traditions of our Government. Republican institutions have not in the past nor will they in the future live very long if they must be upheld and defended by a hired professional army.

Speaking of the readiness with which the American volunteer can be converted into a soldier, the immortal Prentiss once said, in discussing this very question:

"It is a sight worthy of the genius of our great Republic to behold, at the country's call, great armies leap forth in battle array, and, when their services are no longer needed, to return again to the communities whence they came. And thus the dark thundercloud at nature's summons marshals its black battalions and lowers upon the horizon. At length, its lightning spent, its dread artilleries silenced, disbanding its frowning ranks, it melts into blue ether, and the next morning you will find it in the dewdrop upon the flower or assisting with its kindly moisture in the growth of the young and tender plant. Great and glorious country is this, where every citizen can at once be converted into an efficient soldier and forthwith, after the war is over, return to his home a peaceful, self-sustaining, self-supporting private citizen."

Mr. President, when war comes and the service of the soldiers is needed it will be there in abundance and of the best quality. I personally have no fear of not enough military strength. The danger, in my judgment, is not in that direction, but the real danger to our best interest is too much militarism in time of peace, the ancient mortal foe to free government.

The professional soldier is an economic parasite that produces nothing, but consumes the products of the laboring man's toil. Every influence that emanates from him is subversive of free institutions and hurtful to free government. The average Regular Army officer, by reason of his environment, his training and aspiration, would rather serve a monarchy than a republic.

We do not need to wait until the preparedness bills are passed before every necessary arrangement can be made to meet the demands on the borders of Texas.

RURAL-CREDITS LEGISLATION DEMANDED.

I hope, Mr. President, that legislation of as much importance as the bill which is the subject of the motion now before the Senate and the bill for rural credits may not be laid aside to give precedence to the question of preparedness. The farmers of America have been pleading, they have been knocking at the door of Congress for the last 10 years for proper rural-credits legislation. They need it, the interest of all America demands it, and this Congress should respond. That sentiment had grown so strong that the Democrats at Baltimore had incorporated in their platform a promise to the American people that we should give to the farmers a good, helpful rural-credits law, and that promise ought to be redeemed. If it is necessary to remain here after the national conventions, let us do so and finish up the work. Service to the American people is paramount to party or personal consideration. It is vastly more important that we should pass the rural-credits bill, in my judgment, than it is that we should enlarge the Army or the Navy either at this time, and I shall never vote to displace the consideration of the rural-credits bill for any proposed Army or Navy legislation.

The American farmer demands consideration. He is the one citizen of this Republic who has not at this Capitol some special agent to promote his interests and to watch them and urge them upon Congress. He bears the burden of the Government, and actually gets less attention at the hands of the Government than any other class of American citizens.

I am going to be put in the very disagreeable attitude of having to vote, if the question comes up now, between the bill that my friend, the able Senator from Montana [Mr. MYERS], is urging and the rural-credits bill, because it has been stated that if the bill which he proposes is not taken up now the rural-credits bill will be taken up. To my mind, that is one of the most important pieces of legislation that Congress will be called upon to consider at this session; and I shall be compelled to vote to give it precedence in consideration before this body. Mr. President, rural-credits legislation will benefit especially the agriculturist of America, but generally all the lines of trade. Upon the prosperity of the farmer the success of all other industries in normal times depends. Let the soil be properly cultivated and propitious season bless the patient husbandman's effort, and an abundant yield will follow. Then shall we see the railroads running on full time, the factories crowded, the bankers' vaults will be filled with the depositors' money—the source of profits to the bank—the merchants will be busy, the mechanic, the artisan will find employment, the doctor and the lawyer will collect their fees, the preachers will wear new clothes, and plenty and prosperity will bless the land. But, on the other hand, if you cripple the farmer, paralyze his strong arm, let unfavorable seasons come, discourage and hinder his endeavor, and you will see the whole superstructure of commerce disintegrate, languish, and die as the luxuriant foliage of the tree withers and fades when the blighting poison is injected into its roots. For this Congress to fail to give the farmers of America this much-needed but long-delayed help will subject us, I fear, to censure which the good and faithful servant does not deserve.

Mr. JOHNSON of South Dakota. Mr. President, I understand that legislation works slowly. I do not know how others feel, but I have that impression, and I shall take only a moment to state that in this bill touching rural credits the people of South Dakota are vitally interested, or some bill of this kind. It is their desire, as I understand it, to have a substantial rural-credits bill enacted at this session of Congress. I do not understand that a bill of this kind would in any way inflict upon other States the necessity of using it, or operating under it, if they did not desire. So far as the water-power bill of the Senator from Montana is concerned, I shall vote for this bill if I understand it; but I can not vote to have it considered at this time in lieu of the rural-credits measure. There is one thing I desire to say, and I hope I may be pardoned as a new Member in stating it, but I do think if the steering committee of the Senate would get together and map out a program of the order in which bills should be taken up, and particularly the administration measures, we would save a great deal of time in this

body, and it would be the means of helping to expedite legislation.

The VICE PRESIDENT. The question is on the motion of the Senator from Montana [Mr. MYERS].

Mr. SMOOT. Mr. President, I can not see why there is any real necessity for immediate action upon this water-power bill. We of the West have been told for the last 10 years that unless we would accept legislation that was agreeable to the former chief forester and the radical conservationists throughout the United States no legislation should be allowed to pass Congress. If the West were suffering for the want of power, it would be another thing. But there is an overproduction of power to-day. It is not power that the people are generally in need of. A market is actually needed for the power that is already developed.

In order to show Senators that the statement I have just made is correct I call their attention to the statement made by Mr. Merrill, found in the Senate document entitled "Electric Power Development in the United States," over which there was a great deal of discussion. We were pleaded with by the Senators of Montana to print the report, at a cost of something like $20,000. The report was to be on the desk of Senators when this very bill was to be considered.

I find on page 40, volume 1, of the report the following statement made by Mr. Merrill, who prepared the report:

> While the use of electric power for all purposes except manufactures is greater in the Western States than in any other section of the country, as will appear from a later consideration of electric power output, and this greater use explains in large degree the extent of primary power installation, there is also at the present time a considerable overdevelopment in nearly all the power centers of the Western States. In California, for example, where the installation in commercial central stations was over a million horsepower, the sum of the peak loads of the individual plants in 1914 was only slightly over 700,000 horsepower. The sum of the simultaneous peaks on the several power systems probably did not exceed 600,000 horsepower. If so, there was in commercial central stations in California in 1914 an installation of 400,000 horsepower in excess of all demands. A certain amount of surplus installation is always needed to insure against accident and to anticipate increases in market demand, but 67 per cent is far more than is necessary for this purpose. An allowance of one-third, which should be all that is necessary, would still leave 200,000 horsepower unused or but partially used while awaiting increase in markets. In Oregon and Washington the Portland Railway, Light & Power Co., the Puget Sound Traction, Light & Power Co., and the Washington Water Power Co. have installations largely in excess of current needs. A similar situation exists in Montana, in Colorado, and in Utah. In Utah, since the consolidation of operating plants into the Utah Securities Corporation, the margin of installation over the demands of the consolidated market has resulted in the closing or only partial operation of several of the power plants in the system. While there are doubtless many remote sections where small amounts of power could be used if it could be supplied at a reasonable expense, the Western States in general are overdeveloped at the present time, and the real demand is for more markets rather than for more power.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Montana?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. WALSH. Does the Senator believe that statement is accurate as to Montana?

Mr. SMOOT. I heard the Senator from Montana the other day say that it was not accurate as to Montana.

Mr. WALSH. Let me ask the Senator, also, does he not know that Mr. Pierce, of Seattle, has been here ever since Congress commenced, and hopes for the passage of an act which will allow him to put in a dam in the Columbia River at Priest Rapids, in the State of Washington, that will develop anywhere from 250,000 to 400,000 horsepower?

Mr. SMOOT. Yes; Mr. Pierce has been here the time stated by the Senator.

Mr. WALSH. Does not the Senator also know——

Mr. SMOOT. Wait until I answer the Senator. I yielded to the Senator for a question, and I am entitled to answer it.

It is true that Mr. Pierce has been here the time stated by the Senator from Montana, but I have not heard Mr. Pierce once make the statement that there was a lack of electric power in the State of Washington or in the State of Oregon. Mr. Pierce, of course, would very much appreciate action upon the bill when it is amended, as it will be by certain amendments that the chairman of the committee will offer. The Columbia River is a navigable river and power developed upon that river will be under the Shields bill, already passed by the Senate.

Mr. WALSH. I simply desire to ask the Senator, in view of that statement, whether he thinks that Washington is overdeveloped?

Mr. SMOOT. Mr. Pierce has said that if the Shields bill were passed power enough could be developed at Priest Rapids to manufacture nitrates from the air, but as far as any organization of a company is concerned for that purpose, I have never heard him say there was such an organization.

Mr. WALSH. I ask the Senator another question. Does he think that Utah is overdeveloped?

Mr. SMOOT. I will say there is more power developed than the companies can possibly sell to-day. That I do know. However, I think the statement as a whole is a fair statement of the condition of the electric power systems of the West.

Mr. President, if it is not a fair statement, and if it is untrue, why should we believe any other part of the report? There is no confidence to be placed in the report if that statement is untrue. The report is supposed to be the basis of the legislation that is asked for. So, Mr. President, it seems to me that as far as the passage of the bill is concerned at this time there is no real necessity for it.

Mr. MYERS. I should like to ask the Senator from Utah from what report he is reading?

Mr. SMOOT. I am reading from the report prepared by Mr. Merrill, entitled "Electric-power development in the United States." This is volume 1 and this is the report which the Senator from Montana wanted to have printed so badly.

Mr. MYERS. I did want to have it printed badly.

Mr. SMOOT. That is the report I am reading from.

Mr. MYERS. I like information from any source. I do not accept all the statements made in the report any more than I accept all the statements made on the floor of the Senate as being correct, but I am willing to take them for what they are worth. I ask the Senator if he does not believe that water-power development is very much analogous to the building of railroads and that you have to develop water power as you have to build railroads in virgin territory to create a market and a demand.

Mr. SMOOT. Certainly; but Mr. Merrill states that wherever there is 33⅓ per cent overproduction it is not necessary to produce any more power because that reserve is ample. I believe that statement is absolutely true. In other words, if power was developed for twice the amount used all the expenses will be charged to the cost of the one-half of the power used, such as the taxes, overhead expenses, the extra cost for larger size machinery, the extra cost of the transmission lines. If only one-half of the power developed is sold the cost would be too great to be of any advantage to the people of the West.

Therefore, Mr. President, I hope the Senate will decide that there is no real necessity for the passage of the bill at this time.

Mr. SIMMONS. Mr. President, before the vote is taken I wish to make a statement. This afternoon when I interrogated the Senator from Oklahoma, the chairman of the Committee on Banking and Currency, with reference to taking up the rural-credits bill, I understood the chairman to say that while the committee was ready to proceed with that bill, owing to the fact that many of the questions involved in the water-power bill were discussed here recently when the bill known as the Shields water-power bill was before the Senate, it would be best and would be just and probably would save time if the Senate should take up the water-power bill. I was somewhat disappointed, and I felt, and so expressed myself, that if there were special reasons why the bill should be taken up in preference to the rural-credits bill, I would not feel like interposing any further objection.

I did not hear the remark of the Senator from New Hampshire [Mr. HOLLIS], who reported the bill, to the effect that in case a motion to take up the water-power bill was voted down he would then move to take up the rural-credits bill.

Furthermore, Mr. President, I was under the impression that by reason of the fact that many of the questions which I was told would arise in the discussion of the water-power bill had already been very thoroughly discussed, probably the discussion would not be duplicated. I was impressed by statements to that effect. I believed also that by reason of the former discussion there would be no prolonged discussion of the water-power bill if it was taken up, and probably we would be able to pass it by the time fixed under the unanimous-consent agreement to vote upon the armor-plate bill.

Since then it has come to my knowledge by conversation with Senators as well as by statements made upon the floor and by the temper of the opposition disclosed in the discussion here to-day that we may not reasonably expect the water-power bill, if put before the Senate, to be disposed of for quite a long time, and that so far from the discussion of this matter on the merits there will be more or less discussion with a view to consuming time.

Mr. President, in that situation, while I voted against tabling the motion of the Senator from Montana, I did so for the reasons and with the impressions I have just stated. If the Senator from New Hampshire now says that he is ready and desires to take

up the rural-credits bill, it gives good ground for a change of position if when that bill is taken up we can go on with the discussion; and that it will not be simply laid before the Senate and one or two speeches made and then an inquiry as to whether Senators are ready to proceed; and when it is disclosed that no one is ready to speak and Senators ask for time to prepare themselves the bill will be laid temporarily aside for other measures. In such a case I do not see that any progress would be made by taking it up at this time.

I would be very glad to have the Senator from New Hampshire indicate to the Senate whether, if this motion is voted down and the Senate decides to take up the rural-credits bill, he thinks we are in a position to go on with the discussion of that bill or whether it will have to be laid aside after he and probably one or two other members of the committee have spoken.

Mr. HOLLIS. Mr. President, answering the Senator from North Carolina directly I do not know of anyone besides myself who is at this time prepared to make a speech; but I believe that there are many Senators who want to discuss the bill and who will be ready in a short time. If the Senate votes to take up the bill, I shall request Senators to prepare their speeches and be ready to begin to-morrow. I shall myself be ready to speak to-morrow.

Mr. SIMMONS. What will be the attitude of the Senator, as manager of this bill, if, after he and probably one or two other members of the committee have spoken, no one is ready to proceed, will he insist on a vote or will he consent to lay the bill aside for the purpose of enabling Senators to get ready?

Mr. HOLLIS. I shall not agree to have the bill laid aside for the purpose of allowing Senators to get ready. The subject of the bill has been under discussion for two or three years. It was I believe, indicated to-day that there will be substantial opposition to the bill. I know there are friends of the bill who wish to address the Senate upon it. I shall not consent to laying the bill aside, but if Senators are not ready to make speeches I shall ask to have the bill read for the purpose of having the committee amendments considered and disposed of as fast as I can. That is my personal attitude.

Mr. SIMMONS. Feeling as I stated this morning about the rural-credits bill, of course, if it comes to a question as to which one of these bills shall be proceeded with, I shall, under the circumstances, vote for the rural-credits bill.

Mr. GALLINGER. Mr. President, this side of the Chamber has no responsibility, so far as legislation is concerned, except to vote their convictions. Everybody seems to be in a hurry to take up the work of the session and no one is in a greater hurry than am I. We have spent all day discussing this question when we ought to vote to take up a bill or not, it seems to me.

Mr. SMITH of Georgia. Let me ask the Senator from New Hampshire a question. Does he not think we are getting a good deal of light on these bills during this time? Has not the debate really helped us?

Mr. GALLINGER. It has not been entirely unprofitable, but it has consumed the day. I think I speak for most of the Members on this side of the Chamber when I say that we are ready to vote on something rather than to talk much longer.

Mr. BRANDEGEE. Let us vote.

Mr. GALLINGER. We shall never do anything unless we do vote.

Mr. SIMMONS. This morning I understood from the statement of the chairman of the Committee on Banking and Currency that he did not at this time desire to take up his bill. I understood him to yield to the Senator from Montana to take up the other bill.

Mr. MYERS. Mr. President, the Senator from North Carolina asked me this morning if I could present any good reasons why water-power legislation should be taken up in preference to rural-credits legislation. I gave him my reasons, and he said they were good reasons and entirely satisfactory to him. Of course, it is his privilege to change his mind.

Mr. SIMMONS. The chairman of the Committee on Public Lands has stated what I think is true. If I thought there was the slightest chance for the Senator from Montana to get his bill passed by the time fixed for a vote on the armor-plant bill, I should still be disposed to support his motion.

Mr. MYERS. I am glad the Senator still thinks my reasons are good. We now have the novel spectacle of neither the chairman of the committee nor the Senator who made the report from that committee being on the floor and urging the Senate to take up a certain measure, and yet other Senators urging that that measure be taken up. It appears to me to be simply for the purpose of forestalling and preventing water-power legislation. Neither the chairman of the Committee on Banking and Currency [Mr. OWEN] nor the Senator from New Hampshire [Mr. HOLLIS], who made the report, has been in the least degree to-day urging that rural-credits legislation be taken up ahead of water-power legislation; but both of them virtually assented that they were willing for water-power legislation to be first taken up, and yet we have the spectacle of other Senators going against their implied will in the matter. It seems to me that it is contrary to fairness and to justice, and that the measure which I moved to take up is the one which is first entitled to consideration.

SEVERAL SENATORS. Question!

Mr. McCUMBER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Martin, Va.	Smith, S. C.
Bankhead	Gronna	Martine, N. J.	Smoot
Beckham	Hardwick	Myers	Sterling
Borah	Hollis	Nelson	Stone
Brandegee	Hughes	Norris	Sutherland
Catron	James	Owen	Swanson
Chamberlain	Johnson, Me.	Page	Thomas
Chilton	Johnson, S. Dak.	Pittman	Tillman
Clapp	Jones	Pomerene	Townsend
Clark, Wyo.	Kenyon	Robinson	Underwood
Colt	Kern	Shafroth	Vardaman
Cummins	La Follette	Sheppard	Wadsworth
Fall	McCumber	Simmons	Walsh
Gallinger	McLean	Smith, Ga.	Warren

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present. The pending question is on the motion of the Senator from Montana [Mr. MYERS] to proceed to the consideration of House bill 408.

Mr. SMOOT. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COLT (when his name was called). In the absence of my general pair, the Senator from Delaware [Mr. SAULSBURY], I withhold my vote.

Mr. HARDWICK (when his name was called). I have a general pair with the Senator from Kansas [Mr. CURTIS]. I transfer that pair to the Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. SMITH of Georgia (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. LODGE], and therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Arkansas [Mr. CLARKE], who is absent. I transfer that pair to the Senator from California [Mr. WORKS] and vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Texas [Mr. CULBERSON], and vote "nay."

Mr. TOWNSEND (when his name was called). I am paired with the junior Senator from Florida [Mr. BRYAN], and therefore withhold my vote. If permitted to vote, I should vote "nay."

While on my feet, I desire to announce the absence of my colleague [Mr. SMITH of Michigan]. He is paired with the junior Senator from Missouri [Mr. REED].

Mr. UNDERWOOD (when his name was called). I am paired with the junior Senator from Ohio [Mr. HARDING]. I transfer that pair to the senior Senator from Louisiana [Mr. RANSDELL] and vote "nay."

Mr. WARREN (when his name was called). I am paired with the Senator from North Carolina [Mr. OVERMAN], and therefore withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Tennessee [Mr. LEA] and vote "yea."

The roll call was concluded.

Mr. SIMMONS. I desire to announce that my colleague [Mr. OVERMAN] is detained from the Senate on official business and that he is paired with the Senator from Wyoming [Mr. WARREN].

Mr. GALLINGER. I have a general pair with the Senator from New York [Mr. O'GORMAN]. Not knowing how he would vote on this motion, if present, I withhold my vote.

I am requested to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER]; and

The Senator from Maine [Mr. BURLEIGH] with the Senator from Indiana [Mr. SHIVELY].

The result was announced—yeas 30, nays 28, as follows:

YEAS—30.

Beckham	Johnson Me.	Myers	Sherman
Chamberlain	Jones	Nelson	Sterling
Chilton	Kern	Newlands	Stone
Gore	Lee, Md.	Norris	Walsh
Hitchcock	Lippitt	Oliver	Weeks
Hollis	McCumber	Page	Williams
Hughes	McLean	Pittman	
James	Martin, Va.	Poindexter	

NAYS—28.

Ashurst	du Pont	Pomerene	Sutherland
Bankhead	Fall	Robinson	Swanson
Borah	Gronna	Shafroth	Thomas
Brandegee	Hardwick	Sheppard	Tillman
Clapp	Kenyon	Simmons	Underwood
Clark, Wyo.	Lane	Smith, S. C.	Vardaman
Cummins	Martine, N. J.	Smoot	Wadsworth

NOT VOTING—38.

Brady	Fletcher	O'Gorman	Smith, Ariz.
Broussard	Gallinger	Overman	Smith, Ga.
Bryan	Goff	Owen	Smith, Md.
Burleigh	Harding	Penrose	Smith, Mich
Catron	Husting	Phelan	Thompson
Clarke, Ark.	Johnson, S. Dak.	Ransdell	Townsend
Colt	La Follette	Reed	Warren
Culberson	Lea, Tenn.	Saulsbury	Works
Curtis	Lewis	Shields	
Dillingham	Lodge	Shively	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, which had been reported from the Committee on Public Lands with an amendment.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented petitions of Cascade Lodge, No. 138, International Brotherhood of Paper Makers, of Berlin, N. H., and of Miss Laura Snow, of Keene, N. H., and of the Central Labor Council of Seattle, Wash., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the Woman's Christian Temperance Union of Exeter, N. H., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

Mr. WARREN presented a petition of sundry citizens of Winchester, Wyo., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of Golden Rule Grange, No. 21, Patrons of Husbandry, of Slater, Wyo., praying for Government ownership of telegraph and telephone lines, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Golden Rule Grange, No. 21, Patrons of Husbandry, of Slater, Wyo., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Minnesota, praying for the enactment of legislation to warn Americans off armed merchant vessels of belligerent nations, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Grocers and Butchers' Association of Stillwater, Minn., praying for a 1-cent postage rate on first-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Minnehaha Grange, No. 398, Patrons of Husbandry, of Richfield, Minn., praying for Government ownership of telegraph and telephone lines, which was referred to the Committee on Post Offices and Post Roads.

Mr. WADSWORTH presented a petition of sundry citizens of Binghamton, N. Y., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented petitions of sundry citizens of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Automobile Club of Hartford, Conn., praying for Federal aid in the construction of good roads, which was ordered to lie on the table.

He also presented a petition of William McKinley Camp, No. 9, United Spanish War Veterans, of Norwalk, Conn., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a petition of the Woman's Christian Temperance Union of Meriden, Conn., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of Local Union No. 282, Cigar Makers' International Union, of Bridgeport, Conn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of the Woman's Christian Temperance Union of Meriden, Conn., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a memorial of the Public Library Committee of Ridgefield, Conn., remonstrating against the enactment of legislation to fix a standard price for books, which was referred to the Committee on Education and Labor.

He also presented a petition of Local Union No. 215, Barbers' Union, of New Haven, Conn., praying for an investigation of conditions regarding the marketing of dairy products, which was referred to the Committee on Agriculture and Forestry.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. POINDEXTER presented petitions of sundry citizens of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented the petition of Mrs. Robert Eilenberger and sundry other citizens of Republic, Wash., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Washington State Association of County Game Commissioners and Game Wardens, praying for the enactment of legislation providing for an increase in wild game and to create preserves in the national forests for such game, which was referred to the Committee on Forest Reservations and the Protection of Game.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 5031) granting an increase of pension to Miranda Wheelock; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5032) granting an increase of pension to Emmett L. Warren (with accompanying papers);

A bill (S. 5033) granting an increase of pension to Henry C. Salton (with accompanying papers);

A bill (S. 5034) granting an increase of pension to Thomas J. Harrison (with accompanying papers);

A bill (S. 5035) granting a pension to Delena Stewart (with accompanying papers); and

A bill (S. 5036) granting a pension to Elizabeth Mason Sells (with accompanying papers); to the Committee on Pensions.

STATUE OF HENRY MOWER RICE.

Mr. NELSON submitted the following concurrent resolution (S. Con. Res. 16), which was read and referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, under the direction of the Joint Committee on Printing, the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Henry Mower Rice, presented by the State of Minnesota, 16,500 copies, of which 5,000 shall be for the use of the Senate and 10,000 for the use of the House of Representatives, and the remaining 1,500 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Minnesota.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on March 11, 1916, approved and signed the following acts:

S. 3144. An act to authorize the construction of a bridge across the Pend Oreille River, between the towns of Metaline and Metaline Falls, in the State of Washington; and

S. 3873. An act to authorize the counties of Minidoka and Cassia, State of Idaho, to construct a bridge across Snake River.

Mr. MYERS. I move that the Senate take a recess until 11 o'clock to-morrow morning.

Mr. BANKHEAD. Mr. President, I move that the Senate adjourn.

Mr. SMITH of Georgia. Why not sit until 6 o'clock?

Mr. BANKHEAD. By adjourning we will have the usual morning hour to-morrow.

The VICE PRESIDENT. The question is on the motion of the Senator from Alabama that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m., Monday, March 13, 1916) the Senate adjourned until to-morrow, Tuesday, March 14, 1916, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 13 (legislative day of March 11), 1916.

POSTMASTERS.

CONNECTICUT.

James W. Green, Eagleville.

ILLINOIS.

O. H. Johnson, Bowen.

KANSAS.

P. J. Hendrickson, Columbus.

PENNSYLVANIA.

Thomas E. Tierney, McKees Rocks.

UTAH.

William A. Jones, Spanish Fork.

WISCONSIN.

Charles E. Prindle, Niagara.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 13, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, Thy blessing attend, we beseech Thee, the deliberations of this House to-day and all of its days.

Encourage every high resolve and noble endeavor, check every petty desire and ignoble purpose, that the interests of the people whom it represents may be increased and conserved; that popular government may prove all that has been claimed for it and more. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of Saturday, March 11, 1916, was read and approved.

SHORTAGE OF PAPER MATERIAL.

Mr. HUGHES. Mr. Speaker, I ask unanimous consent to have read from the Clerk's desk, so that it will appear in the RECORD, a short extract from the Commerce Reports issued by the Bureau of Foreign and Domestic Commerce. It is self-explanatory and needs no comment.

The SPEAKER. The gentleman from Georgia asks to have read from the Clerk's desk an extract from a report of the Department of Commerce. Is there objection?

There was no objection.

The Clerk read as follows:

The attention of the Department of Commerce is called, by the president of a large paper manufacturing company, to the fact that there is a serious shortage of raw material for the manufacture of paper, including rags and old papers. He urges that the department should make it known that the collecting and saving of rags and old papers would greatly better existing conditions for American manufacturers.

Something like 15,000 tons of different kinds of paper and paper board are manufactured every day in the United States and a large proportion of this, after it has served its purpose, could be used over again in some class of paper. A large part of it, however, is either burned or otherwise wasted. This, of course, has to be replaced by new materials. In the early history of the paper industry publicity was given to the importance of saving rags. It is of scarcely less importance now. The Department of Commerce is glad to bring this matter to the attention of the public in the hope that practical results may flow from it. A little attention to the saving of rags and old papers will mean genuine relief to our paper industry and a diminishing drain upon our sources of supply for new materials. The Department of Commerce will be glad to put inquirers in touch with the manufacturers who are interested.

Mr. BUCHANAN of Illinois. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUCHANAN of Illinois. Does the gentleman request the printing of that whole pamphlet?

The SPEAKER. No; simply the part that has been read, which, because it has been read, will appear in the RECORD.

POSTAL SAVINGS BANK.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may extend in the RECORD remarks on deposits in the postal savings bank.

The SPEAKER. The gentleman from California asks unanimous consent to extend remarks in the RECORD on deposits in the postal savings bank. Is there objection?

Mr. BARNHART. Mr. Speaker, reserving the right to object, is the gentleman asking to extend his own remarks?

Mr. RAKER. A good part of it will be my own remarks. Part of it will be a bill, and part will be remarks by a gentleman who has given many years of study to the disposition of these funds.

The SPEAKER. Is there objection?

There was no objection.

KILLING OF AMERICANS AT COLUMBUS, N. MEX.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to print in the RECORD a communication from Gen. George B. Loud, of New York, in the New York World of yesterday, touching the assassination of our soldiers and citizens at Columbus, N. Mex., 3 miles from the border line, where no picket guard was out, where there was no vidette post, and where the machine guns had not even been tested.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing a letter published in the New York World yesterday, written by Gen. George B. Loud, about the condition of affairs down at Columbus, N. Mex. Is there objection?

There was no objection.

The letter is as follows:

WHERE WERE THE PICKETS?

To the EDITOR OF THE WORLD:

As a volunteer soldier of the Civil War, after reading of the surprise and massacre by Mexicans in New Mexico, I may perhaps be pardoned for what impresses me as a reasonable inquiry or two.

Where was the picket guard around that United States camp "before day," when the attack was made and which should have been sufficiently far out to give ample warning to the camp? What was the matter with this machine gun which at least occasional practice should have tested?

I noted Gen. Wood's recent speech to the students at Princeton, in which he is quoted as saying that volunteers could not be depended on. How many times were regular troops used in the Civil War when volunteer soldiers were available, which latter almost exclusively crushed the rebellion? Would not a few volunteer regiments relieve the situation and other possible massacres of United States troops by Mexicans?

GEORGE B. LOUD,
Past Department Commander, Grand Army of the Republic, State of New York.

NEW YORK, *March 10.*

PORTO RICO.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent to proceed for one or two minutes, at the end of which time I will make another request for unanimous consent for the consideration of a bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to proceed for two minutes, at the end of which time he will make another request for unanimous consent. Is there objection?

There was no objection.

Mr. GARRETT. Mr. Speaker, the Committee on Insular Affairs has unanimously reported House bill 9533, with a recommendation for its passage. This is a bill to provide a civil government for Porto Rico, and for other purposes.

For many years all parties in this House have recognized the necessity for a reforming of what is commonly known as the organic law of Porto Rico, and the Committee on Insular Affairs, when it was under the control of the party now in the minority, reported a bill for that purpose. Since the party which is now in the majority has been in control of the committee, it has reported bills for that purpose, and we have now a bill upon the calendar which, following a request by the chairman of the committee [Mr. JONES] has, by unanimous consent, been given a privileged place, not to interfere with appropriation bills, bills raising revenue, and so forth. I desire now—and I am speaking for the chairman of the Committee on Insular Affairs, or with his acquiescence and approval—to ask unanimous consent that beginning to-morrow evening at 8 o'clock we may have night sessions. I will formulate that request in the proper language, after suggesting the idea, to see if there is objection. I yield to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Reserving the right to object, as I understand it, these evening sessions are only to be devoted to the consideration of the Porto Rican bill?

Mr. GARRETT. That is the thought that I have in mind.

Mr. TOWNER. That will be embodied in the gentleman's request?

Mr. GARRETT. Yes.

Mr. TOWNER. I sincerely hope, and, on the part of the minority of the committee, request, that this unanimous consent may be granted. As the gentleman says, we have had this proposition under consideration for many years. We have reported a bill here unanimously from the committee, after the most careful consideration. It is due to the people of Porto Rico that this bill should no longer be pending. It is due, I think, to the people of the United States, with regard to their obligations to Porto Rico, that this bill be passed as quickly as possible; and, in view of the fact that it has been made up by the committee without any regard to partisan considerations, and will not very likely

take very long for its passage, I sincerely hope that there will be no objection to this request made by the gentleman from Tennessee.

Mr. SHERWOOD. How long are these sessions to continue?

Mr. GARRETT. From 8 o'clock until 11.

Mr. SHERWOOD. Make it from 8 o'clock until 10.

Mr. BORLAND. I want to ask the gentleman whether he has consulted with Hon. LUIS MUNOZ RIVERA, the Delegate from Porto Rico? Naturally he is very much interested in this legislation. He told me that on account of his difficulty in understanding English he did not frequently attend the sessions of the House.

Mr. GARRETT. I have not consulted with him this morning. I know that the Delegate from Porto Rico is extremely anxious that the bill be called up and considered.

Mr. BORLAND. I am myself extremely anxious that a new organic law be passed for Porto Rico. I shall be glad to aid its early consideration, but I wished to know whether the gentleman had consulted with the Delegate from Porto Rico?

Mr. GARRETT. Not this morning; but knowing his general feelings, and what I have understood to be his anxiety that the bill be considered, I am sure that what I am now undertaking to do will meet with his approval.

Mr. MANN. Reserving the right to object, it is now nearly the middle of March. We have passed up to date two of the regular appropriation bills, of which there are a dozen, and of those the most difficult and intricate are still to come. Apparently we have no program in the House as to what we shall take up. If the gentlemen in the majority desire to end the session of Congress before next fall, I think it is fair that they should have some kind of a program. When that comes it might be possible to work here 10 or 12 hours a day. It does not seem to me that we have reached the time when there is any necessity for it, because if we stay here until next fall there will be plenty of time to pass this bill. Members of the House are all pressed at this session with work and ought not to be unduly pressed unless there be some prospect of getting away after a while. Up to date there seems to be no prospect, and I do not think we should start in to hold night sessions on bills unless it comes from an effort on both sides to speed up the work of Congress. I am quite willing to join in such an effort if I have notice of what is going to come up.

The SPEAKER. If gentlemen will permit, the Chair will make a statement that may assist in clearing up the matter. Within 48 hours the gentleman from North Carolina [Mr. KITCHIN], the majority leader, will submit to the gentleman from Illinois and others a tentative program.

Mr. MANN. Pending that, Mr. Speaker, I shall object.

LEAVE TO EXTEND REMARKS.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on "Warning at home and abroad."

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD on the subject of "Warning at home and abroad." Is there objection?

There was no objection.

WITHDRAWAL OF PAPERS.

Mr. SNYDER, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Anna Fetterly (H. R. 18394, 63d Cong., 2d sess.), no adverse report having been made thereon.

JUVENILE COURT, DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of further considering the bill H. R. 8348, to amend an act establishing a juvenile court in the District of Columbia.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. RAKER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8348, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia," and for other purposes.

Mr. JOHNSON of Kentucky. Mr. Chairman, I desire to ask whether or not when this bill was last up for consideration the first reading of the bill was dispensed with?

The CHAIRMAN. The first reading of the bill was dispensed with.

Mr. JOHNSON of Kentucky. How much time is there remaining of general debate?

The CHAIRMAN. The gentleman from Kentucky has 23 minutes and the gentleman from Wisconsin 35 minutes.

Mr. JOHNSON of Kentucky. Mr. Chairman, I will yield my 23 minutes of time to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. MANN. Mr. Chairman, the gentleman from Wisconsin [Mr. CARY] yielded his time to me, and I will yield to the gentleman from Massachusetts such time as he may desire in addition to that yielded to him by the gentleman from Kentucky.

Mr. TINKHAM. Mr. Chairman, this is a bill denominated "An act to amend the juvenile court law of the District of Columbia." In effect it is to establish a juvenile court in the District of Columbia in conformity with modern theory and modern practice.

The history of this bill is as follows: March 6, 1914, the then Attorney General appointed a committee of experts to consider the amendment, revision, and codification of the laws in force in the District of Columbia pertaining to children. February 13, 1915, the present Attorney General submitted to Congress a supplement to his annual report which contained the report of the aforesaid committee and a draft of a bill, and that bill is the bill now before the House of Representatives for action.

It was found by the aforesaid committee that the present laws in the District of Columbia in relation to juveniles were inadequate and worked injustice. The committee found that the law at present in the District of Columbia, which was passed by Congress in 1906, creating a juvenile court, as a matter of fact created what was merely a session of the criminal court of the District for the prosecution of juvenile offenders. The committee found that the present law worked out in every detail the criminal law against the child. Complaint against the child was made under the procedure of this so-called juvenile court as a criminal complaint. The trial was conducted as a criminal trial. The finding of the court was "guilty" or "not guilty," and punishment followed in accordance with criminal usage.

It was found there were 16,557 children brought before this so-called juvenile court from June 30, 1909, to June 30, 1913. The committee recommended that a juvenile court be established in the District of Columbia based upon the modern theory of the treatment of so-called juvenile delinquency. This modern theory is this, that children are to be considered wards of the State, subject to parental care by it, and not as criminals to be prosecuted by the State. The modern law recognizes that the juvenile problem is a mental problem, a sociological problem, and a humanitarian problem, and enunciates the principle that the child should be taught, not that he is to be prosecuted as a criminal, but that he is to be cared for as a child, with his best interests in view, so that his future may not be blighted, his character impeached, and his reputation in mature years stained by the weaknesses and mistakes of youth.

In the bill which is now before you that principle is carried out logically and into its most minute details. The child is not brought into court upon a criminal complaint; he is requested by a summons to appear. Hearings in the case are private, and the records of the court are not open to indiscriminate public inspection. The judge is given full and plenary power, such as belongs to a judge in chancery when dealing with a ward. The bill now before the House is a bill which treats the juvenile problem in a more advanced way than it is treated in any State in the Union, and the special committee appointed by the Attorney General and the Committee on the District of Columbia hope, in reporting this bill and having it become a law, that it will be a model for juvenile courts and the treatment of juvenile delinquents in the several States of the Union.

Mr. SHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. Yes.

Mr. SHERWOOD. This is entirely a new court, do I understand? It does not take the place of any other court?

Mr. TINKHAM. Mr. Chairman, as I explained, there is at present a juvenile court in the District of Columbia, but it is merely in character a separate session of the criminal court. The bill before the House proposes that a juvenile court be established which, in effect, shall be a court of guardianship for children.

In closing, Mr. Chairman, I desire to state to the House that the bill is a broad and humanitarian one, and the treatment

of the juvenile delinquent under the bill and under its terms and operations is as nearly parental as it is possible for it to be, which is the soundest public policy. [Applause.]

Mr. GARD. Mr. Chairman, will the gentleman yield for a question?

Mr. TINKHAM. Yes.

Mr. GARD. Is not the bill as it is presented very radically different in form from the bill previously before this House from this committee?

Mr. TINKHAM. Not yet. The motion has not yet been made for the substitution.

Mr. GARD. Do I understand that the bill under date of March 11, 1916, is to be substituted for the bill that we formerly had under consideration?

Mr. TINKHAM. At some time subsequent to the time at which we are now talking, in due course, a bill offered on March 11 will be submitted as a substitute, but this bill of March 11 does not differ in principle in any substantial or material way from the bill as reported by the committee in February.

Mr. GARD. Will the gentleman advise me where the bill reported in February makes any distinction between a delinquent child and a dependent child?

Mr. TINKHAM. It makes no difference, it makes no distinction, as I understand it. Neither of these bills do, so far as the jurisdiction of the court is concerned.

Mr. GARD. Does not the gentleman think there should be a distinction in treatment between a child who is delinquent of its own motion and a child that is dependent?

Mr. TINKHAM. It seems to me that the judge would dispose of both kinds of cases upon their several merits. If you are establishing a guardianship court for children, in the procedure of which there is no suggestion of crime—and that is the intention and modern theory of juvenile law, so that there is no child who is a criminal under 17 years of age—then the dependent child or the child who may have committed a so-called misdemeanor or crime, his act being no longer known as a misdemeanor or crime, could properly go into the same court; but, of course, the cases would be disposed of upon an entirely different basis, the character and circumstances of the case determining the disposition of the court upon its particular merits.

Mr. GARD. I understand that. I will state to the gentleman that I am thoroughly in accord with the purposes of the bill. I have been personally very familiar with the workings of the juvenile court, and I am in thorough accord with the obvious intent of the bill. What I want to know is whether there is to be any distinction in the treatment in this bill or the substitute between a child who is a delinquent child—and I refer to a child which had been guilty of some act which in a mature person would be a crime—and a dependent child; the child, in other words, which has not a proper home or had proper home training or bringing up. Is there any distinction in either the bill or the substitute between the treatment to be accorded by the judge of those children?

Mr. TINKHAM. Mr. Chairman, it is left entirely discretionary with the judge on the facts in each particular case, either the delinquency or the dependency, upon the theory that the children of all classes are in this particular court as the wards of the court, their cases to be disposed of in accordance with the particular facts in each case.

Mr. GARD. My recollection of the bill as it was first introduced is that there was no such distinction, and, further, that there was no provision made for the punishment, if one may use that term, of any person of mature years who has contributed to or toward the delinquency or who has led into crime any juvenile person.

Mr. TINKHAM. So far as the last statement is concerned, there is a very clear section in the bill which provides for action, complete and plenary, against any adult who contributes to the delinquency of a child.

Mr. GARD. That is in the so-called substitute on page 19.

Mr. TINKHAM. It is also in the original bill reported by the Committee in February.

Mr. GARD. I have not seen it in the original bill. Will the gentleman cite me to the page?

Mr. TINKHAM. It is page 19, section 31.

Mr. GARD. Of the substitute bill?

Mr. TINKHAM. No; I am referring to the bill H. R. 8348, the original bill. I will read that section.

Mr. LLOYD. It is not changed at all.

Mr. TINKHAM. The section reads as follows:

SEC. 31. That whenever in the course of any proceeding instituted under this act, it shall appear to the court that a parent, guardian, or person having the custody, control, or supervision of any child coming within the provisions of this act, or any person not standing in the relation of parent or guardian or custodian to such child, has knowingly or willfully encouraged, aided, caused, abetted, or connived at, or has knowingly or willfully done any act or acts to produce, promote, or contribute to the conditions that bring said child within the provisions of this act, the court shall have plenary jurisdiction in such matters, and shall cause such parent, guardian, or other person, as the case may be, to be brought before it upon either a summons or a warrant for such order in the premises as the court may see fit to make.

The section in the substitute bill, I believe, is exactly the same, word for word, as in the original bill.

Mr. Chairman, I reserve the remainder of my time.

The CHAIRMAN. If no one desires to speak, the Clerk will read the bill for amendment.

Mr. MANN. Mr. Chairman, I understand that the gentleman from Massachusetts [Mr. TINKHAM] on Saturday introduced the bill H. R. 13048, containing some committee changes from the bill now pending before the House.

Mr. TINKHAM. That is correct.

Mr. MANN. As I understand, the gentleman intends to move to substitute after the reading of the first section of the present bill before the House the text of the bill H. R. 13048, which is a parliamentary motion. Would it not be advisable, by unanimous consent, to have this substitute considered as the original bill, so that it will be subject to the same right of amendment as the original bill.

Mr. TINKHAM. I ask unanimous consent that the sections of the bill H. R. 13048 be considered in place of the sections of H. R. 8348.

The CHAIRMAN. Is that after the reading of the first section?

Mr. MANN. It can be done by unanimous consent. I think the gentleman's request is that the text of the bill H. R. 13048 be considered as an amendment to the text of the bill pending, and that the amendments shall be considered as though it were an original bill with the same right of amendment to it.

Mr. TINKHAM. That is it exactly.

The CHAIRMAN. Unanimous consent is asked that the text of H. R. 13048 be considered in place of the text of H. R. 8348, and that the bill H. R. 13048 be considered——

Mr. MANN. Not the bill, but the text.

The CHAIRMAN. That the text of the bill be considered——

Mr. MANN. That the amendments be considered as though they were the original bill, with the same right of amendment to them.

The CHAIRMAN. That the amendments be considered as though they were an original bill, with the same right of amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. And that the reading of the text of the bill before the House be dispensed with and in lieu thereof read the amendment.

The CHAIRMAN. And, further, that the reading of the text of the bill H. R. 8348 be dispensed with and the text of the bill H. R. 13048 be read in lieu thereof. Is there objection? [After a pause.] The Chair hears none.

If no one desires to be heard, the Clerk will read the bill.

The Clerk began the reading of the bill.

Mr. JOHNSON of Kentucky. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Kentucky. We are proceeding under the five-minute rule?

The CHAIRMAN. Under the five-minute rule.

The Clerk read as follows:

Be it enacted, etc., That an act entitled "An act to create a juvenile court in and for the District of Columbia," approved March 19, 1906, is hereby amended so as to read as follows:

"SECTION 1. That there is hereby created and established in and for the District of Columbia a court to be known as the juvenile court of the District of Columbia.

"SEC. 2. That said court shall be a court of record and the judge thereof shall be appointed by the President of the United States, by and with the advice and consent of the Senate, for a term of six years, or until his successor is appointed and confirmed. No person shall be appointed to the office of judge of the said court who is not a duly licensed and practicing attorney at law. Said judge shall, before entering upon the duties of his office, take the oath prescribed for judges of courts of the United States.

Mr. DYER. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from Massachusetts a question, if he is in charge of the bill, and I understand he is. Do I understand that this provision for the appointment of the judge of this court has no reference to whether or not the judge appointed is a resident of the District of Columbia?

Mr. TINKHAM. The bill has no such provision. On this point it is the same as the present law. There is no provision made as to where the judge shall reside.

Mr. DYER. He may appoint him from any State or Territory in the United States?

Mr. TINKHAM. So far as the bill is concerned, yes; but that is the same as the present law passed in 1906; with no change on that point.

Mr. DYER. Does not the gentleman think there should be an amendment here to provide that the man appointed shall be a resident of the District of Columbia within a certain period?

Mr. TINKHAM. I had not considered that, Mr. Chairman.

Mr. DYER. Mr. Chairman, I desire to offer the following amendment:

Provided, That the judge so appointed must be a resident of the District of Columbia for a period of not less than two years prior to his appointment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, at the end of line 7, insert:
"*Provided*, That the judge so appointed shall be a resident of the District of Columbia for a period of not less than two years prior to his appointment."

Mr. JOHNSON of Kentucky. Mr. Chairman, recently this House passed a couple of bills which carried the same idea that the gentleman now proposes as an amendment to this bill. The Senate has rejected them both, if I am correctly advised, when there is far more reason that that rule should be applied to the other bills than to this. I see no good reason why it should apply to this.

The CHAIRMAN. The gentleman from Missouri has the floor.

Mr. JOHNSON of Kentucky. I beg the gentleman's pardon; I thought he had yielded the floor.

Mr. DYER. No; I had not; but I will yield to the gentleman for a statement at any time when I have the floor, and do so with pleasure.

Mr. JOHNSON of Kentucky. Mr. Chairman, as I was saying, I see no good reason for this change. The present judge of this juvenile court lives just across the line in Maryland. He is clearly identified with all the interests of the District of Columbia, and I see no reason why the judge of this court should reside within the limits of the District of Columbia, and I trust the amendment will not pass.

Mr. DYER. Mr. Chairman, one question which is frequently brought to the attention of Members of Congress, so far as the District of Columbia is concerned, is that the people of the District have no voice in legislation pertaining to their own business. It seems to me that in a city of the size of Washington we ought to be able to find enough men qualified and competent to fill the judicial offices, as well as other administrative and executive offices of this city; and I think it is a bad practice to use the District of Columbia in filling the offices thereof with political appointments, whether they be of one party or the other. I think the people who live here, make this their home, are best fitted and qualified to administer its laws. We have a question now pending in the Senate to bring to the people of the District of Columbia prohibition, without their having a word to say, without their being even permitted to vote upon it, as the States all have the right to vote when they have the question of prohibition up in the States. We talk about State rights and the rights of the people of the several States to govern their personal affairs, to make their laws in reference to prohibition, woman's suffrage, and things of that kind, yet here in the city of Washington we want absolutely, so far as the reports are in some portions of this Capital, to deny the people of Washington the privilege to say whether or not they are in favor of national prohibition; to deny them the privilege of having their own people appointed to administer the laws pertaining to so important an office as that of the juvenile judge, one who knows the circumstances of the children of the community whose interests he is charged with looking after; and I believe, Mr. Chairman, that the time has come when a judicial office, especially that of a juvenile judge, should be selected from the people of the city of Washington.

Mr. TINKHAM. Mr. Chairman, in reply to the honorable Representative from Missouri [Mr. DYER], who has just spoken, I desire to say that I thoroughly agree with him in the principle of appointing local men to local offices. I want to say to him that in the District of Columbia I believe it is a sound practice. I want also to say to him that I made a motion on two bills which have been before this Congress, and passed by this House, one in relation to the office of the recorder of deeds and the other in relation to the office of the recorder of wills for the District of Columbia, to have both of these officials residents of the District of Columbia. These amendments on those two bills were accepted. Both of the bills, however, were defeated in a coordinate branch simply because these amendments were a part of the bills. I therefore may say to him, and probably with some grace and sincerity, that I oppose his amendment not because it is not sound but because we want no defeat of a measure of this magnitude now before us, a measure of its beneficial character, on account of a minor amendment requiring a particular residence of a judge of the court. I oppose the amendment solely and wholly upon the ground that I am afraid that in a coordinate branch of this legislature some harm may come to this beneficent bill because of its adoption.

Mr. DYER. Will the gentleman yield to a question?

Mr. TINKHAM. I will.

Mr. DYER. Does the gentleman know, as a matter of fact, that the other body would object to this amendment to this bill? Has the gentleman information upon that?

Mr. TINKHAM. I was most credibly informed that the reason for the defeat of these other two bills——

Mr. DYER. Those were not with reference to judges. Those were with reference to other officials, were they not?

Mr. TINKHAM. They were. And in reply direct to the question of the honorable Representative from Missouri [Mr. DYER] I would say that the future can best be judged by the past. The past shows that the coordinate branch is opposed to the principle which is suggested in the amendment of the honorable Representative.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri [Mr. DYER].

Mr. WALSH. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. I rise to offer an amendment to the amendment of the gentleman from Missouri, by striking out the word "two" and inserting the word "five," making the term of residence five years.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out the word "two" and inserting the word "five."

The CHAIRMAN. The question is first on the amendment to the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

Mr. JOHNSON of Kentucky. A parliamentary inquiry, Mr. Chairman. What is the vote being taken on?

The CHAIRMAN. The question is on the amendment to the amendment, offered by the gentleman from Massachusetts [Mr. WALSH], to strike out the word "two" and insert the word "five."

Mr. JOHNSON of Kentucky. That is an amendment to the amendment?

The CHAIRMAN. An amendment to the amendment.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the original amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 5. That except as herein otherwise provided, the juvenile court of the District of Columbia shall have original and exclusive jurisdiction of all cases coming within the terms and provisions of this act. This act shall be construed liberally and as remedial in character; and the powers hereby conferred are intended to be general to effect the beneficial purposes herein set forth. It is the intention of this act that in all proceedings coming under its provisions the court shall proceed upon the theory that the child is the ward of the State and is subject to the discipline and entitled to the protection which the court should give such child under the conditions disclosed in the case; and such discipline and protection may, in the discretion of the court, continue until the child shall attain the age of 21 years, during which period the court may from time to time make such orders as the welfare of the child may require.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice they change the language so that it reads that "upon the theory that the child is the ward of the State." Of course, we ordinarily use the word "state" because it comes under a State. It may be proper to use it in the District of Columbia.

Mr. TINKHAM. In reply, Mr. Chairman, I will say that the word "State" is used as a generic term.

Mr. MANN. It is printed with a capital "S," however. It is not a generic term. And whose ward would it be, the ward of the District of Columbia or the United States Government?

Mr. TINKHAM. The United States Government, I should say. But I move, Mr. Chairman, to strike out, in line 1, page 4, the word "State" and substitute in place thereof the words "District of Columbia."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 1, strike out the word "State" and insert the words "District of Columbia."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WALSH. Mr. Chairman, I would like to ask the gentleman in charge of this bill with reference to the provision in this section which permits the continuation of any order relative to the discipline of the child until it reaches the age of 21 years, whereas in section 4 it is provided that the act applies to any child less than 18 years of age, and as to whether or not this might not be the cause of confusion or conflict of authority?

Mr. TINKHAM. In answer to the honorable Representative from Massachusetts [Mr. WALSH], I would say that the provision limiting application——

The CHAIRMAN. The gentleman will suspend. There is nothing before the committee. What does the gentleman desire to do?

Mr. WALSH. I move to strike out the last word.

Mr. TINKHAM. Mr. Chairman, in reply to the honorable Representative from Massachusetts [Mr. WALSH], I desire to state that I shall oppose the striking out of these words for this reason: That I think it is a misconception on his part that anything in either section 4 or section 5 would lead to confusion, for this reason: That section 4 limits the age of the child to 17 years, if the child has committed an offense. This means that all children 17 years of age or less shall come under the jurisdiction of the court; their guardianship, however, may continue until they are 21 years old. There is no confusion about these provisions, because the first provision limits the age of the child in relation to the jurisdiction of the court; the other is the age which terminates the so-called guardianship of the court when it has taken jurisdiction—which are very distinct matters. I will say also to the honorable Representative from Massachusetts [Mr. WALSH] that the theory of the guardianship court is as follows: It is based upon the old chancery rule that all children of the Kingdom, or in the State, are wards of the King or the State until they are 21 years old. And that is true without local enactment to-day, that all children in the United States in the several States are under chancery jurisdiction until they are 21 years old. I hope, therefore, the amendment will not be adopted, as there is no confusion between the limitation of the word "seventeen," in section 4, and that of "twenty-one," in section 5.

Mr. CANNON. Will the gentleman allow me a question?

Mr. TINKHAM. Yes.

Mr. CANNON. Suppose a young man at the age of 20, or 19, or of any age under 21, was simply guilty of homicide, or any other felony, is he protected from indictment and conviction under the law that covers all citizens above the age of 21?

Mr. TINKHAM. In reply to the honorable Representative from Illinois [Mr. CANNON] I will say that there appears in a certain subsequent section of this bill that it is discretionary with the judge of the court to send cases as he may think best to the district attorney and the grand jury; that is, where the facts warrant and in his discretion. In other words, there is a provision that where a crime is committed of such a character that the juvenile court should not take jurisdiction, the judge may certify the case to the criminal prosecuting attorney and to the grand jury.

Mr. CANNON. That would apply, then, to those under the age of 17 as well as those above?

Mr. TINKHAM. That would apply to those below the age of 17. I would state to the honorable Representative from Illinois [Mr. CANNON] that no one comes under the jurisdiction of the juvenile court unless he is 17 years old or under.

Mr. WALSH. Mr. Chairman, assume this case: That a young man of 16 years of age had committed some offense and was under discipline by the juvenile court; that he had been placed, so to speak, on probation; and that when he was 19 years of age he committed some other offense which was within the jurisdiction of the juvenile court. Would it be possible, because of the fact that he was on probation, for him to be again brought before the juvenile court for this subsequent offense; or would he have to be taken before the district court for the District of Columbia?

Mr. TINKHAM. Under the bill, if the child or juvenile is more than 17 years old, the court has no jurisdiction of any act of his, criminal or otherwise.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. TAYLOR of Arkansas having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 65. Joint resolution creating a joint commission of Congress, to be known as the joint commission of Congress to investigate the Aviation Service of the United States Army.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 8493) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon and had appointed Mr. JOHNSON of Maine, Mr. HUGHES, and Mr. MCCUMBER as the said conferees on the part of the Senate.

JUVENILE COURT, DISTRICT OF COLUMBIA.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 7. That the judge of the juvenile court shall appoint a chief probation officer, and such other probation officers as are now or may be hereafter authorized by law, to serve under the direction of the court in all cases arising under this act. All appointments of probation officers shall be made on the basis of merit only, determined by a public competitive examination held by three members of the Board of Children's Guardians, hereinafter provided for. The examiners shall conduct the examinations of all applicants according to such rules and regulations as they may provide and shall certify to the court for appointment to each position the names of the three highest, from which the appointment shall be made by the court, unless there are less than three applicants.

Mr. GARD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio [Mr. GARD] moves to strike out the last word.

Mr. GARD. I desire to ask the gentleman in charge of the bill if there is anything contained in the bill placing a limitation as to the salary or compensation of the judge and clerk and probation officers?

Mr. TINKHAM. The salaries are left by the terms of the bill as at present, because the bill provides in relation to clerks and probation officers as follows: "as provided by law."

Mr. GARD. The gentleman means that the substitute that he offers carries the provisions for the payment of judge and clerk and probation officers as they are now?

Mr. TINKHAM. As they are now in, in these words:

That the judge of the juvenile court shall appoint a clerk and a probation officer and such other probation officers as are now or may hereafter be authorized by law.

Mr. GARD. Yes. But my question is as to the compensation to be paid to the clerks and probation officers and the judge of this court. Where is that?

Mr. MANN. The salary is fixed by the District of Columbia appropriation bill.

Mr. GARD. I was asking whether this bill carried any limitation or description of salaries, or whether they would be fixed, as the gentleman from Illinois indicates, in the District of Columbia appropriation bill?

Mr. MANN. Most of the salaries are fixed in the appropriation bill. It is not absolutely necessary sometimes to fix the salaries in the legislative bill.

Mr. GARD. I do not understand that there would be any objection to fixing it in this bill.

Mr. CANNON. Is it not legislation? Is it not subject to a point of order?

Mr. JOHNSON of Kentucky. This bill does not propose to change compensation or the salary of anybody.

The CHAIRMAN. To whom does the gentleman yield?

Mr. GARD. I yield to the gentleman from Kentucky [Mr. JOHNSON], the chairman of the committee.

Mr. JOHNSON of Kentucky. By the last clause of the bill this provision is made, that this bill repeals only such laws as are inconsistent with this. Under that section of the bill it would leave the salary and compensation unchanged.

Mr. GARD. May I ask, then, is it the idea of those who have this bill in charge that the salaries shall remain as they are at present, or are they to be included and passed upon in an appropriation bill?

Mr. JOHNSON of Kentucky. No. They are to be left just as they are. They can not be changed except by authorization. If an appropriation bill should change them, a point of order could me made and sustained.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. MAPES. The bill which was originally introduced, I think, made no provision for the salary of the judge or the other court officers. The present police court act authorizes a salary for the judge at $3,000. The appropriation bill passed in the last Congress appropriated a salary for him of $3,600, and an appropriation is made for the other officers of the court. This bill does not authorize any salaries, as I understand it.

Mr. JOHNSON of Kentucky. This is all right.

Mr. GARD. Does not the gentleman think that inasmuch as it carries a provision for such other probation officers as are or may hereafter be authorized by law this bill, legislative in character, as it is, should indicate the amount of salaries to be paid to the clerks and probation officers and the judge?

Mr. JOHNSON of Kentucky. I do not, for the reason that this bill does not undertake to change the present law.

Mr. GARD. Suppose, as the bill contemplates, there should be an increase of clerks and probation officers, as there might rightfully be.

Mr. JOHNSON of Kentucky. There can not be unless the bill authorizes an increase.

Mr. SISSON. If the gentleman will permit, that would be true with respect to all the departments of the Government. This bill would authorize additional increases of force under the language you provide there.

Mr. JOHNSON of Kentucky. No; I think not.

Mr. SISSON. And the salaries of the officers will largely depend upon the amount and character of the work they would be called upon to do, and that, of course, will be problematical, as this is only the beginning of the court's operation.

Mr. GARD. I appreciate the observation of the gentleman from the Committee on Appropriations, but the chairman of the District Committee states that that statement is not correct.

Mr. SISSON. I have just heard the language read. I have not looked at the language itself.

Mr. JOHNSON of Kentucky. It is not intended that this bill should change any salary at all, or that it should give any additional increase to the force at all, but to limit the force and the pay to the court and its help as is now authorized by law or as may be hereafter authorized by law.

Mr. GARD. Then the idea of the gentleman is that if there is any further authorization of increase in the clerical or probation office force, that must be cared for by additional appropriations?

Mr. JOHNSON of Kentucky. That is correct.

Mr. MAPES. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Michigan [Mr. MAPES] moves to strike out the last two words.

Mr. MAPES. For the information of the committee, I will give the salaries that are now paid to the judge and other officers of this court, as carried in the appropriation act of the last Congress. The salaries are as follows: Judge, $3,600; clerk, $2,000; deputy clerk, who is authorized to act as clerk in the absence of that officer, $1,350; stenographer and typewriter for judge's work and to aid in keeping the records in the clerk's office, $900; probation officers—chief $1,800, 2 at $1,200 each, 4 at $1,000 each; clerk for probation office, $900; bailiff, $900; janitor, $600; charwoman, $240; in all, $18,690. The salary of the judge is fixed by law at $3,000, and I do not find that any of these other salaries are authorized by law.

Mr. GARD. I want to ask the gentleman who is in charge of the bill a question, if he will permit me.

Mr. MAPES. I yield to the gentleman from Ohio [Mr. GARD].

Mr. GARD. If they are not authorized by law, by whom were these other salaries fixed and determined?

Mr. MAPES. By the appropriation bill, and, as I understand it, they would be subject to a point of order if anyone cared to make it.

Mr. SISSON. If the gentleman will permit, on page 4, section 7, it is provided—

That the judge of the juvenile court shall appoint a chief probation officer, and such other probation officers as are now or may be hereafter authorized by law, to serve under the direction of the court in all cases arising under this act.

That, then, would not be subject to a point of order in an appropriation bill.

All appointments of probation officers shall be made on the basis of merit only, determined by a public competitive examination.

In the event that the juvenile court should want additional probation officers the only necessity would be to apply to this committee for an amendment to this clause of the bill, or a simple resolution increasing the number of probation officers, to serve in the discretion of the court in all cases arising.

Mr. MAPES. The gentleman is a member of the Appropriations Committee, and I will ask him if it is not true that any salary proposed by the Appropriations Committee would be subject to a point of order unless fixed by law?

Mr. SISSON. It would not, in any amount, provided the officer was authorized to be appointed by this judge. Then the Appropriations Committee, without it being subject to a point of order, could report and fix in the bill any salary that it might see fit and proper, subject, of course, to review by the House. But no point of order would lie against it. That is done every day.

Mr. MAPES. I did not so understand it.

Mr. SISSON. There is a law which provides that where a salary has not been fixed, and the Committee on Appropriations shall fix the salary, the salary for the next year, unless changed by Congress, shall be the salary of the preceding year. Then any increase over and above the salary so fixed by Congress would be subject to a point of order. That is the rule.

Mr. MAPES. Then, if I understand the gentleman correctly, the office itself having been provided for by the law——

Mr. SISSON. The office having been created——

Mr. MAPES. These salaries as carried in the last appropriation act would be the salaries that the Appropriations Committee would be authorized to provide?

Mr. SISSON. That is correct, provided they are the identical officers and perform the same duties that they performed last year. If any additional duties devolve upon them and they assume a different relation to the court than that which they now hold, they would be considered new offices, and the Appropriations Committee, in the absence of a limitation by law would, subject to the review of the House, fix the salaries.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 8. That the judge of the juvenile court may designate a female probation officer as commissioner in the first instance to hear and determine the disposition of any cases of females coming within the provisions of this act and make report thereof to the said judge, together with said commissioner's conclusions and recommendations. If no exceptions be taken to said report and no review be asked thereof, such report and recommendations may be confirmed by an order of said court, and, if confirmed, shall become the judgment of said court. A review by the court of the conclusions and recommendations of said commissioner may be had by any child, or the parent, guardian, or custodian of any child, who may feel aggrieved at the report of said commissioner by filing a request for review thereof at any time within three days after notice of the finding of said commissioner. Immediately upon the entry of said commissioner's finding the clerk of the court shall notify the parent, guardian, or custodian of the child personally or by registered mail, giving the substance of said finding. Such parent, guardian, or custodian shall be presumed to have had actual notice of such finding 24 hours after said notice shall have been deposited in the mail by said clerk, addressed to such parent, guardian, or custodian at his last known place of residence.

Mr. GARD. Mr. Chairman, I move to strike out the last word. Section 8 of the bill provides that the report of a female probation officer, acting as a commissioner, may be adopted, if no exceptions be taken, and may be confirmed by the court, and, if confirmed, shall become the judgment of the court. Is that limited to the report of a female probation officer acting as a commissioner, or is it extended to probation officers in general, without regard to sex, or whether they deal with boys or girls?

Mr. TINKHAM. The committee intended that that should be limited to female cases, and the language seems sufficiently explicit. It says:

That the judge of the juvenile court may designate a female probation officer as commissioner in the first instance to hear and determine the disposition of any cases of females coming within the provisions of this act and make report thereof to the said judge, together with said commissioner's conclusions and recommendations. If no exceptions be taken to said report and no review be asked thereof, such report and recommendations may be confirmed by an order of said court, and, if confirmed, shall become the judgment of said court.

It seems to me that that language clearly and specifically limits it to female cases alone.

Mr. GARD. I understand that; but why should it be so limited? Why may not a probation officer having in charge a boy make a report to the court and have his recommendation acted upon, just as a woman having in charge a girl would have her recommendation acted upon by the court?

Mr. TINKHAM. The reason for the provision in cases of females and not in cases of males, is this: It was thought to be a good public policy to cause the court itself to investigate all cases, to sit upon each case, and to be brought as closely as possible in contact with every case that was brought before it; but it was thought there might be some special cases in relation to females where it would be better for a woman to make the investigation and report to the judge. In other words, it was thought with a female some cases might be an exception to the sound and beneficent rule that the court should not delegate authority, but dispose and handle with original knowledge as many cases as possible.

Mr. GARD. Do I understand that this language limits the consideration by the judge of the juvenile court? Is he compelled under the law to submit female cases to a female commissioner and to adopt her report unless some exception is taken to it by some one?

Mr. SISSON. The language of section 8, beginning in line 8, is—

That the judge of the juvenile court may.

In other words, it is left entirely discretionary with him whether he will appoint, in a female case, a female commissioner or not.

Mr. GARD. I think the idea is very good. I am decidedly in favor of having the cases of girls investigated by women; but I was inquiring as to whether or not the same power of investigation and report existed in the case of a probation officer who was a man who had charge of a case of a boy who might be dependent or delinquent.

Mr. TINKHAM. Section 8 provides that that examination may be made in the case of females alone, and as I stated, it was thought better policy to devolve upon the court as much responsibility of original disposition of cases and investigation as possible, but thought there might be exceptional cases in relation to females. Therefore, there was no provision made that in male cases the court might delegate this authority, because if there was general authority given to the court to delegate authority in all cases, some judge might take an opportunity to delegate practically all of his power of original investigation, which would not be in accordance with the sound policy of American court procedure.

Mr. MADDEN. Will the gentleman yield?

Mr. TINKHAM. Yes.

Mr. MADDEN. Section 9 does confer the authority which the gentleman says it does not.

Mr. TINKHAM. Only in regard to females.

Mr. MADDEN. No. It says:

It shall be the duty of the chief probation officer to make or cause to be made such an investigation of the child as may be required by the court.

Mr. TINKHAM. The distinction is this: The probation officer is making the investigation outside of the court. In other words, he has to go out and obtain witnesses and evidence, whereas in the case of the female under section 8 the investigation is a judicial procedure, and it devolves upon the deputy.

Mr. MADDEN. There is nothing in section 9 that says the investigation is to be outside the court.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. Mr. Chairman, I move to strike out the last word, and I yield to the gentleman from Massachusetts to answer the gentleman from Illinois.

Mr. TINKHAM. In answer to the honorable Representative from Illinois [Mr. MADDEN], who sees no distinction in the bill in relation to these several cases, I call his attention to this. He will notice in section 8 that the female probation officer can make an examination in relation to the female case and can draw conclusions and make recommendations. Now, in section 9 there is no provision that the male probation officer shall draw conclusions or make recommendations; in other words, find the facts and make the finding in the case. The probation officer in section 9 merely brings to the court the evidence. In other words, he is the court's eyes and legs in the investigation of the case in the field; so the distinction is clear. In the one case, in the case of the female, the case may be heard by the female probation officer who will hear the evidence, draw conclusions, make recommendations, but under section 9 there is a male probation officer who can only make investigations and bring the information which he may obtain to the judge for his consideration and disposal.

Mr. MADDEN. I would like to ask the gentleman another question.

Mr. SISSON. Mr. Chairman, I got the floor for the purpose of asking a few questions myself, but if the gentleman's question is short I will yield.

Mr. MADDEN. What I wanted to know is why it is that there should not be the same method of procedure in the case of boys that is to be pursued in the case of girls?

Mr. SISSON. I presume the answer the gentleman gave a moment ago, when he was asked practically the same question, is the true one—that in many cases it might be that the matter would be of a delicate nature, and the information gotten by a woman would be very much fuller and more easily obtained than if the girl was taken before the court. But that is an exceptional case, where the girl has been brought in and jurisdiction obtained. In the case of the boy, the other officer goes around and, as the gentleman from Massachusetts says, is the eyes and legs of the court.

Mr. MADDEN. I do not see why it is not as necessary to look after boys as it is after girls.

Mr. SISSON. As I said, in the case of a girl it might be a delicate matter, and she would be more apt to answer more readily a woman than she would a man.

Mr. MADDEN. That is not at all the matter I was asking about.

Mr. SISSON. Mr. Chairman, I want to call the gentleman's attention to the language on page 6, where you only give 24 hours for notice to the parent or guardian. In the event that the finding by the female commissioner becomes final and from which there can be no appeal in 24 hours, does not the gentleman think that is rather short notice to make a finding of the commissioner final with no appeal?

Mr. TINKHAM. I should say if the honorable Representative from Mississippi [Mr. SISSON] wanted to submit the amendment that there would be no objection to extending the time.

Mr. SISSON. Here is a girl in the District of Columbia, and the parent or guardian may live at some distant portion of the United States. That would be a very rare case, but I see no necessity for such undue haste and making the female commissioner's finding final. The girl may be away from home and here without the knowledge of the parents or guardian. Now, in the event that the commissioner makes a finding against the girl, a letter posted would not reach the parent or guardian until the time for appeal had expired. I would suggest that you make it not less than three days.

Mr. MADDEN. Ten days.

Mr. SISSON. Or even, as the gentleman from Illinois suggests, 10 days.

Mr. TINKHAM. Could we not compromise on five days?

Mr. SISSON. I think in five days it would reach any portion of the United States.

Mr. DOWELL. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. DOWELL. Is there any reason why the court should not have the right to review this at any time? Why should it be final at all? Why should not the court of its own motion have a right at any time to review any of these findings? It seems to me that if this is to be final the court should have such right.

Mr. TINKHAM. The bill provides that there may be a revision of the finding of the deputy and that the court may make a change of guardianship at any time, and a complete appeal is allowed to the court of appeals or to the Supreme Court of the District of Columbia upon any finding or change of guardianship. That has been thoroughly safeguarded.

Mr. DOWELL. If that is true, that fully answers my question.

Mr. SISSON. Mr. Chairman, I move to amend, on page 6, line 3, by inserting "five days" instead of "24 hours."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, lines 3 and 4, strike out "24 hours" and insert in lieu thereof "five days."

Mr. TINKHAM. Mr. Chairman, the committee will accept that amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I move to amend, on page 5, line 22, by striking out the word "three" and inserting the word "five," so as to make it correspond with the amendment just adopted.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 5, line 22, strike out the word "three" and insert the word "five."

Mr. TINKHAM. Mr. Chairman, the committee will accept the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GARD. Mr. Chairman, I move to strike out the last three words. I ask if the language in section 8, described by the gentleman having charge of the bill, is intended to be a delegation of authority from the court to this so-called female commissioner acting as a probation officer? It seems to me that it is an avowed delegation of authority, taking the place of the court and actually conferring it upon the commissioner.

Mr. TINKHAM. Mr. Chairman, in reply to the honorable Representative from Ohio [Mr. GARD], I would say that no more is allowed in this case than is allowed in a court of equity

where the court desires, for some particular reason—because, perhaps, the facts are abstruse or complicated—to have a commissioner appointed to find the facts and make a finding, but reserves to itself the important thing, namely, the making of the final decision. This is no delegation of authority, except so far as it is limited to the finding of the facts and making recommendatiozs, subject to the approval or disapproval of the court.

Mr. GARD. It provides that if no exceptions be taken and review be asked that the report may be confirmed by an order of the court.

Mr. TINKHAM. In other words, it gives the judge complete discretion either to accept the facts as found or not. He has final discretion and decision of the case, and it seems to me that in a juvenile court there might be certain rigors of law and certain niceties of technical proceedure which, if they did not affect fundamental rights and absolute human rights, might well be dispensed with.

The Clerk read as follows:

SEC. 13. That service of summons within the District of Columbia shall be made personally by delivering to and leaving with the person summoned a true copy thereof. If it shall be made to appear to the satisfaction of the court that reasonable but unsuccessful effort has been made to serve summons personally upon the parties named therein, other than said child, the court, at any stage of the proceedings, may pass an order providing for substitute service by delivering a copy of the summons or a supplemental summons to some person above the age of 16 years residing on the premises where the said child may be found, or where he or she may live; and if it shall appear to the satisfaction of the court that any of the parties, other than said child named in said summons, are without the District of Columbia, service may be made by registered mail, by publication, or personally without the District of Columbia, in such manner and at such time before the hearing as may be directed in said order. It shall be sufficient to confer jurisdiction if service is effected at any time before the time fixed in the summons or supplemental summons for the return thereof, but the court, if requested, shall not proceed with the hearing earlier than the third day after the day of the service. Proof of service shall be made substantially as in other courts of record. Failure to serve summons upon any person, other than said child, shall not impair the jurisdiction of the court to proceed in cases arising under subdivision (a) of section 4: *Provided*, That for good cause shown the court make an order dispensing with such service. The summons shall be considered a mandate of the court, and willful failure to obey its requirements shall subject any person guilty thereof to liability for punishment as for a contempt.

Mr. GARD. Mr. Chairman, I move to amend, on page 8, line 9, by striking out the word "sixteen" and inserting the word "twenty-one."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 8, line 9, strike out "sixteen" and insert "twenty-one."

Mr. TINKHAM. Mr. Chairman, I would like to ask the reason for the amendment.

Mr. GARD. Mr. Chairman, it seems to me that this part of the bill where it proposes to deliver a copy of a summons or a supplementary summons to a person residing on the premises where the child may be found should not be extended to authorize constructive service to one of the age of 16 years. I would think that before a constructive service, such as this is, would be authorized that it should be upon one of the commonly accepted age of maturity.

Mr. TINKHAM. Mr. Chairman, I think I have no objection to that.

Mr. SISSON. Suppose there is no one there over that age? Suppose the only person living to be had would be 16 years of age?

Mr. GARD. Then I do not think a person 16 years of age should accept service in the juvenile court for a person 17 years of age or close to 17. Under this law it is provided that a person of the age of 16 may constructively accept service for one who may be nearly 17 years of age.

Mr. SISSON. Let me see if I have in mind what is intended to be done. Suppose a 14-year-old child is reported to the court and taken to court. This is for the purpose of notifying somebody at the place of residence?

Mr. GARD. Yes.

Mr. SISSON. I suppose that person ought to be a relative or the mother or the father or some one 21 years of age; but in the event that there was no one there at the place who could testify to the habits and what the child had been doing, it seems to me that it is simply extending to the child a little additional protection against any summary proceeding. Suppose the child is of tender years, such person then might give information to the friends of the child about what proceedings are going on. I agree with the gentleman that if there is anyone over 21 years of age——

Mr. GARD. Or of the age of 21 years.

Mr. SISSON. That they ought to be the ones to be served; but in the event that there was no one over 21 years of age, then the 16-year provision ought to remain.

Mr. GARD. I fail to see that there would be anything gained where a person had to appear in the juvenile court by authorizing a constructive service or an acceptance of summons, whichever it may be termed, by some one who is younger than the person cited into court, and it seems to me that if there is no one of competent authority to act, this question of constructive service, or acceptance of summons, ought not at all to be considered by the juvenile court. The real gist of the matter is, after all, to have the child brought before the court.

Mr. SISSON. I understand that.

Mr. GARD. And the mere fact of the acceptance of service, as I view it, is a technicality which in any event bears but little for the good of the individual child, and while I am not insistent upon it, my own view is that any constructive service or acceptance of summons ought to be made by some one who has the power to accept, and I do not think a 16-year-old person would have.

Mr. SISSON. I can see that the committee might possibly have had in mind a child actually in the custody of the court, and the court finding one of 16 years of age at his home, and by serving the summons on the 16-year-old boy or girl, that act might lead to the discovery of the whereabouts of somebody who was closer to the child even than a 16-year-old individual, and in that way bring to the defense of the child in the event that it was not treated properly—because we are not presuming that these courts are to be infallible——

Mr. GARD. Certainly not.

Mr. SISSON. It might be a little additional protection to the child, but I do think that there ought to be a provision here if there is a person over 21 years of age residing there that the service should be made upon them and not upon one under 16 years of age. I suppose what the gentleman has in mind is that they should not select a 16-year-old person when there is one 21 years of age there.

Mr. GARD. I think that should not be allowed to be done, because I am thoroughly of opinion there should be no constructive acceptance of service of a person who in ordinary litigation would not be accepted.

Mr. SISSON. And as a question of law could not be under the law of most of the States——

Mr. GARD. No.

Mr. SISSON. Constructive service can not be had on children. It has to be in accordance with regular notice and regular proceeding, and after you proceed against a child, in most of the States, you have to appoint a guardian ad litem.

Mr. GARD. And the guardian ad litem must be a person appointed by the court.

Mr. SISSON. This particular case is not in accordance with the fixed rules of common or statutory law that now obtain throughout the States, so I would suggest——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. Mr. Chairman, I move to strike out the last word, or I rise in opposition to the amendment, whichever is the parliamentary procedure. I have no desire to offer an amendment. I was just suggesting something to cure the defect in the gentleman's mind.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was agreed to.

Mr. WALSH. Mr. Chairman, in line 20, page 8, I move to strike out the word "third" and insert in place thereof the word "fifth."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, line 20, strike out the word "third" and insert in lieu thereof the word "fifth."

Mr. WALSH. Mr. Chairman, this only allows a party living outside the District, if notice of a summons has been brought to a parent or guardian, to have the hearing postponed and give them sufficient time to get here, and I think that should be at least five days.

Mr. GARD. Will the gentleman permit an inquiry?

Mr. WALSH. I will.

Mr. GARD. Does not the gentleman think that if this amendment of his changing the word "third" to "fifth" will prevail, extending the time of the hearing, that upon a mere request the juvenile court could not hear a case within three days, but would be compelled to wait five days, and would it not be the iden of the gentleman that these cases ought to be heard as soon as possible, both for the protection of the children and the protection of the State or the district in which the child lives?

Mr. WALSH. Mr. Chairman, in reply I will say that is so; but it might be—and I understand it is contemplated by this section—that the parent or guardian might be living outside the District of Columbia and that notice of service might be had by registered mail, and it might be impossible for them to get here within three days. This is only effective where the request is made, and I assume that the request must be made by the party upon whom the service by registered mail is had.

Mr. GARD. I am not in any way opposing the gentleman's motion, for I think we all desire to have the bill perfected; I think it means that if requested the court shall not proceed with a hearing earlier than the fifth day after the day of service if the amendment were adopted, and I do not think it is a proper amendment, but I think the hearing ought to be as soon as possible and should not be extended to the fifth day. I will not go so far as to say it should be limited to the third day, but clearly it ought not to be extended to the fifth day after the beginning of service.

Mr. TINKHAM. Mr. Chairman, I think the honorable Representative from Ohio [Mr. GARD] is right, that there should not be in many of these cases anything but a summary hearing, and that to extend the hearing to the fifth day would perhaps compel the postponement of cases in which the merits would be seriously involved and hurt; so I hope the amendment will not be accepted.

Mr. WALSH. Will the gentleman yield?

Mr. TINKHAM. I do.

Mr. WALSH. The gentleman would not insist that if the child's parent lived at a distance that the hearing should proceed without giving that parent an opportunity to be present, and if it was impossible for him to be here in three days and he requested that the hearing be put off for a day so he could get here he would not insist that the hearing should go forward without the parent or the guardian of the child having an opportunity to be here?

Mr. TINKHAM. I should not. But in legislation, it seems to me, you often have to balance one interest against another interest. Now, the preponderant number of cases, probably nearly all of the cases that would come before the court, would be cases of children whose parents lived in the District of Columbia. Therefore the eye of the legislature should not be fixed upon the exceptional case. Under this section the judge need not proceed with the hearing at the end of three days, and undoubtedly would not compel the attendance of persons where the facts showed it would be a manifest injustice.

Again, I want to say that we are dealing with a juvenile court bill, not with a criminal court bill or even with a civil court bill, and the rigors and niceties of ordinary law should not be as carefully applied, but only procedure adopted with the idea in view of accomplishing the result desired, namely, the salvation, protection, and preservation to the State of children by means as flexible as possible put into the hands of such a judge as should be appointed to such a court.

Mr. SISSON. I would like to ask the gentleman this: If this clause is not put into this bill for the express purpose of preventing any injustice being done any child, because after the parent shall have received this notice or summons he shall be allowed to request them not to proceed within three days. Now, suppose, for example, in one case in a thousand or ten thousand or fifty thousand it should happen the parent of the child was in California, or in the State of the gentleman, and it was not possible for him to get there until the fourth day. I am inclined to believe that the gentleman who offers the amendment is correct, because it is only after request and it is only in these particular cases the gentleman speaks of, only in those cases where by taking summary action there would be any protest likely against proceeding at once, and in that event the parent would make a request for the court to wait so as to give him an opportunity to get here to the trial in which his child is involved, and therefore it seems to me that the two extra days would not work any hardship upon anyone, and it seems to me that the gentleman who offered the amendment is correct in his position which he takes.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 15. That the court shall have power, upon the hearing of any case involving any child, to exclude the general public from the room wherein said hearing is held, admitting thereto only such persons as may have a direct interest in the case; and the records of all cases may be withheld from indiscriminate public inspection, in the discretion of the court; but such records shall be open to inspection of such child, his parents, guardians, or his authorized representatives. The hearings may be conducted in the judge's chambers, and such cases shall not be heard in conjunction with the other business of the court.

Mr. SISSON. Mr. Chairman, I move to strike out of section 15, beginning with line 21, the following words:

And the records of all cases may be withheld from indiscriminate public inspection, in the discretion of the court; but such records shall be open to inspection of such child, his parents, guardians, or his authorized representatives.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Mississippi [Mr. SISSON].

The Clerk read as follows:

Page 9, line 21, strike out the following language:
"And the records of all cases may be withheld from indiscriminate public inspection, in the discretion of the court; but such records shall be open to inspection of such child, his parents, guardians, or his authorized representatives."

Mr. SISSON. Now, Mr. Chairman, I have no objection to the court excluding from the courtroom a curious crowd, but I am unalterably opposed to any court of this free country keeping a secret record of its proceedings. It has been a policy in this Government from its foundation that there should be no star-chamber proceedings, and in order that the public might know what the court has done there is no better way of having the court do right than by its knowing that the record itself is going to be reviewed. Now, in those individual cases there might not be much harm done, but the very moment we begin to ingraft upon the statutes of the country the principle that the Federal courts may keep their records a secret, we are taking a step that may rise up as a precedent to do us great harm in the future.

Mr. DILL. Will the gentleman yield?

Mr. SISSON. I will.

Mr. DILL. What purpose will be served by keeping the records, if ordinary action is taken against children, from being made public?

Mr. SISSON. The idea, of course, in the committee's mind would be, I think, that there would be no record that might in any way affect the child's standing in the future. I presume that was in their mind. But I am perfectly willing that the court in particular cases, and many of the States do that now, should exclude a curious crowd from the actual hearing of the testimony of the witnesses and the actual trial. But even such cases should be rare, indeed. But as to the results reached in such case, as to what the court has actually done, as to its judgment, I do not know of a single exception anywhere in any liberty-loving country. Records ought always to be open for inspection, and I am unwilling that there should be a precedent wherein the future Congress may determine to take this precedent, and say, where a labor organization may become interested and doubly interested in the disposition of a laboring man's case, that they shall have the right to exclude not only the people from the hearing on the ground, for example, that not to do so might stir up the mob, but would have the right even to prevent the public from investigating the record of the case and what the court has done in reference to that particular case. It is a long step in the wrong direction. I commend the committee for leaving it to the discretion of the court as to whether or not the court shall admit in the court room the curious gaze of the people. But I believe this other is a step in the wrong direction. So, if it was left in the bill, this clause alone will cause me to vote against it, because I feel that we do not want to begin any star-chamber proceedings in any of our courts.

Mr. MADDEN. I want to offer a substitute to the gentleman's amendment.

Mr. SISSON. I yield for the purpose of hearing the gentleman's substitute.

Mr. MADDEN. I move as a substitute to the amendment offered by the gentleman from Mississippi the following:

Strike out the words, in line 22, page 9, "withheld from indiscriminate" and insert "open to."

And strike out the words, in line 22, "in the" and in line 23, "discretion of the court," so that it would read: "And the records of all cases may be open to public inspection, but such records shall be open to inspection of such child"—

And so forth.

Mr. SISSON. Then your second clause would not be necessary at all—

But such records shall be open to inspection of such child—

And so forth.

Mr. MADDEN. It will read:

And the records of all cases may be open to public inspection.

And then follows:

But such records shall be open to inspection of such child, by its parents, guardians—

And so forth. It may be open to the public.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SISSON. The thing that I have particularly in mind is that I do not like this precedent. I am unwilling that any court record should be closed to any man who wants to inspect it. Not while I have my present mind will I ever agree that the proceedings of any court dealing with the rights of the people shall be made secret. I shall not put myself in a position where I am willing to yield to the discretion of the court the question as to whether or not it is willing to have its own findings and proceedings open for the people to see what the court has done in any case affecting the rights of a man, much less a child.

Mr. McCRACKEN. Will the gentleman yield?

Mr. SISSON. I will.

Mr. McCRACKEN. Suppose, for example, it is one of your own children that was being brought up before this court. Would you not like to have those records kept almost secret?

Mr. SISSON. It might be my desire to do it, but it would not be for the good of the public that it be done. It is the public interest that I am serving here.

Mr. McCRACKEN. But it would be best for the child, would it not?

Mr. SISSON. It might or it might not. I believe any sort of deception is wrong.

Mr. McCRACKEN. But this is not deception, when it is done in the interest of children who do not know their own minds.

Mr. SISSON. On the same reasoning it would be for the interest of every man charged with crime—every thief, rogue, and burglar in this country—that you keep absolutely from public knowledge the fact that he has committed a crime, because it would hurt his future. The public is always best served when the courts are open to the public, for judges in the past have only been men and are subject to the same frailties of men of the past, and experience teaches them the power should be exercised in the open. I am willing that the court in control shall exclude from the court room where the witnesses are being examined as to details of immorality, the curious crowd, but when its finding shall be made and a judgment entered I want that record to be a public record, and I do not want any secret record kept in the courts of my country. This bill ought to become a model law, and it ought to be a model bill for the States of the Union in the event they take this step, and I do not want that principle to be engrafted on the laws of my country at any time.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MANN. Mr. Chairman, I fail to fully appreciate the differentiation that my distinguished friend from Mississippi [Mr. SISSON] makes between admitting the public to the hearings and admitting the public to the full inspection of the record. If it is any harm to admit the public to the hearing, it may be equally harmful to admit the public indiscriminately to the record; and if everything ought to be wide open, if there ought to be no secrecy, if there ought to be no effort to protect the child from the public knowledge, then we ought not to have any secrecy about the hearings.

Now, to say that the record should be so kept that the party interested should not inspect it would be one thing, but that is not what is provided by this bill. The party interested has the right under the bill to inspect the record. But why should you invite a man who, perhaps, is trying to find some girl to perpetrate an outrage upon to inspect the records? Many children everywhere do things thoughtlessly—sometimes with full intent—that ought not to be heralded to the world, that ought not be held against them. If there is any man in this Chamber who thinks over his own life and can not remember some incident of his life which never became public, but which, if it had become public, might have practically ruined his life, he is an exception. He ought not to be on this earth; he ought to be translated bodily to heaven.

I am in favor of giving the children all the protection you can, and I think that with the authority we confer upon the juvenile court here for the protection of the child, that the child, or its parents, guardians, or representative, may inspect the record, we might wisely leave to the court the authority to make the record secret, so far as the general public is concerned, and not require the record to show what we do not permit the public to hear at the hearings.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to withdraw the substitute.

The CHAIRMAN. Without objection, the substitute will be withdrawn.

There was no objection.

Mr. TINKHAM. Mr. Chairman, I hope that the amendment will not be accepted. The amendment is a deadly thrust at the very principle, at the very foundation of this bill. It is a murderous thrust at the whole idea involved, because if the records can be indiscriminately inspected and used against the juvenile, the protection and the purpose of the law have been lost.

Now, what is the principle involved? The principle involved in this bill is the salvage of the child, the protection of its best interests, and the child itself. The principle is to make the child have self-respect after it has stumbled, after it has made a mistake. It is to make the child an American citizen without stain, so that no one in its future may point the finger of scorn at it. The very vital principle of the bill is the theory that no criminality attaches to any act committed by a child less than 17 years of age; that is, some act short of the highest and greatest moral turpitude, in which case a juvenile court takes no jurisdiction.

Now, if the records of this court are made public, as the honorable Representative from Illinois [Mr. MANN] has well said, why not have the proceedings made public? If you are going to have one made public, why not have the other? Neither should be made public to carry out the principle and purpose involved in this legislation. When you talk about secrecy, this bill does not provide for secrecy. It provides in terms only against indiscriminate publicity. It says that the records may be withheld; it does not say that they must be withheld. Withheld from what? From indiscriminate publicity in the discretion of the court. It provides that the records shall not be withheld, even by the judge himself, from inspection by the child itself, the guardian, or an authorized representative.

Now, that, I submit, is not secrecy, and it should not be put upon that basis and so denominated. The provision, in accordance with its terms, is a provision against indiscriminate publicity. Why is this provision made? For the preservation of the child, his reputation, and his dignity. Will you assault that or will you protect it? Will you do what you can to help to make him have self-respect, or will you do what you can to besmirch him and his future and debase rather than exalt him? Will you pass a juvenile-court bill for the District of Columbia which shall be such a model that the States of the Union shall pattern after it because its every provision carries out the principle of the conservation of the child, of his reputation, his life, and happiness or not? I sincerely trust that the amendment will be defeated.

Mr. GARD. Mr. Chairman, I am in entire accord with the statement made by the gentleman of the committee [Mr. TINKHAM]. It seems to me that to open wide the doors of public inspection indiscriminately, even disinterested inspection, possibly would serve but one of two purposes. It would either pander to the curious or it would actually promote the interests of the vicious.

I believe, and have always believed, that the province of the juvenile court is that it shall be a court not of accusation, a court not of punishment, but a court to help the boy and the girl; and there is no better way to help a boy or a girl than to preserve inviolate that child's reputation in the community. And so, if you open wide the doors of public inspection of these documents and records to anyone who from the most evil motives, as the gentleman from Illinois [Mr. MANN] has suggested, might seek to know the past life of a girl in order that by threats and duress she might afterwards be dragged into a life of shame, you depart from the scope of anything that can have for its effect the protection of our boys and girls. I think there is no stronger feature in this juvenile court law than that which places the records of the court showing what the court has done and the complaints made and the proceedings thereunder under the fair discretion of the judge, because it is assumed that no judge will be put into the control of the destiny of the lives of boys and girls unless he is a man competent to act with fairness and integrity and with the most disinterested honesty of motives, and only to such a man, Mr. Chairman, may safely be intrusted the records of his own court.

Such an inspection of the private lives of boys and girls ought not to be permitted. The object of the bill is not, as the gentleman from Mississippi [Mr. SISSON] seems to suppose, a tendency in the direction of secrecy in court proceedings. It is rather intended to open wide the door of humanity for the conservation of boys and girls.

Mr. DILL. I move to strike out the last word. I hope very much that the amendment of the gentleman from Mississippi [Mr. SISSON] will not prevail. I come from a State where a juvenile court law is in operation, and as a member of the prosecuting attorney's force of my county I have had something to do with juvenile court work. I believe that work has been a success, and the chief factor in its success in my judgment is

the fact that the records and the hearings of that court are not open to the public in general. I do not mean that they can not be reached by those who ought to reach them, but I do mean that when a hearing is had on the case of some boy or girl a curious newspaper man, for instance, can not come in and get the record and publish it broadcast and report the results of that hearing to the world. I believe also that the very fact that the children know that the world is not to know what is taking place there has its influence to make them better. It seems to me the gentleman from Mississippi entirely misunderstands the purpose of a juvenile court when he holds out the idea that it should be conducted publicly and that its records should be open the same as those of another court. In the drafting of this bill the whole purpose was to give a special corrective institution that would be different from the ordinary court. For that reason it seems to me it would be a most serious mistake, that it would destroy one of the very underlying purposes of the bill, if everything done in the court should be public and open, like the things that are done in other courts. We use the term "court" here in a different sense than it is generally used. We use it simply as a name applied to a proceeding held in the interest of the child rather than in the interest of the public.

Mr. Chairman, I sincerely hope this amendment will not be adopted.

Mr. MEEKER. Mr. Chairman, I will take the floor in opposition to the pro forma amendment.

Having known for a brief time only the splendid gentleman who has offered this amendment [Mr. SISSON], I am sure that down in his big and humane heart he has not quite caught the purpose proposed in this bill. I am sure that if he were the juvenile judge who we hope will soon fill this position—a position which I believe is the most important of all the offices that will be held in the District of Columbia—if he were that judge, and some unfortunate boy or girl should be brought before him, and he should pass on the case, and some curious, morbid, diseased mind should attempt to probe into the affairs of that child's life, he himself would be the first to put his hand over the record for the sake of the child. This is the very core and heart of the modern movement for the State doing all that it can toward preserving and saving children, not only from themselves, but from the work of diseased mentalities who live upon the scum of moral life, just as the buzzard lives on the carrion of the field. It is time in this country that such movements as this should be inaugurated, and there is no better place from which it should come than the Congress of the United States, where we shall speak through this juvenile court bill, saying that hereafter, as far as it is possible, every unfortunate child who because of any reason must come into this court and must be cared for and directed in some way shall be sheltered and guided and made conscious of that shelter while there. When an unfortunate person was brought into the presence of the great Nazarene, He said, "Let him that is without sin among you cast the first stone," and that is the only case on record where the accused party was declared not guilty by the jury adjourning one at a time. [Applause.] This is Christian legislation, if we understand the teachings of Jesus at all. I believe that the author of this amendment [Mr. SISSON] has missed the point and purpose of this proposed law, and that if he sat on that bench, he would stop the curious from prying into the affairs of children for the purpose of harming them thereafter. I believe he would place his hand over that record, and I hope that his great, big, generous heart will cause him to ask for the withdrawal of this amendment. [Applause.]

Mr. SISSON. I move to strike out the last two words. Gentlemen, I have children of my own, and I love my children above anything in this world. No man sympathizes more than I do with the unfortunate adult criminal. No one sympathizes more than I do with any man who is unfortunate; but if the history of the past teaches us anything, it is that the records of court proceedings should not be kept secret by the judge. So far as the evidence that is taken is concerned in a few cases, it is not heard by a curious crowd, and it does not become a part of the permanent court record. It does not appear in the judgment of the court; but we do not want to keep secret the judgment of a court on any proposition.

Every argument that has been made here in reference to the protection of the reputation of a child may also be made in reference to the protection of the unfortunate criminal of mature years. If that reason is carried to its last analysis, it closes every criminal record in the United States, if it is followed. There is no way to judge the future except by the past, and it is hard for men to learn except by experience. You can not teach people anything as an abstract proposition. They must learn by experience, and the experience of mankind has shown that the secret findings of judges who deal with the liberties of men, women, and children have inured to the awful hurt of mankind. In this particular case, much as it may appeal to the sympathy of your hearts, much as it may appeal to our feelings which go out to unfortunate childhood, there is a principle involved in this matter which is that the proceedings of the court should not be made secret.

I want no star-chamber proceedings in any court in America. If to put upon the record the fact that a certain child had been committed to a guardian selected by the court, if that of itself shall ruin and damage the child, then, when he is 22 years old, to render a judgment against him that he has been convicted will damage the man at 22. It will damage the man at 25. Is it the criminal you are most interested in? Certainly not; it is society. I do not have in my heart the feeling that the punishment is for the good always of the criminal, nor do we manifest an Indian's vengeance on the criminal when you try him to ascertain whether he has observed the rules of law. It is for the humane purpose of deterring other people from violating the law and it is for the good of society that we maintain that the law should be observed. It is better that a man who violates the law should be punished than that you should abrogate all law, and for that reason, when you apply the reasoning that you apply here out of the tenderness of your hearts, without the exercise of judgment, which is necessary in all legislation, you place yourself in a position where you lead yourself inevitably to the conclusion that all criminal proceedings shall be kept secret.

Mr. COLEMAN. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. COLEMAN. Is not the very purpose of the juvenile court to prevent a record from being established against the child in a criminal court?

Mr. SISSON. Upon the same reasoning you ought never to permit a record to be made against any burglar.

Mr. COLEMAN. Oh, no.

Mr. SISSON. A juvenile burglar of 17 would be tried in a juvenile court because he falls within this class, and you preserve the record as a secret, but when he is 18 or 19 you do not.

Mr. COLEMAN. If the criminal record is to be charged up against the child, you had better have no juvenile court, for it has lost its very purpose and object.

Mr. SISSON. If you are going to overturn all the established principles of liberty which the people in this country endeavored to establish, there should be no secrecy in reference to court proceedings.

Mr. WALSH. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. WALSH. The gentleman has stated that he has no objection to the court having power to exclude spectators. Why is he not willing to grant a like discretion in reference to the inspection of a record?

Mr. SISSON. There are several reasons for the exclusion of spectators. One is for the good of the crowd that assembles, to see that they may not feed and feast on what may fall from the witnesses in some outrageous case. Another is that if it is a case where there is a great deal of feeling against the defendant it may protect him from mob violence.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SISSON. You exclude them in order that you may prevent mob violence, but it is not that the proceedings shall be made secret for the benefit of the criminal. It is for the benefit of the community, and all the judgments and findings of the court should be public records. Take the ordinary judgment in court and it gives you no indication as to what the character of the evidence has been, but the court finds that certain facts are true, and the jury decides that certain facts are true, and render their verdict accordingly. Now, if this principle of secrecy shall apply, then every Federal court in a few years could say it is for the good of the community that what the judge has done shall not be known to the public; it is better for the public that the newspapers should not get at these records. In other words, it is best for society that men be spirited away and never know how or by what means it is done. Judges have not always been angels. Capital-controlled and corrupt judges would hail with delight such a rule. But the freedom of the press would be invaded. I had rather have the freedom of the press, with all the disadvantages the gentleman states, than to have it throttled. So do all scoundrels want secrecy. Honest men never do.

In the time of Lord Jeffreys there were men who thought that Jeffreys had the right to proceed in secret, and that it was for the good of the people of England. Ah, in this instance you would

see gentlemen rise and say that it is for the good of the criminal that Jeffreys was proceeding against him secretly, it is for the good of society that he proceeds against him secretly; but after the people had suffered for years they provided that a man should be confronted with the witnesses, and in every State in the Union we make provision for open courts in order that the liberty and freedom of the people may be preserved, and that their servants may act in the open light of day.

Mr. MANN. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. MANN. Does the gentleman say that in his own State or in any other the court has no authority to seal and impound papers?

Mr. SISSON. There is none except in some States with reference to divorce proceedings, a purely civil matter, where the records may be kept secret, and except in cases where they have grand jurors, and those proceedings are kept secret in order to prevent the escape of the criminal. I do not know of one.

Mr. MANN. All grand-jury proceedings are secret.

Mr. SISSON. Yes; and that is to prevent the escape of the criminal that is investigated.

Mr. MANN. Oh, no; not altogether.

Mr. SISSON. The gentleman may say, "Oh, no" in a didactic way.

Mr. MANN. I was not reflecting upon the manner of the gentleman from Mississippi.

Mr. SISSON. And I am not reflecting upon the manner of the gentleman from Illinois. But there is another reason in the investigation before a grand jury; the witnesses are there to testify, and then the grand jury finds a presentment, and that presentment is sent into court and is filed, and as soon as the criminal is apprehended that becomes open for inspection. There is another reason why they keep the grand jury proceedings secret, and that is that they sometimes investigate a man on some charge and find that it is absolutely untrue and false. I do not know a State in the Union where the findings to deprive a man of his liberty or his property are not a part of the public record, or where he is convicted on any criminal charge where the verdict of the jury is not a part of the public record.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. SANFORD. I would like to say that in the State of New York the records of the grand jury are always secret.

Mr. SISSON. That is true in all of the States where there are grand juries.

Mr. SANFORD. Before and after an indictment, and always remain secret.

Mr. SISSON. Always.

Mr. SANFORD. Except when they are granted upon an order of the court.

Mr. SISSON. Always.

Mr. SANFORD. And I would like to say that the court always refuses to grant publicity, and I have only known of two cases where it has not.

Mr. SISSON. In my State the grand juror himself must be sworn to secrecy for 12 months after the apprehension of the criminal, and it can not do either the public or the criminal any harm for an inquisitorial body to investigate the gentleman or any other man in the community as to a violation of law. That is an inquisitorial body and not a trial court.

Mr. MANN. This is both.

Mr. SISSON. I do not object so far as the inquisitorial feature is concerned to that being secret, but I do object most seriously to the findings of the court remaining secret.

Mr. MANN. The findings are not the only record.

Mr. SISSON. That is true; but you take the testimony and the evidence in a divorce case, which, by the way, is a civil chancery proceeding, and it may well be kept secret; but in many cases where the court shall exclude the crowd from the jury room the court may not have all of the evidence copied, but the findings of the court—the result to the man who is being tried—are always known, and that is written down into the record so that every man can tell just exactly what has happened. If you shall keep secret the findings when a man shall go to the penitentiary or the farm, it would be absolutely within the power of the officer, if the findings are secret, to make the man serve indefinitely, as was the case before glorious America proclaimed the doctrine of publicity and permitted the open light of day to be let in on all our courts.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent that debate on this section and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WALSH. Mr. Chairman, I hope that the amendment of the gentleman will not prevail, and that this section will be left as it is in the draft of the bill. We are not dealing with a simon-pure criminal court in this instance. It is a departure from the proceedings followed heretofore in criminal courts, or in courts heretofore established in this country. This is a correctional or disciplinary court.

Mr. SISSON. Mr. Chairman, will the gentleman yield for a question?

Mr. WALSH. Yes.

Mr. SISSON. Are not all courts correctional courts?

Mr. WALSH. No.

Mr. SISSON. Then they are monstrous.

Mr. WALSH. Mr. Chairman, discretion here is given to the judge of this court to exclude people from the hearing when the juvenile offender is before him, and I may say that we may well give him a like discretion in the matter of the inspection of the records, because if the judge of this court can be depended upon to exercise a discretion with reference to the attendance at the hearing, I feel he can likewise be depended upon to exercise that discretion wisely when it comes to an inspection of the record. This is a different method of dealing with children under the age of 17 years than has heretofore obtained in the District of Columbia, and I feel that we may well take the chance of establishing what the gentleman from Mississippi [Mr. SISSON] has stated would be a dangerous precedent, we may well take that chance for the benefit and the protection of the juvenile offender. This system has been tried in other jurisdictions with like safeguards and with like provisions, and I have yet to hear where there has been any hardship because the terms of the act under which the juvenile court in those States was established have been followed. I trust that the amendment of the gentleman from Mississippi will not prevail and that the judge of this court will be given this discretion which I have no doubt he will exercise wisely.

Mr. FESS. Mr. Chairman, I join with the gentleman from Massachusetts [Mr. WALSH] in the expression of the hope that this amendment will not prevail. I think it would very largely neutralize the whole purpose of the juvenile procedure. I was glad to hear him also say that this was not a criminal court. I do not like to hear the term "crime" applied to a child under 17 years of age. A new term has come into our phraseology since the juvenile procedure has been inaugurated, and that is the term "juvenile delinquency." We have adopted a new phase altogether in our procedure against those who step aside and violate the law where those offenders are children. The gentleman from Mississippi asked if all courts were not correctional. I would remind him that the law writers tell us that punishment has a threefold purpose. There is such a thing as protection to the public against the criminal. That is one purpose of punishment. There is also the purpose of example, that it may be an example to others not to do the same thing, but in this case there is the still farther-reaching purpose, and that is largely remedial, reformatory. I think all juvenile procedure regarding the violation of penal regulations by children should be specially remedial, not with a view so much of the public interest as with the hope of reforming the one who has stepped aside. If that be the purpose of this treatment of juvenile delinquency, then one of the things which it seems to me we ought not to do is to make it almost impossible for the delinquent to be reformed, because he will be treated after the incident occurs as a criminal. For that reason, it seems to me, these proceedings should not be made public. It is for the protection of the one who has offended, in order that he may carve out a career, after he has stepped aside, free from the publicity of the charge that has been made against him. For these reasons I trust that the amendment will not be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken and the amendment was rejected.

The Clerk read as follows:

SEC. 16. That no adjudication upon the status of any child under the provisions of this act shall operate as a disqualification for jury duty, for office, or for any other public service under the Government of the United States or the District of Columbia, and such child shall not be denominated a criminal by reason of any such adjudication, nor shall such adjudication be denominated a conviction.

Mr. GARD. Mr. Chairman, I move to strike out the last word. I desire to call the attention of the gentleman in charge of the bill to section 14, which we have passed, with the consent of the gentleman, just for a question, where the provision relates to the appointment of a guardian ad litem. Is there included in the bill anything where there is any compensation for such

guardian ad litem, or is he to be a friend to the court, or what is the status?

Mr. TINKHAM. There is not any provision in the bill that there be any compensation, but it was thought best that the appointment of a guardian ad litem be allowed by the court; that is, that the machinery be given to the court.

Mr. GARD. I understand that in the appointment of guardians ad litem usually there is some provision for their payment while acting as the guardian of the child, the same as the guardian of a child obtains compensation through the probate court while acting as guardian of the person and estate.

Mr. TINKHAM. There may be a guardian appointed under usual procedure in a probate or chancery court. The court may appoint a guardian who is a guardian "in persona," or the court may appoint a guardian of the estate. The guardian ad litem, who is appointed as the guardian of the estate, usually is compensated, because there is an estate from which he can be compensated and usually something for the guardian to do, service to be performed.

Mr. SISSON. I will state to the gentleman that also under the present laws of the District of Columbia they have what is called the Board of Children's Guardians, to whom this court commits all these children who have no natural guardian, and who is willing to take charge of them.

Mr. TINKHAM. And without relation to the appointment of a so-called guardian ad litem.

Mr. SISSON. The appointment of guardian ad litem would be only, I presume, in case where somebody is willing to assume that duty, because under the general laws of the District of Columbia they have what they call a Board of Children's Guardians, who would appear for the child in this case, and the law provides for them.

Mr. TINKHAM. The usual criminal court has a right in criminal procedure to nominate a member of the bar to defend a criminal, but there need not be any compensation given to that member of the bar. It was thought in this bill that mechanism should be provided for the court to appoint a guardian ad litem if it became necessary, either choose that guardian ad litem from the members of the bar or nominate some other person, so that the child would be represented pro forma by some one. It was merely a desire, so far as the record was concerned, to have the interest of the child represented pro forma if necessary. The provision is more technical than anything else, but is good legal form.

The CHAIRMAN. Without objection the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 17. That until the first hearing of the case by the court a probation officer, or any other official only duly authorized so to do by the court, may release the child upon its own recognizance or promise, or upon the recognizance or promise of the parent or person having the custody, control, or supervision of the child, to appear before the court at such time as may be therein fixed or when notified. Any child embraced in this act shall have the right now given by law to any person to give bond or other security for appearance at the hearing of its case.

Mr. LONGWORTH. Mr. Chairman, I desire to call the attention of the Chair to the fact that in line 14, section 17, the word "promise" is wrongly spelled.

Mr. TINKHAM. The committee will take notice thereof. Mr. Chairman, I ask that the bill be corrected.

The CHAIRMAN. Without objection, the spelling of the word "promise," in line 14, will be corrected.

There was no objection.

The Clerk read as follows:

SEC. 18. That in all cases the nature of the proceeding shall be explained to said child and to the parents, custodian, or guardian; and between the time such child is taken into custody, with or without warrant, and the appearance of said child before the juvenile court, if not released, he shall be detained subject to the order of the court. The court may, in its discretion, in any case of a child brought before it, as herein provided, permit such child to be proceeded against in accordance with the laws that may be in force in the District of Columbia governing the commission of crimes, and in such case the petition, if any, filed under this act shall be dismissed and the matter shall be certified to the proper prosecuting officer for proceedings either in the police court or in the Supreme Court of the District of Columbia in accordance with law, which said courts are hereby vested with jurisdiction to try and enter judgments in any cases thus certified.

Mr. GARD. Mr. Chairman, I move to strike out the last word of this particular section. I desire to inquire of the gentleman having charge of the bill, the language in section 18, line 24, which recites the time the child is taken into custody, "with or without warrant." Section 11, page 7, as I have read the bill, provides that the first proceeding relative to the child being brought before the court is on the filing of a petition and thereupon a summons shall issue requiring the child to appear before the court. I do not know whether we intend in this bill to use the word "warrant" and I want to inquire whether it has been inadvertently used, or whether it is desired to insert this process of a criminal warrant.

Mr. TINKHAM. Mr. Chairman, I think that the point of the honorable Representative from Ohio [Mr. GARD] is well taken. I do not think the word "warrant" should be used, so I move that, in line 24, the word "warrant" be stricken out and in place thereof there be inserted the word "summons."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 24, strike out the word "warrant" and insert in lieu thereof the word "summons."

Mr. MANN. Mr. Chairman, is it proposed to make the word "summons" mean taking personal custody of a person? In endeavoring to escape the ordinary meaning of the word "warrant," is it proposed now to insert the word "summons" to mean the same thing?

Mr. TINKHAM. Perhaps it would be better to substitute the word "process," which would cover this proceeding.

Mr. MANN. What is the use of saying "with or without warrant"? Why is it not sufficient to say "and between the time such child is taken into custody and the appearance," and so forth?

Mr. GARD. That would appear to me to be the better construction.

Mr. TINKHAM. I would not object if the honorable Representative from Illinois [Mr. MANN] makes that amendment.

The CHAIRMAN. Does the gentleman withdraw his amendment?

Mr. GARD. I do.

Mr. MANN. I move to strike out, in line 24, page 10, the words "with or without warrant."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10 line 24, strike out the words "with or without warrant."

Mr. SISSON. Then what would be the process of taking custody of the child?

Mr. MANN. Whatever the process is the language "with or without warrant" does not mean anything. If a child is to be taken into custody there must be some authorization for that, and it is not necessary to say what the authorization is here, because it is merely descriptive.

Mr. SISSON. Suppose a child and its parents should resist taking him in custody without a warrant?

Mr. MANN. That is provided elsewhere. The authority to take the child is not provided for in this section.

Mr. SISSON. That is true. Where is it provided for that the child shall be taken into custody?

Mr. MANN. In section 11.

Mr. SISSON. The only manner provided is by a process issued by the court. I do not insist on the word "warrant," but you will have to be extremely clear as to that provision.

Mr. MANN. This language, of course, does not give any authority to take into custody. It only provides that where the child is taken into custody such and such shall happen.

Mr. SISSON. If you strike out "warrant," or whatever you call it, but which has the same effect as "warrant," to take into custody a child, you may get into all sorts of complications with reference to the method of taking the child, with possibility of damages against the officer. The protection to the officer is the fact always that he has a warrant ordering him to go and take into custody so-and-so.

Mr. MANN. Section 12 of the bill provides that if the court thinks the welfare of the child requires that it shall be taken into custody he shall indorse, or cause to be indorsed, upon the summons a direction that the officer serving the same shall at once take said child into custody. That is not under this section at all.

Mr. SISSON. Under another section of the bill?

Mr. MANN. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 19. That a suitable place for the temporary detention of children coming within the provisions of this act shall be established, equipped, and maintained under the direction of the Board of Children's Guardians entirely apart from any place of confinement of adults. Suitable arrangements may be made for the instruction of all children under such temporary detention, and to that end the Board of Children's Guardians and the Board of Education of the District of Columbia are authorized and empowered to arrange for the necessary teachers for said children. In no case shall any child coming within the provisions of this act be detained in or committed to a jail, common lockup, or other place where such child can come in contact at any time or in any manner with adults convicted or under arrest.

Mr. PAGE of North Carolina. Mr. Chairman, I move to strike out the last word.

I want to make an inquiry of the gentleman having charge of the bill. You seem here to create a new activity under the juvenile court, and my inquiry is directed toward how large this establishment is to be, and what is to be the cost of it, and its general activity. In section 19 you provide for a temporary place or home for the detention of these children.

Mr. TINKHAM. Mr. Chairman, the present situation in the District of Columbia is this, that there is a so-called house of detention, and in that house are held women—criminals and juveniles. Now, to-day the following facts are true in relation to this house of detention.

Mr. PAGE of North Carolina. Will the gentleman allow me one moment, to save him some trouble as well as to get some information myself? I notice, on page 28, in section 45, of the bill you propose to abolish what is now known as the house of detention under the Metropolitan police and divert the appropriation in the District appropriation bill to this home that you establish by section 19.

Mr. TINKHAM. Exactly.

Mr. PAGE of North Carolina. Now, is it the purpose of the gentleman to make this home—I judge it is entirely, from the language—for juveniles who are subject to the jurisdiction of the juvenile court?

Now, has the gentleman considered the fact that in section 45, when he diverts the appropriation in the District appropriation bill from the house of detention, that he does not leave any place for the adult people in the District whom it may be necessary to detain in a house of detention?

Mr. TINKHAM. Mr. Chairman, in reply to the question of the honorable Representative from North Carolina [Mr. PAGE] and so that the House may understand the situation, I desire to say that there is now in the District of Columbia a house of detention, that this house of detention is used interchangeably for all female offenders of whatsoever age and all juveniles under the jurisdiction of the juvenile court, and that the total maintenance expense of that institution is $18,000, or that was the expense in 1914—to be exact, $18,690; and I am sure if the change is made as contemplated in the bill before the House that the cost of maintenance of the house of detention will be reduced one-half. This statement has been made to me by the present judge of the juvenile court. The District Commissioners have informed me that there can be provided in the central police station, or in some of the precinct station houses, a room or rooms for all female adult persons, so that by making the change proposed in the bill you will establish a separate house of detention for juveniles, thus carrying out the principle of removing juveniles from all contact or touch with crime, and at the same time reduce expenses and take care of your adult female offenders who are now mingled with the juveniles, by placing them in the central police station or some of the precinct station houses.

Mr. PAGE of North Carolina. Mr. Chairman, I understand, of course, what the purpose of section 19 is and in the abolition of the present house of detention in which delinquent juveniles are now detained, and by section 45 transferring them, and this section now created by section 19 of this bill I have no doubt, and I am free to say to the gentleman of the committee in charge of this bill that arrangements can be made by the Metropolitan police in the police stations or elsewhere for the detention of those adults who are now kept in the house of detention temporarily. And I want to say to the gentlemen now, not as a prophet or the son of a prophet, that under section 19, while he says he is assured that the expenses involved by this piece of legislation will not be more than half or less than $10,000 annually, half of that for the present house of detention, that, in my judgment, he need not deceive himself, nor need the committee deceive itself, but that instead of costing half that now paid for the expenses of the house of detention it will cost double that paid for the house of detention within a very short time.

Mr. MANN. Will the gentleman yield?

Mr. PAGE of North Carolina. I yield to the gentleman from Illinois.

Mr. MANN. Does not my friend from North Carolina think he is making a rash statement? Why does not the gentleman accept the bluff offered by the gentleman from Massachusetts and the judge of the juvenile court, and put in the appropriation bill shortly coming in half the amount?

Mr. PAGE of North Carolina. In the appropriation bill he will certainly put half the amount if this bill becomes a law.

Mr. MANN. The gentleman has stated that it will cost twice as much, but he will have to admit on the floor that he is not appropriating half as much.

Mr. PAGE of North Carolina. And I will say to the gentleman from Illinois [Mr. MANN] that I can say when I bring the District appropriation bill on the floor that with $9,000 or $10,000 I have given them what they asked for, because the judge of this court has also made me the same assurance that he has the gentleman in charge of this bill, going so far as to make his schedule.

And I assure you—I did not assure him—that I shall allow it. But the gentleman who happens to have charge of the District of Columbia appropriation bill at some future time will find under this item, as I have found under the juvenile-court item that I have had under consideration for several years, instead of $10,000 a very much larger sum of money.

Mr. TINKHAM. Mr. Chairman, I desire to state that the following statistics, as I understand it, are correct.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. PAGE of North Carolina. Mr. Chairman, I am ready to yield the floor if the Chair will recognize the gentleman from Massachusetts in his own time.

The CHAIRMAN. The Chair will recognize the gentleman now.

Mr. TINKHAM. I understand that the following statistics are correct, as I have before stated.

There are in the house of detention an average each day of 7 children, and there are 21 people employed to carry on this establishment. Now, it would seem that it would be a measure of economy alone to change the character of management of the house of detention and establish a house of detention separate and apart for the children. This system of separating all juveniles from contact with others who have come in collusion with the law is the policy of 12 States of this Union. Thus there are 12 States in the Union which, by statutory provision, establish a house of detention separate and apart from all others for juveniles.

I sincerely hope that this section will be adopted, not only in view of the economy which may follow, but also because it is the policy of 12 exceptionally socially advanced States.

Mr. GARD. Mr. Chairman, I move to strike out, on page 11, section 19, the following language, beginning after the period on line 17:

Suitable arrangements may be made for the instruction of all children under such temporary detention, and to that end the Board of Children's Guardians and the Board of Education of the District of Columbia are authorized and empowered to arrange for the necessary teachers for said children.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 11, line 17, by striking out the following language: "Suitable arrangements may be made for the instruction of all children under such temporary detention, and to that end the Board of Children's Guardians and the Board of Education of the District of Columbia are authorized and empowered to arrange for the necessary teachers for said children."

Mr. GARD. Mr. Chairman, in making that motion I am seeking information from the gentlemen who have charge of the bill as to whether this so-called detention home is to be really what the language implies—a home of temporary detention—or is it to be a place where children, either boys or girls, may be committed, either for a certain or an indeterminate period for instruction or correction?

I am thoroughly in accord, I will say to the gentleman, with the statement that if a temporary place of detention for children ought to be separate and apart from any other temporary place of detention, it should not be included, unless absolutely unavoidable, with any place of detention for male or female offenders against the law; that it should be a place, following the language of this bill, which would in fact be a temporary home of detention, because I believe that a home, even if it be a very poor home, and the influence of the parents, especially of the mother, are the very best things for the child. Therefore I have always opposed the incarceration of children for any length of time, even in a temporary home of detention, and, consequently, I want to know if it is to be a temporary home of detention, or whether it is the idea under this phraseology to incorporate a new place of correction, or a place where boys and girls may be sent for purposes of observation and correction?

Mr. TINKHAM. Mr. Chairman, in answer to the inquiry of the honorable Representative from Ohio [Mr. GARD] I will say that the language in the substitute bill does not speak of it as a home, but merely as a place of temporary detention of children; that is, it is only intended to be a place for the temporary detention of children before they are committed to some permanent guardianship. But it was thought good public policy, if some child could not be put into permanent guardianship for perhaps 10 days or 2 weeks, that it should not be without

instruction during that time, full discretion under the terms of the bill being given to the Board of Children's Guardians, who are to manage the home and say whether or not a child should have instruction during its temporary sojourn.

Mr. GARD. Mr. Chairman, may I ask the gentleman a question?

Mr. TINKHAM. Yes.

Mr. GARD. Is there anything but a remote possibility that any child will be committed to this so-called temporary place of detention for a period of more than a day or two?

Mr. TINKHAM. I assume that in some cases, particularly of neglected children, or where there is a dispute in relation to the custody of children, it might well be that the court could not determine for perhaps a week or two as to what their permanent guardianship should be.

Where you have three or four thousand cases in a year you have a great variety, but I should assume that there well might be some cases where the child's guardianship could not be fixed within 48 hours, or perhaps even within one week.

Mr. GARD. May I ask the gentleman another question?

Mr. TINKHAM. Yes.

Mr. GARD. Is it not in the language of this bill, and is it not very proper language, too, that this court has authority to allow the temporary custody of a child to be placed in the hands of a suitable person, be that person a man or a woman, or an institution or otherwise, for the temporary care and observation and correction of the child? And is not the object of the temporary place of detention merely to have a place where the child may be kept until it comes before the court, in order that the court may either place it with the parent or with some benevolent man or woman for its care, outside of some institution such as a temporary place of detention should be? And the bill having that object, is not the language incorporated—allowing the employment of teachers—unnecessary language?

I do not oppose this amendment as suggesting in any sense that they should not be afforded instruction, but is it not the purpose of the bill to make the stay of the child in the place of detention so limited in time that there could not be any fair opportunity afforded to the teacher to instruct him?

The CHAIRMAN. The time of the gentleman has expired.

Mr. TINKHAM. Mr. Chairman, may I be recognized?

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. TINKHAM. There is no intention that the temporary quarters shall be anything more than temporary, so far as the particular child is concerned, but it was thought that cases might arise where permanent guardianship could not be fixed within a very short time and where that was so it would be well for the child to be instructed while in temporary detention.

It seems to me that the use of the word "temporary" clearly governs the intent, and that there would be no misuse of the house for permanent occupancy, or for the maintenance of a school, because that would be contrary to the text and spirit of the enactment.

It does seem to me that it is sound policy to at least allow a child to receive instruction, although under temporary detention, if that detention be, as it well might be, continuous for more than two or three days.

Mr. GARD. If it is the policy of this law not to detain children more than temporarily, but to allow them to go to their homes or to be in care of other persons on the outside, what branch of instruction could possibly be given to any child, suppose it were kept in the place of detention say five days? What branch of instruction could be given to such child, and what teachers, experienced in what branches or grades, would you employ for that purpose?

Mr. TINKHAM. I assume there are kindergartens in the District of Columbia. If there were young children whose guardianships could not be fixed within 24 or 48 hours, and it was thought well they should be instructed in kindergarten work, then the bill, as it should, would allow it.

Mr. GARD. Surely the gentleman does not desire to convert a temporary place of detention into a kindergarten, or into a public school, or a private school. Understand me, I am in entire accord with what I think the gentleman is trying to do. I want to get a good juvenile court bill, and I want to afford all possible protection for all of the children that come into that court; but I would like information concerning this, because I think it is the best policy to get the children out of the temporary home of detention as soon as possible rather than to keep them there.

Mr. TINKHAM. In reply to the honorable Representative from Ohio [Mr. GARD] I would say that the place is called a temporary place of detention for children. That means only a temporary place of detention, if it means anything. Therefore, in the spirit of the law and under its directory terms, it must be temporary.

There might arise cases where there was a dispute in relation to the custodial care of a child, and arrangements could not be made immediately for the appointment of a guardian. Under these circumstances, it seems to me, the Board of Children's Guardians should have a right, in their discretion, to have the child instructed while in the temporary place of detention.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. TINKHAM] has expired.

Mr. STAFFORD. I ask unanimous consent that his time may be extended two minutes in order to allow me to ask him a question.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the time of the gentleman from Massachusetts be extended two minutes. Is there objection?

There was no objection.

Mr. STAFFORD. Has the gentleman concluded his statement?

Mr. TINKHAM. I have.

Mr. STAFFORD. I assume that the gentleman is acquainted with the operation of juvenile courts in other cities?

Mr. TINKHAM. Somewhat.

Mr. STAFFORD. Can the gentleman, from his knowledge, state to the House whether he knows of any single instance where in the operation of these courts instruction has been provided for those temporarily detained? I wish to say to the gentleman that I am personally acquainted with work of the juvenile court in the city of Milwaukee, which is a separate establishment, and has probation officers and matrons and the like, and is a very efficient organization; but it is not part of the work of that institution to give instruction to the temporarily detained children who happen to be there for a day or two. They are in the custody of the probation officer or of the matron.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. STAFFORD. Certainly.

Mr. MANN. What do they do?

Mr. STAFFORD. What do who do?

Mr. MANN. What do the children do, if they are detained there even one day? How is their time occupied?

Mr. STAFFORD. The children are brought to the separate building where the court is held, and the probation officer or the matron has them in charge and awaits the time when they are given a hearing.

Mr. MANN. I know; but what do the children do? It is impossible to keep a lot of children idle, unless they are thinking evil thoughts. What do they do?

Mr. STAFFORD. I suppose they are instructed by the probation officer or the matron.

Mr. MANN. That is just it; if they are instructed. Instruction does not necessarily mean that they are to study Latin or Greek, or even mathematics.

Mr. LONGWORTH. Or parliamentary law.

Mr. MANN. Probably it would be more interesting to them to study parliamentary law, as suggested by the gentleman from Ohio [Mr. LONGWORTH], than to sit up with their backs against the wall doing nothing.

Mr. STAFFORD. They are occupied, but they are not given instruction by any regular teacher.

Mr. MANN. I was seeking information, because I did not know. I do not seem to be getting much information.

Mr. STAFFORD. It would be impracticable, because of their temporary detention, to instruct them in any lines of education.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask that the gentleman have five minutes more.

Mr. STAFFORD. I have no further desire for time.

Mr. MEEKER. I move to strike out the last word. I think the thought in the mind of the committee is correct. Some one should be provided in that detention home to occupy the minds of the children, and I think it would be well to designate that person as a teacher to do the very thing suggested by the gentleman from Illinois [Mr. MANN], and that person or officer of the court so designated as a teacher, having charge of children from the ages of practically infancy up to 16 years of age, would not be expected to outline any particular course of study for 1 or 3 or 10 days; but such an official in that home is certainly as much needed as the matron or the caretaker. It seems to me that in line with all this proposed legislation we might as well or better designate this particular officer as a teacher than as a supervisor or anything of that sort and leave the matter of the teaching to the wisdom of the one holding the position, the same as we have seen fit to do in leaving the disposition of the

cases and the control of the records in the hands of the judge who passes upon them.

Mr. GARD. Could not this matter of instruction, whether for an hour or two or for 10 days, be safely entrusted to the wisdom of the matron, the good woman who has the care of these boys and girls?

Is it not the object of the bill itself in the temporary detention home to provide that a woman of such qualifications be selected as the matron, that she may afford the children, whether 3, 5, 7, or 12 years of age, a proper instruction, whether it be hourly or daily or for a number of days? Does it not come down finally, after all, to the proper care of the child by the matron rather than by placing them under any course of study under a teacher, which could have no value?

Mr. MEEKER. I should say, in reply, that the two functions are entirely different. What the matron has to do is in the nature of being a mother to the children, while this would be in the nature of a nurse or caretaker.

Mr. TINKHAM. Mr. Chairman, I simply wanted to call the attention of the committee to the fact that the language of the bill does not compel instruction to be given. The language of the bill allows, if it is deemed best in the judgment of those having control of the house, to give the children instruction. As the honorable Representative from Illinois [Mr. MANN] has said, What are the children going to do? What can they better do than receive instruction? A permanent school could not be made out of a temporary place of detention without violating the law and the spirit of the law.

No teachers are compelled to be there. It is optional with the managers of the place, and where there are being handled three or four thousand children a year it would seem that this privilege, if it should be called a privilege rather than a necessity, should be given. We must assume that those in charge as public officers will act with judgment. To give them this authority, to have instruction if necessary, in cases which require it, would be a benefit, and they should not be deprived of this discretion.

Mr. STAFFORD. Does not the gentleman recognize the distinction in the character of work to be performed by the teacher assigned by the board of education, and the character of the caretaker that would give some attention to the temporary habitues? The regular qualified teacher would not be the character of person to give attention to the temporary inmates, but there should be some person like the matron or assistant matron who would know how to keep them occupied during the two or three days' stay, if it is that long. But this provision would delegate the power of education, the authority, to deputize a number of teachers to be on hand to meet some emergency case, and it seems to me that the gentleman ought to recognize the difference in the character of officials that would be needed for this kind of work.

Mr. TINKHAM. Let me say that there are now three matrons in the house of which we are speaking, and there will be a matron in the new house when it is established as a temporary detention house for children.

Mr. PAGE of North Carolina. Will the gentleman yield?

Mr. TINKHAM. I will.

Mr. PAGE of North Carolina. There are in the present house of detention three matrons employed, according to the gentleman's statement. There are on an average six children a day.

Mr. TINKHAM. Seven children a day.

Mr. JOHNSON of Kentucky. Seven children a day.

Mr. PAGE of North Carolina. That is a matron for every two children. If you carry out that proportion in the new temporary house of detention to have two matrons, and the average is only seven a day, you open the door, with the language which the gentleman from Ohio seeks to strike out, to an opportunity for the employment of a teacher for each child; and, in my judgment, the language ought to go out of the bill.

Mr. TINKHAM. In reply to that I want to say that in legislating we must assume that public officers will use authority with discretion. We have to assume, of course, that they will use what authority they have at least with some degree of common sense.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to strike out the last two words. I feel constrained to agree with the gentleman from Ohio [Mr. GARD] that these words should be stricken from the bill. The language in the bill provides carte blanche for the employment of such teachers as the board may deem necessary. I have it from the judge of the juvenile court himself that the daily average of children in the house of detention is seven, and I also have it from the judge of the juvenile court that, in the main, they are brought there mornings and detained a few minutes, or, in other words, until court opens. So it does seem to me that that of itself would reduce very largely the attendance of children at this place, and I can not help but feel that the limitation should be placed upon the bill, instead of giving the court carte blanche for the employment of teachers. I therefore hope that the amendment will be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. GARD].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 20. That the court, after a hearing, may place the child in the care and control of a probation officer, and may allow such child to remain in its home, subject to the visitation and control of the probation officer, to be returned to the court for further proceedings whenever such action may appear to the court to be necessary; or the court may authorize the child to be placed in a suitable family home, subject to the friendly supervision of the probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home in such manner as may be provided by law, or arrange by voluntary contribution or otherwise, until suitable provision may be made for the child in a home without such payment; or the court may commit the child to the Board of Children's Guardians, the National Training School for Boys, the National Training School for Girls, or to any institution, association, or corporation willing to receive it that may care for children within or without the District of Columbia; and the court, if satisfied that the child is in need of the care or discipline or protection of the court, may so adjudicate.

Mr. McKENZIE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 12, line 22, strike out the period at the end of the line and insert the following:

"Provided, however, That no such commitment shall be made to any institution, association, or corporation not subject to regular inspection by authority of law."

Mr. McKENZIE. Mr. Chairman, I do not think it is necessary to take any time in explaining the amendment. It provides that where the court has taken jurisdiction of one of these children and it attempts to commit it to an institution, that it shall be such an institution as is subject to inspection under the law. In other words, that the child shall not be committed to any association, corporation, or institution that is not inspected by the lawful authorities of the District of Columbia. I do not think it is necessary to take any more time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. TINKHAM. Mr. Chairman, I think this would be a most unfortunate amendment. There are cases of children of all faiths coming to the juvenile court for disposition, and the effect of this proposed amendment would be to forbid the placing of a child in a Catholic institution or a Jewish institution, because such institutions are not inspected in accordance with law. One of the valuable provisions in this bill is that, so far as possible, the child shall be under the auspices of guardianship, so far as practicable, where the religious belief is the same as that of the parents of the child.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. Yes.

Mr. McKENZIE. I hope the gentleman will not think for a moment that I had anything sectarian in mind when I offered this amendment?

Mr. TINKHAM. But that is the effect of it, however.

Mr. McKENZIE. I want to ask the gentleman this question: In case the amendment is not adopted and children are committed to a private institution or one not subject to inspection under the law—not a public institution—is it anticipated that the particular institutions, associations, or corporations to which these children may be committed will come to Congress and ask for compensation for taking care of them.

Mr. TINKHAM. The Board of Children's Guardians, which board is closely associated in this bill with the juvenile court, does that to-day. Provisions are made from appropriations for the District of Columbia for the support of children where the child is not in the care of its natural parents and they could not pay for its support.

I will also say that in one of the sections toward the last part of the bill a yearly inspection is provided by the Board of Children's Guardians of all wards of this court, no matter where placed.

Mr. McKENZIE. Will the gentleman yield further?

Mr. TINKHAM. Yes.

Mr. McKENZIE. I would like to ask the gentleman what he thinks of the wisdom of Congress making appropriations for private institutions and corporations of this character, when we have public institutions in the District which are supposed to take care of these children?

Mr. TINKHAM. There is no public institution in the District of Columbia to which wards of this kind can be committed.

Mr. McKENZIE. Then there ought to be one.

Mr. TINKHAM. We have not one now, and we are passing this bill with conditions as they stand to-day, not as they may be.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. McKENZIE) there were—ayes 8, noes 35.

So the amendment was rejected.

Mr. SISSON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, on page 12, by inserting after the word "any," in line 18, the word "nonsectarian."

Mr. SISSON. Mr. Chairman, I do not believe that the Federal Government, the State government, or the municipal government ought to either directly or indirectly contribute to the support of any religious institution of any kind or character. I believe that all money paid into the Treasury by taxation should be expended in institutions not connected with any church of any character. I believe in keeping our governmental activities separate and apart from our religious persuasions and convictions. Under the present arrangement the selection of the institution has been left to the Board of Children's Guardians, and there is no specific authority granted in the statute to send them to these institutions. The law now, as I recollect it, is practically as the language is from line 16 down to the word "or" in line 18. I have not the statute before me, but we have this matter up before the District Appropriations Committee, and the Board of Children's Guardians have heretofore entered into contracts because they have the general control of the children, but there is no specific authority on the part of Congress directing them to put them into any institution save those as under the Government control. I believe this amendment ought to be adopted, because I do not believe Congress ought to commit itself even indirectly to the maintenance and support of any religion. Under the present arrangement, as has been stated here, we have no building sufficiently large to take care of all of the children committed to the Board of Children's Guardians, and we placed in the appropriation bill of last year an item which was defeated in the Senate on a motion in conference and was eliminated from the bill, authorizing the Government to build an institution of its own for the purpose of controlling its own wards; that is, in the District of Columbia. That ought to be done now, because I do not want any political issues in this country to ever be determined by a man's church connection, nor do I believe that religion ought, directly or indirectly, to be involved in any political campaign.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. MEEKER. I would like to have the gentleman explain the difference between paying a family of a particular religious belief for caring for a child and paying an institution of that same persuasion for taking care of a child.

Mr. SISSON. If the child is of Presbyterian or Methodist or Roman Catholic parentage, or whatever persuasion it may be, my understanding is that it has been the policy of the Board of Children's Guardians, wherever they could do so, to give the child a place in a family of the religious persuasions of its parents. That is the trouble when you do not have a governmental institution. We propose by this law to take a child even out of its own family and to take its liberty, to a certain extent, away from it, and we propose, then, to control the child, and he becomes the ward of the Government, and when you do that, when you assume that control of him, you ought to have a place where he can be taken care of by the same people that assume control of him, and we ought not to be dependent upon the various religious institutions to afford to Congress a place to put these unfortunate children. It has been a policy of our Government, from its very foundation down to this good hour, to keep our Government free from any contact with any religious institution.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. SISSON. I decline to yield at present.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SISSON. Mr. Chairman, I do not want Congress to commit itself to the proposition of specifically giving the Board of Children's Guardians the right to commit children to any sectarian institution and pay the money out of the Federal Treasury for caring for them. Under the present arrangement it is absolutely essential that be done, because when the child is taken charge of by the juvenile court and the Government has no place to put it you then put the burden upon the Board of Children's Guardians, who become guardians by law of children, to provide the best means they can and have now to care for the children.

The result has been that many of these children have been of necessity sent to institutions under sectarian control. This ought not to occur; it ought to diminish; Congress ought to provide a suitable place, a suitable institution in which these children can be cared for, because I hope the time will never come when we shall have thrashed out on the floor of this House, on the floor of the State legislatures, or on the hustings men's religious faith and persuasions.

Mr. KONOP. Will the gentleman yield?

Mr. SISSON. For a question.

Mr. KONOP. The gentleman would like to have these children committed to a nonsectarian institution, an American institution, to a Government institution?

Mr. SISSON. Yes.

Mr. KONOP. Would the gentleman provide some religious instruction for these children in such an institution?

Mr. SISSON. I would not.

Mr. KONOP. The gentleman would just provide for their temporal welfare?

Mr. SISSON. I would provide for their temporal welfare. I do not believe the Federal Government ought to go into matters of religion at all.

Mr. MANN. Will the gentleman yield for a question?

Mr. SISSON. I do.

Mr. MANN. Does the gentleman believe that the Government ought to take a child away from the home of its mother, who may be very religious herself, at that age where most of us have learned some religion, and put that child in another home where religion can not be taught at all, in spite of the protests of the mother whose first thought and desire may be to have the child taught something about religion?

Mr. SISSON. I have no objection on earth to the child which is taken charge of by the Government attending the religious services under the church of the mother or the father. I have no thought of objection to that, but I do have an objection to the Federal Government going into this business of having the churches engaging in a scramble about who will get control of the children. If you give me control of the children for a few years, it will not be long, then, until I can control the Government, because you give me control of the children and I will control the Government. I want this Government to remain out of religion entirely. I am willing for the spirit of Christianity and the right sort of religion to fill the hearts and minds of men, and let them, if they desire to do so, imitate the example of the great Nazarene in the purity and thought of His life, but that has nothing to do with government. That is a matter of a man's own conscience, a matter of his own mind. I am unwilling that any persuasion should take direct control or indirect control of any money that may be collected from the people of this country by taxation, either of the Federal Government or of the State government. I know that I may be a little bit chary about precedents; it may be that I am too careful about precedents, but I do know the weakness of precedents. I do know how far you may go from the true pathway by citing a bad precedent as an excuse for present conduct, and I am unwilling to agree, without raising my voice in protest, to a proposition going in this bill enlarging the power of the Board of Children's Guardians by specific enactment of authorization, by a direct vote of Congress, to patronize certain religious institutions with these children. If you will strike out all the words that have been placed in the law, and leave the matter in the hands of the Board of Guardians, it then will leave them to do perhaps as they are now doing, and I trust that the time will come when, with the gentleman from Illinois, we will have an institution of our own to care for our own children.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Mississippi.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 21. That during the probationary period of any child and during the time that said child may be committed to any institution, or to the care of the Board of Children's Guardians, or to any other association or person for custodial or disciplinary purposes, said child shall, if it should appear to the court that the welfare of said child will be conserved thereby, be subject to the friendly visitation of the probation officer or other agent of the court; and any order or judgment, interlocutory or final, made by the court in the case of any such child shall be subject to such modification from time to time as the court may consider to be for the welfare of such child; and no commitment of any child to the Board of Children's Guardians, or to any institution or other custodial agency, shall deprive the court of the jurisdiction to change the form of the commitment or transfer the custody of said

child to some other institution or agency on such conditions as the court may see fit to impose, the duty being constant upon the court to give to all children subject to its jurisdiction such oversight and control in the premises as will conduce to the welfare of said children and the best interests of the District. No order transferring the custody of a child shall be made except after a full hearing and upon not less than 10 days' written notice to the guardian, institution, or agency to whose care such child has theretofore been committed, unless such guardian, institution, or agency consents thereto. An appeal may be taken both upon the law and upon the facts from any order of the court transferring the custody of a child from one guardian, institution, or agency to another guardian, institution, or agency aggrieved by such order, in the same manner as other appeals provided herein. The court shall have no power, however, to transfer the custody of any child embraced herein after such child may have been adopted as provided by law, except at a subsequent hearing and upon a petition filed as herein provided in a new proceeding involving such child. The provisions of this section shall not apply to children committed to the National Training School for Boys and National Training School for Girls.

The CHAIRMAN. Without objection, in line 19, the spelling of the word "custody" will be corrected, and also at the end of line 18 insert a period.

There was no objection.

Mr. GARD. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman in reference to the last provision of the paragraph:

The provisions of this section shall not apply to children committed to the National Training School for Boys or the National Training School for Girls.

Mr. TINKHAM. As I understand it, the National Training School for Boys and the National Training School for Girls are for the commitment of boys and girls from the various Federal courts from all of the States. Commitments are made only where the child is to stay until it is 21 years old. In other words, there is a rule in these institutions concerning commitment, it being that none shall be committed except those whose commitments are not to terminate before they are 21 years old, and therefore it was thought that an exception for these schools should be made.

Mr. GARD. Well, section 20 provides for the commitment by the court to the National Training School for Boys and the National Training School for Girls; and then follows the succeeding section—section 21—providing, in effect, that the judge retains the custody of the child for the child's own good, and he may change the custody of it; and provides that the benefit of this section 21—and it seems to me they are very reasonable benefits for the children—are not to be availed of by children committed by this particular court to the National Training School for Boys or the National Training School for Girls.

Mr. TINKHAM. Now, the answer to that, I think, is this: That the committee thought that as much latitude as possible should be given to the judge in relation to the change of custodial care of the child; that he should be given power to commit to any institution of whatsoever character the child who he thought best fitted for a particular institution or surroundings, or the necessities of the case required, and therefore it seemed unsound not to allow him to commit a child to one of these national schools. It is thought that if the court believed a child should be committed to one of these national schools, that as the general Federal law was that any child committed must stay until he was 21 years old, that an exception should be made in changing guardianship, as it would be bad policy to make two difference classes in these national institutions, one class of delinquents from the District of Columbia and one class coming from all the States of the Union. The mere fact that the court would not have authority to take a child out from either of these schools after it was once committed would make it obligatory upon him to send only those cases to these institutions where, manifestly or plainly, the child should be in custody until it was 21 years old. Besides, this exception is a recommendation of the Attorney General himself in his report upon this bill.

Mr. GARD. Mr. Chairman, I move to strike out the last paragraph in this section, beginning in line 8 on page 14.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, strike out all of line 8, after the word "child," down to and including the word "Girls," in line 14.

Mr. GARD. Mr. Chairman, the object of making this motion to strike out is that it seems to me the language embodied in section 21 is proper language for the care of the child. The entire, and, indeed, the only proper object of a juvenile court law is the care and proper control of the child. It is not a matter of visiting punishment upon a child, but it is a matter of affording it care, of giving it proper environment. And environment, we all know, is of the very highest benefit in the bringing up of a child. So that when this section provides, as I think it properly does, that the court shall retain the continuous jurisdiction over all children whom it commits, and may have the power to change that commitment, to change the place of commitment, change the personnel of commitment, always bearing in mind the benefit to the child, I think the language limiting the provisions to children other than those which the court has committed to the National Training School for Boys or the National Training School for Girls is not proper language.

The gentleman says the Attorney General has said something in a report about this particular language, but I am sure they confuse the Attorney General's report with the issue here to-day. This law can only apply, as I view it, to children committed by the judge of the juvenile court for the District of Columbia. He may, under section 20 of this act, commit a boy to the National Training School for Boys. It certainly may be easily imagined to be a proper case that a boy, having been committed to this training school for boys, and having been there for five months or six months, conditions might arise which would make it necessary, or at least better, for the welfare of the boy that he be taken from that National Training School for Boys and placed somewhere else. Under this law you can not do that. You can not take him out of the National Training School for Boys and put him in a private home.

I confess that I approach this matter with considerable experience, and that experience is that a home—I do not necessarily call it a good home, but a private home, a place where a boy has individual care—is better than an ordinary institution. And therefore I have always thought wherever it was possible to keep children out of public institutions that should be the policy of the law. And in this case, conceding it was necessary for us to send him, for his best interest, to this National Training School for Boys, suppose his conduct shows that he has entirely reformed; suppose that his best interests, the making of a future American citizen's best interests, demand that he be taken from this boys' training school and put with some good man and good woman who will bring him up properly, send him to school and give him a proper home rearing; certainly that would be, in contemplation of this juvenile-court law, a very proper thing. And I submit, Mr. Chairman and gentlemen of the committee, this language ought to be eliminated, so as to permit boys who have been sent there under proper cases to be taken out under the same authority which committed them and to be placed in a position or an institution or a home for their own separate, individual betterment.

Mr. FESS. Will the gentleman yield?

The CHAIRMAN. The gentleman's time has expired.

Mr. GARD. My time has expired, but I will ask unanimous consent for an extension of one minute, so that I may answer the gentleman.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FESS. Referring to your view that it would be better to have it in a private home, if possible, is it not true that one of the chief activities of some of the States in the matter of public institutions for this purpose is to find private homes to which to send these children? Is not that one of the chief activities?

Mr. GARD. That is true; and I think that is one of the most laudable activities that the so-called social service may be engaged in—the taking of boys and girls from institutions and putting them in good Christian homes.

Mr. FESS. I agree with you.

Mr. GARD. And I think the language ought to be stricken out, so as to permit the very thing the gentleman from Ohio [Mr. FESS] has so well called my attention to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. GARD].

The question was taken, and the Chair announced that the ayes appeared to have it.

Mr. JOHNSON of Kentucky. Division, Mr. Chairman.

The committee divided; and there were—ayes 22, noes 9.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 24. That whenever it shall appear to the court, in the case of any child in need of more suitable guardianship which has been taken from its home or the custody of its parents, that conditions have so changed that it is consistent with the public good and the welfare of said child that the parents again have the custody of said child, the court, subject to the provisions of this act, may make a suitable order in the premises.

Mr. GARD. Mr. Chairman, moving to strike out the last word in section 24, may I ask what beneficial result follows from the language in lines 21 and 22, providing that the parents of the children may again have the custody of the child, subject to the provisions of this act? Is it intended by that to retain the jurisdiction of the court even after the custody is again given

to the child's parents? If that be true, I have no objection. I did not know what the intention was.

Mr. TINKHAM. I think that is the intention.

The Clerk read as follows:

SEC. 32. That the Board of Children's Guardians shall act as an advisory board to the judge of the juvenile court, and in addition to their other duties provided by law they shall perform the following duties:

(a) To visit as often as twice a year all institutions, societies, or associations receiving children under this act. Such visits shall be made by not less than three of the members of said board, who shall go together and make a report, and said board shall report to the juvenile court from time to time the condition of the children received by or in charge of any persons, institutions, or associations, and shall make an annual report to the judge of the juvenile court.

(b) To advise and cooperate with the judge of the juvenile court upon all matters affecting the workings of this act and to recommend to the court any and all needful measures for the purpose of carrying out the provisions of this act.

(c) From time to time, and as often as may be necessary, to hold examinations for the selection of officials to be appointed under this act, and in the performance of any duties said board may promulgate any rules and regulations not in conflict with this act.

Mr. GARD. Mr. Chairman, moving to strike out the last word, I beg to ask the gentleman having charge of this bill why this so-called juvenile court bill carries in it language interpreting the duties of the Board of Children's Guardians as to what they shall do, and different things which do not seem, unless I can have some satisfactory explanation, to have any reasonable connection with the juvenile court?

Mr. TINKHAM. Mr. Chairman, in explanation I want to say that the Board of Children's Guardians has at present a close contact with the present juvenile court, but the proposed bill makes that contact much closer and well knit. It was thought good policy that they should be so. The Board of Children's Guardians is a board of public guardians to whom children are committed. By whom? By the court.

Mr. GARD. How many are there?

Mr. TINKHAM. There are nine members of the Board of Children's Guardians. They are, in effect, public guardians to whom the court may commit a ward, or the court may commit the child to a private guardian. In other words, there are two classes of guardians to whom the court may commit a child: First, private guardians, which would be individuals or private institutions; and second, public guardians, who are the Board of Children's Guardians, consisting of nine members, as I stated, who are appointed from among the residents of the District of Columbia. Therefore, they being the public guardians of the community—that is, this Board of Children's Guardians—their relationship to the juvenile court is not only clear and plain, but should be made as close as possible.

Mr. STAFFORD. I assume that their positions are purely honorary and not remunerative?

Mr. TINKHAM. Entirely so.

Mr. GARD. They are appointed by the commissioners, or by whom?

Mr. TINKHAM. There is a provision in this bill which will be reached later, which provides that the board shall be appointed by the judge of the juvenile court. To-day the board is appointed by the judge of the police court of the district and the judge of the supreme court, sitting in the criminal session.

Mr. GARD. Will the gentleman yield to me again?

Mr. TINKHAM. Yes.

Mr. GARD. Bearing in mind the fact that the juvenile court bill creates not only a judge, but probation officers and female commissioners and clerks and other officers of inspection and correction, does it not seem to the gentleman having charge of the bill that there might possibly come about some conflict of authority between the appointment by the court of his probation officers and this Board of Children's Guardians? And is not this language in paragraph (a) of this section 32, and paragraphs (b) and (c), illustrative and explanatory rather of the duties of the Board of Children's Guardians than anything in relation to the juvenile court? But chiefly my inquiry goes to the gentleman who has charge of the bill—he and I are trying to perfect it in such way as we can—if it may not be true that there might be at some time a very serious conflict of authority between the probation officers appointed by the court and this Board of Children's Guardians appointed by the court? And if the law is to be amended as the gentleman says, and it shall provide that the Board of Children's Guardians is to be appointed by the juvenile court, and is to have the same jurisdiction practically and the same advisory capacity as the probation officers, why appoint the Board of Children's Guardians at all?

Mr. TINKHAM. Mr. Chairman, I appreciate the fact that all the suggestions made by the honorable Representative from Ohio [Mr. GARD] are made in a spirit of amity and friendliness to the bill, and not in a spirit of hostility.

Answering his first question, I want to say that there is not a new office created under this bill or under the terms of it. The bill and its language limit absolutely the juvenile court and its offices to the juvenile court as at present constituted. The bill creates no new offices. It creates no new expenditures, and it provides no opportunity for further expenditures, without the approval of the Committee on Appropriations. That is the answer to the honorable Representative's first question.

Now, the honorable Representative speaks of the possibility of a conflict between the Board of Children's Guardians and the probation officers. To-day there are the same probation officers that we shall have under the proposed bill. There is no conflict to-day, and why assume there will be to-morrow?

Again let me say to the honorable Representative that the possibility of a conflict in the future, although it has never arisen in the past, was foreseen, and therefore it is provided in the bill, as the honorable Representative will see in a subsequent section, that the Board of Childrens' Guardians shall be appointed by the judge of the juvenile court. To-day, as I have said, they are appointed by the police judge and a judge of the supreme court sitting in criminal sessions, so that there is no fundamental change in having them appointed by the juvenile judge. They are the public guardians, and it is entirely proper that they should be appointed by the judge of the juvenile court, just as the juvenile court appoints the private guardians.

The bill has been very carefully studied. The coordination of the various bodies has been taken into consideration and the committee hopes that all the possibilities of friction have been carefully foreseen and provided against by the construction of the bill, as will be made evident to the honorable Representative as we proceed further into its provisions.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 33. That the jury for service in the court shall consist of 12 men, who shall have the legal qualifications necessary for jurors in the Supreme Court of the District, and shall receive a like compensation for their services, and such jurors shall be drawn under and in pursuance of the laws concerning the drawing of jurors for service in said supreme court. The term of service of jurors shall be for three months, and, in any case on trial, at the expiration of such time, until a verdict shall have been rendered or the jury discharged. The jury terms shall begin on the first Tuesdays in January, April, July, and October of each year, and shall terminate, subject to the foregoing provisions, upon the Monday immediately preceding the beginning of the following term. When it shall happen that in a pending trial no verdict is found, nor the jury otherwise discharged before the next succeeding jury term, the court shall proceed with the trial by the same jury.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry. Are we considering the bill by sections or by paragraphs?

The CHAIRMAN. By sections. The Clerk will complete the readings of the section.

The Clerk read as follows:

At least 10 days before the term of service of jurors shall begin, not less than 26 names shall be drawn and certified by the clerk of the Supreme Court of the District to the juvenile court for service during the then ensuing jury term. Deficiencies in any panel may be filled according to the law applicable to jurors in said juvenile court shall possess the powers of a justice of said supreme court. The United States marshall for said District, by himself or deputy, shall have charge of said jury under the direction of the juvenile court.

The CHAIRMAN. The word "marshal," in line 14, page 22, is misspelled, and if there be no objection it will be corrected.

There was no objection.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I should like to ask the gentleman having charge of this bill if these juveniles are to have a jury trial in this court?

Mr. TINKHAM. They are not to have a jury trial, but adults contributing to their delinquency may be charged with a misdemeanor or crime under the terms of the previous section, however dependent upon the character of the acts contributing to the delinquency. If the adult is charged with a crime, he must, of course, be tried by a jury.

Mr. WALSH. Can the gentleman tell me what section that is?

Mr. GREEN of Iowa. Section 31.

Mr. WALSH. Does the gentleman from Massachusetts mean section 31?

Mr. TINKHAM. I do.

Mr. WALSH. Then I will ask the gentleman if he does not think it would be better to have such causes transferred to the Supreme Court of the District of Columbia, rather than to encumber the juvenile court with the machinery whereby a jury trial may be had? Why would it not facilitate the investigation and punishment of such offenders to have their cases transferred to a court having jurisdiction of that sort of cases, rather than to mix the jurisdiction of the juvenile court by trying adults, even though juvenile offenders may be involved in the same offense?

Mr. TINKHAM. In answer to the question of the honorable Representative from Massachusetts [Mr. WALSH] I would say that all juvenile courts, so far as I know, in the several States take jurisdiction of an adult who has contributed to the delinquency of a child or who has abandoned a child. I believe that is true in the Massachusetts law, in the Kentucky law, in the Illinois law, in the California law, in the Washington law, and in the Ohio law. I believe it is so in these States.

The reason is that the juvenile court has jurisdiction of the child, and its position of guardian of the child is such that it desires and should have superior knowledge and care in relation to the child, more interest in the child than that of another court, and it should have the authority to punish offenses committed, not so much against the common weal as against the child. That is the theory in the contemplation of the modern juvenile law.

Mr. WALSH. Can the gentleman tell me how many jury trials have been held by the juvenile court in the city of Boston, in his own State?

Mr. TINKHAM. Here is a report issued three days ago in Massachusetts in relation to this phase of the juvenile law. The Massachusetts law is that the court may proceed against the adult who has contributed to the delinquency, and the adult after conviction by the court may appeal to the superior court. Now the result of that system has led, upon investigation, to the finding of these facts, reported only three days ago to the Massachusetts Legislature——

The CHAIRMAN. The time of the gentleman has expired.

Mr. TINKHAM. I ask unanimous consent that I may proceed for three minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that he may proceed for three minutes. Is there objection?

There was no objection.

Mr. TINKHAM. This report of the commission in Massachusetts says:

In Boston, or so much of the city as is covered by the jurisdiction of the Boston municipal court, proceedings against parents have had to be brought into that court.

This is the new section reported by the committee—

provides that the Boston Juvenile Court shall have jurisdiction concurrent with the municipal court in the complaints against parents.

Another defect in the law as it has been used is in dealing with appeals to the superior court in juvenile cases.

Then it speaks further of the congestion and the impossibility of having these cases speedily disposed of in another court.

Mr. MAPES. Mr. Chairman, will the gentleman yield for a question?

Mr. TINKHAM. I do.

Mr. MAPES. I notice here, in the last sentence of the first paragraph of the section, it provides that in case of a disagreement by the jury the court shall proceed with the trial by the same jury immediately. Is not that an unusual provision?

Mr. TINKHAM. I can not explain that provision.

Mr. MAPES. If it is agreeable to the gentleman, I will move to strike out that paragraph.

Mr. TINKHAM. I see no reason for that provision, and shall not object if it is stricken out.

Mr. GREEN of Iowa. Will the gentleman yield a moment before he makes his motion?

Mr. TINKHAM. I have no objection to that amendment.

Mr. MAPES. I move that the sentence beginning with line 3, after the word "term" and beginning with the word "when," be stricken out.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Page 22, line 3, after the word "term," strike out the remainder of the paragraph.

Mr. GREEN of Iowa. I should like recognition if the gentleman from Michigan does not wish to proceed further.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. GREEN of Iowa. I think the motion is made under a misapprehension. I think the provision is quite proper, if the provision in reference to juries shall be here at all. I think this court should be able to get along without a jury.

Mr. TINKHAM. The juvenile court tries nonsupport cases and bastardy cases, and they both require jury trials, and both of these cases are proper cases for the juvenile court.

Mr. GREEN of Iowa. I understand all that; but I do not think there will be enough to need a jury. The matter of trying these cases might be arranged by providing for an appeal, as is done in the Massachusetts courts. But this particular paragraph, or this portion of it, is expected to cover and intended to provide for a case where the jury trial is proceeding up to the end of the term when the jury ought to be discharged and the case is not finished. The jury, under the law, without a provision of this kind, would have no authority to exist. Under this provision, notwithstanding the term for which the jurors were drawn is not finished, the court can go on and proceed with the trial with the same jury.

Mr. GARD. Let me call the gentleman's attention to the language of line 3, page 22:

When it shall happen that in a pending trial no verdict is found, nor the jury otherwise discharged before the next succeeding jury term, the court shall proceed with the trial by the same jury.

That language is sufficient to cover the case, where the case has been started by a jury and the term of the jurors expire, but would it not be incomprehensible that a particular case, after a disagreement, should again be tried by the same jury?

Mr. GREEN of Iowa. I do not think the gentleman properly understands the force of the language to which he refers. I think that is intended to cover the case where the jury has not rendered a verdict up to the time when the term closes.

Mr. MAPES. Would not the language on page 21, lines 22, 23, and 24, provide for the contingency which the gentleman from Iowa has in mind, when it says:

The term of service of jurors shall be for three months, and, in any case on trial, at the expiration of such time, until a verdict shall have been rendered or the jury discharged—

and is not this language entirely superfluous to cover the point which the gentleman has in mind?

Mr. GREEN of Iowa. In view of that provision which I had not noticed, it may sufficiently cover it, but this is the point that the provision was intended to cover.

Mr. BORLAND. Mr. Chairman, I offer the following as a substitute for the amendment of the gentleman from Michigan. The amendment of the gentleman is to strike out lines 3, 4, 5, and 6, page 22, and I offer this as a substitute to strike out and insert.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, amend by striking out all after the word "when," line 3, and insert in lieu thereof the following: "When no verdict is found in a pending trial at the close of the term the cause may be continued before the same jury during the succeeding term."

Mr. TINKHAM. Mr. Chairman, the committee will accept the amendment.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was agreed to.

Mr. MAPES. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

Mr. JOHNSON of Kentucky. Mr. Chairman, was not the amendment of the gentleman from Missouri an amendment to the amendment?

The CHAIRMAN. The committee can give unanimous consent to withdraw the whole amendment and then the gentleman from Missouri can offer his amendment.

Mr. BORLAND. Then I will reoffer the amendment.

Mr. MANN. Mr. Chairman, the gentleman from Missouri offered the amendment to perfect the text, and that amendment has been agreed to. The text has been perfected. The amendment of the gentleman from Missouri was not an amendment to the amendment of the gentleman from Michigan.

The CHAIRMAN. The gentleman from Illinois is correct.

Mr. MANN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 22, line 12, after the word "said," insert the words "supreme court, and for this purpose the judge of the."

Mr. MANN. Mr. Chairman, I will let the gentleman in charge of the bill look at it and see whether it ought to go in. The bill says:

Deficiencies in any panel may be filled according to the law applicable to jurors in said juvenile court shall possess the powers of a justice of said supreme court.

I do not suppose they intend to give jurors the powers of a justice of the supreme court.

Mr. TINKHAM. Mr. Chairman, that evidently is a mistake. The bill was not printed until this morning. The committee has no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. WALSH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 21, line 15, after the word "act," in line 14, strike out all of the section and insert a new section, as follows:

"SEC. 33. That all cases involving commissions of offenses by adults or by adult and juvenile offenders jointly, shall be transferred to the

Supreme Court of the District of Columbia for prosecution and trial of the adult."

Mr. WALSH. Mr. Chairman, I think, as I before stated, that we should not confer upon this new court the right to impanel juries for the trial of offenses committed by adults or by adults and juvenile offenders jointly; that that authority and power may well be vested in this court after it has once been established and had an opportunity to act upon a proper working basis under the terms of the act, and I think it would be much better and more efficient work would be done under the law if we let this court treat with children solely and provide that if offenses come before it involving the punishment of adult offenders those cases shall be transferred to the supreme court or to the grand jury, as the authority has been given in a previous section of the act. I think this court should be kept solely and purely a juvenile court.

Mr. TINKHAM. Mr. Chairman, if we do that we reverse the present policy of the juvenile-court law in the District of Columbia, a policy which also maintains in almost every State of the Union. We would take away a power that the present juvenile court has in the District of Columbia. One of the reasons in the report of the Attorney General for a change of the juvenile-court law of the District of Columbia is that under the present law—the law of 1906—the technicalities are such that, although power is given to the court to proceed against the adult who is a contributor to the delinquency of the child, the law can not be enforced. So that if the amendment of the gentleman from Massachusetts is accepted it will be contrary to the entire juvenile-court laws of the States, as I understand it, and the present law of the District of Columbia. It will reverse the policy of Congress in relation to the juvenile-court law now maintaining in the District of Columbia and will be contrary to one of the recommendations of the Attorney General.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. Yes.

Mr. WALSH. Mr. Chairman, I would like to ask the gentleman if he thinks that if this provision is left in and trial is had in this court by a jury of an offense committed by an adult and a juvenile jointly the provisions of section 16 of the act would apply, where it says that no adjudication upon the status of any child under the provisions of the act shall operate as a disqualification for jury duty or for any other public service, and so forth?

Mr. TINKHAM. I think that has no application.

Mr. WALSH. There is no exception made in the section. If tried with an adult offender for the commission of an offense committed jointly, there is no exception made in section 16, and the gentleman says that, although they be tried and found guilty and sentenced, that after that that record would not be a conviction, and there is a reason why that sort of cases ought to go to a court having jurisdiction of criminal offenses.

Mr. TINKHAM. Mr. Chairman, in reply let me say, again, that it would be contrary to the course of juvenile procedure in all the States and contrary to the course of this Congress and the policy of the Congress. I now have found the words in the report of the Attorney General which says that the law now is to hold the adult who is contributory to the deliquency to the jurisdiction of the juvenile court.

In the supplement to the annual report of the Attorney General he says, in speaking of the bill now before us, that the contributory delinquent sections of the law—of 1906—are so defectively drawn as to prevent proceedings in cases in which adults are really responsible, and that during the past 18 months, the period of the present judge, not a single case of the kind has been prosecuted in the court. He further states that the foregoing legislation, referring to the present law of 1906, is strikingly out of harmony with the modern movement touching juvenile-court legislation.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. Yes.

Mr. WALSH. Will the gentleman answer the question which I propounded some time ago? How many jury trials have been held in the juvenile court of the city of Boston, a part of which is in the gentleman's district?

Mr. TINKHAM. I can not answer that question.

Mr. WALSH. Is it not a sufficient reply to the contention of the Attorney General of the United States that the judge, exercising the discretion given him by this bill, can transfer the case to a court of competent jurisdiction?

Mr. TINKHAM. He can.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GARD. Mr. Chairman, I move to strike out the last word. Mr. Chairman, it seems to me that the attitude expressed by the gentleman from Massachusetts [Mr. WALSH] is an attitude entirely in opposition to the real purposes of this so-called juvenile-court act. The purpose of the act is that a court called a juvenile court will deal with persons of immature age; therefore the court does not approach the matter in the sternness and possibly not in the sense of accuracy with which one may deal with adult men and women; that it is a matter of protection, and therefore the very strength of any juvenile-court act is in incorporating in that act the power to punish anyone who promotes, produces, or contributes to any delinquency. That is, any man who, operating as a fence here in the city of Washington—and I assume that such may be—who openly solicits or encourages boys to sell iron or brass from railroad cars—I make this as an illustration only—is contributing to the delinquency of that boy. That boy may be of the age of 6, 7, or 8, and entirely immature with respect to any moral or legal obligation to the society in which he lives. The man who promotes such delinquency as a rule is a man without responsibility, and therefore it is most highly desirable in this connection in a juvenile court to carry with it the power of plenary punishment of the man who contributes to the delinquency or the wrongdoing of the child, and when you take that away from the juvenile-court act you have merely a sort of corrective institution, an advisory institution for the child. So, if this act is to be any good, if it is to have any force here in the District of Columbia, it must carry with it the power of punishing those who offend by promoting the delinquency of the child. However, I desire to make an inquiry of the gentlemen who are proponents and in active charge of the bill about a matter where, it seems to me, it needs correcting.

I am unable to say from a reading of the bill just to whom this privilege of having a trial by jury apply. I do not know whether it is the policy of the gentleman to include this case in the reasoning he presents. Suppose a boy of the age of 16 years is charged with the killing of another boy, say, of 17 years. He would be classed in ordinary legal procedure as being charged with a homicide. Because of the fact he is under the age of 17 years, if this proposed act be passed in the District of Columbia, it would be necessary for the arresting officer or the person having him in charge to send him to the Juvenile Court of the District of Columbia. He is there required to face the charge of homicide. Is it the policy of this juvenile court, when such a state of affairs is presented in it, to send that boy back to the supreme court for trial before a jury or is it the policy to try him before the juvenile court, where he might rightfully be tried, and when this part relating to the presence of the jury is in this bill, then I assume that this juvenile court is clothed with full and complete power to hear and determine the case which may come before it. Now, it is said that this is intended to apply only to those cases where men or women are charged with promoting, inducing, or contributing to delinquency or to the commission of crimes or misdemeanors by youthful persons. I am sure that is a very splendid provision in the bill and a very necessary one, but I desire in that connection to call the attention of the gentleman to this provision, that I think somewhere in this bill there should be a provision as to when these persons are entitled to a trial by jury, and reading section 33 would lead one to believe that there is no restriction upon trial by jury. I myself think there should be a restriction upon the trial by jury, and I think, adopting the language or the impression of the gentleman from Massachusetts, that a great majority, in fact ninety-nine out of every one hundred cases—I go so far as to make it a larger proportion of cases—should be tried by the juvenile court without the intervention of a jury; but I can see where a fence or a junk dealer is charged here with promoting a boy of 7 years of age to steal brass from a railroad car or to steal switch lights or something of that kind which might result in a serious loss of lives, that such a person is entitled to a trial by a jury, and there should be language in this bill somewhere saying when and at what time that man can have a jury trial, whether the law gives it to him whether he deserves it or not, or whether it is to be given to him on demand——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARD. I ask unanimous consent to speak for three minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to speak for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARD. It seems to me that this a very material part of the bill we are approaching right here, the question of when these children—and I use the word "children" because that is

the object of the bill—when they are to be tried by juries and when adult persons are to be tried by juries.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. GARD. Yes.

Mr. GREEN of Iowa. I understand the gentleman to say that he thought under this bill the children were to be tried by jury in any case?

Mr. GARD. I assume, under the language of this bill, unless it is otherwise explained to me—under the language of this section 33—they would be tried by jury.

Mr. GREEN of Iowa. Of course the gentleman understands that trial by jury is not required in such cases by any constitutional provision, or anything of that kind?

Mr. GARD. I am trying to find from the language of the bill whether it is required or not. That is the reason why I am asking the question of the gentlemen who have active charge of the bill.

Mr. GREEN of Iowa. It seems the early paragraphs of the bill provided what is to be done where the child alone is tried.

Mr. GARD. At no place in the bill, as I now see, is there any accurate description as to whom the trial by jury shall be allowed. I therefore ask to be informed of this by the gentlemen of the committee.

Mr. TINKHAM. Mr. Chairman——

Mr. MANN. Will the gentleman yield?

Mr. TINKHAM. I will.

Mr. MANN. In view of the constitutional provision that no person shall be held to answer for a capital or otherwise infamous crime unless on the presentment or indictment by a grand jury, is there any occasion for our discussing here how a juvenile court shall act in the case of a person accused of murder under the terms of this bill?

Mr. TINKHAM. That is a manifest answer to the honorable Representative from Ohio [Mr. GARD]. If no one is charged with a crime, no jury is required. If an adult is charged with a crime, the Constitution requires a jury trial.

With what the Constitution requires and with what practice universally demands it is unnecessary to cumber up such a bill as this.

Now, so far as the various questions raised by the honorable Representative from Ohio [Mr. GARD] are concerned, I will state for his enlightenment the full facts—that there is a provision made in the beginning of the bill that if a child is brought before the court and the court thinks best, because the act committed is a serious crime, a heinous crime, involving high moral turpitude, that child may be immediately certified to the proper authorities for prosecution in the usual way. That power is given to the juvenile judge to exercise in an exceptional case, for instance, such a case as homicide, perhaps in the first degree.

Now, what is a jury provided for in the juvenile court? First, for the purpose of trying an adult who is charged with a crime contributing to the delinquency of a child. If he is charged with this crime, he must be tried by a jury. The juvenile court has jurisdiction of bastardy cases and also cases of nonsupport, both of which require jury trials.

So it will be seen that there is patent necessity for the juvenile court to have a jury to operate in cases of these various characters.

Mr. STAFFORD. Is there any provision in the bill or otherwise for the adult accused to waive the right to a jury trial and submit his case entirely to the judge in those cases other than those involving capital offense or misdemeanor?

Mr. TINKHAM. I do not remember that there is any power for an adult so accused to waive the right of a jury trial.

Mr. GARD. Mr. Chairman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Should there not be such a provision?

Mr. WALSH rose.

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. I rise in opposition to the amendment of the gentleman from Ohio.

Mr. Chairman, I desire to assure the gentleman from Ohio [Mr. GARD] that my amendment is not prompted by any opposition in this bill. I am heartily in favor of this bill becoming a law, because I know how well the juvenile court has worked in the State which I have the honor in part to represent, and in the city from which I come. It is an admirable system and works well and gives a great deal of protection to the juvenile of the communities. But my purpose was not to put upon this court the machinery of a trial by jury to try adult offenders, but to send them to the court having jurisdiction of them; and the gentleman's objection that this court ought to have authority to punish adults who instigate children to commit crime, it seems to me, is not well founded, because this court could refer them to a court of competent jurisdiction.

Mr. TINKHAM. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. WALSH. I do.

Mr. TINKHAM. Does the honorable Representative from Massachusetts [Mr. WALSH] understand that under the present law, both in bastardy cases and in nonsupport cases, juries are required in the juvenile court?

Mr. WALSH. That may be true, Mr. Chairman, but as I understood the gentleman in his opening remarks upon this bill, it was to seek now to divest the juvenile court of its criminal atmosphere, so to speak. If that is the purpose of this bill, I submit that the provisions of section 33 are in direct conflict with the provisions of section 16, because if you have a trial of a juvenile and an adult by a jury in this court, and they are both found guilty, the provision in section 16 is to the effect that as to the juvenile it shall not be a conviction, and I submit that that is an absurd provision to write into the law. The safer way to do would be to take a jury trial away from this court, and in all cases where there is reason for a jury trial to provide that the judge of the juvenile court should transfer those cases to the supreme court, which has authority to grant jury trials, and which is holding jury trials throughout each and every term for criminal offenders.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. WALSH. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 9, noes 21.

So the amendment was rejected.

Mr. GARD. Mr. Chairman, I desire to offer a further amendment. On page 22, following the word "court," at the end of section 33, insert the following:

Any person who has knowingly or willfully encouraged, aided, caused, abetted, or connived at, or has knowingly or willfully done any act or acts to produce, promote, or contribute to the conditions that bring said child within the provisions of this act, arrested or cited to appear before such court at any time before hearing, may demand a trial by jury, or the judge, upon his own motion, may call a jury.

Mr. MANN. Mr. Chairman, it is very evident that gentlemen will want to discuss that amendment, and it is not in very good shape as yet to present to the committee. It is perfectly evident also that it will not be possible to finish the bill to-night. I had hoped that we would be able to finish the bill to-night, but it is evident that with that amendment pending we can not do so. We have reached the ordinary adjourning time, and I think it is time to rise.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8348) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia," and for other purposes, and had come to no resolution thereon.

FRAUDULENT ADVERTISING IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, there is on the Speaker's table a bill (H. R. 10490) to prevent fraudulent advertising in the District of Columbia. It has passed the Senate and has come back here with some amendments. I ask that the amendments be disagreed to and that a committee of conference be appointed.

The SPEAKER. The Clerk will report the bill with Senate amendments.

The Clerk read as follows:

A bill (H. R. 10490) to prevent fraudulent advertising in the District of Columbia.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to take from the Speaker's table the bill just reported, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection; and the Speaker announced as the conferees on the part of the House Mr. JOHNSON of Kentucky, Mr. VINSON, and Mr. CARY.

LEAVE OF ABSENCE.

Mr. GRIEST, by unanimous consent, was granted leave of absence, indefinitely, on account of illness.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

Mr. MANN. Reserving the right to object, for what purpose?

Mr. KITCHIN. The legislative bill will require about an hour to get through, and I would like to have the House utilize that hour and then get started with the sugar bill.

Mr. MANN. It is quite certain that the legislative bill will take more than an hour to-morrow.

Mr. KITCHIN. The gentleman in charge of the bill thinks it will not take more than an hour.

Mr. MANN. The legislative bill has a matter still pending which is of very great interest to a great many people in and out of the House. The parliamentary status of it is not yet determined, and if we do not take more than an hour on that I will be much surprised.

Mr. FITZGERALD. The point of order is not good, but I supposed it will be discussed.

Mr. GARNER. It has already been discussed a good deal.

Mr. MANN. It has not been discussed at all, and any parliamentarian who passes upon it so lightly has not examined it.

Mr. KITCHIN. Then it is all the more important that we meet at 11 o'clock.

Mr. MANN. I am trying to show the gentleman that we can not get through with the sugar bill to-morrow.

Mr. KITCHIN. We will take up the sugar bill immediately on the close of the legislative bill.

Mr. MANN. What is the use of meeting at 11 o'clock to-morrow when it is not possible to get through with the legislative bill in an hour? If the legislative bill was out of the way and it was possible to finish the sugar bill to-morrow without unduly restricting the time, I would not object.

Mr. CARLIN. The gentleman from Missouri [Mr. BORLAND] might simplify the matter by withdrawing his amendment. [Laughter.]

Mr. BORLAND. And the gentleman might simplify it by withdrawing the point of order.

Mr. KITCHIN. There is a deficiency bill to come up on Thursday, and my thought was that if we could take an hour on the legislative bill to-morrow, or two hours, and then come in with the sugar bill, and possibly carry it over two hours on Thursday, depending upon the length of debate that gentlemen want, and then if we get through the sugar bill, the deficiency bill could be taken up and finished.

Mr. MANN. If we get through both by Thursday night we will be doing well, but there is no object in meeting at 11 o'clock until we get where we are going into real business. It disconcerts everybody.

Mr. KITCHIN. Well, if the gentleman does not want to work the extra hour I will withdraw the request, but I thought he was a working man.

Mr. MANN. The truth is, Mr. Speaker, I have come to the conclusion that I ought to have the hour between 11 and 12 o'clock every day for rest, and I object. [Laughter.]

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 14, 1916, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 11304) for the relief of Martha A. Moffitt, reported the same with amendment, accompanied by a report (No. 327), which said bill and report were referred to the Private Calendar.

Mr. PRICE, from the Committee on Claims, to which was referred the bill (H. R. 8622) for the relief of the estate of B. F. Havens, reported the same with amendment, accompanied by a report (No. 328), which said bill and report were referred to the Private Calendar.

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 12553) for the relief of the estate of Gilbert Winne, reported the same with amendment, accompanied by a report (No. 329), which said bill and report were referred to the Private Calendar.

Mr. FOSTER, from the Committee on Claims, to which was referred the bill (H. R. 7417) for the relief of Lawrence J. Kessinger, reported the same without amendment, accompanied by a report (No. 330), which said bill and report were referred to the Private Calendar.

Mr. DIES, from the Committee on Claims, to which was referred the bill (H. R. 1592) for the relief of George W. Trahey, reported the same with amendment, accompanied by a report (No. 331), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 10642) for the relief of Louis Jones, reported the same with amendment, accompanied by a report (No. 332), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 1609) for the relief of S. L. Burgard, reported the same without amendment, accompanied by a report (No. 333), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 2052) for the relief of the estate of William D. Allen, reported the same without amendment, accompanied by a report (No. 334), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (S. 707) for the relief of Beverly E. Whitehead, reported the same without amendment, accompanied by a report (No. 335), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 1376) for the relief of Peter McKay, reported the same with amendment, accompanied by a report (No. 336), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11261) for the relief of Mary S. Corbin, reported the same without amendment, accompanied by a report (No. 337), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11262) for the relief of Mrs. C. D. Corbin, reported the same without amendment, accompanied by a report (No. 338), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 922) for the relief of Mary E. Nicolson, reported the same without amendment, accompanied by a report (No. 339), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 1048) for the relief of Warren E. Day, reported the same without amendment, accompanied by a report (No. 340), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 1636) for the relief of Karen S. Lorenson and James Lyle, reported the same without amendment, accompanied by a report (No. 341), which said bill and report were referred to the Private Calendar.

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 12554) for the relief of the estate of George W. Grant, reported the same with amendment, accompanied by a report (No. 342), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 10992) for the relief of L. A. Weaver, administrator of the estate of Joseph Weaver, deceased, reported the same with amendment, accompanied by a report (No. 343), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11541) for the relief of Sterling McCleskey, administrator of the estate of Joseph D. McCleskey, deceased, reported the same with amendment, accompanied by a report (No. 344), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 10641) for the relief of Fred Henderson, reported the same with amendment, accompanied by a report (No. 345), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 3145) for the relief of Dr. E. V. Hailman, reported

the same without amendment, accompanied by a report (No. 346), which said bill and report were referred to the Private Calendar.

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 13064) for the relief of the M. A. Sweeney Shipyards & Foundry Co., reported the same with amendment, accompanied by a report (No. 348), which said bill and report were referred to the Private Calendar.

ADVERSE REPORT.

Under clause 2 of Rule XIII,

Mr. RUSSELL of Ohio, from the Committee on Claims, to which was referred the bill (H. R. 5487) for the relief of the estate of William Wheeler Hubbell, reported the same adversely, accompanied by a report (No. 347), which said bill and report were laid on the table.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7917) granting a pension to Taubyna Bourstine; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4968) granting an increase of pension to Lida B. Elkins; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DENT: A bill (H. R. 13108) to provide for the erection of a public building in the city of Greenville, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. BAILEY: A bill (H. R. 13109) to provide for the expression of opinion of the electors on questions of national policy at general elections for Members of the House of Representatives for the advice and guidance of the officials of the United States in relation to the execution of the powers vested in the Government of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. KITCHIN: A bill (H. R. 13110) to amend section 6 of the currency act of March 14, 1900, as amended by the act approved March 2, 1911; to the Committee on Ways and Means.

Also, a bill (H. R. 13111) authorizing the Commissioner of Internal Revenue to collect and publish statistics of leaf tobacco; to the Committee on Ways and Means.

By Mr. ALEXANDER: A bill (H. R. 13112) to amend section 14 of the seaman's act of March 4, 1915; to the Committee on the Merchant Marine and Fisheries.

By Mr. STEPHENS of Texas: A bill (H. R. 13113) to authorize the establishment of town sites on the Fort Hall Reservation, Idaho; to the Committee on Indian Affairs.

By Mr. OVERMYER (by request): A bill (H. R. 13114) to amend the existing law relating to distilled spirits, and for other purposes; to the Committee on Ways and Means.

By Mr. HAYDEN: A bill (H. R. 13115) to provide for the organization of reserves when the National Guard is in the service of the United States; to the Committee on Military Affairs.

By Mr. FERRIS: A bill (H. R. 13116) to grant all vacant, unreserved, and unappropriated public lands in the State of Oklahoma to that State for the benefit of the State university; to the Committee on the Public Lands.

By Mr. BAILEY: A bill (H. R. 13117) providing for increasing the water supply of the city of Washington, for the building of a dam on the Potomac River to supply light and power for the use of the United States and the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. STEELE of Iowa: A bill (H. R. 13118) to regulate interstate commerce in and importation of viruses, serums, toxins, and analogous products for use in the treatment of domestic animals, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GILLETT: Resolution (H. Res. 167) for the relief of Mary L. Cushman; to the Committee on Accounts.

By Mr. DYER: Resolution (H. Res. 168) directing the Secretary of State to furnish information relative to seizure of United States mails; to the Committee on Foreign Affairs.

By Mr. VAN DYKE: Resolution (H. Res. 169) in reference to the competition of the labor of enlisted men with that of local civilians; to the Committee on Labor.

By Mr. MAPES: Joint resolution (H. J. Res. 178) proposing an amendment to the Constitution of the United States; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. TILSON: Memorial of Legislature of Connecticut opposing the levying of a Federal inheritance tax; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 13119) for the relief of James F. Alexander; to the Committee on Military Affairs.

By Mr. BORLAND: A bill (H. R. 13120) granting an increase of pension to Frances White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13121) granting an increase of pension to Bridget Conboy; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 13122) granting a pension to William N. Stewart; to the Committee on Pensions.

By Mr. BURKE: A bill (H. R. 13123) granting an increase of pension to Celia Congdon; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 13124) granting an increase of pension to Alfred Featheringill; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 13125) granting a pension to Mrs. Grace Noden, wife of Mr. Henry Noden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13126) granting a pension to Pinckney H. Knox; to the Committee on Pensions.

By Mr. DOOLITTLE: A bill (H. R. 13127) granting a pension to Charles W. Coleman; to the Committee on Pensions.

Also, a bill (H. R. 13128) granting an increase of pension to William C. Douglas; to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 13129) granting a pension to John J. Corcoran; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 13130) granting a pension to Eliza Mieure; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13131) granting an increase of pension to Robert W. Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13132) granting a pension to Ellen Hammon Clark; to the Committee on Pensions.

Also, a bill (H. R. 13133) granting an increase of pension to Robert E. Benson; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 13134) granting an increase of pension to Alphonso T. Gould; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13135) granting an increase of pension to Anthony H. Walich; to the Committee on Pensions.

Also, a bill (H. R. 13136) granting an increase of pension to Thomas Johnson; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 13137) granting an increase of pension to J. Wesley Brown; to the Committee on Invalid Pensions.

By Mr. HEATON: A bill (H. R. 13138) granting an increase of pension to John H. Whitebread; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 13139) granting a pension to Samuel Johnston; to the Committee on Invalid Pensions.

By Hr. HULL of Tennessee: A bill (H. R. 13140) granting an increase of pension to Overton Gare; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 13141) for the relief of Noah Cox; to the Committee on Military Affairs.

By Mr. LAFEAN: A bill (H. R. 13142) granting an increase of pension to Sarah Jane Ruby; to the Committee on Invalid Pensions.

By Mr. LAZARO: A bill (H. R. 13143) granting a pension to Richard Thrash; to the Committee on Pensions.

By Mr. LEE: A bill (H. R. 13144) granting an increase of pension to Clara A. Stott; to the Committee on Invalid Pensions.

By Mr. MEEKER: A bill (H. R. 13145) to correct the military record of William Kern; to the Committee on Military Affairs.

By Mr. MOSS of West Virginia: A bill (H. R. 13146) for the relief of the heirs of Gordon H. Meek, deceased; to the Committee on Claims.

By Mr. NEELY: A bill (H. R. 13147) granting a pension to Rebecca J. Free; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13148) granting an increase of pension to William H. Hunter; to the Committee on Invalid Pensions.

By Mr. OAKEY: A bill (H. R. 13149) granting an increase of pension to S. Rhoda Forbes; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 13150) granting an increase of pension to William H. Hunt; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 13151) granting an increase of pension to Samuel Gaines; to the Committee on Invalid Pensions.

By Mr. SCOTT of Pennsylvania: A bill (H. R. 13152) granting an increase of pension to Annie E. Rhoades; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 13153) granting an increase of pension to Horton S. Calland; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 13154) granting an increase of pension to Electa Bullen; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 13155) granting an increase of pension to Angelina E. Cox; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 13156) granting a pension to John G. W. Book; to the Committee on Invalid Pensions.

By Mr. VAN DYKE: A bill (H. R. 13157) granting a pension to Edward G. Fetsch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13158) for the appointment of John P. Markoe as second lieutenant in the United States Army; to the Committee on Military Affairs.

By Mr. WASON: A bill (H. R. 13159) granting an increase of pension to Julia B. Keach; to the Committee on Invalid Pensions.

By Mr. WATKINS: A bill (H. R. 13160) granting a pension to M. D. Downs; to the Committee on Pensions.

By Mr. WEBB: A bill (H. R. 13161) for the relief of the legal representative of the estate of Joshua Harkey; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Petition in favor of House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of M. L. Hageman and 67 other citizens, of Muncie, Ind., for the speedy passage of the national prohibition bill; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petitions of 46 citizens of Trinway; 9 citizens of Coshocton; resolutions of the Sunday School and Otterbein Brotherhood of the United Brethren Church of Coshocton; and the Farmers' Institute at Savannah, all in the State of Ohio, in favor of House joint resolutions 84 and 85; to the Committee on the Judiciary.

By Mr. BAILEY: Petitions of Thomas Peake, Henry C. Loebrich, R. E. Davies, Harry Brubaker, H. Schweitzer, Louis Galliker, Michael Karr, John Schwing, Joseph Schwing, Andrew Muha, Joseph Ruth, and Paul Schmidt, of Johnstown, and J. W. Stineman, of South Fork, both in the State of Pennsylvania, for the prohibition of the export of arms and war material and the issuance of passports for use on belligerent vessels; to the Committee on Foreign Affairs.

Also, petitions of St. Paul's Lutheran Sunday School, of Altoona; Church of the Brethren, of Woodbury; 22 voters of Juniata; and 55 citizens of South Fork, all in the State of Pennsylvania, for national prohibition; to the Committee on the Judiciary

By Mr. BURKE: Petition of 30 citizens of the towns of Lake Mills and Milford, Jefferson County, Wis., protesting against the passage of the Fitzgerald bill, H. R. 6468, and the Siegel bill, H. R. 491; to the Committee on the Post Office and Post Roads.

By Mr. CANNON: Petitions of Friends Church of Watseka; citizens of Cissna Park; and Christian Endeavor Society of Friends Church of Watseka, all in the State of Illinois, for national prohibition; to the Committee on the Judiciary.

By Mr. CHIPERFIELD: Petitions of John Kramer and others, W. J. Sullivan and others, Fred Wardmann and others, J. A. King and others, and Fred Keck and others, with reference to House joint resolutions 14, 74, and 81, House bill 6828, Senate joint resolution 73, and Senate bills 3033 and 3034; to the Committee on Foreign Affairs.

By Mr. COLEMAN: Petition of 36 citizens of Pittsburgh, 39 citizens of Wilkinsburg, and 66 citizens of Wilkinsburg, for national prohibition; to the Committee on the Judiciary.

By Mr. COOPER of West Virginia: Petition of 27 citizens of Princeton, W. Va., and Methodist Episcopal Church of Princeton, for national prohibition; to the Committee on the Judiciary.

By Mr. CROSSER: Petition of 50 citizens of Cleveland, Ohio, for national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of Central Labor Council, of Seattle, Wash., and vicinity, favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Nome-Seward Chamber of Commerce, favoring increase of weight limit of United States mail from Cordova to Nome, Alaska; to the Committee on the Post Office and Post Roads.

Also, petition of Congressional Union for Woman Suffrage, New York Branch, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. DARROW (by request): Memorial of advisory board of the Philadelphia Christian Endeavor Union, in behalf of prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DUNN: Petition of Community Church of 100 people, of Henrietta; Baptist Church of 15 people, of Henrietta; Baptist Sunday School of 250 people, of Rochester; Men's Class, Baptist Church, of 67 people, of Rochester, for national prohibition; to the Committee on the Judiciary.

Also, petition of Walmotte Lodge, No. 313, D. O. H., of Rochester, N. Y., asking that Congress pass House joint resolution 14 and Senate bill 3033; to the Committee on Foreign Affairs.

Also, petition of A. W. Watkins and others, of Rochester, N. Y., protesting against the passage of House bill 6468 and House bill 491; to the Committee on the Post Office and Post Roads.

Also, petitions of Mr. Adam Gray and others, of Rochester, N. Y.; Concordia Tent, No. 128, the Maccabees, of Rochester, N. Y.; and Mr. Valentine Sauter and others, of Rochester, N. Y., praying for the passage of House joint resolutions 14 and 81 and Senate bill 3033; to the Committee on Foreign Affairs.

By Mr. EAGLE: Petition of sundry citizens of Texas, indorsing a bill to tax persons, firms, or corporations doing an interstate mail-order business; to the Committee on Ways and Means.

By Mr. ELLSWORTH: Petitions of citizens of Blue Earth; voting citizens of Worthington; Lincoln Baptist Church, of Lake Crystal; and voters of Worthington, all in the State of Minnesota, in favor of national prohibition; to the Committee on the Judiciary.

By Mr. ESCH: Memorial of National German-American Alliance of Wisconsin, in reference to foreign relations; to the Committee on Foreign Affairs.

By Mr. FLYNN: Petition of Central Labor Council of Seattle, Wash., and vicinity, favoring Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. FOSTER: Petitions of citizens of Hidalgo, Robinson, and Olney, all in the State of Illinois, protesting against the enactment of House bills 6468 and 419; to the Committee on the Post Office and Post Roads.

Also, petition of Local Union 840, of Olney, Ill., favoring the enactment of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Birds, Ill., protesting against the enactment of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Rockford (Ill.) Central Labor Union, favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. GALLIVAN: Petition of sundry citizens of Boston, Mass., indorsing Senate bill 3946 and House bill 10845, in re extension of military training in civil educational institutions; to the Committee on Military Affairs.

Also, petition of sundry citizens, protesting against the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. HEATON: Petition of 27 citizens of Shenandoah and United Evangelical Sunday School, of Shenandoah, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of 24 citizens of Shenandoah, Pa., for national prohibition; to the Committee on the Judiciary.

By Mr. HELVERING: Petition of sundry citizens of Mahaska, Kans., protesting against the passage of House bill 6468, entitled "A bill to amend the postal laws," and House bill 491, with the same title, or any other like measure; to the Committee on the Post Office and Post Roads.

By Mr. HOWELL: Memorial of Young People's Society of Christian Endeavor of the Central Christian Church, of Salt Lake City, Utah, in favor of prohibition of the liquor traffic in

the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of Phillips Congregational Church, in favor of Federal censorship of motion-picture films; to the Committee on Education.

Also, memorial of Sunday School of the Third Presbyterian Church, of Salt Lake City, Utah, in favor of prohibition of the liquor traffic in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of H. A. Sims, manager of Swanee Theater, of Salt Lake City, Utah, protesting against Federal censorship of motion-picture films; to the Committee on Education.

Also, memorial of Woman's Christian Temperance Union, of Ephraim, Utah, in favor of national prohibition by constitutional amendment; to the Committee on the Judiciary.

Also, memorial of Sunday School of the Third Presbyterian Church, of Salt Lake City, Utah, in favor of Federal censorship of motion-picture films; to the Committee on Education.

Also, memorial of Young People's Christian Society of the Central Christian Church, Salt Lake City, in favor of Federal censorship of motion-picture films; to the Committee on Education.

Also, petitions of Hon. George N. Laurence and others, in favor of military training in colleges and educational institutions; to the Committee on Military Affairs.

Also, memorial of Phillips Congregational Church, in favor of Federal censorship of films; to the Committee on Education.

Also, memorial of Christian Endeavor Society of the Third Presbyterian Church of Salt Lake City, Utah, in favor of prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of Lodge 107, Garment Workers of America, of Ogden, Utah, in favor of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of 75 business men of Salt Lake City, urging immediate measures for preparedness; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: Petition of citizens of Tacoma, Woman's Christian Temperance Union, 20 people of Kelso, and Presbyterian people of Hoquiam, Wash., for national prohibition; to the Committee on the Judiciary.

Also, petition of 119 citizens of Vancouver, Wash., for national prohibition; to the Committee on the Judiciary.

Also, petition of 94 employees of the United States customs service in the district of Washington, favoring the passage of Senator WORKS's civil-service retirement bill (S. 632); to the Committee on Reform in the Civil Service.

By Mr. KENNEDY of Iowa: Petition of citizens of Fort Madison, Iowa, for national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Keokuk, Iowa, asking for an improvement at the national cemetery located at Keokuk, Iowa; to the Committee on Military Affairs.

By Mr. KENNEDY of Rhode Island: Petition of Woonsocket (R. I.) Fortnightly Club, favoring investigation of conditions surrounding the marketing of dairy products; to the Committee on Agriculture.

Also, petition of Jesse B. Mowry, of Chepachet, R. I., favoring passage of national prohibition legislation; to the Committee on the Judiciary.

By Mr. KINKAID: Petition of citizens of Sidney, Cheyenne County, Nebr., in favor of warning American citizens from sailing on armed belligerent vessels; to the Committee on Foreign Affairs.

Also, petition of citizens of Chappell, Nebr., for national prohibition; to the Committee on the Judiciary.

Also, petition of resident of Elba, Nebr., and residents of Farwell, Nebr., against preparedness; to the Committee on Military Affairs.

Also, petition of residents of St. Paul, Nebr., against preparedness; to the Committee on Military Affairs.

By Mr. LAFEAN: Memorial of Independent Order of B'nai B'rith, District No. 3, opposed to a literacy test; to the Committee on Immigration and Naturalization.

Also, memorial of Philadelphia Board of Trade, favoring passage of House bill 11533; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Pittsburgh Newspaper Publishers' Association, referring to copyrights; to the Committee on the Library.

By Mr. LINTHICUM: Petition of Joseph F. McCarthy and 35 other citizens of Maryland, favoring military training in civil educational institutions; to the Committee on Military Affairs.

Also, petitions of C. J. Tilden, of Johns Hopkins University; Henry Adams, consulting engineer; John B. Whitehead, electrical engineer, Johns Hopkins University; and the Whiteing-Turner Construction Co.; all of Baltimore, Md., favoring the passage of House bill 10845, providing for military training in civil educational institutions; to the Committee on Military Affairs.

Also, petition of 47 members of the Maryland Line Confederate Soldiers' Home, favoring pensions for Confederate soldiers and their widows; to the Committee on Invalid Pensions.

Also, petition of Tobias Baker & Co., of Baltimore, Md., protesting against the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Brotherhood of Painters, Decorators, and Paperhangers of America, Local Union No. 1, of Baltimore, Md., favoring House bill 10318, workman's compensation bill for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Beer Bottlers Local Union, No. 258, of Baltimore, Md., protesting against the national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, petition of Bottle Cap, Cork, and Stopper Workers' Union No. 10875, of Baltimore, Md., favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of sundry citizens of the District of Columbia, protesting against the passage of Senate bill 645, to provide for the closing of barber shops on Sunday; to the Committee on the District of Columbia.

Also, petition of sundry citizens of the District of Columbia, protesting against the passage of House bills 6468 and 491, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MEEKER: Petition of Retail Grocers' Association of St. Louis, Mo., in favor of passage of the Stevens-Ayres standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of St. Louis Turn Verein, of St. Louis, Mo., in favor of warning American citizens not to travel on armed ships; to the Committee on Foreign Affairs.

Also, petitions of Local No. 340, Sheet Metal Workers, O. Meisemann, Frank W. Lucke, Henry Schacht, and George W. Schacht, all of St. Louis, Mo., praying for the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. MOSS of West Virginia: Petition of sundry residents of Parkersburg, W. Va., protesting against House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Memorial of Business Men's Association of the city of Watertown, N. Y., for enactment into law of the Ayres bill; to the Committee on Interstate and Foreign Commerce.

By Mr. NEELY: Papers to accompany House bill for relief of William H. Hunter; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 12086, for the relief of William Goodwin; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13086, for the relief of Pattie B. Davis; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 12685, for the relief of Mary E. Stone; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 12690, for relief of Rhoda Villers; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 12689, for relief of George W. Sullivan; to the Committee on Invalid Pensions.

Also, papers to accompany House bill for relief of Rebecca J. Free; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 12687, for relief of Melvina Wilson; to the Committee on Invalid Pensions.

By Mr. OVERMYER: Petition of Local No. 500, Journeymen Barbers' Union, of Fostoria, Ohio, asking for legislation improving the sanitary condition of creameries and dairies; to the Committee on Agriculture.

Also, petition of Huron County (Ohio) Woman's Christian Temperance Union, asking for Federal censorship of motion-picture films; to the Committee on Education.

Also, petition of Huron County (Ohio) Woman's Christian Temperance Union, asking for the amendment of the pure food and drugs act; to the Committee on Agriculture.

Also, petitions of Huron County (Ohio) Woman's Christian Temperance Union; Young People's Alliance of Flat Rock; 22 citizens of Flat Rock; citizens of Norwalk; Christian Endeavor Union of Berlin Heights; Congregational Church and Sunday School of Berlin Heights; and 22 citizens of Berlin Heights, all in the State of Ohio, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Catholic Union of Ohio, asking that the embargo resolution be reported out to the House for action; to the Committee on Foreign Affairs.

Also, petition of Robert Rudd and 10 other citizens of Norwalk, Ohio, protesting against the preparedness program; to the Committee on Military Affairs.

By Mr. PETERS: Petition of First Baptist Churches of Fairfield, City Point, and Belfast, all in the State of Maine, for national prohibition; to the Committee on the Judiciary.

By Mr. PRATT: Petition of the Cayuga (N. Y.) Preventorium, favoring the passage of measures for the full investigation of the conditions surrounding the production and marketing of milk, cream, and other dairy products entering into the interstate trade; to the Committee on Interstate and Foreign Commerce.

Also, petition of A. L. Bradley, W. R. Reese, W. G. Royce, E. M. Royce, C. E. Dennis, J. B. Macrury, William Sprout, Leonard Irish, Jacob Winters, John Corbett, W. J. Gibbins, and W. A. Hausner, all of Watkins, N. Y., favoring adequate national defense; to the Committee on Military Affairs.

Also, petition of L. H. Bradley, of Watkins, N. Y., favoring the passage of the Britten bill, on the exportation of gasoline; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDALL: Memorial of Friday Morning Club, of Los Angeles, Cal., favoring an appropriation for improvement of Yosemite National Park; to the Committee on Appropriations.

Also, petition of La Manda Park Methodist Episcopal Church, of California, for national prohibition; to the Committee on the Judiciary.

Also, memorial of Richmond Industrial Commission, favoring appropriation for improvement of Yosemite National Park; to the Committee on Appropriations.

Also, memorial of the city council, Los Angeles, Cal., favoring retirement-compensation law of civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. ROWLAND: Petition of citizens of Bellefonte, Pa., for national prohibition; to the Committee on the Judiciary.

By Mr. SCHALL: Petition of F. E. Washburn, of Minnesota, in re House bill 9802; to the Committee on Agriculture.

By Mr. SNELL: Petition of the Woman's Christian Temperance Union of Parishville, N. Y., urging the passage of the Sheppard District of Columbia prohibition bill; to the Committee on the Judiciary.

Also, resolution of St. Lawrence County Pomona Grange, Rensselaer Falls, N. Y., protesting against the enactment of any general preparedness measure; to the Committee on Military Affairs.

Also, petition of the Second Presbyterian Church, Ogdensburg, N. Y., protesting against the passage of the Siegel postal bill (H. R. 491); to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Petition of Columbus Exchange, of Providence, R. I., favoring the bill to permit interlocking directorates in noncompeting banks; to the Committee on the Judiciary.

Also, petition of E. Morlin, of Providence, R. I., favoring bill in the interest of postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of Local No. 223, of Providence, R. I., Moving Picture Operators' Protective Union, opposing Federal censorship of motion pictures; to the Committee on Education.

Also, petition of Fenner Avenue School Society, of Providence, R. I., favoring bill to prohibit sale and export of arms and ammunition; to the Committee on Foreign Affairs.

Also, petition of 25 voters of Warwick, R. I., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Papers to accompany House bill 11933, for relief of Benjamin F. Ryan; to the Committee on Invalid Pensions.

By Mr. TILSON: Petition of Independent Connecticut Lodge, of New Haven, Conn., opposing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. TIMBERLAKE: Memorial of Lodge No. 524, Independent Order of B'nai B'rith, of Pueblo, Colo., protesting against the literary test provided in the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. VAN DYKE: Petition of citizens of St. Paul, Minn., favoring national prohibition; to the Committee on the Judiciary.

By Mr. WASON: Petition of Clifton D. Colby and 10 other residents of East Andover, N. H., favoring national prohibition; to the Committee on the Judiciary.

Also, resolutions of Highland Lake Grange, No. 88, of East Andover, N. H., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Bertha Merrill and nine other residents of East Andover, N. H., favoring national prohibition; to the Committee on the Judiciary.

By Mr. WEBB: Petition of the Baptist Ministerial Conference, of Charlotte, N. C., and East Belmont Baptist Church, of Belmont, N. C., in behalf of House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of citizens of Mecklenburg and Gaston Counties, in favor of national prohibition; to the Committee on the Judiciary.

SENATE.

TUESDAY, *March 14, 1916.*

Bishop E. D. Mouzon, D. D., of Dallas, Tex., offered the following prayer:

Almighty God, God of Abraham and of Isaac and of Jacob, God and Father of our Lord Jesus Christ, God of our fathers, Thou art our God also. We believe in Thee. We believe that as Thou wast with the men of old time, as Thou hast been with our fathers, so Thou art with us to-day. Enlighten, we beseech Thee, the blindness of our minds with the knowledge of Thy truth that in Thy light we may see light. And so do Thou give us guidance in all things, that all that is done may be begun and continued and ended in God. We ask these things in Christ's name. Amen.

The Journal of the proceedings of the legislative day of Saturday, March 11, 1916, was read and approved.

CHRISTIAN CHRISTENSEN V. THE UNITED STATES (S. DOC. NO. 356).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed by the court in the cause of Christian Christensen *v.* The United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate relative to the acceptance of the statue of Henry Mower Rice, presented by the State of Minnesota, to be placed in Statuary Hall.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 10490) to prevent fraudulent advertising in the District of Columbia, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of Kentucky, Mr. VINSON, and Mr. CARY managers at the conference on the part of the House.

The message further returned to the Senate, in compliance with its request, the joint resolution (S. J. Res. 65) creating a joint commission of Congress, to be known as the Joint Commission of Congress to Investigate the Aviation Service of the United States Army.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Hawaiian Society, Sons of the American Revolution, and a petition of the Vermont Society, Sons of the American Revolution, praying for an increase in armaments, which were referred to the Committee on Military Affairs.

He also presented a petition of Post No. 68, Grand Army of the Republic, of Dorchester, Mass., praying for the creation of a volunteer officers' retired list, which was referred to the Committee on Military Affairs.

He also presented a petition of the Everyman Bible Class of the Vermont Avenue Christian Church, of Washington, D. C., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the Young People's Society of Christian Endeavor of the First Congregational Church of Elgin, Ill., praying for prohibition in the District of Columbia without the referendum, which was ordered to lie on the table.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry labor unions in the State of Pennsylvania, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of sundry citizens of Pennsylvania, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

Mr. GALLINGER presented a petition of Ira Stowell Camp, United Spanish War Veterans, of Newport, N. H., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a petition of Local Union No. 132, United Garment Workers of America, of Keene, N. H., praying for the

enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. NORRIS. I present a memorial of sundry citizens of Silver Creek, Nebr., protesting against the preparedness program. In this connection I ask that the affidavit attached to the memorial may be printed in the RECORD.

The memorial was referred to the Committee on Military Affairs, and the accompanying affidavit was ordered to be printed in the RECORD, as follows:

Charles Wooster, whose name appears first on the above petition on "preparedness," being first duly sworn, deposes and says that all of the signatures to the said petition are genuine and made under his own eye; that he made no effort to sort people out or to influence them to sign; that with perhaps three or four exceptions those signing already had their minds made up on the question of preparedness; that whereas 100 signed only 11 declined to sign, or a little less than 10 per cent; and that he regards the above as fair a test of public opinion in the matter of things covered in the petition as it would be possible to obtain.

CHARLES WOOSTER.

STATE OF NEBRASKA,
County of Merrick, ss:

Subscribed and sworn to before me this 24th day of February, 1916.
[SEAL.] J. W. JACKMAN, *Notary Public.*

Mr. JOHNSON of Maine presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Admiral Sampson Camp, No. 48, Department of New York, United Spanish War Veterans, of Brooklyn, N. Y., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

Mr. SHEPPARD. I have a telegram in the nature of a petition, which I ask to have read at the desk.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

SAN ANTONIO, TEX., *March 13, 1916.*

Senator MORRIS SHEPPARD,
Washington, D. C.:

At a meeting held in San Antonio March 11, of the Board of Commissioners for the Texas Bicentennial and Pan American Exposition, the following resolution was unanimously adopted:

"Whereas there is now pending in the Senate and House of Representatives a joint resolution authorizing the President of the United States to invite the Pan American nations to the Texas Bicentennial and Pan American Exposition in 1918 whenever he shall be satisfied that a suitable site has been secured and provisions made for buildings: Therefore be it

"Resolved by the board of commissioners of the Texas Bicentennial and Pan American Exposition, That it is the sense of this body that the resolutions should pass without any amendment; be it

"Resolved further, That our Representatives in Congress be urged to work for the passage of said resolutions, and that a copy hereof be sent to each of them and to the Senate and the House of Representatives of the United States.

"Respectfully submitted.

"F. P. Holland, of Dallas; Charles Rogan, of Austin; J. S. Williams, of Paris; W. V. Crawford, of Waco; and S. B. Weller, L. J. Hart, R. G. Boyle, Selig Deutschman, and Nat M. Washer, of San Antonio, committee on resolutions."

Kindly have copy furnished to Senate in accordance with resolution.

SELIG DEUTSCHMAN.

Mr. SHEPPARD presented petitions of sundry citizens of Temple, Rockport, Ferris, Montgomery, and Jacoba, all in the State of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of the District of Columbia, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Palacios, Tex., remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Local No. 39, Farmers' Union, of Titus County, Tex., remonstrating against certain provisions in the so-called cotton futures bill, which was referred to the Committee on Agriculture and Forestry.

Mr. MYERS. I present a letter in the nature of a petition from the Woman's Civic Club of Bozeman, Mont., in favor of the Sutherland-Mondell woman suffrage constitutional amendment. I ask that the petition lie on the table and that it be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table and be printed in the RECORD, as follows:

THE BOZEMAN WOMAN'S CIVIC CLUB,
Bozeman, Mont., March 6, 1916.

Senator H. L. MYERS,
Washington, D. C.

DEAR SIR: The Bozeman Woman's Civic Club ask that you support the Sutherland-Mondell amendment to the Constitution. It also asks, if you can have the Bozeman Woman's Civic Club recorded in the CONGRESSIONAL RECORD as favoring the above-mentioned amendment.

Yours, truly,

Mrs. E. H. RILEY, *Secretary.*

Mr. PHELAN presented a petition of the Building Trades' Council of Santa Clara County, Cal., and a petition of the City Trades' Council of Berkeley, Cal., praying for the enactment of legislation to grant pensions to civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of Local Union No. 439, American Federation of Musicians, of Petaluma, Cal., remonstrating against a tax on admissions to theaters, which was referred to the Committee on Finance.

Mr. HOLLIS presented a petition of sundry citizens of East Andover, N. H., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. ROBINSON presented a petition of sundry citizens of Clarendon, Ark., praying for Federal aid in the rebuilding of levees at that place, which was referred to the Committee on Commerce.

He also presented a petition of the Woman's Missionary Society of the Methodist Episcopal Church, of Luxora, Ark., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. SHERMAN. I present a petition of the Illinois Manufacturers' Association, of Chicago, Ill., and ask that it be printed in the RECORD.

There being no objection, the memorial was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

THE TARIFF.

There has been a growing conviction on the part of the American public that the tariff should be taken out of politics, and that the only way in which this can be accomplished is by the establishment of a permanent tariff commission. The mere creation of such a commission is looked upon as a complete and permanent solution of an extremely vexatious political question, in spite of the fact that under the broadest powers it is proposed to give to this body it will serve only as a bureau for the collection and analysis of facts pertaining to the conditions under which domestic and competing foreign industries manufacture and sell goods.

There is danger, should this conviction continue to prevail, that two considerations of vital and immediate importance will be lost sight of.

First. That the tariff must and will remain a political issue until this country has definitely and finally chosen between a tariff for the protection of American industries and a tariff for revenue only; and

Second. That the present tariff schedule, judged by its effect on American industry before the war began, will be entirely inadequate to meet the extraordinary conditions which will obtain after the war closes.

How will the creation of a tariff commission, with its necessarily slow and painstaking investigations both at home and abroad, help in the solution of the problems which will follow in the immediate wake of a declaration of peace?

How can the commission possibly assist, without fatal delay, in the restoration of those duties which the experience before the war indicated must be restored if American industry is to continue to provide a profitable field for American labor and American capital? Certain it is that if some of the industries of this country are to survive, then additional protection over that given by the present (tariff for less than revenue) measure must be given. The creation of the tariff commission will not accomplish this. Only a return to the economic policy of a tariff framed on the broad ground of adequate protection to American industries will meet the situation.

The first step in importance to take, therefore, is the restoration of the principle of a protective tariff, and the second step the creation of a permanent tariff commission, whose duty it shall be to gather the necessary data so that Congress and the public may determine whether any particular schedule has been framed to afford undue advantages to any special group of manufacturers or investors. The general feeling in favor of a tariff commission must not blind us to the fact that that is but one, and not the more important one, of the two steps necessary to safeguard American industry, and that before a commission can operate to the advantage of American industry it must be preceded by a return to the principle of protection.

Mr. POMERENE. I present a resolution in the nature of a petition from the City Council of Cleveland, Ohio, and ask that it be printed in the RECORD.

There being no objection, the resolution was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

(By Mr. McGinty.)

Whereas there is pending in Congress a bill which by its terms places a legislative restriction on the weight of parcels carried by the parcel post and places the limitation at 50 pounds; and

Whereas the people of Cleveland are interested in the extension of the parcel post and believe that an arbitrary limitation of the weight of parcels carried will seriously hamper the effectiveness of the Parcel Post System: Now, therefore, be it

Resolved by the Council of the City of Cleveland, State of Ohio, That we request the Hon. WARREN G. HARDING, the Hon. ATLEE POMERENE, the Hon. WILLIAM GORDON, the Hon. ROBERT CROSSER, and the Hon. HENRY I. EMERSON, the Representatives in Congress from Ohio and from our local congressional districts, to oppose the pending bill which seeks to limit by legislative enactment the weight of parcels carried by the parcel post.

Adopted by the council March 6, 1916.
Approved by the mayor March 8, 1916.

I, Richard E. Collins, clerk of the Council of the City of Cleveland, do hereby certify that the foregoing is a true and correct copy of

resolution file No. 39541, adopted by the Council of the City of Cleveland on March 6, 1916.

Witness my hand and seal at Cleveland, Ohio, this 10th day of March, 1916.

[SEAL.] RICHARD E. COLLINS,
Clerk of the Council.

Mr. WEEKS. I present resolutions adopted by the General Court of the Commonwealth of Massachusetts, in favor of equipping the Charlestown Navy Yard for the building of battleships and cruisers. I ask that the resolutions be printed in the RECORD and referred to the Committee on Naval Affairs.

There being no objection, the resolutions were referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1916.

Resolutions requesting Congress to provide for equipping the Charlestown Navy Yard for the building of battleships and cruisers.

Whereas the present Federal administration, through its Secretary of the Navy has declared that its policy is to build American naval ships, more particularly battleships and battle cruisers, at the navy yards owned by the United States, and has declared in favor of equipping these yards for such construction; and

Whereas the navy yard at Charlestown, Mass., is in many particulars better adapted than any other navy yard in this country for such construction, by reason of dock facilities, depth of channel, presence of skilled workmen, and because there is soon to be built in Boston Harbor one of the largest dry docks in the world; and

Whereas it is necessary that an appropriation should be made by Congress for shipbuilding slips, machinery, and equipment, in order to adapt the Charlestown Navy Yard for the construction of battleships and battle cruisers: Therefore be it

Resolved, That the General Court of Massachusetts respectfully and earnestly calls the attention of the Congress of the United States to the aforesaid advantages of the Charlestown Navy Yard and urge that it be selected for the building of at least one of the said battleships or battle cruisers and that an appropriation be made to equip the yard for this purpose.

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the Secretary of the Navy of the United States, to the presiding officers of both branches of Congress, and to the Senators and Representatives from this Commonwealth.

In the house of representatives, adopted February 25, 1916.

In senate, adopted, in concurrence, March 1, 1916.

A true copy. Attest:

ALBERT P. LANGTRY,
Secretary of the Commonwealth.

Mr. LIPPITT presented memorials of sundry citizens of Rhode Island, remonstrating against the enactment of legislation making Sunday a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. CLARK of Wyoming presented a petition of sundry citizens of Winchester, Wyo., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SIMMONS presented a petition of sundry citizens of Robeson County, N. C., praying for the enactment of legislation to found the Government on Christianity, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Apex, N. C., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. WARREN presented a memorial of sundry citizens of Garland, Wyo., remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which was ordered to lie on the table.

Mr. HUGHES presented petitions of sundry citizens of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WADSWORTH presented memorials of sundry citizens of New York, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Camillus, N. Y., remonstrating against appropriations being made for sectarian purposes, which was referred to the Committee on Appropriations.

Mr. NELSON presented memorials of sundry citizens of Minnesota, remonstrating against prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of Hamilton Fish Camp, No. 7, United Spanish War Veterans, of Fort Snelling, Minn., praying for the enactment of legislation to grant pensions to widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a petition of Hamilton Fish Camp, No. 7, United Spanish War Veterans, of Fort Snelling, Minn., praying for an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. CLAPP presented a memorial of Bernadotte Lodge, No. 20, International Order of Good Templars, of Minneapolis, Minn., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizen of Hawley, Minn., praying for prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Brainerd, Minn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Winthrop, Minn., praying for the placing of an embargo on munitions of war, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. SWANSON, from the Committee on Naval Affairs, to which was referred the bill (S. 606) for the relief of James C. Hilton, reported it without amendment and submitted a report (No. 254) thereon.

Mr. BECKHAM, from the Committee on Military Affairs, to which was referred the bill (S. 740) to remove the charge of desertion from the record of David Houk, reported adversely thereon and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 1580) to grant an honorable discharge to Amos Gaul, reported adversely thereon and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 3564) to correct the military record of John L. McGregor, reported adversely thereon and the bill was postponed indefinitely.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 110) providing for method of improving channels giving access to military reservations or fortifications, asked to be discharged from its further consideration and that it be referred to the Committee on Commerce, which was agreed to.

Mr. OWEN, from the Committee on Banking and Currency, to which was referred the bill (H. R. 3575) to amend section 5234 of the Revised Statutes of the United States, so as to permit the Comptroller of the Currency to deposit upon interest the assets of insolvent national banks in other national banks of the same or of an adjacent city or town, reported it with an amendment and submitted a report (No. 255) thereon.

Mr. BANKHEAD, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 3927) for the relief of the legal representatives of Francis Busch, deceased, reported it without amendment and submitted a report (No. 256) thereon.

TENNESSEE RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably without amendment the bill (S. 4657) to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild and reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee, and I submit a report (No. 253) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of Maine:

A bill (S. 5037) for the relief of Watson, Frye & Co.; to the Committee on Claims.

A bill (S. 5038) granting an increase of pension to Andrew Mitchell (with accompanying papers);

A bill (S. 5039) granting an increase of pension to Alphonso E. Libby (with accompanying papers);

A bill (S. 5040) granting an increase of pension to James F. Walker (with accompanying papers); and

A bill (S. 5041) granting an increase of pension to Uranus Stacy (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 5042) granting an increase of pension to Eaton Smith (with accompanying papers); and

A bill (S. 5043) granting an increase of pension to Samuel Feldner (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5044) to continue in effect the provisions of the act of March 9, 1906; to the Committee on Military Affairs.

By Mr. SMITH of Arizona:

A bill (S. 5045) to appoint Chaille H. Evans second lieutenant of Infantry, and place him on the retired list of the Army as second lieutenant of Infantry (with accompanying papers); to the Committee on Military Affairs.

By Mr. HUGHES:

A bill (S. 5046) to authorize the President of the United States to appoint pay clerks, Quartermaster Corps, United States Army, as second lieutenants, Quartermaster Corps, United States Army; to the Committee on Military Affairs.

A bill (S. 5047) granting a pension to Agnes P. Roe; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 5048) to provide adequate supply depots and terminal facilities at Fort Sam Houston, Tex.; and

A bill (S. 5049) to provide for enlarging the military reservation of Fort Sam Houston, Tex.; to the Committee on Military Affairs.

A bill (S. 5050) granting an extension of patent to the United Daughters of the Confederacy; to the Committee on Patents.

By Mr. JOHNSON of South Dakota:

A bill (S. 5051) authorizing allotments to members of the Pine Ridge Sioux Tribe from the surplus unentered lands in Bennett County, S. Dak., formerly a part of the Pine Ridge Reservation; to the Committee on Indian Affairs.

By Mr. HARDWICK:

A bill (S. 5052) to increase and promote the efficiency of the Army of the United States by providing reserves therefor; to the Committee on Military Affairs.

By Mr. OLIVER:

A bill (S. 5053) authorizing abutting owners upon Crum River, a navigable stream, where the same empties into the Delaware River, to straighten, widen, and deepen the same, and substituting such straightened course and channel for the present channel thereof, and abandoning and vacating a portion of the present channel; to the Committee on Commerce.

By Mr. WARREN:

A bill (S. 5054) to provide for the purchase of a site and for the establishment of a naval and aviation academy in the Territory of Hawaii, and making an appropriation therefor; to the Committee on Naval Affairs.

By Mr. PHELAN:

A bill (S. 5055) for the relief of Elizabeth J. Bishop (with accompanying papers); to the Committee on Claims.

A bill (S. 5056) granting a pension to George Casseboom (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 5057) granting an increase of pension to Lydia J. Bither; and

A bill (S. 5058) granting an increase of pension to Charles H. Trudeau; to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 5059) for the relief of Eli Pettijohn; to the Committee on Claims.

By Mr. DILLINGHAM:

A bill (S. 5060) granting a pension to Julia A. Parker (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 5061) granting a pension to Christian Hohman (with accompanying papers); to the Committee on Pensions.

By Mr. LIPPITT:

A bill (S. 5062) granting an increase of pension to Mary J. Richards; to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 5063) for the relief of Richard M. Calhoun (with accompanying papers); to the Committee on Military Affairs.

By Mr. ASHURST:

A bill (S. 5064) to protect the public against dishonest advertising and false pretenses in merchandising; to the Committee on Interstate Commerce.

A bill (S. 5065) granting an increase of pension to Sam Loughner (with accompanying paper); to the Committee on Pensions.

By Mr. OWEN:

A joint resolution (S. J. Res. 114) withholding from allotment the unallotted lands or public domain of the Creek Nation or Tribe of Indians, and providing for the sale thereof, and for other purposes; to the Committee on Indian Affairs.

WATER-POWER SITES.

Mr. SHAFROTH. I desire to offer an amendment by way of a substitute to House bill 408, being the water-power bill under consideration. I ask that it be read.

The amendment was read and ordered to lie on the table, as follows:

Strike out all after the enacting clause and in lieu thereof insert the following:

"That from and after the passage of this act lands included in water-power site withdrawals shall be subject to entry, location, and disposal under the public land laws applicable to such lands, upon the payment to the United States of the value of such lands, as may be agreed upon between the entryman and the Secretary of the Interior; and if the value can not be agreed upon, then such entryman is given the right to bring suit, in any court having jurisdiction, against the United States to condemn such lands for the uses and purposes covered in such entry and location. Such right of entry is given upon the condition that any refusal of the entryman, locator, or owner thereof, or of his, her, or its assigns, successors, or heirs, to obey legal orders concerning rates of charge for power and electricity by the duly authorized tribunal of the State in which such water-power plant is situate shall work a forfeiture to the United States of all claims or titles to such lands in a proceeding to be instituted for any purpose by the Attorney General in any court of the United States having jurisdiction: *Provided*, That no corporation, company, association, or individual shall be permitted to make entry for more than one water-power plant without the consent of the Secretary of the Interior: *And provided further*, That if the water or power shall be distributed in two or more States the rates to be charged therefor shall be fixed by the Interstate Commerce Commission.

"SEC. 2. That if any of such water-power plants hereafter located upon the public lands shall be owned, leased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever so that they form part of or are in any wise controlled by any combination in the form of an unlawful trust or form the subject of any contract or conspiracy in restraint of trade in the generating of water power, or any of the holdings of such plants by any individual, copartnership association, corporation, mortgage, stock ownership, or control, the title thereto shall be forfeited to the United States by proceedings instituted by the Attorney General in the courts for that purpose.

"SEC. 3. That the last paragraph of the act entitled 'An act relating to rights of way through certain parks, reservations, and other public lands,' approved February 15, 1901, which paragraph reads as follows: '*And provided further*, That any permission given by the Secretary of the Interior under the provisions of this act may be revoked by him or his successor, in his discretion, and shall not be held to confer any right or easement or interest in, to, or over any public land, reservation, or park' be, and the same is hereby, repealed."

Mr. SMOOT. I offer an amendment in the nature of a substitute for House bill 408, which is commonly called the water-power bill, and is now the unfinished business. I will say to the Senator from Montana [Mr. MYERS] that the substitute provides for the acquisition by a State under certain conditions of any lands therein which are or may become chiefly valuable for the development of water power. I do not ask that the substitute be considered at this time, but that it may be read, printed, and lie on the table.

The amendment was read, ordered to lie on the table, and to be printed, as follows:

That in the manner and subject to the limitations herein prescribed, a State may enter and acquire title to lands within said State which are or may become chiefly valuable for the development of water power.

SEC. 2. That any State desiring to avail itself of the provisions of this act shall make application therefor in the manner following:

Such State shall, through its regularly created board, commission, or other regularly constituted public authority of said State duly vested with the power to regulate and control the rates and service of public-utility corporations, including authority to regulate the rates and service of any person, persons, associations, or corporations engaged in the business of developing, distributing, furnishing, selling, and renting electric power, file with the Secretary of the Interior an application setting forth the description of the lands sought to be acquired, accompanied by a map or plat thereof, together with proof that the lands described are chiefly valuable for the development of water power, that the entire area of the land described is necessary to accomplish development of the largest available power at the place designated, and that said application is made for the development of water power in accordance with the provisions of this act.

SEC. 3. That such State shall submit proof with such application establishing that the lands described are chiefly valuable for the development of water power and are necessary therefor and are being sought for that purpose, and upon such matters and facts being established, patent therefor or for such portion thereof as is necessary for the purpose aforesaid shall issue as hereinbefore provided to such State. Such patent shall include such lands or all portions thereof as are chiefly valuable for the development of water power and are necessary therefor, including all necessary or convenient dams, reservoirs, canals, conduits, pipe lines, tunnels, transmission lines, roads, power houses, and all other works or structures necessary or convenient for the appropriation and beneficial use of water and the power or other products generated thereby and for the utilization and beneficial use of the same.

SEC. 4. That the provisions of this act, where application is made by the duly constituted authority of the State, as hereinbefore set forth, shall apply to any part of the public lands of the United States, reserved or unreserved, including national forests, national monuments, and Indian reservations: *Provided*, That where such lands are located within any national monuments or Indian reservations, the same shall be located under the direction of the Secretary of the Interior and in such a way as not to interfere with such national monuments or Indian reservations or the uses or purposes for which the same are created.

SEC. 5. That such patent issued under the provisions of this act shall contain and be subject to the following conditions, limitations, and restrictions, to wit:

First. That said State or Territory shall not alienate the fee simple title to said lands and shall retain the same for the uses and purposes in this act set forth, granting the use thereof for such purposes and subject to the laws of said State and the United States applicable to and adopted for the purpose of controlling and regulating such business

and the charges and services thereof, so that the State, or those authorized under its laws to appropriate and beneficially use such waters, will carry on and continue the service of generating and distributing such electric power.

2. That each tract of land so patented shall be held by said State and devoted primarily to the development of water power either by said State or Territory or by a municipal corporation or corporations therein or by some person or persons, association or associations, corporation or corporations thereto duly authorized and that said State or Territory shall not devote or permit the same to be devoted to any other purpose or purposes in conflict therewith: *Provided,* That nothing herein shall interfere with the right of the State to permit the use of such lands for the development and transmission of waters for domestic or irrigation purposes under the laws of the States.

3. That all power generated, sold, rented, or distributed under authority of said State by any person or persons, association or associations, corporation or corporations, and the rates therefor and the service therefor, shall at all times be subject to and shall be regulated and fixed by and under the authority and laws of said State, or in cases involving interstate commerce under and pursuant to the laws of the United States, and that such power so generated shall never be the subject of any combination or consolidation in restraint of trade contrary to or in violation of any law of said State or applicable law of the United States.

4. That none of the properties, rights, uses, or privileges patented under the provisions of this act, where the same are assigned or transferred to or permitted to be used or enjoyed under the provisions of this act, shall ever be valued or allowed to be charged for in connection with any service to the public in excess of such amounts, if any, as the person or persons, association or associations, corporation or corporations, shall have actually paid for the same, and in the event of the acquisition of such property, rights, uses, or privileges by such State, or any municipality or subdivision thereof, no amount whatever shall be allowed or paid by such State, municipality, or subdivision thereof for such transfer or acquisition in excess of such amounts, if any, as shall have been paid therefor and which shall not have been repaid or reimbursed prior to such acquisition of the same.

SEC. 6. That upon any sale or disposition or attempted sale or disposition of such lands by any State for any other purpose or in any other manner than as herein provided, or upon failure to require said lands to be devoted to the uses required by this act, or upon any violation of the provisions of this act, or of the patent to be issued hereunder, the same shall be forfeited to the United States, and the Attorney General, upon the direction of the President of the United States, is authorized to institute such judicial proceedings as may be necessary for the purpose of ascertaining, declaring, and enforcing such forfeiture.

SEC. 7. That the Secretary of the Interior shall make such rules and regulations as may be necessary and appropriate for the purpose of and having the effect of carying out the provisions of this act.

SEC. 8. That nothing in this act contained shall be construed as affecting or intended to affect or to in any way interfere with the laws of said State relating to the control, appropriation, use, or disposition of water or the right or priority of right to the use of the same now or hereafter vested under and in accordance with the laws of said State.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, which was ordered to lie on the table and be printed.

MANUFACTURE OF ARMOR.

Mr. WADSWORTH submitted an amendment intended to be proposed by him to the bill (S. 1417) to erect a factory for the manufacture of armor, which was ordered to lie on the table and be printed.

FORMS AND PROCESSES OF MANUFACTURE.

Mr. OLIVER submitted an amendment intended to be proposed by him to the bill (H. R. 4724) authorizing the Department of Commerce to make original investigation and research concerning forms and process of manufacture, and for other purposes, which was referred to the Committee on Agriculture and Forestry.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. SHEPPARD. I submit certain amendments intended to be proposed to the bill (S. 1082) for prohibition in the District of Columbia. I ask that they may lie on the table, inasmuch as the bill is now on the calendar.

The VICE PRESIDENT. It will be so ordered.

Mr. SHEPPARD. I wish to state in this connection that I shall deliver a preliminary explanation of the bill and the amendments at some opportune time during the present week.

LIMITATION OF DEBATE.

Mr. SMITH of Georgia. I wish to give the notice prescribed by the rules of my purpose to offer an amendment to Rule XXII to-morrow.

The notice was read, as follows:

In accordance with the provisions of Rule XL, I hereby give notice of my intention to offer an amendment to Rule XXII, as follows:

At the close of Rule XXII add:

"*Provided, however,* If 32 Senators present to the Senate, before the reports of standing and select committees provided for in the order of business during the morning hour, a signed motion to bring to a close the debate upon a bill which is the unfinished business, thereupon, at the hour of 2 o'clock, the Chair shall, without debate, put the question to the Senate:

"'Is it the sense of the Senate that the debate should be brought to a close?'

"And if that question shall be decided in the affirmative by a two-thirds vote, then said bill shall be in order, to the exclusion of all other business.

"Thereafter no Senator shall be entitled to speak more than one hour on the bill, the amendments thereto and motions affecting the same, and it shall be the duty of the chair to keep the time of each Senator who speaks. Until the bill is disposed of no dilatory motion shall be in order, and appeals from the decision of the Chair shall be decided without debate."

COMMITTEE ON FLOOD CONTROL.

Mr. SHEPPARD. I give notice of an amendment to the rules, which I ask to have read.

The PRESIDING OFFICER. The Secretary will read the notice.

The Secretary read as follows:

I hereby give notice that it is my intention to offer an amendment to Rule XXV of the Standing Rules of the Senate, to read as follows:

"Amend Rule XXV, Standing Rules of the Senate, by inserting, after the paragraph reading as follows, 'A Committee on the Five Civilized Tribes of Indians, to consist of five Senators,' the following paragraph: 'A Committee on Flood Control, to consist of 17 Senators.'"

The purpose of the amendment is to establish a Senate committee on flood control.

DISTRICT GAS-LIGHT COMPANIES.

Mr. JONES submitted the following resolution (S. Res. 128), which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Commissioners of the District of Columbia be, and they are hereby, directed to report to the Senate as soon as practicable what steps, if any, have been taken by them since September 10, 1913, to enforce section 11 of the act of Congress entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," approved March 4, 1913, so far as the same may affect the Washington Gas Light Co. and the Georgetown Gas Light Co., both of the District of Columbia.

MILITARY PREPAREDNESS.

Mr. HARDWICK. Mr. President, I desire to give notice that on next Saturday, March 18, at the conclusion of the routine morning business I shall address the Senate briefly on the general subject of miltary preparedness, and with special reference to a proposal for a reserve force, which I then propose to lay before the Senate.

ADDRESS BY SENATOR GORE.

Mr. WADSWORTH. Mr. President, I ask unanimous consent that an address delivered by the Senator from Oklahoma [Mr. GORE] at the annual midwinter dinner of the New York Credit Men's Association, held in New York January 25, be printed as a Senate document.

The VICE PRESIDENT. Is there objection. The Chair hears none.

ADDRESS BY JUDGE SANFORD B. DOLE (S. DOC. NO. 357).

Mr. WARREN. Mr. President, I ask unanimous consent that an address entitled "Military Service, the Legal Obligation of the Citizen," delivered January 7, 1916, before the Young Men's Christian Association of Honolulu, Hawaii, by former United States Judge Hon. Sanford B. Dole, be printed as a public document.

Judge Dole, by learning and experience, was well qualified to furnish valuable information upon the subject of his address. He was a justice of the Supreme Court of the Kingdom of Hawaii, and when the monarchy was overthrown he was made President of the Republic of Hawaii. Upon annexation of Hawaii to the United States, brought about largely through his efforts, he became governor of the Territory, and later United States judge, retiring from that position on December 16 last.

The address I desire printed as a public document is instructive and timely.

The VICE PRESIDENT. Without objection it is so ordered.

OSAGE OIL LANDS.

Mr. ASHURST. I ask to have read a short letter from the Secretary of the Interior in relation to the Osage matter that we had up yesterday and on Saturday.

The VICE PRESIDENT. Is there objection. The Chair hears none, and the Secretary will read.

The Secretary read as follows:

THE SECRETARY OF THE INTERIOR,
Washington, March 13, 1916.

MY DEAR SENATOR: I am suddenly called West by the serious illness of my brother, and will probably be gone three weeks. All of the oil matters are in perfectly good shape if Congress does not wish some other adjustment made. I have allotted the gas territory, and satisfactorily to all, upon a 3-cent basis. The oil leases are all ready, excepting as to the surplus lands. As to these I have postponed the proposed auction for 40 days. Inasmuch as congressional action is possible I have seen fit to give a written permit to each one of the sublessees for 30 days from March 16, the date of the expiration of the present leases, based upon the terms of the new lease. By that time I hope that the whole matter will be settled.

Cordially, yours,

FRANKLIN K. LANE.

Hon. HENRY F. ASHURST,
United States Senate.

EMBARGO ON AMERICAN PRESERVED FRUITS.

Mr. PHELAN. Mr. President, I ask to have printed in the RECORD certain correspondence and other information I have secured relating to the embargo put upon American preserved fruits. I think it is an important matter, and I ask that it be printed for the information of the Senate.

The VICE PRESIDENT. Without objection it is so ordered.

The matter referred to is as follows:

MARCH 8, 1916.

Hon. ROBERT LANSING,
Secretary of State.

DEAR MR. LANSING: I desire to call your careful and prompt attention to the inclosed telegram from the Dried Fruit Association of California, which states that the British Government is about to prohibit the importation of dried and canned fruits.

The Californians have made large sales and the goods are in transit to New York or at that point awaiting transportation. It is urgently requested, to avoid enormous loss, that the State Department persuade the British Government to permit the acceptance of all goods now in transit from California on which copies of contracts showing the actual transaction can and will be filed. This seems a reasonable request, and I beg of you to press it by cable and advise me with what success.

Yours, very truly,

JAMES D. PHELAN.

[Telegram.]

SAN FRANCISCO, CAL., *February 26, 1916.*

Hon. JAMES D. PHELAN,
Washington, D. C.:

We are advised by cable that the English Government will immediately prohibit the importation of dried and canned fruits. Large sales to that country have been made by members of our association, representing fully 75 per cent of the dried-fruit shippers of California, and goods are in transit to New York or now at that point awaiting steamer transportion. Will you use your best offices with the State Department to secure representation to the English Government that will permit the acceptance of all goods now in transit from California on which copies of contracts showing actual transaction can be filed immediately in England. Enormous loss to all engaged in this industry will follow if English buyers are not permitted to receive goods contracted and now in transit from this State.

DRIED FRUIT ASSOCIATION OF CALIFORNIA,
ALBERT E. CASTLE, *President.*

[Telegram.]

SAN JOSE, CAL., *March 3, 1916.*

Hon. JAMES D. PHELAN,
Washington, D. C.

DEAR SIR: Growers' Information Bureau asks that you make every possible effort to prevent British Government excluding dried and canned fruits from Great Britain; also to open avenues of export to neutral countries. Our growers vitally interested. Desire every possible outlet for coming season's crop.

GEORGE E. MERRILL, *Secretary.*

MARCH 6, 1916.

The Department of State announces the receipt of a cablegram from the American consul general at London, reporting that the British Board of Trade has given notice that a proclamation is about to be issued prohibiting the importation into the United Kingdom of canned, bottled, or preserved fruit of non-British origin, except currants. This will be an extension of orders already issued prohibiting or limiting the importation of certain building materials, tobacco, and paper and paper-making materials. One of the chief objects of these orders, it is understood, is to relieve the import freight congestion.

As a result, in part, of representations made by the American ambassador at London in behalf of American shippers, certain exceptions have been made to these orders, with a view to obviating undue hardship upon persons who have contracted for the delivery to British firms of goods of the kind in question. In the case of fruits a special committee will grant licenses for the importation of shipments which are actually en route for the United Kingdom March 15 or have been paid for by this date. After October 31 next licenses will be issued for the importation of limited quantities of fruits of the kind in question, these quantities not to exceed one-half of the quantities imported last year.

The tobacco-licensing committee gives notice that consignments of manufactured or unmanufactured tobacco dispatched from the place of origin on or before February 15 may be imported upon the production of bills of lading or railroad receipts showing the date of shipment. Habana cigars shipped from Cuba on or before March 18 may be imported.

Similar exceptions are to be made in favor of consignments of furniture woods, hardwoods, veneers, stones, and slates shipped on or before February 15.

[The Secretary of State to the American Embassy in London.]

MARCH 8, 1916.

Re embargo fruits. Department presumes this does not include dried fruit and that any shipments leaving factory or original point of departure for shipment to Great Britain before March 13, or paid for before March 13, even though not shipped until after that date, will be allowed entry Great Britain. Confirm this, and if interpretation is not correct endeavor obtain permission entry all goods leaving inland point before March 13 or paid for, though not shipped before March 13, otherwise great hardship will result to American firms, most of which are in extreme West, far from seaboard point of shipment. In addition inform foreign office that department regards embargo as most drastic and injurious to Pacific coast industries. Endeavor obtain arrangement for passage of two-thirds usual amount, as in paper shipments, without delaying issuance licenses till October.

FRAUDULENT ADVERTISING IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10490) to prevent fraudulent advertising in the District of Columbia and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. POMERENE. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SMITH of Maryland, Mr. POMERENE, and Mr. DILLINGHAM conferees on the part of the Senate.

THE POSTAL SERVICE.

The VICE PRESIDENT. Are there further concurrent or other resolutions? If not, the morning business is closed.

Mr. BANKHEAD and Mr. MYERS addressed the Chair.

The VICE PRESIDENT. The Senator from Alabama.

Mr. BANKHEAD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 562.

Mr. SMITH of Georgia. I object.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of the bill. This bill has been on the calendar since January 25.

Mr. SMITH of Georgia. There are other bills which have been on the calendar a longer time.

The VICE PRESIDENT. The Senator from Alabama moves that the Senate proceed to the consideration of the bill named by him, the title of which will be stated.

The SECRETARY. A bill (H. R. 562) to amend the act approved January 25, 1910, authorizing a Postal Savings System.

The VICE PRESIDENT. The Senator from Alabama moves that the Senate proceed to the consideration of the bill the title of which has just been stated. [Putting the question.] The ayes seem to have it.

Mr. MYERS. I call for the yeas and nays, Mr. President.

The yeas and nays were not ordered.

The VICE PRESIDENT. The motion is agreed to, and the bill is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 562) to amend the act approved January 25, 1910, authorizing a Postal Savings System.

Mr. SMOOT. Mr. President, there are a number of Senators who are out of the Chamber and who are interested in the bill.

Mr. BANKHEAD. Doubtless those Senators will return to the Chamber before we shall have proceeded very far with the consideration of the bill.

Mr. SMOOT. I do not know as to that.

Mr. BANKHEAD. The bill has been reported with certain amendments, and I am satisfied that, when the amendments have been explained, there will be no objection to them.

The VICE PRESIDENT. The bill has been heretofore read as in Committee of the Whole, but the committee amendments have not been stated.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Norris	Smith, S. C.
Bankhead	Hitchcock	Oliver	Smoot
Beckham	Hollis	Overman	Sterling
Borah	Hughes	Owen	Stone
Brandegee	Johnson, Me.	Page	Sutherland
Chamberlain	Johnson, S. Dak.	Phelan	Swanson
Clapp	Jones	Pittman	Thomas
Clark, Wyo.	Kenyon	Poindexter	Thompson
Colt	La Follette	Pomerene	Townsend
Culberson	Lane	Reed	Underwood
Curtis	Lea, Tenn.	Robinson	Wadsworth
Dillingham	Lee, Md.	Shafroth	Warren
du Pont	Lewis	Sheppard	Weeks
Gallinger	Martin, Va.	Sherman	Williams
Gore	Martine, N. J.	Simmons	
Gronna	Myers	Smith, Ariz.	
Harding	Nelson	Smith, Ga.	

Mr. BECKHAM. I wish to announce the absence of my colleague [Mr. JAMES] on account of illness. I shall let this announcement stand for the day.

Mr. HARDWICK. I am requested to announce that the junior Senator from Mississippi [Mr. VARDAMAN] is detained from the Senate on official business.

Mr. LEWIS. I desire to announce that the Senator from West Virginia [Mr. CHILTON] and the Senator from Montana [Mr. WALSH] are detained from the Senate on official business.

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present. The Secretary will state the amendments reported by the committee. The Chair will inquire of the Senator from Alabama whether he desires the portion printed in italics treated as one amendment or by sections?

Mr. BANKHEAD. As the bill originally came from the House it contained only one section. The amendment reported by the Committee on Post Offices and Post Roads is printed in italics.

The VICE PRESIDENT. But the amendment as reported is in sections. The Chair inquires, Shall it be considered as one amendment or shall each section be considered as a separate amendment?

Mr. BANKHEAD. I suggest that it be considered as one amendment.

The VICE PRESIDENT. The Secretary will state the amendment.

Mr. BORAH. Mr. President, some of us are less familiar with this bill than is the Senator from Alabama, and, while I assume that there is no objection to the bill, I should like to know something more about the amendment.

Mr. BANKHEAD. The amendment to the bill simply changes some of the sections of the postal laws. The changes do not amount to very much, but the Post Office Department insists that they are important in order that the affairs of the department may be better administered. That is the purpose of the amendment to the bill. The first section of the bill amends the postal savings law.

Mr. BORAH. Has the bill been read?

The VICE PRESIDENT. The bill has been read, but not the amendment.

Mr. BANKHEAD. The amendment has not been read.

Mr. BORAH. I ask to have the amendment read.

The VICE PRESIDENT. That is what the Chair ordered—that the amendment should be read.

Mr. BORAH. Excuse me.

Mr. BANKHEAD. I have just asked that the bill as amended be read.

The Secretary proceeded to read the amendment reported by the Committee on Post Offices and Post Roads, to add certain sections to the bill, and read as follows:

SEC. 2. That postal savings funds received under the provisions of this act shall be deposited in solvent banks, whether organized under national or State laws, and whether member banks or not of a reserve bank created by the Federal reserve act approved December 23, 1913, being subject to national or State supervision and examination, and the sums deposited shall bear interest at the rate of not less than 2½ per cent per annum, which rate shall be uniform throughout the United States and Territories thereof; but 5 per cent of such funds shall be withdrawn by the board of trustees and kept with the Treasurer of the United States, who shall be treasurer of the board of trustees, in lawful money as a reserve. The board of trustees shall take from such banks such security in public bonds or other securities, supported by the taxing power, as the board may prescribe, approve, and deem sufficient and necessary to insure the safety and prompt payment of such deposits on demand. The funds received at the postal savings depository offices in each city, town, village, and other locality shall be deposited in banks located therein (substantially in proportion of the capital and surplus of each such bank) willing to receive such deposits under the terms of this act and the regulations made by authority thereof, but the amount deposited in any one bank shall at no time exceed the amount of the paid in capital and one-half of the surplus of such bank: *Provided, however,* If one or more member banks of a reserve bank created by the Federal reserve act, approved December 23, 1913, exists in the city, town, village, or locality where the postal deposits are made, such deposits shall be placed in such member banks substantially in proportion to the capital and surplus of each such bank, but if such member banks fail to qualify to receive such deposits, then any other bank located therein may, as hereinbefore provided, qualify and receive the same. If no such member bank and no other qualified bank exists in any city, town, village, or locality, or if none where such deposits are made will receive such deposits on the terms prescribed, then such funds shall be deposited under the terms of this act in the bank most convenient to such locality. If no such bank in any State or Territory is willing to receive such deposits on the terms prescribed, then the same shall be deposited with the treasurer of the board of trustees and shall be counted in making up the reserve of 5 per cent. Such funds may be withdrawn from the treasurer of said board of trustees, and all other postal savings funds, or any part of such funds, may be at any time withdrawn from the banks and savings depository offices for the repayment of postal savings depositories when required for that purpose. When, in the judgment of the President, war or other exigency involving the credit of the United States so requires, the board of trustees may invest all or any part of the postal savings funds, except the reserve fund of 5 per cent herein provided for, in the bonds or other securities of the United States. The board of trustees may in its discretion purchase from the holders thereof bonds which have been or may be issued under the provisions of section 10 of the act of June 25, 1910. Interest and profit accruing from the deposits or investment of postal savings funds shall be applied to the payment of interest due to postal savings depositories, as hereinbefore provided, and the excess thereof, if any, shall be covered into the Treasury of the United States as a part of the postal revenue: *Provided further,* That postal savings funds in the treasury of said board shall be subject to disposition as provided in this act, and not otherwise: *And provided further,* That the board of trustees may at any time dispose of bonds held as postal savings investments and use the proceeds to meet withdrawals of deposits by depositors. For the purposes of this act the word "Territory" as used herein shall be held to include the District of Columbia, the District of Alaska, and Porto Rico, and the word "bank" shall be held to include savings banks and trust companies doing a banking business.

Mr. HITCHCOCK. Mr. President, will the chairman of the committee reporting this bill advise the Senate whether the amendment just read would, in his opinion, permit the investment of postal savings funds in the bonds and securities which are to be authorized by the rural-credits bill which is already upon the calendar, and which the Senate is soon to consider?

Mr. BANKHEAD. Mr. President, I do not think this bill affects that question one way or the other. The bonds purchased, of course, will be under the direction of the trustees of the rural banking system.

Mr. HITCHCOCK. I call the Senator's attention to the fact that the bonds in which the postal savings funds may be invested under the amendment which has just been read are only those having behind them the taxing power, whereas the Committee on Banking and Currency has reported to the Senate this rural-credits bill, which, under authority of Congress, proposes to authorize the investment of a portion of the postal savings funds in the bonds of the the rural-credits banks, called farm-loan bonds.

Mr. SWANSON. Mr. President, if the Senator will permit me, at the time this bill is passed there will be no rural-credit bonds. If you will include that provision in your bill, as that is the last expression of the legislative will, this fund can be invested in them. We expected, so far as this fund is concerned, that the rural-credit bill would provide as to what should be done with it in carrying out the features that they wish to have in their bill in reference to this matter.

Mr. HITCHCOCK. I presume that should the bill be passed by Congress as the committee has reported it, the provision probably would enlarge the scope of the provisions in the amendment which the Post Office Committee has submitted. It has occurred to me, however, and I think other members of the committee agree with me, that in order to avoid any possible conflict, and to simplify the matter, it might be wise to incorporate in this amendment such language as would permit the investment of these postal savings funds in such securities or bonds as the Congress may authorize.

Mr. SWANSON. If the Senator will permit me, we could not pass a law that would change the will or power of Congress. We are satisfied and desire that the rural-credits bill, when it is passed, should provide that in the bill. Nothing that we put in here can prevent a subsequent act from changing it. We had the matter up for consideration in the committee, and we thought the best way for that to be done would be for the Banking and Currency Committee to put in their bill whatever disposition they desired to be made of those funds.

Mr. HITCHCOCK. The language as it is proposed, in section 2, page 2, line 20, reads as follows:

The board of trustees shall take from such banks such security in public bonds or other securities, supported by the taxing power—

By striking out the words "taxing power" and inserting "authorized by act of Congress," you would harmonize the legislation.

Mr. SWANSON. We have no objection to that. It could be done anyway, but we have no objection, if that will satisfy the Senator.

Mr. HITCHCOCK. If that is acceptable to the committee, I believe it would be a wise thing.

Mr. SWANSON. We have no objection.

Mr. HITCHCOCK. Then, Mr. President, on page 2, line 22, I move to strike out the words "supported by the taxing power" and insert "authorized by act of Congress."

The PRESIDING OFFICER (Mr. POMERENE in the chair). The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. Mr. President, I desire to ask the Senator in charge of the bill as to section 16, which seems to me——

Mr. BANKHEAD. Mr. President, when we reach that section I propose to move to strike it out. I think it is a mistake. It was put in the bill under a misapprehension.

Mr. GALLINGER. I am very glad to hear that, because otherwise I would have felt impelled to make the motion myself. I think it is an unfortunate provision.

Mr. BANKHEAD. I give notice now that when that section is reached I shall move to strike it out of the bill.

Mr. GALLINGER. All right.

The Secretary resumed the reading of the amendment, and read as follows:

SEC. 3. That on account of the increased weight of mails resulting from Postmaster General's order No. 7349, of July 25, 1913, respecting rates upon and limit of weight of parcel-post packages in the local, first, and second zones, and effective from August 15, 1913, the Postmaster General is authorized to add to the compensation paid for transportation on railroad routes on and after August 15, 1913, for the remainder of the contract terms, not exceeding one-half of 1 per cent thereof per annum.

Mr. OWEN. Mr. President, is the Secretary merely proceeding to read the bill with the proposed amendments, without any action upon the matter?

The PRESIDING OFFICER. The Chair is informed that it was the desire of the chairman of the committee to treat all of these sections as one amendment.

Mr. OWEN. I think I shall have to object to that. I think these matters should be dealt with individually, so that we may have an adequate explanation of the proposed changes.

Mr. BANKHEAD. I would suggest that the amendment be read in its entirety. Several Senators desire to have that done.

Mr. OWEN. I have no objection to its being read in its entirety, but I do not want to have action taken upon all of these sections as one item.

Mr. BANKHEAD. Oh, no. They are being read now for information.

Mr. OWEN. That is what I asked. If that be the purpose, I have no further objection to offer.

Mr. HITCHCOCK. Mr. President, before we leave section 2, I am reminded by the Senator from North Dakota of the fact that the amendment which I have proposed, and which the chairman of the committee has accepted, should be changed somewhat. I therefore ask to have that amendment reconsidered, so that it may read as follows: Instead of striking out "supported by the taxing power," insert, after the words "or other securities," at the end of line 21, the words "authorized by act of Congress or," so that the sentence will read:

The board of trustees shall take from such banks such security in public bonds or other securities authorized by act of Congress or supported by the taxing power.

Mr. BANKHEAD. There is no objection to that.

Mr. HITCHCOCK. That would admit municipal securities.

The PRESIDING OFFICER. The motion of the Senator from Nebraska, then, is to reconsider the vote by which his amendment was adopted a few minutes ago.

Mr. SMOOT. Mr. President, I should like to ask the Senator a question. If that amendment is adopted, would it not prohibit the board of trustees from taking such securities as public bonds? There may be many public bonds that are not authorized by act of Congress.

Mr. GALLINGER. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. GALLINGER. The Senate has asked for the reading of the amendment in full. I suggest that we ought not to consider amendments while it is being read for the information of the Senate, but that the amendments should be submitted after the reading is completed.

Mr. HITCHCOCK. At the present time I merely ask for the reconsideration of the amendment already adopted, which was made under an inadvertence.

Mr. GALLINGER. I do not object to that; but I think the bill ought to be read first, and then the amendments should be offered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska to reconsider the vote by which his former amendment was adopted.

The motion to reconsider was agreed to.

Mr. HITCHCOCK. I will leave until a subsequent time the correction of the amendment.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the amendment.

The Secretary resumed and concluded the reading of the amendment, as follows:

SEC. 4. That on account of the increased weight of mails resulting from Postmaster General's Order No. 7720, of December 18, 1913, respecting rates upon and limit of weight of parcel-post packages effective from January 1, 1914, the Postmaster General is authorized to add to the compensation paid for transportation on railroad routes on and after January 1, 1914, for the remainder of the contract terms, not exceeding 1 per cent thereof per annum.

SEC. 5. That the Postmaster General, in cases of emergency, between October 1 and April 1 of any year, may hereafter return to the mails empty mail bags theretofore withdrawn therefrom as required by law, and for such times may pay for their railroad transportation out of the appropriation for inland transportation by railroad routes at not exceeding the rate per pound per mile as shown by the last adjustment for mail service on the route over which they may be carried, and pay for necessary cartage out of the appropriation for freight or expressage.

SEC. 6. That when, during a weighing period, on account of floods or other causes, interruptions in service occur on railroad routes and the weights of mail are decreased below the normal, or where there is an omission to take weights, the Postmaster General, for the purpose of readjusting compensation on such railroad routes as are affected thereby, is hereafter authorized, in his discretion, to add to the weights of mails ascertained on such routes during that part of the weighing period when conditions are shown to have been normal the estimated weights for that part of the weighing period when conditions are shown to have been not normal, or where there has been an omission to take weights, based upon the average of weights taken during that part of the weighing period during which conditions are shown to have been normal, the actual weights and the estimated weights to form the basis for the average weight per day upon which to readjust the compensation according to law on such railroad routes for the transportation of the mails, notwithstanding the provision of the act of Congress approved March 3, 1905, requiring that the average weight shall be ascertained by the actual weighing of the mails for such a number of successive working days, not less than 90, as the Postmaster General may direct: *Provided further*, That readjustments from July 1, 1913, may be made under this provision on routes in the first section affected by the floods in the Ohio Valley and tributary territories, commencing about March 25, 1913.

SEC. 7. That so much of section 4 "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, as provides that no adjustment shall be made unless the diverted mails equal at least 10 per cent of the average daily weight on any of the routes affected is hereby repealed.

SEC. 8. That section 3949 of the Revised Statutes be amended to read as follows:

"All contracts for carrying the mail shall be in the name of the United States and shall be awarded to the lowest bidder tendering sufficient guaranties for faithful performance in accordance with the terms of the advertisement: *Provided, however*, That such contracts require due celerity, certainty, and security in the performance of the service; but the Postmaster General shall not be bound to consider the bid of any person who has willfully or negligently failed to perform a former contract."

SEC. 9. That whenever in the judgment of the Postmaster General the bids received for any star route are exorbitant or unreasonable, or whenever he has reason to believe that a combination of bidders has been entered into to fix the rate for star-route service, the Postmaster General be, and he is hereby, authorized, out of the appropriation for inland transportation by star routes, to employ and use such means or methods to provide the desired service as he may deem expedient, without reference to existing law or laws respecting the employment of personal service or the procurement of conveyances, materials, or supplies.

SEC. 10. That whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established or new service required, or when, from any other cause, there shall not be a contractor legally bound or required to perform such service, the Postmaster General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding one year, until the service shall have commenced under a contract made according to law: *Provided*, That the cost of temporary service rendered necessary by reason of the failure of any accepted bidder to enter into contract or a contractor to perform service shall be charged to such bidder or contractor.

SEC. 11. That if any person shall hereafter perform any service for any contractor or subcontractor in carrying the mail, he shall, upon filing in the department his contract for such service and satisfactory evidence of its performance, thereafter have a lien on any money due such contractor or subcontractor for such service to the amount of same; and if such contractor or subcontractor shall fail to pay the party or parties who have performed service as aforesaid the amount due for such service within two months after the expiration of the month in which such service shall have been performed the Postmaster General may cause the amount due to be paid said party or parties and charged to the contractor: *Provided*, That such payment shall not in any case exceed the rate of pay per annum of the contractor or subcontractor.

SEC. 12. That the act of March 4, 1909 (35 Stat., p. 1126), be amended to read as follows:

"That whoever shall willfully or maliciously injure, tear down, or destroy any letter box or other receptacle intended or used for the receipt or delivery of mail on any mail route, or shall break open the same, or shall willfully or maliciously injure, deface, or destroy any mail deposited therein, or shall willfully take or steal such mail from or out of such letter box or other receptacle, or shall willfully aid or assist in any of the aforementioned offenses, shall for every such offense be punished by a fine of not more than $1,000 or by imprisonment for not more than three years."

SEC. 13. That the limit of weight of mail matter of the first class shall be the same as is aplicabple to mail of the fourth class: *Provided*, That no article or package exceeding 4 pounds in weight shall be admitted to the mails under the penalty privilege unless it comes within the exceptions named in the acts of June 8, 1896 (ch. 370, 29 Stat., p. 262), and June 26, 1906 (ch. 3546, 34 Stat., p. 477).

SEC. 14. That postage stamps affixed to all mail matter or to stamped envelopes in which the same is inclosed shall, when deposited for mailing or delivery, be defaced by the postmaster at the mailing office: *Provided*, That when practicable postage stamps may be furnished to postmasters precanceled by printing on them the name of the post office at which they are to be used, under such regulations as the Postmaster General may prescribe.

SEC. 15. That section 2 of the act of April 28, 1904 (chap. 1759, 33 Stats., 440), be amended to read as follows:

"That under such regulations as the Postmaster General may establish for the collection of the lawful revenue and for facilitating the handling of such matter in the mails it shall be lawful to accept for transmission in the mails, without postage stamps affixed, quantities of not less than 300 identical pieces of third-class matter and of second-class matter and 250 identical pieces of fourth-class matter, and packages of money and securities mailed under postage at the first or fourth-class rate by the Treasury Department: *Provided*, That postage shall be fully prepaid thereon at the rate required by law for a single piece of such matter."

SEC. 16. That the Postmaster General is authorized to prescribe a postage charge of 1 cent on delivery of each piece of insufficiently or improperly addressed mail if directory service has been accorded to such mail.

SEC. 17. That the act approved January 21, 1914 (38 Stats., 278), authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty, be so amended as to include Navy mail clerks and assistant Navy mail clerks.

SEC. 18. That hereafter the Postmaster General may enter into contracts for the conduct of contract stations for a term not exceeding four years.

SEC. 19. That hereafter the Postmaster General may establish, under such rules and regulations as he may prescribe, one or more branch offices, nonaccounting offices, or stations of any post office for the trans-

action of such postal business as may be required for the convenience of the public.

SEC. 20. That on and after July 1, 1916, when the total compensation of any postmaster at a post office of the fourth class for four consecutive quarters shall amount to $1,000, exclusive of commissions on money orders issued, and the receipts of such post office for the same period shall aggregate as much as $1,900, the Auditor for the Post Office Department shall so report to the Postmaster General, who shall, in pursuance of such report, assign such post office to its proper class, to become effective at the beginning of the next succeeding quarterly period, and fix the salary of the postmaster accordingly.

SEC. 21. That all laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Mr. BANKHEAD. I move to amend the amendment of the committee by striking out section 16.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

Mr. OWEN. Mr. President, these amendments, beginning with section 2 and running down to section 21, are amendments to various statutes affecting the postal administration of the United States Government and have no relation to the question of the bill which passed the House of Representatives, to wit, "An act to amend the act approved June 25, 1910, authorizing a Postal Savings System."

These amendments are not germane to the Postal Savings System; they have nothing to do with it; I assume that these amendments are put on this bill by the Committee on Post Offices and Post Roads because of the exigency and the desire to pass these items and to do it speedily without waiting to have a bill introduced for that purpose under the rules governing the Senate and governing the House of Representatives.

The House of Representatives sends us a bill providing for the amendment of the Postal Savings System act. The Senate amends that bill under this proposal by a series of provisions relative to weighing the mails, establishing contract stations, and innumerable other items which are not germane. I think that is a bad practice for the Senate. I think it is bad parliamentary practice. It seems to me that it is misleading. The caption of the bill does not indicate at all any of these amendments. I should be glad to have some explanation as to why this is done.

Mr. SWANSON. If the Senator will permit me, nearly every one of these amendments, I think, was included in the Post Office bill of last year as it passed the House at the urgent request of the Postmaster General, stating that he was hampered in the administration of his office by lack of these small amendments which he asked. They were adopted in the House and went to conference, and on account of a dispute in connection with the railway mail pay last year the Post Office bill failed and no Post Office bill was passed last year.

I can not recall a single one of these amendments that was not agreed to by the House, by the Post Office Department, and by the conference committee, except the postal savings provision.

Mr. GALLINGER. Will the Senator permit me?

Mr. SWANSON. I will.

Mr. GALLINGER. Does not the Senator think the proper place for those amendments—and I would have called attention to it had not the Senator from Oklahoma done so—is in the Post Office appropriation bill rather than in this bill?

Mr. SWANSON. No; if the Senator will permit me, they come in here because they are very urgent and some of them needed now. There is not one of them that can not be easily explained. I will say that all these except the postal savings bank provision were agreed to unanimously by every member of the committee after a full hearing of more than a week, and where any Senator objected to any one of the administrative features it was withdrawn. It was unanimous, except the postal savings bank feature.

If there is any of these provisions that the Senator objects to, he will find the report made by the committee on the substitute, section by section. There the items are explained, with the former law given, and he will ascertain how small and slight are these changes, but how important for the administration of the Post Office Department.

Take section 3, to which the Senator alluded. Section 3 and the other sections simply propose to authorize the Postmaster General to pay for the increased mail that was occasioned by his orders increasing the weight of the parcel post. Congress had previously agreed that it should be not exceeding one-half of 1 per cent per annum, and the Post Office Department has estimated in section 3 and in the other sections the specific amount, and asked to have it included.

Mr. OWEN. I should like to suggest to the Senator, if I may be permitted, that I was not raising a point against these individual items. I assumed that the committee was justified in making a favorable report upon them. I am glad to know that there was a unanimous report with regard to these various items. I am glad to know the House of Representatives agreed to these various items. I do not wish to be understood as making an objection to them as such. I was only pointing out that it is a bad parliamentary practice to put a whole series of amendments that were on the Post Office appropriation bill last year upon a bill which comes over here to amend the Postal Savings Bank System.

Mr. SWANSON. If the Senator will permit me in this connection, I will state why it is so urgent. Some of these contracts are now being let. One of them is in connection with contracts where they want to use automobiles—where they desire a more rapid way of getting to a place than they have now. Under the present system of contract letting they have to advertise at the time fixed and they can carry the mail in any kind of vehicle they may wish. The department wish to put in the advertisement better ways of carrying the mails than are now pursued. These contracts are going on every day. There are contracts for leasing in connection with substations and others. These matters have been delayed here at least two years. The amendments have been requested repeatedly by the Post Office Department. There is not one of them, I think, that has not been agreed on by the Post Office Department, the House, and the committee, except the postal savings bank feature. If the Senator will read the report, he will at once be satisfied that the amendments are proper and just and are needed at once. This is the only speedy way we can get the measure through.

Mr. BANKHEAD. Mr. President, in reply to the Senator from Oklahoma and the suggestion of the Senator from New Hampshire that these provisions should have gone on the regular Post Office appropriation bill, I desire to say that all these measures came over from the House last year on the general appropriation bill. The committee thought it was a most vicious practice to load down the appropriation bill with all kinds of legislation, and that the purpose of the appropriation bill was to make appropriations for the conduct of the Post Office Department. Therefore the committee struck them all out and passed the bill as an appropriation bill. We hope to do that again. That is one reason why the committee thought proper that these amendments, necessary as they are, should not be put upon the appropriation bill as a rider. They have no business there. Therefore the committee thought it proper to put the amendments on this bill to amend the Postal Savings Bank System.

Now, as to the suggestion of the Senator from Oklahoma that the amendments are not germane to this bill, he is mistaken, I think. This is not an appropriation bill. The rule which he has in mind applies only to appropriation bills. It provides that a point of order as not being germane can not be made against an amendment to a bill not a general appropriation bill. This is not an appropriation bill. If it was, there would be something in the suggestion of the Senator from Oklahoma.

The VICE PRESIDENT. The Chair does not understand that the Senator from Oklahoma has raised any point of order.

Mr. BANKHEAD. I understood that he did.

Mr. OWEN. I did not.

Mr. BANKHEAD. The Senator spoke of the lack of germaneness, and I thought he raised a point of order.

Mr. OWEN. I pointed out that it is a bad parliamentary practice.

Mr. SWANSON. If the Senator will permit me, to emphasize what the Senator from Alabama has so well said, these amendments would not be in order to a general appropriation bill because germaneness applies to an appropriation bill and a point of order would lie against them. They can only be in order on an administrative measure like this. The only way we can get them before the Senate is on a bill of administration like this. If they had been offered on a general appropriation bill, not being germane, under the rules of the Senate they would be subject to a point of order as being general legislation.

Mr. OWEN. Mr. President, the chairman of the committee advises the Senate now that all these items were struck out of the postal appropriation bill.

Mr. BANKHEAD. Last year.

Mr. OWEN. Last year. I thought they had been reported by the committee from what the Senator from Virginia said.

Mr. SWANSON. If the Senator will permit me, I made the statement that the Senate left them out and they went into conference.

Mr. OWEN. The committee left them out, the chairman said.

Mr. SWANSON. The point of order was made in committee. We did not have time to discuss them owing to the shortness of time. So they went into conference.

Mr. OWEN. How did they get into conference?

Mr. SWANSON. Because they were put on in the House and the bill went back to the House.

Mr. REED. Will the Senator from Oklahoma pardon me?

Mr. OWEN. The chairman of the committee said that the committee had struck them out of the House bill because it was a very vicious practice.

Mr. BANKHEAD. Yes.

Mr. OWEN. I understood the Senator from Virginia to say that the committee had unanimously approved these items.

Mr. SWANSON. The committee had unanimously approved them at this session. In the last session they went out because we had no general legislation on the appropriation bill on account of the lateness of the time. They went into conference and, as I understand it, in conference these amendments were agreed to.

Mr. BANKHEAD. That is right.

Mr. SWANSON. And the reason why they did not become a law was because the bill failed.

Mr. REED. Will the Senator permit an inquiry? Do I understand the Senator from Virginia to say that all these amendments were attached to the appropriation bill last term and then stricken out?

Mr. SWANSON. I can not say that of all of them. My impression is that nearly all of them that came over in the House bill were approved. The chairman of the committee can state. If the Senator will look at these, it will not take long to convince him that every one of them should be adopted.

Mr. REED. I am looking at one of them very hard.

Mr. SWANSON. They are right and proper.

Mr. REED. I am looking at one very hard, that I think is decidedly wrong, and I shall call attention to it when I get the floor.

Mr. SWANSON. I would like to have the Senator state which one.

Mr. REED. The one which proposes to nullify that provision of the banking and currency act which requires that savings deposits shall be deposited with banks which are members of the Federal Reserve System.

Mr. SWANSON. I said that the Postal Savings System had never been included. That is one of the administration measures, and that feature has been changed.

Mr. REED. Yes; most radically.

Mr. SWANSON. It has been changed. I will give the Senator the history of that if he will permit me. We passed a bill last year through the other House and the Senate permitting deposits in State banks. The President vetoed that bill. The Senate and the House of Representatives insisted that in such States, in small towns, where there was no member bank, but only a State bank, it was improper to take the money from those communities and deposit it in post offices and send it to others.

Mr. REED. But that is not this bill at all.

Mr. SWANSON. Mr. President, if the Senator from Missouri will listen to me, I wish to say that I understand this amendment provides that where money is in a postal savings bank and is put in a post office, the post office shall first deposit it in a member bank, if there be a member bank in the place, and divide the money among the member banks——

Mr. REED. Not at all——

Mr. SWANSON. And if there are no member banks, then it shall deposit the money in a solvent State bank. As I understand that is the provision.

Mr. BANKHEAD. That is what we intended.

Mr. SWANSON. Yes; that is what we intended, and the committee directed an amendment to be drawn to accomplish that, under the idea that the reserve banks should be given the preference. Then, if there is no reserve bank in a place and people deposit money in the post office, it shall be deposited in the State bank, with the idea of keeping the money in the community where it was put into the Postal Savings System.

Mr. REED. That is the vice of bringing up a bill for consideration in this way. I had no notice, and I suppose other Members of the Senate had no notice, of the intention to call up this particular bill. I can not positively answer the direct statement of the Senator from Virginia, because I have not had an opportunity to read the bill through, but I read this:

SEC. 2. That postal savings funds received under the provisions of this act shall be deposited in solvent banks, whether organized under National or State laws, and whether member banks or not of a reserve bank created by the Federal reserve act approved December 23, 1913.

Mr. BANKHEAD. Mr. President——

Mr. REED. Just one moment.

The Federal reserve act to which reference is made reads as follows:

No public funds of the Philippine Islands, or of the postal savings, or any Government funds, shall be deposited in the continental United States in any bank not belonging to the system established by this act.

There may be something further on——

Mr. SWANSON. I suggest that the Senator from Missouri read further along on page 3.

Mr. BANKHEAD. I ask the Senator from Missouri to read on page 3, line 9, beginning at the proviso, and he will see that that idea is clearly carried out.

Mr. SWANSON. Mr. President, I wish to say that, in order that everybody might have the most full and complete information relative to every proposed change, the committee made one of the fullest and most comprehensive reports on this bill that I have ever seen as to any proposed legislation. That report has been lying here for a month. Every amendment to the former law, every change which the committee has proposed to make, and what we desired to accomplish, if I mistake not, has been explained in that report.

Mr. BANKHEAD. The report has been on the desk of every Senator for over a month.

Mr. SWANSON. And I repeat that the report was made in such a manner as to give full and complete information as to every proposed change in the law.

Mr. SMITH of South Carolina. Mr. President, I should like to state in this connection that I think the provision to which the Senator from Missouri [Mr. REED] has called attention was about as freely discussed in the committee as was any other provision included in these proposed amendments. The very point which the Senator raises was discussed; and in a community where there was no Federal reserve bank and no bank willing to accept these deposits in the immediate territory it was deemed proper that such deposits should be made in a State bank, and only under those conditions.

Mr. REED. The matter may have been very carefully considered in the committee; I have no doubt it was. However, we have the habit sometimes, fortunately or unfortunately, of differing from committees. The hasty examination I have been able to make while I have been on my feet, and I reserve the right to change my opinion, and I am entirely willing to be corrected if I am in error, leads me to conclude that the language employed in the proviso, to which my attention has been called, is exceedingly unfortunate. I think it will take out of the Federal reserve banks a large amount of deposits.

Now, notice there is first the absolute provision that the money shall be deposited in any bank, State or national. We find that at the beginning of section 2. Coming to the proviso in the bill we find this language:

Provided, however, if one or more member banks of a reserve bank created by the Federal reserve act, approved December 23, 1913, exists in the city, town, village, or locality where the postal deposits are made, such deposits shall be placed in such member banks substantially in proportion to the capital and surplus of each such bank; but if such member banks fail to qualify to receive such deposits, then any other bank located therein may, as hereinbefore provided, qualify and receive the same. If no such member bank and no other qualified bank exists in any city, town, village, or locality, or if none where such deposits are made will receive such deposits on the terms prescribed, then such funds shall be deposited under the terms of this act in the bank most convenient to such locality.

It seems to me, under that language, that a very large amount of money received by postal savings banks would never get into the Federal reserve banks.

Mr. HARDWICK. If the Senator will yield for just a moment, I desire to say that under existing law that is already true.

Mr. REED. Oh, no; I think not.

Mr. HARDWICK. I beg pardon; but it is. Moneys are still deposited now under the law, as I know of my own knowledge, in the little banks of the locality.

Mr. REED. I only know that the Federal reserve bank act provides as follows:

No public funds of the Philippine Islands, or of the postal savings, or any Government funds, shall be deposited in the continental United States in any bank not belonging to the system established by this act: *Provided, however,* That nothing in this act shall be construed to deny the right of the Secretary of the Treasury to use member banks as depositories.

Mr. SWANSON. Will the Senator permit me to interrupt him?

Mr. REED. Yes.

Mr. SWANSON. Under the present law, as I understand it—I may be mistaken—money that was heretofore deposited in State banks was not taken out when the Federal reserve act was passed, but in the future postal funds can not be deposited in State banks. There is a great objection to expanding this Postal Savings Bank System and increasing it, because in communities where there is no Federal reserve bank the people have been unwilling that the money should be put into a post office and carried four or five hundred miles to a Federal reserve bank. This proposed law is based on the idea—and it is well to have it clearly stated—that if there is a Federal reserve bank in a community and postal funds are deposited in the post

office, the preference is to be given to Federal reserve banks and the money deposited pro rata among them; but if there is no Federal reserve bank in the community, this bill changes the Federal reserve law to the extent of permitting the money to be deposited in State banks or in other banks. That is the issue.

Mr. REED. That is the issue, and it is a very important issue. The practical effect of the bill, as I see it, would be this: In every city, town, and village where there is not a national bank the money will go into a State bank or trust company, and, as there are a very great number of cities, towns, and villages having State banks and trust companies and not having national banks, and as that number is very much greater than the number having national banks, the result will be that the majority of the postal savings banks will deposit in State banks instead of in national banks—possibly not the majority so far as the amount of money is concerned, but the majority in number of depositors and in number of institutions.

Mr. SWANSON. Mr. President, if the Senator will allow me to interrupt him, suppose there is a small town 50 miles from Kansas City which has not a Federal reserve bank, but which has a good State bank, and that in that community $100,000 is put in the postal savings bank. In that case, under this bill, the money so deposited in the postal savings bank, instead of being sent 50 or a hundred miles away to a large city, will go into a solvent bank in the community where the deposits were made.

Mr. REED. Yes; I understand that.

Mr. SWANSON. We thought that was right.

Mr. REED. It will go into a bank which has refused to come into the Federal Reserve System; it will go into a bank which we do not examine; it will go into a bank the solvency of which we know nothing about, except by common rumor.

Mr. BANKHEAD. The bank will have to give security for the deposits.

Mr. SWANSON. It will have to give security.

Mr. REED. It withdraws Government moneys from the system of banks which we have sought to establish. It is a direct thrust at the Federal Reserve Bank System that ought not to be made. That is my humble judgment about it, and I think this bill, dealing, as it does, with the Federal Reserve System and with the general proposition of banking, ought to go to the Banking and Currency Committee. It was not introduced in the form of a bill and referred to the Post Office Committee. If it had been introduced in the form of a bill——

Mr. BANKHEAD. This bill came from the House of Representatives.

Mr. REED. This amendment?

Mr. BANKHEAD. This bill. The amendment did not. The amendment was put on by the Senate committee.

Mr. REED. Now, what is there to this bill?

Mr. BANKHEAD. Will the Senator permit me for just a moment?

Mr. REED. Yes.

Mr. BANKHEAD. Mr. President, I want to make myself perfectly understood. I want to be perfectly candid with the Senate. I want it distinctly understood, so far as I am concerned and so far as the committee is concerned, that the provisions of this bill intended that money deposited in postal savings banks in small towns where there were no member banks, but where there were qualified State banks able to give bond for the safe-keeping of the money, should be redeposited in such State banks.

Mr. HARDWICK. So as to keep it in the locality.

Mr. BANKHEAD. To keep it in the locality where deposited. I do not want to be misunderstood about that. That is the object of this measure.

Mr. LEWIS. Mr. President, will the Senator from Missouri allow me at this point to ask the Senator from Alabama a question, as I am interested in this bill?

Mr. REED. I yield to the Senator.

Mr. LEWIS. May I ask the Senator from Alabama—not having examined the bill carefully—in view of the objection urged by the Senator from Missouri, if there is a provision in this bill which calls for security to be given to safeguard the deposits made in the small State banks which are not members of the Federal Reserve Bank System?

Mr. BANKHEAD. The bill requires that banks not members of the Federal reserve shall give bond satisfactory to the trustees of the postal-savings fund or to the Secretary of the Treasury for all money deposited with them.

Mr. LEWIS. I thank both Senators for allowing the interruption.

Mr. REED. Mr. President, the Senator from Alabama says that this bill came over from the House.

Mr. BANKHEAD. I do not want to be understood as saying that the amendment came over from the House, but that the bill itself did.

Mr. REED. This bill did not come from the House. A bill came over from the House—a little, short, innocuous measure—which simply had reference to the amount of deposits which could be received from any one depositor in a postal-savings bank. The bill had in it originally a total of 16 lines. It related to that one subject; and if that were the only subject before the Senate, so far as I am concerned, there would be no objection on my part. That sort of a bill having come over from the House, the committee proceeded to attach to it a large number of other propositions. As was said by the Senator from Oklahoma, these propositions are not germane to the subject matter of the bill which came over from the House. I admit a parliamentary right to attach them, but I say that if section 2 of this bill had been introduced here as an original bill it would have gone to the Committee on Banking and Currency. It ought to go to the Committee on Banking and Currency now for examination by the proper committee of the Senate.

Mr. HARDWICK. Mr. President, will the Senator from Missouri yield?

Mr. REED. For a question; yes.

Mr. HARDWICK. How can the Senator make that contention when the legislation proposes to deal only with postal savings funds, and when, in point of fact, the Senate previously has dealt legislatively with this question, and in that case, in fact in every prior case, the subject was referred to the Committee on Post Offices and Post Roads?

Mr. REED. I make that contention because it is proposed by this bill upon its face to change, alter, and amend in a radical degree the Federal reserve bank act. That is why I make the contention.

Mr. SWANSON. Mr. President, if the Senator will permit me to interrupt him, do I understand that in communities where there is no Federal reserve bank he favors all the money deposited in the postal savings banks being sent to cities in which are located Federal reserve banks, or does he favor allowing money deposited in the postal savings banks to remain in the community where the deposits were made? That is the issue, and this bill does not try to disguise it. If the Senator believes that money deposited in postal savings banks in sections of the country and in communities where there is no Federal reserve bank should be carried to places where there is a Federal reserve bank and deposited in such bank, then the Senator ought to vote for the House bill, which is a plain proposition of that kind. If he thinks the money should remain in the communities where it is deposited in the postal savings banks, he should vote for the amendment reported by the Committee on Post Offices and Post Roads. That has been an issue in connection with the Postal Savings Bank System for a long time. We passed a bill which allowed postal savings deposits to be redeposited in the respective communities, giving no preference to the Federal reserve banks; but that bill was vetoed. Now, if the Senator thinks it is right and wise to redeposit the money deposited in the postal savings banks in banks of the Federal Reserve System and not in the community where the money is originally deposited, provided that community has a good State bank, the Senator's contention is right, because the House bill did that. We have modified it by the amendment which has been reported.

Mr. REED. Now, what is the Senator's question?

Mr. SWANSON. I ask whether the Senator favors that? Does the Senator favor——

Mr. REED. Favor your speech?

Mr. SWANSON. Does the Senator favor this proposition, namely, where there is a town, say, of a thousand people which puts $100,000 in the postal savings bank that that money so deposited shall be sent to a Federal reserve bank at some other place, or does he believe that that $100,000 should be deposited in that community, if it has a solvent State bank which will give bond?

Mr. REED. Well, that depends. I do not permit the Senator to diagram my thoughts or to specify what my ideas or conclusions may be; and I do not think that I am guilty of any offense against the majesty of the Post Office Committee when I venture to ask a question or two with reference to this remarkable method of passing legislation.

Mr. SWANSON. If the Senator will permit me, I did not make any comment; I was anxious to know the contention and view of the Senator on that specific question.

Mr. REED. If the Senator will keep quiet for about three and one-half minutes I will be able to advise him, but it is impossible for me to convey an idea to him when he is talking.

Mr. WEEKS. Mr. President——

Mr. REED. I really can not understand why there should be any display of temper because a Senator asks a question about this bill. I can say to the Senators that I am not going to oppose the bill for the mere sake of opposing it; but I certainly am not going to be bullyragged into consenting to its passage until I know what is in it and until I am content with it.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. I do.

Mr. WEEKS. I wish to suggest to the Senator from Missouri that he should not overlook the fact that this legislation has never been before the Finance Committee or the Banking and Currency Committee. It was considered originally in the Post Office Committee; and everything relating to the postal savings-bank legislation has come from the Post Office Committees of the Senate and House.

It seems to me, if the Senator will pardon me for a moment, that the proposition which he is discussing now is in line with good administration. If moneys are received at a country post office, where there is not a member bank of the Federal Reserve System, either the postmaster must send that money out of town to a member bank of that system or he must keep the money in his safe, which may be a very insecure place to leave it. Therefore, in a town where there is not a member bank of the Federal Reserve System and where there is a State bank, which is required to give security for deposits of this character that are made in it, it seems to me it is in line with good administration to require its deposit in the local bank.

Mr. REED. Of course, the argument for the local community always is a very popular argument. It is based upon the idea that there are more local communities than general communities; that there are more State banks than there are nation banks.

When the Federal reserve bank act was passed, every effort was made to encourage the coming into that system of State banks and trust companies. It was hoped at that time that substantially all of the State banks and trust companies would become members of the system, and that thus there would be mobilized in the Federal reserve banks substantially all of the financial resources of the country; and to that end provisions were placed in the Federal reserve bank act calculated to encourage the joining of the system by a large number of State banks and trust companies. I am frank to say that the result, so far as the State banks and trust companies are concerned, has up to this time not been very gratifying. Only a limited number have joined. It is my opinion that instead of taking action tending to weaken or withdraw the inducements for State banks to join, we ought to be taking action to encourage State banks and trust companies to join.

As these institutions will only join when it is to their financial interest, I think we ought to pause and give careful consideration to any proposition that has a tendency to weaken the Federal Reserve Bank System, and I think the doctrine of local communities ought to give way to the doctrine of the general good.

The Federal Reserve Bank System, in my judgment, has saved this country from a frightful financial catastrophe. There never has been placed upon any banking system of the world such a strain as has been placed upon the Reserve System during its short existence. It is to-day serving the small State banks and trust companies in the most effective manner, because it gives to the entire financial structure a stability which that structure never before possessed.

Mr. President, if I wanted to take the time of the Senate I could demonstrate that every panic we have had in the United States in the last 40 years owed its origin to, or at least found its immediate cause in, some small and trivial disturbance.

The panic of 1907 was precipitated by the dishonest transactions of two men: Mr. Heinze, who sought to corner the copper market, and Mr. Morse, who was engaged in organizing an ice trust. Those two gentlemen were chiefly responsible for that panic. They were connected with certain banks, and their wild speculations in the financial world brought about a distrust of those banks, followed by failures, and by the dragging down of banks that were allied with those that were directly under the control of the gentlemen referred to. The Knickerbocker Trust Co. became involved, and in a few days—in fact, in a few hours—the New York clearing house was compelled to meet. It undertook to carry the burden, and was unable to do it; it thereupon issued orders, which resulted in practical repudiation at the counter of every bank of any size in the United States. It was all due to a comparatively trivial thing.

The panic of 1893 was precipitated by the failure of a single English house—Baring Bros.

The direct cause of the panic of 1884 was the failure of Grant & Ward and the theft by the president of the Second National Bank of $3,000,000 of its securities.

The direct cause of the panic of 1873 was the failure of Jay Cook & Co. and the suspension of Fisk & Hatch.

Of course, there were underlying causes back of all these panics, but they were each brought to a head by the disturbances incident to the failure of one or two houses.

So, going back—I do not intend to take the time to review this history closely or accurately—every great panic that has swept this country found at least its immediate cause in some small, almost inconsequential matter.

With that history before us, I call attention to what has been accomplished by the Federal reserve act. At the time the European war broke out it was only in process of organization. It was, however, buttressed by an amendment to the Aldrich-Vreeland Act which made the money that had been provided for under that act more accessible, more useful. But with those two acts, one of them in process of being put into effect and the other effective, we found this condition suddenly confronting us:

On the morning of the 2d day of August, 1914, upland middling cotton was worth 14 cents a pound. On the evening of that day it had a market at no price whatever. The entire South depended almost exclusively for its prosperity upon that great crop. The cotton lay in the warehouse or remained unpicked in the fields, or was carried to town by men offering it for sale, with no buyers to take it. A financial paralysis spread over the South that has had no parallel in the history of the country. For some 30 or 60 days all shipments from this country were practically suspended. Our international exchange ceased as suddenly as life ceases in the human body when the heart has been pierced. Millions and hundreds of millions of dollars of our securities held abroad were suddenly thrown upon the American market for absorption. Every bank in Europe practically suspended payments. A moratorium was declared, first for 30 days, then for 60 days, then for 90 days, upon all debts, public and private. Yet, with that world-wide catastrophe, with the greater part of the civilized world outside of the United States engaged in a struggle the end of which no human being could prophesy, with all values upset, with all commerce destroyed, with all financial matters in chaos, our banking system stood like the Rock of Gibraltar. There was not a failure of a single important bank between the Atlantic and the Pacific Oceans. That happy condition was due to the wise legislation to which I have referred. Whereas in the past trivial causes had brought on panics, paralyzed our industries, closed our factories, turned our laborers out of employment, swept small banks out of existence, and produced chaos and ruin everywhere, our country stood the fearful strain to which I have referred and stands to-day the one great country of the earth where credits have been and are maintained.

So I say that the small communities and the small banks can well afford to give their aid and support to this great system, and that no bill which directly affects that system ought to be brought forward here in the Senate unless it has been carefully considered by the Banking and Currency Committee.

I agree, and we all must agree, that in the passage of any law that enters upon a new field of legislation there may be found defects, so it may be entirely possible that some arrangement ought to be made for the temporary deposit of funds gathered by the postal savings banks in order that they may be safeguarded until such time as they can be transferred into banks that are members of the Federal reserve system. It may be that something along that line should be done; but this bill, if I understand it from my hasty examination, does not propose a temporary deposit of funds. It proposes to say to the State bank and trust company: "You can stay out of the Federal reserve system. You can shield yourself under its wings. You can have the benefit of the stability it gives to the Federal Government, and then moneys for which the Federal Government is responsible—responsible in the highest and most sacred sense—will still be put into your coffers."

I doubt the wisdom of that kind of legislation. At least, I think it ought to be referred to the committee that so long and so laboriously struggled with the banking problem, and I think successfully struggled and surmounted the difficulties.

Now I call attention to the language of section 2.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. REED. I do.

Mr. HITCHCOCK. I was disposed to agree with the Senator from Missouri in his criticisms until I examined the figures of the Postmaster General showing the deposits. Those figures afford a very striking demonstration that most of the deposits in postal savings banks are in the great cities, where member banks exist, and a very small proportion of these deposits are in the smaller towns, where this question would arise.

For instance, take my own State: The total postal savings bank deposits in all of the 600 or 700 post offices there amount now to only $398,000, and of that $275,000 are in the city of Omaha alone. In the Senator's State of Missouri, where the total deposits in the postal savings banks are $1,800,000, $1,300,000 are in the two cities of Kansas City and St. Louis. In the State of New York, where the total deposits are $19,600,000, more than $17,000,000 are in the two cities of New York and Brooklyn; and if we take all of the United States, where the total deposits amount to something over $60,000,000, more than one-third of that amount is in the six leading cities of the country.

To my mind, that demonstrates that the issue which the Senator raises here is comparatively insignificant. The bulk, perhaps nine-tenths of all these deposits, even under the provisions of the amendment which the Committee on Post Offices and Post Roads brings in here, will still remain in the banks of the Federal reserve system.

Mr. REED. Mr. President, that may be true, and I think I stated myself that undoubtedly the greater part of the postal deposits are in large cities. I think the RECORD will show I made that statement. I might reply that if the amount outside is so insignificant, then there is no reason to change the law. But that would hardly be an argument which would be conclusive, neither is the argument advanced by my friend the Senator from Nebraska conclusive. There are deposits outside of the cities, and those deposits outside of the cities will undoubtedly increase. I have not the slightest interest in the world in the deposits being taken to a city or to a city bank, but I do have an interest in their going into the Federal reserve system, because, first, I think it will help build up that system; second, I think it will help encourage small banks to come into that system; and, third, the Federal Government will have the funds in the possession of banks that it has the opportunity to examine.

My experience and the little knowledge I gained while we were examining the banking law led me to conclude that the State banks and trust companies of this country are organized in many States very loosely. We have 48 different systems of State banks and trust companies. There are some States that have a rigid State examination and there are other States which have practically no examination at all.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. REED. I shall say only a word in conclusion. Our bank examiners have no right to go into State banks, no power to look into their affairs. The moneys that the United States Government receives in sacred trust ought not to be put into banks we can not examine, whether it is only a half million dollars or many millions of dollars. It might be temporarily deposited there. The proposition here is not a temporary deposit, but a practically permanent deposit.

Mr. President, since the morning hour has expired I suppose this bill can not come up to-day, and we shall have an opportunity to examine it. I am content.

MANUFACTURE OF ARMOR.

Mr. ASHURST. Mr. President, I give notice that to-morrow morning at the conclusion of the morning business I shall address the Senate very briefly on the armor-plant bill.

WATER-POWER SITES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. MYERS. I ask that the bill which is the unfinished business be read as reported to the Senate and recommended by the Senate Committee on Public Lands.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Newlands	Smith, Ariz.
Bankhead	Hughes	Norris	Smith, Ga.
Beckham	Johnson, Me.	Oliver	Smith, S. C.
Borah	Johnson, S. Dak.	Overman	Smoot
Chilton	Jones	Owen	Sterling
Clapp	Kenyon	Page	Stone
Clark, Wyo.	La Follette	Phelan	Sutherland
Cummins	Lane	Poindexter	Swanson
Curtis	Lea, Tenn.	Pomerene	Thomas
Dillingham	Lee, Md.	Reed	Thompson
du Pont	Lewis	Robinson	Wadsworth
Fall	Lippitt	Shafroth	Walsh
Gallinger	Martine, N. J.	Sheppard	Warren
Gronna	Myers	Sherman	Weeks
Harding	Nelson	Simmons	Williams

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present.

Mr. JONES. Before the Secretary begins to read the substitute reported by the committee I wish to ask the chairman of the committee whether the amendments which I understand the committee have adopted since the bill was reported have been presented?

Mr. MYERS. They have not. I intend to present them in an orderly way at the proper time. I wish to have the bill as reported out of the committee read first, and then I will offer the amendments.

Mr. JONES. The Senator will get those amendments offered to-day?

Mr. MYERS. The first thing after the bill is read.

Mr. NORRIS. May I ask the Senator if he expects a vote on the amendments as he offers them? Could he not offer the amendments and have them printed in bill form for the information of the Senate?

Mr. MYERS. That is what I intend to ask.

The VICE PRESIDENT. The amendment of the committee will be read.

The SECRETARY. The Committee on Public Lands reports to strike out all after the enacting clause of the bill and to insert:

That the Secretary of the Interior be, and hereby is, authorized and directed, under general regulations to be fixed by him, not inconsistent with the terms of this act, to lease to citizens of the United States, or to any association of such persons, or to any corporation organized under the laws of the United States, or any State or Territory thereof, any part of the public lands of the United States (including Alaska), reserved or unreserved, including lands in national forests, the Grand Canyon, and Mount Olympus national monuments, and other reservations, not including national parks or military reservations, for a period of 50 years unless the applicant and the Secretary of the Interior agree on a shorter period as the applicant for lease may elect, for the purpose of constructing, maintaining, and operating dams, water conduits, reservoirs, power houses, transmission lines, and other works necessary or convenient to the development, generation, transmission, and utilization of hydroelectric power, which leases shall be irrevocable except as herein provided, but which may be declared null and void upon breach of any of their terms: *Provided*, That for the purpose of enabling applicants for a lease to secure the data required in connection therewith, the Secretary of the Interior may, under general regulations to be issued by him, grant preliminary permits authorizing the occupation of lands valuable for water-power development for a period not exceeding one year in any case, which time may, however, upon application, be extended by the Secretary of the Interior if the completion of the application for lease has been prevented by unusual weather conditions or by some special or peculiar cause beyond the control of the permittee: *Provided*, That no lease shall be granted until the applicant has complied with the requirements of the laws of the State, States, or Territory wherein said project is to be located, providing for the appropriation of water to develop or generate the electrical energy intended to be generated by applicant's proposed project.

SEC. 2. That each lease made in pursuance of this act shall provide for the diligent, orderly, and reasonable development and continuous operation of the water power, subject to market conditions.

SEC. 3. That in case of the development, generation, transmission, or use of power or energy under such a lease in a Territory, or in two or more States, the regulation and control of service and of charges for service to consumers is hereby conferred upon the Interstate Commerce Commission.

SEC. 4. That any successor in interest or assignee of any lease granted under this act, whether by voluntary transfer, judicial sale, foreclosure sale, or otherwise, shall be subject to all the conditions of the approval under which such rights are held, and also subject to all the provisions and conditions of this act to the same extent as though such successor or assign were the original lessee hereunder.

SEC. 5. That upon not less than three years' notice, the United States shall have the right upon the expiration of any lease to take over all the properties which are dependent in whole or in part for their usefulness on the continuance of the lease herein provided for, which may have been acquired by any lessee under the provisions of this act, or the right to take over, upon mutual agreement with the lessee, a severable and complete unit of any such power system, upon condition that it shall pay in a lawful warrant drawn on the Treasury of the United States, or otherwise, before taking possession the fair value of such property, such value to be determined by mutual agreement between the Secretary of the Interior and the lessee, and, in case they can not agree, by proceedings instituted in the United States district court for that purpose: *Provided*, That such fair value shall not include or be affected by the value of any public lands, rights of way, franchises, or other property leased or granted under this act by the United States, or by the good will or prospective revenues.

SEC. 6. That in the event the United States does not exercise its right to take over, maintain, and operate the properties as provided in

section 5 hereof, or does not renew the lease to the original lessee upon such terms and conditions and for such periods as may be authorized under the then existing applicable State or Federal laws, the Secretary of the Interior is authorized, upon the expiration of any lease under this act, to lease the properties of the original lessee to a new lessee upon such terms, under such conditions, and for such periods as applicable State or Federal laws may then authorize, and upon the further condition that the new lessee shall pay for the properties as provided in section 5 of this act. In the event the United States does not exercise its right to take over the properties, as provided in section 5, and a renewal of the lease to the original lessee is not made, and no lease is made of the properties to a new lessee, then the lease at the option of the lessee shall continue in existence upon the terms and conditions in force at the time fixed for its expiration until such time as the property is taken over by the United States, as provided in section 5, or by a new lessee, as provided in section 6, or the lease is renewed: *Provided*, That the original lessee shall have a preference right to renewal over and above any new lessee upon such terms and conditions as the law and regulations then in force shall authorize.

SEC. 7. That where the public interest requires or justifies the execution by the lessee of contracts for the sale and delivery of electrical energy for periods extending not to exceed 25 years beyond the 50-year period herein named, such contracts may be entered into upon the approval of the Public Service Commission or similar authority in the State in which the sale or delivery of power is made, and upon the approval of the Secretary of the Interior of the United States; or if sold or delivered in a Territory, then upon the approval of the Secretary of the Interior; and thereafter, in the event of the termination of the lease as herein provided, the United States or any subsequent lessee shall assume and fulfill all such contracts entered into by the original lessee.

SEC. 8. That for the occupancy and use of lands and other property of the United States permitted under this act, the Secretary of the Interior is authorized to specify in the lease and to collect charges or rentals for all land leased, which charges or rentals may in the discretion of the Secretary be measured by the power developed and sold or used by the lessee for any purpose other than the operation of the plant, and of the proceeds 50 per cent thereof shall be paid by the Secretary of the Treasury after the expiration of each fiscal year to the State within which the hydroelectric energy is generated and developed. The remaining 50 per cent shall be paid into, reserved, and appropriated as a part of the reclamation fund created by the act of Congress approved June 17, 1902, known as the reclamation act: *Provided*, That leases for the development of power by municipal corporations for municipal use shall be issued without rental charge and that leases for development of power not in excess of 25 horsepower may be issued to individuals or associations for domestic, mining, or irrigation use without charge.

SEC. 9. That where the Secretary of the Interior shall determine that the value of any lands, heretofore or hereafter reserved as water-power sites or for purposes in connection with water-power development or electrical transmission, will not be materially injured for such purposes by either location, entry, or disposal, the same may be allowed under applicable land and mining laws upon the express condition that all such locations, entries, or other methods of disposal shall be subject to the sole right of the United States and its authorized lessees to enter upon, occupy, and use any part or all of such lands reasonably necessary for the accomplishment of all purposes connected with the development, generation, transmission, or utilization of power or energy, and all rights acquired in such lands shall be subject to a reservation of such sole right to the United States and its lessees, which reservation shall be expressed in the patent or other evidence of title: *Provided*, That locations, entries, selections, or filings heretofore allowed for lands reserved as water-power sites or in connection with water-power development or electrical transmission may proceed to approval or patent under and subject to the limitations and conditions in this section contained, but nothing herein shall be construed to deny or abridge rights now granted by law to those seeking to use the public lands for purposes of irrigation or mining alone.

SEC. 10. That the Secretary of the Interior is hereby authorized to examine books and accounts of lessees and to require them to submit statements, representations, or reports, including information as to cost of water rights, lands, easements, and other property acquired, production, use, distribution, and sale of energy, all of which statements, representations, or reports so required shall be upon oath, unless otherwise specified, and in such form and upon such blanks as the Secretary of the Interior may require; and any person making any false statement, representation, or report under oath shall be subject to punishment as for perjury.

SEC. 11. That any such lease may be forfeited and canceled, by appropriate proceedings, in a court of competent jurisdiction whenever the lessee, after reasonable notice, in writing, as prescribed in the lease, shall fail to comply with the terms of this act or with such conditions not inconsistent herewith as may be specifically recited in the lease.

SEC. 12. That the Secretary of the Interior is hereby authorized to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

SEC. 13. That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any State relating to the control, appropriation, use, or distribution of water.

SEC. 14. That the provisions of this act shall not be construed as revoking or affecting any permits or valid existing rights of way heretofore given or granted pursuant to law, but at the option of the permittee any permit heretofore given for the development, generation, transmission, or utilization of hydroelectric power may be surrendered and the permittee given a lease for the same premises under the provisions of this act.

SEC. 15. That this act shall not apply to navigation dams or structures under the jurisdiction of the Secretary of War or Chief of Engineers, or to lands purchased or acquired by condemnation by the United States, or withdrawn by the President under the act approved June 25, 1910, entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases," where such lands are purchased, acquired by condemnation, or withdrawn by the President for the sole purpose of promoting navigation.

SEC. 16. That in instances where only 10 per cent or less of the lands actually necessary and required for the construction, maintenance, and operation of dams, water conduits, reservoirs, power houses, transmission lines, and other works for the development, generation, transmission, and utilization of hydroelectric power in any one proposed separate, distinct, and complete plant or project are lands of the United States Government and such Government lands are to be used only for overflowage, reservoir, or transmission purposes and not in whole or in part as a dam site or the site of a power house nor for the erection of buildings or operation of machinery, the Secretary of the Interior may, in his discretion, lease such lands to an applicant for not more than 50 years, at such rental price and upon such terms as he may deem just, free from all or any other of the terms, conditions, provisions, and requirements of this act which the Secretary of the Interior may see fit to waive.

SEC. 17. That authority is hereby conferred upon the State of Colorado or any citizen or citizens directly interested, or both, to institute and prosecute an action at law or in equity against the Secretary of the Interior to determine its right and the rights of its citizens to appropriate and apply to beneficial uses the waters of the Rio Grande River and its tributaries within its geographical boundaries. Such action may be instituted in the district court of the United States within the State of Colorado, and any judgment or decree therein shall be subject to review by writ of error or appeal as provided by law in other cases.

SEC. 18. That authority is hereby conferred upon the State of New Mexico, or any citizen or citizens directly interested, or both, to institute and prosecute an action at law or in equity against the Secretary of the Interior to determine its right and the rights of its citizens to appropriate and apply to beneficial uses the waters of the Rio Grande River and its tributaries within its geographical boundaries. Such action may be instituted in the district court of the United States within the State of New Mexco, and any judgment or decree therein shall be subject to review by writ of error or appeal as provided by law in other cases.

SEC. 19. That the lands leased under this act may be used and the works constructed, maintained, and operated thereon may be used, added to, or enlarged by the lessee or any other person, association, or corporation for the purpose of impounding and conveying water for the generation and distribution of power for irrigation, mining, municipal, domestic, and other beneficial purposes, whenever such use of the water is authorized by the State wherein said project is situated, and under the authorization of the Secretary of the Interior: *Provided*, That the new user shall not utilize such jointly used property to generate power unless said lessee shall, after due notice by the Secretary of the Interior, and within a reasonable time specified by him, fail to add to or enlarge said works as herein provided: *Provided, however*, That if said lands and works are so used by any other than the lessee, such use must be without expense or damage to the said lessee.

Mr. MYERS. Mr. President, after this bill was reported to the Senate by the Senate Committee on Public Lands the committee took up and considered certain suggestions and ideas as to further amendments which had occurred to some of the members of the committee, and the committee gave considerable attention thereto. As the result of considerable deliberation, the committee adopted a number of committee amendments to the bill as it had been originally reported by the committee. I am authorized by the committee to offer those amendments to the bill as it has been reported as committee amendments in the name of and by the authority of the committee. I now offer those committee amendments and ask that they be read, printed, and lie on the table.

The PRESIDING OFFICER (Mr. OWEN in the chair). Without objection, it will be so ordered. The Secretary will state the amendments.

The SECRETARY. The first amendment is, on page 13, line 8, after the words "fifty years," to insert the following:

And thereafter until the property is taken over and paid for or a new lease is executed as provided in section 6.

Second. On page 13, line 17, after the word "terms," it is proposed to insert the following:

As provided in section 11.

Third. On page 15, line 3, after the word "properties," it is proposed to insert the following:

Constructed, acquired, or owned by any lessee, and valuable or serviceable in the development, generation, or transmission of electric current or in the storage or distribution of water to the point of delivery to irrigation or domestic water systems.

Fourth. On page 15, lines 5 and 6, it is proposed to strike out the following words:

Which may have been acquired by any lessee under the provisions of this act.

Fifth. On page 16, lines 12 and 13, it is proposed to strike out the following words:

Upon the terms and conditions in force at the time fixed for its expiration.

Sixth. On page 16, lines 22 and 23, it is proposed to strike out the following words:

Not to exceed 25 years.

Seventh. On page 17, line 3, after the word "Territory," it is proposed to insert the following:

Or in a State which has no public-service commission.

Eighth. On page 17, line 13, after the word "rentals," it is proposed to strike out—

May, in the discretion of the Secretary, be measured by the power developed and—

And to insert in lieu thereof the following:

Shall be based on the value of the land, to be determined by the amount of horsepower to be developed, and which charge or rental shall not exceed the sum of 25 cents per developed horsepower per year for the actual power.

Ninth. On page 19, line 21, at the beginning of the line, before the word "comply," it is proposed to insert the word "substantially."

Tenth. On page 19, line 25, after the word "such," it is proposed to insert the word "general."

Eleventh. On page 21, line 13, after the word "discretion," it is proposed to strike out the balance of the line and all of lines 14 and 15 and to insert in lieu thereof the following:

Upon application by the applicant waive such.

Twelfth. On page 21, line 16, after the word "act," it is proposed to strike out the balance of the line and all of line 17 and to insert in lieu thereof:

As he may deem just.

Thirteenth. On page 23, line 6, after the word "lessee," it is proposed to insert a comma and the following:

And that such new user shall pay to the lessee just compensation for the use of such land and works.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Colorado?

Mr. MYERS. With pleasure.

Mr. THOMAS. My recollection is that the phraseology in section 19, on page 22, was also eliminated. I find no report on that.

Mr. MYERS. Let me turn to that. What phraseology in section 19, page 22, does the Senator from Colorado think was eliminated?

Mr. THOMAS. I can not give the Senator the exact language.

Mr. MYERS. Can the Senator from Colorado refer to its general nature?

Mr. THOMAS. The purpose, however, was to exclude the added use of the reservoir for purposes of irrigation.

Mr. MYERS. I think the Senator from Colorado is incorrect. I think that proposition was voted down in the committee.

Mr. THOMAS. On the contrary, it was sustained, if the Senator will permit me.

Mr. MYERS. I think that change——

Mr. THOMAS. The change as proposed was sustained.

Mr. MYERS. The additions were sustained.

Mr. THOMAS. The proposal to reject the added uses was also sustained.

Mr. MYERS. I think not.

Mr. THOMAS. So that there is no added use of the reservoir or of the land to be devoted to the purposes of irrigation. I think the Senator from Utah will bear me out in that.

Mr. SMOOT. Mr. President, perhaps I can explain to the Senator from Colorado. As section 19 now reads, it is as follows:

SEC. 19. That the lands leased under this act may be used and the works constructed, maintained, and operated thereon may be used, added to, or enlarged by the lessee, or any other person, association, or corporation, for the purpose of impounding and conveying water for the generation and distribution of power for irrigation, mining, municipal, domestic, and other beneficial purposes.

There was a proposition before the committee to strike out the words "the generation and distribution of power for" and to insert the word "and" after the word "municipal," and to strike out the words "and other beneficial," before the word "purposes." That, however, was disagreed to in committee.

Mr. MYERS. That failed in the committee.

Mr. SMOOT. That failed in committee; and I think the Senator from Colorado will agree that it ought to have failed. If those words had been eliminated, then there would have been given to the Secretary of the Interior power to control the water for irrigation, mining, and municipal purposes, and to that we all disagreed to in the committee, as I remember.

Mr. THOMAS. My recollection of the matter is in accord with the statement of the Senator from Utah; but I am also of the impression that we went further, so as to emphasize the added use—if any added use was to be made by others of the plant—that its purpose should be for the generation of power and not for irrigation or for domestic uses.

Mr. SMOOT. I will say to the Senator that that is true; but if we struck out the words "generation and distribution of power for," then, of course, it would have applied to irrigation, mining, and domestic purposes.

Mr. THOMAS. Mr. President, upon reflection I am inclined to think that my memory is at fault. The purpose which I had in mind was precisely that which the Senator from Utah states, my recollection being that it was accomplished by the excision of some of the phraseology of section 19, page 22.

Mr. SMOOT. Mr. President, I say to the Senator from Colorado that my recollection is that the committee did agree, however, to amend section 19 by inserting the word "diverting," on line 16, page 22, between the word "the" and the word "works," so that it would read:

That the lands leased under this act may be used and the diverting works constructed, maintained—

And so forth.

I will ask the Senator from Montana if that was not agreed to by the committee?

Mr. MYERS. Mr. President, I will say to the Senator from Utah that I have no recollection of that word having been inserted.

Mr. SMOOT. Let me call the Senator's attention to the statement which was made when the amendment was proposed, and perhaps that will refresh his memory. As the section now reads, it provides that all of "the works constructed, maintained, and operated thereon" may be used; or, in other words, that would take the land, no matter where it was located, if it were used in the construction of the plant or in its maintenance or operation. That is not the idea of the committee in framing the bill, nor do I believe that anyone wants the control to go as far as that. I do think, however, that the diverting works constructed should be included—they are upon the public land—and I think the Senator will recollect that that was the position taken by the committee. If, however, the Senator does not desire to offer the amendment as a committee amendment, I will say to him that it can be offered later and we can discuss the question when the amendment is offered.

Mr. MYERS. Mr. President, I have no recollection on the subject. I shall, however, be glad to investigate the matter, and if the amendment was made as has been suggested I shall be glad to have it printed with the bill and conform to it. The committee meets to-morrow, that being its regular weekly meeting day. If that is the recollection of Senators on the committee, I shall be glad to abide by the action of the committee. With that possible exception, I think the bill as printed is just as the committee ordered it to be reported out of the committee.

As to the suggestion made by the Senator from Colorado [Mr. THOMAS], I agree with the Senator from Utah [Mr. SMOOT]. I think, with the possible exception of the discrepancy suggested by the Senator from Utah, that section 19 as printed is just as it was directed to be reported out.

Mr. SMOOT. Mr. President, I will say to the Senator from Montana that the amendments which have been read from the desk and submitted by the Senator are the exact amendments which were agreed to by the committee, as I recollect them, with the single exception of the word "diverting," in section 19.

Mr. MYERS. I shall be very glad to submit that question to the committee to-morrow.

Mr. WALSH. Mr. President, I should like to suggest to the Senator from Utah—I have been thinking about that matter—that perhaps if you insert the word "diverting" there you would exclude impounding works, and you would then have it too restricted.

Mr. SMOOT. I took it for granted that diverting works would include impounding works.

Mr. WALSH. The Senator from Utah will recognize that that does not necessarily follow, for the reservoir may be remote from the diverting works.

Mr. SMOOT. That is true. I recognize the force of the suggestion which the Senator offers, and that should be taken into consideration when we are deciding upon the amendment.

The PRESIDING OFFICER. What is the pleasure of the Senate with regard to the amendments which have been reported in behalf of the committee by the Senator from Montana?

Mr. MYERS. Mr. President, I ask that they be printed and lie on the table. I suppose if there is no objection that will be the order.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered. The Chair hears none.

Mr. SMOOT. Mr. President, I ask the Senator from Montana whether he intends to offer these as one amendment or if, when the time comes, we are to consider them separately? I suppose each of them will be offered by itself.

Mr. MYERS. They will be offered separately, of course. I intended them to be offered separately. They were only sent up on continuous sheets of paper as a matter of convenience. They are numbered and will be printed as numbered, but as separate amendments, and my intention is to have them considered separately, each one in its own right and not depending upon the other.

The PRESIDING OFFICER. In the present parliamentary status the question is on agreeing to the amendment in the nature of a substitute reported by the committee. Certain additional amendments have been proposed by the committee with the request that they be laid on the table and printed, and

that order has been entered at the request of the Senator from Montana.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Colorado?

Mr. MYERS. With pleasure.

Mr. SHAFROTH. I should like to suggest to the Senator, inasmuch as it is almost impossible from hearing them read to understand the connection which these amendments bear to the rest of the bill, that I think it would be well to have a reprint of the bill and amendments, the amendments now proposed by the committee to be printed in capitals, so as to indicate them clearly. It seems to me that that would enable us to see the connection. I listened to the reading of the amendments, and some of them were perfect Greek to me. I could not ascertain whether a given amendment was a good amendment or a bad one, but if there is a reprint of the bill, with the proposed committee amendments indicated by brackets or capitals, we could all get more light upon the subject.

Mr. MYERS. I think that is a good suggestion; and I ask that that be done.

The PRESIDING OFFICER. If there be no objection, that order will be entered. The Chair hears none, and the order is made.

Mr. MYERS. Mr. President, in my efforts to obtain a place for this bill the day before yesterday and to have it made the unfinished business some Senators seemed to think that I blamed them for their course in opposing my desire at that time to have this bill made the unfinished business of the Senate. I desire to say that in my very earnest effort to have this bill made at that time the unfinished business of the Senate, I certainly did not intend or desire to reflect upon any Senator or Senators nor the Senators from any section of the country. I hold the Senators from one section of the country in just as high esteem as I do the Senators from every other section, and hold all of them in equal esteem, and I do not wish anything that I said at that time to be construed as in any way reflecting upon the motives of any Senator from any section of the country. I vote with or against Senators from any section and all sections of the country in accordance with my feelings of duty to my own section of the country and according to my convictions of right, and I certainly accord to them the same privilege which I claim for myself.

I desire further in this connection to say as to my effort yesterday to have this bill made the unfinished business of the Senate in preference to the rural-credits bill, that I do not want my action or attitude at that time to be construed as indicating any opposition or hostility on my part to rural-credits legislation. I am very heartily in favor of rural-credits legislation. I have long been a believer in it; I believe that it is badly needed in this country; I believe that justice, fairness, and good government require it, and that it is due the farmers of the country. I am for the rural-credits bill that is now on the calendar of the Senate, having been reported out by the Senate Committee on Banking and Currency, and I intend to support it, and I do not wish the fact that I asked that this bill first be made the unfinished business to be taken at all as indicating any antipathy on my part to rural-credits legislation in general or to the rural-credits bill which is pending on the calendar of the Senate at this time.

I want to see the passage both of this bill and of the rural-credits bill; I am for both, and I am for one just as much as the other. I believe there is time for the enactment of both of these measures, and I hope to see them both enacted at this session of Congress. I think there is merit in both; that each one will bring great good to the people of this country, and I believe that we ought to stay here, no matter how long it may take, until we fully discharge our duty to the people of the country. We ought to stay at our post of duty, no matter what questioning of our motives may result, and in spite of the fact that somebody may accuse us of playing politics or may shout politics at us, even if it may take until election day next fall, in order to give the people of this country the legislation which the dominant party has promised them, which is due them, which they need, and which they ought to have. Therefore I hope to see Congress remain in session until we can be assured of the passage of this bill, as well as the enactment of the rural-credits bill, which is also now pending.

There was a good deal said yesterday about the opposition of the West to the pending bill and the opposition of western Senators. I did not comment on it at that time. I did not undertake to reply, because I thought that too much time was being taken on a preliminary question anyway, the question then being merely, "Shall the bill be taken up for consideration?" I will not digress now to say much about it; but I will say at this time that I believe a majority of the Senators from the public-land States, from the States west of the Missouri River, will be found supporting this bill when it comes to the vote upon its final passage.

This is in no sense whatever a political measure. While the administration, I understand, is and has been favorable to legislation of this kind, it has been favorable to it purely in an economic and nonpolitical way. There is no politics whatever in the measure. Democratic Senators are supporting it and Democratic Senators are opposing it; Republican Senators are supporting it and Republican Senators are opposing it; and so in the committee; there was there absolutely no division along political lines; but it is my belief that all of the Democratic Senators from the public-land States, from the States west of the Missouri River, will be found supporting this bill, except my friends the two Senators from Colorado and one of the Senators from Arizona. Of course that does not go to the merits of the measure at all; but I merely say that at this time because I think the impression was rather conveyed yesterday that sentiment in the public-land States is overwhelmingly against the bill. I do not believe it is. I dissent from that view.

Mr. SHAFROTH. Mr. President, will the Senator allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Colorado?

Mr. MYERS. With great pleasure.

Mr. SHAFROTH. I should like to ask the Senator whether or not the operations of this bill will not be confined almost entirely to what are called the Rocky Mountain States? As quick as you leave the Rocky Mountains you get on the plains, which are almost level and where hardly any development of water power can take place. Now, I will ask the Senator if he does not believe that a great majority of the Senators representing the Rocky Mountain States are opposed to this bill?

Mr. MYERS. There is no great number of Senators from the Rocky Mountain States, all told. I have not figured on that; I can not say at this instant. I know the two Senators from Montana, who are from a Rocky Mountain State, are very earnestly in favor of the bill. One of the Senators from Nevada—I do not know whether or not you would call that a Rocky Mountain State—is on the committee and is supporting the bill.

Mr. SHAFROTH. Yes; I would consider that a Rocky Mountain State.

Mr. MYERS. One of the Senators from Arizona, as I understand, is for the bill. The bill is a public-land State bill. It applies to all of the public-land States, to all of the States west of the Missouri, and—although it hardly answers the particular question—I am informed on good authority that the bill will be found to have much application in the States of Washington and Oregon, which are not Rocky Mountain States.

Mr. SHAFROTH. Oh, yes; they are considered in the Rocky Mountain region.

Mr. MYERS. Very well, if you consider them so.

Mr. SHAFROTH. But does not the Senator recognize that the two Senators from New Mexico are against this bill?

Mr. MYERS. I so understand.

Mr. SHAFROTH. Does not the Senator understand that the two Senators from Wyoming are against this bill?

Mr. MYERS. I do.

Mr. SHAFROTH. Does not the Senator recognize that the two Senators from Idaho are against this bill?

Mr. MYERS. I understand that one of them is. As to the other I have had no information.

Mr. SHAFROTH. Does not the Senator understand that the two Senators from Utah are opposed to this bill?

Mr. MYERS. I do.

Mr. SHAFROTH. Does not the Senator understand that the two Senators from Colorado are opposed to this bill?

Mr. MYERS. I have had some very strong intimations to that effect.

Mr. SHAFROTH. That being the case, how can the Senator say that a majority of the Senators from the Rocky Mountain States, in his judgment, are in favor of the passage of this bill?

Mr. MYERS. I say that I believe a majority of the Senators from the public-land States, the States between the Missouri River and the Pacific coast, are in favor of the bill. I have not carefully counted noses; I have not called the roll; but I believe that on the final vote on the bill a majority of the Senators representing States between the Missouri River and the Pacific coast will cast their votes for the bill, if it remains a good bill. However, that does not go to the merits of the bill at all. If I were the only Senator from the West in favor of it and thought it was a good bill, I would support it.

Mr. SHAFROTH. If the Senator goes to the Mississippi River and perhaps to the Alleghany Mountains——

Mr. MYERS. I said the Missouri River.

Mr. SHAFROTH. I know the Senator did, but it depends on where the line is drawn. If you draw the line where water-power plants under this bill may be located, in the Rocky Mountain region, where there are mountains and falls, you will find a majority from that section greatly against the passage of this bill.

Mr. MYERS. I said "the public-land States." I believe there are localities in North Dakota, South Dakota, Nebraska, Kansas, and Oklahoma where there are streams bordering on or running through public lands where dams and reservoirs may be put in and where this bill may be valuable.

I only made that passing remark because I thought that what was said yesterday needed some attention; but, of course, it has nothing to do with the merits of the case. I realize that there is a division of opinion among western Senators on the bill simply because there is a division among western Senators as to fundamental principles concerning this kind of legislation. I think that each State ought to present its views through its Senators and leave it to the Senate to say which is the most meritorious. That is what I shall try to do in the humble remarks which I shall make upon the subject.

There has been very much said against the bill and in criticism of this character of legislation at different times by the two esteemed Senators from Colorado. Very much was said by them yesterday in criticism of the bill. As a partial reply to them, I want to read a letter which I have received from a citizen of the State of Colorado. It is written on the letterhead of the Colorado State Forestry Association, and is as follows:

LONGMONT, COLO., *January 1, 1916.*

Hon. HENRY L. MYERS,
Chairman of Public Lands Committee.

DEAR SIR: When the leasing bills come up there will doubtless be opposition led by the Portland Conference of Western States.

Herewith find a protest against its action, not that this body is opposed to the development of water power to the greatest possible extent, but it protests against the way the conference pursued. Their preamble and resolutions put in jeopardy the water of the State by endangering the forests on the watersheds that protect the moisture and hold the water from rapid run-off and disastrous evaporation.

This association worked hard to get the forests on the watersheds set apart as reserves. For six or eight years we have been fighting a movement to get the public domain turned over to the States. That would mean ruin.

The fifth resolution passed by the conference reveals the real attitude of the body.

Our work is forestry, which is one of the great questions of the age—one of the greatest if viewed by American statesmen able to clearly scan the future of this country as a whole. I regard the forest reserves as a sacred trust, and the Forest Service as one of the wisest provisions of the Government for the public good.

Yours, sincerely,

W. G. M. STONE, *President.*

I read this just to show that the sentiment of Colorado is not unanimous. I would have supposed, from the attitude of the Senators from Colorado and what they have said, that there was just one sweeping and uniform spirit of unanimity there, but there seem to be a few dissenting voices. Here are resolutions of protest from the State of Colorado accompanying that letter, which I will read:

RESOLUTIONS OF PROTEST.

OCTOBER 7, 1915.

Whereas there is a movement on foot to bring about certain changes in the United States land laws, including a feature to have Congress turn over to the States the public domain within their borders, with all its natural resources; and

Whereas such a change would include the forest reserves thereon; and

Whereas if passed into private ownership, as certain citizens desire, it must unquestionably lead to conditions involving the extermination of the forests and conserve the snows and moisture at the headwaters of our mountain streams: Therefore

Resolved, That whatever changes in the said land laws as may seem necessary in other directions, we most earnestly protest against the turning over to the States that portion of the public domain that includes the forest reserves, except as hereinafter stated; and

Whereas it is a well-known fact that our State is unable to meet all the demands for money our present public institutions require and that new needs knock at our legislative doors in vain: Therefore

Resolved, That when the State is prepared with money and men to protect the forests from fire and trespass and able to care for them at least as well as the Government is now doing, and until the State has adopted a forest policy such as would protect the forests at the headwaters of our mountain streams in the interest of irrigation and agricultural development, and until the State has put into operation such a policy and demonstrated its ability to deal with its forests intelligently, we feel compelled to regard any such change at this time as dangerous to the forests, and hereby enter our solemn protest against any transfer of the public domain that embraces the forest reserves.

By order of the board of directors.

W. G. M. STONE, *President.*
CHAS. L. HOVER, *Secretary-Treasurer.*

There is, in this connection, a somewhat interesting circular in regard to various phases of this question, with especial reference to the water-power conference held at Portland last September, which I will read. It is brief:

Resolutions of protest against the action of the Portland (Oreg.) conference of Western States relative to water-power sites.

(Prefaced by the president.)

THE REASON WHY.

Why does the Colorado State Forestry Association protest against the action of the water-power conference held at Portland, Oreg., the latter part of September, 1915?

Not because of its desire for the betterment of any condition that seems to retard water-power development. Hydroelectric power is the coming energy to do the drudgery and work of the world. No ordinary obstacle should be suffered to stand in its way. It is destined to take an active part in the transformation of the plains by lifting the "underflow" to the surface, thereby vastly increasing the efficiency of "dry farming."

What we protest against is the putting of our water supply in jeopardy by jeopardizing our water protection.

This the conference does when it proposes that the public domain with all its natural resources be turned over to the States, in order that all control of the water situation pass from the Government.

In asking this the conference overlooks the danger lurking in the request.

If the public domain were passed over to the States, the forests that were set apart at the sources of our mountain streams to protect and conserve our water supply must also pass and become subject to private ownership.

The ever-increasing demand for forest products, coupled with fire and wasteful lumbering, would start a rapid process of deforestation, thereby inviting excessive evaporation by sun and wind lifting and carrying away countless tons of moisture from every square mile laid bare.

It would endanger more than 14,000,000 acres of water protection in Colorado alone; it would lessen the volume of water for every power plant; it would enormously reduce the supply of water at every turn and for every want, and increase evaporation billions of tons. Even the underflow would suffer in a corresponding degree.

In view of such reasons who would not protest?

I read further:

WHO WAS RESPONSIBLE FOR THE VAST AREA OF FOREST RESERVES SET APART IN COLORADO?

It has been said that the Government ruthlessly thrust the reserves upon the people of the State without their knowledge or consent.

Is that true? Note the following:

Briefly, after four years of trial (from 1885 to 1889) the State found it impossible to handle the forestry problem and laid it down.

The association, with Col. E. T. Ensign in the lead, turned to the Government for help, and in two years the law of 1891, authorizing forest reserves, was enacted. During the 12 following years six reserves, aggregating over 3,000,000 acres, were set apart in Colorado.

These for the most part were timber reserves, while on the watersheds of the State were vast areas of forests guarding the resources of more rivers than rise in any other State in the Union, all of which were dangerously exposed to fire and waste. They should be set apart for water protection, and something must be done.

The legislature, in 1903, was requested to memoralize Congress to set apart reserves at the sources of 11 important streams.

Here we find the Legislature of Colorado memoralizing Congress to set apart more reserves, in spite of the eloquent protests we have heard from the Senators from that State against any reserves at all.

But the areas not included were no less important than those that were. Hence something more must be done.

It was therefore determined to ask and urge the authorities by petition for the forests on all watersheds at and above an elevation of 8,500 feet. It was done; and on the fourth page of this sheet may be seen a much abridged list of the petitioners.

Such, in brief, is the story of how the Government ruthlessly thrust upon the people of Colorado the enormous area of forest reserves without their knowledge or consent.

Attached to the pamphlet is a list of the people and institutions of Colorado who in 1903 memoralized Congress, in connection with the State Legislature of Colorado, for reserves at the sources of 11 specified streams of importance. We find enumerated the following:

Denver City Council—both branches.
Denver daily press—7 in number.
Denver weekly and monthly press—37 in number.
Colorado Springs Chamber of Commerce.
Sterling Chamber of Commerce.
State Teachers' Association—700 members in session.
Long lists of citizens from 17 cities and towns.
Twenty-six leading business firms of Denver.
Many country papers, without regard to politics.
Denver Chamber of Commerce.
Denver Real Estate Exchange.
Denver Water Co.
Denver Gas Co.
Longmont Farmers' Institute.
State grange.
Ten local granges.
Bee Keepers' Association.
State board of agriculture.
State board of horticulture.
State Horticultural Society.
Colorado College.
State agricultural college.
State normal school.
State school of mines.
State university.
Denver University.

Mr. SHAFROTH. Mr. President——

Mr. MYERS. I yield to the Senator from Colorado, with pleasure.

Mr. SHAFROTH. Inasmuch as the Senator has referred to the State of Colorado with relation to these forest reserves—which, however, are not the subject of this bill, although I am glad they are brought in, because it becomes a part of the general policy of the movers of this bill to make everything subject to leasing—I want to say that the western Senators and western Representatives did petition for reserves for the purpose of preventing the melting of the snow that would fall in winter until midsummer, when the flow of the water would augment the streams below. But when those petitions were presented it was never dreamed that the Interior Department would set aside in the State of Colorado, for instance, 16,000,000 acres of ground—more land than is contained in Massachusetts, Connecticut, and Rhode Island together. It was the abuse of that power which made the western people resentful.

I want to say further that the Colorado forest reservations and all of these State forest reservations came about by virtue of the agitation in the National Government in behalf of forestry; and you can find in my State some few people who favor it, and they do constitute, as my colleague said, probably 1 per cent of the number of people in the State of Colorado. I desire to ask, however, while we are on the subject, of the persons who have protested whether the Senator has in mind a single political party that has announced that it is in favor of either the forest-reserve system or the withdrawal of water-power sites in the State of Colorado?

Mr. MYERS. Mr. President, I am not familiar with the political platforms of the parties in Colorado. I have heard the Senator from Colorado [Mr. SHAFROTH] refer to them and quote them. He is familiar with them. I am not a defender of all forest reserves, nor of the way in which they are administered, altogether. I believe that under proper circumstances and conditions they do some good. I do not defend the extent to which they have been carried nor the administration of them, altogether. I merely read this to show that there is at least some division of sentiment in Colorado. While the Senators from Colorado have often inveighed against the pernicious policy of Government withdrawals of land—forest reserves and other reserves—claiming that it is intimately allied and connected with the principle of this bill, I just read those articles to show that there is at least some difference of opinion in Colorado. If the people and institutions whose names I have recited represent only 1 per cent of the sentiment of Colorado, it is certainly a very respectable per cent in quality.

Mr. SHAFROTH. There is no doubt but that is true; but I desire to call the attention of the Senator to this fact: The question of forest reserves in the State of Colorado remained practically satisfactorily solved until these enormous reserves were made. I want to say that the Congress of the United States was so imbued with the belief that the creation of these forest reserves in such gigantic areas retarded the development of the State, because it exempted from taxation every acre of ground that they contained and prevented the development of the mining industry there, and for other reasons, that the Senate and House of Representatives in 1907 passed an act providing that no forest reserves should be established without the consent of Congress. The object was to prevent the departments from spreading our States with forest reserves. After the bill which made that prohibition had passed the House and had come over to the Senate, and a conference had been had upon it, the Forestry Service of the United States—I think it was in the Interior Department at that time—established forest reserves that took in millions of acres throughout the West, notwithstanding the fact that less than two days thereafter the President of the United States signed the bill which prohibited the creation of any forest reserves without the consent of Congress.

I want to show the Senator this map of the State of Colorado, and ask him whether or not he thinks that quantity of land should be withdrawn. All of this land in green, taking in almost whole counties, was absolutely established as forest reserves, a large part of it being established by that very bureau at the time the bill was pending, and only two days before the President signed the bill which said that no forest reserves should be created in any public-land State without the consent of the Congress.

Mr. President, it seems to me that if we are going to exempt these lands from taxation forever, it is of most serious consequence to the people of the West. We can not have development in those States if you are going to have fourteen or fifteen or sixteen millions of acres, equal in area to one-fourth of the entire State, removed from taxation, and then make the other persons who own private property pay the taxes necessary for the administration of the laws of the State, not only over the lands that are privately owned, but also over the lands that are owned by the Government and withdrawn in this manner.

Mr. MYERS. Mr. President, I do not defend the extent to which forest reserves have been created in Colorado; neither does this bill justify it; neither does this bill necessarily defend it in any way, and it is not allied in principle with the extent to which it has been carried. It is really a separate and independent subject.

It appears that in 1903 pretty much everybody in Colorado petitioned Congress to have some forest reserves established. They thought it would be a good thing, and I am inclined to believe that they got too much of a good thing. It seems that they got more than they wanted of a good thing; but that is a matter between them and the Federal Government, of course.

I shall undertake, I hope at not too great length and in not too long a space of time, to present some of the principles and features of this bill, and to give some of the committee's ideas of it, and to give some of my own ideas in regard to the legislation. All through my remarks I shall be glad at any time to yield to a question or a passing remark or a correction; but if I must yield for other speeches to be injected into my remarks, I shall make very little headway. I like at all times to be courteous to my fellow Senators, and to yield for questions or corrections or passing remarks; but as far as speeches are concerned, I would rather deliver my own address first, in my own way, and then let other Senators do so in their own time, holding myself at all times willing, of course, to be interrupted for a question or a correction or a passing remark.

Mr. President, I think this bill is one of the most important pieces of legislation that has been introduced in Congress during my service here. I think it is certainly one of the most important, and fraught with as much power for good as any other bill, which has been introduced at this session of Congress, or will be introduced. Water-power development has been the subject of wide discussion by a varied class of people and citizens and theorists for many years past. For 16 years past it has been acutely before the American people, and for some five or six years past bills on this subject have been introduced at every session of Congress; but the public sentiment was not sufficiently aroused to give them adequate backing. There was no concern of action amongst those who favored water-power development, and the bills never made much progress nor attracted much attention. Nevertheless, the subject has been one of great study and thought and continual agitation, and much enlightenment has been afforded by the discussions that have occurred and by the fragmentary attempts at legislation; and they have crystallized at this session of Congress, I believe, into some logical, concrete, and clear-cut ideas of legislation on the subject.

The Senate Committee on Public Lands this winter and last winter gave long and mature consideration and deliberation to the subject. Last winter the Senate Committee on Public Lands considered the matter almost continuously for about two months. It had hearings that lasted a month, almost daily, several hours a day, sometimes running as high as eight hours a day, at which all classes of people, having all manner of ideas on the subject, came before the committee, and at great length expounded their ideas and advocated their theories. We had experts on the subject, men who have studied it theoretically and practically for years, not only in this country but in Europe and in many foreign countries, who have traveled and observed the development of water power, the means and methods and results of development in foreign countries; who have had experience with it in this country, who are practical men as well as theorists on the subject. We had before us the representatives of investors and bondholders in water-power projects, the men who furnished the money. We had utilitarians, we had experts representing the different departments of the Government, and representatives of the people, representatives of civic associations and of the masses of the people, who urged that the rights of the people be considered and preserved.

We heard all of these different views, and the hearings were printed and studied and deliberated upon, and after a month's further deliberation, after the close of the hearings, the committee finally reported out a bill to the Senate last winter. It was the Ferris bill, which had passed the House, but came to the Senate and got on the Senate Calendar too late to stand any show of receiving consideration last winter, and owing to the crowded condition of the calendar and other matters of the most pressing nature, such as appropriation bills, we were not able to get the bill up last winter.

This winter the committee sat for weeks again considering the subject, and again the Ferris bill from the House constituted its groundwork. It took up first the bill which it reported

out last winter. It took that as its basis, its beginning, and it took into consideration the work of the House in the form of the bill which was passed by the House this winter. And the bill which is now before the Senate represents the latest and best and combined thought, the average thought, of the Senate committee on the subject.

The committee was not unanimous on all points. There were many differences of opinion in the committee. There are some members of the committee who, I understand, are opposed to the enactment of any bill along these lines involving these principles. But the committee is agreed on many things in the bill reported, and if we are to have legislation on this subject it is the opinion of the committee that this is the form which best represents the composite views of the committee, and it is the opinion of the committee that it is the best bill that could be reported out of the committee as it is constituted.

Indivdually I do not subscribe to all of the conclusions of the committee. There were some changes made by the committee, amendments adopted by the committee, ideas incorporated into the bill by the committee of which I did not approve and against which I voted. And there are some now that do not meet my full approval. Upon the whole, however, I stand for the bill as it is reported. I believe that it is a good bill, a fair bill, worthy of enactment, and that it will result in great good to the public welfare of the country at large if enacted.

There are a few changes that have been made by the committee and amendments reported by the committee for which I may not indivdually stand when it comes to a vote; but in the main I subscribe to the work of the committee and, generally speaking, intend to advocate it and stand for it, whether meeting my individual views or not. There is but little in the bill which I shall feel obliged to oppose—a few things—but not many.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Montana yield to the Senator from Colorado?

Mr. MYERS. With much pleasure.

Mr. SHAFROTH. I wish to say to the Senator from Montana that I think his committee has performed a great deal of laborious work in the production of this bill. Last winter I was accorded, not only once but two or three times, an opportunity of appearing before the committee; and there was no effort upon the part of the chairman or any of the members of the committee either to cut me off or in any manner to prevent a fair presentation of the subject. I want to say that in my judgment the chairman of the committee is imbued with the very highest sense of public service when he presents this measure; and while I differ from him in regard to it, I have no doubt of his honesty of purpose in presenting it.

Mr. MYERS. I thank the Senator. Our committee is, and I individually am, always glad to have the Senator from Colorado, Mr. SHAFROTH, appear before the committee. He is always entertaining and lucid in his presentation, and we are always glad to hear him; and I am very glad to hear him make the statement he has made, and to have it made known from that source.

At our hearings last winter we did not curtail or restrict anybody. We invited everybody who was interested to come before us and to shed as much light as possible on the subject and to express their views to the fullest extent, and apparently all did so. We were glad to have the Senator from Colorado, as well as others, and we were interested in his arguments. If all of the committee did not agree with all that he said, we were interested, at all events, in all that he said.

I believe that electricity is perhaps the most important material factor in modern civilization, in the elevation and welfare of mankind, in improvement in the manner of living, and in the development of the resources that God has given the people of this world. I do not believe it is surpassed by any other material resource in its past accomplishments, in its possibilities for good, or in its potential future development. In the last decade I believe that electrical development has achieved more, and has made more progress, than any other material agency for the betterment of mankind and the development of mankind's resources.

Electrical power is now being applied to uses that a score of years ago, even a decade of years ago, were not dreamed of, and had never occurred to the mind of man. It is now being applied to some of the greatest purposes of usefulness and the most potent agencies of development at the hands of man that are going on in the world to-day. Great as have been its accomplishments, I believe that it is only in its infancy. I believe that the generation of electrical power and its application to the world's work is only in its infancy; that it has just begun; and that the next decade will see more progress in the development of electrical power and its application to the work of the world than has been seen in the last 500 years in that line.

Hence comes the importance of this bill. The bill deals with the generation of hydroelectric power by the cheapest method in which it can be produced, namely, by water power; and hence, I say, its importance. I believe that it is more important, and is fraught with more possibilities of good, more benefit to our country, than any other piece of legislation which will be considered at this session of Congress. Of course its particular application will be to the public-land States of the Union, to the States between the Missouri River and the Pacific coast. It essentially applies to public-land States. It is only applicable, in concrete form, in those States, and, of course, I believe that its benefits will be most witnessed in those States. But its benefits will go far and away beyond those States. Its benefits will extend all over the Union, and beyond the confines of this country.

As I say, however, I believe the bill is of particular importance, more than to any other section of the country, to the Western States, the public-land States west of the Missouri River. There we have a vast domain that is matchless in its resources and its power of development and achievement for the welfare of this country and the good of its people. The resources of that country have scarcely begun to be developed. As great as they have been in the past; as great as have been the benefits of the fabulous gold discoveries in California, Nevada, Colorado, Montana, and other Western States; as great as are the mineral resources; as great as are the resources of the forests and their fields and its live-stock industries, I believe that in the next few years they will be far overshadowed by the coming development of that matchless domain of country; and I believe that legislation will do more to bring that about than anything else that ever has been done in that section of the country—more than even the building of the transcontinental railroads from the Missouri River to the Pacific coast, more than any investment which has been made in that section of the country, more than any other piece of legislation which has been enacted pertaining to that part of the country.

I believe that the water-power resources of that country are among its greatest resources. I believe they are excelled by none in their possibilities and their power for development. Strange to say, this water power, this giant resource, has been neglected more than any other resource of that matchless domain of the country. This great power has been developed less than any other resource in that great stretch of country, which now is the home of millions of people, and which in the near future will be the busy home of many and teeming millions of people. Its other resources have been rapidly developed; its live-stock resources, mineral resources, lumber resources, agricultural and horticultural resources have been developed at an amazing rate. Railroads have been built at a wonderful rate in that section of the country. But its water power has remained in a large measure undeveloped; and I believe that water power, although neglected, overlooked, and undeveloped, is at least the equal of any other resource which that matchless empire possesses. I believe it is high time that we were inquiring the cause for that neglect, the cause for that lack of development. Let us ascertain it, and take proper steps to overcome that cause, and develop that matchless resource, which is now in a large measure absolutely wasted, running to waste, there being millions of horse power going to the sea every year, never to return, passing beyond the control of mankind forever.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Colorado?

Mr. MYERS. With pleasure.

Mr. SHAFROTH. Does not the Senator recognize that the reason why this development has not taken place was because, about from 1907 up to two or three years ago, the Interior Department withdrew from entry all water-power sites, aggregating millions of acres of land, so that no one could locate and develop those powers.

Mr. MYERS. There was a good cause for withdrawing it; to await proper legislation, and meantime to keep it from being scripped and homesteaded. There was no adequate legislation for its development. There was no adequate legislation, and you can not develop water power on public lands without adequate legislation. You must have some legislation on the subject. Those lands and power sites now withdrawn are simply awaiting the enactment of adequate and proper legislation.

Mr. SHAFROTH. The Senator's colleague the other day showed that until those withdrawals were made there was an enormous development upon the public domain of the United States and it then stopped. It is a question as to whether we

should surrender to a bureau in regard to this matter or whether we should pass legislation which they want.

Mr. MYERS. I know of no adequate legislation which prior to that time would have encouraged the investment of capital and which could have been expected to continue to develop the water power of the public lands. I think it is generally admitted, even by the opponents of this bill, that there is a lamentable lack of legislation on the subject, and that we ought to have some legislation on the subject.

Mr. SHAFROTH. I will state to the Senator that all the development which occurred, and which the Senator from Montana [Mr. WALSH] portrayed the other day, was under existing law; and I want to say to the Senator that Secretary Garfield by one order, without any citation of companies, withdrew the land and ordered them off the public domain when they had already built power plants—40 in number—one of which furnished light and power to the city of Denver at that very time, which was situated near Glenwood Springs, 200 miles away. The permit was revoked without citing the parties to appear, and without their having violated a single provision of the terms of the permit which had been granted to them for doing it.

Mr. MYERS. The Secretary had no right to have any such power. He never should have had any such power.

Mr. SHAFROTH. That is right.

Mr. MYERS. We want to overcome exactly a situation of that kind now. We want to enact legislation which will not permit or tolerate the exercise of any such arbitrary and tyrannical power. Most of the developed water power now in the West is on privately owned lands. Now we want power developed on public lands. If it be conceded that those withdrawals did stop the development of water power, what are you going to do about it? Are you going to sit down and do nothing? We want to enact some legislation which will overcome those obstacles and restart the development of water power in this country. That is the object of this bill.

I claim that it is the part of good government to enact legislation—not paternal legislation which will give a living to citizens; put bread in their mouths—but to enact good and adequate legislation which will enable the people of a government, through their own initiative, energy, and capital, to develop to the utmost extent the resources of their country. I claim that that is one of the principal objects of good government. The object of government is to better the condition of the people. Society is organized for the betterment of conditions. That should be the object of all governments. I claim that it is not the beginning and end of government merely to provide laws that thou shalt not do this and that; to punish larceny, murder, and other criminal offenses; and establish civil rights and tell the people what they can and can not do. I believe in a government going further than that, and giving to the people of the country laws which will enable them, by the application of their own energy, their own industry, their own brains, their own capital, to develop the God-given resources of the country to the highest degree of which they are capable. It is the duty of any good government to do that.

What is our duty in the premises now? It is conceded that water-power development is arrested, that it is at a standstill, that it is tied up tight in the public-land States, as far as the waters on the public lands are concerned. Whether the fault be through failure to provide legislation or whether it be through faulty legislation which permits overzealous and tyrannical executive officials to bar the development of power—whatever the cause may be, it is up to us as legislators to take cognizance of the situation, to take note of the condition, and to provide legislation which will unlock those storehouses and redound to the good and benefit of the people of this country in all legitimate ways. That is one of our duties here, and it is a very important duty, one that is important to us, of vast importance to our constituents.

The United States has strangely overlooked the development of its water power. It has strangely overlooked providing adequate legislation to develop that resource which is so bounteously bestowed upon us, and which is one of the greatest resources that the Almighty has given the people of this country. Other nations of the earth have not overlooked it. The nations of Europe have not overlooked it; Canada has not overlooked it. Those nations have adequate, fair, and workable laws for the development of water power. They have been for a number of years past developing water power at a marvelous rate, and they are doing so to-day.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Iowa?

Mr. MYERS. With great pleasure.

Mr. KENYON. I rise merely for information. Has this bill received the approval of the Secretary of the Interior, or has it been disapproved by him, or has it been submitted to him at all?

Mr. MYERS. I am very glad the Senator asked that question, and I will answer it. As a rule I do not like on the floor of the Senate to divulge the attitude, views, or remarks of the executive department, for two reasons. In the first place, some Senators rather resent it and think when anything is said about a department approving a bill we are implying that the bill should be passed because the department wants it. In the second place, I feel that the department can always speak for itself, and I am never disposed voluntarily to speak on that subject. But having been asked the question, I want to answer it, and I will do so with pleasure.

Mr. KENYON. I do not want to press it at all if the Senator feels any embarrassment.

Mr. MYERS. There is no embarrassment; there can be none. I say I am glad the Senator asked it. I said I generally refrain from voluntarily stating the attitude of a department, but now that I have been asked the question I am glad to answer.

Mr. KENYON. We have had before us in the last few days a resolution, upon which we had the view of the Secretary of the Interior, and I would be very glad if the Senator could answer the question without embarrassment. If it embarrasses him, I do not press it.

Mr. MYERS. I repeat it is no embarrassment whatever; and if the Senator will give me an opportunity to answer I will answer it. There is no reason for any embarrassment. All I want is a chance to answer. The bill as introduced in the House by Representative FERRIS was in due course referred to the House Committee on the Public Lands, and, according to practice and procedure by that committee, was referred to the Secretary of the Interior, and the Secretary of the Interior very heartily indorsed it. His letter will be found in the report of the Senate Committee on Public Lands, which is on the desk of the Senator. He approved the principle—approved the bill in general. I think he perhaps made one or two suggestions of something that he might not have fully approved, but in the main he approved it.

I shall have to explain that a little more fully and go a little further back. Last winter, in the last session of Congress, a like bill passed the House. It then came to the Senate. The Senate Committee on Public Lands made considerable amendments to it and reported it out at the last session. I was requested by the Secretary of the Interior and Senators who favor legislation of this kind to reintroduce the bill at this session just exactly as it was reported to the Senate last winter, in the belief that it would help things along—that it would expedite the bill at this session of Congress. The Secretary of the Interior, I think, very substantially approved the House bill which was introduced at this session in the House. As I said, I introduced the bill in the Senate at this session, by the request of the Secretary of the Interior and by the request of some Senators who are interested in the legislation, just exactly as it was reported out of the Senate committee last winter. That bill was referred to the Senate Committee on Public Lands and by the Senate Committee referred to the Secretary of the Interior, and the Secretary of the Interior substantially indorsed and approved that bill, too, although it was quite a little different from the House bill. But he approved of the principles of both bills. As regards the Senate bill, he pointed out some little things in it which he thought might be improved upon and made one or two little suggestions, but in the main he approved the bill.

When the bill came to the Senate from the House at this session it was taken up by the committee, and the committee had before it two reports from the Secretary of the Interior favorable to the principle of the legislation and approving each bill—the bill that had come from the House and the bill that was introduced in the Senate. Both were approved by that official.

The Senate committee went ahead and amended some more last year's bill, so that the bill which was reported out this winter is amended even more than the bill was last winter. We have no report in writing from the Secretary of the Interior on the bill as it now is reported out by the committee, just exactly as it now is; but I violate no confidence in saying that I have submitted the changes made by the committee to the Secretary of the Interior and that, in the main and substantially, he has no objection to them, and he is still favorable to the legislation and the principal features of the bill.

Mr. JONES. Mr. President——

Mr. MYERS. Let me finish this answer just a little further, please.

Mr. JONES. Right on that point I wish to ask the Senator a question.

The PRESIDING OFFICER. The Senator from Montana declines to yield.

Mr. MYERS. Very well, I will yield.

Mr. JONES. I wish the Senator to yield just a moment so that I may ask him whether the amendments the Senator introduced to-day——

Mr. MYERS. I was just going to speak about that next. I am getting to that right now. If the Senator will just give me a chance, he will hear from me right on that point. I had just gotten to it and was about to speak of it.

Mr. JONES. All right.

Mr. MYERS. Then, I say, the committee went ahead after it reported the bill out and conceived the idea that some further amendments should be made on account of further consultation and talk on the subject and subsequent ideas that occurred to the committee, and they adopted certain further amendments, which have just been reported to-day. These further amendments were submitted to the Secretary of the Interior before their adoption, and I think I am in a position to say that the Secretary of the Interior had no substantial objection to any of them which have been here offered; at least he made none to me. If he has any, he has not communicated them to me. In my discussion with him about these further amendments they appeared to meet substantially with his favor and general approval; he made no objection to any of them. The committee thought about making one or two other amendments, to which the Secretary of the Interior very vigorously objected, and they were not made by the committee. The amendments that were made by the committee appear from my conversation with the Secretary to meet with no objection from him and to be substantially in accordance with his views.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Washington?

Mr. MYERS. With great pleasure.

Mr. JONES. Can the Senator give any more positive assurance than that with reference to the particular amendment relating to the fixing of charges for the use of the public lands? What I should like to know is, if the Senator can give me anything more definite as to whether that amendment is approved by the Secretary of the Interior.

Mr. MYERS. I do not want to absolutely bind the Secretary of the Interior in these matters—I do not think it would be proper for me to undertake to do so—just growing out of a general conversation in his office. I have no authority to do so. This is a delicate matter. I had conversations with the Secretary of the Interior, but it would not be right for me to quote him, and I will not undertake to do so. I would rather he would speak for himself. I am speaking without authority.

Mr. JONES. Of course, I do not want the Senator to go any further than he thinks he is justified in going.

Mr. MYERS. However, in my conversation with the Secretary of the Interior he made no particular objection to that amendment. I want to be very careful and painstaking in this matter. On behalf of the committee, I stated to the Secretary of the Interior that the committee seemed disposed to change that feature of the bill so as to make a charge for the use of the land leased based on the horsepower developed, but to provide a maximum rate of compensation per water horsepower developed, leaving him free to make it less. The Secretary did object to that. He said he thought if fixed by Congress it ought to be a flat rate, just naming so much, without any maximum or minimum limit, without any variation. That was his idea, and 25 cents per horsepower developed per year was suggested, without objection from him; but the committee did not see fit to adopt that view exactly.

The committee, notwithstanding that expression of view by the Secretary of the Interior, adopted merely a maximum rate of 25 cents per horsepower developed per year, so that to that extent the action of the committee, I apprehend, does not meet with the approval of the Secretary of the Interior. It does not meet with his exact approval. He expressed a preference, if any rates were going to be fixed by Congress, to which he did not object, to have a flat rate fixed, an exact, unvarying rate. I urged that before the committee, but the committee did not see fit to adopt it, and the committee adopted merely a maximum rate. So on that point I feel justified in saying there is that difference between the committee and the Secretary of the Interior. I advocated in committee the Secretary's idea of a uniform rate, but I was outvoted in committee. With that exception, I know of nothing in the bill as it now is to which the Secretary positively objects.

Speaking of our strange neglect of the development of water power when its active development is going on in all the rest of the civilized world, and with reference to the great benefit that legislation of this kind would be to the West, I will state in this connection the United States Geological Survey estimates that 44,049,000 horsepower, or 71 per cent of the total potential available horsepower in the United States, is contained within the States of Washington, Oregon, California, Montana, Wyoming, Idaho, Colorado, Utah, and Nevada, and that of this vast amount but 1,622,000 horsepower, or three and sixty-eight one-hundredths per cent, is now being utilized. That shows how this great resource has been neglected in the section of our country where it is found in great abundance.

The total available water power of all the countries of Europe combined is 35,963,000, the development of which is progressing rapidly, and yet Europe, with a smaller asset of potential water power, develops much more actual water power than is developed in this country.

In the keen race of nations to-day for supremacy; intellectual, scientific, and military supremacy; manufacturing, industrial, and commercial supremacy; supremacy in every way in which the activities of mankind may be indulged, in the keen competition of nations to-day in conserving all their resources and preparing themselves for commercial struggles, industrial competition, and the supremacy of war, the United States of America, with its great possibilities, is strangely behind all civilized nations of the world.

I will say at this time it occurs to me that we have arrived at an age of the world where it is no longer an easy-going matter for a government to just simply jog along and attend to its routine affairs as a shiftless individual might do. It can not keep up in the race of nations at that gait. It can not keep up in the race of civilization at that gait. A nation like an individual in these days of keen competition must be up and doing. It must buckle on its armor and develop all its resources—intellectual, scientific, industrial, commercial, military, educational, every kind of resource—to its utmost capacity if it is to keep up with the nations of the earth.

We, separated from the rest of the world by a great ocean on each side of us, seem to have been asleep in these matters and strangely forgetful of our duties to our own people. Of course our form of government being a dual form of government, there being both a State and Federal Government, which is peculiar to this country, each branch of our Government, the National and the State, has its own field and proper function, and each is capable of great good to the people of this country. Each is capable of doing its share of developing the resources and promoting the welfare of the people of this country, and neither need necessarily conflict with the other.

In connection with the discussion of this subject I hear a good deal said that seems to breathe antipathy toward the Federal Government. There seems to be a spirit of hostility toward it, a fear that it is stealthily encroaching on the rights of the States and on the rights of the individual. I am as much a State rightist as anybody, I believe. I was born in an atmosphere of State-rights Democracy, cradled in a cradle of State-rights Democracy. I have imbibed it and absorbed it all my life. But I realize that the Federal Government has its proper functions, its power for good, in its proper sphere, as well as the State government.

We are indebted to the Federal Government for much. We are indebted to the Federal Government for the acquisition of all our territory west of the Mississippi River. We are indebted to the Federal Government for the vast Jefferson purchase. Had it not been for the Federal Government and its activities, initiative and enterprise, had our affairs been left to the original thirteen States, our territory would still be bounded on the west by the Mississippi River. At the time that all our western territory was acquired there were those who seriously questioned the right of the Federal Government to acquire territory in that way, and criticized it as being undemocratic and in derogation of the rights of the States. But nevertheless we have achieved inestimable benefits and unfading glory from the Federal Government, and the people of the West are glad of its help in many ways. We were all glad to have the Federal Government aid in the construction of the transcontinental railroads from the Missouri River to the Pacific coast, and open up a vast domain which would have remained a wilderness for generations longer had it not been for the aid of the Federal Government in constructing the transcontinental railroads across that territory. We are all glad to have the aid and benefit of the protection of the Federal Government when we need them. We of the West rejoice that it gave us the mighty reclamation law that has done so much for us. I do not believe in any encroachment of the Federal Government on the

rights of the States or on the rights of individuals any more than any other Senator on this floor, but I recognize that each has its proper sphere, and that in order to reach the highest attainment and stage of development and good for the common welfare of our citizens we must have joint cooperation in their proper spheres of the Federal and the State Government.

That is one of the things that I think confronts us in regard to water-power legislation. That is one of the things that has arrested water-power legislation. Up to 16 years ago, up to 1900, our Federal Government did not take any notice of water-power sites on the public domain. Up to 1900, I believe it was, the Federal Government took no cognizance of water-power possibilities, and water-power sites were patented to homesteaders and to other land entrymen without any notice or reservation whatever. They just simply went to the first homesteader who came along to enter the land, and he acquired valuable sites from the Government without any compensation and without any assurance of development. A great many valuable water sites went for naught in that way. But about 1900 the public sentiment began to be aroused on the subject, and in 1901, I believe it was, the present ineffective, lame, and unsatisfactory law on the subject, to which the Senator from Colorado [Mr. SHAFROTH] made reference a while ago, was enacted, which grants merely a temporary permit for the construction of works on the public lands for the development of water power, a temporary permit for transmission lines and for the occupancy of public lands by people engaged in the business of water-power development, and that has proven entirely unsatisfactory. It was a makeshift, an experiment; it was merely the first step in the direction of what was needed. It was merely a trial, and it has proven entirely unsatisfactory.

For a few years there was development under it, but investors and capitalists have come to realize that after the experience which the Senator from Colorado [Mr. SHAFROTH] related a while ago it is dangerous and unsatisfactory to invest in water-power projects under those circumstances, and under that unsatisfactory and defective law which does not begin to cover the subject, and they have ceased investing.

Mr. SHAFROTH. If the Senator will allow me——

Mr. MYERS. With great pleasure.

Mr. SHAFROTH. I would like to say that I was upon the Committee on the Public Lands of the House of Representatives when that bill was passed, and it was brought to us by the so-called conservationists. The object and purpose in granting temporary permits was, according to their statement, that there were a number of people who put upon the public lands water-power sites, and on that account they wanted to get them out of the way without any trouble; that it was impeding the development of water power. They were urging this, saying that it was a temporary permit, or, rather, that it was a permit that could be revoked—"a revocable permit," I think, was the term used. They said that there was no danger of any legitimate enterprise ever being stopped by that. Mr. Pinchot himself urged the adoption of that provision. It was a conservation measure. They gave an illustration, or at least some of those who appeared gave an illustration to the effect: "Why, you have got revocable permits here in the District of Columbia as to street railways." They said you have got a revocable permit as to the national-bank act and all such acts, which may be repealed, modified, or revoked at the pleasure of Congress. They said there is no danger of anybody suffering by reason of this fact. Yet after that occurred and the power was theirs they invoked that very power as against the companies which had already constructed their plants, and thereby, as the Senator says, made development absolutely impossible. No company would undertake such a thing as that when they knew that at the will of the Secretary of the Interior their rights and powers to send electricity to the various parts of the State and to turn the wheels at the very place where their plant was situated could be absolutely annulled by reason of a revocation of the permit.

Mr. MYERS. Mr. President, I think we have all found by experience and observation that the law is entirely unsatisfactory, inefficient, and inadequate, and that we must have something else on the subject, if there is to be any further water-power development. Investors have learned by sad experience that it will not do to trust the present law. I have no fit word to designate it. It is arbitrary, autocratic, and vests entirely too much power in the executive branch of the Government.

Mr. THOMAS. Mr. President, will the Senator yield to me?

Mr. MYERS. I yield with great pleasure.

Mr. THOMAS. I should like to ask the Senator whether this suppression of development, to which he refers, is not due to the wholesale withdrawal of power sites by the Government from location and entry, but for which, under the act of 1891 and under the act of 1866, ample power existed for the purpose of location, entry, and development.

Mr. MYERS. I think this withdrawal in connection, hand in hand, with the fact that there is no adequate legislation for development is responsible for the arrest of water-power development, but principally and primarily lack of satisfactory laws.

Mr. THOMAS. Perhaps the Senator did not quite catch my question. Is there not sufficient legislation upon the subject to make these power sites available and permit them to be developed if they were not withdrawn? In other words, is it not their withdrawal which has paralyzed the development of the industry, rather than the failure of the operation of the existing law?

Mr. MYERS. I do not believe so. I think it is the law which vests the arbitrary power of revocation and withdrawal which is responsible; and these withdrawals are facts. We want to enact legislation which will overcome them and, despite them, provide some way for people to acquire the control of water-power sites, and go ahead and develop water power notwithstanding the withdrawal. The withdrawals would do no harm if we had proper laws for the development of power on the withdrawn sites; but we have not. Do not put it on the withdrawals; put it on the lack of proper laws.

Mr. WALSH. Mr. President——

Mr. MYERS. I yield with great pleasure to my colleague.

Mr. WALSH. Mr. President, I understand that the withdrawals of these power sites operate to withdraw them from ordinary entry as homesteads, mining claims, and other entries of that character, and leave them open to appropriation under the act of 1901. Surely the Senator from Colorado [Mr. SHAFROTH] would not want to leave these power sites open to appropriation as homesteads?

Mr. THOMAS. The Senator from Colorado would like to see them located and title acquired to them under some law.

Mr. WALSH. Surely, I agree with the Senator from Colorado that that should be done.

Mr. THOMAS. As conditions now are, they are withdrawn absolutely; and with the enactment of this proposed statute the Secretary of the Interior may or he may not lease them to the Senator or to me or to others, and he may apply——

Mr. WALSH. Yes; but what I want to know from the Senator from Colorado is whether he does object to an order withdrawing these power sites on the public domain from entry under the homestead and mining acts?

Mr. THOMAS. Yes; or under some act. I think that has done more to paralyze the development of water power in the West than has any other act taken by the executive department of the Government in regard to the public lands.

Mr. WALSH. As I understand from the Senator from Colorado, then, he thinks that those power sites ought to be left open to appropriation as homesteads?

Mr. THOMAS. Unless they are turned over to the State.

Mr. WALSH. Oh, not "unless"——

Mr. THOMAS. Unless they are turned over to the State. I could only answer it in that way. Unless they are turned over to the State, conditioned on the State developing the power sites.

Mr. WALSH. Let me ask the Senator a question. They have not been turned over to the States. Now, the sole question is, whether, still remaining the property of the Government, the title being in the Government, they should be left open to appropriation as homesteads and as placer-mining claims and open to location under forest-reserve scrip and under all the various other methods of location. Take railroad selections, State land selections; the Senator certainly would not want to have them left open to such appropriation?

Mr. THOMAS. As between the present policy and the policy which the Senator suggests, I am in favor of the latter.

Mr. WALSH. It is not a question of "between" at all, Mr. President.

Mr. THOMAS. It is entirely so from my standpoint.

Mr. WALSH. Not at all. Here are those lands which are valuable as power sites; they are open to selection as homesteads; they are open to selection under the forest-reserve act; they are open to selection by railroad companies under their grants; they are open to selection by the States under their grants. The question now is simply, Shall we leave them open? If we do not leave them open, if we reserve and protect them against entries of that character, I agree with the Senator from Colorado that we ought, then, to enact some kind of legislation by which they would become open to appropriation as power sites. We do not differ about that.

Mr. THOMAS. I think, if the Senator is logical, he ought to go a step further and insist that the Government should withdraw all mineral lands from entry, because, forsooth, a man might get a gold mine worth millions of dollars for $2.50 an acre.

Mr. WALSH. I do not think that applies.

Mr. SHAFROTH. I should like to ask the Senator from Montana a question, with the permission of his colleague.

Mr. MYERS. Certainly.

Mr. SHAFROTH. If a person desiring a water-power site for development takes his plat down to the Interior Department upon lands that are withdrawn, can he ever get the approval of that plat for the purpose of developing that site?

Mr. WALSH. Mr. President, I can not answer any such question as that, except——

Mr. SHAFROTH. Does not the Senator——

Mr. WALSH. Just a minute. Let me answer the Senator's question.

Mr. SHAFROTH. I thought the Senator said he could not answer it.

Mr. WALSH. I can not answer such a question as that, except by referring to what is done. Such plats are approved every day. The great Hegben Reservoir in our State occupied just that position, and the plat was approved. We are talking about a law. I have not presented any such question as that. Of course, if the Senator wants any information from me, I shall be very glad to give it to him.

Mr. SHAFROTH. The Senator from Montana is very well informed about these matters, and is perhaps as well informed, if not better informed, than is any other Senator on the floor of this Chamber with relation to mining laws, power sites, and things of that kind; but I want to say to the Senator that my understanding is that no power site is approved by the Interior Department unless there is an agreement that the enterprise shall pay a royalty to the Federal Government.

Mr. WALSH. Suppose that is the case——

Mr. SHAFROTH. Well, if that is the case, there is where the objection is to paying a royalty to the Federal Government.

Mr. WALSH. Yes; but the Senator will understand that I rose simply to direct attention to the fact that the power sites were withdrawn so that they could not be appropriated as homesteads and mining claims.

Mr. SHAFROTH. They are practically withdrawn, unless the company will agree to pay a royalty to the Federal Government. The real fight that has been made between the West and the Federal Government is with relation to that matter, our theory being that these power sites should be in the same position in which they were previous to the passage of the act of 1901, to which I objected at the time and foretold what I thought would be the result of its passage.

Mr. MYERS. Mr. President, these withdrawals are withdrawals for power sites; they are intended for water-power sites, but the trouble is that there is no workable or adequate law under which anyone will take hold of them. Investors refuse to invest in them under present conditions.

So far as the payment of royalty is concerned, I believe that, if the Federal Government owns the land, the Federal Government ough to get some royalty from the use of it by individuals.

Mr. SMOOT. Mr. President——

Mr. MYERS. I yield to the Senator with pleasure.

Mr. SMOOT. The Senator from Montana says that under the law nobody will develop the water power. Will he not qualify that statement by saying that no one will develop the water power after the land has been withdrawn for that purpose and under the restrictions and obligations imposed by the Secretary of the Interior, which the man who desires to develop the power will have to enter into?

Mr. MYERS. They will not do so, because there is no adequate legislation to enable them to do so. Such applicant will have to take a revocable permit, and a man is not going to invest his money when his permit may be revoked to-morrow, either with or without cause. There is no law on the subject to justify him in doing so.

Mr. SMOOT. There is no doubt about that; but there is also no doubt that before the beginning of the withdrawals of water-power sites capital would invest, because title could then be obtained to the land and now it can not be.

Mr. WALSH. Mr. President, will my colleague yield to me for just a moment?

Mr. MYERS. I yield with pleasure.

Mr. WALSH. I want to have this perfectly understood, because there is not any question about it at all. Capital does not go into these enterprises, not because of any restriction which the Secretary of the Interior undertakes to put in the permit; but it refuses to go into them because the law of 1901 makes the permit revocable. That is the reason why capital does not go in, and that is why we have got to change the law.

Mr. MYERS. That is my view of the matter, and that was my statement, Mr. President. I do not think there is any doubt that capital will simply not go in, because there is no satisfactory nor adequate law. Men are not going to invest their money in such enterprises when their permits are liable to be revoked to-morrow, with or without cause.

As the Senator from Colorado has said, they did it for a while, but they learned by sad experiences that it did not pay; so they have quit and they never will resume until we provide some adequate law. We have to-day no law worthy of the name on the subject. Now, the question is, Shall we enact such a law?

Mr. SHAFROTH. Can we not repeal the act of 1901, and restore the conditions which existed before that time?

Mr. MYERS. We could do that; but I believe we can do better than that. We can enact legislation that will be even more attractive to capital and more beneficial to the people of the country and fairer to all alike.

Mr. SHAFROTH. I do not think you can under a leasing system.

Mr. MYERS. That is the fundamental division of opinion on this bill, of course.

Mr. SHAFROTH. It is.

Mr. MYERS. But I do not believe that the objections to the leasing system apply in extenso to this bill. The land that will be leased under this bill is negligible and inconsequential in quantity. Perhaps a great power project will only require a few acres of Government land. Most of it may be on private land, a part of it only being on Government land. I do not believe that the leasing of small isolated spots, a few acres of land here or a section or a half section there, along some stream is going to bankrupt any State, nor do I think it will do any harm to the States. I believe that it will even bring revenue to the States which they are not now getting. So I do not see any objection to the inconsequential leasing that will be done under this bill. If the Senator wants to fight a land-leasing bill or a mineral-land-leasing bill, that is a different matter. The circumstances are not the same in those instances as in the case of this bill.

Mr. SHAFROTH. Mr. President, the difficulty with the Senator's position is this: He assumes that the land is inconsequential—and perhaps the Government might have some authority to lease the land—but he must recognize that according to the decisions of the Supreme Court of the United States the water belongs to the States.

Mr. MYERS. And this bill does not try to take it away from them.

Mr. SHAFROTH. This bill tries to impose a charge upon each horsepower that is generated by electricity; thus, as it seems to me, doing indirectly what it can not do directly.

Mr. MYERS. It is just a matter of the construction of English. The Supreme Court of the United States has decided time and time again that Congress has power to lease public lands, to lease the public domain. Now, we are confronted with this situation: The people are suffering for want of the development of water power; they are not being supplied with the necessities of life, such as they require and as they ought to be supplied; business is languishing in some sections of the country for want of cheap power; the country is not developed nearly as much as it ought to be, or as it would be, if cheap power were available. We have here this asset of potential, dormant power. Shall it be developed? How are we going to develop it? So far as this bill is concerned, the United States Government owns the land; the States own the water. This bill is constructed on the theory that the States own the water and have the right to the use and the control of the water; but the Federal Government owns the abutting land. It takes both to develop water power. Under those circumstances the State can not develop the water power because it only has one of the two essential requirements, namely, the water. It can not develop power with water alone, without the land; the Federal Government can not develop power with land and without water. The Federal Government owns the land but does not claim the water.

Mr. THOMAS. Yes; it has the one and proposes to take the other.

Mr. MYERS. I beg pardon, it does not at all. I do not see how the Senator can make that assertion in the face of the plain language of this bill. The bill expressly states that it recognizes the right of the State to the use and control of the water in the flowing streams in the State, and it is not intended in any way to infringe upon that right.

Mr. THOMAS. Mr. President, I do not like to interrupt the Senator too frequently——

Mr. MYERS. I am always glad to be interrupted by the Senator; quite willing.

Mr. THOMAS. If it is objectionable at all, I hope the Senator will refuse to yield; but I merely wish to remind the Senator that section 8 of the reclamation act was designed to protect and preserve all State rights. It required the recognition of all State laws in connection with reclamation projects, but almost since the reclamation policy began it has been practically a dead letter upon the statute books. Hence I am not disposed to pay too much attention to any expressions in this bill of a similar character, which simply recognize, but which in practice, I think, will hardly pay much attention to, State rights.

Mr. MYERS. Would the Senator do away with our great reclamation act and the great works which have grown up under it merely on account of some hair-splitting, technical, theoretical State-rights idea?

Mr. THOMAS. Mr. President, I would not do away with them, but in their administration I would observe the requirements of every section of the statute. I recall one instance where, under the reclamation law, waters of my State, or some of them, are transported several hundred miles across a desert to be used by a foreign country, under the pretense that the reclamation act is sufficiently extensive to permit it.

Mr. SHAFROTH. Transported for a thousand miles.

Mr. THOMAS. I know that in practical effect, so far as that particular reclamation scheme is concerned, section 8 of the law is as absolutely a dead letter as if it had no existence whatever.

Mr. MYERS. I do not defend all phases of and all acts in connection with the administration of the reclamation law. It may be abused in its administration as well as any other law; but I think this bill is so safeguarded and so plain in its provisions that no doubt can be left that it does not intend to touch a vestige of the right reposing in the respective States to the ownership and control of water within their borders. The bill even goes further and says that before an applicant may get a permit to obtain a lease of Government public land he must first appropriate the water necessary to his project under and according to the laws of the State in which the project is to be located. At every turn the bill recognizes the right of the State to the use and control of the water. I do not expect to convince the Colorado Senators; I know their views are so radically different from mine that I can not do that; but it looks to me like this: Here is a house afire, and here is a man who has a well with water in it but no bucket, and another man has a bucket but no water. Now, how are you going to get the water to the fire unless you use both the bucket and the water? Unless one uses the bucket and the other furnishes the water, how are you going to get water to the fire?

Mr. THOMAS. That is the only way in which it can be done; but the fellow who borrows the bucket ought to return it after he puts the fire out, and I think that is just what the Government is not going to do under this bill.

Mr. MYERS. In this case no bucket is to be returned. The Federal Government owns the land, as proprietor, and does not have to return it. It is not borrowed, and the Federal Government is not going to try to steal the water. I do not think that the man who owned the bucket would need to return it, nor do I think under this bill the Government can take the water away from the States. I fail to see one line, one sentence, or one syllable of this bill which takes away from the State any right to the water, and I should like one of the Colorado Senators to point out anything which takes away from the State any right which it now has in and to the flowing water of its streams.

Mr. THOMAS. I will do that hereafter.

Mr. WALSH. Mr. President, will my colleague yield to me for a moment?

Mr. MYERS. With great pleasure.

Mr. WALSH. Mr. President, I am sure that when the Senator from Colorado makes a statement such as he made a moment ago the idea which he conveys and which he wants to find lodgment in the minds of some is that the Government, owning the land, wants to take the water. Now, I want to put this case to the Senator from Colorado: Some one gets a permit under this bill which authorizes him to occupy certain lands upon both sides of a stream, but some one else has appropriated all of the water on that stream and has built a dam up above the one built by the permittee. Will the Senator desire to assert here upon the floor of the Senate that he thinks under the operations of this bill the right of the first appropriator of the water will be taken away from him?

Mr. THOMAS. Mr. President, I have not asserted and am not asserting that this bill directly takes it away from him.

Mr. WALSH. In what way does it affect his rights?

Mr. THOMAS. I do think, however, if the Senator will permit me to answer his question, that in the operation of this bill the applicant for a power site who makes his appropriation pro forma—and that is what it amounts to—will unite the two together, and he will use his appropriation under the Federal law for the purpose of filling his reservoir and generating power, and in the conflict between the man who holds the Federal permit and who is operating under the Federal law and the man above on the stream who has such a right as has been described the latter will ultimately, in the operation of what we will call the public interest, find himself face to face with a condition which will ultimate in the impairment of his right to such an extent as to render it largely useless.

Mr. WALSH. Mr. President, I want to ask the Senator from Colorado if such contests between two men claiming the right to the same water on the same stream are rare in his State?

Mr. THOMAS. They very seldom occur, and I do not think that contests between a claimant under a Federal law and a claimant under a State law having the right of appropriation will occur with frequency until this bill passes.

Mr. WALSH. In a contest of that character, what advantage will this bill give to either party?

Mr. THOMAS. Oh, Mr. President, the advantage, as I have said, will be that this is a Federal law, that it is passed in the public interest, to serve a great public purpose; among other things, to prevent the further extension of the water-power monopoly. It is the public interest which attaches to it in the Federal jurisdiction that in a final crisis will result in its supremacy over the locator and appropriator under State laws.

Mr. WALSH. I want to ask the Senator another question. Has he not frequently found contests between municipalities and individuals, each claiming a prior right to water?

Mr. THOMAS. Oh, I have found plenty of them; yes.

Mr. WALSH. Those contests are fairly adjudicated by the courts of Colorado, are they not?

Mr. THOMAS. Those are matters which arise under the State law purely.

Mr. WALSH. Exactly. And does the Senator——

Mr. THOMAS. Here is something that will be a controversy between appropriations under the State and appropriations and rights under the Federal law for an alleged public purpose.

Mr. WALSH. And the Senator believes that the one under Federal law will get the better recognition in the courts?

Mr. THOMAS. I am inclined to think that the Federal courts will recognize and enforce a right based upon a Federal law which assumes to have been enacted for the creation of a public right or to subserve a public interest as against one which is merely private in its character and gives a private right.

Mr. MYERS. Mr. President, I should like to ask the Senator from Colorado [Mr. THOMAS] what appropriation of water under any Federal law there can be, according to the provisions of this bill? Does not the bill say in precise terms that the appropriation of water necessary for a project must be under and by virtue of the authority of the laws of the State in which the project is to be located?

Mr. THOMAS. The appropriation of the water for this purpose will be under the State law to the extent to which that State law applies. I can only speak for my own State, but I think the law is perhaps general, that where an appropriation is made for reservoir purposes or for manufacturing purposes in connection with the use of flumes, ditches, and conduits the State engineer must approve the filings, and they then must be approved by the Interior Department before any right attaches. This law does not pretend to, and it can not except by express recital, repeal that provision of the act of 1891, which requires as a part of the appropriation the filing of these specifications and their approval by the Secretary of the Interior. Now, that gives it certainly a Federal aspect; it makes Federal approval essential to the incipiency of the right as well as to its subsequent exercise; so that appropriations for these purposes under the State law of my State must be followed by these approvals under the act of 1891 by the Secretary of the Interior. That combined with this proposed statute, makes it practically a Federal appropriation.

Mr. MYERS. I do not see that that gives any paramount interest or higher standing or greater force or efficiency than an appropriation purely under State law.

Mr. THOMAS. If this bill becomes a law, I hope the Senator's conception of its methods of operation will prove to be the correct one, and not mine, but I do not think so.

Mr. MYERS. I am very firm in the belief that it will be.

Mr. SHAFROTH. Mr. President, the Senator from Montana a little while ago turned to me and asked me if the State owns the water—and he concedes that it does—and the Government owns the land, how would I suggest that this problem be solved. I will state to the Senator that I do not see what right the United States Government has to say, "Because I own this land I shall insist that nothing shall be put there except with my permission." It is recognized that the United States has no sovereignty over the land. It has a proprietary right only in the land, and it ought to place itself in the same position exactly as the private owner of land, the private individual. So that you could solve this question by giving the State or the company which is undertaking a development of this kind the right of eminent domain against the United States Government, paying the United States Government a fair price for the land. That, it seems to me, would solve the problem in a most excellent manner and would produce development.

Mr. MYERS. I did not ask that exact question, but I am glad to hear the Senator make that statement of his views. Will the Senator say that under the law it is impossible now for a State to condemn for a public purpose land owned by the United States Government?

Mr. SHAFROTH. Oh, Mr. President, I do not know that I can put it that strong; but there are authorities which say that the State has such a right.

Mr. MYERS. I know that is the case.

Mr. SHAFROTH. At the same time, perhaps it is a fact that a company undertaking a public use of water would have such a right; but, Mr. President, when you come to the practical effect of the right, I should like to know what company is going to sue the United States? With all the machinery for defending suits and with the Interior Department against acquiring any right whatever, I should like to know what individual or what company would stand a ghost of a show, except at a great financial loss, of acquiring a water-power site?

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Wyoming?

Mr. MYERS. With sincere pleasure.

Mr. CLARK of Wyoming. I was struck with the statement just made. I should like to be pointed to the authority that holds that Government property may be condemned under the law of eminent domain existing in a State. That certainly is rather a new doctrine to me and a novel one. I should be glad if it could be more fully stated.

Mr. SHAFROTH. Mr. President, I did not say that the right existed. I say that there are some authorities who hold that it does. There is one authority that I remember, in the Fort Dearborn case, where the Government of the United States was not using the land for a purely governmental purpose, and the court in that instance held that the right of condemnation did exist. That was near Chicago.

Mr. SMITH of Arizona. That was merely a military reservation.

Mr. CLARK of Wyoming. What was the purpose of the condemnation?

Mr. SHAFROTH. The purpose was to put a road or a street through a reservation.

Mr. SMOOT. It was a military reservation which had been abandoned.

Mr. SHAFROTH. Yes; a military reservation which had been abandoned, and it was held that it was a subject of eminent domain; but of course it could not be done as against anything which the Government used.

Mr. CLARK of Wyoming. Of course we have a general statute which says that the right for highways can be secured by following a certain procedure; but in the absence of any statute I can hardly see how the Government of the United States can be made subject to a suit at the instance of a State or anybody else.

Mr. THOMAS. Mr. President, I will merely say to the Senator from Wyoming that during the course of this discussion it is my purpose, among other things, to assert and contend for the proposition that this right of condemnation, this sovereign power of eminent domain, does exist in the States, and can be exercised against any property except that held by the Government for purely governmental purposes.

Mr. CLARK of Wyoming. The Senator will have a very willing listener in me. For my part, I wish he would be able to convince the courts of the same thing.

Mr. THOMAS. I may not be able to sustain the contention, but I think I can at least convince the Senator that there is good ground for the proposition.

Mr. CLARK of Wyoming. Certainly there ought to be good ground for the proposition; because, as was said by the junior Senator from Colorado, the United States as a proprietor ought to stand in no different or superior position than an individual.

Mr. THOMAS. I confess that I was very much surprised, upon examining the question, to discover the extent to which the authorities, both State and Federal, go in supporting the existence of this sovereign power against all property of any State, except, of course, that property of the Government which is used specifically for purely governmental purposes.

Mr. CLARK of Wyoming. I shall listen to the Senator with a great deal of interest.

Mr. SMOOT. So shall I.

Mr. MYERS. Mr. President, in the case just cited by some of the Senators who had the floor, the ground was used as a military reservation, but that use was abandoned. Thereupon it became public domain of the United States and was none the less the public land of the United States Government. I asked the Senator from Colorado [Mr. SHAFROTH] his views on that subject and I ascertained what they were. I am aware that there are some authorities holding that the States or individuals may condemn lands of the United States Government for public uses. I do not think the question has ever been passed upon by the Supreme Court of the United States. That is my information—that it never has reached the Supreme Court of the United States.

Mr. THOMAS. Not directly; but in the Chicago case to which my colleague has referred, the Fort Dearborn case, found in one of the Howard Reports, the principle is directly recognized by that court.

Mr. MYERS. That is very interesting. I shall be glad to hear the views of the Senator from Colorado [Mr. THOMAS] on the subject when he comes to discuss it.

The junior Senator from Colorado [Mr. SHAFROTH], with whom I have had more or less of a running colloquy, has said a good deal about the views of conservationists in regard to the enactment of the law of 1901. I desire to say that I am not fully in accord with the views of some conservationists. I do not defend all of their views by any means at all. I do not stand here for that purpose, and I do not think this bill reflects all of their views. They advocate some things to which I can not subscribe. While this is called a conservation measure, and I believe it is in the true sense a conservation measure, I think it really ought to be called a development measure. It is a great development measure, for the development of our great potential water-power resources. That is a better name for the bill, I think—a bill for developing the resources of our country for the benefit of the people.

The United States Government owns these public lands as proprietor; and, I think, in the language of the junior Senator from Colorado [Mr. SHAFROTH], it owns them as any other proprietor does. If they are subject to the right of eminent domain, all right; let it be so. If they are not so subject under the law, there is no private owner of property who is going to go to work and seek to have his lands made subject to the right of eminent domain. The Government owns its land as proprietor, the same an an individual does. I say, therefore, according to the same principle, that if it is used by anybody else the proprietor ought to have some compensation for it. I think it is right and proper that the proprietor should have some compensation, and not give it away.

The State owning the water, and the Federal Government owning the land abutting the water, when it takes both land and water to develop water power, I do not see, to save my life, how it is going to be developed in any way other than by the joint operation of both, putting the two together. It is the only way. It is the sane and reasonable idea. Better cooperation than inactivity, waste, stagnation.

DEATH OF SENATOR SHIVELY.

Mr. KERN. Mr. President, the saddest duty of my official life now devolves upon me. It is to convey to the Senate the sad intelligence of the death of that distinguished Member of this body, my colleague, the Hon. BENJAMIN F. SHIVELY, of Indiana.

At another time I shall have occasion to say more regarding the life and character of the deceased. At present I offer the resolutions which I send to the desk and ask that they may be adopted.

The VICE PRESIDENT. The Secretary will read the resolutions.

The resolutions (S. Res. 129) were read and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of the Hon. BENJAMIN F. SHIVELY, late a Senator from the State of Indiana.

Resolved, That a committee of 12 Senators be appointed by the Vice President to take order for superintending the funeral of the late Senator.

Resolved, That as a further mark of respect his remains be removed from Washington to South Bend, Ind., for burial in charge of the Sergeant at Arms, attended by the committee, who shall have full power to carry these resolutions into effect.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The Vice President, in compliance with the provision of the second resolution, appointed Mr. KERN, Mr. SMITH of Arizona, Mr. WILLIAMS, Mr. CLAPP, Mr. JOHNSON of Maine, Mr. KENYON, Mr. SWANSON, Mr. JAMES, Mr. SUTHERLAND, Mr. MARTINE of New Jersey, Mr. PHELAN, and Mr. SMITH of Georgia the committee on the part of the Senate.

Mr. KERN. Mr. President, as a further mark of respect to the memory of Senator SHIVELY I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 15, 1916, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 14, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty and most merciful God, our heavenly Father, we lift up our hearts in love and gratitude to Thee for all the rich and varied blessings with which Thou hast surrounded us in this beautiful world; especially for the intellectual, moral, and spiritual endowments through which we are able to appreciate and enjoy. That we may use these precious gifts to the end for which they were intended, make us susceptible, we beseech Thee, to that silent yet potent influence which is ever going out from Thee unto the hearts of Thy children, that we may be led into all truth and holiness; in the name of Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

WATER POWER.

Mr. KENT. Mr. Speaker, I desire to place in the RECORD a letter addressed to the President of the United States on the water-power situation, and his reply thereto. It is unnecessary for me to state that I should not print the President's letter without his consent. I ask unanimous consent to place these letters in the RECORD.

The SPEAKER. The gentleman from California [Mr. KENT] asks unanimous consent to extend his remarks in the RECORD by printing a letter from himself to the President, and from the President to him, on the subject of water power. Is there objection?

There was no objection.

RIVERS AND HARBORS APPROPRIATIONS.

Mr. FREAR. Mr. Speaker, I ask unanimous consent to place in the RECORD a resolution from The Bronx Board of Trade, and my reply thereto.

Mr. FITZGERALD. What about?

Mr. FREAR. On the subject of rivers and harbors.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to place in the RECORD a resolution from The Bronx Board of Trade and his reply thereto on the subject of waterways.

Mr. FITZGERALD. Is there anything about me in your letter?

Mr. FREAR. Not a word.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

STATISTICS OF LEAF TOBACCO.

Mr. HELM. Mr. Speaker, I ask unanimous consent for a change of reference of the bill (H. R. 13111) authorizing the Commissioner of Internal Revenue to collect and publish statistics of leaf tobacco. I ask unanimous consent that the Committee on Ways and Means be discharged from the further consideration of the bill, and that the same be referred to the Committee on the Census.

Mr. KITCHIN. Mr. Speaker, I desire to say that so far as the Committee on Ways and Means are concerned we have no objection to that change of reference.

The SPEAKER. Is there objection?

Mr. MANN. For the present I object.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 65. Joint resolution creating a joint commission of Congress to be known as the Joint Commission of Congress to Investigate the Aviation Service of the United States Army; to the Committee on Military Affairs.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

On motion of Mr. BYRNS of Tennessee, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill (H. R. 12207), with Mr. CRISP in the chair.

The CHAIRMAN. When the committee rose at its last session there was pending an amendment offered by the gentleman from Missouri [Mr. BORLAND], to which amendment the gentleman from Wyoming [Mr. MONDELL] had made a point of order. Without objection, the Clerk will report the amendment offered by the gentleman from Missouri, after which the Chair will hear the gentleman from Wyoming [Mr. MONDELL] on his point of order.

The Clerk read as follows:

Mr. BORLAND offers the following amendment as a new section on page 150:

"SEC. 6. That the number of persons in the classified service authorized to be employed in the several executive departments and other executive establishments and the government of the District of Columbia shall be reduced by one-tenth on or before the 30th day of June, 1917, and in order that such reduction may be made without loss of service to the Government and to equalize the hours of work required of those in the classified employments of the United States it is made the heads of the several executive departments and other executive establishments and the government of the District of Columbia to hereafter require, subject to the provisions and exceptions of section 7 of the legislative, executive, and judicial appropriation act for the fiscal year 1899, approved March 15, 1898, not less than eight hours of labor each day, except Sundays and days declared public holidays by law or Executive order: *Provided*, That the provisions of this section shall not apply to the classified employees in those branches of the public service in which such employees are now required to work eight hours a day."

Mr. MONDELL. Mr. Chairman, an amendment, to be in order under the so-called Holman rule, must be germane to the subject matter of the bill. In my opinion, the amendment offered by the gentleman from Missouri [Mr. BORLAND] is not germane to the subject matter of this bill.

This is a bill making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes. In my opinion, an amendment offered in this way, proposing to affect the hours of service of the clerks in executive departments, is not germane to a bill of this character.

Furthermore, the language of the first part of the amendment is such that it is very doubtful as to whether the result sought to be accomplished or assumed to be sought to be accomplished would be accomplished during the period for which this bill makes appropriations. I will not take up the time of the Chair in a lengthy discussion of that point. I think, however, it may well be argued that the amendment is not germane to the bill.

But an amendment, in order to come within exceptions contained in the Holman rule against the general prohibition of new legislation, must retrench expenditures by the reduction of the number or salary of the officers of the United States, by the reduction of the compensation of persons paid out of the Treasury of the United States, and so forth.

It is evidently intended or expected to bring this amendment within the Holman rule by a reduction of the number of the officers of the United States. I want to call the attention of the Chair to the fact that this amendment does nothing of the kind, that the first portion of this amendment, which has reference to the reduction of the number of clerks, is not effective substantive legislation. It is a mere resolution of intention, and would not be effective in the accomplishment of the reduction of the number of clerks in the executive departments unless it were followed by legislation putting into effect what is here a mere resolution. I call the attention of the Chair to the language of the amendment:

That the number of persons in the classified service authorized to be employed in the several executive departments and other executive establishments and the government of the District of Columbia shall be reduced by one-tenth on or before the 30th day of June, 1917.

That is a mere resolution. It is not self-executing. It does not make it the duty of anyone under the Government to reduce the number of clerks, and, as a matter of fact, unless some head of a Government department assumed an authority which this language does not give him to reduce the number of clerks, there could be no such reduction as this resolution suggests.

It does not come within the rule, because an amendment in order to come within the rule must contain a self-executing proposition, must by its own force and effect actually accomplish the result of reducing the number of clerks and employees. No

such result would necessarily follow the adoption of an amendment of this character.

Now, Mr. Chairman, I want to call the attention of the Chair to another point. It may be said that there is some ground for argument relative to the germane character of the amendment. There is some ground for argument on both sides of that question. There is ground for argument and for difference of opinion as to whether or not the part of the amendment which I have read does come within the Holman rule by the reduction of the number of employees in the Government service. But there can be no difference of opinion, Mr. Chairman, it seems to me, upon the further point that this amendment contains two separate, distinct, substantive propositions. In other words, it is a divisible amendment. The test is this: Were this amendment offered and the point of order not made, or were the point of order overruled and a demand to divide the question made, would that demand be entertained by the Chair? Unquestionably such a demand would be entertained by the Chair. There are three separate propositions here. First—

The number of persons in the classified service authorized to be employed in the several executive departments and other executive establishments and the government of the District of Columbia shall be reduced by one-tenth on or before the 30th day of June, 1917.

I question whether it is more than a resolution, but whatever it is it is complete of and by itself. It has no necessary relation whatever to what follows. What follows is:

And in order that such reduction may be made without loss of service to the Government and to equalize the hours of work required of those in the classified employments of the United States it is made the heads—

And so forth, which is merely a recitation, not law; the expression of an opinion or the suggestion of a purpose; and then follows the substantive proposition. The gentleman from Missouri [Mr. BORLAND] left out two words, which I am perfectly willing shall be inserted so that the amendment may be understandable. He intended to say "it is made the duty of heads of the several executive departments," whereas he simply said "it is made the heads of the several executive departments," and so forth.

What he intended to say was that—

It is made the duty of heads of the several executive departments and other executive establishments and the government of the District of Columbia to hereafter require, subject to the provisions and exceptions of section 7 of the legislative, executive, and judicial appropriation act for the fiscal year 1899, approved March 15, 1898, not less than eight hours of labor each day, except Sundays and days declared public holidays by law or Executive order.

Mr. BORLAND. Mr. Chairman, I call the attention of the gentleman from Wyoming [Mr. MONDELL] to the fact that he must be reading from his own copy, because, if he will examine the amendment as it appears in the CONGRESSIONAL RECORD, he will find that the words "duty of" are in the amendment.

Mr. MONDELL. I am reading from a copy which the gentleman himself handed to me.

Mr. BORLAND. If he will refer to the CONGRESSIONAL RECORD, he will find those words in the amendment.

Mr. MONDELL. I followed the reading of the Clerk very carefully a moment ago, and I know when the amendment was offered the gentleman attempted to modify it; but, as a matter of fact, he did not, and as the reading clerk just read it the amendment is as I have stated. If the gentleman has any doubt about it, I will ask that the Clerk may again read that part of it.

Mr. BORLAND. I have not any doubt about it, and I refer the gentleman to the page of the CONGRESSIONAL RECORD.

Mr. MONDELL. But I am assuming that the reading clerk is the authority.

Mr. BORLAND. I refer to the CONGRESSIONAL RECORD.

Mr. MONDELL. I ask that the Clerk again read that beginning with the words——

The CHAIRMAN. The Chair will state that the official amendment at the Clerk's desk does not contain the words "duty of," but, without objection, it will be so modified by inserting those words in the original amendment.

Mr. MANN. Mr. Chairman, reserving the right to object, do I understand that the gentleman claims that he left those words out because he had brain-fag from working so hard over it? [Laughter.]

Mr. BORLAND. Mr. Chairman, the gentleman never stated anything of the kind.

Mr. MONDELL. Mr. Chairman, reserving the right to object, I shall not object, because I have no disposition to take advantage of any such thing——

The CHAIRMAN. The Chair will ask the gentleman from Wyoming to discuss the point of order, as the Chair does not think all of this has anything to do with the point of order.

Mr. MONDELL. But it is rather important that the gentleman should get his amendment corrected in order that we may understand it.

The CHAIRMAN. The Chair understood the gentleman from Wyoming to say that he would not object to it, and the Chair was simply putting the proposition—without objection, it will be so amended. [After a pause.] The Chair hears none, and it is so ordered.

Mr. MONDELL. Mr. Chairman, on this question of the divisibility of the amendment, before I call the attention of the Chair to the rulings directly in point, I desire to make this suggestion: The gentleman from Missouri [Mr. BORLAND] will plead with the Chair that there must be a liberal construction of this so-called Holman rule in order that it may not lose its force and effectiveness.

It is not the fault of the Chair that the gentleman from Missouri is not able to draw an amendment which will come within the Holman rule. My opinion is that it would be perfectly easy to draw an amendment covering this matter which would come within the Holman rule. It is not the fault of the Chair that the gentleman from Missouri either is not able to do that or has not seen fit to do it. He possible had some purpose in offering an amendment which would be subject to the point of order. If gentlemen may present to the committee any sort of a hastily drawn amendment and then plead with the Chair that the Holman rule must be upheld without regard to the character of the amendment, we will have all sorts of amendments thrown in here and placed upon bills upon the theory that some gentlemen having hoped to come within the Holman rule, having possibly intended to come within the Holman rule, therefore the amendment must be accepted because of good intentions.

There have been at least three decisions directly upon this point of the divisibility of amendment in connection with amendments offered under the Holman rule. I am sure the Chair is familiar with all of them, because the Chair placed a brief of all of those decisions in the rules. An interesting feature of those discussions is that that occurred in the House when the honored author of the Holman rule occupied a seat upon this floor, and in at least one of those cases Mr. Holman himself participated in the discussion. Men like Mr. Dingley, Mr. Richardson, Mr. Holman, Mr. Blount, and others took part in those decisions, and in two of those cases there were appeals from the decision of the Chair, and the House, by an overwhelming vote, sustained the Chair in its decision that an amendment, in order to come within the Holman rule, must contain only one substantive proposition; that you could not bring in an amendment clearly within the Holman rule merely as a vehicle, a carriage, for all manner and kinds of legislation which otherwise could not be held in order. The first of these cases—and I will be brief, because I think the Chair is fully informed with regard to them—was in the Fifty-first Congress.

Mr. Dockery, one of the best parliamentarians of the day, was the chairman. In that case there was a reduction in the amount carried in the bill and a provision connected with it, in very much the same way that the second proposition is connected here, which took from the Postmaster General his discretion in certain matters; new legislation, a substantive proposition. In that case it was stated, as may well be said in this case, "that the two propositions are as distinct and separate as night and day," although, as in this case, the attempt was made to hang them together. It has been held in one or two cases that two propositions separate and distinct can not be united by mere grammatical construction; that you can not hang two separate propositions together by words attempting to combine them into one proposition which does not in fact accomplish that purpose. The decision in question is found in the RECORD of the first session of the Fifty-second Congress, page 4959—I will not take the time of the Chair to read it. I hope that the Chair has that decision fresh in his mind. The second was in the same Congress a few days later, found in the RECORD of the Fifty-second Congress, pages 5003 and 5004. In that case attention was called to the ruling of the day before, and Mr. Dockery, who was the chairman the day before, Mr. Buchanan, of Virginia, occupying the chair at that time, called attention to that decision as one clearly in point. In that second case it is true that it was held that one part of an amendment was not germane to the bill, but the question decided was, in fact, the question of the divisibility of the amendment. It was held that it could be divided into two separate parts and each contained a complete, independent, or substantive proposition.

Now, perhaps the most important of those cases is the last, to which I wish to call the attention of the Chair, a full record of which is found in the CONGRESSIONAL RECORD of the second session of the Fifty-second Congress, page 1392. An amendment

was offered by Mr. Dingley, of Maine. Mr. Richardson, of Tennessee, one of the ablest parliamentarians of the time and later the minority leader of this House, was in the chair and rendered the decision. The discussion was participated in by Mr. Holman, the author of the Holman rule, by Mr. Dingley, by Mr. Richardson, by Mr. Blanchard, one of the able parliamentarians of the time.

The matter was discussed at considerable length, and the Chair ruled that there were two separate substantive propositions such as would be divided on a demand for a division. That being true, and one of them being subject to the point of order, the entire amendment went out. Now, I take it for granted that the Chair has no doubt but what the second and third propositions contained herein—the one contained in the body of the amendment and the one contained in the proviso—are subject to the point of order, because they do not come within any of the exceptions contained in the second paragraph of the Holman rule. They are new legislation. They do not reduce the number or the salary or the compensation of any of the officers of the United States. They do not reduce the amount carried in the bill. They are therefore clearly, beyond all question or controversy, subject to the rule of prohibition against change of existing law on an appropriation bill. They are separate, distinct, and unrelated to the first proposition, which is the part of the amendment which it is claimed brings the amendment within the rule. Inasmuch as you can separate them, and inasmuch as the Chair would separate them on demand—inasmuch as when separated one, at least, is subject to the point of order—therefore the entire amendment is subject to the point of order and must go out.

Mr. BORLAND. Mr. Chairman, the Holman rule, so-called, clearly contemplates the addition of legislation to an appropriation bill. It is something more far-reaching than the simple proposition of reducing the amount carried in the bill. It is made for the purpose of permitting the incorporation of legislation in a bill, and legislation means a change of existing law in some direction. Now, the gentleman from Wyoming [Mr. MONDELL] belongs to a school of political thought which does not believe in the Holman rule, and it is very natural that he should view the Holman rule with great strictness. It is very natural that he should limit its operation and, with his mental processes, would go to the extent of limiting the remedial force of the Holman rule. His first objection to the pending amendment is that it is not germane to the subject matter of the bill. Germane, of course, does not mean identical; it means related to or akin to. It may be a mere coincidence—but if so, it is a very striking coincidence—that all legislation relating to the hours of clerks in Washington has been incorporated upon the legislative, executive, and judicial appropriation bill.

So far as I have been able to find, there is no legislation on that subject which has been incorporated upon any other bill. That may be a mere coincidence, and yet if so, it is a very striking coincidence upon the point of order whether or not the hours of labor are germane to a bill appropriating for the pay of the employees of that class and character. But the gentleman has overlooked a more recent decision expressly upon the point of germaneness and expressly upon the application of the Holman rule.

Not very long ago the one now addressing you offered an amendment to the bill making appropriations for the District of Columbia providing for a change in the method of assessing for street improvements. My amendment was that a portion of the street improvement should be assessed against the abutting property owner, and my contention was to that extent it relieved a charge upon the Federal Treasury. I offered it from the floor, so that it came, if at all, within the three excepted classes to the Holman rule—reducing the number of officers, reducing the compensation, or reducing the amount carried in the bill. Mr. HULL of Tennessee was in the chair at that time and decided that the amendment was not in order offered by a Member from the floor because it constituted substantive legislation that did not specifically reduce the amount carried in the bill, although it tended toward retrenchment, and therefore it was the class and character of an amendment which should come from a committee having legislative jurisdiction.

Thereupon the gentleman from Kentucky [Mr. JOHNSON] offered an amendment coming from the Committee on the District of Columbia, and the point was then pressed with great earnestness that legislation of that character was not germane to the bill to which it was offered. Chairman HULL said:

> The Chair will also undertake to dispose of the other ground suggested by the gentleman from Illinois as to whether the effect of the proposed amendment would be a retrenchment of expenditures within the meaning of the rule. On the first question of germaneness the Chair is of opinion that if the amendment will retrench expenditures within the meaning of the rule, it will also be germane to the paragraph in the bill.

There was an amendment which went to change the organic law of the District of Columbia relating to the assessment for street improvement, and was held germane to an appropriation bill carrying appropriations for the government of the District of Columbia. Here is an amendment which seeks to regulate the hours of clerks, and it is offered to a bill which provides the appropriation by which those clerks are paid. And it would be very difficult to find a proposition which would be more nearly akin, related, or connected than a proposition regulating the hours of labor and conditions of employment attached to a bill which provided for an appropriation for the payment of that class of employees.

The gentleman makes the further point, but he does not seem to insist upon it with any confidence, that the amendment is not mandatory in its terms; that somebody might evade it by refusing to honestly enforce it; that nobody might exercise the power of reducing the number of clerks in the way the law points out. It is sufficient for us to say in this connection that the words of the amendment are mandatory. It says they "shall be" reduced, not "may be" reduced, or within the discretion of any official, but "shall be" reduced. The words themselves are mandatory words, and so recognized by law.

Now, I need only refer, then, to the last proposition of the gentleman on the question of the divisibility of the amendment. He has cited some precedents in this House, dating pretty far back, and the only one which nearly approaches the point which he makes is one on page 1392 of the CONGRESSIONAL RECORD, of the second session of the Fifty-second Congress, in which an amendment was offered providing for the reduction of the number of clerks, and coupled with that a proposition to repeal a portion of the Bowman Act for the payment of claims against the Government.

Now, the Bowman Act was clearly not related to the proposition which was then before the House. I might attempt to introduce here a proposition reducing the number of clerks and couple with it a proposition to repeal the law for the acquirement of the reclamation sites, or the law for the government of the national parks, or any other law that I saw fit. That would not be germane. So the decision in that case was to the effect that simply by reducing the number of clerks and hitching with it a nonrelated proposition to repeal some law you could not bring the repeal of the law within the Holman rule. I take it that is true, although I do think that that decision goes to the extreme verge and has never been followed, so far as I know, from that day to this. I think it marks the outer boundary, because I think that case was on the twilight line of doubt as to whether or not the proposed amendment was divisible.

But assuming that that case was correctly decided, it is utterly unlike the case now before the Chair, for the case now before the Chair says that the time of certain clerks in the employment of the Government shall be eight hours instead of seven, and that the number of clerks shall be reduced 10 per cent.

Now, it is utterly impossible to separate those two propositions. As a matter of common sense, if I say that I have a certain number of clerks in my employ, and I purpose to get along with a less number of clerks and work that less number of clerks an additional time, those two propositions are absolutely and inseparably united. I do not say that I am going to reduce the number of clerks and leave the hours of labor the same, for I think the gentleman would attack that kind of a proposition with a great deal more energy than he would attack the proposition now before the House. But the two propositions are related and connected—that we reduce the number of clerks and change the hours of labor. And those two propositions are more nearly related—in fact, more inseparable, more impossible of division—than almost all of the precedents which have come before the Chair under the Holman rule.

I have seen precedents, and the occupant of the chair has also, where the proposed change in law was not nearly so fundamentally connected with the proposed reductcion in the appropriation as it is in this case. But here is a proposition which it is almost impossible to conceive a separation of. How would the gentleman separate them? You have a certan number of clerks working a certain number of hours, and you say you shall have a less number of clerks working a greater number of hours, so it is very difficult for the gentleman, it seems to me, to sustain his point that the proposition can be divided, or if divided, either part of it would not be germane to the proposition.

Mr. MONDELL. Will the gentleman from Missouri yield?

Mr. BORLAND. For a question; yes.

Mr. MONDELL. Even assuming that there may be some ground for the argument the gentleman is now making, will he further insist that the proviso is not separable from the balance of the amendment?

Mr. BORLAND. The gentleman did not argue that proposition, but I will argue it with him.

Mr. MONDELL. I did argue it.

Mr. BORLAND. I will refer to that, because the proviso is also an integral part of the amendment. The Chair is well aware of the existing law, or must have in mind the existing law, that certain departments here maintain now an eight-hour schedule. Those departments are the mechanical departments of the Government—the ordnance factory at the navy yard, the bureau of public printing, and so on. The very purpose of this act being to equalize the hours of labor and to put the men who are now upon the seven-hour basis upon an equality with the men upon the eight-hour basis, the proviso excepting those departments which are now operating under an eight-hour basis is an integral and necessary part of the law itself. And I contend it is germane. In fact, I contend it is an inseparable part of the proposition, viewed from the standpoint of the pending law.

Mr. Chairman, the Holman rule, as I said before, is a remedial proposition, intended to permit actual, real reduction and retrenchment. And it must be given construction based upon that conception of the rule. Here is a proposition which permits actual reduction in the expenditures of the Federal Government, and I contend that it is fully within the letter and spirit of the Holman rule. [Cries of "Rule!" "Rule!"]

Mr. STAFFORD. Mr. Chairman——

The CHAIRMAN. The Chair will hear the gentleman from Wisconsin on the point of order.

Mr. STAFFORD. Mr. Chairman, an original question, as I view it, is presented to the Chair for decision since the revival of the Holman rule. No ruling has been made since the Holman rule was revived that bears directly on the question before the Chair for decision, other than the decision referred to by the gentleman from Missouri [Mr. BORLAND], the decision by the gentleman from Tennessee [Mr. HULL], passing upon the amendment offered by the gentleman from Missouri, offered by him without committee sanction, was in order.

Chairman HULL ruled that that amendment was not within the province of any Member on the floor to present; that it was within the province of a committee to report, not under that part of the Holman rule upon which the gentleman is now seeking to hang his present amendment, but on that portion of the rule which holds that a committee which has authority to legislate may bring in amendments reducing expenditures.

I call the attention of the Chair to the decision, as printed on page 498 of the Manual, in which Chairman HULL there tersely justifies the amendment being reported by the Committee on the District of Columbia as in order under that provision. I take it that you can not accomplish by indirection what you can not accomplish by direction, and that the Chair in deciding whether this amendment is in order will construe the full purpose of the entire Holman amendment, and will not set aside one provision of the Holman rule that relates to legislation being in order when reported from a committee having that in their jurisdiction, and thereby not give effect to that provisions by trying to bring it in under some other part of the rule.

There is no question in my mind but that this amendment is divisible and that one part of the amendment is in order under the Holman rule and another part of the amendment is not in order, because it is not reported from a committee that has jurisdiction over the subject matter. If the Committee on Appropriations had jurisdiction to legislate as to the hours of labor of these employees, and the committee had so reported a provision such as that offered by the gentleman from Missouri [Mr. BORLAND], then I would contend that it was in order. But when the gentleman joins with his amendment a distinct substantive proposition which it is not within the province of the Committee on Appropriations to report, and which by itself would be clearly subject to a point of order, he can not make it in order by joining it to a provision merely reducing expenditures.

The Chair can see what an absurd condition would follow from such a holding. It would be in order for any Member of the House in the consideration of this bill to reduce the amount of an appropriation for any bureau and then provide, for example, that the work of the bureau chief should be performed by some other bureau chief, which would be direct legislation over which the Committee on Appropriations would have no authority.

Furthermore, I wish to call the Chairman's attention to the fact that it is not germane. The reading of this amendment extends to all the clerks in the District of Columbia and to all the departmental service, whereas this bill does not propose to provide the salaries of all the clerks. There is no provision in this bill for the clerks in the Agricultural Department, for instance, or in the Interstate Commerce Commission.

Further, I direct the Chairman's attention to the fact that when we were considering the bill relating to the Pension Bureau we placed there a limitation similar to this that referred only to the Bureau of Pensions. And yet if this is now considered to be in order it would supersede that provision, which restricts the number of appointments that would be made in the next fiscal year in the Pension Bureau. It comes too late.

But I wish to lay special stress upon the fact that the decision cited by the gentleman from Wyoming [Mr. MONDELL], which is referred to in the Manual on page 352, back in the Fifty-second Congress, is directly in point. There it was attempted to reduce by one employee the number provided in the bill and join that with a substantive provision of law over which the committee had no jurisdiction, and the Chair held that could not be done.

Supposing the Chair holds this provision to be in order. Any Member may demand a division of it. The House may vote up the provision reducing the number of employees and the other provision may be voted down. But when you have two substantive propositions submitted in one amendment, one being in order and one not being in order—one not being in order because the committee reporting it has not the legislative authority to report that substantive legislation—then I say the Chairman should hold, in order to give full effect to all the provisions of the Holman rule, that it is not in order. [Cries of "Rule!" "Rule!"]

Mr. MONDELL. Mr. Chairman, if the Chair will allow me——

The CHAIRMAN. The Chair is ready to rule.

Mr. MONDELL. One moment. I want to call the Chair's attention to the parallel between the ruling in the Fifty-second Congress, February 9, by Mr. Richardson, the case then presented, and the amendment now before us. In that case, as the gentleman from Wisconsin [Mr. STAFFORD] has just stated, the proposition was to reduce the number of clerks and joined with it a provision, just as in this case, to perfect an arrangement under which it was hoped that the services of the clerks dispensed with would not be needed. In that case it was proposed to reduce the number of the clerks in the Court of Claims by one, and then relieve the Court of Claims of a considerable part of its burden of business.

In this case it is proposed to reduce the number of clerks and to provide for the performance of the work by other clerks by increasing the hours of service. The two cases are on all fours. They are similar in every respect. In that case the author of the Holman rule took part in the debate, and the decision was rendered by one of the best parliamentarians who has occupied a seat in this House. His decision was that the subject was divisible, and therefore subject to a point of order.

The CHAIRMAN. The Chair is ready to rule.

The gentleman from Missouri [Mr. BORLAND] offers an amendment to be known as section 6 of the bill, the amendment providing:

That the number of persons in the classified service authorized to be employed in the several executive departments and other executive establishments and the government of the District of Columbia shall be reduced by one-tenth on or before the 30th day of June, 1917, and in order that such reduction may be made without loss of service to the Government and to equalize the hours of work required of those in the classified employments of the United States it is made the duty of heads of the several executive departments and other executive establishments and the government of the District of Columbia to hereafter require, subject to the provisions and exceptions of section 7 of the legislative, executive, and judicial appropriation act for the fiscal year 1899, approved March 15, 1898, not less than eight hours of labor each day, except Sundays and days declared public holidays by law or Executive order: *Provided*, That the provisions of this section shall not apply to the classified employees of those branches of the public service in which such employees are now required to work eight hours a day.

To the amendment the gentleman from Wyoming [Mr. MONDELL] makes the point of order that it is legislation, that it changes existing law, and therefore is not in order on an appropriation bill.

While it is true, under the general rules of the House, that legislation is not in order on an appropriation bill, under the rules of the present House there is an exception to that general rule, the exception being that an individual Member of this House can offer amendments providing for legislation on an appropriation bill if such amendments are germane to the bill and retrench expenditures of the Government in either of the following three methods: By the reduction of the number and

salary of the officers of the United States, or by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of the amount of money covered by the bill. The individual Member, and nonlegislating committees on all fours with individual Members, can propose germane legislation to an appropriation bill if it falls within either of those three excepted classes.

The Holman rule provides an additional method of legislating on an appropriation bill. The proviso to clause 2 of Rule XXI provides that legislation the natural consequence of which is to retrench expenditures is in order if it is proposed by a committee of the House having jurisdiction of the legislative subject of the amendment, or by a joint commission, or the House members of a joint commission authorized to deal with that legislative subject.

The proponent of the amendment in question contends that while it is legislation it is in order, because he contends that it falls within one of the excepted classes permitting an indivdual Member of the House to offer germane legislation. The proponent of the amendment contends that it reduces the number of officers whose salaries are paid out of the Treasury of the United States.

The question, therefore, for the Chair to pass upon is to determine, first, if the amendment is germane; second, if it comes within one of the excepted classes; and, third, if the legislative part of the amendment is connected up with the proposition to reduce the number of salaries or officers paid out of the Treasury of the United States under which it is claimed the legislation is in order.

The bill before the House is the legislative, executive, and judicial appropriation bill, dealing generally with the salaries of officers and employees of the United States Government. The Chair is cognizant of the fact that there are some exceptions to that, notably the Agricultural Department, but in the main it is the appropriation bill which carries the salaries for the officers and employees of the Government. The amendment seeks to deal with a certain number of the employees of the Government, and the Chair thinks the amendment proposing a new section dealing with a certain class of Government employees is germane to the bill.

Now, the question arises whether the amendment of itself does reduce the number of officers paid out of the Treasury of the United States. The Chair is of the opinion that the amendment must show on its face that it does perform one of the functions required under the rule to make it in order. The Chair is clearly of the opinion that the language of the amendment using the word "shall" makes it mandatory upon the heads of the departments on or before June 30, 1917, to reduce the number of employees in their departments one-tenth, unless they are relieved of that duty by the proviso of the amendment. The amendment clearly reduces the salaries to be paid out of the United States Treasury, one of the exceptions under the rule authorizing legislation on an appropriation bill.

Now, the question arises, on the point of order made by the gentleman from Wyoming [Mr. MONDELL], whether or not the amendment is divisible. The gentleman from Wyoming contends that if the first part of the amendment, reducing the number of clerks, is in order the last, or legislative part, is in no way connected with it and it is not in order. It is undoubtedly in order under the rules of the House to reduce the number of employees, or to move to strike out the number of employees, without the Holman rule. And the object of the Holman rule, as the Chair understands it, is to permit germane legislation under certain conditions.

Now, the Chair is clearly of the opinion that where an amendment is offered reducing the number of salaries paid out of the Treasury, coupled with legislation, that legislation, to be in order, must be connected up with or related to or logically follow from the part of the amendment reducing the number of employees or the amounts of money covered by the bill, and so forth.

The Chair had the pleasure of being here when the rulings referred to by the gentleman from Wyoming [Mr. MONDELL] were made, and the Chair has the greatest respect for the opinions of those who participated in that ruling; but the principal precedent cited is the one where an amendment proposed to reduce by one the number of clerks in the Court of Claims, coupled with a legislative provision repealing an act of Congress known as the Bowman Act. The Chair does not think that to reduce one clerk in the Court of Claims is in any way germane or connected with or that it logically follows or has any connection with the repeal of the Bowman Act.

Now, what does the amendment in question do? It provides that one-tenth of the employees of the various executive departments shall be discharged or reduced. The legislative part of the amendment provides that when this reduction is made the remaining clerks shall work eight hours instead of seven. The Chair can not escape the conclusion that if you reduce the number of clerks the business of the Government will require those remaining in the service to work longer hours. The Chair thinks the legislation naturally and logically follows the provision reducing the number of clerks.

Now, the Chair, as before stated, believes the Holman rule is intended to have a beneficial effect upon the Treasury of the United States. If the Chair is in doubt about whether or not an amendment is in order, he believes it is his duty to resolve that doubt against the point of order, for by so doing the Chair works no hardship upon anyone, but submits to the committee itself the privilege of passing upon the amendment. If the committee favor it, a majority can adopt it. If they are opposed to it, a majority can reject it.

The Chair believes the amendment in question comes clearly within the spirit of the Holman rule, and therefore the Chair, without any reference whatever to the merits of the proposition, overrules the point of order and holds the amendment in order. The Chair cites the following authorities in support of this ruling, namely, CONGRESSIONAL RECORD, Fifty-second Congress, first session, pages 4909–4920; Fifty-second Congress, second session, page 1690. Ruling by Hon. W. L. Wilson, of West Virginia, in Hinds' Precedents, volume 4, section 3887. Ruling by Chairman Lester, Hinds' Precedents, volume 4, section 3891. Ruling by Speaker Carlisle, Hinds' Precedents, volume 4, section 3892. Ruling by Judge SAUNDERS, February 9, 1912, Digest and Manual, section 945.

Mr. BYRNS of Tennessee. Mr. Chairman, this amendment has been discussed pro and con in the newspapers, in the cloakrooms, on the floor, and elsewhere. I am quite sure that every Member of the House is prepared to vote upon it now. There is much important legislation pending. It is expected that an important bill will be called up as soon as this one is disposed of, and I would like to see if we can not agree upon a limit of time for debate on the amendment.

Mr. GOOD. From the number of Members on this side who have requested time we shall require some time on this side.

Mr. BYRNS of Tennessee. I should think 40 minutes on a side would be ample to discuss the amendment.

Mr. GOOD. I should think we ought to have at least an hour and a half.

Mr. FITZGERALD. Oh, no.

Mr. BORLAND. It seems to me 30 minutes on a side ought to be ample.

Mr. MANN. Of course, the gentleman thinks 30 minutes on his side will be ample, because he will probably occupy the 30 minutes.

Mr. BORLAND. The gentleman offering the amendment has the laboring oar.

Mr. MANN. There has been enough agitation of this subject. It ought to be discussed and disposed of once for all.

Mr. BORLAND. If the affirmative of the proposition can get along with 30 minutes, the opponents of the proposition ought to be satisfied with that.

Mr. MANN. The affirmative could not get along with 30 minutes if they could get anyone to favor the proposition.

Mr. BORLAND. I assure the gentleman there will be somebody favoring the proposition.

Mr. MANN. There will be one gentleman, and that is the author of the amendment.

Mr. GOOD. I suggest to the gentleman from Tennessee that we let the debate run along for a while.

Mr. BYRNS of Tennessee. No; it will be better to fix the time in advance, if we can agree upon it. What does the gentleman say to an hour?

Mr. GOOD. I will say to the gentleman from Tennessee that, from the demands for time, I do not see how this side can get along with less than an hour and a half.

Mr. MANN. Why, it will take nearly that time to read the answers to the letters sent out by the distinguished gentleman from Missouri, who has tried to work his campaign in advance.

Mr. BORLAND. The gentleman from Missouri is not the only man that has worked upon it in advance.

Mr. MANN. I have not seen anybody else.

Mr. BORLAND. The gentleman from Missouri is not the only one that has indulged in literary effort.

Mr. MANN. I have not seen any.

Mr. BORLAND. The gentleman can not read, then.

Mr. BYRNS of Tennessee. What does the gentleman from Iowa suggest—what does he say to an hour and a half?

Mr. MANN. On each side?

Mr. BYRNS of Tennessee. No; for the full discussion.

Mr. MANN. That is just what the gentleman first proposed.

Mr. BYRNS of Tennessee. No; I proposed at first 40 minutes for a full discussion.

Mr. FOSTER. Mr. Chairman, I ask for the regular order.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and amendments thereto be closed in an hour and a half.

Mr. MANN. I object.

The CHAIRMAN. The gentleman from Illinois objects, and the gentleman from Missouri is recognized for five minutes.

Mr. BYRNS of Tennessee. Mr. Chairman, I desire to submit another request for unanimous consent, and that is that all debate on this amendment and all amendments thereto close in two hours.

Mr. GOOD. I think we ought to get through in two hours, but there is a real demand on this side for 1 hour and 15 minutes. I have requested some gentlemen who asked for 10 minutes to take only 5. Some gentlemen from that side of the House come over here and demand time from us because they are against the proposition. The gentleman must know that there are 15,000 clerks who are very much interested in this, and we ought to discuss the matter to some extent. The committee never discussed it, and I suggest that the gentleman make it two hours and a half.

Mr. BYRNS of Tennessee. According to the gentleman's own statement he can get along with an hour. I want to say that all of the hour may not be taken up on this side by those who are in favor of the amendment.

Mr. GOOD. Let me say to the gentleman that there will be no disposition on this side to prolong discussion beyond a legitimate discussion by those who want to talk.

Mr. MANN. If the gentleman will yield, here is a matter, as the gentleman from Iowa says, affecting 15,000 people, while as a matter of fact it affects 30,000 people in the District of Columbia——

Mr. BORLAND. And a hundred million people in the United States.

Mr. MANN. And it affects very materially the Treasury of the United States. The gentleman proposes to limit debate to an hour on a side. Why, we spend more time than that frequently on a 5-cent proposition.

Mr. FITZGERALD. But we want to dispose of the public business instead of listening to idle, useless talk.

Mr. MANN. It may be useless. If the proposition had not come before the committee after a vote in the Committee on Appropriations, with practically the unanimous solid support of the Committee on Appropriations, it would not have received any consideration at all. If gentlemen want to admit that they have given it all up, say so; but if it is to be considered on its merits it is worth discussing it on its merits.

Mr. FITZGERALD. Two hours is a very considerable time for discussion.

Mr. MANN. I should say that two hours was a very little time.

Mr. FITZGERALD. The matter has been discussed several days.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on the pending amendment and amendments thereto close in two hours. Is there objection?

Mr. MANN. I object.

Mr. BYRNS of Tennessee. I give notice that I am going to move to limit debate after a reasonable time.

Mr. FOSTER. And I give notice that I shall object to any extension of time.

Mr. MANN. I consider two hours an utterly unfair proposition.

SEVERAL MEMBERS. The regular order!

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. MANN. Reserving the right to object, in view of the statement of the gentleman from Tennessee that he is going to close debate when he gets ready, I object. No favors in a fair field.

Mr. BORLAND. The gentleman seems to be attempting to run over us.

Mr. MANN. We are threatened that the gentleman is going to run over us.

Mr. BYRNS of Tennessee. Mr. Chairman, I submitted a fair proposition for two hours' debate, for one hour on a side. This bill has been pending for two weeks, and this matter has been discussed pro and con ever since it was first proposed.

Mr. MANN. I have been here continuously, and I have not heard any discussion on it.

Mr. BYRNS of Tennessee. I do not mean on the floor of the House, but I mean in the newspapers and outside.

Mr. GOOD. I will say to the gentleman that if we can have an hour and 15 minutes on this side that it will be satisfactory. I am compelled to yield time to gentlemen on that side who want to speak against the amendment. If the gentleman on that side only wants 1 hour, then we can limit debate to 2 hours and 15 minutes.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in two hours and a half, 1 hour and 15 minutes to be controlled by me and 1 hour and 15 minutes to be controlled by the gentleman from Iowa.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on the pending amendment and amendments thereto close in two hours and a half, the gentleman from Tennessee [Mr. BYRNS] to control 1 hour and 15 minutes and the gentleman from Iowa [Mr. GOOD] to control 1 hour and 15 minutes. Is there objection?

Mr. FIELDS. Mr. Chairman, reserving the right to object, I desire to ask unanimous consent that all Members may have permission to extend their remarks in the RECORD.

Mr. FITZGERALD. That can not be done in committee.

The CHAIRHAN. The committee can grant leave to extend remarks to one individual, but can not grant it generally.

Mr. LONDON. Mr. Chairman, reserving the right to object, I would like to inquire whether I can get 10 minutes on this matter. I am opposed to the amendment.

Mr. MANN. Each side ought to give the gentleman five minutes.

Mr. BYRNS of Tennessee. I will yield him five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, this proposition is one to provide a standard working day of eight hours for the Government departments in the city of Washington and for the government of the District of Columbia. There are approximately 34,000 employees in the city of Washington in the classified Government service. There are some 466,000 employees in the classified service throughout the United States. It thus appears that about 7 per cent of the classified employees are in the District of Columbia and the remaining 93 per cent are elsewhere in the United States. Of the 34,000 that are in the District of Columbia, about 7,000 of them now work eight hours a day. That includes those men in the mechanical trades, as, for instance, in the Government Printing Office, where there are about 4,000 employees, of whom 3,600 work eight hours a day and 400, being clerks, work seven hours a day. Throughout the United States the great bulk of the Federal employees are employees in the Postal Service. Close to 200,000 of the total employees are in that service. In 1910 we secured for those men an eight-hour day. At that time they were working 9, 10, and 11 hours in the large post offices of the country, and in certain cases a majority of them were working on Sundays and holidays.

The purpose of this law is simply to do what any honest business man in this room or elsewhere would do when in control of his own business, namely, to require a standard, usual, and customary business day from his employees. If any man in this House were elected general manager by the stockholders of a large corporation and empowered to spend the money of that corporation, and he required less than a full day's work of his employees, he would feel that he was not doing justice to the stockholders whom he represented. If he required more than an honest day's work, he would feel that he was not doing justice to the employees over whom he was placed. He would know that there was an honest, a customary, and usual business day, and that he ought to demand it of his employees. Why this discrimination between the great bulk of the employees of the Federal Government and a small section of them here in Washington? The reason for that, of course, traces back to political favoritism.

The first act that we have governing the labor of employees of the Federal Government was the act of 1874, and it will astonish some Members of the House when I tell them what it provides. It provides that the hours of labor shall not be less than 8 hours in the offices here during certain months of the year, and not less than 10 hours during the remaining months of the year. That was the original act governing the employment of clerks in this District. At that time the Federal Government was spending less than $100,000,000 for its total expenses—less than

one-tenth of what it is now spending. That law which provides for an 8 and 10 hour day and which says it should not be less than an 8 or 10 hour day seems to have been honored more in the breach than in the observance, because we find in 1893 a provision that heads of departments here shall require not less than 7 hours a day. Evidently it had become the general practice of the Government to require less than 7 hours, and it was necessary to pass a mandatory statute forbidding the heads of the departments to require less than 7 hours a day. That was the shameful condition of the public service in 1893. Unfortunately that law did not reach the evil. That law provided that in certain cases, upon certain reasons, the head of a department could either "limit or extend" the hours of service, and it seems that in all cases he used his power to "limit" the hours of service and in no single case did he use it to "extend" the hours of service.

When we came to the crisis of the War with Spain, in 1898, when we wanted the services of these men, it was necessary to pass an amendment to that law and to take away from the heads of the departments and the chief clerks the right to "limit" the hours of service; and so the whole fight here has been not to cut down the day to the standard working day, as is now the fight carried on by organized labor throughout the United States—a glorious fight which they have not yet won—it is not to cut down the hours of labor to the normal day, but to find some way by the representatives of the people to force the executive clerks of these departments to observe an honest business day in the interest of the taxpayer. We had to take away the right to limit the hours of service. That is the last amendment upon the subject. In 1898, when the Government was under the strain of war, they lost, as they ought to have lost, the right to cut down the hours of service below seven hours. Since that time we have more than doubled the employees in the classified service. The activities of the Government are growing daily. Every year some new activity comes into existence, and this evil, this discrimination, becomes more pronounced. In the Public Health Service throughout the country the employees are working 10 to 14 hours, and in Washington they are working 7, and the same discrimination exists in every branch of the Federal service.

It has frequently been stated that the only objection some men have to this law is that it does not say that nobody shall work more than eight hours. The whole history of the legislation shows that it never was designed or intended, nor was it ever necessary, to legislate to the effect that nobody in the Government service should work more than eight hours in the city of Washington. When we got outside of the city of Washington we had to say that the Government clerks in the post offices should not be required to work more than eight hours except under certain circumstances, but here in the city of Washington we have to provide the other way—that they shall not work less than a specified number of hours, which we determine. Gentlemen can not shield themselves behind that kind of a technicality from voting for the law in the interest of the taxpayer. They can not get behind the wording of this law, because they are confronted face to face with the history of the law itself, which has compelled Congress by a strong hand to stay the hand of greed upon the taxpayers' Treasury of the United States.

Gentlemen know that eight hours at least is a business day in the commercial cities of the country. Why should it be less in the city of Washington? Every year as we increase the activities of Government, we bring thousands of business men here who must do business with these departments. They can not go there at the usual hours in the morning that they would go to any other place of business and be served. They will find nobody to serve them. They can not go there in the later hours of the afternoon when they would be employing their time profitably in the commercial cities from which they come, for they will find nobody there willing to give them attention. A Member of Congress can not take his constituents to a department in the late afternoon, but he must leave here in the midst of a session of Congress and hurry down to the departments before the clerks have slammed their desks and gone home, or he must send his constituents back to their hotel, to stay there another day at their own expense, in order to transact public business with the departments of the Government.

If there is any one complaint that is general and widespread throughout this country it is the mass of detail, red tape, and delay in doing business with a department at Washington. The man who votes to-day against this amendment votes to perpetuate that abuse; votes to put upon the taxpayers of the Nation not only the added expense but also the added inconvenience of a short, and unnecessarily short, business day in this city. Why, it is always a matter of surprise——

The CHAIRMAN (Mr. COX). The time of the gentleman has expired.

Mr. BYRNS of Tennessee. I yield the gentleman five minutes additional time.

Mr. BORLAND. Mr. Chairman, it is always a matter of surprise to business men who come here to find how difficult it is to get any matter transacted before a department; how much trouble and delay is necessary for the most insignificant and simple matter. All of you gentlemen who vote against the proposition will have ample opportunity in coming years to explain to your constituents why you will perpetuate that kind of abuse.

Now, I will take up the position of organized labor on this subject. Organized labor has made, and, I am glad to say, with my help and yours, a glorious fight for the eight-hour day. It is a fight on principle; it is a fight that says, here is an honest working day, here is a day that represents an honest day's work for an honest day's pay. In that organized labor has had the sympathy and support of thousands of men, and to-day organized labor is still engaged in that fight. Godspeed them in that fight. I am with them. I was with them for the postal employees; I am with them for the men who work on Government contracts; I am with them all down the line. Godspeed them in the eight-hour day. And here they are sending out literature broadcast throughout the country, "Eight hours work, eight hours sleep, eight hours free time." I am going to send this around among Members of the House. This is the slogan of organized labor. If organized labor departs from that and attempts to make a discrimination, then the explanation is upon the officers of organized labor who are attempting that discrimination, not upon those who regard that as the slogan, and the true slogan, of organized labor. Now, it is not surprising, you know, that opposition would come to this proposition from the Washington press, representing, as it does, the financial and commercial interests of Washington. It is perfectly manifest that if you work your employees less than a full day you must have more employees. More employees mean more groceries, more dry goods, more amusements, more house rent, more everything. The whole commercial interests of Washington are on one side of this proposition, and the entire taxpayers of the Nation are on the other side of the proposition. You have to have more men, more families, here, and the commercial interests have more people to feed. Uncle Sam's pay roll in the District of Columbia is approximately $50,000,000 a year. If you would save 10 per cent of it, as you undoubtedly can, by enforcing an honest business day, that would mean $5,000,000 out of the pockets of the financial interests of the District of Columbia, because they get almost every dollar you pay out. The opposition, therefore, is primarily for the benefit of the clerks, a favorite class, but ultimately and really it is for the benefit of the landlords and merchants of the city of Washington. Let no man forget the real issue in this case.

If any man did overlook the real issue, the papers of Washington would remind him of it, because their daily statement of the commercial interests shows that that is the case. Also they sell houses on the installment plan to these clerks, and the more clerks that are brought here, the more houses are bought, and the clerks are good risks. They work for an employer who never goes out of business, who never has a strike, a lockout, or boycott, an employer who is never affected by business depression or hard times, an employer who never closes down his establishment, and so an employee on his pay roll is a very good risk. Gentlemen are aware that we have to rent office space for these additional employees of the Government. It takes more office space for a large number of men working a short time than for a small number working a full day, and you have the shameful condition like they are down here, where we are paying $36,000 for quarters now occupied by the Attorney General. Thirty-six thousand dollars a year for the quarters now occupied by the Attorney General! Why, every dollar paid to private landowners in the District of Columbia for additional space for these additional employees would house more activities in our own buildings, and every dollar saved would be saved from what is paid to the land speculator; and then you wonder that these people move heaven and earth and even get men in this House worked up to the point of taking the high moral position that nobody must lengthen the hours of labor in the District of Columbia.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GOOD. Mr. Chairman, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, the first and, it seems to me, conclusive objection to this amendment relates to the manner

of its presentation. A matter of this importance, affecting very greatly a large number of people, should be considered in the way provided by the rules of the House—should be presented to the proper committee, hearings should be held, and careful consideration should be given to all the effects of the change proposed. In due time the committee would report its recommendations to the House, whereupon the House could discuss the matter, with all the information obtained from the hearings and discussion in the committee, and arrive at an intelligent conclusion. If this were simply and solely a question relative to the proper number of hours of service of Federal Clerks, then there might be some ground for a division of opinion. If it were a new matter—if we were just establishing a Federal city, if conditions had not been crystallized, and we were called upon to say how long clerks should labor in the Federal departments, how many hours of labor they should give to the Government—we might have differences of opinion on that subject. But that is not the question presented. The first and most important question presented is that of a reduction of the number of clerks in the Federal employ by 10 per cent. I am certain that there is not a Member of the House acquainted with the public business but knows it would be utterly impossible, be destructive of public interest, be harmful beyond measure to reduce the number of clerks in the Federal departments by 10 per cent, as proposed by this amendment. For instance, consider the clerks provided for by this bill. The committee spent many days carefully studying the needs of the various branches of the Government service, providing with care for the actual number deemed necessary for each of the separate offices, bureaus, and departments. Along comes the proposition of the gentleman from Missouri, proposing to destroy the symmetry of the work of the committee and bring confusion, disorder, and disaster to the public service by the radical reduction proposed..

It can not be done. Assuming that the remaining clerks might under certain conditions do all the work that is done by the larger number, public busjness is constantly increasing, we are constantly adding to the duties of the clerks in the departments, and we will add to those duties largely by legislation contained in the bills which will be passed in this Congress. It would be utterly impossible without very great harm to the public service to reduce the number of clerks as is proposed. More than that, this question of the hours of labor in the departments in the city of Washington is one that can not be considered without consideration of the conditions here existing. It was decided many years ago that the proper minimum number of hours for the clerks here is seven. The entire business and social life of the Capital has been developed and crystallized around the conditions established by seven hours of labor in the departments. To suddenly change all those conditions is to do a vast amount of harm, to do great injury, to bring confusion without, in all probability, accomplishing any good whatever. If any good could be accomplished by the increase of the number of hours of labor on the part of the clerks, that increase would be brought about by such a disarrangement of plans, habits, and conditions as they exist here as would work great hardship to the clerks and harm to the public service. Many of the clerks have bought their homes at a distance from the place of their labor. It may be said they should not have done that. But they have done it because the conditions were such as warranted them in doing it, and we have no business in disturbing the present plan or arrangements except on full and careful consideration. We are endeavoring to, so far as we may, reduce the hours of labor. Why, then, this sudden demand for an increase over the hours that have obtained for many years?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Chairman, I followed carefully the argument of the gentleman from Missouri [Mr. BORLAND], who is the proponent of this amendment, and I am wondering if he has abandoned the first proposition in the amendment. I heard him make but a single reference to his proposition to reduce the number of Government clerks one-tenth. I do not blame him. Such a proposition he knows would not be considered by this House for even the shadow of a moment on his say-so. And I suppose, in view of the fact that he has abandoned that proposition, we are to confine ourselves to a discussion of the other and weaker one of increasing the hours of freedom of Government clerks.

With the single exception of the gentleman from Missouri [Mr. BORLAND], has anybody suggested or proposed this legislation? Is anybody in particular, in the country or in the District, to benefit by it? Do you believe that if adopted it will result in reduced expenditures of the people's money? Do you believe that the taxpayers, for whom the gentleman professes to plead, will be led into the belief that this proposed change will lighten their burden? For myself, permit me to say, Mr. Chairman, that I stand for the adoption of legislation that will improve the condition of the working classes by reducing the hours of labor and increasing salaries where such increases are deserved. Economy, eh? Economy, what grand-stand plays are perpetrated in thy name! [Laughter.] And may I say to the gentleman from Missouri that this play of his is not worthy of the big league in which he is now performing? It is a bush-league performance. [Laughter.]

Mr. Chairman, during my service in legislative halls I am proud to say that my time and energy have been devoted to reducing hours of employment and raising the scale of wages. And I propose to continue to work along those lines, because I believe that the real taxpayers in this country are the man and the woman who toils for a mere existence. Of course, my friend from Missouri [Mr. BORLAND] has no confidence in the chiefs or the chief clerks of the departments; but some of us have. And these men here in Washington have declared against this proposed legislation, and, having known some of them in my brief career, I have been led to believe that if they thought there would be an increase in the work assigned to the clerks and a reduction in the expenditures of the Government, instead of condemning this proposition they would be unanimous in commending it.

I have here—but I am not going to take the time of the committee to read them—communications from practically every chief clerk in the departments in Washington. They all express the same opinion, that the adoption of an eight-hour law would not necessarily mean the discharge of a single clerk. Their opinion is good enough for me, Mr. Chairman, and, in my judgment, it is good enough for three-fourths of the Members of this House.

This amendment involves legislation utterly repugnant to all recent legislation of State and Nation, which recognizes the shortening of hours of labor as a fundamental principle of human welfare. [Applause.] If enacted it would result in a decrease of efficiency in the administrative machinery of the National Government, and in many instances it would cause a dislocation of work tantamount, in my judgment, to utter demoralization. It would work hardships upon thousands of patriotic, unselfish, hard-working employees of the Government without accomplishing any increase of efficiency or economy. It involves legislation directly and vitally affecting the economic and social life of 35,000 employees of the Government here in the District of Columbia. This proposal—and I would like to emphasize this point—this proposal has been the subject of no investigation by a competent body, but it comes before the House without consideration or discussion of any kind, and over the protests of the chairman of the subcommittee who is here in charge of the general bill which is occupying the attention of the House.

Now, Mr. Chairman, this proposed amendment is advanced as an application of the eight-hour working-day to the Government departments. It is not such application. In fact, it is a vicious and open attack upon the practice and the principle of the eight-hour day. No man who believes in the justice of an eight-hour workday can conscientiously support this proposition. It places no limit upon the workday. It merely places a limit upon the hours of freedom that Government clerks shall be permitted.

The eight-hour law, as we know it in the old Bay State, establishes a maximum eight-hour day, but this proposition establishes a minimum eight-hour day. It says that no clerk in the Government service here in Washington shall work less than eight hours. I do not know what the experience of the other Members of this House is, but I have found clerks, Mr. Chairman, who have worked 10 and 12 and 14 hours a day in Washington in times when public business had grown beyond the workday of the clerk, and for this overtime work none of these clerks had ever received a dollar of added compensation.

I repeat, we in Massachusetts have an eight-hour law which says that no man or woman shall work over eight hours a day, but this proposition says that no Government clerk shall work less than eight hours a day.

Oh, I heard the gentleman pay tribute to the Federation of Labor for the great work it has done in securing an eight-hour day throughout the country. Will the gentleman tell this House what the attitude of that organization is on this proposition? It has condemned this increase, Mr. Chairman, and it is firmly opposed to the proposition.

Fair play to these men and women who have no Representatives of their own in this House to plead their cause is all we ask.

The practical effect of enforcing an eight-hour minimum workday in the Government departments is to utterly repudiate the practice of an eight-hour workday. This summarizes the testimony of virtually all chief clerks of the Government departments. They are a unit in declaring that the practice, of necessity, will be to add the overtime not required so generally of Government clerks to a minimum workday of eight hours. As no compensation is provided for overtime, the effect of this would be to force upon the Government clerk a workday varying from 8 to 24 hours. Thus the United States Government would be forced to take the position that all legislation seeking to intercede in behalf of the employee in the interest of limited hours of labor is wrong; and all the accomplishments in the direction of ameliorating the conditions of labor in this country would be overturned, repudiated at the very fountainhead.

I do not believe that Congress will be a party to such repudiation.

Right here I want to read the opinion of the leading business organization in Washington—the chamber of commerce. The chamber has been making a careful investigation of this whole subject of hours of labor for Government clerks, and a special committee appointed from among its leading members filed a report which was unanimously adopted as the sense of this great business body. It is as follows:

FEBRUARY 29, 1916.

To the BOARD OF DIRECTORS,
Washington Chamber of Commerce.

GENTLEMEN: The undersigned committee, appointed from the executive committee of the chamber to investigate and make report upon the pending legislation in Congress commonly called the Borland rider to the legislative, executive, and judicial appropriation bill, respectfully report as follows:

The proposed legislation making provision for the payment of salaries to Government clerks in the District of Columbia dependent upon the condition that all such clerks should be required to work "not less than eight hours a day" is repugnant to recent legislation in both State and Nation upon the question of the hours of labor required by employers of labor, whether the employer be an individual, a company or corporation, a municipal, State, or the National Government. This is primarily true because the proposed eight-hour day as a minimum time of service for Government clerks is not only inconsistent with the eight-hour law provided by legislation as a maximum number of hours for a day's work, but defeats the just propositions involved in the eight-hour maximum day laws and upsets every principle of consideration to the laboring man or woman upon which those laws were based. Existing law, fixing eight hours as a maximum day's work, provides for additional work in cases of emergency upon the distinct basis that extra compensation shall be paid for each hour of service over and beyond the maximum eight-hour period. The Borland rider not only makes no such provision, but by fixing eight hours as a minimum leaves the Government free to work the clerks employed in the District of Columbia any length of time beyond the eight hours without any additional compensation. That fact makes it inconceivable to your committee how the Member of Congress who is the author of the proposition can defend it by a statement that its purpose is to correct "accidental privilege of discrimination now enjoyed by Government employees in the District of Columbia." On the contrary, the discrimination is, for the first time, proposed by the provision in reversing the present maximum period and making of it a minimum period applicable only to Government clerks employed in the District of Columbia.

Your committee feels that it is for that reason that the labor organizations of the country, without exception, have aligned themselves earnestly and ably in opposition to the proposed amendment. Always guardful, and properly so, of the interests, the rights, the health, and the opportunities in life of the members of labor organizations, those organizations are alert when legislation is proposed that would discriminate against them and their members, and in their present opposition to the proposed amendment the labor organizations show a commendable and an admirable degree of study and comprehension, in view of the fact that at first glance the proposition has the misleading and alluring appearance of preventing discrimination against the eight-hour laborer because Government clerks in the District of Columbia are required to work but seven hours. The author of the amendment stated to the chairman of your committee that he contemplated, as a result of the legislation, if enacted, a very material reduction in the force of employees now at work for the Government in the District of Columbia. Indeed, it is only because of his assertion that the provision would reduce expenses that the rider was allowed to be attached to the main bill, otherwise it would have been new legislation and not allowed under the rules of Congress.

Going into local phases of the proposition your committee does not share an indiscreet and unjust opinion, frequently expressed, that legislation by Congress, upon matters directly concerning the District of Columbia, is prompted by any ill feeling, prejudice, or wanton neglect of the interests of the District, but rather by lack of information on the part of Members of Congress as to the real local conditions peculiar to the District of Columbia and wholly unlike conditions prevailing "back home" where they came from in their congressional districts or in their States. In this connection it would seem that the author of this rider would have considered our local conditions before suggesting, as he did in his letter to a prominent labor leader, that the principal opposition to his rider comes from selfish local interests in Washington. That means that the opposition comes from the business men and the merchants of the city of Washington, who do business, in one form or another, with the 40,000 Government clerks in the District of Columbia. Your committee feels that such opposition to the rider as comes from the business men of Washington is simply an expression of enlightened self-protection. Excuse for resentment because of the opposition of the business men of Washington can only be found in the fact that in the States from which the Members of Congress come the Federal and States Government employees constitute, numerically, an inconsequential, almost negligible, portion of the community, whereas in Washington 40,000 Government clerks, with their families and those dependent upon them, make up the major source of revenue for the support and maintenance of the city of Washington and the District of Columbia. Even in large cities like New York, Chicago, and Philadelphia the Federal employees, exclusive of the Postal Service, are limited to United States marshals and their deputies, collectors of internal revenue and their deputies, collectors of customs and their deputies, and United States district attorneys with their limited office force of employees. In any one of those large cities the aggregate number of Federal employees is so small as would make the business community appear ridiculous if it should ask for or object to legislation which would widen or curtail the privileges of those employees in the matter of observing the business hours of the community, either for their own convenience or in justice to the persons conducting business enterprises. As a matter of fact, however, no such inconvenience is experienced by Federal employees in the cities or in the States outside of the District of Columbia. There is no law upon the statute books which requires United States marshals, district attorneys, and collectors to work their clerks eight hours, and there is no hard and fast consecutive desk work required of the employees in those communities; they efficiently perform the duties at hand at such times and in such a way as the head of the particular office directs, whether it be 2 hours or 12 hours required in the performance of those duties. In the Federal offices and bureaus outside of the District of Columbia the hours of work are fixed either by regulation from the head of the department in Washington or by local custom in the respective communities or by the head of the office in the several cities or States throughout the country, and in every such instance Saturday half holidays and many local holidays are observed.

Your committee further suggests the unfairness of the proposed legislation in view of the fact that the Government clerks in the District of Columbia are practically helpless; that is, they have no vote and they have no representative in Congress, and more particularly, in this connection, they have no opportunity for effective protest such as is always open to the members of labor organizations who are not employed by the Federal Government and who can, at all times, refuse to work, unless stated conditions are complied with. With the Government clerks, if any number of them were to agree among themselves to resign, as the author of this rider kindly suggests, and if those resignations were in such numbers and from such places of employment as to block the wheels of the Government's machinery or impair the orderly conduct of its business, they could be tried for conspiracy against the Government and punished for their act. In fact, quite recently, a number of letter carriers in the State of West Virginia, dissatisfied with some action of their superior officers, resigned in a body and it was held that they were guilty of conspiracy in having conspired to upset if not stop the conduct of the Government's business, and a fine was imposed upon each one of them by the court.

And finally, your committee calls attention to the fact that during the administration immediately preceding the present one, the very question of the practicability of reducing the number of clerks was raised and the President appointed a committee of experts, men of wide experience both in governmental and in outside business affairs, and that committee went through every Government department in Washington making an investigation, the like of which has never been made in this District, their work consuming nearly three years of labor as a result of which they made many recommendations as to changes in method, in organization, and in detail, but made no suggestion whatever that there were more Government employees at work than were required for the performance of the duties incident to the public service here. And further in this connection, your committee regards it as most significant that there has not been found a division chief, section chief, deputy bureau chief, bureau chief, or head of a department in Washington who recommends the reduction of the clerical force or the increase of one hour of labor upon the clerks in their respective department.

We regard the rider, therefore, as an immature, impracticable, and unjust proposal.

JOHN G. CAPERS, *Chairman.*
ISAAC GANS.
A. L. SINCLAIR.
A. LISNER.
RALPH W. LEE.

Now, Mr. Chairman, I said a few moments ago that the chief clerks in the various departments were practically unanimous in opposing this change in the law. I have it from them personally. I would not have you believe even for a moment that I am offering hearsay evidence. I am going to read to you just what they think about this whole subject, but first may I call to your attention the opinion of Gen. Scott, of the War Department, who gave this statement to me for any and every use I could make of it?

WAR DEPARTMENT,
March 4, 1916.

Hon. JAMES A. GALLIVAN,
House of Representatives.

DEAR SIR: Replying to your request for opinion as to whether or not the adoption of the Borland amendment to the legislative, executive, and judicial bill would result in any reduction in the number of employees in this department, I beg to advise you that the various bureau chiefs of the department are unanimous in the opinion that the amendment in question would not result in any reduction in the number of employees in this department. I fully concur in the judgment thus expressed.

Sincerely, yours,

H. L. SCOTT,
Secretary of War ad interim.

DEPARTMENT OF COMMERCE,
OFFICE OF THE CHIEF CLERK,
March 1, 1916.

Hon. JAMES A. GALLIVAN,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: In response to your letter of February 29 I beg to state that in my opinion the adoption of the Borland amendment in the legislative, executive, and judicial bill would not result in any reduction in the force of this department.

Very truly, yours,

GEO. C. HAVENNER, *Chief Clerk.*

INTERSTATE COMMERCE COMMISSION,
OFFICE OF THE SECRETARY,
March 7, 1916.

Hon. JAMES A. GALLIVAN,
House of Representatives, Washington, D. C.

DEAR SIR: In reply to your communication of the 1st instant you are respectfully informed that we do not think the adoption of the Borland amendment in the legislative, executive, and judicial bill would result in any reduction in the number of employees of this commission.

Very truly, yours,

G. B. MCGINTY, *Secretary.*

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DEPARTMENT OF STATE,
March 1, 1916.

Hon. JAMES A. GALLIVAN,
House of Representatives.

DEAR MR. GALLIVAN: Replying to your letter of yesterday's date, received this morning, I am very firmly of the opinion that the adoption of the Borland amendment in the legislative, executive, and judicial appropriation bill, requiring an eight-hour working day in the executive departments, would not result in any reduction in the number of employees required in the Department of State.

Very truly, yours,

BEN G. DAVIS, *Chief Clerk.*

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DEPARTMENT OF LABOR,
OFFICE OF THE CHIEF CLERK,
March 1, 1916.

Hon. JAMES A. GALLIVAN, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: In answer to the query propounded in your letter of the 29th ultimo, I have to advise that my best judgment is that the adoption of the Borland amendment in the legislative, executive, and judicial bill would not make possible any reduction in the number of employees in this department.

Very truly, yours,

ROBERT WATSON,
Chief Clerk.

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UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF CHIEF CLERK,
March 1, 1916.

Hon. JAMES A. GALLIVAN,
House of Representatives.

DEAR MR. GALLIVAN: Referring to your letter of February 29, in which you ask my opinion as to whether the adoption of the Borland amendment under the legislative, executive, and judicial bill will result in any reduction in the number of employees in this department, I have to advise you that it is difficult to give any definite opinion on the subject. It is not likely that there will be any reduction in the force in the event that the hours of labor are increased to eight per diem, because of the immense amount of work now devolving upon the scientific and clerical forces and the increasing demands upon them. It is possible, however, that a greater amount of work could be done by the existing force.

Very truly, yours,

R. M. REESE,
Chief Clerk.

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TREASURY DEPARTMENT,
March 1, 1916.

Hon. JAMES A. GALLIVAN,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN GALLIVAN: I have your letter of the 29th ultimo, asking for my opinion as to whether the adoption of the Borland amendment in the legislative, executive, and judicial bill will result in any reduction in the number of employees in the Treasury Department.

I fail to see wherein the adoption of the said amendment will lead to any reduction in force in this department. The work of this department is so laid out that a great many of the employees are now actually engaged in work for more than eight hours. In some few cases clerks are able to finish in somewhat less than eight hours, and this is especially true as regards routine work. Treasury Department clerks and employees remain at their current work until it is finished, regardless of the number of hours involved. This sort of service is much to be preferred to a hard and fast rule of a service of so many hours. The eight-hour amendment, if adopted, would not make any improvement over present conditions.

Respectfully,

BYRON R. NEWTON,
Assistant Secretary.

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POST OFFICE DEPARTMENT,
OFFICE OF THE CHIEF CLERK,
March 1, 1916.

Hon. JAMES A. GALLIVAN,
House of Representatives, Washington, D. C.

DEAR MR. GALLIVAN: Replying to your letter of February 29, requesting an opinion as to whether or not the number of employees in this department may be reduced should the Borland amendment to the legislative, executive, and judicial bill become a law, I will say frankly that I do not believe it would have very much effect in the direction indicated.

As you are no doubt aware, the Post Office Department has effected a considerable reduction in the number of employees within the last three years. This has been brought about through improved business methods and the elimination of the inefficient. It is obvious that from the natural growth of the service, the inauguration of the Parcel Post and Postal Savings System, the work of the Post Office Department has increased during this time, and therefore the handling of this enormous amount of clerical work could only have been accomplished through increased efficiency. As a result of the greater incentive to the younger employees of this department overtime service is the rule rather than the exception.

Very sincerely,

W. I. DENNING,
Chief Clerk.

—

DEPARTMENT OF JUSTICE,
OFFICE OF THE CHIEF CLERK,
March 1, 1916.

Hon. JAMES A. GALLIVAN,
Committee on Appropriations,
House of Representatives, Washington, D. C.

MY DEAR MR. GALLIVAN: Permit me to acknowledge your letter of the 29th ultimo, in which you request to be informed whether or not, in my opinion, the adoption of the Borland amendment in the legislative, executive, and judicial bill would result in any reduction in the number of employees in this department.

The Department of Justice is, perhaps, a little different in its organization from the other executive departments in that a larger percentage of its clerks are stenographers. The scheme of organization provides that one stenographer serve two attorneys, except, of course, the Solicitor General and the several Assistant Attorneys General, each of whom has a stenographer for his exclusive use. With few exceptions, all of the stenographers in the department now work over seven hours a day, and all of the stenographers of the Assistant Attorneys General work eight hours and over a day, so it can be seen that the adding of an hour to the lawful day's work can not possibly result in this department dispensing with any of its stenographic force, which is compelled to work overtime now to keep up.

In the division of accounts, the mail and files division, and the division of supplies there are about 45 employees, including the chiefs of these divisions. I do not believe that an hour a day added to the regular office hours could make it possible to effect a reduction in this force, because of the fact that during the busy seasons of the year many of these clerks work considerable overtime. What I mean by "busy seasons" is during the preparation of the estimates, the annual report of the Attorney General, and the preparation of special data for the information of Congress, aside from the regular work.

The subclerical force, consisting of 50 employees, not including charwomen, all, without exception, work eight hours and over a day. If the Borland amendment is adopted, they would have to work close to nine hours a day. We can not dispense with any of these people.

I believe, therefore, that I can positively answer your inquiry in the negative; the adoption of the Borland amendment in the legislative, executive, and judicial bill would result in no reduction in the number of employees in this department.

Sincerely, yours,

C. E. STEWART, *Chief Clerk.*

Mr. Chairman, there is the story. Here are the men who know. Are they to be believed? I think so, and I am certain you who have heard their opinions agree with them. Let us settle this question here and now. Let us by our votes overwhelmingly and for good bury this vicious proposal, which has already caused untold harm, and which never should have been brought into this discussion. Let the vote be so pronounced that it will be many, many years before such proposals ever again appear in these Halls.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. GALLIVAN. I ask unanimous consent, Mr. Chairman, to extend, revise, and correct my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. HELM].

The CHAIRMAN. The gentleman from Kentucky [Mr. HELM] is recognized for five minutes.

Mr. HELM. Mr. Chairman, the House is always entertained and generally edified by my likable friend from Massachusetts [Mr. GALLIVAN]. He always goes on the boards strong, and there is something about him that always enables him to get the results he goes after.

Mr. Chairman, there is nothing that a Member of Congress can do that will invite more adverse criticism of his course, there is nothing that he can do that will crucify him quicker, than to support the amendment of the gentleman from Missouri [Mr. BORLAND]. It takes a high order of courage to support it, and God knows it takes heroic courage to introduce and advocate such an amendment in this House. There are places in the United States of America where a man sometimes takes his life in his hands for taking chances along certain lines. Here is a man who is taking his political career, it seems to me, in his hands by fathering and pressing this amendment. Everything in an appropriation bill that must be spent in Washington is a crying necessity. Everything that is spent outside of Washington is classified all the way from "pork" to "graft." I hope, although I am hoping against all expectations, that this amendment may pass. But it has not a snowball's chance—we all know that—here. [Laughter.] You know when a snowball has no chance whatever. [Renewed laughter.]

But be that as it may, the situation has its serious phases. The time has come, the hour has struck, gentlemen, when something has to be done along the line of retrenchment in expenses. This Government of ours must face about, because we are confronted with the most serious conditions and situations that have confronted the Republic since the Revolutionary War.

The question of preparedness is a pressing necessity. I am for preparedness within well-guarded limitations and restrictions from the taxpayers' viewpoint as well as that of efficiency. I am not for a top-heavy Army and Navy; but here is the proposition that confronts us: We have been spending $100,000,000 annually for the Army and $150,000,000 annually for the Navy. We may have to double those figures. Now, you have to commence retrenchment somewhere, and you have to commence it in good faith, because you can not pile up half a billion dollars annually in appropriations for Army and Navy on the taxpayers of this country without hearing from them in no uncertain tones.

Here is a proposition that saves $5,000,000 annually. Now, in the few years I have been serving in Congress I have voted for propositions, that affect me personally, in the legislative appropriation bills that saved just as much as this amendment will save. Let us face this proposition fairly and squarely. There has to be, and must be, a lot of pruning out of these supernumeraries wherever they exist, wherever money can be saved. If a big Navy is an insurance policy for this Republic, let us have enough insurance. I am willing to bear my part of the premium.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. HELM. Mr. Chairman, may I have two minutes more?

Mr. BYRNS of Tennessee. I yield to the gentleman three minutes more.

The CHAIRMAN. The gentleman from Kentucky is recognized for three minutes more.

Mr. HELM. If a Navy twice as large as we now have is absolutely and essentially necessary to preserve this Republic and this Government, let us have it. If we must have a regular Army of 200,000 men, if that is necessary, let us have it. But let us commence trimming somewhere along the line in order that the back of the taxpayer may not be bent double, and let us distribute the premium on this insurance among the hundred millions of citizens of this Republic as equitably as it can be, placing the heaviest cost on the big rich. If the beginning place for this retrenchment is in the House of Representatives, let it come here. If it is in the Executive Department, let it go there. Let it be a horizontal, equitable reduction all along the line.

This amendment ought to be the beginning of a plan or type of retrenchment that this House ought to have the wisdom and the patriotism to carry into effect.

Let me mention to you a little matter perhaps not on all fours with this proposition, but as a Member of the Committee on Insular Affairs it comes to my knowledge that the Philippine government, being in need of funds—and bear in mind we claim that the Filipino is not fit for self-government—when the revenues were running behind, what did the Philippine Legislature do? They reduced the salaries of the government officials. Have we the courage; do we know enough about self-government to follow the example of the Filipinos that we say have not the capacity to govern their own islands?

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. GOOD. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. MUDD].

The CHAIRMAN. The gentleman from Maryland [Mr. MUDD] is recognized for five minutes.

Mr. MUDD. Mr. Chairman, I rise not with the intention of delivering an address upon the matter that is now before the House, but I do feel justified in imposing, as a new Member, upon the patience of this body to speak a word in behalf of the Government employee.

I desire to state that I am opposed to this amendment now under consideration.

Having twice been employed by the Government—once as clerk in the Capitol and later as assistant United States district attorney for the District of Columbia—and identified to a large extent with the interest of the working people of the city, especially those connected with the civil service, I believe that it is my duty—and it is certainly my pleasure—to speak a word in defense of the Government employees who reside both in the District and the State of Maryland. It is true that the position as assistant district attorney was particularly desirable and not strictly a Government job in the ordinary sense, as I was able to acquire valuable experience in the practice of my profession, but, nevertheless, in this attractive branch of the service I and my associates were obliged frequently to work at unreasonably long and irregular hours, receiving compensation which most of us did not believe to be commensurate with the services we were required to perform.

When a man accepts what is known as a permanent position in the civil service, particularly if he is a young man starting out in life, he can not resist the thought that the door of opportunity is closed against him. He abandons all hope of a public or successful business career, dedicates his efforts to the faithful performance of the duties assigned to him, and contents himself with the doubtful prospect of continued occupation. He is fortunate if he dies in the service, having faithfully performed his duties day by day without promotion in pay or rank up until the time of his death. On the contrary, he is an unfit, undesirable, inexperienced, and unqualified subject for work in the commercial world if, when he arrives at an appropriate age of retirement, he is, without charges of inefficiency, suddenly dropped from the rolls; and no provision is made or to be made by the Government for his future welfare. In the meantime he may have raised a family and perhaps built a little home in the District or somewhere in the suburbs of Washington or Maryland or Virginia.

Mr. Chairman, I do not believe that the addition of an extra hour to the day's work of the employees will increase efficiency in the departmental service, especially since no measure has been introduced looking to a readjustment of salaries. If the statement is true—and it has not been denied—that there has been no readjustment of wages for the past 50 years or more in the Government to meet the high cost of living and other conditions, while in all other branches of industry salaries have been fixed according to the existing necessities of mankind, then the present status of the Government employee should be seriously considered.

Out in Maryland, on the other side of the District line, along the tracks of the Baltimore & Ohio, the Pennsylvania, and electric railroads between Washington and Baltimore, in the district which I have the honor to represent, hundreds of Government employees who have preferred to escape the high cost of living, other inconveniences of the city, and finally to establish for themselves a legal residence, for the enjoyment of the privilege of the right of suffrage, have built and purchased homes for themselves in localities where villages have grown and where lands have become valuable. In the majority of cases they have bought their homes on the plan of depositing a small amount in the beginning and applying monthly rental payments to the purchase price. Under the present seven-hour rule they can, by rising at an early but reasonable hour in the morning, come back and forth to and from the city over the railroads on commuters' tickets, arriving at 8.30, reporting to their offices promptly at 9 o'clock, and returning before darkness in the spring and summer of the year. If this eight-hour amendment is passed, it is apparent that great hardships will result, compelling the employee to rise in the morning and return to his home in the evening at unreasonable hours, and railroad schedules will have to be changed to meet these circumstances against the protest of other commuters who do not work in the Government, but are engaged in other pursuits. Certainly the railroad companies will not run an extra train at great loss within the half hour in order to accommodate both the Government employee and the business man. The result will be that the Government employee must dispose of his home and live in the city, but this will be impossible, because his property will have become practically valueless and undesirable to prospective buyers.

I believe that Congress should economize, but not at the expense of the workingman or the underpaid Government employee. [Applause.]

I wish to go on record as a friend of the workingman, and of those employed in the Government, whether they live in Maryland or the District of Columbia. As long as I am a Member of this House I will advocate and vote for any measure that has for its purpose a consistent increase in the pay of the Government employee where it is warranted, or the promotion of his welfare, comfort, and happiness when he arrives at an age where his services are no longer desired by his Government. [Applause.]

Mr. BYRNS of Tennessee. I yield five minutes to the gentleman from Kentucky [Mr. KINCHELOE].

Mr. KINCHELOE. Mr. Chairman, this is an amendment to the legislative, executive, and judicial appropriation bill, which provides that the Government clerks in the city of Washington shall work eight hours a day instead of seven hours per day, the time which they have been working for many years past.

I want to say that I am now, and have always been, a consistent friend of the laboring man, whether he works on the farm, in the mine, office, or mill, and I shall at all times vote and work for legislation that will be of lasting benefit to the man who earns his bread in the sweat of his face; but all other Government employees not in Washington work eight hours a day; the scale of all union organizations is eight hours per day, and the farmers and thousands of other laboring men in this country work from 10 to 12 hours a day, and none of them receive as much money in proportion to the work done as do the Government clerks in the city of Washington.

There are 312 working days in a year. The Government employees in the city of Washington get 30 days' sick leave of absence, 7 holidays, one-half holiday each on Christmas and New Year, one-half holiday on each Saturday for three months in a year, which are 6½ days, and 30 days' annual vacation, all with full pay, which means that the Government employees in the city of Washington labor only 237½ days in the year, and only seven hours each day, and receive pay for 312 full workdays. Is it fair to the other Government employees and labor-

ing men throughout this country for the Government clerks to work only 7 hours a day and the rest of the laboring men work from 8 to 14 hours per day?

The Government employees in the city of Washington live in the most beautiful and cultured city in the world; the places where they labor are the most sanitary of any other laboring people, and they receive more wages for the work done than any others who labor; and now, because this Congress proposes to have them work eight hours per day, all who have the temerity to vote for this amendment must receive the criticism of the papers of the city of Washington. I want to say that the criticism in the Washington papers does not alarm me, and, in justice to the laboring people of my district, I shall support this amendment.

If this amendment carries, it means a saving to the Government of between $4,000,000 and $5,000,000 per year. If it were an injustice to the Government employees I should cheerfully vote against it; but I can not conceive of it being a crime to have the Government employees of the city of Washington to work eight hours a day. There are thousands of men and women in my district and throughout the country, just as competent as the Government employees, who would be delighted to have the opportunity of taking these positions and working eight hours a day. There are thousands of good, patriotic miners and other laboring men of my district who work from 10 to 12 hours per day, through hot and cold, through sunshine and rain, through favorable and unfavorable circumstances and do not receive near as much for their labor as the Government employees in Washington. In justice to them, and in view of the fact if this amendment carries it will save the taxpayers of this country between $4,000,000 and $5,000,000 annually, I feel I would not be true to the people of my district, who have so generously honored me, if I did not speak and vote for this wholesome amendment. [Applause.]

Mr. GOOD. Mr. Chairman, I yield five minutes to the gentleman from North Carolina [Mr. BRITT].

Mr. BRITT. Mr. Chairman, the question raised by the amendment offered by the gentleman from Missouri [Mr. BORLAND] involves infinitely more than whether a day's work by the Government employees in the Capital shall consist of eight hours instead of seven hours. That of itself is not a question of first magnitude. In fact, under ordinary conditions an eight-hour day is not too long. Most of the workers of this country work eight hours, or more, and an eight-hour day is my ideal, industrially speaking, and is the great goal for which the friends of labor have long battled.

But the question here raised is vastly deeper and more far-reaching. It is whether the long-battled-for advances of labor shall receive a setback at the hands of the American Congress; whether the representatives of the American people shall vote to stay the tide toward a just wage, reasonable hours, and sanitary working places; whether industrial democracy, the hope of the world for the cause of labor, shall again be deferred and wait for its birth on some new germ of life.

The history of the human race is marked by two great and unending struggles—the one for freedom of religion; the other for freedom of labor. After a struggle of thousands of years, marked by bloody footprints on the way, man is no longer stifled by the dogmas of creed or fettered by the chains of fanaticism, and labor is just beholding the dawn of a new and better day.

But this amendment is not only a blow at the cause of labor, it proposes herein the Nation's Capital a new and revolutionary order, carrying distraction and confusion into the governmental departments, the business houses, the shops, the schools, the boarding houses, and the homes.

But why are we called upon to take this backward step in the progress of labor, to cause this distraction in the affairs of the Nation's Capital? Merely because the gentleman from Missouri, in a spasm of economy, sees, dimly, as through a glass, a saving of $4,000,000, a saving that has no foundation except vague speculation, and no basis but a vivid imagination.

It is possible that I can speak with a little assurance as to proper hours and right conditions for governmental employees. I was for a long time at the head of one of the largest bureaus in one of our greatest departments of Government. I studied the life of the clerks and employees and entered into the spirit of their work. I endeavored to determine, as best I could, how long they should work each day in order to do justice to themselves and to the Government. If my experience taught me anything, it was that the best that an employee can do each day can be accomplished within a period of seven hours. It should be borne in mind that Government work is, in the main, of a character requiring more application of brain than of hand. Mental faculties do not renew so rapidly as physical faculties. Mind fag is more enervating than body fag. Seven hours of brisk, active, productive work is better than a longer period of dull, confused work. If the employee is properly directed, and his work is systematically arranged, he can readily accomplish his day's task in seven hours, and that should constitute his day's work. The case is not parallel with that of manual labor. Of course there is no question of the relative dignity of the two kinds of work. They are equally honorable.

I shall here notice a few of the contentions of the gentleman from Missouri. He has done me the honor to write me a letter, and he is a master letter writer.

In the first paragraph he says:

> The statement that salaries in the Government service have not been changed for 56 years is false. Every appropriation bill carries a number of increases and promotions and the work is constantly readjusted.

By the act of March 3, 1853, Congress made a classification of the Government positions and fixed the salaries for the various grades named in that act; and the salaries therein provided for, which are still applicable to the rank and file of the Government clerks to-day, have never been readjusted or increased for the grades named. The "increases and promotions" have been in the nature of new grades and increases in compensation for clerks above the average in salaries as carried by the first classification; so that it can not be maintained that the emoluments of the offices held by the usual run of clerks have been in any way changed, notwithstanding the cost of living on every hand has constantly increased.

Again he says:

> The statement that salaries are adjusted on a seven-hour day is false. Clerks are paid for a full day.

No fault can be found with this statement if it be understood in the light of actual facts, because, as a matter of fact, clerks are paid "for a full day," regardless of whether that day be of seven hours or more; but it is difficult to believe that the gentleman from Missouri would have that meaning accompany the statement. The act of March 15, 1898, specifically provides that the heads of the several executive departments shall—

> require of all clerks and other employees * * * not less than seven hours of labor each day, except Sundays and days declared legal holidays by law or Executive order: *Provided*, That the heads of the departments may, by special order, further extend the hours of any clerk or employee in their departments, respectively; but in case of extension it shall be without additional compensation.

The minimum of seven hours allows no time for luncheon; and even that period is, in a very great many instances, extended without compensation in the way of money or extra leave to cover the overtime worked by the clerks.

The third paragraph of his letter contains the erroneous statement that—

> The clerks have 30 days' vacation, 30 days' sick leave, and all holidays. They work 238½ days out of the year, or less than 20 days a month. This is equivalent to only 208½ days of eight hours, or 17½ days a month.

In the first place, this statement assumes that every employee in the service gets full 30 days' sick leave in addition to 30 full days' annual leave; and that is not true, for in many instances employees are unable to receive the privilege of their full 30 days' annual leave and the majority of them do not have any sick leave during an entire year. The law—act of March 15, 1898—further vests in the heads of departments discretion to grant, first, 30 days' annual leave during each calendar year; and, second, they are clothed with the discretion to grant, in exceptional and meritorious cases, extension of leave on account of sickness, not to exceed 30 days in any one year.

Annual leave is granted in periods ranging from 30 minutes to 30 days, but no allowance is made for overtime work, notwithstanding such provision is made for certain employees of the Government outside of Washington.

In granting sick leave the head of at least one of the departments has, as I have heard, in violation of express law, adopted a scheme whereby clerks are penalized for taking the sick leave which the law says the department head may, in the exercise of his lawful discretion, hold that the clerks are entitled to receive. That rule or order provides that one point shall be deducted from a perfect grade for each day that a clerk is absent from work on annual and sick leave combined during a single year, or, in other words, if a clerk takes his full 30 days' annual leave and then 15 days sick leave his credit for attendance is reduced to 85, and his "efficiency" record is correspondingly affected, regardless of the years he may have worked hard and faithfully prior to being overtaken by misfortune.

Many exceptions could be taken to the gentleman's fourth statement to the effect that employees outside of Washington have only 15 days' leave and many of them work Sundays and holidays. Legislation was but recently passed providing more leave for postal employees outside of this city, and when it is

remembered that railway postal clerks are not actually on duty more than half the time he is radically wrong in that statement.

The reference to "the complaining 7 per cent" might be passed without notice, had not the gentleman added that "the other 93 per cent work and ask no favors," for in the latter words is found the greatest error of all. The author of the statement has apparently forgotten the many petitions to Congress by the organized Government workers, namely, the railway postal clerks, the rural mail carriers, and the Government machinists, all of which is quite proper. These classes of Government employees have evidently acted upon the "enabling" act of Congress approved August 24, 1912, and it seems they have brought about a recognition of their demands, and I am glad of it.

The fact remains that the salaries of the rank and file of Government clerks have not been changed since they were fixed in 1853, and many clerks receiving those salaries to-day are doing the higher classes of work, while others paid the higher salaries perform the lighter duties. This is true, in many instances, because of the failure to provide some humane way to relieve the service of old and infirm clerks who have devoted their best years to the work.

To add another hour to the day would effect no real saving; certainly not enough to offset the powerful wrong that would be done to the cause of labor and the confusion that would result to the general public in the Nation's Capital. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman and gentlemen of the committee, it is not because I am not interested in labor that I am supporting and shall vote for the Borland amendment. It is not because there are no laborers in my district that I shall vote for this amendment. Some of the largest industrial institutions in my State are within my district, and the laboring men of those institutions are my friends, and in some places have supported me regardless of their political affiliations. But the question that appeals to me here is why—and I would like to have some gentleman answer this question—why 7 per cent of the Government employees should be made the beneficiaries of special legislation or special rules in the Government departments? Why should 7 per cent of them work seven hours a day and 93 per cent, in positions that are equally as confining and laborious as the seven-hour positions, work eight hours a day?

What reason can anyone assign for this discrimination? Everyone knows that the work in the Government Printing Office and in the navy yard is just as hard as the work in any other department, yet the employees in those branches of the service have to work eight hours a day. Let us take the Post Office Department. Its employees here in Washington work seven hours a day, yet when a postmaster or a clerk is appointed in any other office, either in the country, the small towns or the large cities, a list of questions is first submitted to him that he must answer to the satisfaction of the department, and one of those questions is, "Will you give at least eight hours a day to the duties of the position to be filled?" Yet these blanks are prepared and sent forward by clerks who work seven hours a day under more favorable conditions and surrounded with greater conveniences than can be had in most any office in any other part of the country; and the clerks and other employees in the United States Customs Service, the Internal-Revenue Service, and the Reclamation Service of the entire country are instructed to work eight hours a day, and these instructions are edited and sent forward from their respective departments here in Washington by clerks who work only seven hours a day. Ah, gentlemen, you can not square your records with the clerks in these various branches of the service outside of Washington, by voting to continue a special favor to a favorite few here in Washington. I want to ask you gentlemen who are opposing this amendment how you are going to explain your attitude and your vote to those Government employees of your district who do not happen to be located in Washington, and many of whom are working more than eight hours a day; and how are you going to explain it to men employed by private industry, such as interstate carriers over which Congress has partial jurisdiction. That class have never been the beneficaries of special favors at your hands. How are you going to explain to them why you favor special favors to a part of the clerks in Washington, and how are you going to explain to the other clerks here in Washington and to their friends back home why you would have them work eight hours alongside their neighbors, who are working only seven hours, at no harder tasks; and how are you going to explain to the taxpayers of the country, from whose pockets are extorted $4,600,000 annually to supply the deficit in the labor of these departments by reason of this special favor to this particular lot of clerks; and, further still, how are you going to explain your course to the hundreds of applicants of your districts who are applying to the Government for positions in the departments at Washington, and are beseeching you on every hand to assist them in their efforts, and who would be glad, indeed, to secure such a position with an eight-hour day, because every mother's son of them is now working more than eight hours a day, and because the position sought here pays a better salary than they can ordinarily command in other places, and because conditions under which the clerks labor here in Washington are the most favorable and the surroundings under which they live are the most pleasant in the country? And, Mr. Chairman, I am wondering how the opponents of this amendment are going to explain their opposition when they meet other clerks and laborers who work 8 to 10 hours a day, and some of them longer.

I am for the Borland amendment because it stands for justice and equity and against special favoritism among the employees in the ranks of labor, and I challenge any man to show where my stand is unfriendly to labor or that my course has ever been against its best interests, for everyone who knows me or who is familiar with my record in both public and private life knows that I am a friend to and interested in the laboring men of my district and the country. During my five years' service in this House I have used my influence and cast my vote in the interest of labor at every opportunity, and on every measure designed to better the conditions of the laboring people; and the laboring classes of my district, which constitute a large element of my constituency, have shown their appreciation of my course by the support which they have given me in former campaigns, for many of them have supported me regardless of their political affiliations.

The laboring people, through their organizations, have fought for an eight-hour working day, and I have supported them as far as it was possible for the Congress to go, and I challenge any man, in Congress or out of Congress, to point to a single instance wherein I have failed to give my support to any measure or any movement the object of which was to make an eight-hour day, for which labor has been asking, or in any way to better the conditions under which the laboring people must live. I have not stopped at supporting and voting for every bill designed to benefit labor, but I have performed a further duty to the laboring millions by studying carefully each bill which purported to be in the interest of labor, in an effort to guard against deception which sometimes finds its way into legislation and which, if not eliminated, would destroy the very purpose for which the legislation was intended, and not only do that, but also place additional burdens upon those whose burdens the law is supposedly intended to lighten. I particularly recall one case of that kind which occurred in this House near the close of the Sixty-second Congress, when the so-called employers' liability and workmen's compensation bill was brought to the floor of this House. The laboring people were asking for an employers' liability act which would make it possible for employees who are injured in the service of the railroads engaged in interstate commerce, or the widows or other dependents of employees killed in such service, to recover damages without having to resort to a long and expensive prosecution of their claims in the courts. Every laborer and every friend of labor on the floor of this House, including myself, favored the passage of such a law. But we wanted it to benefit the laborer and not place additional burdens upon him, and to my surprise I found in the bill when it reached the House a provision that gave to the employer an advantage over the employee that would have made it almost impossible for the latter to have recovered damages for injuries received.

The bill provided for the creation of a commission to pass upon claims for injuries sustained. It gave to the employee the right to appeal from the decision of the commission to the court in the county where the cause of action arose. But it gave to the employer the right to appeal to the court in the county where the cause of action arose or in the county where the employer was doing business, which meant in the county where his main office was located. When I discovered this provision I went to the men who had drawn the bill and who were among the best lawyers in this House and pointed out to them that that provision would destroy the whole purpose of the bill and would, if the employer desired to take advantage of it, make it almost impossible for claimants to prosecute their claims, for the reason that any railroad company could locate its main office in any county in a State in which it was doing business and appeal all cases to the court of that county, and any number of companies could have located their main offices in a given county anywhere in the State and appealed all claims for damages to the courts of that particular county. For instance, there are some six or eight railroads operating in my State engaged in interstate commerce. Each of these roads could have, if that bill had become a law, located their main offices at one point—we will say at Louisville. Then every claim in the State of Kentucky for injuries sustained in the service could have been

carried on appeal to the courts of Louisville, which would have meant the defeat of many of the claimants, because many of them, and I will say most of them, would not have been financially able to go to that point and attend court in the prosecution of their claims. For instance, is it reasonable to suppose that the injured employee or his widow, with a family of dependent children, could go from the head of Big Sandy or from the towns of Ashland, Russell, Fullerton, Maysville, or Jackson, in eastern Kentucky, or from any of the points of western or southern Kentucky, to Louisville and defray the expenses necessary to the proper prosecution of a case? They could not do so, and if that bill had become a law many a just claim would have been defeated by its enactment and operation.

I stated a while ago that as soon as I discovered this vicious provision in the bill I went to the gentlemen who had drawn it and called their attention to the fact that the bill as drawn would not benefit the employee, but, to the contrary, would place additional and unwarranted burdens upon him and his dependents. They each agreed with me, and each disclaimed responsibility for the provision referred to, and each contended that that provision had evidently gotten into the bill through error. But, nevertheless, it was there, and the bill was being considered under a special rule, which made it impossible to amend it, even to the dotting of an "i" or the crossing of a "t"; and under such circumstances we were forced to support it as a whole or reject it as a whole, and I, Mr. Chairman, in the interest of labor, voted against it and did all I could to defeat it. But it passed the House and was sent to the Senate, where it died a natural death, and it was a blessing to the employees of the entire country that it met such a fate.

The bill had the support of the representatives of organized labor. But doubtless those men had overlooked its vicious provision to which I have referred, which was designed to discriminate against labor, or else that provision had been written into it after it had received their approval. But that was neither here nor there with me. It was my duty as a friend to labor to protect, so far as I was able, the laborers of my district and the country against the hardship that was about to be thrust upon them through such deception, error, or incompetency, as the case might be; and I have never entertained the slightest fear of danger at the hands of my constituents as a result of my course. But to the contrary, I have received their commendation, as evidenced by the support given me by the laboring people of my district in my campaigns that came afterwards. Now, what is the issue involved; what are we called upon to meet? Why, Mr. Chairman, it is plain and simple. The Borland amendment proposes to standardize the working day for Government employees and make the standard day eight hours, the standard that is demanded by the laboring people throughout the land. I, as a friend to labor, have stood by and voted for that standard in the past, and shall stand by and support it to-day.

Yes, I am for labor, but I am not for discrimination in favor of special classes of labor, and further, I support the Borland amendment not only because I believe that all labor should be treated fairly, but also because of another principle involved.

I, with my party, have opposed special legislation; I have opposed special benefits to special classes of this country; and I can not vote against the Borland amendment without repudiating my former stand upon those questions, because the same principle is involved, and, gentlemen, there is no way of getting away from it. Why should the man who toils on the farm, why should the man who toils in the factory work 8 and 10 hours, and these gentlemen who work in the departments at Washington at a much higher salary, who have a desk and a soft chair, work only 7 hours? I do not object to their having all of the conveniences that can be afforded the offices and all the salary to which they are entitled, but why should they receive special consideration at the hands of this Congress in the amount of labor to be performed? This is the question, my friends, that we have got to meet, a question that we must answer when we return to our people. As I said, I am for the laboring man, I am a friend to the clerks in the departments. But I am also a friend to the laboring man who by the application of his muscle to the implements of the farm, the shop, the mill or the factory is eking out an existence for less money than the clerks in the departments at Washington are receiving. Then why extend to the latter this special favor? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. NOLAN].

Mr. NOLAN. Mr. Chairman, I am not opposed to the Borland amendment because the newspapers of Washington are opposed to it. I am not opposed to the Borland amendment because the business interests of Washington are opposed to it. I am not opposed to the Borland amendment because it might tend to rearrange the hours of employment of the clerks. I am opposed to the Borland amendment as a matter of principle. I think it is a poor precedent for the Government of the United States to establish in trying to economize at this time by increasing their labors 7⅐ per cent without increasing the compensation in proportion, to say the least. If a private employer was to attempt to raise the hours of his employees, the first thing that he would have would be a strike on his hands. There is no possibility of that as far as the Government employees are concerned. It is easy for gentlemen to stand up in Congress and introduce resolutions, especially where the employees have not been organized and thereby can not secure the help of their fellow workers throughout the land to preserve the conditions they have and to fight for better conditions through their affiliations, thereby securing adequate compensation for labor performed.

I am opposed to this proposition, because I think it is bad policy for the Government of the United States to attempt to disturb a condition that has existed for very many years. I want to say to the gentleman from Kentucky who has just taken his seat [Mr. FIELDS] that it is not a question of legislation, which means the reduction of hours of labor, it is a legislation which means that you are going to increase the hours of thirty-odd thousand of Government employees who were led to believe when they entered the Government service that their hours of labor were seven and the salary would be so much. You are attempting to decrease the number of employees by increasing the length of the workday, and you are not going to please the working people of the country in general or the civil-service employees in the service outside of the District of Columbia, because they do not begrudge the employes in the departments at Washington any advantage they may have at the present time.

I want to say to these gentlemen who have stated that they are in favor of the amendment that they had an excellent opportunity a few weeks ago to economize if they wanted to economize. The Post Office Department during the past year attempted to economize at the expense of the rural mail service by rearranging the routes, whereby they contended they could save $5,000,000. They also put up the proposition that if the rural mail delivery of this country was let out by contract they would save something in the neighborhood of $18,000,000. I opposed the policy of the Post Office Department at that time, just as I am opposing the Borland amendment now. I am opposed to lengthening the hours of labor on the routes of the rural mail carriers and I am unalterably opposed to the department letting the work by contract, knowing full well the contractor would make his profits out of the overworked employees, and, further, because I believe the Postal Service can only be administered efficiently by civil-service employees who receive fair treatment in the matter of hours, wages, and working conditions. Practically every one of the gentlemen who have taken the floor here to-day in favor of the Borland amendment fought against that policy on the part of the Post Office Department, and to my notion it was for one reason, and that is because the rural mail carriers of this country are organized and control votes, and the gentlemen heard from those men on their routes and were up here in their defense. Some of those carriers worked, as was stated, four and five hours a day and the department wanted to pay them for the four or five hours' labor. These gentlemen could have economized in that instance; but no, the rural mail carriers control votes, while the poor Government employee in Washington has no vote and up to the present time has had no organization. I was opposed to the Post Office Department, I was with the rural mail carriers, and I am with the Government clerk in Washington now.

I hope that the organization that he has formed will prove as powerful to him in the future as the organization of the rural mail carriers has to them, and if that be so they will not be disturbed by riders or amendments to appropriation bills in the future, if they will take the opportunity of getting in touch with other organized workers in the country who have votes. It will save them from these onslaughts. Two weeks ago the Borland amendment had plenty of friends on the floor of the House. To-day they are going down like tenpins—so much so that one gentleman said here that it had no more chance than a snowball in Washington in the summer time, and that is the fact, and it is because the Government clerks in Washington have organized, and some day they will rise up and thank our good friend from Missouri [Mr. BORLAND] for being the man who woke them from the slumber they have so long indulged.

The amendment will throw out of employment between three and four thousand Government employees, and who will go—the young and strong man and woman? Not at all; it will be the old

superannuated clerk who has given the best years of his or her life to the service of the Government, and they will be relegated to the Government scrap heap and in many instances become a charge on society.

There is only one efficient and fair way to reclassify the civil service, and that is for Congress to pass a civil-service retirement bill, which would give the superannuated employees a chance to pass their last days in comfort at least, and every Government employee could look forward to a peaceful end and not be confronted with the poorhouse in the end.

Defeat this amendment; do not let the Government of the United States be charged with bad faith in encouraging men and women to enter its employ in Washington and guaranteeing certain conditions of employment, and then changing the conditions without compensation for the changed conditions.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. KENT].

Mr. KENT. Mr. Chairman, I shall vote for the Borland amendment because I do not believe that eight hours of clerical work are too many; neither do I believe that they are too few. As conditions now are, I shall stand for an eight-hour working-day in most avocations, believing that a lesser working period will reduce production—which is wealth, and should become more nearly common wealth—in this country under present economic conditions.

The question of a seven-hour versus an eight-hour day for Government clerks brings up another question which is vastly more vital to the public service than this particular amendment. It brings up the question of civil pensions. It is a flat bit of commonplace sophistry to say that if we are going to provide civil pensions we must provide for pensioning all those in need—the aged and the incompetent—everywhere. The time will come when society will look after the infant and aged as a matter of course, if their own people are unable to support them; but in the meantime it is not fair to say that if we work out a contributory pension system for Government employees we must, therefore, pension all other aged and incompetent people. It is a matter of looking after our Federal employees. The literature of to-day is filled with sad stories of faithful employees neglected in their old age by their employers. Such neglect of an obvious duty forms a lot of the tragedy of modern stories of modern life. Many of the corporations of the country provide for their employees by a pension system; and we, representing the Federal Government, must face the proposition that if we are going to do justice to these superannuated employees we must furnish them with the opportunity of having pensions in their old age and in their incompetency, nay, of forcing such pensions upon them. We can not afford to keep them in Government employment, for that is setting a low pace for work.

I can appreciate the objection that the labor unions have to setting such a high pace that it grinds out people's lives, but here we are having a pace made in Government service by those who never ought to be in Government service; and there is hardly a man on the floor of this House who has not at one time or another gone to a department begging the reinstatement of some superannuated employee to a position he can not fill.

In the Sixty-second Congress the Committee on Civil Service Reform had hearings and worked for some 70 hours on a plan of civil pensions, recognizing the fact that injustice should not be done to our Federal employees beyond the customs of enlightened corporations, and in order that we might secure efficiency in the Government service, but no action was then taken or has been taken since. The heads of the departments are human beings, full of human sympathy, and they can not bear to turn out to starvation these old employees. The result is that the Government service is exceedingly inefficient. This Borland amendment, to my mind, is just and proper in setting the standard working day at eight hours. I should like to see it amended so there could be no question even of a request to work beyond eight hours without receiving extra pay. I believe that it will lead to a recognition of the perfectly obvious fact which other Governments in Europe understand, and that is that to have justice done to old employees of the Government, and justice done to the good of the service, we must have civil pensions. [Applause.]

Mr. GOOD. Mr. Chairman, I yield five minutes to the gentleman from Rhode Island [Mr. O'SHAUNESSY].

Mr. O'SHAUNESSY. Mr. Chairman, "stop picking on me." If I were to epitomize the cry of Washington to-day I would say that it was summed up in that cry, "Stop picking on me." It seems to be a fad for legislators when they come here to endeavor to devise some method by which they can regulate Washington, and this is one of them. The gentleman who has just concluded, the gentleman from California [Mr. KENT], and who says that he is in favor of pensioning superannuated Government employees, would first preface that very beneficial work by kicking 3,400 men onto the scrap heap. I do not belong in that class. If the Borland amendment were adopted we would have 10 per cent less, for if he did not want to throw out the superannuated employees, he would have to kick out 10 per cent of the verile, young, diligent, and efficient men and keep the old men. Either horn of the dilemma is bad.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. O'SHAUNESSY. I can not because I have only five minutes. I have a great deal of respect for the gentleman from Missouri [Mr. BORLAND], but I think his energy in this case is misdirected. [Laughter.]

Mr. BORLAND. I can give the gentleman some information.

The CHAIRMAN. The gentleman declines to yield.

Mr. O'SHAUNESSY. I notice that his amendment provides that the clerks shall work not less than eight hours. There is every reason in the world for people being opposed to this amendment even if it provided that they shall work not more than eight hours. If you are going to increase the labor of men, then come in with a just proposition and increase their pay for the extra labor that you demand. Those two things go hand in hand. One of the most peculiar features of this amendment is that it is the product and work of one man, the gentleman from Missouri [Mr. BORLAND]. I am not deprecating his efficiency, because I think he has been unduly criticized, but I object to legislation affecting 34,000 employees, affecting those dependent upon 34,000 employees, affecting every store and every part of this great city of Washington, being passed without proper consideration. We ought not to go to work bull-headedly and affect those 34,000 people and their dependents and the storekeepers and business people of the city of Washington generally.

It is a blow at the city of Washington and its prosperity—poor, helpless city of Washington, that has no legislative representative here to speak for it. I have always been opposed to these legislative drives at Washington, inasmuch as the people are not represented. They have not got a vote, and so men come here and they say, "Let us try it on the dog. Let us try this thing on Washington, and then we will be able to go home and tell our constituents what a wonderful place we made of the city of Washington." There is pending now, and we will soon be called upon to vote upon it, I suppose, a bill to make Washington dry. Washington is a pretty good place now. It looks to me like a very orderly, moral, decent place, but some gentlemen want to go back home and parade their virtues, and they want to make Washington dry in order that they can go back and tell their constituents about it. Representatives who believe in a republican form of government and in the people propose not even to allow the people of Washington to say whether they want it dry or whether they want it wet. Give the people not what they want but what we, the Representatives, want is their cry. Peculiar legislation, my friends. I am opposed to this Borland amendment and I trust it will be voted down. If we want to do anything in a sane way, in an orderly way, in a proper way, let us appoint a committee and let it consider the needs and necessities of the clerks. Let it consider the needs and necessities of the city of Washington; let it come back here with a comprehensive report before us, so that we can in an orderly, sane, and intelligent manner write legislation that will be effective, that will be decent, that will be in accord with every sense of justice and fair play. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FIELDS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. KENT. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Chairman, there is a principle of law that we all ought to have some respect for when we begin to measure any matter of legislation, especially when it affects salaries and the expenditure of public money. It is not only true, the statement I will make in reference to Government employees, but it is true with reference to the services which all men shall render in society. Every man should be taught that he should render a quid pro quo to society for all that he takes out of society. Not only that, but instead of teaching people that they have got to take everything they can out of society they ought to be taught the great principle of endeavoring to put all the good they can into society; and the philosophy of modern times and

the doctrine being taught in this House are fundamentally wrong. These gentlemen who are making the announcement that they are the friends of the Government clerks as though they were the only friends that the clerks had. No man is an enemy of the Government clerk who shall say to him that he should perform eight hours of honest service. Every department of the Government outside of the city of Washington requires eight hours of Government service. Not only that, if they did not require that in the manufacturing plants of the Government, in the post offices of the Government, they shall perform eight hours' service along by the side of the great industrial plants, where the fight now is on the part of laboring men to get the blessedness of an eight-hour day as a standard of work, there would be upheavals of all kinds and character; and I do not believe that any man, if he will get out of the atmosphere that surrounds them here in Washington, if he will get out of this atmosphere, where, instead of having one representative on the floor of this Congress, this Washington press and Washington society coerce hundreds of Representatives. Some men when they stay here any length of time begin to lose the real true relation of things and forget the taxpayer. Not only that, but the Government clerk under the present system, even under the civil service, by reason of the fact that they have been able to get those places which they clamored for because some Senator or some Congressman stood sponsor for them and went down and saw that they got a place in the Government, these men, retaining their connections back home, come and make all of these men understand that "You got me here, and I have to look to you, and you must see that I work just as little as possible." So that there is no ground for the statement that any Government employee does not have plenty of spokesmen on this floor.

If there is anything that we all ought to be willing to stand for, it is equal treatment at the hands of the Federal Government of every Government employee. Every man ought to understand that in this life you can not equalize conditions, you can not equalize men in intellect, you can not equalize men in economy, you can not equalize their capacity for acquiring and saving money. The only thing that the Government can and ought to do is to give every man equal opportunities of endeavor and place upon him equal burdens, and in stating to the world that you do not expect an eight-hour labor from a Government employee, you virtually say to every other laboring man in the Government, yes, in the social, business, and economical world, that he ought not to be called upon to labor but seven hours. It is wrong and there ought not to be that sort of principle here. Now, the only trouble I have is being able to get one-hundredth part of the number of places that I am asked to get in the Government, and I have never yet had a man ask me how many hours of work is required, because the taxpayers, that forgotten, inarticulate mass, those people who only speak on election day and only speak about those things which are brought to their attention, who only speak on those issues of the campaign, those people whom Carlisle called the inarticulate mass, the patient, toiling people, as he expressed it, on the farm, in the factory and in the mines, patient and long suffering—and they have been patient and long suffering in every Republic that existed on the earth, and they are patient and long suffering in all the history of the past—but when the time does come and this inarticulate mass does make up its mind to speak, it speaks with the force of Niagara and speaks in thunder tones. They may speak sooner than we think.

When you shall begin to set the precedent here that men shall not be called upon to work more than seven hours and you set in motion that thought and let it find a lodgment in the hearts and minds of millions of laborers throughout this country that work on the farm and in the factory, I ask you, then, what will be the general result? When the food products are becoming scarcer, when the number of men to be fed are increasing, and when the number of acres have been fixed by the God that made the earth and fixed the boundaries of the continents, what will you do then with the productive classes that are producing all the wealth of the world? What will become of you if your Government has established a principle that you shall have just as little labor as possible out of a man in a certain given time and then that the time shall be gradually reduced? I ask you what will that lesson do? Shall we adopt this new principle or shall we go back and take the principle laid down in the Scriptures, which points all mankind to the ant, because the ant is the one insect of the earth that labors against the rainy day; that labors against the winter; and he points mankind to the folly of the grasshopper, that during the summer season has a glorious time—works less than eight hours. And while we all sympathize with the sun-browned hand of toil and we all believe that every man that labors should be given value received for that labor—he is entitled to it—let us teach that every man should render in public and in private life the best service of which he is capable. Instil in the minds and hearts of the Government employees some idea that they are doing a glorious and great service, and when a man is in love with that employment, when a man is in love with the duties which he is performing, you will not find so much complaint then as to long hours, because when a man loves his employment he devotes his time and attention to it because he does love it. And those be the ones outside of the few who are pulled up by the boot straps of political influence in the positions they are unworthy of holding who complain most and work least. You will find when that principle of honest effort and work is established in the Government service, is established in all the factories and all the plants, that every man shall labor honestly for eight hours, labor for the interest of his employer, labor for his advancement and upbuilding, will become the man that will be advanced, will become the man that ere long will be one of the directors of the concern and one of its managers.

And so it is that if the great morale and esprit de corps could be inculcated in the army of employees here in Washington you then would find that there would be no such clamor as there is now, because they are a favored class and have no right to complain. The ordinary bookkeeper back in the villages and towns of this country will get $50 a month, and the Government pays $1,200 to $1,800 a year for the same work. If you do not believe it, just let the people of the District understand that there are hundreds of positions ranging from $900 to $1,800 a year and you will find 500 applications for them, each of whom are just as capable and efficient as the ones you now have in the service. What I want to call your attention to is that influence in Washington that is clamoring for short hours and more pay.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. I yield five minutes additional to the gentleman.

Mr. SISSON. I want to call your attention to the influence that surrounds us here and surrounds the employee. These very business institutions that are complaining to the Congressman about the treatment we are giving to the Federal employee, those self-same merchants, are working the girls eight hours or longer a day, and they are paying them $3, $4, and $5 a week, and the girl that gets $7 a week is most fortunate. These be most peculiar critics of the past treatment which the Government employees have had.

Let me call your attention also to the fact that the law formerly was that the Government clerk should render eight hours' service and might be required in some departments to render ten. That was back in the seventies. That law, as was called attention to by the gentleman from Missouri [Mr. BORLAND], was ignored to such an extent that at the outbreak of the Spanish-American War, especially in the War and Navy and State Departments, they had to almost double the number of employees, and the Congress, when Mr. McKinley was President, put on the statute books that statute that there should not be less than seven hours of labor.

Now, gentleman complain, "Oh, if you put one hour on, you ought to increase the pay." As a matter of fact, the salaries were fixed in former times when they were less than they are now, very much less, at not less than 8, and, in some departments, 10 hours a day, but since that time, since that hour, for almost every department of the Government the legislative bill carries an increase of salary. Why, in the bill that just passed there is an increase of pay in the Library. In the legislative bill which passed before there were several hundred employees increased, and in the deficiency bill occasionally, where they are able to show the necessity, they put on additional clerks and increase the pay; in the sundry civil acts you increase the pay, and the Agricultural Department appropriation bill carries increase of pay. In all the other bills, like the Army and Navy and Post Office bills, there was an increase of pay for the employees all through, and the reason for it was, they say, that the cost of living is increasing.

So I think the Government has been most kind to employees. And in times of stress and storm if your revenues are low, the highest test of the patriotism or the interest which a man has in his Government, is whether he is willing to make a little personal sacrifice in order to serve his Government. Why, men not connected with this Government, the ordinary laboring man, the ordinary farmer, who is called upon to earn every dollar that goes into its Treasury, is called upon to produce it, and when war comes he is not only called upon to pay his taxes, but in addition to that he is called upon to go out and die for this country, and the Government employee is not, and can not be drafted. Oh, when you talk about the goodness of this Govern-

ment, it has been most kind to its employees and to all the people in it. The people outside are all trying to get into the Government service, and it is a most dangerous thing to select out a class of officeholders and give to them such enormous special privileges that every man in private life considers himself unfortunate if he is laboring and toiling outside and can not get on the Government pay roll. God forbid that that time should ever come in America.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. GOOD. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] is recognized for five minutes.

Mr. MADDEN. Mr. Chairman, I understood the gentleman from Mississippi to say that a girl employed in private enterprise was fortunate indeed if she was able to get $7 a week for her services.

Mr. SISSON. I said in the District of Columbia.

Mr. MADDEN. Wherever it may be, God forbid that that condition should ever exist under the Government of the United States! [Applause.] That is the one thing of which every American should be ashamed. That is the thing that creates immorality throughout the United States, and every American man and woman everywhere, from coast to coast, should start out as a missionary to prevent the continuation of that character of payment for services rendered.

The law of the land as to Government employees provides that outside of Washington men and women shall not work more than eight hours a day, and it also provides that when they do work more than eight hours a day they shall be paid compensation for the overtime equal to that which they receive as their regular pay. The law now providing for the employment of those within the District of Columbia says that not less than seven hours shall be a day's work.

Why change it? The amendment of the gentleman from Missouri [Mr. BORLAND] provides, if it should be enacted into law, that the people employed by the Government in the District of Columbia shall work not less than eight hours a day, instead of not more than eight hours a day. The hours of labor cut very little figure in the case. Some people can do more in two hours than others can do in eight, and most people can do more in seven hours than anybody can do in eight. I can recall very well when I was a boy stonecutters were the first tradesmen in the Union that were given an eight-hour day, and they were given that in 1869, long before there was any American Federation of Labor; and to-day we give our men employed in that service an eight-hour day, and we give them 15 minutes for lunch at 10 o'clock and 15 minutes for lunch at 3 o'clock, making a seven and one-half hour day, and we consider that we make money by it, because we realize that men can do more when they are at their best than they can do when they are overworked.

And to-day if in the District of Columbia the men and women employed in the departments are called upon to go to work before the sun rises in the morning and to get back from their work about the time the moon rises, they would never see the light of day, and proper consideration for humanity demands that the sunlight shall have an opportunity to shine upon American citizens every day in the year, if it does shine at all, and so we fix the system of hours of labor in these departments that will enable those who are employed there to get out into God's sunshine once in a while. People who are employed in factories, as a rule, do not go to church on Sunday morning, because they consider it better morality to go out and play baseball, so as to get into the sunshine, because they have not had the opportunity to get the sunshine during the week.

The Government of the United States ought to be the model employer of America, and these men and these women who devote their lives to the service of the Government do a patriotic duty, more patriotic than the man who serves on the battle line, for there is no opportunity for glory there, nor for advancement, and they learn nothing in their employments that is of any use to them out in the world; so that they have only one employer, one opportunity to eke out an existence while they are on the pay roll, and to die and be buried in an unknown grave. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. BARKLEY].

The CHAIRMAN. The gentleman from Kentucky [Mr. BARKLEY] is recognized for five minutes.

Mr. BARKLEY. Mr. Chairman, I recognize that there are legitimate arguments that may be made on both sides of this question. However, I can not agree with my friend from Rhode Island [Mr. O'SHAUNESSY] nor with the gentleman from Massachusetts [Mr. GALLIVAN] that every proposition that comes up here affecting the District of Columbia is fathered by a demagogue who wants to go back home and brag about how he has tried the medicine on the dog. Whenever I hear a man talking about other people being demagogues I always feel like he is sprinkling red pepper on his own tracks to keep the bloodhounds from tracing him.

Now, there is only one thing that makes me hate to vote for this Borland amendment. So far as the men who are employed in the departments in Washington are concerned, I can very heartily vote that they shall work eight hours; but on account of the great number of women who are employed in the different departments I have hesitated somewhat to espouse the cause of the Borland amendment. I wish it were not necessary for a single woman anywhere in the United States to have to work her life away in the departments in Washington or elsewhere, not because they are less efficient than the men, not because they are less deserving than the men—nine times out of ten they are more so—not because they do not render efficient, faithful, and devoted service to the Government in the departments, but because I do not believe the conditions in society ought to be such as to force women to go into the departments and spend their lives there in the grind and confinement of constant work.

But I am not confronted at this time with the duty of reforming the Government departments. If all the Government employees worked seven hours a day, I might hesitate to vote on short notice for increasing the hours of any of them to eight; but in view of the fact that some of them work seven hours and some of them work eight hours, I think all of them should either be reduced to seven hours or all of them increased to eight hours; and as the only proposition now before us for consideration is standardizing all of them at eight hours a day, I expect to vote for the Borland amendment.

Last year there were 1,200 vacancies in the civil-service classified employees of the United States. How many applications do you suppose there were before the Civil Service Commission for filling these 1,200 vacancies? More than 16,000 men and women in the United States took the examination and became eligible for appointment to 1,200 positions in this country, a fraction over 13 applicants for every vacancy that was created in the entire classified service of the United States. That is an average of more than applied for any other known vacancies in any department of human endeavor in this country. Thirteen men are standing at the door and asking for each vacancy, in addition to those who try to get on the list and fail. That being so, I have not yet reached the conclusion that a Government position is a very undesirable place, or that the surroundings of the Government employees are so unsatisfactory as to justify us in howling and wailing because somebody wants to compel them to do a full day's work.

Mr. GOOD. I yield five minutes to the gentleman from Idaho [Mr. SMITH].

Mr. SMITH of Idaho. Mr. Chairman, I congratulate the Member from Missouri [Mr. BORLAND] on his great influence with the Committee on Appropriations. He has been able, apparently, to have adopted as part of the bill under consideration a most important piece of legislation without any argument before the committee as to its wisdom. His simple wish seems to have been all that was necessary to induce the committee to insert the provision. I doubt if there is another Member in this House who could be so influential with that committee, and I am curious to know how he exercises such great influence.

It is unfortunate, Mr. Chairman, that our able and genial friend from Missouri [Mr. BORLAND] has not used his great power with the committee in a way which would be more beneficial to the Government and the great army of clerks upon whom he proposes to impose extra service without additional compensation, or even affording them a hearing as to the existing adverse conditions under which they are laboring.

When I was a very young man I was a store clerk in a mining town in southern Ohio which supplied a large territory, some of the customers living from 8 to 10 miles from the store. The management of the store followed the policy of delivering the stale eggs and bad butter, and other edibles of doubtful value, to the customers living the farthest away, on the theory that it would not be so easy for them to make complaint or raise serious objections to this imposition. It would appear that the Committee on Appropriations, in this instance, is following out the same policy, and are proposing to impose upon a large class of deserving people conditions which can not in any way be justified by law or reason, because of their helplessness and their inability to make serious objections.

I wonder whether or not the gentleman from Missouri, or any other member of the Committee on Appropriations who supported the provision, would be so willing to support an amendment of this kind if the employees lived in his district.

Mr. FIELDS. Will my friend yield?

Mr. SMITH of Idaho. I will.

Mr. FIELDS. It seems that by the Government system of imposing eight hours a day on the clerks out in the country we have been resorting to the spoiled-egg system to which the gentleman refers.

Mr. SMITH of Idaho. Not at all. On the contrary, in my opinion, if the amendment proposed by the gentleman from Missouri [Mr. BORLAND] affected five of his own constituents, I do not believe he would have introduced an amendment of this kind.

Mr. BARKLEY. Will the gentleman yield?

Mr. SMITH of Idaho. I will.

Mr. BARKLEY. The gentleman does not mean to leave the impression that the reason he is opposing this amendment is that there are five people in his district who are affected by it?

Mr. SMITH of Idaho. Many of them would be affected; but I am speaking especially for the 35,000 employees of the Government who have no chance to protest against this imposition. Why should the department clerks in Washington be treated as if they were slaves and subject to the whim or caprice of their employer, instead of as American citizens, entitled to a hearing and a fair deal.

Mr. Chairman, my life has been comparatively happy, but there are three days which stand out as more happy than all the rest. One of them, of course, was the day I was married; another was the day, more than 25 years ago, when I, as a young man full of energy and ambition, accepted a position as a department clerk at the munificent salary of $75 per month, believing that the Government offered a field for advancement, and that industry and capacity would win substantial recognition, but what a disappointment awaited me; the third exceptionally happy day was the one on which I tendered my resignation, after having served a sentence of seven months in the capacity of a Government clerk, to enter a field that was more promising. I therefore know something by experience and observation of the difficulties and discouraging conditions which confront the great majority of Government employees, and feel justified in expressing my sympathy for those who are sentenced for life to the Government treadmill.

Instead of demanding extra service, the Government should pay for overtime. As a matter of fact, there are thousands of clerks in the departments who are working extra time to keep the work current, for which they receive no compensation whatever, and many of them do not take advantage of the leave of absence under the law for the same reason. During the Spanish-American War there were hundreds of clerks in the Navy and War Departments who worked extra time, extending over a period of nearly 18 months, for which they received no compensation. There are thousands of clerks in the departments who are receiving less wages than are being paid to skilled laborers in the trades, and, while hours have been shortened and wages increased in other lines of endeavor during the last 10 years, the poor department clerk must quietly submit and be thankful for the salary he receives, even though it is so small.

The high character and ability of the clerks in the departments should be taken into consideration. A great proportion of them are college-bred men and women. It would be an easy thing, in my opinion, Mr. Chairman, to duplicate in the departments the membership of this House, probably many times, when it comes to a matter of education, capacity, culture, and experience. They are just as conscientious and patriotic and devoted to their duties and the country's interest as we are and are entitled to the consideration and fair dealing which we claim for ourselves.

The Borland amendment is, in my opinion, nothing more nor less than an attempt by legislative robbery to exact an extra hour's service each day from the department clerks. I believe that I am as well informed in regard to the onerous duties imposed upon the department clerks and the demands made upon them by their division chiefs, who are charged with the responsibility of getting out the work, as is any Representative in Congress.

I do not believe that 10 per cent of the clerks are able to save any money for unexpected needs or the purchase of a home from their meager salaries because of the increasing cost of living and the necessity of spending more on account of the character of their work and their environments for clothes and living expenses for themselves and family than those in some other walks of life where the compensation is higher.

Their work is most exhausting, both mentally and physically, and, while it is true that many Members of Congress, including myself, work 10 or 12 hours a day, our work is not nearly as irksome or exhausting, as we are not compelled to sit at a desk in a stuffy room for seven hours, but have an opportunity of moving about.

It is rather poor encouragement to the clerks when they are notified that they must donate an extra hour each day to the Government without additional compensation, and the proposed plan will not have a tendency, if adopted, to secure from them any more work or closer application to their duties.

There are many clerks who, because of ill health or age, are performing the limit of work now, and if an extra hour should be placed upon them it would in many instances mean that they would soon be totally disabled for the performance of the duties required of them.

Every department clerk, when he takes his oath of office, enters into a contract with the Government to render seven hours' work per day at the entrance salary, with the tacit assurance that he will be advanced as vacancies occur. To require an additional hour's service without additional pay is an arbitrary rescindment of the contract and could not be enforced in any court of justice were the contract between individuals. It is simply an arbitrary, unreasonable, and dishonest method of taking from a large class of people service without compensation.

What we should do is to increase the salary of department clerks receiving less than $2,500 at least 15 per cent, enact a law establishing a contributory pension system, and provide that 5 per cent of each clerk's salary should go into a pension fund to retire the clerks who are too infirm or advanced in years to continue in service. Such a plan would provide for the promotion of deserving clerks and invite into the service bright, active young men and women who would be encouraged to prepare themselves for a proper discharge of the important duties imposed upon them.

An intelligent administration of the laws requires as much preparation and experience and as high a degree of ability as making the laws, and it is a mistake to assume that because of the small salaries that are being paid the employees of the Government that their work is not of the greatest importance.

I personally know men in the departments receiving from $1,200 to $2,000 a year who, if they were in private employment, would receive five times as much, and yet, because of the fact that they are established here and interested in their work and are rearing families, they hesitate to give up their positions to enter private employment.

I am utterly opposed to the Borland amendment and am doing all I can to convince my colleagues that its enactment would work a great injustice upon a very deserving class of people. It is unfortunate that we are living under an administration that is so short of revenue that it is proposed to resort to what I think would be legislative robbery of the Government employee to get money to prevent a larger deficiency than is now staring us in the face. [Applause.]

Mr. Chairman, I desire to submit a letter which I have received from a department clerk, which I think fairly represents the clerks' side of the question, as follows:

WASHINGTON, D. C., *February 28, 1916.*

To the FRIENDS OF THE GOVERNMENT CLERKS.

GENTLEMEN: It might be considered an impropriety for a clerk to appeal against the amendment which is directed against his welfare, but he may be permitted to relate a page of much neglected history.

It is asserted by officials, by legislators, and even by our faithful friends of the press that the standard of clerical wages has remained unchanged since 1854. Is this true?

It is a fact that it has not been raised, but until the seventies, and perhaps later, men entered clerical life at $1,200 per annum, women at $900. I believe no lower grades existed, except for watchmen, messengers, and laborers.

Probably the earliest innovation was the establishment of a clerical grade at $1,000, at which men might enter and to which women would be promoted, instead of to $1,200 as theretofore. Afterwards were established clerical and subclerical grades at $840, $800, $720, $660, and I was told not many years ago that women were working in the Treasury Department at $540 and $480 per annum. It is the easier to believe this possible when we read in the estimates, which will form the basis for the appropriation for the next fiscal year, that six "expert counters" in the Treasurer's office are booked for a reduction from $800 to $700 and six others for a reduction from $700 to $600. And be it remembered that an "expert counter" pays for her mistakes out of her own "real money."

The result of the institution of all these lower ratings is that few men have been in recent years appointed at $1,200 and almost no women at $900, but each must climb through a succession of lower grades to reach the entrance pay of the fifties and sixties.

Nor is this all. In 1875 an hour was added to the clerical day and later on another half hour, equivalent to two more reductions of the standard of wages.

The maximum wage of $1,800, instituted in 1854, has not been advanced.

The argument of the Member from Idaho that each change of this character is a breach of contract seems to be indisputable.

Meantime the rapid increase in the price of all living necessities—rents, food products, fuel, clothing—is so promptly admitted by everybody that it is not a debatable proposition.

The wages of almost every other class of earners has doubled and trebled, and the profits of "big business" for a single year would constitute what was called wealth in the fifties.

Another reduction in the standard of wages of Government employees is now seriously contemplated.

The question is not so much "Can you stand another hour?" as "What next?"

Legislation concerning us is seldom positive. It is generally "at the discretion of" a series of administrations, with a magnificent succession of Cabinets.

It is stated and restated that every clerk has 30 days' leave and 30 days' sick leave every year. Is this true? It is possible, but optional with the higher officials. In the office in which I was employed many years one of the first acts of a new chief of bureau was to reduce the annual leave of his clerks from 30 to 15 days. The same year a new Assistant Secretary abolished sick leave throughout his entire department. Loss of time occasioned by a tie-up of transportation or other unavoidable accident varies in different offices, some charging the actual time lost, others a half hour, others a quarter hour, for a minute's delinquency. The watchmen are allowed to take their annual leave, but they are required to remain on duty on Sunday. In some departments a chief of bureau can only approve a 10 days' absence for sickness. Longer illness must be treated as a special case, pay to be approved or denied by the Cabinet officer at the head of the department.

The Congress a few years ago enacted that Saturday after 12 m. is a legal holiday "for all purposes" in the District. The Cabinet, however, does not permit the clerical force to take advantage of the law, but an Executive order permits it, on 13 summer Saturdays to leave work at 1 o'clock, on condition that the usual half hour shall not be taken for luncheon (although that half hour is not a part of the seven-hour day for labor). So the Saturday half holiday, legalized by Congress for the year round, and enjoyed by Government clerks outside of Washington, dwindles here to 3 hours on each of 13 Saturdays, provided the force can be spared!

This adds to the satire of the suggestion that possibly if the clerical working day is lengthened a Saturday half holiday may be enacted—as if it had not already been enacted and snugly set forth in the code by the side of Christmas and Fourth of July, even declared by the Attorney General to apply to Federal employees, enjoyed by mechanics and clerks in railroad offices and other respected classes of labor, but ignored in the Federal offices of Washington.

But, it is urged, "promotion is reasonably rapid." Is this true? I should not have to step out of my tracks to find a clerk in Government employ 41 years, who served 28 years before reaching the wages earned in private employ previous to entry, who has only been promoted once in 35 years, yet who has never been accused by one who could be honestly called a "superior" of idleness, inferiority, breach of discipline, inefficiency, or immorality.

It has been remarked that the Federal service is an exceptionally profitable one to women. Is this true? A Census Office bulletin, published after the 1900 figures had been tabulated, stated that only 19 women in the service in the United States were receiving the maximum clerical wage of $1,800 a year. Business women would not consider this a startling or widespread triumph. And the majority of women in the service do not receive over half the maximum wage.

The Civil Service Commission laments that the most promising applicants, when appointments are sent to them and conditions and salary stated, refuse to accept the positions.

The clerks, both men and women, are paying for modest homes, supporting families, educating children, contributing to churches and charities, upholding the State and the Nation.

Instead of striking another blow to discourage them in their already unequal struggle, in the light of this true history, why not instead renew their courage by some consideration—especially by retiring the aged and the crippled, with decent means of subsistence, thus leaving more room for the advancement of the younger, and also adding to the self-respect of the personnel of the service, and to the dignity of the record of a Nation.

It is sometimes argued that the constituency of Congress would look with disfavor upon a civil retirement. Yet, the Chamber of Commerce of Cleveland, a group of 3,000 hard-headed business men, appointed a committee to study the subject, which after examining every bill introduced for this purpose, reported in favor of a straight civil pension, expressing preference for the Hamill bill, and the report was adopted without a dissenting vote, by the chamber. So some constituencies are open eyed, and living in the twentieth century.

It is recorded that nearly every nation pensions it civil service, and that all the large and humanized nations have enacted an old-age pension for the entire citizenship.

Sometimes the expense of a civil-service pension is compared with the roll of the Civil War. There is no parallel. Boys went into that war at 17 and 18, and were not infrequently disabled before they were 20. Some lived until they were 70, pensioned at an increasing rate. If clerks were to be retired at 70, or even at 65, their years on the roll would be comparatively very few. No one grudged the pension to the young soldiers. No one need grudge it to the old clerks or to any old persons liable to destitution. "Age and want, that mismatched pair," are seen too frequently. No nation can afford to carry that blemish in these days when the world is crying for high ideals.

We are more grateful to those who have befriended the clerks than words can express. We have hoped for retirement legislation at this session. Now, so much strength goes to avoid the hour, it seems as if nothing would be left to provide for the wintry years.

Very respectfully, yours,

RUTH G. D. HAVENS,
No. 35 M Street NW.

Mr. BYRNS of Tennessee. I yield five minutes to the gentleman from New York [Mr. LONDON].

Mr. GOOD. I also yield five minutes to the gentleman from New York [Mr. LONDON].

The CHAIRMAN. The gentleman from Tennessee and the gentleman from Iowa each yield 5 minutes to the gentleman from New York [Mr. LONDON], who is recognized for 10 minutes.

Mr. LONDON. Mr. Chairman and gentlemen, I did not expect to speak on this amendment. So many friends of labor have suddenly sprung up that I could afford to be silent. This House should organize some celebration in honor of the gentleman from Missouri [Mr. BORLAND] for having offered an opportunity to so many Members to declare themselves friends of the worker. We are all friends of labor now at the expense of Uncle Sam. A vote against the Borland amendment will not antagonize any corporation and will not run contrary to the interests of private capital. Why, one may even get some praise from the local press. I wonder how many of these gentlemen would be friends of labor in their private capacities as lawyers for corporations? I wonder how many of them would be willing to show their friendship for labor during the life and death struggle of the unions to improve the conditions of the working people? I wonder how many genuine friends of labor we would have in those hours of need? This amendment will have the effect of increasing the hours of labor of some thirty-odd thousand clerks employed by this Government in the District of Columbia. We are told that out of the 476,366 civil-service employees in the United States 34,430 are in Washington and are treated as a privileged class by reason of the fact that while the latter are required by law to work not less than seven hours a day, all other civil-service employees must work not less than eight hours a day.

We are advised to remove the inequality not by reducing the hours of labor of the majority but by increasing the hours of labor of the small minority. To this I object. The eight-hour day was made the slogan of the labor movement as far back as 1818 in England and as far back as 1884 in the American labor movement. We did not at that time use modern methods of division of labor, nor did we know of the modern and excruciating systems of efficiency. We did not then know how to grind out of the worker every atom of energy. Why, a man to-day in seven hours exerts himself physically and mentally more than people did in a 15-hour day 25 or 30 years ago. There used to be such a thing as singing while at work. It is all concentration now. The modern factory and the modern office are organized on a basis which condenses human labor and makes it impossible for either the mind or the body to rest, so that we have the highest degree of muscular and mental exertion during working hours. And do not forget that among these 34,000 workers who will be affected by the amendment one-third are women.

Now, while I believe in the equality of women, I would like to see the day when every woman would be taken out of the factory and the office, so that her husband, brother, or father might earn enough to support the family. [Applause.] I should like to see the day when the father will be relieved from the competition of mother, wife, sister, or child. [Applause.]

In the painful struggle of the working people, not through your friendship, but through strikes, through facing jail, through defying injunction judges, through contending against all the machinations of capital, and through bravely facing so many "friends" who are not friends, labor has slowly and painfully struggled upward to a point where only one-third of the working people enjoy an eight-hour day now.

But that does not mean that the eight-hour day is the highest ideal of labor's effort. The more new devices we adopt, the more perfect efficiency methods we introduce, the greater the strain upon body, mind, or nervous system, the more urgent is the reduction of the hours of labor.

And just as it would be wrong to lengthen the hours of labor of those who work eight hours a day, because they constitute only one-third of the working class, just so would it be indefensible to lengthen the hours of toil of the minority of civil-service employees, who are now required to work not less than seven hours a day. Whether you believe in this thing or not, you will have to vote down the Borland amendment. That much progress the working class has made. That much progress has been made in Washington. The defeat of the proposed amendment would not affect the capitalistic interests represented by certain elements, and you can afford to be generous. I would have invited you to join the Socialist Party had I believed that you were friends of labor outside of the Borland amendment. [Applause.]

I am having a little fun with you, because I know how you people feel when it comes to a real fight for the working class.

The gentleman from Missouri is entirely wrong when he asks us to pull down the conditions of the 34,000 men and women who have made this slight advance. The eight-hour day was the slogan in the past. It will not be the slogan of labor forever. The clerk must have an opportunity to educate himself. He works more intensely to-day than he ever worked before.

He is exposed to greater mental strain. You have failed to provide any system for the Government clerk or any effective method by which he could appeal for redress. He is precluded from striking. So he is entirely at your mercy. It would be extremely cruel now to increase the hours of labor and discharge 10 per cent of the clerks.

I am glad to hear that the business people of Washington are so partial to the employees. Why do they oppose the Borland amendment? I will tell you; bcause when you have 34,000 people enjoying a larger degree of leisure the business elements are benefited. It is intelligent selfishness on the part of Washington's business world.

Mr. BORLAND. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. BORLAND. Would they be in favor of seven hours a day if they paid it out of their own pockets?

Mr. LONDON. No; undoubtedly they would not. The friendship of the newspapers of Washington is at the expense of Uncle Sam.

Mr. BARKLEY. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. BARKLEY. The gentleman from New York remembers that a year or two ago when Congress undertook to reduce the hours of labor for women, that these same parties opposed it.

Mr. LONDON. Of course they did, and I heard a gentleman speak against the Borland amendment who voted against the child-labor bill. [Laughter.] He is also a friend of labor. You have a number of friends of labor in Congress at the expense of Uncle Sam and at the expense of the gentleman from Missouri. What a lot of trouble the gentleman from Missouri has got himself into. [Laughter.] He is making a mistake. If the party of which he is a member can not go forward, why should he insist on pushing it backward. [Laughter and applause.]

Gentlemen, we can not seriously contemplate the lowering of conditions of 34,000 men. The gentleman from Missouri made a mistake. He should withdraw the amendment if he can, and shut out the opportunity of some gentlemen to proclaim their love for the working classes. If we were really genuine in our friendship for the civil-service employees, we would hasten to provide health insurance and pensions for old age. We would provide some method of appeal from unjust discharges. The labor movement is a very serious proposition; the socialist movement is a very serious proposition. It can no longer be trifled with. I must assume that you are sincere, but you are the victims of inherited ideas, you have become the slaves of theories which have no application to modern conditions. The awakened conscience of the world demands more justice for the workingman and the working woman. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

[Mr. LONDON had unanimous consent to extend his remarks in the RECORD.]

Mr. GOOD. Mr. Chairman, I yield to the gentleman from California [Mr. HAYES].

Mr. HAYES. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DYER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, I believe I have had, perhaps, more varied experience in the Government service than any man in this House. Thirty-eight years ago I came to Washington as private secretary to a Member of Congress representing the district I now represent. I not only served in that capacity, but later was Assistant Doorkeeper of this House. I was a clerk in the Post Office Department. I was connected with the Treasury Department, with the War Department, with the Department of Justice, and with the State Department prior to my election to Congress. I believe I have actually had a greater opportunity to know something of the work—the services of the Government clerks—in the executive departments of this Government than any man who has spoken here to-day.

We have the highest body of trained, efficient public servants anywhere in the United States. I would match their efficiency, fidelity, and loyalty against that of the officials of any other Government on the face of the earth.

What is the pending proposition? We are asked here, without an investigation of a committee of this House, without asking the opinion or the views of the chief or the head of any bureau of this Government charged with the responsibility of the execution and dispatch of the important and far-reaching business of this great Government, under this proposition, to revolutionize, if not practically paralyze, every branch of the Government service. What else are we requested to do? We are asked to do an injustice—an unfair, an inhuman, and a cruel thing. What is it? That the heads of the bureaus of this Government within 12 months shall summarily discharge practically four or five thousand Government employees.

Mr. POWERS. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. POWERS. I want to ask the gentleman if in his unbiased judgment he thinks that all of those 4,000 or 5,000 will be Democrats?

Mr. AUSTIN. Democrats or Republicans, I care not what. I am not speaking now as a partisan. I am speaking alone as an American and with my oath and conscience before me. Every department of this Government has a large number of very old and worn-out deserving Government officials—men and women—and in voting for this proposition we will virtually vote to provide a transfer from the Government bureaus to the poorhouses for them. Many of those employees served in the Union Army and are now clerks in the Pension Office and in other bureaus of the Government. They aided in preserving the Republic. A number of Cabinet officers and bureau chiefs have urged us to provide for the old and superannuated Government employees, to do for our faithful public servants what the private corporations of the country have been doing for years, and instead of meeting that request we answer it by this Borland amendment to kick them out of the Government service. What else? By this amendment we are asked, with one fell swoop, without thought, without study, without investigation, without consideration, to impair the usefulness of every bureau of the Government, and it ought not to be seriously considered by any man in this House. Thousands of these clerks have purchased homes in the country and in the suburbs. Elsewhere in the United States Government officials generally live convenient to their place of business, to the Government buildings. It requires a longer time here for clerks to go from their homes to the place of their work. If you want to legislate, do it in a proper way, in a constructive, intelligent, just way—after a thorough investigation. We ought to increase the pay of the Government clerks. Members of Congress increased their own pay eight years ago from $5,000 to $7,500, and why? On account of the increased cost of living, which not only applied to Congressmen here in Washington City, but to every Government clerk. [Applause.]

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GOOD. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. GARLAND].

Mr. GARLAND. Mr. Chairman, I am opposed to the Borland amendment for the reason that it is unrepublican. It comes of a necessity made possible because of the unwillingness of the Democratic Party to adopt a tariff that would give to the country enough money to operate it. [Applause on the Republican side.] It is in line with the whole Democratic policy of unwillingness to provide and of theory. I was pleased a little while ago to see my friend from Massachusetts [Mr. GALLIVAN] standing up here and saying that he would like to see his side of the House bring out something that it was possible for him to vote for, and then I see our theoretical friend from New York [Mr. LONDON] charge that that side voted against the child-labor bill when he himself, in the beginning of this Congress, came in on the floor and took his stand and preference with the party that did that same thing, for he declared against the Republican tariff and his disbelief in it. [Applause on the Republican side.] Yet that Republican tariff stands as a bulwark against cheap, enslaved child-made materials coming from abroad. Let us be consistent. A very few minutes ago the gentleman from Kentucky [Mr. FIELDS] stood on this floor and said that last year there were about 12 applicants for every position in the classified service, and yet if that gentleman turns back in history to six years ago he will find that instead of holding the examinations once per year they had to hold them many times during the year in order to keep the roll full to supply the demand. Men in the classified service quit it because they could do better outside; it was a Republican administration. That same thing will occur again after next year. [Applause on the Republican side.] Oh, yes; this beautiful theory of saving. We are going to make

7 per cent of the employees work 10 per cent longer time. Why not raise their hours to 10 because there are a number of them working now at 8? Does it follow that 8 hours is going to be the entire law of the land? Are there not plenty of people in the world working more than 8 hours? Why should they not come in immediately with another rider and provide that everybody must work 9 hours or 10 hours? There is no more law against it than there is for the 7-hour law. Eight hours has been obtained after much work on the part of the men who labored in the mills and in the factories. They have secured it, and now you want to strike back on it. Eight hours is but a point in the betterment of the condition of the working people. Time will show 7 hours and even 6 hours will be as much the rule and as strongly defended as 8 hours for work is now. Efficient service is the goal, not length of hours.

Mr. GOOD. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, the amendment before the committee does more than provide for an eight-hour day. If it only went that far, we might consistently support it, but when it provides for a reduction of 10 per cent of all of the employees in the departments of the Government, knowing, as we do, that in some of these departments, like the State Department, the Navy Department, the War Department, the Department of Commerce, clerks in certain bureaus during the past year have been working 8, 9, and 10 hours, it will be seen immediately that it will result in complete demoralization and disorder. No more revolutionary amendment has ever been brought into this House than this one that is now presented for consideration. No consideration whatsoever was given to it. I question whether any consideration was given to it by the proponent of the amendment. In voting for this amendment you would compel the clerks in the State Department, who have been overworked by reason of the European war, working 8, 9, and 10 hours a day, to work 14 per cent more, namely, 11 and 12 hours, and the result of that is going to be complete disorganization. That is supported by the hearings. Assistant Secretary Roosevelt, of the Navy Department, testified that clerk after clerk in various bureaus worked 9 and 10 hours a day, because of the stress of work in that department. Secretary Redfield testified that in his own office his clerks worked 9 or 10 hours a day.

In the State Department the officials and clerks have been working extra hours. Are you going by this character of hodgepodge amendment, in order to make it in order, providing for a horizontal reduction that has no justification or relevancy whatever to the service, to disorder and disorganize it so that these departments now will not be able to do their work? Last night after I left my office I walked down through the Mall and past the State, War, and Navy Building, and there I saw the War Department, with many of its offices lighted up, where, I assume, the clerks were engaged in working upon the critical condition that now confronts that department. The same condition confronts them in the Navy Department, where, in the Bureau of Operations recently constituted, they need every man, and you are going to compel them by this amendment to discharge some of the men. There is nothing scientific about this proposal when you direct that the heads of the departments shall mandatorily reduce the number of their men 10 per cent without regard to the amount of hours of work that are now being performed.

Mr. GORDON. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. GORDON. Is there any law requiring these Government clerks to work over eight hours a day?

Mr. STAFFORD. It is left——

Mr. GORDON. Answer the question.

Mr. STAFFORD. Give me a chance to answer and I will. Under existing law the heads of departments are privileged to require them to work more than eight hours. They have that privilege, but when they do require them to work eight hours a day—I have the law in my hand—the clerks can not exact any extra compensation for that additional labor. And here we have these clerks in some of these departments working from 9 to 10 hours a day, and by your vote you are going to say that you will require them to work 11 and 12 hours a day in order to keep up with their work. Are you going to stultify yourself in order to follow the fetish of the gentleman from Missouri [Mr. BORLAND]? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, I am opposed to this Borland amendment for this reason: I think it is very illy considered, and I do not think it advisable that any such amendment as this should pass at this time. The purpose of the amendment is to remove 10 per cent of the employees out of the Government service without any regard to what department they are to be taken from and what duties they are performing; but the gentleman proposes just to take them out at random and turn them loose without consideration for past services. Now, I want to say this. I have found in my five years of experience here that these Government employees are a powerful nice set of folks. [Laughter and applause.] They are very accommodating and painstaking. Last night I was down at the Post Office Department at half past 5 o'clock, and I found many of these employees down there working away after the time for quitting. I also want to pay a special tribute to the Washington newspapers for their patriotic stand on this proposition. They have performed in their own estimation a very great public service in opposing this particular amendment. I very distinctly remember in 1914 and in the Sixty-second Congress, when the Committee on Labor, of which I had the honor of being a member, was trying to emancipate the poor girls and women of this District employed in the stores, that page after page and editorial after editorial filled the columns of the Washington papers protesting against the passage of an eight-hour law as applicable to these children and women; and I remember just the other day, when the street car strike was on here and these poor street car conductors and motormen were trying, not to get an eight-hour work day but eight hours in which to rest, that the Washington newspapers were conspicuous by their silence. [Applause.] So they performed a very patriotic duty in opposing the Borland amendment.

Now, I can not agree with my friend, the gentleman from Rhode Island [Mr. O'SHAUNESSY]. This is the best-governed town in the United States for its size. There is not any doubt about that, and I congratulate every Member of Congress who helped to make this city the great and beautiful city it is. We ought to be proud of it. Now, as to the question of this eight-hour employment. A gentleman here, a very prominent Member on this floor, I think expressed the sentiment of most of the Members when he said that during the street-car strike a motorman asked him, "Are not you in favor of the labor union?" He said, "No; I am not." The motorman said, "Are not you in favor of the eight-hour day?" He replied, "No; I am not." He said, "I do not work but two hours per day and I am opposed to everybody else doing the same thing." [Applause.] Now, I can not see any necessity for making these Government clerks go down to the departments and just sit there and look at one another for eight hours a day unless they are needed for that length of time and perform some service. Now, my judgment about this thing is this: The whole Government service needs five things done, and that speedily, in compliance with the Baltimore platform, and I just told my distinguished friend from Ohio [Mr. LONGWORTH] that is the last platform we had left, that we had used all the balance of them. [Laughter and applause on the Republican side.] Now, just wait a minute, and you will not get so much comfort out of what I have just said. As I said, we had used all the balance of the planks building our Democratic house, the architecture of which looks good to the people of the whole country. [Applause on the Democratic side.] Now, let us see what ought to be done, and this is just a mere suggestion in conformity with our formal declarations at Baltimore which we have kept faithfully so far. [Laughter on the Republican side.] This is what we need:

First. A readjustment in lower grades.

Second. The automatic promotion of the efficient from a fixed basis annually.

Third. The establishment of an impartial efficiency board in each department, alternating each year.

Fourth. A fixed tenure of seven years, providing for the readjustment of the efficient and the retirement of the inefficient and superannuated.

Fifth. The prevention of political influence upon heads of departments for the advancement of the undeserving over the deserving.

Sixth. The establishment of a board of appeals in the civil service to prevent injustices from being perpetrated upon the faithful who have no influence to prevent them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, I ask the Chair to notify me when I have consumed five minutes. Mr. Chairman, this is one of the great appropriation bills that Congress must pass every year. This bill makes provision for almost 16,000 specific salaries. It carries lump sums for the pay of thousands of other salaries. It appropriates almost $40,000,000 to carry on the executive business of the Government.

We should attempt nothing, I take it, in the passage of this bill that will show that we have not given the subject careful and deliberate consideration. A few years ago there was promulgated from the office of the President an order that took away from certain clerks in the Post Office Department the right of appeal to Members of Congress. That order was wrong. It has been revoked. This provision offered by the gentleman from Missouri [Mr. BORLAND] goes further than that. It takes from the clerks, almost 30,000 of them, the gentleman from Illinois [Mr. MANN] says, the right of a hearing; it takes from those clerks the right of a fair trial. I submit, gentlemen of the House, that when we make provision for the payment of these salaries we should do it like men. We should consider what we are doing. Here are 1,200 pages of hearings. There was not a question asked of a single person that appeared before the subcommittee that reported this bill as to what effect legislation of this kind would have. And yet, by this amendment, we say that, without a trial, without hearing, without a word of testimony, that 10 per cent of these clerks shall be dropped from the rolls and the remaining 90 per cent shall do all the work.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. GOOD. I yield to the gentleman.

Mr. LONGWORTH. The gentleman from Mississippi [Mr. SISSON] said a while ago that what these clerks needed was more esprit de corps. Does not the gentleman think that the 10 per cent would need esprit de "corpse"? [Laughter.]

Mr. GOOD. Mr. Chairman, this question has its serious side. This is a very big question that we are considering to-day, and we ought to consider it with the full force and effect that this legislation would have if it passed this House and passed Congress. Who knows that as a result of this legislation any executive department of the Government could drop 10 per cent of its clerks, or even 1 per cent of its clerks? I have information from several departments of the Government to the effect that their clerks are working more than seven hours a day, and that many are working eight hours a day. In the War Department, in the Navy Department, and in the Library of Congress the heads of the departments say to me that in many of the bureaus it is necessary for them to tell the clerks that they must quit work; that they work full eight hours per day.

Mr. GORDON. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Ohio?

Mr. GOOD. I do not.

The CHAIRMAN. The gentleman declines to yield.

Mr. GORDON. I would like to ask you a question right there.

Mr. GOOD. I am satisfied, Mr. Chairman, from my study of this subject, and I am satisfied the gentleman from Missouri [Mr. BORLAND] knows well, that the question of efficiency in the various departments of the Government is one of the great questions that will in the near future command the attention of Congress. We have provided by this bill for a bureau of efficiency, a new bureau, and have given that bureau $40,000 in order that it may send trained men to go into the executive departments of the Government and there prescribe efficient methods. But until we have in some way made, at least, a study of this subject we should not attempt to take from any single department of the Government 10 per cent of its clerks, or any of its clerks. If the departments could get along with 10 per cent less than the committee reporting this bill recommend then the committee has not done the right thing in reporting a bill containing 10 per cent more clerks than are necessary. The amendment is a reflection on the intelligence of the Appropriations Committee. I am unwilling to admit that I did not know what I, as a member of the committee, was doing. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, the tendency in every civilized community is to restrict or lessen the hours of labor by legislation, rather than to extend them. Congress in recent years has provided for eight-hour labor for certain female employees in the District of Columbia and forbidden further time. Two years ago, or three—possibly four years ago—we provided that post-office carriers and clerks should not be permitted to work more than eight hours a day unless they were paid extra for the extra hours. The existing law provides that Government clerks in Washington shall work not less than 7 hours and may be required by the head of the department to work 17 hours—any number that he chooses—and, under the law, if the department is behind with its work, it is the duty of the head of the department to require the clerks to work longer hours; so that, if this amendment goes into law, for the first time in the history of legislation in this country, or any other country, we shall have provided that certain employees shall work not less than eight hours and may be required to work more than eight hours without extra compensation. No legislative body, no set of humane men anywhere in the world has heretofore proposed such a thing as that.

Mr. BORLAND. May I interrupt the gentleman?

Mr. MANN. No; I have not the time. I am coming to the gentleman now.

Mr. BORLAND. He need not come to the gentleman. He can come to the facts.

Mr. MANN. I always stick to the facts. The gentleman from Missouri talks time upon time, and I do not want his interruption taken out of my time, because I have got too good a thing on him that I want to give to the House.

The CHAIRMAN. The gentleman from Illinois refuses to yield.

Mr. BORLAND. The gentleman from Illinois can talk about personalities but not on facts.

Mr. MANN. This is a well-merited personality.

The CHAIRMAN. A gentleman can not be interrupted without his consent.

Mr. MANN. After all, it is not the quantity of work that is so important as is the quality of work. I have seen gentlemen work many hours in the day and not accomplish as much in real work as one who worked two or three hours. Government clerks must be accurate. If they be not accurate, they are discharged. If the gentleman from Missouri [Mr. BORLAND] who introduced the amendment could be discharged for lack of accuracy, he would be out of a job. [Laughter and applause.] When a man suffers from brain-fag by reason of long hours of work his work is worthless. That is the trouble with the gentleman from Missouri. Yesterday he offered an amendment, reported this morning, that left out two important words. Brain-fag! That was possibly excusable, having been hurriedly prepared several days in advance; but the amendment in the bill called the "Borland amendment" can not be said to have been hastily prepared. It reads, leaving out the unessential parts, that "the provisions of section 7 *is* amended." Brain-fag! [Laughter.] The gentleman was not accurate, or he would not have said "is" as applicable to the plural of "provisions." If a Government clerk did that, he would be discharged. [Laughter and applause.] We require accuracy; and if my genial friend from Missouri, instead of working overtime, will restrict his hours of labor to seven solid work hours he will not make foolish mistakes like that, which we tolerate here, but which we would not tolerate from employees. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield to the gentleman from Missouri [Mr. BORLAND] the remainder of my time.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] is recognized for nine minutes.

Mr. BORLAND. Mr. Chairman, the first thing I want to do is to puncture the pretense of the gentleman from Illinois [Mr. MANN], not puncture his personality, because that has no weight in this argument.

He complains that the law now says that the Government clerks shall work not less than 7 hours a day, but may work 17 hours a day if directed by the head of a department so to do; and I say that that law was put upon the statute books in 1898 by the gentleman's own party, and that is the law which he condemns. [Applause on the Democratic side.]

If there is any law compelling or permitting the head of a department, without limit, to raise the time, it was not passed by this Congress or proposed by a present Member of Congress. We are amending a law that is on the statute books, and the gentleman well knows it. The law says that the clerks shall not work less than a certain number of hours, because the head of a department, exercising a discretion theretofore vested in him, apparently worked them less than seven hours. It became necessary for the gentleman's party, when the war with Spain broke out, in 1898, to provide that they should not be cut down to less than seven hours. That is the amendment of this legislation. Now, we are asking that they shall not cut them down to less than eight hours, leaving them precisely as the gentleman and his party has left them.

Now, as to their working overtime, that is all "bunk." There is no chronic condition of overtime work prevailing in the departments, and in all the arguments that have been made in behalf of the Government clerks no man has shown any such thing as overtime.

Mr. AUSTIN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Tennessee?

Mr. BORLAND. No; I will not yield. The gentleman has had his time.

The CHAIRMAN. The gentleman declines to yield.

Mr. BORLAND. The fact of the matter is that every deficiency bill and every appropriation bill relieves the condition of overtime whenever it is shown to exist, and this bill relieves the condition of overtime, temporary in character, known to exist in the Department of State.

I want to call the gentleman's attention to this matter. Mr. BYRNS of Tennessee, talking to the Assistant Secretary of the Navy, Mr. Roosevelt, asked:

Mr. BYRNS. Are the clerks employed in the Navy Department up to a fair standard of efficiency?

Mr. ROOSEVELT. My own personal judgment is that they are up to a fair standard of efficiency personally, but that the hours of work in the Government service in Washington are altogether too short; they are much shorter than would be called for in any business in this country, when you come right down to it. Work in the Navy Department does not get under way much before 9 o'clock, a certain amount of time is taken out for lunch, and at 4.30 in the afternoon every clerk, practically—and I am speaking now as a general thing—is out of the building. The hours are short in the Government service.

Mr. BYRNS. I thought they were required to work until 4.30?

Mr. ROOSEVELT. I said 4.30.

Mr. BYRNS. I thought you said 4 o'clock.

Mr. ROOSEVELT. As a matter of fact, work slacks up about 4.15.

Now, as a matter of fact, gentlemen, this matter has been before the Committee on Appropriations in so many forms and at so many times and in so many ways that the committee is constantly confronted with the question of reform in the administration of the departments in Washington. We are so constantly asked for an increase of clerks that we must find out, if possible, why the clerks that they already have are not doing the work. The American people to-day are asked why we have not a better Navy for the money we have spent on it, and the gentleman from Massachusetts [Mr. GALLIVAN] will tell them that the Assistant Secretary of the Navy says the clerks in the Navy do not work long enough, and therefore he came down here and took the side of the poor, overworked clerks. [Laughter.]

Now, it may interest some people in the House to know how the people outside the District look at this matter. I know how the people inside the District look at it. I see my friend from Illinois [Mr. MADDEN], who never votes for the taxpayers, and my friend from North Carolina [Mr. BRITT], the Republican Member who fought so vigorously against the child-labor bill in this House, lining up with the interested people in the District of Columbia to defeat a seven-hour labor day for the clerks. I have nothing against the clerks as a body. They are fairly decent fellows, in spite of the abusive letters that I have received from some of them. [Laughter.] They are no better than are the people at home, your constituents and mine, and they are no worse, but they are not entitled to a bit better treatment than your people are or mine.

Mr. Chairman, I will send to the Clerk's desk and have read in my time a letter which I have received from the celebrated southern evangelist, Rev. Samuel W. Small.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SHELBY, N. C., *March 8, 1916.*

Hon. WILLIAM P. BORLAND,
House of Representatives, Washington, D. C.

MY DEAR SIR: Really do you not think it an unpardonable legislative sin to demand of the sheltered civil-service employees of the Government departments that they shall give the people a full day's work for a full day's pay?

What reward is there for taking an active interest in politics and rounding up one's relations back home for "the ticket" if a public pap feeder must also work a regulation eight-hour day like common independent laborers?

You do not seem to realize that many of the Government clerks have other employments "out of hours" in which they are collecting salaries, making wages, or acquiring profits. One of them runs a private dental establishment when not at his desk in the department. Others in the suburbs run market gardens, chicken ranches, and dog-breeding yards, and can not afford to render more than seven hours' service to Uncle Sam without imperiling their several and profitable businesses.

Others serve as clerks, bookkeepers, and stenographers to other employers after they get away from the grinding seven hours in the Government mills.

Of course, all Washington is up in arms against your amendment, and its defeat will open the door wider for a coming demand that all Government employees throughout the Nation be put upon a parity with "the most-favored class" in Washington and be given a seven-hour day—and who can deny them that justice? But I find in my constant travel in many States that the plain people think you are dead right in your demand, and they will certainly ask disagreeable questions of the Members who vote against your proposal when they get home.

Yours, faithfully,

SAM W. SMALL.

Mr. BORLAND. Mr. Chairman and gentlemen, I place myself squarely upon two propositions. The first is that if eight hours is good enough for a man in the shop, and if it is good enough for the field employee in the great post offices in the United States, in the civil service, it is good enough for a man in the departments.

The second proposition is that the American taxpayer is entitled to a square deal. He must pay taxes to support the Government, but he is entitled to a fair and honest return for those taxes. Most American taxpayers must work eight hours a day or longer, and it is unjust to them to permit the employees in the departments in Washington to work only seven hours. Any Member of Congress who votes against this amendment is voting against these two propositions. It matters not what pretext he may give for his vote, he is in reality voting for discrimination, favoritism, and special privilege. He is voting for the financial interests of Washington and against efficiency and good government.

The CHAIRMAN. The time of the gentleman has expired. Under the agreement of the committee all time has expired.

Mr. BARKLEY. Mr. Chairman, is it in order to offer amendments?

The CHAIRMAN. An amendment to the amendment is in order.

Mr. BARKLEY. I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment to the amendment, which the Clerk will report.

Mr. ADAMSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ADAMSON. I would like to ask if the amendment of the gentleman from Missouri [Mr. BORLAND] is divisible? Can we have a vote on the two propositions separately?

The CHAIRMAN. The Chair will examine the amendment to determine that question. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. BARKLEY moves to amend the amendment by adding the following:

"*And provided further*, That whenever it shall become necessary to effect such reduction by discharge or dismissal those who are least efficient shall be first separated from the service."

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Kentucky [Mr. BARKLEY].

The question being taken, the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Missouri [Mr. BORLAND].

Mr. ADAMSON. I would like to demand a division, if the amendment is divisible.

The CHAIRMAN. While the Chair is in some doubt, the Chair will hold that the amendment is one legislative proposition and is not divisible. The question is on the amendment offered by the gentleman from Missouri [Mr. BORLAND].

The question being taken, on a division (demanded by Mr. BORLAND) there were—ayes 44, noes 176.

Accordingly, the amendment was rejected.

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MONDELL. In the opinion of the Chair, has the gentleman from Missouri been "showed"? [Laughter.]

The CHAIRMAN. The Chair does not think that is a parliamentary inquiry.

Mr. BORLAND. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. BORLAND offers the following amendment as a new paragraph on page 150:

"No part of any amount herein appropriated shall be used to pay salaries or for personal services in any executive department of the Government in the city of Washington which does not, subject to the provisions and exceptions of section 7 of the legislative, executive, and judicial appropriation act approved March 15, 1898, require eight hours of labor each day."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. BORLAND].

Mr. MONDELL. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MONDELL. The amendment is subject to the point of order that it is new legislation on an appropriation bill, intended as a limitation, but changing existing law, and does not come within any of the exceptions contained in the Holman rule.

The CHAIRMAN. The Chair will overrule the point of order, holding the amendment to be a limitation.

Mr. MANN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. MANN. Not at all. This amendment is subject to discussion.

The CHAIRMAN. The gentleman is correct. The Chair will recognize the gentleman from Illinois.

Mr. BYRNS of Tennessee. I ask unanimous consent that all debate on this amendment close in 10 minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on the pending amendment close in 10 minutes. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I just wanted to call attention to another one of the inaccuracies of our genial friend from Missouri [Mr. BORLAND], occasioned undoubtedly by the fact that he is working more than seven hours a day. In reply to what I said he just made the statement that the law now authorizing the head of a department to require a clerk to work more than seven hours a day was enacted in 1898. Now, the fact is that the law was enacted in 1893——

Mr. BORLAND. Mr. Chairman, I make the point of order that the gentleman is not discussing the amendment.

Mr. MANN. The gentleman from Missouri is evidently working too many hours a day to be perfectly clear in his mind.

Mr. BORLAND. I make the point of order that the gentleman is not discussing the pending amendment.

The CHAIRMAN. The Chair at the moment was not listening to the gentleman from Illinois. [Laughter.]

Mr. MANN. I am sure the Chair will be edified and instructed if he does listen.

The CHAIRMAN. The Chair is equally sure of that.

Mr. MANN. I do not blame the gentleman from Missouri [Mr. BORLAND] for objecting to my stating a fact on the floor, after himself dealing so freely in flights of fancy. The act to which the gentleman refers, that of 1898, was an act amending the act of 1893.

Mr. BORLAND. I renew the point of order.

The CHAIRMAN. The Chair thinks that the committee never holds anyone exactly to the rule, but that there is some latitude allowed in debate, and the Chair overrules the gentleman's point of order.

Mr. MANN. I do not know whether I am in order or not. I did not listen to the reading of the amendment offered by the gentleman from Missouri, but I supposed it was one of these foolish amendments along the same line. [Laughter.] If it is upon another subject, I have no desire to be heard; and having shown that the gentleman's statement was entirely erroneous, I suggest to him that he concern himself hereafter to stating facts, and to working seven hours a day, for evidently his brain is not able to stand more. [Laughter.]

Mr. BORLAND and Mr. MONDELL rose.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] is recognized.

Mr. BORLAND. Mr. Chairman, this pending amendment is purely a limitation upon the appropriations carried in this bill. It is subject to the existing law, with the exceptions and provisions therein contained, which, of course, concede to the clerks all of their overtime, holidays, Saturday half holidays, sick time, and so on, and provides that no part of the appropriation shall be used except in departments maintaining an eight-hour schedule. The law, as the gentleman from Illinois [Mr. MANN] undertook to point out, permits the head of a department to require an eight-hour schedule, but that law has been a dead letter. It now depends upon Congress whether it wishes the departments to require an eight-hour schedule. If it does, here is a very plain way in which the limitation can be made upon these appropriation bills.

Possibly gentlemen have been scared by the bogey of wholesale discharges under the other amendment. It has been claimed here that 5,000 would be discharged. The gentleman from Kentucky said they could not discharge 5,000 Democrats, because there were not that many Democratic clerks in the departments. Possibly he is right about it. They could not discharge 5,000 at all, because the natural vacancies by death, resignation, and separation from the service are 8 per cent.

Mr. GORDON. Resignations!

Mr. BORLAND. So there would be a loss of 2 per cent by discharges.

Mr. BARKLEY. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. BARKLEY. Under the new amendment just proposed, there will be no necessary discharges of employees.

Mr. BORLAND. There will be no necessary discharges, but there might be very highly desirable ones. I have no doubt the service could be improved in every department by a certain number of judicious discharges. If eight hours is required, the number of discharges depends on the efficiency of the head of the department, entirely upon his volition in arranging the details and management of his own department. Every objection that has been raised outside of the pure fight for an eight-hour day is eliminated in the amendment. The gentlemen who voted against this will be voting against an eight-hour day and squarely against the taxpayers who are now working eight hours a day, if employed. I want to put this squarely before you.

There are two sides to this. One is the side of the American taxpayer, who pays the bills, and the other side is the Washington landlords and business men that get the money. A "no" vote will be on the side of the landlords and business men and a "yea" vote is a vote on the side of the American taxpayers' right for an honest return for his money. That is the whole idea, and man must take his side squarely on this amendment, and I call for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. BORLAND) there were 47 ayes and 165 noes.

So the amendment was rejected.

The Clerk read as follows:

SEC. 7. That all laws and parts of laws to the extent that they are inconsistent with this act are repealed.

Mr. MANN. I make a point of order against the section.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BYRNS of Tennessee. Mr. Chairman, I move that the committee do now rise and report the bill, with amendments, to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12207) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. BYRNS of Tennessee. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

Mr. BORLAND. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BORLAND. A motion to recommit lies after the third reading of the bill?

The SPEAKER. Yes; just after the third reading. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time.

Mr. GOOD. Mr. Speaker, I move to recommit the bill.

Mr. BORLAND. Mr. Speaker——

Mr. RUCKER. Mr. Speaker——

The SPEAKER. Is the gentleman from Iowa against the bill?

Mr. GOOD. I am not.

The SPEAKER. Is the gentleman from Missouri against the bill?

Mr. BORLAND. I am.

Mr. RUCKER. Mr. Speaker, I would like to cross-examine my colleague from Missouri.

The SPEAKER. The gentleman has stated that he was against the bill. The rule provides that the minority shall have preference in recognition, provided he is qualified. A member of the committee has a prior right, and therefore the Chair recognizes him in preference to the gentleman from Missouri [Mr. RUCKER].

[Mr. MANN addressed the Chair. His remarks were afterwards ordered expunged from the RECORD.]

Mr. BORLAND. Mr. Speaker, I ask that that remark be expunged from the RECORD. I ask that the remarks be taken down and expunged.

The SPEAKER. The gentleman from Missouri demands that the words be taken down.

Mr. BORLAND. I claim that those words are in breach of the rules of the House, and I move that they be expunged from the RECORD.

The SPEAKER. The Clerk will report the words.

The Clerk read the words.

The SPEAKER. The question is on the motion of the gentleman from Missouri to expunge the words from the RECORD.

The question was taken; and on a division (demanded by Mr. BORLAND) there were—ayes 116, noes 121.

Mr. BORLAND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 181, nays 156, answered "present" 10, not voting 86, as follows:

YEAS—181.

Adamson	Dixon	Key, Ohio	Rucker
Aiken	Doolittle	Kincheloe	Russell, Mo.
Alexander	Doremus	Kitchin	Saunders
Almon	Doughton	Konop	Sears
Ashbrook	Dupré	Lazaro	Shackleford
Aswell	Eagan	Lee	Shallenberger
Ayres	Eagle	Lesher	Sherwood
Bailey	Elston	Lever	Shouse
Barkley	Evans	Lieb	Sims
Barnhart	Farley	Liebel	Sisson
Beakes	Fields	Linthicum	Slayden
Bell	Finley	Littlepage	Smith, N. Y.
Black	Flood	Lloyd	Smith, Tex.
Blackmon	Foster	Lobeck	Sparkman
Booher	Gallivan	London	Stedman
Borland	Gard	McClintic	Steele, Iowa
Bruckner	Garner	McGillicuddy	Stephens, Miss.
Brumbaugh	Godwin, N. C.	McLemore	Stephens, Tex.
Buchanan, Tex.	Goodwin, Ark.	Mays	Stone
Burgess	Gordon	Moon	Stout
Burke	Gray, Ala.	Morgan, La.	Sumners
Byrnes, S. C.	Gray, Ind.	Morrison	Taggart
Byrns, Tenn.	Hamlin	Moss, Ind.	Tague
Caldwell	Hardy	Murray	Talbott
Cantrill	Harrison	Neely	Tavenner
Caraway	Hart	Nicholls, S. C.	Taylor, Ark.
Carter, Okla.	Hastings	Oliver	Taylor, Colo.
Casey	Hay	Olney	Thomas
Church	Hayden	O'Shaunessy	Thompson
Cline	Helm	Overmyer	Tillman
Coady	Helvering	Padgett	Tribble
Collier	Hensley	Page, N. C.	Van Dyke
Connelly	Hilliard	Park	Vinson
Conry	Holland	Phelan	Walker
Cox	Houston	Pou	Watkins
Crisp	Howard	Price	Watson, Va.
Crosser	Huddleston	Quin	Webb
Dale, N. Y.	Hughes	Ragsdale	Whaley
Davenport	Hulbert	Rainey	Williams, W. E.
Davis, Tex.	Hull, Tenn.	Raker	Wilson, Fla.
Decker	Humphreys, Miss.	Randall	Wilson, La.
Dent	Igoe	Rauch	Wise
Dewalt	Jacoway	Rayburn	Young, Tex.
Dickinson	Johnson, Ky.	Reilly	
Dies	Keating	Rouse	
Dill	Kent	Rubey	

NAYS—156.

Anderson	Frear	Lafean	Roberts, Mass.
Bacharach	Freeman	La Follette	Roberts, Nev.
Britt	Fuller	Langley	Rodenberg
Britten	Gallagher	Lenroot	Rogers
Browne	Gandy	Lindbergh	Rowe
Buchanan, Ill.	Garland	Longworth	Russell, Ohio
Butler	Gillett	Loud	Sanford
Campbell	Glynn	McArthur	Schall
Cannon	Good	McCracken	Scott, Mich.
Capstick	Gould	McFadden	Sells
Carter, Mass.	Gray, N. J.	McKenzie	Siegel
Cary	Green, Iowa	McKinley	Sloan
Chandler, N. Y.	Greene, Mass.	Madden	Smith, Idaho
Charles	Greene, Vt.	Magee	Smith, Mich.
Coleman	Hadley	Mapes	Snell
Cooper, Ohio	Haskell	Martin	Stafford
Cooper, W. Va.	Haugen	Matthews	Steenerson
Cooper, Wis.	Hawley	Meeker	Stephens, Cal.
Copley	Hayes	Miller, Del.	Sterling
Costello	Heaton	Miller, Minn.	Stiness
Crago	Helgesen	Miller, Pa.	Sullowaу
Curry	Hernandez	Mooney	Sweet
Dale, Vt.	Hill	Moore, Pa.	Swift
Dallinger	Hinds	Moores, Ind.	Switzer
Danforth	Hollingsworth	Morgan, Okla.	Temple
Darrow	Hopwood	Mott	Tilson
Davis, Minn.	Howell	Mudd	Timberlake
Denison	Hull, Iowa	Nelson	Tinkham
Dillon	Humphrey, Wash.	Nichols, Mich.	Treadway
Dowell	Husted	Nolan	Volstead
Drukker	Hutchinson	Norton	Walsh
Dunn	James	Oakey	Ward
Dyer	Kahn	Paige, Mass.	Wason
Ellsworth	Kearns	Parker, N. J.	Watson, Pa.
Emerson	Kennedy, Iowa	Peters	Wheeler
Esch	Kennedy, R. I.	Platt	Williams, Ohio
Farr	King	Ramseyer	Wilson, Ill.
Focht	Kinkaid	Reavis	Wood, Ind.
Fordney	Kreider	Ricketts	Young, N. Dak.

ANSWERED "PRESENT"—10.

Browning	Glass	Mann	Sabath
Carlin	McDermott	Mondell	
Gardner	McLaughlin	Powers	

NOT VOTING—86.

Abercrombie	Barchfeld	Candler, Miss.	Cullop
Adair	Beales	Carew	Dempsey
Allen	Bennet	Chiperfield	Dooling
Anthony	Burnett	Clark, Fla.	Driscoll
Austin	Callaway	Cramton	Edmonds
Edwards	Heflin	Maher	Slemp
Estopinal	Henry	Montague	Small
Fairchild	Hicks	Morin	Smith, Minn.
Ferris	Hood	Moss, W. Va.	Snyder
Fess	Johnson, S. Dak.	North	Steagall
Fitzgerald	Johnson, Wash.	Oglesby	Steele, Pa.
Flynn	Jones	Oldfield	Stephens, Nebr.
Foss	Keister	Parker, N. Y.	Sutherland
Garrett	Kelley	Patten	Towner
Graham	Kettner	Porter	Vare
Gregg	Kiess, Pa.	Pratt	Venable
Griest	Lehlbach	Riordan	Williams, T. S.
Griffin	Lewis	Rowland	Wingo
Guernsey	Loft	Scott, Pa.	Winslow
Hamill	McAndrews	Scully	Woods, Iowa
Hamilton, Mich.	McCulloch	Sherley	
Hamilton, N. Y.	McKellar	Sinnott	

So the motion was agreed to, and the words were ordered to be expunged.

The Clerk announced the following pairs:

Until further notice:

Mr. HOOD with Mr. MORIN.

Mr. HAMILL with Mr. LEHLBACH.

Mr. MCKELLAR with Mr. BENNET.

Mr. MONTAGUE with Mr. CRAMTON.

Mr. FLYNN with Mr. FAIRCHILD.

Mr. EDWARDS with Mr. JOHNSON of Washington.

Mr. ADAIR with Mr. HAMILTON of Michigan.

Mr. SMALL with Mr. WINSLOW.

Mr. SHERLEY with Mr. MONDELL.

Mr. GRIFFIN with Mr. SUTHERLAND.

Mr. STEPHENS of Nebraska with Mr. ANTHONY.

Mr. GARRETT with Mr. SCOTT of Pennsylvania.

Mr. WINGO with Mr. SMITH of Minnesota.

Mr. LEWIS with Mr. KIESS of Pennsylvania.

Mr. LOFT with Mr. MCCULLOCH.

Mr. MCANDREWS with Mr. Moss of West Virginia.

Mr. MAHER with Mr. NORTH.

Mr. OGLESBY with Mr. PORTER.

Mr. OLDFIELD with Mr. PRATT.

Mr. PATTEN with Mr. ROWLAND.

Mr. RIORDAN with Mr. SINNOTT.

Mr. STEAGALL with Mr. SLEMP.

Mr. STEELE of Pennsylvania with Mr. SNYDER.

Mr. VENABLE with Mr. TOWNER.

Mr. ABERCROMBIE with Mr. BARCHFELD.

Mr. ALLEN with Mr. HAMILTON of New York.

Mr. BURNETT with Mr. BEALES.

Mr. CALLAWAY with Mr. CHIPERFIELD.

Mr. CANDLER of Mississippi with Mr. DEMPSEY.

Mr. CAREW with Mr. EDMONDS.

Mr. DOOLING with Mr. GRAHAM.

Mr. CULLOP with Mr. FOSS.

Mr. CLARK of Florida with Mr. FESS.

Mr. DRISCOLL with Mr. GRIEST.

Mr. ESTOPINAL with Mr. GUERNSEY.

Mr. FERRIS with Mr. HICKS.

Mr. FITZGERALD with Mr. JOHNSON of South Dakota.

Mr. GREGG with Mr. KELLEY.

Mr. HEFLIN with Mr. VARE.

Mr. HENRY with Mr. THOMAS S. WILLIAMS.

Mr. JONES with Mr. WOODS of Iowa.

Mr. KETTNER with Mr. PARKER of New York.

For the session:

Mr. SCULLY with Mr. BROWNING.

Mr. BROWNING. Mr. Speaker, I voted "no." I wish to withdraw my vote, as I am paired with Mr. SCULLY, and to answer "present."

The name of Mr. BROWNING was called, and he answered, "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the motion of the gentleman from Missouri to recommit.

The Clerk read as follows:

Mr. BORLAND moves to recommit the bill to the Committee on Appropriations with instructions to report the same back forthwith with the following amendment:

On page 150 add as a new paragraph the following:

"No part of any amount herein appropriated shall be used to pay salaries or for personal services in any executive department of the Government in the city of Washington which does not, subject to the provisions and exceptions of section 7 of the legislative, executive, and judicial appropriation act approved March 15, 1898, require eight hours of labor each day."

Mr. BORLAND. Mr. Speaker, on that I demand the previous question.

The SPEAKER. The gentleman from Missouri moves the previous question on his motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. BORLAND. Mr. Speaker, I ask for a roll call.

Mr. MANN. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 67, nays 282, answered "present" 1, not voting 83, as follows:

YEAS—67.

Barkley	Doolittle	Johnson, Ky.	Sims
Bell	Doughton	Kincheloe	Sisson
Black	Eagle	Kinkaid	Slayden
Booher	Fields	Lee	Sloan
Borland	Gardner	McLaughlin	Smith, Tex.
Buchanan, Tex.	Garner	Mapes	Stafford
Burgess	Garrett	Moores, Ind.	Steele, Iowa
Byrns, Tenn.	Gillett	Murray	Stephens, Miss.
Carter, Okla.	Godwin, N. C.	Norton	Sumners
Collier	Gordon	Page, N. C.	Thomas
Connelly	Hardy	Park	Thompson
Cox	Hastings	Quin	Tribble
Crisp	Helm	Rayburn	Vinson
Davenport	Helvering	Rouse	Walker
Davis, Tex.	Hensley	Rucker	Webb
Dickinson	Houston	Saunders	Young, Tex.
Dies	Hull, Tenn.	Shouse	

NAYS—282.

Adamson	Estopinal	Lafean	Reilly
Aiken	Evans	La Follette	Ricketts
Alexander	Farley	Langley	Roberts, Mass.
Almon	Farr	Lazaro	Roberts, Nev.
Anderson	Finley	Lenroot	Rodenberg
Aswell	Flood	Lesher	Rogers
Austin	Focht	Lever	Rowe
Ayres	Fordney	Lieb	Rubey
Bacharach	Frear	Liebel	Russell, Mo.
Bailey	Freeman	Lindbergh	Russell, Ohio
Barchfeld	Fuller	Linthicum	Sabath
Beakes	Gallagher	Littlepage	Sanford
Blackmon	Gallivan	Lloyd	Schall
Britt	Gard	Lobeck	Scott, Mich.
Britten	Garland	London	Sears
Browne	Glass	Longworth	Sells
Bruckner	Glynn	Loud	Shackleford
Brumbaugh	Good	McAndrews	Shallenberger
Buchanan, Ill.	Goodwin, Ark.	McArthur	Siegel
Burke	Gould	McCracken	Sinnott
Butler	Gray, Ala.	McDermott	Smith, Idaho
Byrnes, S. C.	Gray, Ind.	McFadden	Smith, Mich.
Caldwell	Gray, N. J.	McGillicuddy	Smith, Minn.
Campbell	Green, Iowa	McKenzie	Smith, N. Y.
Cannon	Greene, Mass.	McKinley	Snell
Cantrill	Greene, Vt.	McLemore	Snyder
Capstick	Hadley	Madden	Sparkman
Caraway	Hamlin	Magee	Stedman
Carlin	Harrison	Mann	Steenerson
Carter, Mass.	Hart	Martin	Stephens, Cal.
Cary	Haskell	Matthews	Stephens, Tex.
Casey	Haugen	Mays	Sterling
Chandler, N. Y.	Hawley	Meeker	Stiness
Charles	Hay	Miller, Del.	Stone
Church	Hayden	Miller, Minn.	Stout
Cline	Hayes	Miller, Pa.	Sulloway
Coady	Heaton	Moon	Sweet
Coleman	Helgesen	Mooney	Swift
Conry	Hernandez	Moore, Pa.	Switzer
Cooper, Ohio	Hicks	Morgan, La.	Taggart
Cooper, W. Va.	Hill	Morgan, Okla.	Tague
Cooper, Wis.	Hilliard	Morrison	Talbott
Copley	Hinds	Moss, Ind.	Tavenner
Costello	Holland	Mott	Taylor, Ark.
Crago	Hollingsworth	Mudd	Taylor, Colo.
Crosser	Hopwood	Neely	Temple
Curry	Howard	Nelson	Tillman
Dale, N. Y.	Howell	Nicholls, S. C.	Tilson
Dale, Vt.	Huddleston	Nichols, Mich.	Timberlake
Dallinger	Hughes	Nolan	Tinkham
Danforth	Hulbert	Oakey	Treadway
Darrow	Hull, Iowa	Oliver	Van Dyke
Davis, Minn.	Humphrey, Wash.	Olney	Venable
Decker	Humphreys, Miss.	O'Shaunessy	Volstead
Denison	Husted	Overmyer	Walsh
Dent	Hutchinson	Padgett	Ward
Dewalt	Igoe	Paige, Mass.	Wason
Dill	Jacoway	Parker, N. J.	Watkins
Dillon	James	Peters	Watson, Pa.
Dixon	Johnson, Wash.	Phelan	Watson, Va.
Doremus	Kahn	Platt	Wheeler
Dowell	Kearns	Pou	Williams, W. E.
Drukker	Keating	Powers	Williams, Ohio
Dunn	Kennedy, Iowa	Price	Wilson, Fla.
Dupré	Kennedy, R. I.	Ragsdale	Wilson, Ill.
Dyer	Kent	Rainey	Wilson, La.
Eagan	Kettner	Raker	Wise
Ellsworth	Key, Ohio	Ramseyer	Wood, Ind.
Elston	King	Randall	Young, N. Dak.
Emerson	Konop	Rauch	
Esch	Kreider	Reavis	

ANSWERED "PRESENT"—1.

Browning

NOT VOTING—83.

Abercrombie	Barnhart	Candler, Miss.	Cullop
Adair	Beales	Carew	Dempsey
Allen	Bennet	Chiperfield	Dooling
Anthony	Burnett	Clark, Fla.	Driscoll
Ashbrook	Callaway	Cramton	Edmonds
Edwards	Hamilton, N. Y.	Maher	Sherley
Fairchild	Heflin	Mondell	Sherwood
Ferris	Henry	Montague	Slemp
Fess	Hood	Morin	Small
Fitzgerald	Johnson, S. Dak.	Moss, W. Va.	Steagall
Flynn	Jones	North	Steele, Pa.
Foss	Keister	Oglesby	Stephens, Nebr.
Foster	Kelley	Oldfield	Sutherland
Gandy	Kiess, Pa.	Parker, N. Y.	Towner
Graham	Kitchin	Patten	Vare
Gregg	Lehlbach	Porter	Whaley
Griest	Lewis	Pratt	Williams, T. S.
Griffin	Loft	Riordan	Wingo
Guernsey	McClintic	Rowland	Winslow
Hamill	McCulloch	Scott, Pa.	Woods, Iowa
Hamilton, Mich.	McKellar	Scully	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. CRAMTON (for motion to recommit) with Mr. Foss (against).

Mr. SMALL (for motion to recommit) with Mr. WINSLOW (against).

Until further notice:

Mr. GANDY with Mr. JOHNSON of South Dakota.

Mr. ABERCROMBIE with Mr. KEISTER.

Mr. BARNHART with Mr. GRAHAM.

Mr. CULLOP with Mr. SCOTT of Pennsylvania.

Mr. FITZGERALD with Mr. WOODS of Iowa.

Mr. FOSTER with Mr. GUERNSEY.

Mr. KITCHIN with Mr. Moss of West Virginia.

Mr. MONTAGUE with Mr. PARKER of New York.

Mr. FERRIS with Mr. TOWNER.

Mr. WHALEY with Mr. THOMAS S. WILLIAMS.

Mr. WINGO with Mr. GRIEST.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 189, noes 4.

So the bill was passed.

On motion of Mr. BYRNS of Tennessee, a motion to reconsider the vote by which the bill was passed was laid on the table.

ARMY EMERGENCY.

Mr. HAY. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

House joint resolution 180.

Resolved, etc., That when in the judgment of the President any emergency arises which makes it necessary, all organizations of the Army which are now below the maximum enlisted strength authorized by law, shall be raised forthwith to that strength, and shall be maintained at nearly as possible thereat, so long as the emergency shall continue: *Provided*, That the total enlisted strength of any of said arms of the service shall not include unassigned recruits therefor at depots or elsewhere, but such recruits shall at no time exceed by more than 5 per cent the total enlisted strength prescribed for such arm; and the enlisted men now or hereafter authorized by law for other branches of the military service shall be provided and maintained without any impairment of the enlisted strength prescribed for any of said arms.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I suggest to the gentleman that he make some brief statement concerning the resolution. I shall not object.

Mr. HAY. Mr. Speaker, the purpose of this resolution is to authorize the President to raise to maximum strength the present organizations of the Army. The reason for it is that the demand is very great from the citizens along our border for protection while the expedition is going into Mexico for the purpose of capturing Villa. Mayors of towns, chiefs of police, and prominent citizens have deluged the War Department with telegrams asking that the border shall not be left unprotected while the punitive expedition is going on.

Mr. MADDEN. Will the gentleman from Virginia state to the House how far below the maximum strength the regiments are now?

Mr. HAY. The regiments now, some of them, are at full strength. The ordinary skeleton strength of a regiment of Infantry is about 900 men. The full strength is 1,830 men. In order to raise the organizations of Infantry, Cavalry, and Field Artillery to their full strength it is necessary to have over 100,000 men. The law now authorizes the President only to enlist in the Army 100,000 men. In order to have these organizations up to full strength he must have authorization for 19,947 men above the 100,000 now allowed by law.

As I say, the reason for this resolution is that it is immediately necessary that the border shall be protected while this expedition is going on, and in order to avoid calling out volunteers it was thought that this was the simplest plan and would give men enough and would not cause it to be believed that there was any disposition on the part of this Government to do more than that which they have declared their purpose to do, which is to punish Villa and his bandits for the outrages which they have committed.

If there is any other question that any gentleman wants to ask, I will be very glad to answer it.

Mr. DIES. Will the gentleman yield for a question?

Mr. HAY. Yes.

Mr. DIES. I would like to ask the gentleman from Virginia why the National Guard, 129,000 men, that have patriotically tendered their services, is not available in this crisis?

Mr. HAY. Of course, they would be available if invasion was threatened and they all would want to go, but it would be an invidious thing to select some and refuse others. And this resolution has been worked out as the simplest plan by which to get the men. You would have to pay the National Guard just as much as you would have to pay these men, and when the emergency ceases the Army will be reduced to the strength now allowed by law.

Mr. DIES. That is just it. Would not the recruits to the Regular Army be untrained soldiers? And would not the National Guard, if you would call them out, be trained, with guns in their hands and ready for service?

Mr. HAY. I can hardly say as to that. But these recruits would be immediately put in commands which had in them trained men. In that way they would be trained very soon, and their duties would only be to patrol the border. It was thought inexpedient to call out the National Guard for the purpose of patrolling the border, especially as they could only be called as volunteers.

Mr. DIES. Do I understand the gentleman from Virginia to say that these nineteen thousand odd soldiers would be dropped at the expiration of the Mexican trouble?

Mr. HAY. At the expiration of the emergency, yes; the Army would be reduced to the strength now allowed by law.

Mr. GARDNER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Massachusetts?

Mr. HAY. Yes; I yield to the gentleman.

Mr. GARDNER. Is it possible or permissible under the Constitution to call out the National Guard for this purpose?

Mr. HAY. I suppose if there was any fear of invasion it would be. You can call out the National Guard to repel invasion, but I do not apprehend that there is any danger of it.

Mr. KAHN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. HAY. I yield to the gentleman from California.

Mr. KAHN. Is it not a fact that many National Guard organizations have volunteered to go in a body if they are required for Mexico?

Mr. HAY. I understand there is a very large number of them.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is, Shall the joint resolution pass?

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 236, noes 1.

The SPEAKER. On this vote the ayes are 236, and the noes are 1, and the resolution is passed.

On motion of Mr. HAY, a motion to reconsider the vote whereby the resolution was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested.

S. 4657. An act to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild and reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10490) entitled "An act to prevent fraudulent advertising in the District of Columbia."

The message also announced that the Senate had passed the following resolutions (S. Res. 129):

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of the Hon. BENJAMIN F. SHIVELY, late a Senator from the State of Indiana.

Resolved, That a committee of 12 Senators be appointed by the Vice President to take order for superintending the funeral of the late Senator.

Resolved, That as a further mark of respect his remains be removed from Washington to South Bend, Ind., for burial, in charge of the Sergeant at Arms, attended by the committee, who shall have full power to carry these resolutions into effect.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

That in compliance with the foregoing, the Vice President had appointed as said committee Mr. KERN, Mr. SMITH of Arizona, Mr. WILLIAMS, Mr. CLAPP, Mr. JOHNSON of Maine, Mr. KENYON, Mr. SWANSON, Mr. JAMES, Mr. SUTHERLAND, Mr. MARTINE of New Jersey, Mr. PHELAN, and Mr. SMITH of Georgia.

CHANGE OF REFERENCE.

Mr. HOUSTON. Mr. Speaker, I desire to ask unanimous consent for a change of reference of Senate joint resolution 37, to amend a joint resolution entitled "A joint resolution providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims against the United States," approved May 12, 1898, which was referred by mistake to the Committee on Claims. I want it to be referred to the Committee on War Claims.

Mr. MANN. Mr. Speaker, we could not hear what it was.

Mr. HOUSTON. It is a joint resolution providing for the adjustment of claims between the United States and the State of Tennessee for matters and transactions which grew out of the Civil War.

Mr. MANN. Well, reserving the right to object, I noticed the other day where the State of North Carolina had a bill to recompense its old war expenses, and the parliamentary clerk or the Speaker referred it to the Committee on War Claims, and then they changed it over to the Committee on Claims. I do not mean they changed it, but somebody did. Why is it? Is it because of the personnel of the committee in the one case and the jurisdiction over the subject matter in the other case?

Mr. HOUSTON. I do not know about the other case, but this case properly goes to the Committee on War Claims, because the contention of the State of Tennessee is that it was for property taken and used by the Government during the war.

Mr. MANN. During the war or after the war?

Mr. HOUSTON. Just after the war, for its use and occupation during the war.

Mr. MANN. Oh, I think it is claims for property sold largely, at least, after the war. That is my recollection of it, although I could never get full information about it.

Mr. HOUSTON. The sale of the property was after the close of the war, but it was for use and occupation of the property during the war by the Federal Government.

The SPEAKER. Is there objection to the change of reference? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

Mr. MCKELLAR, by unanimous consent, was granted leave of absence for 10 days, on account of important business.

EXTENSION OF REMARKS.

Mr. SWITZER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the sugar bill and the antidumping legislation.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. LONDON rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. LONDON. To ask unanimous consent to extend my remarks in the RECORD on the subject of the resolution that was adopted a few minutes ago.

Mr. MADDEN. I object.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD and the gentleman from Illinois [Mr. MADDEN] objects.

DEATH OF SENATOR SHIVELY, OF INDIANA.

Mr. DIXON. Mr. Speaker, I ask consideration of the following resolution.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 172.

Resolved, That the House has heard with profound sorrow of the death of the Hon. BENJAMIN F. SHIVELY, a Senator of the United States from the State of Indiana.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of 20 Members be appointed, on the part of the House, to join the committee appointed on the part of the Senate to attend the funeral.

The resolutions were agreed to.

The SPEAKER. The Chair appoints the following committee:

The Clerk read as follows:

Mr. BARNHART, Mr. DIXON, Mr. ADAIR, Mr. COX, Mr. CULLOP, Mr. CLINE, Mr. MOSS of Indiana, Mr. RAUCH, Mr. GRAY of Indiana, Mr. MORRISON, Mr. LIEB, Mr. WOODS of Indiana, Mr. MOORES of Indiana, Mr. IGOE, Mr. TREADWAY, Mr. AUSTIN, Mr. LAFEAN, Mr. SMITH of Michigan, Mr. DUNN, and Mr. TILSON.

The SPEAKER. The Clerk will report the other resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect this House do now adjourn.

ADJOURNMENT.

The resolution was agreed to; accordingly the House (at 5 o'clock and 40 minutes p. m.) adjourned until to-morrow, Wednesday, March 15, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ellen Richardson, widow of George S. Richardson, *v.* The United States (H. Doc. No. 887); to the Committee on War Claims and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Hessie Hughes Gwin, widow (remarried) of George W. Hughes, *v.* The United States (H. Doc. No. 888); to the Committee on War Claims and ordered to be printed.

3. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of George S. Goodwin *v.* The United States (H. Doc. No. 889); to the Committee on War Claims and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Laura E. Cass, widow of John E. Cass, *v.* The United States (H. Doc. No. 890); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Lucy B. Bryson, widow of Hiram M. Bryson, *v.* The United States (H. Doc. No. 891); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Isaac A. Sheaffer *v.* The United States (H. Doc. No. 892); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Hiram S. Kenyon *v.* The United States (H. Doc. No. 893); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William Dobie *v.* The United States (H. Doc. No. 894); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Francis S. Cone *v.* The United States (H. Doc. No. 895); to the Committee on War Claims and ordered to be printed.

10. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William H. Blanchford *v.* The United States (H. Doc. No. 896); to the Committee on War Claims and ordered to be printed.

11. A letter from the Acting Secretary of the Treasury, submitting a tentative draft of proposed legislation regarding a site for a new post office in Baltimore, Md. (H. Doc. No. 897); to the Committee on Public Buildings and Grounds and ordered to be printed with illustration.

12. A letter from the Acting Secretary of the Treasury, submitting a tentative draft of proposed legislation relating to the laboratories, Bureau of Mines, Pittsburgh, Pa. (H. Doc. No. 898); to the Committee on Public Buildings and Grounds, and ordered to be printed.

13. A letter from the Acting Secretary of the Treasury, submitting a tentative draft of proposed legislation regarding the post-office building at Williamson, W. Va. (H. Doc. No. 899); to the Committee on Public Buildings and Grounds, and ordered to be printed.

14. A letter from the Acting Secretary of the Treasury, transmitting a copy of a communication from the Secretary of Agriculture submitting an increase in his estimate of appropriation for printing and binding for the Department of Agriculture for the fiscal year ending June 30, 1917 (H. Doc. No. 900); to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 563) to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes, reported the same with amendment, accompanied by a report (No. 349), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 722) to amend section 20 of an act to regulate commerce approved February 4, 1887, as amended, and for other purposes, reported the same without amendment, accompanied by a report (No. 350), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 308) to amend the act to regulate commerce, as amended, and for other purposes, reported the same without amendment, accompanied by a report (No. 351), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the resolution (S. J. Res. 60) creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee, reported the same with amendment, accompanied by a report (No. 352), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. NEELY, from the Committee on the Judiciary, to which was referred the bill (S. 1294) to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 353), which said bill and report were referred to the House Calendar.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3722) to extend the time for constructing a bridge across the Mississippi River at or near the city of Baton Rouge, La., reported the same without amendment, accompanied by a report (No. 354), which said bill and report were referred to the House Calendar.

Mr. DILLON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 4190) authorizing the Yankton County Bridge Co., a corporation, to construct and maintain a bridge or bridges and approaches thereto across the Missouri River at a point between Yankton County, S. Dak., and Cedar County, Nebr., reported the same without amendment, accompanied by a report (No. 355), which said bill and report were referred to the House Calendar.

Mr. DEWALT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 2719) providing for the purchase or construction of cutters for the Coast Guard, reported the same without amendment, accompanied by a report (No. 356), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CULLOP, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 13006) to authorize the reconstruction of an existing bridge across the Wabash River at Silverwood, in the State of Indiana, and the maintenance and operation of the bridge so reconstructed, reported the same with amendment, accompanied by a report (No. 357), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 13023) granting an increase of pension to Priscilla Melton, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BENNET: A bill (H. R. 13162) to amend an act approved June 29, 1906, known as the naturalization law, by providing for concurrent jurisdiction in the naturalization of aliens where two Federal districts are wholly or in part within the boundaries of a single municipality; to the Committee on Immigration and Naturalization.

By Mr. KAHN: A bill (H. R. 13163) for the purchase of the launch *California* for the use of the Coast Guard Service at San Francisco, Cal.; to the Committee on Appropriations.

By Mr. LEVER: A bill (H. R. 13164) to authorize the Secretary of Agriculture to establish uniform standards of classification for cotton; to provide for the application, enforcement, and use of such standards in transactions in interstate and foreign commerce; to prevent deception therein; and for other purposes; to the Committee on Agriculture.

By Mr. DILLON: A bill (H. R. 13165) authorizing the Flandreau Band of Sioux Indians to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. HAWLEY: A bill (H. R. 13166) authorizing the Commissioner of Indian Affairs to transfer fractional block 6, of Naylor's addition, Forest Grove, Oreg., to the Department of Agriculture for the use of the Bureau of Entomology; to the Committee on Indian Affairs.

By Mr. KALANIANAOLE: A bill (H. R. 13167) to provide for a military road around the island of Oahu, Territory of Hawaii; to the Committee on Military Affairs.

By Mr. KENT: A bill (H. R. 13168) to set apart a tract of land in the State of California as a public park, such lands, together with those set aside by the act of September 25, 1890, to be known as the Sequoia Park; to the Committee on the Public Lands.

By Mr. RAGSDALE: A bill (H. R. 13169) to authorize the designation and withdrawal of water-power sites and the construction of water power and other plants by the United States for the manufacture of nitrates, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRISON: Resolution (H. Res. 170) to provide for the consideration of H. R. 12766; to the Committee on Rules.

By Mr. SABATH: Resolution (H. Res. 171) requesting the Attorney General to investigate if any conspiracy exists between the oil and gasoline companies regarding the unjustifiable increase in the price of gasoline, etc., and demanding their prosecution; to the Committee on the Judiciary.

By Mr. CARY: Joint resolution (H. J. Res. 179) providing for the seizure of arms and ammunition; to the Committee on Military Affairs.

By Mr. RUSSELL of Missouri: Concurrent resolution (H. Con. Res. 20) providing for printing the prayers of the chaplain of the House during the Sixty-third Congress; to the Committee on Printing.

By the SPEAKER (by request): Memorial of the General Court of Massachusetts, urging the construction of at least one battleship at the Charlestown Navy Yard; to the Committee on Naval Affairs.

By Mr. CARTER of Massachusetts: Memorial of the General Court of Massachusetts, requesting Congress to equip the Charlestown Navy Yard for the building of battleships and cruisers; to the Committee on Naval Affairs.

By Mr. GALLIVAN: Memorial of the General Assembly of the State of Massachusetts, requesting Congress to provide for equipping the Charlestown Navy Yard for the building of battleships and cruisers; to the Committee on Naval Affairs.

By Mr. TREADWAY: Memorial of the General Assembly of the State of Massachusetts, requesting Congress to provide for equipping the Charlestown Navy Yard for the building of battleships and cruisers; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRUCKNER: A bill (H. R. 13170) granting a pension to William A. Buckley; to the Committee on Pensions.

Also, a bill (H. R. 13171) granting an increase of pension to Richard Gurney, jr.; to the Committee on Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 13172) granting a pension to Charles Gilford; to the Committee on Pensions.

By Mr. CHARLES: A bill (H. R. 13173) for the relief of Patrick J. Purcell; to the Committee on Claims.

By Mr. CHIPERFIELD: A bill (H. R. 13174) granting an increase of pension to Joseph P. Wells; to the Committee on Invalid Pensions.

By Mr. CONNELLY: A bill (H. R. 13175) granting an increase of pension to John C. Swaney; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 13176) for the relief of John McMunn; to the Committee on Military Affairs.

Also, a bill (H. R. 13177) for the relief of Hiram A. Bemis; to the Committee on Military Affairs.

By Mr. DAVIS of Minnesota: A bill (H. R. 13178) for the relief of J. P. J. Johnston; to the Committee on Claims.

Also, a bill (H. R. 13179) granting an increase of pension to Charles E. Rowlen; to the Committee on Invalid Pensions.

By Mr. FARLEY: A bill (H. R. 13180) granting an increase of pension to John M. Schmidt; to the Committee on Invalid Pensions.

By Mr. FREAR: A bill (H. R. 13181) granting an increase of pension to William T. Cummings; to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 13182) for the relief of certain employees of the Bureau of Lighthouses; to the Committee on Claims.

By Mr. HAWLEY: A bill (H. R. 13183) granting an increase of pension to Sarah C. Ryland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13184) granting an increase of pension to Elozan Clark; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 13185) granting an increase of pension to John Hickey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13186) granting an increase of pension to John D. Shick; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 13187) for the relief of David T. Howard; to the Committee on Claims.

Also, a bill (H. R. 13188) for the relief of Morgan Felton Slate; to the Committee on Claims.

By Mr. KAHN: A bill (H. R. 13189) granting a pension to Mrs. M. J. Glover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13190) for the relief of Mrs. A. B. Spreckels; to the Committee on Claims.

Also, a bill (H. R. 13191) for the relief of Joseph A. McCarthy; to the Committee on Claims.

Also, a bill (H. R. 13192) for the relief of R. A. Sarle; to the Committee on Claims.

Also, a bill (H. R. 13193) to authorize the appointment of John Charles Currier as a captain on the retired list of the United States Army; to the Committee on Military Affairs.

By Mr. KEARNS: A bill (H. R. 13194) granting a pension to Henry Juvenile; to the Committee on Pensions.

By Mr. KEATING: A bill (H. R. 13195) granting a pension to Franklin Hill; to the Committee on Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 13196) granting a pension to Emma J. Huff; to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 13197) granting an increase of pension to Lewis Low; to the Committee on Invalid Pensions.

By Mr. LOFT: A bill (H. R. 13198) granting an increase of pension to John M. Gartrell; to the Committee on Pensions.

Also, a bill (H. R. 13199) granting a pension to Howard I. Cornelius; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 13200) granting an increase of pension to William P. Damon; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 13201) granting a pension to Ida M. Loucks; to the Committee on Pensions.

By Mr. NICHOLS of Michigan: A bill (H. R. 13202) granting a pension to Lawrence P. Williams; to the Committee on Invalid Pensions.

By Mr. NORTON: A bill (H. R. 13203) granting an increase of pension to Alexander S. Nobles; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 13204) granting an increase of pension to Adam Crawshaw; to the Committee on Invalid Pensions.

By Mr. ROWE: A bill (H. R. 13205) to amend the military record of George W. Bryant; to the Committee on Military Affairs.

By Mr. RUCKER: A bill (H. R. 13206) granting an increase of pension to John C. Fletcher; to the Committee on Invalid Pensions.

By Mr. SCHALL: A bill (H. R. 13207) granting an increase of pension to Richard W. Walker; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 13208) granting an increase of pension to Enos R. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13209) granting a pension to Walter C. C. Jennings; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 13210) granting a pension to W. B. Reynolds; to the Committee on Pensions.

By Mr. STEPHENS of California: A bill (H. R. 13211) granting a pension to James F. Rush; to the Committee on Invalid Pensions.

By Mr. STEELE of Iowa: A bill (H. R. 13212) for the relief of Edward Taylor; to the Committee on Military Affairs.

By Mr. THOMAS: A bill (H. R. 13213) granting an increase of pension to Elijah W. Taylor; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 13214) granting an increase of pension to Charles A. Vining; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 13215) granting a pension to Clara S. Brooks; to the Committee on Invalid Pensions.

By Mr. WM. ELZA WILLIAMS: A bill (H. R. 13216) granting a pension to Samuel E. Lookingbill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13217) granting a pension to Maurice H. Pritchett; to the Committee on Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 13218) granting a pension to Robert J. Henderson; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Lodge No. 285 Independent Order of B'nai B'rith against Burnett bill; to the Committee on Immigration and Naturalization.

Also (by request), memorial of Consumers' League of Pennsylvania in re House bill 12207; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of Central Trades Union of Seattle, Wash., in re various bills; to the Committee on Immigration and Naturalization.

Also (by request), petition of Consumers' League of Ohio against House bill 12207; to the Committee on Interstate and Foreign Commerce.

By Mr. BAILEY: Memorial of united congregations of the Evangelical Churches of Williamsburg, Pa., in reference to constitutional amendment regarding polygamy and polygamous cohabitation; to the Committee on the Judiciary.

By Mr. BRUMBAUGH: Papers to accompany House bill 13058 for relief of Henry Humphries; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 13059 for relief of Charles Kuechler; to the Committee on Invalid Pensions.

By Mr. CANDLER of Mississippi: Petition of sundry business men of the State of Mississippi indorsing House bill 712, to place a tax on mail-order business; to the Committee on Ways and Means.

By Mr. CANNON: Petitions of sundry citizens of Illinois protesting against Senate bill 645; to the Committee on the District of Columbia.

By Mr. CHARLES: Petition of residents of Schenectady, N. Y., for the printing of 200,000 reports of the Industrial Commission and 10,000 copies of the testimony taken by that commission; to the Committee on Printing.

By Mr. COLEMAN: Two petitions of 50 citizens of Wilkinsburg, Pa., for national prohibition; to the Committee on the Judiciary.

Also, petition of 214 people of Wilkinsburg; Methodist Episcopal Church of 1,500 people of Wilkinsburg; Men's Bible Class of Wilkinsburg, and 200 Methodist Church people of Wilkinsburg, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. COOPER of Wisconsin: Petition of Clyde S. Johnson and other residents of Beloit, Wis., indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. CURRY: Resolution by the Sacramento Valley District Dental Society, of Sacramento, Cal., indorsing the suggestion of the National Dental Association that the status of the Dental Corps of the United States Army be so modified as to increase the efficiency of the dental service to the Government and bring to an end the discrimination against the profession of dentistry in the public service; to the Committee on Military Affairs.

Also (by request), petition of Rev. F. I. Drexler, for Comell Baptist Church, of Vallejo, Cal., for national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of the Bronx Board of Trade, of New York, in re river and harbor bill; to the Committee on Rivers and Harbors.

By Mr. DAVIS of Minnesota: Petition of employees of the Austin (Minn.) station favoring the passage of House bill 5792; to the Committee on Agriculture.

Also, petition of the Stillwater Grocers and Butchers' Association, Stillwater, Minn., that a reduction should be made in the present charge of handling letter mail from 2 to 1 cent rate; to the Committee on the Post Office and Post Roads.

Also, petition of the advisory commission of the Minnesota State Sanatorium for Consumptives, St. Paul, Minn., favoring the adoption of House resolution 137; to the Committee on Rules.

Also, petition of Minnesota Forestry Board, Minnesota Forestry Service, and other organizations, urging the Federal quarantine on shipments of five-leaf pines and ribes from those States known to be affected by the white pine blister rust; to the Committee on Agriculture.

By Mr. ELLSWORTH: Petition of Methodist Episcopal Church, of Windom, Minn., signed by B. C. Gillis, favoring a prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of Methodist Episcopal Church, of Sherburn, Minn., signed by George H. Chant, favoring the adoption of a prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of Baptist Church, of Delavan, Minn., favoring the adoption of a prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of 26 citizens of Worthington and Bigelow, Minn., favoring the adoption of a prohibition amendment to the Constitution; to the Committee on the Judiciary.

By Mr. ESCH: Petition of E. R. Frank and 18 other residents of Mindoro, Wis., protesting against House bills 491 and 6468, authorizing the Postmaster General to exclude certain publications from the mails; to the Committee on the Post Office and Post Roads.

Also, petition of Irving Gullickson and 17 other residents of Mindoro, Wis., urging passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of La Crosse Manufacturers and Jobbers' Club of La Crosse, Wis., opposing House bill 9409; to the Committee on Agriculture.

Also, petition of citizens of Merrimack, Wis., favoring national prohibition; to the Committee on the Judiciary.

By Mr. FULLER: Petition of John V. Schaefer, of Chicago, for the Gard bill (H. R. 10845) to establish a reserve officers' training corps; to the Committee on Military Affairs.

Also, petition of Republican club of third ward of Chicago favoring a consitutional amendment for woman suffrage; to the Committee on the Judiciary.

Also, petition of retail dealers of Morris, Ill., favoring a tax on mail-order houses; to the Committee on Ways and Means.

Also, petition of J. W. Humphrey, of Sycamore, Ill., favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. GARNER: Petitions of Baptist citizens of Sabine and 24 citizens of Gregory, Tex., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of sundry citizens of Texas in reference to certain features in the cotton-future act; to the committee on Agriculture.

By Mr. GREENE of Vermont: Petition by Grace W. Sherwood and others of the first congressional district of Vermont urging the immediate passage of the joint resolution extending the right of suffrage to women; to the Committee on the Judiciary.

By Mr. HADLEY: Petition of citizens of Everett, Wash., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Washington State Grange in re legislation; to the Committee on Agriculture.

By Mr. HAMILTON of New York: Petition of Woman's Christian Temperance Union, 75 people of Salamanca, and citizens of Jamestown, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HAWLEY: Petitions of sundry citizens in reference to our foreign relations; to the Committee on Foreign Affairs.

Also, petition of sundry citizens in reference to national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Oregon for prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of Congregational Church of Hubbard; Sunday School people of Lluyn; Woman's Christian Temperance Union of 70 people, of Newberg; U. I. School and 50 people, of Mehama, all in the State of Oregon, for national prohibition; to the Committee on the Judiciary.

By Mr. HAYES: Petition of Baptist Church of San Jose, Cal., representing 40 people, favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of 44 members of Branch 193, N. A. L. C., San Jose, Cal., in favor of House bill 6915; to the Committee on the Post Office and Post Roads.

Also, petition of Greenfield Grange, Greenfield, Cal., protesting against preparedness and favoring Government ownership of munitions factories; to the Committee on Military Affairs.

Also, petition of Grace English Lutheran Church, of Santa Barbara, Cal., for the passage of House joint resolutions Nos. 84 and 85; to the Committee on the Judiciary.

Also, petition of Rachel Fox Woman's Christian Temperance Union, of San Jose, Cal., representing 33 people, favoring a national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of 16 citizens of Los Gatos, Cal., in favor of a national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of Pennsylvania Methodist Church, of Santa Cruz, Cal., representing 42 people, in favor of a national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of Ronice Woman's Christian Temperance Union, of Soledad, Cal., for Federal censorship of motion pictures; to the Committee on Education.

By Mr. HILL: Petition of H. J. Chaffee and others, of Bridgeport, Conn., in favor of Federal censorship of films; to the Committee on Education.

Also, petition of several citizens of Stratford, Conn., for national prohibition; to the Committee on the Judiciary.

By Mr. HILLIARD: Petition of W. H. Schureman, of Colorado, against increased military or naval appropriations; to the Committee on Appropriations.

By Mr. HOLLINGSWORTH: Memorial of J. Howard Edgerton and 50 other citizens of Columbiana County, Ohio, against compulsory military training of boys; to the Committee on Military Affairs.

By Mr. HOUSTON: Petition of citizens of Lincoln County, for a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Petition of sundry citizens of New Castle, Wash., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Ravenna Union, 23 people, of Seattle; First Baptist Church of Bremerton; and 145 people of the State of Washington, favoring nation-wide prohibition; to the Committee on the Judiciary.

By Mr. KAHN: Papers to accompany the bill for the relief of Joseph A. McCarthy; to the Committee on Pensions.

Also, petition of residents of San Francisco, Cal., indorsing the bill (H. R. 10388) in re retirement of employees in the classified civil service; to the Committee on Reform in the Civil Service.

By Mr. KETTNER: Petitions favoring national park service and appropriation for Yosemite National Park from Colton Chamber of Commerce, W. H. Chase, secretary, Colton; and W. Templeton Johnson, San Diego, both of the State of California; to the Committee on the Public Lands.

Also, petitions favoring House joint resolution 78—loan of tents to Nashville for use at Knights of Pythias convention, from Armory of Company 26, B. T. Beale, major, Anaheim; and Chevalier Company, No. 6, Uniform Rank Knights of Pythias, E. H. Grainger, captain, San Diego, both of the State of California; to the Committee on Military Affairs.

Also, petitions favoring Burnett immigration bill from International Brotherhood of Teamsters, Joseph C. Finch, local treasurer, Union No. 195, San Diego; Local Union No. 688, Brotherhood of Carpenters and Joiners, Santa Ana, R. M. Johnson, secretary; and Federated Trades and Labor Council, D. F. Curly, secretary, San Diego, all of the State of California; to the Committee on Immigration and Naturalization.

Also, petition asking investigation of proposed eight-hour law for railroad men to determine if unjust burden is being proposed for the people from Mojave River & Valleys Improvement Association, Barstow, Cal.; to the Committee on the Judiciary.

Also, petition favoring House bill 8828, providing for recognition of civilian employees in construction of Panama Canal, from Arthur Sessions, Chino, Cal.; to the Committee on Appropriations.

Also, petition against excessive preparedness signed by 10 citizens of Anaheim; Mrs. F. A. Perkins, Corona; and S. M. Davis, Santa Ana, all of the State of California; to the Committee on Military Affairs.

Also, petition favoring national marketing commission from Chula Vista Improvement Club, Clarence E. Austin, secretary; to the Committee on Interstate and Foreign Commerce.

Also, resolution of Board of Supervisors of San Diego County, Cal., indorsing aims and purposes of Oil Industry Association of California, and asking aid of Congress; to the Committee on the Public Lands.

Also, resolution of San Diego Council, Knights of Columbus, asking that October 12 be named a legal holiday known as Columbus Day; to the Committee on the District of Columbia.

Also, petition asking increased efficiency in Army Dental Corps, from Southern California Dental Association, by Leland D. Jones, San Diego, Cal.; to the Committee on Military Affairs.

Also, petition protesting against theater tax from C. E. Allen, secretary Orange Belt Musicians Protective Association, American Federation of Musicians, Upland, Cal.; to the Committee on Ways and Means.

By Mr. KIESS of Pennsylvania: Papers to accompany House bill 11507, for relief of George D. Helwig; to the Committee on Invalid Pensions.

Also, petitions of Aurora Grange, No. 874, of Tioga; Bible Class of Lutheran Church of Arnot; Methodist Brotherhood of Mansfield; citizens of Mandsfield; Tioga County Center Grange, No. 929, and Methodist Episcopal Church of Mansfield; Pomona Grange, No. 30, of Wellsboro; and sundry citizens of Tioga County, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KING: Petition of Gilson (Ill.) Sunday School, signed by W. R. Guyer, representing 100 people, favoring the adoption of a prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of First Christian Church of Galesburg, Ill., signed by W. D. Godfrey, representing 500 people, favoring the adoption of a prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of Emanuel Church, of Galesburg, Ill., signed by Rev. Theodore N. Peterson, and representing 500 people, favoring the adoption of a prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of Swedish Mission Church of Galesburg, Ill., signed by August Carlston, and representing 200 people, favoring the adoption of a prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of the Presbyterian Church of Galesburg, Ill., signed by Rev. S. M. Campbell, and representing 400 people, favoring the adoption of a prohibition amendment to the Constitution; to the Committee on the Judiciary.

By Mr. LEWIS: Petition of Church Hill, Md., opposing the passage of House bills 491 and 6468; to the Committee on the District of Columbia.

Also, petition of several citizens of Cumberland, Md., opposing the passage of House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. LLOYD: Petition of merchants of the first congressional district of Missouri, in favor of the Roberts-Brown bills, proposing a tax on mail-order houses; to the Committee on Ways and Means.

By Mr. LOBECK: Memorial of Commercial Club of Omaha, indorsing movement for adequate Government control of floods; to the Committee on Flood Control.

By Mr. LONDON: Petition of East Side Labor Lyceum, Buffalo, N. Y., indorsing the position of the Hydroelectric Association in opposition to any further water-power permits on the Niagara River and at Niagara Falls, except to the State of New York or the Federal Government in cooperation with municipalities; to the Committee on Interstate and Foreign Commerce.

Also, petition from Providence Branch, National Workmen's Committee on Jewish Rights, Providence, R. I., indorsing House Joint resolution 38, calling upon the President to convene a congress of neutral nations to offer mediation to the belligerents; to the Committee on Foreign Affairs.

By Mr. McKENZIE: Petition of member of King's Daughters, Freeport, Ill., for national prohibition; to the Committee on the Judiciary.

By Mr. McLEMORE: Petition of citizens of Dallas, Tex., protesting against a nation-wide prohibition amendment; to the Committee on the Judiciary.

By Mr. MAGEE (by request): Petition of Mamie L. Atzel and others, of Syracuse, N. Y., in re appropriation of Government money for sectarian purposes; to the Committee on Indian Affairs.

By Mr. MATTHEWS: Papers in support of House bill 13026, a bill for an increase of pension to David E. Lessing; to the Committee on Invalid Pensions.

By Mr. MEEKER: Petitions of Junior Order United American Mechanics, St. Louis, Council No. 7, and Iron, Steel, and Tin Workers, St. Louis, Lodge No. 4, both of Missouri, praying for the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. MILLER of Pennsylvania: Petitions of Berean Bible Class of 30 people of the Methodist Episcopal Church of Johnsonbury; Woman's Christian Temperance Union of 66 people of Johnsonbury; 143 people of Kennard; 70 people of Leeches Corners; 26 citizens of Sharpsville; United Presbyterion Church of Sheakleyville; citizens of Fox and Hunter Townships, Elk County; 54 citizens of First Methodist Episcopal Church of Sharon; and 40 citizens of Greenville, all in the State of Pennsylvania, for national prohibition; to the Committee on the Judiciary.

Also, petitions of 58 nonvoting citizens of Greenville; Presbyterian Sunday School of 110 people, of Clarington; Methodist Episcopal Sunday School of 75 people, of Shippens; Woman's Christian Temperance Union of 50 people, of Clarington; Methodist Episcopal Sunday School of 50 people, of Shippens; Woman's Christian Temperance Union of 50 people, of Clarington; 50 people of Clarington; 175 people of Morrisville; 75 people of Marienville; 200 people of Marienville; 38 people of Sugar Grove; 18 people of Warren; and 27 people of Sugar Grove, all in the State of Pennsylvania, for national prohibition; to the Committee on the Judiciary.

Also, petition of Branch No. 36, Glass Blowers' Association, of Marienville, Pa., indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Men's Christian Organization of Grove City, Pa., twenty-eighth Pennsylvania district, for an amendment to the United States Constitution to prevent polygamy; to the Committee on the Judiciary.

Also, Petition of Meadville (Pa.) Chamber of Commerce, for a tariff on dyestuffs; to the Committee on Ways and Means.

Also, petition of members of the First Presbyterian Church of Oil City, Pa., for an amendment to the Constitution of the United States to prevent polygamy; to the Committee on the Judiciary.

Also, petition of Presbyterian Church of Pleasantville, Pa., and 100 women of Franklin, Pa., for national prohibition; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Protests of Samuel Sherson, R. M. Hammond, Dr. Mores Stearn, and others of Philadelphia, Pa., against increased military or naval appropriations; to the Committee on Appropriations.

By Mr. MORIN: Petition of William Price, of Pittsburgh, Pa., and Philadelphia Board of Trade, in favor of House bill 11533; to the Committee on the Judiciary.

Also, petition of State Council of Pennsylvania, Order of Independent Americans, in favor of House bill 10384; to the Committee on Immigration and Naturalization.

Also, petition of Dr. Samuel B. McCormick, chancellor of the University of Pittsburgh, Pittsburgh, Pa., in favor of bill to aid American Academy of Arts and Science; to the Committee on the Library.

Also, petition of Samuel Danzinger, of Pittsburgh, Pa., in favor of House bill 6871 and Senate bill 901; to the Committee on Banking and Currency.

By Mr. MOORES of Indiana: Petitions of the Elizabeth Stanley Woman's Christian Temperance Union; Adult Bible Class of Wheeler Reserve Mission, 40 people; and the Baptist Young People's Society, 115 people, all of Indianapolis, Ind., favoring national prohibition; to the Committee on the Judiciary.

By Mr. NEELY: Petition of citizens of McWhorter, W. Va., urging the enactment into law of House joint resolutions 84 and 85; to the Committee on the Judiciary.

Also, petition of citizens of Wheeling, W. Va., protesting against the passage of House bills 64, 68, and 491; to the Committee on the Post Office and Post Roads.

Also, petition of 30 citizens of Preston County, W. Va., asking that law be enacted providing for prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. NELSON: Petition of sundry citizens of the third congressional district of Wisconsin, in favor of an embargo on munitions; to the Committee on Foreign Affairs.

Also, petitions of sundry citizens of Lancaster, sundry citizens of the village of Mount Hope, Methodist Church of Belmont, and citizens of Marshall, all in the State of Wisconsin, in favor of national constitutional prohibition amendment; to the Committee on the Judiciary.

Also, petition of sundry citizens of the third congressional district of Wisconsin, against the passage of Senate bill 901 and House bills 26, 677, 6823, and 6871; to the Committee on Interstate and Foreign Commerce.

Also, petition of 150 people of Boscobel; 100 people of Platterville; 75 people of Platterville; 75 people of Platterville; 40 people of Platterville; 50 people of Platterville; 14 people of Platterville; 150 people of Madison; 130 people of Stoughton; 140 people of Madison; 400 people of Stoughton; 486 people of Madison; 1,150 people of Madison; 35 people of Madison; First Congregational Church, of Mineral Point; 110 people of Boscobel; 75 people of Boscobel; Woman's Christian Temperance Union, 26 people, of Mount Hope, all in the State of Wisconsin, for national prohibition; to the Committee on the Judiciary.

By Mr. OAKEY (by request): Memorial of Independent Workmen's Circle of America, Branch 36, of Hartford; Bottle Sorters and Washers' Union of Hartford; Lodge 267, O. B. H.; Hartford Progressive Lodge; Hartford Socialist Party, Branch 2; Workmen's Circle, No. 15, Hartford, all in the State of Connecticut, protesting against the passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. OLNEY: Petition of Bethany Congregational Church, of Foxboro; Mattapan Baptist Church, of Mattapan; First Congregational Church of Whitman; Young People's Society of Christian Endeavor of the First Baptist Church of Abington, all in the State of Massachusetts, favoring national prohibition; to the Committee on the Judiciary.

By Mr. OVERMYER: Petitions of Huron County Woman's Christian Temperance Union; of the Universalist Sunday School of Norwalk; and of the Congregational Sunday School of Norwalk, all in the State of Ohio, for prohibition in the island of Porto Rico; to the Committee on the Territories.

By Mr. PRATT: Petition of F. P. Noonan, C. A. Davis, W. G. Noris, W. A. Sniffin, and B. D. Booth, all of Ithaca, N. Y., favoring the passage of the Sisson resolution providing for an amendment to our National Constitution prohibiting all appropriation of Government money for sectarian purposes; to the Committee on the Judiciary.

By Mr. RAINEY: Petition of Mason Foster and other citizens of the twentieth congressional district of Illinois, against the Fitzgerald bill; to the Committee on the Post Office and Post Roads.

By Mr. RANDALL: Petition of Spanish and Portuguese District Methodist Episcopal Church, of Los Angeles, Cal., for national prohibition; to the Committee on the Judiciary.

By Mr. ROBERTS of Massachusetts: Petition of Framat Lodge, International Order of Good Templars, of Malden, Mass., representing a membership of 60 persons, favoring the adoption of a prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, petition of Highland Congregational Church, of Somerville, Mass., favoring the adoption of a prohibition amendment to the Constitution; to the Committee on the Judiciary.

By Mr. ROWE: Petition of John H. Barker, 466 East Seventh Street, Brooklyn, N. Y., favoring Senate bill 3946 and House bill 10845, providing for the the extension of military training in civil educational institutions; to the Committee on Military Affairs.

Also, petition of George W. Paty, secretary of the Anti-Saloon League of Hawaii, favoring prohibition in Hawaii; to the Committee on the Judiciary.

Also, petition of David Stark, 1263 Fulton Street, Brooklyn, N. Y., protesting against the raise of rates on gasoline and naphtha by the Standard Oil Co.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Chamber of Commerce of the State of New York, favoring a nonpartisan tariff commission; to the Committee on Ways and Means.

By Mr. ROWLAND: Petition of 35 people of Clearfield, Methodist Brotherhood of 160 people of Clearfield, English Lutheran Church of 494 people of Clearfield, Woman's Christian Temperance Union of 139 people of Curwensville, Mothers' Meeting of 48 people of Curwensville, Presbyterian Church of 450 people of Bellefonte, Woman's Home Missionary Society of

Clearfield, 25 Lutheran people of Clearfield, and First Baptist Church of Clearfield, all in the State of Pennsylvania, for national prohibition; to the Committee on the Judiciary.

Also, petition of Fifth Reformed Church of 351 people of State College, First Baptist Church of 170 people of Clearfield, 30 citizens of Beccaria, Jamesville Sunday School people of Smithmill, Woman's Christian Temperance Union of Smithmill, 30 citizens of Beccaria, 60 Sunday schools of Center County, Union Mission of 65 church people of Coleville, Methodist Episcopal Foreign Mission Society of Clearfield, Woman's Christian Temperance Union of Mill Run, Sunday School people of Mill Run, and Baptist Ladies' Aid of Port Allegany, all in the State of Pennsylvania, for national prohibition; to the Committee on the Judiciary.

By Mr. SANFORD: Papers to accompany House bill 12041, for relief of Lewis W. Wade; to the Committee on Military Affairs.

By Mr. SCHALL: Petition of 8 North Side Commercial Clubs of Minneapolis, Minn., in re flood control; to the Committee on Flood Control.

By Mr. SCULLY: Petition of Methodist Episcopal Church of 165 people of South River, Epworth League of 50 young people of South River, and Woman's Christian Temperance Union of 15 people of Holmdel, N. J., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Englishtown, N. J., indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. SELLS: Petition of Burnside Post, No. 8, Department of Tennessee, Grand Army of the Republic, opposing Senator Works's bill; to the Committee on Military Affairs.

By Mr. SHOUSE: Petition for investigation of the sisal fiber situation; to the Committee on Interstate and Foreign Commerce.

By Mr. SLAYDEN: Petition of citizens of Texas, against any abridgment of free speech and free press; to the Committee on the Post Office and Post Roads.

Also, memorial of Board of Commissioners of the Bicentennial and Pan American Exposition of San Antonio; to the Committee on Industrial Arts and Expositions.

By Mr. SLOAN: Petition of the Nebraska Live Stock Feeders' Association, favoring the curtailment of production to regulate the prices of live stock; to the Committee on Agriculture.

Also, petition of Fred Koch and other residents of Deshler, Nebr., protesting against House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, petitions of F. A. Carmony and 39 other residents of Diller, Nebr., relative to prohibition in the District of Columbia; to the Committee on the Judiciary.

By Mr. SMITH of Texas: Petition of sundry business men of the State of Texas, indorsing House bill 712, taxing persons, firms, or corporations doing a mail-order business; to the Committee on Ways and Means.

Also, petition of members of Christian Church of Alpine; Sunday School of Presbyterian Church of Alpine; Sunday School of the First Christian Church of Alpine, and 103 citizens of Alpine, Tex., for national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Texas, protesting against national prohibition constitutional amendment; to the Committee on the Judiciary.

By Mr. SNELL: Petition of C. L. Day, W. H. Day, H. H. La Fountain, T. V. Speer, A. J. Campbell, Ed. Patnode, Leo Patnode, William Vassan, Herbert P. Newell, William Vassar, jr., J. A. Hanes, H. H. Van Dyke, B. J. Barrett, W. H. Hough, L. D. Le Clair, Joseph S. La Lour, T. D. Peete, Clark Hawkins, D. Davis, James Buckley, James McCaffery, G. R. T. Armstrong, jr., J. D. Waterbury, W. H. Brown, John Nixon, Philip Fed, George L. Lyeth, F. G. Baker, R. Haskins, J. H. Murphy, M. R. Sessions, W. L. Burgess, Fred E. Jarvis, L. J. Houghton, Charles Carter, Harry Bedell, G. H. Greene, Arthur R. Cox, C. E. Knowles, J. T. Rockefeller, O. G. Hollenbeck, D. A. Buckley, D. Dillon, and others, of Lake Clear Junction, N. Y., urging the passage of the Britten bill; to the Committee on Ways and Means.

By Mr. STEDMAN: Petition of church of Raybon, N. C., and Methodist Protestant Church of High Point, for national prohibition; to the Committee on the Judiciary.

Also, petition of citizens of Greedmore, N. C., for national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Memorial of marketing committee of the Farmers' Union of Texas, relative to marketing of cotton; to the Committee on Agriculture.

By Mr. TEMPLE: Petition of citizens of Monongahela Men's Bible Class of Grace Lutheran Church, Monongahela, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. THOMAS: Protest of sundry citizens of Gordonsville, Ky., against preparedness; to the Committee on Military Affairs.

By Mr. WM. ELZA WILLIAMS: Protest against preparedness program by various citizens of Vienna, Ill.; to the Committee on Military Affairs.

Also, petition of citizens of Mendota, Ill., for national prohibition; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota: Petition of Mike Schevnher, of Manfred, N. Dak., and 62 others, protesting against the passage of House bills 6468 and 491, to amend the postal laws; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *March 15, 1916.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to this sacred moment of our day's work when in thought and aspiration we touch the boundaries of the great unseen and the eternal world and lift our hearts to the Father of our spirits. We remember in this moment one who has been called from the scenes of his earthly career into the great beyond, reverenced and respected by all who knew him, while those who came within the charmed circle of his personal influence held him in affection and friendship.

We bless Thee to-day for the high ideals that have been maintained in this honorable body through all its history, and by every man who closing his record here has left behind him the achievement of these ideals in his personal life and character.

Grant, we pray, to send to us to-day the influence and ministry that should come to us in an hour like this, remembering that we are passing along the same journey, serving the same great country, aspiring to the same high ideals. And we pray that Thou wilt lay Thy hand upon the heart and mind of every one of his colleagues remaining here in active service, inspiring them to the reconsecration of their lives to the interests of their country and to the honor and glory of the name of the God of our fathers.

Hear us in this our prayer. Chasten us with Thy holy spirit of truth. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

FUNERAL OF SENATOR SHIVELY.

The VICE PRESIDENT. The Chair feels constrained to announce that last evening the Chair endeavored to secure a definite statement that the Senators named would attend the funeral of Senator SHIVELY. Owing to the suddenness of the death and the engagements of Senators, it was difficult to procure the promise of Senators who were old-time friends of Senator SHIVELY, and the Chair, without succeeding in getting definite promises, appointed the committee.

The Chair understands that the train will leave at 6.15 to-morrow night, and that the funeral will not take place until 2 o'clock Saturday afternoon in the city of South Bend. If, therefore, any of the Senators named by reason of any cause can not attend, the Chair would like to be notified as soon as possible in order that the committee may be filled up.

So long has been the personal friendship of the deceased Senator and the Vice President that the Chair will feel it his duty, as but a decent mark of courtesy for many years of personal friendship, that he should attend the funeral.

The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 12207. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, and for other purposes; and

H. J. Res. 180. Joint resolution providing for an increase of the enlisted men of the Army in an emergency.

The message also transmitted to the Senate resolutions of the House on the death of Hon. BENJAMIN F. SHIVELY, late a Senator from the State of Indiana.

HOUSE BILL AND JOINT RESOLUTION REFERRED.

H. R. 12207. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal

year ending June 30, 1917, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

H. J. Res. 180. Joint resolution providing for an increase of the enlisted men of the Army in an emergency was read twice by its title and referred to the Committee on Military Affairs.

INCREASE OF ENLISTED MEN OF THE ARMY.

Mr. CHAMBERLAIN. Joint resolution 180 has come over from the House and has been by the Chair referred to the Committee on Military Affairs. Permit me to say that the Committee on Military Affairs has considered it and has requested that I report back the joint resolution favorably. Therefore I report it back and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Secretary will read the joint resolution by title.

The SECRETARY. The Senator from Oregon, on behalf of the Committee on Military Affairs, reports favorably without amendment the joint resolution (H. J. Res. 180) providing for an increase of the enlisted men of the Army in an emergency.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. SMITH of Georgia. Before its consideration——

Mr. VARDAMAN. I will ask that the joint resolution be read.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The Secretary read the joint resolution, as follows:

Resolved, etc., That when, in the judgment of the President, an emergency arises which makes it necessary, all organizations of the Army which are now below the maximum enlisted strength authorized by law shall be raised forthwith to that strength, and shall be maintained as nearly as possible thereat so long as the emergency shall continue: *Provided*, That the total enlisted strength of any of said arms of the service shall not include unassigned recruits therefor at depots or elsewhere, but such recruits shall at no time exceed by more than 5 per cent the total enlisted strength prescribed for such arms; and the enlisted men now or hereafter authorized by law for other branches of the military service shall be provided and maintained without any impairment of the enlisted strength prescribed for any of said arms.

The VICE PRESIDENT. The Senator from Oregon asks unanimous consent for the present consideration of the joint resolution. Is there objection?

Mr. GRONNA. Mr. President, I do not know that I have any objection to the joint resolution, but I want to look into it, and I ask that it go over to-day.

Mr. CHAMBERLAIN. I did not understand what the Senator from North Dakota said.

The VICE PRESIDENT. There seems to be an objection on the part of the Senator from North Dakota.

Mr. SMITH of Georgia. Then, if it is not going to be considered this morning, I desire to present an amendment to the joint resolution, which I send to the Clerk's desk.

Mr. CHAMBERLAIN. I desire to say to the Senator from North Dakota that I hope he will not object to the immediate consideration of the joint resolution. It is quite urgent, and I think we could give him the information he wants in reference to it. The Committee on Military Affairs has given the joint resolution its careful consideration.

Mr. GALLINGER. And the committee were unanimous.

Mr. CHAMBERLAIN. The committee were unanimous. I will say to the Senator from North Dakota that we had before us an engrossed copy of the joint resolution before it reached the Senate, and we considered it in the session this morning.

Mr. GALLINGER. I will venture an individual suggestion, that I trust the Senator from North Dakota will withdraw his objection and let the joint resolution be passed.

Mr. WARREN. I also hope the Senator may see his way to withdrawing his objection.

Mr. GRONNA. I ask the chairman of the committee what will be the increase in the Army providing the joint resolution is passed?

Mr. CHAMBERLAIN. How much will be the increase?

Mr. GRONNA. Yes.

Mr. CHAMBERLAIN. About 20,000 men.

Mr. GRONNA. I heard the joint resolution read. I meant the percentage of increase.

Mr. CHAMBERLAIN. The strength of the Army is a little more than 100,000, and this is to raise it to from 120,000 to 125,000 men. I will state to the Senator that the necessity arises along the border where the enlistments are expiring, and they have skeleton regiments and skeleton companies which they desire to fill up to the full strength.

Mr. GRONNA. I will state that I do not know that I have any objection to the provisions of the joint resolution, but I felt that I wanted some information. The information that the chairman of the committee has given me is sufficient, and I will withdraw my objection.

The VICE PRESIDENT. The joint resolution is before the Senate as in Committee of the Whole, and the Senator from Georgia [Mr. SMITH] offers an amendment, which will be stated.

The SECRETARY. It is proposed to add at the end of the joint resolution the following proviso:

Provided further, That the enlistments under this resolution shall be for only two years in the service with the organization of which those enlisting shall form a part, the balance of said enlistment to be on furlough and attached to the Army reserve, as provided in the act approved August 24, 1912.

Mr. SMITH of Georgia. Mr. President, I shall not press this amendment if it will cause delay or in any way embarrass prompt action upon the joint resolution. The present law provides for enlistment with the colors for four years. I believe the enlistments would be made much more quickly if the length of time were put at two years. I am very earnestly against a long-time enlistment with the colors.

Mr. DU PONT. Mr. President——

Mr. SMITH of Georgia. I yield to the Senator from Delaware.

Mr. DU PONT. I should like to say to the Senator from Georgia that the provisions in regard to the period of enlistment is, I think, fully and satisfactorily embodied in the new bill which is about to be presented to the Senate for the reorganization of the Army. The bill deals with that subject, and I think its provisions will be acceptable to the Senator. I therefore suggest that he withdraw his amendment and allow the matter to come up in due course, which will be in a very few days.

Mr. SMITH of Georgia. The enlistment will really come under the new law proposed rather than under the old law?

Mr. DU PONT. Yes.

Mr. SMITH of Georgia. Mr. President, I shall not press the amendment now, because I am perfectly in sympathy with the immediate passage of the joint resolution; but I shall a little later on undertake to urge upon the Senate the view, and a very strong view, that I have against long-time enlistments. The real question is whether we are enlisting men to be permanent soldiers or whether they are to be temporary soldiers and while in the service be prepared to return to civil life.

I am against long-time enlistments. I am against enlistments that may contemplate making men permanent soldiers. I think we ought to take up under the general bill the question of preparing private soldiers while they are in the service for civil life on their return to civil life, and short-time enlistments are essential for such a course. In connection with their service as private soldiers a part of their time should be given to preparation for civil life. This view I shall endeavor to press upon the Senate a little later on.

Mr. VARDAMAN. Mr. President, there is a great deal of merit in the amendment proposed by the senior Senator from Georgia. I think it would be better if the enlistment to meet this emergency should be limited to one year. There is not a patriotic citizen of military age in this Republic who would not promptly offer his services to defend the flag and uphold the rights of his Government in a conflict with any nation on earth. But the average self-respecting, independent, liberty-loving young man will not join the Regular Army and subject himself to the servitude which that service imposes. Now, personally I am opposed to the enlargement of the permanent or standing Army at all. But I am very much in favor of this joint resolution. I have no idea that the services of the 20,000 additional soldiers will be needed to meet the exigencies of the situation on the Mexican border; but the President and the Secretary of War, out of an abundance of caution, probably, have asked for that number of men, and I shall cheerfully vote for the resolution. And I sincerely hope it may be promptly passed, for the reason that I think it will have a very excellent moral effect. But for the fact that the adoption of the amendment proposed by the senior Senator from Georgia would necessitate returning the joint resolution to the House of Representatives, I should insist upon the consideration of it. But celerity and dispatch are important elements just now, and I hope that nothing will be done to delay the preparation being made for the campaign our Army is to begin on the border of Texas. Let the resolution go through at once, and whatever defects there may be in the system I trust we may be able to correct them at some future time.

Mr. NEWLANDS. Mr. President, as a detached portion of the national defense has come up for consideration——

Mr. HUGHES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from New Jersey will state his inquiry.

Mr. HUGHES. Is the joint resolution before the Senate or is there an objection pending? What is its status?

The VICE PRESIDENT. There is no objection pending to the present consideration of the joint resolution, and it is before the Senate by unanimous consent.

Mr. NEWLANDS. Mr. President, I was about to state that as a detached portion of the national defense has come up for consideration this morning I should like to say a few words regarding the broad treatment of this whole subject. By way of preliminary I will ask that the Secretary read an editorial from the Washington Post of Wednesday, March 15, 1916, entitled "Will Congress Push Defense Bills?"

The VICE PRESIDENT. The Secretary will read as requested in the absence of objection.

The Secretary read as follows:

WILL CONGRESS PUSH DEFENSE BILLS?

[From the Washington Post, Wednesday, Mar. 15, 1916.]

The confusion and delay in Congress on measures of national security are disquieting to the public. While some of the Congress committees have been working steadily on defense programs, others have palpably wasted time, and there has been no evidence whatever of cooperation in Congress looking to the enactment of comprehensive and coordinated legislation. The committees are working independently and in some cases at cross purposes. Their work will have to be done over again by Congress as a whole, unless financial considerations are to be cast to the winds. On the fundamental question of reconstructing the Army there is such wide difference that a long struggle between the two Houses seems to be inevitable.

The commendable efforts of committee chairmen to bring out early reports on defense measures should be seconded by generous cooperation among Senators and Members generally. They can afford to set aside pet measures for the sake of expediting the all-important work of making the country's defenses adequate. After three and a half months of committee work, Congress surely ought to be ready to consider defense bills. It must be ready soon if it is to deliberate wisely upon these measures before next autumn.

Emergency defense bills are making their appearance, as was to be expected. Some of them may have merit, but they are stop-gaps at best, and have little bearing upon the national defense problem as a whole. Patchwork legislation intended to make the present defense equipment workable is likely to do as much harm as good, by diverting legislators from really creative work. It is doubted in some quarters that Congress, in fact, will be able to devise and fill out a comprehensive and coherent system of national defense within a year or two. It is suggested that while urgent defense bills are being considered at this session, a joint committee of Congress be appointed to go deeply into the whole subject in all its bearings—military, naval, financial—and bring out a well-digested plan for defense that may be considered by Congress at its next session.

Unless immediate steps are taken by the committees and by Congress as a whole, this plan will win many advocates, for the reason that Congress will have proved itself unable, through its system of unrelated committees, to bring forth a comprehensive plan on this complex subject within a reasonable time.

Mr. NEWLANDS. Mr. President, about a month ago I offered in the Senate joint resolution No. 91 providing for a joint subcommittee from the membership of the Committees on Military Affairs and Naval Affairs of the Senate and House of Representatives to investigate the conditions relating to the national defense and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee. Immediately after offering it, I appeared before the Committee on Military Affairs and urged the adoption of the resolution. The resolution appeared in full in the RECORD of day before yesterday, and I will not now read it, but it requires a report from this joint subcommittee upon all the material aspects of the national defense.

I wish to preface my remarks by saying that it is with some hesitation—with great hesitation, I may say—that I venture at all to say anything upon the subject of military and naval affairs, for I do not profess to be familiar with them. I have never served on committees relating to the subject, and profess to have no special information regarding it; but it has seemed to me that, owing to extraordinary conditions both in Europe and on this continent, it is of the highest importance that we should consider the national defense as a whole, and not simply consider detached portions; that not only Congress but the people themselves require knowledge upon the general proportions and cost of the entire scheme of national defense, and that to take up detached portions of the national defense, instead of taking hold of the subject broadly, is a mistake both from the standpoint of Congress and of the public at large.

Mr. President, I realize how painstaking the work of the Committee on Military Affairs of the Senate has been, and I realize how strenuously the chairman of the Committee on Military Affairs has applied himself to this subject. I have no doubt that the Committee on Naval Affairs has applied itself to the special matter under its jurisdiction with equal assiduity, and I have no comment or criticism to make regarding the thoroughness of their work or the speed with which it is being accomplished; but it does seem to me that both Congress and the country require the presentation of some coordinated scheme of national defense that will embrace every detail, and that the best way of approaching this matter would be to have the whole subject considered now by a subcommittee composed of three from each one of the five committees having jurisdiction over detached portions of our military and naval defense—the Military and Naval Committees of the Senate, the Military and Naval Committees of the House of Representatives, and the Subcommittee on Fortifications in the other House.

The attention of Congress and the country would then be focused upon one recommendation, or, at the most, two, a minority and a majority report.

Their report should cover the general subject of the national defense, the efficiency of the present organization of the Army and Navy, the advisability of universal service, the relation of the State militia to the national defense, the increase in the Army and naval schools for training officers, the utilization for this purpose of the land-grant schools of agriculture and the mechanic arts, the creation of an auxiliary navy, useful in aid of the fighting ships in time of war and useful in time of peace in the development of new routes of commerce.

The report should also cover the necessary cost, covering a period of five years, including such organization of both Army and Navy as will be covered by an annual expenditure of $300,000,000, $350,000,000, $400,000,000, and so on.

It would be quite possible by a system of governmental aid for the establishment of vocational schools in cooperation with the States to create a military service extending over a period of years, during which young men would be trained in vocations that would be useful and at the same time in military discipline, with the obligation for a few years after their graduation to respond to the country's call and to gather together for a month or two in each year for the continuation and perfection of their military training.

Such a service would be regarded as one of honor and distinction, as helpful in preparation for future vocations, and as a steppingstone to advancement in the vocations of civil life.

These are the days of efficiency, and there is no organization in the country that needs methods of efficiency more than the Congress of the United States.

In reply to this suggestion urged by me a few days since, the chairman of the Committee on Military Affairs of the Senate, the Senator from Oregon [Mr. CHAMBERLAIN], indicated that this plan had advantages; but he stated that he thought it too late to apply it to matters now under consideration; that all of the committees had either made reports or were prepared to make reports, and he thought the work should go on in the usual manner at this session of Congress, supplementing that work by the organization later on of such a subcommittee as I have in contemplation, with instructions to report at the next session. The chairman of the committee, therefore, as I understand, realizes the value of this coordinated work. He simply wishes to postpone it until later on.

Mr. President, I should like particularly to have the attention of the chairman of the Committee on Military Affairs, if I may. I wish to present to the Senator this consideration: Whilst we all realize the value of the work that his committee has done and the value of the work of the Naval Committee, yet, if this coordination is important, is it not better to have it now and will it not proceed in a more orderly manner after the investigation has been made by these various committees having jurisdiction over detached portions of the national defense? As I understand, they are prepared to present their views. Why not, then, appoint this subcommittee and have all those bills go to this subcommittee?

This subcommittee, recollect, will be composed of members of all of these five committees. The appointment of a subcommittee is the commonest practice in legislation. This means simply a joint subcommittee of all the Military and Naval Committees of the House and Senate, instead of a subcommittee of the Senate. It means a subcommittee of five committees instead of a subcommittee of one committee. The regular committees will not lose jurisdiction of the subject, for as soon as the joint subcommittee reports its recommendation to the general committees of both the Senate and the House, their jurisdiction attaches, and they will address themselves to that recommendation.

It seems to me that the logical time to take hold of this question of coordination is after the committees have severally considered these questions—after they have informed themselves upon the subject—each committee applying itself intelligently to the subject within its jurisdiction, and therefore in the joint subcommittee being prepared to present the relation of that particular service which such committee represents to the general subject of the national defense.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Missouri?

Mr. NEWLANDS. I do.

Mr. REED. I want to ask the Senator if he does not think that even if a general plan ought to be developed, a comprehensive plan, or, to use the Senator's own expression, a "coordinated" plan—and I want to say by way of parenthesis that I think of course there ought to be a general plan, and of course each part of that plan ought to fit into every other part of the plan—but even conceding that to be true, have we not the situation presented here this morning that we absolutely know that there is an immediate necessity for some increase in the Army; that we know we are going to need that number of men in any plan which may be adopted; and that when we have raised the Army to that amount it necessarily will fit into any larger plan? So are we not in the position of a man who knows that he is going to need a large amount of supplies to carry him through the winter, and therefore is perfectly safe in laying in a side of bacon and a sack of flour?

Mr. NEWLANDS. Mr. President, there is much in what the Senator suggests, but I submit to him that if this joint subcommittee is immediately appointed the urgency and significance of that situation will immediately address itself to that subcommittee, and they will immediately report upon that detached portion of the national defense which requires immediate attention.

Mr. REED. Mr. President, if the Senator will pardon me, a subcommittee that proposes to act, and will act, immediately will have no more information than the Senate has if it acts immediately. The value of consideration by a subcommittee consists in the fact that it takes an entire plan, studies each part of it, and then passes upon each part. This being a part thereof, it could not be given any wise consideration by a committee in connection with a general plan until it had considered the whole plan. So that when the Senator states that he is willing to turn this question over to a subcommittee and have an immediate report, he confesses that he is willing to have a report made without considering a general plan.

Mr. OLIVER. Mr. President, will the Senator from Nevada yield for a question?

Mr. NEWLANDS. If the Senator will permit me to answer the Senator from Missouri, then I will gladly yield.

Mr. President, I would expect the proposed subcommittee immediately to consider those matters which require urgent attention. Among them, I presume, would be the increase of the Regular Army. There is no reason why they should not report that immediately. I would expect them, of course, in their preliminary considerations to address themselves to the question of a general plan of national defense, embracing a national council of defense, composed of both Army and Navy officers, and perhaps of departmental chiefs and chairmen of prominent committees; but they could easily determine whether detached action upon a detached portion of the subject would be likely to conflict in any way with the full consideration of a general measure, and, without coming to any conclusion as to the general measure, they could easily report as to the detached portion which required immediate attention. I now yield to the Senator from Pennsylvania.

Mr. OLIVER. Mr. President, I should like to ask the Senator whether he is now advocating the postponement of action upon the pending resolution until the subject can be considered by such a committee, as he has indicated?

Mr. NEWLANDS. No; I am not opposing immediate action upon this resolution. On the contrary, I favor it. I am simply making general suggestions now with reference to the method that should hereafter be pursued. I do not propose, of course, to attempt to obstruct any legislation upon this subject that is recommended by the committees; but I simply suggest that we will save time—and we will find that we will save time—by the appointment of a subcommittee now, instead of deferring until after the national-defense bills are passed, the consideration through a subcommittee of the general question. That seems perfectly clear to me. The appointment of this subcommittee, recollect, will not delay the action of the general committees. It does not take the place of their functions; it is simply in aid of their functions; and whenever a general committee regards a matter as of sufficient importance and urgency to press it upon Congress, it can do so, and the Congress can determine whether or not the matter is of such urgency as to require immediate attention or whether it can safely await the general report upon the subject.

All I contend is that, the chairman of the Committee on Military Affairs having said the other day that he thought that this plan of inquiry through a joint subcommittee would be a good one as applied to legislation subsequent to legislation at this session, and that it would be a wise thing to provide for it, I simply beg to differ with him as to that detail, though with great diffidence, for I acknowledge his superior information on the subject, and to urge that a joint subcommittee should be appointed now, and, even if we act from now on upon the recommendation of joint committees, that the subcommittee be in session, so that before we close our work upon the military and naval bill they can present us a coordinate scheme of legislation that will indicate to the American people exactly the proportions of the Army, exactly the proportions of the Navy, their relation to each other, and the cost of both. As it is, we are entirely at sea, and we will find that Members, both of the Senate and of the House, will be reluctant to act and to vote upon these detached portions, for the reason that they do not know where their action will land them as to the ultimate cost of this great expansion. So I suggest to the Senator from Oregon, entertaining the view he does, that at some time when this subcommittee should be appointed he bring the matter up before the committee, and I urge upon him a report favoring the appointment of a subcommittee now, but without, of course, ousting the jurisdiction of the general committees upon this subject in such a way as to prevent them from acting upon any matter of emergency.

The VICE PRESIDENT. The joint resolution is in the Senate as in Committee of the Whole and open to amendment.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The VICE PRESIDENT. The question is, Shall the joint resolution pass?

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. The Senator from New Hampshire.

Mr. GALLINGER. Mr. President, for the purpose of demonstrating and emphasizing the fact that there are no political or other differences in this Chamber when the interests of the country are at stake, I ask for the yeas and nays on the passage of the joint resolution.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KERN (when Mr. CHILTON's name was called). I desire to announce that the senior Senator from West Virginia [Mr. CHILTON] is absent on official business of the Senate. If he were present, he would vote "yea."

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from Maryland [Mr. SMITH], but I am informed that if present he would vote as I intend to vote. I therefore vote "yea."

Mr. KERN (when Mr. FLETCHER's name was called). I desire to announce the unavoidable absence of the senior Senator from Florida [Mr. FLETCHER]. He is paired with the junior Senator from Idaho [Mr. BRADY]. If the Senator from Florida were present, he would vote "yea."

Mr. WEEKS (when Mr. LODGE's name was called). My colleague [Mr. LODGE] is absent on account of important business. He has a general pair with the senior Senator from Georgia [Mr. SMITH]. I am confident that if my colleague were present he would vote "yea" on this question.

Mr. OLIVER (when Mr. PENROSE's name was called). My colleague [Mr. PENROSE] is unavoidably absent. He is paired with the senior Senator from Mississippi [Mr. WILLIAMS]. If my colleague were present, he would vote "yea."

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT], which I transfer to the junior Senator from Wisconsin [Mr. HUSTING] and will vote. I vote "yea."

Mr. STERLING (when his name was called). I am paired with the junior Senator from Tennessee [Mr. SHIELDS], but upon inquiry I am confident that if present he would vote "yea." I therefore feel at liberty to vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE], who is absent, but on this question I feel at liberty to vote. I vote "yea."

Mr. TILLMAN (when his name was called). Believing that my pair, the junior Senator from West Virginia [Mr. GOFF], if he were here would vote as I shall vote, I vote "yea."

Mr. TOWNSEND (when his name was called). I desire to announce the absence of my colleague, the senior Senator from Michigan [Mr. SMITH], and his pair with the junior Senator from Missouri [Mr. REED]. If my colleague were here he would vote as the junior Senator from Missouri has voted. I am paired with the junior Senator from Florida [Mr. BRYAN]; but knowing that he would vote as I shall, I vote "yea."

Mr. MYERS (when Mr. WALSH's name was called). My colleague [Mr. WALSH] is necessarily absent on official business. If he were present I am sure he would vote "yea."

Mr. WILLIAMS (when his name was called). Being assured that the senior Senator from Pennsylvania [Mr. PENROSE], with whom I have a pair, would vote as I am about to vote, I vote "yea."

The roll call was concluded.

Mr. GALLINGER. The junior Senator from Maine [Mr. BURLEIGH] is unavoidably detained by illness. He is paired with the senior Senator from Ohio [Mr. POMERENE]. If the Senator from Maine were present, he would vote "yea," and I understand that is likewise the case with the Senator from Ohio [Mr. POMERENE].

Mr. BORAH. I desire to state that my colleague [Mr. BRADY] is absent on account of illness and is paired with the senior Senator from Florida [Mr. FLETCHER]. If my colleague were present and at liberty to vote he would vote "yea."

Mr. LIPPITT. I have a pair with the junior Senator from Montana [Mr. WALSH]. In his absense I transfer that pair to the senior Senator from California [Mr. WORKS] and will vote. I vote "yea." I also wish to state that my colleague [Mr. COLT], who is necessarily absent, would, if present, vote for this resolution.

Mr. HUGHES. I desire to announce the absence of the senior Senator from Kentucky [Mr. JAMES] on account of illness. If he were present, he would vote "yea."

Mr. CURTIS. I have been requested to announce that the junior Senator from New Mexico [Mr. CATRON] is paired with the senior Senator from Oklahoma [Mr. OWEN].

The result was announced—years 69, nays 0, as follows:

YEAS—69.

Ashurst	Hardwick	Myers	Smoot
Bankhead	Hitchcock	Nelson	Sterling
Beckham	Hollis	Newlands	Stone
Borah	Hughes	Norris	Sutherland
Brandegee	Johnson, Me.	Oliver	Swanson
Broussard	Johnson, S. Dak.	Overman	Thomas
Chamberlain	Jones	Page	Thompson
Clapp	Kenyon	Poindexter	Tillman
Clark, Wyo.	Kern	Reed	Townsend
Culberson	La Follette	Robinson	Underwood
Cummins	Lane	Saulsbury	Vardaman
Curtis	Lea, Tenn.	Shafroth	Wadsworth
Dillingham	Lee, Md.	Sheppard	Warren
du Pont	Lippitt	Sherman	Weeks
Fall	McCumber	Simmons	Williams.
Gallinger	McLean	Smith, Ariz.	
Gronna	Martin, Va.	Smith, Ga.	
Harding	Martine, N. J.	Smith, S. C.	

NOT VOTING—26.

Brady	Fletcher	O'Gorman	Shields
Bryan	Goff	Owen	Smith, Md.
Burleigh	Gore	Penrose	Smith, Mich.
Catron	Husting	Phelan	Walsh
Chilton	James	Pittman	Works
Clarke, Ark.	Lewis	Pomerene	
Colt	Lodge	Ransdell	

So the joint resolution was passed.

Mr. McCUMBER. Mr. President, I am glad that we had the opportunity of a yea-and-nay vote upon this joint resolution, in order that the Senate might show to the country and to the world that while as guardians of the national welfare we will do everything in our power to preserve the peace of the country and to refrain from doing anything on our own part that would unnecessarily precipitate a conflict with any country in the world, yet when conditions do arise when it becomes necessary for the American people to protect the lives of our citizens and to punish those who would wantonly kill them, or to protect them in their just rights, this Nation and this Congress stand as one man, undivided, in defense of such rights and in its purpose to uphold them with whatever force is necessary everywhere throughout the world.

The VICE PRESIDENT. The presentation of petitions and memorials is in order.

PETITIONS AND MEMORIALS.

Mr. MYERS. I present resolutions in the nature of a petition adopted by the Flathead Settlers' Association of Big Arm, Mont., which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the resolutions were referred to the Committee on Public Lands and ordered to be printed in the RECORD as follows:

Resolutions adopted by the Flathead Settlers' Association, Big Arm, Mont., special meeting, March 8, 1916.

To Hon. HENRY L. MYERS and
Hon. THOMAS J. WALSH,
Senators in Congress from Montana.

SIRS: We respectfully urge that you use your best efforts to secure the final passage in its present form of Senate bill 1059, relating to the appraisement of homestead lands on the Flathead Reservation made by the classification commission of 1912 and 1913.

Also, many of our settlers are vitally interested in lines 3 to 12, on page 26, of the Indian appropriation bill (H. R. 10385) relating to sparsely timbered lands on the Flathead Reservation. We ask your best efforts to secure its final enactment, with the following amendments:

(1) The insertion of the words "or grazing" between the words "horticultural" and "purposes," in line 4, page 26 of same, and the striking out of the word "or" after "agricultural."

(2) That the following provision be added after line 12 on page 26 of said bill:

"That qualified persons who have heretofore applied for or settled upon such timbered lands, or who have entered or settled upon adjoining lands, and have made proper homestead application for such lands, shall not be required to pay more for said lands than the highest amount specified by the Flathead Commission of 1907 and 1908 for lands therein of like character and similar classification."

We voice the sentiment of the valley and all the settlers in distress over their land applications, by urging your very best efforts in our behalf to make these provisions into law at this session.

Yours, very truly,

FLATHEAD SETTLERS' ASSOCIATION,
W. H. HOWE, *Chairman*,
JOHN MCGRANN, *Secretary*,
CHAS. E. TREKELL,
Committee on Resolutions.

BIG ARM, MONT., *March 8, 1916.*

Mr. MYERS. I present the petition of Chester W. Howe, of Montana, praying for an adequate appropriation for the Flathead reclamation project in that State. I ask that the petition be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the petition was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD as follows:

To the PRESIDENT AND CONGRESS OF THE UNITED STATES,
Washington, D. C.

GENTLEMEN: As one of the unit holders occupying land within the Flathead project, I desire to submit for your consideration the following:

At the invitation of the Government I entered upon an irrigable unit embraced in the Flathead project, under promise by the Government that my land would be irrigated either in whole or in part, and after more than five years of watchful and patient waiting this project is now about 25 per cent completed, and as a result of the Government's failure to carry out its express and implied pledges made to us at the time we made entry many of the unit holders have been compelled to temporarily or permanently abandon their homes.

We maintain that the treatment accorded to us has been very unfair and not in harmony with the promises made us when we settled upon these arid lands, and we can see no good reason for the Government's procrastinating methods in dealing with this project up to this time. It is to the interest of both the Indian and white man that this project and all other good laws be prosecuted more vigorously, and the lands will amply stand for all construction and maintenance charges, provided the work is carried on in an economical and business-like manner.

All funds expended in connection with the project are reimbursable either to the Indian or the Government, and the sooner this reclamation scheme is completed the sooner the Indian will be reimbursed for the money he has invested on account of same.

In view of the foregoing facts I respectfully request that Congress grant an appropriation for at least a million dollars for construction work on this project during the ensuing year.

Respectfully submitted.

CHESTER W. HOWE.

Mr. HITCHCOCK presented a memorial of sundry citizens of Howard County, Nebr., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. SAULSBURY presented petitions of sundry citizens of Delaware, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. JOHNSON of Maine presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHEPPARD presented memorials of sundry citizens of Texas, remonstrating against the enactment of legislation to limit the freedom of the press, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Texas, remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which were ordered to lie on the table.

Mr. ROBINSON presented a petition of sundry citizens of Dumas, Ark., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. GRONNA presented petitions of sundry citizens of North Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of North Dakota, remonstrating against the enactment of legislation to limit the freedom of the press, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Nome-Seward Peninsula Chamber of Commerce, Nome, Alaska, praying for the adoption of certain changes in the postal regulations relating to Alaska,

which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Division No. 54, Order of Railroad Telegraphers, of Deisem, N. Dak., praying for the enactment of legislation to limit the hours of service of telegraph operators on railroads, which was referred to the Committee on Interstate Commerce.

Mr. LANE presented petitions of sundry citizens of Oregon, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of Charles C. Sturtevant and 28 other citizens, and of the congregation of the First Congregational Church of Keene, in the State of New Hampshire; of the congregation of St. Jerome's Total Abstinence Beneficial Society, of Holyoke, Mass.; and of Walter S. Wright and 20 other citizens, of Newtown, Pa., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of Maud Hartnett, Beatrice Plantier, Elizabeth Hickey, and Mary Holman, all of Keene, in the State of New Hampshire, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. CLAPP presented a memorial of the Trades and Labor Assembly of Brainerd, Minn., remonstrating against the proposed repeal or modification of the so-called seamen's law, which was referred to the Committee on Commerce.

He also presented a memorial of the Institute of Fine Arts, of Minneapolis, Minn., remonstrating against the erection of a central heating, lighting, and power plant on the banks of the Potomac River in the District of Columbia, which was ordered to lie on the table.

He also presented a memorial of the Commercial Club of Mankato, Minn., remonstrating against the proposed repeal of the so-called mixed-flour law, which was referred to the Committee on Agriculture and Forestry.

Mr. ASHURST. I present resolutions adopted by the Democratic State committee of Arizona, assembled in Phoenix on the 4th instant, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution proposed by Mrs. F. C. Struckmeyer, of Phoenix, third vice chairman of the Maricopa County Democratic Club, representing the Arizona Congressional Union for Woman Suffrage.

Resolved, That we, the Democratic State Committee of Arizona, assembled in Phoenix this 4th day of March, 1916, in response to the desires of the women voters of our State, urge Congress to pass forthwith on to the legislatures of the several States for ratification the Susan B. Anthony amendment, known in this Congress as the Sutherland-Mondell resolution. We recommend this action in no spirit of party advantage, but solely with the desire that the women of America may be placed on the same political plane as the men of the Nation, and because we recognize that it is unwise to delay longer the establishment of equality between the women of the East and West.

Resolved, That a copy of this resolution be sent to President Woodrow Wilson; Speaker CHAMP CLARK; Senator KERN, majority leader in the Senate; Representative KITCHIN, majority leader in the House; Representative HENRY, chairman of the Rules Committee of the House; Representative WEBB, chairman of the Judiciary Committee; and to the entire Congress, through the Arizona congressional delegation, to be read into the CONGRESSIONAL RECORD by Senators ASHURST or SMITH of Arizona in the Senate and by Representative HAYDEN in the House.

Mr. JONES presented a petition of sundry citizens of Seattle, Wash., praying for the enactment of legislation to provide for the naturalization of married women, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Hillsdale and Glenwood, in the State of Michigan, remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented a petition of the Anti-Tuberculosis Society of Grand Rapids, Mich., and a petition of the Anti-Tuberculosis Society of Saginaw, Mich., praying for an investigation into the conditions surrounding the marketing of dairy products, which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Branch, Federation of Women's Missionary Associations, of Ann Arbor, Mich., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented memorials of Local Branch No. 15, Workmen's Circle; of the Independent Workmen's Circle; of the Bottle Sorters' and Washers' Union; of Local Branch No. 2, Socialist Party; of the Young Peoples Socialist League; of Local Lodge No. 287, Order of B'rith Abraham; and of Progressive Lodge No. 162, Independent Order B'nai B'rith, all of Hartford; and of Horeb Lodge No. 25, Independent Order B'nai B'rith, of New Haven, all in the State of Connecticut, remonstrating against the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Middletown and Southington, in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of East Hampton and Bridgeport, in the State of Connecticut, praying for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented a petition of Local Division No. 425, Amalgamated Association of Street and Electric Railway Employees of America, of Hartford, Conn., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a memorial of the Porter Library Association of Coventry, Conn., remonstrating against the enactment of legislation to fix a standard price for manufactured articles, which was referred to the Committee on Education and Labor.

He also presented a petition of Local Branch No. 192, National Association of Letter Carriers, of New Britain, Conn., praying for the enactment of legislation to grant pensions to employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

Mr. OVERMAN presented petitions of sundry citizens of North Carolina, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. HUGHES presented memorials of sundry citizens of New Jersey, remonstrating against the enactment of legislation to make Sunday a day of rest in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of sundry citizens of New Jersey, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

He also presented petitions of sundry citizens of New Jersey, praying for the placing of an embargo on munitions of war, which were referred to the Committee on Foreign Relations.

Mr. LEA of Tennessee presented petitions of sundry citizens of Tennessee, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Germania Turnverein, of Memphis, Tenn., remonstrating against prohibition in the District of Columbia, which was ordered to lie on the table.

He also presented a petition of the Germania Turnverein, of Memphis, Tenn., praying for a revision of the naturalization laws, which was referred to the Committee on the Judiciary.

Mr. PHELAN presented a petition of the Chamber of Commerce of Brawley, Cal., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of sundry citizens of Chico, Cal., praying for the enactment of legislation to grant pensions to employees of the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Stable and Garage Employees Union, of San Francisco, praying for the printing of the report of the Commission on Industrial Relations, which was ordered to lie on the table.

He also presented a memorial of the Peacemakers' Committee of Pacific Coast Churches, of Los Angeles, Cal., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. JOHNSON of South Dakota. I present a petition of the Commercial Club of Oacoma, S. Dak., which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the petition was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Resolution.

Whereas the last session of the Dakota Legislature adopted house joint resolution No. 6 memorializing Congress and our Senators and Representatives in Congress to use all honorable means at their command to compel the Chicago, Milwaukee & St. Paul Railway Co. to construct a permanent railway bridge across the Missouri River at the city of Chamberlain, S. Dak.; and

Whereas the conditions stated in said joint resolution existed at that time and still continue to exist; and

Whereas, pursuant to the instructions of said joint resolution, the Representative from the third congressional district of the State of South Dakota, Hon. HARRY L. GANDY, has introduced in the House of Representatives a bill which will, if passed, compel the Chicago, Milwaukee & St. Paul Railway Co. to commence actual construction of a permanent bridge across the Missouri River between the counties of Brule and Lyman at some point at or near the city of Chamberlain, D. Dak., within one year from the date of its passage and approval; and

Whereas the welfare and development of this section of the State is dependent to a large extent upon the erection of such a bridge: Therefore be it

Resolved by the Commercial Club of the town of Oacoma, in Lyman County, S. Dak., That the Senate and House of Representatives of the United States of America be, and they are hereby, urged to take prompt action upon said bill and pass it at the earliest possible moment; and be it further

Resolved, That a copy of this resolution be sent to the Senate and House of Representatives of Congress and to our Senators and Representatives in Congress.

Done at Oacoma, S. Dak., this 28th day of February, 1916, by the Commercial Club.

THE OACOMA COMMERCIAL CLUB,
By T. B. STRONG, *President*,
By M. Q. SHARPE, *Secretary*.

Mr. JOHNSON of South Dakota. I present a petition of the Merchants' Association, of Watertown, S. Dak., which I ask may be printed in the RECORD and referred to the Committee on Education and Labor.

There being no objection, the petition was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

WATERTOWN, S. DAK., *February 15, 1916*.

Hon. E. S. JOHNSON, *Yankton, S. Dak.*

DEAR SIR: The Merchants' Association of Watertown, S. Dak., in general meeting assembled, February 8, 1916, passed the following resolution:

"Be it resolved by the Merchants' Association of Watertown, S. Dak., That we recognize the need for and do favor the passage of the proposed law for the control of retail prices on manufactured articles, known as the Stevens bill, H. R. 13305, now before Congress; and this association does hereby indorse the said proposed law, and does urge and request our Representatives in Congress to use their best efforts to assist in the passage of said law, and that our members shall each use his best effort to assist and support our Representatives in their action on this matter."

Watertown, S. Dak., February 8, 1916.

MERCHANTS' ASSOCIATION OF WATERTOWN, S. DAK.,
By JOHN MOREY, *Secretary*.

REPORTS OF COMMITTEES.

Mr. SWANSON, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 3405) for the relief of the Maine Central Railroad Co., reported it without amendment and submitted a report (No. 257) thereon.

Mr. LANE, from the Committee on Fisheries, to which was referred the bill (S. 1550) to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries, in the State of Oregon, reported it with an amendment and submitted a report (No. 258) thereon.

He also, from the Committee on Forest Reservations and the Protection of Game, to which was referred the bill (S. 4418) to establish game sanctuaries in national forests, and for other purposes, reported it with amendments and submitted a report (No. 259) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 5066) authorizing and empowering the Secretary of War to grant a revocable permit to the University of Utah to lay pipe lines, construct a storage reservoir on the Fort Douglas (Utah) Military Reservation, and to use the surplus water of the reservation; to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 5067) to regulate commerce between the United States and foreign countries, to restore and maintain American ships in the foreign trade, to aid in the national defense, and promote the general welfare; to the Committee on Commerce.

By Mr. STERLING:

A bill (S. 5068) granting a pension to Henry F. Walton (with accompanying papers); to the Committee on Pensions.

By Mr. ASHURST:

A bill (S. 5069) to authorize the Secretary of the Treasury, the Secretary of War, and the Secretary of Agriculture to make an investigation and report as to the necessity, suitability, and practicability of the erection of Government owned and operated plants for the fixation of atmospheric nitrogen; to the Committee on Military Affairs.

By Mr. OVERMAN:

A bill (S. 5070) granting a pension to Ollie H. Finley; to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 5071) granting an increase of pension to Ebenezer Ricketts (with accompanying papers);

A bill (S. 5072) granting an increase of pension to George S. Thing (with accompanying papers);

A bill (S. 5073) granting an increase of pension to Allen T. Hodgkins (with accompanying papers); and

A bill (S. 5074) granting an increase of pension to Florence Shaler; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5075) granting an increase of pension to Robert O. Whitten; and

A bill (S. 5076) granting an increase of pension to George W. Richards; to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 5077) granting an increase of pension to Mrs. Lucinda A. Sullivan (with accompanying papers); to the Commitee on Pensions.

By Mr. OWEN:

A bill (S. 5078) to amend the act approved December 23, 1913, known as the Federal reserve act; and

A bill (S. 5079) to amend section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the acts of March 4, 1907, and March 2, 1911; to the Committee on Banking and Currency.

WITHDRAWAL OF TROOPS FROM THE PHILIPPINES.

Mr. SHERMAN. Mr. President, the Senate has recently passed a bill recognizing within a few years the ability of the Philippine people for self-government. This implies necessarily a transfer of sovereignty now in the United States to the Philippine people. I am opposed to such a measure. It, however, has passed this Senate. The people of those islands have been led by the declared purpose of this measure to expect within the time named complete self-government and the assumption of sovereignty. The United States, whether wisely or unwisely, must accept the consequences resulting from the bill. If we retrace our steps it will produce widespread discontent among the Filipinos. If we adhere to the declared purpose we must accept our relinquishment of power and consequently ought no longer be charged with full responsibility for the protection or control of the islands.

The Philippine Scouts remaining in the islands are 5,755. They are natives but have been trained by United States officers. There is in addition a native constabulary for the preservation of public order and for local purposes incident to that service. The 11,991 enlisted men and 520 officers of the Regular Army of the United States are paid and maintained by our Government. The Philippine Scouts are also maintained and paid in like manner, I am informed. If conditions are at all within bounds as described here by the Senators who supported the bill, the Filipinos ought to be able, with the scouts, the constabulary named, and such native forces as a potential self-governing people can supply, to police the islands, maintain order, and adequately protect life and property without the further presence of the officers and troops proposed to be withdrawn by this resolution.

A people that within the period contemplated in Senate bill 381 is to assume complete sovereignty, exercise the right of self-government, and become an independent nation ought to be given a probationary time to demonstrate their fitness for such responsibility. If the experiment should fail before the United States has completely relinquished its sovereignty and surrendered entire possession of the islands, this Government can repair the error with much less difficulty and misunderstanding among all concerned. It is with this view that I am induced to make the proposal embodied in the joint resolution which I send to the desk and ask that it be printed in the RECORD and referred to the Committee on Military Affairs.

The joint resolution (S. J. Res. 115) authorizing the withdrawal of United States troops from the Philippines was read the first time by its title, the second time at length, and referred to the Committee on Military Affairs, as follows:

Whereas the United States Senate did, on February 4, 1916, pass an act (S. 381) establishing the future political status of the people of the Philippine Islands, wherein the President is "authorized and directed to withdraw and surrender all right of possession, supervision, jurisdiction, control, or sovereignty now existing and exercised by the United States in and over the territory and people of the Philippines"; and

Whereas the independence of said Philippines is fully recognized in said bill as a separate and self-governing nation and such transfer of possession, sovereignty, and governmental control shall be completed and become absolute in not less than two years nor more than four years from the date of the approval of the act; and

Whereas full power to take the several steps necessary to institute such government is conferred upon the Philippines by the aforesaid bill, thus granting to them the opportunity of complete rights of civil government and indicating confidence in their ability to govern themselves; and

Whereas there are now stationed in the Philippine Islands 520 officers and 11,991 enlisted men of the Regular Army of the United States, who are maintained there at an annual expense of $1,814,095 in excess of the maintenance cost of these same troops in the United States; and

Whereas these troops are acclimated and thoroughly seasoned for a rigorous campaign in a tropical country, and if the reasons and alleged conditions which led to the passage of the aforesaid bill are well founded, their presence is no longer necessary for the maintenance of civil government in the Philippine Islands; and

Whereas there will remain in the Philippine Islands a force of 5,755 native scouts, which may be supplemented, if necessary, by native forces so as to exercise some of the rights of self-government under the guidance and protection of the United States; and

Whereas there appears to be an inadequate force of United States troops for the proper protection of American life and property on the Mexican border, with the result that repeated violations by bands of murderers from Mexican territory of the rights of American citizens within the territorial limits of the United States have occurred without their apprehension so as to provide for the future safety of our border: Therefore be it

Resolved, etc., That the Secretary of War be, and is hereby, authorized and directed to withdraw from the Philippine Islands with such dispatch as may be practicable all officers and enlisted men of the United States Army.

PENSIONS TO INDIAN WAR VETERANS.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the bill (H. R. 655) to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes, which was referred to the Committee on Pensions and ordered to be printed.

AMENDMENTS TO ARMY APPROPRIATION BILL.

Mr. CURTIS submitted an amendment proposing to appropriate $22,500 for repairing Government (Engineers) bridge over the Kansas River on the Fort Riley Military Reservation in Kansas, intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $12,000 for the repair, rebuilding, and completion of the macadam road on the Fort Riley Military Reservation, Kans., intended to be proposed by him to the Army appropriation bill, which was referred to the Committee on Military Affairs and ordered to be printed.

WATER-POWER SITES.

Mr. NORRIS submitted three amendments intended to be proposed by him to the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, which were ordered to lie on the table and be printed.

FUNERAL EXPENSES OF THE LATE SENATOR SHIVELY.

Mr. KERN submitted the following resolution (S. Res. 130), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate the actual and necessary expenses incurred by the committee appointed by the President of the Senate in arranging for and attending the funeral of the late Senator BENJAMIN F. SHIVELY, vouchers for the same to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. LEA of Tennessee subsequently said:

From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment the resolution submitted by the Senator from Indiana [Mr. KERN] this day providing for the funeral expenses of the late Senator SHIVELY.

Mr. KERN. I ask unanimous consent for the present consideration of the resolution.

The resolution was considered by unanimous consent and agreed to.

LIMITATION OF DEBATE.

Mr. SMITH of Georgia. In pursuance of the notice I gave on yesterday, I submit a resolution proposing an amendment to the rules, and ask that it may be read and referred to the Committee on Rules.

The resolution (S. Res. 131) was read and referred to the Committee on Rules, as follows:

Resolved, That the Standing Rules of the Senate be, and they hereby are, amended as follows:

At the close of Rule XXII add:

"*Provided, however*, If 32 Senators present to the Senate before the reports of standing and select committees provided for in the order of business during the morning hours a signed motion to bring to a close the debate upon a bill which is the unfinished business, thereupon at the hour of 2 o'clock the Chair shall, without debate, put the question to the Senate:

"Is it the sense of the Senate that the debate should be brought to a close?

"And if that question shall be decided in the affirmative by a two-thirds vote, then said bill shall be in order to the exclusion of all other business.

"Thereafter no Senator shall be entitled to speak more than one hour on the bill, the amendments thereto and motions affecting the same, and it shall be the duty of the Chair to keep the time of each Senator who speaks. Until the bill is disposed of no dilatory motion shall be in order, and appeals from the decision of the Chair shall be decided without debate."

COMMITTEE ON FLOOD CONTROL.

Mr. SHEPPARD. Pursuant to my notice of yesterday, I submit a resolution proposing an amendment to the rules, which I ask may be referred to the Committee on Rules.

The resolution (S. Res. 132) was referred to the Committee on Rules, as follows:

Resolved, That the standing rules of the Senate be, and they hereby are, amended as follows:

Amend Rule XXV by inserting, after the paragraph reading as follows:

"A Committee on the Five Civilized Tribes of Indians, to consist of 5 Senators,"

The following paragraph:

"A Committee on Flood Control, to consist of 17 Senators."

MANUFACTURE OF ARMOR.

Mr. WEEKS. Mr. President, I wish to state that to-morrow, March 16, 1916, after the conclusion of the routine morning business, I propose to address the Senate on the armor-plant bill.

Mr. ASHURST. Mr. President, on yesterday I gave notice that upon the conclusion of the routine morning business to-day I would address the Senate briefly on the subject of the armor-plant bill. I wish now to state that I will not consume the time of the Senate during the morning hour, but that if I can secure recognition immediately after the hour of 2 o'clock to-day I will make my brief speech.

Mr. OLIVER. Mr. President, I desire to give notice that on Tuesday next, March 21, 1916, at the conclusion of the routine morning business, I shall address the Senate in opposition to the armor-plant bill.

The VICE PRESIDENT. Morning business is closed.

THE POSTAL SERVICE.

Mr. BANKHEAD. I ask unanimous consent that the Senate resume the consideration of House bill 562.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 562) to amend the act approved January 25, 1910, authorizing a postal savings system.

Mr. REED. Mr. President, on yesterday I objected to the passage at that time of section 2 of the bill now under consideration. I stated my reasons at that time for desiring that the bill be not passed in its present form and at that time. I particularly wanted an opportunity to examine the bill to ascertain what its practical workings might be.

I adhere to the view that everything ought to be done to concentrate in the Federal reserve banks all moneys for which the Federal Government is in any way responsible; this to the end of strengthening the Federal Reserve System. Upon examination as to the practical effect of this bill, however, I am convinced that the advantages accruing through the greater latitude that will be permitted to the postal authorities will more than overbalance such disadvantages as may come from a withdrawal of some of the funds that otherwise might go into the Federal reserve banks. I am further informed, and I think reliably, that many of the Federal reserve banks have declined to receive the deposits from the postal savings banks because of the high rate of interest the Government exacts. Therefore, balancing one advantage against the other advantage, I think I should say to the Senate that, as far as I am concerned, I shall make no further opposition to the adoption of section 2.

Mr. GALLINGER. Mr. President, on a former occasion I made opposition to some features which are incorporated in this bill, especially regarding the amount that an individual could deposit; but I have no disposition to renew the opposition to the provisions of the bill in that regard.

I desire to say, however, that, in my opinion, it is unfortunate that so much matter has been added to this bill that has no relation whatever to the Postal Savings System. The statute now in force which was approved June 25, 1910, relates exclusively to the Postal Savings System. The amendment that was made to that bill September 23, 1914, likewise relates exclusively to that system.

Mr. President, I think it unfortunate that we should put on the statute books a bill relating to this important subject and have it complicated with legislation that has no relation whatever to the subject matter we are considering. The provisions of this bill are duplicated to a large extent in the Post Office appropriation bill, which is before us. Of course those provisions can be stricken from that bill, but it seems to me they are much more appropriate on that bill than they are in this bill. It would be still more appropriate to bring in this extraneous matter in a separate bill, which might have been done, and probably passed without any objection, and then we would have had on the statute books, as we have now, a law relating exclusively to this one subject, so that when we wanted to ascertain

anything about the matter we could turn to the statute and find exactly the provisions of the law.

As now proposed, if we pass this bill we will have a statute relating to the Postal Savings System with provisions relating to the postal clerks, the weighing of mails, contracts for carrying the mails, star routes, compensation of postmasters, and various other provisions of a general nature. As already suggested, all such provisions should have been incorporated in a separate bill.

Mr. President, I simply wanted to say that I think it was unfortunate to prepare the bill in the form it now is, but if the Senator from Alabama feels, as I apprehend he does, that this is the most expeditious way to get the legislation, possibly the best way under existing conditions, I shall interpose no objection beyond stating my view as to the form in which I think the bill ought to have been reported to the Senate.

Mr. BANKHEAD. Mr. President, I am inclined to agree with much that the Senator from New Hampshire has said; but it is far better to put these provisions in this bill than on an appropriation bill. That was the reason mainly that the bill was drawn in the form that it is. I do not think it complicates the postal savings bank bill in any way whatever.

Mr. HARDWICK. If the Senator will yield to me for a moment, it was also done because the Postmaster General insisted that there were urgent reasons for immediate action.

Mr. GALLINGER. I understood that to be the case.

Mr. WEEKS. Mr. President, I think what the Senator from New Hampshire [Mr. GALLINGER] has said will be agreed to by almost anyone, that the injection of foreign matter into a bill which is special in its character is, generally speaking, unjustifiable. I think it is just as unjustifiable when passed in an appropriation bill as it is in a case of this kind.

The fact is that the Post Office Department has not had any general legislation of an administrative character since the 4th of March, 1913. These matters which have been pending and have been considered by committees have been parts of bills. They are unobjectionable in themselves, and they ought to be adopted to enable the department to carry on its routine business. It seemed to the committee for that reason that this is the time, the expeditious time, for action, in order to give the department a free hand in the conduct of the post-office business.

There is one matter, however, about which I wish to say a word, not on one of the amendments to the bill but the bill itself. Undoubtedly there were sound reasons for the passage of the postal savings bank bill. It was supposed to be true, and has been demonstrated to be true, that there would be a very considerable amount of money hoarded, largely because people of foreign extraction who had not been long in this country and who had been familiar with Government banks did not feel secure in putting their money in banks which we had established. It has been demonstrated that that is true, because the sending of money to foreign countries to be deposited in Government banks has very greatly decreased since the passage of the postal savings bank bill.

I think myself that in every way the law has justified itself and is working well. Some $80,000,000 are now deposited in postal savings banks, redeposited in local banks, and therefore going into circulation for the benefit of the communities where the money belongs instead of very largely being sent to foreign countries, as was done in the past.

But this bill goes further in the direction of postal savings banks or any bank which is essentially a savings bank than I believe is justified. It gets into the area of paternalism pure and simple. I am not opposed to some reasonable extension of the original law. If under some conditions the depositor wishes to deposit $1,000, I do not think that is unreasonable; but when we provide that $1,000 may be deposited bearing interest and another $1,000 not bearing interest, it practically provides that any person who wants to have the Government become the guardian of his money temporarily may deposit it in a post office and the Government is responsible for that money. In a week or two weeks or three weeks the man may wish to use it, and he simply makes the Government responsible for his funds instead of depositing it in a bank. That is not the duty of a savings bank; neither is it the province of a real savings bank to receive deposits aggregating $2,000. In the State of Massachusetts the limit of deposits which may be placed in a savings bank, including interest, is $1,600; and no man who has $1,000 to deposit could get a savings bank—for instance, in the city of Boston—to take it and care for it, because the answer would be to that inquirer for a place to put his money, "If you have $1,000, you are probably as competent to invest your money as are the officers of this bank."

It is not the province of a savings bank to take considerable sums of money from individuals. When you get into that area you are making a purely paternalistic measure of this, and I think for that reason it is undesirable that the law should be extended as far as it is provided in this bill.

I wish to say frankly that I did not succeed in convincing the Post Office Committee that my views should obtain. Very largely the committee were opposed to the conclusions to which I have come, but I have sought this opportunity to briefly state them, because I think it is a wrong tendency in government, and I do not think it was the original purpose of those who had a part in the postal savings bank legislation.

Mr. NORRIS. Before the Senator takes his seat——

Mr. WEEKS. I yield.

Mr. NORRIS. Like many other Senators I had no opportunity to examine the bill before it was called up. I wish to ask the Senator in reference to a provision, I think, in section 2, where in effect it is provided that money shall be deposited in all cases in banks that belong to the Federal Reserve System, unless in towns where there are no such banks.

Mr. WEEKS. Yes; that is the provision.

Mr. NORRIS. I should like to ask the Senator why that limitation is made.

Mr. WEEKS. Mr. President, I prefer to have the chairman of the committee answer an inquiry of that kind, but I will say, from my own standpoint, that it is the duty of the Government to do business with its own agents. All national banks, all of which are members of the Federal Reserve System, are its agents under the law. This amendment provides that where there are no agents of the National Government in a town or community the money may be deposited in a State bank or trust company, provided there is such a bank located there. That is in accord with good administration, in my judgment. A community may be located 25 or 30 or 40 miles from any place where there is a national bank or a member bank of the reserve system. There may be a considerable deposit made in the post office of that community. It is necessary for the postmaster under the present law to send that money to a town where the member bank of the Federal Reserve System is located or to put the money in his own safe. The safe provisions in post offices are not in any sense secure. In many small post offices there are no safes. The Government is responsible for the money, and there is no safe place to put it. Furthermore, if the money is sent to another town or another community, it gets away from the original idea of the law that the money should be redeposited in the local community. The State bank must give security for that money, as would be done in the case of a deposit with any other bank. Therefore it seems to me wise and reasonable that it should be done.

Mr. NORRIS. I do not think the Senator got the point of my objection. I am not complaining that the law provides that it can be deposited in a State bank where there is no member bank, but this provides, in substance, as I understand it, that in cases where there are both kinds of banks, State and National, the deposit must always be made in the member bank.

Mr. WEEKS. I think the Senator will recall that when this legislation was originally passed there was a good deal of controversy on the subject as to whether a portion of the money should be deposited in State banks. The law, after full discussion, was passed as it now stands on the statute book. My own opinion is, as I stated in the first sentence in my answer to the Senator's inquiry, that the Government should do business with its own agents. Its own agents are members of the Federal Reserve System in the various localities; they are inspected under regulations made by the Government, and in every sense it seems to me that it is good business and good administration that, as far as possible, moneys received on account of these deposits should be deposited in national banks.

Mr. SMOOT. Mr. President, when the postal savings bank bill was first before the Senate the question as to the amount of money that should be allowed to be deposited by any one person was discussed for hours. When it was finally decided that the amount should be $500 some Senators thought that was too much. As the object of the bill was to get into circulation money that we supposed was in hiding in small amounts and, as has well been said, by foreigners or people of foreign birth, I had no objection to the $500 provided for in the bill. I really think that that should be the amount, and it should be the limit.

When this bill was first presented to the Senate there was opposition to the increase of that amount. Under the conditions existing to-day, Mr. President, I shall not now object to increasing the amount to $1,000, although I do believe that it will be an unwise step to take, and certainly if conditions were normal.

I am not one who believes that when a man saves a thousand dollars and desires to invest it he ought to be allowed to deposit it temporarily in a post office in a little town with no provisions to make it secure, and the Government being responsible for the amount if it is lost.

I do not want to delay the passage of the bill. My opposition would not go that far, but I did hope the committee would stop with allowing one person to deposit $1,000, on which he would be paid interest. However, they have gone further than that and have provided that the board of trustees may, in their discretion and under such regulations as such boards may promulgate, accept additional deposits not to exceed, in the aggregate, $1,000 for each depositor, but upon which no interest shall be paid.

Mr. President, there is no doubt in my mind but that the money which will be deposited under that provision will be deposited temporarily and be deposited for safe-keeping by the Government. It will not remain with the Government long, perhaps 10 days or 20 days or 30 days, until the depositor can find some profitable investment to make or until he can make some turn in stocks of some kind in which he may invest it more profitably.

That is not what the Postal Savings System was created for. This policy does not instill in the people a desire to accumulate or save. But this law will not be used for the purpose of allowing an individual to deposit a thousand dollars with the privilege of drawing interest on it and then another thousand dollars with no interest to be paid by the Government. That, Mr. President, I believe is the unfortunate part of the bill.

I am in full accord with what the Senator from Massachusetts [Mr. WEEKS] said in regard to it. I should like to ask the chairman of the committee upon what basis and for what reason the last provision was included in the bill?

Mr. BANKHEAD. The bill, it must be understood, in the original plan and now is mainly for the convenience and accommodation of our foreign-born citizens. Ninety-eight per cent of all the money deposited in the postal savings banks has been deposited by that class. The Post Office Department were of the opinion that if they were permitted to deposit $1,000 and get the interest and allowed to deposit an additional $1,000 on which they get no interest, then it would bring a great deal of money out from hiding that otherwise would not come out. As to how long it is going to stay there no one can tell. It may stay there a long time, but I do not suppose it will stay a very long time when no interest is paid on it.

Mr. MARTINE of New Jersey. If the Senator from Utah will yield to me for a moment, I recall very well that about two months ago the postmaster at Passaic, N. J., a veritable hive of industry, was here in Washington, and the matter of postal savings was discussed between him and myself. He urged that the limit be made not less than $2,000. I said that would be unheard of. Said he, "Senator, I have had two parties in Passaic within a month, one having nineteen hundred dollars and the other a thousand dollars, who wanted me to take it. I told them I had no authority to take such a sum." I said to the postmaster that they could take it to the savings bank. He said, "No; they would not put it in the savings bank; that they are afraid of institutions of that character." He said they told him, "If your Government will take it, I will be perfectly satisfied for safe-keeping, even though I get no interest."

I recall that I asked him if he could not put in writing some of the highest deposits he had. He had many that were $1,100 and $1,200. These were mainly, as the Senator from Alabama states, from foreigners, naturalized or otherwise. They were working in the mills of Passaic and the mills of Paterson. They were great accumulators and great savers, and to increase the limit would be to take it out from the stocking legs and the hidden drawers and bring it to some purpose. They were perfectly satisfied to leave it even without interest in the post office rather than have it in a savings bank. One of them said, "Oh, no, no; no bank. Your Government take it, and I will be satisfied."

Mr. SMOOT. Mr. President, I think if the case of the man who had the $1,900 had been looked into it would be found that his disinclination to deposit in a bank was not so much because of the fact that he had a fear of the safety of the bank as it was that the bank required certain notifications before he could draw the money out.

Mr. MARTINE of New Jersey. Mr. President, I can not answer as to that, but I know the general impression that I gained from him was that it was their distrust—possibly a foolish distrust—of the banks. Another man said that in his country they had Government banks; but there were no such banks here. I can not now recall the name of the gentleman, but it was the postmaster at Passaic who made this statement. He said that some such legislation as this would unquestionably be a great advantage to these savers as well as to the Government.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I yield.

Mr. THOMAS. I merely wish to add to the statement made by the Senator from New Jersey [Mr. MARTINE] an instance which I heard the Government director of the postal savings bank relate last summer in speaking of the effect of this small maximum or limitation upon deposits and the manner in which it interfered with the system. He gave a number of instances, one of which was that of a foreigner having $500 in money upon his person, and who applied, I think, to the post office in New York City, if my memory serves me aright, for the making of a deposit. He produced his $500; but upon being told that the deposit was limited to a maximum of $100 he declined to make any deposit whatever.

Mr. SMOOT. I will say to the Senator that such a depositor would now have a right to deposit $500.

Mr. BANKHEAD. But he could only deposit $100 at a time.

Mr. THOMAS. I am giving this instance. As now stated by Senators upon the floor, I am aware that the maximum which may be deposited is $500. This man was then advised to take his money to a bank, and he made practically the same reply as that which was stated by the Senator from New Jersey a moment ago.

Mr. SWANSON. If the Senator from Utah will permit me, it was stated by the officials of the department who appeared before the Post Office Committee, with reference to this bill, that applications had been made for large deposits, far exceeding even what is allowed here; but the department was satisfied that if we permitted a deposit of $1,000 without paying interest, and arrangements could be made for the money to be promptly paid to the bank where the deposit was made, as a result it would get 2 per cent interest and pay none, it would have a tendency to make the system more profitable, and that a great many people desired to have this privilege. The banks would have the money, and arrangements would be made with that amount of money so that it would promptly be paid without any embarrassment to the banks or the people who made the deposits and with profit to the Government.

Mr. SMOOT. I think, Mr. President, there are individuals who may have two or three or four thousand dollars and might not have decided as to what investment they should make; but what I apprehend will be the result of this bill, if enacted into law, an individual of that kind will go to the post office of the town in which he lives, deposit the $1,000, and it will remain with the Government but a very short time. The whole responsibility of keeping it—the safety of the money—will be thrown upon the Government of the United States. For the few days that the Government has the money—perhaps not long enough for the money to be transferred from the post office to the local bank and from the local bank to the United States depositary with which that local bank deals—it would never be of any benefit whatever to the Government, and the Government would have to be responsible for the handling and the keeping of the money.

Mr. SWANSON. If the Senator from Utah will permit me, I wish to say, as to the local bank in the city, that the Government does not have responsibility, except between the time the money is put into the postal savings bank and deposited in the local bank. Arrangements could be made with the local banks, we were assured, by which these payments could be promptly made. The Government would pay no interest, and arrangements would be made with the banks for a certain rate of interest if it were called when needed.

In addition to that, this provision will be beneficial in a time of panic in a city when people lose confidence in the banks. Nearly everybody may know the bank is safe, yet the class of people who would avail themselves of this legislation do not know that. Consequently they could deposit money in the postal savings bank in the morning, the bank could give the security required, the Government would be absolutely safe, and the money could be put in the bank and the situation saved. It is thought that this will be one of the best features in connection with the legislation, especially in mining camps and in communities where there are a great many foreigners, who have not any confidence in banks. It would maintain stability of conditions, and the Government could very frequently save a panic and a run on the banks by having this legislation. As I have said, the Government does not lose anything, because it pays no interest.

Mr. CLAPP. Mr. President, will the Senator from Utah yield to me to make a suggestion?

Mr. SMOOT. Yes.

Mr. CLAPP. The time the Senator from Virginia suggests would be the very time when the depositor would not draw out his money from the post-office depository; that is when it would add stability to the finances of the community. I believed from the time this principle first began to be agitated that the more we could extend this system the better; that there could be no legislation adopted that would add so much to the stability of finances in a time of panic as would the postal savings bank.

Mr. SMOOT. Mr. President, if that were the theory of this legislation——

Mr. CLAPP. No; it is not the theory, but it is an incident that we may well take into account if properly adjusted to the original theory.

Mr. SMOOT. Of course, if that were the theory, then we ought to increase the amount; but I never understood that that was the object of the original legislation.

Mr. President, I do not desire to detain the Senate, as the Senator from Virginia having the bill in charge wants to secure its passage at once. There were, however, a number of other things which I desired to say in opposition to this last provision; but under the conditions I will conclude.

Mr. POINDEXTER. Mr. President, are amendments now in order to the pending proposed committee amendments?

The VICE PRESIDENT. They are.

Mr. POINDEXTER. I move to strike out on page 3, lines 5, 6, and 7, the words:

> But the amount deposited in any one bank shall at no time exceed the amount of the paid-in capital and one-half of the surplus of such bank.

The same section provides on page 2, that the board of trustees shall take security "in public bonds or other securities, supported by the taxing power" for the deposits which are made in the banks. So that really there is no need for the limitation on page 3, of which I speak; and the effect of that limitation will be that the small country banks in the small towns having small capital will very soon reach the limit which they are allowed to take under this clause. Then the postal savings funds which originated there will have to be sent away to some large city, contrary to the general policy and purpose of the act, which was intended to encourage the retention of the funds in the community. I hope that the chairman of the committee will accept the amendment which I have offered.

Mr. SMOOT. Mr. President, just a word. The amendment proposed by the Senator from Washington, I believe, ought not to be adopted. All of our banking laws, both State and National, have in view the preventing of large loans to any one concern or individual. Under State laws the limit is generally 15 per cent, and under the national laws 10 per cent. It does seem to me that there ought to be a limit as to the amount which the Government may deposit in a bank. If one depositor has on deposit subject to call as much as the capital stock and 50 per cent of the surplus, it seems to me for the safety of the bank that is sufficient.

I know the Senator may say that before the money is deposited the Government will have security which may be sold in case a call is made. That is true; but it may be a great disadvantage to the bank to have a call made and the securities sold as provided for. I think that the provision referred to by the Senator from Washington is a very good provision, although, if the Senator having the bill in charge wants to accept the amendment, I shall offer no objection.

Mr. BANKHEAD. Mr. President, I am willing to accept the amendment in order that it may be considered more carefully when the bill gets into conference. It may be a good amendment, and therefore I accept it.

Mr. GRONNA. Mr. President, I do not think the objections made by the Senator from Utah [Mr. SMOOT] are at all effective. Before any postal savings funds are deposited in any bank the bank must deposit bonds with the Government of the United States.

Mr. SMOOT. That is what I said.

Mr. GRONNA. That security must be furnished before the postal savings funds can be deposited in a bank. The capital stock and surplus of a bank are not of themselves any additional security.

Mr. President, I understand the chairman of the committee has accepted this amendment. I think that is all the more reason why there should be no limitation placed upon the amount to be deposited in a bank, because this bill deals with a certain class of banks only. It prohibits the deposit of postal savings funds in State banks if there is a Federal reserve bank in the community. I believe that is an unfair discrimination. I realize, of course, that it is in the interest of the Federal reserve banks, but if the Federal Reserve System is faulty, then, sir, we should repeal the law which created it. I am opposed to the provision of this bill which requires that only Federal reserve banks shall receive postal savings deposits in communities where there is a Federal reserve bank. There ought not to be such a discrimination. If the people of a community want to do business with a State bank, the Congress of the United States should not interfere. We should not prohibit or make it impossible for the postmaster to do business with that bank.

Mr. SWANSON. Mr. President, if the Senator will permit me, the present law requires all postal savings funds to be deposited in Federal reserve banks.

Mr. GRONNA. Yes; I am aware of that.

Mr. SWANSON. We passed last year a law which eliminated that provision and allowed such funds to be deposited equally in Federal reserve banks and State banks.

Mr. GRONNA. Yes.

Mr. SWANSON. The President vetoed that bill.

Mr. GRONNA. Yes.

Mr. SWANSON. And it could not be passed over his veto. This bill endeavors to compromise the situation by giving the first preference to the Federal reserve banks; and if there is no Federal reserve bank in a community, then the postal savings funds may be deposited in a State bank, so that the money will remain in the community where it was originally deposited. That is the main question, it seems to me, and I hope the Senator will not jeopardize this legislation by insisting on reopening a matter which we embodied in a bill 12 months ago and passed, but which was defeated by the presidential veto. This bill gives State banks a better opportunity than they will have if this bill is not enacted into law.

Mr. BANKHEAD. The State banks will be able to secure none of these deposits if this bill is defeated.

Mr. SWANSON. That is true; they will secure none if the bill is defeated. I know that in a great many States, including my State, the situation is very much like that in North Dakota; but it seems to me we are getting remedial legislation—not all that some desire, but still we are getting a provision which will allow postal savings funds to remain in the communities where the money is originally deposited.

Mr. GRONNA. Mr. President, I admit that if this provision is enacted into law it will be an improvement upon the present law, but we ought not to prohibit anybody from depositing money in State banks as well as in the national banks. The national banks, of course, must necessarily belong to the Federal Reserve System. I think it is unfair to a community where there are a great many State banks but only a limited number of national banks. Of course it is evident that legislation of this kind is passed for the purpose of compelling State banks to enter the Federal Reserve System.

Mr. BANKHEAD. Mr. President, will the Senator permit me for a moment?

Mr. GRONNA. Certainly.

Mr. BANKHEAD. Under the law as it now is postal savings funds must all go to the national banks—member banks of the Federal Reserve System. None of it can be deposited in a State bank under any circumstances. The purpose of this amendment to the law is to permit deposits to be made in State banks in communities where there is no Federal reserve bank. That is the whole of this proposition. If we fail to pass this bill the State banks will not get a cent, and can not under any circumstances get a cent, of the postal savings funds which may be deposited in banks. The law now compels all deposits to be made with banks which are members of the Federal Reserve System.

Mr. GALLINGER. Under the Federal reserve act that is required.

Mr. BANKHEAD. Yes; the Federal reserve act requires that.

Mr. GRONNA. Mr. President, I will say to the Senator from Alabama that I do not want to defeat this legislation. I have before me the Federal reserve act, and I find that on page 16, at the bottom of that page, it provides that all postal savings funds must be deposited in Federal reserve banks.

Mr. BANKHEAD. That is exactly what we are trying to get rid of by this amendment.

Mr. GRONNA. I am familiar with that, Mr. President, but I should like to see this bill amended so that postal savings funds may be deposited in any bank, whether a national bank or a State bank or a savings bank.

Mr. GALLINGER. That provision was in the original postal savings act.

Mr. GRONNA. Yes; I understand such a provision was in the original postal savings act.

Mr. GALLINGER. There was no discrimination; but that provision, of course, was practically repealed by the Federal reserve act, which provided differently.

Mr. GRONNA. I think the Senator from Alabama should permit us to amend this important bill by making it possible for State banks and trust companies to receive postal savings deposits, as well as national banks. That is my only objection to it.

Mr. BANKHEAD. Mr. President, to do that would simply mean no bill at all at this session of Congress.

Mr. POINDEXTER. Mr. President, I ask for a vote on the amendment which I submitted.

The VICE PRESIDENT. That is not necessary. The chairman of the committee has accepted the amendment.

Mr. BANKHEAD. I have accepted the amendment of the Senator from Washington.

Mr. NORRIS. Mr. President, if the Senator from Washington is through—and, as his amendment has been accepted by the Senator from Alabama, that makes it law, I presume, so far as the Senate is concerned—I desire to offer an amendment. I move to amend the committee amendment, on page 3, by striking out, beginning with line 8, down to and including the word "same," in line 16 of that page. The language I move to strike out is as follows:

Provided, however, If one or more member banks of a reserve bank created by the Federal reserve act, approved December 23, 1913, exists in the city, town, village, or locality where the postal deposits are made, such deposits shall be placed in such member banks substantially in proportion to the capital and surplus of each such bank, but if such member banks fail to qualify to receive such deposits, then any other bank located therein may, as hereinbefore provided, qualify and receive the same.

Mr. President, the object of this amendment is to take out of the bill the discrimination between National and State banks with regard to deposits. If this language is stricken out, under the bill as it will then stand the postal savings bank funds will be deposited in State and National banks, without any discrimination between the two systems.

It is provided in the law that security must be given, and the kind of security is stipulated. The same security must be given by one bank as by another. I can see no reason why we should say that postal savings funds should be deposited in national banks. It is true that if there are no national banks, then the bill would permit the deposit of such funds in State banks. That of itself shows that there is no legitimate reason against depositing money in State banks. The only reason that I can conceive of—and I presume it is the only reason that exists—for providing that postal savings funds must be deposited in national banks or member banks of the reserve system is to help build up that system. It is a discrimination against State banks.

Mr. President, if the States resorted to that method of discrimination against national banks, we would see the rule work the other way. In every State there are State funds, county funds, municipal funds, and various other kinds of funds, belonging to the States and municipalities; and I do not know of a single instance where a State, by law, has undertaken to discriminate against national banks in favor of banks organized under its own laws. If we start the discrimination, they are liable to follow it up, and with good reason, too. If they did, they would seriously interfere in a great many cases with the prosperity of national banks. We are establishing, by this method of procedure, a precedent which, if the States should follow it, would take away from deposits in all national banks all State money, county money, and municipal and city money—in fact, all money that is under the control of the laws of a State.

In the first place, it is not fair that we should do this. As the Senator from North Dakota has well said, if the Federal Reserve System can not stand up without discriminating against some other legitimate business, it ought to go out of business. We have passed at this session a bill which is now pending before the House of Representatives, and which provides that in States having laws providing for the security of deposits, national banks shall have the right, if the State laws permit them to do so, to take advantage of those laws, and secure their deposits under State laws. As far as I know there is not a State that has passed that kind of a law but that has extended that provision to national banks, and has said: "Come under our system if you want to."

We have passed, as far as the Senate is concerned, a bill that will extend that permission, which, under the ruling of the comptroller, did not exist before, and permit the national banks to take advantage of State laws in that kind of a case. It is only a fair step to put all the banks on the same basis and to permit them to follow their legitimate course of procedure, and not provide, by law, that these savings, deposited by the people of the community in the post office of a town where there is a State bank and a national bank, shall then all be deposited in the national bank and none of them in the State bank.

Mr. HARDWICK. Mr. President, will the Senator yield for just a minute?

Mr. NORRIS. Certainly.

Mr. HARDWICK. I am somewhat in sympathy with what the Senator is saying; but this legislation goes just about as far along that line as we can hope to get through. If the Senator insists upon the extreme, he will probably defeat any progress in that direction.

Mr. NORRIS. I do not think it is extreme. I am in favor of doing what I believe to be the proper thing to do. If the President wants to veto the bill, that is his privilege. I do not see any reason why Senators should say that the President is going to veto this bill if we put in this provision. There are a good many other things in the bill, and if he does veto it, it will come back to us again. If it is fair, if Senators believe in it, if all those who are supporting it are in favor of it, we will have enough votes to pass it over the President's veto, even if he does veto it.

I do not desire to delay this legislation. I am perfectly willing to have a vote taken on it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nebraska to the amendment of the committee.

Mr. NORRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GALLINGER. Mr. President, I will ask the Senator from Nebraska how much of the text he moves to strike out?

Mr. NORRIS. I move to strike out the words commencing with line 8 on page 3 and going down to the word "same," in line 16. If that amendment prevails, it will be necessary to make a formal amendment farther down to make the text read right.

Mr. GALLINGER. Evidently so.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN]. Not knowing how he would vote if present, I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER]. I transfer that pair to the junior Senator from California [Mr. PHELAN] and will vote. I vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Texas [Mr. CULBERSON] and will vote. I vote "nay."

Mr. TOWNSEND (when his name was called). I have a pair with the junior Senator from Florida [Mr. BRYAN], who is necessarily absent, and my colleague [Mr. SMITH of Michigan] has a pair with the junior Senator from Missouri [Mr. REED]. The junior Senator from Missouri is here. By arrangement with him we have transferred our pairs, so that my colleague will stand paired with the Senator from Florida. Therefore the Senator from Missouri and myself are at liberty to vote. I vote "yea."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Louisiana [Mr. RANSDELL], I vote "nay."

The roll call was concluded.

Mr. CHILTON. I transfer my pair with the senior Senator from New Mexico [Mr. FALL] to the junior Senator from Louisiana [Mr. BROUSSARD], and will vote. I vote "nay."

I desire also to announce the absence of my colleague [Mr. GOFF] on account of illness. I will let this announcement stand for the day.

Mr. CLAPP. I inquire if the senior Senator from North Carolina [Mr. SIMMONS] has voted?

The VICE PRESIDENT. He has not.

Mr. CLAPP. I feel constrained, then, to withhold my vote.

Mr. GRONNA (after having voted in the affirmative). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. I transfer that pair to the senior Senator from California [Mr. WORKS], and will allow my vote to stand.

Mr. WEEKS. My colleague [Mr. LODGE] is absent; but, as I announced before, he has a general pair with the senior Senator from Georgia [Mr. SMITH]. I am confident that if my colleague were present he would vote in the negative on this proposition. I understand the Senator from Georgia has already voted.

Mr. SMITH of Georgia. While I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], I only vote

without a transfer in cases where the junior Senator from Massachusetts [Mr. WEEKS] advises me that his colleague would vote as I would. I voted on this question because I had been advised that the senior Senator from Massachusetts would vote as I intended to vote; and I am glad to make that statement as to other votes in the future, without detaining the Senate to repeat it.

Mr. CHILTON. I desire to announce the absence of the senior Senator from Ohio [Mr. POMERENE] on official business, and his pair with the junior Senator from Maine [Mr. BURLEIGH].

Mr. REED. An arrangement having been made with the Senator from Michigan for a transfer of pairs, I desire to vote. I vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BRADY] with the Senator from Florida [Mr. FLETCHER];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY]; and

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE].

The result was announced—yeas 14, nays 41, as follows:

YEAS—14.

Borah	Hitchcock	Lane	Smoot
Cummins	Jones	Norris	Townsend
Curtis	Kenyon	Poindexter	
Gronna	La Follette	Sherman	

NAYS—41.

Ashurst	James	Page	Tillman
Bankhead	Johnson, S. Dak.	Reed	Underwood
Beckham	Kern	Shafroth	Vardaman
Chamberlain	Lea, Tenn.	Sheppard	Wadsworth
Chilton	Lippitt	Smith, Ariz.	Walsh
du Pont	McLean	Smith, Ga.	Warren
Gore	Martin, Va.	Smith, S. C.	Weeks
Harding	Martine, N. J.	Stone	Williams
Hardwick	Myers	Swanson	
Hollis	Oliver	Thomas	
Hughes	Overman	Thompson	

NOT VOTING—40.

Brady	Culberson	Lodge	Ransdell
Brandegee	Dillingham	McCumber	Robinson
Broussard	Fall	Nelson	Saulsbury
Bryan	Fletcher	Newlands	Shields
Burleigh	Gallinger	O'Gorman	Simmons
Catron	Goff	Owen	Smith, Md.
Clapp	Husting	Penrose	Smith, Mich.
Clark, Wyo.	Johnson, Me.	Phelan	Sterling
Clarke, Ark.	Lee, Md.	Pittman	Sutherland
Colt	Lewis	Pomerene	Works

So Mr. NORRIS's amendment to the amendment of the committee was rejected.

The VICE PRESIDENT. Is there any further amendment to be proposed as in Committee of the Whole?

Mr. HOLLIS. Mr. President, I think the committee agreed that, on page 2, at the end of line 21, the words "or authorized by act of Congress" might be inserted.

Mr. SWANSON. That has been agreed to.

The VICE PRESIDENT. The question is, then, on agreeing to the amendment as amended and modified.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to amend the act approved June 25, 1910, authorizing the Postal Savings System, and for other purposes."

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by E. T. Taylor, jr., one of its clerks, announced that the House had passed a bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916, and prior fiscal years, in which it requested the concurrence of the Senate.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 10037) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. LANGLEY, managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 11078) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. LANGLEY managers at the conference on the part of the House.

HOUSE BILL REFERRED.

H. R. 13043. An act making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years was read twice by its title and referred to the Committee on Appropriations.

MANUFACTURE OF ARMOR.

Mr. ASHURST. Mr. President, I do not purpose speaking upon the unfinished business, but in accordance with a notice which I gave yesterday I shall speak briefly upon the bill (S. 1417) to erect a factory for the manufacture of armor.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1417) to erect a factory for the manufacture of armor.

Mr. ASHURST. Mr. President, South Carolina has furnished to the Union many illustrious men and may well feel proud of her son, Senator BENJAMIN RYAN TILLMAN. More than 20 years ago he was urging the passage of a bill providing for the erection of a Government factory for the manufacture of armor plate, and the success which, in my judgment, will attend his efforts, is an illustration of the fact that an idea which is founded in truth may be crushed for a time, but it will ultimately triumph. It is given to but few men to realize results from their efforts in such great movements as this, and the chairman of the Committee on Naval Affairs [Mr. TILLMAN] may well congratulate himself upon the fact that the sentiment of the country is now well-nigh unanimous in favor of Government ownership of factories for the manufacture not only of armor plate, but powder and arms as well.

The hearings had before the Senate Committee on Naval Affairs 20 years ago demonstrated that the Government could manufacture armor for its naval vessels at about two-thirds the price such armor could be obtained if it were manufactured in private plants and sold to the Government. I have no doubt that the United States Government will save at least $1,000,000 on each superdreadnaught it constructs, if the armor for the ship is manufactured in a Government-owned plant instead of in a privately owned plant.

In my opinion there are many reasons why the Government should manufacture its own arms, guns, powder, warcraft, and armor plate.

Firstly, when such arms and ammunition, and so forth, are constructed by the Government there is no profit to be paid to anyone, hence there is a large retrenchment; in other words, a substantial saving to the Treasury.

Secondly, from the very nature of the armor business a monopoly is inevitable, as there is generally but one customer, and that is the United States. Large capital is required to finance an armor plant, and this excludes all but the very largest concerns from engaging in such business. There are but three manufacturers of armor in the United States, and the result has been that an odious monopoly has grown up. This monopoly has no competition. It can and does charge what it pleases and, as has been well said in the report of the committee on this bill:

> The committee has no desire to criticize unjustly the manufacturers of armor plate. They have done no more than most other men would have done under similar circumstances and temptations. Men in the pursuit of wealth are essentially greedy and hoggish, and the protective principle seems to have been prolific in producing some magnificent specimens. The main fact to be borne in mind is that they have more power than is compatible with the public interest. Give power to any set of men, however excellent and honorable, and sooner or later they will abuse it. Men have been built that way since the beginning of time.

It seems to me that all men, whether they be those who "favor peace at any price," those who favor "peace with honor," those who "love peace so well they are willing to fight for it," or those who wish "war at any price," ought to be in favor of Government manufacture and construction of arms and ammunition and armament for naval ships, so that in time of great distress or national emergency the Government would not be obliged to depend upon private persons for its armor plate and guns, but could have resort to its own factories and manufacture much or little, as the emergencies might require.

I am not opposed to appropriations out of the Treasury simply because they are large. If an appropriation is large but just, I am willing to vote for it; if it be unjust, the fact that it is a very small appropriation does not incline me at all to vote for it. The nature of the appropriation and the purposes for which it is to be used, not the amount, is what concerns me. I think, nevertheless, that every reasonable and practicable effort should be made to retrench, and we should save every dollar of the public funds that we may as practical persons.

There is, however, a deeper reason why I am in favor of the manufacture by the Government of its arms and ammunition, powder, and armor plate for its vessels. There are in our Nation men who are for "peace at any price," and there are men who are for "war at any price." These "war-at-any-price" men are moved by different motives. Some of them love to hear the heroic call of the silver bugles; some love the excitement incident to a war—they love the pomp and circumstance that attend military and naval operations; others, desirous of selling armor plate, guns, powder, and other munitions to the Government, promote the war spirit by violent criticism of an administration; by subtle, ingenious, and specious appeals to national honor, when in truth and in fact national honor may not be endangered; sometimes sweep Members of Congress off their feet and thus precipitate a conflict where by patience it might have been avoided. Therefore, if the manufacture of armor plate, guns, powder, naval vessels, and other like munitions were left largely to the United States, our Government would be free to act upon any certain state of facts uninfluenced, unprejudiced, and unbiased, and the powerful influence of the makers of armor and ammunition, anxious to make sales to the Government, would not in any way be thrown into the trembling scales in which the truth is to be weighed.

If it should ever become the solemn duty of Congress to declare war in the future, we should do it manfully, bravely, and, above all things, uninfluenced in any way or in any manner whatsoever by those powerful interests which seek to promote war in order that they may furnish multiplied quantities of arms, ammunition, powder, guns, and armor plate to the Government.

Mr. President, even were I convinced, which I am not, that a plant for the manufacture of armor plate and powder for the use of the guns of the Army and Navy would cost this Government more than it would to purchase the same from the owners of private plants, I would nevertheless be in favor of Government manufacture of such articles.

I read from the hearings before the Senate Committee on Naval Affairs, Tuesday, February 1, 1916, as follows:

[Extracts from the statement of Hon. Josephus Daniels, Secretary of the Navy.]

Senator PENROSE. Mr. Secretary, have you read these hearings before the Committee on Naval Affairs, in connection with Senate bill 1417, to erect a factory for the manufacture of armor?

Secretary DANIELS. I have read a part of them.

Senator PENROSE. You are familiar, of course, with the subject?

Secretary DANIELS. With the subject matter; yes.

Senator PENROSE. You are familiar with the subject matter; but as these hearings are down to date I think they are, perhaps, more valuable.

Secretary DANIELS. I did not get the hearings until yesterday afternoon. I have not read them all.

Senator PENROSE. When the committee adjourned last week, Mr. Secretary, it adjourned with the understanding that the armor-plate manufacturers could, if they chose or would, call to see you to pursue the discussion of this matter further with you as the executive head of the Navy Department, and the person who in the final analysis would have to advertise and perhaps frame specifications and come to an adjustment of the matter of price. And I am informed that these gentlemen have called on you, although I am not advised as to the details of the visit.

Will you inform the committee as to the character of the interview and your views on the matter or would you rather have Mr. Grace put on the stand?

Secretary DANIELS. I will make a statement and then Mr. Grace may make a statement, if it is desired.

Representatives of two of these companies, the Bethlehem and Midvale companies, came to see me after you adjourned last week and said it had been suggested by the committee, or some member of the committee——

Senator PENROSE. I suggested it.

Secretary DANIELS (continuing). That they confer with me; and their proposition was that I should appoint an expert accountant or accountants who would go through their books to determine what it costs to produce a ton of armor plate and get all the information in detail; and after doing so I would report to the committee whether, in my judgment, with all this confidential information in my possession, the price they proposed was a reasonable one with a fair profit.

We discussed the matter at some length, and I told them that a year ago or more the Carnegie Co. had sent me a very long and elaborate statement purporting to be the cost of manufacturing armor plate, the investment, the overhead charges, etc., and asked me to look into it to inform myself as to whether it was a proper price to charge in view of their investments and costs. I sent it back to that company without examining it carefully and told them that I could not accept any information confidentially; that any information they gave me about their plant as to its costs, operations, pay of labor, etc., must be a statement which I could lay before the Senate committee or the House committee, as the case might be; that as Secretary of the Navy I could not accept any confidential information; that I would not ask the Senate committee to act upon my statement that I had examined into their affairs and approved or disapproved them; that if they wished to state all these facts before the committee or to me to be transmitted to Congress I would accept them, otherwise I would not. I returned their long statement with that reply.

So I told these gentlemen the other day that I could not under any circumstances agree to enter into any investigation of their plants or accept any confidential statements that they made or that any experts I appointed might make that could not appear in the hearings or go before Congress. It seemed to me that that was the only possible position an executive officer could take.

Senator PENROSE. Of course, they had their explanation about why they did not want to give the details of their business?

Secretary DANIELS. They said they did not wish to give to the public the details of their business, that it would be giving it to their competitors and to the world; but they were willing to give it in confidence to the Secretary of the Navy.

Senator PENROSE. The business, as I understand it, being of an international character, and frequently in the past there has been the most serious competition to acquire methods, patents, and processes——

Secretary DANIELS. Why, as to the international nature of the business——

Senator PENROSE. The possibly international character of the business.

Secretary DANIELS (continuing). The only international business these companies have had that I know of you will find on page 9 of my report of 1913.

Senator PENROSE. Well, we concede, Mr. Secretary, it has not been very large in the past. It is something, however, that might occur.

Secretary DANIELS. Well, in 1894 there was some international business. The Bethlehem Co. sold armor plate to Russia in 1894 at $249 a ton; at the same time, under the contract of March, 1893, they sold armor plate to the American Government for $616.14 per ton. In 1911 they sold to Italy at $395 a ton, while they were charging this Government $420 a ton. Later they sold it to Japan for $406.35 a ton, as against prices ranging from $504 to $440 a ton to this country.

Since then I understand there have been no international sales; neither has any foreign Government sought to sell in this country, and none of our companies have sought to sell abroad. That being true, they did not raise any objection to making the information public on international grounds.

Senator PENROSE. They did not?

Secretary DANIELS. No. They said their objection to giving the details to the public was that it would disclose their private business to their competitors in America. My reply to that was that they had no competitors in America, for all the manufacturers of armor charged identically the same price.

Senator PENROSE. And they will have fewer competitors, I presume, if the Government keeps on. Was there any further suggestions made, Mr. Secretary?

Secretary DANIELS. Yes. Then we discussed the matter as to price. I told them if they had any statement to make as to the price they would charge in the future I would be glad to have it for consideration. Two of those companies, the Midvale Steel Co. and the Bethlehem Steel Co., submitted letters. The letter from the Midvale Steel Co. is as follows:

"Based upon our conversation in your office on Wednesday, January 26, 1916, if a construction program is arranged which will permit the Navy Department to purchase 125,000 tons of armor for delivery during the next five years we will be willing to contract for 40,000 tons, our capacity for five years, the same to be specified at the uniform rate of 8,000 tons per year, at $402.50, base, per ton, all conditions as to terms, specifications, and manufacturing details to remain the same as provided under the present contract.

"Very truly, yours,

"A. C. DINKEY, *President.*"

The CHAIRMAN. Is that a recent communication?

Secretary DANIELS. January 27, 1916.

Senator PENROSE. That is an offer to supply the armor on this schedule at $402?

Secretary DANIELS. Four hundred and two dollars and fifty cents a ton if we make a contract for five years on the program that the President has recommended.

Senator PENROSE. What is the price the Government is paying now, do you remember?

Secretary DANIELS. Four hundred and twenty-five dollars. That is a reduction by the Midvale Steel Co. from $425 to $402.50.

Senator SWANSON. That covers 40,000 tons?

Secretary DANIELS. Yes; that is their capacity. I also received a letter from the Bethlehem Steel Co. It is as follows:

"With a view to conforming to the conversation we had with you yesterday, prompted by the suggestion to us of the Senate Naval Committee that the private armor-plate manufacturers endeavor to reach an agreement with the Secretary of the Navy on a price for armor sufficiently attractive to him to make unnecessary the proposed legislation before the committee for the construction of a Government armor-plate plant, we respectfully submit the following proposal:

"We will undertake to manufacture one-third or such additional quantity as may be awarded to us, of the armor plate required for the contemplated five-year naval program (estimated at approximately 120,000 tons), for a price of $395 per ton for side armor, as compared with the price of $425 per ton now obtaining; similar reductions to be made in other classes.

"In quoting this low price we have been prompted by the desire to meet your views as to a satisfactory price for armor and to the end of making it unnecessary, in your judgment, to create Government facilities for this work, and thus, in a measure, save to our interests the large investment we have in this industry.

"Very respectfully,

"E. G. GRACE, *President.*"

Now, these two concerns, as I understand it, proposed to manufacture each one-third at those prices.

Mr. GRACE. One-third or more. My letter says, "a third or any additional amount."

Mr. BARBA. I might say that our capacity is 8,000 a year.

Mr. GRACE. Our capacity is 12,000 a year, Mr. Secretary.

Secretary DANIELS. I received no communication from the Carnegie Co., which has been making one-third of it in the past. The plan heretofore pursued has been—the Midvale company was organized when?

Mr. BARBA. As a company?
Secretary DANIELS. I mean to make armor plate.
Mr. BARBA. In 1903.
Secretary DANIELS. Up to 1903 there were only two companies, the Bethlehem and the Carnegie, and then the Midvale company came into the business in 1903. They made a bid for making armor plate which was considerably lower than the price that the Bethlehem and Carnegie companies had been charging. But I am informed that when they made this lower bid the award was not made to them.
Senator PENROSE. They did not have a plant at that time, Mr. Secretary, in the opinion of the Government, to make it certain that they could discharge such a contract.
Secretary DANIELS (speaking to Mr. Barba of the Midvale Co.). Did they not make a lower bid after they had a plant?
Mr. BARBA. We made this bid in 1903, after the plant was practically erected. We had prior to 1903 made five separate bids which were the lowest prices quoted, and for the reason noted by Senator PENROSE—ostensibly at least—they failed of receiving the award under their earlier bids, but on the bid of 1903 an award was made.
Secretary DANIELS. As I understand it, in 1903 they were the lowest bidder, after the plant was erected, but the Navy Department instead of giving it to the lowest bidder divided it among the three companies at the bid of the lowest bidder. That is right, is it not?
Mr. BARBA. No. I think that year the other two companies got two-thirds of the armor at their quoted prices.
Secretary DANIELS. The Navy Department gave this company that made the lowest bid a third, and then gave the other two-thirds to those other companies at their high prices.
Senator SMITH of Maryland. Did your company offer to furnish all of it at that price?
Mr. BARBA. They did, sir.
Secretary DANIELS. They offered to furnish it all.
The CHAIRMAN. I want to ask you, Mr. Barba, were they in condition then to manufacture it all, or would they have put themselves in condition to manufacture it all?
Mr. BARBA. As was testified a week ago, the Midvale Co. believed itself in a position to manufacture the whole of the armor that would be required for installation on the ships.
Secretary DANIELS. Of course, that all happened before I had any connection with the Navy Department.
Senator POINDEXTER. I wish you would explain, Mr. Secretary, why you did not give them the contract for it all instead of giving a contract for two-thirds at the higher price.
Secretary DANIELS. If I had been Secretary of the Navy I would have done so.
Senator PENROSE. If I may be permitted to interject—as I understand it, it was on a theory which now seems to be obsolete except in connection with shipbuilding. We frequently put in the naval bill the proviso that one battleship shall be built on the Atlantic seaboard and one on the Pacific, to keep the shipyards going. Mr. Grace knows. Am I correct in stating that sometimes in carrying out that policy a higher price is paid for a ship built in one place than for a ship built elsewhere?
Mr. GRACE. You are entirely correct.
Senator PENROSE. Both ships are not given to the lowest bidder. It has been the policy of the Government for 50 years to encourage the manufacturers and individuals in their ability to serve the Government in this connection. These people have all been invited by the Government to go into the armor-plate business. It is not a competitive proposition, strictly speaking, and under the Republican régime and Republican Secretaries of the Navy they have thought it their duty to keep all of them going and not to have what is threatened now, the third company going out of business because the manufacture of armor is too small a part of their enormous business for them to be spending every winter down here in Washington. So it is not unlikely that the third armor plant—I have no authority to speak for them, but they are not represented here. It would seem to me that it is such a small part of their enormous business that they would just as soon get out of it as not.
Senator CHILTON. You refer to the Carnegie Co.?
Senator PENROSE. The United States Steel Corporation.
Senator CHILTON. That is part of it; they own the stock.
Senator PENROSE. When the Midvale Co. came in they were welcomed by the Government, and it was never the theory until within the last few years other than that the Government should encourage them and keep them going.
Secretary DANIELS. They may have been welcomed by the Government, Senator, but when they made the lowest bid and agreed to make armor plate cheaper and agreed to make it all, the Government declined to give them the contract and gave most of it at higher prices to other companies and only gave them a portion.
Senator PENROSE. I do not wish to argue that, Mr. Secretary, but the same policy is adopted regarding the building of battleships?
Secretary DANIELS. No——
Senator PENROSE. If that is to be the policy of the Government, I would like to see all the battleships built on the Delaware, because we can build them cheaper there than anywhere else.
Secretary DANIELS. Our former experience was that what was built on the Pacific coast cost more, and in the bills there has always been the provision for a higher price for ships built on the Pacific coast——
The CHAIRMAN. The percentage was fixed in the bills.
Senator PENROSE. Well, let us follow the rule.
Secretary DANIELS. My experience has been that, though we have built no dreadnaughts on the Pacific coast, the work we have done on the Pacific has been done as cheaply as on the Atlantic. In fact, we have built two or three small ships at Mare Island under the bids made by New York and other eastern yards.
Senator PHELAN. The estimates of the Mare Island yard have been always lower, as I understand it, than the estimates of private yards. And then those vessels are intended, Mr. Secretary, for those waters, and there is the cost of bringing them over from the eastern yards, and the differential has been added. There is also the added cost of bringing the raw material from Pennsylvania.
Secretary DANIELS. That is largely true, and the wages are, I believe, somewhat larger in the West.
Senator PENROSE. The ultimate cost to the Government is higher, and if we are to abandon our old policy let us award our battleships to the lowest bidder, whether it is Norfolk or Philadelphia.
But that is neither here nor there. I merely wanted to explain that the policy with reference to armor plate has only been the same as that with reference to the shipyards.
Secretary DANIELS. I would like to proceed with my statement about our experience in buying armor.
The CHAIRMAN. Very well, Mr. Secretary.
Secretary DANIELS. The first contract we offered, in 1913, was the armor plate for the *Arizona*, I think.
Mr. BARBA. Yes; *No. 39*.
Secretary DANIELS. When the bids came in from Carnegie, Bethlehem, and Midvale they were identically the same figure, $454 per ton.
The CHAIRMAN. You mean to say that these three competitors all happened to hit on the same price?
Secretary DANIELS. To a cent.
Senator POINDEXTER. What year was that?
Secretary DANIELS. 1913. I rejected all these bids on the ground that there had been no competition. Later I had a talk with the gentlemen representing these three companies and told them that we wished competition and that I could not understand how they could hit upon identically the same figure to a cent. Their answer was this: The Midvale people said that some years before that, when bids were offered, they had made the lowest bid but were not awarded the contract and that the department adopted the policy of dividing the contract between the three concerns; and they said, of course, "Why should we bid a lower figure if it is going to be awarded one-third to each of us at the same price?" But I advertised again, and they came down to $440 per ton, enabling the department to effect a saving of $111,000 on that contract.
Since then we have had bidding which has varied very little and we have had, of course, practically no competition.
On June 7, 1900, the naval act contained a provision authorizing the building of an armor plant:
"*Provided*, That the Secretary of the Navy is hereby authorized to procure by contract armor of the best quality for any or all vessels above referred to, provided such contracts can be made at a price which in his judgment is reasonable and equitable; but in case he is unable to make contracts for armor under the above conditions he is hereby authorized and directed to procure a site for and to erect thereon a factory for the manufacture of armor, and the sum of $4,000,000 is hereby appropriated toward the erection of said factory."
He was "satisfied" that the price was "reasonable" and did not build the plant.
In 1895 Secretary Herbert visited Europe and made a thorough investigation into the armor-plate situation. He became satisfied that there was a world-wide agreement by which the manufacturers of one country would not sell in any other country, and he recommended the building of an armor-plate factory as the result of that investigation.
The CHAIRMAN. Mr. Secretary, you evidently believe there is a combination among these manufacturers of armor?
Secretary DANIELS. Well, I evidently believe there is no competition.
The CHAIRMAN. That is a negative way of saying the same thing?
Secretary DANIELS. Not necessarily, because they say to me, very frankly, "We had no inducement to bid; if we bid lower, we do not get any more of the contract than if we bid higher."
The CHAIRMAN. But only the lowest man says that?
Secretary DANIELS. The lowest man; yes.
The CHAIRMAN. The fellow that could not get in explained the reason why?
Secretary DANIELS. And therefore he said, "Why should we bid lower?"
The CHAIRMAN. He would not play in a game where the cards were all stacked before he entered it.
Senator PENROSE. I think it is admitted it is not a strictly competitive proposition. The point of view of the Government has been: Is the Government getting armor plate at a reasonable price and one that can be compared with that which it costs other nations?
The CHAIRMAN. Mr. Secretary, from your experience with the manufacture of smokeless powder by the Government, you are satisfied that the Government can manufacture armor more cheaply in its own factory than it can buy it?
Secretary DANIELS. There is no doubt of that.
The CHAIRMAN. And the ownership of an armor factory would relieve us of future combinations, or perpetual competitions?
Secretary DANIELS. I think this: If we owned it, we would secure competition from outside plants as well as our own. And I believe, in view of the many changes and new construction, the Government ought to have a factory where its own experts would be studying the best methods of making armor plate.
Of course, the private manufacturers and the Government have worked harmoniously trying to perfect the best armor, but I think the Government ought to be doing it itself. At present the armor-plate factories do not sell abroad, but they have a right to do so, and the armor they are making is the joint product of the brains of the Navy and the armor-plate experts. They have made the armor plate upon our specifications. If our experts should obtain armor plate in this country that was better than could be obtained in any other country in the world and we wished no other country to have it, we have no guaranty now that it would not be sold abroad.
Take the matter of torpedoes. We have gone into the manufacture of torpedoes pretty largely, and we have had a good many manufactured by private concerns. Two years ago the manufacturers of the torpedo which really was the product of the Navy's inventors working with the private concerns were about to sell those torpedoes to foreign countries, and we had to enjoin them in the courts on the ground that that torpedo was a product of the Navy's brains as well as theirs and it should not go abroad. After litigation it was decided in the courts of New York that the private company could not sell them abroad.
In the course of his opinion Judge Cox said:
"This case illustrates the importance of the United States having a manufactory of its own for the manufacture of torpedoes and other implements of war, which are improved and changed from time to time by the addition of ingenious mechanism, which should clearly be kept secret unless our enemies are to profit equally with ourselves in every improvement which the ingenuity of our Army and Navy officers may suggest."
Now, I think the Government ought to make as much as practicable of everything like armor plate, torpedoes, projectiles, and powder—particularly the things that are improving all the time—so as to be able to control them.
Senator SMITH of Maryland. Mr. Secretary, it is not your judgment that the Government should put itself in a position to manufacture them all?
Secretary DANIELS. No; I do not think that is necessary.
Senator SMITH of Maryland. As I understand it, it is your idea that we should have an armor-plate factory for the purpose of knowing what it costs and preventing a monopoly of it?
Secretary DANIELS. In fact, we do not get competitive prices.

Senator SMITH of Maryland. You think it is unwise for us to undertake to manufacture it all, because it would put these other people out of business and destroy the present factories which might be very useful to the Government?

Secretary DANIELS. I have this idea: If you have competition between your own factory and a private factory, you get some advantage. If the Government should make all its own ships, for instance, it would not have quite as much competition in the building of ships as if outside people were bidding.

Senator SMITH of Maryland. What is your idea, Mr. Secretary, of the amount of armor plate that would be required per year for the next five years? It is 25,000 tons a year, as I understand it?

Secretary DANIELS. If this program goes through, we would need 120,000 tons.

Senator SMITH of Maryland. About 25,000 tons a year for the next five years.

Senator CHILTON. That is 113,000 for our actual needs, and then 7,000 tons for testing purposes.

Senator SMITH of Maryland. Is it your idea the Government should make about 20,000 tons of that per year?

Secretary DANIELS. That is a matter, Senator, for the Congress. My estimates, made in November, allowed for a factory that would make 10,000 tons a year. In the report of the committee they pointed out that you could make it much cheaper if you made 20,000 tons, which, of course, is true.

Senator SMITH of Maryland. That may be true. If you will allow me to express myself, I think it wise for this Government to be in a position to know what is being done in armor plate, and it is wise to know what it costs, but I do not think it is wise that this Government should go in and monopolize the business. I think it is well to keep these factories. Now, the proposition is, if 20,000 tons is to be manufactured, that would put the other people out of business entirely, would it not?

Secretary DANIELS. If we were prepared to make 20,000 tons we would be able to make most of the armor required under this program.

Senator PENROSE. It has been strongly intimated that every one of the private concerns would abandon the business and throw their plants into the junk pile and go into other lines of endeavor.

Senator SWANSON. Mr. Secretary, from your investigation of this subject, what suggestions have you to make to the committee as to Senate bill 1417, as to the amount to be appropriated and the amount of armor contemplated to be manufactured by the Government? Will you read that bill and suggest to the committee what you think would be the most advantageous position for the Government to take in reference to it?

Secretary DANIELS. The most advantageous position for the Government to take, looking at it as a matter of economy, would be to pass this bill.

Senator SWANSON. That is, in a broad way; but do you think it would be better to go into the manufacture of armor plate to the exclusion of private concerns or leave a portion of it for private competition?

Secretary DANIELS. In my recommendation and in my estimates, as you will see, I recommended a capacity of 10,000 tons.

Senator PHELAN. I do not know that it has appeared in the testimony here, but I have learned in private conversation that the Krupp concern provided certain munitions, or possibly arms, for the French Government in competition with French private plants, and the deduction was drawn that the French private plants, having been crippled by reason of the competition of the Krupps, were unable to supply the French Government during this war with munitions, certainly not to the extent which otherwise they would have been able to provide them. Is there any truth in that statement?

The CHAIRMAN. I do not know, sir. You startle me by any such statement as that.

Senator LODGE. It took them some time to get into a condition to supply their own munitions.

Senator PHELAN. I think the fact bears on this discussion—if it is true. I do not know.

The CHAIRMAN. That is hearsay, so far as I know. If you and Senator LODGE have any evidence as to the accuracy of that statement I would like to have it.

Senator PHELAN. My informant is present in the room. I think it was Mr. Grace who told me that.

Mr. GRACE. I do not think so, Senator Phelan. I have not talked to you on this subject at all, as a matter of fact. If I had any evidence, I should be very glad to offer it.

Senator SMITH of Maryland. I think that statement is perfectly reasonable.

Senator PHELAN. Who was it called on me in reference to this hearing? It was not Mr. Snyder; he is not present?

Mr. GRACE. Mr. Snyder is not here.

Senator PHELAN. I know it was one of the gentlemen from the Bethlehem plant It ought to be a matter of general information.

Secretary DANIELS. You will remember that a few years ago the papers were full of reports that the Krupp concern had bribed or induced certain newspapers in France to advocate a very large armament. There was a sensational investigation and some of the newspapers appeared in a bad light.

Senator PHELAN. Is it not a fact that the Krupps did supply the French Government within the last 10 years?

Secretary DANIELS. I do not know; it could be ascertained.

Senator LODGE. I did not speak in reference to Krupps. The information I have comes from French sources, and it was simply to this effect, that it took them a year after the war began to get their munition plants into such condition as to supply their needs. They were behind, and they had to put in a great deal of extra machinery and extra men in order to meet the demands for munitions.

The CHAIRMAN. That is notoriously so, because England and all of the rest of the European countries that are in this war were not expecting such a gigantic struggle.

Senator LODGE. The situation in England is very different. I am speaking simply of the French. The munition plants there, for whatever reason, had got so far down that they could not possible meet the demands of the war. They are now meeting them fully.

Senator PHELAN. Having made the statement with the premise that I learned it in private conversation, if it is a fact that the Krupps have supplied the French Government with munitions, is there anybody in this room that can supply that information?

Senator PENROSE. Mr. Grace might be able to answer.

Mr. KING. They did prior to the Franco-Prussian War, sir, but after that it is rather uncertain.

Senator POINDEXTER. I do not think this sort of fishing around for hearsay testimony and rumors amounts to anything, Mr. Chairman.

Senator PHELAN. In making that statement I desired to lay the foundation for this question. Outside of this bill—because I see it does not provide for the acquisition of private plants—has the Secretary of the Navy entertained a proposition to purchase one of the existing plants instead of constructing de novo an armor-plate factory?

The CHAIRMAN. I have never heard of any existing plants being entirely willing to sell. I asked them last year when the committee was up at their different establishments whether they had any idea of selling, and every one of them pooh-poohed it.

Senator PHELAN. Would it not be a wiser policy, instead of by competition destroying an existing plant, to acquire one by purchase or condemnation?

The CHAIRMAN. Well, condemnation would involve such an immense amount of litigation and be so costly that I do not think the Government would enter upon any such speculation.

Senator PHELAN. Assuming these gentlemen representing these various plants would agree to sell at a reasonable price, is there any objection on the part of the committee or in your mind to acquiring an existing plant?

Senator SMITH of Maryland. Is it likely they would sell at a reasonable price now, when there is such a demand for their products? If there ever was an opportunity for them to make money, it is now.

Senator POINDEXTER. Has the Secretary completed his statement, Mr. Chairman.

The CHAIRMAN. Mr. Secretary, I notice in your report that you ask for an appropriation for an ammunition plant?

Secretary DANIELS. A projectile plant.

The CHAIRMAN. Is there any reason why this armor plant that we are going to build—I hope—can not also produce the ammunition necessary for the Navy?

Secretary DANIELS. You would have to have different equipment.

The CHAIRMAN. Of course you would have to have additional equipment.

Secretary DANIELS. If you will notice in my report, I recommended "for armor plate and other munitions." You can make forgings and you can make some other things, but there is no reason why you should not add to that plant other equipment to make certain munitions. But the armor-plate machinery itself makes only armor plate.

The CHAIRMAN. We all know that; at least I do, because I am an old hand at this investigation of armor. This was my first work in the Senate when I came here 20 years ago, and I perhaps know more about armor factories than any man on the committee.

Senator LODGE. Mr. Secretary, may I ask you on what are based the figures for the cost of the armor made by the Government plant?

Secretary DANIELS. A special committee, composed of Senator TILLMAN, Chairman PADGETT, and Admiral Strauss, made an investigation. The figures given are from that report. Your committee last year authorized that to be done.

Senator LODGE. Yes; I know.

Secretary DANIELS. And they went into the investigation very carefully. They visited Bethlehem, Midvale, and Carnegie. At the time the appointment of the committee was proposed I hoped the members would be able also to visit European countries, and I think that was part of the idea, to try to ascertain the cost abroad as well as at home.

Senator LODGE. Then the figures you give for the cost of armor plate manufactured by a Government plant are based on that report?

Secretary DANIELS. They are based on that report.

The CHAIRMAN. These manufacturers of armor have agreed that it is only 10 per cent wrong. I believe that was the testimony last week.

Senator LODGE. In those figures of the cost of Government manufacture do you include interest, overhead charges, insurance, and everything of that sort?

Secretary DANIELS. Yes.

Senator SWANSON. I think they include everything except interest.

Secretary DANIELS. Do they not include interest?

Senator PENROSE. It is only fair to say on that point that this matter was thoroughly discussed the other afternoon, and there was a difference of opinion between this Tillman report and the statement of Mr. Grace and his associates.

Senator SWANSON. I think they stated, Senator Penrose, there would be only 10 per cent difference between what it has cost them, as shown by their books, and the estimate contained in this report.

Senator PENROSE. Down to the period where you get that figure, but there are other deductions that should be made.

Senator SWANSON. Mr. Secretary, do you think it would be advantageous to the Government, as suggested by the Senator from California, to make the erection or purchase of an armor-plate factory optional with the department; to give you the power to purchase an existing plant if you saw proper, or to erect one if you saw proper? What do you think would be the advisability of leaving that optional with the department?

Secretary DANIELS. I think if we could purchase one at a reasonable price it would be better than to build, because we would get it cheaper.

Senator SWANSON. It would be available at once; otherwise there would be a delay of three years?

Secretary DANIELS. Two or possibly three years. We might complete it in 18 months.

Senator LODGE. This plant you propose is a 10,000-ton plant?

Secretary DANIELS. That is my estimate.

Senator CHILTON. The bill provides for 20,000 tons.

Senator LODGE. Will you kindly tell me again what will probably be the annual consumption?

Secretary DANIELS. It all depends, of course——

Senator LODGE. I understand—on what we authorize.

Secretary DANIELS. On the proposed building program it will be 120,000 tons for the five years.

Senator LODGE. One battleship requires about 8,000 tons?

Secretary DANIELS. About that.

Senator LODGE. And we have been authorizing at the rate of two ships—16,000 tons?

Secretary DANIELS. Yes; generally.

Senator LODGE. And the 20,000-ton plant would make all the armor necessary for the battleships unless you added a battle cruiser or a third ship?

Secretary DANIELS. Not all of that, but nearly.

Senator LODGE. I understood the estimate of $10,000,000 was for a 10,000-ton plant.

Senator PENROSE. Mr. Grace says that is all such a plant would produce. Admiral Strauss differs with him by 100 per cent. He says it would produce 20,000 tons

Secretary DANIELS. Of course, we estimated on what Admiral Strauss stated in his testimony.

Senator LODGE. And the time he figures is 18 months?

The CHAIRMAN. No; the time necessary, in the opinion of the present Chief of the Bureau of Yards and Docks, Mr. Harris, is that if you will cut the red tape in the Navy Department—you know what red tape is; I don't—he can build it in 18 months.

Senator LODGE. And these estimates all rest on the opinions of bureau chiefs?

Senator PENROSE. Who are not experts on armor plate.

Secretary DANIELS. You could build it in 18 months or 2 years if there was no delay.

Senator LODGE. I mean, the estimates and everything else rest on the estimates of the bureau chiefs?

Secretary DANIELS. Why, of course.

Senator PAGE. Mr. Secretary, if the exigencies which the President tells us may appear immediately should come to pass, are we not liable to want, perhaps, a great deal more armor plate than has been suggested by any bill before Congress?

Secretary DANIELS. We are not now asking Congress for any more than were put in the estimates.

Senator PAGE. But if there should be a prospect of an immediate war, would not those estimates be doubled, or trebled, perhaps?

Secretary DANIELS. Of course.

Senator PAGE. Then is it not possible that it will be better to postpone the proposed legislation with regard to an armor-plate plant for a year and continue the present status of the parties that are now manufacturing armor until we see what situation is going to confront us in a month or so?

Secretary DANIELS. If it were true we were going to need a great deal more than we have estimated for, then the private plants could not meet our needs, and we would need a plant all the more.

Senator PAGE. We should not have that for a year or two, perhaps, and we want now to stimulate and encourage the existing plants to continue their operations and make a large amount of armor plate in the immediate future.

Secretary DANIELS. They have a certain limit to their production now.

Senator PAGE. I think 32,000 tons is the limit stated.

Senator JOHNSON. Mr. Secretary, you said something about the advantage to the Government of preserving secrets if we had our own armor-plate factory. I would like to have you elaborate that.

Secretary DANIELS. I mean by that there have been a number of improvements. Of course the Navy's experts are studying how to improve all war munitions. I was illustrating this by the torpedo. I think it would be very valuable for the Government to have its own factory, where its own experts could experiment in making armor plate.

Senator JOHNSON. And preserve the secrets?

Secretary DANIELS. Yes; and try to produce something better. I think that is a very strong argument in favor of having a Government plant. That does not affect the size of the plant, however.

Senator PAGE. And how long, Mr. Secretary, would it be before that plant could be put in operation, if this bill should pass?

Secretary DANIELS. At the best, 18 months.

Senator PAGE. I think the testimony of one of the admirals was it would be nearly twice that. Am I right about that?

Senator LODGE. Yes, sir.

Secretary DANIELS. Two years, I would say, would be nearer right if we had the money available and proceeded at once.

Senator PENROSE. From two to five years the estimates run, I think, according to the testimony.

Senator CHILTON. Mr. Secretary, if you have not explained to the committee, I would like to have you explain now your opinion and give us the benefit of your judgment as to the relative difference between putting up a 10,000-ton plant and a 20,000-ton plant. I know there is a difference in cost. I believe you estimated $230 a ton for the 20,000-ton plant. I mean, to take into consideration all the factors. It might be inadvisable for us to destroy or put out of operation the plants that are now in existence. You must have studied that. Which do you think it would be best for the Government to do now, granting it was determined to build some kind of a plant?

Secretary DANIELS. As I said just now, my estimate was for a 10,000-ton plant, and the advantage of a 20,000-ton plant is that you could get armor plate at about $32 a ton cheaper.

Senator CHILTON. Well, let us take the present situation as it exists now, taking all those factors into consideration. One of the main reasons you want a plant would be for the experimental tests you spoke of?

Secretary DANIELS. That is one of the main things, but one of the other big things is to get competition in prices.

Senator LODGE. But if the Government makes substantially all the armor plate it needs in a year in its own plant, of course, you would put the others all out of business. Do you think that would be a good thing?

Secretary DANIELS. Well, as I said just now, my recommendation was for a 10,000-ton plant at this time.

Senator LODGE. Exactly; you want to keep competition alive, with the possibility of expansion?

Secretary DANIELS. With the possibility of expansion. If we show on a 10,000-ton plant what I think we will, then it will be another question how much larger we should make it.

Senator SWANSON. Could a plant of 10,000 tons capacity be expanded to 20,000 tons capacity without the loss of much machinery?

Secretary DANIELS. Senator TILLMAN, you went into that more fully than I did.

The CHAIRMAN. My opinion is it is cheaper to build a larger plant, and I can not see where anything at all would be lost.

Senator SWANSON. I mean, if you should have a 10,000-ton plant and afterwards the developments were such that you wanted to increase it to a 20,000-ton plant, could it be done without very great loss on the 10,000-ton plant?

The CHAIRMAN. You would only lose time, in addition to the money necessary to expand it.

Secretary DANIELS. It is just a matter of more units.

Senator SWANSON. So there would not be any material loss in the expansion?

Secretary DANIELS. No.

The CHAIRMAN. I say there would be no loss whatever, but it would be a saving to build a larger plant in the beginning.

Secretary DANIELS. Undoubtedly.

Senator SWANSON. Have you ever had any proposition made to the Navy Department for the sale of any one of these plants at a reasonable price?

Secretary DANIELS. No. A year ago or more, talking to these gentlemen, one of them said, "Well, if the Government is going into this we might as well sell our plant." But it was in a casual conversation; there has been no proposition.

Senator PAGE. Is it not possible, Mr. Secretary, that this is an inopportune time to make the change, in view of what confronts us now?

Secretary DANIELS. Why, I think, in view of the larger program, this is the time to do it.

Senator PHELAN. What has been the effect of the Government's manufacture of gunpowder on prices and quality?

Secretary DANIELS. When the Government began to manufacture smokeless powder it paid to the private company 80 cents a pound.

Later, some years ago, Representative SHERLEY began an investigation as to what ought to be the price—about six years ago; I won't say exactly the time. After that investigation Congress fixed the price at 53 cents. We did not manufacture much smokeless powder then. The Sixty-third Congress increased the capacity of the powder factory, so that now we can manufacture, beginning the 1st of March, 6,000,000 pounds a year. It costs us 24 and a fraction cents to manufacture it; that is, the first cost, not counting investment and overhead charges. Counting that, it costs about 35 or 36 cents.

Senator LODGE. That includes everything?

Secretary DANIELS. That includes everything. It is 25 cents if you do not charge anything except the mere cost of the powder; charging everything, it costs 35 or 36 cents.

Senator CHILTON. Factory cost?

Secretary DANIELS. Factory cost.

Senator SWANSON. What has been the experience in connection with the manufacture of guns?

Senator LODGE. I would like the Secretary to finish this matter.

Secretary DANIELS. We can manufacture in the Navy, beginning the 1st of March, all the powder we need in the regular orderly operation as the General Board has prescribed. We can make it all, as I say, at a cost of 25 cents net, or 36 cents with the overhead charges, a very great saving, you see.

The CHAIRMAN. What is the experience of the Government with the lasting qualities of smokeless powder?

Secretary DANIELS. It lasts longer.

The CHAIRMAN. Can it be kept in stock and stored up?

Secretary DANIELS. Every few years we rework this powder, but Admiral Strauss has been able to make it so much better we do not have to work it so often. About once in three years we rework this powder. It used to be worked oftener.

Senator PHELAN. You make it at 35 cents?

Secretary DANIELS. Including all overhead charges; yes.

Senator PHELAN. What is the commercial market price for large quantities of powder?

Secretary DANIELS. Congress fixed the price that we should pay when we buy it outside at 53 cents.

Senator PHELAN. But what do the manufacturers sell it to outside purchasers at?

Secretary DANIELS. I do not know, Senator. A dollar a pound I think they are charging now.

Senator CHILTON. I have heard that.

Secretary DANIELS. My understanding was the Du Pont Co. had a contract abroad for millions of pounds at $1 a pound.

Senator PHELAN. The same quality of powder?

Secretary DANIELS. I think they make the same quality of powder.

Senator PHELAN. You now manufacture all you need in the orderly routine operation of the Navy?

Secretary DANIELS. We will be in March.

Senator LODGE. But we do not make enough for war?

Secretary DANIELS. No; not for war.

Senator PHELAN. Does it deteriorate by storage?

Secretary DANIELS. Yes; about every three years we have to rework it.

Senator PHELAN. What else does the Government manufacture?

Secretary DANIELS. Torpedoes, some types of guns——

Senator SWANSON. While you are speaking of guns, what was the cost of guns before the Government manufactured them, and what does it cost now to manufacture these guns?

Secretary DANIELS. I would like to look into that. As a general rule, if we can manufacture them cheaper than we can buy them outside we manufacture them, and generally we have been able to do so. Sometimes we have made a contract outside at a lower price than we could manufacture at, but we have made a considerable saving as a whole. If you will let me have a little time to look up the figures, I will put that in the hearings. We have generally made them cheaper than we can buy them outside.

Senator PHELAN. I think this information is very interesting, in view of the fact that a larger part of the opposition to the program of preparedness comes from men who think that those who manufacture munitions are always stirring up trouble and inspiring the war spirit for the purpose of selling their wares. You say that all the powder used in the ordinary orderly routine of the Navy's operations is manufactured by the Government plant?

Secretary DANIELS. Yes.

Senator PHELAN. And what percentage of the small arms?

Secretary DANIELS. Not a very large per cent; a very small per cent.

Senator PHELAN. Torpedoes?

Secretary DANIELS. We manufacture torpedoes, over half.

Senator PHELAN. Then if you manufacture your armor plate and build your ships in navy yards that objection to preparedness would be answered?

Secretary DANIELS. I think it would be a good proposition for the Government in every way.

Senator PHELAN. And in the proportion that you do manufacture these things as a Government, in that proportion would the sentiment against preparedness be allayed?

Secretary DANIELS. That part of the preparedness sentiment that comes from those who get money out of it.

Senator PENROSE. Would that satisfy Henry Ford and William Jennings Bryan, do you think? If that was eliminated, would they be for preparedness then?

Senator PHELAN. It would probably deprive them of one of their arguments.

Senator PAGE. Would there be any material embarrassment, were we to have war now with a foreign power, in securing the proper amount and quality of powder?

Secretary DANIELS. No; I think not; because our plant and the private plants have been so much engaged recently. But our country always is in a position that if we had war we would have to buy munitions of all kinds.

Senator PENROSE. Mr. Secretary, on that point, if the Government goes into this on the basis of manufacturing all the munitions they require, where will they find private manufacturers able to manufacture munitions when a larger demand occurs in case of war?

Secretary DANIELS. I have not advocated the manufacture of all, Senator.

Senator PENROSE. Take your battleships, your armor plate, your guns, your powder—even Admiral Strauss declared that the policy of France had been a failure in the manufacture of powder. If a war should occur, perchance, an enormous demand will be created and these individuals will have disappeared like the buffalo.

Secretary DANIELS. I do not think we ought to pay excessive prices because of that fear.

Senator PHELAN. One of the objects of your plan is to determine the cost of these things?

Secretary DANIELS. Yes; and this is true: Take the question of powder—that has now been turned into a science. For a long time we manufactured only a fourth, or a third, or a half, and we bought additional powder, and we had competition between outside and inside. Now, our experts can make it perfectly; and it would be a very unwise policy for this Government to pay 53 cents when it can make it for 35 or 36.

Take the question of shipbuilding, for instance. I really think we get better results if we have some built at navy yards and some built by private companies, because we get the competition between our own experts and outside experts.

Senator SMITH of Maryland. Do you not think that is the case in regard to armor plate, that we could manufacture some and leave enough for outside parties to encourage them to keep in a prepared state?

Secretary DANIELS. That may be the wisest course, Senator.

Senator CHILTON. That was one of your recommendations; that was one of the considerations.

Secretary DANIELS. In my estimates I estimated that we should make a 10,000-ton plant. That was my recommendation. It is much better as a matter of economy to make it 20,000 tons.

Senator SMITH of Maryland. It might be better possibly to pay a little more and have assistance when you need it, from outside parties, but to build a plant of 10,000 tons would enable you to get at what ought to be paid for it, and it would also stop the monopoly, if there is a monopoly, and it also would enable you to have the secrets which you think are very valuable, and at the same time not destroy the private industries altogether.

The CHAIRMAN. Mr. Secretary, as to this proposition for a 20,000-ton plant, the estimate of cost is based upon its running all the while—three shifts. It is not customary to run Government plants 24 hours in a day. Therefore, unless there is an emergency, we could reduce the time of manufacturing armor to eight hours a day, and jog along in that way, and the cost would not be as much as we are now paying.

Mr. BARBA. It is not possible, Mr. Chairman, to run an armor plant eight hours a day. It is not physically possible.

Mr. GRACE. The operations require continuous work.

Mr. BARBA. The operations require absolutely continuous performance 24 hours a day 7 days a week.

The CHAIRMAN. You mean the heat has to be maintained?

Mr. BARBA. Yes, sir. I instanced a week ago in my testimony one operation, which is common to every armor plant, which requires from 18 to 25 days' continuous operation at a temperature of 2,000° F. without cessation. You can not do that on an eight-hour basis.

The CHAIRMAN. That is one of the special parts of the manufacture, however.

Mr. BARBA. You can do that in the case of machines where the tools may stand idle.

The CHAIRMAN. My judgment would be it would be possible for the Government armor factory to run on those processes which are not necessarily continuous in such a way as not to make it necessary, and you could get the same results, and you could expand and run 24 hours a day in an emergency.

Mr. BARBA. But, Senator TILLMAN, where does your cost go under such an operation as that? When you are working 8 hours a day and the plant is idle 16 hours a day, everything stops more than 16 hours a day. It takes longer than 8 hours a day to pick up and get going. You need a little manufacturing experience, Senator, to show you the truth of these statements I am making to you.

Secretary DANIELS. You asked me just now about the guns. I find I have the facts in my testimony before the House committee last year. It cost something less than $60,000 to build a 14-inch gun. The Army is making 10 for us at a cost of about $61,000 apiece. We asked for bids on those 10 guns, and the Midvale and Bethlehem companies bid $79,000 apiece for them, a difference as against the Army price of approximately $18,000 and as against the Navy price of $19,000. That was for 14-inch guns.

Senator PHELAN. Of course that question of cost is subject to change when you add in the interest on investment and overhead charges?

Secretary DANIELS. All those things enter in, of course.

Senator PHELAN. There is no standardization of statistics, it seems to me.

Senator PENROSE. That is the whole trouble.

Senator LODGE. The costs are almost valueless.

Senator PENROSE. Figures will prove anything about the cost of Government work.

Secretary DANIELS. Well, figures prove as much about Government work as about private work.

Senator PENROSE. I did not go that far; I am willing to admit that, too.

Secretary DANIELS. These figures, though, absolutely show the cost to the taxpayers.

Senator SWANSON. But this was after bids. Bids were made for 14-inch guns, and the navy yard had all its plant, and the Army had its plant and overhead charges, and a bid was made by the Army to construct ten 14-inch guns for the Navy, and the difference between the Army price and the price submitted by the outside bidders was $18,000 on each gun.

Senator PHELAN. That is due to the fact that the Government is not paying dividends to stockholders.

Senator PENROSE. And not paying taxes.

Secretary DANIELS. But do not forget we have equally large overhead charges. The leave, liability, and sickness amount to from 10 to 12 per cent, and outside companies do not have these charges.

Mr. KING. We have every bit of that.

Secretary DANIELS. Some of it. They do not give the leave that we give; they do not have those outside charges that we have. So you must consider both; I do not mean to say they equalize each other, but you must consider both.

Senator PHELAN. There is one thing certain, that the Government does not pay more than they would have to pay if they employed private concerns.

Secretary DANIELS. In most instances they pay less, and when they pay more they get it outside. Now, when we gave these bids out, if Midvale and Bethlehem had bid lower for these guns they would have gotten them.

Mr. KING. Would you have shut down your plant, sir?

Secretary DANIELS. Sometimes it might possibly be better to temporarily stop a portion of the plant if we could get them cheaper.

Mr. BARBA. Mr. Chairman, I would like to call attention to a fact about the manufacture of small guns.

The CHAIRMAN. Do you mean rifles?

Mr. BARBA. Four-inch rifles, 5-inch rifles, and such as are going on our smaller naval units That is the type of gun which can be produced most quickly and rapidly in time of stress and emergency. The Midvale Steel Co. has not had an order for these small guns in three years, due to the fact that the Washington Navy Yard and the Watervliet Arsenal have taken every gun the department had to give out; and the Midvale Steel Co.'s tools and equipment are idle so far as those guns are concerned. The men, the expert workmen on lock mechanism, are scattered and are not any longer in our employ, and to-day we could not make those guns.

Senator PHELAN. Are you making those guns for foreign order?

Mr. BARBA. Not at present, sir.

Secretary DANIELS. But you are taking orders?

Mr. BARBA. We hope to.

Secretary DANIELS. The Midvale Co. declined to take any foreign orders until it recently sold out, and since then it has taken orders.

Mr. BARBA. We hope to take orders for relatively small guns—and large ones.

Secretary DANIELS. Of course, whenever we can make guns cheaper ourselves we make them; when we find it cheaper to go outside and get them we go out outside, like any other business concern.

Mr. MATTHEWS. Mr. Secretary, is there not legislation to prevent your doing that?

Secretary DANIELS. We are compelled by certain legislation to keep our plants working, if we can do so economically. I have forgotten the exact words of the legislation. Before that it often happened the Government factory was standing idle and the contracts were awarded outside. Congress put a provision in the act that we should keep the Government factory busy.

Mr. BARBA. The purpose of my remarks about the small guns was to show the certain atrophy that comes on a plant that is allowed to fall into disuse.

Senator PHELAN. The gentleman says he has orders, if I understand him, for foreign guns?

Mr. BARBA. Not at present; we have made bids. But it will require us to overhaul our plants and reassemble our crews before we can undertake to accept those contracts.

Senator PHELAN. That would be very advantageous to you—to keep your plant going?

Mr. BARBA. Yes; and that is the reason why we do it. We would far rather have our plant filled with the work for which it was designed.

Senator PHELAN. Do you think your foreign orders would probably enable your plant and all other plants in this country to keep in operation?

Mr. BARBA. Yes, a short time; but against the policy of the United States.

Senator PHELAN. Are you familiar with the export trade in munitions?

Mr. BARBA. Yes; pretty well.

Senator PHELAN. Will you state what percentage of the whole amount of munitions goes from the factories of the United States to European battle fields?

Mr. BARBA. It is almost impossible, Senator, to give you such a figure as that.

Senator PHELAN. Is it more than 5 per cent?

Mr. BARBA. Yes, indeed.

Senator PHELAN. It has been stated it was about 5 per cent of the whole amount consumed on the other side.

Mr. BARBA. I think Mr. Grace can give you a very much more accurate statement than I, because I heard him make a remark the other day which showed he had some information. And as he has manufactured very much more in the way of munitions than we have at Midvale I would be glad to retire in his favor. I am certain there is a very large proportion of the stuff being used abroad coming from America to-day, but the plants were largely built as emergency plants. They were remodeled car foundries, remodeled railroad shops, factories of all kinds. And they have, of course, figured on amortizing every bit of their new equipment on the cessation of war orders, and they, of course, will desire to return to their standard line of business.

Senator PHELAN. That is irrelevant anyway.

The CHAIRMAN. I would like to submit this bill to the committee and get a vote on it.

Senator PENROSE. Don't you think, Senator, we had better do that in executive session?

Mr. GRACE. If the hearings are about concluded. I would like to have a few minutes to make one more statement, if it is convenient.

The CHAIRMAN. If Secretary Daniels has finished.

Secretary DANIELS. I believe I have nothing more to add.

Mr. THOMPSON. Mr. President——

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Will the Senator from Arizona yield to the Senator from Kansas?

Mr. ASHURST. Yes; I will yield.

Mr. THOMPSON. I simply wish to ask whether the Secretary indicated that the bids of the three companies were at that time identically the same when submitted a second time?

Mr. ASHURST. If my memory serves me correctly, they reduced their bids and the contract was divided among the three. In the bidding there was absolutely no pretense of competition. The bids were all reduced and accepted at the reduced figures.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from New Jersey?

Mr. ASHURST. I yield.

Mr. HUGHES. The Senator is aware that the Navy Department adopted a policy of dividing the work and divided the bids to make it an equal amount to each.

Mr. ASHURST. Yes.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Iowa?

Mr. ASHURST. I yield to the Senator.

Mr. KENYON. Before the Senator leaves the evidence, I should like to ask him if any explanation was made by anyone as to why these gentlemen sold armor plate cheaper to foreign nations than to their own country?

Mr. ASHURST. Mr. President, although I have not carefully read all the hearings, my remembrance is that there is no explanation in the hearings as to why it was that they sold it to Russia, Italy, and Japan at a much cheaper price than to our own Government.

Mr. KENYON. May I ask the Senator another question? The newspapers stated that notice of some kind was served upon the committee that if an armor-plate factory was to be built by the Government or the construction in any way commenced the manufacturers would raise the price of armor plate to the Government $200 per ton. Is there evidence of that kind or is it a newspaper story?

Mr. ASHURST. I saw the article in the newspapers, but not finding it in the testimony I refrained in my address from adverting to it.

Mr. KENYON. The Senator finds nothing of that kind in the testimony?

Mr. ASHURST. I did not find anything in the hearings. If such a statement was made, of course it was a most offensive and stupid thing for anyone to say.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Will the Senator from Arizona yield to the Senator from South Carolina?

Mr. ASHURST. I yield to the Senator.

Mr. TILLMAN. I will state to the Senator from Iowa that when the Senator from Pennsylvania [Mr. PENROSE] comes back and makes his own speech, I wish he would ask him the question. He is the man who notified the committee of that fact. He said they would raise their price $200 a ton.

Mr. GALLINGER. Mr. President——

Mr. ASHURST. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I think no one has suggested that the Senator from Pennsylvania [Mr. PENROSE] was voicing the views of any of the manufacturers when he made that observation. I have seen it suggested that he made the observation, but I imagine that he did it entirely on his own responsibility.

Mr. LEWIS and Mr. REED addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Arizona yield; and if so, to whom?

Mr. ASHURST. I will yield first to the Senator from Illinois, as he rose first, and then I will yield to the Senator from Missouri.

Mr. LEWIS. Mr. President, I take the liberty to make a response to the inquiry of the Senator from Iowa and to say to him that when investigations were on touching the question of the armor plate being sold to foreign nations at a price less than that sold to our Government, I happened to bear an insignificant relation to the query, being then a Member of the House and serving in rather an incidental capacity. The present chairman of the Naval Committee of the Senate [Mr. TILLMAN], then a Member of the Senate, began the conflict here in this body, as the Senator from Arizona in his opening address stated. A few Members of the House, including myself, assumed to open an inquiry in the House. I recall that this statement was made in answer to the two inquiries. One was that what was sold to Russia was of a quality that did not comply with the specifications of our own Government for our own use and therefore was useless to the United States. Second, as to the other Governments, that it was a surplus, a matter which there had been no demand for, and it was to save a loss to themselves. Such were the only responses we received.

Mr. ASHURST. I thank the Senator. I yield to the Senator from Missouri.

Mr. REED. Owing to the time that has elapsed, I shall not ask the Senator to yield to me now.

Mr. MYERS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Montana?

Mr. ASHURST. I do not want to lose the right to the floor, but I cheerfully yield to the Senator from Montana.

Mr. MYERS. I understand from the tenor of the Senator's remarks and his quotations that this evil practice of noncompetitive bidding was really the fault of the Government under former administrations and not the fault of the bidders at all. It was encouraged by the Government under former administrations, was it not?

Mr. ASHURST. There was no doubt of that.

Mr. MYERS. But the present administration is not indulging in that reprehensible practice?

Mr. ASHURST. That is very true.

Mr. MYERS. The Senator ought to make it plain that the present administration is not indulging in any such reprehensible practice.

Mr. ASHURST. I thank the Senator from Montana for calling my attention to that point.

Mr. THOMPSON. Mr. President——

Mr. ASHURST. I yield to the Senator from Kansas.

Mr. THOMPSON. The point I really wanted to bring out more clearly was, because of the suggestion of the Senator from New Jersey [Mr. HUGHES], that it was the policy of the Navy Department to divide the contracts among different bidders. It is not the present policy of the Government to do so under this administration.

Mr. ASHURST. I thank the Senator for his suggestion.

Mr. GALLINGER. Mr. President——

Mr. ASHURST. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, it is interesting to be told by the Senator from Montana [Mr. MYERS] that the present administration is purer than the Republican administration.

Mr. MYERS. I simply asked the question.

Mr. GALLINGER. What was done in that regard during the years of the Cleveland administration?

Mr. ASHURST. Will the Senator from Montana permit me to answer?

Mr. MYERS. Yes.

Mr. ASHURST. Mr. President, whether Democrat or Republican, all, I think, respect the memory of Grover Cleveland. His administration was the pioneer in the movement looking toward securing cheaper armor plate. It was under his administration that one of these companies now charging the Government extortionate prices was fined $150,000 for palming off on the Government fraudulent, defective, treacherous armor plate.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Utah?

Mr. ASHURST. I yield.

Mr. SMOOT. Of course, the Senator has not answered the question asked by the Senator from New Hampshire.

Mr. ASHURST. I will try to answer it. I do not want to dodge it.

Mr. SMOOT. But I want to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Arizona yield?

Mr. ASHURST. I yield.

Mr. SMOOT. I understood the Senator to say that the present Secretary of the Navy, Mr. Daniels, had received bids for armor plate at the price of $454 a ton; that he thought the price was too high and asked for other bids; and that the three bidders named by him then bid $440 a ton. Then the Secretary of War followed the same practice that was followed by other administrations—by dividing the amount of armor plate purchased by the Government among the three concerns.

Mr. ASHURST. In answer let me read again——

Mr. SMOOT. Is not that correct?

Mr. ASHURST. Let me read what the honorable Secretary himself said:

> Secretary DANIELS. 1913. I rejected all these bids on the ground that there had been no competition. Later I had a talk with the gentlemen representing these three companies and told them that we wished competition and that I could not understand how they could hit upon identically the same figure to a cent. Their answer was this: The Midvale people said that some years before that, when bids were offered, they had made the lowest bid but were not awarded the contract and that the department adopted the policy of dividing the contract between the three concerns; and they said, of course, "Why should we bid a lower figure if it is going to be awarded one-third to each of us at the same price?" But I advertised again, and they came down to $440 per ton, enabling the department to effect a saving of $111,000 on that contract.
>
> Since then we have had bidding which has varied very little and we have had, of course, practically no competition.

Mr. SMOOT. But the Senator knows that the contracts were awarded to the three companies who bid, and for this reason the Midvale Co. could not produce in the time specified in the call for bids the amount of armor plate that the Government asked for, and in order to get the amount of armor plate it required, the Secretary of War had to divide the bids among the three bidders.

Mr. ASHURST. Is the Senator talking about 1903 or 1913?

Mr. SMOOT. I am talking about 1913.

Mr. ASHURST. I have no evidence indicating that the Midvale Co. could not furnish all the armor plate.

Mr. SMOOT. Is it not generally understood——

Mr. ASHURST. I do not know.

Mr. SMOOT. That the armor-plate plants of the United States are built with a view of producing the amount of armor plate that the Government of the United States requires? That is as I understand it, Mr. President.

Of course the policy was in the past to divide the purchases among the three companies. I think the Senator also knows that in the past the Government, in receiving bids for powder, in many cases decided to award the bid to more than one company. The Government felt that when it went into the manufacture of powder it would be very unwise for the Government to manufacture all of the powder needed for the Government, because if that were the case and trouble came and a great demand made on the Government for munitions of war, if all the private institutions had been driven out of the business the Government would find itself in a very helpless condition. That was the policy in relation to powder, and I understand the policy in relation to armor plate has been to encourage more than one firm to manufacture the same.

Mr. ASHURST. So far as I am advised, I am not aware that the policy of the Secretary of the Navy or of Congress has been to try to drive the manufacturers out of business, but the Secretary insists that the Government shall have its own plant, where it may manufacture 10,000 tons or 20,000 tons a year, so that it may procure its armor plate at a reasonable price and will not be forced to submit to extortion, and may, if it wishes, manufacture all its armor plate. The same is true as to powder.

Mr. SMOOT. My remarks to the Senator had no reference whatever to the question as to whether the Government at this time should enter into the manufacture of armor plate. My remarks only referred to the past policy of the Government in relation to the purchase of powder and also the purchase of armor plate.

Mr. MYERS. Mr. President——

The PRESIDING OFFICER (Mr. THOMPSON in the chair). Does the Senator from Arizona yield to the Senator from Montana?

Mr. ASHURST. I yield.

Mr. MYERS. I wish to rejoin to the remark made by the esteemed Senator from New Hampshire [Mr. GALLINGER] by saying that when it is proven from the records that his party had been bad in the past I am quite willing for him to have the poor consolation of recording that the Democrats have been just as bad at times in the past, if he will couple with it the further fact that the Democrats have quit those practices and under this administration have put an end to all of the bad practices of the past of both political parties and have set a new standard of honesty in public matters.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from New Hampshire?

Mr. ASHURST. I yield.

Mr. GALLINGER. My view of the Democratic Party is that which was expressed by the old lady who said that her son was totally depraved and growing worse every day. [Laughter.]

Mr. MYERS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Montana?

Mr. ASHURST. Just let me say a word. With all respect to my distinguished and beloved friend, the Senator from New Hampshire [Mr. GALLINGER], when the Democratic Party merits his hearty condemnation it is entitled to a certificate of good character. [Laughter.]

Mr. MYERS. I accept the rejoinder made by the Senator from Arizona.

Mr. ASHURST. I do not want to be discourteous, but I want to conclude as soon as possible.

Mr. GALLINGER. Just one word, Mr. President.

Mr. ASHURST. I yield to the Senator from New Hampshire.

I did not intend my remarks to be discourteous.

Mr. GALLINGER. Of course not.

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from New Hampshire?

Mr. ASHURST. I yield.

Mr. GALLINGER. I desire to ask a question of the Senator for information. He has been looking into this matter much more carefully than have I. It has been stated to me by parties whom I supposed knew something about the matter that foreign Governments were now paying more for armor plate than is the United States. Does the Senator know anything about that?

Mr. ASHURST. I am unable to supply that information. There are some data in the hearings with reference to it; but I did not deem it necessary to include them in my remarks.

Mr. President, surely we all may congratulate ourselves that the successful consummation of this legislation is about to be realized. The Nation cares very little for the expression of Senators; it cares very much as to what they do. The American people care but little as to what the Democratic Party or any other political party may say; the people care very much as to what a political party may do. The duty to create an armor-plate factory is before the party which has control in both Houses of Congress. Every mainspring and every motive that could influence a Senator to perform a patriotic act now calls upon him to vote for this bill. I have no criticism to make against any Senator who votes against this bill or views it differently from the way in which I do. He is doubtless just as sincere in his views as I am in mine; but, according to my view, it is our duty to pass this bill. The interests of this Government—interests sacred and stupendous—have been committed to us. Therefore we should in all things demonstrate that we have the ability, skill, and courage to meet those duties in a high and noble way. Congress has investigated for over 20 years; now is the time for action.

When I first entered Congress I began to give attention to this matter, for I believed then, as I believe now, that the Government should not be left to depend wholly upon private parties for its supply of those articles which it might, unhappily, be required to use for its defense.

Another and an important reason why the Government should construct its own armor plate is that under the present arrangements we have no knowledge whatever as to the class of armor plate that is being furnished to the Government. We are left to depend almost wholly upon the patriotism of the armor-plate makers. If they see fit to do as some of them did two decades ago, furnish the Government with armor plate full of "bubbles" and blowholes, we have no adequate means of knowing whether the armor is sound and perfect or treacherous and defective until that day when it may be put to the test. After an engagement has commenced and we find that some of our dreadnaughts have been covered with defective armor, it is too late to do aught else than utter vain regrets and curse ourselves for not taking precaution and provision to be absolutely sure that defective armor plate was not furnished to us.

It will be recalled that one of these companies, over 20 years ago, was fined nearly $150,000 for palming off fraudulent armor plate upon the Government.

I have now said, Mr. President, all I wish to say about the manufacture of armor for vessels of the Navy. I will conclude my remarks on that subject by venturing the prophecy that the bill to erect an armor-plate factory will soon become a law.

I will now advert to another matter equally as important, if not more important than even the armor-plate factory, and that is the necessity for a Government plant for the fixation of atmospheric nitrogen. It is a very happy circumstance that I find another distinguished Senator from South Carolina [Mr. SMITH] has introduced a bill to provide for the construction of such a factory. As I said in the beginning of my remarks, South Carolina has furnished many statesmen to the Nation. We have evidence here that her loyal and devoted sons have been in the forefront of these great movements. I advert to Senate bill 4971, introduced by the Senator from South Carolina [Mr. SMITH], proposing to appropriate $15,000,000 for the purpose of constructing a plant for the fixation of atmospheric nitrogen; and my attention also is very happily called to a bill introduced by the distinguished Senator from Montana [Mr. MYERS] on March 9, 1916, proposing to appropriate a sum of money to allow a board of Army engineers to search for, locate, and make a report upon the necessity and feasibility of plants for the fixation of nitrogen. That bill, as well as the bill introduced by the Senator from South Carolina, exhibits statesmanship. What they may say we will listen to; but it is what a Senator does—what he does for the present and the future—not for his own particular State especially, but for the whole country, that measures him as a statesman, and I say the Senator from Montana

[Mr. MYERS] and the Senator from South Carolina [Mr. SMITH] exhibited statesmanship when they introduced those bills, and I hope they will press them to a successful conclusion.

Mr. MYERS. Mr. President——

Mr. ASHURST. I yield to the Senator.

Mr. MYERS. In that connection, I wish to call attention to the fact that my bill provides for inquiring into the feasibility of locating a plant at the town of Polson, Mont., where there is a splendid water-power site withdrawn by the Government, and where all the facilities for such a work, I believe, are at hand and may be found convenient.

Mr. ASHURST. I know the Senator will press his bill diligently.

One of the chief reasons why I am inclined to favor the Ferris bill, House bill 408, which is now the unfinished business, is that I have the hope that, if that bill or some similar bill becomes a law, sufficient quantities of hydroelectric power may be generated so that atmospheric nitrogen may be manufactured, for the necessity of nitrogen now is becoming just as great as the necessity for food and water.

The data which I employ to-day with reference to the fixation of nitrogen I secured from a lecture delivered by Mr. Henry J. Pierce, of Washington State, and from various governmental publications, which I have been perusing for the past month.

Mr. GALLINGER. Mr. President——

Mr. ASHURST. I yield to the Senator.

Mr. GALLINGER. Mr. President, I will ask the Senator if it is not a fact that a great many men eminent in their profession as chemists are investigating this very subject?

Mr. ASHURST. Yes, indeed.

Mr. GALLINGER. And is it not a fact that already there have been some plants constructed and that the operation of getting nitrogen from the air has been proved something of a success by private parties?

Mr. ASHURST. Absolutely a success. If the Senator will permit me, I am going to deal with that subject somewhat in detail a little later, and I will answer his question more in detail as I proceed.

Mr. GALLINGER. My thought simply is whether we are going to put the Government into all kinds of business. The taking of nitrogen from the air has been proven a possible thing by private parties and by the investment of private capital. Now, if we are going to put the Government into this business, the Senator can think of a hundred other kinds of businesses that the Government can engage in. I do not know but that the Senator believes that it would be a good thing for the Government to take over all the business of the country.

Mr. ASHURST. No; I do not. But, Mr. President, one of the chief arguments against the erection of an armor-plate factory was that we would drive out capital already invested. It is a potent argument; but, so far as I know, no considerable amount of capital, if, indeed, any capital, has been invested in the United States with respect to the fixation of atmospheric nitrogen. A plant was intended to be located in the southern part of our country, but it went to Niagara Falls, Canada, instead of Niagara Falls, United States. I do not know that there are any such investments at all in this country; so the argument that we are driving out private capital on this score is not tenable.

Mr. GALLINGER. Mr. President, I did not make that argument at all. If I were to express a thought on that point, I would say that if private capital can not develop that industry I do not believe the Government can.

Mr. ASHURST. But, Mr. President, other Governments have done so. England has her hydroelectric plants in Iceland for the extraction of nitrogen from the air. Germany does not import any nitrogen for the manufacture of explosives; she takes it from the air. There are great plants of this kind in Norway. It is absolutely a success, beyond the peradventure of a doubt.

Mr. GALLINGER. But does not the Senator think that, if this is an enterprise that promises fair returns, the enterprising business men of the United States will go into it and make it a success?

Mr. ASHURST. Mr. President, Congress has not given to business and to the capital which would be required to erect these plants sufficient law under which they could make development. That is the very reason why the distinguished junior Senator and the distinguished senior Senator from Montana have so earnestly pressed the Ferris bill, in the hope and in the belief that some adequate legislation will be afforded, so that this may be brought about.

Mr. GALLINGER. Then, the burden does not rest upon the private citizen or upon the capitalist, but upon Congress, which has closed the door to the possibility of this development. Is that it?

Mr. ASHURST. The conservation movement of some seven or eight years ago closed the door to all kinds of development, and we are trying to have it unlocked and opened up.

Mr. GALLINGER. Then, I wish to ask one further question. Supposing the door is opened, that the conservation bills are passed, and that sufficient hydroelectric power can be developed, does the Senator not think that the enterprising, progressive people of this country and the capital of this country will engage in the manufacture of nitrogen from the air?

Mr. ASHURST. I think so; I hope they will.

Mr. WALSH. Mr. President, will the Senator from Arizona allow me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Montana?

Mr. ASHURST. I yield to the Senator.

Mr. WALSH. I desire to refer to a matter suggested to me by the queries of the Senator from New Hampshire, that the proposition for the Government to construct and operate nitrate works at Polson, in the State of Montana, as contemplated by the bill introduced by my colleague, does not present the ordinary question of the Government going into a business enterprise. When it does, it must, of course, provide itself with all of the facilities; it must go out into the market and buy them. Here is a case where it owns all that is necessary in the way of power possibilities. Of course the first requisite to a nitrate plant is cheap power. Probably such a plant could not be made profitable where the power would cost more than $12 to $15 a horsepower. Likewise there must be a great quantity of it. A project of that kind can not be profitably or economically carried on unless at least 100,000 horsepower is available. At Polson there is a matter of from 200,000 to 250,000 horsepower available, the Government already owning the land. Now, it is a question as to whether we shall dispose of that land to private individuals under the provisions of the bill which is now the unfinished business, if it shall become a law, and allow private individuals to utilize that power and produce the nitrate and then buy the nitrate from the private company in order to supply the Army with proper ammunition, or whether the Government, having the basis already upon which the production rests, would be justified in going and building the plant.

Mr. ASHURST. Mr. President, I will now read a clipping from the New York American of March 12, 1916:

AMERICAN SHIP SEIZED BY BRITISH OFF CHILE COAST—STEAMER EDNA, LADEN WITH NITRATE, IS TAKEN BY CRUISER TO FALKLAND ISLANDS.

WASHINGTON, *March 11.*

The American steamer *Edna*, formerly the Mexican steamer *Mazatlan*, now owned by Sudden & Christenson, of San Francisco, has been captured by a British cruiser. She was taken to Port Stanley, Falkland Islands.

The *Edna* left San Francisco some time ago with a domestic cargo for the west coast of South America. Returning she was loaded with nitrate, valuable in munitions manufacture. Her destination was Barbados and Martinique, and she left a Chilean port February 27, with orders to coal at Talpal, Chile. She never reached the latter port.

No reason for her seizure was given, but it is assumed the nature of her cargo caused the capture.

Mr. President, in discussing the preparedness question we must not be oblivious of the fact that if we had a contest with a great naval power it could seize the Chilean nitrate deposits or interrupt our communication by ships between the Chilean deposits and this country, and cause our country a great deal of distress and trouble, without coming within 3,000 miles of us, simply by shutting off our supply of nitrate. I call the attention of Senators to the significant line in the newspaper clipping, as follows:

Returning she—

The *Edna*—

was loaded with nitrate, valuable in munitions manufacture.

Nitrogen comprises four-fifths of the atmosphere, and is a constituent of all organized life and tissues. It is a colorless, tasteless, odorless, gaseous, nonmetallic element. We live in it, we breathe it, we eat it, and it constitutes a portion of our human frame. It is absolutely necessary to the existence of animal and plant life. Without fixed nitrogen the earth would soon become an uninhabited desert waste. While the atmosphere contains an exhaustless supply of nitrogen, it being estimated that 20,000,000 tons exist above each square mile of the earth's surface, yet 90 per cent of the plant life that lives in it does not absorb it and the remaining 10 per cent absorbs but a small proportion of that which it requires. The world has been dependent for most of its supplies of fixed nitrogen upon the nitrate of soda beds of Chile, where, during some convulsion of nature at some remote past time, the soda absorbed quantities of nitrogen from the air. During 1913 the United States imported 625,000 tons of Chilean nitrates, valued at $21,000,000, upon which the Chilean export duty was 60

per cent. The richest nitrate beds of Chile, however, will be practically exhausted by 1925; and were it not for the discovery of processes whereby it is now possible, with the aid of electric energy, to obtain supplies of fixed nitrogen from the atmosphere, the world would stand in imminent deadly peril and the perpetuation of the human race would be endangered. It is a wonderful providence that perpetual and inexhaustible supplies of nitrogen may be obtained from the atmosphere by the use of electric energy obtained from our water powers, whose flow is also constant and everlasting, and that thus our limited supplies of fuel, laid aside by nature, may be conserved for other uses.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from South Carolina?

Mr. ASHURST. I yield to the Senator.

Mr. SMITH of South Carolina. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] referred to private capital entering this field, which has now passed the empirical stage and has become a fact. The necessity of securing potash for the manufacture of munitions of war is no greater than for another industry quite as potential in our preparedness plans, namely, the sutlers' department, supplied by the agricultural interests of this country. The fields of the Atlantic seaboard from Maine to Florida are absolutely dependent upon the presence of potash, nitrogen, and phosphoric acid, and, of course, those three ingredients enter more largely than any others into the manufacture of explosives; in fact, they constitute the bulk of them.

This country to-day is largely dependent for its supply of available chemical potash upon the potash wells of Germany. From September, 1913, to October, 1915, the price of muriate of potash rose from $40 a ton to $500 a ton in the wholesale market of this country, and to-day it is without price at all. We stand face to face with that fact, although from the coast of Alaska to the southern point of southern California there are untold millions of pounds of potash in the form of kelp which is easily accessible and has only to be dried, ground, and sacked to be ready for use. The chemical process of extracting the liquor from which the crystals of the potash are to be obtained is comparatively simple; but because the field is large and competition might be certain and huge profits are not in sight, except by holding up the agricultural interests of this country, nobody has entered that field.

At the proper time, in connection with the bill which I have introduced, I shall call attention to the fact that the patriotic, progressive sons of America are more patriotic and more progressive when they can hold up their fellow Americans. That kelp field lies there now easy of access, but no one may preempt the field and get a monopoly to hold up the agricultural interests, and therefore nobody enters it. If I can possibly do so, I shall try to get this Government to enter it to save the agricultural interests first and foremost from being absolutely impoverished, in my section at least, and in order to enable the Government not only to defend us from enemies abroad by providing for an adequate supply of munitions and explosives, but to take care of our friends by promoting the fertility of the soil.

Mr. WALSH. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Montana?

Mr. ASHURST. I yield to the Senator.

Mr. WALSH. I wish to refer to another matter. The Senator from South Carolina has told you of the desperate situation in which this country is to-day by reason of the fact that it is entirely dependent upon Germany for its supply of potash. The celebrated Searles Lake deposits, in the State of California, can easily supply any possible domestic demand, but there is no law to-day under which those deposits can be appropriated. On the first day of the present session of Congress I introduced a bill looking to the disposition of deposits of that character, and in the hope that it might speedily come before the Senate I asked that it be referred to the Committee on Mines and Mining, of which I have the honor to be chairman. It was, however, referred to the Committee on Public Lands. I advised the Senate at that time as to what the significance of that move was. The bill is still there. I understand it is going to be before the Senate soon, however.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from New Hampshire?

Mr. ASHURST. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I gather from the suggestions of the learned Senator from Montana that we have an abundance of these products that are so essential to agriculture and to military affairs, but the Government has tied the matter up in such a way that private capital can not enter upon their production. Now, if the Government has done that, it strikes me as most extraordinary that we should step in and put the Government in the business? Why not loosen the hold that the Government has thrown around these matters?

I want further to add that it is inconceivable to me, knowing the genius of the American people, the enterprise of the American people, the capital that American citizens can command, that there are these fields of nitrates with such fabulous profits in sight, and that the private citizen will not enter. I can not conceive of it.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from South Carolina?

Mr. ASHURST. Yes, I yield.

Mr. SMITH of South Carolina. I can not speak for the condition of affairs with reference to the deposits of potash in the State which the Senator from Montana represents, but, in reply to the Senator from New Hampshire, I want to say that I was startled when the figures by a bureau of this Government were sent to me, upon my inquiry, as to the possible supply and cost of the production of commercial potash. They referred particularly to the kelp beds within the 3-mile limit from Alaska down as far as Southern California. The reason assigned by them why these almost inexhaustible kelp beds, rich in potash, had not been exploited was because they could not be monopolized. Potash is one of the ingredients that enters into the composition of explosives as well as nitrogen. In addition to potash, they state that 2½ per cent of the chemicals extracted from kelp is pure nitrate.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Washington?

Mr. ASHURST. I yield to the Senator.

Mr. POINDEXTER. I shall delay the Senator from Arizona but for a word in reference to the statement of the Senator from South Carolina [Mr. SMITH] as to the available source of potash on the Pacific coast in the kelp beds. I will say that it is a matter of very recent discovery that those beds of so-called giant kelp contain a considerable amount of potash, and that, I believe, accounts for the fact that they have not been more utilized.

I take advantage of this occasion to advertise the fact that a short time ago I secured an appropriation, through the courtesy of the Committee on Agriculture and Forestry, of $9,000, which has been used by the Agricultural Department in printing maps of the surveys which the department has made of those kelp beds on the Pacific coast.

Mr. ASHURST. Of course, I was speaking of our lack of large quantities of fixed nitrogen or saltpeter. What the Senators say as to potash I have no doubt is true.

Mr. MYERS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Montana?

Mr. ASHURST. I yield to the Senator.

Mr. MYERS. I desire to say at this time in reference to the bill to which my colleague [Mr. WALSH] made reference, the mineral-land leasing bill, that I expect it very soon to be reported favorably by the Senate Committee on Public Lands, the committee of which I have the honor to be chairman. The Committee has not expedited the consideration of the bill as fast as I should have liked; nevertheless I have pressed that bill and other business of the committee with all of my power, continuously and assiduously, this winter. Owing to the very slow rate at which the business of the Senate has progressed at this session, the nature of the bills which have been before it, and the fact that practically all the time of the Senate has been occupied with important administration measures, I hardly see how, even if the bill referred to by my colleague had been reported out of the committee before now, it could have been considered by the Senate before this time. Of course that does not excuse any delay of the committee. I confidently assert that the Senate Committee on Public Lands has more work, handles more business, and has more demands upon its time the year round than has any other committee of the Senate. The demands upon it this winter have been simply enormous, beyond conception; hearings, correspondence, sittings without end. I have done the best I could under the enormous pressure of work.

Mr. ASHURST. I have no doubt of that fact.

Mr. MYERS. I have struggled very hard this winter to expedite the business of the committee; I have done my best, but, as I say, matters have not progressed as rapidly as I would have liked. I am glad to say, however, that I believe that the bill of my colleague will be reported out with a favorable report in a very short while. It is only one of very many highly important

bills which have been before my committee this winter, each of which has consumed much time and been the recipient of great labor. I arrive at my office at the Capitol every morning at 7 o'clock, and seldom retire before midnight, and every minute of the time between those hours, except when at my meals, is devoted to official business. I am expediting the arduous work of the committee as much as possible.

Mr. ASHURST. Mr. President, the very fact that the distinguished senior Senator from Montana [Mr. MYERS] is the chairman of that committee is sufficient evidence to us that it is a diligent and hard-worked body of Senators and is assiduously performing its duty.

Mr. President, I should like to conclude without further interruption, as I have already held the Senate too long.

As I was about to say, nitrogen, in the form of nitric acid, is the principal constituent of explosives, such as guncotton, dynamite, and smokeless powder. We are annually producing about 250,000 tons of explosives, valued at $40,000,000, and we pay $23,000,000 for the raw materials that enter into them, most of which are imported. Had it not been for the discovery of the nitrate fields of Chile, the explosive industry, as it is known to-day, would have been impossible; and, as coal and minerals could not have been mined without the use of explosives, the development in mining and transportation, which has characterized the last half century, could not have been made.

In case of war we would be almost entirely dependent upon foreign nations for our supply of nitrogen for the manufacture of powder, and we would be practically defenseless unless we could obtain it from other nations. If the country with whom we were at war should be strong enough to seize the nitrate deposits of Chile, or to prevent shipments to this country, it would leave us helpless, in spite of our 100,000,000 of people and our Army and Navy. We would be forced to commandeer all sources of nitrogen, including fertilizer, and it might come about that some of our agricultural regions could no longer be devoted to food production, even though the scene of conflict never penetrated to them. The War Department is greatly concerned over this weak point in our national defense, and writers who are authorities upon the subject, from the military standpoint, urge the immediate development of our water powers, and establishment of atmospheric nitrogen plants, in order to insure the production of our requirements of nitrogen within the borders of our own country; and they strongly recommend that the nitrogen plants be so strategically located throughout the country as to be reasonably well protected against attack, in case of foreign invasion. Lindley M. Garrison, former Secretary of War, in his last annual report, said in vigorous language:

> Our only present source of supply [of nitrogen] is the natural nitrate beds of Chile, which in time of war might be shut off from us. Obviously in the matter of munitions, especially where the source is so limited and localized, we should neglect no provision so easily available as this to make the country self-sustaining. Plants producing nitrogen for industrial purposes in time of peace would be a great national asset in view of their availability to supply us with the necessary nitrogen in time of war.

In the early days of our country, especially during the Revolutionary War, most of the niter, or saltpeter, was obtained by scraping ancient deposits from the walls of caverns and caves, and even during the Civil War recourse was had to scrapings of ancient deposits from walls, cellars, and caverns for the manufacture of gunpowder for the Armies of both North and South.

I desire to read from the report of the Chief of Ordnance, Brig. Gen. William Crozier, to the Secretary of War, dated October 1, 1915, pages 25 and 26, the following:

> In a country of even the very large natural resources of the United States there are nevertheless some articles, essential in time of war, for which it is dependent upon foreign sources of supply. If these sources are so placed as to necessitate ocean transportation, the possibility of being cut off from them is great enough to call for provision against it. I do not know of any article of this class which, at the present time, should cause more concern with reference to the wartime supply than should nitric acid. The principal ingredient of the gunpowder of the present day, as well as of certain other explosives, is formed by treating ordinary cotton with nitric acid. The nitrogen in the nitric acid is obtained from sodium nitrate which comes from Chile, and the country is therefore dependent for its powder manufacture upon Chile. Some attempt has been made to place in storage a sufficient quantity of sodium nitrate to serve the country during a considerable period of interruption of supply; but there is no difficulty in saying now that the amount in store would produce a quantity of powder which would be insignificant in comparison with the requirements of a war, although it would undoubtedly be serviceable in tiding the country over a period which might be sufficient for setting in operation other methods of securing nitrogen for nitric acid, which would have been prepared in advance. A suggestion for improving the situation would be the accumulation of a larger store, but the experience of the expenditure of powder in the European war has shown that any estimate which could be demonstrated to be reasonable in the light of existing knowledge might be shown by an emergency, when it should arise, to be entirely inadequate. The military nations of Europe find themselves in this situation at the present time, and it would be hopeless to expect that the people of the United States could, even in the light of the lessons which the world is now receiving, be induced to consent to an investment in a store of this class of matériel which would provide for as great an increase over an estimate which could now be justified as the actual increase of the present European expenditure over the amount whose necessity was there foreseen before the war.
>
> These facts point to the necessity for inquiry into the possibility of the establishment within the limits of the country of a source of supply of this war essential. Fortunately the possibility exists. There are in successful operation in Europe, in several countries, plants for the fixation of atmospheric nitrogen and rendering it available for use in the manufacture of nitric acid. These plants require for their manufacturing processes electric current in large amount. In order that they may be commercially successful the current must be very cheaply obtained, and it is generally thus cheaply obtained by the employment of water power. In this country the expense of the employment of steam-generated electric current would not, in my opinion, be such as to render this method prohibitive for such an amount as would be required for the manufacture of nitric acid for gunpowder and other military explosives.
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> I believe that a steam plant could be established which would contribute effectively to the supply of the nitric acid which would be needed in the manufacture of powder for the current prosecution of a considerable war; but the expense, while not prohibitive, would still be such that this kind of a plant could probably not maintain itself commercially in ordinary times as against the production of nitric acid from imported nitrates, and the plant would, therefore, in all probability, remain in disuse in peace time, being held in reserve for time of war. Such a solution of the problem would be advisable if no better solution could be found; but the possibility of a better solution is apparent. There are in the United States various opportunities, under the control of the Federal Government, for the development of great water power. Some of these, I am informed, are such as to warrant their development for the purpose of power alone, and others would justify development for power in connection with or as an incident to the improvement of navigation. Estimates have been made of the cost of the power which could thus be made available, and have shown it to be such as to permit the fixation of atmospheric nitrogen in compounds which could be used in the manufacture of nitric acid at such prices as to enable water-power plants to maintain themselves in successful competition, in the nitrate industry, with foreign sources of supply of nitrates. In view of the right of control of the Federal Government of the sources of water power, it ought to be possible to permit their development by private parties, under such conditions of consent that the Government would be assured of their utilization for military purposes, when needed, at a reasonable cost; and as the great bulk of the output of the plants would be for commercial purposes it would not appear that the Government should itself embark in this development and production. If it should not be found practicable to devise a form of grant upon condition which Congress should consider such as to justify the exercise of its powers in such manner as to afford inducement to private enterprises to take the subject up, I consider the matter of sufficient importance to justify the Government itself in the development of power sufficient for its own military purposes. As some of the processes of fixation of atmospheric nitrogen are such that the resulting product is not immediately and directly available for the manufacture of nitric acid, but forms in itself an article of sufficiently profitable commerce to justify the stoppage of the process at the point of its production, means should be provided in advance, in case of the establishment of such a plant, for a continuation of the process, within a reasonable time, to a point such as to meet the needs of the country in the manufacture of powder. Under such conditions the store of sodium nitrate should be sufficient to tide over the interval necessary for the transformation of the industry.

Mr. President, one of the chief services, indeed, one of the most important services rendered to mankind by chemistry during the nineteenth century, was to reveal the absolute dependence of animal and vegetable life on nitrogen, to define clearly the part played by this element in nature, and to increase the number of technical products containing nitrogen.

I have heretofore shown that the United States is now spending millions of dollars in Chile annually for the purchase of nitrogen in its various combinations. The fact that the United States, in common with other countries, and especially with some manufacturing countries, is so dependent upon this one source, and the additional fact that the deposits of Chilean nitrate or saltpeter are not inexhaustible, and are destined at an early date to be completely exhausted—in fact, the Government reports say they will be exhausted in 1923—constitute what is called our nitrogen problem and must be met, and, in my judgment, met immediately by practical remedies. We must prepare for the fixation of the nitrogen we use for our explosives and for soil fertilizers. The Members of Congress who could for a moment refuse to consider this important question would, in my judgment, be worse than defaulters. A supply of nitrogen is as necessary as a supply of food or water. We should not hesitate a moment to take proper and practical steps toward the erection of plants for the fixation of atmospheric nitrogen.

The nitrogen problem of the day is almost unique in one respect—the material is abundant, in fact it is unlimited. The difficulty is to bring it into form available for the wants of mankind.

The atmosphere enveloping the globe consists chiefly of nitrogen, which constitutes 78 per cent of its volume and 75.5 per cent of its weight. It has been estimated that the column of air resting upon each square yard of the earth's surface contains 5.8 tons of nitrogen in the free elementary state. Recent investigations show that the rock forming the solid crust of the globe contains a measurable amount of combined nitrogen—about 350 grams per cubic meter. Assuming a thickness of

10 miles for the crust, this represents a weight of about 4.5 tons of nitrogen beneath each square yard of surface. The atmospheric nitrogen above 1 square mile of land, amounting to about 20,000,000 tons, is equivalent to what the world would require in the next 50 years at the present rate of consumption.

Of this enormous reserve, a minute fraction, about 0.000002, is in the active service of the vegetable and animal kingdoms. In the soil, in the form of nitrate, it is a chief factor of plant food. With the plants it passes into the bodies of animals, whence it returns to the soil. Through the action of bacteria a small portion reverts to the elementary form of atmospheric nitrogen. Through the action of other bacteria, with the aid of certain legumes, and by electric discharges in the air, a corresponding amount is constantly brought into a combined form and enters the cycle of changes. The amount of this "nomadic" nitrogen, as it has been aptly termed, is on an average about 20 grams for each square yard of land.

Our duty is plain. In these troublous times we in charge of the Nation's destiny, we who now hold the most sacred deposit ever confided to human hands, should not shirk nor shrink. If we perform these duties, glory will be our portion; if we fail, it will be to our shame. There is no remorse so deep, so poignant, so inveterate, as that which comes from the consciousness that we have failed at a supreme crisis to avail ourselves of an opportunity to perform a real and needful public service, and there is no happiness more sustaining, more enduring, or more unselfish than the consciousness that we have met in a worthy manner the responsibilities upon us.

> One self-approving hour whole years outweighs
> Of stupid stares and loud huzzas;
> And more true joy Marcellus exil'd feels
> Than Cæsar with a senate at his heels.

Fortune, success, and opportunity soar aloft on high and rapid wing. They must be seized as they pass by. It is a difficult task to overtake them once they have left us behind, or found us asleep or afraid.

All success, whether of a nation, a political party, or an individual comes only from exacting toil and diligent labor, coupled with the ability to recognize an opportunity, however vagrant and disguised it may present itself. The individual, the party, the State that succeeds is the posthaster, not the postponer.

Pass these two bills—the bill providing for the erection of an armor-plate factory and the bill providing for a Government plant for the fixation of atmospheric nitrogen, and we will have the sympathy and support of honest and reasonable people, because we shall be entitled to it.

I thank the Senate for its attention.

Mr. MYERS obtained the floor.

Mr. SMITH of South Carolina. Mr. President, will the Senator from Montana yield to me for a few moments?

Mr. MYERS. I yield to the Senator from South Carolina.

Mr. SMITH of South Carolina. I wish to state, at the conclusion of the speech of the Senator from Arizona, that possibly we do not realize just the condition in reference to this essential chemical element, not only for agricultural purposes, but for the explosives which are essential to the conduct of modern warfare.

I made some inquiry as to the available supply of nitrogen in this country for commercial purposes, and I quoted to the Senate the difference between the price two years ago and the present price of potash to be about $40 in 1913 and $500 in 1915. I find that the Chilean nitrates have now risen from about $36 or $37 a ton to $85 or $90 a ton, and that in its crudest form; and as to the available supply for agricultural purposes it is practically unobtainable.

Those from the western part of the country do not realize that agriculture in the southeastern portion of the cotton belt—North Carolina, South Carolina, Georgia, eastern Alabama, and all of Florida—is practically dependent upon a commercial form of fertilizer.

My State, South Carolina, holds the world's record for corn production. Mr. Drake, of Marlboro County, made the fabulous yield of 250 bushels on 1 acre of upland. He did it largely by the use of high-grade nitrogenous fertilizers, because corn, unlike cotton, can be made with the use of nitrogen alone, or ammoniated fertilizers, which means the same. Nitrogen is a condensed form of ammonia. There is practically the same chemical formula in the case of one as in the case of the other.

I state now that we are beginning a new year. We felt the effects of fertilizer shortage last year. Our cotton crop dropped from 16,000,000 bales to a little over 10,000,000 bales from 1913 to 1914. You will have another drop if some provision is not made by which this chemical can be put in the soil.

We very often take the last term of any problem to solve it; it is like treating a symptom, we do not strike the disease. The credit of this country is largely maintained by the $700,000,000 annually imported in exchange for American cotton. I will say nothing about the use of it universally. Nine hundred million people, according to statistics, use American-grown cotton; but the idea seems to prevail here that the Government should not enter into competition with private capital where private capital may develop a given industry. I think our experience with the armor-plate company, that has brought forth the introduction of the armor-plate bill, is more vitally true of what we may expect in nitrogen production. We might do without armor-plate factories being established by the Government, and pay the price of private concerns in furnishing us with these necessary materials in the defense of our country; but we have not yet found a substitute, either in modern munitions or in explosive power, for these nitrous substances, nor have we found a substitute for the same chemical in obtaining the food and clothing of the millions of Americans.

It is idle for us, clothed with the power that we have in a democracy, when the fundamental principle that underlies all preparedness, that underlies all of our prosperity, is the farm, to turn over to the tender mercies of a few fertilizer companies our farming population; who by the very nature of their work are incapable of organization in the larger and more powerful sense, and yet upon whose shoulders we stand and upon whose handiwork we are dependent. It is a crime to leave them to the exploitation of private corporations, who, before ever the crop comes into existence that feeds and clothes you and me, take from the farmer the percentage that the corporation demands.

At the proper time I shall submit some statistics to show that in the State of South Carolina 50 per cent of the value of her cotton and corn crops goes to pay for the fertilizers upon which those crops are dependent, while from the Blue Ridge Mountains, a little over 100 miles distant, tributaries to our navigable streams are pouring into the ocean with power sufficient to take from the air, under the strong hand of our Government, sufficient nitrogen to enable these weak ones—weak individually, but strong in their numbers and in the result of their labor—to feed and clothe this country.

I have introduced this bill for the purpose of having the Government take the natural resources of the country and turn them over to the natural manipulators of these resources, those upon whom we ultimately depend, in order to enrich their soil and lay the foundation for the Government's and the Nation's prosperity in the form of an abundant food and clothing supply, and then also to give a source of supply to those very ones who respond when the cry of battle comes, when there comes the need of an Army. The very ones who feed you in time of peace will be the ones to protect you in time of war.

I have no apologies to make for asking the Government to come in and appropriate $15,000,000 as a contribution to that vast army who, in season and out of season, every month in the year and every day in the month, are toiling in that battle which makes it possible for us to sit in the Senate Chamber of the United States and enjoy the comforts of clothing and food and all that contributes to the health and comfort of the individual.

I have introduced this bill because I believe the Senate of the United States will see to it that preparedness in its real sense, in the sense that should appeal to us all, shall begin at the foundation of things and put in the proper shape those upon whom in every crisis, in time of peace and in time of war, the welfare of this country depends—the laborers.

I thank the Senator from Montana for allowing me, in his time, to have this to say. When my bill shall have been reported, as I hope it will be in the near future, I shall submit to the Senate some statistics that I think some of us stand sorely in need of knowing, and I shall address myself more fully to this particular subject at that time.

WATER-POWER SITES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. MYERS. Mr. President, I am very glad to have yielded to the Senator from South Carolina. I think his remarks are very pertinent and embody much wisdom and useful information. I hope to hear from him further on the subject at some future time.

I will resume my humble argument on the unfinished business of the Senate, House bill 408, in an attempt to explain

the measure, and express my views of it. My remarks yesterday, I realize, were very much disconnected owing to many interrogatories and other interruptions, and extended remarks of others being interjected. I shall try to begin, though, where I left off if I can determine where that may be.

I will say that if I am not interrupted very much I think I can conclude the remarks I have to make without consuming a great deal of time. While I shall hold myself ready and willing to answer questions, I would rather not be interrupted any more than Senators feel is necessary, and would rather not have extended remarks interjected into the body of my remarks and in my time. I would prefer to be interrupted as little as Senators may think proper according to their ideas of the drift of the discussion. At the same time I hold myself ready to answer any questions which may be propounded to me.

I will begin by saying that there was considerable said yesterday about the right of the Federal Government to make withdrawals of public lands and about the wisdom of the policy and the extent to which it has been carried, especially in the State of Colorado. I admit that the State of Colorado appears to have been made an example of what the Federal Government can do in that respect, and that in the State of Colorado the policy appears to have been carried to a very great extreme, perhaps an unjustifiable extreme. I am not a defender of the extent to which that policy has been carried in the State of Colorado. I think doubtless it is unjust to the State of Colorado. Neither am I a defender of carrying that policy to that extreme anywhere. It may be easily abused, like any other right. But as far as the legal and constitutional right of the Government to make withdrawals of public lands is concerned, I think it is established beyond question. I do not think there is any doubt about it. I do not think the legal right or the constitutional right can be questioned. The moral right may be questioned as a matter of policy; but, as shedding some light upon the legal right, I will refer to some matters of history.

Prior to the adoption of the Articles of Confederation certain of the States, including Maryland and New Jersey, six in all, insisted that the western lands claimed by the remaining seven States of the Confederation ought to be handled for the general good of the entire Confederation and not retained and disposed of by the individual States alleging ownership thereof. The matter was formally laid before Congress by the State of Delaware February 23, 1779; by the State of Maryland May 21, 1779; and New York claiming 202,187 acres, was the first to respond, her delegates, on March 7, 1780, presenting an act proposing to relinquish the lands claimed by her in the West.

On receipt of this document the Congress of the Confederation adopted a resolution, providing—

> That the unappropriated lands which may be ceded or relinquished to the United States by any particular State * * * shall be disposed of for the common benefit of the United States; * * * that the lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or any nine or more of them.

Thereafter, and in compliance with the resolution, the following States made cessions of their territory in the West to the United States: New York, March 1, 1781; Virginia, March 1, 1784; Massachusetts, April 19, 1785; Connecticut, September 13, 1786, and May 30, 1800; South Carolina, August 9, 1787; North Carolina, February 25, 1790; Georgia, April 24, 1802.

The lands so ceded involved a total of 259,171,780 acres, extending as far south as the Gulf of Mexico, as far west as the Mississippi River, and as far north as the Great Lakes.

The enabling act passed preliminary to the admission of the State of Colorado into the Union (18 Stat., 474), like that of all of the western States admitted into the Union, provided that the admission should be upon certain conditions irrevocable without the consent of the United States and the people of the State, among the said conditions being that the people inhabiting the proposed States agree—

> That they forever disclaim all right and title to the unappropriated public lands lying within said territory and that the same shall be and remain at the sole and entire disposition of the United States.

Ever since the beginning of our Government the lands ceded by the original States to the General Government and those acquired by conquest, cession, or purchase have been disposed of by the Federal Government under general laws enacted by Congress designed to procure their settlement and development, laws as nearly as possible uniform and alike as to lands of similar character wherever situated in the public domain. Each of the Western States has been given a generous grant or donation, ranging from two to four sections per township, for educational purposes, with additional grants for the support of institutions of higher education, reformatories, penal institutions, and so forth. Any reservations made within public-land areas by the Federal Government have been designed for the public welfare or general good not only of the Nation at large but of the State within the limits of which the reservation was created.

I know it is claimed that because the enabling acts of the several public-land States provide that the public lands within the boundaries of those States are retained for "disposition" by the United States and because the words "dispose of" are therein used such lands must be, as soon as may be feasible and expedient, alienated—transferred to State or individual ownership.

But the Supreme Court of the United States has settled that and has held several times that it is within the jurisdiction and province of Congress to lease public land; that the words "dispose of" in that connection do not mean absolutely and necessarily a sale of the land.

I think that the system of the withdrawal of public lands within the boundaries of the States within judicious and discreet limits may be productive of good. Of course the right may be abused, as any other right may be; but I do not believe that the utilization of such land as may be discreetly and properly withdrawn for power-site purposes, if really adapted to power-site uses, is an abuse of the right or will result in any harm to the States in which the withdrawals are made. On the other hand, I believe it may result in good and that it will result in increased taxation to the State.

As I was saying yesterday when I discontinued my remarks, the Government owns the land adjacent to the waters in the public-land States where you find streams running through public lands. The Federal Government owns the land and the State owns the water, and I insist that this bill in no manner attempts to take the water away from the State. In such cases both the land and the water are absolutely essential to the generation of hydroelectric power. The land without the water will not produce hydroelectric power; neither will the water without the land; and as the Federal Government owns the land and the State owns the water, I see no possible way out of the present stagnation of water-power development other than that the Federal Government and the State government, acting jointly in cooperation, each contributing its share of assets and resources, shall work together for the common good of the people, who are citizens of both State and Nation.

The highest object of government, both in a Federal and State sense, is the promotion of the common welfare of the people. What higher motive can there be? Here is an opportunity for the Federal and State Governments combined to act very happily in the promotion of the common welfare and the production of general prosperity. I think we will be culpable if we do not invoke that power and enact some adequate and feasible legislation for the development of water power in the public-land States.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Montana yield to the Senator from Connecticut?

Mr. MYERS. With pleasure.

Mr. BRANDEGEE. In the States where the State owns the water and the Government owns the land through which the water runs, how does the Senator contend that the Government has a right to take or regulate that which is the exclusive property of the State except with the consent of the State?

Mr. MYERS. I do not claim that at all. The Government merely fixes the compensation for the use of the land.

Mr. BRANDEGEE. But it gives the permit to use the water.

Mr. MYERS. No; not at all.

Mr. BRANDEGEE. Does not the bill provide for that?

Mr. MYERS. It provides that that shall be done under the laws of the State.

Mr. BRANDEGEE. Therefore, unless the State consents, there can be no permit granted?

Mr. MYERS. Unless projectors first make an appropriation of water under the laws of and by virtue of the authority of the State in which the project is to be located, they can not get any permit under the Federal Government to the use of the land.

Mr. SHAFROTH. If the Senator will permit me, it is a lease, as I understand it, for 50 years.

Mr. MYERS. Yes; a lease of the land.

Mr. SHAFROTH. A lease of the land. And it is proposed in such a situation that it shall hold up enterprise as soon as the Government does lease it. In other words, a company can not operate or locate or claim or take possession of or condemn or anything of that kind; but this blocks an enterprise unless the parties make terms with the Government in regard to the lease.

Mr. MYERS. That is true as to that which the Federal Government owns. It owns the land. The Federal Government is the proprietor of the land, and I think it ought to make some charge for the use of it. Unless a man will pay some compensation for the use of the land he can not get a lease of it under the terms of the bill; and I do not think it ought to be otherwise.

Mr. SHAFROTH. Does the Senator think that the State or the individual has a right to condemn the land?

Mr. MYERS. We discussed that at some length yesterday. I stated yesterday—and a number of Senators agreed with me—that some authorities hold that a State or individual may condemn public land for a public use; but it has never been passed upon by the Supreme Court of the United States. It is a mooted question, and probably always will be until it gets to the Supreme Court of the United States. The Senator's colleague [Mr. THOMAS] indicated very strongly yesterday that he thought the Supreme Court of the United States would uphold that right, and in his remarks cited some authority justifying his opinion.

It is no secret that we have stopped building hydroelectric plants in the United States. There is not to-day a single such plant of appreciable size under construction anywhere in the country. A number of large enterprises have been planned, and still others are under consideration, waiting for Congress to enact laws which will make financing and construction possible. Hundreds of engineers and thousands of skilled and unskilled workmen, dependent upon such work, are out of employment awaiting the enactment of this kind of legislation. Manufacturers of water-power machinery, materials, and supplies, with millions of dollars invested in their plants, are without orders, and asking Congress to pass such laws as will restore their business.

The country is in a deadlock over legislation for the development of water power. There is one class of people who claim that the land embraced in the withdrawn power sites should be turned over to the States and that the several States should be allowed to go ahead, each one of the 48 States independently and for itself, with full control over legislation for the development of water power within its borders. I can not and do not subscribe to that doctrine. I think it would be dangerous, unfeasible, unworkable, impractical. I do not believe that the people of the United States who, as a whole, own these valuable power-site privileges and advantages should surrender their heritage to the various States. They should retain them and utilize them for the common good and hold them for future generations.

There is another class of people who claim that the Federal Government should take charge of everything. Now, as long as those two extremes stand deadlocked with each other there is going to be no water-power development; there will be no legislation; there will be a continuation of the depressing stagnation which we have experienced for the last 10 or 15 years. I say that we should come to some compromise of that deadlocked situation. We must give and take some in our views, if we are to have any legislation that will revive the development of water power in this country, and that is what this bill undertakes to do.

The bill recognizes the rights of the States over the water flowing within their boundaries, and the right of the Federal Government as proprietor—under decisions of the Supreme Court of the United States—of the public land adjacent to those streams. The bill gives to each, the Federal and the State government, its proper function and sphere of activity in this field of development. It is a compromise; and if we are to have any legislation whatever on the subject, there must be some compromise, or there will be a continuation for an indefinite number of years of the stagnation which now prevails.

I say that we should by all means compromise conflicting views and have some legislation on the subject which will contribute to the wealth, prosperity, development, and welfare of the country. It is not a question of what we can get. Some of my fellow Senators seem to hold to the attitude of refusing to take anything unless they can get exactly what they want. It is not a question of getting exactly what we want that will ever start the wheels of development in this long-neglected field of activity. We must take what we can get, if it presents any fair solution of the matter at all.

Mr. SHAFROTH. Does not the Senator believe that when an enterprise is to be undertaken, if there are private lands along the way, the parties have the authority to begin condemnation proceedings and to condemn that private land, and that we should, under this bill, have the right, whenever Government lands are along there, also to have the right to condemn those lands?

Mr. MYERS. That I thought we all expressed our views about yesterday, and I had to admit that there was some uncertainty about the question.

Mr. SHAFROTH. This proposed law does not provide for it or authorize it. I have no doubt that it would be perfectly constitutional and legal to provide in the bill that any person or company undertaking the erection of a power plant shall have a right to condemn the land, not only of the private individual, but any land, whether owned by the Government or not, upon paying due compensation therefor—that is, the value of the land for all the uses it may be put to.

Mr. MYERS. I am not a believer in that theory. The Federal Government is the proprietor of the public land withdrawn for power-site purposes, and I believe it should retain jurisdiction of it and have some hand in the development of the resources. This business—the generation of hydroelectric power—must necessarily result, in a large measure, in interstate-commerce transactions, in the transmission of electric power from one State to another, and I believe, on account of that, the Federal Government should retain some jurisdiction, so that within its proper sphere it will have something to say about it. I am not a believer in turning over all these water-power sites to the States, to let 48 States enact each one different laws to suit itself and regulate affairs according to its own ideas, and have a thousand conflicts in a business which must necessarily in its nature be more or less an interstate-commerce matter. I believe the bill pursues the right course in that regard. It provides that in interstate business there shall be Federal control and in intrastate business there may be State control, subject to Federal proprietorship of the land. That is right. It is the ideal arrangement. It is analogous to our control of railroads—Federal control of interstate traffic, State control of intrastate traffic.

I spoke briefly yesterday on the wonderful benefits that will result from this class of legislation if we are successful in getting it through Congress. There are a great many uses to which electrical power was a stranger a few years ago that are now common. It is found that there are many uses in everyday life for that cheap class of power, and there will be many more in a few years. The development of water power in the Western States would result in many different ways in increased prosperity for the people, for the communities, and for the States themselves as Commonwealths. A few of the uses to which electrical power has been in recent years put successfully and will be put more successfully in the next few years are the following:

Cheap electricity for fuel and power, light and heat, in the cities and on the farms.

Reclamation by irrigation of vast areas of land now idle and useless.

Establishment of new industries, around which will grow new towns and cities, creating employment for hundreds of thousands of people and new markets for agricultural products.

New steel and iron industries in new sections.

Cheapened production of metals from low-grade ores.

Cheaper agricultural fertilizers and consequent larger agricultural crops.

The establishment in this country of electrochemical industries for the fixation of atmospheric nitrogen, now unknown in the United States, but which may be expected to grow to astonishing dimensions with the development of cheap water power, alone makes possible a long line of new manufacturing and mining operations, which promises an era of prosperity and activity greater than any the country has probably ever known.

One of the principal benefits which will arise in the West from this legislation is in the irrigation of arid lands which are not now susceptible to irrigation by the gravity system. Millions of acres of public lands in the arid-land States, hundreds of thousands, perhaps millions, of acres in my own State, not now cultivated, practically waste lands, productive of no good to anybody, may be converted into fruitful farms of great productivity if we may have legislation to produce cheap water power.

It is estimated that there are at least 10,000,000 acres of arid lands located in the far Western States, lying above the reach of gravity water that can only be reclaimed through water raised by pumps, operated by the cheap hydroelectric power now latent and wasting in the various streams from which the water would be pumped. Thus the land, and at a lower level the water to irrigate it, and the power to raise the water to the land are often all assembled at one point.

Given water these lands will produce every fruit, vegetable, and grain that is native to the temperate zone, and are capable of supporting a population of 2,000,000 people.

If capital can be interested, it is safe to say that hundreds of thousands of water horsepower will be utilized within the next 10 years after the enactment into law of this measure, in connection with the reclamation of arid lands, and that in addition to what the Government service will accomplish, hundreds of millions of dollars of private capital will be used for the establishment of reclamation projects in connection with pumping plants.

With a bill of this kind enacted into law and in successful operation, as I believe would result, there would be scarcely an excuse for a single quarter section of arid land in the Western States remaining arid and unproductive. The result would be that the agricultural output of our country would be largely increased and the cost of living to the masses of the people cheapened. I verily believe that it would be a happy method of securing what statesmen, economists, and theorists have long sought to find, a method of reducing the present high cost of living which has prevailed in this country and all over the world for years past.

Two splendid arguments as to the result of legislation of this character in benefiting the people have been heard in the addresses this afternoon in the Senate of the Senator from Arizona [Mr. ASHURST] and the Senator from South Carolina [Mr. SMITH]. Two of the principal results flowing from this legislation would be the production of fertilizers and the fixation of atmospheric nitrogen. The production of fertilizers would be of enormous benefit to the farmers of this country. Their land is rapidly being depleted and exhausted. It is diminishing each year in productive capacity, and some means must be found of restoring its virgin fertility or this country will be unable in time to compete with some other sections of the world in the production of agricultural resources. Here is the opportunity for the farmers of the United States to have put in their hands the greatest possible agency of restoring the fertility of their lands, increasing their crops, and making this country the storehouse of the world for agricultural products.

At the same time legislation of this character will enable both the Government and individuals to engage in the business of the fixation of atmospheric nitrogen. It will not ony aid in the production of fertilizers, but it may be utilized by the Government in the manufacture of munitions of war. As has been said by those Senators, this country is dependent almost entirely now upon the Chilean beds of nitrate for their nitrate products, and if by war or for any other unforeseen cause which might intervene we should be cut off from that source of supply the people of this country would have no way of obtaining nitrate, either for fertilizer or for the manufacture of munitions of war.

So this measure is really not only a development measure and a conservation measure, in the true sense of those words, but it is a part of the preparedness measures which should be put through Congress with a view to putting this country in a proper state of preparedness to defend itself from the encroachments of foreign nations, in the event we should have foreign troubles. With legislation of this character, the country would be enabled at any time to manufacture all the explosives which go into the makeup of munitions of war, and it would make the country absolutely independent in a highly essential feature of national existence in which it is now not by any means independent.

I know that one great objection to this measure is the leasing feature of it. I shall not say much about that, because there are irreconcilable differences existing in the Senate over that question, and each school of thought is going to keep its opinion in that regard.

I am not in favor of any general leasing system of our public domain. I would not for an instant approve of leasing agricultural land which is capable of being homesteaded and of making homes and farms for our citizens. I would not approve of leasing grazing lands. I do not believe in carrying the leasing system to that extent.

The object of the homestead law is to make homes for the people, and that is the true and correct disposition of the public domain which is capable of adaptation to agricultural purposes. But this bill merely provides for leasing little strips of land along the banks of flowing streams. A man can not make a home on a dam site; he can not make a living there. If these sites were susceptible of being made into homes for the people, if we were taking homes away from the homeless by these withdrawals and by this very inconsequential system of leasing, I would not favor it; but it does not interfere in the least with the true spirit and intent of the Government in devoting the great body of our public domain to homes for the people. It does not interfere with that a particle.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Colorado?

Mr. MYERS. With pleasure.

Mr. SHAFROTH. Does not the Senator recognize that in that clause of the Constitution which provides that Congress shall have power to control and regulate the territory and make rules and regulations concerning it until disposed of it was meant by the Constitution to be the determination of the Government to absolutely part with the title and not lease the land?

Mr. MYERS. The Supreme Court of the United States has held that Congress has power to lease public lands.

Mr. SHAFROTH. Yes; it so held in a case where the leases were 5 years in extent. It has said that 5 years was a very limited time in the life of a nation, and I expect they would hold perhaps to 50 years so far as saying that the act is constitutional. It is all expressed in the decision that the object is to hold only the land until disposed of in good faith. Outside of the constitutional question imposed upon the Government, it seems to me it is to dispose of the land so that the States can live by taxation upon the land. It seems to me that the words "disposed of" have an important bearing. It can be avoided by saying 50 years or 25 years or 5 years, and it may come within the strict letter of the Constitution, but it seems to me everyone must recognize that leasing land is not disposing of it. Investment in land is the most conservative and perfect way for a permanent investment that can be conceived of, and leasing is not disposing of the land. It is in violation of the spirit of the Constitution, it seems to me, not to the extent of saying that it would be unconstitutional but from the fact that it was the intention of Congress and the intention of the Constitution makers that the Government should not permanently and forever hold lands within Territories, because it severs the relation, as it were, between the States and the Nation. Now, I ask the Senator, does he not think that that clause in the Constitution "until disposed of" meant by the Constitution makers at that time that the United States Government should not lease but should dispose of land?

Mr. MYERS. No; because the Supreme Court of the United States has said differently. I recognize that as good authority and accept it.

Mr. SHAFROTH. Does not the Senator believe that if by this bill we would say that we propose forever to hold these lands and never part with them it would be declared unconstitutional by the Supreme Court?

Mr. MYERS. It might; but this bill does not provide anything of that kind.

Mr. SHAFROTH. The Supreme Court might say that 50 years is a limited period——

Mr. MYERS. I think it would.

Mr. SHAFROTH. A limited period in the life of a nation, and therefore we will not say it is unconstitutional, but we will leave that to Congress, but in spirit it violates the Constitution. I believe when this system is fastened upon us it is going to remain forever, although it is not expressed in the bill that way. Consequently, if it does mean forever, it then follows, it seems to me, that it is not a constitutional provision.

Mr. MYERS. The principle is the same. If the Government can lease for 5 years, it can lease for 50 years. I believe the Federal Government should get something out of these valuable water-power sites for the benefit of the people of the country, who own them. I am not a believer in giving them away nor of parting with them for nothing. The enabling acts of all the Western States say that the people of the States disclaim forever all right in and control over these lands, at least without the consent of the United States Government, and the people of the whole country own these public lands. The people of the States have solemnly renounced all right, title, and interest in them and all claim to them.

Mr. SHAFROTH. That is right; but would not the Government get something out of them if they were to require the States or any person attempting to obtain them to pay what was the fair value as fixed in a condemnation suit? If you can attach to that any specific purpose, or all purposes whatever, the value of the land, it seems to me, would give compensation to the Government. I wish to call attention to this fact: We have acquired all this public domain and it has cost us just $4\frac{7}{10}$ cents per acre. Is it possible that the United States Government ought to try to take millions out of what cost $4\frac{7}{10}$ cents per acre? We condemn that in the case of a private individual. Should we not condemn it in the case of the Government holding up enterprises by reason of doing that?

Mr. MYERS. No; these lands belong to all the people of the whole country, and the Federal Government ought to try to get something like what they are reasonably worth for the benefit of the entire people. I believe we would come nearer to doing that by lease than by sale. If we sold them they might be sold for a song and future generations would get no benefit what-

ever from them. The better way is to keep them. They will become more valuable with the passing of time, and our children should have some benefit from them. They should be considered and kept in mind.

Mr. SMOOT. Mr. President, if that is the position the Senator takes, why does he not go further than the bill for the leasing of oil and gas lands and apply the leasing system to gold and silver and copper and all the precious metals? The Government of the United States no doubt could secure more than $5 an acre for such land. If it is a question of the Government of the United States making every dollar possible out of the lands of the United States, why not make it universal and have it apply to everything? I think if that was done the West would be completely paralyzed.

Mr. MYERS. I will give a few of my reasons for differentiating. Water power is something which concerns all the people of the country. The whole community, everybody, uses it in the shape of electric power nowadays; and they are all interested, they are all concerned. Hydroelectric energy is produced from a power site. Everybody in the community is interested in that, everybody in the community uses it, and everybody in the community is entitled to get it at a fair and reasonable rate of compensation. But if you take gold out of a gold mine everybody in the community is not interested in that. It is not everybody who has a voice in the disposition of it. Everybody does not have to have it. The man who prospects and discovers a gold mine or any other mine of precious metals and develops it and puts his capital into it is entitled to all the profit there is in it, because it does not concern the public at large. Water power does. It is a public utility.

Mr. SMOOT. I certainly would have to take issue with the Senator there. When power is developed it only concerns the people to whom that power can be carried profitably. Up to date it can be carried over a wire perhaps four or five hundred miles. But take gold from the mine, it goes into circulation; it is the life blood of commerce; it is felt in every part of the country. The Senator well knows that in 1849 when gold was discovered in California it was virtually the thing that saved this country from the worst sort of a panic. There is not a person in the United States, business man or workingman, who is not benefited directly or indirectly by every dollar that is taken from the ground and put into circulation.

Mr. MYERS. They are entitled to it when they can get it, when they do something to earn it, but in the case of hydroelectric energy, whether everyone does something or not, the community is benefited just the same by its development. It has reached the point now where practically everybody in the community uses it, and they are all interested in it, and have a right to be served at a reasonable rate of compensation. Precious metals are not of common and general use like hydroelectric energy. Let the man who discovers and develops a gold mine have the gold he gets out of it. He earns it. It is his. I have no interest in it, no right to it. He may do what he may please with it. He may hoard it if it pleases him to do so. But the man who develops electrical power has no right to do with it what he may please. I am interested in it. I need it and have a right to be served with it at a reasonable price. That is the difference.

Mr. SMOOT. It is not going to lessen the price of electric current to the consumer by charging a royalty upon all the power that is produced, because whatever royalty is placed upon the producing of electric power and the royalty paid to the Government, it has to be collected from the ultimate consumer.

Mr. MYERS. We really ought to have something for administrative purposes under a law of this kind; but whatever is collected is to go entirely and absolutely to the State; the Federal Government is to get nothing out of it. There is not even anything reserved in this bill for administrative purposes, as there might well be.

Another feature of modern use to which electrical power is being very successfully put and which will result in great and untold benefit to the people of the West and the amazing development of their resources is the electrification of railroads.

Resuming my discussion of the beneficial uses of electrical power, United States railroads are commencing to electrify parts of their systems, and a number of roads are now using electricity. The possibilities of future and more general electrification is merely a matter of making the economy of cheaply generated electricity overcome the heavy expense necessary to be expended in power plants, transmission lines, and reconstruction of the roads for electrical traction.

The most extensive main-line railway electrification in the United States, or in the world, thus far is that of the New York, New Haven & Hartford Railroad, which has electrified upward of 500 miles of track leading into New York City and is operating more than 100 electric locomotives and a slightly lesser number of multiple-unit cars. This road's electrification includes its Harlem division freight yards, which are among the largest in the world, and its motor equipment includes high-speed engines for passenger service, heavy engines for freight and express service, and slow engines for switching service. The power for this electrical service is generated from a steam plant at Stamford, Conn., and it is said that the cost of operation, including interest on the expensive equipment, is more costly than would be the cost of operation with steam locomotives.

Until a few years ago it was thought that electrification of railroads would be carried out by one of two systems—the 600 to 700 volt direct-current third-rail or the high-tension, single-phase alternating-current overhead system. These earlier difficulties, as to nature of current, contact device, and so forth, have, however, been fully overcome, and the Pennsylvania Railroad uses 11,000-volt single-phase current in the electrified zone in and about the Philadelphia terminals, while for heavy, mountain-grade work the Norfolk & Western uses three-phase alternating-current induction motors on their locomotives, but take the power from an overhead 11,000-volt single-phase line.

The Norfolk & Western hauls heavy trains over its mountain grades with 6,000-horsepower locomotives, which are motors when climbing grades and which become dynamos on the down grade, generating power from the motion of the descending train and returning to the overhead line a considerable portion of the current used in climbing the hill.

I want, while I am on that subject, to refer briefly to what electrical power has done for Montana. I believe the enactment of this bill into law would, in the next few years, mean the investment of many millions of dollars in the State of Montana. The generation of electrical power has already done a great deal for that State. It has given it a tremendous advance in industrial lines, and has brought very much prosperity to the State; but all the power which has been developed there so far has been on privately owned land. If this bill were passed and enacted into law, it would open up a much wider and more feasible field of generation of electric power, which is now closed entirely to capital. There are in the State of Montana withdrawals of some splendid power sites, which, if open to investment under fair and adequate legislation, would be utilized, and, I believe, would more than double the amount of electrical power generated in Montana and more than double the prosperity and the development which has been brought along that line to the State of Montana.

Mr. SHAFROTH. Mr. President, the Senator from Montana recognizes, does he not, that before the passage of the act of 1901, and really until withdrawals were made about 1907, the great development took place in electricity, in power plants, which was referred to by the colleague of the Senator some days ago. That development was proceeding very rapidly. The conservationists came in with the proposition that they wanted genuine development, but pleading that it was being hampered by the filings that were made in the Interior Department, and, in order to get rid of those filings, they wanted the permits revocable. You can readily see that they no doubt thought that they were going to provide a means of great activity, but instead of that it was an absolute stoppage.

The question in this bill is whether it does not contain restrictions which will hamper development, instead of making development. If you resort to a system that has proven a success, why is it not better; why is it not wiser?

Mr. MYERS. Practical water-power men and water-power investors tell me that the provisions of this bill will not hamper investment and development.

Furthermore, would the Senator from Colorado absolutely repeal the revocable permit law of 1901 and not enact any law in its place? Would he be satisfied to leave things in that condition?

Mr. SHAFROTH. Certainly, because each State has a public-utility commission, which requires that the power shall be furnished at cheap rates to the people; and with that power over these companies there will be no such thing as imposition upon the people in connection with the rates charged.

Mr. MYERS. How would the Senator get possession of or title to the land which enters into power sites if the law of 1901 were repealed?

Mr. SHAFROTH. I would file on them just exactly as we filed on them before.

Mr. MYERS. As homestead entries?

Mr. SHAFROTH. No; not as homestead entries. They have a law there which provides a definite method of location. One makes application for a power site just as in the case of irrigation. In that case it is necessary to file with the State engineer, as is also true in the case of power sites, an exact plat show-

ing the exact number of reservoirs, where they are located, the contour of the reservoirs, and, if it is in a stream, the kind of dam that is going to be erected. After that is filed in the State engineer's office it is checked up, and then, when it is approved, it is sent here to the Secretary of the Interior for his approval or disapproval. If it is approved, as it ought to be, as was customary up to 1901, or, in fact, up to 1907, the construction is proceeded with, subject to regulation by the utilities commission of the State. I want to say that the rates are very low in my State, not perhaps for power furnished by franchise companies in the cities, but by development companies. I know of one company that furnishes electricity at a rate of one-half cent per kilowatt hour, and I noticed in the hearings here the other day the case of a California company concerning which the commission made a ruling—and they have adhered to it ever since—requiring them to furnish electricity at the rate of 6⅞ mills per kilowatt hour. When you consider that here in the city of Washington we pay 8, 9, and 10 cents per kilowatt hour, it will be seen that the former is a very low rate indeed.

Mr. MYERS. I know that it was not many years prior to 1901 that power sites could be homesteaded or secured with scrip or any other form of entry.

Mr. SHAFROTH. That ought not to be permitted. I perfectly agree with the Senator as to that.

Mr. MYERS. And the Federal Government would get nothing out of them. But, so far as the method of filing plats and getting permits and approvals from the Interior Department is concerned, I do not think that any Senator on this floor has complained more of the arbitrary exercise of bureaucratic power than has the Senator from Colorado. This bill is designed to get away from that abuse and to enact a plain law by Congress, so that everybody will know what he can do.

Mr. SHAFROTH. I am perfectly free to say that I think this bill will make a bureaucracy as to this matter just as there has been in other lines in the various departments.

Mr. MYERS. I regret to say that the Senator from Colorado can see nothing in the Federal Government but bureaucracy. Every time you raise the United States flag he has stage fright because of the specter of bureaucracy.

Mr. SHAFROTH. No; I do not; but the administration of the public lands has been by bureaus in Washington, and they have treated us very unfairly.

Now, I want to ask the Senator a question, which, it seems to me, is in line with what he is saying. The Senator knows that if you are going to construct a railroad which is to go over public land, you must file in the Interior Department a definite plat of location of the railroad. Do you think the Government ought to say, "No; we will not let the railroad be constructed unless you give us a part of the net earnings of the company each year?" Would not that hamper railroad building? Would it not have a tendency to prevent railroad companies from proceeding with railroad construction? Would they not say they did not want to be hampered by regulations, and would it not be almost absolutely destructive if we should say, "We are going to charge you for every ton that goes over your railroad, because you go over our land"?

Mr. MYERS. But a railroad is a common carrier, and for that reason also has the right of eminent domain under the English common law and under the law of this country.

Mr. SHAFROTH. So is a company for the distribution of electric power a common carrier. It has been so decided in our country; and it seems to me that the more restrictions you put around it the less development you will have and the higher the rates the companies will charge the people.

Mr. SMOOT. Mr. President, in the State of Montana there is a power company to-day developing a great amount of electrical power.

Mr. MYERS. Yes; that is true.

Mr. SMOOT. I understand that they have sold power at $20 per horsepower per year for the purpose of operating a certain railroad.

Mr. MYERS. I think that is correct. I have the figures here.

Mr. SMOOT. That has been accomplished without the passage of any such law as is contemplated by this bill.

Mr. MYERS. They generate all their power on privately owned land. Would you not have anybody come in competition with them?

Mr. SMOOT. Oh, Mr. President, that is not what I had in mind. I want to say to the Senator that if the conditions existed as they existed before the passage of the act of 1891 one could secure title to the lands and develop electric power. If a private concern upon private land has developed power in the State of Montana and sold it at $20 per horsepower for the operating of a railroad, what reason has the Senator to fear that that could not be done in other States if the title to the land could be secured? What reason has the Senator to fear, if the water power to be developed within his own State is developed in the same way, that any greater amount would be charged the people than is now charged?

Mr. WALSH. Mr. President——

Mr. MYERS. I yield to my colleague.

Mr. WALSH. If my colleague will yield to me, I will ask the Senator from Utah a question in that connection.

Mr. MYERS. I have yielded.

Mr. SMOOT. As soon as the Senator answers my question, then I will answer the Senator's question.

Mr. MYERS. I am very glad to answer it. Although the rate cited by the Senator from Utah is a cheap rate for power, I do not see how any harm could result from throwing open to the public under feasible legislation other splendid power sites which are not now available, enabling new investors and new companies to compete with those which are already in the field.

Mr. SMOOT. I want to say that if the new investor and the new company are hampered by regulations and by a charge upon every horsepower developed, they will not stand upon the same basis as the company which is already established and is producing electrical power upon lands over which there is no governmental control or charge imposed per horsepower.

Mr. MYERS. They will know that when they go into the business, and, if they make arrangements to compete under those conditions, the assumption is that they will be able to compete, or they would not invest their money and go into the business.

Mr. SMOOT. The very thing I am afraid of is that they may not be able to compete.

Mr. WALSH. If my colleague will yield——

Mr. MYERS. I yield to my colleague.

Mr. WALSH. I should like to advise the Senator from Utah that the power sites now being developed in Montana have long since passed into private ownership by virtue of homestead entries, through the location of Sioux half-breed scrip, soldiers' additional homestead scrip, Valentine scrip, forest reserve scrip, fake mining claims, and other entries of that character. Does the Senator mean that he would like to have that system continued?

Mr. SMOOT. Oh, no; the Senator from Utah has not intimated any such thing; and even if what the Senator from Montana states were universally true—and perhaps there are some such cases as those described by him; I have no doubt that there are—but even if all locations were of the character which the Senator has described, the Senator will admit that the price of electricity in the State of Montana now is exceptionally low?

Mr. WALSH. I agree with the Senator about that; but that is not the question. The Senator from Utah addressed to my colleague the question whether these power sites could not be put to a public use in exactly the same way that the power sites were prior to the passage of the act of 1901. I want to know from the Senator from Utah if he would like to have power sites now appropriated under these other acts?

Mr. SMOOT. Mr. President, I never did approve and never will approve of any evasive way of securing public lands of any character for any purpose. I am well aware that there were evils in obtaining title to public lands not only for power sites but for timber and stone as well.

Mr. WALSH. If the Senator will pardon me, I do not mean to say that they were fraudulently procured at all.

Mr. SMOOT. I say there were such cases.

Mr. WALSH. I mean to say that they were secured under those acts, there being no law whatever for the disposition of the land as power sites.

Mr. SMOOT. Mr. President, I will go further than the Senator, and say that title was fraudulently obtained in very many cases. I know of great tracts of timberlands in this country which have been secured under the law governing placer-mining claims. I know that there are many acres of land of different character which have been obtained fraudulently; but we are not considering that question now. No one approves of any such acts to-day.

Mr. WALSH. Certainly not. It is far from me to say that the Senator from Utah approves of them; but let us dismiss the other consideration entirely and go back prior to 1901, when these properties, these valuable power sites, were appropriated as homesteads. They were appropriated under the timber and stone act, they were appropriated under the various scrip acts. Now, when the Senator asks, Can not these power sites on public lands be disposed of in exactly the same way that they were before? I want to know from the Senator if that is really his attitude.

Mr. SMOOT. No; Mr. President, I want them disposed of under some proper system. As the Senator knows, one seeking a location would have to file with the State engineer, I think in every State, an application for water.

The Senator knows that the applicant would have to get consent from the State before the power site could be used for the development of power. He knows that the Secretary of the Interior would have to approve of the application, and that up to 1891 those who secured title other than by the use of scrip, which the law allowed, obtained it in this way; and it seems to me that is the proper way to do now, or, so far as I am concerned, I would be more than willing to grant the State the right to make application for every water-power site within the State, just as the substitute for this bill which I have offered provides, and make the State responsible—give the State the power to say when an electric-power plant shall be established and give the State control of the rates which may be charged by the company.

Mr. WALSH. I should like to ask the Senator from Utah if he thinks that Congress would pass a law turning these power sites over to the States?

Mr. SMOOT. I think, Mr. President, that ultimately that will be done. I do not know whether or not public sentiment is such to-day that Congress would do it.

Mr. WALSH. Let me ask the Senator whether he thinks that the relatively low-valued agricultural lands could be turned over to the States?

Mr. SMOOT. I think the Senate of the United States would turn the remainder of the public lands over to the States.

Mr. WALSH. I am speaking now of Congress, not of the Senate.

Mr. SMOOT. And I will say to the Senator that I think the same sentiment is growing in the House.

Mr. WALSH. I apprehend that the Senator speaks frankly about this matter, as he usually does. Will he agree that it is impossible to get public sentiment to approve of turning over to the States even the relatively low-valued agricultural and grazing lands?

Mr. SMOOT. I will admit that is true.

Mr. WALSH. Now, does the Senator think that under those circumstances it would be possible to get them to turn over to the States these immensely valuable lands which exist in only small quantities?

Mr. SMOOT. Mr. President, they are not valuable except as they are made valuable by the investment of money under the laws of the State and the use of the water of the State. That is what makes them valuable. Otherwise they are only rocky mountain sides. They never can be used by any citizen of the United States for any other purpose than for the development of water power, and I believe that the Congress of the United States, if they understood the situation and knew that the States would control the rates at which the power should be furnished to the ultimate consumer and that there was no chance of a monopoly or of an injustice being inflicted on citizens of the United States, would pass a law giving them the right to secure title to such lands.

Mr. MYERS. Mr. President, I will ask the Senator from Utah if he would have the law of 1901 absolutely repealed and make no provision whatever by legislative enactment for the development of water power in the Western States?

Mr. SMOOT. I would greatly prefer that, Mr. President, to having the law of 1901, as construed by the department, stand on the statute books to-day. I am as positive as I am that I stand here that if it were repealed there would be a more rapid development of water power in the West than there will be under the provisions of this bill.

Mr. WALSH. Let me ask the Senator how would anyone get title to the land?

Mr. SMOOT. Just wait until I answer the question of the senior Senator from Montana. I want to say, Mr. President, that in a system of development, with the States having absolute control and the public-utilities commissions regulating the price of the power, no citizen in the United States would ever suffer from such control. I know it has been said that in the past franchises have been given to railroads without consideration or compensation, and that valuable franchises have been given to street railways in the cities. That is true; but that day has passed. You can not find a city in the United States which to-day would grant to a street railway a franchise for 99 years with no consideration whatever. You can not find a State that would give to a railroad company a franchise for 50 or for 99 years without requiring some return to the State. Public sentiment has changed; the ideals of the American people have changed. In saying that, I do not want to be understood as criticizing the Western States, for at the time such franchises were granted in those Commonwealths the people there had but one idea, and that was to build up their cities and to develop their States. So they invited people to come, for they had resources which were undeveloped which needed capital, and without the development of which those communities could not grow. The people who were there were poor; they were pioneers; they went there to develop the country, and in order to develop it they offered inducements to others to come there and to invest their money. So I have no apprehension, Mr. President, as to a State to-day frittering away or giving away any valuable franchise to any corporation.

Mr. WALSH. Mr. President, the Senator having referred to the possibility of regulation, I want to ask him is there in the State of Utah a regulatory tribunal which controls the price of electrical power?

Mr. SMOOT. I have answered the Senator that question once before, but I am glad to answer it again. Up to the present time there is no public-utilities commission in the State of Utah, and I have stated why; but I have no doubt that the next legislature will enact such a law. I have no doubt that such a commission will be provided for.

Mr. WALSH. Let me ask the Senator whether the governor of his State did not veto a bill of that character which was passed at the last session of the legislature?

Mr. SMOOT. The governor vetoed a bill because of the form of the bill, but not because of the principle involved. I desire to say to the Senator that both parties in Utah have in their platforms declared in favor of the creation of a public-utilities commission; but the form of the bill passed did not satisfy the governor and he vetoed it. The Senator from Montana, however, need not worry one moment about the creation of a public-utilities commission in the State of Utah. A law creating such a commission is going to be passed. There is no question in my mind as to that.

Mr. MYERS. Mr. President, I will claim the floor again. Fifteen years ago the development of the electrical power of this country was in its infancy, and laws on the subject were very crude. If the Senator from Utah would be willing to go back to those laws and those conditions, then, truly, there is nothing progressive about him, and he is not at all in touch with the progress and the advancement of the times. I believe a different spirit prevails in this country to-day and that more is demanded than in the past.

I was on the subject of what the generation of electrical power has done for the State of Montana, as an example of what it might do for all of the Western States under favorable circumstances. I will recur to that subject and give a few more facts.

The mines of Butte, Mont., the greatest copper mines in the United States, were formerly operated by steam, at an average cost of $85 per horsepower per year, and were using 35,000 horsepower, ranging in price from $66 to $130 per horsepower. The Montana Power Co., generators of electrical power, now furnish power from a distance of 130 miles, and have taken over all the business of operating those mines for the life of the mines at $30 per horsepower per year, which is a great saving to those industries.

The mine owners can now carry on operations for $2,000,000 per year less than before. They mine in that camp 4,000,000 tons of ore per year, and the reduced price of power makes each ton worth 50 cents more than before. The mine owners can now take out ore worth 50 cents per ton less than before, enabling the mining companies to extract, at equal profit, ore running very much less per ton.

The Montana Power Co. has recently made a contract with the Chicago, Milwaukee & St. Paul Railroad Co. to furnish operating power for 450 miles of its road in Montana and Idaho, 230 miles of which are now in operation. The contract is for 99 years at $21 per horsepower per year, and will cost the railroad $550,000 per year. That is what it is costing the road now to operate that part of its line. Before that it had cost the road $1,750,000 per year for operating the same number of miles.

The Butte, Anaconda & Pacific Railway, a Montana road, 80 miles long, is all electrified. Before electrification it was paying $22,500 a month for coal alone, and hauling it over its own line. The total cost of power now is $8,000 a month—a saving of $14,500 a month, or $174,000 a year.

Those are a few of the things that the development of electrical power has done for Montana. It will do far more for my State if you will give it a chance. It will do as much for some other States.

If this bill becomes a law, I look for the time to come in the near future when all three of the great transcontinental railroads traversing the State of Montana will be operated solely

by electrical power, and I think the time will come when they will be operated by electrical power altogether from Chicago to the Pacific coast. I look for all of the transcontinental railroads crossing the country, all of the railroads in the Western States where electrical power may be obtained cheaply and readily, to be operated in a few years by electrical power, and at an enormous saving of cost, because there is where cheap power may be generated. There are numerous opportunities for the generation of it, numerous fine sites, and it will result in a great saving in the operation of all of the railroads of that section of the country, the West. The people who patronize those roads, the passengers who travel on them, the shippers who ship freight on them, ought to get the benefit of that saving, and I believe will get it, under our system of regulating railroad charges by the Interstate Commerce Commission in the case of interstate business, and by the State commissions in the case of intrastate business.

The mines of all that region may be operated more cheaply and economically, as is the case to-day in copper mines at Butte, in Montana. Factories will spring up in those States. Industries now unknown to those States will spring up. Cities and towns will spring up. They will draw people to them, and afford employment to those people. Electric-power development will redound in every way to the prosperity of the people of those States. There will be more people there, more people at work, more pay rolls, more money produced, more money in circulation, and more prosperity among the people of those States.

I do not think it takes a prophetic vision to see those results from the generation of cheap electrical power in that wonderfully blessed country, the great West. Now the question is, Are we going to stand still? Are we going to remain in a state of stagnation and utterly refuse to provide adequate legislation for the development of our resources and to bring about that era of prosperity, which I can easily foresee, just on account of some differences between Members of Congress over the rights of States and the rights of the Federal Government? Just on account of some notion of States' rights which prevails among some of the western Members of Congress and a fear that some mysterious power is going to take away from their States the constitutions under which they are operating, are we, just because of a stubborn difference over methods of procedure, going to maintain that stagnation which is now preventing general development in a wonderfully blessed section of the country?

Mr. SHAFROTH. Mr. President, I fully concur with the Senator that this development is going to take place; but the question is whether it will take place under this bill as well as it will take place where a person has the right to acquire the land for what it is worth. I do not know that the Senator has read the bill which I have offered as a substitute for this bill.

Mr. MYERS. I read it some time ago.

Mr. SHAFROTH. No; that is not the bill.

Mr. MYERS. I have not seen this year's bill, then.

Mr. SHAFROTH. The bill which I have offered as a substitute provides for practically the condemnation of the land of the United States just the same as the land of an individual, and thereby title to it is acquired. If you have a lease with the Government, you are going to have clauses in the lease that make it revocable. You are going to have provisions just like you have in a house lease. Certain things have to be done by the individual. He has to pay the rental at regular intervals of time, and whenever the time comes that the Government says "No," the Government can clamp down and oust the party. Those are things that every company on earth is afraid of, and they will not go into the enterprise as freely as if they owned the title to the lands. If you provide for acquiring the title to the lands, however, together with the supervision of the utility commissions, you will find that you will have the cheapest development that can be had in the world.

Mr. MYERS. I am not at all afraid of a lack of development under the provisions of this bill if it becomes a law. I am assured that if this bill becomes a law it will result in the investment of millions of dollars in the State of Montana in the next few years, and, in fact, almost immediately. I am not a believer, either, in selling to private individuals and parting absolutely with the title of the Government to these valuable water-power sites. The lands constituting them belong to the people of all of the United States, and I think some supervision and control over them ought to be retained by the people of all of the United States. If they were sold to individuals, they would likely be sold for a song; they might be condemned for a song, and then they would be gone forever out of the hands of the people who now own them.

Mr. SHAFROTH. The Senator does believe, however, in having the Government do exactly that same thing as to railroads, does he not?

Mr. MYERS. That is a long-established system, and Congress has long ago provided a method of parting with the title to lands that railroads are seeking. I do not consider the cases analogous at all.

Mr. SHAFROTH. That was the system we had up to the passage of the act of 1901, too, in the case of water-power sites, and there was great development under it.

Mr. MYERS. But it was subject to a great many things of which the Senator from Colorado himself has complained—bureaucracy and regulations, which he says are invariably carried to an extreme, and which hamper and restrict development—and the land was subject to homestead entry and scripping, and a number of other ways of acquiring it.

Mr. SHAFROTH. Oh, no; not to bureaucracy, because the bureaucracy has occurred since 1901. That is where the bureaucracy has occurred.

Mr. MYERS. The Senator is entirely satisfied with the situation up to 1901, then? He would simply return to that system?

Mr. SHAFROTH. No; I would be perfectly willing for them to file on water-power land for water-power sites and then let them pay to the Government whatever that land is worth, measured by what it would bring in a condemnation suit. It seems to me that is all the Government has a right to exact, and it seems to me it would result in that.

Some years ago there was hardly any such thing as a public-utility commission. Now every State in the Union, I think, except Utah, has a public-utility commission. They are sometimes called railroad commissions, but their jurisdiction extends to every public carrier that may be incorporated in the State. I want to say, as to these Western States, that Arizona has one, California has one, Colorado has one, Idaho has one, Montana has one, Nevada has one, New Mexico has one, Oregon has one, and Washington has one.

Mr. MYERS. Oh, I know; nearly all the States have them.

Mr. SHAFROTH. Every one of the States which are the subject of this matter has a public-utility commission that determines the price that can be charged persons using electricity; and every charge and every restriction that you put on here simply makes the corporation charge a higher rate, and the public-utility commission allows it.

Mr. MYERS. Then the Senator would have the Federal Government give up absolutely these valuable heritages, these water-power sites, and part forever with the title to them?

Mr. SHAFROTH. Why, no. I have said that they should pay for it just exactly as they would pay for my land if I owned it.

Mr. MYERS. But the Senator would have the United States part with the title to these sites?

Mr. SHAFROTH. I would have the United States part with the title to them, just as I am compelled to part with the title to them. I want to say to the Senator that that was the understanding of the Western States, and I call attention to the fact that in the constitution of Colorado we provided as follows:

> All persons and corporations shall have the right of way across public, private, and corporate lands—

It will be observed that it is expressed there as "public lands"—

> for the construction of ditches, canals, and flumes for the purpose of conveying water for domestic purposes, for the irrigation of agricultural lands, for mining and manufacturing purposes, and for drainage, upon payment of just compensation.

That is the constitution that was presented in compliance with the enabling act of Congress; and upon the presentation of that constitution, and its examination by the President, and his approval of it as complying with the enabling act, the proclamation was issued by which Colorado was admitted into the Union.

Mr. MYERS. What did the people of the Senator's State understand by its enabling act, which said that they forever renounced all claim to control over the public lands within the State?

Mr. SHAFROTH. Why, certainly they do not claim title to the lands; but they do say that where enterprises are to be undertaken, under this provision of the constitution, the right of way can be condemned by paying for it what it is worth.

Mr. MYERS. If they solemnly abandoned all interest in and forever renounced all control over the public lands within the borders of the State, they are not in a position now to complain, whether the United States Government sells or leases them, whichever it may see fit to do. If they did not want to come into the Union under those terms, they should not have accepted the enabling act and should have stayed out. I think

they ought to stand by their enabling act, which solemnly renounces all claim to the control or exercise of any right over the public lands. They are not in a position now to complain if the Federal Government sees fit to lease them. They have renounced the right to complain.

Mr. SHAFROTH. Why, no; because, as a matter of fact, the Constitution of the United States itself says that these lands shall be held until disposed of. It is a temporary trust. It has been declared by the Supreme Court of the United States to be a temporary trust.

Mr. MYERS. We are traveling in a circle. The Supreme Court of the United States has said that that does not mean merely to sell; it means to lease as well as to sell. The Senator must abide by the decision of the Supreme Court of the United States.

Mr. SHAFROTH. But they can not keep them forever unless they get the consent of the State. Whenever a public building is to be erected in a State it is not erected until the legislature of the State cedes to the United States jurisdiction over the property on which the building is to stand. Consequently, if the State wants to pass a special act of its legislature providing that a sovereignty can come in there independently of the States it can do it; but it takes the consent of the State to do it.

Mr. MYERS. I believe I will dissolve for the present my dual argumentative capacity with the Senator from Colorado, and proceed in a single capacity with my few remaining remarks.

I have said practically all I care to say about the nature and desirability of this class of legislation. I now want, before closing, to take up the bill and refer to some of the sections of it, and I shall not be very long at that.

The first section is the section which provides for the leasing of the land which constitutes the power site. It provides for a lease for 50 years. I will say that it seemed to be the general opinion of all who addressed our committee on that subject that there ought to be some definite termination of the life of the lease; that it ought to be a determinate lease; and 50 years seemed to be considered by all alike about the proper lifetime for the lease. The House of Representatives has fixed it at that, and the Senate committee last year and this year fixed it at that, and it meets with no serious complaint from anybody. I believe, myself, that 50 years is the proper period. I do not believe it ought to be any longer than that, and I do not believe it would be just or fair to make it any less than that.

From testimony before our committee, it appears that the lifetime of a power project may be divided into three periods. Experience shows that all successful projects pass through those three periods. They may be called the construction period, the development period, and the profitable period. A considerable period of time, varying at from three to five years, must elapse during which the plant may be constructed, transmission lines built, and the development of business initiated. It is fair to assume that upon the basis of a 50-year leasehold, 10 per cent of the time will have elapsed before the project is ready to render service, develop business, or pay any return upon the sums invested. During this period of inactive earning power, promotion, organization, engineering, and construction charges, together with interest on all of these necessary expenses, and taxes, have been paid, thus burdening the plant with heavy obligations before perfecting any earning capacity.

It is the policy of the Government, and should be the policy of all power producers, to develop the project to its maximum capacity. To do this it is, in the majority of cases, necessary to develop far beyond the existing market.

Every water-power company which has a growing business, and particularly those companies that are operating and contemplate operating in the sparsely settled and only partially developed regions of the West, where the proposed legislation will have its fullest application, are obliged to make heavy investments upon which no immediate return is possible. To endeavor to secure a return on total investment during this early or first period would necessitate the charging of rates so exorbitant as to preclude the development of the business and to curtail rather than extend the use of hydroelectric power. As a matter of business policy rates must of necessity, during the first period, be limited to what will pay, in many instances, a nominal return only upon the actual money invested, leaving no profit for the owner and developer of the business. This situation is realized by all conservative water-power companies, and with it comes a realization that, aside from bond interest and sinking fund requirements, additional revenues must be made by maintaining as cheap rates as possible, extending the business and substituting hydroelectric power for other means of generating power required for different industries.

During the second period of a leasehold, when the business has been developed, a fair return may be made upon the investment. Under the regulatory control of State public-service commissions only such a return as can be adequately justified may be looked for. This may be regarded as the period of profit to the owner and developer, while at the same time the public interest is conserved through the instrumentality of its commissions.

During the latter part of the leasehold the plant will inevitably be reaching a stage where maintenance and renewal charges will be heavy items. In order to properly serve the public, plants, structures, dams, transmission, and distributing systems should be maintained at the highest possible point of efficiency. Extensions should be made to meet the public need, and in the rapidly growing sections of the West these extensions require a constant expenditure of new money, amounting to a very considerable portion of the total outlay. If a company is facing a situation where its physical property may be taken over at the end of a comparatively few years, it will inevitably follow that there will be a disposition to save as much money as possible upon renewals, repairs, and extensions, and such sums as may of necessity be invested under these heads must, to as great an extent as possible, be amortized during the remainder of the lease, resulting in a constant effort to increase rates to the point where as large a rate as the customer's business will stand must be charged, and justified by the governmental agencies which have imposed upon the power concern the necessity of amortizing at least a portion of its property, not according to the standard usually adopted, to wit, that of wiping it out during the estimated life of the property itself, but by introducing the fictitious element of an expiring leasehold.

There is general agreement that the 50-year period is the proper period for leasing lands necessary for power sites. About that, I believe, there is no question. If there were as little question about everything else connected with the bill as there is about that, there would be no trouble at all about the speedy enactment of the bill into law.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years, and I submit a report (No. 260) thereon. I give notice that if I find the opportunity I shall ask the Senate to take up the bill to-morrow morning

The VICE PRESIDENT. The bill will be placed on the calendar.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, March 16, 1916, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 15, 1916.

UNITED STATES DISTRICT JUDGES.

Joseph W. Woodrough, of Omaha, Nebr., to be United States district judge, district of Nebraska, vice William H. Munger, deceased.

Horace W. Vaughan, of Honolulu, Hawaii, now serving as assistant United States attorney, district of Hawaii, to be United States district judge, district of Hawaii, vice Sanford B. Dole, whose term expired December 16, 1915.

CHIEF JUSTICE OF SUPREME COURT OF TERRITORY OF HAWAII.

Alexander G. M. Robertson, of Honolulu, Hawaii, to be chief justice of the Supreme Court of the Territory of Hawaii. (A reappointment, his term having expired May 15, 1915.) Mr. Robertson is now serving under a recess appointment.

SECOND JUDGE OF CIRCUIT COURT.

William L. Whitney, of Honolulu, Hawaii, to be second judge of the Circuit Court of the First Circuit of the Territory of Hawaii. (A reappointment, his term having expired May 6, 1913.) Mr. Whitney is now serving under a recess appointment.

JUDGES OF CIRCUIT COURTS.

James Wesley Thompson, of Honolulu, Hawaii, to be judge of the Circuit Court of the Third Circuit of the Territory of Hawaii, vice John A. Matthewman, whose term expired January 6, 1913.

Clement K. Quinn, of Honolulu, Hawaii, to be judge of the Circuit Court of the Fourth Circuit of the Territory of Hawaii, vice Charles F. Parsons, whose term expired January 6, 1913.

UNITED STATES DISTRICT ATTORNEY.

S. C. Huber, of Tama, Iowa, to be United States attorney, district of Hawaii, vice Jeff McCarn, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 15, 1916.

REGISTER OF THE LAND OFFICE.

Orin M. Lane to be register of the land office at Rapid City, S. Dak.

APPOINTMENTS IN THE ARMY.

CORPS OF ENGINEERS.

Col. William M. Black to be Chief of Engineers with the rank of brigadier general.

Rev. Milton O. Beebe to be chaplain with the rank of first lieutenant.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from February 12, 1916.

Herbert Jerome Rosenberg.
Mather Cleveland.
John Radway Le Comte.
Henry Lee Wenner, jr.
Francis Bonneau Johnson.
James Walker Walters.
Kenneth Allen Phelps.
Adam Edward Sherman.
William Wesley Hoggatt.
Harry Clifford Miller.
William Vaux Ewers.
Charles William Hennington.
Clayton Kendall Haskell.
Charles Lane Hincher.
Albert Bowen.
Charles Clyde Sutter.
Arthur Patterson Reed.
William Aloysius Dalton.
Phillips Maurice Chase.
Curtis Dudley Pillsbury.
Richey Laughlin Waugh.
Frank Hinman.
Charles Hansell Watt.
Nathan Davis McDowell.
Samuel Boyd Ross.
James Walker Jameson.
George Nathaniel Pratt.
Charles Wentworth Hoyt.
Ammi Ballinger Edgar.
Ira Cohen.
Philip Van Ingen.
William Joseph Froitzheim.
Joseph Briggs Howland.
Wayland Augustus Morrison.
Sumner Everingham.
Constant Moreaux Colignon.
Harry William Helmen.
William Francis Hewitt.
Thomas Christian Paulsen.
Charles Edison Swezy.
George de Tarnowsky.
John Aikman.
George Merrill Randall.
Lindsay Alexander Beaton.
James Albert Corscaden.
Max Alonzo Almy.
John Dension Fowler.
Frederick Smith Baird.
Alvin Jay Bayley.
Edgar Allan Bocock.
William Lacey Edmundson.
David Norvell Walker Grant.
John Edward Walker.

APPOINTMENT, BY TRANSFER, IN THE ARMY.

First Lieut. Harold L. Gardiner, Coast Artillery Corps, to be first lieutenant of Cavalry.

First Lieut. Albert C. Wimberly, Seventh Cavalry, to be first lieutenant in the Coast Artillery Corps.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Lieut. Col. Frederick Perkins to be colonel.
Maj. Richard C. Croxton to be lieutenant colonel.
Capt. Lincoln F. Kilbourne to be major.
Capt. George E. Houle to be major.
First Lieut. Shepard L. Pike to be captain.
First Lieut. Henry G. Stahl to be captain.
First Lieut. Roy C. Kirtland to be captain.
First Lieut. Alfred C. Arnold to be captain.
Second Lieut. Henry J. Damm to be first lieutenant.
Second Lieut. Max R. Wainer to be first lieutenant.
Second Lieut. Charles T. Griffith to be first lieutenant.

COAST ARTILLERY CORPS.

First Lieut. Lloyd B. Magruder to be captain.
Second Lieut. Thomas H. Jones to be first lieutenant.
Second Lieut. Laurence Watts to be first lieutenant.
Second Lieut. Henry N. Sumner to be first lieutenant.

FIELD ARTILLERY ARM.

Second Lieut. Edwin Saint J. Greble, jr., to be first lieutenant.

POSTMASTERS.

ILLINOIS.

John C. Kohn, Elgin.

KANSAS.

Christina Walker, Moline.

LOUISIANA.

Susie Jones, Glenmora.

MAINE.

J. Theodore Kneeland, Harrison.

MICHIGAN.

Stephen B. Coddington, Capac.
D. D. Ranney, Leslie.

MINNESOTA.

Francis T. O'Gorman, Goodhue.
James J. Remes, New Prague.

MISSOURI.

Thomas E. Heatherly, La Grange.
Charles H. Smith, Canton.

MONTANA.

Carl E. Bowman, Hardin.

NEBRASKA.

Ella E. Ayers, Winnebago.

NEW YORK.

George W. Batten, Lockport.
John F. Brennan, Hudson.
Girdell V. Brower, Rockville Center.
Timothy J. Dacey, Sherrill.
Clark E. De Forest, Unadilla.
John J. Finnerty, Croton on Hudson.
Robert J. Fitzpatrick, Dannemora.
Henry F. Hoornbeek, Napanoch.
John A. Kramer, Wayland.
Mansfield F. McLean, Wappingers Falls.
Uri H. Mersereau, Union.
Allen R. Nevinger, Bliss.
Timothy C. Sullivan, Comstock.
Eugene Smith, Sharon Springs.

NORTH DAKOTA.

William Gamble, Portal.
Reinhart Gilbertson, Glenburn.

PENNSYLVANIA.

George D. Arner, Weissport.
George N. Grumbein, Palmyra.
John V. McFadden, Summithill.

SOUTH CAROLINA.

William L. Blackmon, Kershaw.
V. Brown McFadden, Rock Hill (late Rockhill).
James E. Searson, Allendale.

VERMONT.

D. R. Stetson, Newport.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 15, 1916.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We come to Thee, O God, our heavenly Father, to renew our faith and confidence in Thee and in the overruling of Thy providence in the affairs of men that our spiritual life may be enlarged. Religion is the life of God in the soul. We pray for that life that our work may be increased in the things that make for the eternal good of man. We bless Thee for every true and noble life whose work has added to the sum of human happiness, touched by the death of one who has honored his life by an honorable service in the chosen field of his endeavors. Comfort his friends and family by the precious promises in the continuity of life that they may look forward with bright hopes and anticipations to a life beyond the confines of earth, where the joys of existence shall be increased and the soul shall find its full fruition in a joyful service in Thee, through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE.

Mr. BYRNES of South Carolina. Mr. Speaker, I ask unanimous consent that reference of the bill (S. 1878) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section 151 of the act approved March 3, 1911, commonly known as the Judicial Code, from the Committee on Claims, to which it has been referred, and which has no jurisdiction of it, to the Committee on War Claims. This is an omnibus war-claims bill encompassing certain private claims passed by the Senate and sent over here. By mistake it was referred to the Committee on Claims instead of to the Committee on War Claims.

The SPEAKER. The gentleman from South Carolina asks unanimous consent for rereference of the bill referred to. Is there objection?

There was no objection.

PENSIONS.

Mr. RUSSELL of Missouri. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10037) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table the bill H. R. 10037, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. LANGLEY.

Mr. RUSSELL of Missouri. Mr. Speaker, I make the same request in respect to the bill H. R. 11078, of similar title.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the same order may be made in regard to the bill H. R. 11078, of similar title. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Mr. RUSSELL of Missouri, Mr. ASHBROOK, and Mr. LANGLEY.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to dispense with business in order under the rules to-day. My purpose is to take up for consideration an urgent deficiency appropriation bill, and, with the permission of the House, I desire to state that this bill contains certains items urgently requested by the Navy Department. The bill carries about two and three-quarter millions of dollars. It is to enable the Navy Department to put in effective condition the ships of the Navy now in commission. It is very important that the money be made available at once. Two establishments are now turning out certain material for the Navy, and it is stated that there is sufficient money available to enable them to be conducted at their present rate of output only until the 15th of this month.

The SPEAKER. Does the gentleman ask to dispense with business in order on Calendar Wednesday until he can pass the bill to which he refers or for the whole day?

Mr. FITZGERALD. I ask to dispense with Calendar Wednesday, and state that the purpose of the request is to enable me to call up the bill to which I have referred.

The SPEAKER. The Chair would suggest that possibly the best way would be to dispense with business in order on Calendar Wednesday until the gentleman can dispose of that bill.

Mr. SLAYDEN rose.

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. SLAYDEN. Mr. Speaker, I desire to ask the gentleman the question raised by the suggestion of the Chair. How long does the gentleman think it will take to get through with the urgent deficiency bill? I understand there is urgent necessity of the Government; and if so, I do not think there will be any great delay in the passage of that bill. I desire to find out if we are to lose all right to Calendar Wednesday for the balance of the day if this bill should pass in, say, an hour?

Mr. FITZGERALD. That depends on how the request is put.

Mr. SLAYDEN. What is the gentleman's request?

Mr. FITZGERALD. Of course, I am interested in getting this particular bill disposed of.

Mr. SLAYDEN. How long does the gentleman think it will take him to do that?

Mr. FITZGERALD. There are only seven pages in the bill.

Mr. SLAYDEN. Does the gentleman anticipate any prolonged debate over an urgent necessity of the Government?

Mr. FITZGERALD. I do not. Unless there is some change in opinion, I think there would not be to exceed 30 minutes of general debate.

Mr. SLAYDEN. Does the gentleman want to take away from us the balance of the day, Calendar Wednesday?

Mr. FITZGERALD. I have no desire to do so.

Mr. SLAYDEN. Then I suggest that the gentleman put his request, as suggested by the Speaker, for the consideration of the bill to which he refers, and that no other rights of Calendar Wednesday be forfeited.

Mr. FITZGERALD. I am willing to do so.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that to-morrow may be substituted for to-day as Calendar Wednesday.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to substitute to-morrow for to-day as Calendar Wednesday.

Mr. KITCHIN. Mr. Speaker, I would have to object to that.

Mr. FITZGERALD. Why not substitute Saturday?

Mr. BARNHART. Mr. Speaker, I could not agree to that.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. CANNON. Mr. Speaker, I would like to have the attention of both sides of the House for a moment. This urgent deficiency appropriation bill carries nearly $3,000,000 for the Navy. That amount is urgently needed for putting ships now in commission in condition, so that they would be of some account in the event of war.

In my judgment there will be but little time taken. I should say it ought not to take more than an hour's time altogether in the consideration of the bill. Yesterday the House was unanimous, save one, for strengthening the Army. It is important, beyond the amount that it carries and from the standpoint of necessity, and I might go further and say, I think, from patriotism, that this bill should be passed, and passed at once. [Applause.]

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent, as a substitute for these other unanimous consents, to dispense with Calendar Wednesday to-day and substitute Saturday in place thereof.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent to substitute next Saturday for the business in order on Calendar Wednesday. Is there objection?

Mr. BARNHART. Mr. Speaker, reserving the right to object, will the gentleman from North Carolina yield to me?

Mr. KITCHIN. I do.

Mr. BARNHART. Mr. Speaker, the committee of which I am chairman has what we consider an important bill on Calendar Wednesday. My neighbor and my lifetime personal friend, my associate, Senator SHIVELY, has passed away, and his funeral will be held on Saturday. I must attend that funeral, and if in doing so Saturday is substituted for to-day it probably necessitates my committee's losing its place on the calendar, and unless the gentleman from North Carolina withdraws his

request I shall be impelled to object, much as I dislike to do so. I hope the gentleman will withdraw his request.

Mr. FORDNEY. Is there any other day that the gentleman would agree to?

Mr. BARNHART. Not this week, because we leave to-morrow noon and can not be back here before Monday morning.

Mr. STAFFORD. Mr. Speaker, may I ask the gentleman from North Carolina, as I understand, it will only take about two and a half hours to pass this appropriation bill to-day. Why not grant leave to bring it up and pass it and then go ahead with the regular business of Calendar Wednesday?

Mr. KITCHIN. Mr. Speaker, my thought was, with the demands for time on the sugar bill, that it would take up more than a day upon this bill, and that we could take up the sugar bill after this deficiency bill is passed and finish it up to-morrow.

Mr. BARNHART. Let the whole business go over until next Wednesday. I do not want to lose my place.

Mr. KITCHIN. The gentleman will not lose his place. There is other business on the calendar before the gentleman's bill.

Mr. FITZGERALD. Mr. Speaker, I would suggest in addition that the gentleman's request be modified by adding that if the Committee on Printing be called it shall be passed without prejudice on Saturday.

Mr. ADAMSON. Mr. Speaker, if the gentleman will permit me, I think the better suggestion would be to take two days next week for Calendar Wednesday.

Mr. BARNHART. That might be.

Mr. KITCHIN. The request as modified by the request of the gentleman from New York will dispose of the whole thing.

Mr. BURNETT. Mr. Speaker, why not have Friday, although Friday is claims day? Has the Claims Committee any bills?

Mr. KITCHIN. Mr. Speaker, I make the modified request that Calendar Wednesday for to-day be dispensed with and that Saturday be taken as Calendar Wednesday, with the understanding that if we reach the printing bill it will be passed without prejudice.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that next Saturday be substituted for to-day and that if the Committee on Printing is reached on Saturday it shall be passed without prejudice. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I doubt whether the heavens will fall if we should dispense with one Calendar Wednesday in order to dispatch real public business. I do not believe that we ought to make special arrangements and exceptions.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to dispense with the business in order under the rule to-day.

The SPEAKER. The gentleman from New York asks unanimous consent to dispense with the business of Calendar Wednesday in order for to-day. Is there objection?

Mr. SLAYDEN. Mr. Speaker, was the request to substitute Saturday withdrawn?

The SPEAKER. No; there is no substitution about it.

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. If the consideration of this appropriation bill is not concluded to-day, would it go over until to-morrow as unfinished business or to the next Calendar Wednesday?

The SPEAKER. A motion would be in order to-morrow to go into the Committee of the Whole House on the state of the Union to consider it. Is there objection to the request of the gentleman from New York?

Mr. ANDERSON. Mr. Speaker, reserving the right to object, I would like to ask if it is understood now that the sugar bill comes on immediately after the completion of this bill to-day?

Mr. FITZGERALD. I do not know; I have not any control over that.

Mr. ANDERSON. I would like to ask the gentleman from North Carolina.

Mr. FITZGERALD. I think probably the gentleman from North Carolina can tell the gentleman.

Mr. KITCHIN. We want to take up the sugar bill so as to finish it to-morrow.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

FURTHER URGENT DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 13043, an urgent deficiency appropriation bill; and pending that may I ask the gentleman from Illinois [Mr. CANNON] if we can not agree upon a time for general debate?

Mr. CANNON. Mr. Speaker, it seems to me that general debate might close—how much time does the gentleman want?

Mr. FITZGERALD. I have one gentleman who would like 10 minutes on an extraneous subject. But if there is only to be discussion on this, I think we can dispose of it under the five-minute rule, or, say, we take 30 minutes for debate, 15 minutes to be controlled by the gentleman from Illinois and 15 minutes by myself.

Mr. CANNON. I would like 10 or 15 minutes, and I presume the gentleman would like a little time—more than 5 minutes—in which to explain the bill.

Mr. FITZGERALD. Let us take 30 minutes.

Mr. CANNON. That would be satisfactory to me—15 minutes——

Mr. FITZGERALD. Thirty minutes altogether.

Mr. CANNON. Thirty minutes on a side.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that general debate be limited to one hour, one-half to be controlled by the gentleman from Illinois [Mr. CANNON] and one-half by myself.

The SPEAKER. Pending the motion of the gentleman from New York to go into the Committee of the Whole House on the state of the Union, the gentleman asks unanimous consent that the general debate be limited to one hour, 30 minutes to be controlled by himself and 30 minutes by the gentleman from Illinois [Mr. CANNON]. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years, with Mr. GARD in the chair.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, this bill carries $3,260,800. Of this sum, $2,575,000 is for the Navy Department. This money is requested in order to enable the various bureaus of that department to expedite essential repairs upon war vessels now in commission. In addition, it provides money to equip vessels now in commission with antiaircraft guns, to enable the Navy Department very largely to increase the number of mines originally estimated as desirable for the service, to increase considerably the number of cartridge cases deemed necessary in order to have an adequate supply of ammunition in case of necessity. The items for the Navy Department which have been included in the bill are all of a peculiarly urgent character. They are requested at this time because of the prevalent belief that all of the vessels of the Navy should be put in the most efficient condition possible.

In addition to the sums carried by the Navy Department, there is carried $72,000 for the District of Columbia. This sum is for the support of United States prisoners from the District. One hundred and five thousand dollars is carried by the Department of Justice, very largely, if not entirely, for the support of United States prisoners, due to the fact that the number of United States prisoners is in excess of the number upon which the estimates were based when the appropriations were made. In addition, there is $508,800 for the United States courts. This is to provide money for witnesses, jurors, United States commissioners' fees, and certain expenses of the United States marshals.

The items included are all of a nature to be characterized as urgent, and for that reason the committee has included them in this bill. There were some other estimates pending before the committee for deficiencies, but they did not belong in the same category as the items to which I have referred, and the committee relegated them to the general deficiency bill.

Unless some one wishes information, I shall reserve the balance of my time.

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. I yield to the gentleman.

Mr. MANN. In reference to the first item of the bill, an item of $60,000 for support of the convicts of the District of Columbia, what is the cause of that? That seems a rather large deficiency item for that purpose.

Mr. FITZGERALD. It is due to the increased number of prisoners from the District of Columbia over the number upon which the estimates were based.

Mr. MANN. Are there so many more prisoners now than usual?

Mr. FITZGERALD. More than last year.

Mr. MANN. Does the gentleman have the figures? It seems remarkable to me that there should be any very great increase in the number of prisoners. Frankly, I wondered whether it had anything to do with the different method of taking care of the prisoners, which we were assured a few years ago would materially decrease the cost.

Mr. FITZGERALD. One of the causes, I might add, is that Congress provided, either last year or the year before, that hereafter in fixing the cost of taking care of District prisoners in the United States penitentiaries the overhead charges should be included as a portion of the cost, and for that reason the charge to the District for the care of prisoners is larger than it otherwise would have been.

Mr. MANN. Well, are these convicts those who are in penitentiaries only, or does it also include those down here at the workhouse at Occoquan?

Mr. FITZGERALD. Not in the workhouse, but in the United States penitentiaries at Leavenworth and at Atlanta.

Mr. MANN. There are a number of increases in here also for Leavenworth and Atlanta Penitentiaries and for support of United States prisoners at various places. What are those increases?

Mr. FITZGERALD. Those items are due entirely to the increased number of convicts—over 100 additional convicts in one of these places.

Mr. MANN. There is quite a large increase in the appropriation.

Mr. FITZGERALD. There is; for instance, the District of Columbia prisoners at the close of the fiscal year 1915 were 687, and on March 10, 1916, there were 738.

Mr. MANN. Not in penitentiaries, certainly? There were certainly not 700 prisoners from the District of Columbia in Fort Leavenworth and Atlanta Penitentiaries?

Mr. FITZGERALD. Very largely; yes. They are United States prisoners.

Mr. MANN. I know; but that would be a very large proportion of the prisoners who were in those penitentiaries. I do not think there are 3,000 prisoners in them, all told.

Mr. FITZGERALD. About 3,000. There are 1,700 and some odd at Leavenworth and about 1,300, I think, in Atlanta.

Mr. MANN. It would seem strange to one who did not know anything more about it than I do that there should be 700 out of 3,000 from the District of Columbia.

Mr. FITZGERALD. That is where they are supposed to be. Those who make the statement are in charge of the prisons, and if they are not correct I do not know where to obtain the information.

Formerly we charged the District of Columbia 35 cents for the care of each prisoner, but we did not include in that cost the overhead charges of the penitentiary. Congress inserted a provision in one of the appropriation bills requiring to be included all items of cost relating to the maintenance of the penitentiaries, and that now makes the cost 60 cents a day. As a result this year the cost of keeping the District prisoners is very nearly double.

Mr. MANN. May I ask the gentleman a little further in reference to these naval items?

Mr. FITZGERALD. Yes.

Mr. MANN. The naval appropriation bill last year does not carry a sufficient amount, or do these items arise out of change of conditions?

Mr. FITZGERALD. Mr. Chairman, there are three items. One is for the Bureau of Ordnance, an item of $995,000. That is to increase very largely the number of mines for the Navy. The number of mines that had been determined upon by the General Board as being necessary was 3,000, and that number will be supplied by the 1st of May. A few months ago, as the result of studies of the present European war, the General Board determined that the United States Navy should have 9,000 mines. They have been developing a plant which now has a capacity of 20 mines a day, and they desire to carry on that plant at full capacity. That will take four hundred odd thousand dollars.

Antiaircraft guns have been provided for all vessels since the *Oklahoma*, but the vessels in commission prior to the *Oklahoma* had no antiaircraft guns. Certain 1-pounder guns that were on hand were remodeled, but the department is asking $125,000 in order to provide two of those guns for each of the ships now in commission.

In addition, a certain allotment had been determined upon as the allotment of ammunition for the Navy. As the result of the study of the present European conflict, it is believed that the allotment fixed for the Navy should be very largely increased, and money is asked in order to provide cartridge cases to increase the amount of ammunition.

Mr. MANN. The gentleman refers to allotments in the Navy. Just what does he mean by that?

Mr. FITZGERALD. The amount that the General Board had determined was adequate.

Mr. MANN. That is the allotment under the naval appropriation?

Mr. FITZGERALD. No; that is the reserve that should be had, the ammunition that should be on hand. They have increased what they believe should be on hand.

Mr. MANN. That is not an allotment of money, then?

Mr. FITZGERALD. No. In addition they are asking money to provide for a larger number of reserve parts for guns, sights, telescopes, directoscopes, and a number of other apparatus. In the Bureau of Steam Engineering and the Bureau of Construction and Repair the policy has been to send ships to the navy yards at certain fixed periods and at certain times, regardless of the condition of the ships or the necessity for repairs. The policy has been changed, and since the 1st of July all repairs reported as needed upon the ships have been directed to be made. The allotment of appropriation has been waived, and the result is that there are repairs to be made that are deemed imperative on certain ships, and require in the Bureau of Steam Engineering about $900,000 and in the Bureau of Construction and Repair about $680,000. The committee believe that the money should be furnished to permit those repairs to be made at once, rather than to wait until after the 1st of July, when they would be made from the appropriations carried in the regular appropriation bill.

Mr. Chairman, I reserve the balance of my time, which is how much?

The CHAIRMAN. The gentleman has used 15 minutes, and reserves 15 minutes of the previous allotment of 30 minutes.

Mr. CANNON rose.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois for 30 minutes.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SPARKMAN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 180. Joint resolution providing for an increase of the enlisted men of the Army in an emergency.

The message also announced that the President had, on March 11, 1916, approved and signed bills of the following titles:

S. 3144. An act to authorize the construction of a bridge across the Pend Oreille River, between the towns of Metaline and Metaline Falls, in the State of Washington; and

S. 3873. An act to authorize the counties of Minidoka and Cassia, State of Idaho, to construct a bridge across Snake River.

URGENT DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. CANNON. Mr. Chairman, I agree with what the gentleman from New York [Mr. FITZGERALD], chairman of the Committee on Appropriations, has said touching the necessity for the appropriations covered by the bill for naval preparedness, and I shall not take much time in general debate in discussing it and perhaps none under the five-minute rule.

I do not know that it will do any good under the present condition in the country to call attention to the want of preparedness, especially for the Navy. But the Navy is the first line of defense and offense, and the most important arm of the Government for both in the event we are to have a foreign war. By way of calling attention to the fact, however, I will state that the appropriations for the last fiscal year were insufficient, and the appropriations for the present fiscal year are insufficient. I am not now referring to the construction of new ships or any kind of craft for the public defense not now in being. Work under appropriations such as have been authorized is now, in part at least, under contract, and it might well be hoped that that work would be expedited.

But these appropriations that are recommended in this bill, amounting in the aggregate to less than $2,800,000, so far as I recollect, are for putting the ships that are now in commis-

sion in shape so that they will be competent according to their capacity as a fighting Navy. In explaining these appropriations it is proper that something should be said of the increased cost of materials, although I need not refer to that in detail, especially after the great struggle commenced across the water. I may say that in my judgment the powers that be did not grasp the situation, and that perhaps might be a criticism of Congress, although primarily, if it be criticism, it rests upon the Executive.

For instance, take the appropriation under the title "Bureau of Ordnance." The amount recommended by the heads of bureaus was not approved by the Secretary of the Navy when he submitted his estimates. Take the Bureau of Steam Engineering. There the appropriations made at the last session of the last Congress for the Navy were cut by the Secretary of the Navy $300,000 after the estimates had been submitted by the chief of that bureau. I might read the hearings covering those points, but it is not necessary to do so, and I do not know that it is indicated that I should do so at this time, because the public business crowds, and there will be time enough later on for criticism.

While we have disagreed heretofore, and perhaps may disagree again where we legitimately can—without regard to who is responsible for the condition in Mexico; as to whether mistakes have been made; as to whether the administration has intelligently performed its duty, the President being Commander in Chief of the Army and Navy and having charge of our diplomatic relations—it is not indicated that I should refer to those matters at this time, because we have a condition confronting us; and with this condition yesterday, when the gentleman from Virginia [Mr. HAY], chairman of the Committee on Military Affairs, submitted the joint resolution from his committee providing for the increase of the Army, it passed in short order; and when the gentleman from Illinois [Mr. MANN], the minority leader, asked for a rising vote, with a full House present, every man rose and voted aye but one. There was but one negative. [Applause.]

I have examined these estimates with care. I was present at the hearings and participated in the examinations. The hearings are printed, and I will not take further time to refer to them, because there is so much business of importance pressing for consideration that there is a probability, if not an absolute certainty—at least unless we all reform; especially you gentlemen on that side, and unless we help you—the snow will find us here next fall before the adjournment of this session is reached.

Mr. Chairman, I reserve the balance of my time. I yield to my colleague [Mr. MANN] such time as he may desire. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has used 9 minutes and therefore would have 21 minutes remaining. The gentleman from Illinois [Mr. MANN] is recognized for 21 minutes.

Mr. MANN. Mr. Chairman, the House this morning by unanimous consent dispensed with proceedings under the rule providing for the call of committees on Calendar Wednesday, a thing which has seldom, or I think I might accurately say never has been done before. Yesterday the House by unanimous consent proceeded to the consideration of a joint resolution providing for an increase in the Army. The joint resolution of yesterday had special reference to the situation on our Mexican border, but the unanimous consent given to-day, in order to take up the deficiency bill carrying $2,500,000 for the Navy, has no reference whatever to the situation on the Mexican border; and it seems to me that it is worthy of passing notice that when a real situation confronts the country, and the administration in charge of affairs expresses to Congress the need of additional money in order to put the country in proper shape for its own protection, it meets with a ready response from all sides of the House, and I believe from all parts of the country. There need be no fear that whenever a situation arises immediately in front of us we will all be ready to make proper appropriations of money, or I might say of life.

I fear sometimes that we have to wait until the immediate situation faces us instead of seeing far enough into the future to provide for emergencies in advance of their arriving. I think it would be very profitable to the country if Congress at this time, and without further delay, should devote its attention to the subject of proper preparation of the country for its defense [applause] ahead of the little chicken-feed bills which constantly, and properly, drift before the House from the committees of the House. This is a situation and a time when we might well delay the determination of the question whether we shall erect a statue to some hero of the country or provide for additional methods of gathering statistics, or even for the manner of doing the official printing of the Government, in order that we may with our best judgment determine speedily what we are intending to do about a proper increase in military and naval preparedness. If it be done at all, it were best that it be done quickly, in my opinion. [Applause.]

I yield back the remainder of my time.

Mr. CANNON. I yield the remainder of my time to the gentleman from Massachusetts [Mr. GILLETT].

The CHAIRMAN. The gentleman from Massachusetts [Mr. GILLETT] is recognized for 14 minutes.

Mr. GILLETT. Mr. Chairman, the gentleman from Illinois [Mr. MANN] has discussed the exact question to which I was going to address myself, and, as he always does, he has done it better than I should have done it, so I just wish to add a word which illustrates from this bill the argument he made, that there ought to be a look into the future, and that we ought by legislation as well as by administrative action to prepare in advance and not wait until the moment when a project is forced upon us.

This appropriation for the Navy is quite justified and necessary. But I criticize the fact that it is brought before us on this bill and was not brought before us earlier in the session. This Congress has already passed two deficiency bills, the last of which was signed by the President only last month. This proposition for the Navy ought to have been in that bill, and it seems to me reprehensible that the Navy Department should not have known, sometime in January or December, in fact long before that, the items in this deficiency bill were needed by the Navy and should not have included them in the former bill. It takes the time of the committee and the time of the House to have one deficiency bill brought up, and then, after that has gone through and been signed by the President, to have another one follow immediately on its heels, when the subject matter more properly belonged in the earlier bill.

Mr. DUPRÉ. Will the gentleman yield?

Mr. GILLETT. I yield to the gentleman from Louisiana.

Mr. DUPRÉ. Can the gentleman state in that connection why the committee has not seen fit to cover into this bill the estimates of deficiency submitted by the Navy Department for its Bureau of Yards and Docks?

Mr. GILLETT. I refer the gentleman to the chairman of the committee [Mr. FITZGERALD], who is responsible for that. He can answer that in his time.

Mr. DUPRÉ. The gentleman has criticized the department. I thought I would inquire on this subject.

The CHAIRMAN. Does the gentleman from Massachusetts yield or does he decline?

Mr. GILLETT. I prefer that the chairman of the committee should answer the criticisms on this bill, because he is responsible for it and I am not.

Mr. ROGERS. I notice that the first urgent deficiency bill of this Congress was reported on January 19 and the second on March 11. Can the gentleman inform the House whether it is customary for a second urgent deficiency bill to be brought in as early as the second week in March?

Mr. GILLETT. It is not customary; it is quite unusual; but still emergencies do arise. While it is not customary, it is not unprecedented, and if an emergency arises which could not have been foreseen by a wide-awake administration in time to have been included in the previous bill no one could criticize. But there has been no emergency as to the Navy which ought not to have been foreseen long ago. It is nearly a year since this administration adopted a tone in our foreign policy which tended to excite the resentment of great military powers. We have done nothing practically to prepare ourselves to meet that resentment. It seems to me that our domestic policy ought in some degree to conform to our foreign policy; and it seems to me, as the gentleman from Illinois [Mr. MANN] suggested, that we should look forward, and that the administration should not wait until an obstacle is reached and right before its eyes before appealing to Congress for relief. As I recall, there were recommendations by the Navy Department in the former deficiency bill, and this one ought to have been included. That was its appropriate time, and the committee and the Congress should not be troubled by the administration with this constant succession of estimates, when all of them, with a little foresight, might have been grouped together and decided at one time. [Applause on the Republican side.]

Mr. CANNON. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Illinois has 9 minutes remaining and the gentleman from New York [Mr. FITZGERALD] has 15 minutes remaining.

Mr. FITZGERALD. I do not think there will be anything said on this side except one or two observations by myself.

Mr. DUPRÉ. I should like to propound to the chairman of the committee the question which I presented to the gentleman from Massachusetts, in regard to the failure to include in this bill the deficiency estimates for the Bureau of Yards and Docks.

Mr. FITZGERALD. Mr. Chairman, there were some estimates submitted by the Bureau of Yards and Docks which were to take care of a number of small items in practically every navy yard in the United States. Upon an examination of the items it seemed to the committee that they were not matters of urgent or immediate importance. They were to provide slight improvements here and there, some trifling additions to the yard facilities that properly should be carried in the annual appropriation act. For those reasons the committee, desiring to include in this bill only those things that could be justified because of imperative necessity for immediate action, did not include any items for yards and docks.

This administration is only human. It does not possess, nor does it profess to possess, all of the wisdom of all the men who ever lived, and particularly it does not claim to possess as much wisdom as many Republicans in this House imagine that they have. [Laughter.]

Mr. GILLETT. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GILLETT. Can the gentleman see any reason why these appropriations could not have been foreseen by the administration in time for the previous deficiency bill?

Mr. FITZGERALD. I can see a great number of reasons, Mr. Chairman, why they could not have been foreseen or anticipated. Some of them, I understand, are the result of the creation by Congress in the current naval appropriation act of a new bureau or establishment or service in the naval department under the title of aid of operations by which a new policy was established in connection with certain work of the Navy, and as a result of which special efforts have been made to put these vessels into commission. So far as I know these estimates were submitted as rapidly as they could have been. There is no division in this House on two matters. One is that already discussed by that side of the House—that is, that whenever it comes to the question of providing the necessary funds and means to enable this Government to maintain its dignity and honor as a Nation and the rights of its citizens this House acts with practical unanimity. The other is that all administrations, regardless of their political complexion, must observe the laws enacted by Congress for the submission of estimates. Unless those laws are observed, unless there be some peculiar condition, such, for instance, as putting naval vessels in the best possible condition for immediate service, Congress has uniformly insisted that the departments manage their affairs without additional funds until they have complied with the law. Unless some extraordinary emergency arises connected with the public defense, or an equally good cause, additional funds before the time for the enactment of the general deficiency bill will not be provided for any service, as there will be no further deficiency bill during this session of Congress. I ask the Clerk to read.

The CHAIRMAN. Does the gentleman from Illinois desire to use any time?

Mr. CANNON. I will yield the balance of my time to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, there is undoubtedly a sharp difference of opinion among Members of the House relative to the size and character of the Military and Naval Establishments which we should provide at this session of Congress for the future. It is to be hoped that out of the discussion that will take place when the bills are presented from the Naval and Military Committees we will be able to so adjust and compromise our views as to come to a substantial agreement as a House as to the progress we should make and as to the goal for which we should aim in the development of our military establishments.

When, however, we come to consider the question of immediate preparation, such as may be needed or necessary, there is not, has not been, and will not be any material difference of opinion on the floor. Yesterday, as the gentleman from Illinois has reminded us, the House almost unanimously provided for an immediate increase in our Military Establishment. The House is now proposing to speed up on certain needed work of the Navy. We will all of us be united in work of this character. As a matter of fact, as a member of the committee, while I shall support the committee in the action it has taken, I would have been very glad indeed to have approved all of the estimates made on behalf of the Bureau of Yards and Docks. For while I think it is true, as the chairman of the committee has stated, that these additional amounts are not imperative and immediately essential, still it seems to me we are confronting a situation and condition in which we should err, if at all, on the side of providing all, or even more, than may be absolutely essential in the speeding up of the work of preparation for whatever the future may hold for us.

It is unfortunate, in my opinion, that we have been so slow in the construction of the vessels which have been authorized by Congress. If we could have speeded up, if we could have moved with the rapidity in the construction of the ships that have been authorized that private concerns have moved in filling foreign contracts, we would to-day be in a much better condition of preparedness than we find ourselves. Therefore I think it is the duty of Congress, and I think there should be no dissenting voice in regard to that, to supply every dollar that the department believes necessary in order to make the establishments we now have and for which we have made provision, immediately effective and available. That is the kind of preparedness that we all can unite on. Other questions of how and to what extent we shall expand to meet future emergencies or future possibilities, we will meet as they are presented to us in the bills that will be brought to our attention.

In that connection, as one of those who have not been inclined to accept or approve of the great programs that have been proposed in certain quarters, I want to commend the Committee on Military Affairs for the bill which it has presented to the House. That bill, it seems to me, provides a reasonable, moderate, and yet quite sufficient preparation for the future. I hope, when we reach this and other bills of this character, we may find an agreement in the House along moderate lines for increase and development of our armed forces.

I yield back the remainder of my time.

The CHAIRMAN. The gentleman has used seven minutes of the nine minutes remaining. Does the gentleman from Illinois desire to use the remaining time?

Mr. CANNON. I do not.

Mr. FITZGERALD. Mr. Chairman, I ask that the Clerk read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NAVAL ESTABLISHMENT.

BUREAU OF ORDNANCE.

For ordnance and ordnance stores, including the same objects specified under this head in the naval appropriation act for the fiscal year 1916, $995,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I did not get exactly what the gentleman from New York [Mr. FITZGERALD] said a while ago about the increase of the number of mines which could be manufactured. My attention was diverted at the time.

Mr. FITZGERALD. Four hundred thousand dollars are appropriated because of the increase in the number of mines, and $129,000 I think for antiaircraft guns. Over a hundred thousand dollars are appropriated for cartridge cases. That is, the brass shell. There is also money for spare telescopes, sights, and directoscopes.

Mr. MANN. I desire to ask about the mines. Do we have a surplus supply of mines on hand?

Mr. FITZGERALD. The number fixed as the number we should have was 3,000, and they will be on hand by the 1st of May. They keep indefinitely.

Mr. MANN. Do these mines keep indefinitely?

Mr. FITZGERALD. They do. They manufacture the cases and load them.

Mr. MANN. They have been in the habit, as I recollect, of making 10 mines a day at this Government establishment.

Mr. FITZGERALD. The plant had a capacity of 10 mines a day; it now has a capacity of 20 mines a day.

Mr. MANN. Of course it would not take very long to make 3,000 mines at 10 mines a day.

Mr. FITZGERALD. The bureau will have the full 3,000 by the 1st of May, and is now working upon an allotment of 9,000 mines.

Mr. MANN. I should think they would want a hundred thousand mines.

Mr. FITZGERALD. They say not. These are mines that are used by the Navy as distinct from the mines that are used by the Army in connection with the coast defenses.

Mr. MANN. I suppose these are mines that they use to strew over the sea?

Mr. FITZGERALD. I do not know how many they should have except that the General Board fixed on 9,000.

Mr. MANN. Certainly, in view of what is going on on the other side of the water, a thousand mines does not mean very much. I suppose they do not last very long after they are in the water. They float away from where they are deposited and I suppose sink. With the capacity now of 10 mines a day, of course in a year's time they would make 3,000 mines, and with

a capacity of 20 mines a day they would make about 6,000 in a year's time. I should think they ought to have quite an accumulation in the way of surplus if they do not deteriorate. I do not wish to ask for information that is kept secret, but I take it that this is all public property.

Mr. FITZGERALD. Admiral Strauss was asked whether the contents of the mine was put into the mine case when it was manufactured. He said that it was. He was asked if there was any deterioration by reason of the age of the mine, and he said not so far as they knew. So that when these mines are manufactured and then loaded, so far as the Bureau of Ordnance knows, they last indefinitely, until ready for use.

Mr. MANN. Does the gentleman have any information as to the supposed cost of these mines, per unit?

Mr. FITZGERALD. This four hundred thousand and odd dollars will supply about eighteen hundred mines. I think the statement was made as to the cost of each mine, some $315. That includes the royalty which they pay of $100 a mine.

Mr. MANN. To whom does that royalty go?

Mr. FITZGERALD. To the Vickers Co., of England. The contract price is $490. We manufacture them for $215 and the royalty is $100 additional.

Mr. MANN. What does the gentleman mean by the contract price? These are made by the Government, are they not?

Mr. FITZGERALD. What happened was this: We made a contract with this company to furnish a certain number of mines, with the privilege of manufacturing an equal number without the payment of a royalty. The outbreak of the war in Europe made it impossible for the English concern to manufacture any for this Government, and then an arrangement was made by which this Government was given the right to manufacture the mines and pay a royalty. The contract price my recollection is was some $490.

Mr. MANN. So that we are dependent in this country for our mines for the Navy upon a patent owned by some English people?

Mr. FITZGERALD. We are manufacturing under a patent which is held by the Vickers Co.

Mr. MANN. We give them a patent in this country, which requires us to pay more than 25 per cent of the cost as a present to the patentee.

Mr. FITZGERALD. Admiral Strauss made the following statement:

Admiral STRAUSS. We made a contract with the Vickers Co. by which we were permitted to manufacture 1,100 of those mines in this country free of royalty, provided we purchased from them 1,100 mines at $490 apiece. They had begun the manufacture of our 1,100 mines in England when the war broke out, and England stopped export of munitions. So they permitted us to make their 1,100 mines, paying a royalty of $100 apiece.

The CHAIRMAN. What arrangement has been made regarding additional mines?

Admiral STRAUSS. We have an agreement by which subsequent mines are reduced in royalty on a sliding scale, and they got down to $70 finally.

Including every overhead charge, they cost $215 and the royalty of $100.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. Including every conceivable cost, it makes, including the royalty, $345, as against $490, the contract price.

Mr. MANN. What did we do for mines before we found these English people?

Mr. FITZGERALD. We did not have this type.

Mr. MANN. Have we thrown away those we did have as being valueless, does the gentleman know?

Mr. FITZGERALD. I do not know. We did not inquire about that.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

BUREAU OF CONSTRUCTION AND REPAIR.

For construction and repair of vessels, including the same objects specified under this head in the naval appropriation act for the fiscal year 1916, $680,000.

Mr. GARDNER. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I ask unanimous consent to proceed for 15 minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for 15 minutes. Is there objection?

Mr. FITZGERALD. What about?

Mr. GARDNER. About the naval question—the Bureau of Construction and Repair. I will say to the gentleman that, not having my papers here, I did not like to object to his unanimous consent to consider this bill, but I said to the gentleman from Illinois [Mr. CANNON] that I would take my matter up under the five-minute rule, and I went home to get my papers and I desire that I should have an opportunity to go ahead.

Mr. FITZGERALD. Is the gentleman's discussion germane to this bill?

Mr. GARDNER. It is germane to the Bureau of Construction and Repair. I will put it this way: If the gentleman thinks that any part of my discussion is not germane, he can stop me.

Mr. FITZGERALD. I do not wish to do that. I am anxious, I will say to the gentleman, to dispose of the bill so that we may go on with the sugar bill.

Mr. GARDNER. I think, in view of the fact, as the gentleman from Illinois knows, and in view of the fact, as the gentleman himself knows, he can not stop discussion, he had better let me go ahead for 15 minutes.

Mr. FITZGERALD. What I desire to avoid upon this bill is getting into a general discussion that will prolong its consideration.

Mr. GARDNER. It is almost unavoidable when you bring up a matter affecting the Bureau of Construction and Repair——

Mr. FITZGERALD. Well, it is not unavoidable; the gentleman is mistaken.

Mr. GARDNER. Well, I do not know about that.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts that he may proceed for 15 minutes?

Mr. FITZGERALD. Mr. Chairman, I will not object, and I hope this will end the discussion of it.

The CHAIRMAN. The Chair hears no objection, and the gentleman from Massachusetts is recognized for 15 minutes.

Mr. GARDNER. Mr. Chairman, without any desire to cast any reflection on the Bureau of Construction and Repair as at present constituted, the whole thing ought to be overhauled. A few days ago—to be accurate, on the 11th day of March—the superdreadnaught *Nevada* went into commission, with Capt. Sims in command. That was just five years and seven days after we voted and appropriated money to start the building of the *Nevada*. Five years and seven days; and the superdreadnaught *Oklahoma* was authorized the same day and she is not commissioned yet.

Now, let us look at the question of the general condition of our Bureau of Construction and Repair. I hold in my hand a bulletin of that bureau of the date of March 10, five days ago, showing the facts as to vessels of the Navy now under construction. The *G–2* and *G–3* submarines authorized in 1908 and 1909 are not finished. Of the seven L submarine boats, authorized in 1912 and 1913, not one is commissioned yet. Of the N submarine boats, authorized in 1914, the nearest to completion is 55 per cent complete. Those N boats were authorized 20 months ago. Eighteen submarines were authorized on March 3, 1915, slightly over a year ago. Two of them, both seagoing submarines, have been bid on and we rejected the bids, but of the other 16 here is the condition: On 10 of them not one stroke of work has yet been done, and yet they were authorized a full year ago. Of the other six O submarines, here is the state of completion: The *O–11* is 3.6 per cent complete; the *O–12* is 3.9 per cent complete; the *O–13* is 3.7 per cent complete; the *O–14*, the *O–15*, and *O–16* are each 4 per cent complete. Now, that needs looking into.

I am not going to blame the present administration of the Navy. It is perfectly obvious from the evidence given by Admiral Winslow and Capt. Sims who commands the superdreadnaught *Nevada*, that has just been put in commission, that it is not the fault of the present administration any more than of prior administrations, but it is perfectly clear that the misleading that has been going on is the fault of the present administration. The public does not watch those things, but now we are told that the Navy lives in a state of preparedness. That statement was in the report of the Secretary of the Navy made to Congress in the fall of 1914, and at that very time, according to the evidence of Admiral Winslow and Capt. Sims, the Navy was not in a state of preparedness. Target practice had been going from bad to worse until it was rotten, and here this has been going on in the Bureau of Construction and Repair——

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. GARDNER. And not one word was said about the matter until brought out by the gentleman from Michigan—I can not yield to the gentleman now—when Mr. KELLEY brought out by his resolution the condition of affairs that prevailed in

the Bureau of Construction and Repair. Now we are beginning to find out the facts. Now we find that the condition of submarine construction and the condition of battleship construction are only samples of what has been going on. So much for construction; how about repairs? Let us look into that. Let us find out what is the matter with the 16,000-ton battleships. What about the 16,000-ton battleships? I do not mean the *Michigan* or the *South Carolina*, but the six 16,000-ton battleships built previous to them. They all, except the *Kansas* and perhaps one other, have a defect in their construction. I believe that the trouble is known as torsional vibration. Four of them are unserviceable at fleet speeds between 12 and 15 knots an hour and are often in danger of breaking a shaft. Of those 16,000-ton battleships, four out of six at this moment are out of repair or they are in the navy yards laid up. We ought to look into that. Let us first find out whether we are getting the facts; let us find out whether we are getting the facts about our submarine conditions also.

Now, I am going to read to you a statement of a press notice of the Navy Department under date of May 7, 1915, and in case anyone should think that this press notice is not the correct press notice given out by the Navy Department let me say I have been months chasing up my facts, and finally I got the gentleman from Massachusetts [Mr. ROBERTS], a member of the Committee on Naval Affairs, to write to the department for this press notice. When it came back I asked him to initial it, so that there could not be the slightest doubt of its authenticity, and I have in my hand that initialed copy.

Listen to this statement as to our submarines in the notice handed out by the Navy Department on May 7 last:

After a continuous and uninterrupted run of about 1,200 miles, one of the longest steady runs ever accomplished by American submarines, the second and fourth divisions of the Atlantic Submarine Flotilla have arrived at New York from Pensacola, Fla., via Key West, which port was their last stopping place.

A 1,200-mile run for the second and fourth divisions of the submarines! And every newspaper in the country heralded that feat. The New York World commented on it as "breaking the world's record." The statement continues, as follows:

The second division consists of the *D–1*, *D–2*, *D–3*, *E–1*, and *E–2*, and the fourth division of the *K–1*, *K–2*, *K–5*, and *K–6*.

The starting point of the cruise was Pensacola, Fla., where both flotillas, with their tenders, had been engaged for the last four months in drills and exercises in cooperation with a mining division and the Aeronautical Corps stationed at the same place.

Now, listen to that. The second division and fourth division made a 1,200 mile run! It was a world-breaking performance record, as the New York World put it. Let us see whether those submarines actually made any such run. I state it as a fact, sir—and I invite an investigation—that the *D–1*, the *D–2*, and the *D–3* were not there at all. They never started from Pensacola. They joined that submarine fleet off the Jersey coast, coming from Annapolis. I say this, further, that the *K–1* was towed, because both engines were unavailable. I have not been able to ascertain whether the *K–1* was towed the entire journey or not, but she left Key West in tow. I say this, furthermore, that the *E–2* was towed by the antique monitor *Tonopah*. Out of her six days' journey from Key West I think that *E–2* was towed for five days.

Now, there is the actual record of the second division, which, according to the department's notice, started from Pensacola. Remember that this statement went all over the country. Let me summarize the record of those five vessels in the second submarine division. The *D–1*, the *D–2*, and the *D–3* were not on the cruise at all until it was almost finished. The *E–2* was towed. Let us see about the *E–1*, the only other submarine in the second division. The *E–1* arrived at Tompkinsville, N. Y., on the morning of May 5, having made the trip under her own engines from Key West, although she had encountered repeated engine trouble during the trip.

There you have the actual condition of the second division submarine fleet. Compare those facts with the press notice of the Navy Department. Remember that in addition the *K–1*, of the fourth submarine division, was towed. Gentlemen, I invite an investigation. I challenge an investigation of those facts, and I am ready to go on the witness stand and say where I got the information. And I am ready to tell what officers ought to be summoned and what enlisted men.

Mr. LONGWORTH. Who gave out that report? Did any individual give it out?

Mr. GARDNER. That is the regular mimeograph report handed out by the Navy Department for publication on May 7 last. A little while ago I got Congressman ROBERTS, of Massachusetts, to write to the Navy Department for an original copy. When the copy came to hand I got Mr. ROBERTS to initial it so that there would be no mistake, and you will see the letters "E. W. R." up in the corner.

But I have other matters to bring up. The sensible thing for us to do is to build our Navy into second place among the world's navies as quickly as we can, and leave the question of building our Navy into first place to be decided after we have gotten into second place.

Now, Mr. Chairman, the Secretary of the Navy suggested four capital ships for our program this year, two battle cruisers and two dreadnaughts, and when he was asked why he did not suggest more he said that that would tax the building capacity of the country. Now, I can not prove that he said it. I only know that he was alleged in the newspapers to have said so. I am going to read to you a statement attributed to Secretary Daniels taken from the Washington Times of December 24, as follows:

There are only five American shipyards equipped to build capital ships, Secretary Daniels said. These are the private yards of Cramps & Sons at Philadelphia, the New York Shipbuilding Co. at Camden, and the Newport News Shipbuilding Co. and the New York and Mare Island Navy Yards. These yards, he said, can build only one warship each in three years.

Furthermore, Mr. Chairman, the president of the National Security League, in December, told me that Secretary Daniels had asserted that his program utilized all our shipbuilding facilities. Accordingly I took the precaution to write to the Admiral of the Navy, George Dewey, to find out what the facts actually were, so that I might be posted before the question could come up. I wrote to Admiral Dewey on December 22, and I said:

I am anxious to know how many dreadnaughts and battle cruisers can simultaneously be built in this country, and I should appreciate it if you could give me the following information:

1. How many ways capable of being occupied by battleships and battle cruisers are now available in all our shipbuilding yards, public and private?

2. How many additional ways could be constructed and how long would it take to construct them?

To this Admiral Dewey replied in a letter which showed that instead of exhausting our building facilities with 4 capital ships we can in reality build at least 16 capital ships simultaneously, if we care to make a few slight changes in our yards. Here is Admiral Dewey's letter:

OFFICE OF THE ADMIRAL OF THE NAVY,
Washington, December 24, 1915.

Mr. A. P. GARDNER,
House of Representatives, City.

DEAR SIR: I beg to acknowledge receipt of your letter of the 22d instant, requesting a reply to the following questions:

1. How many ways capable of being occupied by battleships and battle cruisers are now available in all our shipbuilding yards, public and private?

Including the building slips now occupied by vessels in the course of construction, the following are at present available capable of being occupied by battleships and battle cruisers:

New York Navy Yard	1
Mare Island Navy Yard	1
Cramp Shipbuilding Co	2
Newport News Shipbuilding Co	2
New York Shipbuilding Co	2
Fore River Shipbuilding Co	2
Total	10

2. How many additional ways could be constructed, and how long would it take to construct them?

The shipbuilding industry of the country would be capable of expansion to meet almost any demand that might reasonably be made upon it. It would be impossible to state the total number of slips that could be made ready in a short time, but additional slips could at least be installed at the following places:

Union Iron Works, San Francisco; Maryland Steel Co., New York Navy Yard, Philadelphia Navy Yard, Norfolk Navy Yard, Puget Sound (Bremerton) Navy Yard.

Sincerely, yours,
GEORGE DEWEY.

Now, Mr. Chairman——

Mr. FARR. May I suggest there that Admiral Stanford says that we can build 15 dreadnaughts in the Government yards?

Mr. GARDNER. Admiral Stanford says 15 dreadnaughts. I suggest, Mr. Chairman, that we find out the truth about the Bureau of Construction and Repair; I suggest that we find out the truth about our submarines; I suggest that we find out the truth about this Navy press bureau and these newspaper statements which purport to be interviews with Secretary Daniels.

Mr. SMITH of Michigan. Will you answer a question, please? Going back to the delay in the construction of these battleships, I would like to inquire whether or not the contracts on the part of the Government for their construction contained a time limit, or are they to build them ad libitum?

Mr. GARDNER. I can not tell, but I know the Secretary of the Navy made a contract last March to build the seagoing submarine *Schley*. How long do you suppose he allowed the contractor for the completion of that vessel? He gave the Electric Boat Co. three years in which to build the *Schley*. Think of that! Right in the middle of this European war.

Mr. SMITH of Michigan. What would be a reasonable time?

Mr. GARDNER. I have not any idea. Mr. Powell, the president of the Fore River Shipbuilding Co., as I am told, stated to the Congressman from your State who is on the Naval Affairs Committee that in five months his company had constructed 10 submarines of the H type in sections. Furthermore, he told your colleague that these sections had been put together in Montreal and that the finished submarines had crossed the ocean on their own bottoms and that they are giving absolute satisfaction.

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Yes.

Mr. BUCHANAN of Illinois. In view of the facts that the gentleman stated, does he not think that it would be wise to appropriate money to equip navy yards, so that the Government navy yards may build these ships?

Mr. GARDNER. I would equip Government navy yards and I would equip private shipbuilding yards. I would force the whole country's building capacity to the utmost, and I would do it as quickly as we can; and then, if there is any disarmament in sight, we can stop. [Applause.]

Mr. FARR. Mr. Chairman, will the gentleman yield?

Mr. GARDNER. Yes.

Mr. FARR. Permit me to state that Admiral Stanford, before the Committee on Naval Affairs, said that we could build 15 dreadnaughts in Government yards with certain additions, and that these yards, most of them, could be equipped in six months and all of them within a year for the building of dreadnaughts. Now, I want to repeat a question similar to the one asked of you by the gentleman from Illinois [Mr. BUCHANAN]. Would it not be advisable——

The CHAIRMAN. The time requested by and allotted to the gentleman from Massachusetts has expired.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts may proceed for 10 minutes.

Mr. FARR. I just want one minute.

The CHAIRMAN. What is the gentleman's request?

Mr. LONGWORTH. I modify my request and ask unanimous consent that the gentleman from Massachusetts may proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GARDNER. I just started to say what I think ought to be investigated.

Mr. FARR. Should not the sum of $25,000,000 be immediately appropriated to equip Government yards for the building of large ships?

Mr. GARDNER. I do not care what it costs; I will vote for any amount that is requested to equip Government yards for building capital ships or any other kind of warships. I do not pretend to believe in Government building more than I do in private building, but I believe in forcing to the utmost the entire capacity of this country for the purpose of getting us ready as quickly as it can be done. [Applause.]

One thing more, Mr. Chairman. I said I believed in investigating the condition of the Bureau of Construction and Repair. I want to say most emphatically that I think Admiral Taylor is a first-class man, with the best intentions in the world, but that the Bureau of Construction and Repair has for years been going along at a leisurely pace, absolutely inadequate to meet the necessities of the times. It is not the bureau's fault. It is the fault of the various Secretaries of the Navy. It has been the fault of the public, and it is now the fault of the man who failed to call our attention to these utterly indefensible facts.

There are plenty of other things connected with the Navy to be investigated. I want especially to find out how these incorrect statements purporting to come from Secretary Daniels continue to find their way into so many papers. For instance, on May 28 various newspapers published a statement purporting to come from the Secretary that bids on 25 new submarines would be invited the next week. The truth was, as everyone who followed such matters knew, that only 18 new submarines had been provided by Congress. As a matter of fact, bids were only invited on 16 when the time came. When I find the same incorrect statement running through all the newspapers, I want to find out where it originates. I asked a member of the Committee on Naval Affairs to take that statement from the Washington Times which I read to you and find out if he could whether it was authentic. He agreed to inquire of the Navy Department, but as yet he tells me he has been able to find out nothing. I think we have a right to know such things.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1916, $25,000.

Mr. BUCHANAN of Illinois. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word. The gentleman is recognized for five minutes.

Mr. BUCHANAN of Illinois. Mr. Chairman, I would like to ask the chairman of the committee what reason was given for this increased expenditure of $25,000 for the Department of Justice, and for what purpose the money has been used that makes this necessary, if the gentleman has got any such information?

Mr. FITZGERALD. We have information, information that considerable work has been done in the investigation of offenses against the neutrality laws.

Mr. BUCHANAN of Illinois. Mr. Chairman, I have some information in regard to the expenditure of the money in the Department of Justice, and I have sufficient information to lead me to believe that if the Committee on Expenditures in the Department of Justice was serving its purpose it would now be investigating that department; and if it did, it would find that money there has been wasted by trying to secure false information against reliable and peaceable citizens, law-abiding citizens. Also, perhaps, if they would go into it far enough, they would find that the money of the Department of Justice had been used to pry into and perhaps annoy at times even Members of Congress, without any justification whatever.

In my opinion, if the Members of Congress want this money spent in accordance with the law, and unless they want to encourage money being spent in conflict with law—money being spent by officials who are backed up by the Department of Justice in endeavoring to indict peaceable, law-abiding citizens that are as innocent as any citizen of the country—that information can be obtained, and it seems to me that that part of this bill should not be allowed.

It might be felt that under the circumstances I perhaps ought to let some one else debate this question and talk in regard to it, but I will say that, owing to the fact that I have been placed in the condition I have been and under the circumstances I have been, it has been necessary for me to make certain investigations, and I happen to know how that money has been spent. I do not say that I can prove this to the satisfaction of everyone, but I do believe that if there was an honest and earnest investigation made by a committee of this House, for instance, the Committee on Expenditures in the Department of Justice, there would be information obtained that certainly would warrant curtailing the expenditure of money in the Department of Justice.

Also, I find that the money is being spent to investigate labor troubles. That is in conflict with the purpose of an act of Congress. I know that money is being spent for purposes other than those for which Congress appropriated it. I withdraw my pro forma amendment. Mr. Chairman, and offer an amendment to strike out that $25,000 in the last paragraph read there.

The CHAIRMAN. The gentleman from Illinois moves to strike out the paragraph. Does the Chair understand that that is the motion of the gentleman?

Mr. BUCHANAN of Illinois. Yes; the last paragraph, ending with "$25,000"; beginning on line 3 and ending on line 7, page 4.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. BUCHANAN moves to strike out the paragraph on page 4, lines 3 to 7, inclusive.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not prevail. This appropriation is the fund out of which the Department of Justice employs special agents for the purpose of obtaining information relative to crimes in violation of the laws of the United States. During the past year there have arisen a number of instances in which violations of our neutrality laws have been alleged. It has been necessary to employ additional men to prevent the recurrence of outrages which have shocked and horrified the country, in the nature of the destruction of private property by violence.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. FITZGERALD. I yield to the gentleman.

Mr. BUCHANAN of Illinois. If the gentleman had information that these same agents had been using their time and the money of the Government to secure perjured evidence, then would he be in favor of leaving an item of that sort in the bill?

Mr. FITZGERALD. I would, and I would have those persons sent to jail, where they belong, if they are guilty of such

conduct; but I would not give immunity to every criminal in the United States because some employees of the Government are crooks who ought to be in jail.

At present, Mr. Chairman, we have a condition on the Mexican border where it is necessary for the Department of Justice to detail men to prevent violations of the neutrality laws for the protection of citizens of the United States in their lives and property. We must have persons to secure information in order to prosecute criminals, and we can not obtain the information unless we employ the persons and appropriate the money. If those agents violate the law themselves and do wrong, they ought to be prosecuted; but I am not prepared to take the position that the entire judicial establishment of the United States is so unreliable, so incompetent, or so inefficient that we ought to refuse the money which is essential for its proper conduct because of alleged misdoings upon the part of some employee. I believe this money is imperatively required by the Department of Justice at this time, and therefore I hope the amendment will not prevail.

Mr. MANN. Mr. Chairman, I appreciate the natural feeling that my colleague has upon this subject, and it may be a very just feeling. However, it is true that at this time there are a good many things that probably ought to be done and probably are being done by the Department of Justice in order to uphold not merely the rights of our country but the dignity of our country. It is inevitable that with the conflict going on in Europe there should be efforts in this country not merely to violate the laws of neutrality, but very likely efforts have been made to commit crimes in this country by the destruction of manufacturing establishments engaged in the manufacture of munitions of war. Whether we ought to permit munitions of war to be made here and exported is a matter for this country to determine, not for somebody else on the other side of the water to endeavor to determine through the commission of crime in this country. And it seems to me that we might well say to the Department of Justice, preserve the neutrality laws, obtain information as to their violation, and if anyone, either through misguided sentiment or by reason of the payment of money, endeavors to destroy our own establishments here, because he may think it is not to the interest of a foreign Government to have those establishments running, we ought to prosecute any such person, and the Department of Justice ought to have enough money to enable them to search out these things. We can not afford to let the war in Europe become a local, minimized war at different places in this country. We must uphold our dignity at home.

Mr. BUCHANAN of Illinois. Mr. Chairman, I hope I have not said anything that would leave the impression on the mind of anyone within the sound of my voice that I disapprove of prosecuting criminals, those who attempt to blow up or otherwise illegally obstruct any of our manufacturing plants, no matter what they are manufacturing.

Mr. MANN. Will the gentleman yield?

Mr. BUCHANAN of Illinois. Yes.

Mr. MANN. The gentleman certainly conveyed no such impression to my mind. What I said was not based upon the gentleman's remarks, but upon the fact that he moved to strike out the item.

Mr. BUCHANAN of Illinois. I thought, perhaps, some gentleman might think it was due to the fact that I myself have been indicted. Of course I know that I was indicted without justification. You gentlemen may not know that, but I do know it. But I have information that can not be refuted that while, perhaps, the purposes for which the Department of Justice have asked this money are proper, they have not used it for those purposes, and I do not believe they intend to do so. After it has been shown that the agents of that department have misused their time and abused their official power, if there was any indication that they were willing to remove employees and officials of that kind, then we might have sufficient confidence to appropriate more money for the same purpose; but my case is only one among many. There were citizens taken from Chicago to New York, for instance, who were never brought before the grand jury. After they were unable to get them to say the things before the district attorney they were wanted to say they were sent back to Chicago without ever being put before the grand jury, but the expense was incurred just the same. After the officials of the Department of Justice could not get them to say what they wanted to say they were sent back; and, by the way, it ought to be called hyphenated justice or something of that sort. Now, is it possible that there is no Government official in Chicago who could have found out that those men did not know anything that would help in the prosecution of somebody who had happened to make himself disliked to these usurpers of power? I say that when a public official usurps power and abuses power he is committing a crime; and when that usurpation of power means denying to peaceable and law-abiding citizens their constitutional and fundamental rights it means that by that usurpation of power they have committed a great crime, and I say some action ought to be taken against Government official abuse of power. It seems to be a growth, something that has grown up, that has been going on for years. It is not this administration alone that has practiced it; they have acquiesced in and continued to build up that vicious system. Unless it is stopped the efforts of our forefathers were without avail. Unless it is stopped it will eventually result in destroying democracy. The manner in which the department is making use of the Government funds should be disapproved of by striking out this item.

Mr. GARLAND. Mr. Chairman, I believe there is a great deal of warrant in the amendment offered by the gentleman from Illinois [Mr. BUCHANAN]. It depends largely on what the additional secret service is to do. Some say the condition down on the border will be evidence that we ought to have additional secret-service men to hunt out wrong or treachery against the United States. With that I fully agree, but if it is for the purpose only of discovering whether there are people attempting to stop the manufacture of products in this country, the manufacture of munitions, then I question very much the wisdom of the appropriation. The newspapers have been filled full from day to day of statements that plants have been blown up; that there are obstructions here and obstructions there, and with all these charges no one has been convicted, and it has been going on ever since we began to make munitions for abroad. We have been forgetful, evidently, of this fact, that every plant that has been making munitions has been put on double and treble time. Every old tub that could be brought into use to turn something out in the munition line has been put on; they have employed green men, men unaccustomed to making these products. Why, I understand the powder companies have increased the product of their plants 1,200 per cent in 11 months. Is it possible to do so without a great many natural accidents? Anyone who has worked in a factory or in a mill knows that putting on speed pressure, additional work, is bound to bring accidents, and many of them.

First, we ought to examine into the condition of the factory and see whether the employees are capable; see whether they have men accustomed to this work; see whether they are properly safeguarded against accident; and if you do that I think you will find that in a large number of cases the statements made in the newspapers are wrong, and that the accidents have happened in natural ways.

Mr. HOWARD. Mr. Chairman, I hope the amendment offered by the gentleman from Illinois [Mr. BUCHANAN] to strike out the section will not prevail. All of us who know our colleague from Illinois very deeply regret the embarrassing circumstances brought about by the activity of some prejudiced or incompetent or overly persistent Government employee.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. BUCHANAN of Illinois. If the gentleman is under that impression, I want to put him right on it. Whatever trouble I have I am willing to shoulder myself and comes from the administration here in Washington. Do not lay it on some employee. Whatever an employee did in regard to that he did by direction.

Mr. HOWARD. I am delighted to know that my colleague has located exactly the place from which this pressure comes, and I hope that eventually he will be vindicated. But the question that I want to present for the consideration of the House is this: I believe that the people as a whole of this country have more respect for the laws of the Federal Government than they have for the laws of any particular State in the Union. The reason they have that respect for the Federal statute and in some cases disrespect for the State statute is the absolute certainty of punishment that will be visited upon a person who violates the Federal statute; the apprehension of those who violate the Federal criminal statutes has been brought about by the liberality with which Congress has dealt in allowing sufficient appropriations that criminals could be detected and brought to trial.

It is a very serious thing to have a Department of Justice at this particular time in the affairs of our country make an estimate for an appropriation which in amount is meager—$25,000—and then have Congress, without due consideration, deny to this department the amount that they have asked for to carry on these particular investigations which are so necessary for the preservation of our laws at this time. For that reason, Mr. Chairman, I hope there will not be a dissenting voice against this provision.

Mr. FITZGERALD. Mr. Chairman, the appropriation available to the Department of Justice this year for this purpose was $485,000. Last year a little over $14,000 was expended for services in the investigation of violations of the neutrality laws. In the first six months of the current year $46,000 were expended for the same purpose. These investigations included passport frauds, interstate shipments of dynamite, fitting out expeditions in this country against countries with which we are at peace, and violations of a number of other laws. Because of the peculiar conditions some additional employees were necessary. I have no information as to the situation stated by the gentleman from Illinois.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BUCHANAN of Illinois. The gentleman stated this became necessary on account of the Mexican trouble.

Mr. FITZGERALD. Not exactly. I said that there are some expenses that result from conditions on the border.

Mr. BUCHANAN of Illinois. Does the Department of Justice do anything when the Army is in control?

Mr. FITZGERALD. There are agents along the border investigating for the Department of Justice. Attempts have been made from time to time to violate the law.

Mr. BUCHANAN of Illinois. I understand there has been some money spent in Texas by the Department of Justice that is not in accord with the ideas of the people of Texas. I do not know whether this is for that service or not.

Mr. FITZGERALD. This is the fund out of which are paid the men who secure information of violations against the law, in order that the Department of Justice may prosecute those who violate the law.

The department has not asked for an extraordinarily large sum, and in my opinion it is our duty to give the department $25,000 at this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. BUCHANAN].

The amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 13043) making appropriations to supply further additional urgent deficiencies in appropriations for the fiscal year 1916 and prior fiscal years and had directed him to report the same back to the House with the recommendation that it do pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WILLIAM H. CARTER for three days, on account of illness.

SUGAR.

Mr. KITCHIN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913.

Pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to six hours, one-half of that time to be controlled by the gentleman from Michigan [Mr. FORDNEY] and one-half by myself.

Mr. FORDNEY. Mr. Speaker, I wish the gentleman would make that at least six hours. I have requests for three hours.

Mr. KITCHIN. I have suggested six hours. We can agree to this now, and to-morrow perhaps I will be able to grant the gentleman more time.

Mr. MANN. Mr. Speaker, the gentleman, of course, desires to finish the bill to-morrow?

Mr. KITCHIN. Yes.

Mr. MANN. It is not likely that there will be any debate under the five-minute rule.

Mr. KITCHIN. No.

Mr. MANN. Why not make an agreement that general debate shall close at half past 4 to-morrow, and that the time between now and that time shall be divided equally between the gentleman from North Carolina and the gentleman from Michigan?

Mr. KITCHIN. Let us put it at 4 o'clock.

Mr. MANN. I would have no objection; but I think that half past 4 would enable us to pass the bill by 5 o'clock.

Mr. KITCHIN. Let us put it at 4 o'clock.

Mr. FORDNEY. Mr. Speaker, I will ask the gentleman to make that half past 4, and if we can get through earlier than that I will be very glad to agree to do so.

Mr. KITCHIN. That would give us practically two hours and a half this afternoon and four hours to-morrow.

Mr. FORDNEY. Half past 4 would grant us 7 hours.

Mr. KITCHIN. Mr. Speaker, then I ask unanimous consent that general debate upon the bill continue until to-morrow at 4.30 o'clock p. m.

The SPEAKER. The gentleman from North Carolina, pending his motion to go into the Committee of the Whole House on the state of the Union, asks unanimous consent that general debate upon the bill shall not extend beyond 4.30 o'clock p. m. to-morrow. Is there objection?

Mr. MANN. The time to be equally divided between the gentleman from Michigan and the gentleman from North Carolina.

The SPEAKER. Yes; one half to be controlled by the gentleman from North Carolina and the other half by the gentleman from Michigan. Is there objection?

Mr. HOWARD. Mr. Speaker, reserving the right to object, I would like to say to the gentleman from North Carolina [Mr. KITCHIN] that there probably will be a fifth wheel to this wagon. As I understand it, the gentleman from Michigan [Mr. FORDNEY], who controls the time on the other side of the House, and the gentleman from North Carolina [Mr. KITCHIN], who controls the time on this side of the House, are both in favor of the bill. There will be some of us on the floor who are not in favor of this bill, and we would like to know if either one of these distinguished gentlemen would recognize that small coterie of gentlemen here who probably will not favor the passage of the bill. We would like to have some time in which to justify our action before the country in opposing the views of such eminent gentlemen at this particular time—more for self-preservation, probably, than anything else [laughter]; certainly not for any effect it may have at this time.

Mr. KITCHIN. Would 45 minutes be sufficient time?

Mr. HOWARD. I should think that if there were not so many of us 45 minutes would be sufficient, but here are seven hours to be devoted to debate upon one side of the question. Some of us have fixed and definite views about this proposition, and I do not think we can present them with such intelligence as we would like to present them to the country in 45 minutes.

Mr. FITZGERALD. In view of the fact that seven hours are to be devoted to one side of the question, does not the gentleman think that perhaps it would be unnecessary for his side to say anything?

Mr. HOWARD. That may be true. If I knew the list of gentlemen who are going to participate in debate, I might not want to take any time at all. [Laughter.]

Mr. SIMS. Mr. Speaker, reserving the right to object, I want to inquire if this is to be taken as an evidence of our effort to speed up legislation—consuming seven and a half hours of time in general debate on a mere paragraph in a general tariff bill—seven hours to be talked away here about matters that perhaps do not pertain to the bill at all, and then have us kept here into the night perhaps to pass some appropriation bill. This does not look like speeding up to me.

Mr. FORDNEY. This is a very important bill.

Mr. SIMS. We have done nothing but talk free sugar and antifree sugar here for several years.

Mr. MANN. Then we ought to have several hours at this time.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. COOPER of Wisconsin. Apropos of what the gentleman from Tennessee [Mr. SIMS] has said, as I understand it free sugar has been one of the time-honored principles of the Democratic Party for a great many years, and I think we ought, at least, to have seven hours of debate if that party is going to repudiate it now.

Mr. SIMS. It has not been a time-honored principle with those who were in the sugar business.

Mr. HOWARD. It at least ought to have respectable funeral services. [Laughter.]

The SPEAKER. Is there objection?

Mr. SIMS. Mr. Speaker, I object to seven hours.

Mr. HOWARD. Mr. Speaker, reserving the right to object, I desire to try and make an agreement for some time and if I can not I shall have to object.

Mr. KITCHIN. We will see that the gentleman gets 45 minutes.

Mr. HOWARD. I wanted to know; there are about a dozen of us, but I think we will get some more recruits by to-morrow morning.

Mr. KITCHIN. I think we can give the gentleman an hour.

Mr. SIMS. Mr. Speaker, I do not want any time. It will not take me that long to find out that it is all foolishness and folly to consume so much time in general debate, and I object to more than four hours of general debate.

The SPEAKER. Is there objection?

Mr. MANN. The gentleman understands this is a limitation, not an extension of time.

The SPEAKER. Is there objection?

Mr. LONDON. Mr. Speaker, reserving the right to object, I want to know if I can get 10 minutes from each side?

Mr. MANN. The gentleman must not try to hold up each side of the House each time we have debate because the gentleman obtained 10 minutes yesterday when nobody else had it.

Mr. LONDON. Yes——

Mr. MANN. The gentleman must take his chances with other Members. We have always been fair to the gentleman.

Mr. LONDON. I know you have.

Mr. FORDNEY. Does the gentleman propose to devote his time to a discussion of the subject matter of the sugar bill?

Mr. LONDON. I will speak as closely to it, I think, as everybody else on the Republican side.

Mr. FORDNEY. That is about as close as the gentleman gets to any subject.

Mr. LONDON. I will stick closely to the subject.

Mr. BORLAND. Is this debate confined to the bill?

Mr. FORDNEY. I have requests for more time than three and one-half hours will give me on this side.

Mr. LONDON. Well, 5 minutes from the Republican side and 10 minutes from the Democratic side will do.

Mr. MANN. The gentleman ought to make these arrangements privately.

Mr. KITCHIN. I do not know, but we will try to give the gentleman some time.

The SPEAKER. Is there objection?

Mr. SIMS. I object, Mr. Speaker, to over five hours of general debate.

The SPEAKER. This is not debatable. The motion is to go into the Committee of the Whole House on the state of the Union to discuss the bill H. R. 11471.

Mr. MANN. Mr. Speaker, pending that will the gentleman yield?

Mr. KITCHIN. I yield.

Mr. MANN. Will the gentleman from North Carolina move that general debate close at half past 4 to-morrow?

Mr. KITCHIN. I will. I intended to do that. Now, I ask unanimous consent that the time be equally divided between the gentleman from Michigan and myself.

The SPEAKER. The gentleman from North Carolina, pending the motion to go into the Committee of the Whole House on the state of the Union, asks that the time be divided, half and half between himself and the gentleman from Michigan [Mr. FORDNEY]. Is there objection to that? [After a pause.] The Chair hears none.

The question now is on going into the Committee of the Whole House on the state of the Union to consider the bill H. R. 11471.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11471, with Mr. FITZGERALD in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none.

Mr. KITCHIN. Mr. Chairman, I yield 30 minutes to the gentleman from Mississippi [Mr. COLLIER].

Mr. COLLIER. Mr. Chairman, this bill simply repeals those clauses in the tariff act of 1913 which provide that on May 1, 1916, the articles enumerated in sections 177 and 178 of the act shall be admitted free of duty. These sections otherwise are not changed, raw sugar still bearing a rate of duty at about 1.25 cents per pound and Cuban sugar, which amounts to over 90 per cent of our imports, with the 20 per cent deduction off, bearing a rate of 1 cent per pound, according to the polariscope test. There has been a great increase in the importation of sugar.

In 1913 the imports on sugar amounted to 4,762,013,956 pounds, valued at $97,129,471, while for the corresponding period of time during the year 1915 there was imported sugar to the United States in the amount of 5,286,218,287 pounds, valued at $179,247,680, an increase in value over 1913 of $82,118,209, while the exports of sugar increased during the same period about $37,000,000.

The tax on sugar is a revenue tax, and sugar is one of the very best revenue-producing articles. During the fiscal year 1915 the duties reached the sum of $49,282,113.17, but there was a drawback of $5,401,173.29. Sugar is one article that when taxed brings in much revenue to the Treasury.

It was believed in 1913, when the tariff law was enacted, that the revenues from customs, income tax, and other internal-revenue taxes would be sufficient to take care of the expenses of the Federal Government and still permit sugar to go upon the free list in 1916. If conditions had remained normal, even with the large decrease in collections from the tax on malt, vinous, and spirituous liquors, these calculations were correct. The Underwood Tariff Act produced more revenue while conditions were normal and up to the breaking out of the great European war than any other act for the same period of time in the history of the Republic.

Even since the Underwood bill became a law and replaced the prohibitive and confiscating rates of the Payne Act it has been the target of constant abuse, attack, and misrepresentation by the Republican Members of this House. With an utter disregard of facts, the Republican leaders and near leaders have repeatedly charged that the Underwood law was a failure as a revenue-producing measure.

The leader of the minority, Mr. MANN; the ranking minority member of the Ways and Means Committee, Mr. FORDNEY; the gentleman from Ohio, Mr. LONGWORTH; and the gentleman from Washington, Mr. HUMPHREY, and a number of other Republican Members, all tell us that this act is a failure when it comes to producing revenue. If these gentlemen had spent half as much time, if they had displayed half as much diligence, and expended half as much energy in looking up facts instead of putting in all their time trying to discredit the Underwood Tariff Act and the Democratic Party, I do not believe they would ever have made such extravagant, unwarranted, and unfounded statements as they have been making on the floor of this House.

From January 1, 1914, to August 1, 1914, the only time when the Underwood law had a fair trial, and just before the breaking out of the European war, the Underwood Act produced over $17,000,000 more than the Payne Act for the corresponding months in 1913, and I want to say to the gentleman from Michigan, my good friend, Mr. FORDNEY, that there is no sale of battleships in that statement either. I start with January 1, 1914, because the Underwood Act was not in full operation and effect until that date, and from then to August 1 our revenue act produced $17,426,008.90 more than the Payne Act produced from January 1, 1913, to August 1 of that year. "But you are counting in the receipts from the collection of the income tax," the gentleman from Illinois [Mr. MANN] and several others told the majority leader [Mr. KITCHIN], when he was making his speech in the House some time ago. Of course we counted in the income tax in 1914 just as you counted in your corporation tax in 1913. They are each incorporated in the tariff acts. You collected nearly $35,000,000 from the corporation tax in 1913, and you counted that.

We did not intend, nor do we want, all the expenses of this Government to be collected at the customhouse, where for every dollar that goes into the Public Treasury three or four or five dollars go into the pockets of private enterprise. We want to take some of the taxes off of poverty and place them on wealth. We want the incomes of this country to pay a proportionate share of the burdens of Government. We gave the American people an honest tariff act, with an honest downward revision, and at the same time provided, under normal and natural conditions, ample revenue to meet the expenses of the Federal Government.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. COLLIER. Yes.

Mr. SMITH of Michigan. Do you understand and do you believe that every dollar of revenue that is placed on an article puts from one to five dollars additional into the pockets of the manufacturer?

Mr. COLLIER. I would not say that every dollar would do it, but I think some would do more than that.

Mr. SMITH of Michigan. And do you believe that that statement is true?

Mr. COLLIER. In reference to some articles.

Mr. SMITH of Michigan. That is what I wanted to know, and if you believed it was true with reference to agricultural articles.

Mr. COLLIER. The gentleman asks me if that is true in regard to agricultural articles——

Mr. SMITH of Michigan. Products.

Mr. COLLIER. I believe the tariff tax on agricultural products is a delusion and a sham. I do not believe it amounts to anything because everything that the farmer raises he has to sell in the markets of the world, and it is no compensation to him to sell his products in the open market of the world and yet have to pay a tax on everything that he buys and needs for his industry. The Democratic Party has always contended that a tax on agricultural products is simply a means of trying to deceive some one. It is by reason of those flimsy excuses that they have been able to hold the farmers of this country to a doctrine of protection whereby millions of dollars every year, by reason of such flimsy excuses as a tax on agricultural products, have been wrung from their pockets by the plundering hand of a tariff. [Applause on the Democratic side.]

Mr. SMITH of Michigan. If it is true as to manufactured products, why is it not true as to farm products?

Mr. COLLIER. I want to say another thing to my friend from Michigan. One or two of my friends have just told me, and I have a faint recollection of it now, that one of your most distinguished Members, Senator Dolliver, made a statement similar to the one that I have just made on the floor of the House.

There has been a large increase in importations of those articles which were admitted free of duty, and the decrease is shown on dutiable articles. We expected a decrease in the revenues from dutiable articles, and provided an income tax to furnish the revenue in their stead. This decrease, by reason of the war, was much greater than could have been foreseen in 1913.

For the 12 months ending December, 1913, there was admitted free of duty into the United States imports of the value of $991,850,747, while during the year ending December, 1915, there was admitted free of duty imports of the value of $1,167,428,816, being an increase of free importations in 1915 over 1913 of $175,578,069. The dutiable imports in 1913 reached the value of $800,745,743, as against $611,167,879 dutiable imports in 1915, a difference of $189,745,733 in favor of 1913.

Mr. SLOAN. Will the gentleman yield?

Mr. COLLIER. Yes.

Mr. SLOAN. The gentleman is informing the House that the duty on farm products is a delusion and a snare. How would he account for more than doubling of the importation of farm products during the two years succeeding the passage of the Underwood law over the two years preceding.

Mr. COLLIER. Doubling of the importations?

Mr. SLOAN. Of the leading farm products of the United States, not including sugar.

Mr. COLLIER. There was a great increase in sugar; yes.

Mr. SLOAN. I say not including; but in the two years preceding the passsage of the Underwood tariff law there was less than half the importation of farm products than there was in the two years succeeding. I want to know if the tariff had something to do with it?

Mr. COLLIER. If the gentleman wants my candid opinion, I do not believe the tariff on agricultural products has ever amounted to anything and never will except as a good thing perhaps to go before the country with sometimes, as with the claim, as they do in many instances, that the tax on wool is a great benefit to the agricultural interests of the country. I believe the tariff on agricultural products is a delusion and a sham.

Mr. MEEKER. Will the gentleman yield?

Mr. COLLIER. Yes, sir.

Mr. MEEKER. Will you please explain how it is a delusion and a sham?

Mr. COLLIER. I would like to go on with my statement, but I will give the gentleman the benefit of some little knowledge which I have on that subject.

It is because this is the greatest agricultural country in the world. Suppose we put a tax of $10 or $100 on a bale of cotton. Would that increase the price of that cotton the hundredth part of a cent? No. Why? Because the cotton is raised in this country. We are the great corn-producing country of the world. We are the great wheat-producing country of the world. You do not want to carry coals to Newcastle? We ship out agricultural products. It devolves upon us to feed a great part of the civilized world, and the amount of corn and wheat and other agricultural products that have come in under the tariff that you put on them is so inconsiderable as to be absolutely negligible. I have not got the figures now and I can not yield further on that subject. I have only a half hour, and I have to go on. But the amount, as I say, is absolutely inconsiderable. I will furnish the figures.

I ask unanimous consent, Mr. Chairman, to insert some of these figures in connection with my remarks.

The CHAIRMAN. The gentleman from Mississippi [Mr. COLLIER] asks unanimous consent to extend his remarks in the RECORD by inserting the matter indicated. Is there objection?

There was no objection.

Mr. MEEKER. Just one more question. Are you willing to let that statement go as the standard Democratic explanation of your side of the contention?

Mr. COLLIER. That is my explanation of it. The gentleman can put any other construction on it that he may desire.

The total imports of wheat to the United States for the fiscal year ending June, 1913, were 798,028 bushels, valued at $559,559, while the exports of wheat for the same year amounted to 91,602,974 bushels, valued at $89,036,428.

The total imports of wheat to the United States for the fiscal year ending June, 1915, were 426,469 bushels, valued at $469,847, while the exports of wheat for the same year amounted to 259,642,533 bushels, valued at $333,552,226.

In part proof that the tax on agricultural products is a sham and a pretense, in 1913 under the Payne Act, which carried the highest tariff rate in the history of the Republic, with a tax of 25 cents a bushel on wheat, nearly twice as many bushels of wheat came into the United States as did in 1915 under the Underwood Act, which practically put wheat on the free list and could in no event tax wheat more than 10 cents a bushel. In 1913 there was exported from this country more than one hundred and fifteen times as many bushels of wheat as came into the United States, with a tax of 25 cents a bushel on wheat, while in 1915, when wheat was practically on the free list, we exported over six hundred times as many bushels as came into the United States.

Let us look at the figures of another great agricultural product—oats. The Underwood law reduced the Payne tax on oats from 15 cents to 6 cents a bushel.

In 1913, under the 15-cent tax, 723,899 bushels were brought into the United States. In 1915, under the 6-cent tax, only 630,722 bushels came into the United States. Over 90,000 bushels more of oats came in under the Payne Act in 1913 than were imported in 1915 under the Underwood law.

In 1913 we exported only 33,759,177 bushels of oats, over 46 times as much as came in, while in 1915 we exported 97,169,551 bushels, over 150 times as many bushels as came into the United States.

It is true that in 1915 we imported 9,897,939 bushels of corn, as compared with 903,062 bushels in 1913.

But what a small percentage 9,000,000 bushels of corn is to the annual output of corn, which in 1913 reached the amount of 3,124,746,000 bushels which was produced in the United States, an importation as compared with the production of corn of three-tenths of 1 per cent, while in 1915 we exported about five times as much corn as we imported.

I represent an agricultural district in an agricultural State, but the farmers of Mississippi can not be deceived by a tax on agricultural products. They know that such a tax will not in the hundredth part compensate them for the millions of dollars wrung every year from their pockets by a protective tariff.

I want to say to these gentlemen who are always harping on the tax on agricultural products, despite the unsettled condition of the times, the increased importations of unmanufactured wool is a source of much gratification to us who believe that a tariff on raw wool is the turret arch and foundation stone of protection, because it has been the connecting link which bound together in a common cause the manufacturing and agricultural interests of the United States. When this link is severed the woolen industry will then be out of politics, and the protectionists will lose the support of a few deluded sheep owners who have been clamoring for protection because a tax of 11 cents per pound was placed on raw wool.

When the agricultural interests find that they are no longer connected with protection through the medium of a tax on wool, those farmers who in 1911 raised over $4,500,000,000 worth of cotton, corn, wheat, oats, hay, barley, and potatoes—who were taxed and forced to pay exorbitant and unreasonable prices for all woolen clothing and everything else that they had to buy in order to insure an added profit, none of which, in many instances, ever reached the producer of wool, the value of the entire output of which was not one-sixtieth of the amount of the value of the products I have just referred to—the protective system will become hateful to them. The farmer will of all others be more opposed to a theory of governmental taxation which permits him to sell his products in the open markets of the world but yet compels him to pay a tax on everything he

buys for the comfort of his family and for the carrying on of his business.

For the 12 months ending December, 1913, 151,813,703 pounds of unmanufactured wool, of the value of $28,776,274, was imported to the United States; for the same period of time in 1915, 412,721,292 pounds of unmanufactured wool, of the value of $95,042,616, came into the United States free of duty, an increase in the value of this commodity of $66,266,342. This means that in 1915 the output of American woolen factories was increased 260,907,589 pounds, of the value of $66,266,342, over 1913, which increase of nearly three times the amount of the 1913 importation gave additional employment to thousands of our citizens. It means that the American manufacturer has had a better selection of wool than he formerly had when the tariff rate kept out the higher grades, and as a result of this the consumer got better clothing. It also means a cheaper article, because the removal of the duty on raw wool relieved us of the necessity of giving the manufacturers a compensatory tax equal to the tax on his raw material.

And, above all, it means that in 1915 the American people have had $66,000,000 worth of raw wool to be made into clothing and blankets and underwear, nearly 300,000,000 pounds more than they had in 1913. The price of raw wool and the price of woolen clothing is high, but that is due to abnormal and unnatural conditions because of the disturbances in Europe. The price to the consumer of woolen articles may be high, but it is not as high as it would have been on a protective basis, where the demand for these articles would have been as great as it was in 1915 and yet the supply would have been restricted and diminished by nearly 300,000,000 pounds, worth over $66,000,000.

Under the Democratic tariff law the American people in 1915 received $53,000,000 worth of crude, partly and wholly manufactured foodstuffs and food animals, more than they could secure in 1913. If the cost of foodstuffs is high, how much higher would they not have been and how much higher would the cost of living have been if the supply of these articles for food had been cut down $53,000,000?

We were forced to bring in an emergency act because of the decline in the revenue from imports caused by the war. The Mexican situation, inherited from Mr. Taft, also caused us to unexpectedly expend many millions of dollars.

If we do not retain this tax on sugar, we will have to raise the revenue derived from the sugar tax by a direct tax, and, in view of the amount we have to raise to take care of regular expenses and the proposed expense to be incurred for preparations for national defense, we preferred to retain the tax on sugar.

Mr. Chairman, we could not foresee that in less than one year from the enactment of the Underwood tariff law that all of Europe would be in a blaze and that those great countries would meet in the shock of a conflict unparalleled in the world's history. The results of that war have been tremendous throughout Christendom. Continental business was at a standstill. International competition was destroyed and importations to the United States were either discontinued and diminished or else their character was so changed that they materially affected the revenues from customs duties and we were forced to bring in an emergency act.

Yet these same gentlemen tell us that the war in Europe is and was in no degree responsible for the falling off and decline in customs receipts. It is hard to realize that such a proposition can be seriously debated in this House.

We know that thousands of factories have either been closed or destroyed, and that millions of men have been drawn from these factories and have entered the different armies of Europe. We know that unhappy Belgium, another "Niobe of nations, childless and almost crownless in her voiceless woe," we know that Belgium, two years ago a busy scene of happiness, prosperity, and commercial industry, is now a ruined, blackened, and desolate waste.

We know that in sunny France the sharp rattle of the machine gun has replaced the busy humming of countless spindles, and where once rolled the smoke from many factories the air now is darkened with a deadly hail of shot and shell.

We know that Germany, imperial Germany, one of the greatest export countries of all Europe, is an armed camp and her exports shut off from passage of the seas by an allied fleet.

We know that Austria has millions of men engaged in the conflict, and that her factories as well as those of her great ally are working night and day, not to manufacture articles for export, but to turn out munitions of war and death-dealing missiles of destruction.

We know that England, proud mistress of the seas, is conscripting her men from the factories and sending them by millions into the ranks.

We know that Russia, with her immense territory and tremendous resources, is engaged not in commercial enterprise, but in hurling countless thousands against the gray wall of Teutonic steel which extends for hundreds of miles.

We know that Italy has no time to participate in the peaceful pursuits of commercial life, but is concentrating all her resources to prosecute the war.

We know that Serbia lies naked at the invaders' feet. We know that Montenegro is prostrate, Bulgaria exhausted, and that Greece is blockaded. We know that submarines have destroyed hundreds of merchant vessels, and that international commerce has been throttled and strangled in a thousand ways, and yet, these gentlemen, these Republican leaders, solemnly declare that the war in Europe is not responsible for the decline in our revenues.

Let us look into the facts. Let us compare the imports of 1915 with those of 1913, when there was no war. You Republicans tell us that the lowering of the tariff rates will ruin American manufactories, because we will be swamped with importations which will flood the country, destroy competition, cheapen prices, and drive our labor out of employment. We reduced the tariff rates on practically every article and commodity in everyday use. To make your argument good, if the war in Europe has nothing to do with the decrease in revenues from importations, then the imports of 1915 should show a large increase over 1913, when we were operating under the highest tariff rate in the history of the Republic. If there is any logic at all in your position, you are bound to admit this proposition. But let us look at the facts. For the 12 months ending in December, 1913, the total importations from Europe amounted to $864,666,103, and for the corresponding months of 1915, during the war, these importations amounted to $546,352,567, a loss of $318,313,536 worth of imports.

And these Republican leaders still insist that the war in Europe was not responsible for the decline in our revenues and that we were forced to pass the emergency act because the Underwood tariff law was a failure.

We were forced to pass the emergency act and we were forced to continue this act in both instances through no fault of our own. We expect to bring in a revenue bill later on which will take care of a situation not of our making, and for the purpose of meeting necessary expenditures in preparation for national defense.

The American people are willing to be taxed and contribute of their means for purposes of national defense. The great masses of those people, irrespective of party affiliations, are behind the President of the United States, who, serene, confident, standing at the helm, has safely steered our ship of state through the seething, boiling waters of turmoil and strife which seem to have engulfed the rest of the world. [Applause.]

As much as we all love peace and deplore war, as much as we are desirous of living on good terms with our neighboring countries, as much as we all are opposed to the establishing of a great military power in the United States, yet, remembering that new occasions teach new duties, we must exercise common sense and look at the situation which confronts us with American eyes. Over half a billion Christian people are at each other's throats engaged in war. The world is war mad. The rights of neutrals may be little regarded; certainly, not at all if powerful interest points the other way. A treaty is worth little more than the parchment upon which it is written. Unarmed merchant vessels have been destroyed without warning. One by one other nations have been forced into the conflict. God forbid that we shall ever be drawn into this war. The wisdom and prudence of President Wilson has kept us out so far, and I voice the earnest prayer of all patriotic Americans that we devoutly hope we will continue to keep out of this war. But no man knows what a day may bring forth. I am as much opposed to the militant spirit which prevails in certain portions of Europe as I am to the pacific spirit which has made China, with her 400,000,000 people, a national football to be kicked about at will by the countries of the world.

I do not believe in useless extravagance. My votes in this House during the past seven years I have been a Member of this body have been a protest against the waste of the taxpayers' money. I would not vote one cent for the aggrandizement and territorial expansion of our country. I would not vote one dollar for preparations for a foreign invasion for conquest; but I do believe that our country should be so prepared and so equipped that we would be ready at all times to defend our honor and protect our homes. [Applause.] We should be prepared to defend our great coast line against any kind of an invasion and maintain with dignity and honor the official acts and mandates of the Republic. We should be prepared to preserve in the letter and the spirit that doctrine which guarantees

the territorial sovereignty of our South and Central American Republics, and thunders to Czar and Kaiser and King: "Thus far shalt thou go, and no farther."

I repeat that I am opposed to extravagance and useless public expenditures; but when it comes to a matter touching the defense of our country—our country, with its proud history, its noble traditions, its free institutions, its liberal Government—when it comes to the defense of our country, the protection of our firesides, and the preservation of those institutions so dear to all lovers of human liberty, the retention and preservation of these blessings can not be weighed in the sordid balance of the dollars and cents they may cost to preserve [applause]; nor do I believe that the American people will be deterred from expecting us to do our duty here because some may profit through the expense of preparation.

I believe that preparation for defense means a preservation of peace. No one doubts the courage and bravery of the American people. The spirit of our Revolutionary fathers, who resolved to be free or fill martyrs' graves, finds lodgment in the breasts of our people to-day. Since that memorable Fourth of July when "equality with sword uplifted above the cradle of an infant Republic" consecrated that sword to the imperishable doctrine that "freedom is the heritage of mankind" our country has been foremost among the nations of the earth. The blood of the patriot who fell at Bunker Hill, which flowed at New Orleans, which drenched the plains of Buena Vista, and which ran in rivers at Gettysburg is no more red than that which courses through the veins of her sons to-day.

If armed invasion should place its mailed heel upon our shores, from every section of a reunited country an indignant and outraged citizenship, rallying around that flag, with undaunted bravery and deathless courage would hurl themselves upon the invader.

There would be patriotism enough, there would be bravery enough, there would be heroism enough. Whether our country was prepared or not, no one could ever discount the valor, the courage, and the undaunted spirit of our people.

But if the countries of the world know that back of that patriotism, that courage, that heroism, and that undaunted spirit there is, with the proper and needed equipment, an intelligent preparation for defense, shall it be said that it is the optimist only who can predict for us a lasting peace with all mankind?

I am often asked the questions: "What do you mean by preparedness? What do you want for preparedness?" I am not an engineer. I am no naval expert. I do not know what kind of guns should be on the forward turret of a battleship, nor do I know how thick the armor plate on a dreadnaught should be, but I do know that the captain of the ship, the President of the United States, who by reason of his position secures information through a hundred channels and derives knowledge through numberless avenues that are denied and closed to us, tells us that by reason of the knowledge he has secured and the information he has received, that we should take steps for our country's defense. I do know that we should stand by him and do all that is necessary for the safety of the Republic.

These preparations for our national defense are going to cost money, and it devolves upon the Ways and Means Committee of this House to bring in a revenue bill to take care of this situation and to meet these necessary expenses. It has been said that our Republican friends will vote for preparedness, but will vote against a revenue bill which raises the money to meet the expenses they themselves have helped us to incur.

The Speaker of the House and the minority leader have shaken hands across the aisle and have declared that preparedness is nonpartisan. Time will disclose whether providing the means to take care of the necessary money to carry out the ideas of our national defense is also nonpartisan.

I hold no brief to speak for the Ways and Means Committee as to what kind of a bill will be brought in here to take care of these expenses; but, speaking for myself, I believe that munitions of war and incomes should bear the greater burden of this tax. [Applause.] There are many reasons why this should be.

The chaotic conditions in Europe are largely responsible for the necessity of our making preparations for our defense.

Events of tremendous international importance are happening almost daily, and no one can tell what complications may arise as the result of any one of these events.

The necessity of our taking immediate steps for national defense arose through no fault of ours, but because of conditions elsewhere. The owners of these plants which are now supplying munitions of war to the belligerents of Europe are reaping a richer harvest and are securing greater dividends than two years ago they ever dreamed of. I am told that some of these great manufacturing establishments are making profits of hundreds of thousands of dollars a day. Whether that is true or not, I do not know, but I do know they are securing more financial benefit out of the war in Europe than any class of manufacturing industry. If we are put to greater expense by reason of a condition that enables these industries to increase their profits a thousandfold, then it is only right that they should pay a large proportion of the expense which we have incurred. In the preparations for defense here at home these same industries will again reap a greater profit than any other class of American industry, and that is still another reason why they should materially help pay the cost of preparation.

Great Britain, France, and Germany are now taxing munitions of war, so there is nothing new in the proposition. Incomes should also bear a heavy part of this expense. An income tax is a just tax; it is no tax on prosperity, no interdict on wealth, no embargo on industry, no prohibition on thrift, but an honest tax, where every man contributes to the Government's support according to his ability to pay and according to the protection he receives from that Government. The total national income was estimated in 1910 at the sum of $30,500,000,000. The following table shows that much of this wealth is in the hands of a few:

Members of families.	Family income.	Total income.
261	$200,000 to $1,000,000	$126,000,000
98	$1,000,000 to $2,000,000	136,000,000
41	$2,000,000 to $5,000,000	118,000,000
10	$5,000,000 to $10,000,000	79,000,000
5	$10,000,000 to $50,000,000	158,000,000

There are 60 people in the United States whose net incomes are more than $1,000,000 each. Under the old Republican system of taxation of three years ago, these 60 people paid no income tax, but paid only on what they ate and what they wore. Paying taxes only on what is eaten for food and worn for clothing, it is possible and probable that a machinist, with a large family, working for barely a living wage, actually paid more taxes to support the Federal Government than some of the multimillionaires with a small family and whose daily income is over $2,800.

Income-tax payers are therefore not only in a condition to pay, but in case of war they have more property to protect than those of their less-favored neighbors. They have great interest at stake, because if an indemnity should be required of any city those of larger means would be called upon at once to contribute. In case preparations for defense should be the means of preserving peace, then the interest of these taxpayers has increased, because during the interval of peace their business and their industries have not been disturbed and they have secured greater income and larger profits than those who are not so fortunate as to come within the provisions of this tax. There is still another reason. While I do not intend to reflect upon either the courage or the patriotism of the income-tax payers, yet if war should be declared, they would constitute an inconsiderable proportion of those actually engaged in the conflict. The fighting would be done by those whose business interests are of such a character that they do not receive incomes in excess of $3,000 a year. A considerable number of these vast fortunes are the direct result of benefits received from the Federal Government through favored and special legislation.

If those less favored by commercial prosperity offer their lives in their country's defense, those who have in the past received benefits and protection from that Government to build up their colossal fortunes should at least offer their means to the defense of their country.

Mr. Chairman, my time is nearly out, so I must hasten to a close. We are going to retain this tax on sugar because conditions we could not foresee arose and made it necessary that we should retain the revenue derived from the importations of that article or else raise the amount by a direct tax. The Republican Members of this House will again rail at us and charge that we have broken faith. They will again affirm that the Underwood Tariff Act is not a revenue-producing law. They will again predict that next November the American people will retire us and put them in our place.

I would like for my Republican friends [applause on the Republican side]—ah, gentlemen, that applause came a little late, and after November it is going to be a little later than that. [Applause on the Democratic side.] I want to ask you what promises are you going to make to the American people to induce them to be so unwise and so foolish as to restore you to that power you once had, and which you so shamelessly abused? After 50 years of control you were weighed in the balance and

found wanting. What are you going to promise then? Are you going to tell them that you will repeal the Underwood Tariff Act? [Cries of "Yes!" "Yes!" on the Republican side.]

A MEMBER (on the Republican side). And we will do it, too!

Mr. COLLIER. Are you going to promise them that you will put in its place the prohibitive, the confiscating rates of the Payne law? After that law had been in operation for two years a Republican would run from the defense of it and from the word "standpat" as we used to run from a yellow-fever patient. [Laughter and applause on the Democratic side.]

Mr. SLOAN. Will the gentleman yield?

Mr. COLLIER. In just a moment. I understand, from what I have heard from my friends on the other side, that you are going to promise the people to return to the indefensible rates on wool, which were 200 or 300 per cent in the Payne law. Some one asked me if I were stating the Democratic position. I want to ask you if I am stating the Republican position on wool?

Mr. SLOAN. Will the gentleman yield?

Mr. COLLIER. Yes.

Mr. SLOAN. You ask us if we will promise; we will keep the things that we do promise. [Laughter on the Republican side.]

Mr. COLLIER. Your whole system has been marked by misuse and founded on deception. [Laughter and applause on the Democratic side.]

Mr. MANN. If the gentleman lives long enough, he will see what we do do.

Mr. COLLIER. Mr. Chairman, I love life as much as anyone, and I hope people will not say that I am too enamored with life when I say that I hope I will be living when the Republicans come back into power. [Laughter and applause on the Democratic side.]

Mr. MANN. So say we, all of us; and that is the hope of the whole country. [Laughter on the Republican side.]

Mr. COLLIER. However, before that happens I shall live long enough to be older than Methuselah. [Laughter on the Democratic side.]

Are you going to promise the people to repeal the provisions of the income tax and again permit the wealth of the country to escape the payment of its share of the burdens of Government?

Are you going to promise the people that you will repeal the national reserve act and return once more to the useless, antiquated financial system you so often promised you would change?

Are you going to promise the people that you will repeal the trust laws and permit the directorates of a few institutions to corner the markets and control the credit of the United States?

Are you going to promise the people that you are going to repeal the Trade Commission act?

Are you going to promise the people that you are going to return to standpattism and the old system of Government spoliation and robbery of all the people to enrich a few whose campaign contributions have restored you to power?

How much of the Democratic program, how many of these Democratic policies are you going to promise the people you will repeal?

I know that you would like to see all of these measures repealed, but there is none of you on that side who has the courage and bravery to advocate their repeal, because you know that these laws are a crystallized expression of years of longing by the American people—laws that you so often promised and so shamelessly denied. [Applause on the Democratic side.]

The camp followers backed by the money interests of those who profit by Republican administration, the spoilsmen who grew rich by your unjust discrimination and unpardonable partiality; those who are seeking privileges and are yearning for the flesh pots of the old system of governmental exploitation; they are those who criticize the Democratic Party and invoke the spirit of repudiated Republicanism.

But the Democratic Party, born in the early days of the Republic, founded upon the bedrock principles of equal rights for all and special privileges to none, is undismayed by the same old attacks coming from such a source, and secure in the consciousness of its own rectitude, presents an impregnable front to all enemies of good government and fair legislation.

With the greatest President since the days of Andrew Jackson guarding the destinies of the Republic, the great masses of the people of the United States have placed their trust and their hope in Woodrow Wilson, and vain is the ambition and useless the effort of those who seek to hurl him from that place he has so justly earned in the hearts and the minds and the confidence of the American people. [Applause on the Democratic side.]

Mr. FORDNEY. Mr. Chairman, I yield 20 minutes to the gentleman from Pennsylvania [Mr. MOORE].

THE PRESIDENT AND THE CONGRESS.

Mr. MOORE of Pennsylvania. Mr. Chairman, the power to condense thought into phrases that will linger is a gift. It has been indulged in by Presidents, and by those who are capable of being Presidents, and has served them well in numerous campaigns. Amongst the modern phrase makers the President of the United States is a shining exemplar. The Speaker of the House of Representatives has also attained an enviable distinction in this regard. At Philadelphia on Saturday night the Speaker added materially to the fame he has already achieved. On being approached for an interview upon the Presidency the great Missourian is reported to have said:

"President Wilson has the world by the tail." [Laughter.]

Coming with that magniminity which has hitherto characterized this eminent authority upon matters presidential, the utterance of our distinguished colleague, if accurately reported, was interpreted to mean substantially this:

"The President has kicked over the one-term pail set up at Baltimore and is going back for a second."

In the midst of the great war in Europe, provoking as it has been to the economic ends of the administration, and with troubles along the Mexican border, it may by some be deemed indelicate for a Republican to discuss now the presidential situation of 1916; but unfortunately there is no "watchful waiting" in the Constitution of the United States. That great palladium of our liberties brooks no delay in so important a matter as the election of a President. Moreover, the tariff question is looming up, the sugar repealer is here, the financial exigencies of the Nation are urgent, and the election is due in November. The issue as to who shall govern our great country must be discussed sooner or later, despite the waves of patriotism that spasmodically sweep the country as "the sparks begin to fly."

It was generous of the gentleman from Missouri, therefore, as it was timely, to throw his life buoy on the troubled sea of Democracy in the impending political crisis. To have it known now that "the President has the world by the tail" is at once a challenge and a warning. It is enigmatic, however, in that Republicans are not informed as to the true meaning of "the tail of the world." Generally speaking, the term is nebulous and would mean no votes. It is too indefinite for practical politicians. The Speaker may have meant that the President had in his grasp "the tail of Villa" and his Mexican marauders. Then the patient public would understand that politics had at last been subordinated to action. [Applause on the Republican side.] Or if the true meaning of so new and forceful a phrase related to "the tail of the industrial world," which the President so vigorously twisted when he set "American wits" to "contest with the wits of the world," the wage earners of the country would understand the application of it. We must accept one or the other of these inferences or be forced to the conclusion, which is unthinkable of the Speaker, that due to love of native State and the chiefest of her products, his deliverance referred to "the tail" which is generally found at the business end of the Missouri mule. [Laughter on the Republican side.] Such an interpretation of that which is apochryphal in his new and enduring sentiment is believable only upon the ground that "every kick is a boost." [Laughter on the Republican side.]

CONGRESS AND THE PRESIDENT.

Mr. Chairman, I shall now approach the sugar schedule from another angle. There is reason to believe the President may come to Congress to seek its cooperation in the Mexican trouble. If the raid of Villa was connived at by designing Americans or by Mexican revolutionists, if it involves American intervention, or if it means the acquisition of new territory and the setting up of new States, he ought to consult Congress, even with more directness than he exercised under his constitutional prerogative in the recent controversy over armed merchantmen. If the President does come to Congress with any of these important international problems, his recommendations should be carefully considered, and promptly supported if such problems are shown to threaten the national peace or honor. If Members of Congress are not to be consulted with respect to such problems as involve the people in war and taxes, it may well be charged that the Congress is not exercising its functions as delegated by the Constitution. To say a discussion of such matters by Congress is to embarrass the President is beside the question. The duties of Congress are clearly defined.

It is certainly with no intention of embarrassing the President, therefore, that in discussing the sugar repealer I may refer to some matters of domestic concern, including the many changes of front that have characterized the administration and which have made the platform of the Democratic Party a mockery and a byword. I am interested in the peace and prosperity of the people of the United States more than I am in the welfare of the people of any other nation, and I do not wish,

as a Representative, to be swept from the path of political rectitude because, after years of domestic and industrial disturbance, provoked by the present administration, and against which the Republican Party protested, the slothful policy of "watchful waiting" in Mexico is to be changed to action, only, however, as it becomes necessary to repel an actual invasion of our soil.

Under the circumstances as they have been reported to us from the Mexican border, President Wilson, as a primary move, was justified in sending troops against Villa, but it does not detract from the credit due him for what he has done to say that no President, Democrat or Republican, could have done less.

THE M'LEMORE RESOLUTION.

In the controversy over the so-called McLemore resolution, though a public sentiment was well worked up over it, there was no such partisanship as indicated at any time a lack of congressional willingness to cooperate with the President. The President's purpose was not clear. He was reported as seeking the burial of the McLemore resolution and shortly thereafter of wishing it reported out. He spoke to Congress only by indirection, and the McLemore resolution was so reported as not to be considered by the House. The whole proceeding was irregular and misleading. It meant nothing in the end but the tabling of a resolution which nobody wanted. Those who wished to spare themselves the criticism of being disloyal voted to table the resolution without consideration, because they were induced to think the honor of the Nation was at stake. Those who sought to act upon the merits of the proposition, and who were not permitted to do so under the rule, which was unnecessary, voted against the tabling in order that the resolution which had disturbed the President might be considered and amended or defeated, as the facts should warrant. The confusion into which the Congress was thrown was devoid of substantial information from the White House, and the parliamentary trick, which tended to discredit an entire body of the people's representatives, was as palpable as it was gratuitous. It is to be hoped, therefore, that any future support which the President seeks to obtain from Congress upon any problem vital to the people may be had under less perplexing and unfriendly circumstances. [Applause on the Republican side.]

THE MEXICAN SITUATION.

The reading public was sadly confused about the armed merchantmen affair. In due course that public will know whether Congress was fairly treated, just as some day it may be known whether "a man of straw" was suddenly set up in the House of Representatives for selfish or political purposes. With the Mexican affair it is different. For three long years the American public has chafed and fretted over the Mexican situation. It knew that conceded rights to Americans in Mexico were violated; it knew American life had been taken and American property seized and destroyed. The public knew that the flag of the United States was insulted in Mexico, and that although the Congress voted to support the President in his war upon Huerta, no distinguished honor accrued to our country by reason of that war. The public knew that "watchful waiting" involved the humiliation of Americans; that they were warned by their own Government to leave Mexico regardless of any rights they may have had to the protection of their flag. The great reading public was well informed as to all this, and marveled at it. It was only when the raider, Villa, crossed the American border and attacked the city of Columbus that they were apprised of the purpose of the administration to proceed to the serious business of upholding the national honor and maintaining domestic peace.

OUR REVENUE PROBLEMS.

Important as it is to have an understanding as to what the administration desires in grave international crises, it is equally important that the ways and means by which these crises are to be met shall not be overlooked. Let us give to the President all the support he asks when the honor or safety of the Republic are in the balance, but in our excitement as patriots let us not forget that the people whom we represent must pay for the economic failures of an administration just as they will have to pay for any wars into which our country may be plunged.

The bill before us illustrates the thought in mind. While the Ways and Means Committee does not admit it in so many words, this bill to repeal the free-sugar provisos of the Underwood tariff law is a confession of the inadequacy of Democratic policy to raise funds to run the Government. It is proposed by this bill to hold on to approximately $45,000,000 which the Democratic Party proposed by law to take away from the Federal Treasury and turn over to the importers of sugar. If it be treason to direct attention to this direct reversal of the Democratic platform, Republicans who undertake to do so must accept the consequences. Their constituents are entitled to know the facts.

Nor is it unreasonable at this time, when the agitation of European and Mexican affairs is diverting attention from the debts and extravagancies of the present administration, that some one should arise with courage enough to put the blame for our domestic troubles exactly where it belongs. It is easy to remember that before the advent of the present administration the United States was aglow with the fires of industry in ordinary legitimate pursuits. It was not the industry born of the horrible business of making munitions to destroy the lives of our brethren across the seas. The United States Treasury was in ample funds and the country was at peace with the world. All this changed when President Wilson took the reins of office. It is not an exaggeration of the facts to say that the three years of his administration have consisted chiefly of vain efforts to prove the unprovable in practical and in political economy.

TAXES AND CONFUSION OF LAWS.

If the administration has not made good in our domestic affairs, why should Republicans encourage a continuance of it because of confusion in our foreign affairs? The facts as to Democratic incompetency are still before us. Neither should it be forgotten that in the effort to prove up the impracticable the administration has so involved this country in a plethora of ambiguous and oppressive laws that it may require the best statesmanship of a generation to release legitimate business from its unwelcome entanglements.

The President is the leader and spokesman of his party. For such damage as has been done to the people of the United States in the attempt to enforce the economic policies of the Democratic Party he has no apology or excuses to offer. In his revenue message to Congress he spoke of the deficit that existed and that must increase, until now it is approximated at more than $360,000,000 for the year 1917.

PRESIDENT IS NOT NONPARTISAN.

The only reason given for this astonishing condition of the Treasury, income taxes and war taxes included, is the incident of the European war. The President does not appoint any Republican to office, though commissions have been created with the understanding that they were to be nonpartisan; neither does the President admit the culpability of the Democratic Party for any of his troubles or for those of the Nation. Like the Secretary of the Treasury and the Committee on Ways and Means he lays the blame to the European war. If at any time during the last three years Republicans could be criticized for criticizing the administration, the administration can not be credited with having gone out of its way to lead Republicans to believe that they had had "any new ideas in 30 years." It may be set down as a sure thing that even though Republicans may "stand by the President" in any international crisis now, they will do so as patriots, since kind words from the administration will not be "coronets in the crown" of any Republican who may seek in the campaign of 1916 to restore the Republican system of protection for the existing order of debt and taxes.

Mr. GARDNER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will yield to the gentleman.

Mr. GARDNER. The gentleman called attention to the fact that the President had said that the Republican Party had not had a new idea for 30 years; is it not a fact that we generally adhere to our ideas?

Mr. MOORE of Pennsylvania. Yes; if we find them to be right; and we usually do.

NO PROMISE FOR THE FUTURE.

In the bill now under consideration (H. R. 11471) to repeal the free-trade sugar provisos there is no assurance that the protection which the committee has resorted to for expediency's sake will work a change of heart on the general question of protection and free trade. The administration needs the $45,000,000, and it jumps from free trade to protection in order to cinch the money before it slips back into the pockets of the importers. It makes this bold flop only because of the European war—the same excuse that was presented by the committee when compelled to continue the $100,000,000 war tax. There is no promise of a permanent change. Having spent the people's tax money, the committee blandly asks for more.

Observe how easily the committee upsets the Baltimore platform. Note the directness with which the Gordian knot of party consistency is severed. On the theory that "'twere well it were done quickly," the committee says:

Had the normal conditions existing at the time of the passage of the act of October 3, 1913, not been disturbed by the European war,

it would not have been necessary to continue the present rates of duty on sugar after May 1, 1916.

A careful reading of these lines shows the intensity of feeling which our Democratic brethren have against the European war. It was not a fatuous and mistaken economic policy that did the revenue trick; it was the infernal war in Europe. In the same report, in the next paragraph, the same sad song of the European war is sung. It grates on the ear, but we are impelled to repeat it:

This legislation is made necessary in order that the Treasury may have the benefit of the revenue receipts from sugar in meeting the decline in customs and postal receipts due to the disturbed conditions resulting from the European war, and also to assist in meeting the decline in ordinary internal-revenue receipts.

No word of atonement for the ills we have suffered! No word of regret for the damage that was done. The Democratic Treasury needs the money, and that is all there is to it. The money is not to send troops after the bandits in Mexico; it will not help in our general preparations for war. It is just ordinary, everyday money that is needed to meet the current expenses of the Government. More than that, it is Republican protection money which the Democrats, who now take it, first spurned, even though in the spurning they threatened to destroy the beet-sugar industry of the United States and to bury the Louisiana sugar planters under the ground.

The long and short of it, in the simplest language we can conjure up, is simply this:

The Baltimore platform was a platform of "principles," when the Democratic Party was fooling the voters, but it is a "scrap of paper" when they need the money.

A SUGARY DISH OF CROW.

The facts are so plain that no Republican can be deceived. Our Democratic brethren may contend for "principle," but they do not forsake the cash. Their performance on the sugar schedule is the "proof of the pudding." The dish of crow is before them, served up from their own kitchen. It is no time for Republicans to submerge themselves under the altar of self-denial. They have a right to be seen and heard and crow a little if they want to. The Democratic handbook of 1912, "thanked God for Wilson." Its inspired chapter upon the free sugar the consumers were to get at a reduced cost was very seductive. The advantages which the Government was to derive were happily portrayed by the Democratic orators. It is not for Republicans now to so concern themselves with the troubles of the administration, as to forget that the price of sugar to the consumer did not come down. We ought to remember the facts and, knowing the facts, proclaim them.

NOT FINANCIALLY PREPARED.

Mr. Chairman, it takes a long while in times of political excitement to make the people understand, but they can not fail to appreciate the wealth of buncombe that was served up to them when they unduly agitated themselves, in the interest of the sugar importers, for the removal of a duty which cost them nothing and which their Government sorely needed. Even the Democrats, who promoted the agitation, are compelled to admit the facts.

There is another point to which I would direct the attention of the House. The administration, which is sick financially, in spite of the taxes it has imposed in times of peace, is not prepared for the expenses of war. It was not prepared when it thrust the armed-merchantmen controversy upon the House, and it would be less prepared for a European or an Asiatic conflict, if the trouble in Mexico results in intervention. Its defensive effectiveness along our coasts would be further reduced if it were compelled to defend an assault at Panama. What provision has the administration made for all this preparedness? If the Treasury is depleted and deficits stare us in the face, in what condition will we find ourselves if any of these foreign contingencies become a reality? The President has advanced but a single thought—the taxing of gasoline, of steam engines, of incomes, and the like. Even so, who is to pay when the ordinary resources of the Government fail?

THE PEOPLE MUST PAY.

The answer is plain; the people must pay. It is reported that the President is opposed to an issue of bonds; there is no other way out except to increase the taxes levied directly upon the people. The resort to such protection measures as the free-sugar repealer is only an expedient to meet an emergency. The differences between the President and his party and the Republican system of protection are too great to admit of the acceptance by this administration of the Republican platform. The Republican Party, seeking to extend American trade, believes in the development of home industries. The President and his party believe in reducing the industries of the United States to the foreign level. No war in Europe nor any outbreak in Mexico nor any raising of the national-honor standard above the grim ogre of national debt, will suffice to divert the American wage earner from the meaning of this. The men who toil in the mills and on the farms of the United States are the men upon whom the burden ultimately falls. They know the difference between the working conditions in European countries and those that prevail in the United States. Republicans can meet the President and his party upon this issue, and they should not hesitate to do it. [Applause on the Republican side.]

REPUBLICANS SHOULD BE ON GUARD.

If, therefore, the experimentation of the Democratic theorists has been unsuccessful, if "the captain of the team" has failed to retain the full confidence of his players, if the man at the helm who took the ship from its Republican moorings and lost his course in a sea of trouble, if the rich heritage of a prosperous administration has been wasted by the profligate and the prodigal, why should Republicans worry? Of course, we should sustain the national honor; of course, we should keep Old Glory nailed to the mast; of course, in an international crisis we should "stand by the President," but does all this mean that we shall kiss the hand that smites us? Is there not some politics in all this patriotic sentimentality? Have we no candidates of our own, no platform, no policies, no record for patriotism or for good government? Perhaps it may embarrass our international negotiations to refer to the history of the great Republican Party and all that it has stood for. For one I do not believe it. I do not believe the President believes it. Why, then, should Republicans be stampeded into the belief that the glory and perpetuity of the Nation are dependent upon Democratic success in November? Let us recall the immortal words of our distinguished Speaker, "President Wilson has the world by the tail."

Mark you, it is not the international world, but the political world to which the Speaker refers. Has it embarrassed our international negotiations for one great Democrat to thus predict the reelection of a Democratic President? Let us see what another leader of Democracy has to say upon this subject. Vice President Marshall leaving the White House on Monday last, informed the newspapers that "President Wilson is going to be elected again, and we are going to carry Indiana for him."

Is this intrusion of a political germ into the patriotic serenity of the White House a violation of international law? We may safely leave it to the tolerant and overburdened taxpayers of the country to answer.

Mr. Chairman, this is no time for Republicans to be following strange gods. Facing the stern necessities of the Nation, Republicans should stand by their own guns, nor permit themselves to be shifted from the moorings that have been proven to be safe and sound. Never in the history of the country have the plain people needed their services more than they do now, or will in the trying times to come. [Applause on the Republican side.]

Mr. FORDNEY. Mr. Chairman, I yield to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, the first year of the Underwood tariff law lost fifteen millions to the Treasury on the sugar schedule, increased the price 2½ cents a pound to the consumer, and added $10,000,000 to the profits of the Sugar Trust.

Many Democrats seem to assume, as also do many citizens who are independent of party affiliations, that the Republican campaign of 1916 will consist almost entirely of exposure of the mistakes and inefficiency of the Democratic administration. Such is not the case. It is true that we shall be called upon frequently to disclose the injurious legislation and the maladministration of the Democratic Party. This is made necessary by the fact that the head of this administration abandoned his announced policy of "pitiless publicity" and made secrecy one of his cardinal virtues. Since the American people have no other means of learning the true story of the destructive results of this administration, we Republicans shall make known all the facts we can discover.

The chief part of our argument, however, will be that by years of successful management of governmental affairs the Republican Party has demonstrated its constructive policies and that the people of the United States, by reason of that demonstration, can reasonably place confidence in the fulfillment of the promises the Republican Party shall make in its next platform.

It is hardly necessary to recount the achievements of this Nation while under Republican control.

We maintained a sound system of finance, and when the development of the country required an extension thereof we devised a reserve banking system which would meet the needs

of changing conditions. Some of the provisions of that plan were incorporated in what is now known as the Federal reserve banking act, the most important features of which were written in by Republican Members of Congress.

The readiness of the Republican Party to enact legislation for which there is a real need was demonstrated in the enactment of the postal savings bank act, which passed this House with the support of Republican votes and with every negative vote cast by a Democrat. It passed the upper House of Congress by the votes of Republicans, with a single exception.

The Republican Party never hesitates at a large undertaking, as witness our enactment of a measure providing for the construction of the Panama Canal. It is a matter of common knowledge on the other side of the House, as well as on this, that under Republican administration the financial condition of the Government was such that the canal was constructed chiefly from current revenue and with a very small sale of the authorized bonds. I do not undertake to say that the Panama Canal was a party measure. It had the support of many Democrats and the opposition of some Republicans; but I do assert that Republican economic policies made it practicable for the United States to enter upon so large and so extensive an undertaking.

Another piece of constructive legislation for which the Republican Party may justly claim credit is the parcel post. It will be remembered by men who are now upon this floor that in 1912, when the House of Representatives was controlled by the Democratic Party, that party refused to place in the Post Office appropriation bill a provision for the establishment of a general parcel-post service, but merely authorized a parcel-post service on rural routes only and provided for the appointment of a committee to study the question. A Republican Senate rejected that provision and substituted for it the basic principles of the parcel post as it was enacted into law. Lest I be accused of some unfairness, permit me to say that some of the features of that measure were written into it while the bill was in conference by the gentleman from Tennessee [Mr. MOON], who then was and still is the chairman of the Committee on the Post Office and Post Roads.

There is another feature of Republican constructive legislation little known to the people of the Eastern States, although, I think, fully appreciated by Members of this body from whatever section of the country they may come, namely, the establishment of our reclamation work. Since the enactment of the first reclamation law in 1902 we have constructed in the arid regions irrigation works which have cost $100,000,000 and which have placed 945,000 acres of hitherto unproductive land under a state of cultivation, and have appropriated water sufficient ultimately to irrigate 3,000,000 acres of land. We have increased the value of this land from practically nothing to a present average value of $100 per acre. Henceforth that land, which was previously given up to the coyote and jack rabbit, will yield crops which have an annual value of $25 per acre and will afford comfortable homes for 60,000 families. Those newly created homes in what was formerly a wilderness provide new and ready markets for the manufactures and other products of other sections of the country.

When the Republican Party was in power it enacted the interstate-commerce law, which protects shippers against exorbitant charges and, by prohibiting rebates, guards against ruinous discriminations. We established the Bureau of Labor and later the Department of Labor and created the Bureau of Mines. We placed upon the statute books laws which required the use of safety devices on railroads. The Republican Party enacted the pure-food law, which guards not only the health, but the private business of the American people. We submitted to the American people the constitutional amendment providing for popular election of United States Senators. We brought the Postal Service to the highest standard in its history, a standard from which it has fallen during the present régime.

That long list comprises but a few of the many constructive achievements of Republican administrations for the promotion of the welfare of the United States as a Nation and for the prosperity and happiness of the American people as an industrial commonwealth. It is a pleasing picture upon which to gaze. It is a record of which the Nation is proud. It is a page unequaled in the history of the world.

With great regret, therefore, I feel impelled by a sense of duty to turn from agreeable recollections of those years of progress and well-earned prosperity and direct attention to the mischievous and destructive effects of an ill-advised administration of our Government affairs. Unpleasant though the task may be, I feel that for the guidance of our future conduct we should take cognizance of the mistakes of the past in order that we may correct our errors and avoid repetitions. I approach the performance of this duty with the utmost personal good feeling toward all those who have been responsible for our national blunders, one of the greatest of which was the enactment of the Underwood Tariff Act.

It is not through any feeling of animosity or antagonism toward the Democrats or the Democratic Party that we Republicans suggest and urge a revision of the Democratic tariff law. On the contrary, our attitude toward them is most kindly and beneficent. It is our desire that they, along with us, shall enjoy the beneficial effects of a protective tariff policy. Along with them we have suffered the results of a tariff for revenue only, constituting, as it does, a tariff that is 70 per cent free trade. The American business man who has enlisted under the banner of Democracy has sustained exactly the same losses, endured the same uncertainties, and suffered the same mental anxiety that we Republicans have for nearly three years.

With the exception that one industry of the South has to some extent an interest slightly different from that of the North, we are one people and similarly affected by economic legislation. Even in the South business men are now coming to believe that a protective tariff policy is necessary for the promotion of their industrial and commercial prosperity. The tariff is no longer a local issue—it ought not be a partisan issue, for Republicans and Democrats are benefited in exactly the same manner by a protective tariff and are similarly injured by its repeal and the substitution of the principle of free trade.

It is not, therefore, from purely selfish motives that we propose the repeal of what is known as the Underwood-Simmons tariff law, nor would we, if we could, enact a measure which would be beneficial to Republicans alone. Our Democratic friends are neighbors of ours at home; they are congenial colleagues on this floor; they are patriotic American citizens who respond to every call their country may make upon them. They may err in judgment, but their hearts are true. Far be it from us, therefore, to write into any statute a single line that would affect them adversely. Prompted by the sincerest desire to promote their welfare, we propose a return to the protective-tariff policy.

It may be readily admitted that as a theory of world-wide business relations, free trade is attractive. But in the face of experience the reasoning man is compelled to accept the demonstrations of practice where they conflict with the teachings of theory, and in this we are not guided alone by the experience of our own country. We have before us not only our own experience from 1893 to 1897 and from 1913 to the outbreak of the European war in 1914, but there is also open to the careful student of this question the experience of the German Empire, under a free-trade policy from 1865 to 1879 and under a protective-tariff policy from 1879 down to the present time.

In the 14 years during which Germany maintained a tariff for revenue only her industries languished, large numbers of her people were unemployed, her revenues were frequently inadequate, and poverty was steadily on the increase. After several years of study of the situation Prince Bismarck arrived at the conclusion that the real trouble with German industry—the fundamental defect—was the abandonment of a protective-tariff policy. In a series of communications to the several German States he repeatedly urged a return to the principle of protection. In a statement to the German Diet in 1878 he said:

> The return to the principle of protection all around has become necessary owing to the altered economic position of the world. In the revision of our fiscal policy we can be solely guided by the interests of Germany.
>
> The most important German industries are at present endangered by huge foreign industries whose production, owing to the greatly increased transport facilities, threatens the German market in a way that but a short time ago could not have been anticipated. Furthermore, foreign nations have learned—and the United States is an example—to dispense with German goods by surrounding themselves with hostile tariffs and by creating industries of their own in their country.
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> As the unsatisfactory state of the German industries is not a recent growth, material to support the justified claims of our industries is not lacking. Two inquiries into the decay of two industries, which have particularly acutely suffered, were made last summer, and the conclusions arrived at are at the disposal of the various Governments.

Acting under his guidance, the German Empire returned to the protective tariff policy in 1879, her industries revived, her manufacturers captured markets throughout the world, and Germany became industrially independent, so far as it is possible for any nation to become.

Mr. J. Ellis Barker, a British writer on economic subjects, discusses the tariff policy of Germany in his book on Modern Germany, and after presenting detailed statistics to show how the industries of that nation prospered under the policies established by Bismarck, he summarizes in the following language the effect of protection in Germany and free trade in Great Britain:

> The change in the industrial character of Germany and in the character of her foreign trade is particularly striking if we study the change

which has taken place in the nature of the Anglo-German trade. Formerly Germany sold to Great Britain raw materials and food, and bought from us our manufactured goods. Germany was Great Britain's farm, and Great Britain was Germany's factory. Now, Germany exports to Great Britain chiefly manufactures of every kind, and receives in return principally raw materials and food. Yarn apart, which is raw material to the German industries, and is therefore subject to only a slight duty, Great Britain exports to Germany chiefly coal, gold, silver, leather, furs, fish, caoutchouc, wool, copper, etc. According to the very reliable German customs statistics, almost exactly nine-tenths of the British exports to Germany consist of raw materials and food, whilst only one-tenth of the British exports to Germany are fully manufactured articles, such as machinery, woolen and cotton cloths, etc. Great Britain has become a hewer of wood and a drawer of water to Germany.

It is not I who makes this comparison between protected Germany and free-trade Britain. The comparison is made by a subject of the British Empire. I do not present the statement because of any feeling in favor of one country or against the other. I offer it because the experience of those European countries confirms the conclusions that any thoughtful student of economics should reach after a review of our own experiences under both protection and free trade.

It is well known to all observers that the Democratic Party, both through its official representatives and through the Democratic press, attributes the ills of business and the bad condition of Government finance to the outbreak and continuance of the war in Europe. Such was not always their explanation.

Industrial depression began soon after the election of a Democratic President. It was then a "psychological" condition of business, otherwise described as a "state of mind." While this explanation did not satisfy the thousands of manufacturers who were compelled to close down their mills for want of orders, or the hundreds of thousands of other business men who found themselves face to face with bankruptcy, nor the millions of laborers who were entirely thrown out of employment or put on part time, yet it sufficed for a political party which could find no better explanation. Just at the time when even the Democrats had lost confidence in their ability to delude the American people into believing that there was really nothing wrong with business, the war in Europe broke out, and thenceforth the industrial condition was attributed to the war.

Fortunately for impartial writers of history, however, it is unnecessary for us to accept this theory on the ipse dixit of men whose loyalty to their party impels them to find some cause other than the real. In the regular performance of their duties even the officials of a Democratic administration could not fail to record actual governmental transactions which prove the utter fallacy of the Democratic explanation of industrial depression. Government records demonstrate beyond possibility of dispute that the industrial depression grew steadily worse until the outbreak of the war, and that as soon as American producers and manufacturers could begin to fill orders received from the nations at war, business conditions began to improve and have continued to improve, now reaching the highest state in our history so far as foreign trade is concerned, although yet far from a satisfactory state in the matter of domestic trade.

The only accurate, dependable, and conclusive comparison that can be made for the purpose of showing the cause of industrial depression and the cause of such measure of restored activity as we have experienced is a comparison of a period entirely under Republican tariff laws with a corresponding period under a Democratic tariff law and before the beginning of the war in Europe, and also with a corresponding period of time also under the Democratic tariff law and after the war had exerted its beneficial influence upon American trade. Any other period would cover portions of two tariff laws, or portions of both peace and war conditions.

The only periods which meet these conditons and for which figures are available are 10-month periods ending with July in 1913, 1914, and 1915 of these respective years. The Democratic tariff law became effective on October 4, 1913. The war broke out on the last day of July, 1914. There was, therefore, only a 10-months' period under the Democratic tariff law before the war began.

I present herewith statistical tables showing our exports, imports, and balance of trade for these three 10-month periods, from which it will be seen that under the Democratic tariff law, prior to the beginning of the war, our imports increased and our exports decreased as compared with the corresponding period under Republican tariff rates. This was a period of industrial depression, because imports from foreign countries not only deprived the American producer of part of his market but the prospect of increased imports destroyed his confidence in his home market in the future. That was the period when millions of men were thrown out of employment and when bread lines were formed in every important city in the country. These tables also show that shortly after the outbreak of the war our imports decreased and our exports increased, due to the inability of the foreign producer to ship his commodities to our market and also to the enormous demands from nations at war for the products of our fields and ranges and factories.

IMPORTS, EXPORTS, AND BALANCE OF TRADE.

Imports, exports, and trade balances during the first 10 months of the Democratic tariff of 1913 (October, 1913, to July, 1914) under peace conditions and the period before the European war, compared with the corresponding periods of the Republican tariff under peace conditions and the Democratic tariff under the influence of protective war conditions.

Merchandise.	10 months ended July 31—		
	1913, Republican peace period.	1914, Democratic peace period.	1915, Democratic war period.
Imports into United States:			
Free of duty	$821,608,167	$988,187,549	$865,818,445
Dutiable	682,218,836	617,617,233	522,440,240
Total imports	1,503,827,003	1,605,804,782	1,388,258,685
Exports from United States:			
Domestic	2,078,500,810	1,921,538,131	2,569,182,652
Foreign	31,965,829	30,040,165	48,515,984
Total exports	2,110,466,639	1,951,578,296	2,617,698,636
Excess of exports	606,639,636	345,773,514	1,229,439,951

In this connection it is worth while to make a further analysis of the period beginning with the enactment of the Underwood tariff law and up to the outbreak of the European war. I present herewith a table showing the monthly balances of trade, from which it will be seen that at the time the Underwood tariff law was enacted there was a large monthly balance in our favor and from the time that law took effect the balance decreased steadily until there was finally a monthly balance against us:

Month.	Excess exports.	Excess imports.
October, 1913	$138,976,158	
November, 1913	97,333,856	
December, 1913	48,900,194	
January, 1914	49,713,394	
February, 1914	25,948,408	
March, 1914	4,736,280	
April, 1914		$11,345,606
May, 1914		2,476,896
June, 1914		457,404
July, 1914		5,538,346
August, 1914		19,398,776
September, 1914	16,247,722	
October, 1914	56,630,650	
November, 1914	79,411,271	
December, 1914	130,976,013	

It will be observed that the monthly balance was against us from April, 1914, until after the outbreak of the European war, which reduced imports and created a demand for our products.

After having presented these statistics gathered from the official records of this administration—which certainly would not compile statistics adverse to its own interests unless compelled to do so—it would be a reflection upon the intelligence of Members of this body if I should undertake an argument designed to draw conclusions which are manifestly so obvious to every man who can read the figures and make deductions in the simplest forms known in logic.

One of the long-standing arguments of the Democrats has been that a protective tariff is chiefly to the advantage of the manufacturer and that it is not beneficial to the farmer. I shall not take time to discuss this at length further than to remark that the American farmer depends largely upon the laborer in American factories for a permanent and profitable market, and that import records show that immediately following the enactment of the Underwood tariff law imports of agricultural products very largely increased, which necessarily means that the foreign agricultural producer was able to sell in competition with the American farmer to an extent not possible under a Republican tariff law. It follows necessarily that if the importer could sell in our market he must have cut the price the American producer would otherwise have received. At the same time that this was done there was no corresponding decrease in the cost of living, which had been promised by the Democrats as a result of their tariff legislation.

It is evident, therefore, that the importer and the middleman made the profit due to the reduction of the tariff on agricultural products, and the farmer received a relatively lower price at

the same time that the consumer paid more. I present a few illustrations of the effect of tariff reduction upon imports of various farm products:

In the fiscal year ended June 30, 1913, Canadian farmers sold in the United States live stock to the value of a little more than $1,500,000, but in 1914 they cut into the market of the American farmer to the extent of $11,000,000. That gain of $9,500,000 was enough to make quite a jingle in the pocket of the Canadian stockgrower. That money went to help develop the Dominion of Canada.

In the fiscal year 1913 Canadian farmers sold in American markets only $2,750,000 worth of grain and flour, but in 1914 they shipped in enough of the same commodities to take away $12,440,000 of good American money. That is $9,690,000 to the gain of the Canadians. Leather added another $2,000,000 to the net gain of the Canadian producer. Wool imports from Canada gained $1,100,000 in 1914 as compared with 1913.

These four commodities—live stock, grain, hides, and wool—constituting the foundation of agriculture, yielded the Canadian producer a gain of over $22,000,000 in American markets under Democratic as compared with Republican tariff laws.

But Canadian farmers were not the only gainers by the reduction or removal of tariff duties on farm products. Mexican stockmen increased sales in the United States about $5,500,000; Argentina farmers enlarged their incomes to the extent of $7,000,000 by sales of grain, nearly $6,000,000 by sales of meat and dairy products, and $2,000,000 by sales of wool.

These commodities are the most important of agricultural importations and serve to illustrate the manner in which reduced tariffs on agricultural imports throw the American farmers into competition with producers of other nations. The war served to give those other countries a more profitable market than the United States, but the increase of $42,500,000 in agricultural imports from three nations in a period of nine months of the new tariff indicates what still greater injury would have been suffered by American producers had not the war intervened.

The assertion has been made by the Secretary of Commerce that the great increase in our foreign trade is not due chiefly to what are commonly known as war orders, the intent being to convey the impression that whatever measure of restored prosperity we have enjoyed has not been due to the war in Europe. Upon this subject comparative statistics have been compiled, which I present herewith, showing that our increase in exports has consisted largely of those articles which form the necessities of modern warfare and the support and equipment of modern armies and navies.

Since these statistics are taken from the records of this administration, they will hardly be disputed; and I submit without further argument the proposition that they conclusively prove that our increased exports have, in fact, been chiefly in the line of articles properly classed as "munitions of war," and in any event composed chiefly of "war orders." The fact that these increases took place after the war began is conclusive proof that the orders were due to the war and otherwise would not have been received. Here are the export figures:

Articles.	Sept. 1, 1912, to Aug. 31, 1913.	Sept. 1, 1913, to Aug. 31, 1914.	Sept. 1, 1914, to Aug. 31, 1915.
Breadstuffs and oats	$240,072,818	$181,483,463	$567,607,002
Meat and dairy products	156,427,476	138,736,609	243,098,241
Leather manufactures	51,507,984	43,390,571	90,804,461
Automobiles and parts	31,899,364	30,865,762	85,485,974
Horses	3,907,579	3,177,419	82,276,653
Explosives	5,230,367	6,244,899	71,806,768
Sugar, refined	1,714,986	4,341,088	36,816,052
Wool manufactures and rags	4,547,705	4,753,572	32,057,618
Machine tools	16,051,001	12,536,415	34,550,921
Brass and manufactures	8,133,340	7,085,990	28,810,272
"Other" chemicals	8,478,682	8,953,860	26,761,860
Zinc and manufactures	1,097,890	785,895	26,323,578
Men's shoes	11,144,634	9,403,909	22,669,474
Steel bars and billets	14,272,014	7,590,922	21,743,018
Wire, barb and other	9,919,692	7,472,038	18,882,697
Harness and saddles	734,434	793,509	18,434,594
Mules	771,675	622,443	18,041,176
Miscellaneous	8,310,498	7,299,141	12,516,830
Paraffin	8,928,096	6,256,156	11,652,833
Firearms	4,200,856	3,171,995	11,501,449
Trucks	3,268,195	2,724,103	9,263,748
Lead and manufactures	617,535	3,837,847	8,013,268
Canned fruit	5,867,090	4,832,043	6,648,000
Automobile tires	3,903,507	3,278,582	6,534,809
Medical appliances	1,223,026	1,571,680	5,218,014
Aluminum manufactures	973,763	1,137,424	3,583,127
Horseshoes	97,768	89,427	3,169,753
Aeroplanes and parts	91,892	217,071	3,157,323
Hay	979,390	790,825	2,636,750
Cutlery	1,127,800	1,070,428	1,975,855
Buttons and parts	822,962	633,046	1,410,612
Total munitions	606,324,019	505,348,132	1,515,542,730

DEMOCRATIC EXTRAVAGANCE.

The practice of economy and return to Democratic simplicity was one of the strong pledges made during the 1912 campaign in an effort to secure votes for Democratic candidates. So vehemently was this promise proclaimed, not only by candidates and campaign managers but by the Democratic press, that there was fear in official circles that departmental bureaus would be handicapped by the great reductions that were to be made by the Democratic Party in the annual appropriations. The American people were led to believe that they would find the burden of Government lighter, and that the enormous waste which Democratic spellbinders had assured us had been incurred by Republican administrations would come to an end. Greatly to the surprise of all officialdom, and greatly to the disgust of the American taxpayer, instead of practicing even that degree of economy which was the consistent policy of the Republican Party, the Democrats entered upon a campaign of extravagance far beyond the dreams of any spoilsman in any party. The appropriations made by the Sixty-third Congress, at a time when both Houses and the Executive Office were in the control of the Democrats, were $177,000,000 higher than were made by the last Congress, in control of the Republicans.

At the same time that they ruined American industry by their tariff law and reduced the ability of the people to pay taxes, the Democrats increased the public burdens. The Egyptian taskmaster who compelled his slaves to make bricks without straw, would have looked with admiration upon the Democratic Party as it heaped the burden of taxes upon the American people, at the same time that it deprived them of profitable industry from which they could earn the money with which to pay the taxes.

In his address at the opening of the third session of the Sixty-third Congress President Wilson said, among other things, that he was confident that the American people cared little how much money the Government spent so long as they got what they wanted for it. This remark is of particular interest because of the pledge of economy under which the Democratic Party came into power. Reference to this is particularly appropriate because of the recommendations that have been made for appropriations for the support of that department which is under the direction and control of the man who has been the chief defender of the Democratic tariff law and the chief exponent of that species of temporary "spotted" prosperity which we are now enjoying. The Secretary of Commerce, in his annual report, asks for a doubling of the appropriations for his Bureau of Foreign and Domestic Commerce and the work which it is presumed to be doing. He asks for this enormous increase of appropriations, notwithstanding the steadily growing deficit in the Treasury, on the assertion that the work of this bureau has materially assisted in building up our export trade. Figures have recently been published, and they are worthy of the consideration of this body, showing that during the last 12 months of the Republican tariff our foreign trade with all those nations that are at peace gave us a favorable trade balance of $64,000,000, while trade with the same countries during the first 12 months of a Democratic tariff turned the balance against us to the amount of $189,000,000, and during the second 12 months found us with an adverse balance of $259,000,000.

If it is true that the American people do not care how much money is spent providing they get what they want for it, what application has that to a condition of affairs shown by the records under which the United States is losing instead of getting what it wants?

The Secretary of Commerce will hardly undertake to claim that the bureau referred to has been an agency in building up our marvelous trade in Europe. Everyone knows that such increased orders as we have received from Europe have been due to the extreme necessities of the nations engaged in war, and that not by any possibility could an agent of the American Government have been instrumental in securing that business. Instead of asking for an increased appropriation for a bureau under whose guidance we have lost trade with the nations at peace, the Secretary of Commerce should carefully examine the personnel of his official family and ascertain wherein he can make changes with a view to increasing rather than diminishing our sales to countries not involved in war.

GOVERNMENT BY MINORITY.

Denunciation of invisible government and a demand that legislation shall be conducted in the open instead of in secret was one of the popular arguments advanced by the advocates of the election of President Wilson and of Democratic candidates for the Senate and House of Representatives. It was believed by the American people that if they would place the Democratic Party in control of their Government official business would be conducted in the open, after free and full discussion, and under

the principle of majority rule. Instead of carrying out its promise, the Democratic Party went to the other extreme and firmly established the system of caucus legislation, by which a majority of the Members of the Democratic Party bind all the Members of the majority party, and thereby force through Congress any legislation advocated by the party machine. Instead of conducting public business in the open, this legislative caucus is conducted behind closed doors, with no record vote taken and with the American people left entirely ignorant as to the identity of the men who are responsible for the legislation enacted.

This system of secret control of legislation is particularly pernicious, because the party in control is not only a minority party, but is itself dominated by men who represent a minority of population, a minority of business, a minority of industry, and a minority of taxpayers and tax payments.

As I have previously pointed out, the Census Bureau divides the country into three grand divisions—the North, the South, and the West. The 21 States given as North had in 1910 55,757,115 population, with 32,669,705 given as urban and 23,087,410 as rural (the rural population being that outside of cities of 2,500). The 16 States given as South, including all the old Southern States and Oklahoma, had 29,389,330 population, divided into 6,623,838 urban and 22,765,492 as rural. The 11 Western States had 6,825,821 population, divided into 3,329,840 urban and 3,495,981 rural. This grouping and these figures are those of the Census Office—not mine.

The Democrats have 229 Members here, and from these three grand divisions of the country I have named there are 95 Democrats from the North, 122 from the South, and 12 from the West. You have adopted the policy and the rule of electing the committees of this House, and how have you done it?

The Democrats from the South control and dominate the legislative machinery of the House and have the chairmanships of most of the great committees.

Southern Democrats have the chairmanships of the Committees on Agriculture, Foreign Affairs, Rivers and Harbors, Military Affairs, Naval Affairs, Post Office and Post Roads, and Indian Affairs, which handle appropriation bills; and they have the chairmanships of the Committees on Ways and Means, Banking and Currency, District of Columbia, Census, Claims, Education, Immigration and Naturalization, Public Lands, Insular Affairs, Public Buildings and Grounds, Judiciary, Revision of the Laws, Territories, Interstate and Foreign Commerce, and Rules. Southern men are chairmen of 25 of the 35 important committees of this House, and they are the most important committees in preparing the legislation and controlling the machinery of the House.

On the basis of 229 Democratic Members, the Democratic majority over all is 23.

A quorum of the Democratic caucus is 115, and a majority of that caucus—58—has the power to make a caucus decree. The action of this majority of a quorum in a Democratic caucus absolutely binds the other 171 Democratic Members.

Therefore, whenever the Democrats are in control of the Nation the South dominates. A study of the question at close range, with the Democrats in control, convinces me that the failure of the Democrats in national affairs is in a large measure due to southern domination.

The South, with its 29,000,000 people, 23,000,000 of whom live on farms, sends 122 Democratic Members to the House of Representatives.

The North has 71,000,000 people. In the Sixty-third Congress it had 165 Democratic Members. The South had 125. One would naturally believe that 165 is more than 125, but in this instance that was not the case, for the 125 Democratic Members from the South dominated the 165 Democratic Members from the North and bound and gagged them in caucus, so that they were obliged to vote for whatever the southern Democrat proposed or be considered disloyal to their party.

You increased the imports by your free-trade policy; you decreased the exports; you reduced the revenue; you took 4,000,000 workmen out of employment; you destroyed investment, discouraged enterprise; you created chaos in the industrial world from one end of the country to the other because of your legislation, which admits free into American ports the products of European labor. Only the outbreak of the European war temporarily saved us from the disaster your legislation brought upon the country.

You came into power on the promise of economy, but you have been recklessly extravagant in the expenditure of the public money. You have taken no account of the Nation's needs; you have destroyed the opportunity of the people to make a livelihood; you have taxed them in the name of war to meet your extravagant expenditures. The appropriations during the session of Congress recently closed amounted to approximately $1,117,000,000 and were $90,000,000 more than those ever appropriated by a session of Congress under Republican rule.

You have found yourselves unable to raise revenue to meet the ordinary running expenses of the Government without new taxation.

The 122 men in the House, representing 23,000,000 people living on farms, dictate to all the rest of the American people without knowing anything at all of their needs.

Massachusetts, New York, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Missouri, and California—12 States—elect 230 of the 435 Members of the House. These 12 States have 50 per cent of the population, three-fifths of the voters, five-sixths of the wage earners in manufacturing institutions, fifteen billion of the twenty billion of value of manufactured products, 50 per cent of the farm values; they pay $282,000,000 of the $380,000,000 collected from internal revenue, $33,000,000 of the $43,000,000 paid in corporation taxes for 1914, $24,000,000 of the $28,000,000 income tax; they have four billion out of the five billion of savings deposits, and are certainly entitled to the consideration which their importance in the fabric of America's activities justifies, but they have not had it under the present administration. Do you wonder that they complain?

You have passed legislation to regulate the conduct of the 10,000 different kinds of business in which the American people are engaged, in which they have $250,000,000,000 of capital invested, and not a man north of Mason and Dixon's line, not even a Democrat, was allowed to serve on the committee that drafted the legislation and engineered it through the House.

This is not government of the people, for the people, and by the people. It is government of all the people for a minority of the people by a minority of the people. Unless I greatly err in judgment, the next election will see a restoration of majority rule.

INEFFICIENCY AND SPOILS SYSTEM.

One of the most serious complaints that has been made against the management of public business is the lack of efficiency. It is universally recognized that Government service costs more than similar service would cost if conducted by private enterprise. The reason for this is that managers of private enterprise are guided chiefly by merit in the selection and retention of their employees. For a great many years in the early period of our history what is known as the "spoils system" ruled in all departments of our Government. From the Cabinet down public offices were used as political rewards.

In the last 25 years, however, beginning with the establishment of the classified civil-service system by a Republican administration in 1883, we have greatly enlarged the scope of the merit system in Government appointments. As a consequence, the efficiency of Government service has improved, and the American people have received much more service for every dollar of expenditure. It is practically impossible to find a man throughout the length and breadth of the United States who will question the assertion that the maintenance and support of the civil-service law promotes efficiency and secures economy.

Before his election President Wilson was an exponent of this idea. He was the vice president of the Civil Service Reform League. During his campaign he asserted his adherence to the principles embodied in the civil-service law. When he resigned his position in that organization because of his election to the Presidency, he emphasized his loyalty to that principle. His radical change of attitude on that subject is probably one of the most remarkable of the many reversals of his publicly expressed policies. The spoils system has been introduced by this administration in every department in which it has been possible for them to substitute political reward for the merit system.

If the spoils system existed only in the departments and subordinate bureaus, there might be some room for belief that the heads of the departments, and not the President, were responsible for it, notwithstanding the fact that the President himself has power to establish or change the rules in any of the departments presided over by members of his Cabinet. But when we consider appointments made by the President himself in offices so important that he could not have failed to ascertain the qualifications of the appointees, it is impossible, even from the most charitable view, to assume that the spoils system has been adopted without his approval. As I have heretofore shown, he has removed from office as ministers to foreign countries men who have had years of successful service in diplomatic work

and has appointed in their stead men who are entirely lacking in experience and possessed no qualifications that would particularly commend them to appointment to such positions.

He appointed a country horse doctor to the head of the Bureau of Fisheries, and later transferred that same individual to the head of the Coast and Geodetic Survey.

He appointed as the first member of his Cabinet a man whom he had previously expressed the desire to see "knocked into a cocked hat."

In view of these many instances of his own personal disregard of the merit system, there can be no doubt that return to the spoils system has the personal approval of President Wilson, in utter disregard of the public welfare.

FINANCIAL LEGERDEMAIN.

Although I have had a number of years' experience in the handling of large business matters, it is with some hesitation that I enter upon a discussion of the management, or rather mismanagement, of the Treasury Department. As every Member of this body knows, the Secretary of the Treasury has twice changed the form of the Treasury statement, so that it is now practically impossible for any but a Treasury expert to make a comparison of the condition of the Treasury to-day with its condition at the time it was turned over to the Democratic administration. Whether or not the Treasury balance is to-day an actual balance or merely an apparent balance, but is in reality a deficit, the fact remains that the Secretary of the Treasury has so manipulated the Treasury statement that it is impossible for even the trained business man to compare its condition to-day with its condition on March 4, 1913. This much is certain, however, that the Treasury Department is now carrying as available assets various funds that have been set apart for disbursing officers' accounts in remote sections of the United States, in Alaska, and in the insular possessions. No man in his private business would treat such funds as available assets. If the Comptroller of the Currency were to discover any national bank carrying such funds as available assets, he would very properly, in the performance of his duties, take steps to terminate such a misrepresentation of the bank's affairs.

The Treasury Department has also made changes in the classification of various articles of import to such an extent that it is extremely difficult in some instances to compare the imports and duties collected under the present law with the imports and duties collected under the Republican tariff act.

DEMOCRATIC VACILLATION.

It is not to be expected that thoughtful men, who govern themselves according to changing conditions, will pursue continuously a course they have once mapped out. It is to be expected that men who are guided by reason will sometimes change their minds when new facts have been presented for their consideration or further thought has convinced them of their error. I for one shall not condemn any political party or any member of a political party for occasionally changing his views and his course of conduct.

But there is a vast difference between an occasional change of attitude and a change that becomes so frequent as to indicate either an ill-considered opinion in the first instance or a weakness which demonstrates incapacity. The American people could readily expect an announcement of one or two changes of policy on the part of the Democratic Party in matters concerning which there is room for a reasonable difference of opinion, but the changes which have taken place in Democratic policies have been so numerous that no reasonable man can assume that they are consistent with both good intentions and sound sense. Either the Democratic Party must have been insincere when it made its platform or it was entirely lacking in sound judgment as to wise principles in government.

The Democratic Party's platform of 1912 pledged this administration to economy, but it has been the most extravagant in our history.

That same platform made promises of efficient administration, but in almost every department we have seen demonstrations of inefficiency.

We were promised maintenance of the merit system in the civil service—a promise that has been violated as frequently and as extensively as the Democratic Party has found possible.

Reduction of the high cost of living was a pledge which won many thousands of votes to the Democratic candidates, but the records of this administration show an increase in the cost of living at the same time that many hundreds of thousands and even millions of men were thrown out of profitable employment.

We were promised pitiless publicity—a promise that was utterly ignored from the day of inauguration and superseded by one of continued secrecy.

We were assured that the rights of American citizens would be maintained with dignity and honor wherever American citizens have a right to be, but we have seen American citizens slaughtered in the Republic to the south of us without anyone having been held to a strict or any other degree of accountability.

I quote from an editorial published in the Chicago Tribune on March 10, to show somewhat more in detail what has happened to Americans in Mexico:

Mexicans of the band, and, it is reported, under the leadership of Villa, crossed the border yesterday and attacked the town of Columbus, in New Mexico, and a camp of United States soldiers. The list of dead and wounded will be found elsewhere.

Americans were killed as they ran from burning buildings, as they tried to find shelter, and as they tried to defend themselves.

This was not done by border ruffians who have no nationality or who might be of any nationality. It was done by a Mexican organization which had been an army, which one time asked for recognition by the United States as the official governing organization of Mexico.

It was not done without precedent nor without cause. It was done because the United States has invited it. It was not an exhibition of spasmodic criminality. It was an expression of Mexican policy, encouraged by American policy.

What have we done to make the Columbus raid not only possible but inevitable? We began at Vera Cruz—to go back no further. We began by informing Americans that they would not be protected in Mexico, by ordering them to surrender their property to looters and to escape across the border if they could.

We began by surrendering the principle, sacred to every important nation, that peaceable people of our nationality must be secure in their lives and their property rights wherever they might be, whether it were in Tibet, Morocco, the South Pacific islands, Mexico, or elsewhere.

We began by telling Americans to run, to flee a country in which this Nation could not and would not protect them. When they did not run fast enough or did not run at all, and, thus falling, were murdered, we said that they ought to have had more speed or less stubbornness.

Possibly some Americans in Mexico were perplexed and could not understand the instructions they had received from home. They may have remembered that when the country was young and feeble it forced piratical countries on the north shore of Africa to respect Americans in the Mediterranean. They may have remembered that their Nation had looked after the security of its citizens, whether they were taken by Albanians, Moroccans, Kurds, or Chinese. They may not have understood that the United States had abandoned a principle upon which self-respecting nations insist.

They may not have understood it, but the Mexicans did. They saw at Tampico a town full of refugees left to the protection of a German warship, the American Fleet which ought to have protected them being ordered away to avoid having to protect them.

They saw at Vera Cruz an expedition landed to demand reparation for an insult to American dignity, and they saw that expedition, having done some necessary plumbing work and street cleaning in the city, embark and depart without having obtained the reparation.

The Mexicans understood. They thought they did, and they began to try their new knowledge out. They began to torture and murder American mine engineers, miners, ranchers, and business men. They found that they understood perfectly. A house occupied by an American family could be entered, the man shot, the woman assaulted, the money and other movable valuables taken, and the place burned. There were no consequences. A report would be made to enrich the archives of the Department of State of the United States of America. That was all.

The Mexicans thereupon devoted themselves to enriching these archives. They made a record which Americans of another generation may look upon with wonder. We look upon it with wonder now. The killing of Americans by twos and threes, even if they might be tortured first, insufficiently indulged the Mexican ambition.

It was necessary to kill them in groups, to put an end to them by squads of 10 and 20. We were able officially to divide the murders into five classes, such as:

Class 1, John McManus, killed defending his home in Mexico City.

Class 2, Charles Dalrymple, seen in prison at Victoria; no trace of him afterwards found.

Class 3, Weston Burwell, killed at Ozuluama by orders of a federal officer.

Class 4, C. M. Brown, shot and killed by Mayo Indians at Ahome.

Class 5, James O. Lawrence, murdered by Mexican civilian at Tampico.

The records were orderly. Whenever a report came to the State Department it was necessary merely to determine what class the victim had made and to file him away accordingly.

But this became too monotonous for the Mexicans. They followed the Americans who had escaped from Mexico and went after them and other Americans on American soil, thus introducing a new classification into the records.

They stalked American sentries; they jumped American outposts and American camps; they shot up American towns and killed American ranchers. If Americans were not safe in Mexico it was a fair assumption that they were not safe in the United States.

This is the background of the Columbus affair. A less affair of some years ago is known as the Boston massacre, but presumably massacre would be an unfriendly term to apply to the event in Columbus. Nevertheless it is permissible to reason from cause to effect. We invited what happened to the citizens of Columbus.

The raid on Columbus and the whole sorry course of Mexican outrages are the logical and inevitable effects of a policy which hung by a thread of theory in a vacuum of fact. The President has not only shown no comprehension of the conditions with which he was dealing in Mexico; he has seemed to prefer his own opinion to the truth. Both Mr. Wilson and Mr. Bryan resented the testimony of informed men and displayed a puerile distrust of any witness who had direct acquaintance with Mexico and the Mexicans. The bulk of such testimony came necessarily from men who had some stake in Mexico, but an adult mind ought not for that reason to have refused their testimony altogether. Every juryman is expected to be able to allow for the bias of prejudice or interest in witnesses; to discount, not to exclude. The administration's policy toward Mexico has ignored Mexican temperament, Mexican social facts, Mexican history. It has vacillated per-

petually between drifting and critical interference. It has used all forms of force, naval, military, financial, and diplomatic, while asserting its purpose to permit the Mexican people freely to work out their own destiny. There never has been a greater divergence between theory and practice than the course of our Mexican policy shows.

The inevitable effect of our vacillations, our restraints, followed by violent interferences, is the reputation not only of insincerity and covert purpose but of cowardice.

This was predicted by the Tribune and by everyone who knew Mexico. It was as certain as anything in this world can be, and it was proved repeatedly as months of revolt and anarchy passed. But Mr. Wilson and Mr. Bryan had no respect for the facts or for anyone who knew the facts. They had their doctrine, and outrage, rapine, devastation were as nothing in the scale against it.

There was only one hope of avoiding the task of intervention, and that was thrown away by a grotesque misconception of primitive Mexican psychology. There was but one way to escape intervention, and that was by making it clear to Mexicans that the United States had a strong hand and a stern determination, which would be backed by instant force to protect the persons and the rights of its citizens. Instead we have bred, not confidence and friendship, but hatred, suspicion, and, what is more dangerous still, contempt.

Is the President going to refuse to face this now at last? The Villa raid, the murder of the 14 Americans at Santa Ysabel, the almost daily reports of attacks upon Americans ought to bring home the truth. It is a notorious fact that American life is cheaper than any in Mexico, except, perhaps, Spanish or Chinese. The Englishman, the German, the Frenchman, the Italian are left unmolested, while Americans are constantly insulted, robbed, and murdered. This is the reward of a policy the President deemed respectful of Mexican susceptibilities and considerate of Mexican sovereign rights.

It is staggering evidence of the confusion and unreality of our foreign policy that while we are at daggers drawn with Germany to enforce the "doubtful legal right" of our citizens to travel safely upon the armed merchantmen of Great Britain, a revolutionary leader, who narrowly missed recognition by our Government as the de facto head of Mexico, should be encouraged by our infirmity of purpose to ride over our borders to burn and slay.

It is time to face the full truth of the Mexican situation. Our period of free action grows rapidly shorter. The doctrinaire and the humanitarian will not control the policy of the European Governments whose nationals have been injured in person or property during the course of the Mexican upheaval. We shall be required to make good in our trust, and if we are still postponing and shirking we shall find that Europe will act.

These numerous vacillations and failures in almost every important promise of the Democratic Party can hardly be explained on the theory that newly acquired information has demonstrated the unwisdom of the attitude announced in the Democratic platform. In some instances the changes may be due to lack of sincerity when making promises and in other instances to a weakness in the Executive.

There is one plank of the Democratic platform upon which there has thus far been no vacillation, for the reason, apparently, that the time for a disclosure of a change of attitude has not yet arrived. I allude to the single-term plank. While this seems to be the yet unbroken pledge of the Democratic Party, there is still opportunity for its violation, and I have no doubt, judging by present appearances, that it is the intention of the Democratic Party and of its candidate of 1912, who was particularly pledged to the observance of the single-term principle, to disregard that pledge when the time comes to nominate a candidate in 1916. Having broken every other pledge it made, it would seem to be an opportune time for the Democratic Party to adopt consistency and break this remaining promise, thus showing that if they can not be consistent in anything else they can be consistent in inconsistency.

Mr. FORDNEY. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Chairman, I regret that the gentleman from Mississippi [Mr. COLLIER] and the gentleman from Pennsylvania [Mr. MOORE] should have injected any partisanship into the question which is now before us. [Laughter.] I welcome the situation presented by this bill when the brethren on both sides of the aisle may abide together in peace and amity. The seemingly impossible has happened. For the first time in a century, so far as my historical recollection goes, the Ways and Means Committee are absolutely united upon a tariff bill. The lion and the lamb lie down together, and all is, or ought to be, quiet along the Potomac.

I never hoped to live and see the day when the gentleman from North Carolina [Mr. KITCHIN] and the gentleman from Michigan [Mr. FORDNEY] could agree on a tariff on sugar. [Laughter.] But impossible though it may seem, this is the occasion we celebrate to-day. Possibly I should apologize to the gentleman from Michigan for likening him unto a lamb. [Laughter.] I am prepared to admit that he has few qualities in common with that gentle animal except possibly that they are both united in favor of a protective tariff on wool. [Laughter.] But the gentleman from Michigan may derive consolation from the confident expectation he doubtless cherishes that in the next Congress their positions will be reversed and he will be the lion and the gentleman from North Carolina will be the lamb. I am glad that the Democracy has experienced a change of heart; I rejoice that a great light has burst upon them. I well remember during my temporary absence from this House the prevalent and undenied report that the leader of the Democracy had demanded, while the Underwood bill was in process of germination, that at all events it must be founded on two definite propositions—there must be no duty on sugar and no duty on wool. It was announced that at the bedrock, at the very foundation, of Democratic tariff policy were free wool and free sugar. And I have heard—and I have no doubt that the report is true—that the President absolutely refused to sign a bill which would provide a duty on sugar or a duty on wool. And so, in spite of the fact that the Underwood law was entitled a tariff for revenue, they blithesomely threw away about $100,000,000 a year, and now they come to us with a proposition to save something out of the wreck.

Now comes the President of the United States and through the distinguished Secretary of the Treasury, who happens to be now the official administration son-in-law—a position which I do not envy him [laughter]—now comes the President and asks us to repeal the provision that sugar shall go on the free list after the 1st of May and provide that the present duty of something more than 1 cent a pound shall be indefinitely retained. Such a reversal of policy a year or so ago might have been regarded as extraordinary, but we have gotten so used to this sort of thing that to-day it hardly affords an opportunity for even passing comment. [Laughter.] It is only one of those instances which excite our sympathy for those generals and colonels and lieutenants of Democracy who are heroically trying to follow their leader, who are trying to adapt themselves from one day to another to the various and ofttimes contradictory positions he takes on practically every great matter of national concern. It excites our sympathy also, mine certainly, when I see my friends upon that side of the aisle who happen to be of a portly habit trying to make contortionists of themselves. I am not surprised at the worried look that is upon many ordinarily placid faces when the even tenor of their political course is interrupted by having to make themselves daily entrants in a guessing contest.

Mr. Chairman, the gentleman from Wisconsin [Mr. COOPER] the other day, in a very forceful and brilliant speech, remarked that it would be easier to "stand by" the President if he would himself stand still. That remark reminded me of the experience of a farmer in my part of the country. He had just hired a green farm hand and was starting to break him in. Early one morning he took him out to plow a field, and when the farm hand asked for instructions the farmer said, "Do you see that red heifer standing over there on the other side of the field? Plow toward the red heifer." Late that afternoon when he returned a most extraordinary sight met his eye. Instead of the furrows running straight and parallel with each other, they ran in some places in figure eights, in others triangles, and in still other places in double crosses. [Laughter.] When he indignantly demanded of the farm hand the reason for this extraordinary piece of plowing, that gentleman replied, "I followed instructions. You told me to plow toward the red heifer, and I done it." [Laughter.]

Of course, Mr. Chairman, nothing that I have said here is by way of criticism of members of the Ways and Means Committee for bringing in this bill or in criticism of the administration that has fathered it. On the contrary, I highly commend the action of both. I do not care how the bill got here, suffice it that it is here. I commend it to Members of this House as a good bill. It is a protective bill. It is a bill which will go far to keep alive the great cane-sugar industry of the State of Louisiana. It will go far to keep alive the great beet-sugar industry of the West and the Middle West—both doomed to death on the 1st of next May, unless this bill should pass. Moreover, it will bring absolutely necessary revenue into a well-nigh exhausted Treasury.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FORDNEY. Mr. Chairman, I yield the gentleman five minutes more.

Mr. LONGWORTH. Mr. Chairman, personally I would have been glad to see this proposition yoked with a proposition to put a reasonable duty on raw wool. Both stand on all fours, and should be treated alike. But even if it were germane I would not offer to-day an amendment to put a duty on wool. I want this bill passed as it is, and I want it done as soon as possible, fearful, as I am, that if it be not passed speedily somebody might change his mind again. [Laughter and applause on the Republican side.]

I welcome you, my friends of the Democracy, to at least limited membership in the Republican Party. [Laughter.] I rejoice that at last you are with us in our efforts to maintain

American industry. I find myself, as a matter of fact, at a loss for a word in the English language adequate to express my feeling upon this happy day. You will pardon me if I resort to a word from another language, one of the most beautiful and expressive words in any tongue, a word which combines more of good fellowship and friendliness and welcome in its highest sense than any other I know of, a word which is familiar to any of you who have ever sojourned in the Hawaiian Islands—aloha, my Democratic friends; aloha! [Applause on the Republican side.]

Mr. KITCHIN. Mr. Chairman, I yield 20 minutes to the gentleman from Colorado [Mr. KEATING].

Mr. KEATING. Mr. Chairman, before I begin my speech I desire to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KEATING. Mr. Chairman, I do not want to appear to be lacking in appreciation of the courtesy of a colleague, but I must decline the invitation extended by the gentleman from Ohio [Mr. LONGWORTH]. I can not join the Republican Party to-day. I do not expect to join the Republican Party in the future. I shall vote as I think a Democrat should vote on this proposition. That means that I shall vote against the pending bill.

In my judgment this bill might very properly be entitled, "A bill to authorize the addition of 1 cent a pound to the retail price of sugar, with authority to divide the proceeds 'fifty-fifty' between the United States Treasury and the Sugar Trust."

I come from the State of Colorado, one of the greatest sugar-producing States in the Union. I shall vote against this bill to-day because in two campaigns I promised the people of my district that if given the opportunity I would vote to take the tariff off sugar. So, I will cast a negative vote in order to redeem the personal pledge made to my constituents. But I will do more than that. I will vote against this bill as a protest against my party stultifying itself on this great issue.

To my mind, Mr. Chairman, when the Democratic Party votes to place a tariff on sugar it comes mighty near abandoning the fight for tariff reform. It will be extremely difficult to convince the people of this country that they should take tariff-reform talk seriously when the party which has taken tariff reform for its principal issue votes to place or to retain a duty on sugar.

There might have been a time when the tariff on sugar could be defended, but that defense can not be made to-day. There may have been a time when those who believed in the protective principle might have said that they voted for a tariff on sugar because an infant industry required protection, but to-day the people of the United States are paying record prices for sugar and the men who own sugar factories are gathering in greater dividends than they ever collected in the history of this country.

On the one hand we have the consumers of sugar in this country paying more for sugar than they probably ever paid before in the history of this country. Sugar is to-day selling on the New York market for 6.5 cents a pound. On the other hand we have the men who produce the beets, the farmers of my district and the farmers of every other beet-sugar district in this country, receiving practically the same price that they received when the price of sugar was very much lower.

A gentleman a few moments ago stated that the reduction of the sugar tariff brought about by the Underwood bill had not affected the price of sugar to the consumer. That is a misstatement which has been persistently spread from one end of this country to the other. The Sugar Trust and its allied interests through its great press agency—and I want to commend it for the skill it has exhibited in establishing one of the most powerful press agencies ever known in this country—have worked day and night since the European war began to create the impression that a partial removal of the tariff on sugar has not brought any benefit to the consumers of this country.

I hold in my hand a publication prepared by the Bureau of Labor Statistics of the Department of Labor. This publication makes a comparison of the prices of the various necessities of life for the period between 1907 and June, 1915. This comparison demonstrates that for five or six months prior to the outbreak of the European war, which occurred on the 1st of August, 1914, the consumers of this country were purchasing sugar at a lower price than they had purchased it through the entire period covered by this report.

Mr. FORDNEY. Will the gentleman yield?

Mr. KEATING. Certainly.

Mr. FORDNEY. Was not that during the time when the domestic sugar was on the market?

Mr. KEATING. No; it was not.

Mr. FORDNEY. When was the time referred to?

Mr. KEATING. It was up to the 1st of August, and the gentleman knows, as I know, that the domestic product does not come on the market until late in the fall, and that year, instead of the price falling when the domestic product came on, the price went up. [Applause on the Democratic side.]

No, my friends, the reduction of the tariff brought about by the Underwood bill benefited the consumers. In the campaign of 1912 the Democratic national committee declared that if Woodrow Wilson were elected President and a Democratic Congress were elected, that the housewife would be enabled to purchase 25 pounds of sugar for a dollar. Pamphlets were spread all over the country containing that promise, and here in eastern cities that particular pledge of the Democratic Party was redeemed, and if the Democratic Party stood by its guns the housewives of this country would for all time, under normal conditions, purchase at least 25 pounds of sugar for a dollar, and probably more.

But to get back to this report from the Labor Department. I will not weary you with a mass of figures. This report shows that in July, 1914, the month before the European war broke out, you could purchase as much sugar at retail for 88 cents as you could purchase in August, the month following, for $1.33. In other words, the European war, according to this official report and according to the experience of every housewife in this country, forced an advance of 50 per cent in the retail price of sugar.

Who benefits, my friends, from the retention of this tariff? One gentleman carelessly remarked that by the Democratic Party attempting ot give the people free sugar we deprived the Federal Government of over $100,000,000 in revenue. Of course, every gentleman who has examined the figures knows that that statement is not accurate.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. KEATING. I will.

Mr. LONGWORTH. The gentleman referred to me, I presume?

Mr. KEATING. Certainly.

Mr. LONGWORTH. I said by changing the existing duties on sugar and the existing duties on wool that $100,000,000 was lost, which is absolutely correct.

Mr. KEATING. If the gentleman included wool——

Mr. LONGWORTH. I did.

Mr. KEATING. I have no desire to dispute the proposition, because I do not happen to have the figures on wool at hand, but I understood the gentleman to say sugar alone.

Mr. LONGWORTH. No; not at all.

Mr. KEATING. To-day by placing a tariff of 1 cent a pound on sugar you increase the price of sugar to the consumers of this country 1 cent a pound, and that means that the consumers of the country will pay $80,000,000 a year more for their sugar than they would if we had free sugar; and it does not mean that that $80,000,000 will go into the Treasury of the United States, because one half of the sugar that you sell in this country is imported and the other half is produced here. Under our tariff system Uncle Sam collects the 1 cent on each pound of sugar imported and nothing on the sugar produced here. So, as I stated at the very beginning, you collect $80,000,000 from the consumers of this country, and you divide it "50-50" with the Sugar Trust and its allies, $40,000,000 going to the treasury of the Sugar Trust and $40,000,000 into the Treasury of the United States.

Now, my friends, what is the necessity for this bonus to this particular industry? What is the financial condition of the sugar factories in this country? The sugar factories pay the farmers less than 2 cents a pound for the sugar content of their beets. The cost of extracting sugar, putting it in sacks, and preparing it for shipment—and I am now speaking in round figures—does not exceed 1 cent per pound, varying according to the efficiency of the factory. But when you say that a modern factory paying $5.50 per ton for 15 per cent beets can produce sugar at a net cost of 3 cents a pound you are well within the facts. In a great many factories they produce the sugar for less. And to-day, with sugar selling for $6.65 a hundred, it means that the Sugar Trust and its allies clean up on every sack of domestic sugar sold in this country $3.65 a hundred.

Mr. AUSTIN. May I ask the gentleman a question?

Mr. KEATING. Certainly.

Mr. AUSTIN. Will you kindly tell us why Mr. Spreckels's company wanted sugar on the free list if the duty was beneficial to his company?

Mr. KEATING. If you will tell me why the American Sugar Refining Co.—the Sugar Trust—wants the tariff left on sugar I will answer your question. I am not the custodian of Mr. Spreckels's policy. I am speaking here as a representative of Colorado; as a representative, I trust, of the consumers of the United States. I am not pleading for Mr. Spreckels; I am not pleading for the American Sugar Refining Co.; but I want the consumers of the United States to benefit from the reduction of the price of sugar.

Mr. FORDNEY. Will the gentleman yield?

Mr. KEATING. Yes; although I have but very little time.

Mr. FORDNEY. You have asked the gentleman to tell you why the American Sugar Refining Co. want the duty retained. In every instance they have appeared and pleaded that they wanted sugar on the free list. Never have they asked for a retention of the duty.

Mr. KEATING. The American Sugar Refining Co., through its official representatives, has not only not asked for the repeal of the sugar tariff, but has uniformly urged the retention of the tariff.

Mr. FORDNEY. Never in the world.

Mr. KEATING. Take your own hearings.

Mr. FORDNEY. That is what I referred to.

Mr. KEATING. All right, sir. Examine those hearings and you will find my statement is correct.

Mr. HOWARD. Will you yield just for one minute?

Mr. KEATING. Yes.

Mr. HOWARD. The gentleman made his statement about the reduction of sugar under the first period of the Underwood bill. Here is an authoritative statement:

Under the new rates from March 1 to July 1, 1914, the refiners' selling price of refined sugar averaged 3.81 cents per pound as compared with an average price for the previous 10 years of 4.85 cents per pound.

Mr. AUSTIN. Mr. Chairman——

Mr. KEATING. Pardon me——

Mr. AUSTIN. I asked you a question and you declined to answer it by asking me a question.

Mr. KEATING. I can not yield to the gentleman at this time, because my time is limited. In answer to his question as to the attitude of the American Refining Co., the so-called Sugar Trust, perhaps this pamphlet which I hold in my hand will give him some interesting information.

Mr. AUSTIN. Mr. Lowry and Mr. Spreckels were lobbying to put sugar on the free list.

Mr. KEATING. I told the gentleman I was not representing Mr. Spreckels or Mr. Lowry. I do not know why they want sugar on the free list. I am not interested in what they do. I know that free sugar will benefit the consumers of the United States, and I stand here to advocate free sugar for that reason. If the gentleman wants a more direct answer, I do not know how I can furnish it.

But I want to call attention to what the Sugar Trust itself in its annual statement tells about its interest in this proposition. Here is the annual report of the American Sugar Refining Co., to be released at noon on March 8, 1916. In this report, under the heading "Income from investments," I find:

The profit and loss account shows a larger return on income from investments than in 1914. This is owing to larger dividend returns from its [the Sugar Trust's] holdings of beet-sugar stocks, which companies, as producers of their own raw material, have prospered greatly with the higher range of values.

And on other pages of this report—the report of the American Sugar Refining Co., the Sugar Trust—they give figures to show that more than one-third of their net profits are taken from their investments in beet-sugar companies. And still the gentleman from Michigan [Mr. FORDNEY] will tell you that the Sugar Trust is urging the removal of the tariff on sugar, when, according to its own annual report—the very latest report, the one which was released at noon on March 8, 1916—it is shown that one-third of their net profits are gathered from beet-sugar companies.

Now, how about these domestic sugar companies—these infant industries that we are about to save from destruction? And on that point I would suggest to the gentlemen that, before they talk about the beet-sugar industry having been threatened with destruction under the Wilson administration, they look up the facts concerning the output of beet sugar. They will find that the output of beet sugar under the Democratic administration was fully as great as under Republican administrations, and in some cases greater. And what is the present condition of these sugar companies?

Here we have the Onema Sugar Co., of the Hawaiian Islands. That company is benefited by this tariff, and it has issued a statement showing that in 1915 they earned 54 per cent on its stock. Here are the Porto Rican sugar companies, which also come in under it. There is the South Porto Rico Sugar Co., capitalized at $8,000,000, half preferred and half common, and last year it earned sufficient to pay 8 per cent on the preferred and 10 per cent on the common stock and leave a balance to be set aside of $1,000,000. They are now said to be earning over 50 per cent on the common stock.

Let me take you to my own State, the State of Colorado, where the Great Western Sugar Co. owns a great many sugar factories in the northern counties. The Great Western Sugar Co. divides its stock into common and preferred. The preferred represents the actual investment; the common stock is water.

On March 1, 1914, the preferred stock was selling at $91 a share. On February 1, 1916, it commanded $112 a share, an increase of $21. But the company's common stock on the 1st of March, 1914, was commanding $45 a share, and to-day, on the New York Stock Exchange, for that common stock $168 is bid and $178 is asked.

Talk about your "war stocks." Why, Mr. Chairman, the increase in value of the common stock of the Great Western Sugar Co. represents a profit of not less than $15,000,000 to the fortunate owners. The munition makers of America "have nothing on" our sugar magnates in the matter of inflated dividends.

How much of that enormous sum goes to the farmers who raise the beets for the sugar factories of the Great Western Sugar Co.? Not one dollar.

The other beet-sugar companies of the West have experienced similar increases in stock values. It is asserted by those who are familiar with Wall Street operations that the combined total advances in value of the stocks of four of the big beet-sugar companies of this country amount to $35,000,000, and that of this $24,000,000 represents the advance in the value of the watered stock.

Here is an interesting item bearing on this point, which was sent out to its customers by the San Francisco News Bureau, Monday, March 6, 1916, under the heading "Hawaiian sugar stocks":

While stocks continue to climb, investors, speculators, and all persons interested in Hawaiian sugar stock or its profits, which means practically all the business men in the Territory, are wondering how large a part of the millions now held in reserve will be paid out in special dividends. That extra dividends will be declared by most of the companies is generally conceded on all hands, though no intimation of any official nature has been given out that any such plan is in the wind. Dividends of from 20 to 30 per cent, and even higher in some instances, were paid by the sugar companies during 1915; but, without exception, those on a paying basis piled up huge reserves because of the then uncertain prospect of the sugar tariff. Free sugar is not even a remote danger, and there is no prospect of an early termination of the European war to reduce prices. With land and mills in the best condition ever known in the history of the industry on these islands, and with bulging treasuries, it is held certain that big dividends will be paid as soon as the bill repealing the free-sugar clause has safely passed Congress and been signed by the President. Sixteen companies had on hand cash balances totaling $8,751,000 at the end of 1915, according to the best obtainable information.

Secretary McAdoo, early in October, 1915, gave out an interview stating that he believed the tariff on sugar should be retained. The effect of the Secretary's statement was to cause a sharp advance in the price of sugar. On October 7, 1915, granulated sugar was selling on the New York market for $4.80. On October 21 it had reached $5.14. On November 4 it jumped 10 cents more, to $5.24. On November 11, when it became apparent that the President of the United States was supporting the Secretary of the Treasury, the price of sugar went to $5.73. The price of sugar continued to climb until, on February 24, it was selling for $6.25 on the New York market. Now it commands $6.65 in New York.

It is difficult to estimate how much the sugar consumers of this country have paid to the sugar interests in the last six months as the result of the determination to retain the tariff on sugar. It is safe to say, however, that the total amounts to tens of millions of dollars, and if placed in the United States Treasury would be sufficient to build a battleship or two or a whole school of submarines.

The sugar prices I have quoted are taken from the New York reports. Out in the West, where we produce the sugar, we are compelled to pay more for granulated sugar than the people of any other section of the country. It will probably be a surprise to most of the Members of this House to know that the housewife who lives at the door of the sugar factory in Colorado pays 55 cents a hundred more for her beet sugar than does the housewife who preserves fruit in one of the flats of Harlem. In other words, under the beneficent rule of the Sugar Trust and its beet-sugar allies, the people of the West are fined hundreds of thousands of dollars a year because they live in the vicinity of sugar factories, and the combine ships western sugar across the continent and sells it for less than it charges in the greatest sugar-producing States in the Union. To illustrate this point I will place in the RECORD a little table showing New York and Denver prices of sugar for last month:

Prices of refined granulated.

	New York price, cane.	Denver price.	
		Cane.	Beet.
	Cents.	*Cents.*	*Cents.*
Feb. 3	6.00	6.55	6.35
Feb. 17	6.00	6.55	6.36
Feb. 17	6.10	6.65	6.45
Feb. 24	6.25	6.80	6.60

Since the above table was compiled the New York price has advanced to 6.65 cents, and, of course, there has been a corresponding increase in the Denver quotation.

These are the wholesalers' prices; that is, the price at which the wholesale grocer must buy from the refiner. The price to the consumer is, of course, higher, as it includes the wholesalers' and retailers' profit.

Mr. Chairman, I am an old-fashioned Democrat. I believe that a platform pledge is a sacred contract between a party or a candidate and the voters, and that it should be observed in letter and spirit.

The only excuse a Democrat can give for voting for this bill is that the National Treasury needs the money. It is true, Mr. Chairman, that as a result of the war the Underwood tariff bill has not produced the anticipated revenue, and that it is necessary for Congress to avail itself of additional sources of revenue; but that does not justify the retention of the tariff on sugar. There are plenty of other ways by which the needed money could be secured without violation of platform pledge and without placing an unreasonable burden on the masses of the people. For instance, we might place a tax on munitions of war. The daily papers are filled with stories of the enormous profits that are being gathered in by the men who are supplying arms to the belligerent nations of Europe.

The war has disturbed our fiscal affairs; therefore we would be justified in compelling those who profit from the war to reimburse us for our loss of revenue.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. FORDNEY. Mr. Chairman, I yield 15 minutes to the gentleman from Nebraska [Mr. SLOAN].

The CHAIRMAN. The gentleman from Nebraska [Mr. SLOAN] is recognized for 15 minutes.

Mr. SLOAN. Mr. Chairman and gentlemen, to favor a bill supported by the President of the United States and at the same time indorsed by the majority leader would certainly give Republicans a thrill much more pleasurable, perhaps more unusual, and vastly less dangerous than a passage on a belligerent armed ship. [Laughter.] Yet this is the peculiar situation in which we are placed.

Well said the gentleman from Tennessee [Mr. SIMS] that we have been legislating on sugar for seven years. I can corroborate him for five years, because that is the term of my service here. It has been sugar legislation all that time, supplemented by sugar investigations, with added sugar speeches, until we have had five years of legislative "linked sweetness long drawn out." [Laughter.]

That the President of the United States and the Republican Members of the House and the majority leader can agree upon a proposition like this is explained by our peculiar tariff schedule. Sugar, you know, is a part of Schedule E. I am interested chiefly in Schedule G, the agricultural schedule. Sugar, they say, catches more flies than vinegar, which comes under Schedule G, and that may be the reason why Schedule E is more effective and harmonizing to men of all parties and stations than Schedule G. And yet, before I close I trust to give you some revenue figures away up in G. [Laughter.]

The political cave man from Mississippi [Mr. COLLIER], who opened this debate, came out of his gloom, and for the first time in years we again hear of "the robber tariff," "the robber protective tariff." When I first came to Congress that was the phrase most hackneyed here—"the robber tariff," and the old "he robber" of all the brigands, pirates, and robbers of the world was the sugar tariff; and, yet, monster as it is, it is about to be embraced by its old professed enemies. [Laughter and applause on the Republican side.]

The tariff sought to be retained here is practically what many Republicans sought to have permanently in the Underwood law.

I would not suggest, perhaps, that "we told you so" some years ago, because it might be ungenerous. But let me recite what a good Democratic brother said recently, who voted for free sugar some time ago and who will now support this measure. He said, "If we are going to eat our political words, which we will have to in the next few years, I would rather begin on sugar than anything else." [Applause on the Republican side.]

And really, gentlemen, I approve of his taste. Your protective-tariff policy, soon to be swallowed, will be thus sugar-coated. I am for this bill, notwithstanding the reasons given by the chairman of the committee. I am for it on account of one of the reasons given by the chairman, and also for a reason which was excluded from the report made by him. The first reason why I favor it is the good old reason which the landlord out in the Rocky Mountains gave to Mark Twain in the morning when asked for his bill for lodging and breakfast. It was out in the State whence comes my friend KEATING, from Colorado, who seems to have little concern in the interests of his own State. The reason for charging Mark Twain $27.50 for lodging and breakfast was that the landlord needed the money. [Laughter on the Republican side.] In this case the Treasury needs the money. Therefore I am in favor of the bill from the revenue standpoint. I shall discuss it almost entirely from the revenue standpoint, although I should much prefer to discuss it from the protective standpoint, because within the bill itself the principal factor, the principle which is to be reestablished and continued in this country, is much greater than the dollars and cents involved; because, gentlemen, treat it as you will, it is the rebuilding of the American system of protection, for which every man on the majority side, in some form, will be voting before the adjournment of this Congress. [Applause on the Republican side.]

The wounded Irish soldier in the Dardanelles campaign captured by the Turks, in the name of the Savior, begged for a drink of water. Being denied it on account of his religion, he was told that if he had asked for it in the name of Allah he would have obtained it. He said, "Well, if Mr. Allah is in control of the waterworks, let the water be mine and the credit his till after the war." We are discussing this bill on a revenue basis, while some of us would prefer to discuss it from a protection standpoint, for that is one of its major features; but that can wait till after the war.

Why, the gentleman from Mississippi [Mr. COLLIER] came out of his gloom several years behind the times and deprecated the protective doctrine. Has he been so long in his retreat of obscurity and without the light that he has not learned that over across the water the statesmen and the leading business men of the British Empire have agreed that before this war is closed, or immediately thereafter, they would adopt the American system of protection? [Applause on the Republican side.] Has he not learned, as one of the most important lessons of this great war, aside from militarism and navalism, that the world has looked at the marvelous feat, not of arms, of the great German Empire—the marvelous industrial feat—by which that limited Empire, within herself, cut off from all outside intercourse, has stood now for nearly 20 months, living upon the products of her own soil, fighting with the products of her mines, and using alone the products of her own factories against the fields, the factories, and the mines of all the world? And while we would avoid the militarism of Germany and the navalism of the British Empire, the United States and every other important nation of the world will, within the next five years, be copying after the protective system of Germany, which protects equally all the products of her mines, her factories, and her farms. [Applause on the Republican side.] Moreover, there is pending in this House a measure, supported by the majority and indorsed by the President, for a tariff commission. And it would be an ill compliment to its supporters to say it was for simply ornamental purposes. A tariff commission without a protective policy would be as useless "as the tick on the tip of the tail of the dog owned by the wild man of Borneo." Further, there is favored by the majority and the administration the adoption of an antidumping clause, which is at once dynamic and heroic protection. In fact an antidumping clause is the acme, the zenith, the ne plus ultra of protection. It is the 42-centimeter international-trade gun on this side now.

The gentleman from Mississippi said that the tariff on farm products was a delusion and a snare. He said he was going to give some figures. I do not know what they will be. I will aid him by presenting some that I have of my own. As I am going to discuss this subject from the revenue standpoint, for the purpose of my argument I will concede what he has said, and if what he has said is true and the figures I submit are correct, we have thrown away during the first two years after the adoption of the Underwood tariff law $91,479,327 which rightfully should be in the United States Treasury. If, as he insists, the removal of duties from the imported farm products of this country had not the effect of modifying or controlling prices or volume of imports, or effecting those things that protectionists claim and others charge, then we have thrown away before this on the 27 leading products of the Northwest, not including sugar, since the passage of the Underwood tariff law, more than $100,000,000 that ought to be in the United States Treasury to-day. And what a grateful picture it would be to the administration eye to-day!

To be more exact, I have prepared the figures for two years following the passage of that law and for two years preceding the passage of that law, and I shall submit them. I consider them on a two years' basis on 27 leading northwestern products, not including sugar, but I shall speak of sugar because it is here.

On the two years' basis, if the estimate of the majority leader is correct, the duty on sugar would be $88,308,375. That is the net estimate for two years.

Second. The next one in order of the great products of the Northwest which has been denied its privilege of contributing to the Treasury of the United States is raw wool, and the amount of money lost to the Treasury of the United States by reason of the removal of the tariff on raw wool is $56,262,277 for the first two years of the Underwood law. Gentlemen, that is more than all the money that is paid by all the burdened business of the United States for stamps for all its documents since the emergency law was passed in October, 1914.

Third. Following wool the next great revenue-producing agricultural product is cattle. The loss in revenue on cattle by removal of the tariff for two years was $11,263,000. Now that was lost to the United States Treasury. Where did it go? Immediately after the duty was taken off by the Underwood tariff law the shrewd Mexicans down there, who are able to handle us in various ways, saw fit to put on an export duty almost equal to our former import duty, and the money that should have come into the Treasury of the United States was diverted into the war chests of Huerta, Carranza, and Villa. It is a fact, probably, that a large part of that diverted cattle duty, which should have come into the United States Treasury, was used to purchase the arms which recently spoke so fatefully at midnight in Columbus on the New Mexican border, and to-day may be leveled from ambush at the United States soldiers as they seek the bandit Villa.

In the Hoosier Schoolmaster there is a character known as Jones; and Jones, speaking on education, insisted that "lickin' and larnin'" held fast company. The amount of this duty lost on cattle would more than pay for all the stamps on all the paper of the farmers and cattlemen of the United States since the passage of that law. The cattlemen and farmers have been "lickin'" under the stamp act, and do not you for a moment imagine that they have not been "larnin'." [Laughter and applause on the Republican side.]

To illustrate, I quote from the Nebraska Live Stock Feeders' Association resolutions recently adopted:

> Whereas the placing of live stock and meats on the free list has resulted in increasing the control of the large slaughterers over the prices paid for live stock in this country, and when normal conditions are restored it is likely there will be large importations of foreign meats which will greatly depreciate prices in our home market.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. I yield five minutes more to the gentleman from Nebraska.

Mr. SLOAN. Fourth, Mr. Chairman, the loss of duty on dairy products for that period has been $4,208,707. That would more than pay for all the stamps placed by all the widows and orphans on their notes and mortgages, and all the notes given by all the laboring men of the United States combined.

Fifth. On oats the loss was $2,640,000. That would more than equal the wild-oats bill of all the Members on this side of the House, and the better ones over there. [Laughter.]

In two years these amounts on just these northwestern articles, not including sugar, make a total of $91,479,327. Now, the imports of these articles for the last two years before the passage of the Underwood law amounted to $144,182,000. For the two years after the passage of the law the importations of these articles had increased to $305,935,000. Yet the gentleman from Mississippi [Mr. COLLIER], an agricultural State, says that the tariff had nothing to do with farm products, their importation, price, or sale.

There was an increase of free imports in 1914 over 1912 of $240,000,000. Of these $140,000,000 were farm products. All others, $100,000,000. Stated in percentages—farm products, 58 per cent; all others, 42 per cent.

There was an increase in all exports in 1914 over 1912 of $159,000,000. Of this, $64,000,000 only was farm products and $95,000,000 all others. Stated in percentages—farm products, 40 per cent; all others, 60 per cent.

In other words, the farmers were forced to meet $140,000,000 increased import competition in exchange for the advantage of $64,000,000 increased export. Or, stated in percentages, the farmer was forced to accept a 58 per cent increase of imports competition for a 40 per cent increase in exports of his product, while all others were given the benefit of a $95,000,000 export increase for a $100,000,000 import increase. In the matter of increase caused by the new law, the farmer found a balance of trade increase against him of $76,000,000, while all others had a balance of trade increase against them of only $5,000,000—mighty nearly the old sacred rate of 16 to 1.

Concerning the leading northwestern products, namely, cattle, horses, sheep, other animals, including poultry, bread and biscuits, corn, oats, wheat, potatoes, all other vegetables, and wool, the following comparison will be interesting:

FIRST COMPARISON.

First nine months, new law, with corresponding months in last year of old law: Old-law imports, $49,727,159; new-law imports, $130,692,543; increase, 162 per cent.

SECOND COMPARISON.

First full year of new law compared with last corresponding period under the old law: Old-law imports, $63,342,993; new-law imports, $166,020,946; increase, 162 per cent.

THIRD COMPARISON.

First 21 months of the new law compared with the last corresponding period of the old law (it will be noted that this period contains 10 months nonwar period and 11 months war period): Old-law imports, $132,395,694; new-law imports, $273,718,123; increase, 106 per cent.

TOTAL IMPORTS FOR 21 MONTHS UNDER NEW LAW COMPARED WITH LAST 21 MONTHS UNDER OLD LAW.

Total imports under old law, $2,229,780,348; total imports of foodstuffs and raw wool, $556,533,733, or 24 per cent of the total. Total imports under new law, $3,121,285,761; total imports of foodstuffs and raw wool, $1,003,809,279, or 32 per cent of the total. This shows an increase in imports of $891,505,413, of which food products and raw wool was $447,265,546, or 50 per cent. While the imports of foodstuffs and raw wool increased 80 per cent, the increase of all other products was only 20 per cent.

FREE IMPORTS.

Of the total free imports during the last 21 months of the old law, amounting to $1,215,461,871, 18 per cent, or $228,337,714, were foodstuffs and raw wool. For the first 21 months under the new law the total free imports were $1,927,895,375, of which $557,519,898, or 29 per cent, was foodstuffs and raw wool. This shows an increase of $712,433,504, of which foodstuffs and raw wool furnish $329,182,184, or 46 per cent. While the imports of foodstuffs and raw wool under the free list increased 144 per cent, the increase of all other products on the free list was only 38 per cent.

REVENUE.

If the old rates were levied upon the imports of these 27 articles for the first 21 months under the new law, the revenue would amount to $88,377,947 (Treasury figures). The amount actually collected for a period of 21 months under the new law was $9,283,577. As a revenue producer, Schedule G, the farm schedule, from the enactment of the Dingley law up to and including 1912, presents some interesting and surprising facts—

First. Schedule G in 1897 in value of dutiable imports ranked No. 5, while in 1912 it had become first.

Second. The dutiable imports under Schedule G in 1897 was $33,716,958, while in 1912 it had risen to $117,711,156.

Third. While Schedule G in 1897 had but 8 per cent of all the dutiable imports, in 1912 it had 14 per cent.

Fourth. The dutiable imports of Schedule G increased more between 1897 and 1912 than any other schedule except one.

Fifth. In point of revenue brought into the Treasury Schedule G in 1897 ranked ninth. In 1912 it had risen to third place.

Sixth. Schedule G in 1897 produced only 5 per cent of the import revenues. In 1912 it produced 11 per cent.

Seventh. The revenues of Schedule G in 1897 were less than those of Schedule C (metals). In 1912 they were twice as great.

Eighth. The revenues of Schedule G in 1897 were less than one-half those of Schedule F (tobacco). In 1912 they exceeded F by nearly $9,000,000.

Ninth. Schedule G in 1897 was approximately equal to Schedule H (spirits). G in 1912 doubled H in revenue production.

Tenth. Schedule G produced less revenue in 1907 than I (cotton manufactures). In 1912 it produced three times that of I (cotton manufactures), D (lumber), and K (wool, raw wool eliminated) combined.

Men will say that low estimate must be reduced by the factor of stimulation of imports on account of the reduction or removal of duties. That is true, but that reduction must be diminished by the following considerations:

First. The increase of these articles for the first nine months under the new law, unaffected by war, was 162 per cent, indicating how much larger increase the two-year increase might have furnished if not in any wise affected by war.

Second. The war factor so cogently urged by the chairman's report must be considered, but I can not grant it the force generally attributed by the majority as furnishing an excuse for every adverse condition which seems to have arisen in the con-

duct of public affairs. Finally the loss can not be figured less than $43,355,131. But every circumstance would indicate an approximation of the estimate, $91,479,327.

Mr. GORDON. Mr. Chairman, will the gentleman yield at that point?

Mr. SLOAN. I will yield on the revenue proposition.

Mr. GORDON. Do you think it is a bad thing for the American people to increase our imports of farm products, and would you keep them out just in order to benefit your farmers out in Nebraska?

Mr. SLOAN. I know the gentleman from Cleveland, Ohio, and I know his Democratic view from a large city standpoint, and he thinks it is all right to protect the products of the Cleveland manufacturers, but as for the products of the farmers of Ohio, Indiana, Illinois, Iowa, and Nebraska, he wants them on the free list. [Applause on the Republican side.]

Mr. GORDON. Why, certainly I do.

Mr. SLOAN. Certainly he does. As the spokesman of his party he says so. He is the only one of them talking on that proposition. There is great concern for the Argentinians, the Mexicans, the Canadians, and the Australians, but they care nothing about the farmers of our great Northwest. Well do they say, in the report filed with the Underwood bill—

The future success of our great industries lies beyond the seas.

I here insert a tabulated import and revenue statement of 27 leading northwestern products, 26 being from old Schedule "G" and 1, wool, from "K."

Imports into the United States of certain farm products for two years ending Sept. 30, 1915, under the Underwood tariff law, together with the imports of the same articles for two years ending Sept. 30, 1913, under the Payne-Aldrich tariff law, and the per cent of increase or decrease; rates of duties on these articles, either actual or computed ad valorem, under both laws; revenue collected under the Underwood law and the estimated revenue if Payne-Aldrich rates of duty had been collected on imports of these articles of the two years under Underwood law, and loss of revenue.

Articles.	Imports for last two years ending Sept. 30, 1913, under Payne-Aldrich law.		Imports for first two years ending Sept. 30, 1915, under Underwood law.		Per cent of increase or decrease (22).	Rates under Payne-Aldrich law.	Rates under Underwood law.	Estimated revenue, Payne-Aldrich rates of duty applied to imports under Underwood law.	Revenue under Underwood law.	Loss of revenue for two years.
	Quantity.	Value.	Quantity.	Value.						
Cattle [1] ..... number..	853,298	$13,290,373	1,321,293	$39,370,793	54	27.07 per cent.....	Free.....	$11,263,673	.....	$11,263,673
Horses [2] ..... do....	17,079	3,883,884	46,182	3,022,760	170	35.04 per cent.....	10 per cent.....	1,058,981	$302,276	756,705
Sheep [4] ..... do....	36,629	225,849	418,689	1,278,985	104	16.41 per cent.....	Free.....	209,881	.....	209,881
Animals, other, including live poultry [3]	.....	529,908	.....	1,449,335	154	16.02 per cent.....	6.93 per cent.....	232,183	100,438	131,745
Bread and biscuits [4]	.....	536,747	.....	680,484	28	¾ value at 20 per cent; ¾ at 45 per cent.	$419,989 free. Balance, 25 per cent.	238,169	65,123	173,046
Corn [5] ..... bushels..	1,474,493	853,369	29,880,919	15,453,242	1,594	15 cents bushel....	Free.....	4,482,137	.....	4,482,137
Oats [6] ..... do....	3,351,831	1,344,811	22,935,513	8,193,585	584	.....do.....	6 cents bushel.....	3,440,326	1,376,130	2,064,196
Wheat [7] ..... do....	3,501,187	2,656,216	3,289,329	3,123,162	− 8	25 cents bushel....	10 cents bushel....	822,322	328,932	493,390
Hay [8] ..... tons..	2,996,758	3,198,985	183,617	1,949,775	−94	$4 per ton.....	$2 per ton.....	734,468	367,234	367,234
Beef and veal [9 10] ..... pounds..	.....	.....	373,722,737	33,245,476	.....	1½ cents pound....	Free.....	5,605,840	.....	5,605,840
Mutton and lamb [9 10] ..... do....	.....	.....	29,406,132	2,693,363	.....	.....do.....	.....do.....	441,091	.....	441,091
Pork [9 10] ..... do....	.....	2,804,198	21,230,583	2,593,920	1,531	.....do.....	.....do.....	318,458	.....	318,458
Prepared and preserved meat [9 10]	.....	.....	.....	2,967,675	.....	25 per cent.....	.....do.....	741,818	.....	741,818
Bacon and hams [9 11] ..... pounds..	.....	.....	9,694,121	1,564,647	.....	4 cents pound.....	.....do.....	387,764	.....	387,764
All other meats [9 10]	.....	.....	.....	2,702,468	.....	10 per cent.....	.....do.....	270,246	.....	270,246
Sausage and bologna [12] ..... pounds..	1,769,559	363,509	862,823	218,822	−51	Free.....	.....do.....	.....	.....	.....
Sausage casings [13]	.....	4,936,512	.....	6,249,101	26	.....do.....	.....do.....	.....	.....	.....
Milk and cream [1]	.....	2,365,792	.....	7,109,471	200	Cream, 5 cents gallon; milk, 2 cents gallon.	.....do.....	1,312,080	.....	1,312,080
Butter and substitutes [13] ..... pounds..	2,072,164	541,005	11,366,323	2,662,935	448	6 cents pound.....	2½ cents pound....	681,979	80,158	601,821
Cheese and substitutes [14] ..... do....	98,390,996	18,378,551	101,925,904	19,103,744	3	.....do.....	20 per cent.....	6,115,554	3,820,748	2,294,806
Eggs [1 15] ..... dozen..	2,233,038	362,094	9,091,890	1,532,556	307	5 cents dozen.....	Free.....	454,594	.....	454,594
Vegetables:										
Beans [16] ..... bushels..	1,987,949	3,654,578	2,364,581	4,043,137	18	45 cents bushel....	25 cents bushel....	1,064,061	591,145	473,916
Onions [17] ..... do....	2,245,869	1,694,527	1,794,555	1,498,129	−20	40 cents bushel....	20 cents bushel....	713,822	356,911	356,911
Peas [18] ..... do....	1,852,090	3,237,417	1,645,484	4,506,348	−11	One-fifth value, 45 cents; four-fifths, 25 cents bushel.	One-fifth value, 25 cents; four-fifths, 10 cents bushel.	1,306,840	540,760	766,080
Potatoes [19] ..... do....	14,058,449	7,460,418	4,004,370	2,020,514	− 7	25 cents bushel....	$1,450,926 free; balance, 10 per cent.	1,001,092	56,964	944,128
All other [20]	.....	3,294,835	.....	3,065,499	− 6	25 per cent.....	15 per cent.....	766,374	459,824	306,550
Wool [21] ..... pounds..	378,317,142	68,569,519	570,483,312	133,635,386	50	43.61 per cent.....	{$4,157,558, at 15 per cent, October and November, 1913, old law; balance free.}	58,178,371	{623,633 / 1,292,521}	56,262,217
Total.....	.....	144,182,998	.....	305,935,392	111	.....	.....	101,842,124	10,362,797	91,479,327

[1] Free on and after Oct. 3, 1913.
[2] Duty reduced from $30 per head where value not over $150, 25 per cent where value over $150, to 10 per cent on all.
[3] Live poultry reduced from 3 cents per pound to 1 cent; dead from 5 cents to 2 cents per pound.
[4] Either placed on free list or duty reduced about one-half.
[5] Free on and after Oct. 3, 1913; duty was 15 cents per bushel.
[6] Duty reduced from 15 cents to 6 cents per bushel.
[7] Free if imported from countries which impose no duties on like imports from United States; otherwise, 10 cents per bushel. Duty was 25 cents per bushel.
[8] Duty reduced from $4 to $2 per ton.
[9] Free on and after Oct. 3, 1913. Duty was 1½ cents per pound.
[10] Included in "All other meat products" prior to July 1, 1913.
[11] Free on and after Oct. 3, 1913. Duty was 4 cents per pound.
[12] Free under both laws.
[13] Duty reduced from 6 to 2½ cents per pound.
[14] Duty reduced from 6 cents per pound to about 4 cents per pound.
[15] Included in "All other articles" prior to Oct. 3, 1913.
[16] Duty reduced from 45 to 25 cents per bushel.
[17] Duty reduced from 40 to 20 cents per bushel.
[18] Duty reduced from 45 to 20 cents per bushel and from 25 to 10 cents per bushel.
[19] Free if imported from countries which impose no duties on like imports from United States; otherwise, 10 per cent ad valorem. Duty was 25 cents per bushel.
[20] Duty reduced from 25 per cent to 15 per cent ad valorem.
[21] Practically all free of duty since Dec. 1, 1913, so October and November, 1913, were still under old law.

Think of it! I want to see the future success of our mines, our factories, and our farms well within the borders of this great Republic of ours [applause on the Republican side], so that in time of peace and in time of stress and time of war, no matter what powers may be against us, we shall be self-sufficient and self-sustaining at home. [Applause on the Republican side.] The nation or the statesman that begins to lean upon a foreign trade or a foreign commerce as the first consideration will find itself or himself leaning upon a broken reed in time of stress. [Applause on the Republican side.]

I think it is most amusing to hear everything ascribed to the war. Gentlemen say that all the ills that this afflicted Nation has been heir to in the last three years are due to the war. I heard a story recently of a Democratic student at Harvard—I think there are some of them in that institution. [Laughter on the Republican side.] He was being examined, and he was asked to state the binomial theorem. He said that the binomial theorem as he understood it was a quotation from an ancient party platform which meant "let the people rule"; and when the instructor would not accept that, he said, "Well, anyhow that is the definition that will have to go. The European war has destroyed all the others." [Laughter.] Then the man who followed him was asked to state the forty-seventh problem of Euclid he said, "I don't know what it was when the ancient Greek first demonstrated it, but now it means the 'high cost of living,' because our fellows can't solve it." [Laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. I yield to the gentleman two minutes more.

Mr. SLOAN. Mr. Chairman, the story is told down in the good old north State about Mose who owed a local money lender $70 on a note bearing 7 per cent. He came to pay the interest on the note. The money lender said, "Seven times nothin' ain't very much; seven times seven are seventy-seven—$7.70." "Oh, but," said the borrower, "my boy Sam, he's been tendin' college down here at 'Tuxedo,' and he says seben times seben am forty-nine." "Oh, yes," said the money lender, "that used to be so; but you know Mas'r Claude has just been having a big wrestle with that big P—Preparedness—what is a Congressmen from the northeastern States, and Mas'r Claude says this European war has just nachally played smash wif de multipication table, and has made all the figahs a great deal bigga, ceptin' always the figahs in de Treasury." [Laughter.]

Gentlemen, in order that the amount in the Treasury may not be further diminished and being in favor of the protection of one of our great, growing northwestern industries, it pleases me greatly to support the eminent gentleman from North Carolina [Mr. KITCHIN], the magnificent and eloquent leader of the House of Representatives, in voting for this bill. [Applause.]

Mr. FORDNEY. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. SWEET].

Mr. SWEET. Mr. Chairman, I am interested in this bill because we once had a sugar factory in operation in Iowa, and the farmers of my great State would like to see it in operation again. This bill proposes to repeal the free-sugar clauses in what is known as Schedule E of the Underwood tariff law. I listened with great interest to the remarks of the gentleman from Colorado, and I can say to you that I believe it was a free-trade speech. Free traders have always been students of maxims and not of markets. They have always dealt with theories and not actualities. They have failed to heed the lessons taught by a century of experience with the tariff in this country. They have failed and refused to acknowledge that they are the advocates of an economic creed which is not applicable to the American Continent, with its boundless resources and possibilities.

Mr. GORDON. Will the gentleman yield?

Mr. SWEET. I can not, for I have only a few minutes time. It is an economic creed which is not conducive to the building up of manufacturing establishments and domestic industrial enterprises; an economic creed that is not in harmony with the spirit of our people, the independence and thrift of our laboring classes, and the genius of our free institutions; an economic creed that is beautiful in conception but unworkable in practice. A creed that finds favor with professors of economics in colleges and universities, but which in practice has been found to be disastrous to the farmer, the wage earner, the artisan, and the manufacturer. [Applause on the Republican side.] An economic creed that has always been detrimental to a safe and sound financial policy for this country from the foundation of the Government. [Applause on the Republican side.] An economic creed that has always given us an empty National Treasury, prostrated the business of the country, brought ruin and failure to thousands of our manufacturing establishments, and poverty and starvation to many of the laboring classes who are directly dependent upon each day's wage to feed, clothe, and maintain those who are dependent upon them. [Applause on the Republican side.]

Schedule E of the Underwood tariff law, relating to sugar and molasses, was put into the bill on the theory, as expressed in the Democratic platform, "We recognize that our present tariff taxation is intimately connected with the business of this country, and we favor the ultimate attainment of the principles we advocate by legislation that will not injure or destroy legitimate industry." They also said in their platform, "We appeal to the American people to support us in our demand for a tariff for revenue only."

The great Ways and Means Committee, in making a report to this House, said in substance, "We hope to attain the principles for which we contend by advocating such legislation as will not injure or destroy legitimate industry." By that language they placed their interpretation upon the clauses of the Democratic platform.

Is the beet industry of this country a legitimate industry? Let 112,000 farmers and planters and their families answer that question. Let the working men who are engaged in the operation of these factories answer that question. Let the citizens of 16 States where the beet factories are located answer that question. Let a majority of the American people answer that question in the days that are to come. [Applause on the Republican side.]

Has the beet-sugar industry in this country been injured by Schedule E of the Underwood tariff bill, since it went into effect? Has the threat of free sugar injured that great industry? Let the owners and operators of factories that have closed down answer it. Let thousands of beet farmers and planters who have been financially injured answer it. Instead of the beet industry in this country being injured, instead of its being destroyed, it should be extended and developed. Instead of Iowa having but one beet factory, and that factory not in operation, we should have at least a dozen factories. [Applause on the Republican side.] Instead of having 77 beet factories in the United States, we should at least have 300 or 400 beet factories. [Applause on the Republican side.] Instead of 112,000 farmers and planters being engaged in the raising of beets in this country, we should have at least 600,000 of them. Instead of this country producing something like 600,000 or 700,000 tons of beet sugar annually, we should produce at least 3,000,000 tons annually. Instead of this country having in cultivation something like 525,000 acres of beets, we should have at least 2,500,000 acres of beets. Instead of this country producing something like 15 or 20 per cent of the sugar that we consume, we should produce enough to meet all demands. [Applause on the Republican side.] And then the price of sugar would take care of itself. [Applause on the Republican side.]

It is estimated that we have something like 250,000,000 acres of land in this country that are adapted to the raising of beets. We have the soil, we have the climate, we have the men; and I want to say to the gentlemen of the House to-day that this is not an idle dream, for I believe that it can all be accomplished under the beneficent influence of a protective tariff. [Applause on the Republican side.]

This bill to-day may be termed harmony legislation, but sometimes the word "harmony" is a delusive word. I take it that the Democrats want this legislation because they must have revenue. Because by passing this bill it will mean that the Government will continue to receive revenue to the extent of about forty-four millions annually.

In this hour of necessity they have forgotten their old-time arguments. Theory to-day lies prostrate before the indubitable facts. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Under leave granted to extend his remarks in the RECORD, Mr. SWEET adds the following:

The Republicans want it so that the great beet industry of this country may be protected, may be saved until the Republican Party once more assumes the administration of the affairs of this Government. That the beet-sugar industry may be saved until such time as the Congress of the United States may give the country an effective nonpartisan tariff commission.

When Schedule E was put into the Underwood law it was a contest between the sugar refineries and the sugar-beet growers, and the refineries won out. Whether the part of Schedule E that will remain if this bill becomes a law will come under the head of being a tariff for revenue only I can not say. Whether it will come under the designation of being a protective tariff or low tariff on sugar and molasses I can not say. But I do know that it will be better than free sugar. I know that it will be better than free trade.

When we take into consideration that the beet industry is a legitimate industry; when we take into consideration that with free sugar struck out of Schedule E of the Underwood tariff law this Government will continue to receive forty-four millions annually from the tariff on sugar and molasses only; when we take into consideration that the Democratic Party had a clause in its platform to the effect, "We appeal to the American people to support us in our demand for a tariff for revenue only."

When we take into consideration that free sugar would injure and destroy the beet industry in this country; when we take into consideration that the chairman of the Ways and Means Committee in the Sixty-third Congress was not enthusiastically in favor of the free-sugar clauses in the bill that bears his name; when we take into consideration that the present chairman of the Ways and Means Committee is in favor of this bill; when we take into consideration that the President in his message to this Congress, in December last, recommended that the free-sugar clause should not become operative, I do not believe that it can be consistently said that Schedule E as a whole as found in the Underwood tariff law is even good Democratic doctrine.

If the free-sugar clauses in Schedule E are not repealed, the beet-sugar industry will be totally destroyed, and the sugar refineries of this country will have the sugar market absolutely to themselves.

The cane-sugar industry will be paralyzed.

The consumer will not be benefited by the reduction in the price of sugar when the refineries dictate the price and monopolize the American sugar market.

Has the Underwood tariff bill produced sufficient revenue?

Let the present condition of the United States Treasury, as shown by a Democratic Treasurer, answer that question. Let a stamp tax in times of peace answer it. Let the acts of the present Congress in reenacting the so-called stamp tax answer it. Let the recommendations of the President of the United States in his message to this Congress, proposing a stamp tax on bank checks and gasoline, answer it. Let the revenue that this Government has lost by the enactment of Schedule E in the Underwood tariff law answer it.

Let the demoralized condition of the Nation's finances generally under the present administration answer it.

The Ways and Means Committee, in the majority report that accompanied the Underwood tariff bill, under the head of "sugar," said:

> The action of the committee with regard to sugar shows an appreciation of the commercial conditions involved and the committee's desire to respond to the public demands for free sugar.

Is the bill that we are now considering for the repeal of the free-sugar clauses due to the committee's desire to respond to the public demand for free sugar?

If Schedule E was put into the Underwood bill at the demand of the people, are the free-sugar clauses being taken out at the demand of the people?

Has the voice of public opinion become so loud that the committee knows what the people want without holding extended hearings?

Is the Ways and Means Committee, upon the recommendations of the President, doing it to accommodate the Republicans?

Let 50 years of opposition and denunciation of a protective tariff by the Democratic Party answer it. Let the tariff tinkering of the Sixty-third Congress answer it.

Have all the Members of the Democratic Party in the House observed the signs of the times?

As late as February 26, 1915, we find in the CONGRESSIONAL RECORD, Sixty-third Congress, third session, on page 5366, the following statement, which was made by a prominent Democrat of this House, to wit:

> As the Members of this House know, the Underwood tariff bill reduced the tariff on sugar 25 per cent and provided that sugar should be placed on the free list on May 1, 1916.
> I take it that no Democratic Congress will attempt to repeal the sugar schedule of the Underwood bill.

Notwithstanding this bold assertion, a little over a year from the date of its utterance a Democratic Congress on its own motion, at the recommendation of a Democratic President, without extended hearings of the Ways and Means Committee, propose to do that very thing.

The present bill before the House is a confession that the Underwood tariff law is not a success as a revenue producer. It is a confession that they misinterpreted the demands of the people when a majority of the members of the Ways and Means Committee said in their report to Congress that Schedule E was put in the Underwood tariff bill upon the demands of the people. It is a confession that they were wrong when they said that a reduction of the tariff on sugar would reduce the price to the consumer.

It is a confession that the sugar refineries of this country wielded more influence with the Democratic Party than the sugar-beet growers.

It is a confession that the beet-sugar industry is a legitimate industry. It is a confession that the beet industry of this country has been injured by the Underwood tariff law, with its threat of free trade for sugar and molasses.

It is a confession that a protective tariff is better than a low tariff or free trade.

It is a confession that $44,000,000 annually at this time would be very helpful to the Government to meet the expenses of the present administration.

It is a confession that the Underwood tariff law with its wholesale reduction of duties was formulated upon inadequate information, and was conceived in ignorance of the business and agricultural interests of this country.

Mr. KITCHIN. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, the excuse urged in behalf of the proposed inglorious abandonment of one of the most salutary and popular provisions of the Underwood tariff is not a valid one. It is true that the Treasury is in a depleted condition. It is true that the great European war has cut off large volumes of ordinary revenue. But it is also true that we have gone on spending money with a lavish hand. This we should not have done. We should in fact have cut our garment according to the cloth. Our expenditures should have been brought down in proportion to the decline in Treasury receipts. This would have been the course followed by any prudent business concern. And this is the course I have ventured to urge from the very beginning.

In fact, early in 1913, soon after President Wilson took office, I had occasion to remind this House, and, as far as I could, the country, of one very vital plank in the Baltimore platform, that pledging the Democratic Party to rigid economy in expenditures. No such economy has obtained. On the contrary, expenditures have been more lavish than ever before. In many directions they have exceeded all previous records, and in the direction of military and naval expansion they have outrun what would have been considered profligate, and would have been very properly denounced as such under Mr. Taft or Mr. Roosevelt. To my mind Democratic extravagance is quite as reprehensible as, nay, it is even more reprehensible than Republican extravagance, for Republicans have made few professions on this score, while economy has been a watchword of Democracy since the days of Thomas Jefferson. That this watchword should have lost its meaning in these later days is not reassuring to those of us who still honor the sage of Monticello and still believe in the undying principles upon which he founded the party that stands for the common people.

There would be no occasion for the retention of the tax on sugar if decent economy were practiced in carrying on the affairs of government. Even with the depleted revenues under European war conditions, all the ordinary needs might readily have been met. But it was impossible to carry forward a greatly augmented military and naval program without resort to fresh sources of income, to stamp taxes, first, and then to a continuance of the tax on the poor man's breakfast table. To my mind, even the odious stamp tax is less odious than the tax on sugar, for the latter is a concealed tax, while the stamp tax is open and aboveboard; those who pay it know when they pay and what they pay. But the sugar tax is paid without the victim's knowledge, either of the time or the amount.

Let us examine this sugar tax for a moment. It reaches into every home. It bears as heavily on the miner as on the millionaire. John D. Rockefeller will perhaps consume no greater quantity of sugar than the charwoman who scrubs your floor. Yet, in proportion to her income, the charwoman will pay ten thousand times as much of the sugar tax as the Standard Oil king. And this runs true all down the line. The sugar tax, a tax on consumption, bears infinitely heavier on the poor than on the rich. Of all the consumption taxes it is perhaps the very worst, the least defensible on any ground save that of plucking the goose with the least amount of squawking.

I hope there are Democrats on this floor who took their campaigns in 1912 and 1914 as seriously as I took mine. In the earlier one I made pledges to my people on behalf of the Democratic Party which that party faithfully fulfilled in the Underwood tariff. That tariff did not measure up to my hopes, but it marked a very long step in the right direction, and I was able to go before my people in 1914 with the testimony of a pledge fulfilled, of a promise kept. My party had said it would reduce the cost of living; and here, with sugar already cheaper than it had been before in a generation, was the earnest of the other things which certainly would have been realized but for the outbreak of the mighty conflagration across the water. The big bag of sugar which we had promised in 1912 was brought home to the housewife in the early part of 1914. All the other reductions would have come in due course if war had not obtruded its horrid head upon a scene that up to that time was glowing with promise.

If there were not better ways to procure revenue than that of piling burdens upon the poor, and if there were not a more reasonable resort in this alleged emergency than the one to which we are proposing to turn, I would not think of interposing my objection to this bill, except on the ground before indicated. But there are better ways. And, Mr. Chairman, I have pointed out one of them in a bill now before the Committee on Ways and Means. It is my thought that if additional revenues must be had in order to satisfy the cormorant clamors of the militarists these should be drawn from great incomes, through a supertax thereon. The demand for increased appropriations for Army and Navy has not come from the toilers of this land; it has not come from the farmer and the mechanic; it has not come from the mill hand and the day laborer. It has come from those with something to sell—from the war traffickers, from the munition makers, from the gun founders, from the armor-plate manufacturers, from the army contractors, and from the bankers who finance the great transactions which militarism involves. And upon these we should call for the support of the program. It is their program; not that of the plain people. It is they who expect to profit; not the toiler at the forge or in the field. There can be nothing in all this preparation for the producer of wealth. It merely means at the very best that his road is to be made harder, his burden heavier, his outlook less pleasing. But if we put this program through,

as we are asked and expected to do and as this bill is designed to forward, rich gains will pour into the coffers of the war traffickers. War brides will continue to bloom and blossom. War babies will continue to crow. Bethlehem Steel, Du Pont Powder, and General Electric will go on flourishing. And Wall Street will magnify its tremendous powers.

Why not turn to those who shall profit out of this proposed program rather than to those who in any case must be the worse for its fulfillment? Why pile more upon the stooped shoulders of the man in mill and mine? Why ask the farmer and the artisan to float battleships on their modest cup of coffee? Why ask the hod carrier to carry also a machine gun on his shoulder as he toils up the ladder? Why ask the scrub woman to supply a submarine as well as the rags with which she plies her hard vocation? This is what you are asking her and them to do. For it is the scrub woman, the hod carrier, the farmer, and the artisan who, in the aggregate, will pay these millions into the Federal Treasury, in addition to the millions which by reason of the tax will flow into the deep coffers of the Sugar Trust. Do not mistake the fact, nor let yourselves for one moment forget that the truth will find you out. Already the Sugar Trust is anticipating the gratuity which it is proposed to confer upon it. For no sooner had it become apparent that a measure such as the one under consideration was to find favor than this most insolent of all the trusts marked up the price of sugar to the consumers of the land; and within recent months it has pulled down millions of dollars from the American people over and above what it would have taken but for the prospect which is now about to be realized.

I want to protest with all my might against the betrayal of Democratic pledges, and plain speaking compels this characterization. It is nothing less than a betrayal of the pledges we made in 1912 and boasted the fulfillment of in 1914. And we are doing it at the behest of the Navy League of the United States, because the National Security League demands it, because the New York organs of big business have created a war scare seems to justify it, because we have not the consistency and the courage to deny the necessity for any such step. Why not curtail expenses rather than run them to new high levels? Why not remember our pledges of economy? Why not say to the war traffickers that this country belongs to the people and not to the patriots for profit? By cutting out even a small segment of the huge program which has been urged upon us we can keep expenditures within the limits of revenue receipts and avoid this backward step, this step which Republicans will hail with delight and over which the devils of protection will rejoice.

For here is the beginning of the end. If we go backward now, there will be no more going forward. Already we are hearing of a "scientific" tariff—of a tariff framed by "experts"—of a tariff "removed from politics." Bah! Is not that the same sort of tariff Mr. Roosevelt told us of, the same sort that our Republican friends sought to popularize, with disastrous results? Did the Republicans succeed in fooling the country? And if they did not, can we hope to succeed where these failed? Has the Democratic Party ever in all its history got anywhere except by straightforward methods? Can any party of the people ever get anywhere save by following a clear course and keeping faith?

We are not pursuing a straight course; we are not keeping faith in this business. We are reversing our position, we are going backward, we are apologizing, seeking to extenuate, undertaking to make the country believe that necessity alone is driving us to the course we have chosen. Yet we know and the country must know that necessity is doing no such thing. Our revenues are depleted—yes—but our appropriations have not been cut a penny. Instead, extravagance is flourishing unchecked. We are ready to plunge the Nation into a very saturnalia of profligate expenditure at the behest of swashbuckling patriots who dream of world power and tremble in their shoes when they confront the monsters of their own imaginings. With even ordinary prudence we might bring expenditures within the limits of income. But, no; we must add thousands to our Army; we must multiply fighting ships; we must subvert industry to the business of destruction or preparing for destruction; we must imitate the stupid powers which are now wallowing in their own blood; we must slip back into the era of claw and fang and substitute the teachings of the War College for those of the Man of Nazareth.

Mr. Chairman, it grieves me to stand in opposition to my party in this matter. But it is easier for me to be in opposition to my party than it is to violate my own conscience and the historic teachings of that party. It was a proud day for me when I stood upon this floor and fought with my brother Democrats to keep the pledges of the Baltimore convention. It was a proud day when I was able to say to my people at home that we of the Democratic Party had kept the faith and had delivered the thing we had promised. But shall I now face about and help to undo the good work and to take back the promised boon? I can not do it. I can not make so light of my given word. I can not so cavalierly reach out and take back the gift which I helped bestow upon the plain people of this land when I voted to drag the Sugar Trust from their backs. I do not say what other Democrats should do. I say only that, as for myself, I shall remain loyal to the pledge given and stand true to the people who have trusted us on account of that pledge.

And, finally, Mr. Chairman—

> Were half the power that fills the world with terror,
> Were half the wealth bestowed on camps and courts,
> Given to redeem the human mind from error,
> There were no need of arsenals and forts.

[Applause.]

Mr. FORDNEY. Mr. Chairman, I yield 15 minutes to the gentleman from Connecticut [Mr. HILL].

Mr. HILL. Mr. Chairman and gentlemen of the House, I did not intend to take any time whatever in the discussion of this measure. I take the floor to-night for a definite and particular purpose, which will appear to you in a moment or two. The remarks of the gentleman from Mississippi [Mr. COLLIER], who opened this debate, however, compel me to make a preliminary statement, and the report made upon this bill emphasizes that necessity. I am for this bill, and I hope that every Republican will vote for it, and I would be glad to see every Democrat vote for it also. The Treasury needs the money and needs it badly. I do not believe there is a Member of this House, in the face of the exigencies that confront this country, who is ready to stand and quibble as to how the money shall be raised, but, first of all, he will show his patriotism and raise it and then criticize the methods used in the next campaign if he chooses to do so. [Applause.] That is the doctrine upon which I stand, not only with reference to this bill but with reference to all supplementary revenue measures, and the leader of the Democratic side will find me occupying that position during the remainder of this session whenever he can demonstrate that the exigency exists.

What is the exigency which now confronts us? When the Republicans went out of power on the 3d of March, 1913, there were $149,000,000 in cash in the Treasury. On the 4th of March, 1916, figuring the daily reports in the same way that they were figured in 1913, there were $44,000,000 in the Treasury. One hundred and five millions of cash has gone. That may be accounted for in one way or another way, but taking the "available funds" in the Treasury, we left you gentlemen with $80,000,000 and you have $16,000,000 left, provided you figure your bank-note retirement fund, as we figured ours. Striking out both, and both ought to go out, we left $58,000,000 "available funds," which we turned over to you three years ago, and on the 4th of March this year the available funds of the Treasury are overdrawn by $5,857,545.47. I am not going to be the man to stand and say that we will not make your deficit good. I will do it with great gladness, believing it is my patriotic duty to do so. You need not have taken this method of doing it, however. I congratulate you that you did, because this is a protective measure. You could have raised twice the money by the purely revenue proposition of putting a duty on tea and coffee and no ultimate consumer would have ever paid one cent of increased cost, but I am glad to see you take this means, and I stand for it. I hope every Republican and every Democrat in the House will vote to pass this bill and that we may vote together at least on one thing.

A few moments ago a Member said to me, "Is the Democratic Party coming to us or are we going to them?" I said to him, "I think the movement is both ways," and I honestly do think it is both ways. The purpose for which I take the floor now, reserving the other matters until you bring in your great revenue measure, is to give you the latest account of what is going on somewhere else in the world besides the United States. I want to quote with some freedom from a wonderful article written last week in the Economic World, of New York, on "The Swing of Great Britain to Protective Tariff," and, gentlemen of the Democratic side, you are coming to us, whether you know it or not, and we are going to you, whether we know it or not. The world is moving, it is moving on both sides of the political lines, and we are going to get together by and by when the tariff commission which we both now advocate brings us nearer to decisions on all these questions which will be based on an intelligent investigation of actual, living facts, and when moss-covered theories have been discarded. Pardon me while I give you some extracts now from this great article written by a free trader in the Economic World. I will insert the whole of it in the RECORD:

> The cabled accounts of the great meeting of the British Association of Chambers of Commerce, held in London this week, have been of

necessity almost aggravatingly brief, disconnected, and insufficient to convey an adequate idea of the deliberations.

The thinking part of the British public seems to have followed what was said and done with the most intense interest, realizing that the outcome of the meeting might well be the determination, at least in a preliminary sense, of the course which Great Britain will take after the European war is over in respect of the matter which will most universally and most fundamentally affect the daily lives of all British subjects, namely, the adaptation of the conditions under which British industry and trade are carried on, to the changed posture of the world's affairs resulting from the war.

And I want to call attention to the fact that when Great Britain adopted her free-trade policy she had had many years of peace and she has had no great war until now since that policy was adopted. She has had no war great enough to test her resources at home. I do not include as one of the great wars of the world the conquering of the Boer Republic, but the Napoleonic wars were the last which tested the national strength and resources of Great Britain. Now, how is she going to meet the test?

After a century of freedom to do virtually what it would with regard to its economic policies and to frame those policies solely from the point of view of the immediate interests of the various classes of the domestic population, the British people has had it brought home to it by the events of the past year and a half that a conditio sine qua non of continued national prosperity and even the permanent national existence may be a reformation of those policies to the end that uniform vigor and effectiveness may be maintained throughout the entire economic and social body—

Mark that—

to the end that uniform vigor and effectiveness may be maintained throughout the entire economic and social body, that impairments here and there by reason of excessive dependence upon the good will of other and naturally rival nations may be prevented, and that all the powers and resources of the Empire be kept efficient and available for the coming international competition in trade, hardly less bitter than the war itself, which is foreseen.

Now, what did they do? Skipping along, I come to the point where the British Chamber of Commerce recently met, composed of a thousand members, the greatest economic and industrial gathering that ever was held in the British Empire—

The first resolution discussed and unanimously adopted by the association clearly revealed what was in the minds of an overwhelming majority of the attending representatives of British industry and trade. It runs thus:

"The experience of the war has shown that the strength and safety of the British Nation in time of national peril lie in the possession by this nation of the power to produce its requirements from its own soil and factories rather than in the possession of values which may be exported and exchanged for the products and manufactures of foreign countries."

What is that but the protective system boiled down to an essence? It is the protective doctrine which the Republican Party has been teaching for 50 years, and the greatest industrial body of Great Britain deliberately commits itself to that policy, and, gentlemen, unthinkingly you commit yourselves to this policy, in which I happily and gladly join with you, when you adopt a protective measure to raise revenue when you might have raised it otherwise. [Applause on the Republican side.]

I read:

In the same sense, though not with the same clear disclosure of a new national economic policy decisively arrived at, Mr. McKenna, the chancellor of the exchequer, said in the course of his address to the meeting:

"We have seen a nation which in time of profound peace deliberately planned, prepared, and provoked war, and we have found ourselves dependent upon that nation for many articles of our own trade. I do not think that, as a nation, we should ever allow ourselves to be placed in that position again. There is an issue which once divided the nation and on which the opinion of most of us probably remains unchanged. But it does not follow because we stand now as we stood before that there is not a very large field for common agreement among us."

And I say to you as Republicans and to you as Democrats, there is a large field for common agreement on this question between us here in this country to-day.

Mr. GORDON. Will the gentleman yield?

Mr. HILL. Certainly; if I have time.

Mr. GORDON. In view of that statement that you have just read, sir, is that pronouncement of the British Board of Trade any more than a declaration of economic war?

Mr. HILL. The gentleman must form his own opinion as to what it is. I have mine. [Laughter.]

What these discussions and proceedings, in so far as we on this side of the Atlantic have them, bring out is that the predominant thought in the assemblage was the all-around fortification of the economic life of the British Nation, the effective and harmonious development of all the departments of this economic life, and the adoption of such policies as are requisite to bring about a condition of national independence in an economic sense, in place of the partial dependence hitherto accepted without serious demur.

The time has come when I should ordinarily close. The gentleman from Mississippi [Mr. COLLIER] cited the fact, which I can not dispute at this moment, that we received more income from customs for the first seven months of the year 1914 than we did for the first seven months of the year 1913. I do not know how that may be, but I will find out to-morrow morning. I say to him that, if we did, it was because there were $122,000,000 of importations more during those seven months of 1914 than there were in 1913, and that displaced the work of American men and women just to that extent. And I am not willing, as a Republican and as a protectionist in every fiber of my being, to produce revenue at the expense of the American home. [Applause on the Republican side.]

Mr. SIMS. May I ask the gentleman a question?

Mr. HILL. If I have the time.

Mr. SIMS. I want to know whether, if we had a tariff commission now in operation, the gentleman would be in favor of referring this bill to that commission for report before he voted on it?

Mr. HILL. I am perfectly willing to refer any economic question to any fair-minded tariff commission. Three years ago I started to make a bill in accordance with the report of a tariff commission. I had detailed to my assistance a free trader, a man who stood for revenue only, a professor in a Virginia college, and a Republican. I said to them, "Gentlemen we have but one task to perform. The facts are before us in that report. I do not know what they are. The tariff commission reported them. We can agree as fair-minded men whether we make our bill in accordance with the facts or in accordance with our previous inclinations." And we agreed upon it; and when we got through, after six weeks' work, locked up by ourselves, we voted, Democrats, Republicans, and free traders, and everything, unanimously, that we had accomplished our task in accordance with the facts that were placed before us.

Mr. GORDON. Then the people threw you out?

Mr. HILL. That has nothing to do with it. I might retort by saying something which I will not say now.

I ask permission to attach to my remarks the entire article from which I have quoted.

The article is as follows:

THE SWING OF GREAT BRITAIN TO A PROTECTIVE TARIFF.

The cabled accounts of the great meeting of the British Association of Chambers of Commerce, held in London this week, have been of necessity almost aggravatingly brief, disconnected, and insufficient to convey an adequate idea of the deliberations. It is known that never before in the history of the association has one of its meetings been so largely attended, the delegates being over 1,000 in number and representing every considerable commercial and industrial organization in the British Isles proper, to say nothing of many similar bodies in the outlying parts of the Empire. The British Government itself was represented by Mr. Reginald McKenna, chancellor of the exchequer, and representatives of the governments of many of the British colonies were also present. The thinking part of the British public seems to have followed what was said and done with the most intense interest, realizing that the outcome of the meeting might well be the determination, at least in a preliminary sense, of the course which Great Britain will take, after the European war is over, in respect of the matter which will most universally and most fundamentally affect the daily lives of all British subjects, namely, the adaptation of the conditions under which British industry and trade are carried on, to the changed posture of the world's affairs resulting from the war. After a century of freedom to do virtually what it would with regard to its economic policies and to frame those policies solely from the point of view of the immediate interests of the various classes of the domestic population, the British people has had it brought home to it by the events of the past year and a half that a conditio sine qua non of continued national prosperity and even of permanent national existence may be a reformulation of those policies to the end that uniform vigor and effectiveness may be maintained throughout the entire economic and social body; that impairments here and there by reason of excessive dependence upon the good will of other and naturally rival nations may be prevented; and that all the powers and resources of the Empire may be kept efficient and available for the coming international competition in trade, hardly less bitter than the war itself, which is foreseen. It is an obvious fact that the conception of a Great Britain always able to obtain whatever she requires from any part of the globe, because of her wealth and the far-flung ramifications of her commerce, on the one hand, and because of the security of access to all lands afforded by her fleet, on the other, has of late lost no little of its former potency with the British mind. The harsh experiences and lessons of the war have thrown a doubt upon its absolute correctness and sufficiency. Even though Great Britain and her allies should achieve decisive success in the present struggle—as, indeed, they confidently expect to do—it is felt that far-reaching readjustments to world facts hitherto not clearly perceived will be imperatively called for. And the proceedings of the meeting of the British Association of Chambers of Commerce have been eagerly watched by all of Great Britain as probably indicating the conclusions the national mind was coming to in this all-important matter.

The first resolution discussed and unanimously adopted by the association clearly reveals what was in the minds of an overwhelming majority of the attending representatives of British industry and trade. It runs thus:

"The experience of the war has shown that the strength and safety of the British Nation in time of national peril lies in the possession by this nation of the power to produce its requirements from its own soil and factories, rather than in the possession of values which may be exported and exchanged for the products and manufactures of foreign countries."

In the same sense, though not with the same clear disclosure of a new national economic policy decisively arrived at, Mr. McKenna, the chancellor of the exchequer, said in the course of his address to the meeting:

"We have seen a nation which in time of profound peace deliberately planned, prepared, and provoked war, and we have found ourselves dependent upon that nation for many articles of our own trade. I do not think that as a nation we shall ever allow ourselves to be placed in that position again. There is an issue which once divided the nation and on which the opinion of most of us probably remains un-

changed; but it does not follow, because we stand now as we stood before, that there is not a very large field for common agreement among us. Because trade is free, it does not follow that the Government should not assist our traders, and we are prepared to give the assistance of the Government to the development of foreign trade in order that it may no longer be controlled by our enemies."

While the latter part of these remarks of Mr. McKenna may be taken to mean that, speaking for the present Liberal Government of Great Britain, he was not ready to admit the necessity or the probability of a complete departure from the national policy of free trade, some such departure is obviously implied by his earlier sentences. A perhaps more striking fact, however, is that the general discussions and proceedings of the meeting as a whole display small solicitude for the preservation, as sacrosanct, of the traditional free-trade policy of Great Britain, with all its ultimate implications. What these discussion and proceedings, in so far as we on this side of the Atlantic have them, bring out is that the predominant thought in the assemblage was the all-around fortification of the economic life of the British Nation, the effective and harmonious development of all the departments of this economic life, and the adoption of such policies as are requisite to bring about a condition of national independence in an economic sense, in place of the partial dependence hitherto accepted without serious demur. As regards the pure doctrine of free trade, the thinking and speaking of the gathered representatives of British industry and trade seemed to treat it as of secondary importance. The champion of it à outrance were for the most part distinguished rather by their silence than by their protestations. And though there was certainly no general expressed repudiation of it, yet for the first time in two generations it was dealt with as something to be accommodated to other and more essential policies, rather than as in itself an overriding policy, in harmony with which all else must somehow be brought.

Illustrative of the attitude of mind just described was the resolution, adopted by the meeting with practical unanimity, urging provision, "first, for preferential trading relations between all British countries; second, for reciprocal trading relations between the British Empire and allied countries; third, for favorable treatment of neutral countries; fourth, for restriction by tariffs and otherwise on all trade relations with enemy countries, so as to make it impossible to return to prewar conditions." But perhaps more significant still was the adoption, in a modified form, of a resolution offered by the Birmingham Chamber of Commerce, urging straight-out "protection" of British industries. This was changed so as to read that the Government should take steps "to foster and safeguard" the nation's commerce and industry; but thus amended it was accepted by the meeting with hardly a dozen dissenting votes. At only a single important resolution calling for governmental limitation of the freedom of trade did the meeting balk—one pressed by the delegates from Bradford, advocating absolute prohibition of dealings with Germany, now and after the war. This was rejected by the association; but press dispatches received from England during the past two or three days appear to indicate that the leaders of British trade, perhaps in the present heat of their anger, are ready to go even to this length and are seriously urging this policy upon the British Government.

It is unnecessary to remark that the tendencies of British thinking displayed at the great meeting of representatives of the foremost economic organizations of the nation mark a change of the profoundest kind, and one which, if realized in anything like its totality, must have the most far-reaching effects throughout the civilized world. For all of us now living British free trade has seemed to have an immemorial and changeless quality; to be, so to speak, a fact in nature, permanent as the very hills; to have so deep-sunk a foundation in the British national character and circumstances as to afford a calculable point d'appui for the economic departures of the rest of the world. To not a few of us, moreover, this absolute free trade has appeared to have an ideal—not to say moral—superiority over every other system. Perceiving that it is implicit in the very theory of tariff protection that some classes in the protected country must carry an economic burden for the benefit of others, which they would not have to bear if trade were free, we have felt that a larger measure of economic justice was attained in Great Britain than was possible in any country allowing itself to be seduced, to a greater or less degree, by the fallacious allurements of protection. Yet now we have to face the fact that what we had held to be unshakably permanent, and confirmed in its permanence by its very quality of ideal justice, gives signs of impermanence. By force majeure the protagonists and exemplars of free trade are being swung away from their long-established national policy and are being brought both to admit and to accept the fact that where the trade of a nation—their nation as well as others—is made absolutely free, certain national objectives of vital importance may fail of attainment, the national life in essential respects may be left incomplete and inadequate, and the national future may be imperiled.

Naturally, it will be said by some—and doubtless with no inconsiderable measure of truth—that too much weight should not be attached to movements of the English mind engendered by the excitements and resentments of a time of national struggle and danger. When the calm of peace returns, it may be urged, a very different view of things will be taken in Great Britain, minds will revert to their customary orbits, and impulses begotten of the animosities of war will cease to sway opinions and policies. Certainly it may be taken for granted that this contention is correct to the extent that fierce rage at an enemy country will not be found in the long run to dominate all British commercial intercourse with that country. When peace comes there will be no impassable Chinese wall between Great Britain and Germany. On the other hand, it seems to us that there is something more than superficial and transitory in such a manner of thinking about the economic requirements of the national life as that to which not only the impassioned but also the cooler minds in England have been brought by reflection upon their country's experiences in this war. So long as the principle of protection was advocated in England by Joseph Chamberlain and his Birmingham constituents, pinched by German competition in their particular fields of industry, or by the landowning class, desirous of restoring its acres to profitable use, the probability of its acceptance by the mass of the British people was not great. Even after nearly three-quarters of a century there is vivid recollection in England's industrial population of the hard conditions and of the bitter struggle that brought about the repeal of the corn laws in 1846. The maxim of the anticorn-law league, to "buy in the cheapest market and sell in the dearest," has so deeply embedded itself in the British consciousness that more than the advantage of certain classes from a different scheme of things would be required to cause its abandonment. But as all good citizens will submit even to the loss of their lives for the larger good of their country, so public policies will be accepted on grounds of the general advantage, which would unhesitatingly be rejected where the apparent advantage would fall to a part and not to the whole. These are the considerations that lead us to think that the occurrences at the meeting of the British Association of Chambers of Commerce have permanent and not merely temporary significance.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HILL. Mr. Chairman, I ask unanimous consent for permission to publish the whole of this article.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LONGWORTH. Mr. Chairman, I make the same request.

Mr. SLOAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio [Mr. LONGWORTH] and the gentleman from Nebraska [Mr. SLOAN] ask unanimous consent to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. SWEET. Mr. Chairman, I make a similar request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. LOUD].

Mr. LOUD. Mr. Chairman, five minutes is a pretty short time, but in that period I can, at least, say thank you for what I hope and expect you are going to do here to-morrow.

I represent, gentlemen, one of the leading beet-sugar producing districts in the United States. I have in my district three large beet-sugar factories. In the years gone by we had in that country great lumber-producing interests. The Saginaw River country was known then as the great lumber-producing district of the United States. It was the district where my friend FORDNEY lives and which he so well represents now. I remember that in those days, at one time, we had a great financial depression in the lumber business. Lumber would not sell, and it was piled up on our docks. As a consequence everyone was hard up. Men could not meet their notes and were sweating blood over their troubles. I recall that at that particular time salt, which we also manufactured as a by-product to the lumber mills, was away up in price, selling for $1.25 a barrel and costing us about 50 cents. So we rolled in a lot of cash because of the salt business, and it helped us in the situation in which we found ourselves because of the stagnant lumber trade. I recall a little couplet that came out in a lumber paper at that time, which ran something like this, and as my friend FORDNEY comes from Saginaw, it is for his benefit that I will give it to you:

I am a backbone lumberman;
Michigan is my nation,
Saginaw is my dwelling place,
And salt is my salvation.

[Laughter.]

Gentlemen, the action you will take here to-morrow, relating, as it will, to this most important industry in my district, will bring salvation and hope to our people and those who are interested in these sugar factories. All the business men of that community will rejoice to know that at last the impending detrimental and damaging legislation is no longer a danger here.

What does it mean to have three large beet-sugar factories in my district? It means, gentlemen, that in the last sugar campaign those three factories sliced on the average 2,700 tons of beets every day, and for the hundred days of the annual campaign they sliced about 270,000 tons of beets. You could see them on the railroad tracks—miles and miles of cars loaded with beets. Those carloads of beets, sliced in those three factories, would fill a train 70 miles long, and the product of those beets would make 32,000 tons of granulated sugar.

What does that mean? We have some great colliers in our naval fleet that carry 10,500 tons of coal at each trip. Enormous, great colliers they are, and still it would take three of those great colliers, enormous as they are, to carry the product of these three great factories in one load. Or, if you will put that sugar into cars, it will load 800 cars, and if you loaded it on one train, you would have 4 miles of cars in one train, carrying this sugar. This is only one-fifth of the beet sugar produced in the 16 factories in Michigan.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FORDNEY. Mr. Chairman, I yield two minutes more to my colleague.

The CHAIRMAN. The gentleman from Michigan is recognized for two minutes more.

Mr. LOUD. Mr. Chairman, last year the farmers supplying these three beet-sugar factories received over $1,600,000 in pay

for the beets they raised. The news of the passage of this bill will bring satisfaction to the hearts of all the farmers in my district, and in their behalf and in behalf of the manufacturers and the employees in those factories I want to thank you for what you are going to do to-morrow. [Applause on the Republican side.]

Mr. KITCHIN. Mr. Chairman, I yield four minutes to the gentleman from Minnesota [Mr. VAN DYKE].

The CHAIRMAN. The gentleman from Minnesota [Mr. VAN DYKE] is recognized for four minutes.

Mr. VAN DYKE. Mr. Chairman, first I wish to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. VAN DYKE. Mr. Chairman, before starting, I wish to state that I am very glad to know that the gentleman from Michigan [Mr. LOUD] thinks that there is at least 1 district out of 435 in this country which this bill will benefit.

Mr. Chairman, as I understand this proposition this matter has been brought before the House not because the Democratic Party believes otherwise than they did when they declared for free sugar, but rather it is because it is supposed to be necessary to continue this tariff as an emergency measure.

It seems that in order to raise funds necessary to run the Government for the next fiscal year and provide for a certain added amount which has been asked for to provide for the so-called "preparedness program" the committee to-day is asking that we retain the tariff on sugar.

I, for one, can not conscientiously vote for this measure, because I believe the principle involved is wrong and, further, because I believe it is not necessary.

At the present time we are collecting somewhere over $40,000,000 per year because of this sugar tariff, but while we are raising that amount of money for the Government we are placing at least an equal amount into the hands of the sugar refiners by so doing.

Every pound of sugar, whether produced in the United States or abroad, whether it pays a tariff duty or not, is sold at a price which includes that tariff duty. Sugar grown 40 miles from my home city—St. Paul, Minn.—is sold to the wholesalers in St. Paul at the same price we would have to pay for sugar grown abroad, imported, and taxed at New York and shipped from there to St. Paul.

Consequently the amount of this tariff is added to every pound of sugar consumed in this country, whether it be grown within the borders of this country or on foreign soil, and the sugar trusts are being allowed to add the price of the tariff on to every pound of sugar which is consumed in this country.

If it is necessary to tax sugar—and I will endeavor to show that it is not necessary—but granted that it is, for the sake of argument, then I believe that a consumers' tax should be placed upon sugar, so that each cent additional which the consumer has to pay will go directly into the Treasury of the United States, and we will not be forced into the position where we will practically become partners of the Sugar Trust and divide the additional cost of sugar with them.

I do not propose, with my voice or vote, to allow this Government to lend itself to the sugar trusts in collecting from the consumers of this country upward of $40,000,000 per year in order that this country might get an equal amount.

The people who have benefited more than any other in this country during the last year because of the very condition which makes it necessary for us at the present time to raise revenues in this extraordinary way are the people who should take care of this deficit created by those conditions.

It is a well-known fact that there is something like $2,000,000,000 worth of listed war-munition contracts with an estimated profit of from 40 to 50 per cent. A 5 per cent tax on $2,000,000,000 or a 10 per cent tax on the estimated profits of these contracts would produce the $100,000,000 worth of "preparedness" revenue asked for by the President and would still leave to these people a larger profit than they have ever enjoyed before. Therefore I submit that the continuing of the sugar tariff is absolutely uncalled for.

Mr. Chairman, in his message to Congress, delivered on this floor December 7 last, the President of the United States, after outlining his program for the national defense, estimated the revenue requirements thus:

> The additional revenues required to carry out the program of military and naval preparation of which I have spoken, would, as at present estimated, be for the fiscal year 1917, $93,800,000.

For the sake of argument we may presume, and the preparedness program already before our committees leads us to conclude, that the additional revenue requirement will be fully $100,000,000. The practical problem before Congress, therefore, is, How may this additional $100,000,000 for national defense be most easily raised and be of least burden to the people of this country?

In other words, how may this Congress provide $100,000,000 of extra military and naval costs with maximum certainty and justice?

In House resolution 113, which I introduced January 29, I specified taxes on war munitions, incomes, and inheritances as proper sources for this additional revenue.

The particular sources of revenue on which I desire to present data at this time is the taxation of munitions of war. Taxation of war munitions as a source of revenue to maintain a program of military and naval preparedness is a proposition which appeals to reason from the following points of view:

First. Because of its eminent justice, on the principle that the benefited interest should bear the cost.

Second. Because of the adequacy of this source of taxable wealth and its ability to pay, the war profits now enjoyed by the munition manufacturers being the most phenomenal, both in volume and in margin of profit, known in modern times.

Third. Because these war profits are tangible, available, and easy to reach.

Fourth. Because taxation of war munitions will not fall upon American labor and the American consumer, or, even in the last analysis, upon American capital, but will be passed on to the European belligerents who purchase the war munitions.

The first point to which I desire to call the attention of Members of this House is the adequacy of war-munition profits, both in volume and profit margin, as a source of taxable income.

VOLUME OF WAR-MUNITION PROFITS.

Although practically all newspapers, financial and industrial journals, and magazines are full of the subject of the unparalleled volume of war-munition business, the high margin of profits, and the phenomenal rise in stock-exchange values of war-munition stocks, perhaps the best-known newspaper authority on this subject, and the one which most nearly meets the title of organ of the war-munition industrials, is the Wall Street Journal.

On Saturday, January 29, 1916, the very day I introduced the resolution before this House, the Wall Street Journal, published by the well-known financial corporation Dow, Jones & Co., printed its list of war orders, being contracts received by manufacturers and not including purchases of raw materials and foodstuffs, as aggregating "over $2,000,000,000 gross"; the great bulk of these orders being for explosives, shells, rifles, shrapnel, submarines, and aeroplanes, and for 1916 delivery.

A list of contracts was given in which 21 companies alone had filed war orders totaling $1,400,000,000, including $300,000,000 of miscellaneous munitions by Bethlehem Steel, $200,000,000 of explosives by Du Pont Powder, $146,000,000 of shrapnel by Canadian Car & Foundry, $143,000,000 of shells and rifles by Baldwin Locomotive, $100,000,000 of marine supplies by Electric Boat, $94,000,000 of rifles and shells by Westinghouse Electric, and $20,000,000 to $50,000,000 of shells and explosives each by Hercules Powder, Ætna Explosives, American Can, American Locomotive, and New York Air Brake.

The Wall Street Journal takes pains to state that the list is far from complete, and does not include the $100,000,000 of arms and munition orders credited to the Remington Arms Co., the $100,000,000 of further contracts known to have been received by the Winchester Arms Co., or the "record sales of shrapnel bars" and other war materials by the United States Steel Corporation, which the Journal names as "one of the leading beneficiaries of European war orders"; nor does the list include $90,000,000 of war contracts credited to Crucible Steel.

The article bears the caption, "War orders aggregate over $2,000,000,000 gross." This fairly indicates the volume of war-munition contracts filed on January 29. Large additional war orders filed since that date materially expand even that tremendous volume.

MARGIN OF PROFIT ON WAR MUNITIONS.

In the leading article of the January number of the Review of Reviews, by J. George Frederick, the margin of profit on war munitions, such as shells and explosives, would appear to be as high as 50 per cent to 100 per cent. The writer quotes smokeless powder as being sold on war contracts at $1 per pound, as against 50 cents as the usual manufacturer's price. The Wall Street Journal, in discussing a $15,000,000 order for smokeless powder received by Ætna Explosives, states that the usual factory cost is 30 to 50 cents, but in some cases reaches 65 cents. A list of shell contracts discussed by Mr. Frederick in the Review of Reviews indicates a profit margin of 50 per cent.

In an article of the Wall Street Journal on February 29, based on the war orders of 26 companies and the increase in

the market value of the stocks of these companies, Dow, Jones & Co. report:

War orders for 26 companies	$1,734,500,000
Par value stock of 26 companies	$1,737,389,000
Market value of stock before war	$1,287,658,000
Recent high market price of same	$2,212,986,000
Appreciation in market value	$919,323,000
Appreciation in market price—per cent	71
Appreciation on par value—do	53
Appreciation to war orders—do	53

If the stock-market sales of stocks of these 26 leading war-munition companies is a fair indication of the profits earned, the analysis of the Wall Street Journal would indicate that the profit margin on war orders approximated 53 per cent. Doubtless profits on war munitions, including commissions, run anywhere from 25 per cent up to 100 per cent. The appreciation of 71 per cent in the market value of the stocks of these 26 companies—aggregating $919,000,000 of net appreciation for the group—is doubtless higher than the profit margin realized; but the investors, as shown by their purchases, doubtless reckon upon a profit margin averaging at least 50 per cent.

The above estimate is for 26 companies only. The same article of February 29 states:

War orders of $2,000,000,000 gross, at our lowest estimate, have been received by some 42 companies.

If we apply a profit margin of 50 per cent to the $2,000,000,000 of war-munition contracts cited, we get a total profit on war-munition orders for 1916 delivery amounting to $1,000,000,000. With war orders still being almost daily received, and all prices for war supplies constantly rising in price, it is evident that it would be difficult for Congress to find any other source of revenue so available and so excellently adapted to successful taxation for military and naval preparedness as the unparalleled volume of war-munition profits which Wall Street authorities have so carefully and conscientiously listed for our study and analysis.

It is evident that a 5 per cent tax on the $2,000,000,000 of listed war-munition contracts, or of 10 per cent on the estimated profits of these contracts, would produce the $100,000,000 of preparedness revenue asked for by the President.

If one-half of the required revenue should be raised from an extension of income-tax duties or from income and inheritance taxes, it is apparent that about one-half of the above rates on war munitions would be ample.

It is evident, at least, that the above-named sources of wealth combined should provide adequate means for preparedness without taxation of American consumers upon the necessaries of life by tariff duties or otherwise.

The munition companies themselves should find no cause for opposition to this method of preparedness taxation, because, first, the bulk of the revenue will come back to them in arms and munitions sold the Government, and, second, the balance they can recover in prices of munitions sold to Europe.

EARNINGS OF DU PONT DE NEMOURS POWDER CO.

The gross profits of the so-called "war-bride" industrials, which, on the basis of the above analysis of the Wall Street Journal, appear to approximate 53 per cent, are not, of course, applicable to dividends on the common stock. Interest on the bonds and preferred stock and taxes must first be deducted. The net profits applicable to dividends on the common stock are estimated by the Wall Street authority at 25 per cent to 50 per cent. However, as 6 per cent to 8 per cent is considered a fair dividend margin for most kinds of corporations in normal times, it is plain that the 42 war-munition companies, which earn 25 per cent to 50 per cent net on the common, make fine subjects for preparedness taxation.

There is one type of munition plant, however, which appears to earn far more than the 25 per cent to 50 per cent net profits, and that is the powder mill. The best example of this type is the Du Pont de Nemours Powder Co.

This famous powder company, perhaps the greatest in the world, publishes an analysis of its earnings for the calendar year 1915 in the Wall Street Journal of February 28, 1916. It is interesting to learn that, although this company doubled its common stock in 1915, the earnings on its common stock in 1915—that is to say, upon the doubled issue—was 94.3 per cent.

The net earnings for 1915, even after the necessary adjustments, including amounts written off for construction work for military business, were $57,840,758, as against $5,603,153 in 1914, an increase exceeding tenfold.

The company earned 94.3 per cent net on $58,854,200 of common stock in 1915, as against 13.6 per cent on $29,428,708 of common in 1914.

The assets of Du Pont de Nemours Powder increased from $83,432,445 at the close of 1914 to $258,263,220 at the close of 1915, a gain of over threefold in volume.

As a subject of taxation, therefore, the Du Pont de Nemours Powder Co., I submit to gentlemen of this House, is something ideal. It supplies all the requisites of a perfect taxable subject, to wit: (1) Taxable ability to pay; (2) margin of profit increment; (3) accessibility of taxable income; (4) benefits derived from the purpose for which the revenue is to be expended; and, finally, the ideal principle of equity and justice involved.

For revenue to support the program of military and naval preparedness, where would gentlemen look for an adequate, available, just, and equitable subject for taxation if not to a giant powder corporation, which in a single year doubles its volume of common stock, trebles its assets, and then, after paying all fixed charges and all investments for construction, earns 94.3 per cent on its doubled common stock?

Gentlemen may inquire if I would rob a big powder company of the fruit of the one great war opportunity of its history, which may not come again in a lifetime. Certainly I would not. I would be just to the Du Pont de Nemours Powder Co. I would not take away its 94.3 per cent of net earnings even for a program of military and naval preparedness which will be a direct benefit to its treasury and dividends.

But it would seem to me that this big powder octopus could well afford to spare 10 per cent of its net earnings, and get along with an 84 per cent margin, instead of a 94 per cent margin, when every dollar of the revenue to be expended for military and naval defense is directly in line with the expansion and profits of its business.

In 1914 Du Pont Powder was doing well on a margin of 13.6 per cent net on $28,000,000 of common stock, which is much better than the average industrial realizes. If, out of its 94.3 per cent on $58,000,000 of common, in 1915, it spared 10 per cent for Federal revenue, the remaining 84 per cent margin is not so low as to justify any feeling on its part that it is being robbed.

Its prospects for 1916 earnings appear even brighter than for 1915. In its volume of contracts for 1916, as listed on January 29, the total is given by the Wall Street Journal as $300,000,000. But only 30 days later, on February 29, the same authority quotes the war orders on hand at $400,000,000. As about one-half of the sales price as now quoted represents profits, the gross profits in sight for this company, on the basis of contracts already received, should approximate this year $200,000,000. It would seem as though Du Pont Powder could well afford to appropriate 10 per cent of this offhand for preparedness educational purposes and then be no great sufferer to an extent that anybody would notice. Certainly it should be the last company in America to complain of a war-munitions tax for preparedness purposes.

PREPAREDNESS REVENUE LEVIED IN GERMANY.

The proposition which I have laid before this House for raising preparedness revenue is not a novelty. It is the approved method of raising war revenue now enforced in every belligerent nation in Europe. All the countries at war are levying taxes upon war profits. Practically all the neutrals of the world likewise are levying upon profits derived from war supplies to maintain their preparedness programs.

To avoid too great length in going into this subject let us take what is admittedly the greatest nation for military preparedness in the world or perhaps in the history of man—let us take the present revenue program of the German Imperial Government.

The daily press of February 27 last contains a synopsis of the German war-profits tax which is now being levied, from which allow me to quote, as published in the Sunday Star, Washington, D. C.:

The corporation tax on war-time profits starts with 10 per cent on the additional yearly profits made during the war as compared with the average ante bellum profits when this additional profit does not exceed 20 per cent of the corporation's capital stock. It rises to 30 per cent when the additional profits exceed 20 per cent of the capital.

Real "war babies" with heavy war profits are further hit by a provision increasing the rate of taxation when the actual lot of increased profits exceeds 10 per cent of the capital stock. This entails a 10 per cent surcharge, rising in graduated stages to 50 per cent additional when the company is in a position to declare profits of 30 per cent.

It is apparent that our friends, the Du Pont de Nemours Powder Co., which is entitled to a blue ribbon in the class described as "real war baby," is in great luck from the fact that it resides in America instead of in belligerent Europe, where "real war babies" have to pay real war taxes.

The class of "war babies" which pays the maximum rate of taxation in Germany is the class which declares only 30 per cent profits, while our powder octopus declares 94 per cent. This class in Germany pays into the imperial treasury 50 per cent of the increase in war profits over ante bellum profits.

Du Pont de Nemours's net earnings on the common stock in 1915 were 94.3 per cent, as against 13.6 per cent in 1914. In actual earnings, as shown in the report, the net, after all

necessary adjustments, including amounts written off for construction work, was $57,840,758 in 1915, as compared with $5,603,153 in 1914.

The taxable increase in 1915 war profits over 1914 ante bellum profits therefore exceeded $52,000,000; and the German maximum rate applicable to this increase, namely, 50 per cent, would realize $26,000,000 of preparedness revenue on last year's business.

The application of the German preparedness tax rate to Du Pont de Nemours alone accordingly would produce over 25 per cent of all the revenue which the President requires for his preparedness program for the year ending June 30, 1917. It is evident that one-fourth to one-half of the German rate applied to the entire 42 war-munition corporations reported by the Wall Street Journal would take care of any preparedness program which Congress and the American people are likely to set in motion.

It is apparent that one reason why preparedness tax rates are so high in Germany is that the margin of war profits is far lower. The German Imperial Government apparently does not stand for prices and profit margins such as prevail on war supplies in this country. Their tax law indicates that war profits are supposed to range about 10 per cent to 30 per cent as a maximum. Such a thing as a corporation earning 94.3 per cent on its common stock is a phenomenon probably unknown in the German Empire. You will find in Germany no war stocks which have risen from 40 up to 470 and no bunch of 26 companies whose common shares have appreciated 71 per cent, or $900,000,000 net, in market value in a year.

The shares of stock represented at the recent Gary-Roosevelt dinner, just before Christmas, in New York—a dinner apparently called in protest against the President's proposed taxes on oil and steel—have appreciated since 1914 approximately $1,200,000,000.

The total brood of "real war babies" in this country has realized an appreciation of $1,500,000,000 to $2,000,000,000 in market price of its stocks and bonds during the past 18 months of war.

Such a splendid display of increased "war baby" increment would afford Federal revenue even for the $500,000,000 preparedness program which Col. Roosevelt feels would be about right.

The $100,000,000 program which President Wilson outlines in his message is denounced by the doughty colonel as mere "milk and water." At the Gary dinner the colonel had seen the program of "oil and steel," which in his mind was apparently the real thing.

The effect of the President's message in declaring for the taxation of oil and steel appears to have been to unite the oil and steel interests, the two opposing dominant factions in the financial machinery of the Republican Party. Steel and Standard Oil, Morgan and Rockefeller, Hill and Harriman, Taft and Roosevelt, elephant and bull moose, were united at Chairman Gary's board for the first time in years, and all because of the proposition to place oil and steel on the same tax list to meet the expense of the preparedness for which they shouted and from which they expect rich dividends.

The wealth of the United States, which is greater than estimated for the German Empire and the British Empire combined, was placed in 1912 at $180,000,000,000, a very substantial fraction of which was represented at the Gary-Roosevelt dinner.

The iron and steel production of the United States Steel Corporation alone is greater than that of either the German or the British Empire.

The oil production of the constituent companies of Standard Oil is greater than that of all Europe.

When the banks which represent these interests are well able to loan $500,000,000 to one of the belligerent interests in the European war, it would not appear exorbitant that they should be called upon to contribute $100,000,000 to a preparedness program which in the end will redound more largely to their business interests than anyone else.

But the function of the oil and steel interests, as seen by their Wall Street directors, is not to pay taxes, but levy taxes. They have levied an increase of 50 per cent in the average price of all their products during the past year upon the American people and upon the world.

The net result is shown in their enormous present earnings and the vast increase in the price of their stocks. The market value both of the United States Steel securities and of the Standard Oil securities increased during the past calendar year over $600,000,000, or $1,200,000,000 for the combined "oil and steel" interests, which our colonel considers superior to "milk and water."

These interests and all their organs and political agents are shouting for the largest measure of military and naval preparedness.

House resolution 113, which I have introduced, will serve as a test of the question whether such interests are for preparedness for the public interest or for private interest—for patriotism or for revenue. If for patriotism, they will not oppose the plan to enable them to bear their just lion's share of the taxes which are eventually to return to them in extended business and profits. If for revenue, they will endeavor to evade their just taxes and throw the burden upon the people in the shape of tariff taxes upon the necessaries of life.

In the Associated Press dispatch of March 3 from Berlin, published in the Washington Star, Arthur Gwinner, director of the Deutsche Bank, estimates that the year's return to the Government from the tax on war profits will net the German Government 500,000,000 marks, or about $140,000,000. This is based on the war profits of 53 companies reporting, of which 35 show taxable margins of increase over ante bellum periods. It is evident that on the immense volume of war profits now being reaped in this country the German tax would show vastly greater results.

So long as the present European war lasts it would appear that a tax on war profits alone would amply support our preparedness program. The reason for adding the income and inheritance tax to the revenue program is that we may have revenue to continue our preparedness program to a reasonable degree of perfection in the event that the European war ends before our program is complete.

So far as a customs tariff is concerned as a reliance for increased revenue, as proposed by some of our friends of the minority, I have just this much to say:

First. That to saddle upon the people of this country in the shape of tariff taxes upon the necessaries of life a burden of revenue to maintain a military and naval program, and thereby exempt from taxation the colossal special interests which will reap a harvest of dividends from that program, would be an outrage not deserving of serious discussion on this floor.

Second. That when the experience of every country on the face of the globe at this time proves what is patent on its face, namely, that customs duties take wings in time of war and are never to be depended upon for such purpose, it is absurd and preposterous to propose them at this time for preparedness revenue.

Justice to the American people—the principle that the beneficiaries shall pay the assessment—as well as every precept of practicable taxation, require that war profits and preparedness profits should meet the cost of preparedness. And on this principle I ask for a vote on this resolution—the only principle which, in my mind, will justify taxation for an extended military and naval program.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. FORDNEY. Mr. Chairman, I wish to yield one minute to the gentleman from Minnesota [Mr. LINDBERGH].

The CHAIRMAN. The gentleman from Minnesota [Mr. LINDBERGH] is recognized for one minute.

Mr. LINDBERGH. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD on the rural credit system.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KITCHIN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11471) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," and had come to no resolution thereon.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 180. Joint resolution providing for an increase of the enlisted men of the Army in an emergency.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4657. An act to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild and reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee; to the Committee on Interstate and Foreign Commerce.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 21 minutes p. m.) the House adjourned until to-morrow, Thursday, March 16, 1916, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Secretary of the Interior of March 13, 1916, submitting an estimate of appropriation in the sum of $26,055 for the reconstruction and repair of mine-rescue cars for the Bureau of Mines, for the fiscal year ending June 30, 1917 (H. Doc. No. 901); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior of March 13, 1916, submitting a supplemental estimate of appropriation for the service of the fiscal year 1917 in the sum of $153,850 for the installation of hydroelectric power plant in Yosemite Valley, Yosemite National Park (H. Doc. No. 902); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. OGLESBY, from the Committee on Patents, to which was referred the bill (H. R. 12716) amending sections 4898, 4906, 4921, 4934, and 4935 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 358), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ABERCROMBIE, from the Committee on Education, to which was referred the bill (H. R. 57) to require the Commissioner of Education to devise methods and promote plans for the elimination of adult illiteracy in the United States, reported the same without amendment, accompanied by a report (No. 361), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 13112) to amend section 14 of the seaman's act of March 4, 1915, reported the same without amendment, accompanied by a report (No. 360), which said bill and report were referred to the House Calendar.

Mr. MORRISON, from the Committee on Patents, to which was referred the bill (S. 683) prohibiting the use of the name of any Member of either House of Congress or of any officer of the Government, by any person, firm, or corporation practicing before the Patent Office in advertising his business, reported the same without amendment, accompanied by a report (No. 364), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (H. R. 10049) for the relief of Capt. Harvey H. Young, reported the same without amendment, accompanied by a report (No. 359), which said bill and report were referred to the Private Calendar.

Mr. MILLER of Delaware, from the Committee on Claims, to which was referred the bill (H. R. 2535) for the relief of A. H. Rebentish, reported the same without amendment, accompanied by a report (No. 362), which said bill and report were referred to the Private Calendar.

Mr. TILSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 1024) for the relief of Allen M. Hiller, reported the same with amendment, accompanied by a report (No. 363), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11010) granting a pension to Samuel D. Lee; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12861) granting a pension to Thomas Whitson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FERRIS: A bill (H. R. 13219) to provide for the disposition of abandoned portions of rights of way granted railroad companies; to the Committee on the Public Lands.

By Mr. McCLINTIC: A bill (H. R. 13220) to provide for the erection of a public building in the city of Hobart, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 13221) to provide for the erection of a public building in the city of Frederick, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. BURKE: A bill (H. R. 13222) authorizing the Secretary of War to donate to the village of Fox Lake, Dodge County, Wis., two bronze or brass cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. ALEXANDER: A bill (H. R. 13223) to provide for appeals from decisions of boards of local inspectors of vessels, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 13224) to amend an act entitled "An act to authorize the establishment of a bureau of war-risk insurance in the Treasury Department," approved September 2, 1914; to the Committee on the Merchant Marine and Fisheries.

By Mr. LOBECK: A bill (H. R. 13225) to establish in the District of Columbia a laboratory for the study of the criminal, pauper, and defective classes; to the Committee on the District of Columbia.

By Mr. SNELL: A bill (H. R. 13226) to provide for the extension, enlargement, and remodeling of the Federal building at Plattsburg, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. SLAYDEN: A bill (H. R. 13227) to provide adequate supply depots and terminal facilities at Fort Sam Houston, Tex.; to the Committee on Military Affairs.

Also, a bill (H. R. 13228) to provide for enlarging the military reservation at Fort Sam Houston, Tex.; to the Committee on Military Affairs.

By Mr. LANGLEY: A bill (H. R. 13229) to provide for a substitute list and regulate the compensation of storekeeper-gaugers in the Internal-Revenue Service, and for other purposes; to the Committee on Expenditures in the Treasury Department.

Also, a bill (H. R. 13230) to provide for United States internal-revenue gaugers at rectifying houses; to the Committee on Expenditures in the Treasury Department.

By Mr. SEARS: A bill (H. R. 13231) to provide for the remodeling, repair, and improvement of the Federal building at St. Augustine, St. Johns County, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. PARKER of New Jersey: A bill (H. R. 13232) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910; to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER: A bill (H. R. 13233) authorizing the Secretary of Commerce to exchange lands belonging to the United States at the mouth of Crum River, Pa., for other lands adjacent thereto, for the purpose of removing thereto the Schooner Ledge Range Front Light, so that it may be on the range of the channel of the Delaware River, and further authorizing the Secretary of Commerce to remove said range light from its present location to the property acquired by the exchange; to the Committee on Interstate and Foreign Commerce.

By Mr. MONDELL: A bill (H. R. 13234) to amend the regulations relative to safety appliances under the so-called seamen's act so as to include life-preserver suits among the safety appliances provided for; to the Committee on the Merchant Marine and Fisheries.

By Mr. BRITTEN: Joint resolution (H. J. Res. 181) authorizing the Secretary of War to withdraw the United States Army from the Philippine Islands; to the Committee on Military Affairs.

By Mr. VAN DYKE: Resolution (H. Res. 173) in reference to the effect of the present ocean transportation rates upon the price of grain in the United States; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 13235) granting a pension to Frank Riska; to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 13236) granting an increase of pension to Mary Green; to the Committee on Pensions.

Also, a bill (H. R. 13237) granting an increase of pension to Thomas W. Ford; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 13238) granting a pension to Josephine Nolot, dependent child of Claude F. Nolot; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13239) granting an increase of pension to Isaiah Higdon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13240) granting an increase of pension to George D. Jacobs; to the Committee on Invalid Pensions.

By Mr. CRISP: A bill (H. R. 13241) granting a pension to Ralph H. Bryant; to the Committee on Pensions.

By Mr. CURRY: A bill (H. R. 13242) granting a pension to Charles Hughes; to the Committee on Pensions.

By Mr. GANDY: A bill (H. R. 13243) granting an increase of pension to Matilda J. Keeny; to the Committee on Invalid Pensions.

By Mr. HADLEY: A bill (H. R. 13244) granting an increase of pension to Ellen A. Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13245) for the relief of Emma Pierce; to the Committee on Claims.

By Mr. HAYDEN: A bill (H. R. 13246) for the relief of M. C. Wall; to the Committee on Claims.

By Mr. HOLLAND: A bill (H. R. 13247) for the relief of The Ferries Co.; to the Committee on Claims.

By Mr. KETTNER: A bill (H. R. 13248) granting an increase of pension to Alonzo Penland; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 13249) granting an increase of pension to Mary Pauley, widow of Joseph S. Pauley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13250) granting an increase of pension to Malinda Pauley, widow of Shadle R. Pauley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13251) for the relief of Sylvester B. Miller; to the Committee on Military Affairs.

By Mr. LIEB: A bill (H. R. 13252) granting an increase of pension to William T. Bullock; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE. A bill (H. R. 13253) granting an increase of pension to Emma L. Slack; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13254) granting an increase of pension to Mary Ashley; to the Committee on Invalid Pensions.

By Mr. LLOYD: A bill (H. R. 13255) granting an increase of pension to Helen L. Chadwick; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 13256) granting a pension to John L. Barber; to the Committee on Pensions.

By Mr. MOSS of Indiana: A bill (H. R. 13257) granting a pension to Reta S. Crosley; to the Committee on Pensions.

By Mr. NELSON: A bill (H. R. 13258) granting a pension to Minnie A. Bowman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13259) granting a pension to William Godenschwager, alias William C. J. Schmidt; to the Committee on Pensions.

By Mr. NOLAN: A bill (H. R. 13260) granting a pension to Frank W. Allen; to the Committee on Pensions.

By Mr. RUBEY: A bill (H. R. 13261) granting an increase of pension to Levi Maule; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13262) for the relief of W. C. Cannon; to the Committee on War Claims.

By Mr. SHERWOOD: A bill (H. R. 13263) for the relief of James A. Hardee; to the Committee on Military Affairs.

By Mr. SNELL: A bill (H. R. 13264) granting an increase of pension to Luman W. Ames; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 13265) granting an increase of pension to Sarah Martin; to the Committee on Invalid Pensions.

By Mr. THOMPSON: A bill (H. R. 13266) granting a pension to William C. Reininga; to the Committee on Pensions.

Also, a bill (H. R. 13267) granting an increase of pension to J. W. Hager; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13268) granting an increase of pension to Thomas H. Glenn; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 13269) granting an increase of pension to Orville Dunnington; to the Committee on Invalid Pensions.

By Mr. VAN DYKE: A bill (H. R. 13270) granting a pension to Emma Rudy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13271) granting a pension to Arthur Magoon; to the Committee on Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 13272) granting an increase of pension to Samuel E. Rumsey; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY: Petition of United Congregation, of 2,000 members, of Hollidaysburg, Pa., favoring constitutional amendment prohibiting polygamy; to the Committee on the Judiciary.

Also, petition of citizens of Johnstown; Broad Avenue Presbyterian Church, of Altoona; Christian Workers' Society, of Bethel; citizens of Bedford; and citizens of Altoona, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BURKE (by request): Resolutions adopted by the First Presbyterian Church of Portage, and the Columbia County Christian Endeavor Union, of Columbia County, Wis., asking for the passage of an amendment to the United States Constitution providing for nation-wide prohibition; to the Committee on the Judiciary.

By Mr. COLEMAN: Petition of 52 citizens and 38 citizens of Wilkinsburg, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. COOPER of Ohio: Petition of citizens of Newton Falls and Methodist Sunday schools of Orangeville, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. CURRY: Petition of Sacramento Council, No. 953, Knights of Columbus, for the passage of House bill 4699, to make October 12 a legal holiday in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DALLINGER: Petition of Immanuel Baptist Church, of Cambridge, and Rev. A. S. Burrows and 12 citizens of Middlesex, both in the State of Massachusetts, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ELLSWORTH: Petition of the Baptist Church of Truman, and citizens of Redwood Falls, Winslow, and Delavan, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. ELSTON: Memorial of Oakland Rotary Club, favoring bill for new Federal building in Oakland, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. ESCH: Petition of Woman's Christian Temperance Union of 70 people, of Pine River, Wis., for national prohibition; to the Committee on the Judiciary.

By Mr. FOSTER: Petition of citizens of Salem, Centralia, Trenton, Carlyle, Sandoval, Patoka, Vernon, and Vandalia, Ill., favoring the enactment of House bill 270; to the Committee on Ways and Means.

By Mr. FULLER: Petition of Allen Township, La Salle County (Ill.) Farmers' Cooperative Association, opposing the bill prohibiting interstate shipments of products of convict labor; to the Committee on Interstate and Foreign Commerce.

Also, petition of Local No. 650, International Association of Machinists, of Streator, Ill., favoring the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. GALLIVAN: Petition of Gould & Cutler, of Boston, in re tax on alcohol; to the Committee on Ways and Means.

Also, memorial of Massachusetts Dental Society, in reference to reorganization of Army; to the Committee on Military Affairs.

By Mr. GLYNN: Petition of Rudolph F. Redmer and others, of Torrington, Conn., protesting against sale and export of arms and ammunition; to the Committee on Foreign Affairs.

Also, petition of Grange of Goshen, Young People's Society of Christian Endeavor of Goshen, and Congregational Church of Goshen, Conn., for national prohibition; to the Committee on the Judiciary.

Also, petition of Porter Library Association, of Hartford, Conn., protesting against House bill 4715, known as the Ayres bill; to the Committee on the Library.

Also, petition of George Held and others, of Waterbury, Conn., favoring issuing warning to Americans from taking passage on armed merchant ships; to the Committee on Foreign Affairs.

By Mr. HEATON: Petition of Woman's Christian Temperance Union of 73 people, of Tamaqua; Methodist Episcopal Church of 325 people, of Tamaqua; 50 members of the Trinity Reformed School, of Shenandoah, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HINDS: Petition of citizens of Westbrook; Methodist Episcopal Church of Gorham; U. D. S. S. Association of 100 people, of Windham; 21 citizens of Kennebunk and Kennebunkport; 26 citizens of Kennebunk; 24 citizens of Kennebunk; 84 citizens of Kennebunk; and Salus Lodge, Independent Order of Good Templars, of Kennebunk, all in the State of Maine, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Petition of citizens of Harrison County, Ohio, favoring a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. HOPWOOD: Petition of residents of twenty-third congressional district of Pennsylvania, opposing the passage of House bill 6468, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. HUTCHINSON: Petition of 250 people of Trenton; 26 people of Plainfield; Woman's Christian Temperance Union of 115 people, of Trenton; 25 people of Yardville and Groveville; citizens of Plainfield, all in the State of New Jersey, favoring national prohibition; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Rhode Island Branch, American Federation of Labor, indorsing the Burnett immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Tyler Council, No. 45, Knights of Columbus, of Providence, R. I., favoring passage of bill making October 12 a legal holiday in the District of Columbia, to be known as Columbus Day; to the Committee on the District of Columbia.

Also, petition of 76 voters of Woonsocket, R. I., for national prohibition; to the Committee on the Judiciary.

By Mr. KETTNER: Petitions against House bills 6468 and 491, from W. F. Burgener, San Ysidro, Cal.; to the Committee on the Post Office and Post Roads.

Also, petition favoring House bill 9320, permitting insurance companies to file bills of interpleader from Henking & Randolph, San Diego, Cal.; to the Committee on Banking and Currency.

Also, petition asking that civil-service employees be granted leave of absence at full pay for time necessary for military training, from W. J. Brownfield, San Bernardino, Cal.; to the Committee on Reform in the Civil Service.

Also, petition favoring Senate bill 3981 and House bill 7656, retiring civil-service employees, from Nelson R. Phillips, secretary Branch 1470, City Letter Carrier Association, Anaheim, Cal., and Alice V. Robison, secretary Branch No. 1550, U. N. A. P. O. C., Aneheim, Cal.; to the Committee on Reform in the Civil Service.

Also, petition favoring House bill 6915 as a satisfactory method of retiring civil-service employees, from H. P. Dilworth, Hemet, Cal.; to the Committee on Reform in the Civil Service.

Also, petition asking for sufficient number of medical officers in Army reorganization, from Riverside County Medical Society, Dr. George E. Tucker, secretary; to the Committee on Military Affairs.

Also, petition favoring prohibition in Hawaii, from Anti-Saloon League of Hawaii, George W. Paty, secretary; to the Committee on the Judiciary.

Also, petitions favoring prohibition in the District of Columbia and national prohibition, from Del Rosa Woman's Christian Temperance Union, Ivy M. Smith, secretary, San Bernardino; Mrs. Mary Laubmayer and others, National City; Villa Park Woman's Christian Temperance Union, Mrs. A. M. Jessup, president, Orange; Christian Endeavor Society of Villa Park Congregational Church, Anna Adams, president; Villa Park Methodist Episcopal Church, Rev. G. W. Kitzmiller, Orange; San Bernardino County Christian Endeavor Union, Altie E. Kemble, president, San Bernardino; First Methodist Church, Riverside, Edgar W. Pasho; First Presbyterian Church, Bishop, Rev. S. E. Patterson; Woman's Christian Temperance Union, Mrs. A. F. Wallis, secretary, Brawley; Lucy J. Barnes and 27 other citizens of San Jacinto; Arlington Methodist Episcopal Church, Rev. C. A. Norcross, Riverside; Methodist Episcopal Church, La Mesa, Mrs. Florence McKinney; Baptist Church, Ernest E. Ford, La Mesa; Seventh-day Adventist Church, D. D. Lake, elder, Brawley; Prince Bros., Banning; Mrs. S. C. Dempsey and five other citizens of La Jolla; Seventh-day Baptist Church, R. J. Severance, Riverside; Christian Endeavor Society of the Seventh-day Baptist Church, E. Luella Baker, president, Riverside; Sabbath School, Seventh-day Adventist, Mrs. W. F. Martin, superintendent, Santa Ana; Sabbath School, Seventh-day Baptist Church, Riverside, Carrie C. Beebe, superintendent, all in the State of California; to the Committee on the District of Columbia.

By Mr. LAFEAN: Memorial of Brotherhood of Railroad Trainmen, of Jackson, Mich., favoring the retirement bill for Federal employees; to the Committee on Reform in the Civil Service.

By Mr. LEWIS: Petition of citizens of Sutton, Md., opposing House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition from Arthur Rathke, of Bay City, Mich., that a civilized nation should warn its citizens to refrain from sailing on belligerent ships, and if such warnings were not heeded, such subjects would do so at their own peril and risk, and injuries so received to persons or property should not involve nor implicate the Government of the United States; to the Committee on Foreign Affairs.

By Mr. McDERMOTT: Petition of Swedish Engineers' Society, of Chicago, favoring passage of bill providing for erection of a monument to Capt. John Ericsson; to the Committee on the Library.

By Mr. MAGEE (by request): Petition of citizens of Onondaga County, N. Y., for a Christian amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MOORES of Indiana: Petition of Indianapolis Mannerchor, against prohibition in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of 26 citizens of Perry Township, Marion County, Ind., for national prohibition; to the Committee on the Judiciary.

By Mr. NOLAN: Memorial of Contra Costa County Central Labor Council, of Richmond, Cal., favoring House bill 137; to the Committee on Appropriations.

Also, petitions of Board of Public Utilities, Los Angeles; Charles C. Moore & Co., engineers, San Francisco; and C. W. Koiner, Pasadena, all in the State of California, favoring passage of Senate bill 3946 and House bill 10845, providing for the extension of military training in civil educational institutions; to the Committee on Military Affairs.

Also, petitions of Furniture Handlers' Union, No. 1, San Francisco, Cal., Central Labor Council, Seattle, Wash., and Office Employees' Association, of San Francisco, Cal., favoring passage of the Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. NORTH: Petition of the following professional and business men of Kittanning, Pa., namely, George H. Burns, Ben L. Arnold, John F. Schuey, Dr. C. J. Jessop, Frank Atkins, Hon. M. A. Milliron, Hon. Dwight C. Morgan, Ward McCullough, George W. Dixon, Hon. M. S. Jack, A. G. Steffey, P. C. Hutchison, L. Bush, Superintendent H. L. McNees, Hon. J. W. King, C. E. Harrington, James Perry King, W. A. Wolfe, W. S. Otto, E. J. Cushman, Dr. F. W. Heilman, M. C. Aubery, Charles Neubert, Dr. T. N. McKee, Dr. George K. Peecook, Harry C. Golden, J. A. Ditty, H. A. Heilman, J. M. Steim, P. E. Dixon, J. S. Brady, Edward King, H. Buffington, W. N. R. Copley, Dr. H. B. Stone, Donald Cameron, J. E. Bush, William G. Burge, Editor Roland B. Simpson, John E. Stevanson, Clarence O. Morris, Clark S. Hulings, E. R. N. Marten, William Cuptepete, C. A. Wolfe, Thomas B. Shunkle, J. Mark Williams, Dr. F. C. Monks, J. F. Carpenter, and John Moyer; praying for the favorable consideration of House bill 9048, introduced by S. TAYLOR NORTH, Member of Congress twenty-seventh congressional district of Pennsylvania, which provides for the erection of a public building in Kittanning, Armstrong County, Pa., on the site already owned by the Government, as provided by act of May 30, 1908, for the use and accommodation of the post office and other Government offices; to the Committee on Public Buildings and Grounds.

Also, petition of 40 citizens of Armagh and vicinity, 40 people of Queenstown, 412 people of Apollo, Woman's Christian Temperance Union of 707 people of Armstrong County, Men's Bible Class of Presbyterian Church of Cherry Tree, Woman's Christian Temperance Union of 30 people of Queenstown, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PAIGE of Massachusetts: Petition of Methodist Episcopal Church of Leominster and 34 citizens of Leominster, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RANDALL: Memorial of Sacramento Development Association, of Sacramento, Cal., urging the establishment of the Lassen Volcanic Park in California; to the Committee on the Public Lands.

Also, memorial of Chamber of Commerce of Coalinga, Cal., favoring appropriation of $300,000 for improvements in Yosemite National Park; to the Committee on Appropriations.

Also, memorial of San Francisco (Cal.) Association for the Study and Prevention of Tuberculosis, urging the creation of a commission to improve and supervise dairies; to the Committee on Agriculture.

Also, memorial of Brotherhood of Railroad Trainmen, favoring a national retirement law for Federal employees; to the Committee on Reform in the Civil Service.

By Mr. ROWE: Petition of Cuxhaven K. U. Verein of New York, in re foreign relations; to the Committee on Foreign Affairs.

Also, petition of Dr. Henry G. Wenzel, of New York, in re foreign relations; to the Committee on Foreign Affairs.

Also, memorial of Chamber of Commerce of the State of New York, in re pilotage bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Benjamin W. Freme, of Brooklyn, N. Y., in re House bills 491 and 6468; to the Committee on the Post Office and Post Roads.

Also, petition of Gregor Manhart, of Brooklyn, N. M., in re prohibition in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ROUSE: Memorial favoring House bill 137; to the Committee on Rules.

By Mr. RUSSELL of Ohio: Petition of Men's Bible Class of First Presbyterian Sunday School of Greenville, Ohio, favoring national prohibition; to the Committee on the Judiciary.

By Mr. SABATH: Memorial of Bar Association of Illinois, indorsing House bill 133; to the Committee on the Judiciary.

Also, petition of Swedish Engineers' Society, of Chicago, Ill., indorsing bill for construction of a monument to Capt. John Ericsson; to the Committee on the Library.

By Mr. SMITH of Michigan: Petition of S. Sleeman and 18 citizens of Kalamazoo, Mich., favoring Webb-Smith-Sheppard-Gallinger joint resolution providing for the adoption of a prohibition amendment to the Constitution; to the Committee on the Judiciary.

Also, protest of Charles S. Veeder and 17 citizens of Hillsdale County, Mich., against House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

Also, protest of L. O. Miller and 94 citizens of Kalamazoo, Mich., against House bill 491, the Siegel bill; to the Committee on the Post Office and Post Roads.

Also, protest of Elmer Losey and 86 citizens of Waldron, Mich., against Fitzgerald bill (H. R. 6468) and Siegel bill (H. R. 491); to the Committee on the Post Office and Post Roads.

Also, protest of C. S. Veeder and 14 citizens of Hillsdale County, Mich., against House bill 652, to provide for the closing of barber shops in the District of Columbia on Sundays; to the Committee on the District of Columbia.

By Mr. SNELL: Petition of Mrs. George F. Tuttle, Mrs. C. J. Vert, Mrs. W. E. Cross, Mrs. Orville W. Kellogg, Mrs. J. J. Robinson, Helen M. Carswell, Mrs. Edw. E. Baker, Mrs. D. F. Barker, Mrs. G. M. Lobdell, Helen M. Myers, Maude S. Beede, Mrs. G. H. Rymers, Miss Ellen A. Hewitt, Mrs. J. A. Black, Mrs. Sidney Whitelsey, Erminia J. Hall, Mrs. L. W. Hayes, Lucy R. Warren, Mrs. Albert M. Warren, Mrs. Hubert L. Barber, Mrs. Le Roy F. Utting, Mrs. T. Avery Rogers, Mrs. Benjamin I. Allen, Mrs. R. L. P. Mason, Margaret Mason, Mrs. A. A. Merrill, Miss L. A. Colson, Mrs. C. H. Jones, Mrs. John F. O'Brien, Mrs. W. W. Bell, Mrs. F. J. Riley, Mrs. Frank E. Tromblee, Miss Amie J. Adams, Mrs. J. O. Smith, Miss Lucy A. Hudson, Mrs. J. C. Stoughton. Mrs. Grant I. Clark, Mrs. W. H. Flint, Mrs. James Shaw, Mrs. Frederick M. Wilder, Mrs. C. S. Johnson, Mrs. John A. George, and Mrs. Herbert O. Dodge, all of Saranac Lake, N. Y., and members of Saranac Chapter, Daughters of the American Revolution, urging the passage of preparedness measures; to the Committee on Military Affairs.

By Mr. STAFFORD: Petition of resident of the fifth congressional district of Wisconsin, protesting against House bills 6468 and 491; to the Committee on the Post Offices and Post Roads.

By Mr. STEPHENS of California: Memorial of Labor Council, San Francisco, Cal., favoring wage scale for betterment of those employed under civil service; to the Committee on Reform in the Civil Service.

Also, petition of California Civic Association, James Douglas, and seven other citizens of Los Angeles, Cal., favoring an embargo on munitions of war; to the Committee on Foreign Affairs.

Also, petitions of J. K. Armsby Co., of San Francisco, Cal., and Cook, McFarland Co., of Los Angeles, Cal., favoring House bill 6097, protecting and promoting fish industry on the Columbia River; to the Committee on Merchant Marine and Fisheries.

Also, petition of Tri-County Reforestation Committee of Riverside, Cal., opposing Shields water-power bill; to the Committee on the Public Lands.

Also, petition of Retail Dry Goods Merchants' Association and sundry citizens of Los Angeles, Cal., indorsing House bill 138; to the Committee on the Post Offices and Post Roads.

Also, petition of International Brewery Workmen of America, of San Francisco, Cal., against national prohibition; to the Committee on the Judiciary.

Also, petition of State Building Trades Council, of San Francisco, Cal., favoring certain per diem wages in Government service; to the Committee on Reform in the Civil Service.

Also, letters and petitions, favoring national constitutional prohibition from Mrs. Terry Shappley and 75 other citizens of Los Angeles; Library Circle of the Chautauqua; Mrs. Clara Hughes; First Cumberland Presbyterian Church; Mrs. Hattie Dougherty and 300 other citizens; Mount Hollywood Church, of Los Angeles; Clarence H. Lee and 4 other citizens, of Pomona, all of the State of California; to the Committee on the Judiciary.

Also, petition of Globe Grain & Milling Co., of Los Angeles, Cal., opposing the Rainey mixed-flour bill; to the Committee on Agriculture.

Also, memorial of Los Angeles Harbor Chamber of Commerce, of Wilmington, Cal., favoring establishing naval station and naval base and free port in Los Angeles Harbor; to the Committee on Naval Affairs.

Also, communication from North Alaska Salmon Co., San Francisco, Cal., in favor of House bill 9528, the Alaska fisheries bill; to the Committee on the Territories.

Also, letter from Labor Council, San Francisco, Cal., favoring House bill 12029, regulation of mesh in gill nets; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of sundry citizens of Los Angeles and San Francisco, Cal., indorsing Senate bill 3946 and House bill 10845, military training in schools; to the Committee on Military Affairs.

Also, leters favoring Burnett immigration bill from Metal Polishers, Buffers, and Platers' Union, No. 67, Los Angeles; Ice Wagon Drivers' Union, of Los Angeles; Plumbers and Fitters' Local, Los Angeles; and Sacramento Federated Trades Council, Sacramento, all of the State of California; to the Committee on Immigration and Naturalization.

Also, letter favoring House bill 137, dairy investigation, from Dr. Walter C. Klotz, Los Angeles; and San Francisco Association for the Study and Prevention of Tuberculosis, San Francisco, all of the State of California; to the Committee on the Judiciary.

Also, resolution favoring House bill 348, to establish Lassen Volcanic Park, from Sacramento Valley Development Association, Sacramento, Cal.; to the Committee on the Public Lands.

Also, petitions favoring the Warren bill, from Mary Loy and seven other citizens of Los Angeles, Cal.; to the Committee on Military Affairs.

Also, resolutions from Los Angeles Harbor Chamber of Commerce, Wilmington, and Edward M. Fowler and 42 other citizens of Los Angeles, all of the State of California, favoring national and Pacific coast defense; to the Committee on Military Affairs.

Also, letter from Federal civil-service employees, San Francisco, Cal., favoring pay of customhouse laborers being raised to same as the post-office laborers; to the Committee on the Post Office and Post Roads.

Also, petition of Chamber of Commerce, San Francisco, Cal., favoring Senate amendment for three Indian warehouses; to the Committee on Indian Affairs.

Also, letters favoring an appropriation of $300,000 for Yosemite National Park from California Club of San Francisco, Venice Chamber of Commerce, Venice; Richmond Industrial Commission, Richmond; Coalinga Chamber of Commerce, Coalinga; all in the State of California; to the Committee on the Public Lands.

Also, petition of O. H. Bagley and 11 citizens of Sawtelle; Juse E. Lowns and 74 other citizens of Los Angeles; William E. Ax and 19 other citizens of Los Angeles, all of the State of California, protesting against passage of House bills 6468 and 491; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Petitions of Second Presbyterian Sunday School of 350 people, of Providence, R. I.; and Baptist Brotherhood of 200 people, of Providence, R. I., for national prohibition; to the Committee on the Judiciary.

By Mr. TEMPLE: Petition of citizens of McDonald, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Mrs. Zella George and 164 other members of the Grand Army of the Republic, favoring House bill 11535; to the Committee on Invalid Pensions.

By Mr. THOMAS: Petition of H. K. James in reference to our foreign relations; to the Committee on Foreign Affairs.

By Mr. TILSON: Petition of Elm Lodge, I. O. of M., of Meriden, Conn., urging passage of House bill 11168; to the Committee on Naval Affairs.

By Mr. WASON: Petition of Charles C. Sturtevant and 15 other residents of Keene, N. H., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the Sunday school of the First Congregational Church of Kenne, N. H., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of C. H. C. Dudley and 12 other residents of Keene, N. H., favoring national prohibition; to the Committee on the Judiciary.

Also, resolutions of the Woman's Club of Milford, N. H., favoring the Linthicum resolution providing for a committee to investigate the sanitary condition of dairies; to the Committee on Rules.